

28 August 2019

Our Ref: 17-237

Fiona Prodromou

Bayside Council
444-446 Princes Highway
ROCKDALE NSW 2205

Fiona.prodromou@bayside.nsw.gov.au

Dear Fiona,

**RE: 130-140 PRINCES HIGHWAY & CHARLES STREET, ARNCLIFFE, NSW 2205 (DA-218/196) -
AMENDED PLANS AND DETAILS**

Please find enclosed with this letter the following revised plans and details:

- Architectural Plans (ABW)
- State Environmental Planning Policy No 65 - Design Verification Statement (ABW)
- Photomontage (ABW)
- Materials Board (ABW)
- Landscape Report (Scott Carver)
- Landscape Plan (Scott Carver)
- Draft Stratum Plan (Veris)
- Waste Management Plan (Elephants Foot)
- Access Report (Morris Goding)
- BASIX Certificate (Wind Tech)
- Section J Report (Wind Tech)
- Fire Engineer Letter (Affinity)
- BCA Compliance Capability Report (Vic Lilli)
- Car Park Design Compliance Certificate (Barker Ryan Stewart)
- Clause 4.6 Variation Request - FSR (City Plan)
- Clause 4.6 Variation Request - Height (City Plan)

The purpose of this letter is to describe the nature of the changed development and to explain how the amendments have addressed the matters raised in the Minutes of the Design Review Panel meeting on 20th March 2019. This letter also supplements the original Statement of Environmental Effects (SEE) by addressing the relationship of the revised scheme with the *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development* (SEPP No 65), the *Rockdale Local Environmental Plan 2011* (RLEP) and the *Rockdale Development Control Plan 2011* (RDCP).

Suite 6.02, 120 Sussex St, Sydney NSW 2000
P +61 2 8270 3500

CITYPLAN.COM.AU

\\CPSSYDFIL01\General\Projects\CP2017\17-237 130-140 Princes Hwy, Arncliffe\6. Post Lodgement\RFI 2\Addendum to SEE.docx

1. SCHEDULE OF AMENDMENTS

This section identifies all the changes made to the development, as confirmed by ABW. Refer to the revised architectural plans accompanying this statement for further detail.

1.1. Revised Floor Plans and Elevations

Table 1 identifies the amendments to the floor plans level by level.

Table 1: Schedule of Amendments to Floor Plans

Level	Amendment to Floor Plans
Basement 3	<ul style="list-style-type: none"> Basement 3 extended to align with Basement 2 and Basement 1
Basement 2	<ul style="list-style-type: none"> Re-allocation of visitor spaces from Basement 1 to Basement 2
Basement 1	<ul style="list-style-type: none"> Retail parking area separated from the residential parking area Provision of a goods lift Amendments to layout near Lifts A and B including the garbage room to provide separate retail and residential lobbies. Loading Dock size increased to allow for a larger truck
Ground Floor	<ul style="list-style-type: none"> Small retail spaces increased to two larger double height retail spaces (6.85m Floor to Ceiling Height) Provision of a goods lift Secure access provided to the residential apartments in Core A and B Lift and Fire Stair to Core C mirrored to provide a clear site line to the lifts from the entrance
First - Sixth Floor	<ul style="list-style-type: none"> Front setback adjusted to comply with the 6m DCP Street Setback Control Setbacks to the Northern and Southern boundaries adjusted to allow for increased front setback Adjustment of Apartment Layouts to suit new setbacks
Seventh - Ninth Floor	<ul style="list-style-type: none"> Additional 3m Setback provided from the front boundary Setbacks to the Northern and Southern boundaries for Core C apartments adjusted to allow for mirroring of the lift and stair.

Table 2 identifies the amendments to the elevations level by level.

Table 2: Schedule of Amendments to Elevations

Level	Amendment to Elevation (Princes Highway)
First - Fifth Floor	<ul style="list-style-type: none"> Glass louvres and off form concrete deleted and replaced with face brick with express concrete edges.

	<ul style="list-style-type: none"> Provision of laser cut screen to balconies to ensure sun control and privacy. Provision of metal cladding to side walls to provide variation of materials.
Seventh - Ninth Floor	<ul style="list-style-type: none"> Provision of dark grey metal cladding to upper levels to differentiate from the brick base and provide a lighter weight top to the building.
All Floors	<ul style="list-style-type: none"> Continuation of off-form concrete and face brick to the rear of the building broken up with some metal cladding rather than painted render

1.2. Revised Apartment Mix and Identification of Adaptable Units

Table 3 identifies the revised apartment mix as detailed on the revised architectural plans. The revised development proposes 182 residential apartments in a mix of 1, 2 and 3 bedroom sizes. The apartment mix responds to market demand in the locality and is consistent with the mix approved in other development in the locality, even though it differs from mix recommended in the RDCP. It should also be noted that the proposed apartment sizes are larger than the minimum apartment sizes recommended in the Apartment Design Guide (ADG).

Table 3: Revised Apartment Mix and Numbers

Apartment Type	Proposed No of Apartments	Recommend Dwelling Mix (RDCP)	Revised Apartment Mix	Minimum Apartment Size (ADG)	Proposed Apartment Size
1- Bedroom	65	10%-30%	35.7%	50sqm	50-70sqm
2- Bedroom	105	50%-75%	57.7%	70sqm	75-100sqm
3- Bedroom	12	10%-30%	6.6%	90sqm	100-110sqm

Refer to the revised architectural plans which identify and detail the configurations of the adaptable units. The number and location of adaptable units is summarised below in **Table 4**.

Table 4: Identification of Adaptable Units (Source: ABW)

ADAPTABLE UNITS				
	TYPE 1	TYPE 2	TYPE 3	TOTAL
GROUND FLOOR				
LEVEL 1			C1.02	1
LEVEL 2	B2.03	B2.04	C2.02	3
LEVEL 3	B3.03	B3.04	C3.02	3
LEVEL 4	B4.03	B4.04	C4.02	3
LEVEL 5	B5.03	B5.04	C5.02	3
LEVEL 6	B6.03	B6.04	C6.02	3
LEVEL 7			C7.02	1
LEVEL 8			C8.02	1
LEVEL 9			C9.02	1
TOTAL - ADAPTABLE UNITS	5	5	9	19

1.3. Revised Parking Provision

Table 5 and **6** identify the Rockdale DCP rates and the revised car parking provision as shown in the Architectural Floor Plans. Refer to the Car Park Design Compliance Certificate prepared by Barker Ryan Stewart which confirms the compliance of the revised car parking provision.

Table 5: Bayside Council Parking Requirement (Rockdale DCP 2011) (Source: Barker Ryan Stewart)

Use	Yield	Parking Rate	Parking Requirement
1-bed	65 units	1 space per unit	65
2-bed	105 units	1 space per unit	105
3-bed	12 units	2 spaces per unit	24
Visitors	182 units	1 space per 5 units	37
Retail	760m ²	1 space per 40m ²	19
Total	-	-	250

Table 6: Schedule of Amendments to Parking Provision

Use	Previous Design	Revised Design
Retail	15	19
Visitor	39	37
Residential	201	194
Total	255	250

In addition to the car parking requirement of 250 spaces, the revised development requires 14 motorcycle and 24 bicycle spaces. In response, the development provides 250 car spaces, 14 motorcycle spaces and 30 bicycle spaces thereby complying with the Rockdale DCP 2011 parking requirements (refer to the Car Park Design Compliance Certificate for further detail).

2. STATE ENVIRONMENTAL PLANNING POLICY NO 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP NO 65)

A revised State Environmental Planning Policy No.65 - Design Verification Statement has been prepared by ABW and accompanies this statement.

The SEPP No.65 Design Verification Statement demonstrates that the amended proposal achieves all the Design Quality Principles in SEPP65 and all the Design Objectives in Parts 3 and 4 of the Apartment Design Guide (ADG). Except for part of the rear elevation, the amended proposal also satisfies all the Design Criteria in the relevant parts of the ADG.

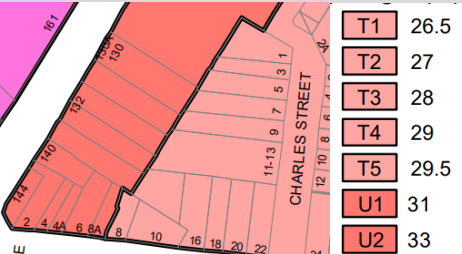
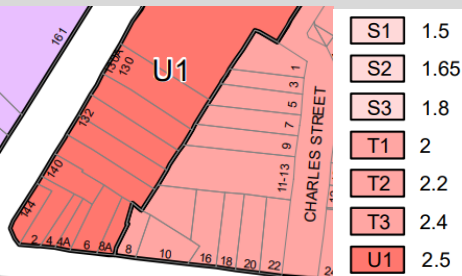
It should be noted that apart from the non-discretionary development standards in SEPP 65, the ADG is not intended to be and should not be applied as a set of strict development standards according to *Planning Circular PS 17-001 - Using the Apartment Design Guide*. As noted in the Circular, if it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.

In this instance, the departure from the Design Criteria arises because the rear elevation of the building includes windows to habitable rooms which are within 9m of the property boundary. These windows, however, are secondary windows providing fenestration to help articulate the façade and additional daylight to the rooms they adjoin. To ensure they do not compromise the Design Objective, which is concerned with privacy, they are highlight windows which ensure they do not cause cross viewing.

3. ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011 (RLEP)

The RLEP Table of Compliance below, details the compliance of the amended design with the relevant provisions of the RLEP.

Table 7: Relevant provisions of the RLEP

Relevant Clause	Comment	Compliance
Clause 4.3 Height of Buildings 	<p>The maximum Height of Building (HoB) is 31m for the B4 Mixed Use zone, and 26.5m for the R4 High Density Residential zone as shown in the Land Zoning Map.</p> <p>The revised development has a maximum building height, as measured from existing ground level, of 33.66m (RL 57.70) as confirmed by ABW. Therefore, the proposal breaches the standard by 2.66m.</p> <p>Specifically, portion of the building with the greatest variation above the 31m height limit relates to the top of the highest lift overrun. The vast majority of the proposed envelope is, in fact, below or in line with the 31m height limit.</p> <p>Refer to the revised Clause 4.6 Variation Request, for detailed justification of the height variation.</p>	<p>Variation which is justified in Clause 4.6 Variation Request.</p>
Clause 4.4 Floor Space Ratio 	<p>The Floor Space Ratio (FSR) is 2.5:1 for the B4 Mixed Use zone and 2.2:1 and for the R4 High Density Residential zone as shown in the FSR Map.</p> <p>The revised development has an FSR overall of 2.43:1 which conforms with the total GFA that is allowed by the FSR controls across the entire site and is less than the FSR permitted on the majority of the site. (GFA: 14,710.5sqm Site Area: 6,041.7sqm).</p> <p>The variation arises because the average FSR exceeds the lower FSR standard on the rear part of the site, even though there are no buildings proposed on this land. In this regard</p>	<p>Technical variation which is justified in Clause 4.6 Variation Request.</p>

	<p>the variation is purely technical in nature and arises because of an anomaly between the way the FSR is calculated and then applied.</p> <p>Refer to the revised Clause 4.6 Variation Request, for detailed justification for the FSR variation.</p>	
Clause 6.11 Active Street Frontages	<p>The site is identified as requiring an Active Street Frontage under the RLEP. A building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, except for entrances and lobbies (including as part of mixed use development), access for fire services and vehicle access.</p> <p>The proposal provides an active frontage as defined in the LEP with very generously scaled ground floor retail premises and residential lobby.</p>	Yes
Clause 6.14 Design Excellence	<p>Refer to the revised SEPP No.65 Design Verification Statement, and Section 6 of this statement which describes how the revised design has been amended in accordance with the recommendations of the Design Review Panel to ensure that the proposal achieves design excellence.</p>	Yes
Clause 7.1 Arrangements for designated State public infrastructure	<p>The applicant is currently finalising arrangement with the NSW Department of Planning Infrastructure and Environment for the provision of State public infrastructure. Written confirmation of those arrangements will be provided shortly.</p>	
Clause 7.2 Public Utility Infrastructure	<p>The applicant has previously provided evidence to demonstrate that the site can be adequately serviced.</p>	

4. BAYSIDE DESIGN REVIEW PANEL (DRP) MINUTES - 20TH MARCH 2019

Table 8 below summarises how the revised architectural plans and reports sufficiently address the matters raised in the Minutes of the Design Review Panel meeting on 20th March 2019.

Table 8: Bayside Design Review Panel - Revised Plans

Design Principle	Revised Development
<p><i>Context and Neighbourhood Character</i></p> <p>The Panel considers that the proposal is generally consistent with the area's desired future character subject to:</p> <ul style="list-style-type: none"> • Compliance with the DCP in relation to the built form setbacks • Revision to the public domain treatment to be compliant with the DCP. 	<p>As shown in the revised architectural plans the revised design achieves compliance with the DCP in relation to the street setback to Princes Highway.</p> <p>The revised design provides a:</p> <ul style="list-style-type: none"> ▪ 6m setback up to the 6th Storey; and ▪ 9m setbacks above the 6th Storey. <p>Refer to the revised architectural plans which clearly demonstrate the required 3m setback above the 6th storey, which provide a podium form to the development and assist in minimising the bulk, scale and mass of the buildings, fronting the Princes Highway.</p> <p>Refer to the revised Landscape Plan and Landscape Report which detail the public domain treatment in accordance with the DCP.</p>
<p><i>Built Form and Scale</i></p> <p>The Panel is generally supportive of the built form and scale subject to the resolution of the following, which include some major amendments:</p> <ul style="list-style-type: none"> ▪ The panel supports a six-storey street frontage, however the building form above this level must be set back in accordance with the DCP ▪ Rear setbacks are required in accordance with the ADG (i.e. the rear setback of level 5 should be as per level 6) i.e. 6m for the first 4 levels then 9m for the levels above, noting that the applicant did not provide a valid justification for departure from this requirement. ▪ Internal corridors and lift lobby's must be provided with natural light noting the south east facing arrangement around the lift core does not have any natural light and ventilation 	<ul style="list-style-type: none"> ▪ As stated above, the revised architectural plans are compliant with the DCP street setback controls. ▪ The rear setbacks have been increased to achieve the visual and acoustic privacy objectives of the ADG (3F). A 6.0m-9.3m separation to the property boundary is provided from the first storey to the eighth storey. This is justified as where there is a numerical non-compliance, highlight windows are proposed which ensure visual privacy for the adjoining Charles Street properties, whilst allowing sunlight access into the proposed units.

<ul style="list-style-type: none"> ▪ Adequate passive solar screening to North East and North West windows is to be provided. ▪ Commercial tenancies are to be provided with a 7000mm floor to ceiling height for adaptability of their future use in accordance with the DCP, noting that the applicant did not provide a valid justification for departure from this requirement. ▪ Solar access should, as a minimum, be compliant with the ADG ▪ Separation of commercial and residential uses is required, shared lifts, lobbies, corridors and vehicular interfaces are not supported. 	<ul style="list-style-type: none"> ▪ Refer to the revised architectural plans which ensure that the internal corridors and lift lobbies are provided with natural light and ventilation. ▪ Adequate passive solar screening to North East and North West windows is to be provided. Refer to revised architectural plans. ▪ Commercial tenancies have been provided with a 6850mm floor to ceiling height. This is a very minor variation of 150mm from the DCP requirement which will not prejudice achievement of the objectives of this control, which is "to accommodate a wide range of retail showroom or commercial uses". We note that the ADG recommends 3.3m ground floor ceiling heights in mixed use building to promote future flexibility. The proposed 6.85m ceiling height is extremely generous. The additional 0.15m ceiling height could be achieved by raising the height of the building but on balance this is not considered warranted or necessary. ▪ Adjustments have been made to the floorplans to improve the solar performance of the apartments. Refer to the Solar Access Plans which demonstrates that 127 of the 182 apartments receive a minimum of 2 hours sunlight in midwinter. The adjustments also ensure that only 25 units (13.7%) receive nil sunlight in midwinter. As such, the revised development complies with the ADG. ▪ The revised architectural plans have ensured that the proposed commercial and residential uses are sufficiently separated. Residential parking is all located within Basement Levels 2 and 3, whilst all retail parking is located within Basement Level 1. ▪ Only five (5) residential units on the ground floor share a lobby with the proposed commercial showrooms. These apartment also have their own separate access from the communal open space.
<p>Density</p> <p>The Panel considers that the proposal's density is generally consistent with the area's desired future</p>	<p>The comments from the DRP minutes above have been addressed, and as such the Panel will</p>

<p>character subject to the comments above being addressed.</p> <p>The panel notes that the transfer of GFA from R4 zoned land onto B4 properties may not be accepted and the arrangement of the built form and scale of the proposal may need to be altered.</p>	<p>consider that the proposals density is consistent with the areas desired future character.</p> <p>Refer to the revised Clause 4.6 Variation Request for FSR which details the justification for the technical variation.</p>
<p><i>Sustainability</i></p> <p>The Panel notes the proposal does not achieve the minimum requirements for solar access under the ADG.</p> <p>As a minimum, the proposal must achieve compliance with the ADG for solar access and for cross ventilation. The proposal should be compliant with the submitted Wind Report.</p> <p>The Proposal provides only the minimum standards required of any development, with very limited ESD initiatives proposed. ESD elements to consider would include compliance with the imminent revised BASIX controls, a consistent urban tree canopy to Princes Highway, provision or nomination of accessible and usable spaces for photovoltaic panels within the proposal, electric car charge stations within the basement parking and rainwater harvesting for use in landscape.</p>	<p>The revised proposal now complies with the Solar Access and Natural Ventilation (and Cross Ventilation) criteria of the ADG. Refer to the Solar Access & Natural Ventilation Plan.</p> <p>Refer to the revised BASIX Certificate and Section J Report which accompany this statement.</p>
<p><i>Landscape</i></p>	<p>The comments raised by the DRP Panel in relation to landscape have been addressed. Refer to revised Landscape Plan and Landscape Report.</p>
<p><i>Amenity</i></p> <p>The Panel notes that the design does not currently achieve the minimum solar access in accordance with the ADG.</p> <p>The Panel considers that there should be further modelling of the solar access, to the built form and communal open spaces, that takes into account a complying development on adjacent sites (height and DCP setbacks/equivalent setbacks) in order to demonstrate that the solar access can be achieved over the long term, as adjacent sites are developed, without imposing inequitable setbacks on adjacent development.</p>	<p>As discussed above the proposal now complies with the solar access criteria of the ADG.</p>

<p>Safety</p> <p>The Panel does not support the shared interface between commercial and residential uses and does not consider that the current arrangement provides for a positive relationship within the site.</p> <p>Separation of commercial and residential uses is required, shared lifts, lobbies, corridors and vehicular interfaces are not supported.</p>	<p>The revised architectural plans have ensured that the proposed commercial and residential uses are sufficiently separated. Residential parking is all located within Basement Levels 2 and 3, whilst all retail parking is located within Basement Level 1.</p>
<p>Housing Diversity and Social Interaction</p> <p>The Panel considers that the design is satisfactory in relation to Housing Diversity and Social Interaction.</p>	<p>The revised apartment mix provides for a diversity of apartment types, configurations and sizes to cater for different household types, requirements and levels of affordability.</p> <p>Refer to the revised SEPP No. 65 Design Verification Statement for further detail.</p>
<p>Aesthetics</p> <p>The Panel considers that the building exhibits good design in relation to aesthetics, subject to the comments above.</p>	<p>The revised design has implemented the above recommendations of the Design Review Panel, and as such exhibits a good design in relation to aesthetics.</p> <p>Refer to the revised Photomontages and Material Board for further detail in relation to aesthetics.</p>

Table 9 below details how the recommendations of the Design Review Panel have been implemented to ensure that the revised design achieves Design Excellence pursuant to Clause 6.14 of the RLEP.

Table 9: Achievement of Design Excellence

Design Excellence - Clause 6.14(4) of RLEP 2011		
Clause	DRP Recommendation	Revised Development
In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:		
(a) whether a high standard of architectural	<i>The Panel notes that the design uses the adjacent existing RFB as a precedent in setting a minimum quality</i>	Refer to the revised architectural plans which detail how the proposal provides a 6-storey street wall frontage, with a 3m

design, materials and detailing appropriate to the building type and location will be achieved,	<i>for the proposed development and considers this is satisfactory other than in relation to the public domain and street wall frontage'.</i>	setback above the 6th storey. As such the recommendations of the DRP panel in relation to the public domain and street wall frontage have been implemented and the amended design will achieve design excellence in this regard.
(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,	<i>'The Panel considered the six (6) storey street wall requirement, with the relevant setbacks above this level within the DCP is a key element in determining the quality of the public domain and the arrangement along the Princes Highway. In its absence the building is not considered to exhibit design excellence, however this could be achieved through suitable amendment of the building form to reflect this desired future character, as outlined in the DCP'.</i>	Refer to the revised architectural plans, which detail the provision of a six (6) storey street wall frontage, with a 3m setback above the 6th storey. As such, the amended design will be considered by the DRP Panel to achieve design excellence with respect to the quality and amenity of the public domain.
(c) whether the development detrimentally impacts on view corridors,	<i>'The Panel considers that the design can achieve design excellence in relation to view corridors with appropriate amendment to the public domain interface along the Princes highway and the proposal must be revised to incorporate street trees and built form setbacks in accordance with the DCP, to establish and appropriately contribute to the desired main view corridor along the Princes Highway'.</i>	As stated above, the proposal is now fully compliant with the DCP street setback controls. As such, the amended development will be considered by the DRP to achieve design excellence with respect to view corridors.
(d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,	<i>'The panel notes significant non-compliances with the built form (particularly in relation to setbacks above the street wall and in relation to heights within commercial showroom frontages) and as a result does not deliver design excellence. The Panel is not aware of any reasonable arguments justifying these departures, which will act to compromise the desired future character for the area established by the controls. The Panel considers that design excellence can be achieved through appropriate design</i>	It should be noted that the Arncliffe & Banksia DCP was not enforced when Clause 6.14 of the RLEP was applied. As such, the Arncliffe & Banksia DCP should not apply to Clause 6.14 of the RLEP in the case of this DA. Nonetheless, the proposal has been revised to be fully compliant with the DCP street setback controls. Further, the plans have been amended to provide for (2) two Commercial Showrooms with a floor to ceiling height of 6.85m. This is a minor variation of

	<i>amendments addressing these non-compliances'.</i>	<p>0.15m from the required 7.00 floor to ceiling height required for showrooms. This variation is minor and necessary to reduce the building height of the development. The proposed 6.85m floor to ceiling heights will enable flexible future use of the space and as such satisfy the objective of the control.</p> <p>As such, it is considered that the amended design achieves design excellence with respect to the RDCP.</p>
(e) how the development addresses the following matters:	<i>The Panel considers:</i>	
(i) the suitability of the land for development,	<i>(i) The suitability of the land for development had been satisfactorily addressed.</i>	Noted.
(ii) existing and proposed uses and use mix,	<i>(ii) The site provides for residential and retail uses and the mix of existing and proposed uses has been satisfactorily addressed subject to the revision of the showroom frontages heights being achieved in accordance with the DCP</i>	The revised design provides 6.85m floor-ceiling height commercial showrooms. This is a 0.15m variation from the showroom frontage heights recommended by the DCP. As stated above, this variation is minor, justifiable, and consistent with other recent showroom developments.
(iii) heritage issues and streetscape constraints,	<i>(iii) There are no relevant heritage issues, and that streetscape constraints have not been satisfactorily addressed.</i>	As recommended by the DRP Panel, the design has been revised to provide a 6m street setback up to the sixth storey, and a 9m street setback from the seventh to the ninth storey. As such, the streetscape is now consistent with existing and future character outlined in the RDCP.
(iv) the relationship of the development with other development (existing or proposed) on the same site or on	<i>(iv) The Proposal has a number of non-compliances with the ADG in relation to setbacks and solar access and appears likely to create unreasonable constraints for equitable development on adjoining sites. Non-compliances with the DCP should also be revised to ensure the development is wholly</i>	As stated above, the revised design is compliant with the DCP Setback controls. In addition, the design has been revised to provide larger rear and side setbacks in accordance with the visual separation criteria of the ADG. This is justified as where there is a numerical non-compliance, highlight windows are

neighbouring sites in terms of separation, setbacks, amenity and urban form,	<i>compliant, noting the site is capable of achieving compliance with the DCP while at the same time providing a complementary relationship with the current RFB development adjoining the site.</i>	proposed which ensure visual privacy for the adjoining Charles Street properties, whilst allowing sunlight access into the proposed units. In previous correspondence, it has been demonstrated that the proposed development will not inhibit the development capacity on neighbouring sites. Refer to the revised architectural plans and revised SEPP No.65 Design Verification Statement for further justification.
(v) bulk, massing and modulation of buildings,	<i>(v) The bulk massing and modulation has been satisfactorily addressed other than in relation to the front setback above the street wall, the rear setbacks to the properties facing Charles Street, and in relation to demonstrating ADG solar access compliance on this (and adjacent) sites is achieved.</i>	As discussed above, the front setback has been satisfactorily addressed. The rear setback to properties facing Charles Street have been increased to 6.0m - 9.3m. The 6.0m setback is justifiable as the wall does not have habitable windows except for high level windows to help with articulation of the façade and sunlight access into the units. The shadow diagrams demonstrate the proposal will not prejudice the ability of adjacent development sites to achieve solar access compliance.
(vi) street frontage heights,	<i>(vi) The proposed variation to the street frontage height is not satisfactory. The Proposal should provide a compliant built form as required in the DCP to the street frontage to ensure an appropriate scale of development to the Princes Highway, and ensure that compatibility with future adjacent development.</i>	As discussed above the revised design is fully compliant with the DCP street frontage heights. As such, the revised proposal is compatible with future adjacent development.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	<i>(vii) The environmental impacts have not been satisfactorily addressed</i>	Refer to the Shadow Diagrams, BASIX Certificate and Section J Report which accompanies this statement.
(viii) the achievement of	<i>(viii) The principles of ESD have been partially addressed however the</i>	The proposal now complies with the Solar Access and Natural Ventilation criteria of

the principles of ecologically sustainable development,	<i>proposal appears to provide only the minimum standards required of any development, with very limited ESD initiatives proposed. In this regard the Panel does not consider that the proposal represents design excellence. ESD elements to consider would include compliance with the imminent revised BASIX controls, a consistent urban tree canopy to Princes Highway, provision or nomination of a usable spaces for photovoltaic panels within the proposal, electric car charge stations within the basement parking, rainwater harvesting for use in landscape maintenance, passive screening North West and North East sunlight, provision of deeper planters to facilitate long term viability of larger scale trees in podium areas and opportunities for communal and productive gardens</i>	the ADG (refer to the Solar Access and Natural Ventilation Plan). Accompanying this statement is a revised BASIX Certificate and Section J Report which demonstrate that the Development Application satisfies the provisions of BCA and BASIX related energy efficiency (4U) and water management and conservation (4V).
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	<i>(ix) The access and servicing of the building is partly addressed in a satisfactory manner, however the proposal has interface issues within the current proposal, and in the combined vehicular and pedestrian movement for commercial and residential tenants. To achieve design excellence the proposal would need to separate these activities and clearly define usages.</i>	<p>The revised architectural plans have ensured that the proposed commercial and residential uses are sufficiently separated.</p> <p>Residential parking is all located within Basement Levels 2 and 3, whilst all retail parking is located within Basement Level 1.</p> <p>Only five (5) residential units on the ground floor share a lobby with the proposed commercial showrooms. The ground floor residential uses have been provided with secure access.</p>
(x) the impact on, and any proposed improvements to, the public domain,		Refer to the revised Landscape Plan and Landscape Report.
(xi) achieving appropriate interfaces at ground level		(xi) Refer to the revised Landscape Plan and Landscape Report.

between the building and the public domain,		
(xii) excellence and integration of landscape design.		(xii) Refer to the revised Landscape Plan and Landscape Report.

5. CONCLUSION

We trust that the substantial amendments that have been made to the scheme address the concerns expressed by the DRP and Council and the application is now able to be determined favourably. The proposal will make a valuable contribution towards achieving the aims of the Arncliffe Precinct Plan and we commend it to Council.



Stephen Kerr
Executive Director