

STATEMENT OF ENVIRONMENTAL EFFECTS

Mixed Use Development

41 – 45 Bay Street, 4 Chapel Street, Rockdale



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Prepared by Chapman Planning



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1.0 INTRODUCTION and SUMMARY

This Statement of Environmental Effects has been prepared for Statewide Construction and Development Pty Ltd as part of the supporting documentation for a development application in relation to 41-45 Bay Street, and 4 Chapel Street, Rockdale.

The development application is for construction of a mixed use development including a registered club, "Rockdale RSL Club" at ground floor level and an 8 storey residential flat building at the podium level containing 85 x residential apartments. The proposal includes 3 levels of basement car parking accessed from Chapel Street. It is noted that the registered club component and 1 x level of basement carparking has previously been approved on the site pursuant to DA2017/225.

The development application will include the Rockdale RSL Club at ground level and a residential tower containing :

- 28 x 1 bedroom apartments,
- 50 x 2 bedroom apartments and
- 7 x 3 bedroom apartments.

The 3 x levels of basement carparking will include 54 car spaces for the registered club and 116 car spaces for the residential units (including 17 visitor spaces).

The development includes communal open space at podium level and on rooftop, presenting a total of 1278m² of communal area for use by the residents.

The subject site is located within the B4 Mixed Use under the Rockdale Local Environmental Plan 2011 and mixed use buildings including *Registered Clubs* and *Residential Flat Buildings* are permissible with consent.

Bay Street runs east to west from The Grand Parade to the Princes Highway. The subject site is located on the southern side of Bay Street, Rockdale, 230m east of the intersection of the Princes Highway and Bay Street, Rockdale. The subject site is located within a street block bound by Bay Street to the north, Chapel Street to the south and west and Cairo Street to the east. The subject site is approximately 340m east of the Rockdale Railway Station.

The immediate located is predominantly defined by a mixture of existing low and high rise apartment buildings and a range of mixed use buildings currently under construction.

The adjoining development to the east includes a 2 x 4 storey residential flat buildings being 49 – 51 Bay Street Rockdale and 10 – 16 Chapel Street Rockdale. The adjoining development to the west includes a construction site associated with DA 2016/241/A, an approved 11 storey mixed use

development forming part of the larger development site Nos 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, Nos. 1 - 3 Chapel Lane and Nos. 6A - 12 Lister Avenue, Rockdale.

The subject site currently contains the former Rockdale RSL Club at 45 Bay Street which is in the process of being demolished pursuant to DA2017/225. The buildings at 41 Bay Street and 4 Chapel Street have previously been demolished and these properties are currently vacant.

The application is accompanied by:

- *Survey Plan, numbered 16473, prepared by New Way Surveying, dated 28 September 2016;*
- *Architectural Plans, numbered DWG 01 – 20, prepared by Statewide Construction and Development Pty Ltd, dated 12 June 2019;*
- *Landscape Plans, numbered 16-3341, Sheet 1 – 5, prepared by Zenith Landscape Designs, dated 24 November 2016;*
- *Sediment Control Plan, numbered 1766 – SC 1/1, prepared John Romanous & Associates, dated 29 November 2016;*
- *Stormwater Drainage Plan, numbered 1766 – S1 -7, Revision H, prepared by John Romanous & Associates, dated 2 May 2019;*
- *Traffic Report, numbered 18741, prepared by Varga Traffic Planning Pty Ltd, dated 8 May 2019;*
- *Geotechnical Report, numbered E23172 GA_Rev1, prepared EI Australia, dated 8 February 2019;*
- *Airport Obstacle Limitation Surface Plan, prepared by Statewide Construction and Development Pty Ltd;*
- *Development Application Acoustic Assessment, numbered 20190095.1/0605A/R0/AR , prepared Acoustic Logic;*
- *Statement of Compliance – BCA Access Provisions, numbered 218388, prepared by Accessible Building Solutions, dated 13 June 2019;*
- *Photomontage, prepared by Statewide Construction and Development Pty Ltd;*
- *Ramp Profile, prepared by Statewide Construction and Development Pty Ltd, dated 12 June 2019;*
- *Solar Report – SEPP 65 Amenity Compliance, prepared by Statewide Construction and Development Pty Ltd;*
- *Cross Ventilation Statement, prepared by Statewide Construction and Development Pty Ltd;*
- *Apartment Calculations, prepared by Statewide Construction and Development Pty Ltd.*
- *BASIX Certificate No. 1014731M;*
- *Clause 4.6 Variation Height of Building prepared by Chapman Planning Pty Ltd (**Annexure 1**);*

In this report, the proposal is presented and assessed in relation to the relevant planning controls, being:

- *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development,*
- *State Environmental Planning Policy (Building Sustainability Index: Basix) 2004;*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Rockdale Local Environmental Plan (BLEP) 2011;*
- *Rockdale Development Control Plan; and*
- *S.4.15 Environmental Planning and Assessment Act 1979.*

2.0 SITE and CONTEXT

2.1 Site Description

The subject site is legally known as:

- 41 Bay Street Rockdale (Lot 2 DP1019049),
- 45 Bay Street Rockdale (Lot 1 DP 628851) and
- 4 Chapel Street Rockdale (Lot 2, DP 326 854).

The site is trapezoidal in shape with a northern frontage of 48.767m to Bay Street, Rockdale, a southern frontage of 53.814m to Chapel Street, Rockdale and a consolidated area of 3204m².

The subject site has a fall of approximately 2.7m from the Bay Street boundary (AHD 17.03) to the Chapel Street boundary (AHD 14.3).

The subject site currently contains the former Rockdale RSL Club at 45 Bay Street which is in the process of being demolished pursuant to DA2017/225. The buildings at 41 Bay Street and 4 Chapel Street have previously been demolished, these addresses are currently vacant.

The subject site is shown in the following aerial photograph, noting the existing site structures have been demolished.



Source: Six Maps

The following photographs depict the current structures on the subject site.

Photograph 1 shows the existing development fronting Bay Street



Photograph 2 shows the existing structures fronting Chapel Street



2.2 Locality Description

Bay Street runs east to west from The Grand Parade to the Princes Highway. The subject site is located on the southern side of Bay Street, Rockdale, 230m east of the intersection of the Princes Highway and Bay Street, Rockdale.

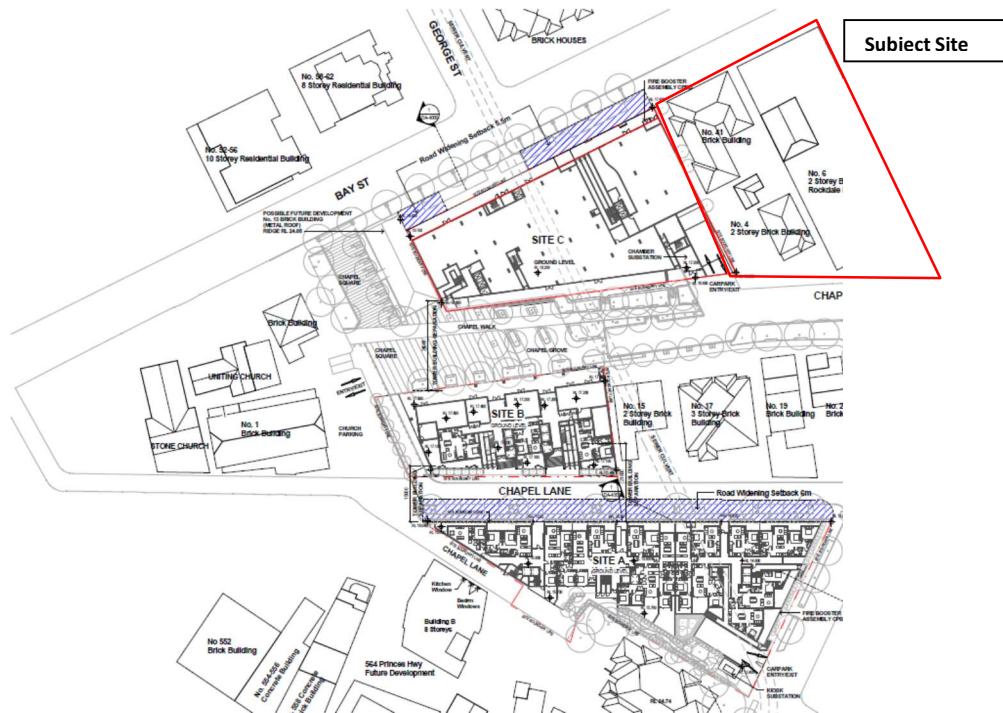
The subject site is located within a street block bound by Bay Street to the north, Chapel Street to the south and west and Cairo Street to the east. The subject site is approximately 340m east of the Rockdale Railway Station.

The immediate locality is predominantly defined by a mixture of existing low and high rise apartment buildings and a range of mixed use buildings currently under construction.

The adjoining development to the east includes a 2 x 4 storey residential flat buildings being 49 – 51 Bay Street Rockdale and 10 – 16 Chapel Street Rockdale.

The adjoining development to the west includes a construction site associated with DA 2016/241/A, an approved 11 storey mixed use development forming part of the larger development site Nos 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, Nos. 1 - 3 Chapel Lane and Nos. 6A - 12 Lister Avenue, Rockdale.

The following site plan shows the subject site and development sites within the precinct.



The subject site is at the eastern end of the development within the Bay Street – Chapel Street precinct part of the Rockdale Town Centre. The proposed form and scale of development is consistent with the approved and current development in the immediate locality.

There is a current development application for a 12 storey residential flat building at 15 – 23 Chapel Street, Rockdale under development application No. 2019/31.

The location of the subject site and land uses within the locality are shown in the following aerial photograph.



Source: Six Maps

The context of the subject site and general setting is shown in the following photographs.

Photograph 3 shows the streetscape context of the site and adjoining development to the west of the subject site fronting Bay Street.



Photograph 4 shows the development adjoining the subject site to the east fronting Bay Street.



Photograph 5 shows the adjoining development to the south east of the site fronting Chapel Street.



3.0 DEVELOPMENT PROPOSAL

The development application is for construction of a mixed use development including a registered club, “Rockdale RSL Club” at ground floor level and an 8 storey residential flat building at the podium level containing 85 x residential apartments. The proposal includes 3 levels of basement car parking accessed from Chapel Street. It is noted that the registered club component and 1 x level of basement carparking has previously been approved on the site pursuant to DA2017/225.

The development application will include the Rockdale RSL Club at ground level and a residential development at the podium level and above including:

- 28 x 1 bedroom apartments,
- 50 x 2 bedroom apartments and
- 7 x 3 bedroom apartments.

The 3 x levels of basement carparking will include 54 car spaces for the registered club and 116 car spaces for the residential units (including 17 visitor spaces).

The development includes communal open space at podium level and on rooftop, presenting a total of 1278m² of communal area for use by the residents.

Architectural plans and unit schedules submitted by Statewide Construction and Development are submitted with the development application package.

The unit schedule indicate 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter and 72 of 85 units (84%) of the units are naturally cross-ventilated.

The development proposal is described as:

▪ **Basement Car Park Levels 1 – 3**

The basement car park is accessed from driveway crossover to Chapel Street adjoining the eastern boundary.

The development proposal maintains the existing 1 x basement level associated with DA2017/225 providing the registered club 54 x car parking spaces.

The development proposal includes an additional 2 x basement parking levels providing a total of 116 x car spaces (including 17 visitor spaces) for use of the residential units at podium level.

Basement 1 includes the car parking associated with the registered club and includes loading space for use by residential and club, club lift, club

goods lift, waste room, OSD tank and 6 x club bicycle spaces and 3 x club motorcycle spaces.

Basement 2 and basement 3 include the parking for residential units and in addition to the carparking for the units, includes 6 x motorcycle spaces and 12 x bicycle spaces. Additionally, Basement 3 includes residential storage areas.

The residential foyer area is located at Basement 1 level noting the Chapel Street entry is lower than the Bay Street frontage. The residential foyer includes 2 x residential lifts.

▪ **Ground Floor and Mezzanine Floor**

The ground floor and mezzanine floor levels include the registered club “Rockdale RSL club” approved pursuant to DA2017/225.

All operational aspects of the club will occur in accordance with the previous development approval.

The mezzanine level includes corridors for fire egress stairs associated with level 1 – level 8 of residential units at the upper levels.

▪ **Level 1 – Podium**

Level 1 of the development proposal is podium level and includes 6 x 1 bedroom units, 4 x 2 bedroom units and 1 x 3 bedroom unit.

The podium level is accessed from centrally located lift lobby including 2 x residential lifts providing access from basement 2, basement 3 and the residential lobby area at basement 1 level. The lift lobby includes plant room and 4 x residential storage areas.

The podium level also includes 2 x communal open space areas sized 406m² and 327m².

2 x fire egress stairs provide emergency egress from level 1 to Bay Street.

▪ **Level 2**

Level 2 of the development proposal shares a common floor plate with level 1 and includes 6 x 1 bedroom units, 4 x 2 bedroom units and 1 x 3 bedroom unit.

The floor level is accessed from centrally located lift lobby including 2 x residential lifts providing access from basement 2, basement 3 and the residential lobby area at basement 1 level. The lift lobby includes plant room and 4 x residential storage areas.

2 x fire egress stairs provide emergency egress to Bay Street.

- **Level 3**

Level 3 includes 8 x 1 bedroom units, 4 x 2 bedroom units and 1 x 3 bedroom unit.

Level 3 includes an additional 2 x residential units which are located central to the built form cantilevered over the communal open space area at podium level.

The floor level is accessed from centrally located lift lobby including 2 x residential lifts providing access from basement 2, basement 3 and the residential lobby area at basement 1 level. The lift lobby includes plant room and 4 x residential storage areas.

2 x fire egress stairs provide emergency egress to Bay Street.

- **Level 4 – Level 7**

Level 4, Level 5, Level 6 and Level 7 share a common floor plate with 2 x 1 bedroom units, 8 x 2 bedroom units and 1 x 3 bedroom unit located at each floor level.

Units 7F – 7J on the 7th floor level have been designed with skylights over living spaces. Unit 7I has a larger balcony than units I at levels 4 – 6 below.

Each floor level is accessed from centrally located lift lobby including 2 x residential lifts providing access from basement 2, basement 3 and the residential lobby area at basement 1 level. The lift lobby includes plant room and 4 x residential storage areas.

2 x fire egress stairs provide emergency egress from each floor level to Bay Street.

- **Level 8**

Level 8 includes 6 x 2 bedroom penthouse units and communal rooftop open space sized 545m².

The 8th floor level is accessed from central lift lobby containing 2 x residential lifts.

2 x fire egress stairs provide emergency egress from level 8 to Bay Street.

- **Landscaping**

The development proposal is supported by Landscape Plans prepared by Zenith Landscape Designs that include landscape treatments for the site consistent with the character of the B4 – Mixed Use zone.

The landscape works proposed include screen planting within the eastern setback area at ground level and a variety of feature native trees and shrubs within planter boxes at both the Bay Street and Chapel Street frontages.

The communal open space areas at level 1 and level 8 will include a variety of low – medium shrubs and screen planting within planter boxes at site boundaries, seating and barbecue facilities.

- **Materials and Finishes**

The building will be finished in a high quality selection of materials and finishes including painted render, sandstone and metal cladding, glass curtain walls, green walls, horizontal and vertical louvres and aluminium framed windows and doors contributing to the future character of the locality.

Photomontage is shown below.



Source: Statewide Construction

4.0 PLANNING CONTROLS

4.1 SEPP 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development applies to the residential flat building development that contains more than 3 storeys and more than 4 self-contained dwellings.

The design of a residential apartment building must be in accordance with the Design Quality Principles contained in Schedule 1 of SEPP 65.

Principle	Comment
Context and Neighbourhood Character	<p>The building has generally been designed in accordance with the planning objectives and building envelope controls under the Rockdale LEP 2011 and DCP.</p> <p>The proposed residential development is located on the podium level and orientated to generally address the Bay Street and Chapel Street frontages. The residential lobby area has been orientated to Chapel Street to provide a separate street address to the RSL at ground level, which has been orientated towards Bay Street.</p> <p>The development presents a 9 storey form, including 8 storeys of residential, consistent with the intent of the 28m height control, and compatible with the approved development to the west, currently under construction.</p> <p>The building setbacks implemented are appropriate in the context of approved adjacent development and ensuring the orderly and economic development of land consistent with the B4 – Mixed Use Zone.</p> <p>The residential dwellings (1, 2 and 3 bedroom units) are within the catchment of the Rockdale local centre and walking distance of public transport.</p> <p>The mixed use development meets urban consolidation principles with housing choice surrounding the Rockdale Town Centre.</p> <p>The proposed development is compatible with the approved development at 15-21 Bay Street, 1- 11 Chapel and 1 – 3 Chapel lane approved under development consent No. DA2016/241. Additionally, the development is compatible with the current development application No. 2019/31 for a 12 storey development at 15-23 Chapel Street.</p>
Built Form and Scale	The mixed use development has been designed to be consistent with the scale of development planned for the precinct and the

	<p>desired future character of land zoned B4 - Mixed Use. The built form is appropriate for the subject site, noting the approved built form adjoining the subject site to the west, and the overall changing nature of the immediate locality.</p> <p>The built form includes a 9 storey form, with a registered club at ground floor level 8 storeys of residential apartments at podium level.</p> <p>The residential tower is a contemporary form contributing to the presentation of development to Bay Street. The tower includes a vertical break in the design, delineating two separate architectural forms, which serve to break down the visual bulk of the development. The built form will contribute to the desired future character of the locality.</p>
Density	<p>The building density is compatible with the desired future character of the locality as contained in the Rockdale LEP and DCP. The residential dwellings provide housing in the catchment of public transport. The articulated building design, and landscaping elements improve the presentation of the subject site to the public domain.</p>
Sustainability	<p>The building has been designed to maximise solar access and cross ventilation to the residential dwellings, noting the orientation of the residential units, large unit sizes and open plan design.</p> <p>Solar access modelling conducted on the proposal outlines 56 of the 85 units (66% units) will receive 2 hours of solar access at mid winter.</p> <p>The ADG recognizes that in some instances achieving 2 hours solar access may not be possible.</p> <p>It is noted the approved development to the west 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street overshadows the development proposal from 1pm. The adjoining development is 2 storeys higher than the proposed building and varies the 9m separation/setback controls to the eastern boundary contained in Part 3F of the ADG.</p> <p>Shadow modelling was conducted on the subject site with and without the approved development adjoining the site to the west. Without the development at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter.</p> <p>72 of 85 units (84%) of the units are designed to be naturally cross-ventilated.</p>

Landscape	<p>The development proposal includes landscape works suitable for a mixed use development within the B4 – Mixed Use zone.</p> <p>The development proposal includes landscape works at the podium and rooftop communal open space areas within planter boxes, and a variety of trees and shrubs at ground level within setback areas addressing both street frontages.</p> <p>The landscape works will provide a landscape setting of the proposal that is consistent with the desired future character of the B4 – Mixed Use zone.</p>
Amenity	<p>As addressed, the units have been designed in accordance with the Apartment Design Guide ensuring the dwellings are of suitable dimension and designed to maximise solar access and ventilation with 66% of the units receiving 2 hours solar access at mid winter and 84% of units designed to be naturally cross ventilated.</p> <p>The ADG recognizes that in some instances achieving 2 hours solar access may not be possible. It is noted that shadow modelling was conducted on the subject site with and without the approved development adjoining the site to the west. Without the development at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter.</p>
Safety	<p>The mixed use development has been designed with a clearly defined pedestrian access from Chapel Street to the residential flat building. The development ensures the residential entry is clearly defined and separated from the access to the approved Rockdale RSL which is accessed from Bay Street.</p> <p>The proposed dwellings have been designed with courtyards and balconies fronting Bay Street and Chapel Street providing casual surveillance of the public domain.</p> <p>Appropriate lighting will be installed at the entry points of the building illuminating both pedestrian and vehicular access.</p>
Housing Diversity and Social Interaction	<p>The development proposal provides a range of dwelling sizes to meet demand and address housing affordability with the provision of 1, 2 and 3 bedroom dwellings within the catchment of the Rockdale local centre and public transport.</p>
Aesthetics	<p>The proposal contributes to the desired future character of the B4 – Mixed Use land use zone within the Rockdale local centre. The building is well articulated and includes a high quality selection of materials and finishes including painted render, sandstone and metal cladding, glass curtain walls, green walls,</p>

	horizontal and vertical louvres and aluminium framed windows and doors contributing to the future character of the locality.
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The Apartment Design Guide applies to development application. The following table assesses the development in accordance with the relevant controls contained in the SEPP 65 – Apartment Design Guide (ADG).

Apartment Design Guide	Proposed	Design Criteria	Compliance
Siting the Development			
Site Analysis	Site analysis plan to be provided	Site Analysis Plan	Yes
Open Space (% & m ²) Communal	1278m ² located at ground and rooftop Rooftop >2 hours to 50% communal open space	25% 801m ² 2 hours solar access to 50% POS	Yes
Deep Soil Zone (% & m ²)	NA	15% - 6m min. dimension	<p>Previous approval for registered club DA2017/225 occupies ground floor</p> <p>The design criteria at part 3E of the ADG states:</p> <p><i>Achieving the design criteria may not be possible on some sites including where:</i></p> <ul style="list-style-type: none"> • <i>There is 100% site coverage or non-residential uses at the ground floor level.</i>
Visual Privacy Up to 4 storeys	<p>Habitable East 5.2m – 9.2m</p> <p>West 3.6m – 9.2m</p>	Habitable – 6m	Note 1

5 – 8 storeys	Non-Habitable East 1.5m	Non Habitable – 3m	
	West Nil		
	Habitable East 5.2m – 9.2m	Habitable – 9m	
	West 6m – 9.2m		
	Non-Habitable East 4.9m	Non Habitable – 4.5m	
	West 4.7m		
	Habitable East 9.2m	Habitable – 12m	
	West 9.2m		
9+ storeys	Non Habitable East 4.9m	Non Habitable – 6m	
	West 4.7m		
Vehicle + Pedestrian Access	Vehicular access eastern boundary. Pedestrian access central. Separate pedestrian access from Chapel Street	Vehicle + Pedestrian access to be separated to achieve safety – minimise conflicts	Yes
Bicycle and Car Parking	Bicycle, Motorcycle and Car Parking provided	Car Parking – Proximity to public transport	Yes
Design of Building			
Solar and Daylight Access	56/85 units 66%	70% Units 2 hours	Note 2

	13/85 units 15%	15% - No solar access	
Natural Ventilation	72/85 units 84%	60% - 51 Units	Yes
Ceiling Height (m) Residential Habitable	2.7m	2.7m	3.0m floor to floor will achieve 2.7m ceiling height
Floor to Floor	3.0m	3.1m	
Apartment Size and Layout (m) (max depth of kitchen from window)	8m to kitchen bench. Open plan design with north orientation	8m	Yes
Standard Apartment Sizes (m ²)	1 bed: 50.5 - 73m ² 2 bed: 78 - 125m ² 3 bed: 138m ²	50m ² 70m ² + 5m ² additional bathroom 90m ² + 5m ² for additional bathroom	Yes
Bedrooms	>10m ² Main >9m ² Other	10m ² Main 9m ² Other Minimum dimension 3m	Yes
Living Rooms	1 Bed: Width 4m – 5m 2 bed and 3 bed: Width 3.8m – 5m	Min. 3.6m Min. 4m	Yes Yes
Private Open Space and Balconies	1 bed: - 10 – 75m ² 2 bed: 10 - 47m ² 3 bed: 18 - 104m ²	8m ² 10m ² 12m ²	Yes Yes Yes
Ground Floor (podium) Units	17 - 104m ²	15m ²	Yes
Common Internal Circulation	5 – 8 units per	8 units	Yes

	floor – Serviced by 2 lifts		
Storage (m ³)	1 bed: >6m ³ 2 bed: >8m ³ 3 bed: >10m ³	6m ³ 8m ³ 10m ³	Yes
Apartment Mix	1, 2 and 3 bedroom units	Variety of apartment types	Yes

Note 1 The development has been generally designed in accordance with the Rockdale DCP setback controls, noting the eastern elevation of the proposal has been setback 1.5m from the eastern boundary at levels 1 – 3, given the adjoining low rise residential flat buildings, and the upper levels provide a side setback in excess of 4.5m.

The proposed setbacks to the eastern boundary meet the intent of the visual privacy controls noting levels 1 – 3 have been designed with non habitable conditions where appropriate. Levels 4 and above will not present visual privacy impacts to the adjoining residential flat building with the residential units located above the roof form.

The proposed setbacks to the western elevation have been designed to generally meet building separation under the Rockdale DCP, noting the approved 11 storey mixed use development at Nos 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street currently under construction.

Note 2 Solar access modelling conducted on the proposal outlines 56 of the 85 units (66% units) will receive 2 hours of solar access at mid winter.

The ADG recognizes that in some instances achieving 2 hours solar access may not be possible.

It is noted the approved development to the west 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street overshadows the development proposal from 1pm. Shadow modelling was conducted on the subject site with and without the approved development adjoining the site to the west. Without the development at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter.

72 of 85 units (84%) of the units are designed to be naturally cross-ventilated.

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

A BASIX certificate has been prepared for the development and found that the proposed residential flat building complies with the State Government's water and energy reduction targets.

4.3 State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to facilitate the delivery of infrastructure across the State and identifies matters to be considered in the assessment of

development in the vicinity of railway corridors and classified roads. SEPP (Infrastructure) 2007 applies to the subject site and the development proposal noting Bay Street is a classified road. The relevant clauses of the SEPP are as follows:

Clause 101 – Development with frontage to a Classified Road: Bay Street is identified as a classified road pursuant to the RMS schedule of classified roads and Clause 101 applies to the development.

The development application for the registered club at ground floor level DA2017/225, included a driveway accessed from Bay Street for drop off and pick up of patrons from the RSL club at ground level. This access is to be maintained as approved.

The primary vehicular access to the site is obtained from Chapel Street. The development proposal is supported by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning that provides the following with regard to the traffic impact of the proposal.

The RMS Guidelines and Technical Direction are based on extensive surveys of a wide range of land uses and nominate the following traffic generation rates which are applicable to the development proposal:

High Density Residential Flat Dwellings

AM: 0.19 peak hour vehicle trips per unit

PM: 0.15 peak hour vehicle trips per unit

Application of the above traffic generation to the 85 residential apartments outlined in the development proposal yields a traffic generation potential of approximately 16 vehicle trips per hour (vph) during the AM peak hour and 13 vph during the PM peak hour.

That projected nett increase in traffic activity as a consequence of the development proposal is minimal, is consistent with the zoning objectives of the site and could not be expected to have any unacceptable traffic implications in terms of road network capacity.

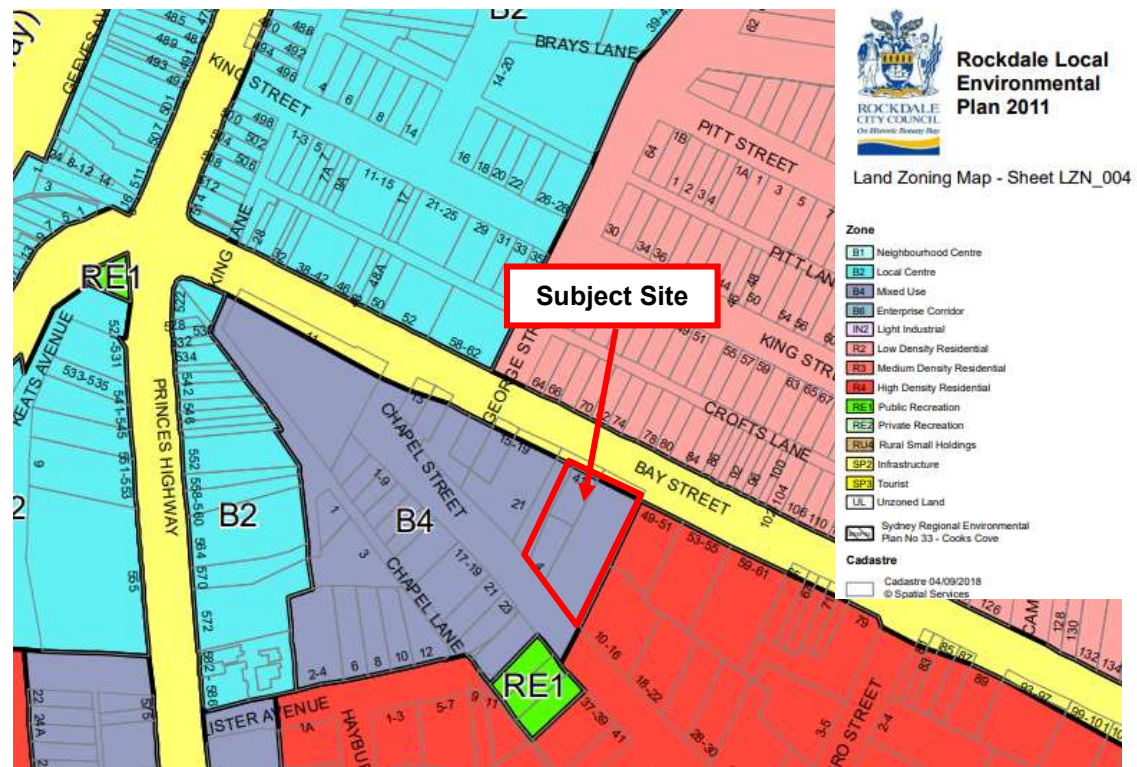
Clause 102 – Impact of road noise or vibration on non-road development: Applies controls to ensure adequate residential amenity is provided for dwellings fronting classified roads.

The development application is supported by an acoustic report prepared by Acoustic Logic recommending noise attenuation measures to meet the requirements of Clause 102(3) of the SEPP (Infrastructure) 2007.

4.4 Rockdale Local Environmental Plan 2011

Rockdale Local Environmental Plan 2011 applies to the subject site and this development proposal. The subject site is zoned B4 – Mixed Use and *registered clubs* and *residential flat buildings* are permissible with the consent of Bayside Council.

The following plan depicts the zoning of the subject site.



The B4 – Mixed Use zone land use table includes the following objectives:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposed *mixed use development*, including a *registered club* and *residential flat building* meets the relevant zone objectives based on the following assessment:

- The development proposal retains the approved use- registered club at ground floor level and includes a residential flat building at podium level;
- The proposed mix of uses are compatible with the existing and future uses adjoining the subject site.

- The development is within walking distance to the Rockdale railway station; and
- The proposal has been designed as a nine (9) storey building containing eighty five (85) dwellings contributing to variety in housing choice within the Rockdale Town Centre.

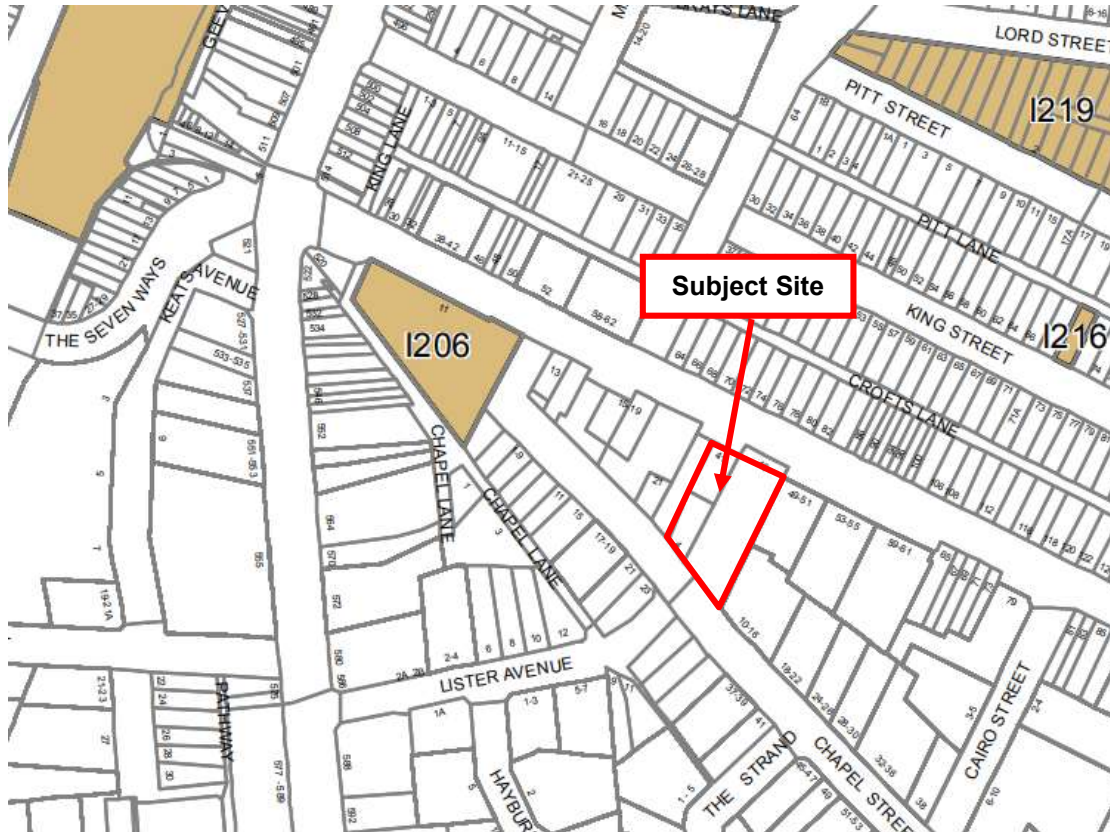
The remaining relevant clauses of the Rockdale LEP 2011 are addressed in turn below.

Clause 4.3 Height of Buildings contains the building height control for the subject site with reference to the Height of Buildings (HOB) Map. The site is subject to a height of buildings development standard of 28m. The development proposal has been designed with a 9 storey form presenting a maximum height of 27.89m to the 9th storey roof form and a height of 28.61m to the lift overrun.

The proposal results in a minor variation of 610mm to the 28m height development standard and the variation to the height limit – lift overrun is supported by a clause 4.6 variation at **Annexure 1**.

Clause 4.4 Floor Space Ratio does not apply to the development proposal noting an FSR standard is not applicable to the subject site.

Clause 5.10 Heritage conservation contains provision for development within the vicinity of heritage items. The subject site is located 100m east of heritage item i206 – Uniting Church and buildings, 11 Bay Street, Rockdale and accordingly clause 5.10(5) – Heritage Assessment applies to the development application.



Source: Rockdale LEP 2011

The objectives of Clause 5.10 are provided at 5.10(1) of the Rockdale LEP 2011.

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Rockdale;*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The development proposal meets the objectives of clause 5.10 based on the following assessment and accordingly a heritage impact statement is not required to be submitting with the development application.

- The subject site is located 100m east of the heritage item i206, and is not located within the same visual catchment as the heritage item, and will not affect its fabric or views to the heritage item.
- The development proposal has been designed with a form and scale consistent with the desired future character of the locality and is compatible with the adjoining development.

Clause 6.1 Acid Sulfate Soils applies to the subject site being Class 5 land being located 300m from class 3 acid sulphate soils.

The development application is supported by a geotechnical report prepared by EI Australia that includes preliminary advice for construction at the site and recommendations for further geotechnical works to be undertaken during construction stage.

In this case an acid sulfate management plan is not required with the development application.

Clause 6.2 Earthworks applies to the development application noting the development proposal includes excavation for the basement carpark.

The development application is supported by a geotechnical report prepared by EI Australia that confirms the proposed earthworks are appropriate for the site and includes preliminary advice for construction at the site and recommendations for further geotechnical works to be undertaken during construction stage.

Clause 6.3 Development in areas subject to aircraft noise applies to the development application noting the subject site is located within ANEF 20 contour.

The development application is supported by an Acoustic Report prepared by Acoustic Logic that includes recommendations for acoustic treatment of windows and doors to meet the recommended internal noise levels pursuant to Australian Standards.

Clause 6.4 Airspace operations applies controls relation to the Limitation or Operations Surface of Sydney (Kingsford-Smith) Airport. The obstacle limitation surface for the subject site ranges between 51AHD to 62AHD.

The development proposal has a maximum height of 45.040AHD to the lift overrun and will not penetrate the Limitation or Operations Surface.

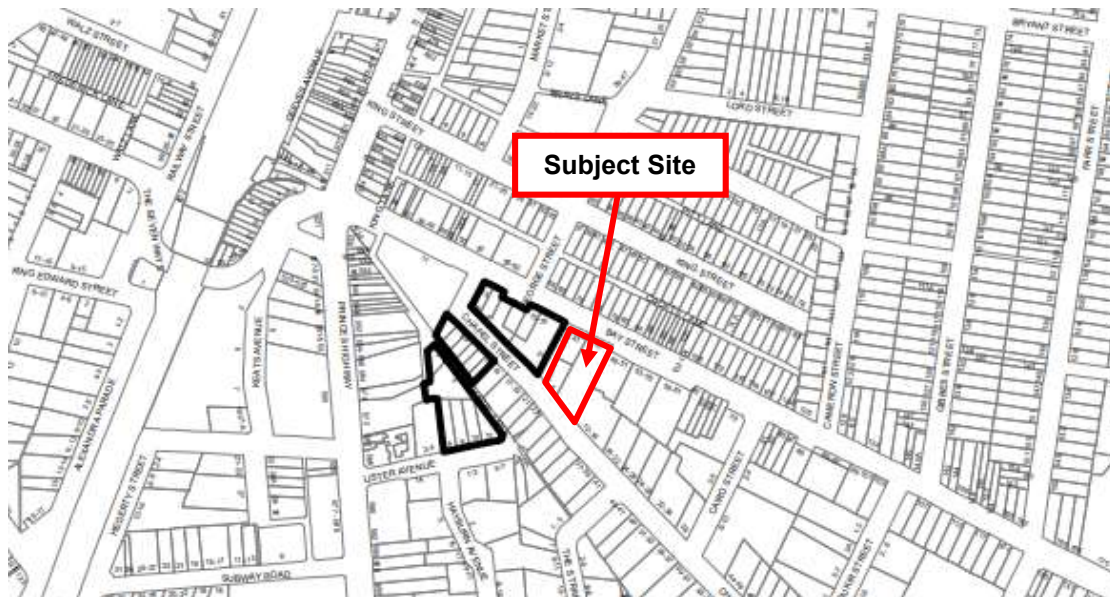
Clause 6.6 Flood Planning does not apply to the development proposal noting the subject site is not identified on the Flood Planning Area map.

Clause 6.7 Stormwater applies to the development proposal. The development proposal is supported by stormwater concept plans prepared by John Romanous and Associates.

Clause 6.11 Active Street Frontages does not apply to the subject site or the development proposal noting the subject site is not identified on the Active Street Frontages Map.

Clause 6.12 Essential services applies to the development proposal. The subject site has been historically used for the Rockdale RSL club and has historical access to essential services. The site will continue to be serviced by essential services.

Clause 6.14 Design Excellence does not apply to the subject site or the development proposal noting the site is not identified within area on the Design Excellence Map as below.



4.5 Rockdale Development Control Plan 2011

The Rockdale DCP identifies the design principles and controls for development within areas covered by the Rockdale LEP 2011. The numerical controls contained in the DCP are addressed in the Development Control Table as Section 5 of this Statement and the amenity provisions such as solar access, traffic and carparking and visual and acoustic impacts are addressed at Section 6 of the Statement.

The following section of the Statement addresses the relevant sections of Part 4, Part 5 and Part 7 of the Rockdale DCP 2011

Part 4 – General Principles for Development

4.1 Site Planning

4.1.1 Views and Vistas

The adjoining development to the west includes a construction site associated with DA 2016/241/A, an approved 11 storey mixed use development forming part of the larger development site Nos 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, Nos. 1 - 3 Chapel Lane and Nos. 6A - 12 Lister Avenue, Rockdale.

The development proposal on the subject site will impact views from the 5th – 9th storey of this adjoining development looking east towards Brighton Le Sands and Botany Bay. The proposal will not impact views from the 10th and 11th storeys of the development.

The development proposal has been designed to present a bulk and scale envisaged by the planning controls for the locality with a 9 storey form. It is unreasonable to expect retention of views to a newly constructed mixed use building, given the future development of the locality directed by the planning controls, and development within the B4 – mixed Use zone in a high density town centre environment.

There are currently no significant views north/south across the subject site.

4.1.2 Heritage Conservation

The subject site is located 100m east of heritage item i206 – Uniting Church and buildings, 11 Bay Street, Rockdale. The subject site is not located within the same visual catchment as the heritage item, and will not affect its fabric or views to the heritage item. Further, the development proposal has been designed with a form and scale consistent with the desired future character of the locality and is compatible with the adjoining development.

As such, the development proposal meets the objectives for heritage conservation and a heritage impact statement is not required to be submitted with the development application.

4.1.3 Water Management.

The development proposal is supported by stormwater concept plans prepared by John Romanous and Associates that include appropriate management of stormwater across the site. An onsite detention tank is located within the basement .

4.1.4 Soil Management

The development proposal is supported by sediment control details prepared by John Romanous and Associates.

4.1.5 Contaminated Land

The subject site has previously been used for the Rockdale RSL Club, Rockdale Activity Centre and a dwelling house. There is no evidence of potentially contaminating activities occurring at the subject site.

The registered club component of the development proposal and 1 x level of basement carparking has previously been approved on the site pursuant to DA2017/225. The residential component of the development is located at podium level.

In this instance the consent authority, Bayside Council, can be satisfied the subject site is suitable for its intended purpose.

4.1.7 Tree Preservation

The subject site does not contain significant trees. As such, the provisions of clause 4.1.7 do not apply to the development proposal.

The development proposal is supported by a Landscape Plan prepared by Zenith Landscape Designs that includes a range of canopy trees, shrubs and ground covers located within setback areas at ground level and within the communal open space areas across the site.

4.1.9 Lot Size and Site Consolidation

The development proposal relates to 41-45 Bay Street and 4 Chapel Street, Rockdale. The individual allotments of land have previously been consolidated pursuant to the development application for the redevelopment of the RSL club at ground level, DA2017/225.

The consolidated site includes a frontage of 48.767m to Bay Street, a frontage of 51.814m to Chapel Street and a consolidated area of 3204m².

The adjoining development to the east includes a 2 x 4 storey residential flat buildings being 49 – 51 Bay Street Rockdale and 10 – 16 Chapel Street Rockdale. The adjoining development to the west includes a construction site associated with DA 2016/241/A, an approved 11 storey mixed use development forming part of the larger development site Nos 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, Nos. 1 - 3 Chapel Lane and Nos. 6A - 12 Lister Avenue, Rockdale.

The development proposal meets the minimum lot size requirement for residential flat buildings and does not isolate adjoining allotments. In fact, the development of the subject site is the remaining parcels of land to the east of the Rockdale town centre.

4.2 Streetscape and Site Context

The building has generally been designed in accordance with the planning objectives and building envelope controls under the Rockdale LEP 2011 and DCP.

The proposed residential development is located on the podium level and orientated to generally address the Bay Street and Chapel Street frontages. The residential lobby area has been orientated to Chapel Street to provide a separate street address to the RSL at ground level, which has been orientated towards Bay Street.

The development presents a 9 storey form, including 8 storeys of residential, consistent with the intent of the 28m height control, and compatible with the approved development to the west, currently under construction. The setbacks of the development proposal are consistent with the approved development to the west, providing a continuous street wall.

The building setbacks implemented are appropriate in the context of approved adjacent development and ensuring the orderly and economic development of land consistent with the B4 – Mixed Use Zone.

4.3 Landscape Planning and Design

As addressed, the subject site does not contain any significant vegetation. The development proposal is supported by a Landscape Plan prepared by Zenith Landscape Designs that includes a range of canopy trees, shrubs and ground covers located within setback areas at ground level and within the communal open space areas across the site.

The numerical controls relating to landscaped area, communal open space and private open space are addressed within the development control table at section 5.0 of this Statement.

4.4 Sustainable Building Design

As addressed, A BASIX certificate has been prepared and found that the proposed residential flat building complies with the State Government's water and energy reduction targets.

Solar access modelling conducted on the proposal outlines 56 of the 85 units (66% units) will receive 2 hours of solar access at mid winter.

It is noted the approved development to the west 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street overshadows the development proposal from 1pm. Shadow modelling was conducted on the subject site with and without the approved development. Without the development at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter.

72 of 85 units (84%) of the units are designed to be naturally cross-ventilated.

4.6 Carparking, Access and Movement

The development application has been designed with 3 x levels of basement carparking. The 3 x levels of basement carparking will include 54 car spaces for the registered club and 116 car spaces for the residential units (including 17 visitor spaces).

In addition to the car parking spaces the basement will accommodate 6 x bicycle spaces and 3 x motorcycle spaces for the RSL club and 12 x bicycle and 6 x motorcycle spaces for the residential units.

The basement carparking area is accessed from entry ramp and driveway crossover to Chapel Street adjoining the eastern boundary of the site.

4.7 Site Facilities

The residential component of the development has been designed to meet the Rockdale DCP provisions and provisions of the apartment design guide with regard to location of letterboxes, clothes drying facilities, waste storage, general storage and air conditioning units.

The specific location of essential facilities can be addressed as a condition of consent.

Part 5 – Building Types

5.2 Residential Flat Buildings

Part 5.2 of the Rockdale DCP applies specific controls that relate to the residential component of a mixed use development. It is noted the numerical controls of this section of the DCP are addressed within the development control table at section 5.0 of this statement of environmental effects.

Building Design

The residential tower is a contemporary form contributing to the presentation of development to Bay Street. The tower includes a vertical break in the design, delineating two separate architectural forms, which serve to break down the visual bulk of the development when viewed from both street frontages. The communal open space located on the roof form addresses the Chapel Street frontage, contributes to the building articulation and visual interest of the development.

The building is well articulated and includes a high quality selection of materials and finishes including painted render, sandstone and metal cladding, glass curtain walls, green walls, horizontal and vertical louvres and aluminium framed windows and doors contributing to the future character of the locality.

The below photomontage depicts the development when viewed from Bay Street public domain.



Source: Statewide Construction

Building Entry

The residential lobby area has been orientated to Chapel Street to provide a separate street address to the RSL at ground level, which has been orientated towards Bay Street.

The residential lobby area is located central to the built form and is clearly delineated through landscape treatments across the Chapel Street frontage. The residential lobby area includes a clear sight line from the lift core to the public domain, removing opportunities for concealment.

Lift Size and Access

The design utilizes a central lift core, noting the ground floor of the proposal contains a registered club approved pursuant to DA2017/225. The central lift core contains 2 x lifts providing access from the basement carparking area to the residential units at the upper level.

Each level of residential units includes a large open lobby area with access to natural light and ventilation.

5.3 Mixed Use

Building Uses

The development application is for construction of a mixed use development including a registered club, “Rockdale RSL Club” at ground floor level and an 8 storey residential flat building at the podium level containing 85 x residential apartments. The ground floor includes the registered club component and 1 x level of basement carparking has previously been approved on the site pursuant to DA2017/225.

The ground floor of the development has been orientated towards Bay Street with the RSL entry central to this frontage. The residential lobby area is located on the secondary frontage – Chapel Street, providing a separate street address, separating the two uses and reducing opportunities for conflict.

Building Design

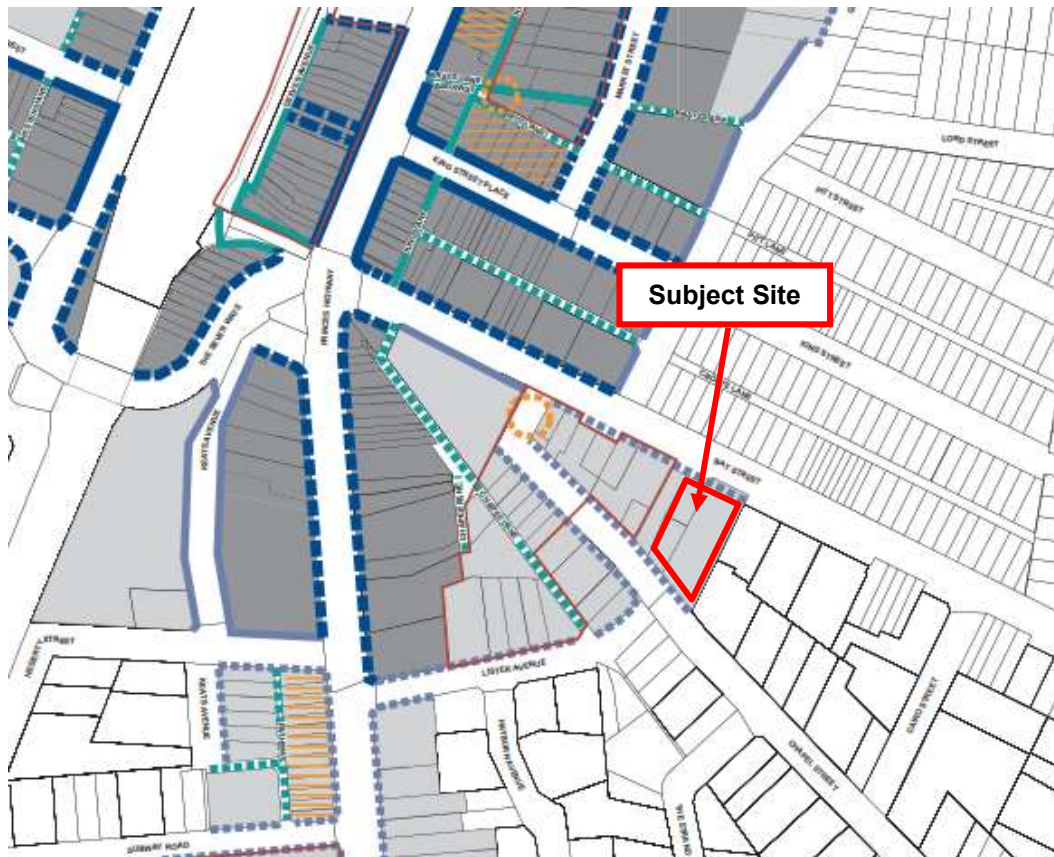
As addressed above, the ground floor of the development proposal has previously been approved on the site pursuant to DA2017/225.

The residential tower is a contemporary form contributing to the presentation of development to Bay Street. The tower includes a vertical break in the design, delineating two separate architectural forms, which serve to break down the visual bulk of the development when viewed from both street frontages.

7.5 Rockdale Town Centre

7.5.1 Building use and function

The subject site includes a primary frontage to Bay Street – Centre Edge Residential and a secondary frontage to Chapel Street – Centre Edge Residential as below.



Source: Rockdale DCP 2011 Street Role Diagram

The development proposal maintains the approved ground floor use of the subject site as a registered club – the Rockdale RSL, pursuant to DA2017/225.

All residential units are located within residential tower located at podium level. Access to the residential lobby area is provided from the secondary street frontage – Chapel Street.

Residential apartment design

The development proposal provides a range of dwelling sizes to meet demand and address housing affordability with the provision of 28 x 1 bedroom apartments, 50 x 2 bedroom apartments and 7 x 3 bedroom apartments within the catchment of the Rockdale local centre and public transport.

Parking and loading

The development proposal maintained the existing approved access to basement pursuant to DA2017/225. The development application includes 1 x loading space located at basement level 1.

7.5.2 Building form and character

The subject site includes a primary frontage to Bay Street – Arterial Edge and a secondary frontage to Chapel Street – Local Edge as below.



Source: Rockdale DCP 2011 Street Character Diagram

The setbacks of the development proposal are addressed within the development control table at section 5.0 of this Statement.

5.0 DEVELOPMENT CONTROL TABLE

The following table is an assessment of the development proposal in accordance with the relevant numerical planning controls contained in Rockdale LEP 2011 and the Rockdale DCP.

	Proposed	Control	Comment
Rockdale LEP 2011			
Height of Buildings	27.89m roof form 28.61m lift overrun	28m	Note: Clause 4.6 Variation Annexure 1
Floor Space Ratio	NA	NA	NA
Rockdale DCP			
Part 4 General Controls			
Frontage Width Mixed Use development	49m	18m	Yes
Landscape Area Mixed Use (with shoptop housing)	323.6m ² and 10.1%	10% site area	Yes
Private Open Space	1 bed: - 10 – 75m ² 2 bed: 10 - 47m ² 3 bed: 18 - 104m ²	ADG applies	Yes
Communal Open Space Mixed Use development	Rooftop communal open space 545m ² receives solar access being 74% of total	40% to have sunlight at 1pm mid winter	Yes
Solar Access	66% apartments receive 2 hours solar access mid winter	70% apartments in development and adjoining to receive 3 hours 9am – 3pm mid winter	Note 1
Building Separation (m) Up to 4 Storeys Habitable rooms/balconies Habitable – Non Habitable Non-Habitable	East 11m 5m 5m West	12m 9m 6m	Note 2

Up to 4 Storeys Habitable rooms/balconies Habitable – Non Habitable Non-Habitable	13m – 16m NA Built to Boundary West	12m 9m 6m	
5 – 8 Storeys Habitable rooms/balconies Non-Habitable	13m – 16m 10m West	18m 9m	
9 + Storeys Habitable rooms/balconies Non-Habitable	16m 10m	24m 12m	
Housing Mix 3 bed+ 2 bed 1 bed/studio	7 and 8.2% 50 and 58.8% 28 and 33%	10-20% 50-75% 10-30%	Yes, minor variation acceptable given unit mix.
Adaptable Dwellings	17 and 20%	10%	Yes
Parking Restaurants	Registered club 54 spaces as approved	1 Space/40m ² GFA	Consistent with DA2017/225
Parking Residential Flat Building	99 Residential 17 Visitors spaces	1 space – studio, 1 and 2 bedroom units = 78 spaces 2 spaces - 3 bedroom units = 14 spaces Sub Total – 92 spaces Visitor Parking – 1 / 5 dwellings = 17 spaces	Yes
Bicycle Parking			
Dwellings	12	1/10 dwellings	Yes
Restaurants	6	1/200m ² GFA, 15% accessible by visitors	
Motorcycle Parking			
Dwellings	6	1/15 dwellings	Yes

Restaurants	3	1/20 car spaces	
Part 5.2 – Residential Flat Buildings			
Site Coverage	NA Mixed Use development	35%	NA
Apartment Size	1 bed: 50.5 - 73m ² 1 bed POS: - 10 – 75m ² 2 bed: 78 - 125m ² 2 bed POS: 10 - 47m ² 3 bed: 138m ² 3 bed POS: 18 - 104m ²	1 bed 50m ² – 63.4m ² internal 8m ² – 10m ² external 2 bed 80m ² – 121m ² internal 11m ² – 33m ² external 3 bed – 124m ² internal 24m ² external	ADG Prevails
Minimum bedroom sizes	>10m ² Main >9m ² Other	Main bedroom 13m ² min dimension 3m Other bedroom 9m ² min dimension 2.7m	ADG Prevails
Minimum living area sizes	>16m ² Meets ADG minimum/maximum dimensions	16m ² min dimension 3m 4.6m where living/dining combined	ADG Prevails
Minimum bathroom sizes	>4.5m ²	4.5m ² plus 0.7m for toilet,	ADG Prevails
Maximum height	Level 8 RL 41.8 28m Height RL 45.9 – RL45.4 Communal Open space located on roof contributing	Floor level of top storey to be 3.5m below maximum height. Maximum height 28m	Yes

	to articulation		
Part 5.3 – Mixed Use			
Side Setbacks	<p>1 – 3 Storeys</p> <p>East 1.5m – 5.2m</p> <p>West Nil – 6.0m</p> <p>3 storeys +</p> <p>East 4.9m – 9.2m</p> <p>West 4.7m – 9.2m</p> <p>9m separation.</p>	<p>1 – 3 storeys</p> <p>East 1.5m (adjoining residential)</p> <p>West: Nil Side Setback or 3m</p> <p>3 storeys +</p> <p>East 4.5m, 9m separation</p> <p>West 4.5m, 9m separation</p>	<p>Note. 1.5m setback non habitable</p> <p>Note: adjoining site built to boundary on Bay street frontage</p> <p>Note: 4th storey located above adjoining 3 storey development</p> <p>Yes</p>
Part 7.5 – Rockdale Town Centre			
Communal Open Space	<p>1278m² located at ground and rooftop</p> <p>39.8% site area</p>	<p>25% site area communal open space</p>	<p>Yes</p>
<p>Setbacks</p> <p>Bay Street – Arterial Edge</p> <p>Note: Side setbacks addressed at 5.3 Mixed Use Above.</p> <p>Chapel Road – Local Edge</p>	<p>3m</p> <p>6m</p> <p>Maximum façade length 30m</p> <p>Ground: 2m – 20m</p> <p>4st Storey+: 5m</p>	<p>Arterial Edge – Bay Street</p> <p>3 storeys – 3m</p> <p>4th Storey and above – 6m</p> <p>Above 3rd floor – Façade length 40m</p> <p>Local Edge Chapel Street</p> <p>4 storeys – 2m</p> <p>4th Storey and above – 5m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Note 1 Solar access modelling conducted on the proposal has been undertaken in accordance with the Apartment Design Guide, noting SEPP 65 applies to the development proposal. The solar access modelling outlines 56 of the 85 units (66% units) will receive 2 hours of solar access at mid winter.

It is noted the approved development to the west 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street overshadows the development proposal from 1pm. It is noted that the adjoining development is 2 storey higher than the proposed building (subject site) and varies the building separation/setback controls at the upper levels.

Shadow modelling was conducted on the subject site with and without the approved development adjoining the site to the west. Without the development at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter, meeting the design criteria under the Apartment Design Guide.

72 of 85 units (84%) of the units are designed to be naturally cross-ventilated.

Note 2 The development proposal presents a variation to the building separation controls to the residential flat building to the east, noting the existing 4 storey residential flat buildings at 49 – 51 Bay Street Rockdale and 10 – 16 Chapel Street Rockdale include habitable balconies oriented towards the western side boundary.

The first 3 storeys of the development proposal have been designed with non habitable conditions and offset balconies to the eastern elevation preventing direct overlooking of the adjoining residential flat buildings. The fourth floor and above of the development proposal will look over the roof form of the adjoining residential flat building with sight lines mitigating direct privacy impacts.

The development proposal has been designed to meet the setback controls at Part 7.5 – Rockdale Town Centre of the DCP.

The building separation to the approved mixed use building at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street generally complies with minor exceptions at the upper levels. The minor variations are due to the approved setbacks of the adjoining development noting the building at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street is not set back further at the 5th storey to meet the ADG visual privacy controls.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Planning Instruments

The planning instruments applying to the subject site and this development proposal are addressed in detail in the previous section of this report.

In summary, the subject site is zoned B4 – Mixed Use under the Rockdale LEP 2011 and Mixed developments including *Registered Clubs* and *Residential Flat Buildings* are permissible with the consent of Council.

The proposal has been designed in accordance with the Design Quality Principles contained in SEPP 65 and as described in Section 4 of this Statement the proposal generally complies with the controls and meets the objectives contained in the ADG.

The development proposal also meets the objectives and design controls contained in the Rockdale DCP.

6.2 Streetscape and Context

The development proposal has been designed in accordance with the planning controls applicable to the subject site and the development proposal noting the registered club location on the ground floor of the development has been previously approved pursuant to DA2017/225.

The proposed residential development is located on the podium level and orientated to generally address the Bay Street and Chapel Street frontages. The residential lobby area has been orientated to Chapel Street to provide a separate street address to the RSL at ground level, which has been orientated towards Bay Street.

The development presents a 9 storey form, including 8 storeys of residential, consistent with the intent of the 28m height control, and compatible with the approved development to the west, currently under construction. The setbacks of the development proposal are consistent with the approved development to the west, providing a continuous street wall.

The building setbacks implemented are appropriate in the context of approved adjacent development and ensuring the orderly and economic development of land consistent with the B4 – Mixed Use Zone.

The building form and scale is consistent with the high density development in the precinct including the approved development to the west 15 - 21A Bay Street Nos. 1 - 11 Chapel Street, and the proposed 12 storey development at 15 – 23 Chapel Street under development application No. 2019/31.

The building is well articulated and includes a high quality selection of materials and finishes including painted render, sandstone and metal cladding, glass curtain walls, green walls, horizontal and vertical louvres and

aluminium framed windows and doors contributing to the future character of the locality. The photo montage is provided below.



Source: Statewide Construction

6.3 Building Design and Form

The development proposal has been designed in accordance with the height and setback development standards/controls contained in the Rockdale LEP and DCP and the Apartment Design Guide

The building form and scale is acceptable for the site based on the following:

- The building height has been designed to comply with the 28m height control with minor exception – lift overrun providing access to rooftop communal open space.
- The siting of the development is consistent with the building envelope envisaged for the subject site with the built form oriented towards both Bay Street and Chapel Street frontages, maintaining a street wall at the first three floors. The residential tower at the 4th – 9th storey has been setback from the street frontages and side boundaries in accordance with Council DCP setback controls.

- The development proposal presents a building form that is consistent with the desired future character of the Rockdale Town Centre in proximity to the Rockdale railway station and commercial precinct.
- The building façade includes an appropriate mix of textures, materials, and colours consistent with adjoining development and the Bay Street streetscape.

In summary, the form and scale of the development proposal is considered to be acceptable for the subject site and the mixed use zoning.

6.4 Solar Access and Overshadowing

The development has been designed to maximize solar access to the residential units on site. However, given the orientation of the site the proposal presents a variation to the solar access design criteria within the apartment design guide, with 66% of the units achieving 2 hours of solar access.

The ADG recognizes that in some instances achieving 2 hours solar access may not be possible. The shadow modelling was conducted on the subject site with and without the approved development adjoining the site to the west. Without the development at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, 60 of the 85 units (71% units) would receive 2 hours of solar access at mid winter.

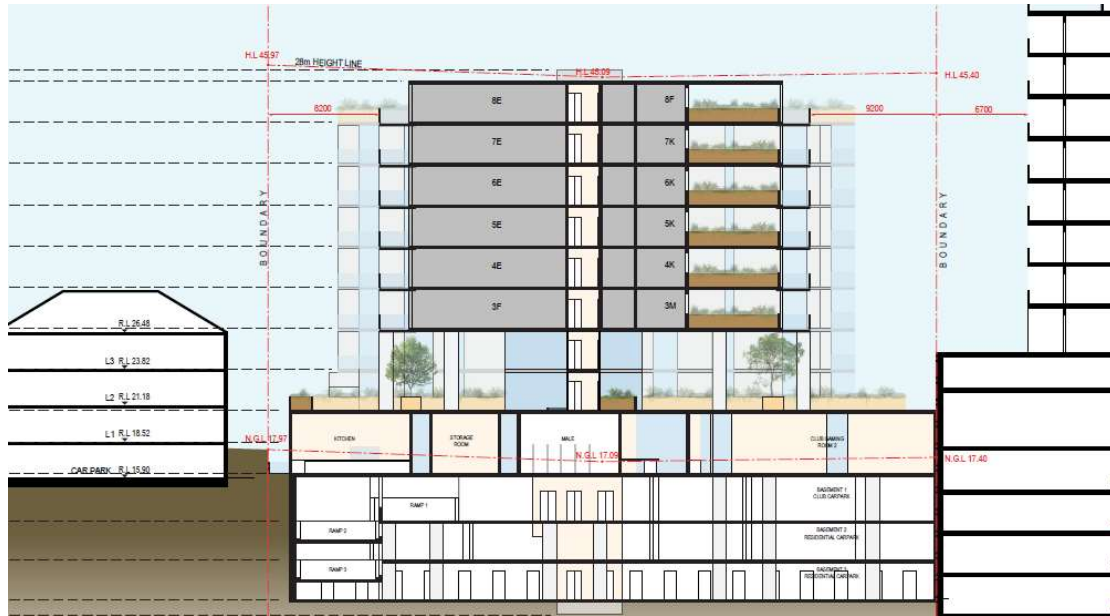
The development proposal will cast a shadow upon the adjoining development to the south east from 12pm. The northern orientated residential units at 49 – 51 Bay Street Rockdale will not be affected by the overshadowing cast by the proposal. The units at 10 – 16 Chapel Street Rockdale with balconies orientated to the western side boundary will be overshadowed by the proposal, however retention of solar access to these balconies would compromise the development of the subject site to a form that is inconsistent with the desired future character of the locality.

In summary, the development proposal provides an acceptable overshadowing impact given the location within the B4 – Mixed Use zone and building envelope envisaged by the planning controls for this locality on the Rockdale Town Centre.

6.5 Privacy

The potential visual privacy impacts resulting from the development proposal are mitigated noting the offsetting of balconies adjoining side elevations and design of facades with non habitable conditions where appropriate.

The below section B-B outlines the location of the residential units on the subject site with regard to the adjoining developments.



The design of the proposal includes planting on podium adjoining the eastern boundary and a large void over the communal open space area. The design of the communal open space and location of planting mitigates a number of the residential units overlooking balconies of the adjoining development to the east, 49 – 51 Bay Street Rockdale and 10 – 16 Chapel Street Rockdale.

It is noted that the residential units at level 3 and above would look over the 3 storey building to the east, with privacy impacts mitigated through sight lines.

The western boundary of the subject site adjoins an approved 11 storey mixed use development forming part of the larger development site Nos 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street, Nos. 1 - 3 Chapel Lane and Nos. 6A - 12 Lister Avenue, Rockdale.

The western façade of the development proposal has been designed to generally meet the ADG visual privacy controls, and building separation on site, minor variations are due to the approved setbacks of the adjoining development noting the building at 15 - 21A Bay Street, Nos. 1 - 11 Chapel Street is not set back further at the 5th storey to meet the ADG visual privacy controls.

In summary the development proposal maintains good residential amenity within the high density Rockdale town centre location.

6.6 Traffic and Car Parking

The development application is supported by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning . The report assesses the traffic implications of the proposed development on the existing road network. The report provides the following with regard to the traffic generation from the subject site and development proposal.

The RMS Guidelines and Technical Direction are based on extensive surveys of a wide range of land uses and nominate the following traffic generation rates which are applicable to the development proposal:

High Density Residential Flat Dwellings

AM: 0.19 peak hour vehicle trips per unit

PM: 0.15 peak hour vehicle trips per unit

Application of the above traffic generation to the 85 residential apartments outlined in the development proposal yields a traffic generation potential of approximately 16 vehicle trips per hour (vph) during the AM peak hour and 13 vph during the PM peak hour.

That projected nett increase in traffic activity as a consequence of the development proposal is minimal, is consistent with the zoning objectives of the site and could not be expected to have any unacceptable traffic implications in terms of road network capacity.

In summary, the proposed development will not generate unacceptable traffic implications from the subject site.

6.7 Safer By Design

The proposed residential flat building development meets the Crime Prevention through Environmental Design (CPTED) principles based on the following assessment:

- The development has a clearly defined pedestrian entry point from Chapel Street that will be access controlled. The entry point for the residential units and approved registered club are located at separate street interfaces.
- The residential units improve passive surveillance Bay Street and Chapel Street, communal open space, the driveway access and the pedestrian entry to the building.
- Appropriate lighting is to be provided to the entry point, common circulation areas, and parking area.

6.8 Suitability of the Subject Site

The proposed mixed use building incorporating Registered Club at ground floor level and residential flat building is suitable for the subject site providing housing choice within the Rockdale Local Centre, within the catchment of commercial, retail and health services and public transport.

The form and scale of development is consistent with the planning provisions for the B4 – Mixed Use zone, the planning context for the Rockdale Town Centre and the immediate locality and there are no site constraints restricting the development.

7.0 CONCLUSION

In conclusion it is considered that the proposed development is acceptable under the considerations of S.4.15C of the E.P& A. Act 1979. The following conclusions are made in relation to the development proposal:

- *The development is permissible with the consent of Council pursuant to Rockdale LEP 2011;*
- *The development proposal retains the approved registered club at ground level pursuant to DA2017/225 with the operation of the club to occur in accordance with this development consent.*
- *The development proposal results in a minor variation to the 28m height of buildings development standard in the Rockdale LEP 2011. A Clause 4.6 variation – building height is attached at **Annexure 1** to address the minor variation from the lift overrun. It is noted that the residential levels and the communal open space are within the 28m height limit.*
- *The proposal has been designed to meet the Design Quality Principles pursuant to SEPP 65 and generally complies with the controls and meets the objectives contained in the Apartment Design Guidelines;*
- *The proposal presents a variation to the solar access design criteria within the apartment design guide, with 66% of the units achieving 2 hours of solar access. The apartment design guide recognizes that 2 hours solar access is not always achievable, and in this instance the shortfall is attributed to the shadow cast by the approved development adjoining the site to the west. This approved development is 2 storeys higher than the proposed building on the subject site and varies the separation/setback design criteria at the upper levels.*
- *The development proposal provides an acceptable overshadowing impact given the location within the B4 – Mixed Use zone and building envelope envisaged by the planning controls.*
- *The development proposal has been designed with adequate setbacks and articulated facades ensuring the building will present an appropriate built form to Bay Street and Chapel Street;*
- *The proposed buildings will not result in unreasonable amenity impacts on adjoining properties, dwellings and the streetscape.*

For reasons outlined in this Statement of Environmental Effects, the development application for a demolition, construction of a mixed use building including registered club – Rockdale RSL Club and residential flat building with basement parking at 41-45 Bay Street and 4 Chapel Street, Rockdale should be granted development consent.

Chapman Planning Pty Ltd
Certified Practising Planners



ANNEXURE 1
Clause 4.6 Variation – Height of Buildings

26 June 2019

Clause 4.6 Variation to Development Standard

Height of Buildings – Clause 4.3 Rockdale Local Environmental Plan 2011

Property Description: 41-45 Bay Street and 4 Chapel Street, Rockdale

Development: Mixed use development

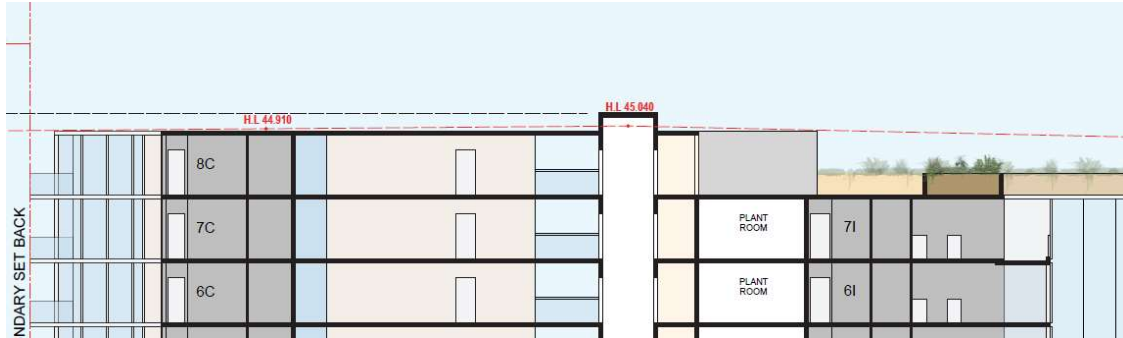
Introduction

This is a clause 4.6 variation supporting a development application for a mixed use development at 41-45 Bay Street and 4 Chapel Street, Rockdale. This clause 4.6 variation seeks variation to the 28m building height development standard contained in clause 4.3 – Height of Buildings of the Rockdale LEP 2011.

The proposed building has a maximum height of 27.89m when measured to the upper level roof form and meets the height control at this point of the building. The proposed variation to the 28m height development standard is confined to the lift overrun being a maximum height of 28.61m. The lift overrun is located central to the built form.

The proposed building height presents a minor variation of 610mm being a numerical variation of 2.1%.

The portion of the lift overrun exceeding the 28m height control is shown in the following section diagram:



The application to vary the development standard – building height incorporates the relevant principles in the following judgements:

1. *Winten Property Group Limited v North Sydney Council (2001) 130 LGERA 79*
2. *Wehbe v Pittwater Council (2007) 156 LGERA 446, and*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009.*
4. *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

Consistent with the objectives of the development standard and zone

Objectives of the Building Height Development Standard

The objectives of the development standard are at clause 4.3(1) of the Rockdale LEP 2011 as follows:

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

The proposed building height meets the objectives of the height of buildings development standard based on the following assessment:

- The building form – 9 storey building meets the 28m height control consistent with the building height for the locality and the lift overrun is located central on the roof and does not contribute to the scale of the building.
- The lift overrun provides access to rooftop communal open space, contributing to the residential amenity of the development.

- The additional height does not result in additional amenity impacts to adjoining properties with no additional overshadowing generated by the additional height being located central to the roof form.
- The lift overrun does not create additional bulk and scale and will not be visually dominant when viewed from the public domain noting the variation is located central to the building footprint.
- The proposed development is viewed as a 9 storey building and creates a suitable transition in building height between the approved 11 storey building adjoining the western boundary (15 - 21A Bay Street, 1 - 11 Chapel Street, 1 - 3 Chapel Lane and 6A - 12 Lister Avenue, Rockdale) and the existing residential flat building to the west of the site.

Objectives of the B4 – Mixed Use Zone

The objectives of the B4 – Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposed building height meets the objectives of the B4 – Mixed Use zone based on the following assessment:

- The development proposal retains the approved use- registered club at ground floor level and includes a residential flat building at podium level and the building height is consistent with the planning controls for the locality. Strict compliance with the building height would result in a building that is not compatible with the height-scale of the surrounding approved development in the precinct being out of character with the surround development in the B4 – Mixed Use zone.

Compliance with the development standard is unreasonable or unnecessary in this particular case?

Pursuant to clause 4.6(3)(a) of the LEP the variation to the 28m height of buildings development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because it meets the objectives of the building height standard even though it does not strictly comply and based on the following:

- The development proposal presents a 9 storey building form to the public domain noting the portion of the building – lift over run is centrally located ensuring the portion of the building exceeding the height control will not be visually dominant.

- The development proposal has a maximum height of 27.89m measured to the upper level roof form meeting the building height development standard. The minor variation to the building height does not present unreasonable bulk and scale with the building height being consistent with the intent of the planning controls for the subject site.
- The additional height does not result in additional amenity impacts to adjoining properties with no additional overshadowing generated by the additional height being located central to the roof form.
- The development proposal provides access to functional open space at the roof terrace with solar access.
- The variation will not result in overlooking that would adversely impact the visual privacy of adjoining properties, noting the communal roof terrace is located within the height limit and planter boxes will screen this area from adjoining properties.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Pursuant to clause 4.6(3)(b) of the LEP the grounds for variation to the height control contained in this written request confirms that there are sufficient environmental planning grounds to support the variation to the 28m building height development standard contained in clause 4.3 of the Rockdale LEP 2011 given the variation is confined to the lift overrun. The variation will have a minimal impact on the streetscape and is not discernible from the public domain or when viewed from surrounding properties. The variation does not result in unreasonable amenity impacts, visual bulk and scale, overshadowing or a loss of views-outlook.

The variation to the building height standard does not attempt to affect the planning outcome for the locality, rather the variation is a function of providing lift access to rooftop communal open space and is consistent with the character of an area undergoing a transition.

The 9 storey built form with rooftop communal open space is consistent with the form and scale of development in the precinct and the 9 storey building form presets a suitable transition in height when compared to the approved 11 storey building adjoining the western boundary.

Is the proposed Development in the public interest?

Clause 4.6(4)(a)(ii) of the LEP states:

Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained.

Clause 4.6(4)(a)(i) of the LEP has been addressed above.

In relation to clause 4.6(4)(a)(ii) of the LEP, the proposed development is in the public interest based on the following:

The development is consistent with the objectives of the height of buildings standard and the objectives of the B4 – Mixed Use zone.

The development is consistent with the objectives for development in the B4 – Mixed Use zone within Rockdale Town Centre for the following reasons:

- The proposal has been designed as a 9 storey building containing 85 residential dwellings with rooftop communal open space contributing to variety in housing choice within the Rockdale Town Centre.
- The 9 storey built form with rooftop communal open space is consistent with the intended future development of the site in accordance with the planning controls, and the character of adjoining development.
- The additional height facilitates lift access to functional open space at the roof terrace with solar access.

The portion of the building exceeding the 28m height control will not present unacceptable bulk and scale to the public domain or result in unreasonable amenity impacts.

Conclusion

This written clause 4.6 variation confirms that there are sufficient planning grounds to vary the 28m building height control contained in Clause 4.3 of the Rockdale LEP 2011. The variation is confined to the lift overrun centrally located in the roof form of the proposal, and provides access to rooftop communal open space improving the residential amenity of the development within the B4 – Mixed Use zone.

The variation to the building height is minor – 610mm above a 28m height standard.

The building has been designed to present a 9 storey form to the public domain with the upper level within the 28m height limit consistent with the desired building height set down by the planning controls.

The portion of the building exceeding the height control is suitable for the site context and locality, and will not be visually dominant from the public domain. The proposed 9 storey building ensures a suitable transition in height is achieved between the 11 storey building adjoining the western boundary, 9 storey building on the subject site and to existing built form adjoining the eastern boundary. Further, the building height is consistent with the planning regime for the precinct and the high density environment at the eastern edge of the Rockdale Town centre.

Further, the encroachment to the 28m height will not generate unreasonable additional overshadowing or contribute to unreasonable amenity impacts to the adjoining properties.

In my opinion the application to vary the building height development standard is well founded and as addressed the proposed height meets the objectives of the building height development standard and achieves an acceptable outcome for the subject site that is in the public interest. In accordance with the environmental planning grounds addressed in this clause 4.6 variation, the building height can be supported.

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