



Draft Statement of Environmental Effects Residential Flat Building

2-10 Stanley Street, Kogarah

Submitted to St Georges River Council
On Behalf of Carlton Investments no 2 Pty Ltd

SUITE 6.02, 120 SUSSEX ST, SYDNEY NSW 2000
TEL +61 2 8270 3500 FAX +61 2 8270 3501 WWW.CITYPLAN.COM.AU
CITY PLAN STRATEGY & DEVELOPMENT P/L ABN 58 133 501 774

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01 Draft	10/10/17	Jack Davies <i>Assistant Planner</i>	Stephen Kerr <i>Executive Director</i>	
Final	12/10/17	Jack Davies <i>Assistant Planner</i>	Stephen Kerr <i>Executive Director</i>	Stephen Kerr <i>Executive Director</i>

This document is preliminary unless approved by a Director of City Plan Strategy & Development

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of Carlton Investments no 2 Pty Ltd. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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Appendix	Document	Prepared by
1.	Clause 4.6 variation Request (Height)	CPSD
2.	Compliance Tables	CPSD
3.	Survey	Sydney Surveyors
4.	Architectural Plans Shadow Diagrams Calculation Plans	Level 33 Architects
5.	SEPP 65 Design Statement & ADG Compliance Table	Level 33 Architects
6.	Photomontage	Level 33 Architects
7.	Concept Landscape Plans	Canvas Landscape Architects
8.	BASIX Documentation	Damian O'Toole Town Planning Pty Ltd
9.	Acoustic Report	Acoustic Noise and Vibration Solutions Pty Ltd
10.	Access Report	Vista Access Architects
11.	BCA Design Assessment Report	Design Confidence
12.	Waste Management Plan	Elephants Foot
13.	Geotechnical Desktop Study	EI Australia
14.	Stormwater Concept Plans	EZE Hydraulic Engineers
15.	Erosion and Sediment Control Plans	EZE Hydraulic Engineers
16.	Traffic and Parking Assessment	Transport and Traffic Planning Associates
17.	Cost Report	Archi-QS

2. Executive Summary

This Statement of Environmental Effects (SEE) has been prepared pursuant to Section 78A of the *Environmental Planning and Assessment Act, 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation, 2000*. It is proposed to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures.

This Statement of Environmental Effects (SEE) has been prepared for Carlton Investments no 2 Pty Ltd by City Plan Strategy and Development Pty Ltd ("CPSD") to accompany a Development Application ("DA") to Georges River Council. The subject site is known as Nos. **2-10 Stanley Street, Kogarah** ("the site").

The proposal is for the demolition of the existing structures on site and the construction of a residential flat building (RFB) that is ten (10) storeys in height with 87 residential apartments and four (4) basement levels.

The proposed development seeks to vary one Development Standard pursuant to the *Kogarah Local Environmental Plan 2013* (KLEP) in relation to Clause 4.3 'Height of Buildings' (HOB). The Clause 4.6 Variation report is provided at **Appendix 1**.

The proposal is representative of the desired future character of the Kogarah locality as per the draft amendment to the Kogarah Development Control Plan 2012 and the Kogarah North Draft Urban Design Strategy.

In view of the contents of this report, we are satisfied that this proposal has properly responded to all relevant matters for consideration within Section 79C of the Environmental Planning and Assessment Act, and the accompanying Regulation.

3. The Site and Context

3.1 The Site

The subject site is located at 2-10 Stanley Street, Kogarah and is situated within an area known as the Kogarah North Precinct. The land is located in the Local Government Area of Georges River, is approximately 12km south west from the Central Business District (CBD) of Sydney, and approximately 4km south west of the Sydney Kingsford Smith Airport. See **Figures 1 and 2**.

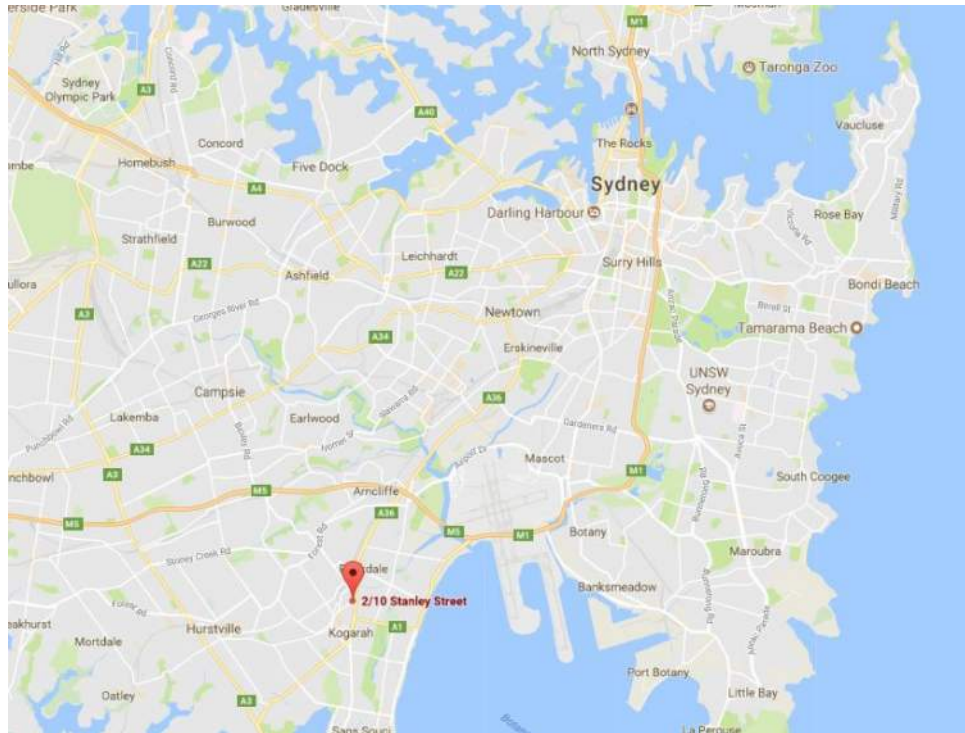


Figure 1: Location of the site in the broader context (Source: Google maps)



Figure 2: The site (outlined in blue) and existing allotments (outlined in red) (Source: Six Maps)

The site currently comprises eight allotments as follows:

TABLE 1: SITE LEGAL DESCRIPTIONS AND ADDRESS

Lot and DP	Address
Lot 47 & 48 DP 1397	2 Stanley Street
Lot 49 DP 1397	4 Stanley Street
Lot 50 DP 1397	6 Stanley Street
Lot 51 DP 1397	8 Stanley Street
Lot 52 DP 1397	8a Stanley Street
Lot 53 & 54 DP 1397	10 Stanley Street

The amalgamated site forms a rectangular shape with a combined area of 1,634m² as demonstrated in the Survey Plans prepared by Sydney Surveyors and provided at **Appendix 3**. The site slopes downwards towards the east with a fall of approximately 2 metres.

The dimensions of the site are as follows:

TABLE 2: SITE DIMENSIONS

Boundary	Frontage	Dimension
North (Stanley St boundary)	Stanley Street	48.77m
East	Regent Lane	33.53m
South	Stanley Lane	48.77m
West	-	33.53m

3.2 Existing Improvements

The site currently contains two (2) single storey cottage style homes, a two-storey duplex, a two-storey rendered residence and a two-storey brick home all fronting Stanley Street with rear access available in Stanley lane (See **Figures 3 and 4**). The land also accommodates various forms of ancillary structures and outbuildings associated with the dwellings.



Figure 3: Existing dwellings located on the site (Source: Google Maps)



Figure 4: Rear access to the sites (Source: Google Maps)

3.3 Context and Surrounding Land Uses

The site is located towards the northern end of the Kogarah Town Centre, and has frontage to Stanley Street, which leads onto the Princes Highway, an important state arterial road. As such, there is a variety of different types of development in the area. Key features of the surrounding area are described below:

- The site is located within a main residential area in the Kogarah North Precinct, which is currently going through a state of transition from low residential development to high density residential.
- Existing development within Stanley Street ranges between single storey cottage style dwellings, two storey dual occupancy and single occupancy dwellings and a six-storey mixed use development.
- The site is within 600m of the Kogarah Train Station to the south-west, and close to several bus stops on Regent Street and the Princes Highway.
- Princes Highway is a busy arterial road carrying heavy traffic, and consists of mixed use development, including residential, commercial uses, car sales yard, and restaurant/cafes.
- The site is approximately 350m to the north-east of Kogarah High School and 200m south of St Georges Girls High School;
- The site is 600m north-east of the Kogarah Town Centre. The Kogarah Town Centre is a strategic centre providing health and commercial related employment opportunities and various other facilities;
- The site is 900m and 750m to the North of the St George Public Hospital and St George Private Hospital respectively;
- The Sydney Airport (Sir Kingsford Smith) is located approximately 4.4km to the north east, and is identified as being within the Obstacle Limitation Surface prescribed for the airport;

Refer to **Figures 5 to 8** which give an understanding of the surrounding context.



Figure 5: Different typologies of development along Regent Street (Source: Google maps)



Figure 6: Views looking north (left) and south (right) along Princes Hwy at the intersection of Regent St (Source: Google Maps)



Figure 7: Kogarah Public School as viewed from Victoria Street (left) and Palmerson St (right) (Source: Google Maps)



Figure 8: Existing development within the Kogarah Town Centre (Source: Google Maps)

3.4 Strategic Planning Context

The Kogarah North precinct was recently rezoned under the 'New City Plan' amendment to the KLEP. This rezoning resulted in the creation of a high density residential precinct in Kogarah North.

The Draft Kogarah North Urban Design Strategy has been prepared to guide the transformation of the Kogarah North Precinct and provides recommendations to allow council to determine a preferred urban design and planning response to future redevelopment of the Kogarah North area. One of the findings of this study was that the new height and floor space ration standards were not properly matched to each other.

The design of the proposed RFB has considered this Strategy, and achieves the urban design principles within the strategy. A Compliance Table is provided at **Appendix 2** which provides a more comprehensive assessment of the proposal against the Strategy.

4. Description of the Development

4.1 Overview

This Development Application seeks consent from Georges River Council (GRC) for the demolition of all the existing buildings and associated structures located on the site, and the construction of a ten (10) storey residential flat building (RFB).

The proposal provides a valuable improvement to the site and surrounding locality by creating new housing opportunities in a strategic location and in a manner which helps realise the Kogarah North Precinct Urban Design Strategy.

4.2 Development Statistics

The key statistics and elements of the project are shown in the **Table 3** below:

TABLE 3: DEVELOPMENT STATISTICS

Element	Proposal
Site Area	1,634m ²
Gross Floor Area/FSR	6535.65m ² / 4:1
Maximum Height	36m above existing ground level (50.80RL)
Total Apartments	87 apartments comprising: <ul style="list-style-type: none">▪ 28 x 1 Bedroom (32.2%)▪ 59 x 2 Bedroom (67.8%)
Solar Access (2hrs minimum)	62/87 units (71% of all units)
Cross Ventilation	54/87 units (62% of all units)
Communal Open Space	633m ² (38.7% of site area)
Deep Soil	114.8m ² (7%)
Total Car Parking	100 spaces comprising: <ul style="list-style-type: none">▪ 87 x residential spaces▪ 13 x visitor spaces
Total Bike Parking	40 spaces
Maximum depth of excavation	13.5m (approximately)

Note: Development Statistics calculated by Level 33 Architects

4.3 Detailed Description

In detail, the DA consists of the following components:

- Demolition of the existing structures;
- Amalgamation of the eight (8) allotments into one (1) allotment;
- Excavation of the site for four (4) basement levels;
- Construction of a ten (10) storey RFB, comprising the following:
 - 87 residential units;
 - 633m² of communal open space located on the roof;
 - Closure of 5 existing driveways, and the construction of two new driveways located off Regent Lane and Stanley Lane; and
 - 100 car parking spaces, 40 bike parking spaces and 2 loading/service bays

- Removal of 2 trees located on the site; and
- Landscaping of the site;

The following table provides a summary of the proposal per level:

TABLE 4: DETAILS OF THE DEVELOPMENT

Level	Use	Uses / Car Parking Spaces / Bedrooms	GFA
Basement Level 4	Residential car parking and storage	residential car spaces, storage space, and a sprinkler tank	-
Basement Level 3	Residential car parking and storage	residential car spaces and storage space	-
Basement Level 2	Residential car parking and storage	residential car spaces and storage space	
Basement Level 1	Residential car parking and storage	Residential and visitor car spaces, bike parking spaces, 1 loading area for pick up truck, a garbage room and storage space	-
Ground Floor	6 residential units	4 x 1 Bedroom 2 x 2 Bedroom	454.40m ²
Level 1	11 residential units	4 x 1 Bedroom 7 x 2 Bedroom	820.03m ²
Level 2	11 residential units	4 x 1 Bedroom 7 x 2 Bedroom	820.13m ²
Level 3	11 residential units	4 x 1 Bedroom 7 x 2 Bedroom	820.14m ²
Level 4	8 x residential units	2 x 1 bedroom 6 x 2 bedroom	598.71m ²
Level 5	8 x residential units	2 x 1 bedroom 6 x 2 bedroom	598.71m ²
Level 6	8 x residential units	2 x 1 bedroom 6 x 2 bedroom	598.72m ²
Level 7	8 x residential units	2 x 1 bedroom 6 x 2 bedroom	598.72m ²
Level 8	8 x residential units	2 x 1 bedroom 6 x 2 bedroom	598.72m ²
Level 9	8 x residential units	2 x 1 bedroom 6 x 2 bedroom	598.72m ²
Roof	Roof Lobby	Community Area	28.64m ²

Level	Use	Uses / Car Parking Spaces / Bedrooms	GFA
Total		87 residential units	6,535m²

Source: Level 33 Architects GFA Area Schedule

4.4 Cost of Construction

The cost of construction of the project is estimated at \$30,200,000. Refer to the QS Report prepared by Archi-QS provided at **Appendix 17**.

5. Statutory Planning Considerations

5.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy No. 65;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Kogarah Local Environmental Plan 2012.

Where relevant, these controls are addressed below.

5.2 Environmental Planning and Assessment Act 1979

5.2.1 Section 79C of EP&A Act 1979

Section 79C (1) of the Environmental Planning and Assessment Act, 1979 ("the Act") as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 79C of the Act are addressed in the Table below. Also refer to the assessment provided in the Kogarah North Urban Design Strategy Table of Compliance provided at **Appendix 2**, and the detailed analysis of the proposal provided in the SEPP 65 Statement prepared by Level 33 Architects provided at **Appendix 5**.

TABLE 5: SECTION 79C(1)(A) CONSIDERATIONS

Section	Comment
Section 79(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4 .
Section 79C(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 79C(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5 .
Section 79C(1)(a)(iia) Any planning agreement	Not relevant to this application.
Section 79C(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4 .
Section 79C(1)(a)(v) Any coastal zone management plan	Not relevant to this application.
Section 79C(1)(b) - (e)	Refer to Section 6 .

5.2.2 Section 91 Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to

granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The Geotechnical Desktop Study prepared by EI Australia (**Appendix 13**) anticipates that ground water to be encountered at approximately 2m to 5m below natural ground level, with the development requiring excavation by up to 13.5m below ground level. Additional Geotechnical testing, including ground water wells, will be required post consent to understand the level of ground water intrusiveness, and whether it will be sufficient to require an 'activity approval'. Should the proposal require an approval under the Water Management Act 2000, this can be obtained once this is known. The subject DA is not nominated at Integrated Development.

5.3 Environmental Planning and Assessment Regulation 2000

Clause 50 (1A) of the Environmental Planning and Assessment Regulation 2000 ("the Regulation") requires that a development application for a residential apartment building must be accompanied by a design verification statement from a qualified designer, which confirms:

- (a) that he or she designed, or directed the design, of the development, and*
- (b) provide an explanation that verifies how the development:*
 - (i) addresses how the design quality principles are achieved, and*
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in parts 3 and 4 of the guide have been achieved.*

This Verification Statement as well as the Apartment Design Guide (ADG) compliance table has been prepared by Level 33 Architects and accompanies this application.

In addition, Clause 50 calls up Schedule 1 of the Regulation, which provides that any development application for residential apartment development to which [State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development](#) applies, must also be accompanied certain information. These requirements are submitted in support of this application (refer to **Appendix 5**).

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work "must be carried out in accordance with the requirements of the Building Code of Australia".

5.4 State Environmental Planning Policies

5.4.1 State Environmental Planning Policy No 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers to determine when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The subject site has been used for residential purposes for an extended period of time. Inspection of the site did not disclose any filling or other opportunities for the importation of contaminated material. As such, it is considered unlikely that the site is contaminated.

5.4.2 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define
- Better satisfy the increasing demand, changing social and demographic profile of the community
- Maximise amenity, safety and security for the benefit of occupants and the wider community
- Minimise the consumption of energy from non-renewable resources

To support these aims the SEPP introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

An assessment of the proposed development, against these design principles is contained in the SEPP 65 Design Verification Statement prepared by Level 33 and provided at **Appendix 5**.

An assessment of the proposed development against the Apartment Design Code is contained in the plans as well as the SEPP 65 Compliance Table prepared by Level 33 Architects and provided at **Appendix 5**. Overall, the proposed development has been assessed in accordance with the provisions of SEPP 65 and in accordance with the Apartment Design Guide accompanying the State Policy.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase supply of housing types which are in demand in the locality. Furthermore, the proposed development is consistent with the aims and provisions of the Apartment Design Guide as indicated in the Design Verification Statement.

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

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the residential component of the development has been prepared by Damian O'Toole Town Planning Pty Ltd and is provided at **Appendix 8**.

5.4.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of this Policy requires Council to consider the noise impacts that noise from busy roads (40,000 annual average daily traffic volume) have on residential development. The proposed development is nearby the Princes Highway, which is a State Classified Road that carries in excess of 40,000 vehicles per day. An Acoustic Report has been prepared by Acoustic Noise and Vibration Solutions Pty Ltd, which is provided at **Appendix 9**. The report

has made various recommendations to ensure that the proposed development is constructed so that the proposed dwellings satisfy the specified criteria.

Clause 104 of this Policy requires Council to refer this application to Roads and Maritime Services (RMS) if either of the following capacity threshold triggers in Column 3 of Schedule 3 of the Policy are exceeded:

- Apartment or Residential Flat Building with 75 or more dwellings;
- Parking for 50 or more vehicles.

This proposal provides 87 residential dwellings and provides in excess of 50 parking spaces, and requires referral to the RMS in accordance with SEPP (Infrastructure) 2007. This application is supported by a Traffic and Parking Assessment Report prepared by Transport and Traffic Planning Associates which is provided at **Appendix 16**. The Report has taken an assessment of the potential traffic impacts that are likely to arise from the proposed development, and concludes that the proposed development

- *will not have any unsatisfactory traffic implications*
- *will have an appropriate parking provision*
- *will have suitable vehicle access, internal circulation and servicing arrangements*
- *will be compatible with the surrounding development and is within close proximity to good public transport services*

5.5 Kogarah Local Environmental Plan 2012

Zoning and permissibility

In accordance with the KLEP, the zoning of the entire site is **R4 High Density Residential**.

The proposal is for a RFB, which pursuant to the R4 Land Use Table is permitted with consent.

Zone objectives

Clause 2.3(2) of the Plan provides that Council must have regard to the zone objectives when determining a development application. The objectives for the "R4 High Density Residential" zone are to:

- (a) *To provide for the housing needs of the community within a high density residential environment.*
- (b) *To provide a variety of housing types within a high density residential environment.*
- (c) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

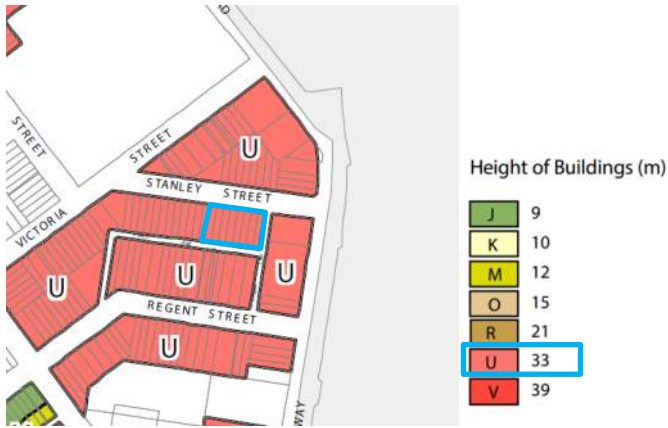
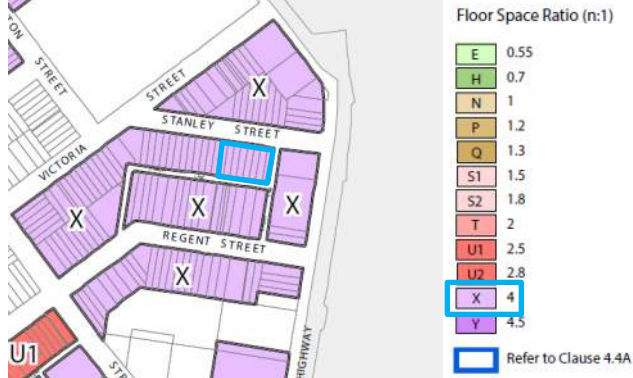
The proposed development is consistent with the above objectives in that: -

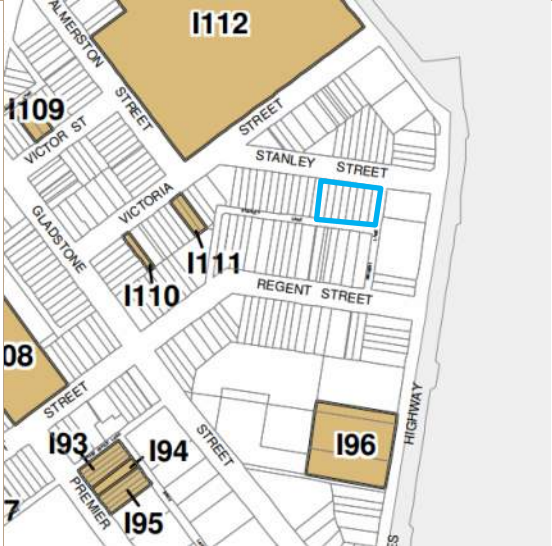
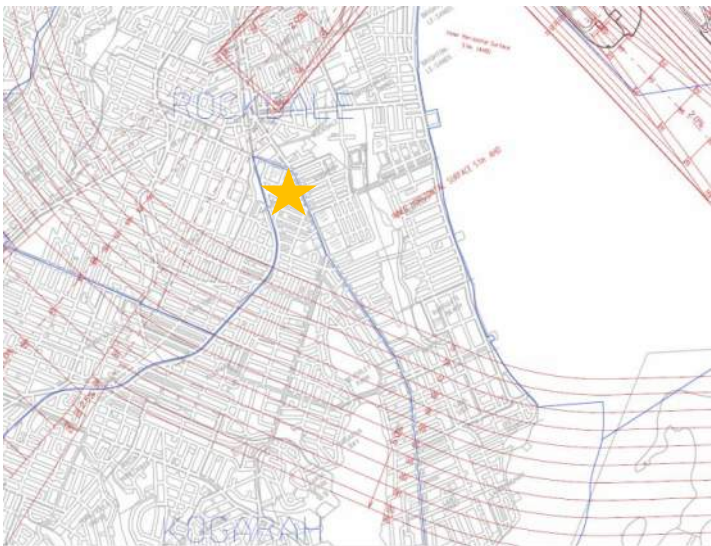
- The proposal provides for the housing needs of the community through a high-density housing form;
- The proposal provides a variety of housing types through one and two-bedroom apartments; and
- The proposal does not restrict other land uses in the locality from providing facilities or services for the day to day needs of residents.

Remaining KLEP 2012 provisions

Consideration of the remaining provisions within the KLEP 2012 that may be relevant to this project is addressed in the following table:

TABLE X: COMPLIANCE WITH THE KOGARAH LEP 2012

Relevant Clause	Comment	Comply
Part 4: Principal Development standards		
Clause 4.3 Height of Buildings	<p>Under the KLEP the site is subject to a maximum building height of 33m. At its highest point the building is 36m high. A Clause 4.6 Request is provided (Appendix 1) to address the justification for the breach of the height limit and enable the variation to be approved.</p>  <p><i>Extract of Height of Buildings Map (Source: KLEP)</i></p>	No- Clause 4.6 variation provided
Clause 4.4 Floor Space Ratio	<p>Under the KLEP the site is subject to a maximum FSR of 4:1 as shown below. The proposed development has a Gross Floor Area (GFA) of 6,535m², and a site area of 1,634m² (as per the Architectural Plans), giving an FSR of 4:1.</p>  <p><i>Extract FSR Map KLEP</i></p>	Yes
Part 5 Miscellaneous provisions		
Clause 5.10 Heritage Conservation	<p>Under the KLEP the site is not identified as a heritage item, nor is the site located within a heritage conservation area as shown below</p>	Yes

	 <p><i>Extract of the Heritage Map under the KLEP showing the site (Source: NSW Legislation)</i></p>	
Part 6 Additional Local Provisions		
Clause 6.1 Acid Sulfate Soils	Under the KLEP the subject site is not identified on the Acid Sulfate Soils Map.	N/A
Clause 6.2 Earthworks	The development proposes to demolish the existing buildings on the site, and excavate the land to accommodate four (4) levels of basement parking to a depth of approximately 13.5m. A Geotechnical Desktop Study has been undertaken by EI Australia and is provided at Appendix 13 . The report concludes that the extent of earthworks and excavation is appropriate for the site and provides recommendations to ensure the excavation activities proposed do not adversely impact on the neighbouring properties.	Yes
Clause 6.5 Airspace Operations	<p>The site is within the 'inner horizontal surface 51m AHD' of the Sydney Airport Obstacle Limitation Surfaces map as shown below.</p>  <p><i>Extract of Sydney Airport OLS Map (site identified by star)</i></p> <p>The proposed development has a maximum R.L of 50.80, and therefore, does not encroach within the OLS. The DA is therefore not required to be referred to the Civil Aviation Safety Authority (CASA) for concurrence.</p>	Yes



**Clause 6.6
Development
in areas
subject to
aircraft noise**

This KLEP clause applies to development that is on land that is near Sydney Airport, is affected by an ANEF contour of 20 or greater and the consent authority considers is likely to be adversely affected by aircraft noise. The subject site is not within an ANEF area of 20 or greater.

N/A

6. Non-Statutory Considerations

6.1 A Plan for Growing Sydney

A Plan for Growing Sydney aims to provide a strong global city and a great place to live. The goals of the Plan are:

- a competitive economy with world-class services and transport;
- a city of housing choice with homes that meet our needs and lifestyles;
- a great place to live with communities that are strong, healthy and well connected; and
- a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources. The Metropolitan Strategy divides Sydney into sub-regions.

Kogarah is located within the Southern sub-region, and is also identified as a Strategic Centre.



Figure 5: Southern Subregion indicating Kogarah as a Strategic Centre under the Plan for Growing Sydney

The proposed development is consistent with the priorities of the sub-region, which include increasing housing supply within Strategic Centres within close proximity to train stations.

6.2 Kogarah Development Control Plan 2013

Consideration of compliance and/or consistency with the relevant provisions within the Kogarah Development Control Plan (KDCP) 2013 is provided in the Table of Compliance prepared by CPSD provided at **Appendix 2**. The following parts of the DCP are relevant to this proposal:

- Part B - General design provisions

The KDCP does not provide guidelines for R4 High Density Residential.

6.3 Kogarah North Precinct Draft Design Strategy

The Kogarah North Precinct Design Strategy (KNPUDS) was adopted by Council on 1 May 2017 to provide guidance for development within the North Precinct. Whilst this document does not have any legislative weight in determining an application, the proposed development has been designed with consideration to the 'Design Principles' under Section 3.2. An assessment of the proposal against these principles is provided at **Appendix 2**.

6.4 Draft Amendment to Kogarah Development Control Plan 2013

It is noted that a Draft proposal to amend the KDCP was recently exhibited. The Draft proposed amendments seek to introduce controls that are associated with the Kogarah North Precinct, which had a recently gazetted Planning Proposal. The DCP amendments seek to formalise the Design Principles that were established within the KNPUDS.

Further, it is noted that the draft Amendment to the Kogarah DCP provides criteria to consider requests to vary the height standard. The purpose of the criteria is to allow developments realise their development potential, consistent with the planned density (FSR) for the Precinct. As the proposed development seeks to vary the height standard on the site, a Clause 4.6 variation request has been prepared and is provided at **Appendix 1**. This Clause 4.6 variation request has undertaken an assessment against the criteria established in the Draft DCP.

It is considered that the proposal is consistent with the provisions of the proposed amendments to the DCP.

7. Environmental Impact Assessment

7.1 Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under section 79C of the Act.

7.2 Context and Setting

The context and setting of the development site is described in **Section 3.3** of this Statement.

As discussed in detail in the SEPP 65 Statement prepared by Level 33 Architects and provided at **Appendix 5**, the proposal is compatible within the context and character of the existing surrounding area, as well as the anticipated future character of the locality. The proposal provides a built form, and features which are considered to positively contribute to the quality and transitioning identity of the locality. The SEPP Design Statement includes the following comments:

"The location of the site is ideally suited for a residential development due to its close proximity to public transport, schools, college, parks, shopping centre and restaurants. The location is well serviced by arterial roads such as Princess Highway to the east and it is within the 800m of Kogarah Train Station."

....

"The proposal to develop the site residential use will greatly enhance the quality and amenity of the streetscape and make a positive contribution to the growing community within the emerging neighbourhood. It responds positively to the requirements of Kogarah Council's North Precinct, Draft Urban Design Study."

The proposed development is compatible with the existing built form, as well as the future built form of the neighbouring sites which are zoned for high density residential development pursuant to the KLEP. In this respect, the immediate area surrounding the site is currently in a state of transition with various sites that have recently been redeveloped. Given the site is located within the Kogarah North Precinct which is located in close proximity to the Town Centre (approximately 600m), the emerging character of the area, as anticipated under the KLEP, is of high density development in an urban environment. Whilst there are existing high density RFBs in the immediate locality, the majority of the surrounding area currently comprises low density residential development, which have yet to be developed to the current, recently gazetted, planning controls. The proposal will be compatible with the future character of the area, once it has realised its development potential. An indicative perspective of the future character of the area is identified in **Figure 10**.



Figure 10: Artists Impression of the future desired character of Kogarah North Precinct (Source: Kogarah North Precinct Urban Design Strategy)

Overall, the proposal is considered to be a compatible contribution to the nearby Town Centre, and will integrate into the existing and future anticipated character of the surrounding area.

7.3 Built Environment

7.3.1 Height, Bulk and Scale

The subject site has a maximum height standard of 33m under the provisions of the KLEP. The proposed development provides a building that is ten (10) storeys in height, with a maximum building height of 36m and a maximum RL of 50.80 AHD. However, it is important to note that this is the maximum, and that other areas of the building are significantly lower.

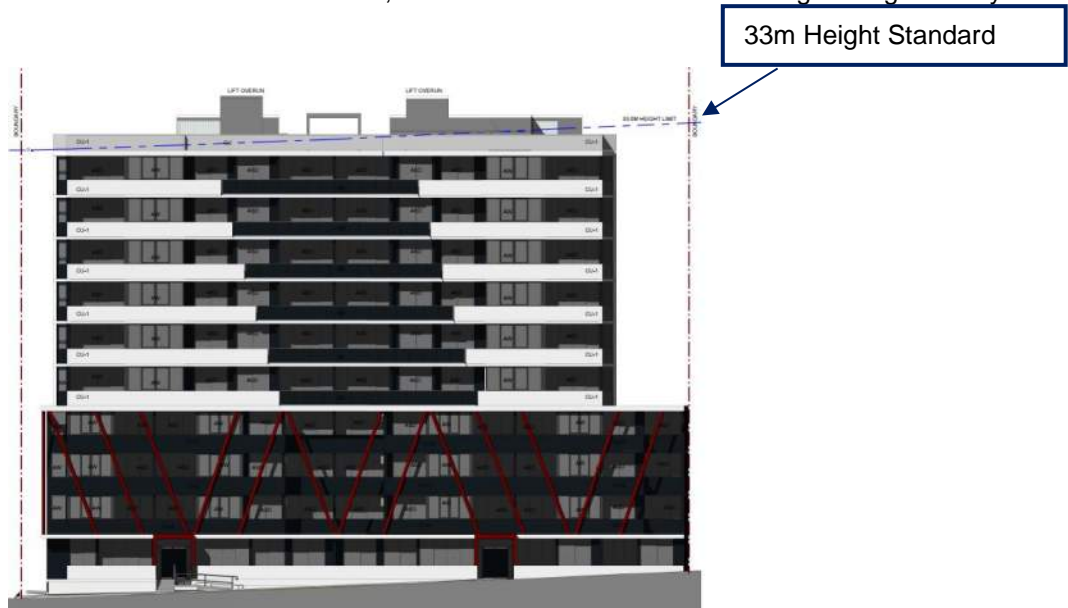


Figure 11: Northern Elevation of the building as it presents to Regent Street (Source: Level 33 Architects)

The proposed development exceeds the height standard by a maximum of 3m. Accordingly, a Clause 4.6 report has been prepared and is provided at **Appendix 1**.

The proposed breach relates to the lift overrun and parts of the roof that provide communal open space and rooftop landscaping. The proposed roof provides an aesthetically pleasing design that does not unreasonably influence the perceived Height and bulk of the development.

The proposed building has been designed with the built form character as established within the KNPUDS. In this respect, the building has incorporated a consistent built form for the lower levels up to Level 4. From Level 4, upwards, the development has introduced increased setbacks. The bulk and scale of the building is consistent with the desired future character for the North Precinct as established under the KLEP and the KNPUDS (see **Figure 12** below).



Figure 12: Photomontage of proposed building (Source: Level 33 Architects)

7.3.2 Setbacks

The proposed development incorporates a range of setbacks, and includes: -

- Stanley Street:
 - The four storey podium is setback 5m with a 2m deep soil zone to facilitate the creation of a tree lined boulevard.
 - Above the podium (levels 4 to 9) the setback increases to 8m to reinforce the human scale of the podium. These setbacks are compliant with the desired streetscape form under the KNPUDS.
 - Levels 5 and above, the built form is set back 8m to the boundary. This is consistent with the KNPUDS.
- Eastern Boundary:

- Ground Level to Level 4. The building setback varies. The minimum building setback is 1.3m from the boundary and 4.5m from the centre line of the laneway. Walls containing windows to habitable rooms are setback further ensuring they are no less than 6m from the centre line of the laneway.
- Above the podium level, the minimum building setback is generally 6m from the centre line of the laneway, with the exception of a wing-shaped architectural feature which creates interest and building articulation and enables daylight via windows that are oriented to preserve privacy.
- These setbacks are consistent with the KNPUDS, and satisfies the objectives of the ADG. As the KNPUDS prefers a consistent setback (i.e. not "ziggurat" forms), this is considered an appropriate solution.
- Southern (rear) boundary:
 - Ground Level to Level 4. Part of the building, closest to Stanley Lane, is setback consistently between 3m and 5m from the boundary. Habitable rooms with openings are set back 6m from neighbouring dwellings
 - Level 5 and above, the building is setback between 3m and 6m from the boundary. Habitable rooms with openings are set back 9m from neighbouring dwellings.

7.3.3 Design and Aesthetics

The proposed development aims to provide an optimal residential development that integrates substantial public open space, as well as providing a building that is high quality and appearance of the built form.

As discussed in the SEPP 65 Design Verification Statement prepared by Level 33 Architects provided at **Appendix 5**, the design of the development has taken into consideration the principles of good urban design, as described below:

" The development seeks to make a high-quality contribution to the aesthetic amenity of the area with careful detailing and quality finishes.

The materials used include rendered masonry, aluminium doors, vertical windows and metal feature wall cladding to the residential entries, and roof forms, external aluminium and glass balustrades to all balconies. Contrast and definition to the façade is achieved through the material and finishes schedule as well as accent colours to the framed balconies on the lower levels of the development."

The adequacy of the design of the development is demonstrated by the following elements:

- The height and density of the building is consistent with the outcomes contemplated in the planning controls via the recently gazetted Planning Proposal;
- The size and arrangement of the floor plates ensure that the internal amenity of apartments is maximised for natural light and cross ventilation;
- Apartments are provided with appropriately sized and located areas of private open space;
- The external treatments to the building have been selected to provide an attractive building, whilst providing appropriate levels of amenity to the occupants of the building with consideration to the adjacent busy road corridors;
- Access between the private and communal areas within the complex is direct, safe and efficient; and

- The proposal provides a direct and efficient vehicular ingress and egress point situated centrally on the site.

7.3.4 Solar Access

As demonstrated in the solar access plans prepared by Level 33 Architects the building has maximised the access to sunlight for each unit, and achieves an overall provision of 71% of all units (i.e. 62/87) that receive a minimum of 2hrs of direct solar access between 9am and 3pm mid-winter. Given the site has a predominant north and south orientation, 29% of the units (i.e. 25/87) receive no direct sunlight. In this regard, daylight has been maximised by provision of secondary windows to bedrooms and other habitable rooms.

Further to the above, the communal open space is located on the roof of the development so that it maximises access to direct sun light throughout the day and provides a highly useable and comfortable space for the building occupants.

7.3.5 Overshadowing

Level 33 have prepared detailed shadow diagrams for the proposal, which are provided at Appendix X. The shadow diagrams demonstrate that the proposed development casts shadows to the following properties:

- 68-70 Regent Street: Shadows are cast on the dwellings 9am only. The remainder of the day, all of these properties receive direct sun access;
- 72-76 Regent Street: Shadows on these property between 9am and 10:00am only.
- 78-84 Regent Street: Shadows are cast onto these properties between 9am and 3pm. The dwellings are south facing and the façade receives direct sunlight for the majority of the day.
- 13-37 Princes Highway: Shadows are cast on various commercial and residential dwellings between 1pm and 3pm only.

As demonstrated on the plans, the majority of the properties affected by shadows, as noted above, are minor and do not result in unacceptable shadowing impacts.

7.3.6 Internal Amenity

The proposed development has been produced with particular attention to the amenity of its future occupants, neighbouring properties and the public domain. As discussed in the SEPP 65 Design Verification Statement prepared by Level 33 Architects provided at **Appendix 5**, the development is responsive to the opportunities and constraints of the site and it surrounds with regard to topography, vegetation, neighbouring buildings, noise and physical impacts of street traffic, solar access and views. This has culminated in generating a unique design which creates a sense of space, connectivity to public and private space, and fixed and manoeuvrable mechanisms to enable users to control acoustics, solar access and privacy to their units. This is achieved by the following design initiatives:

- providing suitable separation not only between buildings, but also separation to living areas and bedrooms;
- maximised solar access through high ceilings and tall windows;
- trees and shrubs to allow solar access in winter and shade in summer;
- short paths of travel between units to access stairs and lifts which enable ease of access;
- generous and efficient lobbies, with a maximum of 6 units of each core.

- generous open floor plans;
 - a floor plan layout which is highly efficient and fosters high quality living and use of spaces;
 - terraces or balconies to all units which provide an attractive outlook to the surrounding areas and feature landscaping where appropriate;
 - easily accessible garbage storage and sorting facilities;
 - accessible vehicular entry points and a legible parking and circulation network; and
 - safety by design initiatives to enhance the sense of safety and security.
- 62% of apartments benefit from cross ventilation;
 - 71% of units receive a minimum of 2hrs or more of direct sunlight to their living rooms and private balconies; and
 - Units are separated at an appropriate distance to neighbouring properties to maintain amenity and privacy.

The design of the development results in a positive outcome with regard to residential amenity. Careful consideration has been undertaken to mitigate potential aspects of the design which could degrade the quality and liveability of the units both individually and for the development as a whole. We consider the amenity of the development to be of high quality and a desirable outcome.

7.3.7 Privacy

The proposal has focused on providing a high level of privacy between the occupants of the buildings and the adjoining properties. In this respect, the separation and setbacks from adjoining properties have been maximised and where overlooking may occur rooms, privacy devices have been employed. This is discussed further in detail in the revised SEPP 65 Design Statement and ADG Compliance Table prepared by Level 33 Architects (**Appendix 5**).

7.3.8 Public Domain

The proposal delivers a positive contribution to the public domain by providing buildings of high architectural standard that are compatible with the existing and future anticipated character for the area.

The proposal also provides the additional contributions to the public domain:

- The building achieves a desirable interface with public areas in terms of the relationship between the Lower Ground and Upper Ground Levels and the adjoining footpaths;
- The building addresses and integrates with its street frontage through the inclusion of active/outlooking facades with design elements that promote a visual relationship with public pedestrian areas adjacent to, and surrounding, those edges of the site;
- Vehicle access point is consolidated and provides a simple, centralised, and direct vehicular movements throughout the site;
- Service areas and plant rooms are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;

- Many apartments enjoy a direct visual connection which overlooks the adjacent public domain ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site; and
- The architectural treatment and landscaping elements will achieve a suitable streetscape presentation.

7.3.9 Heritage

The site is not within a heritage conversation zone and is not in the general vicinity of heritage items listed in Schedule 5 of the KLEP 2013. It is unlikely that there will be any impacts to any heritage items within the surrounding area from the proposed development.

7.3.10 Building and Construction

Accompanying this application is a BCA compliance review that has been prepared by Design Confidence Pty Ltd (**Appendix 11**). The report provides various recommendations to ensure that the proposed building is capable of achieving compliance with the requirements of the BCA and relevant adopted standards without undue modification to the design or appearance of the building. Compliance with the BCA will be demonstrated with the Construction Certificate documentation.

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

7.4 Natural Environment

7.4.1 Flora and Fauna

The existing physical condition of the site is such that it does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

7.4.2 Tree Removal

The proposal includes the removal of 2 trees. However, as a result of the development, nine (9) new trees are proposed to be planted, and two (2) existing trees to be protected and retained. Refer to the Landscape Plans prepared by Canvas Landscape Architects at **Appendix 7** for more detail.

7.4.3 Landscape

The proposed development is accompanied by concept landscaping plans prepared by Canvas Landscape Architects and provided at **Appendix 7**.

The concept landscaping proposed provides a variety of indicative landscaping elements that contributes to the presentation of the site. This includes ground level plantings within the rear and front setbacks, as well as plantings within the communal open space located on the roof. The proposed landscaping involves the following:

- 633m² (38.7% of site area) of private communal open space on the roof; and
- 114.8m² (7%) of deep soil within the site.

The proposed landscaping plans have also accommodated replacement plantings in response to the loss of trees as a result of the development. The proposal provides a significant amount of space that can be used for communal purposes, noting that the

development provides private communal open space for the buildings residents on the roof that meets the minimum requirements of the ADG.

7.4.4 Water Management

Existing drainage conditions, proposed design and relevant impacts associated with development are contained in the Stormwater Plans prepared by EZE Hydraulic Engineers at **Appendix 14**. In summary the proposed drainage for the development is as follows:

- Water collected from the roof and on the building (including from the basement) will be drained to the proposed On-site Detention System (OSD) tank;
- Basement includes a tank and pump out system; and
- Stormwater from the OSD will be discharged to Council's existing stormwater pit to council's requirements.

7.4.5 Soil Management

Refer to **Section 4.2** for the SEPP 55 assessment with regard to potential soil contamination.

Also refer to the Erosion and Sedimentation Control Plan provided at **Appendix 15** which provides measures to ensure the development provides appropriate soil management and sedimentation control.

7.4.6 Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

A final CMP will be provided by the builder, once appointed, prior to the issue of the Construction Certificate.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

7.4.7 Noise & Vibration

The application is accompanied by an Acoustic Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd. The report has undertaken an assessment of the following noise impacts:

- Traffic impacts from surrounding roads including Princes Highway;
- Traffic entering and exiting the development;
- Servicing of the building, including waste collection;
- Noise generated from the development to adjoining receivers;

The report includes a schedule of requirements for certain building requirements to ensure that internal areas of the residential apartments achieve the necessary mitigation from potential noise impacts. It is also noted that the report concludes the following:

" The construction of the proposed development at No. 2-10 Stanley Street, Kogarah, if carried out as recommended in the plans and specifications and including the acoustic recommendations in this report, will meet the required noise reduction levels as required in Clause 102 of the State Environmental Planning

Policy – (Infrastructure) 2007, NSW Road Noise Policy, Australian Standards AS 3671 'Traffic Noise Intrusion Building Siting and Construction', AS 2107 'Acoustics – Recommended Design Sound Levels and Reverberation Times' and Council Conditions/Requirements."

7.5 Movement and Access

7.5.1 Transport

The site is highly accessible by public transport being within close proximity to bus and train stations. The Kogarah Train Station is approximately 350m to the south west of the site, and is in close proximity to various bus routes (i.e. bus routes 422, 476, and 477).

7.5.2 Roads and Traffic

The amended development is accompanied by a Traffic and Parking Impact Assessment prepared by Transport and Traffic Planning Associates, and is provided at **Appendix 16**. The report has undertaken an assessment of the proposal and the impact to the surrounding road system.

The assessment indicates that Stanley Street currently carries approximately 200 vehicles/hour in the morning peak, while the flows along Regent Lane are negligible. The proposed development will result in approximately 17 vehicles/hour during morning peak periods and 13 vehicles/hour in the afternoon peak.

" This assessment concludes that the proposed development:

-will not have any unsatisfactory traffic implications

-will have an appropriate parking provision

-will have suitable vehicle access, internal circulation and servicing arrangements

-will be compatible with the surrounding development and is within close proximity to good public transport services."

7.5.3 Car Parking

The subject site is located within 350m walking distance of the Kogarah train station, accordingly as per Clause 30(1)(a) of SEPP 65, a consent authority cannot refuse an application if the proposal satisfies the parking requirements under Part J of the ADG. In this respect, the proposal requires a total of 67 parking spaces for the development under the Guide to Traffic Generating Developments (54 residential spaces and 13 visitor spaces).

The proposed development has provided a total of 100 parking spaces within the basement levels (87 residential spaces and 13 visitor spaces). As such, the proposal provides in excess of the required parking and cannot be refused on this basis. The proposed parking also includes 9 accessible parking spaces to accommodate the 9 adaptable dwellings proposed as discussed in the Access Report prepared by Vista Access Architects Pty Ltd (**Appendix 10**).

The Traffic Report confirms that the basement and car parking spaces have been designed to achieve the relevant standards, and that a safe and efficient layout has been provided.

The basement also includes 40 bicycle spaces/racks and within the basement levels, that also satisfy the requirements of Council's DCP (see **Appendix 16**).

7.5.4 Servicing / Waste

Demolition and Construction Waste

To ensure that resources are conserved and waste is processed responsibly by minimising waste generation and maximising recycling of materials. The demolition and construction phase will be appropriately managed to mitigate the environment impact of the development. Appropriate strategies for environmental protection are also demonstrated in the Sedimentation and Erosion Plan (refer to **Appendix 15**).

Operational waste

An integrated and accessible garbage collection and management system is provided. Each residential core have a garbage chute that is located on each level. The garbage chutes lead to garbage storage rooms and compactors located within Basement Level 1. Waste will be collected from a private waste contractor in an SRV vehicle, and a loading bay is situated adjacent to the waste storage rooms. The Traffic Report prepared by Transport and Traffic Planning Associates confirms that the basement has been designed to accommodate the safe ingress/egress of waste vehicles within the basement in a forward direction (**see Annexure 16**).

In addition to the garbage storage room, a separate 'bulky' storage room has been allocated centrally within the basement, that is 8m³. A detailed Waste Management Plan has been prepared by Elephants Foot and is provided at **Appendix 12**.

7.5.5 Pedestrians and Accessibility

Accompanying the application is a BCA Report and an Access Review report provided at **Appendix 10** which contains various detailed design recommendations to ensure the building meets applicable access codes and legislation.

In our opinion those recommendations are of a minor nature, and it would be reasonable for those outcomes to be ensured by means of suitable conditions within any Notice of Determination requiring compliance to be demonstrated with any Construction Certificate.

7.6 Site Suitability

7.6.1 Geotechnical

The Geotechnical Desktop Study Report has been prepared by EI Australia and is provided at Appendix 13. The Report provides a preliminary assessment of the soils anticipated to be encountered during the excavation and construction of the development, and provides various recommendations to ensure that the development is constructed in a manner that will not have any impacts to adjoining properties, and to maintain structural integrity of the proposed building. The recommendations include future investigations to be carried out, including the drilling and sampling of at least four (4) cored boreholes across the site to a minimum depth of 4m below the Bulk Excavation Level (BEL). The additional investigations are recommended post demolition of the existing structures. The recommendations within the report are anticipated to form conditions of any consent.

7.6.2 Contamination

Refer to Section 4.2 for the SEPP 55 assessment.

7.6.3 Bushfire

The site is not within a Bushfire area.

7.6.4 Flooding

The site is not within a known Flood prone area.

7.6.5 Services and Utilities

The site contains adequate facilities which will be retained / reused / upgraded where needed to cater for the proposed residential development. All installations will be capable of meeting the requirements under the Australian Standards and the Building Code of Australia.

7.6.6 Hazards (Other)

Natural Hazards

The subject is not affected by any known hazards. The Geotechnical Investigation prepared by EI Australia (**Appendix 13**) demonstrates that the conditions of the site are appropriate for the excavation and construction works proposed, and provides recommendations to protect the sub-surface conditions and neighbouring properties.

7.7 Social and Economic Effects

7.7.1 Social

As discussed in the ADG Compliance Table prepared by Level 33 Architects, (refer to **Appendix 5**) the market demand for apartment types for a site of this form and type, the property market is currently characterised by buyer groups with a high level of demand for smaller apartments. The proposed development satisfies this demand, which is specifically valuable due to the Precincts proximity to transport, local employment, schools, restaurants and retail amenity. The proposal provides a positive planning outcome and responds to demand for high quality residential apartments which deliver a desirable price point and rental demand.

7.7.2 Crime and Safety

The proposal is for a residential development with a high level of amenity, casual surveillance and ultimately public safety within the building and surrounding area. The proposal will assist in revitalising and activating the premises and will provide appropriate lighting and security measures to protect the safety of neighbouring premises, residents and the local community.

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. The proposal has been designed to take into consideration these principles as follows:-

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical. In this regard, the development has been designed to directly front each of the road frontages with direct surveillance of the public domain from the non-residential units, pedestrian access points, the public domain areas and the upper level apartments.

The layout of the development also provides lines of sight between public and private spaces which will be maintained during the night by a suitable lighting scheme. The proposed development introduces 24 hour activity within the local footpath and road network and casual surveillance to ensure the safety of residents and neighbouring properties and the public.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. The non-residential premises benefits from designated access points which is clearly visible and overseen by staff members. The building is provided with two (2) dedicated and secure lobby and entry areas via Stanley Street. The car park is accessed via Regent Lane and is secure.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals. There is a clear delineation between the public street and footpath verge, and the private residential areas. The future occupants of the development benefit from direct access to encourage the connection of these spaces. In this regard the development provides for residential units which will create activity within the site and the wider local centre.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. Strategies to implement this principle include, site cleanliness, rapid repair of vandalism and graffiti, the quick replacement of broken light fixtures/globes and the removal or refurbishment of decayed physical elements.

The proposed works will assist in improving the presentation of the site, which will improve the amenity, casual surveillance and ultimately public safety and sense of security within the site and surrounding area.

8. Conclusion

This application seeks approval for a ten (10) storey Residential Flat Building including four (4) basement parking levels and eighty-seven (87) residential units. The proposed development of the site, being **Nos 2-10 Stanley Street, Kogarah** is considered to be an appropriate response to the physical characteristics of the site, its immediate surrounding area and locality. The proposal is a suitable development outcome for this site.

In summary the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and preliminary assessment as required under the heads of consideration under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979*;
- provide a built form which strengthens the neighbourhood's sense of identity, and compatible within the streetscape and desired future character of the area. This includes providing an appropriate scale to the street frontages without adverse overshadowing or amenity impacts on surrounding properties;
- provides a built form that is in keeping with the Design Principles established for the Kogarah North Precinct;
- provide high quality residential units which provide a high level of amenity and privacy to the future occupants; and
- have no adverse environmental impacts on adjoining properties and is an innovative and appropriate response to the desired future character of the locality statements.

The benefits provided by the proposed development outweigh any potential impacts and is therefore in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.