Mixed Use / Residential
395-397 Princes Highway Rockdale
Statement of Environmental Effects

Prepared on behalf of Rockdale One Pty Ltd

June 2016

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COVER

Photomontage of proposed development from Princes Highway.

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Rockdale One Pty Ltd to accompany a development application (DA) to Rockdale City Council for a mixed use / residential development at 395-397 Princes Highway, Rockdale.

The proposed development comprises 8,122 m2 of gross floor area utilised for three ground floor commercial premises with 92 apartments above and served by 123 basement car parking spaces, on-site loading facilities and communal open spaces. It also includes the substantial upgrade of the adjacent public domain.

The proposed development is the result of a design excellence competition as set out in the following background summary. The competition jury selected the Fuse Architects and the scheme reflected in the proposal and made recommendations that have been considered in the refinement of the design.

A separate development application for site demolition and basement excavation has been lodged with Rockdale Council and accordingly, these aspects do not form part of this development application.

The site is currently used as a used-car yard with few improvements and is therefore underutilised given its current zoning that reflects its accessibility to public transport, services and employment available at Rockdale Centre.

1.1 BACKGROUND

Rockdale One Pty Ltd lodged a development application (DA-2016/30) with Rockdale City Council in July 2015 which sought consent for the construction of an eleven-storey mixed use development at 395-397 Princes Highway, Rockdale, comprising ground floor commercial/retail space, 100 residential units, and 123 spaces over three basement levels.

The development application sought to exceed the 22 metre maximum building height identified in the Rockdale LEP 2011 by utilising Clause 4.3(2A), which allows buildings within ‘Area A’ and on a lot greater than 1,500m2 an additional 12 metres. The development application sought an exemption to Clause 6.14(3) of the Rockdale Local Environmental Plan 2011 which requires an architectural design competition be undertaken for development that relies on Clause 4.3(2A), on the basis that it is unreasonable or unnecessary in the circumstances.

An extraordinary Council meeting was held on 4 November 2015 at which the Councillors resolved that an architectural design competition is reasonable and necessary for the redevelopment of 395-397 Princes Highway, Rockdale. Accordingly, to satisfy the provisions of Clause 6.14, an architectural design competition was held in accordance with the Rockdale Design Excellence Guidelines 2015 and the endorsed

Design Excellence Strategy and Brief. Three architectural practices were invited to participate in the Design Competition.

The Jury decided upon the scheme presented by Fuse Architecture by a majority vote, being consistent with the endorsed Design Excellence Competition Strategy and Brief. The Jury considered that this scheme provided the greatest potential to address the design issues identified and develop the scheme in order to achieve Design Excellence.

The Jury made the following recommendations for the Proponent, the selected Architect, and the Consent Authority in the preparation and assessment of a future development application.

"The proposal should be further developed to resolve the design of the 'Central Gallery'. Specifically, the Jury recommends that Fuse Architecture either:

1. *Seek technical advice regarding visual and acoustic privacy, access to natural light and air, and compliance with the relevant planning controls and Australian standards. This includes:*
    - *The amount of glazing at the façade line – i.e. whether the 'Central Gallery' should be open or closed;*
    - *The material palette selection, particularly in the communal areas to deal with potential acoustic issues; and*
    - *The positioning of internal windows, corridors, vertical circulation and services to provide adequate natural ventilation, visual and acoustic privacy.*

Or if this is deemed to be not achievable:

2. *Replan the apartment layouts in the southern tower so as to remove the necessity for a light-well.*

Careful consideration should be given to the material palette chosen to ensure the design intent and integrity of the competition scheme is retained. This includes:

- *Development of the 'Golden Veil' concept to ensure a high degree of internal amenity is achieved whilst maintaining the sculptural and built form concepts critical to the articulation of the two primary elements of the architecture.*
- *Detailing of the glass to the below awning retail areas, including resolution of the 'structural glass' components.*
- *Detailing of the awning structure including the stormwater reticulation and re-entrant or 'shadow' connection to the built form above.*
- *Detailing of the façade in general including fenestration, balustrades, acoustic screens, roof landscaping, and edge conditions visible from the public domain."*

The submitted design has taken the Jury's recommendations into consideration.

2 Context

2.1 PLANNING CONTEXT

The site is currently zoned B4 Mixed Use under Rockdale Local Environmental Plan 2011 (RLEP 2011) whereby the zone's objectives 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.*

The proposed development for *Shop top housing* is permissible under this zone with development consent being defined as follows:

> ***shop top housing*** *means one or more dwellings located above ground floor retail premises or business premises.*

The subject land is identified under RLEWP 2011 as Class 5 on the Acid Sulphate Soils Map but is not included in Clause 6.1 (2) criteria of "Works *within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land*". Accordingly, an acid soils management plan has not been prepared as per clause 6.1(3).

The subject land is also identified on the Flood Planning Map and accordingly, Clause 6.6 '*Flood planning*' applies.

The land is not identified under the Land Reservation Acquisition Map. It is nearby the General Heritage Item I222 identified on the Heritage Map, comprising "*Brick buildings on platforms, signal box and overhead booking office*" within the "*Rockdale Railway Station and Yard Group*".

SEPP 55 Remediation potentially applies to the site while SEPP (infrastructure) 2007 clause 86 '*Excavation in, above or adjacent to rail corridors'* does not apply to the application, as it is greater than 25 m from the rail corridor.

Additional provisions are contained in the Rockdale Development Control Plan 2011 (RDCP 2011).

2.2 SITE DESCRIPTION

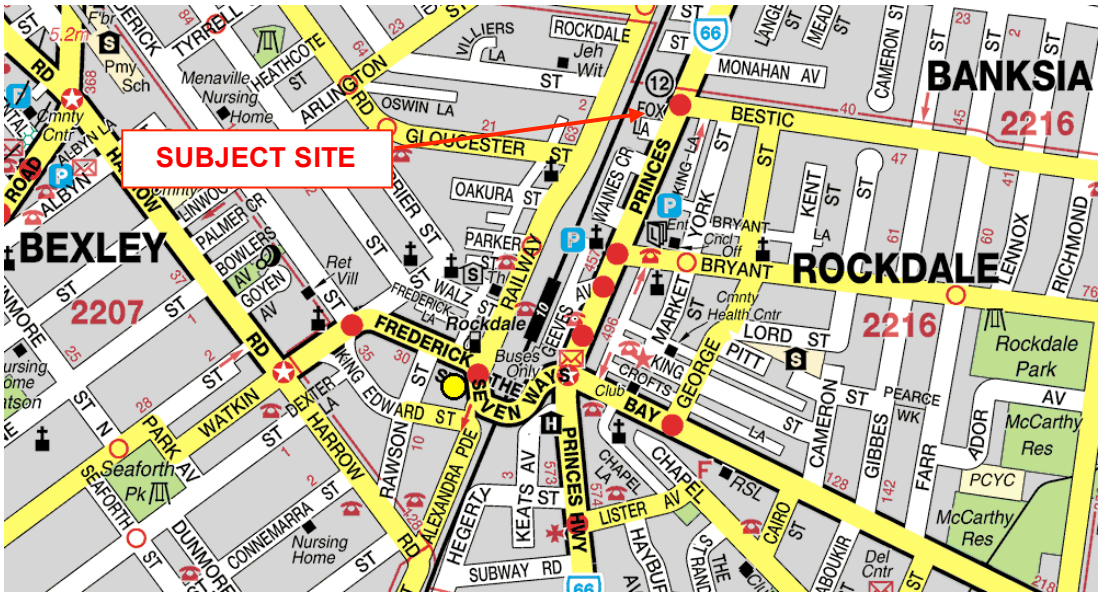
The site is known as 395-397 Princes Highway, Rockdale and comprises a single allotment, legally described as Lot 1 DP 1090661 as shown on the attached Survey Plan.

It is irregular in shape and has an area of 1,696 m2, with a primary frontage of 46.06m to the Princes Highway and a secondary frontage 40.44m to a lane to the north of the site.

A physical survey of the site is also included in the Appendices.

2.3 LOCATION AND PHYSICAL CONTEXT

The site is located at the northern end of the Rockdale Town Centre and is within close proximity to a range of public transport options including the Rockdale Railway Station and Bus Interchange, as well as employment, retail, educational facilities, open space, health and community services.



Site Location (Source Above: UBD Australian City Street; Below: Urbis)

The site is currently occupied by a used-car sales yard and is predominantly an open hard stand area. There are two demountable style office buildings on the site. Vehicular

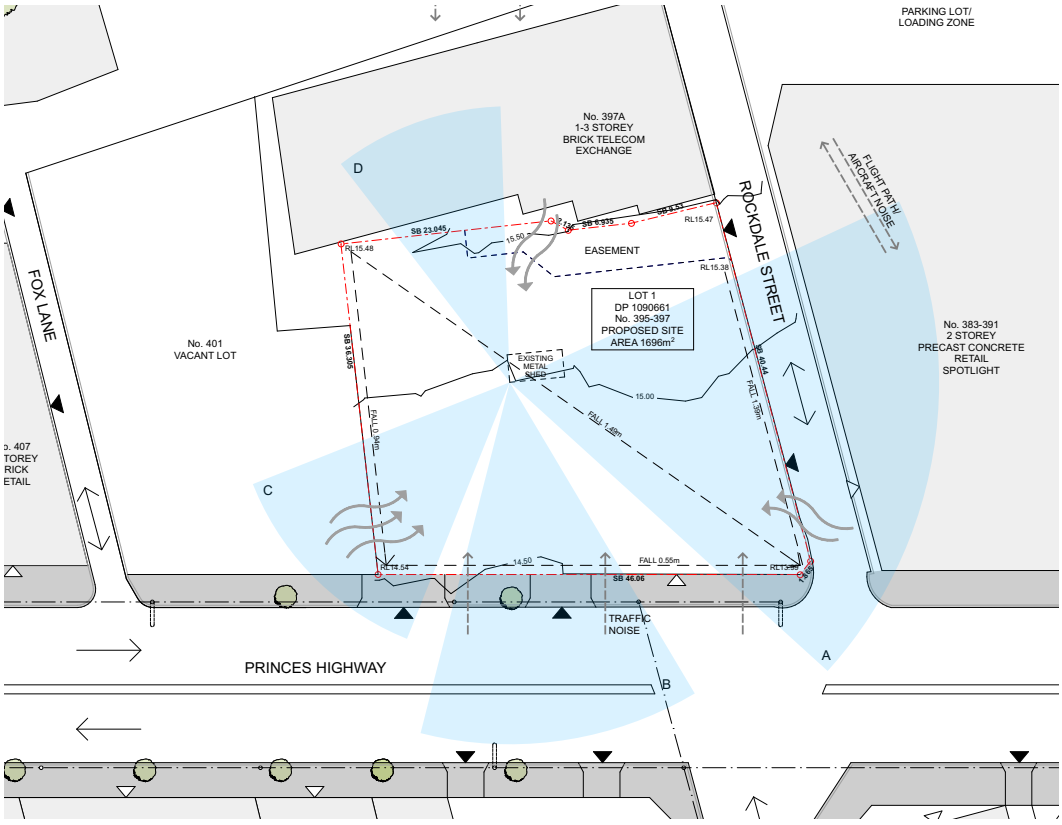
access is currently available from the laneway, via a left hand turn off the Princes Highway. Utility services, including water, electricity, sewer and telecommunications are readily available.

The site is generally flat, but has a slight fall of approximately 900mm in a north-easterly direction. The north-western side of the site is burdened by an easement for access and drainage of variable width that benefits the telephone exchange to the immediate west of the site.

Surrounding land uses comprise a large bulky goods retail warehouse to the north with truck access via the laneway, a vacant site with miscellaneous works to the south, a 1-2 storey telephone exchange to the west and low rise commercial buildings opposite Princes Highway and its intersection with Bestic Street.

2.4 SITE ANALYSIS

A site analysis plan prepared by Fuse is in the Appendix and outlines the relationship between the site and surrounding lands and building footprints, prevailing winds and views, streets, existing trees and infrastructure and the like .



Extract of Site Analysis Plan. Source Fuse - refer to Appendices

2.4.1 Transport and Access

The subject site is located on the western side of the Princes Highway, directly opposite the Bestic Street intersection, and lies within the Rockdale Town Centre. Vehicular

access to the site is currently provided via several driveways located in the Princes Highway and in the adjacent lane.

The road hierarchy allocated to the road network in the vicinity of the site by the Roads and Maritime Services is illustrated on Figure 3 of the accompanying Traffic And Parking Assessment Report.

The Princes Highway is classified by the RMS as a State Road and provides the key north- south road link in the area, linking St Peters to Heathcote and beyond. It typically carries three traffic lanes in each direction in the vicinity of the site, with kerbside parking generally permitted outside commuter peak periods.

Bestic Street is classified by the RMS as Regional Road which provides an east-west road link between the Princes Highway and The Grande Parade. They typically carry one traffic lane in each direction in the vicinity of the site with kerbside parking generally permitted on both sides of both roads.

Rockdale Street is a local, unclassified road which is primarily used to provide vehicular and pedestrian access to frontage properties. Kerbside parking is generally permitted along the northern side of the road.

The existing public transport services available in the vicinity of the site are illustrated on Figure 5 of the Traffic And Parking Assessment Report.

The subject site is conveniently located to take full advantage of the extensive public transport services available within its vicinity and encourage the greater use of sustainable modes of transport.

It is located within 500 metres walking distance to Rockdale Railway Station which services the T4 Eastern Suburbs & Illawarra Line, operating between Waterfall and Cronulla to Bondi Junction via the Sydney CBD. The service typically operates at intervals of less than 10 minutes throughout the day and commuter wait times are expected to be minimal.

In addition to train services, a number of bus routes currently operate within the vicinity of the site, including route 400, 422, 476, 473, 477, 478, 479, 492 and 493.

2.4.2 Physical Site Constraints

The site is without any vegetation reflecting its current sales yard use.

The site is subject to overland flows and flooding in a 1 % AEP (1 in 100 year ARI). The *Overland Flow Study and Flood Management Plan* in the appendices outlines the flooding characteristics of the site and demonstrates that they are manageable for the intended eventual use for mixed use and residential purposes.

The submitted Preliminary Geotechnical Investigation and Preliminary Waste Classification Assessment assesses the subsoil profile and provides comments on relevant issues with regard to design and construction practice, including excavation

and excavation support; groundwater and dewatering; and foundation types, founding levels and allowable bearing pressures.

The report also incudes a preliminary waste classification assessment conducted in accordance with *NSW Waste Classification Guidelines (2014)* informed by on-site drilling of two cored boreholes, a temporary standpipe well, groundwater level monitoring and testing for a range of common contaminants.

2.4.3 Heritage and Archaeology

The site is not listed as a Heritage Item and there are no heritage conservation areas in the vicinity of the site.

However, the curtilage of the State heritage listed Rockdale Railway Station and Yard Group extends northwards along the rail corridor from the station platforms to just to the west of the site.

The Rockdale Railway Station and Yard Group is also listed as a heritage item under Schedule 5 of Rockdale LEP 2011 as General Heritage Item I222 identified on the Heritage Map, comprising “Brick buildings on platforms, signal box and overhead booking office” within the “Rockdale Railway Station and Yard Group”.

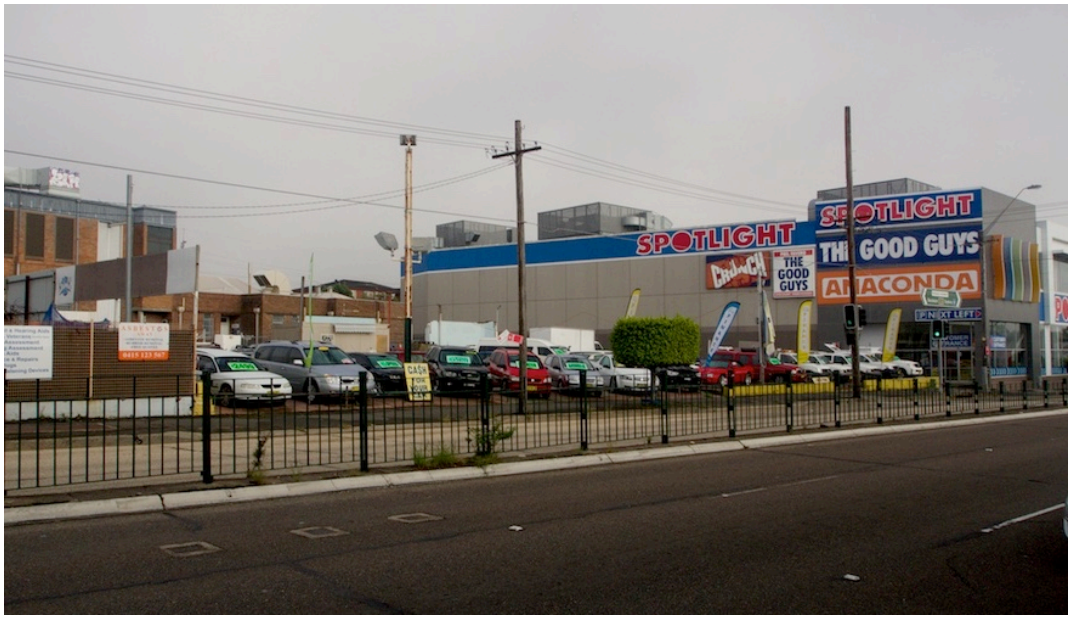
There are no known archaeological significant characteristics of the site.

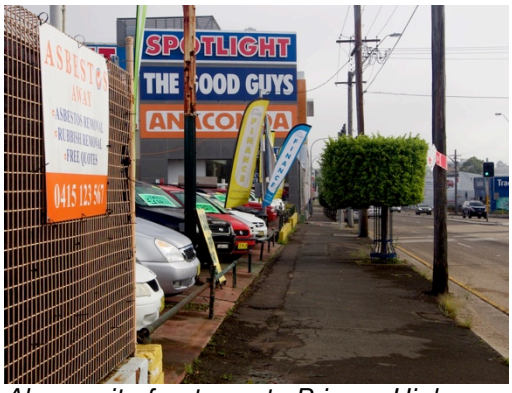
2.4.4 Easements

As shown on the site survey, the north-western side of the site is burdened by an easement for access and drainage of variable width that benefits the telephone exchange to the immediate west of the site (Lot 101 DP 1097898).

2.5 SITE PHOTOS

Above & below: site frontages from north and south east on Princes Highway





Above: site frontages to Princes Highway and Lane


Above: rear of site and telephone exchange from laneway

Above: rear of bulky goods site and lane access / proximity to Rockdale Centre


Above: Commercial buildings opposite Princes Hwy and intersection with Bestic St

3 Description of Proposed Development

3.1 DEVELOPMENT DETAILS

The proposed development comprises of the construction of a 11 storey building containing a podium that will accommodate ground floor commercial premises with apartments above and served by 3 levels of basement.

More specifically the proposed development consists of

- 8,122 m2 gross floor area;
- 92 apartments in a mix of 1, 2 and 3 bedrooms;
- 3 ground floor commercial tenancies onto the Princes Highway;
- Basement parking for 123 cars for apartment occupants, visitors and retail use as well as provision for motorbike parking and bicycle storage;
- Communal open space within the elevated courtyards and rear ground level deep soil zone;
- Public domain improvement to the Princes Highway and laneway frontage
- Off street truck delivery and garbage collection arrangements to the rear of the site; and
- Storm water collection and treatment as well as provision of services.

A summary of the main development parameters is outlined in the table below.

Development Statistics

Component	Proposed
Site Area (total)	1,696 m2
Communal open space	519 m2 (on two levels)
Gross Floor Area	8,122 m2
Commercial GFA	849 m2
Residential GFA	12,444 m2
Apartments	92 dwellings
1 Bedroom	24 (26%)
2 Bedroom	65 (71%)
3 Bedroom	3 (3%)
Commercial tenancies	3 tenancies
Car parking	123
Residential	96 (including 10 adaptable)
Visitor / Retail basement	15/12 = 27
Motor bike parking	7
Bicycle storage	12

The proposed development is detailed in the architectural plans in the Appendices inclusive of Elevations, Sections, Materials, Shadow Diagrams, Explanatory and Compliance Diagrams.

These are accompanied by a photomontage and landscaping plans as well as a schedule of the proposed accommodation, tenancies and characteristics.

3.2 BUILDING DETAILS

3.2.1 FSR and Building Height

The floor space ratio of the proposal equates to 4.8:1 as a result of the limited site area while the upper most building height is 34.37 m (RL49.23) to the top of the parapet or 35.52 m (RL50.28) to the top of the top of the lift overrun and screen.

Above: Princes Highway elevation extract from architectural plan set.

3.2.2 Configuration and Massing

The massing coupled with the treatment of the facades responds to context with each responding to the adjoining street amenity, adjoining future development, aspects and views. The resultant forms optimise solar access and natural ventilation opportunities while protecting visual privacy and mitigating noise impacts.

The building is configured around a central lift core served by an enhanced entrance directly from Princes Highway and organised into parts when viewed from the street.

The building is setback 3m from Princes Highway at ground level and the adjoining laneway. Above the ground level, the building returns to a zero setback to the Highway frontage to emphasis the town centre entry corner but maintains the 3m setback to the laneway.

Setbacks to the southern boundary is 9m to accommodate future development on the adjoining site while the rear of the site has been utilised for deep soil at ground level.

3.2.3 Materials and Finishes

External walls are predominantly masonry. Glazing is feathered with building height with limited glazing on the lower levels closest to sources of noise. Fuse Architects has stated that:

> *"Materiality is kept simple, a rendered masonry form, robust and uncomplicated. Windows and glass balconies are then carved out in contrast. The façade becomes a composition describing the buildings response to its environs.*

Above: Photomontage of the main building frontage to Princes Highway.

An external materials sheet and schedule can be found in the architectural plan set.

3.2.4 Apartment Amenity

A high level of residential amenity will be provided for the apartments with optimised natural ventilation, solar access, useable outdoor space, acoustic and visual privacy. Private open space is provided in the form of balconies while communal open space is provided on the podium and rear of the site at ground level.

In terms of environmental performance, midwinter solar access greater than 2 hours is provided to 62 or 67.3% of apartments while 59 or 64.1% of apartments are provided with natural cross ventilation. A BASIX assessment is also provided in the appendices.

3.2.5 Storage

Storage is provided for each apartment as per cubic metre standards for apartment size with no more than 50% of the requirement provided for in storage cages within the basements.

3.2.6 Acoustic and Visual Privacy

Building standards, landscaping and built form elements have been designed to maximise acoustic protection from noise sources as well as providing reasonable levels of visual privacy for residents.

Appropriate glazing and acoustic seals will be implemented in the design as discussed in the Noise Assessment for the residential apartments while noise generated from retail and truck movements will have minimal effect on apartments given its location and treatment of adjacent apartments.

3.3 COMMERCIAL TENANCIES

The ground floor frontage to Princes Highway will be occupied by three commercial premises / retail facilities as detailed in the following table.

Commercial tenancy breakdown

Tenancy	Use	Gross floor area
Retail 01	General/unspecified	189 m2
Retail 02	General/unspecified	157 m2
Retail 03 (corner)	General/unspecified	215 m2
Total (excluding associated GFA)		561 m2

The commercial premises will be utilised mostly as shops and cafes/restaurants that will support the public activity within the public domain while taking advantage of street exposure and associated public transport.

3.4 PARKING AND ACCESS

Parking is provided in the three basement levels where the entry and exit is located towards the rear of the site and is accessed directly off the adjoining service lane.

A total of 123 car parking spaces distributed over the three basement levels have been provided comprising 96 residential car parking spaces (10 of which are adaptable) and 27 spaces shared between residential visitor and retail (2 of which are a disabled spaces).

In addition to car parking, the building will also contain:

- 7 motorbike parking spaces within the basement.
- 12 bicycle parking spaces either within the basement for residents or adjacent to the ground level building entry for visitors.

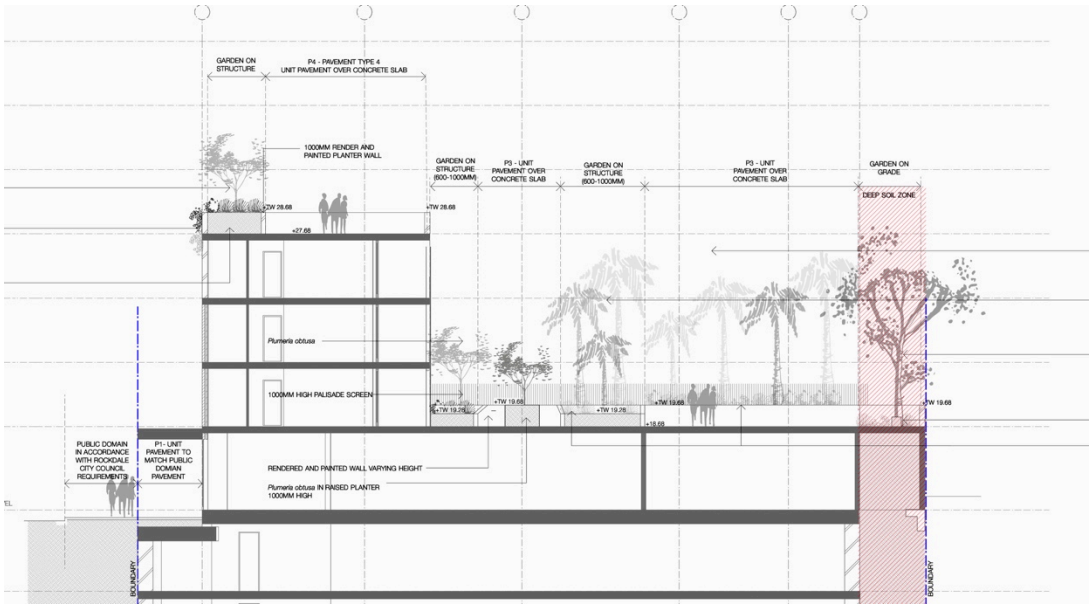
Access for truck deliveries and garbage collection is provided from the service lane to the rear of the site and undertaken in a multi-use area with direct access to ground level waste facilities, retail tenancies and the lift core to apartments.

A Traffic and Parking Assessment report contains more details on the provision and overall parking requirements for the development as well as access arrangements.

3.5 OPEN SPACE, PUBLIC DOMAIN AND LANDSCAPING

The development proposes to improve and extend the existing public domain on the adjoining Princes Highway and service lane which is currently in a poor condition.

Common open spaces on site will be provided in the form of a richly landscaped communal area on the podium as well as a multi use area at ground level to the rear of the site.



Extract of section showing landscaping on separate building levels

Details of the proposed landscaping of private, communal and public areas are provided in the Landscape Plans in the Appendices.

Extract of landscape plan for level 1 podium.

3.6 STORMWATER MANAGEMENT

A Stormwater Quality Report has been prepared to accompany the development application and is provide in the appendices. The report:

- *Identifies Water Quality Objective Targets as stated by Rockdale City Council,*
- *Identifies a suitable "stormwater treatment train" aimed to comply with Rockdale City council Water Quality Objectives,*
- *Demonstrates compliance to the Local Authority Planning Schemes with the use of "Model for Urban Stormwater Improvement Conceptualisation" Software (MUSIC Version 6.0.1),*
- *provides a conceptual stormwater layout highlighting all stormwater quality treatment devices proposed for this development.*

A MUSIC model was developed to assess the performance of the proposed stormwater treatment train against the requirements of Rockdale City Council. The results of the modelling indicate that an acceptable level of treatment is achieved.

The proposed stormwater treatment train will consist of:

- *All stormwater from roof areas shall be captured by a series of gutters, downpipes and directed to the 3,000L rainwater tank compartment within the On Site*

Detention tank (OSD). Rainwater tan overflows to the filtration unit chamber within the OSD tank.

- *The majority of the stormwater from paved areas (including balconies) shall be collected by a series of floor wastes (FWs) and directed to the filtration unit compartment with in the On Site Detention tank (OSD).*
- *Runoff generated from the bypass area shall be collected and filtered by Enviropod T.M filter installed within a grated boundary pit (or approved equivalent). The flow from this area shall bypass the OSD, and be discharged directly into Council's existing stormwater system.*
- *The filtration unit compartment with in the On Site Detention (OSD) shall be fitted with 3 Stormwater360 PSorb T.M filtration cartridges (or approved equivalent) to treat the stormwater prior to discharging into Council's existing stormwater system.*

3.7 WASTE MANAGEMENT

Waste Management Plans have been prepared based on estimates of waste generation specifically for the proposed development in accordance with relevant guidelines and are provided in the appendices.

The waste management plans covers construction wastes and the ongoing management of waste generated by the proposed mixed use development.

Waste audit and management strategies are recommended to provide support for the building design and promote strong sustainability outcomes for the building and comply with council codes and any statutory requirements.

The waste management plan has three key objectives:

- Ensure waste is managed to reduce the amount of waste and recyclables to land fill by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.
- Recover, reuse and recycle generated waste wherever possible.
- Compliance with all relevant codes and policies.

4 Environmental Assessment

The statutory planning framework that is relevant to the assessment of the development proposal is primarily as follows:

- Environmental Planning and Assessment Act and Regulation;
- Metropolitan Planning Strategy;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy No.65 - Design Quality of Residential Flat Buildings;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment;
- Rockdale Local Environmental Plan 2011; and
- Rockdale Development Control Plan 2011

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION

Clause 50 (1A) of the Regulation requires that a design verification statement must accompany a development application for a residential flat building from a qualified designer. The Statement is to confirm that he or she designed, or directed the design, of the residential flat development, and that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) are achieved for the residential flat development.

A Design Verification Statement prepared by Fuse is provided in the Appendices.

Clause 50 also requires matters set out in Schedule 1 of the Regulation to accompany a development application. Schedule 1 (5) provides that an application for residential flat development to which SEPP 65 applies, must also be accompanied by the following information:

SEPP 65 required information

An explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65	Refer to Design Verification Report in Appendices
Drawings of the proposed development in the context of surrounding development, including the streetscape	Refer to drawings by Fuse in Appendices
Development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations	Refer to drawings by Fuse in the Appendices and compliance tables

Drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context	Refer to drawings by Black Beetle in Appendices
If the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts	Refer to Design Statement
Photomontages of the proposed development in the context of surrounding development	Refer to photomontage by Fuse in Appendices
A sample board of the proposed materials and colours of the facade	Refer to Materials Sheet by Fuse in Appendices
Detailed sections of proposed facades	Refer to drawings by Fuse in Appendices
If appropriate, a model that includes the context	May accompany the application if required

4.2 METROPOLITAN STRATEGY

The Metropolitan Strategy, A Plan For Growing Sydney, was updated in 2015 and sets out goals, directions and actions to meet the Plan's vision.

The more significant aspects of the Strategy for this development is concerns the increasing the supply and choice of housing in accessible locations and the creation of healthy built environments facilitating social cohesion and economic activity.

Rockdale is located in the South Subregion whereby the Plan sets out priorities, along with further investigations that are needed to shape subregional plans.

> *Accelerate housing supply, choice and affordability and build great places to live*
>
> *Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations, particularly around Priority Precincts, established and new centres, and along key public transport corridors including the Illawarra Line, the South Line and Sydney Rapid Transit (along the Bankstown Line).*

The proposed development is supportive of metropolitan planning strategies and priorities by contributing 92 dwellings and local retail services in close proximity to the Rockdale Centre and its range of local facilities and services as well as metropolitan public transport networks.

4.3 ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011

4.3.1 Part 2 Permitted or prohibited development

The proposed development is subject to Rockdale Local Environmental Plan (RLEP) 2011 and will facilitate development resulting from a design excellence competition that is consistent with the B4 Mixed Use zone objectives:

- *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.*

The proposed development is permissible in the zone as shop top housing which is defined as follows

> ***shop top housing*** *means one or more dwellings located above ground floor retail premises or business premises.*

4.3.2 Part 4 Principal development standards

The site is not subject to floor space ratio controls under Clause 5.6 *Floor space ratio* but is subject to Clause 4.3 *Height of buildings* where the Building Height Maps indicates for the land, category R2 or a maximum height of building above existing ground level of 22 m.

However, The Height of Building Map also indicates the land being within Area A for which clause 4.3 (2A) applies as follows.

> *(2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by an additional:*
>
> *(a) 12 metres—if the building is in Area A identified on the Height of Buildings Map and on a lot having an area of at least 1,500 square metres.*

These provisions are subject to clause 6.14 Design excellence provisions under subclause (2) (b) as follows.

> *(2) This clause applies to the following development:*
>
> *(b) development that is the subject of a development application that relies on clause 4.3 (2A) (a), (f), (g), (h) or (i).*

Subclause (3) provides that development consent must not be granted to development unless:

> *(a) an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the development, and*
>
> *(b) the consent authority considers that the development exhibits design excellence.*

Rockdale Council confirmed under subclause (4) that an architectural design competition would not be unreasonable or unnecessary in the circumstances and as a consequence, such as competition was undertaken as described in this Statement

Accordingly, Clause 4.3 (2A) applies since the land has an area of 1,696 m2 and the design excellence provisions of clause 6.14 have been satisfied and therefore, the maximum building height control applying to the site under RLEP 2011 is 34 m.

The building height of the proposed building exceeds the maximum height of 34m in the order of 1.1% to the parapet at 34.47m and 4.5% for the lift overrun at 35.42m.

An exception to the Height of Building development standard under clause 4.6 is requested in the following section.

4.3.3 Part 5 Miscellaneous Provisions

In regard to Part 5 of RLEP 2011, since the site is clear of vegetation, Clause 5.9 '*Preservation of trees or vegetation'* does not apply.

Clause 5.6, *Architectural roof features*, provides for variations to maximum building height for roof features of visual interest providing that the majority of the roof is within the maximum building height standard.

The majority of the proposed roof is contained within the maximum building height standard of 34m except for the roof top extension of the golden veil element in the façade, which is an important and visually interesting architectural roof feature that interlocks the two primary volumes. The element would not support advertising structure or include floor space area or it's potential, and will cause minimal overshadowing.

Notwithstanding the development application is subject to a clause 4.6 request to vary the height standard, the Consent Authority may therefore be satisfied under clause 5.6 that the architectural roof feature:

- *comprises a decorative element on the uppermost portion of a building, and*
- *is not an advertising structure, and*
- *does not include floor space area and is not reasonably capable of modification to include floor space area, and*
- *will cause minimal overshadowing,*

and that *equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

For the purposes of Clause 5.10 *Heritage conservation*, the curtilage of the State heritage listed Rockdale Railway Station and Yard Group extends northwards along the rail corridor from the station platforms to just to the west of the site. The Rockdale Railway Station and Yard Group is also listed as a heritage item under Schedule 5 RLEP 2011, however, the proposed development is unlikely to have any impact on the heritage significance of the item.

4.3.4 Part 6 Additional Local Provisions

In regard to Part 6 of RLEP 2011, the provisions of Clause 6.*2 Earthworks* have been addressed in the early works development application submitted separately.

The subject land is identified under RLEP 2011 as Class 5 on the Acid Sulphate Soils Map but is not included in subclause 6.1 (2) criteria of "Works *within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land*". Accordingly, an acid soils management plan has not been prepared as per subclause 6.1(3).

As a consequence of Clause 6.4 *Airspace operations* the proposal will required to be submitted to the Sydney Airport Corporation Limited (SACL) as the building height will penetrate the 15.24 m OLS and may not be consented to unless no objection is raised.

In terms of Clause 6.6 *Flood planning*, an Overland Flow Study and Flood Management Plan in the appendices, previously prepared for the withdrawn development application, outlines the flooding characteristics of the site and demonstrates that they are manageable for the intended mixed use and residential purposes.

It is considered that the proposals will not introduce flooding risks or hazards and accordingly, for the purposes of subclause 6.6 (3), the development will:

- be compatible with the flood hazard of the land,
- not likely to significantly adversely affect flood behaviour, increasing the potential flood affectation of other development or properties,
- incorporate appropriate measures to manage risk to life from flood through the securing of the site during and after excavation,
- not likely to significantly adversely affect the environment or cause avoidable erosion, siltation through the implementation of the Soil and Water Management Plan, and
- not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

A freeboard ground floor level of RL 14.78 has been adopted for the site based on hydraulic engineering advice from and discussions with council engineers.

Clause 6.10 Active street frontages applies to the site and is satisfied *as* the proposed building *"has premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises*" noting that under subclause 6.10 (4), the entrance and lobby in a mixed use building is not required to active.

As discussed above, the proposed development is the result architectural design competition that satisfies the requirements of Clause 6.14 *Design excellence.*

4.4 CLAUSE 4.6 EXCEPTION REQUEST

This request has been prepared under Clause 4.6 of RLEP 2011 to justify the contravention of the height of building development standard by demonstrating:

> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
>
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard."*

As discussed above, the height of the proposed building exceeds the building height control under RLEP 2011 in the order of 1.1% or 4.5% if Clause 5.6 *Architectural roof features* is not applied.

Case law provides a number of questions when considering an exception to a development standards as follows:

- *Is the planning control in question a development standard?*
- *What is the underlying object or purpose of the standard?*
- *Is compliance with the development standard consistent with the aims of Clause 4.6?*
- *Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?*
- *Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the objection well founded?*

This request addresses these matters.

What is the nature of the contravention of a standard

The overall building height of 35.52 m (RL 50.28 to the top of the top of the lift overrun and screen) exceeds the 34 m maximum building height under RLEP 2011 by 1.52 m, representing a variation of 4.5% above the development standard.

Should the lift overrun incorporated into the architectural roof feature be excluded in consideration of clause 5.6, then the overall building height is 34.37 m (RL 49.23 to the top of the parapet) which exceeds the 34 m maximum building height by 0.37 m, representing a variation of 1.1% above the development standard.

Is the planning control a development standard?

The planning control in Clause 4.3 relating to maximum building height is a development standard under the definition within the Environmental Planning and Assessment Act 1979 defines development standards, specifically as including height, as follow *(EP&A Act, Part 1 Section 4. Definitions)*

What is the purpose/object of the standard?

The objectives of the development standard are as follows:

> *(a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,*
>
> *(b) to permit building heights that encourage high quality urban form,*
>
> *(c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,*
>
> *(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposed variance to the height control is consistent with the objectives of the development standard as the proposed development represents a high quality urban form that has been subjected to a design excellence process and will be consistent with the desired visual character of the future planning outcome for the area.

The proposed building height will not undermine the achievement and maintenance of a satisfactory sky exposure and daylight to surrounding buildings and the public domain while no identified key areas are within the area that may be affected.

In addition, the variance requested is minor in nature and has a limited effect on the achievement of appropriate transition in built form and land use intensity.

Is compliance with the development standard consistent with the requirements of Clause 4.6?

The aims of Clause 4.6 are:

> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
>
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

When the development is tested against the underlying objectives of the standard, compliance would be inconsistent with the aims of the clause because the proposed height is appropriate, acceptable and consistent with the characteristics of the site and the expectation of a development outcomes for the site as confirmed by the design excellence process.

The minor exceedance in height proposed will not result in any adverse impacts and will provide for a high quality development with a density anticipated in the planning controls and appropriate in a highly accessible location.

The proposed development is therefore a case where flexibility in the application of the development standard is justified in order to address a key design consideration while meeting the planning objectives of the controls.

Is Compliance with the Development Standard unreasonable or unnecessary in the circumstances of the case?

Strict compliance with Clause 4.3 of the RLEP 2011 is considered unreasonable and unnecessary in the circumstances of the case especially as the development proposal has undergone a review under the design excellence process and has responded to site conditions while the exceedance is minor in nature with limited adverse impacts.

The non-compliance relates largely to the lift overrun and small sections of the building parapet above what is an undulating site where a minimum freeboard level is required for the ground floor to avoid the potential for flooding. It relates to a small element of the overall building with the remainder of the building being generally below the 34m building height limit.

Is the request well founded?

The request is considered to be well founded for the following reasons:-

- The development is appropriate in this location and provides for an appropriate scaled development as confirmed by the design excellence process in an area.
- Strict compliance with the height control in the circumstance of the flood effected sloping site would result in a diminished urban form outcome.
- The proposed development is consistent with the underlying objectives of the maximum height of building standard whereby the scale and form of the building is consistent with the intended redevelopment potential of the land and represents a high quality urban form.
- The scale of the proposal, notwithstanding the non-compliance, is consistent with the desired future character of the locality.
- The proposed variation does not add significantly to the overall building height and given that the lift core is centrally located in the building and at ground level and incorporated into the roof feature, this element will not be readily visible.
- Consequently, the non-compliance does not result in any significant adverse environmental impacts on the amenity of the surrounding area in general.

Conclusion

Having regard to the above, it is concluded that the proposed non-compliance with the height of building standard does not undermine or frustrate its underlying objectives. The non-compliance does not give rise to any significant adverse environmental impacts but provides for an enhanced development outcome confirmed by the Design Competition Jury. Compliance with the standard would result in a diminished urban form.

It is therefore considered that strict compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case and that the requested exception to the standard should be supported by the consent authority.

4.5 SEPP NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides a State wide planning approach to the remediation of contaminated land by considering whether the land is contaminated and, if it is contaminated, whether it can be made suitable for the proposed purpose.

In accordance with the requirements of SEPP 55, environmental assessment has been undertaken that is provided which makes conclusions in regard to the suitability of the land for redevelopment for residential purposes.

4.6 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX)

The aim of the BASIX SEPP and accompanying regulation is to 'encourage sustainable residential development' by specifying that a BASIX certificate must accompany an application for a BASIX affected building. A BASIX certificate assesses the sustainability of a dwelling to reduce consumptions of mains supplied water, to reduce greenhouse gas emissions and to perform in a thermally efficient manner.

The plans included in this development application are accompanied by a BASIX certificate.

4.7 SEPP (INFRASTRUCTURE) 2007

The land is adjacent to a classified road and is therefore subject to State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) under Clause 101, *Development with frontage to classified road*. Its objectives are:

> *(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
>
> *(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Sub-clause (2) requires the consent authority to be satisfied that:

> *(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
>
> *(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
>
> *(i) the design of the vehicular access to the land, or*
>
> *(ii) the emission of smoke or dust from the development, or*
>
> *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
>
> *(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Vehicle access to the development will occur from the adjoining service lane while the submitted Traffic and Parking Assessment Report describes the limited impact on the traffic movements on the Princes Highway

An Acoustic Assessment is provided with this application. In summary, the report provides the results of the assessment of traffic noise impacts on the amenity of future tenants within the proposed mixed use development.

It concludes that provided that the treatments set out in Section 7 of the report are employed, internal noise levels will comply with the requirements of:

- Rockdale Council Development Control Plan 2011;
- NSW Department of Planning's 'Development near Rail Corridors and Busy Roads (Interim Guideline);
- State Environmental Planning Policy (INFRASTRUCTURE) 2007;
- Australian Standard AS2021:2000;
- Australian Standard AS2107:2000.

Accordingly, the access and amenity requirements of this clause may be satisfied by the development.

Clause 104 of the Policy also requires referral of the development application to RMS as the proposed development is potentially traffic generating as it is within 90m of the Princes Highway and involves the provision of over 75 dwellings.

4.8 GREATER METROPOLITAN REP NO 2 – GEORGES RIVER CATCHMENT

The proposed development is consistent with the general planning principles and requirements of the Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. The proposal has been designed in accordance with ESD principles and will not adversely impact upon the environmental water quality and river flows of the Georges River catchment.

4.9 SEPP NO. 65 DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

A report and design verification by the project architects, Fuse, is provided in the Appendices that addresses the State Environmental Planning Policy No. 65 design quality principles for mixed use / residential flat development.

The SEPP 65 compliance statement in the appendices prepared by the project architects, Fuse, assesses compliance with the objectives and design criteria and guidance of Parts 3 and 4 of the SEPP 65 Apartment Design Guide.

4.10 ROCKDALE DEVELOPMENT CONTROL PLAN 2011

Rockdale Development Control Plan 2011 (the DCP) contains objectives and development controls for development within the Rockdale Local Government Area. An

assessment of the proposed development against the provisions of Parts 4 and 5 of the DCP is provided in the table below:

COMPLIANCE TABLE – Part 4 - General Principles for Development, Rockdale DCP 2011

DCP Reference & Requirement		Proposed / Comment
4.1 – SITE PLANNING		
4.1.1 Views and Vistas		
1. Development must consider any significant views to, from and across the site.	Y	There are no significant views to, from or across the site.
2. Development must retain existing views to Botany Bay, and where possible enhance views through site planning and building design.	Y	Views to Botany Bay are not available from the site or across the site.
3. Development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character of the area and its skyline.	Y	The site is located on gateway site to the Rockdale Town Centre along Princes Highway and has responded accordingly.
4. View corridors to landmarks and significant heritage items must be protected where possible. Applicants may be required to prepare photo montages of the proposed development to illustrate the impact on views.	Y	A view corridor exists along the Highway to the Rockdale City Council Town Hall which is a significant heritage item in the local area. However, the proposed development has little influence on the view corridor other than reinforcing the Highway as central to an administrative and commercial centre.
5. Building forms and setbacks permit views from public streets and open spaces. In particular, views from public open spaces to the bay and district are preserved.		There are no significant views to, from or across the site.
6. Roof forms on the low side of streets are well articulated to allow public views and add interest to the scenic outlook. Large, flat expansive roofs with vents, air conditioning units and similar structures are inappropriate.	-	Not relevant
7. Building forms enable a sharing of views with surrounding residences, particularly from the main habitable rooms of surrounding residences.	Y	Views opportunities from future apartments on the adjoining site will remain available from building separation.
4.1.2 Heritage Conservation		
1-16. A heritage impact statement prepared by a suitably qualified heritage consultant must be submitted with the lodgement of a development application that seeks consent for development of a heritage item …..	-	Not relevant. The site is not listed as a Heritage Item.
17. Any proposed development located adjacent to or nearby a heritage item must not have an adverse impact on the heritage item including its setting and curtilage.	Y	The curtilage of the State heritage listed Rockdale Railway Station and Yard Group extends northwards along the rail corridor from the station platforms to just to the west of the site. The Rockdale Railway Station and Yard Group is also listed as a heritage item under Schedule 5 of *Rockdale Local Environmental Plan 2011*. However, the proposed development is unlikely to have any impact on the heritage significance of the item.
18. Development adjacent to a heritage item	-	Not relevant. There are no relevant heritage items

must be designed (appropriately)		in the vicinity of the site.
19. Where new development is proposed adjacent to a heritage item in a street of buildings similar to the heritage item….	-	Not relevant. There are no relevant heritage items in the vicinity of the site.
4.1.3 Water Management		
Stormwater Management		
1. Development must comply with Council's Technical Specification - Stormwater Management which provides detail of drainage requirements for different development types.	Y	As detailed by civil engineer in Stormwater Quality Report in the appendices.
2. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention and landscaping and in the design of development.	Y	As detailed by civil engineer in Stormwater Quality Report in the appendices.
Flood Risk Management		
3 – 7. Development must comply with Council's - Flood Management Policy which provides guidelines of controlling developments in different flood risk areas. It should be read in conjunction with the NSW Government's 'Floodplain Development Manual 2005'.	Y	The site is identified as being within a Flood Planning Area on the Flood Planning Area Map. Refer to Overland Flow Study in the appendices.
Water Conservation		
9. All new commercial and industrial development is to demonstrate the measures proposed, using water sensitive urban design principles to reduce water consumption.	-	Not wholly applicable – refer to BASIX for water conservation initiatives.
Water Quality		
10. Measures to pollutants in stormwater discharge from development sites are to be included in any development.	Y	As detailed by civil engineer in Stormwater Quality Report in the appendices.
11. Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	-	Not relevant. The proposed development will not result in runoff entering directly to waterways or bushland.
Groundwater Protection		
12. Operating practices and technology must be employed to prevent contamination of groundwater.	Y	Refer to Preliminary Waste Classification Assessment in Appendices for management measures.
13. Development which has high potential risk to groundwater, e.g. development in the Botany Sands Aquifer must submit a geotechnical report to address how possible impacts on groundwater are minimised.	-	Not relevant see above Assessment.
4.1.4 Soil Management		
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways.	-	Refer to Early Works DA
2. Development that involves site disturbance is to provide an erosion and sediment plan which details the proposed method of soil	-	Refer to Early Works DA

management and its implementation.		
3. Development is to minimise site disturbance, including impacts on vegetation and significant trees and the need for cut and fill.	-	Refer to Early Works DA
4.1.5 Contaminated Land		
1. Development on land that is or has previously been used for a purpose which is likely to have contaminated the site is to follow the procedures and guidelines contained in State Environmental Planning Policy 55 - Remediation of Land.		Refer Refer to Preliminary Waste Classification Assessment and SEPP 55 assessment in this Statement.
4.1.6 Development on Sloping Sites		
1. The building footprint is designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	-	Not relevant – site is relatively level.
2. To minimise cut and fill on sloping sites and to encourage good quality internal environments, any habitable room of a dwelling must have at least one external wall entirely above existing ground level.	-	Not relevant – site is relatively level.
4.1.7 Tree Preservation		
1. Council consent is required to undertake tree work including removing, pruning, cutting down, lopping, and ringbarking of any tree if the tree: • is more than 3 metres tall, or • has a circumference in excess of 300mm at a height of 1 metre above the ground.	-	The site is clear of vegetation.
4.1.8 Biodiversity		
1-5. Planting of indigenous plant species encouraged and impacts to be avoided on any indigenous flora and fauna on adjoining lands.	Y	The site is located in an established urban environment and does not contain any indigenous flora or fauna. Refer to landscape plan for planting schedule.
4.1.9 Lot Size and Site Consolidation		
Lot Size and Minimum Site Frontage		
1. The development must satisfy the relevant minimum lot size and minimum site frontage requirements: Mixed Use: For all development of 4 storeys or greater, a minimum frontage width of 18m is required.	Y	The site's principal frontage to the Princes Highway is 46.06 m wide.
Avoidance of Isolated Sites		
2. Developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed.	Y	The remnant parcels on he street block are capable of redevelopment (to the south) or are utilised for telecommunications infrastructure (to the west).
4.2 - STREETSCAPE AND SITE CONTEXT		
Site Context		

1. Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.	Y	The building design responds to the particular constraints of the site, while maintaining an appropriate scale and urban form in relation to the adjoining properties and surrounding development.
2. Development adjoining land use zone boundaries should provide a transition in form, considering elements such as height, scale, appearance and setbacks.	Y	A transition in scale is not considered to be required given the change of zone to B6 to the north of the site and Special Uses Rail to the west.
3. Buildings addressing or bordering public open space must relate positively to it through the provision of windows, openings, access points and outlook. Overshadowing of public spaces must be minimised.	Y	Site does not adjoin public open spaces
Streetscape Character		
4. The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.	Y	The building design and materials selection are compatible with that of other development in the locality and will make a significant contribution to the streetscape appearance and character.
5. Building setbacks from the street boundary are to be consistent with prevailing setbacks of adjoining and nearby buildings.	Y	Setbacks employed comply with DCP provisions and are compatible with adjoining existing and future development.
6. Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.	Y	The proposed corner treatment is a significant element of the design and the design excellence considerations.
7-9. External garages		Does not apply.
Pedestrian Environment		
10. Residential buildings adjacent to the street must address the street by having a front door and/or living room or kitchen window addressing the street. The frontage of buildings and their entries are to be readily apparent from the street.	Y	The frontage of the building and entrances are to be readily apparent from the street while the addressing of the building to the highway is balances with noise mitigation.
11. Buildings are designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.	Y	Apartments and ground floor commercial provide good passive surveillance of surrounding public domains.
12. Pedestrian and cycle thoroughfares are reinforced as safe routes	-	No thoroughfares are present
13. Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.	Y	The site layout and built form will clearly define the public and private domains of the site.
14. Vehicle entries are discrete and minimise conflicts with pedestrians	Y	Basement entrance is to the rear of the site from the minor street and will have minimal pedestrian conflict.
15. Development is to take advantage of opportunities to provide driveway access from rear laneways.	Y	As above.
Fencing		
16 – 30. Various controls.	-	No fencing is proposed.

4.3 - LANDSCAPE PLANNING & DESIGN		
4.3.1 Open Space and Landscape Design		
1. Development must comply with Council's Technical Specification - Landscape.	Y	Landscaping has been to Council's Technical Specification - Landscape. The Landscape Documentation DA Checklist has been submitted with the development application.
2. Council requires a Landscape Plan prepared by a qualified Landscape Architect to be included with development applications for all developments except single dwelling houses and secondary dwellings.		A suitable Landscape Plan has been submitted with the development application.
3. Significant existing trees and natural features such as rock formations should be retained and incorporated into the design of the development wherever possible.	-	No trees or rock features present on site
4. The amount of hard surface area is to be minimised to reduce runoff by: a. directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and b. utilising semi-pervious paving materials wherever possible.	Y	As far as practicable, the amount of hard surfaces has been minimised on deep soil area by the use of semi-pervious materials.
5. Landscape must relate to building scale and assist integration of the development with the existing street character.	Y	Green Gateway treatment applies
6. Planting design solutions requirements (various)		The proposed landscaping has been designed in accordance with the planting design solutions.
7. Trees must be planted within properties to maximise tree cover.	-	Not available to the site
8. Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates : Mixed use (with shoptop housing) / Highway Commercial 10%	Y	Approximately 13.9% of the site area has been provided as landscaped area.
9. At least 20% of the front setback area of a residential development is to be provided as landscaped area.	-	Not applicable
10. Landscaped areas should adjoin the landscaped area of neighbouring properties so as to provide for a contiguous corridor of landscape and vegetation.	-	Not available to the site
11. Where a basement car park protrudes above ground level and is not wrapped in residential or retail uses, the walls are to be screened with appropriate treatments, such as planting.	Y	Basement generally does not protrude above ground floor. Raised ground floor above flood level is suitable treated.
12. … street trees are to be provided in accordance with Council's Street Tree Masterplan.	Y	Green Gateway treatment applies
13. Council requires the footpath area adjacent to the site to be restored at the time of the development.	Y	May be made condition of development consent.
14 Development must comply with the streetscape requirements in relevant public domain plans.	Y	Green Gateway treatment applies

4.3.2 Private Open Space		
1. Each dwelling must be provided with a minimum private open space area as per specified in the ADG	Y	Each apartment has access to a balcony or terrace, with a minimum area of 8 m2 (1 bedroom) 10 m2 (2 bedroom) as per the minimum standard of the ADG. The majority of 1 bedroom apartments have balcony depths of 3.5 m as per the minimum standard of the ADG.
2. Private open space is to be clearly defined for private use through planting, fencing or landscape features.	Y	Private open space is in the form of secure balconies with optimised privacy.
3. Development should take advantage of opportunities to provide north-facing private open space to achieve comfortable year-round use.	Y	Opportunities for solar access to private open space has been optimised - 53% of apartments have a north facing private open space.
4. Private open space must take account of the visual and acoustic privacy of its occupants and neighbours. Development must ensure that the usability of private open space of adjoining buildings is not reduced through overlooking and overshadowing.	Y	The private open space for each unit is not visible from the other like spaces on each floor and should not overlook the private open space on adjoining development.
5. Private open space areas are to act as extensions of indoor living areas.	Y	Each private open space area is accessed directly off the living area, providing an extension of the internal living space.
6. For residential at building and shoptop housing, private open space is to be provided for each dwelling in the form of balconies, roof terraces or in the case of ground floor units, courtyards.	Y	The private open space for each unit is in the form of a balcony and is accessed directly off the living area.
7. Balcony design is to: maximise habitability; provide privacy, e.g. the use of adjustable screens; and provide for a variety of uses, including clothes drying in open air.	Y	Each balcony provides a usable area that will allow for privacy and provide for a variety of uses.
4.3.3 Communal Open Space		
1. A primary communal open space area of adequate dimensions must be provided for use by all residents, for shoptop housing of a mixed use development which has 12 or more dwellings.	Y	Seating areas amongst lush planting coupled with informal play areas and community garden spaces are located on the level 1.
2. The development must provide a communal area for the benefits of its residents at the rate of 5m2 for each dwelling within the development. Where a development is unable to reasonably meet this minimum requirement (or a development containing less than 12 dwellings) an equivalent area of additional private open space is to be provided for each dwelling.	Y	Total communal open space equals 519 m2 (5.6 m2 per apartment) located on the ground level and podium level.
3. Communal areas should achieve listed outcomes (a to i).	Y	Listed outcomes considered although limited opportunities are available
4. Any internal communal area must have regard to its relationship to outdoor communal areas. It should be designed to provide for a range of uses such as meetings, leisure, recreational and sporting activities. In this respect it may be appropriate to	Y	Relationship with internal and external communal open space conceded but limited opportunities are available.

incorporate kitchenette and toilet facilities.		
5. Communal open space may be accommodated on a podium or roof in a residential mixed use building provided it has adequate amenity and convenient access.	Y	Level 1 has been utilised for communal open space given mixed use nature of building.
4.4 - SUSTAINABLE BUILDING DESIGN		
4.4.1 Energy Efficiency		
1. A BASIX certificate is to be submitted with the development application for residential development.	Y	BASIX certificate submitted with application.
2 A report on energy and water efficiency is to be submitted with the development application for any building works with a construction cost of $1,000,000 or more.	Y	This application is accompanied by a NCC Section J Environmental Assessment Report and a Natural Ventilation Assessment as well as a summary of WSUD water management features.
4.4.2 Solar Access		
1. Development must be designed and sited to minimise the extent of shadows that it casts.		The majority of private open space is located directly north and are not overshadowed. The communal open space is positioned to received daylight throughout the year. No overshadowing will occur to private and communal open space of adjoining dwellings; public open space; solar collectors of adjoining development; other habitable rooms in general.
2. Building form, separation and plan layout facilitates good solar access to internal and external living spaces.	Y	Apartments design to ADG criteria and guidelines.
3. Buildings must be sited to reduce overshadowing on adjoining properties by increasing setbacks, staggering of design, variations in roof form and/or reducing building bulk and height.	Y	The setback to the southern boundary has been increased from 4.5m to 9m reducing the extent of overshadowing.
4. Development must have adequate solar access as per the following standards. Where existing adjoining properties currently receive less sunlight than these standards, sunlight must not be reduced by more than 20%. Living rooms and private open spaces for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.	Y	70.7% (65) of dwellings receive 2 hours of solar access between 9am and 3pm mid-winter as per ADG requirements while overshadowing of future adjoining apartments will be limited by setback .
5. Shadow diagrams are to be submitted with the development application for any building of two or more storeys to illustrate the impact on adjoining properties and/or the public domain.	Y	Shadow diagrams have been submitted.
6. The diagrams should provide information relating to the effect of the proposed development at 9 a.m., 12 p.m. and 3 p.m. on: a. 21 June (mid-winter), b. 21 December (mid-summer) and c. 21 March/September (equinox)	Y	Submitted shadow diagrams meet the requirements.
4.4.3 Natural Lighting & Ventilation		

1. Buildings must comply with the following minimum ceiling heights to facilitate adequate natural lighting and ventilation: Retail and commercial - 3.3m. Resi habitable space - 2.7m, non-habitable 2.4m	Y	3.3m is provided to retail Ceiling height to living rooms and bedrooms is 2.7m Ceiling height to bathrooms and kitchens is 2.4m minimum. Floor to floors are typically 3.0m to achieve the required internal heights
2. Buildings must be designed to maximise opportunities for cross flow ventilation by providing clear breeze paths and shallow building depths.	Y	Less than 18m is provided from glass line to breezeway
3. Windows that can open and which are designed to provide controlled air flow must be installed.	Y	The windows to be installed are openable to allow for natural ventilation
4 to 6. Office premises ….	-	Not applicable
4.4.4 Glazing		
1. Areas of glazing are located to avoid energy loss and unwanted energy gain.	Y	Façade treatment provides flexibility for an arrangement of conditions in the ratio of solid to glazing
2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east.	Y	Living doors and glazing are shaded by balcony ledges. Glazing is limited to the west and south to limit solar heat gain and loss respectively
3. Commercial buildings must not compromise the amenity of the public domain through excessive glare and reflection.	Y	Not applicable.
4.4.5 Visual and Acoustic Privacy		
Visual Privacy		
1. The windows of a habitable room with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m: are sufficiently off-set to preclude views into the windows of the adjacent building; or have sill heights of 1.7m above floor level; or have fixed obscure glazing in any part of the window below 1.7m above floor level.	Y	There are no windows of adjoining buildings within 9m and within direct sight-line.
2. Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings.	Y	The location of the balconies ensures that they either do not overlook adjoining properties or adequate building separation is provided in accordance with the ADG
3. The use of the roof top area for recreational purposes is permissible subject to the following….	-	The development could not accommodate a roof top terrace due to Sydney Airport restrictions
Acoustic Privacy		
4 – 6. Dwellings in general		
7. All residential development except dwelling houses are to be insulated and to have an Impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by AAAC.	Y	All recommendations of the submitted Acoustic Assessment of the proposal have been accommodated.

8. In attached dwellings and multi-unit development the internal layout should consider acoustic privacy, by locating circulation spaces and non-habitable rooms adjacent to party walls.	Y	The potential for interfloor noise transmission has been considered in apartment configurations.
Building Separation		
9. For residential at buildings and shoptop housing, the building separation for internal courtyards and between adjoining sites increases in proportion to building height in accordance with the minimum dimensions *	Y	Building separation appropriate for mixed use area and sufficient for future adjoining development
10. Zero building separation is permitted for residential at buildings in mixed use areas where the development is a street wall building type with party walls.	Y	Zero setback has been employed for podium to present an appropriate continuous street edge
4.4.6 Noise Impact		
1. Where development must comply with the Australian Standard 2021:2000 - Acoustic - Aircraft Noise, in relation to interior noise levels, the applicant is to provide an Acoustic report prepared by a suitably qualified Noise Consultant to advise on appropriate measures to be incorporated into the design of the building so it will meet this standard.	Y	The attached Acoustic Assessment has undertaken an Aircraft Noise Assessment and makes recommendation for noise mitigation that have been adopted in the design.
2. Details of any mitigation measures must be included with the Development Application submission. The mitigation measure must be consistent with the BASIX certificate.	Y	Refer to Acoustic Report in appendices
3. Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, hours of operation and/or service deliveries.	Y	Hours of operation of ground floor retail uses may be imposed to limit night time noise otherwise, apartments suitably protected from noise intrusion from this source.
4. External walls facing potential sources of noise are to be constructed of materials with good sound insulating quality and have no large openings that would transmit noise.	Y	External walls are predominantly masonry. Glazing is feathered as you go up the building. With limited glazing on the lower levels closest to sources of noise.
5. The building plan, walls, windows, doors and roof are to be designed to reduce intrusive noise levels from potential sources of noise emanating from adjacent non-residential uses,	Y	Refer to Acoustic Report in appendices
6. Balconies and other external building elements are to be located, designed and treated to minimise noise infiltration.	Y	As above, balconies positioned to be protected from noise sources.
7. Where new windows face potential sources of noise, they are required to be fitted with noise attenuating glass to minimise the impact of background noise from non-compatible development.	Y	As above
8. Design landscaping of communal and private open space to create a buffer between new residential development and adjacent potential sources of noise.	-	Not applicable
9. Residential at buildings are to be designed to minimise any potential conflicts with existing industrial uses in terms of acoustic	-	Not applicable

and visual privacy:		
4.4.7 Wind Impact		
1. Buildings must be designed and proportioned to consider the wind generation effects.	Y	A detailed Wind Tunnel Test of the proposal has been undertaken and all recommendations have been accommodated.
2. Buildings of 5 or more storeys in height (or over 16 m) require wind tunnel testing.	Y	Refer to Wind Tunnel Test Report in the appendices.
4.5 - SOCIAL EQUITY		
4.5.1 Housing Diversity and Choice		
1. Residential at buildings and shoptop housing are to comply with the following dwelling mix: 3 bedroom and more 10%-20% 2 bedroom 50%-75% 1 bedroom - studio 10%-30%	N	The proposed accommodation comprises 3 Bedroom – 95-98 m2 - 3 (3%) 2 Bedroom – 75-86 m2 - 65 (71%) 1 Bedroom – 51-61 m2 - 24 (26%)
2. The required dwelling mix may be refined having regard to: - the location of the development in relation to public transport, public facilities, employment areas, schools and retail areas; - population trends; etc - whether the development is for the purpose of public housing or the applicant is a community housing or not-for-profit organisation.	Y	The lower allocation for 3 bedroom apartments is considered to be justified given the characteristics of the site and location more suited to smaller household formations. It also reflects the constrained nature of the site and limited ability to provide facilities anticipated by families and is readily available in freestanding dwellings and medium density developments in Rockdale. Accordingly, the proposal satisfactorily contributes to the overall diversity of housing choice in the wider local government area.
3. Developments containing less than 10 dwellings may vary the required dwelling mix, providing a range of dwelling sizes are represented.	-	Not applicable
4. For multi-dwelling housing, residential at buildings and shoptop housing, adaptable housing complying with AS 4299 is to be provided - for more than 30 dwellings : 10%	Y	10.8% (10) of the apartments are adaptable apartments
5. For residential at buildings and shoptop housing, development is to provide barrier free access to at least 20% of dwellings.	Y	20% of the total apartments incorporate the Liveable Housing Guideline's silver level universal design features.
4.5.2 Equitable Access		
1. 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 Building Code of Australia.		Equitable access to all parts of the proposed building has been provided.
2. An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies.		Refer to Access Report in Appendices.
4.6 - CAR PARKING, ACCESS AND MOVEMENT		
Parking Rates		

1. Development is to provide on-site parking in accordance with the (DCP) rates: Where a parking rate has not been specified in the table, the RTA Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council		A Traffic and Parking Assessment Report prepared by Varga sets out the provision of parking and concludes that *"the proposed parking facilities satisfy the relevant requirements specified in both Council's Parking Code as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable parking implications."*
2. Shared parking concession for mixed use development A shared parking concession allows parking to be shared within the development based on the temporal parking demand between uses. Assessing the parking requirement for a development using a shared parking concession aims to provide the development with a more efficient parking supply, which ultimately provides a more sustainable development.		While parking provision has not been discounted for shared use, the parking for visitors and retail may be shared in practice.
3. Travel Demand Management Concession A 20% reduction of the 'non-residential' component of the parking requirement shall be applied to any development within the Rockdale Town Centre and Wolli Creek Town Centre.		The 20% reduction in parking provision has been adopted in the above parking assessment.
4. Parking provisions for "change of use" developments	-	Not applicable
5. Parking provisions for 'alterations and additions' to existing development	-	Not applicable
6. Prior Contributions		Not applicable
Car Park Location and Design	-	
7. Vehicle access points and parking areas are to achieve outcomes a to e	Y	Basement entry and exit is located towards the rear of the site and is accessed directly off the service laneway
8. Car parking and service/delivery areas are to be located so that they do not visually dominate either the development or the public domain	Y	Basement car park entry and exit and loading area for waste collection, commercial deliveries and moving vehicles proposed to the right of way easement are located towards the rear of the site and accessed from the service laneway
9. Carparking areas must be well lit, well laid out and facilitate convenient manoeuvring into and out of spaces and should have a legible circulation pattern with adequate signage.	Y	The basement car parking levels will be well lit and allows for adequate manoeuvring space.
10. Developments shall be designed with internal maneuvering areas so that vehicles can enter and exit the site in a forward direction:	Y/N	All cars will be able to enter and exit the site in a forward direction. A loading area to the rear of the site is only accessible from reversing but which has limited potential pedestrian or vehicular conflict
11. Basement car parking is to achieve outcomes a to e.	Y	Basement car parking generally achieved required outcomes
12. The widths of access driveways shall comply with Council's Technical Specifications.	Y	The 6.6m wide access driveway complies with Council's Technical Specification and allows for two-way movement in/out of the site.
13. For development on land fronting a	Y	All vehicle access is available for the side street

Classified Road, the applicant must demonstrate that the development would not conflict with the traffic flow by reason of vehicles entering or leaving the site, or from parking congestion. Where available, all vehicular access to the land must be by way of a service lane or road other than the Classified Road.		from the Highway and should not unreasonably interfere with traffic flow.
14. All car parking for residential at buildings is to be provided within a basement car park, with the exception of any required accessible or visitor parking which may be provided at-grade.	Y	All parking is within the basement.
15. Mechanical parking systems may be supported subject to compliance with the requirements from Council.	-	Not applicable
16. All visitor car parking must be clearly marked, and must not be behind a security shutter unless an intercom system is provided for access.	Y	The visitor parking is provided in basement level 1 and will be clearly marked and freely accessible.
17. Parking spaces for people with a disability are to be provided in close proximity to lifts or access points.	Y	The accessible parking spaces are distributed over the three levels of basement and are as close as practical to the lifts.
18. Garage doors must be treated as an integrated element of the building design.	Y	Swinging garage doors are setback from the main line of the facade
19. Where building uses will require the provision of loading facilities they are to be designed in such a way as to permit all loading and unloading to take place wholly within the site and prevent conflict with pedestrian and vehicular movement within or surrounding the site.	Y	The loading area provides for all loading and unloading to the rear of the site where there is no potential pedestrian or vehicular conflict.
Car Wash Facilities		
20. For buildings with 5 dwellings or more, at least one visitor car parking space is to be equipped with car wash facilities that has a cold water tap and is connected to the sewer system.	Y	One visitor car parking space is equipped with car wash facilities such a cold water tap and connection to the sewer system.
Pedestrian Access and Sustainable Transport		
21. Pedestrian access within a development must be legible and separated from vehicular access wherever possible.	Y	The pedestrian access to the building is separated from the vehicular access. The main building entry located on the Princes Highway frontage and the basement carpark entry and exit is located towards the rear of the site off the service laneway
22. Provide safe and convenient pedestrian access from car parking and other public areas, with well co-ordinated signage, lighting, security, direct paths of travel with stairs and disabled access ramps.	Y	Safe and convenient access (lift and fire stair) is provided between the basement parking areas, the ground floor residential lobby and all levels of the building.
23. Provide legible bicycle access between the cycle network and bicycle parking areas, which does not create conflict with pedestrian traffic.	Y	Bicycle access is available by road carriageway.
24. All bicycle parking is to be secure and where provided within the public domain		Bicycle parking provided on basement level 2 will be secured by controlled access to basement.

must be designed to minimise obstruction of pedestrian movement.		
25. Design of bicycle parking is to cater to the various users of the development and their differing modes of bicycle parking required, such as: parking for employees or residents, and visitor parking, which is conveniently located preferably in areas which provide passive surveillance at ground level.	Y	Bicycle parking is available within basement level 2 for building occupants and visitors.
26. Where bicycle parking is to be provided for residents in basement car parks, it is to be in the form of individual bicycle lockers or within a caged or gated secure area.	Y	Bicycle parking on basement level 2 will be secured by controlled access to basement.
27. Bicycle parking for non-residential development is to be provided as bike racks within publicly accessible areas or within the parking area.	Y	Parking provision for ground floor shops not considered suitable in the context.
28. New developments must maintain and enhance existing pedestrian, cycle and public transport networks including bus stops.	Y	Development is supportive of existing movement networks.
29. Design initiatives which promote sustainable transport are encouraged and can include:	-	Not applied
31. Use ground surfaces throughout the pedestrian network that are slip-resistant, traversable by wheelchairs and indicate changes of grade by use of materials which provide a visual and tactile contrast.	Y	The street frontage to the Highway has been designed to be accessible given level change required for flood mitigation and will be built to relevant standards – refer to Landscape Plans.
4.7 - SITE FACILITIES		
Air Conditioning & Communication Structures		
1. Satellite dishes, TV antennas, air conditioning units and any ancillary structures.	Y	May be conditioned by Council.
2. For each building comprising more than 2 dwellings, a master TV antenna or satellite dish is to be provided. Individual antennas or dishes may not be placed on balconies or verandas.		
Waste Storage & Recycling Facilities		
3. Development must comply with Council's Technical Specification - Waste Minimisation and Management regarding construction waste and on-going management of waste facilities.		A Waste Management Plan accompanying this application is in the appendices.
4. Waste must be minimised through source separation of waste, reuse and recycling by ensuring appropriate storage and collection facilities.		Waste cupboards with general waste chute and space for 240L recycling bins to be provided on each residential level.
5. Waste storage areas/facilities must be appropriately located so that they are easily accessed by tenants and do not have negative impacts on the streetscape or the residential amenity of occupants and	Y	Waster storage area is located on ground floor so as to be conveniently accessed, visually screened and not a source of odour nuisance to residents

neighbours with regards to smell, visual appearance or noise disturbance.		
Development must incorporate convenient access for waste collection.	Y	Waste collection to occur on site at rear of building Direct access is provided from the waste holding area to the loading area
For mixed uses, industrial and other non-residential uses, waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.	Y	Separate waste rooms are provided for the residential component and non-residential component of the development.
Service Lines/ Cables		
8. Substation facilities must meet Energy Australia's requirements and if able to be viewed from the street, must be screened by landscaping to a height of at least 1.5m.	Y	May be conditioned on consent.
9. In Wolli Creek and Bonar Street precincts, the developer is required to relocate underground electricity cables on the frontages at no cost to Council.	-	Not applicable
10. Internal communication cabling must be installed for telephone, internet and cable television uses.	Y	May be conditioned on consent.
Laundry Facilities and Drying Areas		
11. Laundry facilities are to be incorporated into each dwelling unit.	Y	Each apartment is provided with an internal laundry.
12. Drying areas are not to be located forward of the building line or within the setback to any street frontage and should be screened from public view.	Y	Drying areas are not located forward of the building line or within the setbacks to the street frontages.
13. Design should allow residents to hang clothes to dry in an open and preferably sunny part of the site.	Y	Open drying area to be provided in the communal open space on the podium. Area located along the western boundary with exposure to daylight for extended periods of time
14. Each dwelling in a dual occupancy or multi dwelling housing must be provided with a separate clothes line with a minimum length of 7.5m.	N	Not considered suitable or warranted in circumstance and given communal facility.
Letterboxes		
15. Letterbox points are to be integrated with building design and are preferably to be located in a covered area attached to or within the building.	Y	Letterboxes are located externally within the covered building entry recessed from the Princes Highway and central to the development
16. Letterboxes are to be centrally located either/or close to the major street entry and lockable.	Y	As above
17. For development with multiple dwellings, letterboxes are to be visible from at least some of the dwellings, and located where residents can meet and talk, preferably with seating and pleasant ambience.	Y	As above
Storage Areas		
18. For residential at buildings and shop top housing, a minimumof 10m3 storage area must be provided for each apartment. The	Y	Storage areas to all apartments comply with minimum volumes requirements of the ADG

storage area is to be exclusive of bedroom wardrobes, kitchen cupboards and services. At least 50% of the required storage within each apartment must be accessible from either the hall or living area.		
Hot Water Systems		
19. All hot water systems/units located on the balcony of a dwelling must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.	Y	A central hot water system is proposed with boilers located on the ground floor.

COMPLIANCE TABLE – Part 5 - General Principles for Development, Rockdale DCP 2011

DCP Reference & Requirement		Proposed / Comment
5.2 RESIDENTIAL FLAT BUILDINGS		
Site Coverage		
1. Building footprints for residential at buildings are limited to 35% of the site area	-	Not applicable
Apartment Sizes		
Minimum apartment sizes	N	Minimum apartment sizes of the ADG supersedes DCP requirements. Proposed areas are as follows. 1 Bedroom – 51-61sqm 2 Bedroom– 75-86sqm 3 Bedroom– 95-98sqm
Minimum room size requirements	N	Minimum room dimensions and sizes of the ADG supersedes DCP requirements. Proposed room sizes are as follows • 1 Bed - Master bedrooms = 10sqm min. • 2 Bed - Master bedrooms = 10sqm min.. • + Bedroom 2 = 9sqm min. • 3 Bed – Master bedrooms = 10sqm min.. • Bedrooms 2&3 = 9sqm min. • 3m minimum width is provided to all bedrooms. • 1 bedroom living room widths 3.6-4m. • 2+3 bedroom living room widths 4-5m.
Building Design		
6 – 23.	Y	Building design subject to design excellence process.
Building Entry		
24. The entry is to be designed so that it is a clearly identifiable element of the building in the street.	Y	A single residential entry is located and recessed off the Princes Highway. The entry is located in a transitional space between the single and two storey retail frontage and the below the recessed veiled breezeway above. The awning along the street curves up between the single and two storey glazing in front of the residential entry.
25. Utilise multiple entries	-	Not applicable
26 Provide as direct a physical and visual connection as possible between the street and the entry.	Y	Direct entrances to residential foyer and shop fronts provided.

27. At least one main entry with convenient, barrier-free access must be provided in all new development.	Y	Main entrance is barrier free.
28. Provide separate entries from the street for pedestrians and cars; and different users	Y	Cars and pedestrians have separate access and residential and commercial premises entrances are separate.
29. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	Y	Entrances, loading area and circulation provides for furniture movement
30. Pedestrian entries should be located on primary frontages.	Y	Main pedestrian entrance from the Highway which the primary frontage.
Lift Size and Access		
31. Lift provision and units per core	Y	Subject to ADG guidelines
32. Lift cars are to have minimal internal dimensions of 2.1m x 1.5m, capable of carrying stretchers, with lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.	Y	Lift cars comply with Australian Standards and have internal dimensions of 2.3m x 1.8m and will enable stretchers and bulky goods (furniture) to be easily transported.
33. Lifts are to be accessible from all levels of the building, including all basement levels. Level access to the lift from all basement levels must be provided.	Y	The lift is accessible from all levels of the building.
34. Each dwelling on a level above the sixth storey is to have access to two lifts.	N	Two lifts provided for all of development.
35. All common corridors are to have a minimum width of 2 metres to enable bulky goods (white goods, furniture etc) to be easily transported through the building.	Y	The common corridor widths vary but have a minimum width of 1.5m
36. All common corridors are to be provided with natural light and ventilation where feasible.	Y	Light and ventilation is provided to the breezeway which is open at both ends to the east and west facades as well as the sky.
5.3 – MIXED USES		
Development Setbacks		
1. Front setbacks must define a coherent alignment to the public domain and accentuate street corners.	Y	Front and side setback to Green Gateway and Design Excellence requirements. Ground level setback is 3m from the Princes Highway and the Rockdale Street boundary. Above the ground, the building is setback 3m from the laneway boundary. At the podium level the building is built to the side southern boundary and then setback 9m towards the middle of the site which is then carried through the building above the podium. To the Princes Highway the southern section of the building is setback 3m throughout and the corner massing built to the boundary above level two.
2. Development is to be built to the street alignment with a zero setback. The uppermost floor level may be set back. If there is a predominant parapet line in the street, a setback from this line may be required to achieve a cohesive streetscape.	-	As above
3. Development on a busy road is to have a	-	As above

zero setback for at least the first three levels. A setback may be provided above the third level to ameliorate the impact of traffic noise and pollution.		
4. For minimum side and rear setbacks for shoptop housing refer to 5.2 Residential at buildings of this DCP.	-	As above
5. At the street frontage a zero side setback is required to achieve a street wall building.	-	As above
6. Generally the lower levels of buildings are to be built to side and rear boundaries or be set back no less than 3m. …	-	As above
7. For development on a site with rear lane access, development facing the lane should be built to the boundary.	-	As above
Building Uses		
8. Building uses fronting the public domain at ground level are to be active uses wherever possible.	Y	The retail tenancies are located on the Princes Highway frontage and returning into the laneway for the first 7m and will provide an active use at ground floor level.
9. Residential uses are prohibited on the ground floor with the exception of access to upper level residential uses.	Y	Only residential access provided at ground level
10. Access to upper level uses does not occupy more than 20% of the ground floor frontage.	Y	Building access is less than 20% of primary frontage.
11. Development on a site that has a sloping frontage is to be designed to step with the longitudinal grade of the street.	N	Stepping precluded from having to maintain ground floor above flood level.
12. Where non-active uses, including building services and loading docks, are located on ground level, they must be 'wrapped' in retail or commercial uses at the street frontage.	Y	Non active uses behind commercial frontage
13. Any development which contains above ground car parking must 'wrap' the car parking with active building uses on any street frontage. All above ground car parking must be internal to the building; no at-grade car parking is permitted.	-	Not Applicable
14. A minimum of 10% of the gross floor area of a mixed use development is to be for retail and/or commercial uses.	Y	The retail tenancies comprise 7.5% of the gross floor area of the building. The retail on the ground floor occupy the maximum footprint possible
13. Retail premises are to be regularly shaped with minimal intrusions from building services and circulation. All retail premises must have internal access to the loading dock if provided.	Y	The retail tenancies are regularly shaped and have minimal intrusion from building services and have internal access to loading area.
16. Retail premises of less than 200 m2 must have a depth to width ratio between 1:1 and 3:1.	Y	Dimensions generally meet proportions.
Commercial		
17. Upper level commercial uses ..	-	Not applicable
18. Commercial premises over 200 m2.	-	Not applicable

19. Commercial premises under 200 sqm must have internal access to staff toilets and showering facilities and such facilities may be shared with other tenancies.	Y	Toilets available on ground level.
20. Consideration is to be given to horizontal as well as vertical separation of uses in larger developments.	-	Not applicable
21. In buildings which contain more than three floors of commercial or retail space	-	Not applicable
Flexible space		
22. Where upper level commercial is not provided, the first floor must be designed as flexible space to allow future adaptation. It must have a minimum floor to ceiling height of 3.3m	N	Flexibility not considered practical in building configuration.
23. Flexible space is to include design features which allow future adaptability including…	-	Not applicable
Shop-top housing		
24. All shop top housing must address at least one street frontage, and have its main access off the primary street frontage and not a public internal circulation space.	Y	The building entry and principal address is to the Princes Highway.
25. The building must be designed to minimise potential impacts of commercial uses (eg. restaurants and bars) on the amenity of residential users.	Y	The building has been designed to minimise potential impacts of commercial uses on the residential occupants above.
Building Design		
26. – 30. Various Façade and roof design is to comply with relevant controls in Section 5.2 Residential Flat Buildings of this DCP.	Y	Subject to Design Excellence process
31. Where buildings are situated on a corner site they have greater visual prominence and are to be designed to respond to street geometry, topography and sightlines. The façade treatment at the corner is to be designed to differentiate it from the street facades.	Y	The building reinforces the corner of the Princes Highway and Rockdale Street and has been designed to respond to the street geometry, topography, sight lines and its location as a gateway building to Rockdale Town Centre
32. The massing of a building on a corner site is to be distributed to enhance the street corner.	Y	The building massing at the north-eastern corner will enhance the street corner as acknowledged in the Design Excellence Competition.
Public Domain Interface		
33. Building design avoids dead spots at ground floor level, such as car parking frontages, blank walls and recessed spaces.	Y	90% of the ground floor street frontage along the Princes Highway is glazing and active. The glazing returns for the first 7m from the corner to Rockdale Street. Services are concentrated towards the rear of the site along the service lane and right of way easement. The residential building entry is off the Princes Highway
34. Areas of blank façade for structural and articulation purposes are only permitted with a width of no greater than 600mm.	Y	As above
35. Finer construction detailing and more textural materials, such as face brick, stone	N	Extensive use of glazing is used on the ground floor

and timber, are encouraged at ground floor to add richness to the pedestrian experience of the built environment.		
36. For major retail developments including supermarkets and discount department stores	-	Not applicable
37. Operable shopfronts for cafes and restaurants are encouraged to promote lively interaction between the public and private domains.	-	Not considered suitable in main road context
38. Buildings must provide access to all ground floor retail or commercial premises which front the street. This must be the primary means of accessing a given tenancy. On sloping sites, the levels must be contiguous at the entries, but may vary elsewhere by no more than 600mm.	Y/N	Flooding constraints have dictated that retail premises are accessed off an urban terrace that steps up from the footpath wholly within the subject site. On grade access to the terrace is provided along the southern section of the site.
39. At pedestrian access points, the ground floor façade may be set back up to 1.2m provided that the resulting space is at footpath level (or graded from footpath level to the building entry) and has a depth to frontage (at building line) ratio of not more than 1:2.	N	The ground floor façade is setback 3m from the boundary and is considered to be appropriate in in its context. On grade access to the terrace is provided along the southern section of the site.
40. Any development containing a public internal circulation space from which retail premises are accessed	-	Not applicable
41. Garage doors should be set back. All vehicle entries are to have security shutters and be designed to integrate with the overall façade composition.	Y	Automatic swinging doors to the basement carpark entry and exit are setback 3m from the main line of the façade
Visual connection		
42. Development includes display windows with clear glazing to ground floor retail and commercial premises with a maximum windowsill height of 700mm. Glazing is not to be frosted or otherwise obscured at eye level; between the heights of 0.7-2.1m.	Y	Glazing treatment is appropriate and paramount to general corner treatment in design
43. Upper level building uses are to be designed so that they overlook the public domain particularly where continuous awnings are not provided, allowing opportunities for casual surveillance.	Y	Opportunities for casual surveillance has been optimised given need for noise amelioration requirements.
44. All ground floor lobbies are to have direct visual connection with the street, with clear sight lines.	Y	Direct visual connection provided.
45. Security features at ground level complement the design of the façade and allow window shopping and the spill of light into the street out of business hours.	Y	Desired outcome chived
46. Roller shutters over windows and entry doors are not permitted.	Y	None proposed.
47. New through site links should be connected with existing and proposed through block lanes, arcades and pedestrian ways and opposite other through site links.	-	Not applicable

48. Existing arcades and walkways must be retained or replaced when a site is redeveloped.	-	Not applicable
49. Pedestrian through site links and arcades are to achieve specified outcomes.	-	Not applicable
50. Consider supplementing walkways and arcades with outdoor areas such as courtyards and outdoor rooms.	-	Not applicable
51. Laneways that form part of the pedestrian network are to achieve specified outcomes.	-	Not applicable
52. Refers to Ramsgate Centre only	-	Not applicable
Awnings		
53. Continuous awnings are to be provided to all retail streets. and are to provide protection from both sun and rain	Y/N	Awning treatment in keeping with Green Gateway requirements and Design Excellence outcome
54. Awnings meet the following requirements: •	Y/N	Awning treatment in keeping with Green Gateway requirements and Design Excellence outcome
55. Awning height provides continuity with adjoining properties and follows the street gradient. It is to be of sufficient depth to provide good shade and shelter to pedestrians.	Y	Awning treatment in keeping with Green Gateway requirements and Design Excellence outcome.
56. Under awning lighting is included, either recessed into the soffit of the awning or wall mounted on the building.	Y	Under awning lighting may be provided
57. Variation in the awning treatment at lobbies and entries to upper level building uses is encouraged to improve the legibility of the building.	Y	Awning treatment in keeping with Green Gateway requirements and Design Excellence outcome.
Parking		
58. Where a building contains residential and non-residential uses, separate lift access must be provided from basement car parking to the residential and non-residential areas.	Y	A single lift core with two lifts services the entire development and is all that is warranted as a swipe card/security tag system (or similar) will restrict access to the residential floors to residents and their visitors.
59. Residential parking spaces must be secure and separate from non- residential vehicle parking and servicing areas.	Y	The residential parking spaces will be separated from the remainder of the parking by an internal roller door in Basement Level 1.
7.5 ROCKDALE TOWN CENTRE		
7.5.1 Building Use and Function		
Street Role: Centre Edge Residential. • Active retail uses permitted on the ground floor frontage • Access to residential lobbies should be from this frontage • Ground floor residential with direct street access permitted • Vehicle access permitted where the development does not front a Service Laneway	Y	90% of the ground floor street frontage along the Princes Highway is glazing and active with retail. The residential entry and primary street address is off the Princes Highway. No residential use is proposed on the ground floor along the Princes Highway

• Service access permitted where the development does not front a Service Laneway		All services provided via adjacent laneway
Pedestrian connection 1. Applicants are encouraged to liaise with Council to deliver a pedestrian link between Princes Highway or King Street Place and laneways	-	Not applicable
New public open space 2. Development fronts the public spaces identi ed in the Street Role Diagram must have an active retail frontage.	-	Not applicable
Residential apartment design 3. A diversity of housing choice is to be offered by mixed use developments by providing a variety of apartment types and sizes.	N	Suggested apartment typologies not considered suitable in the centre edge context but are adaptable for home office use etc
Parking and Loading		
4. Shared vehicular access between developments, especially along Active Laneways, is encouraged.	Y	Laneway provides shared access
5. No on site loading bay is required for developments with less than 1000m² of retail space.	Y	The retail space is less than 1000 m2 . Right of way easement will be used for retail delivery when required.
6. Where no loading bay is provided on site, all retail tenancies are to have access to a street or lane with a marked loading bay, either directly or via a common retail servicing space separate from the residential basement parking area.	Y	All 3 retail tenancies have access to the Princes Highway frontage and have access to the service lane and the proposed loading area.
7. Visitor carparking provided on site must be provided behind a security gate or shutter accessed via intercom	Y	The visitor parking is located in basement level 1.
8. Despite the requirements of the Parking and Loading Technical Specification, developments which contain residential accommodation are only required to provide on-site loading for removalists for a small rigid vehicle.	Y	Loading area will accommodate small rigid removalist vehicles
Commercial Space		
9. Where permitted, ground level residential units which are directly accessible from the street should include spaces suitable for use as a home office.		
10. Innovative solutions to provide the flexibility to meet future commercial space demand are encouraged.	Y/N	Suggested apartment typologies not considered suitable in the centre edge context but are adaptable for small or home office use etc
Communal open space and landscape design		
2. A minimum of 25% of the site area is dedicated for communal open space. At least one of the communal open spaces must be large enough for recreational uses	Y	Approximately 30.6 % of the site area has been provided as Communal Open Space.

3. At least 50% of the communal open space should be soft landscaping.	Y	At least 50% of the communal open space provided area is soft landscaping.
4. Refer to Part 4.3.3 Communal Open Space for design specifications.	Y	Referenced – refer to Landscape Drawings
5. A portion of the roof top of mixed use developments should communal open space are containing soft landscaping, accessible by all residents. It is to include adequate drainage and have access to Greywater or Rainwater.	N	Roof top use precluded by aviation restrictions
6. All soft landscaping areas in a development must have access to Greywater or Rainwater to meet their watering needs.	-	Refer to BASIX and storm water management plans
7.5.2 Building form and character		
Setbacks		
1. All developments in the town centre are to be built to the street edge on the lower level. The street edge is the street frontage boundary or where stipulated in the following table, the identified front setback.	Y	The lower 3 levels of the development are built to the street edge in accordance with the DCP diagram for the Green Gateway (Arterial Edge), incorporating the 3m podium build to line.
2. All developments are to build to the side boundary and abut adjoining developments at the street edge and front build to line.	Y	The building is built to the southern side boundary over the lower levels, with a setback provided from level 4 and up.
3. Portions of buildings away from the street edge may be setback from the side boundary. Where this is the case they must be setback far enough from the side boundary for adequate building separation to be achieved or be able to be equitably achieved with future adjoining redevelopment.	Y	Side boundary setbacks / building separation were part of the Design Excellence process.
Street Character		
4. The Street Character diagram designates the character type of all streets in the Centre. Developments are to comply with the building envelopes and desired future character of the corresponding street type for all street frontages as per the following street sections and standards.	Y	Response to street character diagram subject to design Excellence process.
5. Unless otherwise stated the setbacks illustrated in the street sections are build to line, meaning that the facade of buildings must be built to this line to create a consistent, continuous and definite street edge.	Y	Green Gateway (Arterial Edge) requirements and style sheet adapted to accord with site context of intersection with traffic controls, ground floor use, Design Excellence outcomes for corner site treatment and flood mitigation needs.
Laneway For Laneway frontages of any development as designated by the Street Character diagram,: a. Lower 3 storeys are to be built to the property boundary or setback as required by the Street Setback Table. b. Levels above the 3rd storey are to be setback at least 3m.	Y	The proposal is setback 3m from the laneway boundary.

5 Environmental Assessment

5.1 SECTION 79C(1)(A) – PLANNING PROVISIONS

5.1.1 Environmental Planning Instruments

The development as proposed is permissible under the provisions of Rockdale Local Environmental Plan 2011 and satisfies the relevant provisions. A request under Clause 4.6 *Exceptions to development standards* has been provided within this statement and considered that strict compliance with the building height standard would be unreasonable or unnecessary in the circumstance and that there are sufficient environmental planning grounds to justify contravening the development standard.

Otherwise, the development proposal meets the requirements of other environmental planning instruments that apply to the site including *SEPP No. 55 - Remediation of Land, SEPP No.65 - Design Quality of Residential Flat Buildings and the Apartment Design Guide;* SEPP (Building Sustainability Index: BASIX); *SEPP (Infrastructure) 2007*; and *Greater Metropolitan REP No 2 – Georges River Catchment Sydney Regional.*

5.1.2 Development Control Plans

As demonstrated by the summaries in the compliance tables in Section 4, the proposed development is characterised by a high level of compliance with the SEPP 65 Apartment Design Guide as well as additional development controls and guidelines within Rockdale Development Control Plan 2011 that apply to the development whereby variances are generally minor and able to be justified on merit or the circumstances.

5.1.3 Planning Agreements

There are no planning agreements applying to the site or proposed as part of this development application.

5.1.4 The EP&A Regulation

Matters and information prescribed in the Regulation for the purpose of Section 79C of the Act have been incorporated in to the development application and supporting material.

5.1.5 Coastal Zone Management Plan

No coastal zone management plan within the meaning of the *Coastal Protection Act 1979* applies to the subject land.

5.2 SECTION 79C(1)(B) – THE LIKELY IMPACTS OF DEVELOPMENT

5.2.1 Siting, Design and the Built Form

A detailed assessment of the proposed development against the applicable planning provisions has been provided in this Statement and accompanying reports and plans which conclude that the likely impacts from the development is limited and consistent with the intended planning outcomes for the site.

In general, the proposed development has been sited and designed as a result of a design excellence competition having regard to its context and will be consistent with the desired future character of the local area.

The proposed development will achieve accessibility requirements as confirmed by the Access Report.

The subject site is located within an area affected by aircraft and road noise and the building will be appropriately attenuated against noise impacts for future residents as confirmed by the Acoustic Assessment.

The configuration of the building and apartments has assisted in achieving a reasonable level of visual privacy and will not create any adverse privacy impacts for the future development on adjoining properties.

Acceptable levels of apartment amenity and energy and resource conservation are achieved by optimising natural ventilation and meeting BASIX requirements.

The development has been designed to optimise solar access for apartments as well as suitable levels of solar access being maintained to adjoining properties whereby overshadowing will not be significant or detrimental to adjoining properties and would be anticipated to occur on the adjoining public domain.

The Wind Tunnel Test Report found that the wind environment in the vicinity of the proposed development would be generally amiable with limited effects that would be still suitable for their purpose or use.

The proposed development should not contribute to increased opportunities for criminal or anti-social behaviour by the adoption of appropriate measures which will assist casual surveillance of public and communal domains; avoidance of points of concealment and entrapment; the control of access points to the building and basement; a clear delineation of the nature of spaces for territorial reinforcement; and the on going maintenance of the facility including the removal of graffiti.

No vegetation occurs on site and street trees are limited to one minor planting which will be enhanced by improvements to the public domain as well as visible landscaping on the podium private open space. Additional planting will be provided in the internal communal open space area while an area of deep soil will be retained at the rear of the site.

The Traffic And Parking Assessment Report has made the following conclusions

- *That projected nett increase in the traffic generation potential of the site as a consequence of the development proposal is minimal, consistent with the zoning objectives of the site and will clearly not have any unacceptable traffic implications in terms of road network capacity.*

- *The proposed parking facilities satisfy the relevant requirements specified in both Council's Parking Code as well as the Australian Standards and it is therefore concluded that the proposed development will not have any unacceptable parking implications.*

The provision of new and additional utilities and infrastructure will be implemented by the proposal while the assessment against the provisions of the National Construction Codes has been carried out to ensure that compliance is capable of being achieved.

The curtilage of the State heritage listed Rockdale Railway Station and Yard Group extends northwards along the rail corridor from the station platforms to just to the west of the site. The Rockdale Railway Station and Yard Group is also listed as a heritage item under Schedule 5 RLEP 2011, however, the proposed development is unlikely to have any impact on the heritage significance of the item.

The proposed development is not anticipated to result in any adverse social impacts on the locality but is considered to achieve social and economic benefits by implementing the planning framework on the site, furthering design excellence objectives, and rejuvenation an underutilised site in close proximity to services, employment and transport.

The Stormwater concept plans and WSUD details provide that the necessary stormwater works have regard to Council's Technical Specifications and requirements.

While the site is subject to flood hazards, an appropriate freeboard level has been adopted for the building while the development will not have a significant impact on flooding in general.

Otherwise, the site is free of contamination and other potential constraints that would preclude its use for mixed uses incorporating residential apartments.

The submitted Waste Management Plans detail the waste minimisation and management measures that will be implemented during the construction of the proposed development as well as during its on-going use.

Construction impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any development consent granted for the proposed development.

5.3 SECTION 79C(1)(C) – SITE SUITABILITY

The site is within the 'active edge' of the Rockdale Town Centre that is well served by public transport and a wide range of facilities, making it well suited for redevelopment for mixed uses / residential in accordance with RLEP 2011.

The site is also free from natural hazards which would preclude the proposed uses while mitigating measures are available to protect future uses from potential external impacts from road, rail and aircraft noise.

5.4 SECTION 79C(1)(D) – SUBMISSIONS

Public submissions will be addressed by Council subsequent to any notification.

5.5 SECTION 79C(1)(E) – THE PUBLIC INTEREST

The proposed development is considered to be in the public interest as it assists in the efficient implementation of RLEP 2011 for an underutilised site without the potential for significant adverse environmental impacts.

6 Conclusion

The proposal has taken account of relevant plans and policies that apply to the site and is characterised by a high level of compliance with planning controls and guidelines.

The scale and nature of the mixed use building is appropriate in its context and exhibits design excellence as discussed in the architectural design competition Jury Report.

Technical studies accompanying the development application conclude that the site is free from preclusive hazards; the development as proposed is considered to mitigate potential impacts from adjoining activities; and that it is not expected to have any significant adverse impacts when their recommendations are adopted.

The proposed use is suitable for the site and its location, and is considered to be in the public interest especially as it assists in the process of a design excellence while implementing redevelopment of the underutilised site for mixed uses / residential purposes in accordance with the governing planning framework for Rockdale.

Accordingly, the development application is worthy of support on its merits and is recommended for the granting of consent with appropriate conditions.