

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE052
DA Number	DA-2014/203/A
Local Government Area	ROCKDALE
Proposed Development	Modifications comprising internal reconfiguration, changes to landscaping, increase in residential units from 185 to 213 and increase in carparking spaces from 250 to 259
Street Address	4-6 Princes Highway, Wolli Creek
Applicant/Owner	Dickson Rothschild
Number of Submissions	One (1)
Regional Development Criteria (Schedule 4A of the Act)	The proposal is a S96 Application to a 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"> • Proposed Voluntary Planning Agreement Proposal,

	<p>submitted to Council for assessment & negotiation by the applicant on Friday 24th April 2015.</p> <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"> • Planning report • Draft Determination
Recommendation	Refusal
Report by	Fiona Prodromou – Senior Development Assessment Planner
Report date	20/05/2015

Assessment Report and Recommendation Cover Sheet

Precis

On 14th August 2014, the JRPP approved the demolition of existing structures and construction of a fourteen (14) storey mixed use development comprising 5 commercial units, 185 residential units and basement car parking at the above site.

The approved development complied with the development standards and objectives of SEPP 65 & Rockdale LEP 2011. A minor variation to the building separation at upper levels, contrary to the guidelines of the Residential Flat Design Code, was supported.

A Section 96 seeking to undertake internal and external design modifications, changes to external building materials & design features, raising of the basement levels, condensing of upper floor to floor levels & incorporating a substantial increase in FSR & density on site was submitted to Council on 7 April 2015.

The proposal as modified:

- Proposes an FSR of 4.41:1 on site, which is 1353.3sq/m in excess of the maximum 4:1 permissible FSR for the site as per Rockdale LEP 2011
- Results in a bulkier and more dominant building form upon the subject site. Changes to the articulation & modulation of the approved scheme, external materials, design features, public domain interface and facade treatments result in a poorer streetscape response and outcome.
- Comprises a deficiency of 8 residential spaces (including 1 adaptable shared space) & 6 visitor / commercial car spaces.
- Is contrary to the adopted planning controls for the “gateway site” location & is not supported by the Design Review Panel.

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

The application was notified in accordance with RRCP 2011 and one (1) submission has been received in opposition to the S96.

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

Officer Recommendation

1. That the S96(2) application for modifications to development consent DA-2014/203 comprising internal reconfiguration, changes to landscaping and increase in residential units from 185 to 213 and increase in carparking spaces from 250 to 259 at 4-6 Princes Highway & 4-10 Gertrude Street, Wolli Creek be REFUSED for the following reasons;
 - a. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the development as modified is contrary

to the following principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;

- i. Principle 1 – Context
 - ii. Principle 2 – Scale
 - iii. Principle 3 – Built Form
 - iv. Principle 4 – Density
 - v. Principle 7 – Amenity
 - vi. Principle 9 – Social Dimensions & Housing Affordability
 - vii. Principle 10 – Aesthetics.
- b. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the development as modified does not satisfy the specific objectives contained within Parts 1 - 3 of the Residential Flat Design Code as follows;
- i. Building Separation *“To provide visual and acoustic privacy for existing and new residents”.*
 - ii. FSR *“To ensure that development is in keeping with the optimum capacity of the site and local area” & “To provide opportunities for modulation and depth of external walls within the allowable FSR”.*
 - iii. Fences & Walls *“To contribute positively to the public domain”.*
 - iv. Safety *“To ensure residential flat developments are safe & secure for residents and visitors” & “To contribute to the safety of the public domain”.*
 - v. Visual Privacy *“To maximise outlook and views from principal rooms and private open space without compromising visual privacy”.*
 - vi. Building Entry *“To create entrances which provide a desirable residential identity for the development” & “To contribute positively to the streetscape and building facade design”.*
 - vii. Pedestrian Access *“To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain”.*
- c. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development as modified does not satisfy the objectives or requirements of Clause 4.4 – Floor Space Ratio of Rockdale LEP 2011.
- d. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the following objectives or requirements of Rockdale DCP 2011
- i. 4.6.1 – Parking Rates
 - ii. 7.1.8 - Street Character & Setbacks.

- e. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the development as modified is excessive in terms of FSR, density, bulk & scale and represents an overdevelopment of the subject site.
- f. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, providing an undesirable and unacceptable impact on the streetscape & does not respond to the future desired scale and character of the local area.
- g. The proposed development as modified is unsatisfactory, pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, given the reduction in amenity on site for future occupants, poorer public domain interface & undesirable impact upon the streetscape.
- h. Having regard to the reasons noted above, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the application as modified is not in the public interest & is likely to set an undesirable precedent.

2. That the objector be notified of the JRPP's decision.

Report Background

PROPOSAL

The proposal seeks to undertake internal and external modifications to the approved development on site, incorporating the following changes:

- Increase of 28 units on site, from 185 to 213, with unit mix modified as follows;

<i>Bedroom</i>	<i>Approved</i>	<i>Proposed</i>	<i>Difference</i>
Studio	12	1	-11
1 bed	15	14	-1
1 bed + study	31	70	+39
2 bed	111	72	-39
2 bed + study	Nil	40	+40
3 bed	16	16	No change
TOTAL	185	213	+ 28 units & + 79 studies

- Relocation of ground and basement vehicular access ramps further to the west of the Gertrude Street frontage, reconfiguration of parking levels & raising of basement levels 0.55m.
- Increase in on site parking from 250 – 259 spaces as follows;

<i>Level</i>	<i>Approved</i>	<i>Proposed</i>	<i>Difference</i>
Basement 2	114	119	+5
Basement 1	94	97	+3
Ground	42	43	+1

- Alternate numbering to levels 4, 7 & 14 for cultural reasons. Additionally modification to building levels as follows, with basement levels raised 0.55m further above existing natural ground level & floor to floor heights reduced from 3.05m to 3m.

Approved Level	Approved RL	Proposed Level	Proposed RL	Difference
Basement 2	-2.75	Basement 2	-2.20	+0.55
Basement 1	0.05	Basement 1	0.30	+0.25
Ground	2.85	Ground Floor	3.10	+0.25
Level 1	6.8 Corridors 6.85 Units	Level 1	7.10	+0.30 +0.25
Level 2	9.85 Corridors 9.90 Units	Level 2	10.10	+0.25 +0.20
Level 3	12.90 Corridors 12.95 Units	Level 3	13.10	+0.20 +0.15
Level 4	15.95 Corridors 16.00 Units	Level 5	16.10	+0.15 +0.10
Level 5	19.00 Corridors 19.05 Units	Level 6	19.10	+0.10 +0.05
Level 6	22.05 Corridors 22.10 Units	Level 7	22.10	+0.05 Nil
Level 7	25.10 Corridors 25.15 Units & COS	Level 8	25.10	Nil -0.05
Level 8	28.15 Corridors 28.20 Units	Level 9	28.10	-0.05 -0.10
Level 9	31.20 Corridors 31.25 Units	Level 10	31.10	-0.10 -0.15
Level 10	34.25 Corridors 34.30 Units	Level 11	34.10	-0.15 -0.20
Level 11	37.30 Corridors 37.35 Units	Level 12	37.10	-0.20 -0.25
Level 12	40.35 Corridors 40.40 Units	Level 15	40.10	-0.25 -0.30
Level 13	43.40 Corridors 43.45 Units	Level 16	43.10	-0.30 -0.35
Roof	46.50 Roof	Roof	46.17	-0.33
Lift Overrun	47.60	Lift Overrun	47.40	-0.20

- Increase in commercial gross floor area on site from 481.7sq/m to 586sq/m.
- Relocation of plant / substation from northern to southern elevation.
- Implementation of an “*Onsite car share system*” & “*Green Travel Plan*” on site to counter proposed car parking deficiency.
- Additional 5 bicycle spaces provided on site from 21 to 26.
- Additional 2 motorbike spaces provided on site from 14 to 16.
- Infill of previously approved building articulation & open common circulation spaces to southern & western facades to provide additional residential units.
- Deletion of gym and two communal terraces at level 1 to provide additional residential units.
- Modification to external building materials, landscape treatments, colours and feature facade arc treatment patterns.
- Deletion of the 19 feature blade wall elements (painted aluminium panels) to Princes highway western facade & replacement with 6 columns treated with aluminium composite panels.

- Selected balconies to northern and southern facades projected further forward to site boundaries & reduced in overall size. i.e. A5.07 approved balcony size 15.2sq/m reduced to 13sq.m.
- Deletion of 1 lift to central 7 storey building, resulting in 1 lift servicing a 7 level tower as opposed to 2 lifts.
- Internal reconfiguration of ground level spaces.
- Deletion of perimeter steps at ground level & introduction of narrow pedestrian stairs, raised terraced planter boxes & masonry walls up to 2.4m high at periphery of site.
- Deletion of pedestrian through site link at ground level to provide for additional circulation space.
- Reduction in size and frontage of residential entries to Gertrude Street.
- Introduction of a caretakers / storage / office space to Gertrude Street frontage.
- Modification to landscaping at podium and level 7 now identified as level 8.
- Reduction in building separation to levels 8 & 9 (originally 7 & 8) from 22.1m to 18m to provide additional residential floor space & private open space areas.
- Reduction in size of communal open space at proposed level 8 (originally level 7)
- Deletion of previously approved green wall planter scheme to southern, northern and eastern facades and replacement with climbing vines branching on wire supports. Additionally plants trailing down from level 1 are further proposed at the eastern and north eastern facades adjoining the loading dock.
- Gertrude Street facade is proposed to incorporate pre grown planters behind up stand walls on each or every second level, to grow up vertical wire supports between levels. Climbers are intended to grow up the supports to create strips of “green facade” covering the wall of the fire stairs behind the lift cores of the building. Laser cut metal screens are proposed to be fixed in a random pattern up the facades. Planters will comprise built in irrigation and drainage systems.
- Deletion of Condition 30 requiring provision of CCTV cameras on site.
- Modification of ceiling heights in non habitable areas from 2.7m to 2.4m.
- Reduction to variable eastern side setback, level 2 and above from 1.81m – 3m as approved to 1.815m – 2.872m as proposed.
- Modification to conditions 56 & 57 to reflect revised adaptable units & car parking spaces.
- Deletion of condition 134 requiring consolidation of allotments, as property has now been consolidated.
- Modification to condition 143 requiring a convex mirror to be installed to the central island at the vehicular entry to maximise sight distance, as the proposed modified design deleted the central island at the vehicular entry point.

EXISTING AND SURROUNDING DEVELOPMENT

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

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



Figure 1 – Subject site & aerial context

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

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

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

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

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

PLANNING CONSIDERATION

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

Section 96 – Modifications of consents

Section 96(2) states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The proposal involves a range of modifications including an increase of gross floor area and residential yield on site, reduction to building separation, changes to approved residential unit layouts, modifications to internal configuration of the development, changes to selected materials, facade design, public domain interface & changes to conditions of approval.

The proposal as modified is substantially the same as the development for which consent was originally granted.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment: The original development consent involved a Permit to temporarily pump out groundwater from the site. The proposal does not seek to modify the previously issued General Terms of Approval. Notwithstanding the proposal as modified was referred to the NSW Office of Water for comment. No response had been received at the time of finalising this report.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The proposal has been notified in accordance with Council's Development Control Plan 2011 and one (1) submission was received.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: The matters raised by the objector have been considered further in this report.

Section 96(3) states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as

are of relevance to the development the subject of the application. The relevant matters under S79C(1) as listed below.

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 revised BASIX Certificates for the development as modified. The Certificate numbers are 505484M_03, 505648M_03 & 618079M and the proposal as modified satisfies the requirements of SEPP – BASIX.

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

The original application was accompanied by a Stage 2 Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP). An assessment of the original application concluded that the site was suitable for the proposed use. The original consent was conditioned to ensure the recommendations of the aforementioned documents were implemented on site.

On the basis of the above, the JRPP can be satisfied that it has fulfilled its statutory obligations under SEPP 55, in relation to this application.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Clause 45 of the ISEPP requires consultation with electricity supply authorities. Energy Australia was notified of the proposed development & raised no objections to the proposal as modified.

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

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

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

The development as modified retains the originally approved vehicular access location to the site from Gertrude Street which is in excess of 90m from the junction with the classified road. Additionally the original Acoustic Report, prepared by Acoustic Logic, dated 10/12/2013 recommended appropriate design construction measures in order to ameliorate traffic noise and vibration. This report remains valid for the proposal as modified.

The proposal as modified satisfies the requirements of the ISEPP.

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)

Prior to the submission of the S96, the applicant presented a comparable scheme to the Design Review Panel in December 2014. The modifications proposed were not supported by the DRP & significant concerns were raised in relation to additional FSR, bulk, scale, poor public domain interface, facade detailing, reduction in general amenity etc.

The S96 was referred to the Design Review Panel on 27th April 2015. The panel raised significant concerns regarding the dominant bulk, massing & scale of the development as modified, its excessive additional floor space, deletion of facade articulation and modulation, poor architectural expression, unsatisfactory public domain interface & reduction in amenity on site.

The Panel did not support the proposal as modified.

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 below. The proposal as modified is unsatisfactory and inconsistent with the design quality principles of the SEPP for the reasoning cited below, as detailed by the Design Review Panel.

Principle 1 - Context

The DRP considered that the amended design had not addressed previous issues raised in regard to the design of the ground floor such as:

- *the narrowing of the main entry steps and lobby*
- *the reduction of the access stairs on the Princes Highway frontage which reduced entry points to the ground floor retail*
- *the access ramping and extent of blank walls along the Gertrude Street frontage*
- *the removal of all landscaping on the Gertrude Street frontage within the property boundary*
- *the interface of the future road widening including the provision of footpath and landscaping to the Gertrude Street frontage.*

The Panel is concerned about the extent of the high wall and long ramps abutting the future footpath. The applicant should provide a considered designed strategy to address this issue.

In regard to the interface of the proposal with Cahill Park, the DRP stated:

The proposal now extends the Level 1 podium over the ground level Cahill Park interface and reduces the areas of steps that was once proposed as a public interface to Cahill Park. Hence, the proposal still fails to create a credible and amenable edge to Cahill Park. Any proposal that requires privatisation of any portion of Cahill Park is not supported by the Panel.

With the exception of the Level 7 terrace landscape which has been reinstated, the applicant has not responded to the issues raised by the former Panel. Instead, the building envelope has retained density that exceeds the LEP controls and exceeds the approved design by 1353.3 sq.m. This markedly affects the appearance of the building as its massing extends out to the envelope boundary in all directions.

Rather than reintroduce the façade depth that was once proposed, the maintaining of excessive density has exacerbated the bulk of the proposal and compromised the building form. The shaping of the tower element at Princes Highway – the proposal's key landmark – to confirm almost exactly with setback controls demonstrates the proposal is merely maximising its envelope rather than creating purposeful architectural form.

The applicant has approached this proposal with an apparent intention to "improve" and rectify the perceived issues with the previous approval. However, the resolution currently proposed takes out the approved project's undeveloped yet significant design articulation of this very large building form, reduces its residential amenity, flattens and simplifies its façade expression and adds substantial GFA. The proposal is a highly compromised solution and is not suitable for this highly prominent site.

Principle 2 - Scale

The Panel considered the scale of the proposal unacceptable.

Principle 3 - Built Form

The Panel considered some of the amendments to be to the detriment of the design quality and appropriate built form such as the removal of some elements that provided articulation to the facade, reduction to lobby areas, extension of the upper level podium, which has compromised the park edge, deletion of communal terraces at first floor level and poor interface with the park by creating blank facades

The Panel concluded:

The current proposal has reduced the architectural expression of the proposal significantly, flattening its façade and making it less able to reduce – or mitigate – its apparent scale. Hence, the currently proposed built form is now largely featureless, apart from awkwardly arranged vertical landscapes, unfortunately chamfered building edges and projecting roofs of an unsettling thickness. Blades appearing on the building façade and penetrating the roof of the commercial space lack any coherence within the overall proposal.

The building appears to have been significantly cheapened, with strategic design thinking being replaced with mere bulk. For a significant and highly exposed site, this is a major step backwards.

Principle 4 - Density

The Panel does not support any breach of the approved density.

Principle 5 - Resource, Energy and Water Efficiency

The balconies to some of the units continue to have excessive depth, limiting solar access to living rooms.

Comment: The deep balconies referred to by the Design Review Panel were part of the original approved development. These balconies are provided with floor to ceiling glazing, in order to maximise solar access to the units & thus deemed satisfactory.

Principle 6 - Landscape

The proposed outdoor terrace is located under the level 1 courtyard, has limited access points and a blank elevation to the eastern corner. The architectural response creates a very poor interface to the park.

The resolution of access points has created a less permeable park interface and frontage.

Principle 7 - Amenity

In regard to this principle, the Panel was ‘concerned that the overall amenity of the building has been compromised since the re design process has commenced.’

It further stated:

While it is positive that light has now been reintroduced into lobbies, internal layouts of the building still suffer from excessively deep balconies, there are serious issues all around its edges, the expression of the building has been cheapened and the overwhelming scale of the building increased. This remains a very disappointing outcome for a very prominent site.

Principle 8 - Safety and Security

The Panel raised concerns regarding the interface of the building with Princes Highway and Cahill Park.

Principle 9 - Social Dimensions

The Panel did not support a reduction to the facilities provided under the original scheme.

Principle 10 - Aesthetics

In regard to the design quality of the proposal, the Panel stated:

The proposal has been stripped back to the most basic expression of residential development, with extensive paint finishes, standard repetitive windows, repetitive stacking of units, standard balcony glazing, etc dominating all of its facades.

Minor decorative elements – such as applied landscape, fins and randomly emphasized spandrels seem incongruous and awkward. Chamfered balcony edges and hoods infer that the envelope is simply shaped by setbacks. The angled presentation to the corner is very unsettling, especially as its presentation is split into two awkward masses and capped by two incongruously thickened roof overhangs.

The commercial form does not relate to the tower above and features orthogonal blades that pierce its roof, creating an inverted corner appearing to house nothing at all.

The aesthetics of this enormous building – with its problematic massing, overwhelming scale and great prominence – are severely lacking. For a project of this scale in this location, this is not acceptable.

c. The Residential Flat Building Code.

The proposal has been assessed against the building design requirements of the Residential Flat Building Code.

Notwithstanding the partial compliance of the proposal as amended with the better design practice criteria of the RFDC as detailed below, the proposal as amended is deemed to be inconsistent with a number of the objectives of the RFDC, for the reasons discussed within this report.

RESIDENTIAL FLAT DESIGN CODE		
REQUIREMENT	YES/NO	COMPLIANCE
Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	Partial	As approved 19.6m maximum depth, no further variations proposed.
Building Separation 5 to 8 storey - 18m between habitable rooms/balconies	Yes	18m as proposed (22.1m as originally approved)
9+ Storeys – 24m between habitable rooms/balconies	No	22.1m as originally approved.
Single-aspect apartments should be limited in depth to 8metres from a window	Partial	8.2m – 8.6m single aspect apartment depth, as approved.
The back of a kitchen should be no more than 8metres from a window	Partial	8.2m - 8.5m as approved.
Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	Satisfactory
The ground floor retail and commercial spaces and first floor spaces (regardless of use) should have a clear ceiling height of 3.3 m.	Partial	Ground Floor = > 3.3m First Floor = 2.7m As originally approved.
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	2.7m to habitable rooms
Accessible storage to apartments: One bed = 6m ³ Two bed = 8m ³ Three bed = 10m ³ Minimum 50% in apartment	Yes	Fixed storage provided internally to apartments. Supplementary basement storage proposed.
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable <i>(As approved 161/185 (87%))</i>	Yes	>70% apartments receive 3 hours solar access in midwinter
Limit single-aspect apartments with southerly aspect to 10% (22)	Yes	Nil directly south facing

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The relevant clauses that apply to the proposal are below.

Clause	Control	Requirement	Proposed	Complies	Objectives
2.2	Zone	B4 Mixed	Ground floor commercial premises; shop top housing	Yes	Yes
2.7	Demolition	Requires development consent	Consent requested by applicant	Yes	Yes
4.3	Height	46m	46m to the top of the lift overrun as approved no change	Yes	Yes
4.4	Floor Space Ratio	4:1 (15 974.8sq/m) <i>As Approved</i> 3.99:1 (15 946.2sq/m)	4.41:1 – 17 328.1sq/m (1353.3sq/m excess GFA)	No	No
5.1A	Development on land intended to be acquired for public purposes	3m - Princes Highway frontage 3.1m - Gertrude Street frontage	Dedications as approved – no change.	Yes	Yes
5.9	Preservation of trees	Trees to be retained and preserved where possible.	As approved – no change.	Yes	Yes
6.1	Acid sulfate soils	Class 3 – for works below than AHD 1m below ground level.	Conditioned as per original DA. No changes proposed.	Yes	Yes
6.2	Earthworks	Restrictions on earthworks (excavation or filling)	Reduced excavation depth proposed on site.	Yes	Yes
6.4	Airspace operations	Restrictions to ensure no adverse effect on airspace operations 15.24m & 51 OLS	Height of proposal as amended is not increased thus no referral to Sydney Airports was necessary.	Yes	Yes
6.6	Flood planning	Reduce impacts on flood behaviour & minimise the flood risk to life and property	Ground floor raised up to 1.6m above NGL, minimum habitable levels adhered to.	Yes	Yes
6.7	Stormwater	Minimise impacts of stormwater on development and downstream lands.	Subsoil pump system within basement level 2 and a rainwater tank below the ground level.	Yes	Yes
6.11	Active Street Frontage	ASF to Princes Highway & Cahill Park	Active frontage to Princes Highway & Cahill Park	Yes	Yes

6.12	Essential services	All services to be available for future occupants	Water, electricity, disposal and management of sewage, stormwater drainage and suitable road access.	Yes	Yes
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Non Compliance

Clause 4.4 of RLEP 2001 (Floor Space Ratio)

A maximum 4:1 FSR applies to the subject site, being a maximum gross floor area of 15 974.8sq/m. The approved development comprised an FSR of 3.99:1, equating to a gross floor area of 15 946.2sq/m. The approved development maximises the development potential of the site.

The proposal as modified seeks to exceed the maximum permissible FSR on site, proposing an FSR of 4.41:1. This equates to a gross floor area of 17 328.1sq/m, exceeding the maximum permissible FSR by 0.41:1 & proposing an excess of 1353.3sq/m of floor space on site.

The applicant has submitted a Clause 4.6 variation to development standard, despite S96 of the Act being a freestanding provision.

The applicant argues that the additional FSR as modified is appropriate given that:

- *The proposed development meets the objectives of Clause 4.4 – Floor Space Ratio and the objectives of the B4 Mixed Use Zone.*
- *The proposed development does not give rise to unreasonable environmental impacts and the scale and scope of the proposal establishes a landmark development which is economically feasible and meets the vision of Wollie Creek as set out by DCP 2011.*
- *The proposed development achieves public benefits including public domain improvements (VPA offer).*
- *The proposed residential density is appropriate to the site which is less than 500m from the Wollie Creek Railway Station and contributes to achieving State Planning objectives which seek to locate housing around public transport to achieve a more sustainable urban form.*
- *There is no adverse impact in comparison with the approved DA-2014/203 scheme as the S96 represents a more efficient use of floor space generally within the envelope. The general profiles except with modest exceptions remain the same and the overall heights have generally not been exceeded.*

The above justifications are not supported by Council given that:

- The proposal as amended results in excessive massing, bulk, scale and form & is an overdevelopment of the subject site.
- The proposal as modified is inconsistent with the Design Quality Principles of SEPP 65 & is not supported by the Design Review Panel.

- The proposal as modified is inconsistent with the objectives of the Residential Flat Design Code.
- The proposal as modified is inconsistent with the objectives & requirements of Clause 4.4 – FSR of Rockdale LEP 2011.
- The proposal as modified results in an undesirable and unacceptable impact on the streetscape & does not respond to the future desired scale and character of the local area.
- The proposal as modified results in an inappropriate public domain response & reduces amenity for future occupants on site.
- The proposal as modified provides insufficient car parking on site.
- The proposal as modified does not provide for appropriate public benefit & is likely to set an undesirable precedent within Wolli Creek.

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.

The proposal as amended & for the reasoning discussed within this report is considered to be inconsistent with the objectives & performance criteria outlined within the draft in relation to FSR, building separation, public domain interface, visual privacy, pedestrian access and entries, facades & mixed use.

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

Development Control Plan 2011(DCP 2011)

The original development was approved with variations to landscaped area on site, unit bedroom study and balcony sizes, floor to ceiling height at first floor, unit mix, basement footprint beyond building envelope, car parking, corridor width, number of storeys, percentage of commercial space within development and building setbacks.

Variations to the above were supported, given the architectural merit of the original scheme, in conjunction with the high quality materials and finishes proposed.

The proposal as amended 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 non compliances with DCP 2011 are identified.

1. Car Parking

The development as approved, comprised a shortfall of three (3) on site car parking spaces, being 1 visitor & 2 accessible spaces for the retail component of the development. The original application was conditioned to require the provision of a shared parking register to manage the deficiency on site.

The proposal as amended comprises a deficiency of 8 residential spaces (including 1 adaptable shared space) & 6 visitor / commercial car spaces. To counter the proposed increase in car parking deficiency on site, the applicant argues:

- The location of the site within 500m of Wolli Creek Station
- *Car Share (2 spaces on site) - Cars are proposed to be owned by a company who leases them out to a user for a minimum of 1 hour or for a whole day to residential and non-residential building occupiers. The car share vehicle is to be located on site specifically for the use of the building occupants.*
- *Green Travel Plan - Range of initiatives aimed to encourage residents and visitors to use sustainable transport, including installation of bike parking, onsite car share system (as described above), provision of bicycle, walking maps & timetables for public transport services to residents and visitors.*

DCP 2011 permits a 20% reduction in car parking for the “*non residential component*” of the development where the site is located within the Wolli Creek Town Centre.

The applicant has sought to utilise the above concession for the residential car parking component of the site citing “*practicality reasons*” given the location of the site from Wolli Creek railway station.

Additionally the applicant further seeks to vary the car parking requirements of DCP 2011 which require 1 car space per studio / 1 bedroom dwelling. The amended proposal seeks to provide nil car parking for the 15 studio / 1 bedroom dwellings proposed on site.

It is reiterated that the 20% concession applies only to the non residential component of developments within the Wolli Creek Town Centre. The subject site is outside of this identified area & the applicant seeks to benefit from this concession applying it to the residential component of the development rather than the non residential component. This is not the intention of the DCP requirement & the applicants proposed reduced car parking rates are not supported.

2. Unit, Balcony, Bedroom Sizes

The proposal as amended internally reconfigures a number of previously approved units, and incorporates a further 28 units & 79 studios within the development.

The proposed unit, balcony and bedroom sizes of the additional & reconfigured dwellings are inconsistent with the sizes required by the RFDC & DCP 2011.

Notwithstanding, these are similar in area and dimension to previously approved units and are appropriately orientated, thus have the potential to allow reasonable functionality.

3. Corridor Width

Clause 5.2.35 of DCP 2011 requires a minimum common corridor width of 2m. The original proposal was approved with common horizontal corridors being a minimum of 1.7m in width. The 0.3m variation was supported on the basis that common horizontal corridors provided sufficient width in order to enable suitable access and manoeuvrability of bulky items within the development.

The proposal seeks to enclose common horizontal corridors and reduce the width at certain points to be 1.6m.

Despite the further 0.1m reduction to the corridor width and its enclosure, it is likely that a 1.6m corridor will maintain appropriate access for future occupants and enable reasonable manoeuvrability of bulky items.

4. Highway Interface – Upper level setback

Part 7.1.8 of DCP 2011 requires a setback 5m to the building alignment above level 5 of the development from the new property boundary. The development was approved with a minor variation to this setback, being 2 triangular forms to the westernmost tower, which encroached into the setback area and had a nil setback to the new property boundary. These triangular portions included part of the units and common corridors within the development. This portion of the building is oriented towards Cahill Park and as such resulting in the triangular components of non compliance.

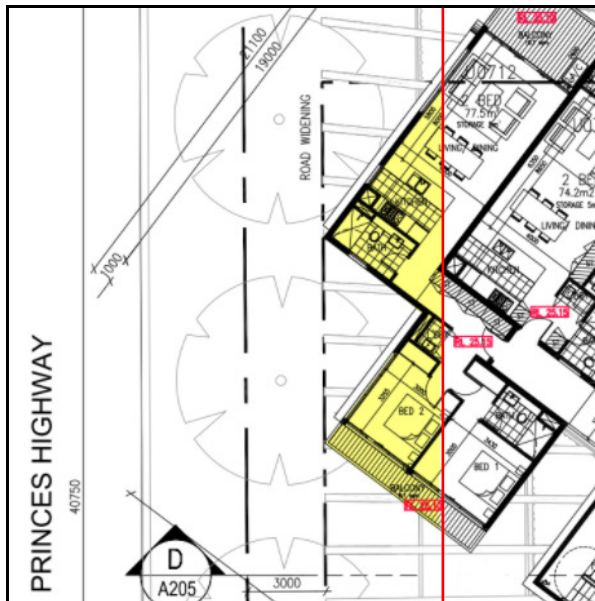


Figure 2 - Approved protrusions in yellow



Figure 3 - Proposed protrusions in yellow

The proposal as amended further seeks to vary this setback requirement and introduce additional floor space within this location.

The proposal as amended does not comply with the requirements of this clause and further protrusions into the setback which result in additional building bulk are not supported.

Part 7.1.9 of the DCP requires the eastern part of the site fronting Gertrude Street to comprise a residential street frontage. Development is required to provide a 2.5m articulation zone to the new property boundary & address the street with balconies, building entrances, living rooms or bedrooms at ground & upper levels.

A variation to the 2.5m articulation zone was supported as part of the original scheme, whereby portions of the upper levels of the development were located within the articulation zone, yet other portions of the building were setback further, thus modulating the building & breaking up the overall form. The proposal as amended seeks to infill these original setback areas & extend the building line further into the articulation zone as follows:



Further building protrusions into the articulation zone, via the provision of additional building bulk is unsatisfactory.

Variations to the articulation zone of the ground floor of the original development were supported on the basis that the original design incorporated two wide, spacious & clearly identifiable residential entries at ground floor, accessed via periphery stairways which maximised the activation of the ground floor & passive surveillance at the Gertrude Street frontage.

Additionally the original scheme was provided with a two storey glass framed green wall feature along the length of the Gertrude Street frontage which obscured the ground level basement ramp, which given its extent would otherwise be a dominant feature.

The proposal as amended has deleted the wide ground level periphery stairways to the Gertrude Street frontage, narrowed residential entry foyers, minimising their extent and presence at the Gertrude Street frontage.

Additionally the modified proposal has further raised the ground floor level, introduced high level masonry rendered planters, ranging in height from 1.5m – 2.4m in height above footpath level & deleted the two storey green wall design feature element.

Given the deletion of the two storey green wall feature to the Gertrude Street frontage, the relocated driveway ramp is also now highly visible and unsightly given its 20m length, louver air intake & blank wall presentation to Gertrude Street.



Figure 6 - Lobby A as approved



Figure 7 - Lobby A as proposed

As a result of the above modifications, passive surveillance and activation of the Gertrude Street frontage has been reduced & the proposal is unsatisfactory with regards to the intent of this clause.

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)(iiia))

JRPP Operational Procedures require Council to detail any proposed Voluntary Planning Agreement (VPA) Proposal and its relationship to the application under assessment.

On Friday 24th April 2015, the applicant submitted a voluntary planning agreement proposal to Council for assessment and negotiation.

The proposed VPA offer by the applicant is as follows:

- a) *Design and construct at its own cost the landscaping and lighting works generally in accordance with the attached drawings and images.*

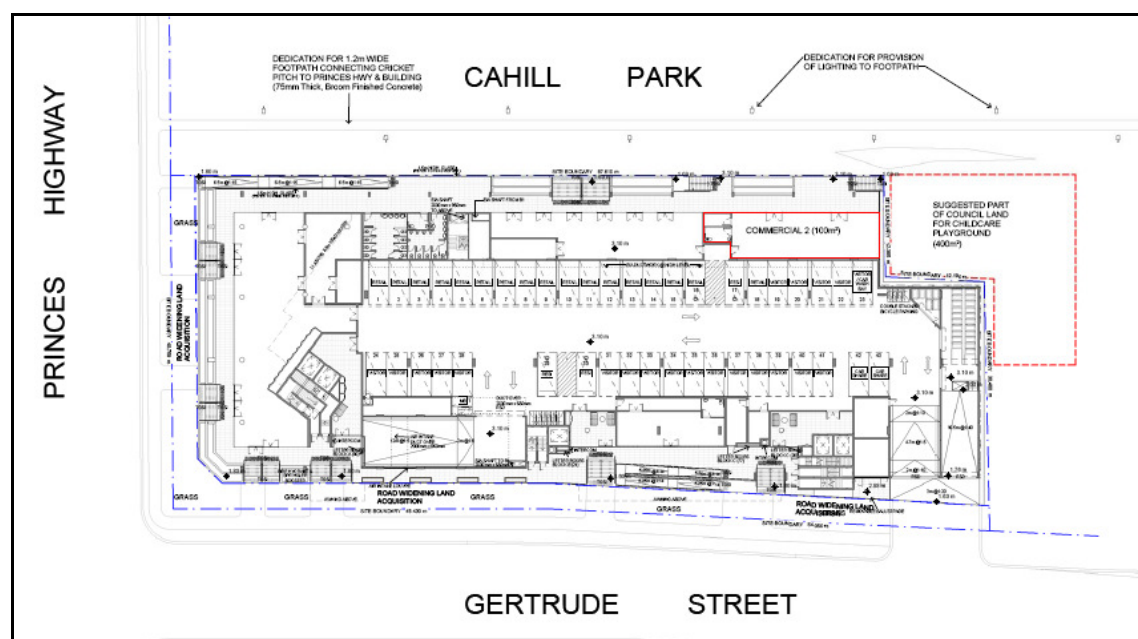


Figure 8 - Proposed VPA Offer diagram

- b) *Offer to Council free of charge the use of commercial tenancy 2 for a period of ten (10) years in accordance with the attached plans and images.*
- c) *Complete the works and dedication of the tenancy prior to the issue of an Occupation Certificate for the Development Application.*
- d) *Provide Council with a monetary contribution in the amount of \$100 000 for the future upgrade works in Cahill Park once the master plan is finalised.*
- e) *Provide Council with ownership landscaping and lighting upgrade works. 1.2m wide footpath connecting the cricket pitch to Princes highway & building, 75mm thick broom finished concrete.*

In addition to the above, the VPA offer from the applicant states "the applicant seeks that benefits under the agreement will be taken into consideration in determining a development contribution under S94".

The applicant further appears to be seeking consideration for reduced S94 Contributions payable as part of the current S96 application, given the above proposed "offer" to Council.

The above offer is unacceptable to Council.

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

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

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

Streetscape / Character

In addition to the comments raised by the Design Review Panel, it is reiterated that the proposal as modified results in a development which is bulkier in its overall massing and scale, limited in its modulation & devoid of the high quality architectural expression which is consistent within emerging development contextually in this location within Wolli Creek. The proposal as amended is therefore deemed inappropriate for the “gateway site”.

The proposal as modified has stripped the original development of its high quality design & originality with the quality of external materials, finishes and design features altered & reduced. For *example*;

- Infill of building modulation to southern and western facades of development.
- Deletion of facade arc treatment patterns & reduction to the articulation, design & expression of building facades.
- Deletion of previously approved horizontal glass & green wall planter design to the southern, northern facades. These were a feature of the approved development & assisted in obscuring the now highly visible & relocated blank wall driveway ramp to basement levels which now comprises a significant blank rendered wall at the southern facade & frontage to Gertrude Street.
- Deletion of the 19 feature blade wall elements (painted aluminium panels) to Princes highway western facade & replacement with 6 columns treated with aluminium composite panels.
- Raising of basement level, deletion of ground level perimeter stairways, introduction of narrow pedestrian stairs, raised terraced planter boxes & masonry walls up to 2.4m high at periphery of site result in a poor public domain interface.
- Deletion of horizontal feature planters to eastern and north eastern ground level facades.

Architectural blades and the glass green walls proposed upon the original development were design features specific to the proposal, which identified it as a unique and original development located at the northern most entrance to the Rockdale Local Government Area.

The following images depict the original and approved development. The proposed changes are visually apparent, undesirable & not supported. As a result the proposal as amended is unsuitable from a streetscape perspective, particularly given the highly prominent “gateway location” of the subject site.



Figure 9 - Princes Highway / Gertrude Street perspective as Approved



Figure 10 - Princes Highway / Gertrude Street perspective as Proposed



Figure 11 - Cahill Park Perspective as Approved



Figure 12 - Cahill Park Perspective as Proposed

Public Domain Interface

The proposal seeks to raise the basement level by 0.55m, resulting in the ground level of the development increasing from 2.85RL (minimum habitable flood level as approved - 1.35m above natural ground level) to 3.10RL (1.6m above natural ground level).

The proposal as modified further seeks to delete the ground level periphery stairs to the northern, southern and western sides of the development. These are proposed to be replaced with narrower stairways for pedestrian entry & raised pedestrian circulation areas & masonry rendered planters, ranging in height from 1.5m – 2.4m in height above footpath level.

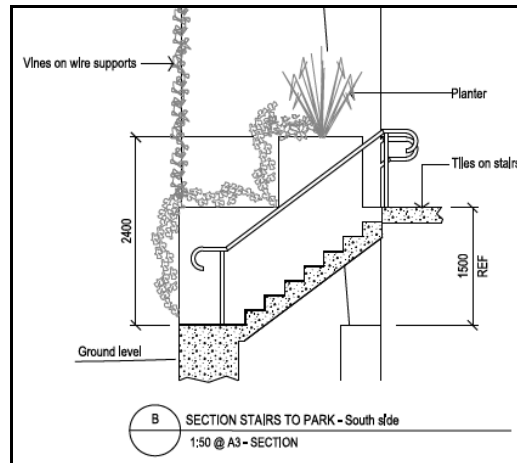


Figure 13 - Terraced Planters as proposed

Despite the proposed treatment of terraced planters with shrubs, including trailing plants, & the submission of indicative maintenance details, concern is raised in regards to the height and appearance of the proposed terraced planters & masonry walls at site boundaries.

In addition to the above, as originally approved, a component of the eastern & north eastern facades of the development at ground level adjoining the loading dock were approved with a row of three horizontal irrigated planter boxes, finished with metal cladding. These were simple to maintain, manage and comprised in built irrigation and drainage.

Originally approved planter boxes obscured the blank masonry loading dock wall, providing human scale, visual interest and building modulation when viewed from Cahill Park.

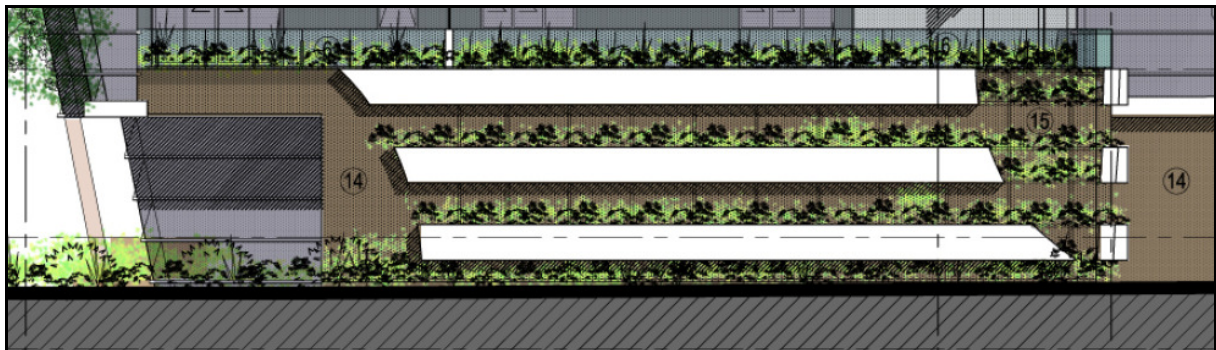


Figure 14 - Eastern facade planter boxes as Approved

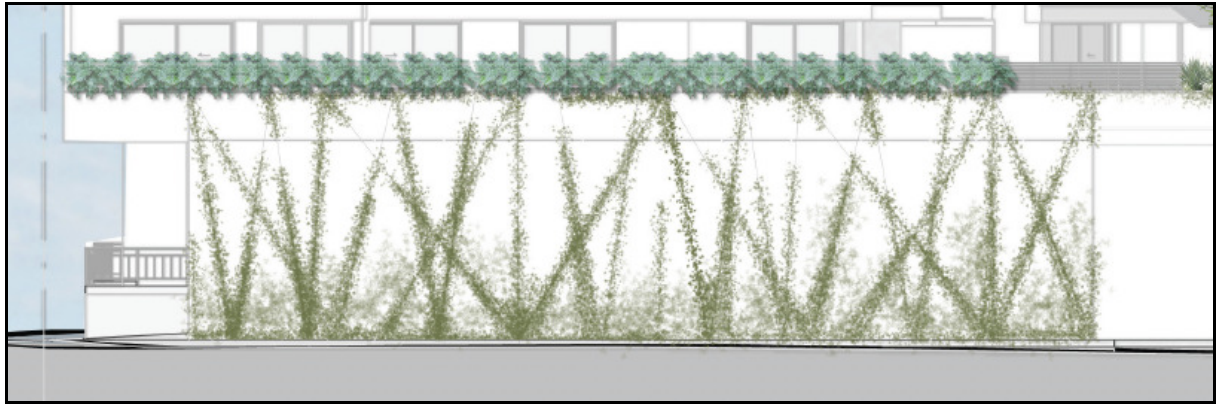


Figure 15 - Eastern facade planter boxes as Proposed

The proposal as modified has deleted planters & seeks to provide a vertical stainless steel wire vine support system in their place. Given the 4.5m height of the loading dock wall and its substantial length, 19.5m (eastern side) & 12.2m (northern side), reliance on ephemeral planting to mask the appearance of expansive blank walls at site boundaries is not appropriate, as the body corporate may or may not maintain these areas into the future.

The appearance of the amended development when viewed from the public domain at street level & Cahill Park is unsatisfactory & problematic given:

- Deletion of originally approved wrap around stairways which provided a stepped transition up to the ground level of the building.
- Provision of 1.6m high solid masonry walls located upon the Gertrude Street boundary with balustrading and planter boxes above. Resulting in a total height of up to 2.4m above footpath level.
- Introduction of narrow stairways & raised walls / planters results in reduced line of sight and potential for safety issues. The height & design of solid raised walls / planters is inconsistent with Crime Prevention through Environmental Design Principles.
- Deletion of the two storey glass framed green wall element at the southern frontage and relocation of vehicular basement ramp, resulting in extensive blank wall presentation to Gertrude Street.
- The raised walls / planters result in a non active street frontage with poor integration and delineation of public / private interface.
- The scale of the public / private interface is confronting, particularly given the proposed hard landscape edging at the boundary.
- Potential for ephemeral planting at the eastern facade to fail.
- The unnecessary raising of the basement level and consequently ground level of the development above and beyond the minimum habitable flood level.

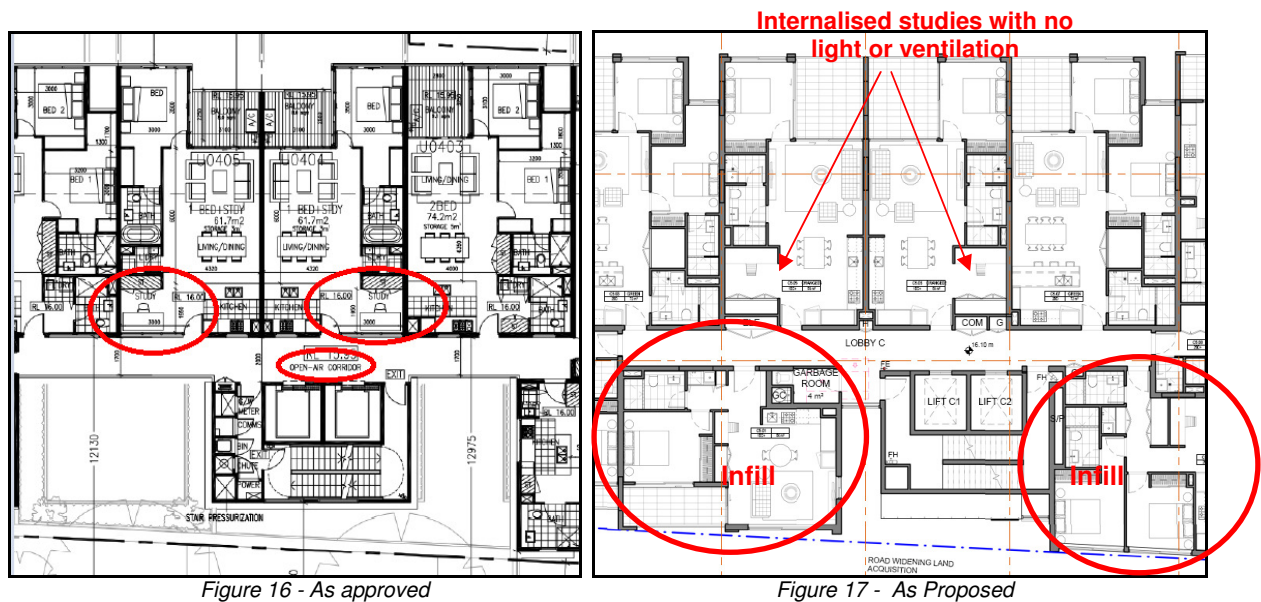
Given the above, the proposal as amended provides a poor relationship to the street & public domain.

Amenity

Previously approved open horizontal circulation spaces to southern and south western facades of levels 1 – 12, allowed for the provision of cross ventilation to units, which comprised south facing studies, via an operable highlight window.

The internal reconfiguration of units, enclosure and infill of these circulation spaces results in a number of units within the development becoming single aspect with no opportunity to cross ventilate as can be seen in comparison plans below. (Figures 16 & 17)

This is considered to be contrary to the following objective within Part 1 of the Residential Flat Design Code. *“To provide adequate amenity for building occupants in terms of sun access and natural ventilation”*.



The proposal as amended seeks to delete one (1) lift from the central 7 storey building component of the development which was previously approved with two (2) lifts. This results in one (1) lift servicing a 7 level tower comprising 24 units of which, 6 are accessible units. Concern is raised in regards to this modification, as in the event of a lift failure or breakdown, dwellings within this component of the development, in particular accessible dwellings will be inaccessible. This is unsatisfactory.

The proposal as amended further seeks to delete the gym at level 1, and convert this space into a residential unit. The deletion of communal facilities within such a large development which is intended to provide convenience & amenity to future occupants is unsatisfactory.

It is reiterated that the original design at ground level maximised passive surveillance of the street via the provision of periphery stairways with low level feature planter boxes leading to spacious and inviting residential glazed entry foyers upon the Gertrude Street frontage.

The proposal as amended has narrowed residential entry foyers, minimised their size, space and presence to the Gertrude Street frontage. This has subsequently resulted in less desirable & identifiable residential entries with reduced opportunities for passive surveillance of the street. Given the proposed deletion of condition 30 of the original DA which seeks the implementation of CCTV on site, this is cause for concern for the future safety and security of future occupants and users of the site.

The proposal as amended results in the reduction of amenity on site for future occupants and is therefore unsatisfactory in this regard.

Visual Privacy

The proposal as amended has reduced the building separation of levels 8 & 9 (previously 7 & 8) from 22.1m to 18m. This is in order to add residential floor space and provide balconies at the inner east / west facades of the development, overlooking the level 8 communal open space.

As a result of reducing the building separation and extending balconies to these locations, the future occupants of units A9.07 & A9.02 will directly overlook each other's private open spaces. The location of the aforementioned additional balcony spaces are inconsistent with the objectives of relevant planning controls which seek to maximise not compromise visual privacy within developments.

Overshadowing

The proposal as amended was accompanied by shadow diagrams and elevational shadows which indicate that minor additional overshadowing occurs to a number of units within the development on at 1-5 Gertrude Street.

The submitted documentation indicates that units within the development opposite the site retain similar levels of solar access with the original proposal and with the modified development as proposed.

The proposal as modified does however reduce solar access to one unit (C4.2) within the development opposite, resulting in that unit receiving less than 3 hours of solar access in midwinter.

Notwithstanding the above, the proposal as modified is satisfactory.

Car Wash Bay

Rockdale Technical Specifications Stormwater Management require the provision of a 3.5m wide car wash bay for the development. This was provided as part of the original scheme. The proposal as amended has reconfigured car parking within ground and basement levels and is now seeking to use a standard width visitor car space as a car wash bay. The proposal as amended is inconsistent with the requirements of this document.

Vehicular Ramps

Councils Engineer considered the proposal as amended. It was noted that the relocated vehicular circulation ramp at ground and basement levels was not supported, given insufficient information was provided i.e. swept path analysis, & it is unknown as to whether two way movements within the ramps at change of direction are achieved. Amended plans would be required, however given the recommendation for refusal these were not sought.

Wind Impacts

A wind assessment report submitted with the original application required a number of design features to be provided on site in order to protect the development & future occupants from adverse wind gusts. These included the provision of full height impermeable / louvered screens to corner south eastern balconies of the development as follows:

- *Provision of full height impermeable or louvered screens along the SE perimeter of the SE private corner balconies on the east tower on levels 2 – 7.*

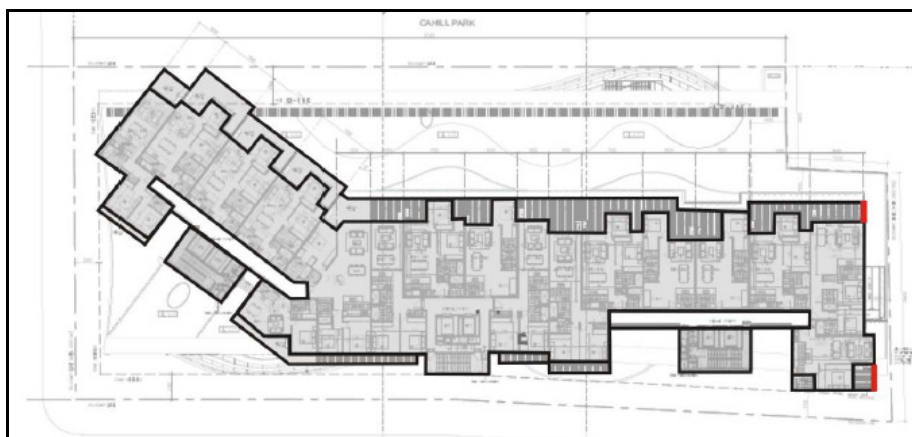


Figure 18 - Excerpt from original Wind Report louvers required to balconies levels 2-7

- *Provision of full height impermeable or louvered screens along the SE perimeter of the SW private corner balconies on the east tower on levels 2 – 13.*

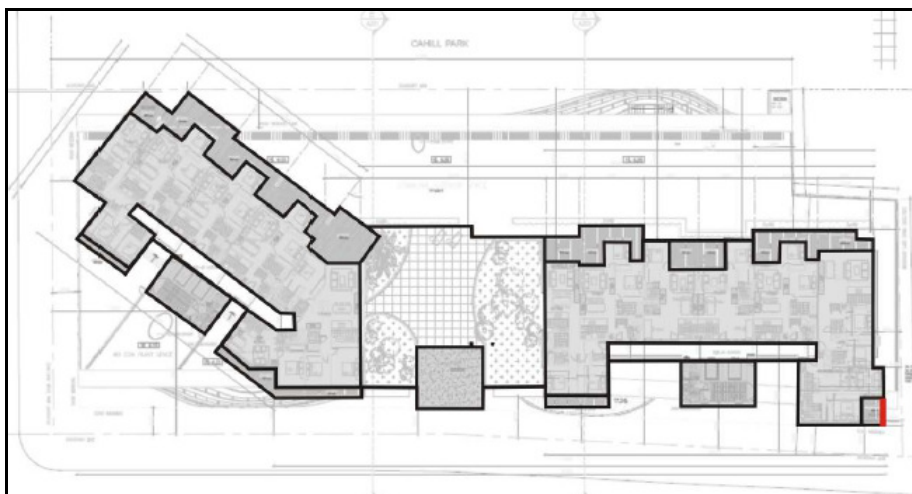


Figure 19 - Excerpt from original Wind Report louvers required to balconies levels 2 - 13

The proposal as modified has altered the building footprint, reconfigured internal floor layouts and deleted south eastern balconies.

The application was not accompanied by a revised wind assessment report, with the submitted statement of environmental effects stating as follows;

"As the building is remaining substantially the same in terms of height, bulk and scale, there has been no further revision made to the Wind report prepared by Windtech Consultants Pty Ltd for the approved DA-2014/203.

Further, the S96 design has enclosed the open corridors consented on DA-2014/203 which serves to only reduce adverse wind impacts to residents."

Given the above noted changes to the design of the development and deletion of balconies at the SE corner, it is considered that a revised wind report should have accompanied the application, as the recommendations of the original report are now inconsistent with the design of the proposal as amended.

Insufficient information has thus been provided, in order to enable an accurate assessment in relation to wind impacts on site.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. The subject site is not suitable for the proposal as amended.

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

The proposed modification has been notified in accordance with Council's Development Control Plan 2011. One (1) submission has been received. The issues raised are addressed below.

Exceedence of maximum FSR is inappropriate / Approval of excessive FSR will set a precedent

Comment: The proposal as amended exceeds the maximum FSR permissible upon the subject site. The additional FSR is not supported as amongst other factors it is considered to have the potential to set an undesirable precedent.

Objection to car share spaces, their management & potential for their deletion

Comment: The matter of car share spaces has been addressed previously within this report.

Submission of outdated traffic report / Notations on plans are not identified within the legend / Inconsistencies within documentation

Comment: It is acknowledged that there are inconsistencies in the documentation submitted by the applicant to Council for assessment, with reports written for the original scheme being outdated and comprising inconsistent information with that of the proposal as amended.

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 exceeds the FSR requirement for the site, reduces amenity for future occupants, results in a bulkier and more dominant building form on site and modifies the original design features, treatments and materials, resulting in a poorer streetscape response and outcome.

The proposal as modified is inconsistent with the environmental capacity of the site and future vision for the Wolli Creek locale. The proposal as amended is not supported by the Design Review Panel and provides a poor public domain interface. As such it is considered that the development application is not in the public interest.

CONCLUSION

The proposed development has been considered under S79C(1) & S96 of the Environmental Planning and Assessment Act, 1979. The proposal to undertake internal reconfiguration, changes to landscaping, increase in residential units from 185 to 213 and increase in carparking spaces from 250 to 259 is inconsistent with the relevant planning controls for the site and as such DA-2014/203/A at 4-6 Princes Highway Wolli Creek is recommended for Refusal.