



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and construction of a twelve-storey shop top housing development, consisting of two commercial tenancies (ground level) and residential co-living above (comprising 157 rooms), with basement carparking and landscaping.

465-469 Princes Highway and 5-7 Geeves Avenue,
Rockdale

Prepared for: EMAG Apartments

REF M240199

27 September 2024



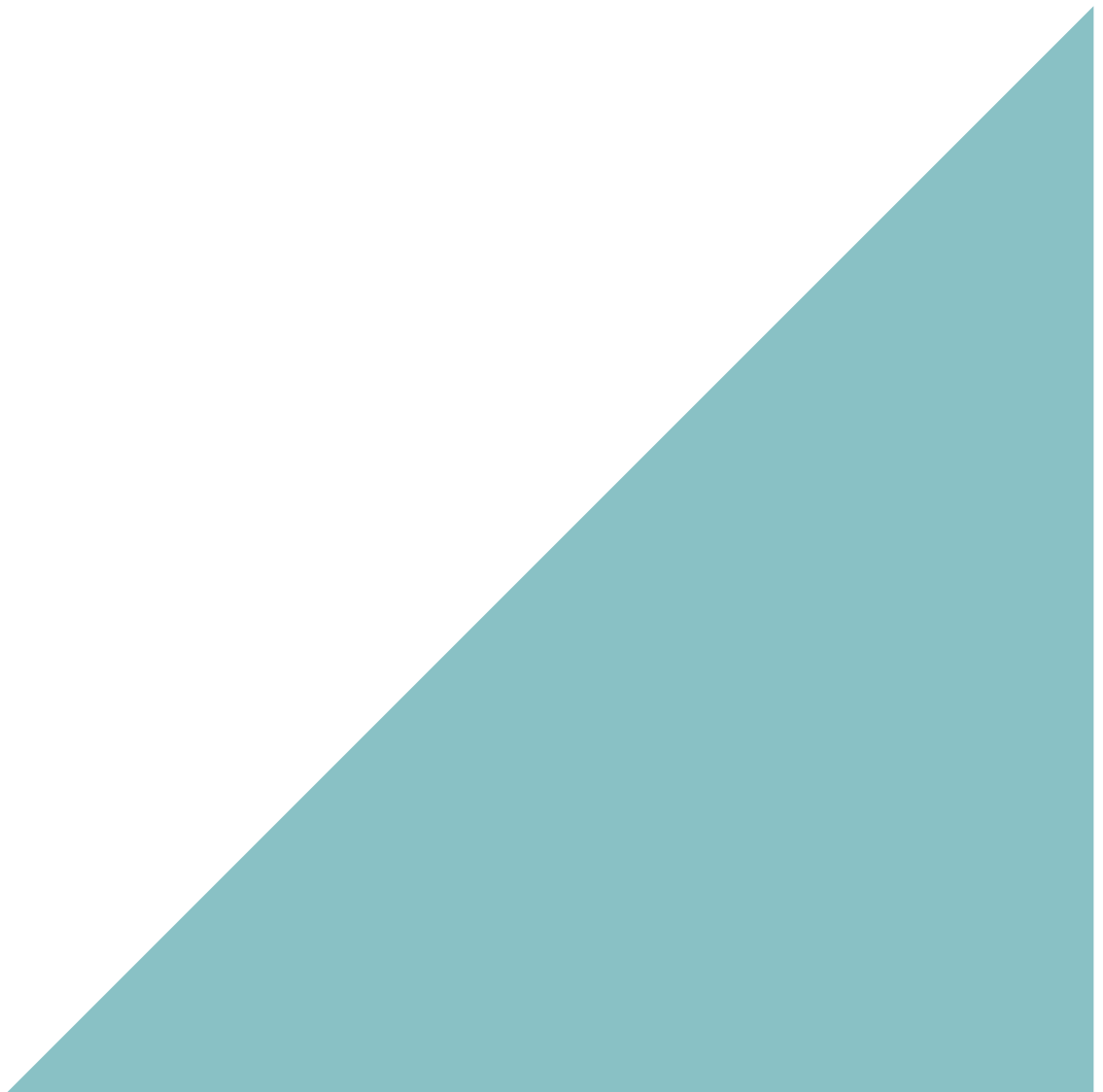


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1. Introduction

1.1 OVERVIEW

This Statement of Environmental Effects ('Statement') has been prepared on behalf of *Emag Apartments Pty Ltd*, the Applicant for the proposed development. The Statement is to accompany a development application to Bayside Council ('Council') seeking consent for the *'Demolition of existing structures and construction of a twelve-storey shop top housing development, consisting of two commercial tenancies (ground level) and residential co-living above (comprising 157 rooms), with basement carparking and landscaping'* at Nos. 465-469 Princes Highway and Nos. 5-7 Geeves Avenue, Rockdale ('site').

More specifically, the proposal is for the demolition of all existing structures on the site and construction of a twelve-storey shop top housing development, with two commercial tenancies on ground level and co-living accommodation above, including 157 co-living rooms (single and double rooms), of which eight are accessible and one is a managers room. The proposal also provides for four indoor communal living room and two communal open spaces, located at Levels 1 and 3, which provide extensive landscaping and facilities. Each Co-living room contains a kitchenette, en-suite facilities and laundry facilities.

In accordance with Clause 67 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), co-living housing is permissible with consent in the E1 Local Centre zone given *shop top housing* is permitted with consent under the *Bayside Local Environmental Plan 2021* (BLEP 2021). Co-living housing is defined in the BLEP 2021 as follows:

"co-living housing means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and*
- (b) provides occupants with a principal place of residence for at least 3 months, and*
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day, but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

Note— *Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary."*

The proposed development aligns with the objectives of the zone and is largely consistent with relevant development standards and planning controls, other than a variation to the height of buildings development standard under BLEP 2021. This non-compliance is consistent with the building height of other developments in the locality, and is reflective of the highly strategic location of the site. Importantly, the proposal will contribute to the quantum and diversity of housing in an area that is well serviced by public transport, being within a short 150m walking distance to the entrance to Rockdale Railway Station. A Clause 4.6 Variation to the height of buildings development standard is provided in **Annexure C**.

The proposal complies with the relevant provisions for co-living housing under the Housing SEPP, with the exception of parking and building separation to the north. The proposal meets the design guidelines in the *Bayside Development Control Plan 2022* (BDCP 2022), most notably those associated with the Rockdale Town Centre, and is a suitable form of development given the site context and emerging high-density character.

1.2 SUPPORTING DOCUMENTS

This application is accompanied by the following supporting information:

- Architectural Plan Package - prepared by *Alex Richer Architects*
- Access Report – prepared by *Vista Access Architects*
- Acoustic Report – prepared by *West and Associates*
- BCA Compliance Report – prepared by *Absolute BCA Access*
- Landscape Plans – prepared by *Paul Scrivener Landscape*
- Cost Report – prepared by *OPC&G Quantity Surveyors*
- Stormwater Plans – prepared by *LMW Design Group*
- Traffic and Parking Assessment – prepared by *PDC Consultants*
- Plan of Management – prepared by *EMAG Apartments*
- Wind Report – prepared by *Ana Civil*
- Design Excellence Review – prepared by *Urbanac*
- Waste Management Plan – prepared by *Archer Consultants*
- Geotechnical Report – prepared by *Morrow Geotechnics*

1.3 PURPOSE OF STATEMENT

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.4.15 of the *Environmental Planning & Assessment (EP&A) Act, 1979*.

This Statement is divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

2. Site Analysis and Context

2.1 THE SITE

The subject site comprises six lots located on the western side of Princes Highway known as Nos. 465-469 Princes highway and 5-7 Geeves Avenue, Rockdale. The legal description of the sites is Lot A and Lot B in DP 315664, Lot A in DP 306355, Lot A and B in DP 402977 and Lot 1 in DP 131822. **Figure 1** below illustrates the location of the subject site (outlined in blue).

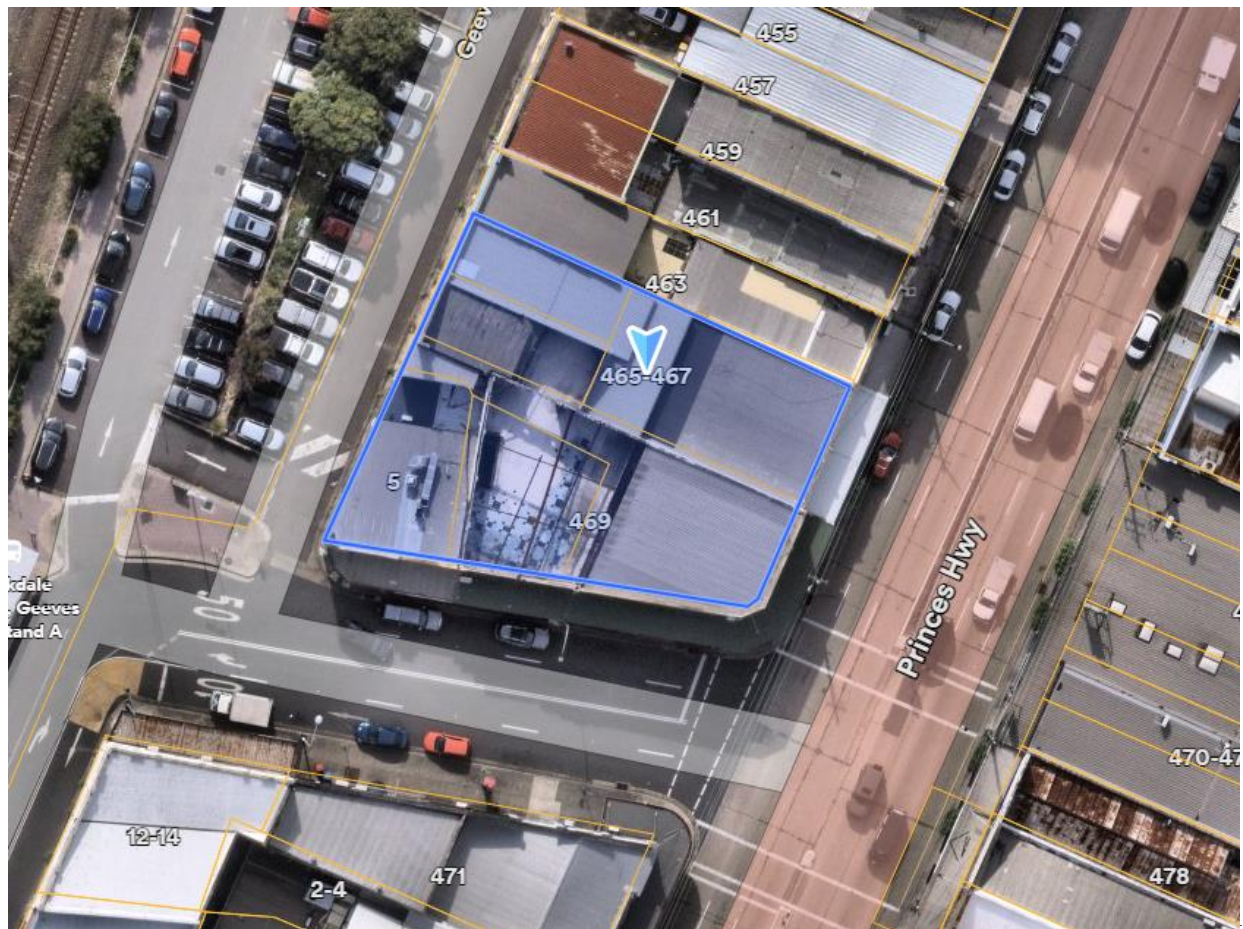


Figure 1 Aerial photo with site shown with blue outline (source: Nearthmaps)

The combined sites are irregular in shape, with a primary frontage to the Princes Highway of 21.32m, secondary frontage to Geeves Avenue of 36.9m, tertiary frontage to Geeves Lane of 30.265m and a northern (side) boundary of 35.96m. The site has a total area of approximately 927.3m².

The site contains dated one and two storey commercial buildings that front Princes Highway and Geeves Avenue, with access from Geeves Lane. These buildings consist of brick facades and glazing, with metal roofing. Vehicular access to the site is provided from Geeves Lane via multiple driveway crossings that lead directly to enclosed garages, built to the boundary. The site solely consists of hardstand surfaces, with no trees or vegetation located within the boundaries. Street trees adjacent to the site line the Princes Highway frontage and will be retained as part of this application.

Figures 2 to 5 below show photographs of the subject site.



Figure 2 Nos. 465-469 Princes Highway when viewed from the eastern side of the Princes Highway



Figure 3 Nos. 465-469 Princes Highway when viewed from footpath adjacent to the site



Figure 4 Nos. 5-7 Geeves Avenue viewed from the corner of Geeves Avenue and Geeves Lane



Figure 5 Nos. 5-7 Geeves Avenue viewed from the corner of Geeves Avenue and Geeves Lane

2.2 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located within the E1 Local centre zone and within the Rockdale Town Centre. Presently, the site and surrounds largely comprises single and double storey outdated commercial buildings, containing a variety of retail and business premises.

The Rockdale Town Centre is undergoing significant urban transformation and uplift. This is apparent in several recently constructed mixed use mid-rise buildings along the Princes Highway and within the town centre. The desired future character of the 'Princes Highway Core' (part of Rockdale Town Centre) is as follows:

Development will enhance the identity and amenity of the core area by providing a legible built form hierarchy, visual and physical connections between the railway station, King Street and Bay Street, and improving the public domain to create a positive, recognisable image of Rockdale.

Strong bold buildings are presented generally built to the boundary with facades designed with regard to the speed of the observer, containing large scale elements and features that will read as a single composition from afar and will become recognisable landmarks at key corners.

The street interfaces should be activated reflecting the opportunities for future revitalisation of the Town Heart and Civic Precinct and the Geeves Street carpark. Building design should acknowledge that those facades will define how Rockdale is perceived by thousands of people travelling daily by train and arriving from Bryant, King and Bay Streets.

The town centre is intended to transform into a mid-rise, mixed-use precinct, that maximises commercial and residential land uses within close proximity to strong public transport links. Recent developments align with this vision which are located in the vicinity of the subject site, as discussed in Section 2.3 of this Statement. The site is well connected and is in close proximity to Rockdale Railway Station (150m) and numerous bus services.



Figure 6 Land Use Zone Map with site outlined in red within E1 Local Centre zone (source: NSW Planning Portal)

2.3 SURROUNDING DEVELOPMENT

Directly to the north of the site is Nos. 463, 461 and 459 Princes Highway. These buildings consist of one and two storey-built forms, with brick façades and are used commercially. These buildings are depicted in **Figure 7** below. It is noted that No. 463 Princes Highway immediately adjoining the site to the north and contains a street wall to the Princes Highway, consistent with the height of the existing buildings on the subject site. The street walls at Nos. 461 and 459 protrude slightly higher.



Figure 7 Nos. 463, 461 and 459 Princes Highway, adjoining the site to the north

Further north of the site, at Nos. 433-439 Princes Highway is a recently constructed 12 storey mixed-use building. This development represents the intended future character for the Rockdale Town Centre. Similar to the subject site, Nos. 433-439 contains frontages to the Princes Highway and Geeves Lane. The mixed-use building was approved for the 'construction of a twelve (12) storey mixed use development, including eighty-six (86) residential units, three (3) commercial units, basement parking, rooftop terrace and demolition of existing structures'. The building was approved with a height variation to Clause 4.3 of *Rockdale Local Environmental Plan 2011*, to facilitate the twelfth storey.

Photographs of this mixed-use building are provided in **Figures 8 and 9**.



Figure 8 No. 433-439 Princes Highway taken from western side of Princes Highway



Figure 9 No. 433-439 Princes Highway taken from Geeves Lane

Immediately adjoining the site to the west is Geeves Lane, a commuter carpark and Rockdale Railway Station. This is depicted in **Figure 10**.



Figure 10 Carpark and Rockdale Railway Station taken from Geeves Lane

To the east of the site and on the opposite side of Princes Highway are several commercial buildings, largely single storey in height, with the exception of the Grand Hotel. Similarly, to the south of the site on the opposite side of Geeves Avenue are a mix of single and double storey commercial buildings that front Princes Highway, with rear access to Geeves Avenue (refer to **Figure 11**).



Figure 11 Looking south from the site, along the Princes Highway

Figure 12 provides an outlook of the Princes Highway and Geeves Avenue intersection, with Rockdale Railway Station and Bus Interchange in the background.



Figure 12 View of intersection between Princes Highway and Geeves Avenue

The site context plan is shown in **Figure 13**, below.



Figure 13 View of intersection between Princes Highway and Geeves Avenue

2.4 CONNECTIVITY AND ACCESS TO PUBLIC TRANSPORT

The site is situated approximately 150m from the entrance of Rockdale Railway Station and 11km southwest of Sydney CBD. The Princes Highway lies immediately to the east of the site and is a major arterial road. Rockdale Railway Station is serviced by the T4 Eastern Suburbs and Illawarra Line.

In addition, the site is serviced by multiple bus stops (within 800m of the site) along the Princes Highway and Geeves Avenue (bus interchange). The buses that services these stops include 422, 452, 453, 473, 476, 477, 478, 479, 492 and 493. These buses provide access to Sydney CBD, Beverly Hills, Campsie, Dolls Point, Miranda, Kyeemagh, Drummoyne and Roselands.

Connection to all essential utilities and services including electricity, water, sewage and telecommunications services is provided to the site.

3. Description of the Proposal

3.1 OVERVIEW

The application proposes a twelve-storey shop top housing development with ground floor commercial tenancies and co-living rooms above. More specifically, at ground level two (2) commercial tenancies are proposed (85.8m² and 289m²), accessed from Princes Highway and Geeves Avenue. Above this, the proposal includes 157 co-living rooms, comprising 106 double rooms and 51 single rooms. At maximum capacity, the co-living component of the site can accommodate 263 people sharing four generously sized indoor communal living areas (some with kitchen facilities) and two large outdoor communal living areas. All shared living areas incorporate seating and ample space for activities.

A shared communal living room (94.5m²) is proposed on Level 1 and connects to an outdoor communal living area (83.4m²). Level 2 contains a communal living and break out area (117.5m²). Level 3 contains a communal living area (74.5m²) with a manager's space, which connects to an outdoor communal living area (120m²). An additional indoor communal living area (42m²) is provided on Level 4.

One basement parking level is provided which includes a total of 13 car parking spaces (including 2 accessible, 2 car share and 1 car wash space), 6 motorcycle spaces and 73 bicycle spaces.

The proposed development is depicted on the plans prepared by *Axel Richter Architects*, which are included in the development application and described in detail below. A Plan of Management has been prepared by *Emag Apartments Pty Ltd*, the operator of the development and is provided under separate cover.

3.2 BUILDING ARRANGEMENT AND CONFIGURATION

The proposed development intends to increase the residential capacity of the site whilst retaining the commercial core. The development has been purposefully designed to ensure all co-living rooms have a high level of amenity with all rooms containing private open space and an outlook. The co-living portion of the development has been sited to largely meet the objectives of the Apartment Design Guide (ADG). Minor variations are proposed with regard to the ADG separation guideline, as justified in Section 4.2.5. Where non-compliances occur, suitable screening and high level windows are proposed to ensure the amenity of No. 463 Princes Highway is protected, upon construction. The proposed development configuration is detailed as follows:

Basement Level

- Basement car parking with 13 spaces, including 2 accessible, 2 car share and 1 car wash bay;
- 65 bicycle spaces;
- 6 motorcycle spaces;
- Lift and stair access to the levels above; and
- Plant and services necessary for the building to function.

Ground Level

- Provision of two commercial tenancies fronting Princes Highway and Geeves Avenue (85.8m² and 289m²);
- Pedestrian entry to the co-living component via the residential foyer from Geeves Avenue;
- Two lifts and fire stairs providing access to co-living and basement;
- Eight secure bicycle spaces provided for residents and commercial tenants;
- Loading dock for Medium Rigid Vehicles (MRV) accessed from Geeves Lane;
- Basement driveway access from Geeves Lane;
- Commercial and residential waste storage;
- Electrical substation; and
- Services necessary for the building to function.

Levels 1

- Provision of 16 x co-living rooms, comprising 1 x single room and 15 x double rooms, each with a bathroom, kitchenette and balcony space (including 2 x accessible rooms);
- Outdoor and indoor communal living areas;
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

Level 2

- Provision of 16 x co-living rooms comprising 1 x single room and 15 x double rooms with a bathroom, kitchenette and balcony space (including 2 accessible rooms);
- Indoor communal living area;
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

Level 3

- Provision of 12 x co-living rooms, comprising 2 x single rooms and 10 x double rooms, each with a bathroom, kitchenette and balcony space (including 2 accessible rooms);
- Indoor and outdoor communal spaces, with ancillary managers space;
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

Level 4

- Provision of 14 x co-living rooms, comprising 3 x single rooms and 11 x double rooms, with a bathroom, kitchenette and balcony space (including 1 accessible room);
- Indoor communal area;
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

Level 5

- Provision of 15 x co-living rooms, comprising 4 x single rooms and 12 x double rooms, with a bathroom, kitchenette and balcony space (including 1 accessible room);
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

Level 6

- Provision of 14 x co-living rooms, comprising 7 x single rooms and 7 x double rooms with a bathroom, kitchenette and balcony space;
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

Level 7-11

Levels 7 to 11 are identical in layout and configuration, as follows:

- Provision 14 x co-living rooms per level, comprising 7 x single rooms and 7 x double rooms, with a bathroom, kitchenette and balcony space;
- Building services, waste storage and chutes; and
- Lift and stair access to all levels.

All occupants will have access to the four indoor common living areas and two outdoor common living areas. The outdoor spaces are appropriately landscaped and include facilities such as BBQ areas, seating and shading. Lift and stair access is provided to all levels. Laundry facilities are provided internal to each room. The Plan of Management will regulate hours of use of the overall development, including communal living areas and outdoor spaces.

3.3 DEEP SOIL AND LANDSCAPING

Details of the proposed landscaping are shown on the Landscape Plans prepared by *Paul Scrivener Landscape* which accompany the application. The Landscape Plan concentrates deep soil planting within the public domain to facilitate street tree planting. The existing street trees along the Princes Highway will be retained and three additional street trees and their respective deep soil zones are proposed along Geeves Avenue (refer to **Figure 14**). Given a commercial use is required at ground floor and the Rockdale DCP stipulates nil setbacks to the Princes Highway and Geeves Avenue, deep soil planting is not feasible within the site boundaries.



Figure 14 Ground floor Landscape plan (Source: Paul Scrivener Landscape)

Aboveground landscaping has been provided on Levels 1, 3 and 6 in accordance with the Landscape Plans. On Level 1, two large trees are proposed to provide shade with the common outdoor living area, in addition to smaller shrubs that line the northern boundary to provide screening from future residents to the north. On Level 3, landscaping is provided across the west and southern boundaries, to Geeves Avenue and Geeves Lane. This includes large trees for shade and screening to the communal outdoor living area, plus smaller shrubs in planters adjacent to private balconies. On Level 6, landscaping is provided within planters front the Princes Highway, adjacent to the private balconies. In addition and on Level 6, a small amount of landscaping is provided to the northern boundary.

The total landscaped area proposed is 99.1m² of 10.6% and meets the BDCP requirement for 10% landscaped area.

3.4 WASTE MANAGEMENT

A Waste Management Plan prepared by *Archer Consultants Pty Ltd* is submitted with the development application and provides details of waste management during demolition and construction as well as operation.

During the operational phase of the development, waste will be stored within two dedicated waste storage rooms at ground level for the commercial and residential use. Waste storage areas are integrated into the building design. The

commercial waste room provides for 1 x 1,100L general waste MGB and 1 x 1,100L recycling MGB, collected five and 2 times a week, respectively. The co-living waste room provides for 2 x 1,100L general waste MGBs and 5 x 1,100L recycling MGBs, collected twice and once a week, respectively. A waste chute is provided at each level providing convenient waste disposal to residents. The waste chute connects to the ground level waste room.

Waste collection will be undertaken by a private waste company. The waste collection vehicle (SRV) will reverse into the loading bay at ground level and ferry the MGBs to and from the waste collection rooms via a lifting platform.

3.5 PROJECT DATA

Table 1 Project Data

	<i>Control</i>	<i>Proposal</i>
Site Area	-	926m ²
Building Height	34m	39.9m
Landscape Area	10% (92.73m ²)	99.1% (10.6m ²)
Co-Living Rooms	N/A	157
Communal Outdoor Area	20% of site area (185.2m ²)	201.5m ² or 21.7%
Communal Indoor Area	30m ² + 151 x 2m ² (332m ²)	333m ²
Car Parking	31 spaces	13 spaces

4. Environmental Planning Assessment

4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in the following Table:

Table 2 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S4.15(1)(a)(i)	State Environmental Planning Policy (Resilience and Hazards) 2021	√	√	
"	State Environmental Planning Policy (Biodiversity and Conservation) 2021	√	√	
"	State Environmental Planning Policy (Transport and Infrastructure) 2021	√	√	
"	State Environmental Planning Policy (Industry and Employment) 2021	√	√	
"	State Environmental Planning Policy (Housing) 2021	√	√	
"	State Environmental Planning Policy (Sustainable Buildings) 2023	√	√	
"	Bayside Local Environmental Plan 2021	√	√	
S4.15 (1)(a)(iii)	Bayside Development Control Plan 2022	√	√	

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and the *Bayside Local Environmental Plan 2021* (BLEP). The primary non-statutory plan relating to the subject site and proposed development is *Bayside Development Control Plan 2022* (BDCP). The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) commenced on 1 March 2022, repealing and replacing three former SEPPs related to coastal management, hazardous and offensive development and remediation of land. Of relevance to the proposed development is Chapter 4 Remediation of Land.

Chapter 4 of the Resilience and Hazards SEPP 2021 provides planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. The site contains existing commercial development and has been utilised for this purposes for a considerable period of time. It is therefore unlikely to be contaminated and the requirements of SEPP (Resilience and Hazards) 2021 are met.

4.2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) commenced on 1 March 2022, repealing and replacing 11 previous SEPPs. Of relevance to the proposed development is *Chapter 2 Vegetation in Non-rural Areas*

Chapter 2 of the SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

In regard to the biodiversity values map, the site is not mapped as containing any areas of biodiversity value. There are no threatened species or communities within the site and the development will not have the potential for serious or irreversible impacts. No clearing of native vegetation is proposed under this development application and a Biodiversity Development Assessment Report is not required.

The site does not contain any trees or vegetation. Immediately adjoining the site, within the road reserve are several street trees that line the Princes Highway. These trees will be unimpacted by the proposed development. As such, an Arborist Report is not deemed to be required. The proposal will have a net positive impact in terms of ecological values throughout the site. Additional street tree planting is proposed along Geeves Avenue, as well as above ground planting on Leves 1, 3 and 6. Native, low maintenance species are prioritised, as demonstrated in the Landscape Plan.

4.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 was notified in December 2021 and commenced on 1 March 2022. The SEPP repealed and replaced several similar thematic SEPPs related to infrastructure, transport, education and childcare. Of relevance to the proposed development is *Chapter 2 Infrastructure*.

Chapter 2 seeks to facilitate the effective and timely delivery of infrastructure and protect existing infrastructure from incompatible development. A summary of the relevant provisions of the SEPP is provided in **Table 3** below.

Table 3 SEPP (Transport and Infrastructure) 2021 – Matters For Consideration

Relevant matter for consideration	Assessment Response
2.48 Development likely to affect an electricity transmission or distribution network	There are overhead power lines that run along Princes Highway, directly adjacent to the site. In accordance with the DCP, these are required to be undergrounded. Council should seek concurrence with the relevant electricity supply company.
2.77 Development adjacent to pipeline corridors.	There are not believed to be pipelines in the immediate vicinity of the subject site and as such, consultation with a pipeline operator is not required in this instance.
2.98 Development adjacent to rail corridors	As the subject site is adjacent to a rail corridor (to the west), Council should seek concurrence with Sydney Trains/ for comment. Refer to the Acoustic Report for acoustic mitigation measures throughout the co-living proposal.
2.100 Impact of rail noise or vibration on non-rail development (3) <i>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i> (a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> (b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>	This subclause is applicable to the proposed development as the proposal as it involves residential accommodation. The Acoustic Report confirms LAeq levels will not exceed those specified in Cl. 2.100(3).

Table 3 SEPP (Transport and Infrastructure) 2021 – Matters For Consideration

2.119 Development with frontage to a classified road	The subject site contains a frontage to a classified road under the <i>Roads Act 1993</i> , being the Princes Highway. The proposal will be accessed via Geeves Lane to avoid impacts to traffic flows on the Princes Highway. The Traffic and Parking Assessment confirms there is an acceptable impact to the road network.
2.120 Impact of road noise or vibration on non-road development	As the proposal involves a residential use, this subclause applies.
<i>(3) 'If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.'</i>	The Acoustic Report confirms LAeq levels will not exceed those specified in Cl. 2.120(3)
2.122 Traffic-generating development	The proposed development is below the relevant thresholds for referral to Transport for NSW for comment under this subclause and as such is not applicable to the proposal.
2.163 Water supply systems	As the proposal does not involve land that is adjacent to the Upper Canal or Warragamba Pipelines, this subclause is not applicable to the proposal.

4.2.4 State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 was notified in December 2021 and commenced on 1 March 2022. The SEPP repealed and replaced several similar thematic SEPPs, including the former State Environmental Planning Policy No 64 – Advertising and Signage. Of relevance to the proposed development is *Chapter 3 Advertising and Signage*.

The objectives of the SEPP are to encourage signage that is compatible with the desired amenity and visual character of an area, provide effective communication, and is of high quality design and finish. Schedule 5 of the SEPP contains assessment criteria for signage in relation to the character of the area, views and vistas, the streetscape and the building to which it relates.

Despite the proposal for commercial units at ground level, no signage is proposed at this stage. Future occupants of the commercial units will seek separate approval for advertising and signage.

4.2.5 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) came into effect on the 26 November 2021, repealing and replacing five SEPPs related to affordable rental housing, housing for seniors and people with a disability, caravan parks and manufactured home estates. Two new housing type were introduced which include Co-living housing. Of relevance to the subject proposal is Part 3 Co-living Housing. As stated in Clause 67 of Part 3 Co-living housing:

“Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.”

The subject site is within E1 Local Centre zone. Residential flat buildings are not permissible within the zone, however, shop top housing is permitted within the zoned under BLEP. Therefore, co-living development is permitted at the site.

The beneficial features of co-living housing have been recognised by the Department of Planning in its finalisation of the Housing SEPP and include:

- Small private rooms complemented by shared indoor and outdoor spaces, which encourage residents to come together to relax and socialise;
- Private and shared spaces that are fully furnished and ready-to-occupy;
- A sense of community that is actively encouraged by a manager, who is responsible for managing shared spaces; and
- To provide more affordable housing.

The subject site is located within close proximity (150m) of Rockdale Railway Station, numerous bus services and is ideally located near employment generating activities, services and amenities. As the site is within walking distance of many local services, employment opportunities and public transport, this affordable housing type will be beneficial to the housing needs of the community and will support a diverse local community.

Provided at **Annexure A** is a compliance table which identifies the relevant objectives and development standards of the Housing SEPP that apply to the proposal and undertakes an assessment of the proposed development against those relevant provisions. As indicated, the proposal complies with the relevant development standards and objectives of the Housing SEPP, resulting in a development that is of a scale, density and character that is encouraged at the site.

A minor variation is sought in relation to Clause 69(2)(b) of the Housing SEPP. Clause 69(2)(b) states that co-living housing of at least 3 storeys will comply with the separation requirements of the ADG. A second variation is sought to Clause 68(2)(e) in relation to parking provision.

Clause 69(2)(b) - Building Separation

Section 3 and 4 of the ADG are relevant to development assessment. The minimum building separation distances specified in the Apartment Design Guide are given in Objective 3F-1. Part 3F 'Visual Privacy' of the ADG requires the following separation distances between buildings, as detailed in the table below:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

The ADG Design Guidance under the objective states no separation is required between blank walls. Similarly, the ADG does not have separation controls for street frontages. As such, the setbacks specified by the Rockdale Town Centre DCP have been reverted to in this instance. The setbacks to the south, east and west all address street frontages and therefore on-site separation distances of the ADG should not apply. Distance from the proposed building façade to neighbouring buildings to the south, east and west are provided below:

- **South (Geeves Avenue):** 20m
- **East (Princes Highway):** 25m
- **West (Geeves Lane):** No built form.

To the north, lies an adjacent commercial building at Nos. 461-463 Princes Highway. The controls of Part 3F Visual Privacy apply in this instance. The building separation distances (to the north) per each residential level are summarised below:

- **Level 1:** 0m (to blank wall);
- **Level 2:** 0m (to blank wall);
- **Level 3:** 0m (to blank wall), 5m to balcony, communal outdoor area to boundary;
- **Level 4:** 0m (to blank wall), 4.7m to indoor communal area with window;
- **Level 5:** 0m (to blank wall), 4.5m to balcony;

- **Level 6:** 0m to balcony; and
- **Level 7-11:** 3.2m to habitable window, 4.5m to balcony.

In accordance with the Design Excellence Report by *Urbanac*, the ADG separation distances for visual privacy (to the north) are justified for the proposed development, as follows:

- *Consistent with the DCP prescribed built form envelopes, the site to the north has not been identified for a tower but rather a podium.*
- *The design provides for seamless integration of the podium built form as a street wall typology with a future new 6 storey podium development on that site – the ADG does not seek separations for street wall typology buildings with party walls sharing a boundary.*
- *Above the 6th storey, as there is no tower development is likely on the adjacent site, there can be no visual privacy to impact and so no separations are required for the tower to achieve ADG guidelines. Accordingly the tower takes advantage of views over the site to the north, and solar access, consistent with the DCP. This is considered to be a reasonable and orderly assumption. Despite this, the tower is still set back from this boundary with an sloping setback 3.224m at its smallest and increasing to 9.950m at its widest. Given a tower to the north is not consistent with the DCP, it is considered that there are unlikely to be visual privacy impacts above 4 storeys and accordingly the full side setbacks suggested by ADG Objective 3F-1 are achieved.*

In accordance with the above, it is considered that there will be no adverse visual privacy impact predicated on relationship of the proposed development to the neighbouring property and purposeful design measures, and as such the objective of 3F-1 is achieved.

Clause 68(2)(e) – Parking Provision

In accordance with Clause 68(2)(e) of the Housing SEPP, the applicable parking rate for co-living is 0.2 parking spaces for each private room for development in an accessible area, unless a relevant planning instrument specified a lower number. The applicable parking rate at the site is 0.2 spaces per room.

Based on a rate of 0.2 spaces per room, the required parking rate for the co-living portion of the development is 31 car parking spaces. The proposal provides a total of 13 car parking spaces in a single basement level. However, 12 of these are dedicated to co-living including 2 carshare spaces. This represents a deficiency of 19 parking spaces. The single basement level is proposed to reduce reliance on private vehicular travel and in turn encourage the use of public transport, as well as cycling and walking.

Notwithstanding this shortfall, there are clear and strong planning grounds to support the proposed variation. Of most relevance, the subject site is in a highly accessible location and is within less than 150m walking distance to Rockdale Railway Station. The site is further in close proximity to numerous bus services as described in Section 2.4. The location of the site will encourage public transport use, in addition to walking and cycling, and therefore seeks to discourage reliance on private vehicular transport. Given the site's location within the Rockdale Town Centre, the reduction of parking is consistent with the desired future character of the area which seeks to encourage public and active transport, and to reduce reliance on vehicular travel.

Further to this, the subject site is also located within close proximity to a variety of land uses and public open space. This again will reduce the reliance on private vehicle travel and will encourage future residents to utilise public or active transport to reach the relevant open spaces, services and facilities.

As referenced in the Traffic and Parking Assessment, a Green Travel Plan prepared will be prepared and submitted prior to occupation certificate which seeks to encourage alternative, sustainable travel. Accordingly, whilst the proposal seeks to vary this control, there are strong planning grounds supporting the variation, as outlined above. Therefore, the proposed parking for the co-living component is considered to be acceptable with regards to the Housing SEPP.

4.2.6 State Environmental Planning Policy (Sustainable Buildings) 2021

State Environmental Planning Policy (Sustainable Buildings) 2022 was notified in August 2022 and commenced on 1 October 2023. Chapter 3 of the Policy is relevant to the proposed development. Section 3.1 states the Chapter applies to the erection of a new building if the development has a capital investment value of \$5 million or more. Accordingly, the requirements of the Policy have been taken into consideration.

Section 3.2 of the Policy states:

“In deciding whether to grant development consent to non-residential development the consent authority must consider whether the development is designed to enable the achievement of a range of sustainability outcomes”.

These outcomes are listed in **Table 4** below:

Table 4 SEPP (Sustainable Buildings) 2022	
Matter for Consideration	Comment
The minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials.	Demolition is required as a result of the proposed development. This development will result in the removal of all existing structures on the site. The demolition is unavoidable, the buildings on site are dated and have minimal reuse potential. Materials will be recycled off site where appropriate.
A reduction in peak demand for electricity, including through the use of energy efficient technology.	The technology utilised in the proposal will be more efficient than that in the existing commercial buildings at the site. Although overall the energy consumption will be greater, per capita it will be reduced.
The generation of storage of renewable energy.	Solar panels are proposed on the roof.
The metering and monitoring of energy consumption.	Energy consumption can be monitored within the building.
The minimisation of the consumption of potable water.	Water saving fittings will be utilised to ensure the conservation of potable water where possible.

Overall, the mixed use building is not intended to accommodate significant amounts of people, machinery or industries that typically contribute to poor energy efficiency. An Embodied Emissions Materials Form has been provided alongside this Application.

4.2.7 Bayside Local Environmental Plan 2021

Bayside Local Environmental Plan 2021 (BLEP) applies to the Bayside LGA and the site. Under the LEP, the site is within Zone E1 Local Centre. As permitted by Clause 67 of the Housing SEPP detailed above, co-living housing can be carried out with consent on land in a zone in which co-living housing, residential flat buildings or shop-top housing is permitted under another environmental planning instrument. In this case, BLEP permits ‘shop top housing’ with consent, and the development is therefore permissible. The objectives of the E1 zone are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.*
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

- *To ensure development within the zone does not detract from the economic viability of commercial centres.*
- *To ensure the scale of development is compatible with the existing streetscape and does not adversely impact on residential amenity.*
- *To ensure built form and land uses are commensurate with the level of accessibility, to and from the centre, by public transport, walking and cycling.*
- *To create lively town centres with pedestrian focused public domain activated by adjacent building uses and landscape elements.*
- *To accommodate population growth in the Rockdale town centre through high density residential uses that complement retail, commercial and cultural premises in the town centre.*

The proposal provides a high quality and affordable co-living housing development to meet the diverse needs of the growing population of Bayside, whilst maintaining the commercial character of the Rockdale Town Centre through appropriate at-grade uses. The site is within an accessible location being approximately 150m from Rockdale Railway Station and is ideally located near significant employment generating activities given its location in an employment zone.

The proposed part commercial component of the development is a suitable and compatible land use within the zone that results in no adverse amenity impacts and is entirely consistent with the relevant zone objectives and the emerging and desired character of the locality.

Provided at **Annexure B** is compliance table which identifies the relevant objectives and development standards under the BLEP 2021 that apply to the proposal and undertakes an assessment of the proposed development against those relevant provisions.

As indicated, the proposal complies with the majority of development standards under the BLEP 2021, other than variation to the height of building development standard which is supported by a Clause 4.6 Variation Request in **Annexure C**. Importantly the development replicates the built form and massing of the approved mixed-use building (DA-2015/322) north of the site, and also represents a bulk, scale and character which is reflective of the sites strategic, prominent and highly accessible location.

4.2.8 Bayside Development Control Plan 2022

The *Bayside Development Control Plan 2022* (BDCP) applies to the site. A compliance table is provided at **Annexure D** and considers the proposal against the relevant controls of the DCP. The site is located within the Rockdale Town Centre, with specific development controls relating to built form and character provided in the BDCP. Areas of non-compliance are justified within the compliance table and below.

In accordance with Section 4.15(3) of the EP&A Act, a consent authority is to consider DCP variations on merit, as outlined below (our emphasis added):

- “ (3A) **Development control plans** *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*
- (a) *if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) *if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) *may consider those provisions only in connection with the assessment of that development application.*

As demonstrated within the compliance table the proposal is consistent with the DCP controls relating to streetscape and building form, landscape design, solar access, visual and acoustic privacy and will contribute to a high-quality mixed-use building. Key variations to the DCP relate to parking, site amalgamation and building height. DCP variations to each of these controls are provided below, with the exception of building height, which is addressed in **Annexure C**.

Parking

The onsite BDCP parking provisions for carparking, motorcycle/bicycle parking and accessible parking are provided below:

Table 5 BDCP Parking Controls

Control

Carparking

*C1. Development is to provide on-site car parking in accordance with the car parking rates outlined in **Table 3 below***

Affordable housing, boarding houses, group homes, co-living housing, build-to-rent housing, and seniors housing - As per requirements stipulated in State Environmental Planning Policy (Housing) 2021

Commercial Premises (including business premises, office premises and retail premises) - 1 space / 40 m² GFA

Motorcycle/Bicycle Parking

C1. Bicycle & motorcycle parking must be provided on site as follows

Commercial Premises (Business Premises, Office Premises, and Retail Premises): a. 1 bicycle space per 150sqm GFA b. 1 bicycle space per 400sqm GFA provided for visitors c. 1 motorcycle space per 15 car spaces

Boarding Houses and Co-Living Housing: a. 1 bicycle space per 1 private room or boarding room b. 1 motorcycle space per 5 private rooms or boarding rooms

Accessible Parking

*C1. Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in **Table 4 below**.*

Residential apartment buildings, conversion of non- residential buildings into apartments, shop top housing, multi dwelling housing and live/work buildings (includes mixture of classes for those including commercial and industrial components).

Half of the adaptable dwellings provided in a development are required to have allocated accessible resident car parking, (e.g. 8 adaptable apartments requires a minimum of 4 accessible car parking spaces).

The provision of carparking in relation to the co-living component of the proposal has been addressed in Section 4.2.5.

The required number of parking spaces for the commercial (375m²) portion of the proposal is 8. A total of 1 carparking space is provided within the basement carpark.

As outlined in the Traffic and Parking Assessment, justification against the relevant objectives of BDCP are as follows:

- *In restricting car parking provision on the site, the proposal forms a forward-thinking development which responds to the need to reduce traffic on our roads and pollution in our town centres.*
- *Reducing the availability of car parking on-site will contribute towards reduced private vehicle ownership and increased use of more sustainable modes of travel, such as walking, cycling, bus, and rail.*
- *The Integrated Transport Strategy further promotes the enablement of sustainable transport choices that increase transport choice and reduce transport emissions, and that Council will work to ensure that land use and development supports sustainable transport use.*

- *The site is within 150 metres of Rockdale Railway Station, which is serviced by the T4 Eastern Suburbs & Illawarra Line. This Line provides direct, high frequency services to the Eastern Suburbs, Cronulla and Waterfall, and the Sydney CBD from where the broader rail network can be accessed.*
- *The site is within 50 metres of several bus stops which provide connectivity to local centres and form a connection between other modes of public and active transport.*
- *The site is within 150 metres of Rockdale Railway Station, which is serviced by the T4 Eastern Suburbs & Illawarra Line. This Line provides direct, high frequency services to the Eastern Suburbs, Cronulla and Waterfall, and the Sydney CBD from where the broader rail network can be accessed.*

In relation to motorcycle and bicycle parking, the Housing SEPP stipulates that 'the co-living housing will include adequate bicycle and motorcycle parking spaces'. The BDCP requires 157 bicycle spaces and 31 motorcycle spaces for co-living, and 4 bicycle spaces for commercial. It should be noted no motorcycle spaces are required for commercial.

A total of 69 secure bicycle spaces are provided for co-living across the ground and basement level and 4 bicycle spaces are provided for commercial at ground level. 6 motorcycle spaces are provided at basement level for co-living.

As indicated in the Traffic and Parking Assessment, the Housing SEPP is the prevailing control which provides flexibility in the provision of bicycle and motorcycle parking. The Cycling Participation Survey found that only around 15% of NSW residents rode a bicycle over the previous survey week, and 36% of NSW residents rode a bicycle over the previous survey year.

A total of 69 bicycle spaces for co-living residents have been provided at the site, which is considered an adequate level of provision in responding to bicycle use characteristics of NSW residents, by providing bicycle parking at a rate (44%) higher than broader usage rates and thus at a rate which would encourage increased uptake of bicycle usage than the NSW average.

In terms of accessible parking, 8 accessible rooms are provided required 4 accessible onsite parking spaces. In considering the reduced provision of on-site parking, 4 accessible parking spaces are not deemed necessary. In accordance with the Access Report, The BCA 2022 – Accessible Carparking requires 1 accessible parking space on the site. A total of 2 accessible parking spaces have been provided and is considered acceptable.

Therefore, the proposal is considered acceptable with regards to vehicle, bicycle and motorcycle parking.

Site Amalgamation

In accordance with Section 7.2.5.1 – Site Amalgamation of BDCP, specific to the Rockdale Town Centre, requires the following with regard to site amalgamation:

C1. Development is to comply with the relevant amalgamation patterns outlined in Figure 29.

The site amalgamation pattern in the Rockdale Town Centre DCP is shown in **Figure 15**.



Figure 15 Rockdale Town Centre - Site Amalgamation – site in yellow (Source – BDCP)

Per the above, the site only consumes a portion of the intended amalgamation pattern and does not include Nos. 461 and 463 Princes Highway. It should be noted that consultation with the landowner at No. 463 (immediately north of the site) has taken place, however, the proponent was unable to procure additional land.

The misalignment with Council's site amalgamation pattern will not result in Nos. 461 and 463 Princes Highway becoming isolated. Design options have been prepared by *Axel Ritcher Architects* at Nos. 461 and 463 that show a suitable building envelope can still be achieved at these sites.

The Rockdale Town Centre DCP stipulates that if development is proposed on a site that does not conform to Council's amalgamation pattern, the development application must:

- a. Demonstrate that negotiations were undertaken with neighbouring owners to seek amalgamation and enable coordinated redevelopment.*

Negotiations were undertaken with the landowner/s at No. 463 Princes Highway. This site could not be procured.

- b. Provide evidence that reasonable offers have been made to the owner(s) of each of the affected sites to purchase, including written valuations for each site undertaken by two independent Valuers registered with the Australian Institute of Valuers.*

Evidence is submitted alongside this application, including a Valuation and Letters of Offer.

- c. Demonstrate that the site has sufficient width to accommodate the proposal whilst still maintaining quality design outcomes. Site amalgamation must not compromise the significant features of existing sites or adjoining sites, including streetscape and landscape features (e.g. trees, rocky outcrops).*

Both the subject site and site at Nos. 461 & 463 Princes Highway contain adequate width to accommodate a building reflective of the planning controls. This is demonstrated in the Architectural Plans and Design Options by *Axel Ritcher Architects*.

d. Demonstrate that development on the alternative amalgamation pattern can achieve equal or better outcomes than specified in this DCP – Refer to Section 7.2.1 'Introduction' for details. e. Demonstrate that an alternative amalgamation pattern can be achieved by neighbouring sites and that an orderly and cohesive pattern of development can be maintained for the entire character area/ precinct achieving equal or better outcomes than specified in this DCP - Refer to Section 7.2.1.

This has been demonstrated in the Architectural Plans and Design Options by *Axel Ritcher Architects* (refer **Figure 16**).

Recent caselaw in *Statewide Planning Pty Ltd v Canterbury-Bankstown Council* (NSWLEC 1210) provides further justification for the proposed revised amalgamation pattern. As found in this case, the development application at Nos. 754-774 Canterbury Road was for the construction of a part 5, part 6 storey RFB, resulting in an isolated lot at 1A Trafalgar Street. The court upheld the appeal, providing the following key judgements regarding lot isolation:

*(85) 'It is unreasonable to interpret the CDCP controls to mean that an isolated site is one where **any** development cannot be achieved under the CLEP. If that were the correct interpretation, then every site would be described as isolated when the neighbouring site was developed independently because inevitably the redevelopment potential only available through amalgamation would be lost. The words of the CDCP at issue describe an isolated site as one which is "incapable of accommodating the form of development envisaged by the planning controls". The objective being to ensure that the land adjoining is not left "incapable of being reasonably developed under the applicable controls". The Council seeks to import words into the CDCP which are simply not there.'*

(90) 'The isolation plans before the Court prepared by Statewide Planning Revision A shows a 3-storey redevelopment option within a compliant building envelope and having a general layout that complies with the current applicable controls. Based on the agreed evidence of the planners in the joint report I find that the neighbouring property at 1A Trafalgar Street will not be an isolated or sterilised site by an approval of the proposed development.'

Similar to the findings in *Statewide Planning Pty Ltd v Canterbury-Bankstown Council*, the proposal demonstrates a suitable building, reflective of the relevant planning controls, can be constructed at Nos. 461 and 463 Princes Highway.

With reference to the Planning Principle established by *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251, it is noted that a Valuation and Letters of Offer have been made to the neighbouring property at No. 461 Princes Highway. These offers have been rejected by the proprietor of the neighbouring property. Resultantly and as set out above, a massing scheme has been prepared which demonstrates that the neighbouring properties (including Nos. 461 and 463) can be redeveloped and achieve orderly and economic use of the land.

As such, these neighbouring sites are not isolated and can be suitably redeveloped in the future.



Figure 16 Design Option 2 for No. 461 and 463 Princes Highway (Source – Axel Richter Architects)

4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

4.3.1 Topography & Scenic Impacts

The proposed development involves excavation to accommodate the basement level and to provide a level building platform across the site. The extent of excavation is largely anticipated by the applicable planning controls. The proposed earthworks will not adversely impact the structural integrity of the nearby buildings and sites with standard conditions anticipated regarding excavation and site management. The majority of excavation will be masked by the building envelope and upon completion, the ground levels will be reinstated to ensure there is a suitable and accessible transition from the public domain to the commercial units and residential lobby.

Cut and fill will not change the natural drainage catchment, and the Stormwater Plans include on-site detention (OSD) to manage water runoff. The OSD is connected to the kerb and gutter along Princes Highway.

In terms of scenic impacts, the building is considered to be consistent with that established and desired and future character of the area presenting a scale and form of development that could be reasonably anticipated by the planning controls. This is further exemplified in the proposals similarity to DA-2015/332, north of the site, also within the Rockdale Town Centre. The scenic impacts of the proposed development are considered to be acceptable, in character and responsive to the locality.

4.3.2 Micro-climate Impacts

The proposed development will have no significant adverse impact on surface or ground water regimes therefore, no significant impact on local micro-climate is anticipated. The planting proposed across the site will contribute towards enhancing the urban tree canopy and assist in climate control throughout the site.

4.3.3 Water & Air Quality Impacts

During construction, appropriate sediment and erosion controls will be installed and maintained to prevent migration of sediment from the site. Once constructed, roof and surface water from the development will be directed to the street drainage system via the on-site detention system, draining onto the Princes Highway.

Stormwater Plans are submitted with the development application. The plans demonstrate that stormwater can be appropriately managed on site to ensure that there is no adverse rainwater run-off from the site and water quality is maintained. Therefore, the proposal will have positive impacts on the water quality of the locality.

In terms of air quality, the site will be managed during construction to mitigate any potential impacts on air quality. It is expected that appropriate dust and noise mitigation measures will be employed during construction, which can be secured via conditions of consent. Once complete, the proposed development is unlikely to have any notable impact on air quality.

4.3.4 Flora & Fauna Impacts

The site does not contain protected flora or fauna species, or habitat identified as threatened species. No tree removal within the site or within the adjacent public domain is proposed. Landscaping design, including species selection throughout the site, will provide potential future habitats for urban fauna. The development is considered to have a positive impact on flora and fauna within the site and locality as weed species are replaced with native species.

The Landscape Plans prepared by *Paul Scrivener Landscape* will deliver high quality landscaping throughout the site including trees, shrubs, groundcovers and grassed areas above ground in the form of quality planting within planters which will soften the built form and contribute to an integrated system, resulting in greater aesthetic quality and amenity for the occupants, neighbours and the public domain. Similar to those along the Princes Highway, street trees will be provided along Geeves Avenue.

As such, the proposal is considered to deliver flora and fauna benefits.

4.3.5 External Appearance & Design

The architectural style of the proposed development is contemporary in form and provides for an attractive presentation to the streetscape, that is compatible with existing and approved development in the immediate vicinity of the site. The building will be compatible with the emerging streetscape which is characterised by contemporary architectural design and materiality. The new building will deliver an appropriate composition of building elements, textures, materials and colours that will contribute to the streetscape character reinforcing the scale and character of existing buildings and landscape elements.

Articulation to the various façades fronting Princes Highway, Geeves Avenue and Geeves Lane are provided through active frontages, frame elements, vertical and horizontal articulation and use of balconies, all of which are enhanced through materials and colours, to provide diversity and interest to the built form and the streetscape.

The proposed finishes will consist of a mix of contemporary materials and finishes that are durable and long lasting such as exposed bricks and painted concrete. The built form, colour tones and textures are consistent with the established and desired future character of the area. The proposal has been considered in the Design Excellence Report prepared by *Urbanac*, where it is concluded that the proposal will sit comfortably within the existing and desired future character of the locality.

The building as viewed from the corner of Princes Highway and Geeves Avenue is provide in the render below at **Figure 17**.



Figure 17 Render of the building as viewed from corner of Princes Highway and Geeves Avenue

4.3.6 Solar Impact

The site is ideally located being on the corner of Princes Highway, Geeves Avenue and Geeves Lane. Immediately to the north lies 1-2 storey commercial buildings. As such, the proposed building is granted generous solar access. The planning controls on the site immediately to the north (Nos. 461-463 Princes Highway) permit a maximum 6 storey building. In the future, in spite of the considerable uplift capacity to the neighbouring site, ample solar access will still be achieved.

The solar access diagrams prepared by *Axel Richter Architects* indicate that the proposed development provides solar access to at least one communal living area. The communal living area on level 3 is in the form of rooftop communal living that faces north-west. The communal living area far exceeds the minimum 3 hours of solar access required during the winter solstice, as per the Housing SEPP.

Section 5.2.5 of the DCP also requires neighbouring habitable sites to receive 3 hours of solar access during the winter solstice. Given the site immediately adjoins buildings only to the north, the shadow cast to these properties is minimal. The majority of shadow impacts are cast over Geeves Avenue and Princes Highway. However, some overshadowing



to the properties south of Geeves Avenue and to the east of the Princes Highway occurs. As it stands, the impacted buildings are used solely for commercial purposes and therefore solar impacts are inconsequential. However, consideration must be given to the future residential potential of these sites.

Buildings that lie to the south of Geeves Avenue receive minor overshadowing between 9am and 12pm. However, from 12pm-3pm there are no overshadowing impacts. Buildings that lie to the east of Princes Highway are overshadowed between 12pm and 3pm, However, from 9am -12pm there are no overshadowing impacts.

It can therefore be concluded that future development on these neighbouring sites could still receive a minimum of 3 hours direct sunlight during the winter solstice. Shadow impacts in mid-winter are illustrated below in **Figure 18**.



Figure 18 Shadow impacts in mid-winter

As such, the proposal is considered acceptable with regards to solar access and overshadowing.

4.3.7 Views

There are no known or identified views to, from, or over the site which could be affected by the proposed development. As stated, the proposed development is largely consistent with the relevant planning controls contained within the BLEP and BDCP. The built form that surrounds the site largely consists of 1 and 2 storey commercial buildings that would not be afforded any significant views. As such the proposed development is considered acceptable with regards to view impacts.

4.3.8 Aural and Visual Privacy

The proposal is for a twelve-storey shop top housing development, comprising commercial units and co-living rooms, which are not anticipated to generate noise that would significantly impact neighbouring and nearby land uses within the town centre. The site adjoins the Railway Line to the west and Princes Highway to the east, both considered to emit considerable noise emissions. Any long-term noise emissions created as a result of the proposal would not exceed those emitted by adjoining transport routes.

Section 4.2.3 of this Statement provides an assessment against *Chapter 2 Infrastructure* of the Transport and Infrastructure SEPP. An Acoustic Report has been prepared by *West and Associates* which provides the following conclusion with regard to noise impacts adjoining the site:

Based on our above assessments we believe the site can achieve the internal noise criteria with appropriate glazing. Due to the road traffic noise on Princess highway acoustic grade windows are required. We have presented alternative acoustic treatment to the balconies within this report.

The remaining facades of the development can achieve compliance with the relevant criteria utilising typical construction products.



Noise impacts to the residential component of the proposal, emitted from the ground level commercial have not been considered in depth at this stage. A future development application will be sought for the occupation of each commercial unit, to which suitable hours of operation will be determined.

In terms of visual privacy, the development focuses the majority of the co-living rooms and associated balconies to the south, east and west to address the multiple frontages at the site. This will assist in increasing passive surveillance to the streetscape whilst ensuring privacy to the north is maximised. A single wrap around balcony on Level 6 provides aspects to the north. However, this balcony is adequately screened with landscaping. All other balconies that adjoin the northern boundary (from Level 7 to 11) are setback appropriately to prohibit any adverse visual privacy impact to the northern neighbouring site.

The outdoor communal living areas on Levels 1 and 3 are adequately buffered with landscaping to reduce overlooking impacts, particularly to the northern site. This includes blank facades and planter beds to all edges which will limit any future privacy impact to the communal or private open space of future occupants at Nos. 461-463 Princes Highway. Overall, the treatment of windows and open space seeks to ensure that future neighbour's aural and visual privacy is maintained.

In light of the above, the development will not have any adverse impacts on visual and aural privacy of neighbouring properties or that of future occupants.

4.4 ECONOMIC & SOCIAL IMPACTS

The proposal provides for co-living housing which features a modern and social lifestyle with shared indoor and outdoor spaces. The purpose of co-living is to provide a sense of community and maintenance of shared spaces and facilities by a manager. This type of housing is intended to be affordable and low maintenance for residents which attracts a wide variety of occupants of varying demographics and cultures. The site also benefits from its position close to significant employment opportunities being within Rockdale Town Centre.

The commercial aspect of the proposal will assist in the retention of the commercial core of Rockdale, enhancing the availability of employment opportunities, amenities and services. This is in line with the Housing SEPP and Rockdale Town Centre DCP.

The proposed development will result in an increase in the availability and diversity of housing stock in the locality by the provision of a high-quality residential development. The proposal incorporates 157 co-living housing rooms for a maximum of 263 occupants. The co-living housing is tailored for a contemporary form of living with high quality shared indoor and outdoor facilities and contributes to the existing housing stock and affordability within the locality. The required on-site management also creates an additional employment opportunity.

Undertaking the demolition and construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

4.4.1 Crime Prevention through Environmental Design

Part B of the Department of Urban Affairs and Planning's (now Department of Planning and Environment) Crime Prevention and the Assessment of Development Applications: Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 identify four Crime Prevention through Environmental Design (CPTED) principles (Table 6). Each of the principles seeks to reduce opportunities for crime and have been used to inform the NSW Police Safer by Design Guidelines for Crime Prevention. The principles and response are provided in the table below:

Table 6 CPTED Principles	
Principle	Response

Table 6 CPTED Principles

Access Control	<p>The proposal will provide for primary residential entry to co-living via Geeves Avenue. This design decision ensures that the safety of the residents will be improved given the heavily vehicular nature of Princes Highway. Access to the residential lobby will be via a well-lit pathway and entry, which is to be controlled via key code/card and intercom. The proposal will also provide pedestrian entry to the commercial tenancies via Geeves Avenue and the corner of Princes Highway and Geeves Avenue. These entrances are well articulated in the built form.</p> <p>To Geeves Lane, this is designed predominately for services however includes a partially active frontage to part of one commercial tenancy. The proposed basement will incorporate similar safety measures in order to control access for residents and staff associated. The basement entry will utilise an intercom system to restrict public entry. Access to the basement will be provided from Geeves Lane, which similarly ensures pedestrian and vehicle safety, directed away from the Princes Highway. The basement entry will be clearly identified and well-lit to ensure access is suitably controlled.</p>
Surveillance	<p>The proposed development has orientated co-living rooms to Princes Highway, Geeves Avenue and Geeves Lane in order to maximise natural surveillance to the surrounding area. The rooms have been designed with private open spaces to the public domain. Similarly, the development includes communal living areas and open spaces, orientated to the public domain, namely Geeves Lane, which also provides additional natural surveillance to the surrounding area.</p> <p>As also highlighted above, the proposal will provide for active frontages to the commercial tenancies addressing all frontages. This will provide for additional casual surveillance to the public domain and is considered an appropriate outcome.</p> <p>The proposal will also utilise lighting and relevant security systems to ensure that the pedestrian and vehicular building entry are appropriately controlled.</p>
Territorial reinforcement	<p>The proposed pedestrian entry, to both commercial and residential components, will be clearly identified and include appropriate elements and landscaping in order to clearly delineate between public and private space. The residential lobby will be restricted to resident entry via key access and will only be open to visitors via intercom. The residential pedestrian entry and lobby space will be well-lit with wayfinding signage utilised as necessary.</p> <p>Similarly, the commercial tenancy entries, whilst open to the general public during open hours, will be locked when not operational. The entries and immediate areas surrounding the commercial tenancies will remain well-lit to ensure safety within the public domain.</p> <p>Basement entry will be provided from Geeves Lane and will be open to residents and the selected commercial tenant via key access. No visitor vehicle parking is provided. Access to the basement entry will be easily identifiable from the public domain and will be well-lit.</p>
Space management and maintenance	<p>The proposal will be managed by the building managers which will include maintenance of services and amenities, removal of graffiti, waste removal and collection, installation and operation of lighting and security measures and general building upkeep.</p>

In accordance with the above, it is considered that the subject development performs well in terms of addressing the safer by design guidelines for crime prevention. The development is deemed to be safe in accordance with the above assessment.

4.5 THE SUITABILITY OF THE SITE

4.5.1 Access to Services

The site is located within 150m of Rockdale Railway Station and is serviced by bus stops and shops. The site has access to restaurants, education and employment opportunities and all essential utilities and services including electricity, water, sewage and telecommunications services can be provided to the site.

4.5.2 Parking and Access

The application proposes car parking to the site with vehicular access from Geeves Lane, given this is the lower order frontage. The car parking has been designed with 13 car parking spaces (2 accessible, 2 car share and 1 car wash space) over one basement level. The proposal also provides for 6 motorcycle spaces and a total of 73 secure bicycle spaces. The provision of car parking is less than that required under the Housing SEPP and BDCP, however, this is a result of the extensive public transport options in close proximity to the site, as discussed throughout this Statement.

Variation to the parking controls of the Housing SEPP and BDCP are provided in Section 4.2 of this Statement.

The design and layout of the on-site parking and vehicular access and egress is compliant with relevant Australian Standards and will not give rise to any traffic or parking issues in the locality. A Traffic Impact Assessment prepared by *PDC Consulting* is submitted with this application demonstrating that the proposed parking and access will not result in any adverse impacts and the site can suitably accommodate the proposed parking and vehicle access design. The Report concludes that:

- *The traffic generation assessment confirms that the development will generate significantly fewer trips than the existing development and will therefore form a benefit to the local community in reducing traffic and vehicle related pollution.*
- *The proposed development is required to provide a minimum of 31 co-living housing car spaces under the Housing SEPP and eight commercial spaces under the BDCP. In response, the development provides a total of 13 car spaces, and therefore does not meet the relevant requirements. However, car parking provision is considered supportable given the site's excellent proximity to public transport and in response to Council controls and objectives to reduce reliance on private vehicles.*
- *The proposed access and internal parking arrangements comply with the relevant requirements of AS 2890.1, AS 2890.2, AS 2890.3 and AS 2890.6. Any minor amendments considered necessary (if any) can be dealt with prior to the release of a Construction Certificate.*
- *Based on the findings of the Traffic and Parking Assessment, the parking, access provisions and traffic generation is deemed acceptable.*



In accordance with the above and as discussed throughout this Statement, the proposal is considered acceptable with regards to traffic, parking and access.

4.5.3 Hazards

The site is not in an area recognised by Council as being subject to flooding, landslip, bushfire or any other particular existing hazards. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

The proposal does have the potential to create a wind hazard within the Rockdale Town Centre. A Wind Impacts and Wind Tunnelling Emulation Assessment Report has been prepared by *Ana Civil* to address such impacts. The Report has calculated the annual gust speed at critical sections of the proposed development at the site in accordance with AS 1170.2 (Wind Actions). The proposed development is not expected to induce any significant additional wind flow on neighbouring properties.

Recommendations with regard to open areas are as follows:

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- All Balcony/terrace balustrades – preferably of masonry/concrete construction with no openings; or glass supported on edge of slab or recessed into concrete balcony with no gaps between edge of slab and bottom of glass rail;
 - Pergolas, canopies and awnings over open areas; and
 - Landscaping such as dense shrubs and trees.

Accordingly, the proposal is considered acceptable with regards to wind impacts and general hazards.

4.6 THE PUBLIC INTEREST

The proposed development will increase the supply of housing diversity in the area and will meet the housing needs of the community through the provision of co-living housing. The proposed development will also improve and update the commercial land stock in the Rockdale Town Centre. A high-quality built form is proposed which is compatible with the scale and character of development in the E1 Local centre zone and has incorporated specific design measures to ensure the amenity of the surrounding locality will be maintained.

The proposal has been designed to minimise, as far as practicable, any adverse effects on existing and future neighbouring properties.

The proposed development is in an accessible location being within 150m of the entrance to Rockdale Railway station. The site benefits from good access to local amenities, transport, employment and services.

The proposal is generally consistent with the Housing SEPP, BLEP and BDCP provisions and is considered to have largely positive social and economic impacts, and manageable impacts on the environment. The variations to the height of building development standard are supported by robust Clause 4.6 Variation Request exhibiting reasonable grounds for increased height. As such, the proposed development is considered to be in the public interest.



5. Conclusion

This Statement accompanies a development application for the ‘*Demolition of existing structures and construction of a twelve-storey shop top housing development, consisting of two commercial tenancies (ground level) and residential co-living above (comprising 157 rooms), with basement carparking and landscaping*’ at Nos. 465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale. The proposed development has been assessed pursuant to Section 4.15 of the *Environmental Planning & Assessment Act, 1979* and Council’s relevant planning Guidelines and Policies.

The proposal is consistent with the objectives of the E1 Local Centre zone under Bayside LEP 2021 and complies with the applicable LEP provisions, with the exception of building height (3.9m variation) which has been addressed within the Clause 4.6 submission at **Annexure C**. Co-living development is permissible within the E1 zone in accordance with the Housing SEPP. The proposal also complies with the relevant co-living provisions of the Housing SEPP, with the exception of minor setback encroachments to the northern boundary and deficit in parking which are addressed in the Statement. The proposal largely satisfies the objectives and controls for co-living under the Bayside DCP 2022, with any variations addressed in **Annexure D** or Section 4.2.8 of this Statement.

The proposed development will make a positive contribution to the streetscape and desired future character by providing a contemporary building of a scale and density anticipated for the site within a well-designed landscape setting. The proposed built form is consistent with the recently constructed mixed use building at No. 433-439 Princes Highway, Rockdale (DA-2015/322) to the north, and is reflective of the desired future character of the locality.

The siting, design and external appearance of the proposed development will not result in any unreasonable amenity impacts to existing and future neighbouring properties, particularly to the north. Furthermore, the proposal will contribute to the amount of available affordable housing in the locality with high quality co-living rooms that are in a walkable location and ideally suited to many employment opportunities within the town centre.

Conclusively, the site is suitable for the proposed development and will positively contribute to the quality of housing and commercial stock, with manageable impacts on both the natural and built environment in the locality. There will be limited adverse impacts on the natural environment and the proposed development will have positive social and economic impacts for the area.

Accordingly, the proposal is considered to be in the public interest and worthy of Council’s support.

ANNEXURE A

SEPP (Housing) 2021 Co-Living Housing – Compliance Table



SEPP Housing 2021 (Co-Living Housing) - Compliance Table			
Clause / Control	Requirement	Proposal	Complies?
Part 3 Co-living Housing			
67 Co-living housing may be carried out on certain land with consent	Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.	<p>The site is within E1 Local Centre zone which does not permit residential flat buildings or co-living development. However, the E1 Local Centre zone permits shop top housing, and therefore, co-living is permitted in the zone.</p> <p>Additionally, Rockdale Station is captured under the Transport Oriented Development provisions in Chapter 5 of the Housing SEPP. This permits shop top housing in E1 land use zones.</p>	Yes
68 Non-discretionary development standards	<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—</p>		
	(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,	There is no FSR control applicable to the site.	N/A
	(b) for co-living housing containing 6 private rooms— (i) a total of at least 30m ² of communal living area, and (ii) minimum dimensions of 3m for each communal living area,	N/A - there are more than 6 private rooms.	N/A
	(c) for co-living housing containing more than 6 private rooms— (i) a total of at least 30m ² of communal living area plus at least a further 2m ² for each private room in excess of 6 private rooms, and (ii) minimum dimensions of 3m for each communal living area,	157 private rooms are provided which requires 332m ² of communal living area. The proposed development provides 335m ² of communal living across Levels 1-4. Each common room has a dimension of at least 3m. The Level 1 and Level 3 communal living areas connect directly to outdoor communal open space. The largest of the communal living areas is located on Level 2 (117.5m ²).	Yes
	(d) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,	A minimum 20% of the site is required as COS - 185.2m ² The proposal provides 201.5m ² (21.7%) with a minimum dimension of 3m.	Yes

SEPP Housing 2021 (Co-Living Housing) - Compliance Table			
	<ul style="list-style-type: none"> • (e) unless a relevant planning instrument specifies a lower number— • (i) for development on land in an accessible area—0.2 parking spaces for each private room, or • (ii) otherwise—0.5 parking spaces for each private room, 	The site is located 150m (walking distance) of Rockdale Railways Station. Based on 157 co-living rooms 31 car parking spaces are required. A total of 13 car parking spaces are provided, including 2 accessible, 2 car wash and 1 car wash bay. Of these spaces, 12 are dedicated to co-living. All parking is provided within a single secure basement.	On Merit (refer to Section 5.2.5)
	<ul style="list-style-type: none"> • (f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument, 	The site is <u>not</u> within zone R2 Low Density or R3 Medium Density Residential zone.	N/A
	<ul style="list-style-type: none"> • (g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument. 	The site is not within zone R4 High Density Residential.	Yes
69 Standards for co-living housing	(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—		
	(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m ² and not less than— <ul style="list-style-type: none"> (i) for a private room intended to be used by a single occupant—12m², or (ii) otherwise—16m², and 	The proposal includes 51 x single rooms which are not less than 12m ² and 106 double rooms which are not less than 16m ² . All rooms are less than 25m ² .	Yes
	(b) the minimum lot size for the co-living housing is not less than— <ul style="list-style-type: none"> (i) for development on land in Zone R2 Low Density Residential—600m², or (ii) for development on other land—800m², and 	The site area is 926m ² which meets the minimum lot size requirement.	Yes
	(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— <ul style="list-style-type: none"> (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and 	The site is <u>not</u> within a R2 or equivalent zone.	N/A
	(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	An appropriate workspace for the manager is located on Level 3.	Yes

SEPP Housing 2021 (Co-Living Housing) - Compliance Table

(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	The site is within an employment zone. The ground floor will comprise only commercial floor area.	Yes
(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Bathroom and kitchen facilities are provided within each private room with adequate space for laundry facilities i.e. washing machine and dryer/internal line. Communal kitchens are provided in indoor communal areas.	Yes
(g) each private room will be used by no more than 2 occupants, and	Each double private room has maximum of 2 occupants, and this is reinforced in the Plan of Management submitted separately with the application.	Yes
(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	The proposal provides 6 motorcycle space and 73 bicycle space which is adequate for the size of the development and provided within the basement. 69 of the bicycle spaces are for co-living.	Yes
(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		
(a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or (ii) for development on land in Zone R4 High Density Residential —the minimum setback requirements for residential flat buildings under a relevant planning instrument, and	The site is not located in a R2, R3 or R4 land use zone.	N/A
(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and	The setbacks to the south, east and west all address street frontages and therefore on-site separation distances should not apply. Distance from the proposed building façade to neighbouring buildings to the south, east and west are provided below: South (Geeves Avenue): 20m East – Princes Highway: 25m West – (Geeves Lane): no built form, carpark and then railway line.	On Merit (refer to Section 4.2.5)

SEPP Housing 2021 (Co-Living Housing) - Compliance Table

		<p>To the north, lies an adjacent commercial building at No. 461-463 Princes Highway. The controls of Section 3F – Visual Privacy apply in this instance. The building separation distances (to the north) per each residential level are summarised below:</p> <p>Level 1 – 0m (to blank wall)</p> <p>Level 2 – 0m (to blank wall)</p> <p>Level 3 – 0m (to blank wall), 5m to balcony, communal outdoor area to boundary</p> <p>Level 4 - 0m (to blank wall), 4.7m to indoor communal area with window</p> <p>Level 5 – 0m (to blank wall), 4.5m to balcony</p> <p>Level 6 – 0m to balcony</p> <p>Level 7-11 – 3.2m to habitable window, 4.5m to balcony</p> <p>The proposed development has been designed to align with the DCP standards of Section 7.2 (Rockdale Town Centre) in DCP 2022. These controls are tailored to the site, unlike the ADG controls.</p>	
	(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and	Communal living areas are generally north facing and adjacent to the communal outdoor areas. At least 3 hours of solar access is provided to the Level 3 communal living area.	Yes
	(f) the design of the building will be compatible with— (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct.	As discussed throughout this Statement, the proposal will contribute to the housing sector and provides a building that is of an appropriate scale and form. The proposal will make a positive contribution to the streetscape and will provide a high quality residential environment for future occupants. The proposal does not result in any adverse amenity and visual impacts to the streetscape and neighbouring properties with landscaping proposed to enhance the visual amenity of the site and locality. Therefore, the proposed building is compatible with the emerging and desired future character and is consistent with the scale of residential flat buildings nearby.	Yes
	(3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.	The proposal is for a new co-living development	N/A



SEPP Housing 2021 (Co-Living Housing) - Compliance Table

70 No subdivision	Development consent must not be granted for the subdivision of co-living housing into separate lots.	No subdivision for separate lots is proposed	N/A
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ANNEXURE B

Bayside Local Environmental Plan 2021 – Compliance Table



Bayside Local Environmental Plan 2021 – Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Part 2 Permitted or prohibited development			
2.3 Zone objectives and Land Use Table	<u>Zone E1 Local Centre</u>		
	<ul style="list-style-type: none"> To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. 	The proposed development will provide a commercial space at ground level that will serve the needs of the people who live in, work in or visit Rockdale Town Centre.	Yes
	<ul style="list-style-type: none"> To encourage investment in local commercial development that generates employment opportunities and economic growth. 	The proposed development will provide employment within the proposed commercial space.	Yes
	<ul style="list-style-type: none"> To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. 	The proposed co-living will enable residential development that contributes to a vibrant and active local centre that is consistent with the Council's strategic planning for residential development in the area. This is inclusive of affordable housing which will improve housing diversity.	Yes
	<ul style="list-style-type: none"> To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. 	The proposed ground floor area of the development will be non-residential and therefore provide activation.	Yes
	<ul style="list-style-type: none"> To ensure development within the zone does not detract from the economic viability of commercial centres. 	The proposed development will not detract from the economic viability of the Rockdale commercial centre. In fact, it will contribute to its ongoing viability.	Yes
	<ul style="list-style-type: none"> To ensure the scale of development is compatible with the existing streetscape and does not adversely impact on residential amenity. To ensure built form and land uses are commensurate with the level of accessibility, to and from the centre, by public transport, walking and cycling. 	<p>The proposed scale of development is compatible with the existing streetscape and does not adversely impact on residential amenity. As discussed, the proposal will improve the built forms relationships with the Princes Highway, Geeves Avenue and Geeves Lane.</p> <p>The proposal delivers a built form that is commensurate with the level of accessibility, to and from the Rockdale Centre, by public transport, walking and cycling. As described, the site is in a highly accessible location within walking distance to the Railway Station And various bus services.</p>	Yes

Bayside Local Environmental Plan 2021 – Compliance Table

	<ul style="list-style-type: none"> To create lively town centres with pedestrian focused public domain activated by adjacent building uses and landscape elements. To accommodate population growth in the Rockdale town centre through high density residential uses that complement retail, commercial and cultural premises in the town centre. 	<p>The proposed development will ensure that the site contributes to creating Rockdale as a lively town centre with a pedestrian focused public domain that is activated by adjacent building uses and landscape elements. The proposal will contribute to Princes Highway and Geeves Avenue.</p> <p>The proposed development will accommodate the population growth in the Rockdale town centre through a high density residential use that complements retail, commercial and cultural premises in the town centre. The provision of much needed affordable housing will improve diversity in the locality which will support a variety of residents.</p>	<p>Yes</p> <p>Yes</p>
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	The application seeks consent for the demolition of all existing structures on the site.	Yes
Part 4 Principal development standards			
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<p>The Height of Building Map indicates that the maximum building height for the majority of the site is 34m, with the exception of the frontage to Geeves Avenue.</p> <p>The maximum height of the proposed building (including lift overrun) that falls within the 34m height control is 39.9m and exceeds the numeric requirement by 5.9m. A Clause 4.6 variation request is submitted in Annexure C to justify departure from this standard.</p>	<p>No -</p> <p>Refer to Clause 4.6 variation at Annexure C</p>
4.4 Floor space ratio	Not applicable.	No maximum FSR under the BLEP 2021.	N/A
Part 5 Miscellaneous Provisions			
5.10 Heritage Conservation	<p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p>	<p>The site is adjacent at the rear to local heritage item I357 – Brick buildings on platforms, signal box and overhead booking office.</p> <p>The proposed development is not anticipated to have a significant impact on the heritage values of Rockdale Railway Station.</p>	Yes

Bayside Local Environmental Plan 2021 – Compliance Table

	(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
Part 6 Local Provisions			
6.1 Acid Sulfate Soils	(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The site is mapped as containing Class 5 Acid Sulfate Soils. An Acid Sulfate Soils Assessment is not deemed necessary.	Yes
6.2 Earthworks	(3) In deciding whether to grant development consent, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The proposal will have not unreasonable effect on drainage patterns in the locality. Stormwater Plans are submitted with this application.	Yes
	(b) the effect of the development on the likely future use or redevelopment of the land,	The excavation for the basement carpark will have no detrimental effect on the likely future use or redevelopment of the land. In fact, it will enable the redevelopment of the subject site.	Yes
	(c) the quality of the fill or the soil to be excavated, or both,	Fill or excavated soil will be to an appropriate standard and disposed of appropriately.	Yes
	(d) the effect of the development on the existing and likely amenity of adjoining properties,	The proposed excavation required for the basement carpark will not have any adverse impact to the amenity of neighbouring properties. A Geotechnical Report is submitted with this application.	Yes
	(e) the source of any fill material and the destination of any excavated material,	Excavated material will be disposed off-site and will be undertaken by a licenced contractor and deposited at a licenced waste management facility, if the material cannot be repurposed elsewhere. Excavated material will also be reused on-site as fill where necessary.	Yes

Bayside Local Environmental Plan 2021 – Compliance Table

	(f) the likelihood of disturbing relics,	The site is not identified as an area that contains, or is likely to contain, relics of significance. The likelihood of encountering relics is therefore minimal. If any significant items are encountered, they will be dealt with appropriately.	Yes
	(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The subject site is not within proximity to any waterway or environmentally sensitive area. Stormwater Plans are submitted and the development will have no adverse impact on water quality or volumes in this regard.	Yes
	(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Sediment and erosion controls will be installed before site preparation works commence and will remain in place for the duration of the construction phase.	Yes
6.3 Stormwater Management	<p>(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that—</p> <p>(a) water sensitive urban design principles are incorporated into the design of the development, and</p> <p>(b) riparian, stormwater and flooding measures are integrated as part of the development, and</p> <p>(c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways, receiving waters and groundwater systems, and</p> <p>(d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways receiving waters and groundwater systems, and</p> <p>(e) the development is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water.</p>	The proposed Stormwater Plans are submitted as part of this review, which deal with water sensitive urban design principles. As such, there are no adverse impacts anticipated as part of this development.	Yes
6.10 Design Excellence	(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—	A Design Excellence Review has been prepared by <i>Urbanac</i> .	

Bayside Local Environmental Plan 2021 – Compliance Table

<p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,</p> <p>(e) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p>	<p>The proposed development will use a variety of materials and detailing to a high standard of architectural design. The proposal has been designed to deliver a contemporary development which will contribute to the streetscape of Princes Highway and Geeves Avenue.</p> <p>The proposed built form is consistent with newer high density developments along Princes Highway. To the rear, the development provides for an appropriate transition along Geeves Lane. As outlined above, the proposal will provide for a contemporary development with articulation to the street frontages and southern façade, therefore improving the quality of the public domain. Furthermore, the pedestrian experience to both street frontages have been improved as part of this proposal.</p> <p>The development will not impact on view corridors. Importantly, there are no significant views enjoyed across the site and any incidental impact is from a building height anticipated on-site.</p> <p>The proposed development will satisfy the Rockdale DCP as detailed in Annexure D. The proposed development has been suitably designed for the allotment and surrounding locality.</p> <p>(i),(ii) The proposed development will provide for a commercial use and allow for the provision of co-living housing as envisaged by the additional permitted use schedule.</p> <p>(iii) The site is not a heritage item, however is in close proximity to a heritage item. The proposed development has been designed to respond to the heritage values at the rear and streetscape constraints through articulation and building form, namely, the transition at the rear.</p> <p>(iv), The proposal provides a development with nil setbacks to the side boundaries as is consistent in the DCP. Both frontage setbacks align with the neighbouring properties, to ensure a coherent streetscape outcome.</p> <p>(v) The proposed bulk and scale is entirely consistent with the properties surrounding the subject site, and as anticipated by the amended BLEP.</p>	<p>Yes</p>
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Bayside Local Environmental Plan 2021 – Compliance Table

	<p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain,</p> <p>(xi) achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>(xii) excellence and integration of landscape design.</p> <p>(5) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 40 metres or 12 storeys (or both)—</p> <p>(i) a design review panel has reviewed the development, and</p> <p>(ii) the consent authority takes into account the findings of the design review panel, or</p>	<p>(vi) The building height to Princes Highway aligns with the higher density development to the south. To Geeves Avenue, the proposal is reduced in height to comply with the 27m height standard.</p> <p>(viii) Sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity all have been considered within the design of the amended development. An Embodied Emissions and Materials Form is submitted and demonstrates appropriate levels of sustainability will be achieved.</p> <p>(ix) Pedestrian, cycle and service access and circulation requirements have been considered and implemented within the design of the proposed development. This is highlighted through the use of pedestrian routes and separation of vehicular access to the site.</p> <p>(x) The proposed development will have a positive impact on the public domain by replacing a dated, commercial building that is not reflective of the desired character of the Rockdale locality. Furthermore, the proposal will activate and improve Princes Highway and Geeves Avenue.</p> <p>(xi) The proposed development will achieve an appropriate interface at ground level between the building and the public domain through an active street frontage to Princes Highway. The built forms interface with Geeves Avenue and Lane have also been well considered.</p> <p>(xii) The proposed development integrated landscaping within its façade through the use of planter boxes and within the development through the use of plantings in communal areas.</p> <p>The proposed building contains a maximum height of 39.9m and comprises 12 storeys.</p>	<p>Yes</p>
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Bayside Local Environmental Plan 2021 – Compliance Table

	<p>(b) if the development is in respect of a building that is, or will be, higher than 40 metres or 12 storeys (or both)—</p> <p>(i) a competitive design process is held in relation to the development, and</p> <p>(ii) the consent authority takes into account the results of the competitive design process.</p> <p>(6) Subclause (5)(b) does not apply if—</p> <p>(a) the consent authority certifies in writing that a competitive design process is not required, and</p> <p>(b) a design review panel reviews the development, and</p> <p>(c) the consent authority takes into account the advice of the design review panel.</p>	<p>Following lodgement, the proposal will go before the Design Review Panel.</p> <p>As stated above, the proposed building is at maximum 39.9m and 12 storeys. It does not surpass the threshold that would require a competitive design process be undertaken. That is, the LEP contemplates the threshold as higher than 40m or 12 storeys, or both. As such, for a design competition to be required, a height of 40.1m or 13 storeys is required.</p>	N/A
6.8 Development in areas subject to aircraft noise	<p>(2) This clause applies to development—</p> <p>(a) on land—</p> <p>(i) near the Sydney (Kingsford-Smith) Airport, and</p> <p>(ii) in an ANEF contour of 20 or greater, and</p> <p>(b) the consent authority considers is likely to be adversely affected by aircraft noise.</p>	Recommendations are made in the Acoustic Report which ensure the aural privacy of future residents.	Yes
6.11 Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the supply of telecommunications facilities,</p> <p>(d) the disposal and management of sewage,</p> <p>(e) stormwater drainage or on-site conservation,</p> <p>(f) suitable vehicular access.</p>	Access to essential services are available.	Yes

Bayside Local Environmental Plan 2021 – Compliance Table

7.10 Public utility infrastructure	(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	Public utility infrastructure that is essential for the proposed development is available for the development to be constructed and can be imposed as a condition of consent.	Yes
Schedule 1 Additional Permitted Uses			
43 Use of certain land in Zones E1 and E3	(1) This clause applies to land in Zones E1 and E3, identified as “43” on the <u>Additional Permitted Uses Map</u> . (2) Development for the purposes of tourist and visitor accommodation is permitted with development consent.	Development for the purposes of tourist and visitor accommodation is not proposed.	N/A

ANNEXURE C

Clause 4.6 Variation – Building Height



Clause 4.6 Variation Statement – Maximum Height (Clause 4.3)

1. Height of Buildings standard

Clause 4.3 of *Bayside Local Environmental Plan 2021* (BLEP) relates to the maximum height requirements and refers to the Height of Buildings Map. The relevant map identifies the subject site as having a maximum height of 34m. Building height is defined as:

building height (or **height of building**) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The relevant map indicates that the subject site contains a maximum building height of 34m, as demonstrated in **Figure 19** below.



Figure 19 Extract from Bayside LEP Mapping

The maximum height control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

2. Proposed variation to height of buildings development standard

In accordance with the definition of height under BLEP, the architectural plans indicate that the proposed development has a maximum height of 39.9m to the lift overrun (RL 55.08), where the 34m control applies. This represents a maximum variation of 5.9m or 17.3%. The proposal also contains the following non-compliances, as listed below:

- 39.6m building height to the uppermost parapet edge (RL 54.82) of the building (to the south), representing a variation of 5.6m or 16.5%;
- 39.36m building height to the uppermost parapet edge (RL 54.82) of the building (to the north), representing a variation of 5.36m or 15.8%;
- 38.36m building height to the roof, representing a variation of 4.36m or 11.5%; and
- 35.35m building height to the finished floor level of Level 11, representing a variation of 1.35m or 3.97%.

Figure 20 provides a section and **Figure 21** a massing diagram, both demonstrating the maximum extent of non-compliance.

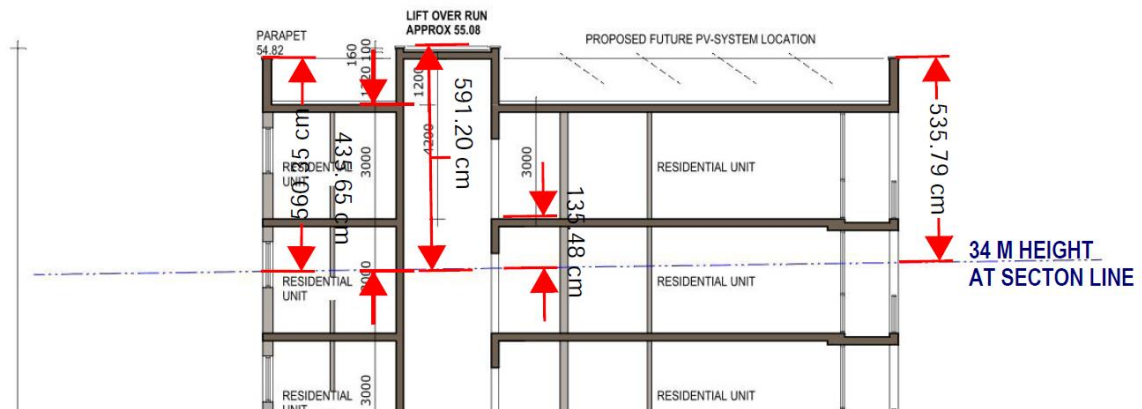


Figure 20 Section 2 illustrating maximum height non-compliance

MASSING DIAGRAMS

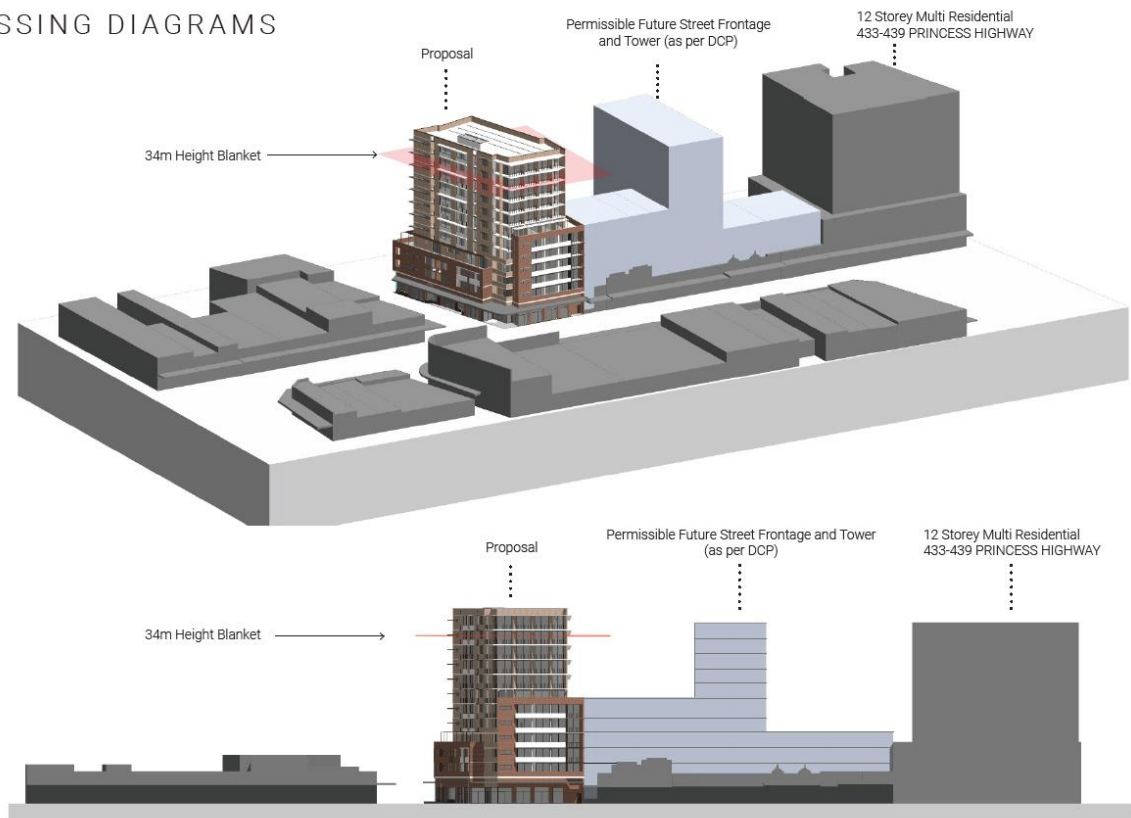


Figure 21 Massing model illustrating maximum height non-compliance.

3. Clause 4.6 to BLEP 2021

The objectives and provisions of clause 4.6 are as follows:

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances,*
and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note— When this Plan was made it did not include all of these zones.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(ba) clause 4.3(2A), unless it is for a demonstrable public benefit,

(bb) clause 4.3(2B)(b),

(bc) clause 4.3A,

(bd) clause 4.4(2A), (2B), (2C), (2D), (2E), (2F) or (2G), unless it is for a demonstrable public benefit,

(be) clause 4.4(2H),

(bf) clause 4.4A, unless it is for a demonstrable public benefit,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 7.1 or 7.2.

The development standards in Clause 4.3 are not “expressly excluded” from the operation of Clause 4.6.

It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 so as to permit a maximum building height of 39.9m which equates to a numerical variation of 5.9m and a percentage variation of 17.3%, noting that the maximum height relates to the proposed lift overrun, measured from existing ground level. There are other non-compliances, as outlined in Section 2 of this Variation.

4. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(A))

Of relevance to Clause 4.6(3)(a) is Preston CJ's judgment in *Wehbe v Pittwater Council* (2007) NSW LEC 827 which sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgment goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 written request [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

“...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”

The objectives of Clause 4.3 Height of Buildings of BLEP states:

- (a) to ensure that building height is consistent with the desired future character of an area,*
- (b) to minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

In order to address the requirements of subclause 4.6(3)(a), each of the relevant objectives of Clause 4.3 are addressed in turn below.

Objective (a) - to ensure that building height is consistent with the desired future character of an area,

Objective (a) seeks to ensure that buildings are consistent with the height of the desired future character of the locality.

The current or desired future character of the locality is not defined under BLEP. In the decision of *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115*, Preston CJ held that the desired future character of the neighbourhood can be set by the existing, recently approved and proposed buildings within the neighbourhood. Therefore and with regards to the Rockdale Town Centre, the locality is undergoing transition in accordance with the permitted planning controls, from low density commercial to higher density mixed-use developments.

Within immediate proximity to the subject site, the neighbouring properties are undeveloped and do not represent desired future character of the locality as anticipated by the relevant development standards and controls. The immediately surrounding properties are permitted a maximum building height of 34m to the north (consistent with the subject site), 39m to the south (when benefiting from Clause 4.3(2A)(a)) and to the east, on the opposite side of Princes Highway, a height of 40m. Whilst these properties have not yet been developed, No. 433-439 Princes Highway further to the north of the site was recently constructed with a 12 storey shop-top housing development. Within the wider Rockdale Town Centre, there are other buildings which have recently been constructed in accordance with the permitted planning controls, reflective of the desired future character of the locality.

In addition to the above, it is also prevalent to note that the subject site and immediate neighbours are all capable of benefitting from the recent 30% density uplift afforded by Division 1 In-fill affordable housing of the Housing SEPP. The implementation of a 30% bonus will deliver building heights of 44m to the north, 50.7m to the south and 52m to the east. As described in further detail below, the subject development, including the non-compliant building height, will be entirely compatible with the desired future character of the locality, where the additional height is located on a strategic corner lot with three frontages, in a prominent location and within a highly accessible area.

The subject site is zoned E1 Local Centre and is within the Rockdale Town Centre. The desired future character is defined in the Rockdale Town Centre DCP, specifically, the Princes Highway Core, as follows:

Development will enhance the identity and amenity of the core area by providing a legible built form hierarchy, visual and physical connections between the railway station, King Street and Bay Street, and improving the public domain to create a positive, recognisable image of Rockdale.

Strong bold buildings are presented generally built to the boundary with facades designed with regard to the speed of the observer, containing large scale elements and features that will read as a single composition from afar and will become recognisable landmarks at key corners.

The street interfaces should be activated reflecting the opportunities for future revitalisation of the Town Heart and Civic Precinct and the Geeves Street carpark. Building design should acknowledge that those facades will define how Rockdale is perceived by thousands of people travelling daily by train and arriving from Bryant, King and Bay Streets.

As outlined above, this future character is supported by the applicable planning controls within the centre. These controls permit a built form far greater than what currently exists within immediate proximity to the site. Further to this, the NSW State Government has also incentivised and encouraged growth beyond that currently permitted by the BLEP, through relevant State Environment Planning Policies (namely the Housing SEPP) and a desire to deliver Transit Orientated Development.

The variation to the height of buildings development standard pertains to the building cores and uppermost level of the development. As discussed in this Variation Statement, the approved development further to the north, in addition to the permitted planning controls, has established that an increase of building height can be accommodated on the subject site. In this regard, the proposal is designed to ensure that the non-compliant elements merge seamlessly into the compliant built form and will not appear as visually or physically obtrusive as viewed from the public domain. This approach has been undertaken to minimise environmental impact, whilst delivering a built form which is reflective of the strategic corner location of the site (with three frontages) and highly accessible nature.

Whilst the non-compliance will result in the provision of twelfth storey, this is considered to be compatible with the character of the immediate locality, as outlined above. Importantly, consideration should be given to the subject site's proximity to the 39m building height control to the south and 40m building height control to the east, on the opposite side of the Princes Highway. Furthermore, should any future development neighbouring the site benefit from Housing SEPP bonuses, a greater building height would be permitted. In this regard, the close proximity of the site to Rockdale Railway Station and its superior characteristics, ensure the variation will not result in a form which is incompatible with the desired future character of the locality.

As such, the height variation is compatible to the varying scale of neighbouring properties, achieving objective (a).

(b) to minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,

This objective seeks to minimise adverse amenity impacts to the surrounding developments.

In terms of visual impact, this is addressed within objective (a) above. As a summary, the visual impact of the non-compliant building core and uppermost level is mitigated due to the site's strategic corner location, close proximity Princes Highway, Rockdale Railway Station and the public parking area, and relationship to neighbouring properties, which contain a variety of building heights. Not only this, but the visual impact is further minimised through the urban and architectural design measures implemented. Most notably, the additional height is merged seamlessly into the compliant envelope below, and forms part of a cohesive and well-considered architectural design. Ultimately, the visual impact of the non-compliant building height is therefore acceptable and strict compliance would not result in any benefit given the superior characteristics of the site.

With regards to views, the proposed height breach will not result in any adverse impact due to the absence of significant views in the vicinity of the site. As existing, the locality features 1 and 2 storey commercial buildings in close proximity to the Rockdale Railway Station and Princes Highway. These buildings are not afforded any views to the wider locality

and there will not be any adverse loss of views created by the development, including the non-compliant building height. As such, the view impact created by the non-compliant building height would be insignificant or nil.

In terms of privacy, the current lack of neighbouring residential development adjoining the site results in minimal privacy impacts. However, consideration is made for privacy impacts when the future character of the Rockdale Town Centre is realised. As it pertains to the non-compliance uppermost level, the proposal focuses the majority of co-living rooms and associated balconies to the south, east and west, addressing the multiple frontages at the site. This will assist in increasing passive surveillance to the streetscape whilst ensuring privacy (for any future development) to the north is maintained. Whilst it is noted that openings and balconies are provided to the northern boundary from Level 11 (or the 12th storey), these are appropriately setback, include highlight windows and solid balustrades to reduce the extent of overlooking, and is therefore considered acceptable.

The upper portion of Level 10, where it is non-compliant, does not result in any privacy impacts as this pertains to a minor portion of the ceiling space, and is considered acceptable. To the south, the separation distances between the non-compliant building height and future neighbouring properties mitigates privacy impact. As such, the privacy impact created by the non-compliance is insignificant or nil.

With regards to overshadowing, the sites relationship to surrounding properties and location of numerous roadways ensures the shadow impact, as cast by the proposed non-compliance, is minimal. The majority of shadow impacts are cast over Geeves Avenue and Princes Highway. However, some overshadowing to the properties south of Geeves Avenue and to the east of the Princes Highway occurs. As it stands, the impacted buildings are used solely for commercial purposes and therefore solar impacts are inconsequential. However, consideration must be given to the future residential potential of these sites.

Specifically, buildings that lie to the south of Geeves Avenue are overshadowed by the proposed development between 9am and 12pm. However, from 12pm to 3pm there are no overshadowing impacts to these properties, thereby ensuring that any future residential development can achieve appropriate solar access. Similarly, potential buildings on the eastern side of Princes Highway are overshadowed between 12pm and 3pm, however, from 9am to 12pm will receive full solar access, enabling the flexibility of any future development. In addition to the above, it is also noted that the non-compliant portion of the building generally casts shadows beyond the site boundaries of the neighbouring properties, onto the public domain. Accordingly, the overshadowing created by the non-compliant portion of the development is considered acceptable.

As such, the development will allow adequate views, privacy and solar access to current and future neighbouring properties and achieves objective (b).

Objective (c): to nominate heights that will provide an appropriate transition in built form and land use intensity.

This objective seeks to ensure building height will transition appropriately to the surrounding locality.

As described in this Variation, land to the south of the site across Geeves Avenue is permitted a maximum building height of 27m, or 39m after the bonuses afforded by Clause 4.3(2A)(a) are relied upon. Directly to the north, the site is adjoined by land that permits a maximum building height of 34m (consistent with the subject site) and to the east on the opposite side of Princes Highway, land that permits a 40m maximum building height.

Critical to consideration of the permitted maximum building height are the incentives provided by the NSW State Government, as to deliver Transit Orientated Development. These incentives, of most relevance being the 30% in-fill affordable housing bonus permitted by the Housing SEPP, will permit a density and intensity of development greater than that permitted by the BLEP. Specifically, the implementation of a 30% bonus will deliver building heights of 44m

to the north, 50.7m to the south and 52m to the east. The increase in density encouraged for Transit Orientated Development must be considered for the transition in built form and land use intensity.

In accordance with the above, the proposed non-compliance, which includes an additional storey, will be entirely compatible with E1 Local Centre zone, and building heights throughout the locality. Whilst non-compliant, the site's strategic corner location (with multiple frontages), opposing the at-grade parking area, Rockdale Railway Station and Princes Highway, ensures building height will transition appropriately to the surrounding locality. Importantly, the non-compliance is integrated into architectural character of the development and will not appear as visually or physically obtrusive from the public domain. The built form, including the non-compliance, will successfully address this important corner location within the Rockdale Town Centre, and whilst being a storey greater than permitted by BLEP, will transition appropriately to the surrounding developments.

Whilst further to the north, the shop top housing development at Nos. 433-439 Princes Highway should also be considered as it contains 12 storey built form, as approved under the Rockdale LEP 2011. This building is of a comparable bulk and scale to the proposal, and also provides an appropriate transitions to land immediately to the south (34 height control) and to the east of Princes Highway (28m height control).

As such, the proposal is considered to satisfy objective (c).

Summary

Compliance with the maximum building height development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out above. For the same reasons, the objection is considered to be well-founded as per the first method underlined above. On this basis, the requirements of Clause 4.6(3)(a) are satisfied. Notably, under Clause 4.6(3)(b) a consent authority must now be satisfied that there are sufficient planning grounds for the contravention of a development standard. Clause 4.6(3)(b) is addressed in Section 5 below.

5. Sufficient environmental planning grounds (Clause 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby

Justice Pain ratified the original decision of Commissioner Pearson. The following planning grounds are submitted to justify contravening the maximum building height:

1. The non-compliance will contribute to the character of the locality

- a. Object 1.3(g) of the EP&A Act 1979 is “to promote good design and amenity of the built environment”. The proposed non-compliance is integrated seamlessly with the overall urban and architectural character of the development and will provide a high quality, contemporary architectural design. Whilst the proposal will contravene the height standard, including habitable rooms, the visual and physical appearance of height, bulk and scale is considered to be entirely compatible with the desired future character of the Rockdale Town Centre.
- b. As considered in *Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115*, the desired future character is subjective and can be set by the existing, recently approved and proposed buildings within the neighbourhood. The immediate locality does not reflect the desired character of development in the Rockdale Town Centre, and is anticipated to undergo significant transformation in accordance with the planning controls. Within the wider locality, development has taken place which is reflective of the desired character, such as the built form at Nos. 433-439 Princes Highway (DA-2015/322) was approved and constructed with a twelve storey height, as is proposed, where the 34m height limit applies.
- c. Crucial to the above is the height of surrounding development, which is as follows:
 - To the west, Geeves Lane, a commuter carpark and Rockdale Railway Station, where no built form is intended;
 - To the east, the junction between Princes Highway and Geeves Avenue and 1 and 2 storey commercial buildings with a maximum height of 40m permitted;
 - To the north, 1 and 2 storey commercial buildings, with a maximum height of 34m permitted; and
 - To the south, Geeves Avenue and 1 and 2 storey commercial buildings, with a maximum height of 39m permitted.

Per the above, the subject site is located at a unique juncture of low-rise dated commercial buildings, road and rail infrastructure and high density mixed-use development, reflective of the intended future character. The proposal is generally consistent with the built form and density controls of Rockdale Town Centre DCP and is designed so that the height non-compliance will not create any adverse impact on the perceived bulk and scale of the development.

- d. In addition to the above, it is also imperative to note that the subject site and immediate neighbours are all capable of benefitting from the recent 30% density uplift afforded by *Division 1 In-fill affordable housing* of the Housing SEPP. The implementation of a 30% bonus will deliver building heights of 44m to the north, 50.7m to the south and 52m to the east. In this regard, the subject

development, including the non-compliant building height, will be entirely compatible and will contribute to the desired future character of the locality, where the additional height is located on a strategic corner lot with three frontages, in a prominent location and within a highly accessible area.

- e. Ultimately, the overall development including the non-compliance will contribute to the character of the locality. The variation is integrated into the overall urban and architectural design of the development and will not be visually obtrusive or jarring as viewed from the surrounding locality. The proposal is consistent with the relevant controls as set out in the Rockdale Town Centre DCP (Section 7.2.5.2 (Built Form)).

2. The site characteristics support the non-compliance

- a. The subject site is strategically located and contains superior characteristics which support the proposed non-compliance. Specifically, the site is located on a prominent and strategic corner allotment with three frontages to Princes Highway, Geeves Avenue and Geeves Lane, including the at-grade public car park. The relationship of the site to these frontages, in addition to the Rockdale Railway Station and Bus Interchange, alongside the various surrounding uses, allows for the delivery of a prominent corner development which will enhance the public domain. The non-compliant building height will contribute to reinforcing the strategic location of the site, and will also provide for additional affordable accommodation within a highly accessible location.

3. The non-compliance will not have any adverse visual impact to the public domain or neighbouring properties

- a. The height breach is at its greatest to the lift overrun and uppermost level when measured from the existing ground level. This non-compliance will not result in any adverse impact as these elements are setback from the podium form below, and are integrated into the overall architectural and urban character of the development.
- b. In terms of the building core, this is necessary for the development to function and allow for equitable access to the uppermost level. To remove the lift overrun, which is generally concealed from the public domain and require stair access, is an inferior outcome in terms of accessibility.
- c. With regards to the non-compliances of habitable rooms, namely on Level 11, these have been designed so that they are setback from the street defining podium, and are integrated seamlessly into the tower form which complies with the development standard. The upper levels (Level 10 & 11) incorporate a 3m setback to Geeves Avenue, 3m setback to Princes Highway, 3.2m minimum setback to adjoining property and varied setback of 1.16m-3m setback to Geeves Lane. These setbacks ensures that the variation is appropriately sited in relation to the surrounding locality and will not result in any adverse visual impact when viewed from the public domain or neighbouring properties. Furthermore, the cohesive building design and materiality ensures that the uppermost

levels are differentiated from the lower levels and therefore mitigates visual impact. Ultimately and as detailed above, the proposal will be compatible with the desired character of the locality.

- d. Finally, and as detailed, the relationship of the non-compliant elements to the surrounding locality ultimately limits adverse visual impact, particularly given the site is located in a local centre undergoing significant transition. As the buildings podium and tower are well articulated, the bulk and scale of the non-compliance as perceived from the public domain is reduced. The remainder of the development meets the relevant Rockdale Town Centre DCP controls and is considered acceptable.

4. The non-compliances achieve a high level of design excellence and is compatible with the existing and desired future character of the locality

- a. The proposal delivers a high quality urban and architectural design which clearly exhibits design excellence, despite the non-compliance. This is supported by the Urban Design Report prepared by *Urbanac* which is submitted with this application. The Urban Design Report considers the proposals relationship to the surrounding properties and wider locality, including siting, design and landscaping, amongst other things. Specifically, the arrangement of bulk, scale and subsequent building height non-compliance are informed by the intended future character of the locality, as outlined in Rockdale Town Centre DCP. The non-compliance is integrated into the overall architectural design, as to limit impact. Further, given the site contains three street frontages, adjoins the railway line and at-grade parking to the rear, and arterial Princes Highway to the front, the height breach will not be visually jarring.
- b. Ultimately, the maximum building height variations as they oppose Princes Highway, Geeves Avenue and Geeves Lane will have minimal impact given the nature of the roadways, infrastructure and relationship to surrounding properties.

5. The non-compliance is a result of the redistribution of bulk and scale

- a. The proposed development seeks to strategically redistribute bulk and scale throughout the site. That is, the proposal provides compliant street walls along the frontage and provides a narrower tower to reduce bulk and scale as perceived from the public domain. That is, strict compliance with the building height standard may be achieved through a wider tower, however, the distinct benefits provided by the current scheme would be surrendered. Importantly, the proposed non-compliance will not result in any adverse visual, physical or amenity impacts.

6. Orderly and economic use of land

- b. The social benefits of providing additional, affordable co-living housing within a highly sought-after location should be given weight in the consideration of the variation request. It would be a loss to the community (and contrary to the public interest) to deny the variation and require the removal of additional housing within a well located and well-designed development. This is a

disproportionate response to the relatively minor impacts created by these elements, as discussed throughout this Variation.

7. The non-compliance would not result in adverse amenity impacts

- a. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:
 - i. The extent of the non-compliant height creates no adverse additional overshadowing impacts to adjoining properties when compared to a compliant building envelope. That is, whilst there will be additional overshadowing created by the non-compliant building height, the neighbouring properties will continue to receive 3 hours of solar access between 9am and 3pm on 21 June. Specifically, for properties that lie to the south on the opposite side of Geeves Avenue, will not be overshadowed from 12pm to 3pm during mid-winter. Similarly, properties on the eastern side of Princes Highway will not be overshadowed from 9am to 12pm. As such, any future residential development at these neighbouring properties will be capable of achieving suitable solar access.
 - ii. The height breach does not result in any adverse additional privacy impacts. Where the non-compliance pertains to the habitable rooms on the upper levels, opposing the northern boundary, separation distances, highlight windows and solid balustrades ensure privacy will be maintained despite non-compliance. This ensures that any future residential development on the property to the north will maintain suitable visual privacy. Furthermore, and to the south (on the opposite side of Geeves Avenue), the roadway separation will ensure no privacy impacts despite non-compliance, to any future properties. Accordingly, the privacy impact is considered acceptable despite non-compliance.
 - iii. The height breach does not result in adverse view loss. Importantly, there are no significant views enjoyed across the subject or neighbouring sites. This is largely due to the low-rise nature of the vicinity. As such, it is anticipated the extent of view loss caused by the non-compliant element would be insignificant or nil.

8. The proposal meets aims and objectives of key planning documents

- a. The proposed development meets the objectives of the development standard and meets the objectives of the E1 Local Centre zone (refer below);
- b. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - i. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilise site for residential uses (1.3(c));

- ii. The proposal promotes the delivery and maintenance of affordable housing (1.3(d)); and
- iii. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly given the desired future character of Rockdale Town Centre and strategic and superior characteristics of the site. Insistence on strict compliance with the height will result in the removal of vital co-living housing within a highly accessible location, which is a disproportionate outcome given the limited impacts of the proposal. Importantly, the non-compliance do not significantly impact the amenity of the public domain or surrounding properties and has been designed in such a way to ensure the additional height is compatible with the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

6. Conclusion

This written request has been prepared in relation to the proposed variation as it pertains to the height of buildings development standard contained in Clause 4.3 of BLEP 2021.

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard. The proposal has also demonstrated sufficient environmental planning grounds to support the breach. Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

ANNEXURE D

Bayside Development Control Plan 2022 – Compliance Table

Bayside DCP 2022 Compliance Table

Clause / Control	Requirement	Proposal	Complies?
CHAPTER 3 – General Development Provisions			
3.1 Site Analysis and Locality			
3.1.1 Site Analysis Plan	C1. Development Applications are to include a Site Analysis which includes both a sketch/diagrammatic Site Analysis Plan and a written component. C5. Applicants are to demonstrate as a part of their Development Application how the Site Analysis has informed the design outcomes at the site. This should be identified within the Statement of Environmental Effects.	A Site Analysis Plan and Contextual Study have been prepared by Axel Richter Architect. Section 2 of this report provides a site and context analysis.	Yes
		Refer to Section 2 and Section 5.3 of this report.	Yes
3.1.2 Interface with Public Domain	C1. Buildings are to be designed to: a. have a clearly defined entry point; and b. address the street, side street, rear laneway or any adjacent parks and/or public spaces C2. The visual and physical connection between the building frontage and the public domain must be considered in all development applications to ensure that the interface at ground level promotes a high level of pedestrian amenity and equitable access. C3. For mixed use development which contains residential dwellings, the principal usable part of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above. C4. Public domain improvement works such as footpath paving, reconstruction of kerb and gutter, landscaping, street trees, amenity area lighting and furniture may be required at the developer's expense. C5. Comfortable public places with high-quality public furniture, good shade and interesting outlooks within the public domain and open space shall be provided. C6. Walking and cycling paths are to be an adequate width for both to pedestrians and cyclists and promote: a. connectivity b. convenience c. comfort d. enable clear sight lines. C7. Pedestrian and cycling paths must comply with Australian Standard 1428.	A clearly defined entry point at ground level is provided to each commercial space. The residential foyer is located at the centre of the southern building façade. The built form is articulated to clearly demonstrate the residential entrance and foyer.	Yes
		The connection between the building frontages and public domain has been carefully considered with wide footpaths, street trees and awnings incorporated in the design.	Yes
		The principle communal open space is located above ground.	Yes
		Noted. Landscaping, seating, new kerbs and gutters are some of the works proposed within the public domain.	-
		Comfortable public spaces are provided with proposed seating adjacent to street trees.	Yes
		New public domain paving is proposed to improve pedestrian connectivity in and around the site.	Yes
		Complies.	Yes

Bayside DCP 2022 Compliance Table

	C8. Developments are to be designed so that required services and infrastructure (e.g. hydrants) that interface with the public domain are considered and integrated into the built form design at development assessment stage.	All services within the public domain are adequately integrated. Existing services pits are to be covered with new lids to councils specifications.	Yes
3.1.3 CPTED	<p>C1. CPTED principles are to be addressed in all development applications where there is the potential to minimise risk and improve safety.</p> <p>C2. Larger development applications (as outlined below) are to be supported by a Safer by Design Assessment Report:</p> <p>a. Residential flat buildings and multi dwelling housing (20 or more dwellings).</p> <p>b. mixed use developments (with 20 or more dwellings)</p>	<p>The proposal has taken into considerations the CPTED principles in Section 5.4.1.</p> <p>The proposal is for a mixed use building with greater than 20 dwellings.</p>	Yes
3.1.4 Active Street Frontages	<p>C1. Where active street frontages are required, development is to: a. identify landscaping, street paving and furniture etc along the active street frontage b. orientate and program active uses on the ground floor to maximise the visual amenity for outdoor seating opportunities c. provide a minimum width of 2 metres on a public footpath that is clear of any obstructions or structures for pedestrian access</p> <p>C2. On other sites within centres where no Active Street Frontage is required under BLEP 2021, active uses are to be provided (for example, retail and business premises) at ground level facing the street. These should maximise operable and glazed shop frontages, entries for all uses, active office uses such as reception and any other activities which provide pedestrian interest and activation.</p> <p>C3. Where outdoor dining is proposed to occupy the Council footpath, the applicant must obtain development consent, in addition to a lease agreement with Council.</p> <p>C4. The ground floor entries to all uses are to generally have same finished floor level as the adjacent footpath to facilitate direct access from the street</p> <p>C5. If the active street frontage adjoins a Heritage Item the setback, design and scale of the active street frontage must complement the Heritage Item.</p> <p>C6. Active frontages are to maintain the existing fine grain subdivision pattern where appropriate.</p> <p>C7. The design of active street frontages are to include a minimum 80% transparent glazing.</p>	<p>The site does not contain an active street frontage under LEP 2021.</p> <p>At ground level, commercial uses are proposed as required by the Housing SEPP.</p> <p>Noted.</p> <p>Generally, the ground floor entries have the same finished floor level as the street.</p> <p>The site adjoins a heritage item to the rear, however, is separated by Geeves Lane.</p> <p>The fine grain subdivision pattern has been acknowledged.</p> <p>Glazing is proposed throughout the majority of the ground level.</p>	<p>N/A</p> <p>Yes</p> <p>-</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Bayside DCP 2022 Compliance Table

	<p>8. The design of active street frontages must not incorporate security roller door and window bars.</p> <p>9. Active frontages are to contribute to the vitality of streets and night time activation by maximising entries / display windows to shops / food and drink premises</p>	<p>Not included.</p> <p>Display windows to shops and food premises are maximised in the volume of glazing at ground level.</p>	<p>Yes</p> <p>Yes</p>
3.1.5 Views	<p>C1. Development must consider any significant vistas or views to, from and across the site including those which contribute to the character, identity, or sense of place of the site.</p> <p>C2. Development must retain existing views to Botany Bay, from within the site and from adjoining and adjacent sites, and where possible enhance views through site planning and building design.</p> <p>C3. Development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character of the area and its skyline.</p> <p>C4. View corridors to landmarks and significant heritage items must be protected where possible. Development Applications may need to be supported by photo montages of the proposed development to illustrate the impact on views.</p> <p>C5. Roof forms on the low side of streets are well articulated to allow public views and add interest to the scenic outlook. Large, flat expansive roofs with vents, air conditioning units and similar structures are inappropriate.</p> <p>C6. 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.</p>	<p>There are no significant views impacted by the proposal.</p> <p>No views of Botany Bay in and around the site are afforded.</p> <p>The site is not considered highly visible.</p> <p>The site is in close proximity to Rockdale Railway Station and Yard Group of local heritage significance. It should be noted that the existing commercial buildings on site obstruct views of this heritage items from the public domain.</p> <p>The proposal is for a flat roof in line with alternate recently approved/built mixed use building in the Rockdale Town Centre.</p> <p>There are no views of the bay afforded at present from the site or neighbouring buildings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.2 Design Excellence	<p>C1. Development is to give consideration to the principles of design excellence as outlined within Clause 6.10 of Bayside Local Environmental Plan 2021 and within Council's Design Excellence Guidelines.</p> <p>C2. Where a competitive design process must be undertaken as identified in the Bayside LEP 2021, it must be undertaken in accordance with the Design Excellence Guidelines as referenced in Clause 6.10 of the LEP and Bayside Council's Design Excellence Guidelines.</p> <p>C3. Where a competitive design process is required, it is to be undertaken before the detailed Development Application is submitted.</p>	<p>The proposal is consistent with the principles of design excellence refer to Clause 6.10 in Annexure B.</p> <p>The proposal does not exceed 40m and/or 12 storeys and as such is not required to undertake a competitive design process.</p>	<p>Yes</p> <p>N/A</p>

Bayside DCP 2022 Compliance Table

	<p>C4. Any Development Application to which Clause 6.10 of the LEP applies, must be accompanied by a Design Excellence Report, including the following information: a. Site, context, form and design excellence analysis; b. Public domain layout including levels, uses, access, circulation and dedications; c. Statement outlining how the proposal achieves the requirements of Clause 6.10(4) of the Bayside LEP 2021 and is consistent with Bayside Council's Design Excellence Guidelines; d. Overshadowing and view analysis; e. Ecologically sustainable development strategies and benchmark commitments - including connection to green infrastructure and biodiversity and landscape commitments; and, where relevant, a f. Staging plan</p> <p>C5. Development is to incorporate the following sustainability measures (in addition to the requirements of Section 3.3 of this DCP): a. Provision of Solar Photovoltaic Cells on the rooftop designed to maximise the coverage of the non-trafficable roof space. b. Provision for Electric Vehicle (EV) charging within the parking facility. c. Maximisation of non-potable stormwater re-use. d. Zoned and sensor-controlled lighting and air conditioning. e. Use of LEDs and other low energy flicker free lighting resources. f. Use of water saving appliances above and beyond BASIX requirements. g. Provide ample recycling storage rooms. h. Extensive use of deep soil landscaping and planters on interior/exterior of the buildings including provision of green walls, green roofs where possible etc. i. Provide separate circuiting for temporary power to minimal stair and corridor lighting. j. Consideration for adoption of sustainable building materials such as timber and the use of blast slag, fly ash or other pozzolan admixtures in concrete to minimise cement and reduce embodied carbon. k. Mitigation of any environmental impacts such as urban heat island effect, overshadowing, wind, air quality and reflectivity</p>	<p>A Design Excellence Report has been prepared by Urbanic.</p> <p>These measures have been incorporated, refer to Embodied Emissions Form.</p>	<p>Yes</p> <p>Yes</p>
3.3 Energy and Environmental Sustainability			
3.3.1 General Controls	C1. Areas of glazing are located to avoid energy loss and unwanted energy gain.	Noted.	Yes
	C2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east, whilst allowing for penetration of winter sunlight (see Figure 3).	Adequate sun protection is provided with COS, POS and public domain areas adequately shaded.	Yes
	C3. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted windows are not acceptable.	Not proposed.	Yes

Bayside DCP 2022 Compliance Table

	<p>C4. Lighting for streets, parks and any other public domain spaces provided as part of a development should use energy efficient lighting such as LED lighting.</p> <p>C5. Ensure the location of windows, doors and internal layout of the building promotes air movement for cooling.</p> <p>C7. Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.</p>	<p>Energy efficient lighting will be used throughout the public domain.</p> <p>Air movement has been prioritised with adequate cross ventilation provided.</p> <p>The co-living apartments are naturally ventilated.</p>	<p>Yes</p> <p>Yes</p>										
3.3.2 Natural daylight and ventilation (passive design)	<p>C1. Buildings must comply with the following minimum ceiling heights to facilitate adequate natural lighting and ventilation:</p> <table><tr><th>Development Type</th><th>Habitable rooms</th><th>Non-Habitable rooms</th></tr><tr><td>Residential</td><td>2.7m</td><td rowspan="3">2.4m</td></tr><tr><td>Retail & commercial</td><td>3.3m</td></tr><tr><td>First floor & above of mixed-use building</td><td>3.3m</td></tr></table> <p>C2. Buildings must be designed to maximise opportunities for cross flow ventilation by providing clear breeze paths and shallow building depths. The maximum internal plan depth of a residential apartment should be 18m from glass line to glass line. Developments that propose greater than 18m must demonstrate how satisfactory daylight and natural ventilation is achieved.</p> <p>C3. Windows that can open and which are designed to provide controlled air flow should be installed</p> <p>C4. Buildings must have an adequate number of openings at each level to allow natural light and ventilation, including lift lobbies and entries</p> <p>C5. On deep sites, courtyards and light wells should be provided on the lower levels of mixed use and commercial buildings to achieve natural lighting of every level and cross ventilation and/or stack effect ventilation.</p>	Development Type	Habitable rooms	Non-Habitable rooms	Residential	2.7m	2.4m	Retail & commercial	3.3m	First floor & above of mixed-use building	3.3m	<p>2.7m ceiling heights are provided for residential component. The ground floor retail and commercial ceiling heights are approximately 5m.</p> <p>The amended apartments will be naturally ventilated. No apartment will exceed 18m in length.</p> <p>Noted.</p> <p>Noted.</p> <p>Outdoor communal areas are located on lower levels 1 and 3 to improve opportunities for natural lighting and cross ventilation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Development Type	Habitable rooms	Non-Habitable rooms											
Residential	2.7m	2.4m											
Retail & commercial	3.3m												
First floor & above of mixed-use building	3.3m												

Bayside DCP 2022 Compliance Table

3.3.3 Reflectivity	<p>C1. A Reflectivity Report that analyses potential solar glare from the proposed building design may be required for tall buildings.</p> <p>C2. For buildings in the vicinity of arterial roads/major roads and Sydney Airport, proof of light reflectivity is required and is to demonstrate that light reflectivity does not exceed 20%.</p> <p>C3. The placement, orientation and configuration of new buildings and facades must not result in glare that produces discomfort or endangers safety of pedestrians or motorists.</p> <p>C4. Materials must be durable and can be easily cleaned and are graffiti resistant.</p>	<p>A reflectivity report is not deemed necessary.</p> <p>The site is adjacent to the Princes Highway. (Require proof of light reflectivity).</p> <p>The façade largely incorporates face brick which does not produce glare. Other finishes including painted concrete, metal balustrading and window frames contain low glare qualities.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.3.5 Energy Assessment	<p>C1. A report on energy and water efficiency is to be submitted with a development application for any building works with a construction cost of \$1,000,000 or more. The report must address how the principles of this DCP Part have been incorporated which should include but not necessarily be limited to: a. Whether the building has achieved a NABERS or Green Star rating. b. Passive solar design principles used to avoid the need for additional heating and cooling. c. How energy efficiency has been incorporated into the design in general, such as the incorporation of building articulation to allow daylight into ground and first floor levels. d. Justification of hot water systems selection. e. Overshadowing of adjoining properties. f. Total anticipated energy consumption. g. Water efficient fixtures and water conservation measures. h. How demand for water and discharge of wastewater will be minimised. i. Incorporation of renewable energy types such as solar hot water heating. j. Use of recycled building materials and materials with low embodied carbon. k. Use of materials that are nonpolluting in manufacture, use and in disposal. l. Use of roof lights and vents to internal service rooms at roof top level to minimise reliance on artificial light and ventilation. m. Use of advanced air conditioning systems and new technologies such as chilled beam air conditioning and waste heat recovery systems for larger buildings. n. Incorporate water conservation measures as referred to in this DCP.</p>	<p>The proposal contains a CIV that exceeds \$1 million. An Embodied Emissions and Materials Form has been provided.</p>	<p>Yes</p>
3.4 Heritage			
3.4.5 Development adjoining or in close proximity to Heritage Items	<p>C1. New development in the vicinity of heritage items or heritage conservation areas must respect the significance of the heritage item, its built character and architectural significance with regard to the following: a. building envelope b. proportions c. setbacks d. scale e. material and colours</p>	<p>The proposed development is located in close proximity to local heritage item I357 on the opposite side of Geeves Lane. It should be noted the proposed building envelope, proportions, scale and materials are in line with the Rockdale Town Centre specific development controls. The heritage item consists of the railway</p>	<p>Yes</p>

Bayside DCP 2022 Compliance Table

	<p>C2. Development in the vicinity of a heritage item or heritage conservation area must demonstrate that it: a. retains adequate space around the heritage item to enable its interpretation b. conserves significant landscape features including horticultural features, trees, rocky outcrops and outbuildings c. enables archaeological sites to be conserved in accordance with relevant approvals d. retains significant public domain views and lines of sight to the heritage item</p>	<p>line and Rockdale Train Station. Councils intended uplift within Rockdale Town Centre, particularly along the Princes Highway has been designed with the values of this heritage item in mind.</p> <p>The heritage item remains separated from the site by Geeves Lane. There are no significant landscape features within the heritage item to be retained. Given the level of disturbance, no archaeological sites are deemed to exist within the heritage item. Public domain views of the train station are still afforded along Geeves Avenue.</p>	Yes
3.5 Transport, Parking and Access			
3.5.1 Design of the Parking Facility	<p>C1. Off-street parking facilities, including carports, are generally not permitted within the front setback due to the impact on streetscape and landscape character. Driveways/hardstands and carports encroaching into the minimum front boundary setback may be considered for single dwelling houses in circumstances where:</p> <p>a. the hardstand or carport is to serve a single dwelling house (not permitted for any other form of residential development); b. there is no opportunity to provide off street parking from a rear lane, side street, or behind the required front setback; c. the hardstand or carport is for a single vehicle and is no larger than 3m in width, 6m in length and 3m in height if a flat roof, or 3.6m if a pitched roof; d. the design is sympathetic to the host dwelling and the existing streetscape, in regard to materials, scale, form, roof style and the predominant setbacks of similar structures; e. the carport does not include enclosing walls, or a solid panel or roller shutter door; f. gates do not encroach upon public land during operation and a minimum length of 5.5m is available so that a parked vehicle does not overhang the front boundary; and g. all other requirements of this DCP are met, including landscaping requirements.</p> <p>C2. For mixed use development, residential onsite parking areas are to be clearly separated from parking areas associated with other uses by installation of a security roller door or boom gate.</p>	<p>Basement parking is proposed.</p> <p>The commercial parking space is located at basement level, alongside the co-living parking spaces. Given the relatively low provision of onsite parking (to encourage other forms of transport), separation of the 12 residential and 1 commercial spaces would be impractical. Car space 3 is assigned to the commercial component of the proposal.</p>	<p>Yes</p> <p>On Merit</p>

Bayside DCP 2022 Compliance Table

	C3. The design/width of the access driveway shall minimise the loss of on-street parking and be as per with Bayside Technical Specification - Traffic, Parking and Access.	The access driveway is located along Geeves Lane. Parking is not permitted adjacent to the site within the streetscape.	Yes
	C4. Off-street parking facilities are to be designed in accordance with current Australian Standards (AS2890 parking series).	Complies.	Yes
	C5. Tandem or stacked parking shall comply with the following: a. a maximum of two (2) spaces will be permitted for each tandem/stacked parking arrangement. b. each tandem or stacked parking arrangement shall be allocated to the same residential/commercial unit and not be used for visitor parking c. shuffling of stacked vehicles shall be carried out wholly within the premises d. stacked parking in excess of two vehicles may be appropriate where valet parking is provided, or parking is managed by a single operator.	No tandem parking is proposed.	N/A
	C6. A maximum of one vehicular access point is permitted per property.	A single vehicular access point is proposed.	Yes
	C7. Development shall avoid vehicular access points being located: a. in places with high traffic volumes, such as classified or arterial roads b. close to intersections as outlined in Section 3.2.3 of AS2890.1 c. where there is heavy or constant pedestrian movements along the footpath d. where vehicular access would interfere with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings e. less than 0.5m from any power pole f. adjacent to or at the sag point of the street g. in places where sight distance requirements outlined in Section 3.2.4 of AS2890.1 cannot be complied with h. within the dripline/canopy of trees	The vehicular access point has been located on the lowest order road, being Geeves Lane. There is minimal traffic along this laneway and parking along the eastern extent is not permitted.	Yes
	C8. The following developments shall be designed with internal manoeuvring areas so that vehicles can enter and exit the site in a forward direction: a. Developments with four or more dwellings/car spaces b. Childcare centres & boarding houses c. Developments with vehicle access to/from a classified road d. Industrial & commercial development e. Developments with basement car parking accessed via a steep ramp f. Where council considers it necessary due to the site-specific circumstances	The proposal has been designed with internal manoeuvring areas within the basement. A loading dock is provided at ground level to accommodate a MRV. The swept path analysis in the Traffic and Parking Assessment shows the MRV in the loading bay manoeuvres within Geeves Lane. Given the size of the site and requirement for a commercial use at ground level (Housing SEPP), there is limited on site area to increase the paved area adjacent to the loading dock. Geeves Lane is a quite 2-way lane that does not allow parking along the eastern extent. As such, there would be no factors obstructing a MRV to manoeuvre within the laneway.	On Merit
	C9. Adequate sightlines are to be provided for pedestrians on the footpath as per Australian Standards	Adequate sightlines and separation are/is provided between pedestrian and vehicles.	Yes

Bayside DCP 2022 Compliance Table

	<p>C10. Vehicular access is to be provided from a secondary street frontage or rear lane, where possible.</p> <p>C11. The maximum driveway gradients for at least the first six (6) metres into the property shall be no greater than 1 in 20 or 5% (except for low density residential development).</p> <p>C12. Access driveways/vehicular crossings are to be designed to accommodate the turning circle of the largest vehicle expected to use the service area without crossing the centreline of the road. Specific consideration is to be given to two-way simultaneous movements.</p> <p>C13. The location of vehicle control points (e.g. roller doors / boom gates) are to allow sufficient queuing areas (minimum 1) within the site for entering vehicles.</p>	<p>Vehicular access is provided from the secondary street frontage.</p> <p>Complies.</p> <p>The largest vehicle intended to use the basement carpark is a B99 vehicle.</p> <p>The security gate is located greater than 6m within the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>C14. Pedestrian entrances and access within a development must be legible and separated from vehicular access paths.</p> <p>C15. Car parks must provide a direct and safe pedestrian access to a building's entry and exit (well-lit and free of concealment opportunities).</p> <p>C16. Pedestrian access routes between car parking and other public areas are to provide: a. co-ordinated signage b. lighting c. security d. direct paths of travel with stairs and disabled access ramps e. protected from vehicular aisles and manoeuvring areas by bollards f. for childcare centres, the parent drop off/pick up spaces are to be provided with a minimum 1.5m dedicated pedestrian link connecting to the child care centre entrance which does not protrude into, and is protected from, the vehicular manoeuvring areas g. for laneways, where possible provide a minimum 0.9m laneway setback for the extension of the public footpath covered by a right of footway easement.</p>	<p>Pedestrian entrances for the ground level commercial and residential lobby are legible.</p> <p>The basement car park provides safe pedestrian access to the upper levels via 2 x lifts and 2 x fire stairs.</p> <p>Carparking is within the basement and is not co-located with public areas.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
3.5.2 Traffic Impact Assessment and Transport Plans	<p>C1. A Traffic and Parking Impact Assessment Report is to be prepared and submitted for development: a. listed in Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 b. listed in Table 3 below with a GFA in excess of 600m² c. where, in the opinion of Council, the proposed development is likely to generate significant traffic impacts</p> <p>C2. The Traffic and Parking Impact Assessment Report is to be prepared by a qualified and experienced traffic engineer and prepared generally in accordance with the most recent version of the RTA "Guide to Traffic Generating Developments</p>	<p>A Traffic and Parking Assessment has been prepared by PDC Consultants.</p> <p>The report is prepared by qualified a consultant.</p>	<p>Yes</p> <p>Yes</p>

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	<p>(2002") and AUSTRROADS "Guide to Traffic Management, Part 12: Traffic Impacts of Development."</p> <p>C3. Traffic and Parking Impact Assessments are to assess the design of the parking facility in regard to Australian Standards. Numerical parking provisions are also to be assessed.</p> <p>C4. Swept path analysis is to be provided for manoeuvring of passenger, commercial and servicing (truck) vehicles within the development. The swept path diagrams shall be prepared by recognised software (e.g. Auto Track, Auto Turn or equivalent) in accordance with Australian standards and include a scale, dimension and legend.</p> <p>C5. The Traffic and Parking Impact Assessment Report is to undertake a cumulative traffic impact assessment for 'all developments' in the area (including current and approved Development Applications).</p>	<p>The report assessed both the parking facilities compliance with Australian Standards and numerical parking provision.</p> <p>Swept path diagrams have been provided for B99 vehicle and MRV.</p> <p>A cumulative traffic impact assessment is provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.5.3 On-site Car Parking Rates	<p>C1. Development is to provide on-site car parking in accordance with the car parking rates outlined in Table 3 below</p> <p><i>Affordable housing, boarding houses, group homes, co-living housing, build-to-rent housing, and seniors housing - As per requirements stipulated in State Environmental Planning Policy (Housing) 2021</i></p> <p><i>Commercial Premises (including business premises, office premises and retail premises) - 1 space / 40 m² GFA</i></p> <p>C2. Council may reduce car parking provision in certain circumstances, as follows: a. Peak Parking and traffic activity occurs during periods where surrounding parking demand is lowest b. Existing site and building constraints make provision of car parking impractical c. Located adjacent to high frequency public transport services and/or urban services d. Includes management regimes to minimise car use, such as Workplace "Green" Travel Plans or on-site car share schemes e. Provides a business or social service that benefits the local community and contributes to the vitality of the area f. Safety of motorists, pedestrians and cyclists is unduly</p>	<p>For development on land in an accessible area, a rate of 0.2 parking spaces for each private room in a co-living development applies under the Housing SEPP.</p> <p>This would require 31 parking spaces for the co-living.</p> <p>375m² of commercial GFA is proposed, requiring 8 parking spaces (including the 20% reduction for Rockdale Town Centre).</p> <p>The proposal is required to provide a total of 39 car parking spaces. The development provides a total of 13 car parking spaces, 12 for the co-living and 1 for commercial.</p> <p>A reduction in the required carparking provision is suitable at the site for the following reasons:</p> <p><i>The site is within 150 metres of Rockdale Railway Station, which is serviced by the T4 Eastern Suburbs & Illawarra Line. This Line provides direct, high frequency services to the Eastern Suburbs, Cronulla and Waterfall, and the Sydney CBD from where the broader rail network can be accessed.</i></p>	<p>On Merit (refer to Section 4.2.8)</p> <p>Yes</p>

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	<p>compromised by the provision of car parking g. Development contributes to heritage conservation of the building and setting Any request for a reduced car parking provision is to be accompanied by a traffic and parking impact assessment report.</p>	<p><i>The site is within 150 metres of Rockdale Railway Station, which is serviced by the T4 Eastern Suburbs & Illawarra Line. This Line provides direct, high frequency services to the Eastern Suburbs, Cronulla and Waterfall, and the Sydney CBD from where the broader rail network can be accessed.</i></p> <p><i>2 x car share spaces are provided</i></p> <p><i>Will benefit the local community in reducing car dependency in an area with low availability of public parking and encourage passive and public transport modes.</i></p>	
	<p>C3. No additional parking is required for a change of use involving commercial uses on existing sites that are less than 100m2 GFA.</p>	<p>No change of use proposed.</p>	N/A
	<p>C4. A 20% reduction in the “non-residential” component of the parking requirement shall be applied to any development within the Rockdale Town Centre, Arncliffe/Banksia Town Centre and Wolli Creek Town Centre.</p>	<p>The 20% reduction has been applied and would require 8 commercial parking spaces.</p>	Yes
	<p>C5. Where a development involves a change of use or alterations/additions that would generate a greater car parking requirement than existing, additional parking is required to be provided equivalent to the difference between the two parking requirements.</p>	<p>No alts and ads or change of us.</p>	N/A
	<p>C6. In the case of substantial alterations and additions that effectively involve the virtual reconstruction of a building, the historical deficiency will not be permitted to be credited to the parking calculation.</p>	<p>No alts and ads proposed.</p>	N/A
	<p>C7. For alterations and additions to single dwellings, where the existing parking facilities on the site are not considered to be functional and designed as per Australian Standards, those areas will not be considered as existing parking spaces and as such, a historical shortfall will apply.</p>	<p>No alts and ads proposed.</p>	N/A
	<p>C8. Council may waive the requirement for onsite parking for single dwellings, where such provision (in the form of a garage, carport, or handstand area) would:</p> <p>a. adversely impacts on the existing streetscape b. adversely impacts a Heritage</p>	<p>No single dwelling proposed.</p>	N/A

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	<p>Item or Heritage Conservation Area c. be inconsistent with the Desired Future Character of the area.</p> <p>C9. Where a contribution has previously been made to Council towards the provision of car parking in respect of a particular property, such contribution is to be taken into account when assessing the parking requirement for any redevelopment of the land.</p> <p>C10. The number of parking spaces for small cars (as defined in AS2890.1) is not to exceed 10% of the total car parking spaces.</p>	<p>No previous contributions have been made.</p> <p>No parking spaces specifically for small cars are proposed.</p>	<p>N/A</p> <p>N/A</p>
	<p>C11. For all multi-unit development with at least 5 dwellings, one (1) car wash bay is to be provided for every 60 dwellings or part thereof. The car wash bay can either be a dedicated space or shared with a visitor parking space. The dimensions of each car wash space are to be at least 3.5m wide and 5.4m long.</p> <p>C12. Car wash bays are to be fully bunded and discharge only to the sewer in accordance with Sydney Water requirements. Each car wash bay is to be covered, appropriately signposted, have a cold-water tap (typically connected to the rainwater tank) and a waterproof power outlet.</p>	<p>1 car wash bay is proposed. The proposal is for co-living and no visitor parking is required nor proposed. Thus, the provision of a car wash bay on site is required to wholly be dedicated to washing and not used as a resident or visitor space.</p> <p>The development proposes one car wash space as a balanced response to the DCP requirement in consideration of the number of car spaces proposed at the site. However, should Council deem this space better suited to being a dedicated resident or car share space instead then it is welcome to impose such via a suitably worded condition of consent.</p> <p>The car wash bay is fully bunded and discharge into the sewerage system.</p>	<p>On Merit</p> <p>Yes</p>
	<p>C13. Shared parking concession for mixed use development may be considered, where: a. the applicant provides justification for all temporal parking demand assumptions applied within the Shared Parking Register; b. all residential parking is freely accessible to residents at all times and not used for any other use on the site; c. land uses and subsequent peak parking demand periods are included within the Shared Parking Register; d. the minimum parking requirement as per the Shared Parking Register is the absolute minimum and should not necessarily be the acceptable minimum provided on-site. Consideration must be taken into</p>	<p>2 car share spaces are proposed.</p> <p>Refer to Section 4.1.3 of Traffic and Parking Assessment for justification regarding carshare.</p>	<p>Yes</p>

Bayside DCP 2022 Compliance Table

	account for future changes of use within the development and conservative variations within the peak times.		
3.5.4 Bicycle and Motorcycle Parking	<p>C1. Bicycle & motorcycle parking must be provided on site as follows</p> <p>Commercial Premises (Business Premises, Office Premises, and Retail Premises): a. 1 bicycle space per 150sqm GFA b. 1 bicycle space per 400sqm GFA provided for visitors c. 1 motorcycle space per 15 car spaces</p> <p>Boarding Houses and Co-Living Housing: a. 1 bicycle space per 1 private room or boarding room b. 1 motorcycle space per 5 private rooms or boarding rooms</p> <p>C2. Bicycle parking facilities shall be designed in accordance with most recent edition of AS2890.3 and AUSTROADS. Motorcycle parking is to be designed as per AS2890.1.</p> <p>C3. Bicycle parking for residents/staff of a building is to be in the form of individual bicycle lockers/cages or as bike racks within a well-lit secure room/structure monitored by security camera surveillance (security level A or B from table 1.1 of AS2890.3:2015).</p> <p>C4. All visitor bicycle spaces shall be located at the entrance to the development and be designed as security level C from table 1.1 of AS2890.3:2015.</p> <p>C5. Bicycle parking in basements is to be located on the uppermost level of the basement close to entry/exit points.</p>	<p><u>Bicycle Parking</u></p> <p>The DCP requires 157 bicycle parking spaces for co-living and 4 bicycle spaces for commercial.</p> <p>A total of 69 bicycle spaces are proposed for co-living. A total of 4 bicycle spaces are proposed for commercial.</p> <p><u>Motorcycle Parking</u></p> <p>The DCP requires 31 motorcycle spaces for co-living and none for commercial.</p> <p>A total of 6 motorcycle spaces are proposed for co-living. Refer to the Traffic and Parking Assessment.</p> <p>Complies.</p> <p>65 bicycle spaces are provided within the basement in secure areas. 8 spaces are provided at ground level, within a secure area.</p> <p>No visitor bicycle spaces are proposed.</p> <p>Bicycle parking is located on the only basement level.</p>	<p>On Merit (refer to Section 4.2.8)</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
	C6. Non-residential development shall provide end of trip facilities on site as follows: a. 1 personal locker for each bike parking space b. 1 shower and change cubicle	The proposal is for a mixed-use building with the commercial component not requiring end of trip facilities.	Yes

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	for every 10 bicycle spaces or part thereof c. 1 bicycle repair toolkit and pump d. Toilets, drying rooms, and hand washing facilities.		
3.5.5 Accessible Parking	<p>C1. Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in Table 4 below.</p> <p><i>Residential apartment buildings, conversion of non- residential buildings into apartments, shop top housing, multi dwelling housing and live/work buildings (includes mixture of classes for those including commercial and industrial components).</i></p> <p>Half of the adaptable dwellings provided in a development are required to have allocated accessible resident car parking, (e.g. 8 adaptable apartments requires a minimum of 4 accessible car parking spaces). The residential accessible spaces can be designed to comply with either AS4299 or AS2890.6. The visitor and commercial accessible car parking spaces must comply with AS2890.6</p> <p>C2. Accessible car spaces are to be allocated to the relevant adaptable units as part of any multi-dwelling or high-density residential development. Accessible car parking spaces allocated to adaptable dwelling units are to form part of the lot of the associated adaptable unit in the strata plan.</p> <p>C3. Car parking facilities are to be designed to prioritise the location of accessible parking spaces so they are in close proximity to lifts and access points.</p>	<p>8 double rooms proposed are accessible. This would require 4 accessible carparking spaces for the co-living component.</p> <p>2 of the 13 carparking spaces are accessible. 1 for the residential component and 1 for the commercial component.</p> <p>An Access Report has been prepared by Vista Access Architects which confirms relative to the total number of parking spaces provided, the proposed 2 accessible parking spaces are satisfactory.</p> <p>The proposal cannot be strata titled as it is for co-living.</p> <p>The accessible parking spaces are located in close proximity to the lifts.</p>	<p>On Merit (refer to Section 4.2.8)</p> <p>N/A</p> <p>Yes</p>
3.5.6 Loading Facilities	<p>C1. The number of service bays are to be provided in accordance with Table 5 below.</p> <p>50 dwellings and above • 1 MRV service bay; plus • 1 service bay (for MRV or larger) for every additional 100 dwellings</p>	<p>No service vehicle parking is stipulated for co-living. The rate specified for boarding houses of 50 dwellings and above is 1 MRV.</p> <p>A total of 157 dwellings are proposed and would require 2 MRV bays. For commercial development, areas up to 1,000m² require one space for a SRV.</p> <p>The site proposes provision of one ground level 90-degree MRV bay which would be accessed directly off Geeves Lane. This is considered a superior outcome to the existing non-provision of any on-site loading facilities for the multiple existing retail tenancies, which must therefore be serviced by on-street loading zone facilities on Geeves Lane.</p>	<p>On Merit</p>

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	<p>C2. Loading points are to be designed to: a. allocate sufficient areas for the efficient access, collection, and delivery of goods b. allow delivery vehicles to be able to access buildings safely and efficiently c. minimise the impacts of noise on building occupants, near neighbours and the local area d. not dominate or detract from the appearance of the development and the local streetscape e. not be positioned within the front landscape setback</p> <p>C3. Service bays and loading docks for service vehicles, include access to these areas, are to be designed in accordance with AS2890.2 and AUSTROADS guidelines. Dimensions of loading bays shall be as per AS2890.2.</p> <p>C4. Service bays are to be adequately screened from the street/public view and be located: a. near vehicle entry points and near lifts b. as far as practicable from adjoining sensitive land uses c. completely within the boundary of the site d. clear of parked vehicles and through traffic.</p> <p>C6. Loading bays are to be clearly designated and signposted for service vehicles only and are not to be used for other purposes such as storage of goods and equipment.</p> <p>C7. Service vehicles are to be able to enter and exit the property in a method that does not compromise pedestrian safety.</p> <p>C8. Loading and waste collection points shall be: a. located separately from public parking areas where possible b. designed and operated so that the vehicles can manoeuvre on site without interfering with buildings, parked vehicles, and landscaping</p> <p>C9. A loading dock management plan is to be prepared for all development. This management plan shall also to address waste collection.</p>	<p>The loading bay from Geeves Lane provides sufficient area for the loading and unloading of goods and will incur minimal impacts to the primary streetscape and residents.</p> <p>Complies.</p> <p>The service bay is concealed from the primary and secondary frontages and located along the tertiary frontage. The bay is clear of parked vehicles.</p> <p>The loading bay will feature appropriate signage. Council can provide a condition of consent to this effect.</p> <p>Pedestrian safety is not compromised.</p> <p>Loading and waste collection is located at ground level away from basement carparking.</p> <p>A loading dock management plan can be provided to Council via a condition of consent.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.5.7 Waste collection	<p>C1. Waste collection must be provided on-site within new building development (excluding development with less than 600m2 GFA and multi-unit developments with 10 dwellings or less). This waste collection bay may be shared with another loading/unloading space. Access must be designed to accommodate a Council garbage truck, or any vehicles used by private waste contractors (SRV minimum).</p> <p>C2. The waste collection point is to be designed to: a. allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps b. provide sufficient side, rear and vertical</p>	<p>Waste collection is provided on site at ground level.</p>	<p>Yes</p>

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	<p>clearance to allow for the waste collection activity to be undertaken (e.g. the lifting arc for automated bin lifters requires clearance to remain clear of any walls or ceilings and all service ducts, pipes and the like). c. comply with Bayside Technical Specification - Traffic, Parking and Access.</p> <p>C3. Waste rooms are to be located as close as possible to the waste collection point. Where this cannot be provided for and waste rooms are spread out across the basement of a development, a method to internally transport waste to the collection point is to be provided.</p> <p>C4. Where collection vehicles are required to enter inside a building, the design of the building shall provide for: a. a minimum vertical clearance of 4.5 metres for MRV vehicles and 3.5m headroom clearance for SRV vehicles (clear of all service ducts, pipes etc) b. collection vehicles to enter and exit the premises in a forward direction c. the driveway width and gradient to be as per AS2890.2.</p>	<p>The waste collection area is adjacent to the loading area. Sufficient side, rear and vertical clearance is provided. The turning area protrudes into Geeves Lane, however is deemed acceptable given the low traffic yield within the laneway.</p> <p>Waste storage area is provided at ground level.</p> <p>Collection is not required inside a building.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
3.5.8 Basement Parking	<p>C1. Basement car parking is preferred for large scale residential and commercial development.</p> <p>C2. For single dwelling development with basement parking spaces, the basement shall be designed to enable forward entry and exit from each space to ensure sightlines and pedestrian safety is maintained.</p> <p>C3. Ventilation grills and screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.</p> <p>C4. Natural light and ventilation must be introduced into semi-basement parking, where possible.</p> <p>C5. Basement parking areas are to be: a. adequately ventilated, preferably through natural ventilation and provided with daylight where feasible b. located within the building footprint to maximise opportunities for deep soil planting c. located fully below natural ground level d. Where site conditions mean that locating the basement fully below natural ground level is unachievable, the maximum basement elevation above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council e. designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated</p>	<p>Basement parking is provided.</p> <p>Not applicable.</p> <p>The basement carpark will be adequately ventilated and screened.</p> <p>Not applicable.</p> <p>Appropriate lighting and ventilation is provided. The basement carpark is located entirely in the building footprint. Deep soil planting is not provided given the requirement for ground level commercial development. The basement is located underneath natural ground level. Safe pedestrian movement is achieved within the basement carpark.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
	<p>C7. Dense vegetation, solid fences, and unnecessary structures along the perimeter of the car parking area is not permitted.</p>	<p>A basement carpark is proposed.</p>	<p>N/A</p>

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	<p>C8. Parking spaces shall be designed to provide effective sightlines from moving cars, and between parked cars to enhance pedestrian safety.</p> <p>C9. Entry to basement parking areas will be through security access via the main building. This access will be fitted with a one way door from the foyer into the basement.</p> <p>C10. Access to car parks from common areas are to be secured by lockable doors.</p> <p>C12. Car parking pedestrian entry and exit points shall be located on the street level to maximise pedestrian flow and natural surveillance from active uses on the ground floor.</p>	<p>Appropriate sightlines are provided within the basement carpark and when entering/exiting the site.</p> <p>Security access to basement proposed.</p> <p>All access to basement carpark is provided via secure doors.</p> <p>Entry and exit points are at ground level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.5.9 New and Emerging Transport and Parking Facilities	<p>C3. Residential development with more than 25 dwellings and commercial premises with a GFA greater than 1000m2 are to provide on-site carparking for car share at the following rates: • 1 car share space for every 50 car spaces within the development. • Developments located within 800m of a train station are to provide car share spaces at 1 per 25 car parking spaces. The car share space(s) within a residential development can either replace a visitor car parking space or be provided in addition to the required car parking provision.</p> <p>C4. Council may also consider a car share space in lieu of some resident parking (to replace up to 5 car parking spaces) supported by a traffic and parking study. This parking offset can be used once only.</p> <p>C5. Where provided, car share parking spaces are to be: a. located together b. clearly designated by signs as being for car share scheme use. c. to be retained as common property by the Owners Corporation of the site and not to be sold or leased to an individual owner or occupier d. Publicly accessible at all times, adequately lit, line marked, sign posted and located off street.</p> <p>e. The car share space must be dedicated solely for the use as a car share space and be made available to car share operators without a fee.</p>	<p>The site is within 800m of Rockdale Station.</p> <p>A total of 13 car spaces are proposed, 2 of these are carshare.</p> <p>2 car share spaces are proposed. The deficit in parking is supported by the Traffic and Parking Assessment.</p> <p>Car share parking spaces are located together. They will remain common property and appropriately identified.</p> <p>Car share spaces will solely be used for this purpose.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>C6. All multi-unit residential car parking spaces must be 'EV-Ready'. An 'EV-Ready' car space requires the provision of a backbone cable tray and a dedicated spare circuit within an EV Distribution Board enabling future installation of a smart EV charger and cabling to the EV Distribution Board.</p>	<p>EV charging station can be provided in basement carpark.</p>	<p>Yes</p>
3.6 Social Amenity, Accessibility and Adaptable Design			
3.6.1 Accessibility	<p>C1. 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 these premises.</p>	<p>The proposal complies with the relevant Aus Standards.</p>	<p>Yes</p>

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	<p>C2. All development must comply with the following: all Australian Standards relevant to accessibility; the Building Code of Australia access requirements; and Disability Discrimination Act 1992. Complex developments where compliance is proposed through alternative solutions must be accompanied by an Access report prepared by a suitably qualified access professional.</p> <p>C3. Ensure all publicly accessible buildings provide a safe and continuous path of travel for people with impaired mobility.</p>	<p>An Access Report has been prepared by Vista Access Architects.</p> <p>A safe and continuous path of travel is provided into each commercial space and into the residential lobby from ground level. At basement and above ground levels, 2 lifts provide appropriate access.</p>	<p>Yes</p> <p>Yes</p>
3.6.2 Adaptable Dwellings and Universal Housing	<p>C3. A minimum 20% of total dwellings in new multi dwelling housing, shop top housing and residential flat buildings containing 10 or more dwellings must be adaptable dwellings and designed and constructed to a minimum Class C Certification under AS 4299 Adaptable Housing.</p> <p>C5. Design for adaptable apartments should include, but not limited to: a. convenient access to communal and public areas b. high level of solar access c. minimal structural change and residential amenity loss when adapted d. larger car parking spaces for accessibility e. parking titled separately from apartments or shared car parking arrangements</p> <p>C6. The design of adaptable dwellings must be integrated into the development with the use of consistent materials and finishes.</p> <p>C7. Where proposed, all adaptable and universally designed dwellings must be clearly identified on the submitted DA plans.</p>	<p>The proposal is for co-living which is differentiated from a residential flat building. As such, the 20% rate does not apply.</p> <p>A total of 8 dwellings (double rooms) are adaptable/accessible.</p> <p>The adaptable dwellings have been designed to these specifications. Located in close proximity to communal areas and lifts.</p> <p>Consistent material and finishes is observed.</p> <p>The 8 adaptable dwellings are clearly shown on the Architectural Plans.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
3.6.3 Social Impact	<p>C1. The development types or activities that Council requires the preparation of a Social Impact Assessment is listed in table below</p> <p>No requirement for co-living</p> <p>C3. Where a Social Impact Assessment is not required, social impacts are to be addressed in the Statement of Environmental Effects (SEE) accompanying a development application. At a minimum, the Statement of Environmental Effects is to consider: a. the potential social impacts; b. the scale of those impacts; c. the likely extent of those impacts including when and where they might occur; d.</p>	<p>Council has not provided a SIA threshold for co-living.</p> <p>Social impacts in and around the site have been well considered in Section 5.4 of this report.</p>	<p>N/A</p> <p>Yes</p>

Bayside DCP 2022 Compliance Table

	outcomes of any discussions with affected people or groups; and e. any measures to maximise the positive impacts and eliminate or minimise negative impacts'																
3.7.1 Landscaping	<p>C11. Each property should have at least 1 tree (within the property boundary) where practicable. Where this cannot be achieved, compensatory planting bond / fund must be established.</p> <p>C12. The minimum amount of landscaped area within the site is as follows:</p> <table><tr><th>Development Type</th><th>Min. landscaped area (of the site area)</th></tr><tr><td>Low and medium density residential</td><td>25%</td></tr><tr><td>Residential flat buildings</td><td>15%</td></tr><tr><td>Mixed use (with shop top housing)</td><td>10%</td></tr><tr><td>Highway commercial</td><td>10%</td></tr><tr><td>Industrial</td><td>10%</td></tr><tr><td>Child care centres</td><td>20%</td></tr></table> <p>C14. Street trees are to be provided in accordance with Council's Street Tree Masterplan. Note: Council may require that all street trees be planted at the Site Establishment Phase or during Stage 1 of a staged development so that trees become established and soften the development by practical completion.</p> <p>C15. Existing trees, including street trees, and natural formations including rock formations must be preserved where possible. The development proposal must demonstrate all efforts have been done to preserve significant features, like trees or outcrops.</p> <p>C22. A contrast of paving materials is required to break up large sections of paving and to delineate pedestrian areas, entries, car parks, special use areas or transition zones between different uses. Porous paving is to be utilised wherever possible.</p> <p>C23. 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</p>	Development Type	Min. landscaped area (of the site area)	Low and medium density residential	25%	Residential flat buildings	15%	Mixed use (with shop top housing)	10%	Highway commercial	10%	Industrial	10%	Child care centres	20%	<p>Tree planting is proposed in both communal outdoor areas on Levels 1 and 3.</p> <p>The proposal is for mixed use development and a landscape rate of 10% applies. The total landscaped area proposed is 99.1m² (10.6%).</p> <p>Existing street trees are to be retained along Princes Highway and Geeves Avenue. As such, there is not requirement for additional street planting.</p> <p>Existing street trees are to be retained along Princes Highway and Geeves Avenue.</p> <p>Contrasting paving materials are proposed with pavers within the public domain and concrete for the driveway.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Development Type	Min. landscaped area (of the site area)																
Low and medium density residential	25%																
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	garden beds, and b. utilising semi-pervious paving materials wherever possible c. other WSUD Such as Rainwater tank for irrigation and/or outdoor taps such as: d. bioswales, e. permeable pavements, f. raingardens	The site is in an employment zone with hardstand areas and nil setbacks common in the vicinity.	
3.7.3 Communal and Private Open Space	<p><i>Communal Open Space</i></p> <p>C2. A deep soil landscape area is required for all development within boundary setbacks, communal and private open space, and green corridors.</p> <p>C3. Areas containing trees are to be of suitable dimensions to allow for lateral root growth as well as adequate water penetration and air exchange to the soil substrate.</p> <p>C4. Primary communal open space should be provided at ground level but may be accommodated on a podium or roof in a residential mixed-use building provided it has adequate amenity and convenient access.</p> <p>C5. Communal open space should: a. be generally north facing and have a minimum area of 40% that has sunlight at 1pm on 21 June b. be clearly defined as communal open space c. provide for a range of recreational activities uses and contain communal facilities d. be supplemented with seating and shading e. incorporate semi-pervious paving materials for hard surface areas</p> <p>C6. Internal communal open spaces are to: a. be located adjacent to any outdoor communal open space b. 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 c. Should be sited in a manner that considers impacts on adjoining future developments, as well as retaining existing significant vegetation and landscape features d. Be located, where appropriate, adjoining the communal open space of neighbouring development to maximise the benefits of extent of deep soil and canopy cover</p>	<p>The proposal does not contain boundary setbacks in line with the Rockdale Town Centre provisions. Aboveground landscaping is provided.</p> <p>Not applicable.</p> <p>Communal living areas are provided on Levels 1 and 3. This is due to the requirement for commercial GFA to be located at ground floor.</p> <p>The proposed communal open space is north facing and would receive adequate solar access. Seating and shading is provided.</p> <p>Indoor communal open space areas are located adjacent to outdoor areas and can accommodate a wide range of uses.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	C7. Private open space is to: a. be clearly defined for private use through planting, fencing or landscape features; b. predominantly face north, east or west to maximise sunlight access; c. sited and configured to maximise visual and acoustic privacy of its occupants and neighbours; d. should be located adjacent to the living room, dining room or kitchen to extend the living space.	POS areas for each dwelling are clearly defined along the building façade. The POS areas are accessed from the bedroom as living areas are not proposed within the co-living rooms.	Yes

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	<p>C8. A deep soil landscape area is required for all development within boundary setbacks, communal and private open space, and green corridors.</p> <p>C9. Areas containing trees are to be of suitable dimensions to allow for lateral root growth as well as adequate water penetration and air exchange to the soil substrate.</p>	<p>No deep soil planting proposed within the site due to town centre zoning. Deep soil planting is provided in the public domain on the Princes Highway and Geeves Avenue to facilitate street tree planting.</p> <p>Only above ground landscaping is proposed.</p>	<p>On Merit</p> <p>N/A</p>
3.9 Stormwater Management and Water Sensitive Urban Design	<p>C1. All development is to be consistent with Bayside Technical Specification Stormwater Management relating to stormwater management and WSUD.</p> <p>C2. Development must comply with the WSUD provisions outlined in Section 3.7 of this DCP (Landscaping and Biodiversity).</p> <p>C3. Certain developments are to provide stormwater systems that minimise stormwater run-off from the site as detailed in the technical specification.</p> <p>C4. Any building proposed over or near Council's stormwater assets requires approval by council.</p>	<p>The proposal is consistent with the technical specifications.</p> <p>The proposal has demonstrated compliant with these provisions above.</p> <p>The proposal provides a OSD basin that will minimise stormwater runoff.</p> <p>Approval is sought from Council.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.11 Contamination			
3.11.1 Contamination – General	<p>C1. All sites must be evaluated to determine if the proposed development is on land suspected to have been used for a potentially contaminating activity or is potentially contaminated</p>	<p>The site is not contaminated and has been used historically for commercial purposes.</p>	<p>Yes</p>
3.12 Waste Minimisation and Site Facilities			
	<p>C1. Development is to be consistent with Council's Waste Management DCP Technical Specification 2022 and all development applications are required to submit a Waste Management Plan consistent with this Technical Specification.</p> <p>C2. New development must also comply with the provisions related to Waste Collection in accordance with Sub-section 3.5.7 of this DCP.</p>	<p>No change to the approved waste management arrangements.</p> <p>Compliance with these provisions is provided in the relevant section.</p>	<p>Yes</p> <p>Yes</p>
3.12.1 Demolition and Construction	<p>C1. A. A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the Site Waste Recycling Management Plan (SWRMP). B. Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include: i. Landfill waste; ii. Recyclable waste; iii. Materials to be re-used on-site; and / or iv. Excavation materials. C. Records are to be retained on-site demonstrating lawful</p>	<p>Refer to the Combined Demolition/Construction and Operational Waste Management Plan has been prepared by Archer Consultants Pty Ltd.</p>	<p>Yes</p>

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	<p>disposal of waste. D. Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP. E. Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy. F. All materials are to be stored in way that: i. Prevents damage from the elements, and reduces odour, health risks and windborne litter; and ii. Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).</p> <p>C3. Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy</p>	Noted.	Yes
3.12.2 Ongoing Management	<p>C2. Development for the purposes of any of the following: • All other residential accommodation not listed in C1 above; • Tourist and visitor accommodation; • Commercial development; and • Any other development not listed in C1. Must comply with Sub-section 3.5.7.</p>	Refer to the relevant section.	Yes
3.12.4 All Other Residential Development	<p>C1. Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment.</p> <p>C2. Waste storage rooms or areas are to be located a maximum 10m from pick up point. Waste rooms are not to be used for any purpose other than the storage of waste.</p> <p>C3. Waste and recycling receptacles must be stored at all times within the boundary of the site and concealed from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.</p> <p>C4. All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.</p> <p>C5. Waste and recycling storage rooms must be: a. Enclosed to prevent noise, odour and visual impacts; b. Designed to store the entire fleet of bins plus 0.2m between bins to allow adequate manoeuvrability room; c. Designed with a 1.8m unobstructed clearance zone between the stored bins and the entrance for access and manoeuvrability; d. Designed with suitable door and corridor access to enable bin movement; e. Constructed of concrete or other approved materials at least 75mm thick; f. Finished with a smooth even surface to be easily cleaned; g. Coved at the intersection with walls and plinths with a ramp to the doorway where</p>	<p>At ground level, a waste storage room is provided to accommodate the commercial and residential components of the proposal.</p> <p>The waste storage area is located less than 10m from the pickup point.</p> <p>To be stored withing the waste storage room at all times.</p> <p>Noted.</p> <p>Waste and recycling storage rooms are enclosed, of sufficient size to accommodate appropriate access and quantum of bins and provide a smooth surface for ease in bin manoeuvring and cleaning.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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	<p>necessary; h. Graded and drained to the sewerage system and approved by Sydney Water; i. Fitted with a close fitting and self closing door that can be opened from within the room; j. Designed with adequate lighting and naturally/mechanical ventilation to meet Building Code of Australia requirements; k. Fitted with smoke detectors in accordance with the relevant Australian Standards;</p> <p>l. Equipped taps supplying hot and cold water, mixed through a centralised mixing valve with a hose cock and fitted with an aerator to increase water efficiency; m. Designed to include a clear and easy-to-read "NO STOPPING" sign and "DANGER" sign on the external face of waste storage rooms where appropriate; n. Designed to ensure waste-water from the cleaning of the waste storage area and bins, is not to drain into the stormwater system; and o. Fitted with childproof compacters or mechanical devices where used in the storage of waste.</p> <p>C6. A room or caged area with a minimum floor space of 4m² must be provided for the storage of discarded bulky items and problem waste, awaiting collection. The doorway of this storage area must be at least 1.5m. The following minimum floor space requirements apply: a. Between 6 and 20 units: 4m² b. Between 21 and 40 units: 4m² +1m² for every 10 additional units above 20 units c. Between 41 and 100 units: 8m² + 1m² per 20 additional units above 40 units d. Over 101 units: 12m² +1m² per 50 additional units above 100 units e. Additional space is required for recycling problem waste such as textiles or electronic waste. The floor space required is 1 m² per 50 units to a maximum 2m². This space should be in or attached to the storage area.</p> <p>C7. Developments containing more than 3 habitable storeys must: a. Provide a system for convenient transportation of waste and recyclable material to the communal waste and recycling storage area; and b. Provide a waste and recycling compartment/area on each floor with sufficient capacity to store at least 1 day volume of waste and recycling likely to be generated on that floor.</p> <p>C8. Both waste and recycling bins/crates must be stored together in the allocated waste storage room.</p> <p>C9. Waste, recycling and garden organics receptacles must be stored at all times within a building. Exceptions can be made: a. Where storage space is available at the side or back of the building, away from public accessibility, and the area can be screened from public and commercial domains; or b. Where the storage area at the front of the property is completely enclosed with no risk of public accessibility.</p> <p>C10. If a waste storage area is visible from the public domain, the design must complement the primary building.</p>	<p>Stormwater, lighting, signage and safety have all been considered.</p> <p>Noted. This can be a condition of consent.</p> <p>Waste chutes are provided.</p> <p>Noted.</p> <p>Waste is to be storage in the waste storage area which is fully enclosed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p> <p>Yes</p>
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3.14 Noise, Wind, Vibration and Air Quality			
3.14.1 Noise and Vibration	<p>C1. The location of driveways, open space and recreation areas and ancillary facilities external to the development must be carefully planned to ensure minimal noise impact on adjoining residential properties.</p> <p>C2. Where development is in a location that is exposed to high levels of external noise, an acoustic report that demonstrates compliance with these objectives and controls, must be prepared by a suitably qualified and experienced professional and be submitted as part of a development application. Locations exposed to high levels of external noise include sites subject to: • aircraft noise from Sydney Airport; • rail noise and road noise from main roads such as Princes Highway, Botany Road and The Grand Parade; or • adjoining land uses such as industrial, Port Botany port land and port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road).</p> <p>C3. Sources of noise such as garbage collection, deliveries, machinery, motors, parking areas and air conditioning plants are: a. to be sited away from adjoining properties; b. Generally to be located away from proposed residential units within the development, with details of attenuation and mitigation measures to be provided in the DA otherwise; and c. to be screened by walls or other acoustical treatments</p>	<p>Aboveground open space and recreation areas have been designed to reduce noise impacts to future neighbours.</p> <p>The site adjoins to the west Rockdale train station. An Acoustic Report has been prepared by West and Associates.</p> <p>The garbage collection point is located centrally within the site and adjacent to commercial areas to reduce noise impacts.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.14.2 Acoustic Privacy - residential	<p>C1. The location of driveways, open space and recreation areas and ancillary facilities external to the development must be carefully planned to ensure minimal noise impact on adjoining residential properties.</p> <p>C2. Bedrooms in a residential dwelling may share walls with living rooms of adjacent dwellings provided appropriate acoustic measures are considered for the proposed development and submitted to Council with the application.</p> <p>C3. Where party walls are provided, they must be carried to the underside of the roof.</p> <p>C4. All residential development (except dwelling houses) is to be insulated and to have an Impact Isolation between floors to achieve an Acoustical Star Rating in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC) with a minimum: a. 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled areas within corridors, living</p>	<p>Minimal noise impact is anticipated due to the lack of adjoining residential properties.</p> <p>No living rooms proposed in dwellings.</p> <p>Noted.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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		<p>areas and bedrooms is not permitted except at lowest habitable residential level; b. 4 star for timber flooring in any area; and c. 5 star for carpet in any area.</p> <p>C5. An Acoustic Report demonstrating compliance with relevant acoustic standards is to be submitted as part of a development application for new residential developments in locations that are exposed to high levels of external noise, including (but not limited to): a. Aircraft noise from Sydney Airport; b. Road noise from main roads such as Princes Highway, Botany Road and The Grand Parade; or c. Adjoining land uses such as industrial, Port Botany port land and port related infrastructure (i.e. Port Botany Rail Line and Foreshore Road). The Acoustic Report must be prepared by a suitably qualified acoustic consultant and also demonstrate the proposal's compliance with relevant controls and standards within state planning policies and NSW EPA guidelines (e.g. EPA Noise Policy for Industry 2017).</p> <p>C6. Residential development in or adjacent to a rail corridor is to: a. consider the impacts of associated rail noise or vibration on the structure and users of the development b. demonstrate its consistency with Division 15, Subdivision 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>C7. Residential development in or adjacent to a road corridor of a freeway, a toll way, a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles is to: a. consider the impacts of associated road noise or vibration on the structure and users of the development b. demonstrate its consistency with Division 17, Subdivision 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p>	<p>An Acoustic Report has been prepared by West and Associates Pty Ltd.</p>	Yes
			<p>The proposal has considered the sites proximity to the train line and Princes Highway. Appropriate acoustic mitigation measures are provided as documented in the Acoustic Report.</p>	Yes
			<p>These impacts have been assessed in the Acoustic Report and Section 5.2 of this report.</p>	Yes
		<p>C9. Buildings that are exposed to high levels of external noise are designed and constructed in accordance with AS3671 – Acoustics – Road Traffic Noise Intrusion, AS2107 – Recommended Design Sound Levels and Reverberation Times for Building Interiors, and AS 2021-2000 – Acoustics- Aircraft noise intrusion – Building siting and construction.</p>	<p>Capable of compliance. Conditions anticipated.</p>	Yes
		<p>C11. For attached dwellings and multi-unit development, the internal layout should position circulation spaces and non-habitable rooms adjacent to party walls.</p>	<p>The proposal is for co-living and all rooms are habitable. Where possible, sensitive noise receivers have been position away from the Princes Highway and railway.</p>	Yes
3.14.4	Wind Effects	<p>C1. Buildings must be designed and proportioned to consider the wind generation effects</p>	<p>Wind generation has been adequately considered.</p>	Yes

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	<p>C2. Buildings of 5 or more storeys in height (or over 16 m) require wind tunnel testing, irrespective of whether they are built to the street frontage or not, at the discretion of the consent authority.</p> <p>Any relevant development application is to be accompanied by a wind report, prepared by a suitably qualified engineer, which demonstrates the following: a. in open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second, which is the speed at which people begin to be blown over; b. in walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second; c. in areas where pedestrians are involved in stationary short exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second; and d. in areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.</p> <p>C3. Wind amelioration measures concluded by 'wind reports' shall be detailed upon architectural plans.</p>	<p>A Wind Impact and Wind Tunnelling Emulation Assessment Report has been prepared by Ana Civil.</p> <p>No wind amelioration measures are required and therefore are not detailed on the Architectural Plans. The Wind Report concludes - <i>the proposed development is not expected to induce any significant additional wind flow on neighbouring properties.</i></p>	<p>Yes</p> <p>Yes</p>
5 Residential and Mixed Use Developments			
5.1.4 Quality of Design and Housing Choice	<p>C1 Development is to be consistent with design excellence provisions outlined in the Bayside LEP 2021.</p> <p>C2 Development applications must be accompanied by a Site Analysis that demonstrates:</p> <ul style="list-style-type: none"> a. the prevailing characteristics of an area within which a development site is located; b. the opportunities and constraints of a development site; c. the relationship between a development site and its surroundings; and d. How the analysis under (a)-(c) has been used to inform the design of the proposed development such that impacts on neighbouring properties and the locality are minimised. <p>C3 Developments are to utilise high quality materials and finishes, as well as demonstrate an architectural form and expression that positively responds to the desired future character of the area.</p>	<p>Refer to Annexure B.</p> <p>Refer to the Architectural Plans.</p> <p>The proposed materials will match the approved materials where Council reached a level of satisfaction these were appropriate.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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	<p>C4 Developments are to comprise a mix of apartment types, where gardens, adaptability and accessibility are more easily achievable for elderly people, families with children, or people living with disabilities.</p> <p>Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix:</p> <ul style="list-style-type: none"> a. Studio: 5 - 10%; b. 1 bedroom: 10 – 30% c. 2 bedroom: 40 – 75%; and d. 3+ bedroom: 10 - 100% <p>The maximum percentage of 1-bedroom dwellings may be increased above 30% provided the number of studio dwellings and 1-bedroom dwellings combined does not exceed 40% of the total dwellings proposed is 195.</p> <p>C6. New development is to demonstrate that internal designs allow adaptation to different uses over time by: a. showing internal walls that can be easily removed; b. locating services where they will not impede the future conversion of the unit into a different configuration; and c. incorporating, in at least 10% of dwellings in a development, the opportunity for parts of a dwelling to be separately or independently occupied, for example, dual key apartments without reducing the total percentage of any dwelling types below the minimum percentages defined in (C4) above.</p>	<p>The proposal is for co-living with single and double units proposed. 8 accessible units are proposed. An acceptable mix of rooms is provided.</p> <p>The proposal is for co-living consisting of single and double rooms.</p>	<p>Yes</p> <p>Yes</p>
5.2.5 Shop Top Housing and Mixed use			
	<p>C1. Development is to comply with Bayside LEP 2021 controls related to Active Street Frontages. Development includes display windows with clear glazing to ground floor retail and commercial premises with a maximum window sill height of 700mm. Glazing is not to be frosted or otherwise obscured at eye level; between the heights of 0.7-2.1m.</p> <p>C2. All ground floor lobbies are to have direct visual connection with the street, with clear sight lines.</p> <p>C3. Development siting and design provides appropriate consideration of: a. access and parking b. pedestrian access and circulation, including any lifts or stairwells c. refuse storage and disposal d. noise and vibration e. odour, in particular from flues and other devices used to disperse emissions from food preparation facilities f. general air quality</p>	<p>The site is not identified as an active street frontage.</p> <p>Clear sight lines are established from the residential lobby to Geeves Avenue and beyond.</p> <p>All of these items have been thoroughly explored in Section 3 of the DCP.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>

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	<p>C4. Residential development above the ground floor is to comply with the controls for highdensity residential development in the Apartment Design Guide and Section 5.2.4 of the DCP.</p> <p>C5. All overhead wires (including electrical and telecommunication services) fronting the site are to be relocated underground as part of the development. The redundant power poles are to be removed and replaced with underground supplied street lighting columns. All works shall be carried out at the applicant's expense.</p> <p>C6. Mixed use buildings must have appropriate floor to floor and floor to ceiling heights for ground and level 1 to maintain flexibility for future use and adaptiveness. The following floor to ceiling heights must be achieved: a. Ground floor and first floor – 3.3m b. Residential floors above 2.7m</p>	<p>The proposed residential development is for co-living and has been assessed against the relevant section of the Housing SEPP and Section 5.2.7 of the DCP.</p> <p>Electrical and telecommunication power lines to be located underground.</p> <p>The proposal provides at minimum 2.7m ceiling heights for co-living and in excess of 3.3m ceiling heights for commercial.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
5.2.7 Boarding Houses and co-living			
5.2.7.1 General	<p>C2. A minimum lot width of 24 metres to any street frontage is required for Class 3 boarding house developments and co-living developments.</p> <p>C3. Resident numbers should not exceed: a. 1 lodger per room with a GFA less than 16m² b. 2 lodgers per room with a GFA greater than 16m².</p> <p>C4. Strata subdivision or community title subdivision is not permitted.</p> <p>C5. Development must ensure that the proposed FSR, height, setbacks, detailed design and other elements are compatible with predominant scale of development in the local area.</p> <p>C6. Communal open space is located away from habitable rooms of dwellings on adjoining properties.</p> <p>C7. Private open space and balconies incorporate screening devices to avoid direct overlooking into habitable rooms of dwellings on adjoining properties.</p>	<p>The site contains three (3) frontages with the following dimensions: Princes Highway – 21.32m Geeves Avenue – 36.9m Geeves Lane – 30.26m</p> <p>Despite the singular non-compliance associated with the Princes Highway, the average of the 3 frontages is 29.5m and therefore can be argued to comply.</p> <p>Single and double rooms are proposed. All single rooms contain a GFA less than 15m² and double rooms greater than 15m².</p> <p>The co-living will remain under the one title.</p> <p>These elements of the proposal are largely consistent with the Rockdale Town Centre DCP.</p> <p>The proposal does not immediately adjoin any habitable rooms on neighbouring properties.</p> <p>Metal louvres are proposed to provide screening in POS areas.</p>	<p>On Merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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<p>C8. Communal areas and bedroom windows are to be located away from the main living area or bedroom windows of any adjacent buildings.</p> <p>C9. Screen fencing, plantings, and acoustic barriers are to be incorporated in appropriate locations.</p> <p>C10. The main entry point of the boarding house is located at the front of the site away from side boundary areas near adjoining properties.</p> <p>C11. Sources of noise, such as kitchens, communal rooms and parking areas must be sited and designed to minimise the noise impact on adjoining properties.</p> <p>C12. Where required Development Applications for boarding houses and co-living are to be accompanied by a noise assessment prepared by a qualified acoustic consultant, addressing the requirements of the SEPP (Transport and Infrastructure) 2021 and Section 3.14 – Noise and Vibration.</p> <p>C13. Bedrooms are to be located so that they are separate from significant noise sources. Bedrooms are to incorporate adequate sound insulation to provide reasonable amenity between bedrooms and external noise sources.</p> <p>C14. Double glazed windows are to be incorporated where noise transmission affects neighbouring buildings.</p> <p>C15. Each bedroom must have access to natural light and ventilation, from a window or door with a minimum aggregate area of 10% of the floor area of the room. Note: Skylights and highlights are not to be the sole source of natural light.</p> <p>C16. The minimum ceiling height of all habitable rooms is 2.7m.</p> <p>C17. Triple bunks are not permitted.</p> <p>C18. Ceiling fans are to be provided in all rooms.</p> <p>C19. A Development Application for a boarding house or co-living is to be supported by a written Plan of Management (POM) that describes how the ongoing operation of the boarding house/co-living development will be managed to reduce its impact upon the amenity of surrounding properties.</p> <p>C20. A Development Application for a boarding house, which has a capacity of greater than 19 residents is to be supported by a Social Impact Statement (SIS). A SIS must be undertaken by an appropriately trained and qualified person using rigorous social science methodologies with a high degree of public involvement.</p>	<p>Bedroom windows are prioritised to the multiple street frontages. Communal areas are prioritised centrally within the building.</p>	<p>Yes</p>
	<p>Privacy screening and acoustic barriers are proposed. Refer to the Acoustic report.</p>	<p>Yes</p>
	<p>The residential lobby addresses Geeves Avenue.</p>	<p>Yes</p>
	<p>Refer to Acoustic Report.</p>	<p>Yes</p>
	<p>An Acoustic Report has been prepared by West and Associated.</p>	<p>Yes</p>
	<p>Significant noise impacts are mitigated through glazing of bedroom windows.</p>	<p>Yes</p>
	<p>Double glazed widows are proposed.</p>	<p>Yes</p>
	<p>Each bedroom contains an appropriately sized window.</p>	<p>Yes</p>
	<p>Complies.</p>	<p>Yes</p>
	<p>Only single and double rooms proposed.</p>	<p>Yes</p>
	<p>Noted. Can be conditioned.</p>	<p>-</p>
	<p>A POM has been prepared by Planning Ingenuity.</p>	<p>Yes</p>
	<p>The proposal is for co-living.</p>	<p>N/A</p>

Bayside DCP 2022 Compliance Table

<p>5.2.7.2 Solar Access and Overshadowing</p>	<p>C1. Development is to be designed and sited to provide a minimum of 3 hours sunlight between the hours of 9.00am and 3.00pm on 21 June to: a. 70% of habitable rooms within the development b. all habitable rooms in adjoining residential developments c. private open space within the development d. private open space of adjoining dwellings.</p> <p>C2. Where the level of solar access to adjoining properties is already below the requirement above, the solar access will not be further reduced.</p> <p>C3. Developments are to be designed to enhance solar access by incorporating the following principles: a. living areas of dwellings such as kitchens and family rooms are to be located on the northern side of dwellings and service areas such as laundries and bathrooms to the south or west b. buildings will 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 c. building setbacks may need to be increased to maximise solar access and to minimise overshadowing from adjoining buildings d. building heights may also need to be stepped to maximise solar access e. landscaping is to provide shade in summer without reducing solar access in winter f. all rooms are to contain an external window to provide direct light and ventilation. Exceptions may be considered for non-habitable rooms where this cannot be achieved practically, and mechanical ventilation can be provided g. building elements such as operable louvers and screens, pergolas, blinds etc are to be used to modify environmental conditions where required, such as maximising solar access in winter and provide shading in summer h. higher window heads enhance sunlight penetration into dwellings</p>	<p>The Housing SEPP makes provisions for solar access with regard to co-living. There is no solar access requirement for each room within a co-living development. Only a requirement for 3 hours of solar access (mid-winter) to a communal living area.</p> <p>As above.</p> <p>Solar access to habitable properties in the vicinity of the site will be maintained.</p> <p>COS areas are north facing to maximise sunlight. The site is bounded by three street frontages which provides amply building separation maximising solar access.</p>	<p>-</p> <p>-</p> <p>Yes</p> <p>Yes</p>
<p>5.2.7.3 Management</p>	<p>C1. Development shall provide boarding rooms or on-site dwellings, to accommodate boarding house managers, based on the following rates of provision: a. 20 – 39 lodgers require 1 boarding room or on-site dwelling b. 40 – 79 lodgers require 2 boarding room or on-site dwelling c. 80 lodgers require 3 boarding rooms or on-site dwellings</p> <p>C2. Boarding rooms or on-site dwellings, provided for management, shall achieve a minimum area of 16m².</p> <p>C3. Boarding rooms or on-site dwellings, provided for management, shall include private open space which achieves a minimum area of 8m² and a minimum dimension of 2.5m.</p>	<p>Managers space is provided as required by the Housing SEPP.</p> <p>Managers rooms are doubles and exceed 16m².</p> <p>Managers rooms provide sufficient private open space</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Bayside DCP 2022 Compliance Table

5.2.7.4 Function, Efficiency and Safety	<p>C1. Communal spaces, including laundry, bathroom, kitchen and living areas are to be located in safe and accessible locations.</p> <p>C2. Habitable living areas (such as lounge room, kitchen, dining and bedroom) are to be located to allow general observation of the street and communal open space.</p> <p>C3. Building entry points and internal entries to living areas are to be clearly visible from common spaces.</p> <p>C4. The communal indoor living area has a transparent internal door to enable natural surveillance for resident circulation.</p> <p>C5. A boarding/co-living room is encouraged to have the following facilities; however, is not required to by State Environmental Planning Policy (Housing) 2021: a. ensuite (which may comprise a hand basin, toilet and shower) b. laundry (which may comprise a wash tub and washing machine) c. kitchenette (which may comprise a small fridge, cupboards and shelves and microwave)</p> <p>C6. 30% of all bedrooms are recommended to have access to private open space with a minimum area of 4m² in the form of a balcony or terrace area.</p> <p>C7. The following communal facilities are to be provided: a. living area b. kitchen c. dining d. outdoor open space e. bathrooms f. laundry (where clothes washing facilities not provided in individual rooms) g. outdoor clothes drying area</p> <p>C8. The communal indoor living area can include a dining area but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like.</p> <p>C9. The communal indoor living area shall have: a. whichever is greater - a minimum area of 20m² or 1.25m² per resident; and b. a minimum width of 3m.</p> <p>C10. The communal indoor living area shall be located: a. near commonly used spaces, such as kitchen, laundry, lobby entry area or manager's office b. adjacent to communal open space c. to receive a minimum 3 hours solar access to at least 50% of the windows during 9am and 3pm in June d. on each level of a multi-storey boarding house, where appropriate e. where they will have minimal impact on bedrooms and adjoining properties.</p> <p>C11. Communal outdoor open space shall be located and designed to: a. receive a minimum 2 hours of solar access to at least 50% of the area during 9am and 3pm on 21 June b. be provided at ground level in a courtyard or terrace area c. provide</p>	<p>All communal open space etc. are in accessible locations.</p> <p>The communal indoor and outdoor area on Level 3 provides outlooks to Geeves Lane.</p> <p>Building entry points are clearly visible.</p> <p>Noted. This can be conditioned.</p> <p>Refer to Appendix A for compliance with Housing SEPP.</p> <p>All rooms contain a POS area of minimum 4m².</p> <p>All of these facilities are provided.</p> <p>The communal indoor areas include tables and chairs for eating.</p> <p>Communal indoor living areas exceed 3m in minimum dimension.</p> <p>332m² is required and 333m² is provided.</p> <p>Communal outdoor open space is north facing and receives adequate solar access.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Bayside DCP 2022 Compliance Table

	<p>weather protection d. incorporate 50% soft landscaping of the area e. be connected to communal indoor spaces, such as kitchen or living areas f. contain communal facilities such as a toilet, outdoor drying, barbecues, seating, and pergolas where appropriate g. be screened from adjoining properties and the public domain</p> <p>C12. Communal bathroom facilities are provided and are to have: a. accessibility for all residents 24 hours per day, 7 days per week b. a minimum of one 1 wash basin with hot and cold water c. a minimum of 1 toilet for every 7 residents or part thereof for each occupant of a room that does not contain an ensuite</p> <p>C13. Communal laundry facilities are provided and are to have: a. a minimum of 1 x 5kg capacity automatic washing machine and one domestic dryer for every 12 residents or part thereof b. a minimum of 1 large laundry tub with hot and cold running water</p> <p>C14. Communal outdoor clothes drying facilities are provided and are located to: a. not be visible from the public domain b. have appropriate levels of solar access c. not comprise the usability of space for its intended function.</p>	<p>Communal bathroom facilities are provided adjacent to the communal living areas. These bathrooms are accessible.</p> <p>All rooms contain a private bathroom. Laundry facilities are provided within each room.</p> <p>Outdoor clothes drying facilities can be provided in each room in the POS area. This can be conditioned.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.2 Rockdale Town Centre			
7.2.5.1 Site Amalgamation	<p>C1. Development is to comply with the relevant amalgamation patterns outlined in Figure 29.</p> <p>C2. If development is proposed on a site that does not conform to Council's amalgamation pattern, the development application must: a. Demonstrate that negotiations were undertaken with neighbouring owners to seek amalgamation and enable coordinated redevelopment. b. Provide evidence that reasonable offers have been made to the owner(s) of each of the affected sites to purchase, including written valuations for each site undertaken by two independent Valuers registered with the Australian Institute of Valuers. c. Demonstrate that the site has sufficient width to accommodate the proposal whilst still maintaining quality design outcomes. Site amalgamation must not compromise the significant features of existing sites or adjoining sites, including streetscape and landscape features (e.g. trees, rocky outcrops). d. Demonstrate that development on the alternative amalgamation pattern can achieve equal or better outcomes than specified in this DCP – Refer to Section 7.2.1 'Introduction' for details. e. Demonstrate that an alternative amalgamation pattern can be achieved by neighbouring sites and that an orderly</p>	<p>The site does not align with the amalgamation pattern shown on Figure 29. The site incorporates the southern extent of lots within the amalgamation pattern and looks to amalgamate 465-496 Princes highway and 5-7 Geeves Avenue.</p> <p>Refer to Section 4.2.8</p>	<p>On Merit (refer to Section 4.2.8)</p> <p>Yes</p>

Bayside DCP 2022 Compliance Table

	<p>and cohesive pattern of development can be maintained for the entire character area/ precinct achieving equal or better outcomes than specified in this DCP - Refer to Section 7.2.1.</p> <p>C3. On sites identified as Reference Context, any intensification of development or change to building forms may require further amalgamation in addition to any requirements specified in Section 7.2.1. Note: the maximum Height of Buildings as identified in the Bayside LEP should not be expected to be achieved where development does not comply with the intended amalgamation pattern or where there are significant departures from the built form and public domain controls.</p>	The site is not identified as reference context.	N/A
7.2.5.2 Built Form	<p><u>Building Massing, Height and Articulation</u></p> <p>C1. Building massing and articulation including street wall heights and setbacks are to be provided in accordance with the relevant sections of this DCP.</p> <p>C2. Building heights in storeys and the siting of towers/ taller portions of buildings are to be provided as indicated in Figure 30.</p> <p>C3. Towers/ taller portions of buildings (above 9 storeys) are to be slender and orientated to avoid presenting its longest face to the public domain particularly along Princes Highway, Railway Street and King Street.</p> <p>C4. Lower-scale buildings/ tower forms (9 storeys or less) when orientated towards Princes Highway are to be read as a strong podium upon which sits a lighter, modulated building allowing vistas between buildings to the skyline beyond.</p> <p>C5. Floor to ceiling heights and spacing of built forms are to be consistent with the objectives of the ADG.</p> <p>C6. Development must maintain at least 3 hours of sunlight between 9am and 3pm on 22 June (winter solstice) to King Street Place.</p> <p>C7. Along narrow laneways, provide strong street edge definition on lower levels creating a human scale to the laneway with upper level units providing passive surveillance of the space.</p> <p>C8. The maximum building length should not exceed 45m above the street wall or 60m below the street wall.</p> <p>C9. Surface effects with limited depth are not to be relied on to provide articulation and modulation.</p>	<p>Noted.</p> <p>Figure 30 permits street walls of 3 storeys and tower height of 10-11 storeys. Street wall heights to Geeves Avenue do not exceed 3 storeys. The proposal is for a 12-storey building. A Clause 4.6 variation is provided in Annexure C.</p> <p>The podium of the built form is slender and focused to the centre of the site.</p> <p>Not applicable.</p> <p>Floor to ceiling heights are consistent with the DCP and ADG. Building separation distances are partially inconsistent with the ADG. Refer to Section 4.2.5.</p> <p>Not applicable.</p> <p>The maximum building length is less than 45m.</p> <p>Noted.</p>	<p>Yes</p> <p>On Merit (refer to Annexure C) Yes</p> <p>N/A</p> <p>On Merit (refer to Section 4.2.5)</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Bayside DCP 2022 Compliance Table

	<p>C10. Within each development, towers, podiums and private open space are to be sited so that adjoining sites retain development potential and amenity.</p> <p>C11. On sites that share a boundary with a residential zone, the height of the podiums is to respond to the height of buildings in that residential zone, and the built form above the podium set back as to minimise amenity impacts.</p> <p>C12. Design of buildings in proximity to a heritage item should respond to alignment and street wall height, setbacks above street wall height, and façade articulation elements with bulk and scale that are sympathetic to the heritage item.</p>	<p>Adjoining sites will retain development potential and amenity.</p> <p>Not applicable.</p> <p>The site is located adjacent to a local heritage item associated with Rockdale Train Station. The site is separated from the heritage item by Geeves Lane. There is intended to be no significant impact to the local heritage item.</p>	<p>N/A</p> <p>Yes</p>
	<p><u>Setbacks</u></p> <p>C1. Setbacks are to be provided in accordance with 31 and the relevant sections of this DCP.</p> <p>C2. 31 indicates the overarching setbacks from the property boundary and additional requirements such as setbacks at street level and locations where the street wall is to be 'peeled back' to provide additional public domain.</p> <p>C3. Additional setbacks and building articulation are to be provided to retain and enhance important view corridors and to improve visual connections to the train station, the Town Hall and Library buildings illustrated in 31.</p> <p>C4. Lower-scale buildings/ tower forms indicated in Figure 30 (9 storeys or less) are to provide a minimum 3m setback to the top floor.</p> <p>C5. Towers are to be set back a minimum 3m from the street wall and as so that buildings are read as distinctive podium-tower forms even from a distance. None of the building elements including building articulation or façade treatments should encroach on to the setback.</p> <p>C6. On sites that share a boundary with a residential zone, the built form above the podium is to be set back as needed to minimise amenity impacts.</p> <p>C7. A minimum 9m rear setback is to be provided where development shares a rear boundary with a residential property.</p>	<p>Figure 31 requires a 0m setback to the Princes Highway, 1m setback to Geeves Lane and does not stipulate a setback for Geeves Avenue. At the corner of Princes highway and Geeves Avenue, Figures 31 requires the wall to be setback to expose tower facades.</p> <p>At street level, the proposal provides 0m setbacks to Geeves Avenue and Princes Highway. A 1m setback is provided to Geeves Lane. At the corner of Princes Highway and Geeves Avenue, the built form is stepped inwards 3m.</p> <p>There are no significant view corridors afforded within the vicinity of the site. Visual connections to the train station are maintained.</p> <p>Not applicable.</p> <p>The tower is setback 3m from Geeves Avenue. A 0m setback is maintained to the Princes Highway in line with Figure 31.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

Bayside DCP 2022 Compliance Table

	<p><u>Building and Façade Design</u></p> <p>C1. Ensure building façades are well resolved, and proportioned with an emphasis on the human scale by: a. Reflecting and responding to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. b. Providing building articulation such as expressed vertical circulation, well designed roof form, shading devices and balconies. c. Integrating car parking entry doors within the overall design of the façade. d. Containing roof forms, building services and screening elements within the overall height controls and fully integrating those elements with the architectural concept. e. For mixed use buildings and all buildings facing Princes Highway, using 'podium-tower' forms with emphasised detail at the ground floor to highlight the human scale of development. f. Incorporating consolidated upper setbacks to avoid a tiered 'wedding cake' form, particularly where staggered setbacks are required to address matters like overshadowing. g. Developing materials, textures and colours that respond to local characteristics. h. Ensuring building façades are articulated to mitigate the appearance of building bulk and to express the elements of the building's architecture.</p> <p>C2. Facades should respond to the location and hierarchical role of the building within the context of the town centre by: a. Expressing street corner locations by giving visual prominence to parts of the façade such as varied building materials and colours, articulation, or well-designed roof form. b. As identified in 31 and where possible, articulating podium facades at key street corners to deliver additional public domain and improved view corridors by 'peeling back' the podium façade and exposing the tower façade. c. All exposed tower façades are to be well integrated within the architecture and present high-quality finishes as perceived from the street and from afar, creating new urban markers in highly visible locations. d. The exposed facades are to be designed to ensure a high- quality experience of the public domain below, achieving weather protection and street activation. e. Responding sympathetically to the existing natural and constructed character defining features of the Town Centre (historic and emerging urban markers) including the Town Hall and Library buildings, the Guild Theatre, the train station, rock outcrops, significant trees and vegetation clusters. f. Ensuring highly visible facades are unique and create interest while presenting a consistent rhythm of elements/articulation to reduce visual bulk.</p> <p>C3. Building and façade design should improve amenity by: a. Providing articulated facades and edges which are modelled to maximise solar access and privacy to</p>	<p>Ample building articulation has been provided to reduce the bulk and scale of the building. A floor roof design is proposed in line with recent mid-rise buildings in the Rockdale Town Centre.</p> <p>Building services are screened and integrated within the façade. Compliant setbacks in accordance with the DCP are provided.</p> <p>The materials and colour palette feature exposed brick, tonal painted concrete, dark grey louvres and metal balustrading.</p> <p>At ground level, the building is well articulated and set back at the corner of Princes Highway and Geeves Avenue. Building entries are easily identifiable. The façade features high quality finishes.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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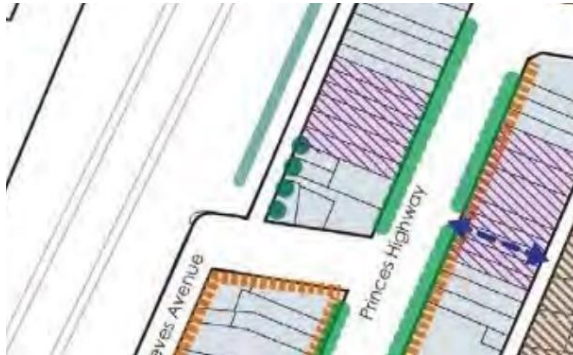
Bayside DCP 2022 Compliance Table

	<p>existing and future residents. b. Providing appropriate space for outdoor dining and include articulation/façade treatment to retain amenity of residential above, facilitating the development of a night-time economy. c. Where in proximity to a heritage item, using appropriate materials, finishes and façade design and providing a bulk and scale which is sympathetic to the heritage item. d. Minimising extensive expanses of blank, glass or solid walls. e. Where development presents blank walls or incorporates a party wall that will be visible from the public domain (irrespective of whether that could be hidden by any future adjoining development), using high quality materials, textures and variations in alignment consistent with the street façade. Reliance upon surface effects with no depth is not acceptable. f. Along laneways, the whole podium will have a direct relationship with the lane and be composed to create interest and engage with laneway users. g. Providing a definite edge to open spaces with an internal layout and façade design with encourages interaction between occupants of the building and the street. Building activity visible from the open space is to add sense of vibrancy and create further visual interest. h. Integrating entries to basements and servicing such as substations, mailboxes, booster valves into the building design.</p>	<p>Solar access has been maximised with POS areas and windows located adjacent to frontages. COS areas are largely north facing.</p> <p>The heritage item in close proximity to the site associated with Rockdale Train Station. The façade has been designed to not detract from this heritage significance.</p> <p>The podium has been designed to interact with Geeves Lane through building articulation and varied material palette.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.2.5.3 Public Domain	<p>C1. Development is to comply with the standards for ground floor building uses and access locations set out in the following table for all street frontage types, which are shown in Table 19 and Figure 32.</p> <p>C2. Along Activated Frontages and/or where predominantly retail/ commercial uses are provided: a. All developments are to face the street and/or public open spaces. Main building entries to be located along the streets. b. Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath. c. Conserve the existing fine grain character of the precinct through built form elements and architectural expression. d. Awnings are to be provided to the full extent of the frontages. e. The design of active street frontages must not incorporate security roller doors and window bars. f. The use of frosted screens or opaque glass is discouraged. g. On sloping sites, the maximum level change between ground floor tenancies and the adjacent footpath is to be 600 mm at any point. For flood prone land, advice should be sought from Council's engineers. h. Integrate artworks into the design of private developments, in publicly accessible locations such as main entrances, lobbies, street frontages, gardens, walls and rooftops. i. Design is to facilitate outdoor dining particularly along open spaces, King Street, Walz Street, surrounding the station, and punctuated along Princes Highway where further</p>	<p>The sites frontages are largely indicated as primary retail in Figure 32. The entire ground floor GFA is dedicated to commercial use.</p> <p>The proposed development addresses the public domain. Entries are accessible. Awnings are provided. Artwork can be located in residential lobby and in commercial spaces. Ample room is provided in the public domain for furniture etc.</p>	<p>Yes</p> <p>Yes</p>

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	<p>protected from the Highway e.g. within setbacks at street level and wide corners. j. Design to facilitate night-time activation by providing features that help protect residential amenity (noise and light impacts) e.g. treatment and recesses to balconies on lower floors.</p> <p>C3. Where uses are not predominantly retail/commercial: a. Achieve a balance between active uses and services to ensure no frontage is completely dominated by servicing or carparking. b. Achieve a diversity of fine-grained frontages. c. Ensure ground floor building services including waste, loading and parking occupy less than 40% of the ground floor area. d. Provide awnings/ canopies over footpaths where retail uses are proposed.</p>	<p>At ground level, the use is solely commercial. Above ground, the use is residential.</p> <p>Ground floor waste and loading services occupy less than 40% of the site.</p> <p>Awnings and canopies are provided.</p>	Yes
	<p><u>Movement and Pedestrian Connections</u></p> <p>C1. Applicants are to deliver through site links in accordance with Figure 33 and engage with Council in investigating potential future links.</p> <p>C2. Existing connections are to be retained unless it can be demonstrated that an alternative connection point can deliver an improved public domain outcome and achieve a better pedestrian permeability outcome overall.</p> <p>C3. Relocation of existing connections are not acceptable in lieu of any requirement for providing additional pedestrian connection.</p> <p>C4. Through-site links are to be privately owned and maintained, but must be subject to a positive covenant on title ensuring unlimited, unimpeded access by the general public at all times. In addition to any other requirements in this DCP, through-site- links are to be designed to: a. be a clear and direct throughway for pedestrians and provide a clear line of sight between public places; b. be easily identified by users and include signage; c. provide active frontages on both sides; d. have a minimum width of 4.5 metres non leasable space clear of all obstructions (including columns, stairs and escalators); e. include materials and finishes such as paving materials, tree planting and furniture consistent with adjoining streets and public spaces and be graffiti and vandalism resistant; f. demonstrate compliance with Crime Prevention Through Environmental Design (CPTED) principles; g. where practicable, have access to natural light and include landscaping.</p> <p>Note: Refer to the Rockdale Town Centre Public Domain Plan for details about movement and connectivity</p>	<p>No through site links are shown in Figure 33 that impact the site.</p> <p>Existing connections will be unimpacted.</p> <p>No relocation of existing links proposed.</p> <p>No through site links proposed.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>
	<p><u>Public Domain Character Interfaces</u></p> <p>C1. Development is to deliver public domain interfaces and respond to the intended public domain character as described in Figure 33.</p>	<p>Figure 33 indicates along the sites frontage to the Princes highway is 'core greening area' and along Geeves Lane is 'existing contributory vegetation' and 'tree lined character area to</p>	Yes

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C2. Awnings are to be provided as follows: a. Awnings shall be a minimum 2m deep and the underside of the awning is to be a minimum 3.2m above the footpath. b. Alternative awning dimensions and setbacks will only be accepted unless where it can be demonstrated that: i. a better public domain outcome is achieved through additional setbacks at street level, above ground planting and/or additional street tree planting. ii. sufficient weather protection is achieved including protection from wind, sun and rain. c. Steps in awnings are only permissible to accommodate sloping streets and if required over vehicle entrances. In such cases, proposals are to demonstrate that the design has sought to minimise the height and visual appearance of each step. No steps over 600mm will be allowed. d. Awnings should be setback minimum 1m from the face of the kerb to accommodate traffic/parking and utility poles where those are not required to be removed. e. Where street trees are proposed, the awning should be setback from the kerb along its entire length by a minimum 1.5m to accommodate the trees. f. Where a specific design response and/ or alternative awning dimensions are identified for a Special Character Area (Section 7.2.6) or in the Public Domain Plan applicable the site, those will have precedence if conflicting with awning setbacks and dimensions above. g. The majority of the awning ceiling and underside of the fascia along the primary and secondary active street frontages is to be integrated with adjoining existing and approved developments. h. Awnings, lighting and signage are to be made of good quality materials and well integrated within the architecture particularly around corners and along other highly visible locations. i. Planting above awnings along the area identified as 'Core Area Greening' in Figure 33 is to be integrated as

be enhanced'. The existing street trees along the Princes Highway will be retained. Additional planting along Geeves Avenue within the public domain is proposed. Above ground landscaping is proposed that would address Geeves Lane.

Compliant awnings are provided.

Yes

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	<p>possible. Refer to Public Domain Plan. j. Spaces under awnings are to be well lit at all times through artificial and natural lighting. Consider incorporating glazing/transparent material in the awning to allow solar access where planting on awnings is not provided. k. Awnings are not to slope towards the street. Gutters and downpipes are not allowed at the street edge.</p> <p>C3. Setbacks at street level are to be provided where indicated in 31 (Built Form - Setbacks) as follows: a. In addition to any other applicable setbacks from the property boundary, a further minimum 1m of setback at street level is required along the whole frontage generally as indicated in Cross-Section (A) below. b. The setback at street level is to be measured as an average across the frontage width to allow for variations and indentations that: • reflect a fine-grained, humanscale retail character, • integrate with adjoining development and read cohesively along the same footpath, and • provide transitions to avoid 'deadends' and ensure pedestrian safety. c. Deeper and/or taller (two-storey) spaces are required where specified in Section 7.2.6 or in the Public Domain Plan, and encouraged along larger-scale retail or to retain/ enhance view corridors and vistas.</p> <p>d. Recessed spaces at the street level are to be attractive and well proportioned (depth and height) as experienced from the footpath and from a distance. e. The recessed spaces are to be designed in conjunction with landscaping, footpaths, lighting and awnings to improve retail attractiveness and opportunities for outdoor dining, increase green canopy cover, discourage antisocial behaviour and improve pedestrian safety and amenity. f. Any pavement should use the same materials as the new footpath to promote public access to commercial premises. g. The setback areas are to remain in private ownership and are not intended to be dedicated to, or maintained by Council. h. Minimise the need for, and the impact of columns. Colonnades will only be permitted where it: • allows improved proportions and usability of recessed spaces, • does not obscure views of retail frontages or separates street frontage activity from the street, • can be made continuous for an entire street block, • is designed with narrow vertical elements, well integrated within the architecture of the building, responds to surrounding buildings and context.</p> <p>C4. Along Green Gateway frontages, unless otherwise specified in Section 7.2.6 or in the Rockdale Town Centre Public Domain Plan: a. A 3m deep soil zone and setback is to be provided generally as indicated in Cross-Sections (B) and (C) below. b. Basement and sub basement carpark design should be consolidated beneath building footprints. c. Any level changes including requirements to meet flood constraints should be incorporated within the footprint of the building. Any</p>	<p>Compliant setbacks in accordance with the Rockdale Town Centre DCP have been provided. There is ample verge to ensure amenity within the public domain.</p>	<p>Yes</p>
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		ramps/ stairs are not allowed in the 3m zone. d. Awning depth up to 1.5m to provide weather protection as well as allow space for trees to grow. e. The 3m landscape setback is to remain in private ownership and not intended to be dedicated to or maintained by Council. f. Any pavement should use the same materials as the new footpath to promote public access to commercial premises.		
7.2.5.5 Access and Servicing	Site Access	<p><u>Site Access</u></p> <p>C1. Access to parking, servicing and loading should be provided at the rear of the building, or via laneways. On corner sites, access should be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.</p> <p>C2. Consolidated/ shared vehicular access between developments within a block is encouraged to improve pedestrian safety and the amenity of the public domain, particularly where: a. the proposed development does not comply with the amalgamation pattern/ built form controls specified in this DCP; or b. the site is the first or the largest site to be developed within a block.</p> <p>C3. Where future shared access is proposed, knock out panels are to be provided at basement level(s) to allow safe and convenient access to all neighbouring sites.</p> <p>C4. Servicing and loading must be accommodated internally within the building.</p> <p>C5. Pedestrian access should always be prioritised for the safety and enjoyment of residents and visitors.</p> <p>C6. The number and width of vehicle access points should be minimised to avoid conflicts between pedestrians and vehicle traffic.</p> <p>C7. No on site loading bay is required for developments with less than 1000 m² of retail space.</p> <p>C8. 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.</p> <p>C9. Where garbage trucks are required to enter the site for the collection of residential / commercial waste, developments should be designed to accommodate on-site truck movement.</p> <p>C10. Splay corners are to be dedicated in road reserves at intersections to improve pedestrian access as follows: a. Residential / Mixed use Subdivision 3m x 3m. b. Commercial subdivision 4m x 4m.</p>	<p>Access is via Geeves Lane.</p> <p>Shared vehicular access between sites is not proposed.</p> <p>Future shared access is not proposed.</p> <p>Servicing and loading is internal to the site.</p> <p>Pedestrian access is separate from vehicle access.</p> <p>A single vehicle access point is proposed.</p> <p>An on site loading bay is provided.</p> <p>A loading bay is provided.</p> <p>Garbage collection will occur on site. However, manoeuvring will occur within Geeves Lane. This is addressed in Section 3.5 of the DCP.</p> <p>No subdivision is proposed.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>On Merit</p> <p>N/A</p>
		<u>Parking</u>		

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	<p>C1. Underground parking structures should not encroach into the required landscape buffers above ground to ensure the long-term viability of mature trees and vegetation.</p> <p>C2. Where underground parking structures must unavoidably encroach beyond the building footprint or into a landscape buffer, a minimum depth of 1m of uncompacted soil should be provided below grade to support opportunities for tree planting and other landscaping along the streetscape.</p> <p>C3. All parking provided within an above ground structure must be fully sleeved by either active uses or uses that provide surveillance of the street along all facades visible from the public domain, including facades that would be made visible when adjoining sites redevelop.</p> <p>C4. Surface parking is discouraged and must be should be limited to visitor and retail / commercial parking and located at the rear of the building to be hidden from public view.</p> <p>C5. Surface parking is discouraged and must be limited to visitor and retail / commercial parking and located at the rear of the building to be hidden from public view.</p> <p>C6. Visitor carparking provided on site must be provided behind a security gate or shutter accessed via intercom.</p> <p>C7. Despite the requirements of the Parking and Loading Technical Specification, developments including residential accommodation are only required to provide on-site loading for removalists for a small rigid vehicle.</p>	<p>Basement parking provided that does not encroach on landscaping.</p> <p>The proposed basement encroaches marginally on the 1m setback to Geeves Lane. This is an extremely minor encroachment of approximately 300mm and does not affect any landscaped areas.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>No visitor parking proposed.</p> <p>Loading for MRV provided.</p>	<p>Yes</p> <p>On Merit</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
	<p><u>Waste Storage and Recycling Facilities</u></p> <p>C1. Ensure that residential flat buildings and mixed use buildings have a communal Garbage and Recycling Room located in the basement of the building. This area should: a. be capable of accommodating Council's required number of standard waste containers and should be designed in accordance with Council's Technical Specification – Waste Minimisation and Management b. provide additional space for the storage of bulky waste, such as cleanup materials awaiting placement at the kerb, or recycling.</p> <p>C2. In buildings more than three storeys in height, provide a system for the transportation of garbage from each floor level to the Garbage and Recycling Room(s) such as a garbage chute system. Where such facilities are proposed,</p>	<p>Communal garbage room located on ground floor.</p> <p>Garbage shoot provided for above ground levels.</p>	<p>Yes</p> <p>Yes</p>

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	<p>provide space on each floor for storage of recyclables, preferably adjacent to the lift well. Details of the garbage chute system should be provided with the Development Application.</p> <p>C3. Nominate on the site of residential flat buildings and mixed use buildings an area for communal composting. Although the operation of such a facility will depend upon the attitudes of unit holders and their management, the potential should exist. It is appropriate for this area to be incorporated in the landscaping plans for the development. Design communal composting with the following features: a. locate with consideration of proximity to units, odour and location of the drainage system b. purpose-build the facility. There are a variety of techniques available and advice on this and public health considerations should be obtained from Council c. the composting facility should be signposted, and should be made the responsibility of the body corporate.</p>	A requirement for communal composting can be conditioned by Council.	Yes
	<p><u>Service Lines/Cables</u></p> <p>C1. Developments are required to have all overhead cables on all frontages of the development site relocated underground (this includes all electricity cables, telecommunication cables etc.).</p> <p>C2. Redundant poles should be removed, and underground street lighting columns should be installed.</p> <p>C3. The under grounding and installation of street lighting is to be at no cost to Bayside Council.</p>	<p>Cables to be undergrounded.</p> <p>Underground street lighting shall be installed.</p> <p>Noted, these items can be conditioned.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.2.5.6 Urban Greening	<p>C1. Ensure that developments incorporate landscaping elements to soften the built form and introduce natural greenery. This can be delivered in several ways, outlined below.</p> <p>Vertical gardens</p> <ul style="list-style-type: none"> Green vertical gardens like green walls and facades are a space efficient way to incorporate vegetation into a development, providing shade, insulation and improving the urban environment. These can be implemented internally and externally in various ways including green façades, hanging gardens, living walls, vertical gardens and bio-façades. If green walls are proposed: i. Design and locate green walls to suit the orientation and microclimate conditions (including width of the street and solar exposure) and enable access for maintenance. ii. Provide details of the support system, which should not affect the structural integrity or waterproofing of the building. iii. Ensure green walls have an integrated irrigation system using non-potable water. 	<p>Extensive above ground landscaping is proposed to soften the appearance of the building form. This landscaping is largely co-located with outdoor common areas.</p> <p>Green vertical gardens are not proposed.</p>	<p>Yes</p> <p>N/A</p>

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	<p>Ground floor gardens</p> <ul style="list-style-type: none"> • In major developments, ground floor garden areas should be incorporated to contribute to visual amenity and soften building interfaces through deep soil planting and large trees. Ground floor garden areas should be considered in spaces with public realm access. <p>Raised gardens</p> <ul style="list-style-type: none"> • Raised gardens contribute positively to the amenity and visual interest of a development and can facilitate community interaction. Raised gardens can be implemented on structures such as podiums, (integrated with) awnings, rooftop terraces, private and common outdoor areas and balconies. <p>Green Roofs</p> <p>Any proposal for green roofs shall:</p> <ul style="list-style-type: none"> • Undertake a detailed site analysis to assess the site suitability, including consideration of the climate conditions (e.g., solar orientation and wind loads), surrounding environment and the structural capacity of the roof, etc. • Suitably identify roof access, growing medium (substrate) type and depth required for various types of vegetation, function and type of green roof and plant schedule in accordance with the roof structural capacity. • Select native and drought/heat tolerant plant species. • Be designed with high standard components, including waterproofing membrane, growing medium, vegetation layer, root barrier, insulation and drainage system, etc. • Maximise retention and reuse of stormwater. • Consider integration of solar panels on the green roof. <p>C2. Landscaping should be considered holistically in the early design stages of a development to inform the building design. Retrofitting landscaping elements should be avoided to completed building designs as this can result in poor outcomes that may not be viable.</p> <p>C3. All landscaping should be regularly maintained and should not impact on the safety of public and private areas. Hardy and resilient species should be selected in an urban environment to ensure that all landscaping and vegetation is viable.</p>	<p>Street tree planting across the Princes Highway will be retained. Additional street tree planting along Geeves Avenue is proposed.</p> <p>Raised gardens are proposed on Levels 1, 3 and 6.</p> <p>Green roofs are not proposed.</p> <p>Landscaping has been well considered. Refer to the Landscape Plan by Paul Scrivener Landscape.</p> <p>Landscaping will be regularly maintained.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
	<p><u>Communal Open Space and Landscape Design</u></p> <p>C1. Minimum communal open space is to be provided as required by the Apartment Design Guide.</p> <p>C2. At least 50% of the communal open space should be soft landscaping.</p>	<p>Compliant outdoor communal living is provided in line with the Housing SEPP and DCP requirements for co-living.</p> <p>Approximately 50% of the outdoor communal living areas is landscaped.</p>	<p>Yes</p> <p>Yes</p>

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	<p>C3. Refer to Sub-section 3.7.3 Communal Open Space for design specifications.</p> <p>C4. All soft landscaping areas in a development must have access to Greywater or Rainwater to meet their watering needs.</p>	<p>Refer to Section 3.7.3 of DCP.</p> <p>Noted, this can be conditioned.</p>	<p>Yes</p> <p>Yes</p>
7.2.5.7 Development on Busy Roads	<p>C1. Development along Princes Highway and other busy roads within the Rockdale Town Centre must address SEPP (Transport and Infrastructure) 2021 requirements.</p> <p>C2. Different design solutions may be required to mitigate the effects of development along Princes Highway and other busy roads. Developments could incorporate recommendations on building design, internal layout, and architectural principles to achieve an acceptable internal acoustic environment in accordance with the Development in Rail Corridors and Busy Roads – Interim Guideline (2008) prepared by NSW Department of Planning to support the Transport and Infrastructure SEPP.</p>	<p>SEPP Transport and Infrastructure has been addressed in Section 5.2 of this report.</p> <p>Refer to the Acoustic Report.</p>	<p>Yes</p> <p>Yes</p>
7.2.6.2 Princes Highway Core	<p><u>Quality Built Form</u></p> <p>1. Development to be generally of a podium-tower nature towards the centre of the blocks exposing a strong, continuous landmark-quality tower facade at key corners and highly visible locations.</p> <p>2. The tallest building forms are located in this area, providing a differentiation from the rest of the Town Centre seen from different viewpoints (skyline and public domain) delivered through a strongly defined 6-storey street wall punctuated by slender tall towers.</p> <p>3. Taller portions of buildings are only allowed where massing can present as slender forms facing Princes Highway and King Lane, sufficiently separated as to emphasise their vertically.</p> <p>4. Western facades of buildings orientated E-W are to be modelled/ further articulated to minimise solar access and amenity impacts on developments to the south.</p> <p>5. At the north-western edge of the precinct, building massing and facade design should deliver a new urban marker/ landmark building as perceived both from Princes Highway and Bryant Street.</p> <p>6. In the north-eastern portion of the precinct (towards the Town Hall and library buildings), building massing and facade design should respond to, and not compete with the Town Hall by providing additional setbacks and/or modelling/ articulating</p>	<p>The proposal incorporates a podium and tower.</p> <p>The proposal consists of a 3 storey street wall punctuated by a slender 12 storey tower.</p> <p>Tower will be viewed as a slender built form Princes Highway.</p> <p>To the south of the site is Geeves Avenue with minimal solar access impacts incurred to neighbours.</p> <p>Not applicable.</p> <p>Not applicable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

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	<p>facades to retain view corridors as well as using more subdued materials and finer-grained facades.</p> <p>7. Any development at the “Interchange Site” must first be subject to a detailed urban design/masterplanning study to establish additional built form and public domain controls that align with this DCP and the intended future character for the area.</p> <p>8. Building configuration within the Interchange site should provide a direct visual and physical connection between the King Street Mall and the train station.</p> <p>9. Development on sites along Tramway Arcade and Bay Street (including the southern portion of the Interchange site) must also respond to the intended future character, built form and public domain outcomes described in Area C (Princes Highway and Bay Street Junction)</p>	<p>The site is north of the interchange site.</p> <p>The site is north of the interchange site.</p> <p>Not applicable.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
	<p><u>Quality Public Domain</u></p> <p>10. Along the eastern side of Princes Highway, where identified in 31, the additional set back at street level is to be of a minimum 1.5m in depth along the frontage (allowing for indentations and transitions) with sufficient height to facilitate small-scale retail yet retaining the historical finegrained, human-scale character.</p> <p>11. On the Interchange site (western side of Princes Highway fronting the station), the additional set back at street level is to be of a minimum depth of 3m along all frontages to the public domain and proportionate height commensurate with the importance of the site as the gateway to the Town Centre and to facilitate a larger-scale retail and higher pedestrian flow.</p> <p>12. On the Interchange site, a dedication for local road widening of (2.5m wide) it to be provided along Tramway Arcade and Geeves Avenue as per the Bayside LEP 2021.</p>	<p>The site is on the western side of Princes Highway.</p> <p>The site is north of the interchange site.</p> <p>The site is north of the interchange site.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>