



17 October 2016

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The General Manager  
Bayside Council  
PO Box 21  
ROCKDALE NSW 2216

**Attention: Ms Fiona Prodromou**

**RE: DEVELOPMENT APPLICATION 276/2016  
4 INNESDALE ROAD, WOLLI CREEK**

Dear Fiona

This submission is written on behalf of VP1 Pty Ltd, the applicant and owner of 4 Innesdale Road, Wollri Creek (the **site**) in respect of the abovementioned Development Application (**DA**) proposing the construction of a boarding house. It provides a response to issues (not all) raised by the Sydney Region East Joint Regional Planning Panel (**JRPP**) in their referral dated 12 October 2016.

Amended Architectural Drawings and additional information by Marchese + Partners addressing the other concerns of the JRPP in their referral are submitted under separate cover. This submission will also supersede where relevant the technical information previously lodged with Council in relation to the following:

**1. Clause 30A of the Affordable Housing SEPP**

Clause 30A (Character of Local Area) of the Affordable Housing SEPP states:

*A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.*

The proposed boarding house is consistent with the requirements of Clause 30A of the Affordable Housing SEPP and therefore is considered to be a positive addition to the character of the local area for the following reasons:

- the existing (but now evolving, see bullet points below) character of the local area ranges from single and two storey dwellings to multi storey residential flat buildings and mixed use development. This reflects the site's R4 high density residential zoning and relevant density standards. The height, bulk and scale of the proposed building is similar to or less than that existing (or approved, but yet to be constructed) within the surrounding locality;
- the proposed built form responds and contributes to its context by engaging its desired future character as envisaged by the proposed land uses and densities permissible in the surrounding locality (typically the block bound by Innesdale Road to the south, Gertrude Street to the north, the Princes Highway to the west and Levey Street to the east). The aforementioned is unlikely to remain in its current built form for long and already numerous properties have been redeveloped (construction finalised) or have DA consent for high density residential redevelopment. The future character is currently more critical than the existing context which will enable other site's to contribute to the future character with their own development and thus enable the full realisation of Council's strategic direction for the redevelopment of the Wollri Creek precinct;
- the proposed built form and its zero building alignment to side boundaries assists in the continued establishment (built form constructed or approved and yet to be built) of the block form, street edge

to Innesdale Road on its northern side. This same street edge and zero side boundary alignment has been established along the Princes Highway and also Gertrude Street again through buildings either constructed or those approved and yet to be constructed with a zero building alignment to side boundaries;

- the bulk, scale and height of the built form is consistent with the intent of Council’s key planning controls and will help the future building grouping along the streetscape/corridor within the nominated block. The building’s massing responds accordingly as well as taking into account the existing built form adjacent (and approved). The scale is also broken down by the articulation of the facade with the use of different materials and elements. The built form has been conservatively designed so it complies with the relevant density standard and still delivers the desired character of a walled edge street block pattern to each street frontage;
- street alignment (consistent front and rear setbacks) and appropriate separation distances have guided the building’s built form. The vertically proportioned façade offers a strong, articulated and interesting visual form, whilst establishing the zero setback required to each side boundary and maintaining the same alignment as that existing (and approved) on the northern side of Innesdale Road, the Princes Highway and the southern side of Gertrude Street. The proposed built form is a considered response to the future character and scale of the locality and will contribute significantly to the future streetscape character;
- the building design creates a modern facade treatment to the elevations with a variation of materials, colours, patterns and textures which assist in the delineation of zones within the building and create an aesthetically pleasing development that is consistent with desired and now evolving future character;
- it maintains landscaped front and year yards; and
- it provides vehicular access via Innesdale Road, a consistent element in the character of the street.

## 2. Section 4.5.2 of DCP 2011 - Social Equity / Equitable Access.

The objectives of the guideline are:

- to ensure that all people within the City of Rockdale are able to:
  - participate in community life; and
  - access all public spaces and premises and utilise all goods, services and facilities provided in these spaces and premises
- to ensure that applicants are aware that they have obligations under the Disability Discrimination Act

The amended proposal (reduction in number of accessible car parking spaces from two to one) is considered to be consistent with the objectives of Clause 4.5.2 of DCP 2011 for the following reasons:

- it does not in any way restrict people within the Bayside LGA to actively participate in general/typical daily community life;
- the site is not a public place, rather private property and residences. The proposal has no identifiable impact on goods, services and facilities within public spaces or premises; and
- the applicant is entirely aware of the obligations under the Disability Discrimination Act. These requirements are typically imposed as advising’s on a Notice of Determination.

The controls or guidelines are:

- The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. Access is to meet the requirements of the Disability Discrimination Act, the relevant Australian standards and the BCA;
- An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies.

The amended proposal (reduction in number of accessible car parking spaces from two to one) is considered to be consistent with the guidelines/controls of Clause 4.5.2 of DCP 2011 for the following reasons:

- it maintains access to/from the site and a car parking space for a person who is disabled. Therefore, equitable access is provided;
- the provision of two accessible boarding rooms complies;

- the construction of the building and the accessible apartments will comply with the requirements of the BCA and Access to Premises legislation;
- it provides an accessible car parking space in accordance with the requirements of the BCA and Access to Premises legislation;
- the applicant is entirely aware of the obligations under the Disability Discrimination Act. These requirements are typically imposed as an Advising on a Notice of Determination;
- a disabled person is more unlikely to use a boarding house room as compared to more traditional forms of accommodation, particularly given their sometimes special needs; and
- an access report was submitted with the DA.

In addition to the above, Section 79C(3A) of the Act states:

*If a development control plan contains provisions that relate to the development that is subject of a development application, the consent authority:*

- (a) if those provision set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development does not strictly comply with those standards – **is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and***
- (c) may consider those provisions only in connection with the assessment of that development application. (our emphasis)*

The proposal relies on a minor variation to DCP 2011 in relation to the provision of accessible parking. Given that the proposal provides much needed affordable housing for a certain section of the community (a significant social benefit) under the circumstances, dispensation from strict adherence to the controls will still enable an appropriate planning outcome for the site and one which should be encouraged. Furthermore, Sections 74C(1)(a) and 79C(3A) of the Act clarify that a DCP is only to act as a guideline, and that Councils are to be flexible and allow for alternative solutions where an application does not meet the applicable guidelines in a DCP.

### 3. Conclusion

This submission provides a response to some of the specific issues raised by JRPP. Assessment of the amended proposal against the planning controls reveals that it is generally consistent with the objectives, standards and guidelines of the planning control and despite a technical departure still results in an appropriate planning outcome.

The high quality architecturally designed boarding house will not only provide undoubted positive social benefits but also a built form that will sit comfortably within its likely future locational context and does not result in material environmental impacts to the adjacent properties and the surrounding public domain.

Yours faithfully



**Scott Lockrey**  
Director