Mixed Use / Residential Developemnt
588-592 Princes Highway Rockdale
Revised Statement of Environmental Effects

Prepared on behalf of Moweno Pty Ltd
February 2022

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Table Of Contents

APPENDICES

Site Survey	Ballenden Surveyors
Proposed Plan of Subdivision	John Nelson Peterson
Letter of Offer to enter a Planning Agreement	Dowling Urban
Architectural Plans and Section	Mako Architecture
SEPP 65 Verification and Design Statement	Mako Architecture
Landscape Plans	Site Image
Clause 4.6 Report	Dowling Urban
BASIX Certificate and Obligations Report	BCA Energy
NCC 2019 Section J Report	BCA Energy
Energy & Water Efficiency Report	BCA Energy
BCA Assessment Report	BCA Logic
Stormwater Management Report and Plans	Enstruct
Traffic And Parking Assessment	NK Traffic
Disability Access Report	Cheung Access
Wind Environment Report	Windtech Consultants
Noise Impact Assessment	Rodney Stevens Acoustics
Geotechnical Report	JK Geotechnics
Preliminary Site Investigation	Aargus
Waste Management Plan	Elephant's Foot

COVER

Image of proposed development viewed from Princes Highway.

This Statement of Environmental Effects has been prepared by:
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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Moweno Pty Ltd to accompany a development application (DA) to Bayside Council for a land subdivision, the demolition of buildings, and construction of a mixed use / residential apartment development at 588-592 Princes Highway, Rockdale.

The proposed development consists of the demolition of existing buildings, subdivision for a road widening, and the construction of a 12 and 10 storey building with 9,312 m2 of gross floor area utilised for split levels of commercial premises and 101 apartments served by 140 basement car parking spaces, on-site loading facilities and communal open space.

The development application is accompanied by a Letter of Offer to enter a Planning Agreement for the dedication to Council of a road widening reservation on Lister Avenue to enable better vehicle and pedestrian movement and enhance the public domain in general. Council has accepted the Offer subject to determination of this application and the execution of a voluntary planning agreement.

The proposed development is informed by the design principles and massing strategy of a jury selected scheme prepared by MAKO Architecture in a now superseded design excellence competition finalised in 2018 and subsequent consultation.

The site is currently occupied by relatively new two to three storey retail/commercial building comprising a gym and function centre, a two storey converted commercial office premise, and surface carparking.

1.1 DRAFT PLANNING AGREEMENT

The development application is accompanied by a Letter of Offer to enter a Planning Agreement under s7.7(3) of the *Environmental Planning and Assessment Act 1979* (Act) made on behalf of Moweno Pty Ltd and Pefomina Pty Ltd being the owners of the subject property.

The Offer generally comprises the dedication to Council free-of-cost of the local road land reservation of approximately 88 m2 to widen Lister Avenue. It is associated with appropriately re-massing development that would otherwise be permitted without the reservation.

A draft plan of survey for the dedication is submitted with this application for approval.

At a meeting held 13 October 2021, it was resolved:

1. That Council in principle endorse the Letter of Offer for a Planning Agreement in relation to 588-592 Princes Highway, Rockdale, offering to dedicate to Council land identified for road widening.

2. That Council endorse drafting of a Planning Agreement for consideration at a future Council Meeting.

It is anticipated that the requirement to enter into a Planning Agreement will be made a condition of consent and that it will not exclude the application of sections 7.11, 7.12 and 7.24 of the Act but may be taken into account when determining any contributions payable. Given the Agreement will be for a land dedication, it is not envisioned that any security will be provided by way of a bank guarantee, bond or the like.

1.2 DESIGN COMPETITION

An architectural design excellence competition was held in accordance with a Design Excellence Strategy and Brief for the site endorsed by Council in November 2017. Three architectural practices were invited to participate in the design competition and the Jury decided upon a scheme prepared by Mako Architecture.

Figure 2: CGI proposed development as seen from intersection of Princes Highway and Hegerty Street (MAKO Architecture Architects 2018)

Notwithstanding that the competition process is now superseded, the views of the Jury on massing and building interfaces remains relevant to the design strategy and consideration as follows.

Context:

- *Setback treatment to Princes Highway is supported by the jury.*
- *The jury support the building separation between the proposal and any future development to the south….*

- *Massing and built form have been successfully broken down to avoid a monolithic type building along Princes Highway.*
- *Concerns were raised by the jury regarding potential overshadowing impacts of the proposal, particularly to neighbouring blocks to the east of the site…* [now addressed]

General/Aesthetics:

- *The expression of the top floor facades in the "tower" element was discussed. Opportunity to develop greater consistency with the visual language of the lower levels should be pursued at DA stage.*
- *The treatment to the southern elevation was also flagged as having potential for further design improvement….*
- *Decanting from the south and providing an additional storey to the tower does not produce a detrimental outcome.*
- *Modulation works well between tower and 'tail' of development.*

2 Context

2.1 SITE DESCRIPTION

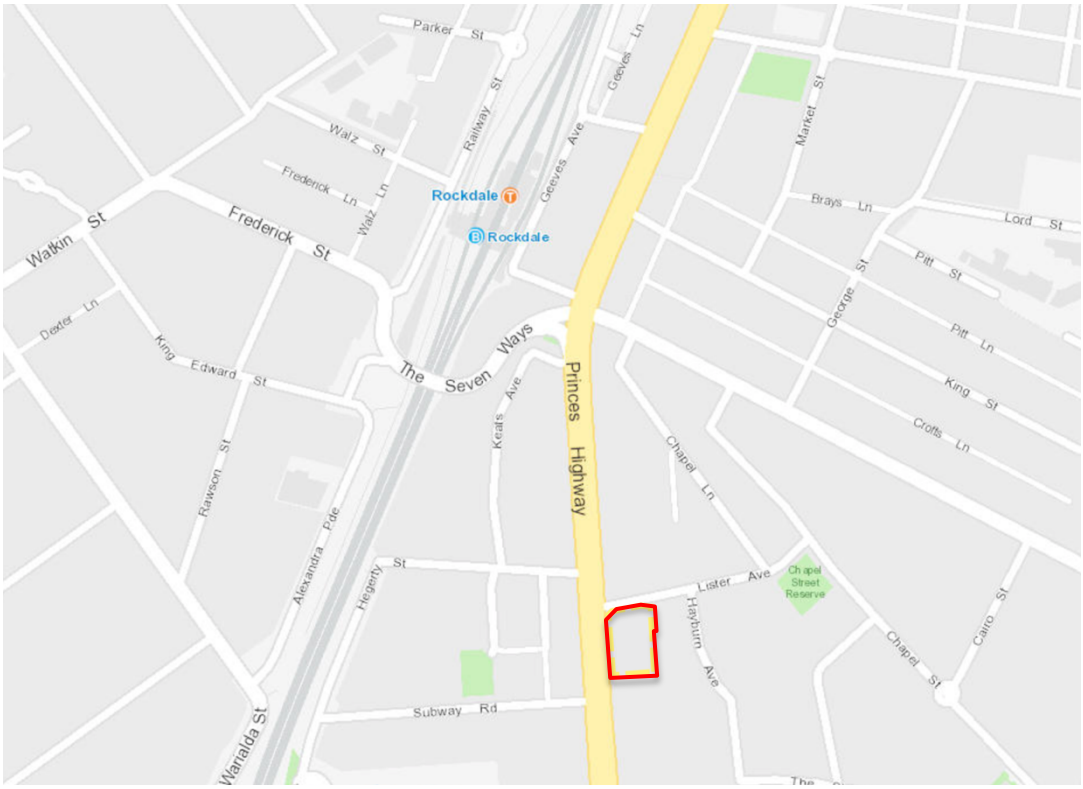
The site is known as 588-592 Princes Highway, Rockdale and comprises a single allotment legally described as Lot 21 DP 1220749.

It is rectangular in shape with an irregular northern boundary and has a total site area of 2,088 m2 of which 88m2 is reserved for local road widening. The site has a primary frontage of 50.7 m to the Princes Highway excluding a 4.6m splay and an irregular secondary frontage to Lister Avenue, subject to the reservation to the north of the site, with a variable depth of 36.6m or greater.

A physical survey of the site and draft plan of subdivision is included in the Appendices.

2.2 LOCATION AND PHYSICAL CONTEXT

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



Site Location with site edged by red line (Source ePlanning Spatial Viewer)

Aerial of locality with site edged yellow (Source Six Maps)

The northern part of the site is currently occupied by a 2-3 storey commercial building with basement parking accessed from Lister Avenue and which prior to 1979 was occupied by a service station.

The southern part of the site is occupied by a two storey detached building accessed from a rear laneway from Lister Avenue to surface parking and comprising six professional suites that were previously used for residential units.

The site slopes significantly to the south with a fall of over 3m. The eastern side of the site is burdened by an easement for access but which was to service a lot now amalgamated under the current plan of subdivision and accordingly, is redundant.

Surrounding land uses comprise:

- mixed use residential apartment buildings ranging from 10 to 12 storeys to the north and north west with addresses to the Princes Highway;
- a recently approved a 10 storey mixed use building consisting of 49 residential apartments, 42 serviced apartments and 2 basement levels adjoining the south of the site;
- two four storey residential flat buildings to the immediate west of the site with access from Hayburn Avenue; and
- a car sales yard subject to future redevelopment opposite the Highway.

2.2.1 Transport and Access

The subject site is located on the eastern side of the Princes Highway at the intersection with Lister Avenue, and lies within the Rockdale Town Centre at its edge. Vehicular access to the site is currently provided via a driveway and underground parking area located on Lister Avenue, and rear laneway across the site leading to a small above ground residential parking area behind.

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

The subject site is conveniently located to extensive public transport services as well as employment and services so as to encourage the use of sustainable modes of transport.

It is located within 400 metres walking distance to Rockdale Railway Station which services the T4 Eastern Suburbs & Illawarra Line, operating between Waterfall and Cronulla to Bondi Junction via the Sydney CBD. The service typically operates at intervals of less than 10 minutes throughout the day and commuter wait times are expected to be minimal.

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

2.3 PLANNING CONTEXT

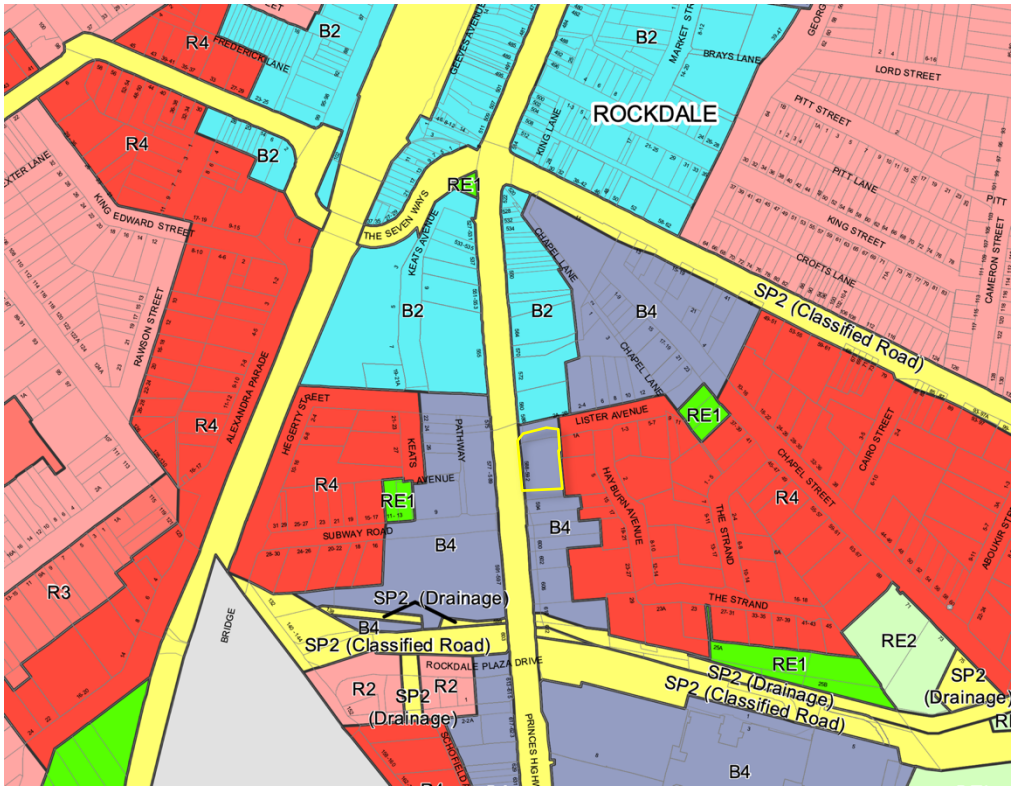
The site remains subject to the Rockdale Local Environmental Plan 2011 (RLEP 2011) despite being repealed, pursuant to clause 1.8A of the Bayside Local Environmental Plan 2021.

The site zoned B4 Mixed Use under RLEP 2011 whereby the zone's objectives are:

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

The proposed development is for ground floor 'Commercial Premises' and a 'Residential Flat Building' which are permissible under the zone with development consent.

The northern portion of the site adjoining Lister Avenue is identified as Local Road (R4) on the Land Reservation Acquisition Map by which Bayside Council is identified under RLEP clause 5.1 as the Relevant Acquisition Authority, and development other than for 'Roads', is prohibited under clause 5.1A (3).



Extract of Rockdale LEP 2011 Land Zoning Map with site shown edged yellow.

The land is not subject to floor space ratio controls. Building height standards fall under 'Area H' and 'Area J' on the Height of Building Map which correspond with the former subdivision that also depends on the size of the site. The building height provisions are explained in greater detail in Section 4.2 of this Statement.

The subject land is identified under RLEWP 2011 as Class 5 on the Acid Sulphate Soils Map but while within 500 metres of adjacent Class 3 land, is not below 5 metres Australian Height Datum and accordingly, not subject to clause 6.1 'Acid sulfate soils'.

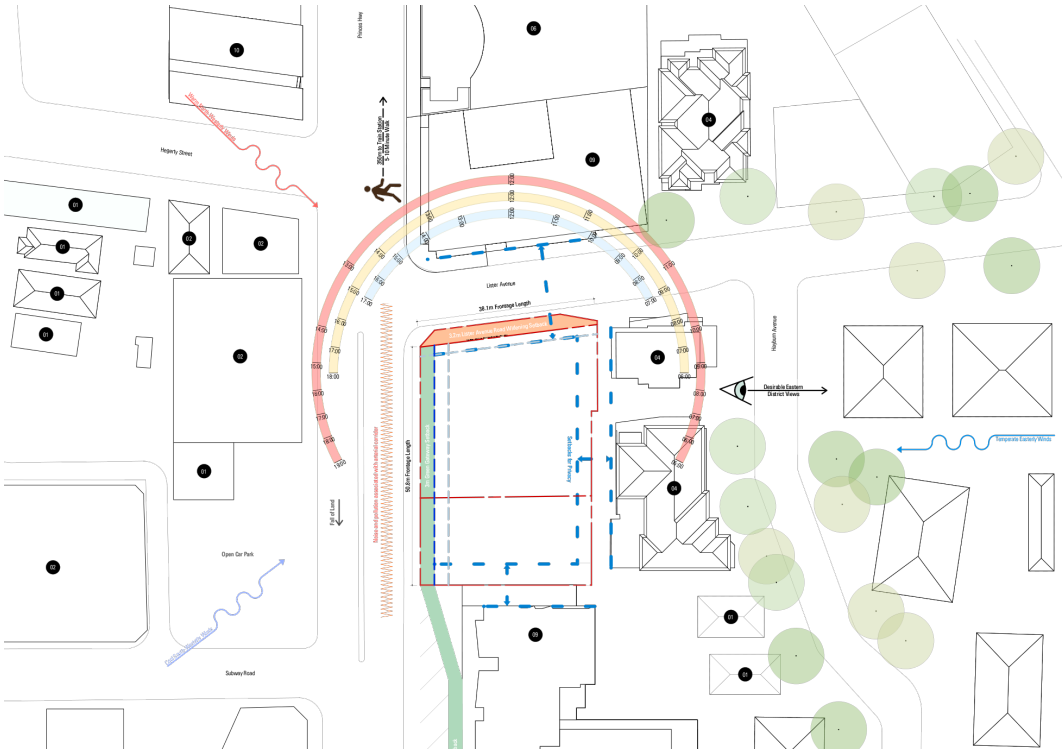
The subject land is not identified on the Flood Planning Map and accordingly, not subject to Clause 6.6 'Flood planning' while no nearby properties have been identified on the Heritage Map.

SEPP 55 Remediation potentially applies to the site because of the historic use of the site as a service station while SEPP (infrastructure) 2007 Subdivision 2 'Development in or adjacent to road corridors and road reservations' applies because of the site's adjacency to the Princes Highway which is a Classified Road.

Additional provisions are contained in the *Rockdale Development Control Plan 2011* (RDCP 2011) and which describes the site as 'Centre Edge Residential' containing "*high density residential at the edge of the Centre with opportunities for retail or commercial uses*".

2.4 SITE ANALYSIS

A site analysis plan prepared by Mako Architects is in the plan set and outlines the relationship between the site and surrounding lands and building footprints, the public domain, prevailing winds and access to winter sun and views.



Extract of Site Analysis Plan. Mako Architects

2.4.1 Physical Site Constraints

Most of the site is without any significant vegetation reflecting its current commercial use but with a small garden bed at its southern rear.

The site is subject to potential contamination as a result of its historic use as a service station and is otherwise free from natural hazards such as flooding and land slip.

2.4.2 Heritage and Archaeology

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

There are no known archaeological significant characteristics of the site.

2.5 SITE PHOTOS

Above: View of site from Lister Avenue.
Below: Views of site from Princes Highway to south-east and north-east.

Above: View of Hayburn Avenue looking north.

Below: views of Lister Avenue looking west and buildings opposite on Princes Hwy

Above: View of Princes Highway looking north from opposite site.

Below views of Lister Avenue public domain frontage and land subject to road widening reservation occupied by existing building.

3 Description of Proposed Development

3.1 DEVELOPMENT DETAILS

The proposed development consists of the demolition of buildings, the subdivision of land, and the construction of a 12 and 10 storey mixed use residential building accommodating ground floor commercial premises and four levels of basement.

More specifically, the proposed development consists of the 88 m2 dedication of local road reservation as a public benefit and 9,312 m2 GFA utilised for:

- 101 apartments in a mix of 1, 2 and 3 bedrooms;
- 408 m2 of commercial floor space for two tenancies addressing the Princes Highway and Lister Avenue;
- 4 basement levels accessed from Lister Avenue with parking for 140 cars for residents, visitors and commercial use, 14 motorbikes and 52 bicycles;
- Basement delivery, garbage storage and collection.
- Private balconies and communal open space including main roof top area;
- Public domain improvement to the Princes Highway and Lister Avenue
- Stormwater collection and treatment as well as provision of services.

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

Component	Proposed
Site Area (total)	2,088 m2
Net (excluding 88m2 road ded'n)	2,000 m2
Communal open space	887 m2 (45% of net site area)
Roof top main area.	437 m2
Gross Floor Area	9,312 m2
Commercial GFA	407.8 m2
Residential GFA	8,904. m2
Apartments	101 dwellings
1 Bedroom	20 (20%)
2 Bedroom	68 (67%)
3 Bedroom	26 (13%)
Commercial tenancies	407.8 m2
Car parking	140 (excluding car wash bay)
Residential	114
Visitor	15
Commercial	11
Motor bike parking	14
Bicycle storage	52

The proposed development is detailed in the submitted architectural plans inclusive of Elevations, Sections, Materials, Shadow Diagrams, Explanatory and Compliance Diagrams.These are accompanied by imagery and landscaping plans as well as a schedule of the proposed accommodation, tenancies and characteristics.

3.2 BUILDING DETAILS

3.2.1 Configuration and Massing

The proposed configuration and massing of the development has generally been endorsed by the Design Excellence Jury and Panel as well as Council officers, and addresses the relevant SEPP 65 Principles as follows (MAKO).

Context and Neighbourhood Character

The scheme is principally a response to context. It is derived by contributing to more comfortable and healthy public domain and a legible future character. Primary issues addressed are as follows:

1. *Greater building articulation and setbacks to assist the avoidance of 'Urban Canyon Effect' on Princes Highway*
2. *Acknowledging road widening of Lister Avenue to create a more comfortable precinct for active frontages directly adjacent to Princes Highway*
3. *Specific augmentations of podium setbacks and height to relate more sympathetically with existing/proposed adjacent development*

Built Form and Scale

The built form strategy reacts positively to the site and surroundings by;

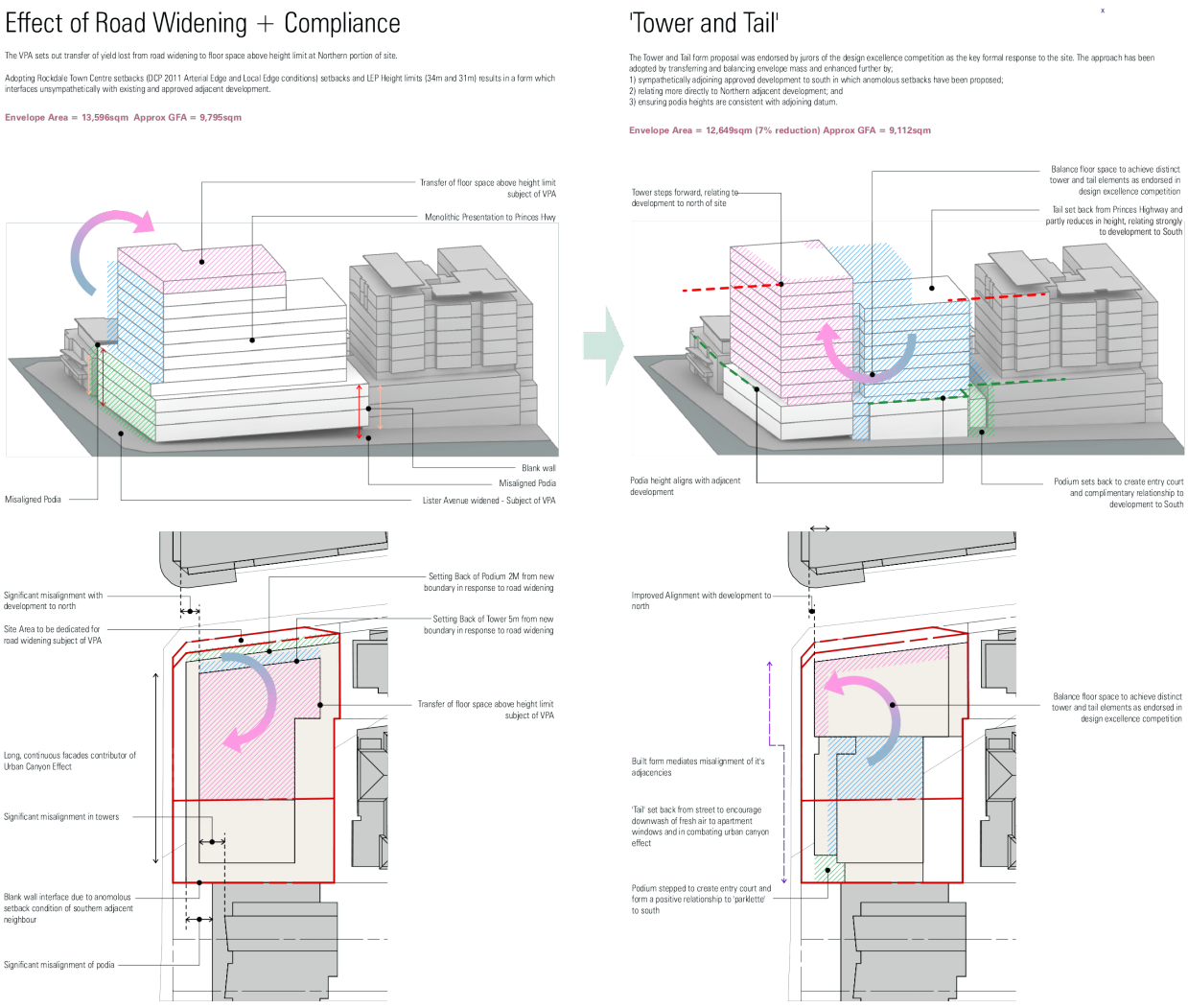
1. *Presenting as a prominent corner, marking the transition from the 'green gateway' to the Rockdale Central Business District;*
2. *Splitting an otherwise bulky form into 'prominent tower' and 'recessive tail' elements, enhancing sense of proportion and relief; and*
3. *Incorporating of a significant setback to the 'tail' element, contribute to the air quality of Princess Highway by encouraging fresh air flow and avoiding 'Urban Canyon Effect'. The street wall is held and reinforced by a commercial podium and highly articulated, civic scaled acoustic screen harbouring podium level terraced gardens.*

In order to realise the massing strategy to achieve the 'tower and tail' form:

- the compensatory GFA of 823 m2 calculated by Council for the road dedication is firstly transferred to help form the tower element at the corner; and

- the setbacks and building heights have then been ‘pushed and pulled’ without increasing the GFA that would be permitted if the setbacks and building height complied with the development controls.

A detailed explanation of the re-massing is provided in the architectural plan 1724 – DA2 0002 which also shows that no GFA advantage is achieved through the process.



Extract of ‘Built Form development’ Plan 1724 – DA2 0002. Mako Architects

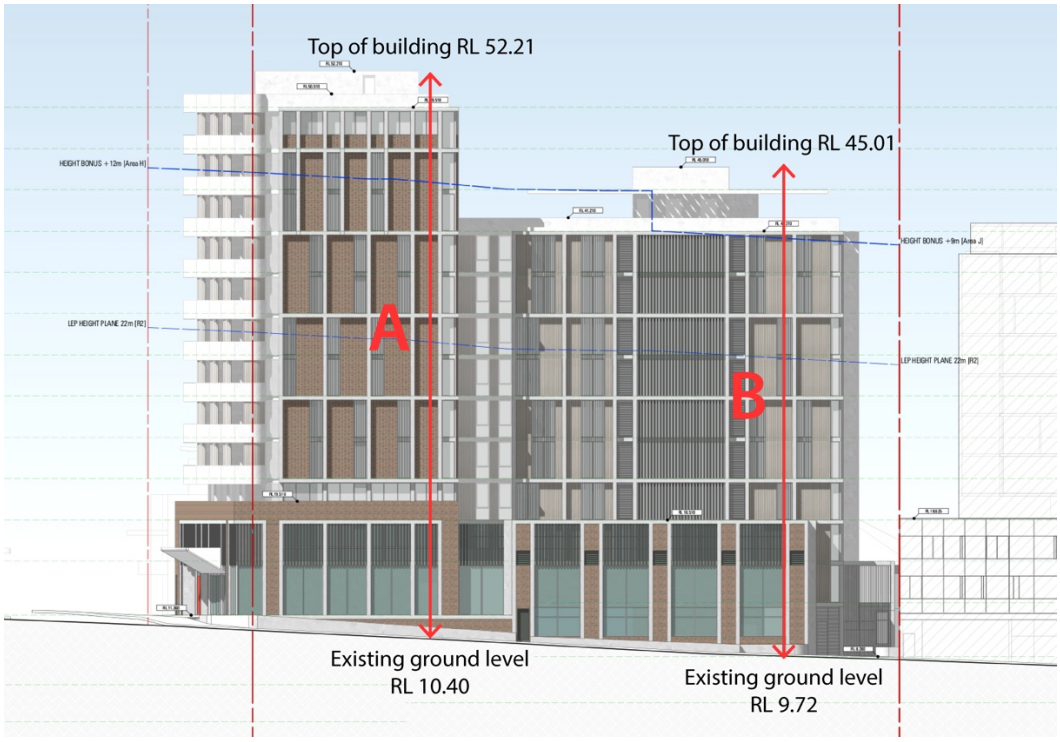
3.2.2 FSR and Building Height

The floor space ratio of the proposal equates to 4.7:1 as a result of the limited site area.

The proposed maximum building height of the tower element to the top of the lift overrun at its highest point above existing ground level (shown ‘A’ on the elevation extract below) is approximately 41.8m (RL 52.21 m). This exceeds the 34m maximum building height under RLEP 2011 by 7.81m at its greatest extent,

representing a variation of exceeding 20% above the development standard but which is limited to a floorplate size that is a quarter of the site area and containing only one complete additional residential floor.

The proposed maximum building height of the tail element to the top of roof facilities shown 'B' on the elevation extract, is 35.29m (RL 45.01 m). This exceeds the 31m maximum building height by 4.29 m, representing a variation of 13% above the development standard but which contains only a notional amount of GFA is more than balanced by the part of the building under the height limit that could be used for a residential floor.



Above: Princes Hwy elevation extract showing maximum height of buildings.

It should be noted that the site is subject to varying slopes and as a consequence, the building height plane is variable and the height standard lines shown on elevations may be misleading. An 'averaged' view of the permitted height plan is best shown on the Streetscape Elevation Plan DA2 - 4005.

3.2.3 Materials and Finishes

Mako Architects' response to the SEPP 65 Aesthetics Principles is as follows (MAKO).

> *The proposal's aesthetic proposition is that the mass of the building is broken into three main, contrasting elements which come together as a cohesive composition, these being:*

1. *The podium facade takes on the role of acoustic barrier and formal base. It protects the lower west facing apartments from road noise and captures fresh air downwash. The angled soffit of the southern podium and angled awning of the northern podium hint at spaces within the building and form civic scaled gestures.*

   The podium's brickwork facade with concrete articulation loosely refers to remnant and disenfranchised interwar brick buildings interspersed along Princes Highway. Infill glazing takes on the 'zig zag' profile often used to graphically convey noise and consequently benefits occupants by naturally dispersing sound and avoiding privacy breach via reflection during the night time. The alignment and height of podium expression mediates the convoluted context including awkward setback of the neighbouring building to the south as well as the dramatic shift in scale to the east.

2. *The northern 'tower' element is intentionally prominent. Balconies to the north are wavering and horizontal to maximise oblique views and solar penetration, whereas, the western facade is defensive and rectilinear, cutting down noise and heat gain from this orientation.*

   Materials include brick facings smooth concrete and finely ribbed concrete. The concrete is proposed to be finished with extremely low sheen mineral stains, which give the impression of natural, deep and varied off form finish without the batching and damage risk associated with unfinished off-form concrete, nor the maintenance risk and 'flattening' effect of acrylic paint.

3. *The southern 'tail' element sets back significantly, formally recessing and echoing the defensive infilled grid treatment of the tower*

As an overall composition, the proud tower and recessive tail have the effect of animating built form into smaller, more dynamic components.

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

3.2.4 Apartment Amenity

A high level of residential amenity will be provided for the apartments with optimised natural ventilation, solar access, useable outdoor space, acoustic and visual privacy. Private open space is provided in the form of balconies while the main component of the communal open space is provided on the rooftop of the 10 storey building.

In terms of environmental performance, midwinter solar access greater than 2 hours is provided to 72.3% of apartments while 69.3% of apartments within the first nine storeys are provided with natural cross ventilation. (refer plan 1724 - DA2 5002 & 3) A BASIX assessment is also provided in the appendices.

3.2.5 Storage

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

3.2.6 Acoustic and Visual Privacy

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

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

3.3 COMMERCIAL TENANCIES

The lower ground and ground floor frontages to Princes Highway will be occupied by commercial premises / retail facilities as detailed in the following table and subject to subsequent development applications for individual uses.

Commercial tenancy breakdown

Area	Use	Gross floor area
Lower Ground	General/unspecified	225.4 m2
Ground Floor	General/unspecified	182.4 m2
Total (excluding associated GFA)		407.8 m2

The commercial premises have both external and internal basement access and are anticipated to be utilised mostly as display type shops, activities and cafes/restaurants that will support public domain activity while taking advantage of the their fringe centre location and Highway exposure.

3.4 PARKING AND ACCESS

Parking is provided in the four basement levels serviced by an entry and exit directly onto Lister Avenue furthest from its intersection with Princes Highway.

A total of 140 car parking spaces distributed over the four basement levels have been provided comprising 114 residential car parking spaces (10 of which are accessible), 15 residential visitor spaces, 11 commercial spaces (1 of which is accessible) and a car wash bay.

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

- 12 resident and 2 commercial motorbike parking spaces; and

- 42 resident and 10 commercial bicycle parking spaces.

Truck deliveries and garbage collection is provided from the first basement level and undertaken in a multi-use area with direct access to ground level waste facilities, commercial tenancies and the lift core to apartments.

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

3.5 OPEN SPACE, PUBLIC DOMAIN AND LANDSCAPING

The development proposes to improve and extend the existing public domain on the adjoining Princes Highway and Lister Avenue which is currently in a serviceable but generally poor condition.

Common open spaces on site will be provided in the form of a richly landscaped communal area on the roof top as well as a landscape areas on the ground and elevated levels at front and the rear of the site.

Extract of Landscape Plans for Level 1 and 2 (Site Image).

Landscaping is informed by the response to the SEPP 65 Principle as follows (MAKO).

> *Landscape is incorporated as a critical part of the proposal and performs thermal, social and presentational functions. Several discreet areas of landscape are:*
>
> 1. *Deep Soil planted verges along Princes Highway as a continuation of the 'green gateway' strategy, contributing to a more amenable, cooled and visually appealing future streetscape by providing shade and wind buffering.*

2. *On the Princes Highway side of the building, gardens behind the acoustic screen consist of a large area of densely planted cascading terraces, providing a cool, calm and pleasant outlook for apartments that would otherwise open directly to traffic noise and pollution associated with the transport corridor.*
3. *On the Eastern side of the podium, mass plantings improve privacy between apartments and private open spaces.*
4. *On level 10, a recreational area with lift access is provided where residents may gather and have access to excellent district and bay views. The recreational area is accessible via both lift cores, is serviced with an accessible bathroom, bbq facilities and seating arrangements and is designed to cater to multiple user group's simultaneous usage.*

Extract of Landscape Plans for Roof Top (Site Image).

Accumulated communal open space is 887.5 m2 or 45% of the site area while the at the main rooftop communal open space comprises 437 m2 (22% of site area) and Deep soil consists of 251 m2 or 12.6% of site area and has been prioritised to support large tree plantings in the 'green gateway' treatment on Princes hwy..

Details of the proposed landscaping of communal and public areas are provided in the submitted Landscape Plans.

3.6 STORMWATER MANAGEMENT

A Stormwater Management Strategy has been prepared to accompany the development application as submitted. The report addresses the requirements set out in Council's Stormwater Management Technical Specification – May 2011 and in RDCP 2011.

Site drainage will match the current stormwater configuration of draining to Council's stormwater network. Water sensitive urban design (WSUD) elements will be added to improve the water quality runoff and reduce the peak flow, and which will include an On-Site Detention (OSD) tank as required where roof areas runoff will be directed.

The following pollutant reduction requirements have been adopted as the minimum values for water quality treatment.

- Gross Pollutants (GP) 90%
- Total Suspended Solids (TSS) 85%
- Total Phosphorus (TP) 60%
- Total Nitrogen (TN) 45%

Water pollution reduction targets can be met using the following treatment methods:

- Rainwater capture, storage and re-use;
- Landscape areas designed to direct surface flows into deep soil zones providing primary filtration;
- Gross pollutant trap (GPT) to filter stormwater runoff; and
- Tertiary treatment device such as cartridge filters in the OSD tank, assist in removing suspended solids, dissolved nitrogen and phosphorus.

An Erosion and Sedimentation Control Plan is submitted and includes measures such as sediment fences surrounding disturbed areas to capture sediment runoff and a truck shaker tray at each point of access to the work area.

4 Environmental Assessment

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

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

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION

Clause 50 (1A) of the Regulation requires that a design verification statement accompany a development application for a residential flat building from a qualified designer. The submitted Design Verification Statement by Mako Architects confirms that designed the proposed residential flat development, and that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65) are achieved for the residential flat development.

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

SEPP 65 required information

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

Drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context	Refer to drawings by Site Image
If the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts	Refer to Design Statement
Photomontages of the proposed development in the context of surrounding development	Refer to photomontage by Mako Architects
A sample board of the proposed materials and colours of the facade	Refer to Materials Sheet by Mako Architects
Detailed sections of proposed facades	Refer to drawings by Mako Architects
If appropriate, a model that includes the context	Not required by Council.

4.2 ROCKDALE LOCAL ENVIRONMENTAL PLAN 2011

The site remains subject to the Rockdale Local Environmental Plan 2011 (RLEP 2011) despite being repealed, pursuant to clause 1.8A of the Bayside Local Environmental Plan 2021.

4.2.1 Part 2 Permitted or prohibited development

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

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

The proposed development is for ground floor '*Commercial Premises*' and a '*Residential Flat Building*' which are permissible under the zone with development consent.

4.2.2 Part 4 Principal development standards

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

However, the Height of Building Map also indicates the land being partly within 'Area H' for the former Lot 1 DP 840863 and partly 'Area J' for the former Lot 11 DP 590046 for which clause 4.3 (2A) applies as follows.

(2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by an additional:

(g) 12 metres—if the building is in Area H identified on the Height of Buildings Map and on a lot having an area of at least 2,000 square metres.

(i) 9 metres—if the building is in Area J identified on the Height of Buildings Map and on a lot having an area of at least 2,000 square metres.

Since the lot size is greater than 2,000m2, the respective height of building standards for the site are therefore 34m on the former Lot 1 area and 31m on the former Lot 11 area.

The building height of the proposed building exceeds the maximum height to accommodate transfer gross floor area from land to be dedicated free of cost to Council under an accepted Offer to enter a Planning Agreement accompanying this development application.

The non-compliance is the result of two separate aspects of the proposed re-massing, being:

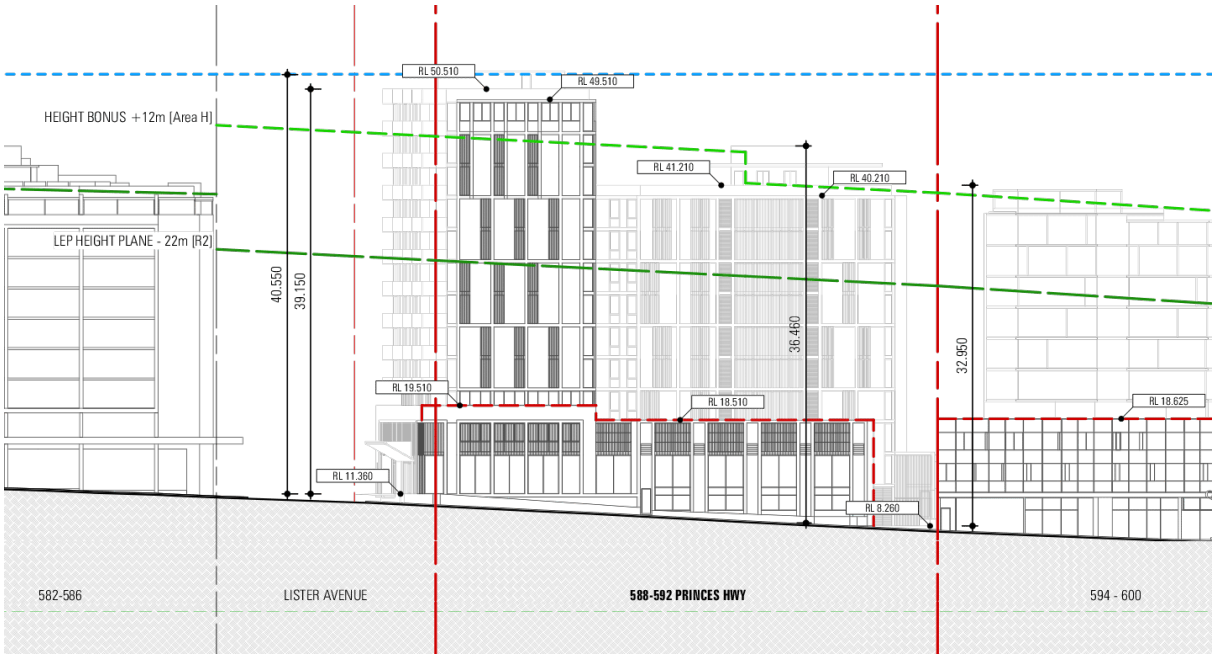
- the transfer of the GFA from the road dedication to form the tower element and which is the primary variation; and
- the transfer of GFA allowed under the DCP setback controls to create a distinct 'tower and tail' form to reduce overall perception of building mass.

The remassing strategy was originally supported by the Design Competition Jury then later by the Design Excellence Panel.

The proposed maximum building height of the tower element to the top of the lift overrun at its highest point above existing ground level (shown 'A' on the elevation extract below) is approximately 41.8m (RL 52.21 m). This exceeds the 34m maximum building height under RLEP 2011 by 7.81m at its greatest extent, representing a variation of exceeding 20% above the development standard but which is limited to a floorplate size that is a quarter of the site area and containing only one complete additional residential floor.

The proposed maximum building height of the tail element to the top of roof facilities shown 'B' on the elevation extract, is 35.29m (RL 45.01 m). This exceeds the 31m maximum building height by 4.29 m, representing a variation of 13% above the development standard but which contains only a notional amount of GFA which is more than balanced by the part of the building under the height limit that could be used for a residential floor.

An exception to the Height of Building development standard under clause 4.6 is therefore required to be requested to permit the granting of development consent with the height exceedance.



Extract of plan DA2 4002 showing maximum height contraventions (Mako Architecture)

Clause 4.6 (8) precludes the use of the clause when clause 4.3 (2A) has been applied "*unless it is for a demonstrable public benefit, such as the provision of pedestrian links".* The dedication free of cost to Council of land reserved for road widening to permit a proper pedestrian link on Lister Avenue is considered to be a demonstratable public benefit and therefore, the clause may be applied in the circumstance.

Accordingly, a request to vary the Height of Building development standard accompanies this standards as discussed in Section 4.3.

4.2.3 Part 5 and 6 Miscellaneous and Additional Provisions

In regard to Part 5 of RLEP 2011, as noted above, the land is subject to a reservation for acquisition by Council for a road widening and which is subject to an accepted Letter of Offer to enter a Planning Agreement accompanying this application. Otherwise, no other provisions of Part 5 apply to the development application.

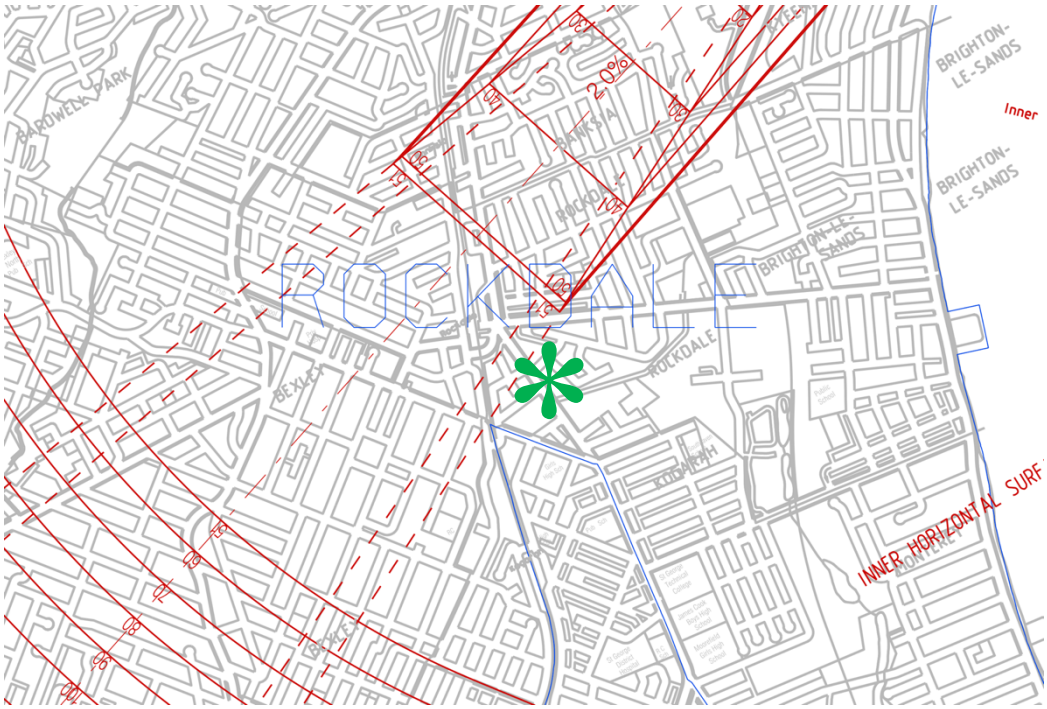
In regard to Part 6 of RLEP 2011, provisions relating to aircraft noise (clause 6.3) do not apply as the land is outside the 20 ANEF contour as well as provisions relating to flooding, bushfire risk, active street frontages and the like.

The subject land is identified under RLEP 2011 as Class 5 on the Acid Sulphate Soils Map but is not included under subclause 6.1(2) criteria of "*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height*

Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land".

Accordingly, an acid soils management plan has not been prepared as would be required by subclause 6.1(3).

For the purposes of clause 6.4 *Airspace operations,* the development will penetrate the Limitation or Operations Surface and accordingly, the consent authority may only grant development consent for the development if the relevant Commonwealth body advises that it has no objection to the construction of the development. Accordingly, Council is required to refer the development application Sydney Airport Corporation Limited (SACL) for its advice.



Extract from Sydney Airport Obstacle Limitation Surfaces Map with site at green asterisk

For the purposes of clause 6.7 *Stormwater,* the consent authority can be satisfied that the development is *"designed to maximise the use of water permeability in deep soil zones",* and *"will include … on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water"* and mitigate impacts of stormwater runoff on adjoining properties and receiving waters.

For the purpose of clause 6.12 *Essential services*, the supply of water and electricity, the disposal of sewage, stormwater drainage or on-site conservation, and suitable road access are available to the site.

Clause 6.14 *Design excellence* applies to the development as a result of relying on clause 4.3 (2A) (g) and (i) to establish the height of building standard for the site. In accordance with clause 6.14(5)(b) and given that the proposed building is greater

than 12 storeys, an architectural design competition has been undertaken as referred to in Section 1.1 and detailed in the attached Jury Report.

In considering whether the development exhibits design excellence under clause 6.15 (5), the consent authority must have regard to the matters responded to in the table below, noting the findings of the Design Excellence Jury Report as well as the response by Mako Architects to the SEPP 65 Design Principles.

Assessment of Clause 6.15 (5) Heads of Consideration

Head of Consideration	Assessment
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The architectural design has been informed by two separate design excellence processes and is well considered as reflected in the architect's design statement and accompanying plans.
(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,	The form, arrangement and general appearance has focussed on suitable responses to reduce the perception of mass while improving the amenity and experience of the public domain including implementing the Green Gateway treatment for Princes Highway and the local road reservation to widen the Lister Avenue footpath.
(c) whether the development detrimentally impacts on view corridors,	The development contributes to the entrance to the Rockdale Town Centre viewed from the Princes Highway and does not impact on any known view corridor.
(d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,	The development is noted for its high level of compliance with the Rockdale DCP (subject to the re-massing strategy) and other applicable guides.
(e) how the development addresses the following matters— (i) the suitability of the land for development,	Higher density mixed use development is well suited on the site in close proximity to services, employment and mass public transport.
(ii) existing and proposed uses and use mix,	An appropriate 'centre fringe' commercial response is provided to the Princes Highway frontage and street comer while the residential apartments are most appropriate in the centre location.
(iii) heritage issues and streetscape constraints,	There are no heritage constraints while the design makes specific responses to the road noise generation through various treatments while the Lister Ave street width constraints will be rectified by dedication of the reservation and public domain improvements.
(iv) the relationship of the development with other	The design incorporates considered relationships with a variety of existing and future urban forms

development (existing or proposed) on neighbouring sites in terms of separation, setbacks, amenity and urban form,	adjoining the site to minimise impacts on amenity and to harmonise differing scales of development within the immediate context.
(v) bulk, massing and modulation of buildings, (vi) street frontage heights,	Refer to MAKO SEPP65 response as follows: *The proposal's built form strategy reacts positively to the site and surroundings by;* 1. *Presenting as a prominent corner, marking the transition from the 'green gateway' to the Rockdale Central Business District;* 2. *Splitting an otherwise bulky form into 'prominent tower' and 'recessive tail' elements, enhancing sense of proportion and relief; and* 3. *Incorporating of a significant setback to the 'tail' element, contribute to the air quality of Princess Highway by encouraging fresh air flow and avoiding 'Urban Canyon Effect'. The street wall is held and reinforced by a commercial podium and highly articulated, civic scaled acoustic screen harbouring podium level gardens.*
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	Potential environment impacts from privacy and overshadowing have been minimised while wind and reflectivity mitigation is incorporated in design details and materials.
(viii) the achievement of the principles of ecologically sustainable development,	ESD initiatives are incorporated into the design by passive means for orientation, solar access, noise mitigation and natural ventilation, additional active transport facility and the like while on site water retention provides opportunity for reuse.
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	Access requirements are well satisfied through significant improvements to the public domain and a simple circulation structure within the building.
(x) the impact on, and any proposed improvements to, the public domain,	The public domain will be significantly improved through implementing the green gateway treatment on Princes Highway and the widening of the Lister Avenue footpath and street planting.
(xi) achieving appropriate interfaces at ground level between the building and the public domain,	Simple and robust commercial interfaces with the public domain, suited to their centre fringe context, are provided with separate legible residential entrances from both street frontages.
(xii) excellence and integration of landscape design.	The proposed landscape is an integrated part of the architectural design and demonstrates excellence in useability, interest, amenity, longevity and maintenance particularly on the constrained site.

4.3 CLAUSE 4.6 EXCEPTION REQUEST

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

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

As discussed above, the height of the proposed building exceeds the building height control as a means to transfer GFA to enable road reservation land to be dedicated free of cost as a public benefit as well as to permit remassing for design excellence considerations.

Having regard to the provisions of clause 4.6 and guidance provided by case law, it is considered that the request is well-founded and, consistent with clause 4.6, that strict compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

In particular, the underlying object and purpose of the building height standard applying to the site is achieved when considering that development as proposed will:

- implement an architectural scheme informed by design excellence processes while simultaneously allowing a local road reservation to be dedicated to Council free of cost to the community;
- provide for a high quality development with a density anticipated in the planning controls that is appropriate in a highly accessible and well serviced location;
- be compatible with adjoining built forms while preserving an appropriate transition in built form and land use intensity from the Rockdale town centre southerly along the Princes Highway;
- implement the principles of SEPP 65 and satisfy the provisions of the ADG;
- be acceptable and consistent with the characteristics of the site and the expectation for the zone, urban design and building heights for the Rockdale town centre and site as confirmed by the design excellence process;
- not result in a significant increase in potentially adverse impacts;
- achieve better planning, design and public benefit outcomes while satisfying the objectives for the zone and development standard; and

- maintain the capacity of the site to help meet local needs for suitable housing and employment as well the metropolitan planning objectives in supporting town centres and sustainably managing travel demand in general.

It is further considered for the purposes of RLEP clause 4.6(4) that the written request has adequately addressed the matters required to be demonstrated by subclause (3) and that the proposed development will be in the public interest because it is consistent with the objectives of the particular height standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

Refer to separate Clause 4.6 Report accompanying this Statement for a full explanation and justification of the height variations.

4.4 SEPP NO. 55 – REMEDIATION OF LAND

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

Since the site has been identified as having accommodated a service station in the past, a Preliminary Site Investigation has been undertaken in accordance with the requirements of SEPP 55 which makes conclusions in regard to the suitability of the land for redevelopment for mixed-use residential purposes. The following extract from the report provides a summary of its findings.

> *In 1992, an environmental assessment was carried out by Groundwater Technology Australia Pty Ltd regarding removal of four UST were found at the site. Following the removal of the tank pits, the sample collection and soil screening for Volatile Organic Compounds (VOCs), TPHs, BTEX and lead concentration was undertaken. Based on the analytical results, they concluded that the impacted material from the site excavation and tank removal was remediated on site and returned to the clean tank pits (GTA, 1992).*
>
> *The findings of the assessment indicated the potential environmental concern, in relation to imported fill of unknown origin, former site activities including use as a service station, pesticide use, metal degradation, car park areas where leaks and spills may have occurred, and asbestos based building materials, which may pose risks to human and environmental receptors.*
>
> *The soil assessment results show that:*

- *All of heavy metals concentrations from the soil samples analysed met their respective assessment criteria under the HIL 'B', EILs and site derived EILs.*
- *All TRH, BTEX, OCs and PCBs concentrations from the soil samples analysed were below their respective HILs, HSL, ESL, EILs and/or Management limits.*
- *Asbestos was not detected in any of the samples analysed.*

Based on the results of this investigation it is considered that the risks to human health associated with soil contamination at the site are negligible within the context of the proposed use of the site for a mixed commercial/residential development with basement car parking and deep soil landscaping.

Accordingly, the preliminary site investigation has concluded that the site is considered to be suitable for the proposed use and the consent authority may be satisfied that the obligations under clause 7 of SEEP 55 are met.

4.5 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX)

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

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

4.6 SEPP (INFRASTRUCTURE) 2007

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

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

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

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Vehicle access to the development will occur from Lister Avenue while the submitted Traffic and Parking Assessment Report describes the limited impact on the traffic movements on the Princes Highway intersection.

A Noise Impact Assessment is provided with this application. In summary, the report provides the results of the assessment of traffic noise impacts on the amenity of future tenants within the proposed mixed use development and recommends mitigation measures as specified.

A noise survey was conducted and the processed data has been used to determine traffic noise from Princes Highway at the project site. The building design incorporates an acoustic screen for the lower part of the building with a single orientation to Princes Highway as the primary noise source.

The Assessment concludes that *"based on the noise impact study conducted, the proposed development is assessed to comply with the SEPP (Infrastructure) 2007 noise criteria with recommendations from this report. It is therefore recommended that planning approval be granted for the proposed development on the basis of acoustics".*

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

4.7 SEPP NO. 65 DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

A Design Verification Report by the project architects, Mako Architects, addresses the requirements of *State Environmental Planning Policy No. 65 Quality of Residential Flat Development* (SEPP 65) including the design quality principles for the proposed mixed use / residential flat development.

The SEPP 65 compliance statement prepared by Mako Architects, responds to the objectives of Parts 3 and 4 of the Apartment Design Guide (ADG).

A high level of achievement of the design criteria and guidance is provided particularly in regard to apartment amenity as well as building separation in order to achieve reasonable levels of external and internal visual privacy

4.8 ROCKDALE DEVELOPMENT CONTROL PLAN 2011

Rockdale Development Control Plan 2011 (the DCP) contains objectives and development controls for development within the Rockdale Local Government Area. An assessment of the proposed development against the provisions of Parts 4 and 5 of the DCP is provided in the table below:

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

DCP Reference & Requirement		Proposed / Comment
4.1 – SITE PLANNING		
4.1.1 Views and Vistas		
1. Development must consider any significant views to, from and across the site.	Y	There are no significant views to, from or across the site.
2. Development must retain existing views to Botany Bay, and where possible enhance views through site planning and building design.	Y	Views to Botany Bay are not available from the site or across the site.
3. Development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character of the area and its skyline.	Y	The site is located on gateway site to the Rockdale Town Centre along Princes Highway and has responded accordingly.
4. View corridors to landmarks and significant heritage items must be protected where possible. Applicants may be required to prepare photo montages of the proposed development to illustrate the impact on views.	Y	The proposed development has little influence on view corridors other than reinforcing the Highway as entrance to the Rockdale Centre.
5. Building forms and setbacks permit views from public streets and open spaces. In particular, views from public open spaces to the bay and district are preserved.		There are no significant views to, from or across the site.
6. Roof forms on the low side of streets...	-	Not relevant
7. Building forms enable a sharing of views with surrounding residences, particularly from the main habitable rooms of surrounding residences.	Y	Views opportunities from existing and future apartments on adjoining sites will remain available from building separation.
4.1.2 Heritage Conservation	-	There are no relevant heritage items in the vicinity of the site.
4.1.3 Water Management		
Stormwater Management		
1. Development must comply with Council's Technical Specification - Stormwater Management which provides detail of drainage requirements for different development types.	Y	As detailed by civil engineer in submitted Stormwater Report.
2. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention and landscaping and in the design of development.	Y	As detailed by civil engineer in submitted Stormwater Report.
Flood Risk Management	-	The site is not identified as being within a Flood Planning Area on the Flood Planning Area Map.

Water Conservation		
9. All new commercial and industrial development is to demonstrate the measures proposed, using water sensitive urban design principles to reduce water consumption.	-	Not wholly applicable – refer to BASIX for water conservation initiatives noting on site retention for reuse.
Water Quality		
10. Measures to pollutants in stormwater discharge from development sites are to be included in any development.	Y	As detailed by civil engineer in submitted Stormwater Report.
11. Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	-	Not relevant. The proposed development will not result in runoff entering directly to waterways or bushland.
Groundwater Protection		
12. Operating practices and technology must be employed to prevent contamination of groundwater.	-	Not relevant.
13. Development which has high potential risk to groundwater, e.g. development in the Botany Sands Aquifer must submit a geotechnical report to address how possible impacts on groundwater are minimised.	-	Not relevant.
4.1.4 Soil Management		
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways.	-	Refer to Soil Erosion and Sediment Control Plan
2. Development that involves site disturbance is to provide an erosion and sediment plan which details the proposed method of soil management and its implementation.	-	Refer to Soil Erosion and Sediment Control Plan
3. Development is to minimise site disturbance, including impacts on vegetation and significant trees and the need for cut and fill.	-	Refer to Soil Erosion and Sediment Control Plan
4.1.5 Contaminated Land		
1. Development on land that is or has previously been used for a purpose which is likely to have contaminated the site is to follow the procedures and guidelines contained in State Environmental Planning Policy 55 - Remediation of Land.		Refer to SEPP 55 assessment in this Statement.
4.1.6 Development on Sloping Sites		
1. The building footprint is designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	-	Building steps with slope and minimises the extent of excavation and fill needed.
2. To minimise cut and fill on sloping sites and to encourage good quality internal environments, any habitable room of a dwelling must have at least one external wall entirely above existing ground level.	Y	All apartments are above ground level
4.1.7 Tree Preservation		
1. Council consent is required to undertake tree work including removing, pruning,	-	The site is effectively clear of significant vegetation.

cutting down, lopping, and ringbarking of any tree if the tree: • is more than 3 metres tall, or • has a circumference in excess of 300mm at a height of 1 metre above the ground.		
4.1.8 Biodiversity		
1-5. Planting of indigenous plant species encouraged and impacts to be avoided on any indigenous flora and fauna on adjoining lands.	Y	The site is located in an established urban environment and does not contain any indigenous flora or fauna. Refer to landscape plan for planting schedule.
4.1.9 Lot Size and Site Consolidation		
Lot Size and Minimum Site Frontage		
1. The development must satisfy the relevant minimum lot size and minimum site frontage requirements: Mixed Use: For all development of 4 storeys or greater, a minimum frontage width of 18m is required.	Y	The site's principal frontage to the Princes Highway is 32.4m to Princes Highway and 27m to Lister Avenue .
Avoidance of Isolated Sites		
Developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed.	Y	The development of the site does not result in the isolation of adjoining parcels of land.
4.2 - STREETSCAPE AND SITE CONTEXT		
Site Context		
1. Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.	Y	The building design responds to the particular constraints of the site, while maintaining an appropriate scale and urban form in relation to the adjoining properties and surrounding existing and planned future development.
2. Development adjoining land use zone boundaries should provide a transition in form, considering elements such as height, scale, appearance and setbacks.	Y	A transition in scale is provided to the lower building forms to the south of the site along the Princes Highway in accordance with the underlying principles of the LEP height of building plan.
3. Buildings addressing or bordering public open space must relate positively to it through the provision of windows, openings, access points and outlook. Overshadowing of public spaces must be minimised.	Y	Site does not adjoin public open spaces
Streetscape Character		
4. The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.	Y	The building design and materials selection are compatible with that of other development in the locality and will make a significant contribution to the urban streetscape appearance and character.
5. Building setbacks from the street boundary are to be consistent with prevailing setbacks of adjoining and nearby buildings.	Y	Street setbacks have been derived from varying DCP controls without increasing GFA to achieve greater compatibility with adjoining existing and future development while diminishing the perception of scale.
6. Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners.	Y	The proposed corner treatment is a significant element of the design and the design excellence considerations.

7-9. External garages		Does not apply.
Pedestrian Environment		
10. Residential buildings adjacent to the street must address the street by having a front door and/or living room or kitchen window addressing the street. The frontage of buildings and their entries are to be readily apparent from the street.	Y	The frontages and entrances of the building will be readily apparent from the streets while the addressing of the building to the highway is balanced with noise mitigation.
11. Buildings are designed to overlook streets and other public areas to provide casual surveillance. Buildings adjacent to a public area must have at least one habitable room window with an outlook to that area.	Y	Apartments and ground floor commercial tenancies provide good passive surveillance of surrounding public domains.
12. Pedestrian and cycle thoroughfares are reinforced as safe routes	-	No thoroughfares are present
13. Site planning, buildings, fences, landscaping and other features clearly define public, common, semi-private and private space.	Y	The site layout and built form will clearly define the public and private domains.
14. Vehicle entries are discrete and minimise conflicts with pedestrians	Y	Basement entrance is to the minor street and provides for adequate sight lines to manage potential conflicts.
15. Development is to take advantage of opportunities to provide driveway access from rear laneways.	Y	As above.
Fencing		
16 – 30. Various controls.	-	No street fencing is proposed.
4.3 - LANDSCAPE PLANNING & DESIGN		
4.3.1 Open Space and Landscape Design		
1. Development must comply with Council's Technical Specification - Landscape.	Y	Landscaping has had regard to Council's Technical Specification - Landscape.
2. Council requires a Landscape Plan prepared by a qualified Landscape Architect to be included with development applications for all developments except single dwelling houses and secondary dwellings.		A suitable Landscape Plan has been submitted with the development application.
3. Significant existing trees and natural features such as rock formations should be retained and incorporated into the design of the development wherever possible.	-	No trees or rock features present on site
4. The amount of hard surface area is to be minimised to reduce runoff by: a. directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and b. utilising semi-pervious paving materials wherever possible.	Y	As far as practicable, the amount of hard surfaces has been minimised on deep soil areas.
5. Landscape must relate to building scale and assist integration of the development with the existing street character.	Y	Green Gateway treatment applies
6. Planting design solutions requirements (various)		The proposed landscaping has been designed in accordance with the planting design solutions.

7. Trees must be planted within properties to maximise tree cover.	-	Not available to the site
8. Landscaped areas, as defined in Rockdale LEP, must be provided at the following rates : Mixed use (with shoptop housing) / Highway Commercial 10%	Y	Landscaping is provided to areas which measures as being equivalent to over 10% of the site area.
9. At least 20% of the front setback area of a residential development is to be provided as landscaped area.	-	Not applicable
10. Landscaped areas should adjoin the landscaped area of neighbouring properties so as to provide for a contiguous corridor of landscape and vegetation.	Y	Achieved, however, limited opportunity in the site's urban context.
11. Where a basement car park protrudes above ground level and is not wrapped in residential or retail uses, the walls are to be screened with appropriate treatments, such as planting.	Y	Basement generally does not protrude above ground floor except at rear corner where it is suitably treated.
12. … street trees are to be provided in accordance with Council's Street Tree Masterplan.	Y	Green Gateway treatment applies
13. Council requires the footpath area adjacent to the site to be restored at the time of the development.	Y	May be made condition of development consent.
14 Development must comply with the streetscape requirements in relevant public domain plans.	Y	Green Gateway treatment applies
4.3.2 Private Open Space		
1. Each dwelling must be provided with a minimum private open space area as per specified in the ADG	Y	Each apartment has access to a balcony or terrace, as per the design criteria of the ADG.
2. Private open space is to be clearly defined for private use through planting, fencing or landscape features.	Y	Private open space is in the form of secure balconies with optimised privacy.
3. Development should take advantage of opportunities to provide north-facing private open space to achieve comfortable year-round use.	Y	Opportunities for solar access to private open space has been optimised.
4. Private open space must take account of the visual and acoustic privacy of its occupants and neighbours. Development must ensure that the usability of private open space of adjoining buildings is not reduced through overlooking and overshadowing.	Y	The private open space for each unit is not visible from the others on each floor and should not overlook the private open space on adjoining development.
5. Private open space areas are to act as extensions of indoor living areas.	Y	Each private open space area is accessed directly off the living area, providing an extension of the internal living space.
6. For residential at building and shoptop housing, private open space is to be provided for each dwelling in the form of balconies, roof terraces or in the case of ground floor units, courtyards.	Y	The private open space for each unit is in the form of a balcony and is accessed directly off the living area.
7. Balcony design is to: maximise habitability; provide privacy, e.g. the use of adjustable	Y	Each balcony provides a usable area that will allow for privacy and provide for a variety of uses.

screens; and provide for a variety of uses, including clothes drying in open air.		
4.3.3 Communal Open Space		
1. A primary communal open space area of adequate dimensions must be provided for use by all residents, for shoptop housing of a mixed use development which has 12 or more dwellings.	Y	Seating areas amongst lush planting coupled with informal play areas and garden spaces are located on level 10 roof top.
2. The development must provide a communal area for the benefits of its residents at the rate of 5m2 for each dwelling within the development. Where a development is unable to reasonably meet this minimum requirement (or a development containing less than 12 dwellings) an equivalent area of additional private open space is to be provided for each dwelling.	Y	The total amount of landscaped communal areas is roof top communal open space equals 887.5 m2 or 8.8 m2 per apartment, while the main area on the roof top equates 437m2 or 4.3 m2 per apartment and which is of high quality and useability.
3. Communal areas should achieve listed outcomes (a to i).	Y	Listed outcomes generally achieved.
4. Any internal communal area must have regard to its relationship to outdoor communal areas. It should be designed to provide for a range of uses such as meetings, leisure, recreational and sporting activities. In this respect it may be appropriate to incorporate kitchenette and toilet facilities.	Y	No internal communal areas provided given centre location but BBQ and food preparation area as well as toilet facilities provided to roof top communal open space.
5. Communal open space may be accommodated on a podium or roof in a residential mixed use building provided it has adequate amenity and convenient access.	Y	The roof has been utilised for communal open space given mixed use nature of building.
4.4 - SUSTAINABLE BUILDING DESIGN		
4.4.1 Energy Efficiency		
1. A BASIX certificate is to be submitted with the development application for residential development.	Y	BASIX certificate submitted with application.
2 A report on energy and water efficiency is to be submitted with the development application for any building works with a construction cost of $1,000,000 or more.	Y	A Energy and Water efficiency Report has been submitted.
4.4.2 Solar Access		
1. Development must be designed and sited to minimise the extent of shadows that it casts.		Refer to shadow diagrams. Generally the higher portion of the building is furthest from adjoining developments to minimise the effect of shadows.
2. Building form, separation and plan layout facilitates good solar access to internal and external living spaces.	Y	Apartments design to ADG criteria and guidelines.
3. Buildings must be sited to reduce overshadowing on adjoining properties by increasing setbacks, staggering of design, variations in roof form and/or reducing building bulk and height.	Y	The setback to the south western boundary has been staggered through an increased setback to reduce proximity to adjoining buildings and the extent of overshadowing.
4. Development must have adequate solar access as per the following standards. Where existing adjoining properties currently receive less sunlight than these standards, sunlight	Y	72.3% of apartments receive 2 hours of solar access between 9am and 3pm mid-winter as per ADG requirements while overshadowing of existing

must not be reduced by more than 20%. Living rooms and private open spaces for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.		and approved adjoining apartments will be limited by the adopted setbacks, orientation and massing.
5. Shadow diagrams are to be submitted with the development application for any building of two or more storeys to illustrate the impact on adjoining properties and/or the public domain.	Y	Shadow diagrams have been submitted in the architectural plan set.
6. The diagrams should provide information relating to the effect of the proposed development at 9 a.m., 12 p.m. and 3 p.m. on: a. 21 June (mid-winter), b. 21 December (mid-summer) and c. 21 March/September (equinox)	Y/ N	Submitted shadow diagrams meet ADG requirements but are limited to Winter Solstice and Equinox analysis but include accurate sun 'eye' analysis.
4.4.3 Natural Lighting & Ventilation		
1. Buildings must comply with the following minimum ceiling heights to facilitate adequate natural lighting and ventilation: Retail and commercial - 3.3m. Resi habitable space - 2.7m, non-habitable 2.4m	Y	Generally 3.9m is provided for retail ceiling heights while apartment living rooms and bedrooms is 2.7m and bathrooms and kitchens is 2.4m minimum. Above ground floor to floor heights are typically 3.1m to achieve the required internal heights
2. Buildings must be designed to maximise opportunities for cross flow ventilation by providing clear breeze paths and shallow building depths.	Y	Building generally averages 18m from glass line to glass line.
3. Windows that can open and which are designed to provide controlled air flow must be installed.	Y	The windows are openable to allow for natural ventilation
4 to 6. Office premises ….	-	Not applicable
4.4.4 Glazing		
1. Areas of glazing are located to avoid energy loss and unwanted energy gain.	Y	Façade treatment provides flexibility for an arrangement of conditions in the ratio of solid to glazing
2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east.	Y	Living room doors and glazing are shaded by balcony ledges. Glazing is limited to the south to reduce heat loss.
3. Commercial buildings must not compromise the amenity of the public domain through excessive glare and reflection.	Y	Materials reflect commercial nature of street interface without excessive glare and reflection.
4.4.5 Visual and Acoustic Privacy		
Visual Privacy		
1. The windows of a habitable room with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m: are sufficiently off-set to preclude views into the windows of the adjacent building; or have sill heights of 1.7m above floor level; or have fixed obscure glazing in any part of the window below 1.7m above floor level.	Y	There are limited windows of adjoining buildings and no windows to habitable rooms within 9m.

2. Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings.	Y	Adequate building separation is provided in accordance with the ADG to minimise the effect on privacy to limited windows in adjoining buildings.
3. The use of the roof top area for recreational purposes is permissible subject to the following….	Y	The roof top of the lower building will be utilised for communal open space accessed from the taller building core and with adequate safeguards.
Acoustic Privacy		
4 – 6. Dwellings in general		
7. All residential development except dwelling houses are to be insulated and to have an Impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by AAAC.	Y	Recommendations of the submitted Noise Assessment of the proposal have been accommodated or are capable of incorporation at detailed design stage.
8. In attached dwellings and multi-unit development the internal layout should consider acoustic privacy, by locating circulation spaces and non-habitable rooms adjacent to party walls.	Y	The potential for internal floor noise transmission has been considered in apartment configurations.
Building Separation		
9. For residential at buildings and shoptop housing, the building separation for internal courtyards and between adjoining sites increases in proportion to building height in accordance with the minimum dimensions *	Y	Building separation appropriate for mixed use area and sufficient for adjoining developments.
10. Zero building separation is permitted for residential at buildings in mixed use areas where the development is a street wall building type with party walls.	-	Setbacks provided to both sides
4.4.6 Noise Impact		
1. Where development must comply with the Australian Standard 2021:2000 - Acoustic - Aircraft Noise, in relation to interior noise levels, the applicant is to provide an Acoustic report prepared by a suitably qualified Noise Consultant to advise on appropriate measures to be incorporated into the design of the building so it will meet this standard.	Y	Noise Assessment provided. Noting that the site is outside of aircraft noise affectation area and accordingly is limited to road and construction noise.
2. Details of any mitigation measures must be included with the Development Application submission. The mitigation measure must be consistent with the BASIX certificate.	Y	Refer to Noise Assessment.
3. Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, hours of operation and/or service deliveries.	Y	Hours of operation of ground floor retail uses may be imposed to limit night time noise otherwise, apartments suitably protected from noise intrusion from tenancies and deliveries.
4. External walls facing potential sources of noise are to be constructed of materials with good sound insulating quality and have no large openings that would transmit noise.	Y	External walls have been design to take into account potential road noise intrusion.
5. The building plan, walls, windows, doors and roof are to be designed to reduce	Y	Refer to Noise Assessment.

intrusive noise levels from potential sources of noise emanating from adjacent non-residential uses,		
6. Balconies and other external building elements are to be located, designed and treated to minimise noise infiltration.	Y	As above, the Highway interface is defensive against road noise with an acoustic screen and without balconies or living areas to assist protection from road traffic noise.
7. Where new windows face potential sources of noise, they are required to be fitted with noise attenuating glass to minimise the impact of background noise from non-compatible development.	Y	As above
8. Design landscaping of communal and private open space to create a buffer between new residential development and adjacent potential sources of noise.	-	Not applicable
9. Residential at buildings are to be designed to minimise any potential conflicts with existing industrial uses in terms of acoustic and visual privacy:	-	Not applicable
4.4.7 Wind Impact		
1. Buildings must be designed and proportioned to consider the wind generation effects.	Y	A detailed Wind Environment Report based on tunnel tests of the proposal has been undertaken and all recommendations have been accommodated.
2. Buildings of 5 or more storeys in height (or over 16 m) require wind tunnel testing.	Y	Refer to Wind Environment Report for details of wind tunnel testing.
4.5 - SOCIAL EQUITY		
4.5.1 Housing Diversity and Choice		
1. Residential at buildings and shoptop housing are to comply with the following dwelling mix: 3 bedroom and more 10%-20% 2 bedroom 50%-75% 1 bedroom - studio 10%-30%	Y	Approximately. The proposed accommodation of 101 dwellings comprises 3 Bedroom – 13 (12.9%) 2 Bedroom – 68 (67.3%) 1 Bedroom – 20 (19.8%)
2. The required dwelling mix may be refined having regard to: - the location of the development…; - population trends; etc - whether .. public housing….	-	Not required
3. Developments containing less than 10 dwellings may vary the required dwelling mix, providing a range of dwelling sizes are represented.	-	Not applicable
4. For multi-dwelling housing, residential at buildings and shoptop housing, adaptable housing complying with AS 4299 is to be provided - for more than 30 dwellings : 10%	Y	10% of apartments are adaptable comprising 10 one and two bedroom units.
5. For residential at buildings and shoptop housing, development is to provide barrier free access to at least 20% of dwellings.	Y	All apartments are visitable and barrier free. A total of 22% or 22 apartments meet Liveable Housing Design Guidelines "silver level" universal design standards in accordance with ADG guidance.

4.5.2 Equitable Access		
1. The siting, design and construction of premises available to the public are to ensure an appropriate level of accessibility, so that all people can enter and use the premises. Access is to meet the requirements of the Disability Discrimination Act, the relevant Australian standards and the Building Code of Australia.	Y	Equitable access to all parts of the proposed building has been provided. Refer Disability Access Report
2. An Access Report may be required to be submitted with a development application for development other than single dwellings and dual occupancies.	Y	A Disability Access Report has been submitted
4.6 - CAR PARKING, ACCESS AND MOVEMENT		
Parking Rates		
1. Development is to provide on-site parking in accordance with the (DCP) rates: Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council	Y	A Traffic Report prepared by NK Traffic demonstrates that parking provision meets DCP controls and in excess of RMS guide as referred to by the ADG.
2. Shared parking concession for mixed use development A shared parking concession allows parking to be shared within the development based on the temporal parking demand between uses. Assessing the parking requirement for a development using a shared parking concession aims to provide the development with a more efficient parking supply, which ultimately provides a more sustainable development.	Y	The shared parking concession has been applied .
3. Travel Demand Management Concession A 20% reduction of the 'non-residential' component of the parking requirement shall be applied to any development within the Rockdale Town Centre and Wolli Creek Town Centre.	Y	The 20% reduction in parking provision has been adopted in the above parking assessment.
4. Parking provisions for "change of use" developments	-	Not applicable
5. Parking provisions for 'alterations and additions' to existing development	-	Not applicable
6. Prior Contributions		Not applicable
Car Park Location and Design	-	
7. Vehicle access points and parking areas are to achieve outcomes a to e	Y	Basement entrance accords with criteria.
8. Car parking and service/delivery areas are to be located so that they do not visually dominate either the development or the public domain	Y	Car parking and delivery areas are discreetly positioned within the basement.
9. Carparking areas must be well lit, well laid out and facilitate convenient manoeuvring into and out of spaces and should have a legible circulation pattern with adequate signage.	Y	The basement car parking levels will be well lit and allows for adequate manoeuvring. Refer to Traffic Report for analysis

10. Developments shall be designed with internal maneuvering areas so that vehicles can enter and exit the site in a forward direction:	Y	All vehicles will be able to enter and exit the site in a forward direction.
11. Basement car parking is to achieve outcomes a to e.	Y	Basement car parking generally achieved required outcomes
12. The widths of access driveways shall comply with Council's Technical Specifications.	Y	The designed width of the driveway is considered adequate and in accordance with the RMS Guide and AS2890
13. For development on land fronting a Classified Road, the applicant must demonstrate that the development would not conflict with the traffic flow by reason of vehicles entering or leaving the site, or from parking congestion. Where available, all vehicular access to the land must be by way of a service lane or road other than the Classified Road.	Y	All vehicle access is available from Lister Avenue, being the side street from the Princes Highway and should not unreasonably interfere with traffic flow.
14. All car parking for residential at buildings is to be provided within a basement car park, with the exception of any required accessible or visitor parking which may be provided at-grade.	Y	All parking is within the basement.
15. Mechanical parking systems may be supported subject to compliance with the requirements from Council.	-	Not applicable
16. All visitor car parking must be clearly marked, and must not be behind a security shutter unless an intercom system is provided for access.	Y	The visitor parking may be clearly marked and freely accessible.
17. Parking spaces for people with a disability are to be provided in close proximity to lifts or access points.	Y	The accessible parking spaces are distributed as close as practical to the lifts.
18. Garage doors must be treated as an integrated element of the building design.	-	No garage door is proposed.
19. Where building uses will require the provision of loading facilities they are to be designed in such a way as to permit all loading and unloading to take place wholly within the site and prevent conflict with pedestrian and vehicular movement within or surrounding the site.	Y	The loading area provides for all loading and unloading within the basement in an area where is no potential for pedestrian or vehicular conflict.
Car Wash Facilities		
20. For buildings with 5 dwellings or more, at least one visitor car parking space is to be equipped with car wash facilities that has a cold water tap and is connected to the sewer system.	Y	The car wash space located in basement level 1 will be equipped with car wash facilities such a cold water tap and connection to the sewer system.
Pedestrian Access and Sustainable Transport		
21. Pedestrian access within a development must be legible and separated from vehicular access wherever possible.	Y	The pedestrian access to the building is separated from the vehicular access. The residential entry is located on Lister Ave separate from the basement carpark entry while commercial entrances are direct from the Highway frontage.

22. Provide safe and convenient pedestrian access from car parking and other public areas, with well co-ordinated signage, lighting, security, direct paths of travel with stairs and disabled access ramps.	Y	Safe and convenient access (lift and fire stair) is provided between the basement parking areas, the ground floor residential lobby and all levels of the building.
23. Provide legible bicycle access between the cycle network and bicycle parking areas, which does not create conflict with pedestrian traffic.	Y	Bicycle access is available by road carriageway.
24. All bicycle parking is to be secure and where provided within the public domain must be designed to minimise obstruction of pedestrian movement.	Y	Bicycle parking provided in all basement levels will be secured by controlled access to basement.
25. Design of bicycle parking is to cater to the various users of the development and their differing modes of bicycle parking required, such as: parking for employees or residents, and visitor parking, which is conveniently located preferably in areas which provide passive surveillance at ground level.	Y	Bicycle parking is available for resident and commercial building occupants and visitors.
26. Where bicycle parking is to be provided for residents in basement car parks, it is to be in the form of individual bicycle lockers or within a caged or gated secure area.	N	Bicycle parking in basement levels will be secured by controlled access.
27. Bicycle parking for non-residential development is to be provided as bike racks within publicly accessible areas or within the parking area.	Y	Parking provision for ground floor shops are provided in level 1 basement set aside for commercial users.
28. New developments must maintain and enhance existing pedestrian, cycle and public transport networks including bus stops.	Y	Development is supportive of existing movement networks and improve the pedestrian environment on Lister Avenue in particular.
29. Design initiatives which promote sustainable transport are encouraged and can include:	Y	The Traffic Report makes recommendations as to Shared Spaces.
31. Use ground surfaces throughout the pedestrian network that are slip-resistant, traversable by wheelchairs and indicate changes of grade by use of materials which provide a visual and tactile contrast.	Y	The street frontages to the Highway and Lister Avenue have been designed to be accessible.
4.7 - SITE FACILITIES		
Air Conditioning & Communication Structures		
1. Satellite dishes, TV antennas, air conditioning units and any ancillary structures.	Y	May be conditioned by Council.
2. For each building comprising more than 2 dwellings, a master TV antenna or satellite dish is to be provided. Individual antennas or dishes may not be placed on balconies or verandas.	Y	May be conditioned by Council.
Waste Storage & Recycling Facilities		
3. Development must comply with Council's Technical Specification - Waste Minimisation and Management regarding construction		A Waste Management Plan has been provided.

waste and on-going management of waste facilities.		
4. Waste must be minimised through source separation of waste, reuse and recycling by ensuring appropriate storage and collection facilities.		A dual-chute system has been adopted where recycling and general waste are separated to respective bins in lower ground/basement.
5. Waste storage areas/facilities must be appropriately located so that they are easily accessed by tenants and do not have negative impacts on the streetscape or the residential amenity of occupants and neighbours with regards to smell, visual appearance or noise disturbance.	Y	Waste storage area is located in basements so as to be conveniently accessed, visually screened and not a source of odour nuisance to residents.
Development must incorporate convenient access for waste collection.	Y	Waste collection to occur on site within the first basement level of the building.
For mixed uses, industrial and other non-residential uses, waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.	Y	Two shared waste rooms for commercial and residential is provided around the lift cores with access for residents only required for bulky goods storage.
Service Lines/ Cables		
8. Substation facilities must meet Energy Australia's requirements and if able to be viewed from the street, must be screened by landscaping to a height of at least 1.5m.	Y	May be conditioned in consent.
9. In Wolli Creek and Bonar Street precincts, the developer is required to relocate underground electricity cables on the frontages at no cost to Council.	-	Not applicable
10. Internal communication cabling must be installed for telephone, internet and cable television uses.	Y	May be conditioned in consent.
Laundry Facilities and Drying Areas		
11. Laundry facilities are to be incorporated into each dwelling unit.	Y	Each apartment is provided with an internal laundry.
12. Drying areas are not to be located forward of the building line or within the setback to any street frontage and should be screened from public view.	Y	Drying areas are not located forward of the building line or within the setbacks to the street frontages.
13. Design should allow residents to hang clothes to dry in an open and preferably sunny part of the site.	N	Site constraints preclude setting aside a suitable area for external resident clothes drying
14. Each dwelling in a dual occupancy or multi dwelling housing must be provided with a separate clothes line with a minimum length of 7.5m.	N	Not considered suitable or warranted in circumstance.
Letterboxes		
15. Letterbox points are to be integrated with building design and are preferably to be located in a covered area attached to or within the building.	Y	Letterboxes may be located within the building foyer and direct to commercial tenancies.
16. Letterboxes are to be centrally located either/or close to the major street entry and lockable.	Y	As above

17. For development with multiple dwellings, letterboxes are to be visible from at least some of the dwellings, and located where residents can meet and talk, preferably with seating and pleasant ambience.	Y	As above
Storage Areas		
18. For residential at buildings and shop top housing, a minimumof 10m3 storage area must be provided for each apartment. The storage area is to be exclusive of bedroom wardrobes, kitchen cupboards and services. At least 50% of the required storage within each apartment must be accessible from either the hall or living area.	Y	Storage areas to all apartments comply with minimum volumes requirements of the ADG
Hot Water Systems		
19. All hot water systems/units located on the balcony of a dwelling must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.	Y	A central hot water system is proposed.

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

5.2 RESIDENTIAL FLAT BUILDINGS		
Site Coverage		
1. Building footprints for residential at buildings are limited to 35% of the site area	-	Not applicable
Apartment Sizes		
Minimum apartment sizes	-	Minimum apartment sizes of the ADG supersedes DCP requirements.
Minimum room size requirements	-	Minimum room dimensions and sizes of the ADG supersedes DCP requirements.
Building Design		
6 – 23.	Y	Building design subject to design excellence process.
Building Entry		
24. The entry is to be designed so that it is a clearly identifiable element of the building in the street.	Y	A residential entry is located off Lister Avenue and Princes Highway with each being a clearly identifiable address.
25. Utilise multiple entries	-	Additional entrances are provided for retail tenancies from Lister Avenue and Princes Highway
26 Provide as direct a physical and visual connection as possible between the street and the entry.	Y	All entrances are direct.
27. At least one main entry with convenient, barrier-free access must be provided in all new development.	Y	Main entrance and all entrances are barrier free.
28. Provide separate entries from the street for pedestrians and cars; and different users	Y	Cars and pedestrians have separate access and residential and commercial premises entrances are separate.

29. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	Y	Entrances, loading area and circulation provides for furniture movement
30. Pedestrian entries should be located on primary frontages.	Y	Pedestrian entrances are from Lister Avenue and {Princes Highway being the primary frontages of the corner lot.
Lift Size and Access		
31. Lift provision and units per core	Y	Subject to ADG guidelines
32. Lift cars are to have minimal internal dimensions of 2.1m x 1.5m, capable of carrying stretchers, with lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.	Y	Lift cars comply with Australian Standards and have internal dimensions of 2.3m x 1.8m and will enable stretchers and bulky goods (furniture) to be easily transported.
33. Lifts are to be accessible from all levels of the building, including all basement levels. Level access to the lift from all basement levels must be provided.	Y	The lift is accessible from all levels of the building.
34. Each dwelling on a level above the sixth storey is to have access to two lifts.	Y	Two lifts provided for all residential apartments..
35. All common corridors are to have a minimum width of 2 metres to enable bulky goods (white goods, furniture etc) to be easily transported through the building.	Y	The common corridor widths vary but have a minimum width of 1.5m which is adequate for bulky goods movement.
36. All common corridors are to be provided with natural light and ventilation where feasible.	Y	Natural light and ventilation is provided near lift core.
5.3 – MIXED USES		
Development Setbacks		
1. Front setbacks must define a coherent alignment to the public domain and accentuate street corners.	Y	Refer to Part 7 DCP requirements.
2. Development is to be built to the street alignment with a zero setback. The uppermost floor level may be set back. If there is a predominant parapet line in the street, a setback from this line may be required to achieve a cohesive streetscape.	-	As above
3. Development on a busy road is to have a zero setback for at least the first three levels. A setback may be provided above the third level to ameliorate the impact of traffic noise and pollution.	-	As above
4. For minimum side and rear setbacks for shoptop housing refer to 5.2 Residential at buildings of this DCP.	-	As above
5. At the street frontage a zero side setback is required to achieve a street wall building.	-	As above
6. Generally the lower levels of buildings are to be built to side and rear boundaries or be set back no less than 3m. …	Y	Side and rear boundary setbacks exceed 3m.

7. For development on a site with rear lane access, development facing the lane should be built to the boundary.	-	Not applicable
Building Uses		
8. Building uses fronting the public domain at ground level are to be active uses wherever possible.	Y	The retail tenancies are located on the Princes Highway frontage and corner return on Lister Ave for approx. 10m to allow for building and basement entrances and will provide opportunities for active uses on both frontages
9. Residential uses are prohibited on the ground floor with the exception of access to upper level residential uses.	Y/N	Residential use provided at the rear ground level as it is unsuitable for commercial use and would be incompatible with adjoining residential uses.
10. Access to upper level uses does not occupy more than 20% of the ground floor frontage.	Y	Building access is less than 20% of primary frontage.
11. Development on a site that has a sloping frontage is to be designed to step with the longitudinal grade of the street.	Y	Retail tenancies and entrances stepped with sloping Princes highway frontage.
12. Where non-active uses, including building services and loading docks, are located on ground level, they must be 'wrapped' in retail or commercial uses at the street frontage.	Y	All non active uses behind commercial frontage.
13. Any development which contains above ground car parking must 'wrap' the car parking with active building uses on any street frontage. All above ground car parking must be internal to the building; no at-grade car parking is permitted.	-	Not Applicable
14. A minimum of 10% of the gross floor area of a mixed use development is to be for retail and/or commercial uses.	N	The commercial tenancies comprise 4.4 % of the gross floor area of the building. The commercial on the ground and lower ground floor occupy the maximum practical footprint possible while not impacting on adjoining residential developments and is suited to its fringe centre location. Note also that apartments within the development are capable of commercial use as offices or studios under the zone.
13. Retail premises are to be regularly shaped with minimal intrusions from building services and circulation. All retail premises must have internal access to the loading dock if provided.	Y	The commercial tenancies are regularly shaped and have minimal intrusion from building services and have internal access to a loading area.
16. Retail premises of less than 200 m2 must have a depth to width ratio between 1:1 and 3:1.	Y	Dimensions generally meet proportions.
Commercial		
17. Upper level commercial uses ..	-	Not applicable
18. Commercial premises over 200 m2.	-	Subject to separate DAs as to whether staff showers are warranted. Toilets provided.
19. Commercial premises under 200 sqm must have internal access to staff toilets and showering facilities and such facilities may be shared with other tenancies.	Y	Toilets available within ground level retail tenancy. Lower Ground is subject to fit out.

20. Consideration is to be given to horizontal as well as vertical separation of uses in larger developments.	-	Not applicable
21. In buildings which contain more than three floors of commercial or retail space	-	Not applicable
Flexible space		
22. Where upper level commercial is not provided, the first floor must be designed as flexible space to allow future adaptation. It must have a minimum floor to ceiling height of 3.3m	N	Flexibility not considered practical in building configuration.
23. Flexible space is to include design features which allow future adaptability including…	-	Not applicable
Shop-top housing		
24. All shop top housing must address at least one street frontage, and have its main access off the primary street frontage and not a public internal circulation space.	Y	The building entry and principal address for the residential apartments is directly from Lister Avenue and Princes Highway.
25. The building must be designed to minimise potential impacts of commercial uses (eg. restaurants and bars) on the amenity of residential users.	Y	The building has been designed to minimise potential impacts of commercial uses on the residential occupants above.
Building Design		
26. – 30. Various Façade and roof design is to comply with relevant controls in Section 5.2 Residential Flat Buildings of this DCP.	Y	Subject to Design Excellence process
31. Where buildings are situated on a corner site they have greater visual prominence and are to be designed to respond to street geometry, topography and sightlines. The façade treatment at the corner is to be designed to differentiate it from the street facades.	Y	The building reinforces the corner of the Princes Highway and Lister Avenue and has been designed to respond to the street geometry, topography, sight lines and its location as a gateway to Rockdale Town Centre.
32. The massing of a building on a corner site is to be distributed to enhance the street corner.	Y	The 'tower and tail' building massing will enhance the street corner at the northern part of the site as acknowledged in the Design Excellence Jury and Panel.
Public Domain Interface		
33. Building design avoids dead spots at ground floor level, such as car parking frontages, blank walls and recessed spaces.	Y	The ground floor street frontage along the Princes Highway is glazing and active with multiple entrances.
34. Areas of blank façade for structural and articulation purposes are only permitted with a width of no greater than 600mm.	Y	As above
35. Finer construction detailing and more textural materials, such as face brick, stone and timber, are encouraged at ground floor to add richness to the pedestrian experience of the built environment.	Y	Refer to details in architectural plans
36. For major retail developments including supermarkets and discount department stores	-	Not applicable

37. Operable shopfronts for cafes and restaurants are encouraged to promote lively interaction between the public and private domains.	-	Not precluded but not considered suitable in main road context especially given Green Gateway landscape treatments.
38. Buildings must provide access to all ground floor retail or commercial premises which front the street. This must be the primary means of accessing a given tenancy. On sloping sites, the levels must be contiguous at the entries, but may vary elsewhere by no more than 600mm.	Y	On grade access to the tenancies is provided direct from street frontages.
39. At pedestrian access points, the ground floor façade may be set back up to 1.2m provided that the resulting space is at footpath level (or graded from footpath level to the building entry) and has a depth to frontage (at building line) ratio of not more than 1:2.	N	The ground floor façades to commercial entrances is in accordance with setback controls while resident entrances have variable recess distances to suit site constraints as well as design. All accesses are at ground level.
40. Any development containing a public internal circulation space from which retail premises are accessed	-	Not applicable
41. Garage doors should be set back. All vehicle entries are to have security shutters and be designed to integrate with the overall façade composition.	Y	Suitable and integrated security shutters to the basement are set back from the building edge.
Visual connection		
42. Development includes display windows with clear glazing to ground floor retail and commercial premises with a maximum windowsill height of 700mm. Glazing is not to be frosted or otherwise obscured at eye level; between the heights of 0.7-2.1m.	Y	Glazing treatment for commercial tenancies is appropriate and paramount to general facade treatment.
43. Upper level building uses are to be designed so that they overlook the public domain particularly where continuous awnings are not provided, allowing opportunities for casual surveillance.	Y	Opportunities for casual surveillance has been optimised given need for noise amelioration requirements.
44. All ground floor lobbies are to have direct visual connection with the street, with clear sight lines.	Y	Direct visual connection provided.
45. Security features at ground level complement the design of the façade and allow window shopping and the spill of light into the street out of business hours.	Y	Desired outcome achieved
46. Roller shutters over windows and entry doors are not permitted.	Y	None proposed.
47. New through site links should be connected with existing and proposed through block lanes, arcades and pedestrian ways and opposite other through site links.	-	Not applicable
48. Existing arcades and walkways must be retained or replaced when a site is redeveloped.	-	Not applicable
49. Pedestrian through site links and arcades are to achieve specified outcomes.	-	Not applicable

50. Consider supplementing walkways and arcades with outdoor areas such as courtyards and outdoor rooms.	-	Not applicable
51. Laneways that form part of the pedestrian network are to achieve specified outcomes.	-	Not applicable
52. Refers to Ramsgate Centre only	-	Not applicable
Awnings		
53. Continuous awnings are to be provided to all retail streets. and are to provide protection from both sun and rain	Y/N	Awning treatment in keeping with Green Gateway requirements for the Highway frontage but provided on Lister Avenue
54. Awnings meet the following requirements: • …	N	Awning treatment in keeping with Green Gateway requirements and Lister Avenue context
55. Awning height provides continuity with adjoining properties and follows the street gradient. It is to be of sufficient depth to provide good shade and shelter to pedestrians.	Y	Awning treatment in keeping with Green Gateway requirements and Lister Avenue context which is without adjoining continuity, but provides sufficient shade and shelter for pedestrian visitors.
56. Under awning lighting is included, either recessed into the soffit of the awning or wall mounted on the building.	NA	
57. Variation in the awning treatment at lobbies and entries to upper level building uses is encouraged to improve the legibility of the building.	NA	
Parking		
58. Where a building contains residential and non-residential uses, separate lift access must be provided from basement car parking to the residential and non-residential areas.	N	The two sets of dual lifts serve resident and commercial uses which is appropriate given limited extent of commercial activity. Additional lifts would be uneconomic and result in the need to reduce lift access for residents.
59. Residential parking spaces must be secure and separate from non- residential vehicle parking and servicing areas.	Y	The residential parking spaces are separate from non-resident and servicing spaces.

COMPLIANCE TABLE – Part 7 – Special Precincts

7.5 ROCKDALE TOWN CENTRE		
7.5.1 Building Use and Function		
Street Role: Centre Edge Residential. • Active retail uses permitted on the ground floor frontage • Access to residential lobbies should be from this frontage • Ground floor residential with direct street access permitted • Vehicle access permitted where the development does not front a Service Laneway	Y	Ground floor street frontage along the Princes Highway is commercially active with retail tenancies. Residential entrances provided to both frontages Ground floor residential proposed only at rear. No service lane available.

• Service access permitted where the development does not front a Service Laneway		All services appropriately provided via Lister Avenue
Pedestrian connection		
1. Applicants are encouraged to liaise with Council to deliver a pedestrian link between Princes Highway or King Street Place and laneways	-	Not applicable
New public open space		
2. Development fronts the public spaces identified in the Street Role Diagram must have an active retail frontage.	-	Not applicable
Residential apartment design		
3. A diversity of housing choice is to be offered by mixed use developments by providing a variety of apartment types and sizes.	N	Suggested apartment typologies not considered suitable in the centre edge context but are adaptable for home office use etc
Parking and Loading		
4. Shared vehicular access between developments, especially along Active Laneways, is encouraged.	Y	No laneway or driveway sharing opportunities exist.
5. No on site loading bay is required for developments with less than 1000m² of retail space.	Y	On site loading provided.
6. Where no loading bay is provided on site, all retail tenancies are to have access to a street or lane with a marked loading bay, either directly or via a common retail servicing space separate from the residential basement parking area.	Y	All retail tenancies have access to the basement service and loading area.
7. Visitor carparking provided on site must be provided behind a security gate or shutter accessed via intercom	Y	The visitor parking is located in basement level 1.
8. Despite the requirements of the Parking and Loading Technical Specification, developments which contain residential accommodation are only required to provide on-site loading for removalists for a small rigid vehicle.	Y	Loading area will accommodate small rigid removalist vehicles
Commercial Space		
9. Where permitted, ground level residential units which are directly accessible from the street should include spaces suitable for use as a home office.	Y	The one ground level rear apartment with potential direct access is capable of conversion or use for low impact office activities.
10. Innovative solutions to provide the flexibility to meet future commercial space demand are encouraged.	Y/N	Suggested apartment typologies not considered suitable in the centre edge context but are adaptable for home office use etc
Communal open space and landscape design		
2. A minimum of 25% of the site area is dedicated for communal open space. At least one of the communal open spaces must be large enough for recreational uses	Y	Accumulated communal open space areas (887.5 m2) equates to 44% of the site area while the main communal open space on the rooftop (437 m2) equates to 22% and which is large enough for a variety recreational uses.

3. At least 50% of the communal open space should be soft landscaping.	Y	Approximately half of the roof top communal open space provided area is soft landscaping.
4. Refer to Part 4.3.3 Communal Open Space for design specifications.	Y	Referenced – refer to Landscape Drawings
5. A portion of the roof top of mixed use developments should communal open space area containing soft landscaping, accessible by all residents. It is to include adequate drainage and have access to Greywater or Rainwater.	Y	Roof top is used for accessible and landscaped communal open space.
6. All soft landscaping areas in a development must have access to Greywater or Rainwater to meet their watering needs.	-	Refer to BASIX and storm water management plans
7.5.2 Building form and character		
Setbacks		
1. All developments in the town centre are to be built to the street edge on the lower level. The street edge is the street frontage boundary or where stipulated in the following table, the identified front setback.	Y/N	The tower element is built to a 3m setback to Princes Hwy in accordance with Green Gateway (Arterial Edge) with further setback to the 'tail' building element up to 9m to match the façade of the adjoining building. The tower element is built to a 2m setback from Lister in accordance with Centre Edge Residential Streets without upper storey setback to provide a more coherent corner treatment. The adjustment of setbacks does not result in an increase in GFA. Refer to architecture plan DA2 0002 for explanation and analysis.
2. All developments are to build to the side boundary and abut adjoining developments at the street edge and front build to line.	Y	The podium is built on the street edge side boundary to Princes Highway only in accordance with Arterial Edge requirements.
3. Portions of buildings away from the street edge may be setback from the side boundary. Where this is the case they must be setback far enough from the side boundary for adequate building separation to be achieved or be able to be equitably achieved with future adjoining redevelopment.	Y	Side boundary setbacks / building separation appropriately respond to existing and approved adjoining building form conditions as well as DCP standards.
Street Character		
4. The Street Character diagram designates the character type of all streets in the Centre. Developments are to comply with the building envelopes and desired future character of the corresponding street type for all street frontages as per the following street sections and standards.	Y	Conforms to Arterial Edge requirement except for corner tower element which excludes upper level setbacks so as to provide a more coherent corner treatment.
5. Unless otherwise stated the setbacks illustrated in the street sections are build to line, meaning that the facade of buildings must be built to this line to create a consistent, continuous and definite street edge.	Y	Site subject to Arterial Edge – Green Gateway and Local Edge
Arterial Edge Road frontages of any development as designated by the Street Character diagram, the building envelop is (as per the section above):	Y	The Green Gateway (Arterial Edge) requirements and style sheet have been adopted for the Princes Highway street setback and frontage.

Lower 3 storeys are to be setback 3m from the property boundary to support the landscape frontage of the Green Gateway. Levels above the 3rd storey are to be setback at least 6m from the property boundary.	The treatment of the street corner as well as side and rear setbacks reflect the Design Excellence outcomes and respond to immediate context, and site conditions and opportunities.
The portion of the building above the 3rd floor is to have a side setback of at least 4.5m, a separation between buildings of at least 9m, and a maximum facade length of 40m. A minimum 9m rear setback is to be provided where development shares a boundary with a residential property.	A 4.5m and 9 m setback is provided on the eastern side / rear of property while the southern boundary is 4.5m at the front but with a variation to 3m to the rear to optimise solar access and views.
The design of the street wall buildings should complement the proportion/scale of the neighbouring street wall buildings. Comply with Arterial Edge-Green Gateway Style Sheet for the 3m frontage landscape design specifications	The Street wall to Princes Highway has been designed as a continuation of the adjoining building podium as shown on the plans. The Landscape plans conform with the draft Style Sheet provided by Council.

4.9 GREATER METROPOLITAN REP NO 2 – GEORGES RIVER CATCHMENT

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

5 Environmental Assessment

5.1 SECTION 4.15(1)(A) – PLANNING PROVISIONS

5.1.1 Environmental Planning Instruments

In accordance with clause 1.8A of the Bayside Local Environmental Plan 2021, the site remains subject to the Rockdale Local Environmental Plan 2011 (RLEP 2011) despite being repealed.

The development as proposed is permissible under the provisions of RLEP 2011 and satisfies its relevant provisions.

A request under Clause 4.6 *Exceptions to development standards* of RLEP has been provided with this Statement to vary the height of building development standard and considered that strict compliance with the standard would be unreasonable or unnecessary in the circumstance, and that there are sufficient environmental planning grounds to justify contravening the development standard.

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

5.1.2 Development Control Plans

As demonstrated by the summaries in the compliance tables in Section 4 of this Statement and the Design Verification Report prepared by Mako Architects, the proposed development is characterised by:

- a high level of achievement with the SEPP 65 Apartment Design Guide objectives, design criteria, and design guidance; and
- overall compliance with the development controls and guidelines within Rockdale Development Control Plan 2011 that apply to the development;

whereby variances are generally minor and able to be justified on merit or the circumstances as set out.

Variations to building setbacks to facilitate the ‘tower and tail’ design strategy supported by Council officers and the Design Excellence Jury and Panel, does not result in an increase of gross floor area that would otherwise be ‘approvable’ with strict compliance with the DCP. (Refer to architecture plan DA2 0002)

5.1.3 Planning Agreements

The development application is accompanied by A Letter of Offer to enter a Planning Agreement under s7.7(3) of the *Environmental Planning and Assessment Act 1979* (Act) made on behalf of Moweno Pty Ltd and Pefomina Pty Ltd being the owners of the subject property.

The Offer was accepted by Council at its meeting of 13 October 2021 and comprises the dedication of the local road land reservation of approximately 88 m2 to widen Lister Avenue as shown in the submitted draft plan of survey.

It is anticipated that the requirement to enter into a Planning Agreement will be made a condition of consent and that it will not exclude the application of sections 7.11, 7.12 and 7.24 of the Act but which may be taken into account when determining any contributions payable.

The proposed planning agreement provides for the matters specified in sub-section 7.4(3) and does not obligate the consent authority to grant development consent as required by sub-section 7.4(9)(a).

5.1.4 The EP&A Regulation

Matters and information prescribed in clause 50 of the Regulation for the purpose of Section 4.15 of the Act have been incorporated into the development application and supporting material.

5.2 SECTION 4.15(1)(B) – THE LIKELY IMPACTS OF DEVELOPMENT

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

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

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

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

The proposed development will achieve accessibility requirements as confirmed by the Access Report as well as satisfy BCA requirements as noted in the BCA report.

Above average apartment amenity, and energy and resource conservation are achieved by optimising solar access, natural ventilation and meeting BASIX requirements.

The development has been designed to optimise solar access for apartments as well as suitable levels of solar access being maintained to adjoining properties whereby overshadowing will not be unreasonable given the urban centre context.

The Wind Environment Report indicates that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. Some areas will experience strong winds that exceed the criteria for comfort and/or safety and the suggested treatments have been adopted.

The latest wind environment assessment of 10 February 2022 concludes that "it is expected the inclusion of the proposed vegetation as indicated in the latest landscape scheme (prepared by Site Image, dated 8th February 2022) into the design of the development to be effective in wind mitigation and enhance the local wind to be acceptable for their intended uses."

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

Limited vegetation occurs on site and no street trees are adjoining but which will be enhanced by improvements to the public domain and landscaping of the 'green gateway' setback. Additional planting will be provided within podium setbacks and the rooftop communal open space area.

The Traffic And Parking Impact Assessment has made favourable conclusions as to the traffic impacts and parking provision (noting compliance with relevant standards), and including:

- *The Traffic modelling (SIDRA) of the intersection of Lister Ave and Princess Hwy indicates that, following the construction of the proposed development, the Level of Service (LOS) at the intersection of Lister Ave and Princess Hwy will remain unchanged, (LOS B) with non-noticeable traffic impacts to the operation of the traffic signals.*

- *The proposal is considered as highly accessible to the public transport hub. Cycling is also within a small distance from transport facilities and the Plaza. The Development's proximity to accessing Rockdale Railway Station, Public Transport and Rockdale Plaza Shopping Centre allows for the reduction of vehicle trips for residents and visitors.*

- *In summary, the proposed parking design satisfies Council's Guidelines, Bayside DCP, RMS Guide to Traffic Generating Developments as well as the Australian Standards There are no adverse parking or traffic implications identified.*

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

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

Design excellence considerations include the achievement of sustainability principles including energy and water conservation as outlined in the Energy and Water Efficiency, BASIX and NCC Section J Reports and Certification.

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

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

Waste minimisation and management measures will be implemented during the construction of the proposed development as well as during its on-going use.

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

5.3 SECTION 4.15(1)(C) – SITE SUITABILITY

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

The site is also free from natural hazards and land contamination which would preclude the proposed uses, while mitigating measures have been employed to protect future residents from potential impacts from road noise.

5.4 SECTION 4.15(1)(D) – SUBMISSIONS

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

5.5 SECTION 4.15(1)(E) – THE PUBLIC INTEREST

The proposed development is considered to be in the public interest as it assists in the efficient implementation of governing planning framework for an underutilised site without the potential for significant adverse environmental impacts while enabling a public benefit in the dedication free of cost to Council of a local road widening reservation while achieving recognised design excellence.

6 Conclusion

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

The scale and nature of the mixed use building is appropriate in its context and exhibits design excellence.

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

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

A request under Clause 4.6 *Exceptions to development standards* has been provided with this Statement to vary the height of building development standard and considered that strict compliance with the standard would be unreasonable or unnecessary in the circumstance, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The development as proposed will facilitate a Planning Agreement for public benefits in the dedication free of cost to Council of a necessary local road reservation to improve the Lister Avenue access for pedestrians and the amenity of the public domain in general.

Accordingly, the development application will result in a high quality urban outcome with substantive public benefits that is worthy of support on its merits and recommended for the granting of consent.