

<b>JRPP No.</b>	2015SYE078
<b>DA No.</b>	97/2015
<b>PROPOSED DEVELOPMENT</b>	Demolition of existing structures and construction of a mixed use development incorporating an RSL club, training facilities, residential flat building and basement parking
<b>APPLICANT:</b>	Bluestone Capital Ventures (Kogarah) Pty Ltd
<b>REPORT AUTHOR</b>	Ben Latta, Senior Planner, Kogarah City Council

**Date:** 26/11/2015

**Development Application No.:** 97/2015

**Address:** 250-258 Railway Parade KOGARAH

**Applicant:** Bluestone Capital Ventures (Kogarah) Pty Ltd

**Owner:** Kogarah RSL Club Ltd

**Capital Investment Value:** \$83,000,000.00

**Officer's Recommendation:**

### **Development Approval**

That the Consent Authority pursuant to Section 80(1)(a) Environmental Planning & Assessment Act 1979, grant consent to Development Application No 97/2015 for demolition of existing structures and construction of a mixed use development incorporating an RSL club, training facilities, residential flat building and basement parking at No 250-258 Railway Parade KOGARAH subject to conditions.

## **Report Summary**

### **Proposal**

Council is in receipt of an application for the demolition of existing structures and construction of a twelve (12) storey mixed use development incorporating an RSL club, training facilities, residential flat building (comprising two towers) and basement parking on the subject site.

### **Site and Locality**

The site is an irregular shaped parcel of land located between Blake and English Streets, on the southern side of Railway Parade, Kogarah.

The site has frontage to both Railway Parade and Blake Street, though excludes the corner property at 248 Railway Parade. The site has a gradual fall to the east and yields an area of 4,451 square metres.

The surrounding context is mixed, being on the western fringe of Kogarah Town Centre. The scale of development in the vicinity of the site is currently 1-5 storeys.

### **Zoning and KLEP 2012 Compliance**

The site is zoned B4 - Mixed Use under KLEP 2012 and the proposal is a permissible form of development with Council's consent. The proposed development satisfies all relevant clauses contained within KLEP 2012.

### **Kogarah Development Control Plan 2013 (KDCP 2013)**

The proposed development satisfies the provisions of Section E1– Kogarah Town Centre of KDCP 2013 where relevant. There are no adopted development standards for the site in terms of height, floor space ratio or setbacks.

### **Submissions**

Twenty (20) individual submissions were received plus one (1) petition (containing 83 signatures). Fifteen (15) of the twenty individual submissions are in support of the proposal, the remainder raise the following concerns:

- Traffic and parking in the streets
- Overshadowing
- Excessive height
- Privacy
- Noise pollution
- Proximity to electricity substation

### **Conclusion**

Having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979, and following a detailed assessment of the proposal, Development Application No. 97/2015 should be approved subject to conditions.

## **Report in Full**

### **Proposal**

Council is in receipt of an application for the demolition of existing structures and construction of a twelve (12) storey mixed use development incorporating an RSL club, training facilities, residential flat building and basement parking on the subject site.

Specifically, the proposal involves:

- Three (3) levels of basement car parking containing 311 car parking spaces;

- Construction of a podium building comprising:
  - RSL Club;
  - Residential lobbies
  - Parking, loading and services
- Construction of two tower buildings (Building A and Building B) above the podium of eleven storeys comprising:
  - 220 apartments, including 112 x studio/one bedroom, 105 x two bedroom and 3 x three bedroom apartments;
  - Communal rooftop space on Building B roof and between Buildings A and B on the podium..
  - Wesley Mission training facility at the southern side of first floor of Building B.

The subject Development Application has a “capital investment value” (CIV) of \$83 million and is referred to the Joint Regional Planning Panel as the determining authority under the provisions of Schedule 4A of the Environmental Planning and Assessment Act 1979 for general development with a CIV of more than \$20 million.

### **The Site and Locality**

The site is an irregular shaped parcel of land located between Blake and English Streets, on the southern side of Railway Parade, Kogarah. The site has frontage to both Railway Parade and Blake Street, though excludes the corner property at No.248 Railway Parade. The site has a gradual fall to the east and yields an area of 4,451 square metres.

Currently existing is the Kogarah RSL club building, 2-3 storeys in scale and open car park addressing Railway Parade. Colvin Hall with Wesley training facility behind, addresses Blake Street which is an RSL club owned building.

The surrounding context is mixed, being on the western fringe of Kogarah Town Centre. Adjoining to the west is the four storey scale Ausgrid substation on the corner of English Street. On the corner of Blake Street at No.248 Railway Parade is a single storey brick building accommodating a mechanical workshop. Across Blake Street is a five storey mixed residential/commercial building. Wesley Hospital is located adjoining to the south at 7-9 Blake Street. The streetscape in English and Blake Streets are older stock, 3-4 storey residential flat buildings. A single detached dwelling is situated behind the club and substation at 14 English Street. North of the site is the Illawarra rail line.



## Background

On 20 February 2011 Council granted consent to the construction of an addition to the rear of Colvin Hall on the site to provide a training facility for the adjacent Wesley Hospital.

On 12 March 2015 a pre-DA proposal was referred to the St George Design Review Panel for a similar proposal to the subject application, though included the Wesley Hospital site adjoining. A number of issues were raised which are discussed under SEPP 65 in this report.

On 27 May 2015 the Development Application subject of this report was lodged with Council.

The proposal as lodged excludes Nos.7-9 Blake Street, Kogarah, which was part of the development site when previously reviewed by the St George Design Review Panel in March 2015. The previous scheme incorporated 215 residential apartments.

The application was placed on neighbour notification from 11 to 25 June 2015 and an advertisement was placed in the local newspaper.

The applicant also conducted their own community engagement with surveys of club and community members, information nights and the submission of a Community Engagement Report (*Straight Talk*, dated 21 July 2015).

On 22 July 2015 the applicant was sent a letter advising that the following issues were to be addressed:

- Site amalgamation
- Design issues from Design Review Panel – particularly with respect to building separation, density, and other minor design issues.

- Traffic and Parking, vehicular access, carpark and driveway design, and streetscape design
- Landscape issues
- Building Code of Australia compliance resulting in design issues.
- Stormwater issues
- Waste Management

Between July and October 2015 the applicant and Council had a number of meetings and discussions relating to the potential acquisition of the corner site at No.248 Railway Parade and ensuring suitable design amendments that reduce density to an acceptable level whilst ensuring adequate building separation to its neighbours.

Negotiations for acquisition with the neighbouring property failed to reach agreement on a purchase price.

On 8 October 2015 the applicant submitted amended plans and supplementary documentation. The proposal, as amended, addresses the above issues.

The amended plans and supplementary information are relied upon for assessment in this report.

## **Section 79C Assessment**

The following is an assessment of the application with regard to Section 79C (1) of the Environmental Planning and Assessment Act 1979.

### **(1) *Matters for consideration – general***

*In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) *the provision of:*
- (i) *any environmental planning instrument,*

## **Kogarah Local Environmental Plan 2012 (KLEP 2012)**

### **Part 2 – Permitted or Prohibited Development**

#### **Clause 2.1 – Land Use Zones**

The subject site is predominantly zoned B4 - Mixed Use and the proposal is a permissible form of development with Council's consent.

The rear driveway (access handle) to English Street is zoned SP2 – Special Uses, within which 'roads' are a permissible use. Only vehicular access is proposed over the SP2 zoned land.

The rear part of the site off Blake Street, that currently accommodates Colvin Hall and the Wesley Training facility behind, is zoned R3 – Medium Density.

‘Residential flat buildings’ are a permitted land use in the R3 zone.

The proposed training facility is considered to be an ancillary use to the Wesley Hospital. ‘Hospitals’ are a permissible form of development with Council’s consent. KLEP 2012 defines ‘hospital’ as meaning:

*“a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment of counselling) to people admitted as inpatients, whether or not out-patients are also cared for or treated there, and includes:*

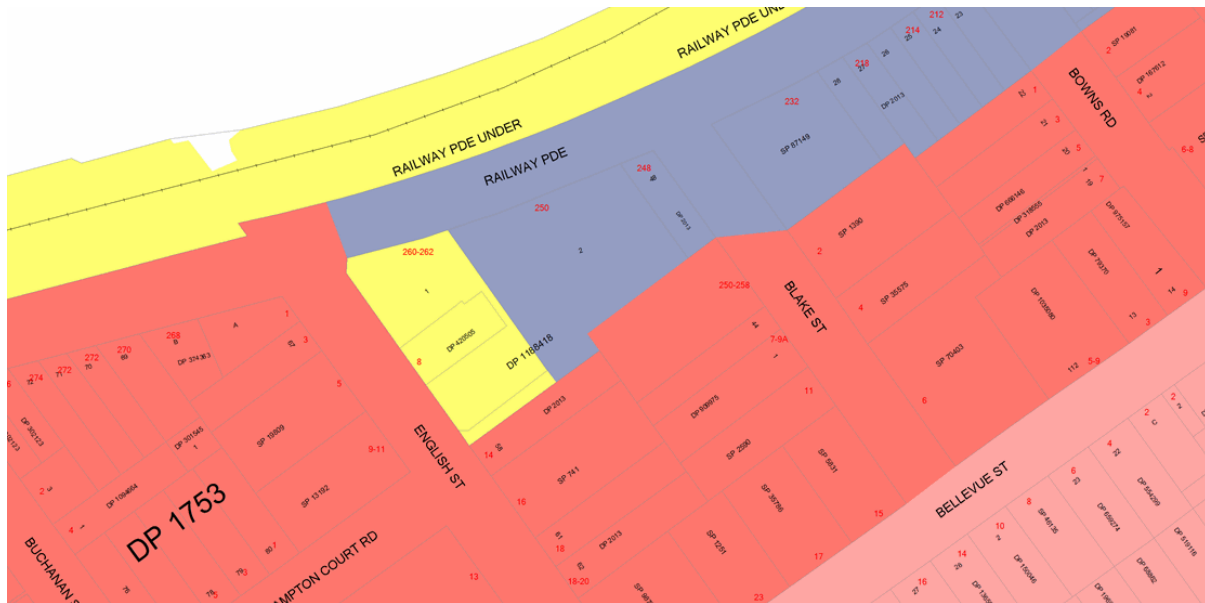
- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and*
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use”*

The proposed training facility will provide a building used for educational or research purposes. As such, the proposed use of the building satisfies the definition of ‘hospital’. Whilst not on the same parcel of land, the facility is adjacent to the Wesley Hospital and is directly connected with the hospital facility.

The training facilities are a reincorporation of an approved lawful existing use that is not inconsistent with the objectives of the R3 zone.

The proposed development satisfies the objectives of the B4 zone, which are

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to economic growth and employment opportunities.*
- *To encourage development that contributes to an active, vibrant and sustainable town centre.*
- *To provide opportunities for residential development, where appropriate.*



## Part 4 – Principal Development Standards

### Clause 4.6 – Exceptions to Development Standards

There are no development standards in KLEP 2012 or any other environmental planning instrument to be varied by the proposal.

## Part 5 – Miscellaneous Provisions

### Clause 5.9 – Preservation of Trees or Vegetation

The proposed development does not involve the removal of any tree or vegetation subject to the provisions of this clause.

The application involves substantial landscaping and street tree planting and was referred to Council's Parks and Recreation Coordinator who made the following comments:

1. Proposed plantings of understory/ ground cover planting to be removed from street trees
2. Railway Parade:
  - Street tree planting detail is to be: Street Tree Installation & Surround Typical Detail 1 (This is in Council's *Street Tree Management Strategy & Master Plan*)
  - Some trees may have to be removed as all setbacks have to be in accordance with Part 4: Operational and Technical Guidelines of Council's *Street Tree Management Strategy & Master Plan*.
  - All tree stock to be inspected by councils Tree Management Section prior to installation. Tree Stock to comply with Part 4.2 Street Tree Supply of Council's *Street Tree Management Strategy & Master Plan*.

### 3. Blake Avenue:

- Street tree to planting detail is to be: Street Tree Installation & Surround Typical Detail 1 or Detail 2 (This is in Council's *Street Tree Management Strategy & Master Plan*) This depends on the finish to footpath area.
- Some trees may have to be removed as all setbacks have to be in accordance with Part 4: Operational and Technical Guidelines of Council's *Street Tree Management Strategy & Master Plan*.
- All tree stock to be inspected by Council's Tree Management Section prior to installation. Tree Stock to comply with Part 4.2 Street Tree Supply of Council's *Street Tree Management Strategy & Master Plan*.

It is considered that the above may be resolved by way of imposition of conditions.

#### Clause 5.10 – Heritage Conservation

The subject site is not listed as a heritage item in Schedule 5, is not within a Heritage Conservation Area, nor are there any heritage items located nearby.

The nearest heritage item is a house and garden at No.6 Blake Street on the corner of Bellevue Parade. The proposal is well removed from the item and is not considered to result in any impacts thereto.

### **Part 6 – Additional Local Provisions**

#### Clause 6.1 – Acid Sulfate Soils

The subject site is not shown as being affected by acid sulfate soils as identified on the Acid Sulfate Soil Map.

#### Clause 6.2 – Earthworks

The proposed earthworks are considered acceptable having regard to the provisions of this clause as the works are not likely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

#### Clause 6.3 – Flood Planning

The subject site has not been identified as a flood planning area on the Flood Planning Maps.

In addition, consideration has been given to the provisions of Section B6 – Water Management of KDCP 2013 and the proposed development satisfies the relevant controls related to flooding and drainage.



### Clause 6.5 – Airspace Operations

The application was referred to Sydney Airports Corporation on 18 June 2015 due to its maximum height of RL 73.95 AHD to the top of the lift overrun, which is a penetration of the RL 51m inner horizontal Obstacle Limitation Surface applying to the area.

On 1 July 2015 SACL requested additional information including the MGA coordinates of the site and elements of the building to enable mapping of the proposal under the OLS. The applicant provided the coordinates on 2 July 2015 which were sent to SACL that day.

On 15 October 2015 SACL were telephoned to gain an update of the referral. The MGA coordinates were requested again, which were emailed that day. Between 15 and 21 October a number of emails were sent between SACL and the applicant's planning consultant as there were issues with the MGA coordinates. On 21 October SACL referred the application to Commonwealth Authorities (CASA).

At the time of writing this report, Sydney Airports Corporation has referred the application to CASA and no response has yet to be received.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate has been issued for the proposed development and the commitments required by the BASIX Certificate have been satisfied.

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

Under Schedule 3 – Traffic generating development to be referred to the RTA (RMS) apartments or residential flat buildings with more than 300 units and registered Clubs with more than 200 cars.

Whilst the club does not generate parking for 200 cars and less than 300 apartments are proposed, in combination, the overall development is considered to be a traffic generating development and was referred to RMS.

RMS in their response letter of 7 July 2015 “raises no objection to the application”.

With respect to development in or near rail corridors, the site is across Railway Parade from the Illawarra Railway line, whilst not directly adjacent or within the rail corridor, the proposal is noise sensitive and is in close proximity to, and affected by, rail noise.

Clause 87 applies to residential development that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration.

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application is accompanied by an Acoustic and Vibration Report prepared by Acoustic Logic (dated 13/05/2015) that addresses the impact of rail noise and vibration on the proposed development against the NSW Government Department of Planning's "Development near Rail Corridors and Busy Roads Interim Guideline".

The application was referred to Council's Environmental Health Officer who raised no objection to the proposed development subject to the imposition of suitable conditions to ensure the development is constructed in accordance with the recommendations of the Acoustic Report and that suitable acoustic validation is undertaken.

The proposed development satisfies the relevant provisions of the Infrastructure SEPP 2007.

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

The aims of SEPP No 55 are to ensure that a change of land use will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.

The submitted plans identify that major excavation will occur throughout the site, though the use of the land has been residential prior to 1974 when ownership was transferred to Kogarah RSL Club Limited.

The application is accompanied by a Preliminary Site Investigation prepared by Aargus Australia (dated 20/04/2015). The report concludes that there are the following areas of potential environmental concern:

- Potential importation of uncontrolled fill that may contain various contaminants;
- Current or past use of pesticides;
- Car park areas where leaks and spills from cars may have occurred;
- Building structures where asbestos may be present;
- Adjacent automotive mechanics where leaks may have occurred; and
- Adjacent substation where leaks may have occurred.

The application was referred to Council's Environmental Health Officer who has raised no objections to the proposed development with respect to site contamination, subject to conditions being imposed to require a detailed site investigation.

The proposal satisfies the provisions of SEPP No.55.

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

The proposed development is subject to the provisions of SEPP No 65, which aims to improve the quality of residential flat design in NSW.

The application has been accompanied by a design verification from a qualified designer that verifies that:

- a) *He or she designed or directed the design of the modification, and*
- b) *The modifications achieve the design quality principles as set out in Part 2 of SEPP No 65, and*
- c) *The modifications do not diminish or detract from the design quality, or compromise the design intent of the approved development.*

The application was referred to the St George Design Review Panel for consideration at their meeting of 9 July 2015. The following comments were provided with respect to the design quality principles set out in the Policy:

Note: The comments below in italic are raised by the Design Review Panel at their meeting of 12 March 2015, where a previous, pre-DA scheme was considered for a similar proposal that also included the Wesley site at 7-9 Blake Street. Comments given on the current proposal are given below that in regular text and refer back to the older comments in italic.

#### Context

*The site is located in an area undergoing transition. The proposed development will set a precedent for the future character of the Kogarah Railway Parade precinct. This site was nominated as a landmark entrance from the southern approach to the Kogarah Centre. It is located approximately 400 metres from Carlton Station and a little more from Kogarah Station. Consequently, it is walkable for both but not immediately adjacent to either. It is adjacent to residential areas and immediately opposite the rail corridor.*

*There is a large substation adjacent to the corner of English Street and Railway Parade which does not activate the streetscape and presents as a bulky somewhat articulated, windowless mass.*

*Note that the panel sees the amalgamation of the panel repair shop site as very desirable.....although the demonstration of how this site could develop at some future date is believable, it is a sub-optimal result for the precinct.*

The site has changed from that previously submitted in that the Wesley Hospital has now been excluded from the development site.

The Panel concurs with the above and would like to see demonstration concepts for how the corner site and the Wesley Hospital site might develop in the future, particularly in terms of building separation and impacts.

#### Scale

*The proponents have illustrated a concept reflective of the potential scale and character of Railway Parade consisting of 3 to 5 storey street fronting and activating buildings. This development adopts that scale to create a podium element fronting Railway Parade and Blake Street.*

*The concept for the upper residential structures to 39 metres is differentiated by horizontal articulation and different materials.*

*The arrangement of the taller buildings on the site is such that there is significant transition of scale to the existing residential development to the south in English Street and Blake Street.*

With the removal of the Wesley Hospital site, the proposal has lost the podium transition between the proposed development and the low context to the south in English Street and Blake Street. The setback of 6 metres from the southern boundary appears to be predicated on low scale development on the adjoining site and this may not be the case. If the Hospital site were to redevelop at the draft LEP control of 21 metres, a greater setback/building separation of 9 metres would be desirable. The proximity of Building B to the southwest boundary and single house is problematic. The 3 metres setback to the stairwell is insufficient. A more generous setback should be provided. It should accommodate landscape screen preferably large trees to mitigate the visual impact on the adjoining properties.

The Panel is concerned the scale of Building B appears to create overshadowing impacts for adjacent residential buildings in English Street and Blake Street. There may be a case for reducing the height of Building B to reduce its impact.

#### **Built Form**

*The separation between the two (2) residential blocks above the landscaped podium is satisfactory particularly because the space is splayed and the buildings only partially overlap. The Panel supports the concept of articulating the built form of the upper portions with the vertical recesses.*

*The panel supports the location of the taller buildings towards Railway Parade optimizing solar access and enabling a transition in height towards adjacent residential sites to the south.*

*The Panel suggests a further setback of the Medical facility to Blake Street to create a forecourt and opportunities for significant planting.*

*This will effect a better transition to the lower rise residential apartment built form and setbacks to the south.*

The revised application presents new problems and prospects on Blake Street. As noted above, the issues are related to Building B and include setback dimensions, overshadowing, visual impact and scale transition. This requires further analysis to mitigate these issues.

#### **Density**

*Appropriate.* (The previous scheme was considered appropriate at 4.3:1, which also included the Wesley site at 7-9 Blake Street).

The Panel notes that the density has increased due to a reduction in site area. This appears to create some problems as mentioned above.

The floor space ratio recommended in the draft LEP is 4:1 and that proposed is 4.5:1. Any excess above 4:1 will require clear justification that no additional impacts occur.

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Resource, Energy and Water Efficiency

*This was not discussed but the Panel would expect that in a project of this significance best practice would be followed. This should be demonstrated in DA documentation.*

This remains the same.

Landscape

*The Panel appreciates the well resolved on-site landscape concept which demonstrates good amenity and functionality.*

*There is little opportunity to use the limited amount of peripheral deep soil to best advantage. As suggested above deep soil could be provided to a forecourt to the medical facility in Blake Street. There is an existing mature Acer specimen at the front of the existing medical facility. This should be retained if possible.*

The revised proposal incorporates no deep soil which is unfortunate.

Given the size of the development, it would be desirable to incorporate a modest amount of deep soil, particularly along the boundaries of Building B adjacent to existing residential development.

*The Panel supports the concept of the street tree build outs however is concerned that this solution may be constrained by traffic and underground/overhead services issues. The feasibility of this solution should be fully explored, including Council's willingness to accept and maintain this asset, as soon as possible as alternative streetscape solutions will need to be provided (which may include greater building setback) if the above is unattainable. The streetscape solution will set a precedent for the precinct so it is important to ensure that it is feasible to continue the proposed design along Railway Parade.*

The applicant presented a scheme that proposes undergrounding of overhead power line on Railway Parade. The Panel whole-heartedly supports this and as well as the provision of the additional street trees on Railway Parade and would like to see it extending to Blake Street for the full frontage of the development. The Panel supports inclusion of larger street trees on Blake Street to mitigate the scale of the towers and improve the amenity of the street. The Panel also supports additional planting on the other side of Railway Parade between angle parking spaces adjacent to the rail line to create an avenue of trees.

*The central courtyard will receive substantial overshadowing and the design and program of use will need to respond to the micro-climatic conditions that this creates.*

This issue remains and the design should be modified to increase tree planting and address minimal solar access during winter. The proposed upper level landscape roof is supported, however the design should be reconsidered to relocate night time users (the proposed outdoor cinema space) away from adjoining residential buildings.

*The Panel would like to see development of the perimeter deep soil planting in detailed landscape plans.*

As noted above, the Panel would like to see this incorporated.

The soil depth on the podium level is inadequate, particularly for the tree planting proposed and should be increased in depth. Landscape mounding should be revised and expanded to provide consolidated mounded zone for tree planting.

#### Amenity

*Considering the project is at a conceptual stage, the amenity issues arising from SEPP 65 have been given considerable thought in the plan of the residential components and communal spaces.*

*In the discussion the proponent indicated an intention to open up the bar and restaurant facilities of the RSL Club to provide some activation of the street. This is encouraged. The roof top terrace has been sensitively planned with thought to a range of communal uses and taking advantage of the expansive views that would be available at this level. The panel supports the siting of common use areas such as meeting rooms, kitchen, library, gymnasium etc adjacent to common open space. In these circumstances a minor non-conformity with a proposed 39 metre height control is warranted.*

*The proposed planting around the edge of the roof top terrace should be maintained as the project proceeds as this will contribute to privacy within the development and privacy of the existing residential development to the south. For OH&S reasons a barrier may be required on the outer edge of this planting for the safety of garden maintenance. Should this be required it would be desirable for it to be a light fence type structure and set back from the building edge to minimize its visibility and shadowing effect.*

*The panel is concerned that the access to the roof top in building B for residents in Building A is not sufficiently direct.*

*More consideration is required to manage the interface between the rooms facing outwards from the hospital towards adjoining residential sites given that the setbacks are quite small and the nature of the planting in these areas is not yet resolved.*

The refined scheme has provided further detail and raised a number of amenity issues:

- it is unclear how access from Building A to the new landscape podium on level 1 could be achieved. Direct visual link and physical access from the common corridor should be provided. Fire egress should be reconfigured to allow this;
- the amenity of the very large south facing terraces in Building A, apartment (2 storey 1 bedroom apartment - A212 and A211 and A210) is questioned. Furthermore, direct access should be provided from private courtyard to the landscape podium space;
- the resolution of the external terraces, apartment B205, 204 and 203. The Panel is concerned about overlooking from the terraces to the adjoining properties. The terraces should be reduced. The planter box appears too narrow to be able to provide adequate planting along the interface and should be increased;
- the proposal includes a high percentage of single aspect south-facing units, the applicant should review the analysis of south facing units as there seems to be some discrepancies. If Building B is narrowed, there is an opportunity to have more dual aspects units and reduce the number of south facing units.

#### Safety and Security

*The panel appreciates the thought given to the quality of the residential lobby of Railway Parade balanced by the need to maintain security for the residents.*

*It is not apparent whether the same amount of thought has been given to the quality and security of the residential entry off Blake Street at this stage.*

The ground floor of Blake Street has a number of deep recesses which provide opportunities for concealment (basement entry, club servicing entry, residential pedestrian entry). This frontage should be reviewed.

Opportunities to consolidate the vehicular access and service entry should be explored.

#### Social Dimensions and Affordability

*The proponent should provide a mix of housing type with the Development Application. The panel would like to see more details about the function of the hospital and its operation and management.*

No longer relevant.

#### Aesthetics

*The conceptual building massing and indicative approach to material selection is encouraging. The panel looks forward to seeing further development of these aspects of the project.*

Views should be provided from:

- English Street to Building B
- South Blake Street to Building B

Further articulation of Building B on southern and western façades is required to assist with mitigation of the scale and transition to surrounding residential properties. The blank wall adjacent the corner site needs further articulation as it is likely to be visible for a long time. The Railway Parade podium is a very long façade for the town centre. Greater articulation would assist in integrating the building scale into the town centre.

#### Officer Comment

The following comments are made in response to the above comments raised by the Panel under each heading with regard to the amended plans submitted on 8/10/15.

#### Context

The Panel's comments on the current and changing context are concurred with. In response to the Panel's recommendation that demonstration concepts for how the corner site and the Wesley Hospital site might develop in the future, the applicant has submitted sketch plans for Wesley Hospital and 248 Railway Parade.

The draft sketches show a five storey corner redevelopment to 4:1 under the draft New City Plan to demonstrate that a development is viable for the site, though not as viable as it would be as amalgamated with the subject proposal. The applicant also submitted plans for comment on an amalgamated site.

The applicant also submitted a sketch of elevations and floor plans of the Wesley site at 7-9 Blake Street if developed to the 21m height limit and 2:1 FSR proposed under the New City Plan and showing building separation and transition in scale meets the requirements of the Apartment Design Guide.

The proposal is considered to address the Panel's concerns with Context.

#### Scale

The Panel's predominant concern with the proposal's scale was with respect to building separation, identifying the transition in scale from Building B to lower scale development in Blake and English Streets.

The amended plans setback Building B further away from the south-western boundary with internalisation of the fire stair and cut-outs in the building to achieve a 6-9m boundary setback that satisfies Building Separation requirements of the ADG and reduces visual impact to adjacent properties in English Street.

The residential levels of Building B have been moved further away from the south-eastern boundary (adjoining 7-9 Blake Street) that result in 6-9m building setbacks and demonstrate that future redevelopment of the Wesley site can satisfy the building separation requirements of the ADG.

Minor reductions to the southern side of Building A have been undertaken to maintain good building separation between Buildings A and B.

Planter beds have been incorporated along the south-western edge of the podium between Building B and the boundary to provide a transitional 'green edge'. Whilst not incorporating trees as recommended by the Panel, the amendment is considered satisfactory.

The Panel's suggestion that there may be a case for reducing the height of Building B has been considered and found that the amendments undertaken are sufficient to support the proposal.

#### Built Form

Further analysis and redesign have been undertaken in response to the Panel's comments on Built Form and the amended plans are considered to resolve the setback dimensions, visual impact and overshadowing to acceptable limits.

#### Density

The proposal has been reduced to an FSR of 4.2:1, representing a density that is reduced by 799m<sup>2</sup> and adopting the changes that are recommended above, without reducing residential amenity. Detailed discussion of the density is provided later in this report.

#### Resources, energy and water efficiency

The relevant BASIX targets have been achieved. The large landscaped open space areas and mounded planted areas absorb water and allow for on-site reuse of rainwater.

#### Landscape



Whilst no deep soil landscaping is proposed, none is anticipated for the site given large areas given over to providing for the club, parking, access and pedestrian entry for multiple uses proposed. In consolation the proposal provides a very high quality common open space landscape scheme, perimeter plantings and streetscape work that include trees and planters.

The proposal has been amended in response to Council's requirement to delete the landscape and parking bays in Railway Parade.

The common open space areas have been amended to improve amenity.

#### Amenity

The amended plans clarify and better resolved access from Building A to the common open space area.

The large terraces to apartments A212, A211 and A210 have not been amended as recommended by the Panel to reduce their area and provide access to the common open space area.

The applicant provides justification for maintaining the design, stating that "direct access is not provided to these terraces from the landscaped podium to ensure a high level of security and privacy is achieved. It is considered desirable for thee terraces to be separated from the communal open space on the podium by a landscaped buffer."

The above justification is supported.

The number of south-facing units has been limited where possible and dual aspect apartments maximised. Those apartments with single south-facing aspect are reduced in depth and increased in width, ensuring daylighting is able to reach the majority of areas in the apartment and enhanced amenity for residents.

#### Safety and Security

The Blake Street entry providing pedestrian access to the residential apartments and Wesley Training facility in Building B are improved in design to a more open and defined form.

The Panel's recommendation that driveways be consolidated has been investigated and found problematic, resulting in conflicts with delivery trucks and cars. Whilst consolidation is more aesthetically desirable, the suggestion has substantial functional implications.

#### Aesthetics

The additional perspectives required by the Panel have been provided and demonstrate that the amendments result in an improved form and reduced impacts to properties and the public domain of English Street and Blake Street.

Additional articulation is provided to Building B as recommended by the Panel.

Further to the above the application is accompanied by Wind and Reflectivity Reports (Windtech, dated 20 May 2015) that assesses the proposal with respect to its potential glare impacts on the surrounding built environment and to the train line (particularly train drivers).

Wind impacts on apartments have been assessed to ensure good amenity outcomes for occupants of the apartments as well as the impact on pedestrian amenity. The Wind Report recommends that screening be included at certain points on balconies and terraces to improve amenity to units exposed to higher wind. It is recommended that this be imposed as a condition of consent. The recommended screens on the side of the terrace of Unit B103 on the first floor will also assist in reducing overlooking impacts to the neighbouring property at No.14 English Street. Other screens are recommended along the south-eastern corner of Building B (to Blake Street facing balconies) as well as screening planting on the edge of the rooftop terrace.

The Reflectivity Report concludes that “the proposal will not cause adverse solar glare to pedestrians, motorists and train drivers in the surrounding area or to occupants of neighbouring buildings and will comply with the planning controls regarding reflectivity of SEPP 65”.

### **Deemed State Environmental Planning Policy – Georges River Catchment**

All stormwater from the proposed development can be treated in accordance with Council’s Water Management Policy and would satisfy the relevant provisions of the Deemed State Environmental Planning Policy – Georges River Catchment

- (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*

A Planning Proposal for the New City Plan to amend Kogarah LEP 2012 was placed on exhibition from Monday 30 March 2015 until Friday 29 May 2015.

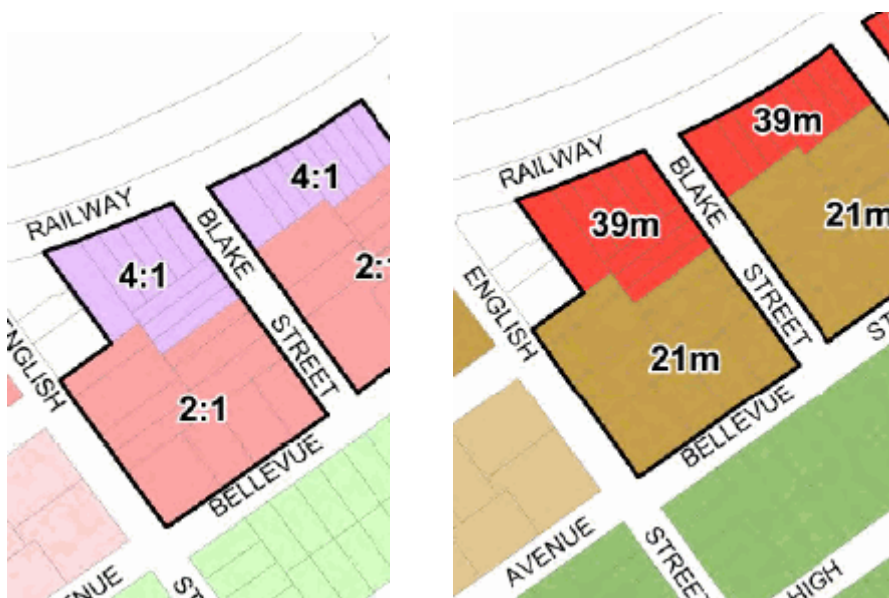
The New City Plan includes changes to zoning and the introduction of development standards in parts of the City to deliver a range of new housing options.

Specifically, the New City Plan proposes to maintain the B4 – Mixed Use Zone and changes the R3 zoning of the south-eastern portion of the site accommodating Colvin Hall and the Wesley Training Facility to B4 - Mixed Use (see green rectangle below).



All uses comprising the proposed development, including the Wesley training facility is permitted in the B4 zone.

The New City Plan incorporates Floor Space Ratio (FSR) controls and height limits on the site of 4:1 and 39m respectively.



As there are no current height or density controls applying to the site, the draft KLEP 2012 (Amendment No.2) provisions are referred to for assessment to establish the future height and scale of development on the site and surrounding context.

The proposed development does not comply with the above draft standards.

During the exhibition of the New City Plan, Kogarah RSL made a submission to revise the draft height and FSR controls for the site.

In Council officer's response to submissions – Report to Extraordinary Council Meeting: 31 August 2015, the following extract is provided with respect to the subject site:

*Appendix 7 – Precinct Analysis (Kogarah)*

**250 – 258 Railway Parade, Kogarah (Kogarah RSL Site)**

- *Request to increase the height limit from 39m to 43.95m and the FSR from 4:1 to 4.5:1.*
- *A DA for the redevelopment of the site is currently under assessment and seeks an FSR of 4.48:1 and building height of 43.95m.*
- *The DA seeks construction of a mixed use development containing; a RSL Club, Wesley Mission training facilities, 220 residential apartments, public domain improvements and extension of services and infrastructure.*
- *Currently, the DA does not incorporate the site on the corner (248 Railway Parade). There could be some justification for the proposed request should the corner site be included as part of the development site.*
- *It is considered that a review of the height and FSR controls would be appropriate to ensure a good design outcome for these sites. Heights could be increased along Railway Parade to create an increased setback to the rear of the development.*

- *There is sufficient justification for further investigation to be undertaken with respect to both the existing heights and FSR as part of the review of the existing controls in the Kogarah Town Centre – centre has been identified as a Strategic Centre in the Metro Strategy.*
- *It is considered appropriate that Council a FSR incentive provision to encourage amalgamation of sites within the strip between Gray Street and English Street be pursued as a minor amendment to the PP as exhibited at this time. A FSR bonus of 0.5:1 would be acceptable as providing a FSR outcome consistent with the primary B4 Town Centre zoning*
- *It is recommended that further investigation be undertaken with respect to height and FSR requirements for the Kogarah South Precinct (Railway Parade South) as part of the Kogarah Town Centre and this review be included as part of a future PP.*

### **Recommendation**

- *Proceed with proposed changes to zoning, height and FSR for Nos 250 - 258 Railway Parade, Kogarah as exhibited in the Planning Proposal.*
- *Amend the Planning Proposal to include a FSR incentive provision which would apply to the properties bounded by Gray Street, Railway Parade and English Street, Kogarah to permit a 0.5:1 FSR bonus for the amalgamation of sites.*
- *Undertake further investigation of the request as part of a future Planning Proposal for the Kogarah Town Centre, incorporating the Railway Parade South Precinct.*

The above comments are indicative of the position of Council staff with respect to the density and scale that can be accommodated on such a substantial site.

The above request has been considered as part of the assessment of the subject application.

As negotiations for acquisition of the corner property at 248 Railway Parade have been unsuccessful, a floor space ratio of 4.5:1 has not been supported for the proposal. However, for the reasons given below, the 4.2:1 FSR proposed is acceptable and the proposal meets the desired future scale and character for the Kogarah (South) Precinct.

### **Height**

The New City Plan proposes a height limit of 39m for new development along Railway Parade including the subject site. This equates to a scale of around 12 storeys.

The proposed development has been designed to generally fit the proposed scale, though does not comply with the draft 39m limit to Buildings A or B.

The proposal has a maximum height of 42.5m to Building B lift overrun, resulting in a maximum variation of 3.5m. The Building B parapet is 40.5m high. Building A has a height of 41.75 to the top of the lift overrun and 41m to the parapet.

The proposed height is acceptable for the following reasons:

- The lift overruns are centrally located, resulting in minimal impact.
- The parapets to buildings A and B are around 1-2m above the height limit, which is not considered substantial on a development of the scale proposed.

- Provision of a high quality rooftop communal open space results in the need for parapet walling and lift overruns encroaching the height limit. The benefits conveyed by the space outweighs the impact presented.
- The high floor to ceiling of RSL Club level (4.5m) adds to height overall. For example, a typical commercial/retail ground floor would only have to have a 3.4m floor to ceiling height.
- The proposal maintains a 12 storey scale which is consistent with the desired scale for development on the site under the New City Plan.
- The built form is articulated and separated into lower profile elements that reduces massing and consequent impacts on adjoining properties.

#### Floor Space Ratio

The New City Plan proposes a Floor Space Ratio (FSR) of 4:1 (17,804m<sup>2</sup>) on the site forming the western edge of a consistent strip of properties along Railway Parade to Gray Street with a 4:1 FSR.

The proposal as amended has an FSR of 4.2:1 (18,705m<sup>2</sup>), which is a variation of 901m<sup>2</sup> or 5% from the draft FSR standard. The applicant has submitted a detailed justification for the proposed density which is summarised as follows:

- The residential component comprises 16708m<sup>2</sup> or 3.75:1 with the remaining 577m<sup>2</sup> to the Wesley Training Facilities and 1,439m<sup>2</sup> to the new RSL Club. The remaining 0.45:1 for the club and training facilities are associated with community uses which provide direct benefits to the community and ensure an active and vibrant fringe to the Kogarah Town Centre.
- The community and social benefits of re-incorporating the RSL club and maintaining their commitment to providing training space for Wesley Mission are considered a sufficient justification for a minor variation to the proposed FSR standard. These facilities come at a considerable cost to the proponent and the FSR sought is necessary to provide high quality integrated mixed use development.
- Reductions made to the proposal from the original 4.5:1 FSR proposed have resulted in appreciable benefits to reducing massing to adjoining residential properties, providing a suitable transition in scale to lower density areas in the side streets.
- Another area of focus in the reductions to the floor area has been to incorporate a setback strip of the club façade from the Railway Parade boundary to allow for outdoor activities such as alfresco dining and integrated indoor/outdoor spaces to provide an active and vibrant street edge. This is especially important in an otherwise inactive strip, adjoining the mechanic and substation.
- The proposal is considered to present a high quality of architectural design with quality common open space areas.
- The built form as two towers on a podium breaks the massing whilst still providing prominent buildings that are encouraged to define the entry to Kogarah Town Centre.
- Whilst not a corner site, the proposal has been designed with the buildings avoiding blank walls and provide articulation to break up the massing within the towers themselves.

In addition to the above points, the proposal adopts a scale and proportions that achieve the objectives for the Railway Parade South Precinct in Part E1 of KDCP 2013, as well as being relatively consistent with the desired density for the site against the New City Plan. The

proposal achieves the provisions of the Apartment Design Guide with respect to scale, density and building separation.

There are no other draft planning instruments that are applicable to this site.

(iii) *any development control plan,*

### **Kogarah Development Control Plan 2013 (KDCP 2013)**

The proposed development is subject to the provisions of the Kogarah Development Control Plan 2013 (KDCP2013). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

### **Kogarah Town Centre**

The site is within the Kogarah Town Centre, for which the standards under Part E1 – Kogarah Town Centre are to be relied upon.

### **Railway Parade Precinct**

#### *Land Uses*

- (a) Increase the diversity of uses to include residential uses.
- (b) Provide for commercial uses such as small offices and specialist retail on the ground floor fronting Railway Parade.
- (c) Encourage the continuation of the RSL use and the provision of community related uses within the block between Blake Street and English Street.

#### *Street Frontage*

- (d) Address Railway Parade with active street frontages, awnings and street trees to increase pedestrian amenity.
- (e) Set buildings back from Railway Parade to allow for widened footpath areas and improved public domain.

#### *Built Form*

- (f) Reinforce the two-storey street wall height by setting back upper levels of the buildings.
- (g) Introduce breaks in the building massing at upper levels to reduce the buildings' apparent scale.
- (h) Establish a consistent 'build to' line along a 2m front setback on Railway Parade to create a consistent edge to the street.
- (i) Emphasise the block between Blake Street and English Street with taller buildings that create a landmark entry to the Kogarah Centre

### **Railway Parade South**

Specific Controls for the Railway Parade South Precinct are contained in Section 5.6 of Part E1 of KDCP2013. However, the block containing the Kogarah RSL site and including all properties between Blake and English Streets were deferred due to uncertainty with the design of the substation.

Whilst the subject block controls have been deferred, the following objectives are given for the precinct:

- (a) Recognise the key role that the successful redevelopment of this precinct will play in supporting a revitalised town centre.*
- (b) Contribute to the creation of a living town centre, with a substantial new residential population.*
- (c) Provide a mix of land uses to complement and support existing surrounding uses in the town centre, including:*
  - (i) Specialty retail uses that do not detract from the main retail core;*
  - (ii) Commercial uses, including small offices/professional suites, health related uses;*
  - (iii) Community uses.*
- (d) Locate speciality retail, community and other active uses at the ground level and first storeys of buildings on Railway Parade.*
- (e) Ensure that solar access is maintained to existing residents as far as practicable and that adequate daylight and sunlight is provided to public open spaces.*
- (f) Protect the environmental quality of neighbouring residential areas by maintaining reasonable amenity for neighbouring properties, including privacy and the avoidance of undue overshadowing.*
- (g) Design new development adjacent to heritage items to make an appropriate transition in scale form and the external treatment of buildings.*
- (h) Balance the need to provide adequate parking to service new development with the need to discourage excessive private car usage.*
- (i) Design to provide streetscape elements, including paving, lighting, signage, street furniture and landscaping, to a high standard.*

The proposed development is considered to satisfy the above objectives.

#### Vehicular access, Parking and Circulation

The proposed development provides parking and loading facilities on the ground floor, accessed off Blake Street and with egress from loading off English Street. The proposal also provides parking over three (3) basement levels.

The proposed development is subject to the following parking requirements contained in Part E1 of KDCP 2013:

- RSL Club – 47 spaces (1 space per 30.7m<sup>2</sup> GFA)\*
- Training facility (@ commercial upper floor rate of 1 per 50m<sup>2</sup>) - 12 spaces
- Residential units – 1 space per unit – 220 spaces
- Visitors (@ 1 space per 5 units) – 44 spaces

*\*Note: No specific requirements apply to RSL Clubs. The rate is to be based on demand/patronage. This was calculated at 1 space per 30.7m<sup>2</sup> by McLaren Traffic Engineering (26/05/2015). This equated to 60 spaces based on original club floor area of 1842m<sup>2</sup> and is reduced accordingly based on a club GFA of 1429m<sup>2</sup>.*

Based on the above, the proposal requires a total of 323 car parking spaces.

The proposed development provides 312 parking spaces:

- RSL Club – 60 spaces (including 4 accessible)

- Training Facility – 12 spaces
- Residential units – 229 spaces (including 22 accessible)
- Visitors – 11 spaces

The proposal complies with parking requirements to the RSL club, training. The 33 space deficiency in visitor parking is supported as there is a surplus level of parking to the club, which can accommodate visitors to the residential apartments as well as the ability to use the Wesley Training Facility parking after hours.

Of all spaces provided, 1% are required to be “accessible spaces”. The proposal complies with this requirement.

In addition to car parking, the proposal provides fifteen (15) motorcycle and 112 bicycle spaces.

With respect to traffic impacts, vehicular access and parking design, the original application was referred to Council’s Traffic Engineer who raised a number of issues with respect to:

- *The proposal includes 220 residential apartments, comprising of 8 studio, 94 one-bedroom, 108 two-bedroom and 10 three bedroom units. Also proposed is a modification of the existing 2,370m<sup>2</sup> RSL Club to 1,842m<sup>2</sup> and 577m<sup>2</sup> of commercial GFA to the Wesley Mission.*
- *There are 311 car parking spaces consisting of the following:*
  - *223 residential tenant spaces*
  - *17 residential visitor spaces*
  - *60 RSL spaces*
  - *11 Commercial spaces*
- *Currently the RSL Club provides 34 car spaces in the carpark off Railway Parade and the existing Kogarah RSL Youth Club provides 14 car spaces in the carpark off Blake Street.*
- *Intersection surveys were conducted on Friday 13<sup>th</sup> February 2015 from 7am to 9am and from 4pm – 6pm and have been assessed using the SIDRA INTERSECTION 5.1 to compare the existing performance to post development performance.*
- *On-site and on-street car parking surveys were conducted on Friday 13<sup>th</sup> February, Saturday 14<sup>th</sup> February and Friday 20<sup>th</sup> February 2015 from 4pm to 10.30pm. The on-street car parking was recorded within approximately a 300m walk from the site. Patronage headcount and interview surveys were also conducted during these times to establish the current area usage of patrons and travel modes to the Club.*
- *Car access to the development is proposed to be from Blake Street and the frontage width on English Street has been retained as an exit for service vehicles only. The service vehicles will enter from the Blake Street frontage to reduce the conflict with vehicles and pedestrians on Railway Parade.*
- *Based on Council’s controls the site requires 378 spaces as per the Railway Parade South Precinct rates, 322 spaces as per the Town Centre DCP and 334 spaces as per*



*the LGA wide rates (excluding the RSL). Using the RMS's "Guide to Traffic Generating Developments" document, the site requires 225 spaces (excluding the RSL).*

- In regards to the RSL parking, the demand is based on surveys of the existing Club or a similar club. Car parking rates were based on a correlation between bar sales and patronage levels as well as discussions with Club management. By adopting the 85<sup>th</sup> percentile the Club generates 54 vehicles. The current car park provides 34 spaces which is a spill over of 18 spaces. The redeveloped RSL will be of a reduced size however a provision of 60 car spaces will be provided resulting in a net improvement of 26 on-street parking spaces.*
- Based on the proposed 220 residential units, a total of 22 adaptable units are required based on Council's DCP C2. Parking for non-residential uses should comply with the BCA. The development will provide 100 non-residential spaces resulting in the provision of 1-2 disabled car spaces.*
- In summary, the car parking provision for one bedroom units is satisfactory. The provision of one space for each two bedroom units does not comply with the DCP however it does comply with the RMS rates. The provision of two spaces for each three bedroom unit is satisfactory. With regard to visitor parking, the designated 11 commercial parking spaces can be used after hours when the visitor parking has its peak occupancy. As a result, the 17 marked visitor spaces, 11 dual use spaces plus the available street parking satisfies the required parking.*
- A Loading Dock has been provided on the ground floor and is suitable for vehicles up to 12.5m in length (HRV). A Loading Dock Management Plan shall be provided to ensure that deliveries do not conflict with garbage collection and routes of the vehicles to and from the site.*
- As a result of the development, the additional traffic volume will marginally increase delays associated with the side streets of Blake Street and to a lesser extent English Street, whilst maintaining acceptable level of service for Railway Parade.*
- There are no parking or traffic generation impacts that would prevent approval from the traffic section. However a reduction in the number of units would reduce the required visitor spaces and reduce the excess spill over onto the surrounding streets.*

Further to the above comments, a number of technical comments were made with respect to the carpark complying with the relevant Australian Standards.

The amended plans resolve the above issues subject to the imposition of suitable conditions, including one to require submission of a Loading Dock Management Plan.

#### Visual and Acoustic Privacy

The following requirements apply with respect to privacy

*Buildings are to be sited so that walls containing windows to habitable rooms are a minimum of 6m from a side or rear boundary. This will ensure a minimum distance of 12m is achieved between windows of habitable rooms.*

*Separation for balconies and terraces is to be a minimum 8m balcony to another balcony, or 7m balcony to a window of a non-habitable room. (This assumes that only habitable rooms will have balconies).*

The above standards are covered by the Apartment Design Guide, with which the proposal complies.

*Overlooking should be minimised by:*

- (i) building on the perimeter of the block and building to the side boundaries of sites, with blank walls, to avoid overlooking;*
- (ii) locating habitable rooms within buildings away from privacy sensitive areas.*

The proposal has minimal exposure to adjoin residential development with Wesley Mission to the south, the automotive workshop and Blake Street to the east and the Ausgrid Substation to the west. The northern side of the site faces Railway Parade and the railway line. To the southwest are a residential dwelling and a walk up flat development that require consideration in design with respect to overlooking.

Proposed Building A is considerably removed from residential properties with minimal impact from overlooking.

Proposed Building B is setback 6m on Levels 2-5 and 6-9m on levels above from the residential tower to the rear boundary of Nos.14 and 16 English Street.

The rear of the unit block at No.16 English Street is setback approximately 22m from the rear boundary, resulting in a separation of 28-31m between buildings. There is also landscape screening proposed on the podium that will assist in minimising overlooking from at least the lower level units.

The windows facing No.14 English Street from Building B are bedrooms only, with all balconies and windows to living areas facing away from the property. Overlooking is within acceptable limits and satisfies the above requirements.

*Screen views from windows and balconies by:*

- (i) using screens in front of windows and balconies to cut out direct views;*
- (ii) offsetting windows opposite each other in neighbouring walls;*
- (iii) using horizontal and vertical projecting screens above, below and to the side of windows, to reduce overlooking;*

A high privacy wall is proposed along the southwestern edge of the terrace of unit B205 on the first floor (L2) to avoid direct overlooking of affected neighbours.

Given the considerable separation between residences and the proposal as discussed above, further screening elements are not considered necessary.

*Submit an acoustic report demonstrating the method and acoustic rating achieved for the development with the Development Application. Issues to address include, but are not limited to, party walls, storeys, different uses and traffic noise.*

*Site buildings and design internal layouts of rooms, courtyards, terraces, to minimise acoustic problems. The use of openings, screens and blade walls can reduce acoustic problems.*

The proposal is well sited and resolved with respect to the above considerations.

*Design restaurants and cafes to diminish the impact of noise associated with late night operation on nearby residents.*

The active ground floor RSL Club faces only Railway Parade and does not significantly impact on adjoining or nearby residences.

*Blank walls are not desirable however blank walls may be built on the property boundary in certain circumstances. They should be articulated, patterned or contain appropriate public art.*

Blank walls to adjoining properties are proposed on the podium level only. Buildings A and B above are setback, articulated and have windows and balconies.

#### Outdoor Advertising

The proposal includes indicative signage locations on the building for the RSL club, demonstrating a considered approach that satisfies the provisions of KDCP 2013, which for Kogarah Town Centre, require that outdoor advertising signage should be considered at an early stage of the design process, taking into account urban design principles

The indicative location and proportions of signage is not accompanied by detailed signage design, for which consent will be sought under a separate application.

#### Views and View Sharing

No issues are raised with respect to views.

#### Amalgamation

The site is identified as part of an amalgamation with the corner property at 248 Railway Parade.

Extensive negotiations have been undertaken between the applicant and the owners of No. 248 Railway Parade with valuations being submitted. Council commissioned an independent valuation as there was no agreement reached between the applicant and No.248 Railway Parade.

The final offer by the applicant was in excess of the higher value in the range given in the independent valuation and was based on a total development FSR of 4.5:1.

Documentation is submitted in to the JRPP in the amended plans package.

The final offer was rejected by the owners of No.248 Railway Parade.

Subsequent to these actions further correspondence from legal agents representing the owners of No.284 Railway Parade has been submitted to Council. A copy of that correspondence is also attached.

Council is satisfied that reasonable attempts have been made to accommodate the isolated corner property and that the proposal satisfies the amalgamation provisions of KDCP 2013.

#### **Section 94 Contributions**

The proposed development requires payment of \$3,037,059.32 in Section 94 contributions based on the provisions of the Section 94 Contributions Plans for Kogarah Town Centre (No.8) and Kogarah Libraries (No.9).

The contribution amount is based on the proposed Kogarah RSL Club floor space and Wesley Training Facility and residential units comprising 112 x studio/1-bedroom apartments, 105 x 2-bedroom apartments and 3 x 3-bedroom apartments with concession for the existing 2370m<sup>2</sup> RSL club and Wesley training facility behind Colvin Hall.

*(iv) any matters prescribed by the regulations, that apply to the land to which the development application relates,*

Not applicable.

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposal is not considered to have a significant impact on the natural and built environment of the locality. The proposal is considered to present a high quality architectural form that is aligned to the desired scale of development for the area. The proposal also provides 220 residential apartments close to train services which is in line with the NSW Government's *Sydney South Subregional Strategy – A Plan for Growing Sydney*, which sets the following priorities for Kogarah:

- *Work with council to provide capacity for additional mixed-use development in Kogarah including offices, health, education, retail, services and new homes.*
- *Support health-related land uses and infrastructure around St George Hospital.*

The proposal is considered to provide positive social and economic impacts in the locality through the provision of the following:

- Positive social impacts from providing a new Kogarah RSL Club which has numerous community benefits for the local area.
- Positive social impacts from a new mixed use development with quality private open space, good amenity to units and within walking distance to public transport services and the Kogarah CBD.

- Positive economic benefits through employment of people in the shorter term from construction works and in the longer term with the employment of staff and creation of a viable Kogarah RSL Club and Wesley Training Facility.
- Provision of a training facility for the Wesley Mission, which provides a number of community services.
- The Youth Club will be relocated so that the use is not lost as a result of the hall's demolition. Bluestone and Kogarah RSL are brokering an agreement with St George Police Community Youth Group in Rockdale to provide an alternative youth facility in the region.

The subject site has been listed in Kogarah City Council's Voluntary Planning Agreement Policy as a "Site with an identified opportunity for a Planning Agreement", recommending community uses in the Policy. However, there is no need for a VPA as the application reincorporates the RSL Club and Wesley Training facilities in the development and is looking to provide for the Youth Club uses off site.

***(c) the suitability of the site for the development,***

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments and desired future scale of development under the New City Plan.

***(d) any submissions made in accordance with this Act or the regulations,***

In accordance with the provisions of Section A2 – Public Notification of KDCP 2013 application was placed on neighbour notification for a period of fourteen (14) days adjoining property owners were notified in writing of the proposal and invited to comment. Twenty (20) individual submissions and one petition (containing 83 signatures) were received.

Of the twenty individual submissions, fifteen (15) are in support of the application. Benefits noted in the letters of support included the revitalisation of the RSL club and its financial viability, the community services provided by the club, provision of a new integrated mixed use development and revitalisation of the area, more apartments to address housing affordability issues and proximity of new dwellings to public transport.

The remaining five individual submissions and petition raise the following concerns:

**1. Traffic and parking in the streets**

Comment

One of the concerns in the petition and a number of individual submissions are concerned with the amount of traffic and parking generated by the proposal.

As already discussed, Council's Traffic Engineer has reviewed the proposal on traffic ground and found that:

- *As a result of the development, the additional traffic volume will marginally increase delays associated with the side streets of Blake Street and to a lesser extent English Street, whilst maintaining acceptable level of service for Railway Parade.*

- *There are no parking or traffic generation impacts that would prevent approval from the traffic section. However a reduction in the number of units would reduce the required visitor spaces and reduce the excess spill over onto the surrounding streets*

The amended plans do not reduce the number of units but do reduce the occupancy of the development by providing more studio/1-bedroom apartments and a reduced floor space to the RSL club. Consequently the level of impact resultant from the proposal as amended is reduced from that originally assessed.

With respect to on-street parking issues, the application has been assessed and found to provide an acceptable level of parking for the nature of the development proposed. Given the number of parking spaces is maintained in the amended plans but with a smaller RSL Club floor space and apartment mix modified to provide proportionately more studio/1-bedroom units and less 2 and 3 bedroom units, parking generation is reduced.

The proposal has been found acceptable on traffic and parking grounds and further modification or refusal of the application is not warranted.

## **2. Overshadowing**

### Comment

A number of objectors in English Street raise concern with overshadowing of their properties by the proposed development.

There are no controls in Part E1 – Kogarah Town Centre (KDCP 2013) relating to solar access to adjoining development. The proposal has been assessed on merit.

The most significantly affected properties are Nos. 14 and 16 English Street, which are located southwest of the site. No.18 English Street is only affected at 12pm on June 21. Nos. 14 and 16 English Street are predominantly affected in the morning (ie 9am) with the rear half of the properties overshadowed up to midday. At 3pm Nos 14 and 16 English Street are minimally affected with a substantial corridor of sunlight across the rear of their properties.

Amendments have been made to the proposal to increase the setback of parts of Buildings A and B from the affected properties, which provide minor though appreciable benefits with respect to solar access.

Given the anticipated scale of development for the site under the New City Plan and the orientation of adjoining and nearby residential properties to the south of the site, the level of impact is considered acceptable. The height and setbacks of the proposal are within acceptable limits with respect to the draft height limits, floor space ratio and the building separation requirements of the Apartment Design Guide.

Further modification or refusal of the application is not warranted.

## **3. Excessive height**

### Comment

A number of submissions raise objection to the proposed height being excessive with respect to the existing scale of the surrounding context.

It is acknowledged that the proposal is the first of its kind as a 12 storey development in the Railway Parade Precinct of the Kogarah Town Centre with 2-5 storeys being the most prevalent scale.

The proposal is consistent with the desired future scale envisaged under the New City Plan and adopts a design that satisfies the provisions of SEPP 65 and Apartment Design Guide.

The proposal is supported and refusal is unwarranted in this instance.

#### **4. Privacy**

##### Comment

A number of objectors in English Street raise concern with privacy and overlooking from the proposal. This issue has already been discussed in this report and found acceptable.

#### **5. Noise pollution**

##### Comment

One of the objectors from English Street raises noise pollution as an issue. The issue is accompanied by the statement “ - depriving us of what was once a very peaceful and quiet streets (sic)”.

The issue is unsubstantiated and does not warrant further modification or refusal. Standard conditions relating to general noise and amenity impacts will be imposed.

#### **6. Proximity to Electricity Substation**

##### Comment

One of the concerns raised in the petition asserts that the proposal is not suitable for the site as it is too close to the substation.

The application has been referred to Ausgrid and direct discussions have been held between Kogarah RSL Club and Ausgrid over a number of years. Ausgrid have no objection to the proposal subject to the imposition of suitable conditions.

##### Sydney Water

The application was referred to Sydney Water (Urban Growth) on 2 July 2015 in accordance with Section 78 of The Sydney Water Act 1994.

Sydney Water responded in their letter dated 20 July 2015 and raised no issue with the proposal. However a number of comments were made for consideration and information required at the Section 73 application stage (post-determination).

##### NSW Police

Under the protocol that exists with St George Local Area Command and Kogarah City Council, the application was referred to NSW Police for a “Crime Prevention Through Environmental Design” (CPTED) Assessment on 18 June 2015.

No response has been received from NSW Police. However, the applicant has submitted their own CPTED assessment (Scott Carver, 8 May 2015) that identifies potential risks, addresses the relevant assessment criteria including casual surveillance, natural access, territorial reinforcement, target hardening and management and maintenance.

#### Ausgrid

The application was referred to Ausgrid as the site adjoins an electricity substation on the corner of Railway Parade and English Street.

As already discussed above, Ausgrid submitted a letter raising no objection to the proposal, and recommend a number of conditions.

#### Mediation/Public Meeting

A number of telephone discussions were held with objectors. No objectors were met on site.

Bluestone Capital Ventures and Kogarah RSL conducted extensive community consultation including information sessions and displays at the RSL Club and submitted a Community Engagement Report.

#### *(e) the public interest.*

The proposed development is of a scale and character that does not conflict with the public interest.

#### **Conclusion**

The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of KLEP 2012 and KDCP 2013.

Following detailed assessment it is considered that Development Application No 97/2015 should be approved subject to conditions.

Mr B J Latta  
**Senior Planner (Operational)**

Rod Logan  
**Director of Planning & Environmental Services**