

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE088
DA Number	DA-2016/26
Local Government Area	ROCKDALE CITY COUNCIL
Proposed Development	Construction of a mixed use development comprising 234 residential units, six (6) commercial units, basement carparking, associated landscaping, and demolition of existing structures
Street Address	108 Princes Highway, Arncliffe NSW 2205
Applicant/Owner	Combined Projects (Arncliffe) Pty Ltd
Number of Submissions	First Public Notification period: Two (2) submissions from two (2) property addresses Second Public Notification period (amended plans): Two (2) submissions from two (2) property addresses
Regional Development Criteria (Schedule 4A of the Act)	Development that has a capital investment value of more than \$20 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - <i>State Environmental Planning Policy Building Sustainability Index (BASIX)</i> - <i>State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)</i> - <i>State Environmental Planning Policy (Infrastructure) 2007</i> - <i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)</i> - <i>Rockdale Local Environmental Plan 2011 (RLEP 2011)</i> • 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) <ul style="list-style-type: none"> - <i>Planning Proposal for the subject site has been notified but yet to be endorsed.</i> • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - <i>Rockdale Development Control Plan 2011(DCP 2011)</i> • 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) <ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s79C(1)(a)(iv) e.g. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - <i>Environmental Planning and Assessment Regulations 2000</i>
List all documents submitted with this report for the panel's consideration	Draft conditions of consent
Recommendation	Deferred Commencement Approval
Report by	Shaylin Moodliar – Senior Development Assessment Planner

Assessment Report and Recommendation Cover Sheet

Précis

The proposal is for the demolition of existing structures and construction of a mixed use development comprising of 234 residential units (56 x one-bed apartments, 166 x two-bedroom units and 12 x three-bedroom units) and two (2) levels of basement car parking for 312 vehicles.

The site is subject to a planning proposal (PP) seeking to amend the Rockdale Local Environmental Plan (RLEP) 2011 by rezoning the subject site from B6 Enterprise Corridor to B4 Mixed Use zone, which is consistent with the Princes Highway Corridor Strategy that Council adopted in September 2013. It is also seeking to increase the building height above the current height standard of 28m to 29.5m as well as increase the floor space ratio (FSR) of a small southern portion of the site from 1.5:1 to 2.5:1 to be consistent with the FSR for the remainder of the site. At the time of writing this report the planning proposal has not been notified, however, the notification is imminent to be legally adopted, as such, the JRPP may be able to determine the development application.

The site is subject to Clause 2.5 and Schedule 1 of the Rockdale Local Environmental Plan 2011 (RLEP 2011) which permits '*...mixed use development incorporating shop top housing and shops...*' with development consent.

The amended proposal does not comply with the soon to be imminent planning proposal 29.5m maximum height of building under Clauses 4.3 of the RLEP 2011. The proposed scheme seeks a 31.8m building height (along the Princes Highway frontage building north-western building) and a 30.7m building height (along the Princes Highway frontage to south-western building), which exceeds the maximum 29.5 metre building height by 1.2-2.3

metres. The height of building non-compliances pertain to the building elements (i.e. lift core structure) to the mezzanine level for the northwestern and south-western buildings along Princes Highway. The proposal is subject to Clause 4.6 variation to the height of the building standard and is supported for the reasons outlined in this report.

The amended proposal does not comply with the soon to be imminent planning proposal 2.5:1 FSR control under Clause 4.4 of the RLEP 2011. The proposed scheme seeks an overall gross floor area of 19 021.6 m² (with an FSR of 2.54:1), which exceeds the maximum gross floor area by approximately 291.64 m² (1.55% over the maximum gross floor area). The proposal is subject to Clause 4.6 variation to the floor space ratio standard and is supported for the reasons outlined in this report.

The proposal, as amended, is consistent with the objectives of SEPP 65, the objectives of RLEP 2011 and the advice of the St George Design Review Panel.

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

As a consequence of the pending response from Sydney Airports Corporation Limited (SACL) and the design of traffic speed control devices within Charles Street to be approved by the Rockdale Traffic Committee proposed deferred commencement conditions are recommended in this instance.

Four (4) submissions have been received from four (4) residential properties during both notification periods. The issues raised have been addressed elsewhere in this report.

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

Officer Recommendation

i. Subject to the Planning Proposal being notified Development Application No.DA-2016/26 for the construction of a mixed use development comprising 234 residential units, six (6) commercial units, basement carparking, associated landscaping, and demolition of existing structures be granted deferred commencement consent by the Joint Regional Planning Panel subject to the following deferred commencement conditions.

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

1. *Approval from Sydney Airport Corporation (SACL) and Civil Aviation Safety Authority (CASA) for the proposed maximum building height.*
2. *The applicant shall design and provide to the Rockdale Traffic Committee for approval, traffic speed control devices to ensure that the approached speed of vehicles travelling northbound along Charles Street do not exceed 20 km/hr as stated in the Traffic Report by Varga Traffic Planning Pty Ltd dated 6 October 2015, and a concrete median strip to achieve left in and left out only from the proposed driveway.*

ii. That the Joint Regional Planning Panel support the variation to the planning proposal's height of building contained in clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.

- iii. That the Joint Regional Planning Panel support the variation to the planning proposal's to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- iv. That the NSW Department of Planning and Environment be advised of the Joint Regional Planning Panel's decision.
- v. That the objectors be advised of the Joint Regional Planning Panel's decision.

Report Background

Relevant history prior to lodgement:

- On 7 March 2014, Council's Urban Strategy team held a meeting with the owner, developer, architect and their representatives regarding a concept plan for 108 Princes Highway. Further discussions with Urban Strategy were encouraged prior to the lodgement of the Planning Proposal.
- On 14 October 2014, Council received a Planning Proposal for amendments to RLEP 2011 to facilitate a mixed-use retail/commercial/residential development on land at 104-128 Princes Highway, Arncliffe. The planning proposal sought to amend the Rockdale Local Environmental Plan (RLEP) 2011 by:
 - Rezoning the land from B6 Enterprise Corridor to B4 Mixed Use zone, which is consistent with the Princes Highway Corridor Strategy that Council adopted in September 2013.
 - Increase the building height above the current height standard of 28m to 29.5m
 - Increase the floor space ratio (FSR) of a small southern portion of the site from 1.5:1 to 2.5:1.
 - Deletion of Clause 4.4(2B)(a) and Clause 2 in Schedule 1 – Additional permitted uses
 - Incorporation of active street frontage to Princes Highway.
- On 4 February 2015, Council resolved to adopt this Planning Proposal to be submitted to the Department of Planning and Environment (DP&E) for Gateway Determination.
- On 9 April 2015, the St George Design Review Panel (DRP) reviewed an application for the construction of a part six (6), part eight (8) & part ten (10) storey mixed-use development comprising approximately 230-240 residential units, 2 commercial units, basement parking, roof terraces, demolition of existing structures and remediation of land at 108-128 Princes Highway.
- On 27 June 2015, the DP&E issued its Gateway Determination.
- The planning proposal was placed on public exhibition from 2 July to 29 July 2015 in accordance with the recommendations of the Gateway determination. Land owners and occupiers in proximity to the site were notified in writing in accordance with the requirements of RDCP 2011 - Part 8 Notifications. No submissions were received from the community in response to proposal. The proposal was also sent to a number of Federal and State Government Agencies/Authorities, with a number of authorities responding.
- On 17 July 2015, Council received Development Application No.DA-2016/26 which is the subject of this report.

PROPOSAL

Council is in receipt of a development application DA-2016/26 at 108 Princes Highway, Arncliffe, which seeks consent for the construction of a mixed use development comprising 234 residential units, six (6) commercial units, two (2) levels of basement car parking, associated landscaping, and demolition of existing structures. The application does not include subdivision.

The proposal consists of:

Demolition

Demolition of all existing structures on site.

Construction

Construction of three (3) x six (6), eight (8) and ten (10) storey mixed-use development buildings containing 234 residential units comprising:

- 56 x 1 bedroom units (24% unit mix);
- 166 x 2 bedroom units (71% unit mix); and
- 12 x 3 bedroom units (5% unit mix).

Features of the proposal include:

- a) Basement Level 02 (RL 13.55)
 - 160 residential car parking spaces which includes 12 accessible spaces, 11 motorcycle spaces, 6 lift cores, fire stairwells, storage room and cages & 600mm deep car park exhaust plenum around perimeter.
- b) Basement Level 01 (RL 16.25 – RL 16.50)
 - Vehicular access is provided via Charles Street
 - 152 residential car parking spaces which includes 13 accessible spaces, 47 visitor spaces, 19 commercial car spaces, 6 motorcycle spaces, 32 bicycle spaces, 6 lift cores, OSD tank, sprinkler valve room, fire stairwells, grease arrestor room & car park exhaust room & 600mm deep car park exhaust plenum around perimeter.
- c) Ground Floor Plan (RL 19.40 – RL 20.25)
 - 2 x commercial/retail units occupying a total of 343 square metres with access from Princes Highway: commercial/retail unit 6 occupies 250 square metres at RL 20.00 and commercial/retail unit 5 occupies 93 square metres at RL 20.25.
 - 15 x residential units with access from either Princes Highway, Kyle Street or Charles Street lobby entrance comprising of 3 x one-bedroom unit & 12 x two-bedroom units
 - Site through link from Charles Street to Princes Highway.
- d) Upper Ground Floor Plan (RL 21.15 – RL 22.50)
 - 4 x commercial/retail units with access from Princes Highway: commercial/retail unit 1 occupies 85 square metres at RL 22.00, commercial/retail unit 2 occupies 123 square metres at RL 22.00, commercial/retail unit 3 occupies 75 square metres at RL 21.60 and commercial/retail unit 4 occupies 70 square metres at RL 21.15.
 - Fire control room, service room, 2 lift cores, fire hose/sprinkler booster valve along Princes Highway.
 - 3 x residential units at RL 22.50 with access from Princes Highway lobby comprising of 2 x one-bedroom units & 1 x two-bedroom unit.
- e) First Floor Plan (RL 22.50 – RL 25.50)

- 33 x residential units with access from either Princes Highway or Kyle Street lift lobby entrances comprising of 8 x one-bedroom unit & 25 x two-bedroom units.
- f) Second Floor Plan (RL 25.50 – RL 28.50)
 - 33 x residential units with access from either Princes Highway, Kyle Street or Charles Street lobby entrance comprising of 8 x one-bedroom unit & 25 x two-bedroom units.
- g) Third Floor Plan (RL 28.50 – RL 31.50)
 - 33 x residential units with access from either Princes Highway, Kyle Street or Charles Street lobby entrance comprising of 8 x one-bedroom unit & 25 x two-bedroom units.
- h) Fourth Floor Plan (RL 31.50 – RL 34.50)
 - 32 x residential units with access from either Princes Highway, Kyle Street or Charles Street lobby entrance comprising of 7 x one-bedroom unit & 26 x two-bedroom units.
- i) Fifth Floor Plan (RL 34.50 – RL 37.50)
 - 28 x residential units with access from either Princes Highway, Kyle Street or Charles Street lobby entrance.
- j) Sixth Floor Plan (RL 37.50 – RL 40.50)
 - 21 x residential units with access from either Princes Highway or Kyle Street lobby entrance
 - Split level apartment bedroom/terraces to 6 apartments on the fifth floor to the building D.
- k) Seventh Floor Plan (RL 41.60 – RL 43.50)
 - 18 x residential units with access from either Princes Highway or Kyle Street lobby entrance
- l) Eighth Floor Plan (RL 44.60 – RL 46.50)
 - 18 x residential units with access from either Princes Highway or Kyle Street lobby entrance
- m) Mezzanine Floor Plan (RL 47.50 – RL 49.50)
 - Split level apartment bedroom loft with skylights and terraces to 15 apartments on the eighth floor level.

EXISTING AND SURROUNDING DEVELOPMENT

The site is located on the south eastern corner of Princes Highway and Kyle Street, Arncliffe and is bounded on the eastern boundary by Charles Street. The land is irregular in shape and comprises one (1) allotment, legally described as Lot 1 in DP 1199713, with a total site area of 7,492 m². Figure 1 below shows an aerial photo of the site and nearby surrounds.



Figure 1. Contextual aerial photograph of the subject site (shown in red).

There is a slight cross fall from the south-western corner (along Princes Highway) to the north-eastern corner (at the corner of Kyle Street/Charles Street) of approximately 4.25 metres.

The land contains an obsolete one and part two storey brick/galvanised iron industrial warehouse complex constructed in the mid-1930s. The southern part of the site comprises a large open storage area directly fronting Princes Highway. Current and past land uses include primarily steel/metal fabrication and associated engineering works. Tenants have included Austextiles, JMV Engineering, EFCO All Metal Works, Downtime Eliminators, Accent Fabrications and Van Haren & Co.

To the south of the subject site is No.130 Princes Highway which is a disused car sales yard and No.132 Princes Highway currently occupied by the Motor Vehicle Assessment Centre. On the opposite side of Princes Highway to the west, the land comprises the Masjid Darul Imaan mosque on the corner of Princes Highway and Burrows Street, and a mix of 3 storey residential flat buildings extending along the length of Princes Highway between Forest Road and Burrows Street.

To the west of the subject site is No.161 Princes Highway which is currently occupied by eight (8) multi-storey residential flat buildings with vehicular access from Eden Street. These are predominantly owned by the NSW Department of Family and Community Services. No.20-24 Eden Street is occupied by residential flat buildings comprising of 24 units with vehicular access from Eden Street. No 157 Princes Highway 'BJ Alarm Systems' is occupied by a single-storey commercial building. No.16 Eden Street is four-storey residential building comprising of 9 units with ground floor level car parking garages. To the north-west, is the Masjid Darul Imaan mosque which lies on the corner of Princes Highway and Burrows Street.

To the north of the subject site is No.96-102 Princes Highway which contains a factory building of brick construction with a flat metal roof. To the east where the topography drops down is a mix of older style single storey dwelling houses, while to the north on the opposite

side of Kyle Street is a single storey industrial building and semi-detached dwelling house consistent with the current zoning.

The subject site is potentially affected by contaminated land due to the previous industrial land uses. The subject site is affected by acid sulphate soils - Class 5.

The subject site is located approximately 260 metres walking distance from the entrance to the Arncliffe Railway Station on the Sydney Trains Eastern Suburbs and Illawarra Railway Line.

PLANNING CONSIDERATION

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

Section 79C (1) Matters for Consideration - General

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

State Environmental Planning Policy Building Sustainability Index (BASIX)

The applicant has submitted an amended BASIX Certificate. The Certificate number is 585646M_02.

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

- | | |
|-----------------------------------|--------------------|
| ➤ Reduction in Energy Consumption | 21 (target 20%) |
| ➤ Reduction in Water Consumption | 40 (target 40%) |
| ➤ Thermal Comfort | pass (target pass) |

The proposal therefore complies with the requirements under the SEPP.

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

Given the previous industrial uses on the subject site a 'Remediation Action Plan 104-128 Princes Highway, Arncliffe' Report No.E22385 AC_Revision 0, prepared by Environmental Investigations Australia, dated 11 November 2011 has been submitted. The report states that "...the site can be made suitable for the proposed mixed commercial/residential land use, subject to implementation of this RAP." Council's Environmental Health Officer is satisfied that the land is suitable after the implementation of the remediation action plan for the purpose for which the development is proposed to be carried out. Recommendations of the report by Environmental Investigations will form part of the conditions of consent. The application does not require further consideration under clause 7(1) (a), (b) and (3) of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The subject land is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway, nor is the land adjacent to a road with an annual average daily traffic (AADT) volume of more than 40,000 vehicles or any other road with an (AADT) volume of more than 20,000 vehicles or high level truck movements or bus traffic. The proposed development is a traffic generating development. The RMS has reviewed the proposal and have provided concurrence under Section 138 of the *Roads Act 1993* subject to their conditions which have been incorporated within the conditions of consent. Accordingly, the proposal is consistent with the provisions of the ISEPP and is acceptable in this regard.

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

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

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

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

The proposal was initially considered by the Design Review Panel on 9 April 2015 where the DRP noted that the scale of the buildings seem appropriate for the context and for the evolving urban framework. The applicant amended the plans in accordance with the DRP response and subsequently lodged the subject development application. No re-referral to the DRP was considered.

Council has considered the advice of the DRP and requested the applicant to make further amendments addressing the concerns of the DRP and the Urban Design Review where the setback from Princes Highway was increased closer to 6 metres and the cross-link within the site being made straighter. The building height and scale is considered to be contextually satisfactory.

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

The 9 design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

Principle 1 – Context and Neighbourhood Character

Existing site characteristics

The site has been identified for high-density redevelopment in accordance with the provisions for the planning proposal, the RLEP 2011 and the RDCP 2011.

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

The surrounding context consists of predominately residential land uses to the east and west with industrial land uses to the north and south. The merits of the Planning Proposal was assessed and noted that the Planning Proposal's consistency with the *"strategic vision and recommendations of the Princes Highway Corridor Strategy to grow Arncliffe as a residential*

precinct and revitalise the Highway Enterprise Corridor for employment uses. It is also consistent with the growth vision for the DP&E's Arncliffe Priority Precinct as identified within the A Plan for Growing Sydney." Given that the proposal has not been amended as a result of its exhibition, it is considered that the merit of the proposal contextually fits into the vision for the neighbourhood character.

Interface with Princes Highway

The amended proposal provides two (2) x multi-storey buildings, which ameliorates the mass as viewed from the one-and-two storey detached residential dwellings and multi-storey buildings across the western boundary.

Interface with Charles Street

The amended proposal provides a seven-storey building (including the rooftop terrace), which ameliorates the mass as viewed from the one-and-two storey detached residential dwellings across the south-eastern boundary.

Interface with Kyle Street

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

Principle 2 – Built Form and Scale

The scale of the proposed development complements the future vision for the Banksia-Arncliffe Princes Highway Corridor. The height and scale of the proposed development, is generally consistent with the built form envisaged for the subject site under the planning proposal, RLEP 2011 and RDCP 2011. The proposal does not present a blank wall to any of the three street frontages and the facades and architectural treatment are considered to adequately moderate the massing of the buildings. The amended proposal is considered to achieve an appropriate sense of scale.

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

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

Principle 3 – Density

The applicant has provided a Clause 4.6 variation to the FSR, which is discussed in further detail within this report and is supported in this instance.

Principle 4 – Sustainability

The location, orientation and design of the development provides direct or diffused solar access and cross ventilation to all 234 residential units. The Apartment Design Guide (ADG) recommends that at least 60% of the proposed units shall achieve natural flow through

ventilation. All units and their habitable spaces are able to achieve adequate cross flow ventilation.

The ADG recommends that in high density areas at least 70% of all proposed units living areas and balconies shall achieve 2 hours of direct sunlight during the period 9.00am and 3.00pm at mid-winter. At least 70% (163 units) of all units will receive a minimum 2 hours direct sunlight during mid-winter to living areas and balconies, however, these will receive a minimum 2 hours diffused sunlight during mid-winter to living areas and balconies. Within its context, the lower level courtyard-facing units form the majority of the units which receive diffused sunlight rather than direct sunlight.

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

Principle 5 – Landscape

The DRP commended the large centralised deep soil area provided within the site. This space is located on the podium above the basement car parking levels and provides areas of communal and public open spaces.

The proposal addresses the DRP concerns by providing wider deep soil perimeter zones to the Princes Highway and the southern boundary within the site. Notwithstanding, conditions will be imposed to satisfy the DRP and Council's landscaping requirements for small tree plantings within the centralised communal and public space spaces and fence height details for the ground floor courtyard-facing units.

Principle 6 – Amenity

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

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

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

Principle 7 – Safety

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

Principle 8 – Housing Diversity and Social Interaction

The development provides a range of apartment style accommodation that is located within close proximity to public transport, recreation facilities, and shopping facilities. The subject site is located in an area identified for high-density residential and is approximately 260m walking distance from the entrance to Arncliffe Railway Station on the Sydney Trains Eastern Suburbs and Illawarra Railway Line.

The applicant proposes a moderate mix of unit types, both in terms of layout and number of bedrooms that are likely to provide an appropriate style of dwelling for a variety of demographics.

Principle 9 – Aesthetics

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

c. The Apartment Design Guide (ADG).

The ADG is a publication by the State Government which further expands on the 9 design quality principles by providing some detailed practical guidance for the design of residential flat buildings. The proposal has been assessed against the ADG. Refer to table below:

Clause	Design Criteria	Comments	Comply
3J – Bicycle and car parking	As per Guide to Traffic Generating Developments, or per council requirement, whichever is less. Parking provided off street.	The proposal provides 312 car parking spaces (47 visitor & 246 residential spaces & 19 commercial spaces). Under the RDCP 2011, the proposal requires 311 car parking spaces (47 visitor & 246 residential spaces & 18 commercial spaces). The surplus of one car space is included towards the site's GFA. Under the RMS Guide, the proposal requires 266 car parking spaces (47 visitor & 201 residential spaces & 18 commercial spaces). The surplus car parking under the RMS will provide adequate car parking which improves the perceived residential amenity of the units and does not have any adverse impact to any of the streetscapes.	No, but satisfactory as the proposal was designed prior to the amendment to the ADG.
4A – Solar and daylight access	Living rooms + POS of at least 70% of apartments receive min 2hrs direct sunlight between 9am & 3 pm mid-winter Max 15% apartments receive no direct sunlight b/w 9am & 3pm mid-winter	See Principle 4 – Sustainability above	Yes
4B – Natural ventilation	Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	See Principle 4 – Sustainability above	Yes

	<p>≥10 storeys are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>																	
4C – Ceiling heights	<table><tr><th colspan="2">Minimum ceiling heights</th></tr><tr><td>Habitable</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>Two-storey apartments</td><td>2.7m main living area 2.4m first floor, area<50% of apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge 30 degrees minimum slope</td></tr><tr><td>Mixed use areas</td><td>3.3m for ground and first floor</td></tr></table>	Minimum ceiling heights		Habitable	2.7m	Non-habitable	2.4m	Two-storey apartments	2.7m main living area 2.4m first floor, area<50% of apartment area	Attic spaces	1.8m at edge 30 degrees minimum slope	Mixed use areas	3.3m for ground and first floor	<p>2.7m provided to habitable residential rooms</p> <p>3.3m provided to commercial spaces, however, the first floor is only 3m and does not provide 3.3m ceiling height for adaptable re-use.</p> <p>The future envision for the Banksia-Arncliffe Corridor may see the site being part of a larger mixed-use area, however, the site is subject to a planning proposal to formerly re-zone the land from B6 Enterprise Corridor to B4 Mixed Use, therefore, the land is not currently within a mixed-use area.</p> <p>The proposed mixed-use floor space within the site is considered appropriate and given the difficulty in finding long-term mixed-use tenants of recently approved similar developments along the Princes Highway corridor, the lack of provided an adaptable re-use of the first floor is considered satisfactory in this instance where the site is part of a planning proposal.</p>	No, but satisfactory given the site is not part of a mixed-use area, but rather subject to 'spot-rezoning' to formalise mixed use land uses.			
Minimum ceiling heights																		
Habitable	2.7m																	
Non-habitable	2.4m																	
Two-storey apartments	2.7m main living area 2.4m first floor, area<50% of apartment area																	
Attic spaces	1.8m at edge 30 degrees minimum slope																	
Mixed use areas	3.3m for ground and first floor																	
4D – Apartment size and layout	<p>Minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>Internal areas includes only one bathroom. Additional bathrooms increase area by 5m² each. Further bedrooms increase minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Apartment sizes, rooms and bathrooms comply with the minimum requirements.</p> <p>All units demonstrate adequate cross-ventilation and provide windows to all habitable rooms.</p>	Yes					
Apartment type	Minimum internal area																	
Studio	35m ²																	
1 bedroom	50m ²																	
2 bedroom	70m ²																	
3 bedroom	90m ²																	
4E – Private open space and balconies	<p>Primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bed</td><td>8m²</td><td>2m</td></tr><tr><td>2 bed</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bed</td><td>12m²</td><td>2.4m</td></tr></table> <p>Min balcony depth contributing to the balcony area is 1m.</p> <p>Ground level, podium or similar -POS provided instead of a balcony: min area 15m² and min</p>	Dwelling type	Minimum area	Minimum depth	Studio	4m ²	-	1 bed	8m ²	2m	2 bed	10m ²	2m	3+ bed	12m ²	2.4m	<p>Generally satisfactory. The private open spaces of the ground floor units is appropriate.</p>	Yes
Dwelling type	Minimum area	Minimum depth																
Studio	4m ²	-																
1 bed	8m ²	2m																
2 bed	10m ²	2m																
3+ bed	12m ²	2.4m																

	depth of 3m.												
4F – Common circulation and spaces	<p>Max apartments off a circulation core on a single level is eight.</p> <p>10 storeys and over, max apartments sharing a single lift is 40.</p>	There are 3 x double lift cores and the single lift core serves no more than 4-5 units per level. There is an opportunity to provide full double lift core to the north-east building (lobby D) from the basement levels to upper floor levels, however, this is satisfactory.	Yes										
4G – Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6m²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table> <p>At least 50% of the required storage is located within apartment</p>	Dwelling type	Storage size volume	Studio	4m ²	1 bed	6m ²	2 bed	8m ²	3 bed	10m ²	Generally satisfactory. Some units do not have 50% of their storage within their unit, however, in these instances basement storage is provided	Yes
Dwelling type	Storage size volume												
Studio	4m ²												
1 bed	6m ²												
2 bed	8m ²												
3 bed	10m ²												

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The site is subject to a planning proposal (PP) seeking to amend the Rockdale Local Environmental Plan (RLEP) 2011 by rezoning the subject site from B6 Enterprise Corridor to B4 Mixed Use zone, which is consistent with the Princes Highway Corridor Strategy that Council adopted in September 2013.

The site is not subject to the Land Use Table and is in accordance with Schedule 1 of the RLEP 2011. The proposal is consistent with the objectives of the B4 Mixed Use zone, which will be adopted under the implementation of the planning proposal. The relevant clauses that apply to the proposal are below.

Note: The planning proposal for the site is imminent and not expected to change from the sought after controls as listed below:

Clause 2.5 – Additional permitted uses for particular land

The site is subject to Clause 2.5 and Schedule 1 of the Rockdale Local Environmental Plan 2011 (RLEP 2011) which permits ‘...*mixed use development incorporating shop top housing and shops...*’ with development consent. At the time of writing this report the planning proposal was imminent to be legally notified and adopted under a future amendment to the RLEP 2011.

Clause 2.7 – Demolition requires consent

The application requests approval for the demolition of all structures located on the site. There are no objections to the proposed demolition subject to a condition requiring compliance with AS2601. The proposal is therefore satisfactory with regards to this clause.

Clause 4.3 - Height of buildings

The amended proposal does not comply with the soon to be imminent planning proposal 29.5m maximum height of building under Clauses 4.3 of the RLEP 2011. The proposed scheme seeks a 31.8m building height (along the Princes Highway frontage building north-western building) and a 30.7m building height (along the Princes Highway frontage to

building south-western building), which exceeds the maximum 29.5 metre building height by 1.2-2.3 metres. The height of building non-compliances pertain to the building columns and elements (i.e. lift core structure) to the mezzanine level for the northwestern and south-western buildings along Princes Highway.

The applicant's Clause 4.6 justification is generally agreed with, and the variation to the height is supported for the reasons outlined in this report. Refer to Clause 4.6 below.

Clause 4.4 – Floor Space Ratio (FSR)

The amended proposal does not comply with the soon to be imminent planning proposal 2.5:1 FSR control under Clause 4.4 of the RLEP 2011. The proposed scheme seeks an overall gross floor area of 19 021.6 m² (with an FSR of 2.54:1) Using Council's calculations the proposal exceeds the maximum gross floor area by approximately 291.64 m² (1.55% over the maximum gross floor area).

Council's calculation towards the GFA includes approximately 291.64m² of floor space which relates to the following areas of the building:

- 96.88 m² - garbage room at ground floor level;
- 12.96 m² - surplus car parking space under the RDCP 2011;
- 64.8 m² - upper floor level garbage rooms (excluding the vertical chutes) to the north-western building 'C';
- 117 m² - horizontal partly 'open' circulation outside the lift lobbies to the north-western building 'C'.

The applicant does not agree with Council's calculation of GFA. In their opinion the ground and upper floor level garbage rooms should not be included, and external circulation corridors should be excluded. The applicant's reason for the exclusion of open corridors from GFA is that one side of the corridor is open and does not contain an 'external wall' measured at a height of 1.4m above the floor. The applicant's state that their calculation of GFA (18,720 m²) would result in a compliant FSR of 2.5:1 as per the planning proposal.

The proposal is subject to Clause 4.6 variation to the floor space ratio standard and is supported for the reasons outlined in this report. Refer to Clause 4.6 below.

Clause 4.6 – Exceptions to Development Standards

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

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

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

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

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.*

5(a) The consent authority must also consider whether contravention of the development

standard raises any matter of significance for State or Regional environmental planning, and

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

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

- “i. Parts of the roof of Buildings B and C include pop-up roof forms which are to have a maximum height of up to 31.8m;*
- ii. Clause 5.6(2) of RLEP 2011 provides that architectural roof features may exceed the building height standard, with Council's consent;*
- iii. The proposed height variation will, for all intents and purposes, appear to be architectural roof features and it is understood that similar roof designs have been considered to be architectural features;*
- iv. The complex has been designed to maximise its height and development density adjacent to the Highway and to step down to well below the height standard where it interfaces with lower density residential development to the east of the site;*
- v. The proposed variation is consistent with the Clause 4.3(1) objectives (Height of buildings) of the RLEP 2011;*
- vi. The floor space ratio and building height standards are considered to be unreasonable and unnecessary in terms of the dimensional, topographical and locational attributes of the site and the development as proposed for the reasons outlined above.*

The proposal breaches the building height across the entire frontage to Princes Highway by 1.2-2.3 metres. The applicant's justification for the breach to the building height being an architectural roof feature is not supported due to Clause 5.6 of the RLEP 2011 not being applicable in this instance. Apart from the above, the applicant's justification is supported in this instance.

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

- The breach of the 29.5m building height across the site is not considered a detrimental planning outcome to the adjoining properties, and does not result in significant loss of views or adverse privacy impacts on the streetscape from the bulk and scale of the buildings.
- The proposed development will provide sufficient residential amenity for its future occupants and as such, a request to vary the height control to the buildings is appropriate in instances where significant amenity controls are not thwarted.
- The extent of the height breach is not clearly visible from any of the 3 street frontages due to the recessed building elements of the mezzanine floor level across the entire Princes Highway frontage.
- The height along Princes Highway contextually fits within the established bulk and scale of future residential flat buildings within the Banksia-Arncliffe Corridor.
- The DRP advice from the 9 April 2015 meeting, stated that *‘although the building exceeds the existing controls, its scale seems appropriate for the context and for the evolving urban framework’*. Council agrees with this comment.
- The proposal achieves an appropriate balance of space around the building and sufficient sense of enclosure within the open spaces.
- Compliance with the development standard in this instance is unreasonable and unnecessary given the above.

The applicant has provided the following justification for a variation to the **floor space ratio** control of 2.5:1:

- “i. In the context of the extent of development permissible on the land, the variation from the floor space ratio standard is extremely minor and is inconsequential;*
- ii. The garbage storage facilities which exceed the floor space ratio standard involves a garbage storage area, with an area of some 126sqm, located at the ground floor level under Building D, which is accessed from Kyle Street; and garbage storage facilities, with an area of 11sqm, located in the lift/service core on each of the 8 floors in Building C. The garbage storage facility under Building D is to be located adjacent to the loading area to be provided for the complex and is, consequently, the most appropriate location for such a facility from an operational perspective. Had this facility been located in the basement car parking area, it would have been excluded from consideration as GFA.*
- iii. The garbage storage facilities are not dissimilar to other elements of building infrastructure that are normally excluded from gross floor area, such as plant rooms, ducting and space used for the loading and unloading of goods.*
- iv. The proposed variation is consistent with the Clause 4.4(1) objectives (Floor Space Ratio) of the RLEP 2011;*
- v. The floor space ratio standard is unreasonable and unnecessary in the circumstances of this case.*

Using Council's calculations the proposal exceeds the maximum gross floor area by approximately 291.6 square metres (1.55% over the maximum gross floor area). The applicant's justification is supported in its entirety in this instance.

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

- The breach to the 2.5:1 FSR by approximately 291.6m² or 1.55% over the maximum GFA is considered appropriate given the wider lobbies and corridors (upon request from Council). They improve the residential amenity within the 'c-shape' building footprint across 3 buildings.
- Parts of the GFA were increased to address issues raised by the DRP.
- The configuration, layout and design of units, their overall size and spaces are practical and will allow future users to furnish their units in a variety of ways.
- In assessing the reasonableness of the proposal, it is appropriate to consider the breach to the gross floor area to the overall scale of the building. The minor breach to the gross floor area is internal and contributes in a positive manner to the residential amenity of the occupants of the building.
- The proposed development provides a development that facilitates the orderly and economic development of land in a manner that is appropriate in an emerging high density residential/mixed use area;
- Compliance with the development standard in this instance is unreasonable and unnecessary given the above.
- Based on the above, it is considered that the proposed gross floor area variation

does not numerically comply, however, strict compliance with the controls is not necessary in this instance.

Subject to the reasons above, the proposed variations are supported as the proposal would satisfy the objectives of the height of building and FSR standard, the objectives of the future B4 Mixed Use zone, results in minimal adverse impacts to adjoining properties (and to future occupants within the development site itself), provide a good level of residential amenity, and comply with the key requirements and objectives of the relevant policies and plans as discussed in this report.

Clause 5.10 – Heritage Conservation

Three (3) local heritage items are located within the vicinity of the site: 15 Kyle Street (item no.34), 31 Kyle Street (item no.35) and 73 West Botany Street (item no.56), Arncliffe. The proposal is not considered to adversely impact upon these heritage items.

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 5 Acid Sulfate Soils (ASS). The Applicant has submitted a 'Preliminary Geotechnical Investigation Report' prepared by SMEC, dated 28 November 2014. An ASS management plan is not specifically required as the works are not anticipated to intercept with the watertable. The proposal is consistent with the objectives and requirements of clause 6.1 of RLEP 2011.

Clause 6.2 – Earthworks

The proposal involves extensive excavation within the site to accommodate the two (2) basement levels. The impacts of the proposed earthworks have been considered in the assessment of this proposal. Subject to relevant conditions of consent the proposal will result in minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal therefore meets the objectives of this clause.

Clause 6.4 – Airspace operations

The subject site lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limits the height of structures to 50 feet (15.24 metres) above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority (CASA). The maximum height of the buildings is 31.80 metres (to AHD), and the proposal was therefore referred to Sydney Airports Corporation Limited (SACL) for consideration. At the time of writing this report, SACL has informed Council that CASA has not responded to this referral. As such, a deferred commencement condition has been imposed upon receipt of a CASA response.

Clause 6.7 – Stormwater

Council's Senior Development Engineer has reviewed the proposal and the on-site detention system and recommended conditions to satisfy the stormwater and drainage issues, which have been incorporated in the recommended conditions of consent.

Clause 6.11 – Active street frontages

This clause has been introduced under the planning proposal. The proposal provides a pedestrian-friendly active ground floor street frontage along Princes Highway and to the corner of Kyle Street/ Princes Highway which is consistent with the objective of this clause.

Clause 6.12 – Essential Services

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

Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (S.79C(1)(a)(ii))

There are no other Draft Environmental Planning Instruments applying to this proposal.

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

Development Control Plan 2011(RDCP 2011)

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

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

Part 4.1.3 Water Management

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

Part 4.3.1 Open Space and Landscape Design

A minimum of 10% (749.2 m²) of the site is required to be provided as landscaped area. The basement levels are proposed to be constructed off the boundaries, thus, providing opportunities for deep soil zones in addition to landscaped above the basement levels. Excluding areas, less than 2 metres in width, the proposal provides approximately 1202 m² or 16% of the site area as deep soil zones which includes approximately 564 m² of deep soil zones along Princes Highway (within the 6 metre building setback) which will provide opportunities for large trees and approximately 115 m² of deep soil zones are provided to the ground floor units along the Charles Street frontage. In addition there is approximately 62 m² of deep soil zone to the north-eastern corner of the site along Kyle Street.

Essential to the design is a centrally located podium providing approximately 175 m² of communal deep soil area for the occupants which can sustain a couple of very large trees.

The proposal provides generous levels of open space including the appropriate management of stormwater on site, podium planting, deep soil planting zones along the boundaries and a design worthy of visual interest in an emerging high density mixed-use zone.

Part 4.5.1 Housing Diversity and Choice

The following dwelling mix applies: 1-bedroom/studio (10%-30%), 2-bedroom (50%-75%) and 3-bedroom or more (10%-20%). A total of 234 apartments are proposed, comprising of 56 x studio/one-bedroom units (24%), 166 x two-bedroom units (71%) and 12 x three-bedroom units (5%) which is considered a similar unit mix of recent mixed-use/residential flat building approvals within Wolli Creek/Turrella/Arncliffe. Refer to the 'State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)' section of this report.

Part 4.6 Car parking, access and movement

The proposal provides 312 residential car parking spaces which equates to a surplus of one (1) car parking space under the RDCP 2011. The proposal provides 24 adaptable units, however, a condition of consent will be imposed to convert one commercial car space into a shared adaptable visitor/commercial space. Refer to 'State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)' section of this report.

The proposal includes basement car parking levels which does not occupy the entire site. The basement levels are within the footprint of the building above. In this regard, the proposal provides sufficient landscaped area which is capable of screening and softening the development. Accordingly, the proposal is considered acceptable in respect to the building footprint.

The proposed driveway access from Charles Street has been reviewed by Council's Traffic Engineer and Senior Development Engineer who raised safety and vehicular sightlines concerns with the basement entry point. Due to the proposed vehicular access close to the S-bend on Charles Street a deferred commencement condition will be imposed for the applicant to design and provide the Rockdale Traffic Committee for approval appropriate traffic speed control devices to ensure that the speed of vehicles travelling northbound along Charles Street do not exceed 20 km/hr as stated in the revised Traffic Report prepared by Varga Traffic Planning Pty Ltd, dated 6 October 2015.

Subject to the satisfaction of the deferred commencement condition, the proposal is satisfactory in regard to Part 4.6 of the RDCP 2011.

Part 5.3 Mixed Use

This section of the RDCP 2011 applies to the site following the adoption of the planning proposal. The proposal is generally in accordance with this section of the RDCP 2011 with appropriate built form and setbacks as recommended by Council's Urban Strategic team during the planning proposal process and as recommended by DRP.

It is noted that each of the upper floor level commercial/retail tenancies 1-4 provide internal access to staff toilets with showering facilities and a kitchenette resulting in amenity for staff. A condition will be imposed to ensure ground floor level commercial/retail tenancies 5 & 6 provide the same level of amenity to staff.

The proposal provides good public domain interface and activates the street frontage along Princes Highway and the corner of Kyle Street/Princes Highway. Further, the site provides a clear and direct pedestrian through link from Charles Street to Princes Highway. The proposal is satisfactory in regard to Part 5.3 of the RDCP 2011.

Part 5.4 Highway Commercial

This section of the RDCP 2011 applies to development on land zoned B6 Highway Corridor under the RLEP 2011. The site is subject to a planning proposal to rezone the land into B4 Mixed Use. There have been no changes to the intent of the planning proposal as a result of the community and public authority consultation and the status of the planning proposal is imminent.

Nonetheless, the proposal provides adequate development setbacks of greater than 4.5 metres to the southern boundaries where there is an interface with light industrial land uses and residential uses. Consequently, a full assessment of this section of the RDCP 2011 is not applicable.

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

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

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

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

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

Character / Streetscape

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

Traffic/Parking

A 'Traffic and Parking Assessment Report' Ref: 15483, dated 15 July 2012, was prepared by Varga Traffic Planning Pty Ltd and submitted with the development application. The application was referred to the Rockdale Traffic Committee on 9 September 2015 who stated that the submitted report has discrepancies with the vehicular access and possible sightlines concerns. The applicant submitted an amended traffic report statement stating that the line of sight from vehicles exiting the site is satisfactory. Council's Traffic Engineer has reviewed the proposal and raise no concerns in relation to the proposal subject to satisfaction of the deferred commencement condition relating to vehicular entry/sightlines which have been included in the consent.

The proposed provision of on-site car parking complies with the minimum requirements of Part 4.6 of the RDCP 2011, which includes the provision of adequate on-site car parking spaces with access from the new driveway off Charles Street. Council's Senior Development Engineer has reviewed the proposal and raised no concerns in relation to the proposal subject to conditions which have been included in the consent.

Council have undertaken its own assessment of traffic generation and concluded that the traffic generated by the development can be safely accommodated within the surrounding street network.

In this regard, the proposal is considered to be acceptable and not likely to result in any significant adverse impacts in respect to traffic or any significant reduction in road safety within the surrounding road network. Accordingly, the proposal is considered acceptable in respect to traffic and parking matters.

Noise

An acoustic report has been submitted and the recommendations of the report have been included as conditions of consent. The anticipated noise emitting from the development has been assessed by Council's Environmental Health Officer who raised no objections subject to their conditions which will be incorporated into the draft Notice of Determination. The proposal will increase the density of development on the site and will result in an increase in noise emissions. However, the anticipated increase in noise from the development is not considered to be unreasonable and would include noise normally associated with the redevelopment of the site for such a purpose which is permissible with consent on the land. Noise from the construction of the building is temporary and would end at completion of the development. Accordingly, the proposal is considered to be satisfactory in regard to noise emissions.

Visual Privacy

Although the floor levels of the proposed building are no greater than 1.2m above the natural ground level across the site, the proposal provides sufficient podium landscaping depths and widths along the boundaries. Despite this, the remaining parts of the proposed building do provide sufficient separation between units that face each other between the 'c-shaped' building footprint. In this regard, the adequate separation is provided while the proposed building contains the lobby areas, stair wells and landscaping between the building footprints. In this regard, the proposal contains sufficient separation to retain adequate privacy between the 'c-shaped' building footprint.

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

Social Impact

The proposal will activate and enhance the public domain, and includes residential units of adequate size and mix for the locality. The residential units have access to good public transport that will assist to reduce the reliance upon private car use, and the proposal includes a secure area for bicycle parking. The proposal is not considered to result in any significant adverse social impacts and provides a through site-link which is satisfactory for the site.

Safety and Security

Safer by Design principles of crime prevention through environmental design are incorporated into RDCP 2011 and this aspect has been considered in the assessment of this proposal. The proposal has been designed as a secure development, with restricted access to private and communal areas. The proposed development also provides for passive surveillance of Princes Highway, Kyle Street and Charles Street. Standard conditions are proposed requiring the installation of CCTV at ground floor and basement parking levels to minimise theft from vehicles, storage areas, letterboxes and open shared commercial/residential interface areas.

Construction

Construction of the mixed-use development involves excavation works, piling, and construction of the building. The impacts will be minimised through use of standard conditions relating to hours of construction, noise and vibration, dust suppression, traffic management, and the like. A draft condition is also proposed requiring submission of a Construction Management Plan (CMP) that will address the requirements of all relevant regulatory approval bodies.

Wind Impacts

A wind impact assessment report, CPP Project No.8739, prepared by Cermak Peterka Petersen Pty Ltd, dated July 2015 concludes that *“wind conditions around the site are expected to be acceptable for use as a main public accessway. Wind tunnel testing would be required to quantify and support the findings of this report.”* Hence, the proposal is considered acceptable in respect to wind conditions and the public access ways around the building are considered suitable for use.

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

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

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

The development application has been notified in accordance with Council's Development Control Plan 2011 and applicable legislation for a period of fourteen (14) days from 28 July 2015 until 13 August 2015 and two (2) letters of objections were received.

In light of Council's request to revise the design scheme, the proposal was subsequently amended with narrower building setbacks to the eastern and southern boundaries. The development application was re-notified to five (5) property owners and occupiers in accordance with RDCP 2011 for a period of fourteen (14) days from 14 October 2014 until 28 October 2015 and two (2) letters of objections were received.

The issues raised in the submissions are discussed below:

Traffic access and parking

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

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

The proposed construction management plan to seek entry to the site adjoining the garage of 1 Charles Street is not considered appropriate and an alternate construction site entry has been imposed at the proposed location of the loading dock along Kyle Street.

Council's Senior Development Engineer has reviewed the proposal and raise no concerns in relation to the proposal subject to conditions which have been included in the consent. Further, Council's Traffic Engineer has reviewed the proposal and raise no concerns in relation to the proposal subject to satisfaction of the deferred commencement condition relating to vehicular entry/sightlines which have been included in the consent.

Accordingly, the concerns raised in relation to the provision of car parking and traffic impacts do not warrant the refusal of the application.

Devaluation of property

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

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

Safety of pedestrians / Remodelling of 1 Charles Street driveway

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

Comment: Appropriate conditions will be imposed to ensure all vehicles enter and exit the site in a forward direction from Charles Street. The loading dock is located on Kyle Street resulting in minimal interference with the adjoining and surrounding properties. The driveway to 1 Charles Street will not be adversely affected due to the pedestrian through-link being located between the existing garage at 1 Charles Street and the vehicular entrance to the site. The proposal does not require the remodelling of 1 Charles Street driveway.

Further, Council's City Assets team are currently undertaking public domain plans for a new footpath extension to form a continuous footpath network along the northern side of Charles Street between Wickham Street and Kyle Street. The future upgrade of footpaths along Charles Street is not proposed under this application. The concerns regarding pedestrian safety do not warrant refusal of the application.

Illegal use of 1 Charles Street driveway

Concern has been raised that the proposal seeks the illegal use of the driveway at 1 Charles Street.

Comment: The proposal does not propose to utilise the driveway at 1 Charles Street. As mentioned above, the existing driveway to 1 Charles Street will not be adversely affected due to the pedestrian through-link being located between the existing garage at 1 Charles Street and the vehicular entrance to the site. Further, a condition will be imposed to ensure

the construction management plan does not seek an entrance to the site adjoining 1 Charles Street. The concerns regarding this issue do not warrant refusal of the application.

Solar access

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

Comment: The solar access and overshadowing impacts are detailed on the architectural plans drawn by Architecture and Building Works. The plans are generally in accordance with the solar access requirements under the RDCP 2011 and SEPP 65 for 21 June between 9am and 3pm. Concerns regarding this issue does not warrant the refusal of the application.

Loss of privacy

Concern has been raised the loss of visual privacy.

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

Inconvenience during construction

Concern has been raised that *"...property damage from demolition of existing structures conjoined with our residence..."* associated with the construction will be disruptive.

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

World Health Organisation (WHO) and unfiltered M5 East stack emissions

Concern has been raised that *"no more high-density living should be approved near the unfiltered M5 East motorway stack until we put filters into the stack, or drive vehicles using non-polluting fuels. The World Health Organisation upgraded the carcinogenicity of diesel fumes to a level 1 human carcinogen in 2012 yet no upgrades to the existing stack have occurred."*

Comment: The proposal is located within the Cooks River catchment and on a main road. The site is located approximately 1.3km (measured in a straight line) from the M5 East Motorway exhaust stack which is considered a sufficient distance from the exhaust stack. The application is subject to a planning proposal and is permissible with consent. Upgrades to the M5 East exhaust stack filters are the responsibility of the RMS. Concerns regarding this issue does not warrant the refusal of the application.

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

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

CONCLUSION

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

The application involves the redevelopment, generally in accordance with the planning proposal of the subject site, for mixed use development with a high quality and well-designed buildings, which will replace the existing industrial buildings and factories on the subject site. It is noted that the subject site is not within the Wolli Creek or Bonar Street precincts, however, will complement the recommendations of the Princes Highway Corridor Strategy to revitalise Arncliffe as a high-density residential/mixed-use area as identified within the NSW Government's *A Plan for Growing Sydney*.

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

The application was the subject of four (4) objections and the matters have been addressed in the body of the report.

The proposal has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the RLEP 2011. The proposal is permissible in the B4 Mixed Use zone, and is considered to result in a development, which is suitable in the context of the emerging character along the Banksia-Arncliffe corridor.

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