COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL

SYDNEY SOUTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSSH-143 – DA2023/0222 – PAN-333974
PROPOSAL	Demolition of existing structures, construction of a 10 storey mixed use development, comprising 112 residential apartments, 3 commercial tenancies, four levels of basement car parking providing 143 car parking spaces, landscaping and site works.
ADDRESS	1-5 Stanley Street and 1–11 Princes Highway, Kogarah
APPLICANT	Aaron Sutherland – Sutherland & Associates Planning
OWNER	Kogarah Investments No.3 Pty Ltd
DA LODGEMENT DATE	12 July 2023
APPLICATION TYPE	Development Application (Integrated)
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as: The development has a capital investment value of more than $30 million.
CIV	$34,864,225.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil and zoning R4 High Density Residential
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	• 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 No. 65 – Design Quality of Residential Apartment Developments • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Planning Systems) 2021 • Georges River Local Environmental Plan 2021 • Georges River Development Control Plan 2021 • Georges River Development Local Infrastructure Contributions Plan 2021 (Section 7.11 and Section 7.12)

AGENCY REFERRALS	• Water NSW • Transport NSW • Department of Environment and Water • NSW Police • Sydney Airport • Ausgrid • Bayside Council
TOTAL & UNIQUE SUBMISSIONS	• Total 23 and 21 being Unique
KEY ISSUES	1. Isolated Sites being 3 lots - 7, 9 and 9A Stanley Street Kogarah. 2. Design Excellence not achieved. 3. Urban Design concerns. 4. ADG requirements for public private interface, setbacks and building separation, vehicular access, distinguishable building entry, common circulation space, communal open space, private open space and privacy, deep soil, solar access to units, natural cross ventilation, ceiling heights, building services, architectural expression and building bulk. 5. Side Boundary Setbacks to western side – impact on future development. 6. Deep Soil Zones insufficient. 7. Overshadowing – future development. 8. Landscaping – unsatisfactory. 9. Public Art Plan not provided and is applicable. 10. Basement Setbacks non compliant. 11. Landscape Treatment of Setbacks unsatisfactory. 12. Communal Open Space. 13. Solar Access. 14. Dwelling Mix. 15. Wind Analysis Report. 16. Creation of Through Site Pedestrian Links. 17. Waste not compliant. 18. Blank side wall to Western Elevation. 19. Bulk and Scale. 20. Consistency with planning controls.
DOCUMENTS FOR CONSIDERATION	All plans and documents accessible via Planning Portal.
PREVIOUS BRIEFINGS	6 September 2023
ASSESSMENT STATUS	Request for further information letter sent – 31 October 2023 awaiting amended plans/information.
PREPARED BY	Brendan Leo – Assessing Officer (Consultant Planner) Nicole Askew – Coordinator Development Assessment
DATE OF REPORT	30 October 2023

1. THE SITE AND LOCALITY

1.1 The Site

- The development site comprises 10 allotments and is known as 1-5 Stanley Street and 1-11 Princes Highway, Kogarah.
- The site is irregular in shape and extends from Stanley Street to the south through to the Princess Highway to the east. The property frontage to Stanley Street is

approximately 64 metres in length, whilst the frontage to the Princess Highway is approximately 43 metres in length.

- The total site has an area of approximately 2,398sqm - 2,572sqm (site area is inconsistent between documents submitted with the application, Council will be using the registered title lot dimensions and areas) and comprises a variety of buildings including attached and detached dwellings, a small flat building, and commercial buildings fronting the Princes Highway. There is only minor non-significant existing vegetation over the site.
- There is an approximately 2 metre fall from the south-western corner to the north-eastern corner.
- The site is free from any significant site constraints other than access denied to the Princes Highway.

Figure 1 – Site locality Plan

Figure 2 - Subject Site

Figure 3 – Existing building at 3-5 Princes Highway

Figure 4 - Existing building at 7-11 Princes Highway

Figure 5 - Existing building at 1 Stanley Street

Figure 6 - Existing building at 3-5 Stanley Street

1.2 The Locality

- The suburb of Kogarah is within the Georges River local government area. Kogarah is located 15 kilometres south of the Sydney Central Business District.
- Kogarah contains a high concentration of medical facilities (including St George Private and St George Public Hospitals) and a mix of retail and commercial activities.
- Kogarah is a highly accessible centre with the Kogarah Railway Station located on the western side of the town centre and the Princes Highway forming the eastern boundary of the centre.
- The land to which the proposal relates is located within the Kogarah North Precinct as identified in Part 10.1 of the Georges River Development Control Plan 2021. The Kogarah North Precinct sits to the north of the Kogarah Town Centre. The Kogarah North Precinct is situated at the northern tip of the Georges River local government area.
- The subject development site is transitioning from an old single dwellings to a high-density shop top housing developments and residential flat buildings which is consistent with the up-zoning within the Kogarah North Precinct.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for demolition of existing structures, construction of a 10 storey mixed use development, comprising 112 residential apartments, 3 commercial tenancies, four levels of basement car parking providing 143 car parking spaces, landscaping and site works.

Specifically, the proposal involves:

- Demolition of all existing buildings on the site.
- Erection of a new 10 storey mixed use building containing 112 apartments and 3 commercial tenancies above 4 basement levels containing 143 car spaces, bicycle parking, garbage room, storage and plant.
- The development comprises a 4 storey podium element with the building above setback resulting in two towers at the top of the building.
- Communal Open space in the form of a roof terrace and at ground level on the northern side/rear designed as a garden setting.
- Direct street access is provided for all street facing ground floor units.
- Vehicular entry to the basement is provided from Stanley Street adjacent to number 7 Stanley.
- The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	Uncertain - 2,398sqm - 2,572sqm – differs throughout various documents – Council will be using the registered titles for the lot sizes and area dimensions.
GFA	9,372sqm
FSR (retail/residential)	Uncertain as site area unknown but likely to be complaint
Clause 4.6 Requests	No
No of apartments	112
Max Height	33m or 47.5mAHD
Communal Open Space	• Ground: 438.9 sqm • Roof: 268 sqm • Total: 706.9 sqm
Car Parking spaces	143
Setbacks	Variable predominately acceptable except for western side boundary.
Apartment Mix	• 26 x 1 bedroom apartments (23.2%) • 76 x 2 bedroom apartments (67.9%) • 10 x 3 bedroom apartments (8.9%)

Figure 7 - Stanley Street Perspective looking north.

Figure 8 - Princes Highway Perspective looking West

Figure 9 - Princes Highway perspective form North of Harrow Road looking South West

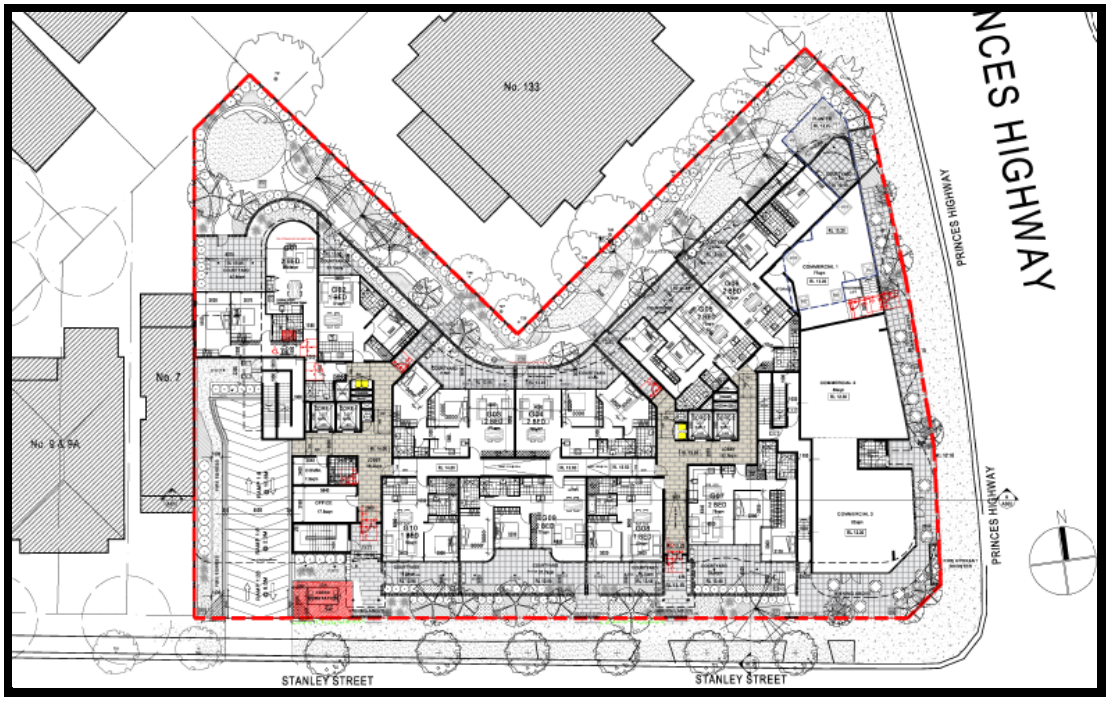


Figure 10 – Ground Floor Plan

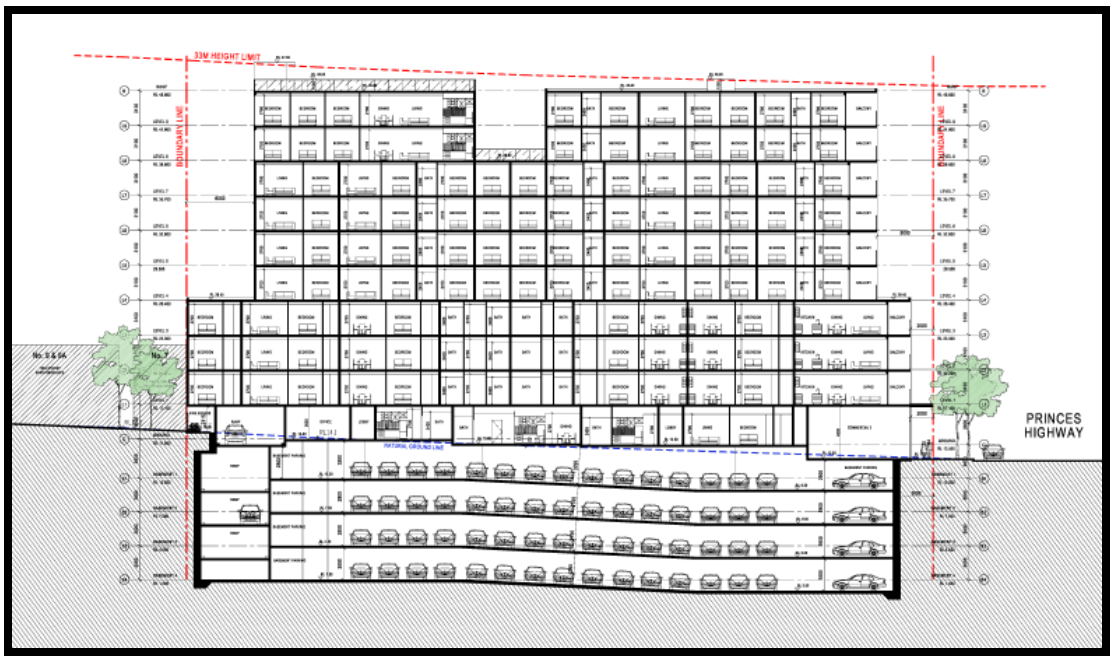


Figure 11 – Section Plan

2.2 Background

The development application was lodged on **12 July 2023**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
31 July 2023	Exhibition of the application

19 July 2023	DA referred to external agencies DA referred to Internal Specialist Officers
21 August 2023	Panel Kick Off Briefing
6 September 2023	Panel Site Inspection
31 October 2023	Request for Information from Council to applicant
6 November 2023	Assessment Briefing.

2.3 Site History

The Kogarah North Precinct, and was subject to substantial uplifts in zoning, height and floor space under the Kogarah New City Plan gazetted on 26 May 2017.

Accordingly, the Kogarah North Precinct is undergoing transition from low density to higher densities, with a number of similar scale residential flat developments already constructed, under construction or approved in the area since the rezoning was affected. The details of those developments are as follows:

- 41 – 47 Princes Highway, Kogarah. 10 storey mixed use development with basement parking. Approved by the Land and Environment Court on 5 July 2018 by way of S34 Agreement.
- 70 – 78 Regent Street, Kogarah. 10 storey residential flat building with basement car parking. Approved by the Land and Environment Court on 24 July 2018 following a contested hearing.
- 2 – 10 Palmerston Street, Kogarah. 10 storey residential flat building with three levels of basement car parking. Approved by the Land and Environment Court on 20 September 2018 by way of S34 Agreement.
- 11 Stanley Street and 28 – 36 Victoria Street, Kogarah. 9 storey residential flat building with three levels of basement parking approved by the Land and Environment Court on 23 October 2018 by way of S34 Agreement.
- 2-10 Stanley Street Kogarah. 10 storey residential flat building with basement parking. Approved by the Sydney South Planning Panel on 11 December 2018.
- 12-24 Stanley Street, Kogarah. 11 storey residential flat building with 4 levels of basement car parking. Approved by the Sydney South Planning Panel on 9 April 2019.
- 2-4 Gladstone Street and 10 Victor Street, Kogarah. 9 and 10 storey residential flat building with ground level retail space and basement car parking. Approved by the Land and Environment Court on 11 April 2019 following a contested hearing.
- 71-97 Regent Street, Kogarah. 10 storey residential flat building with 3 levels of basement car parking. Approved by the Land and Environment Court on 14 May 2019 by way of S34 Agreement.
- 80-84 Regent Street, Kogarah. 11 Storey residential flat building with basement car parking. Approved by the Georges River Council Local Planning Panel on 11 June 2019.
- 58-68 Regent Street, Kogarah. 11 storey residential flat building with basement car parking. Granted consent via S34 agreement on 11 September 2020.
- 44-52 Regent Street, Kogarah. 11 storey residential flat building with basement car parking Granted consent via S34 agreement on 10 February 2021.
- 6-16 Victoria Street, Kogarah. 12 storey residential flat building with basement car parking. Granted consent via S34 agreement on 10 February 2021.

- 18-24A Victoria Street, Kogarah. 10 storey residential flat building with basement car parking. Granted consent via S34 agreement on 25 May 2021.
- 36 & 38 Gladstone Street and 59-69 Princes Highway. 10 storey residential flat building with basement parking approved by Sydney South Planning Panel (SSPP) on 15 December 2022.
- 99 Regent Street Kogarah, Land and Environment Court for additional height, court decision pending.
- 37 Princes Highway, Kogarah. 10 storey shop top housing development consisting of 37 residential apartments, two (2) retail premises above three (3) basement levels of parking containing 33 car parking spaces plus tree removal. Refused by the Georges River Council Local Planning Panel on 20 July 2023. Review of Determination submitted 8 October 2023.

3. PLANNING CONTROLS

The site is located within the R4 zone pursuant to Clause 2.3 of the Georges River LEP 2021 **(Figure 12)**. The proposal is permissible in the zone with consent. The proposal is consistent with the zone objectives.

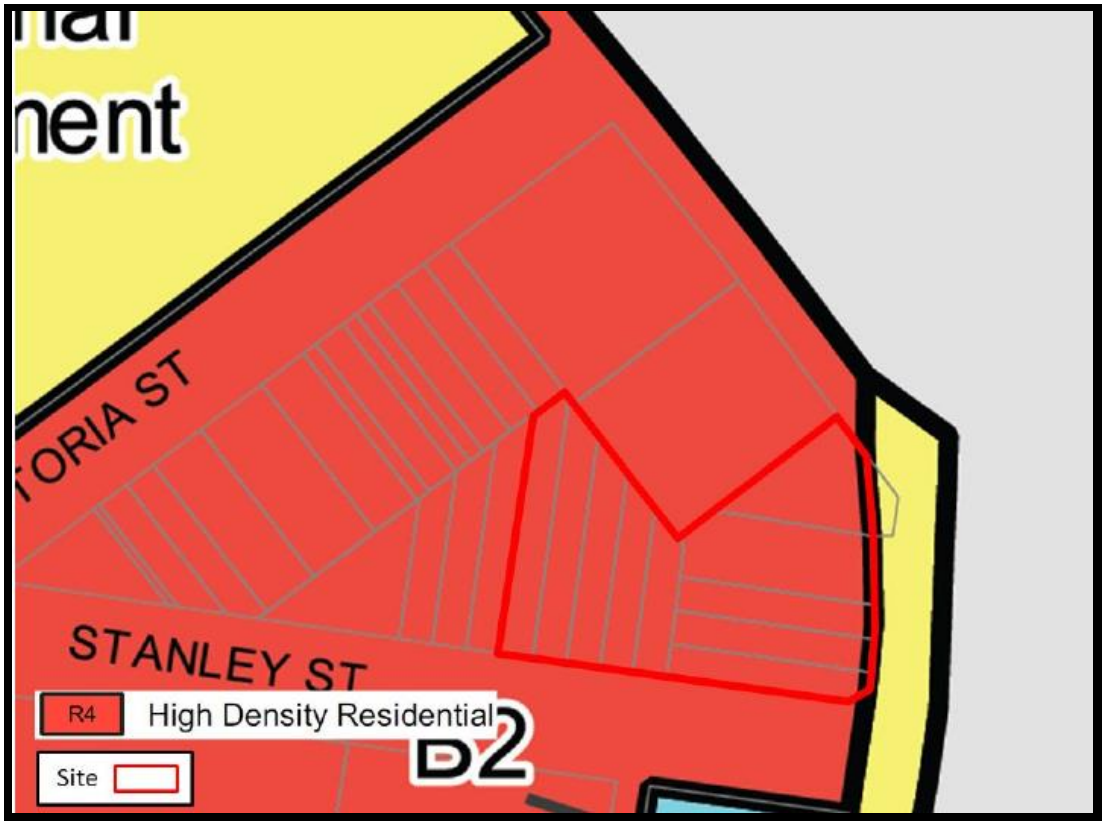


Figure 12 – Zoning Map GRLEP 2021

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in **Table 3**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

Table 3: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration *(Brief summary)*	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 6: Water Catchments	Y
BASIX SEPP	No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	• **Clause 30(2)** - Design Quality Principles - The proposal is contrary to the design quality principles and the proposal is contrary to the ADG requirements for public private interface, setbacks and building separation, vehicular access, distinguishable building entry, common circulation space, communal open space, private open space and privacy, deep soil, solar access to units, natural cross ventilation, ceiling heights, building services, architectural expression and building bulk.	N
State Environmental Planning Policy (Planning Systems) 2021	**Chapter 2: State and Regional Development** • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6.	Y
SEPP (Resilience & Hazards)	**Chapter 4: Remediation of Land** • **Section 4.6 -** Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	**Chapter 2: Infrastructure** • **Section 2.119(2)** - Development with frontage to classified road • **Section 2.120(2)** - Impact of road noise or vibration on non-road development	Y
GRLEP	• Clause 2.3 – Permissibility and zone objectives • Clause 6.10 – Design Excellence	Y N
GRDCP	• Part 3.15.2 - Public Art Plan • Part 6.3.3 – Side Boundary Setbacks • Part 6.3.4 – Basement Setbacks • Part 6.3.6 – Landscape Treatment of Setbacks • Part 6.3.7 – Communal Open Space • Part 6.3.8 – Solar Access • Part 6.3.10 – Dwelling Mix	N N N N N N N N N

	• Part 10.1.6 (1) – Isolated Sites • Part 10.1.6 (3) – Wind Analysis Report • Part 10.1.6 (4) – Setbacks • Part 10.1.6 (5) – Trees and Landscape • Part 10.1.6 (7) - Creation of Through Site Pedestrian Links • Part 10.1.6 (8) – Housing Choice • Part 10.1.6 (18) – Waste Minimisation	N N N N N N N

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Transport for NSW	S138 - Roads Act 1993 for works in the road reserve.	Conditions provided	Y
Transport for NSW	Clause 2.119 and 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.	Conditions provided	Y
Referral/Consultation Agencies			
Ausgrid	SEPP (Transport and Infrastructure) 2021, S2.48	Conditions provided	Y
Air Services Australia	GRLEP 2021	Conditions provided	Y
Integrated Development (S 4.46 of the EP&A Act)			
Department of Planning and Environment-Water	S91 Water Management Act 2000	A controlled activity approval is not required for the proposed works	Y
WaterNSW	S90 Water Management Act 2000	Additional information required from applicant	N
Sydney Airport Corporation	S183 Airports Act	Conditions	Y

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5.**

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Urban Design	Council's Urban Design Officer reviewed the proposal and found it to be unsatisfactory and requires amended and/or additional information to be provided from the applicant. Refer to the Key Issues section.	N
Development Engineer	Council's Development Engineering Officer reviewed the proposal and found it to be unsatisfactory and requires amended and/or additional information to be provided from the applicant. Refer to the Key Issues section.	N
Traffic Engineer	Council's Traffic Engineering reviewed the proposal and found it to be unsatisfactory and requires amended and/or additional information to be provided from the applicant. Refer to the Key Issues section.	N
Building	Council's Building Officer reviewed the proposal and found it to be unsatisfactory and requires amended and/or additional information to be provided from the applicant. Refer to the Key Issues section.	N
Environment and Health	Conditions provided.	Y
Waste	Council's Waste Officer reviewed the proposal and found it to be unsatisfactory and requires amended and/or additional information to be provided from the applicant. Refer to the Key Issues section.	N
Public Domain/ Assets	Conditions provided.	Y
Landscape	Conditions provided.	Y
Land Information	Conditions provided.	Y

4.3 Community Consultation

The proposal was notified in accordance with the DCP and Council's Community Participation Plan from 31 July 2023 until 17 August 2023. A total of 23 submissions were received with 21 being unique, comprising 21 objections and 0 submissions in favour of the proposal, were received.

The issues raised in these submissions included the following:

- Setbacks to adjoining properties are inadequate – an issue that needs resolution, the application cannot be supported.
- Over Development – issue.
- Over Shadowing – issue.
- Proposal leaving isolated lots which should be acquired or a plan provided detailing how development can be accommodated on these site and meet with objectives of the upzoned precinct - issue.
- Construction Amenity Issues (traffic, parking, noise, dust, vibration, roads unsafe and lengthy delays) – this can be resolved through conditions.
- Driveway location is unsafe for pedestrians - this can be resolved through conditions.
- Driveway location will lead to noise impacts on 7 Stanley Street (traffic and operation of roller door 24/7) - this can be resolved through conditions.
- Fumes from carpark exhaust - this can be resolved through conditions.
- Deep excavation will cause structure instability to adjoining properties - this can be resolved through further engineering investigations and conditions.
- Overlooking and Loss of Privacy – reconsideration of this needs to be undertaken.
- View Loss – it is considered the submitted is eluding to outlook loss.
- Excessive Height – non-issue as the development meetings the height criterion nominated in the LEP.
- Insufficient Public Open Space in Locality – not an issue that can be resolved by a site specific DA.
- Inadequate public transport (trains crowded and infrequent) – not an issue that can be resolved by a site specific DA.
- Insufficient on street carparking in the locality – not an issue that can be resolved by a site specific DA if the DA meets the carparking criterion required of it.
- Will lead to flooding of the basement at 7 Stanley Street – this is a matter than can be resolved through engineering investigation and development design through conditions.
- Too many apartments not enough free-standing homes in the locality- lack of housing choice – this is a matter that is driven by the upzoning, permissible development forms and the housing shortage that exists.
- Unsafe amount of traffic on the local roads – the local road network is considered capable of accommodating the proposed density.
- Cumulative impact on parking in locality - too many apartments, construction projects and schools – noted, but not a matter than can be resolved by a site specific DA that has been designed to meet the planning controls in place.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

- Isolated Sites being 3 lots - 7, 9 and 9A Stanley Street – noting that these sites could be amalgamated, however their size and dimensions will result in development that is not in keeping with the upzoned nature of the locality. The applicant has not demonstrated that development consistent with the zoning objectives can be accommodated.
- Design Excellence – the application needs further consideration in this regard and needs to be considered in light of the urban design comments.

- Urban Design – the development is considered to need further amending to address the urban design principles as outlined by Council's Urban Designer.
- ADG requirements for public private interface, setbacks and building separation, vehicular access, distinguishable building entry, common circulation space, communal open space, private open space and privacy, deep soil, solar access to units, natural cross ventilation, ceiling heights, building services, architectural expression and building bulk.
- Side Boundary Setbacks to the western side are unsatisfactory.
- Deep Soil – needs increasing.
- Overshadowing onto the dwelling to ethe west.
- Landscaping further work is needed in this regard.
- Public Art Plan not provided.
- Basement Setbacks are inadequate.
- Landscape Treatment of Setbacks unsatisfactory
- Communal Open Space needs greater resolution.
- Solar Access – needs further detailing.
- Dwelling Mix – not compliant.
- Wind Analysis Report not provided.
- Creation of Through Site Pedestrian Links – can consideration be given to a change in the nominated location to be able to provide it as envisaged by the DCP.
- Waste – non compliant – further work required in this regard.
- Blank side wall to Western Elevation – no consideration has been given to how this is perceived from the adjoining residential dwelling and the public domain.
- Bulk and Scale presenting to the neighbouring allocations is unsatisfactory.
- Consistency with planning controls need to be demonstrated.

6. RECOMMENDATION

Following a preliminary assessment of the development application in relation to the development controls, taking into account the issues raised in submissions from the community, Council Officers and agencies, the Council considers: that a request for information letter should be sent to the applicant, requesting the issues to be further addressed as detailed in Attachment 1.

7. ATTACHMENTS

The following attachments are provided:

- Attachment A: Requested Information

ATTACHMENT A

Requested Information

1. **Water NSW**

WaterNSW has reviewed the information provided with the development application and requests the following additional information to permit further assessment of the Development Application.

a) Confirmation of the proposed basement construction design, being either tanked (fully watertight) or drained (requiring permanent ongoing dewatering).
b) If a tanked basement design is proposed, the following information is requested.
   (i) Volume of water to be extracted annually if available.
   (ii) Duration of the water take for dewatering if available.
   (iii) Method of measuring the water take and recording.

c) If a drained basement design is proposed, WaterNSW and the Department of Planning and Environment -Water (DPE) will require additional modelled data to support a hydrogeological review and assessment. The Geotechnical report (or equivalent) will need to be updated accordingly and satisfy requirements detailed in the below Table 1 Modelling Inputs.

Table 1 Modelling inputs

WaterNSW and DPIE do not support the drained basement option for basements. However if the proponent is insistent on a drained basement alternative for the design of the basement, they will need to provide all the following additional data and modelling inputs to enable DPIE to undertake the necessary hydrogeological assessment.

#	Assessment item
1	The estimate volume of water take has been specified in the documentation supplied with the application (in megalitres).
2	Detailed explanation and supporting evidence have been provided to demonstrate the suitability of the volume estimation method (either description of numerical model used or analytical solution and source document).
3	The ground elevation across the site has been provided on an architectural plan or section or detailed in other supporting documents in a manner acceptable to WaterNSW and DPIE-Water.
4	A report outlining the geotechnical characterisation of the ground conditions, based on site-specific intrusive investigations that fully penetrate to a deep geological unit beneath the property that is identified in the geotechnical report as being consolidated or hard.
5	Frequently repeated water level measurements illustrating the natural range over at least three months (in metres below ground level)
6	The magnitude of required drawdown in water level to achieve dry conditions in the excavation has been identified (in metres).
7	The works proposed to be used for dewatering have been described in detail (number, spacing, depth, individual discharge rates, cumulative discharge rate) and illustrated on specific plan and section diagrams.
8	The base level of the aquifer has been identified or can it be determined from supplied bore logs (in metres below ground level).
9	Accurate excavation footprint dimensions (length, width, bulk excavation level) have been specified (in metres).
10	Field test results to determine the hydraulic conductivity of lithological units present beneath the site have been reported (in metres per day).
11	The anticipated duration of dewatering pumping has been specified (days or weeks or months).
12	The depth of piling embedment beneath the bulk excavation level has been specified (in metres).

In the case of a drained basement, we request that the geotechnical report be updated accordingly and uploaded to the planning portal. Further information can also be found at https://www.industry.nsw.gov.au/water/science/groundwater/aquifer-interference-activities

Should there be any further enquiry in this matter, please email the agency officer lauren.preston@waternsw.com.au

2. **Urban Designer**

a) Creation of a Through Site Link

To enable a more efficient network of pedestrian movement, Part 10 of GRDCP 2021 – Kogarah North Precinct requires a provision of a pedestrian connection (Through Site Link) located approximately opposite Regent Lane, which would be around the centrally located bedroom of unit G09. The Pre-DA letter, dated 3 May 2023, recommended provision of a minimum 6m wide through site link.

It is recommended that the design should be amended as follows:

- As pre the recommendations in the PreDA letter, the through site link should be minimum 6m wide x 2 storey high with access to natural light and ventilation, which will be a more desirable design outcome.
- The through site link should be direct, attractive, well-lit with line of sight from one end to the other (Refer ADG Figure 3G.5).
- The location should be in the vicinity of Regent Lane to the south to enhance pedestrian connectivity.
- The through site link should be safe and free of entrapment spaces and areas with limited passive surveillance. Where appropriate, it should be lined with active frontages to create a safe and active pedestrian environment.
- The through site link should contribute to the public realm, should be identifiable in the streetscape and easy to find.
- There should be a separation of public and private spaces.

b) Topography / Public Private Interface

The site generally slopes down from the western boundary to the east at Princes Highway frontage. The site also slopes down from the northern boundary to the south towards Stanley Street frontage. The site has a cross fall of around 2.65m and a fall of around 2.33m along Stanley Street.

An attempt has been made to address topography, which is encouraging. However, there still are areas of concern. Apartment G01 is around 0.8m below the existing natural ground. While Commercial 1 at RL 13.20m in the northeast corner is around 1.07m above the existing footpath along Princes Highway with steps and accessible lift. The increase in the finished floor level (FFL) is owing to the location of the OSD / Rainwater Tank (RWT). However, no sections are provided through the RWT to ascertain the changes in levels in the northeast corner.

The level difference between Commercial 1 and existing footpath is not supported as the level difference disconnects the building from the public domain. The steps at Princes Highway frontage are inconsistent with ADG Objective 3C-2, which promotes minimising ramping for accessibility by locating building entries and setting ground floor levels in relation to footpath level. It also encourages design of ground floor to minimise level changes along pathways.

A unisex toilet is also proposed between Commercial 2 and 3 with external access on the Princes Highway façade. This unnecessarily disrupts street activation and not desirable.

It is recommended that the proposal be amended for FFLs of Commercial 1 to be at the same level as the existing footpath. Generally, all commercial tenancies should be at the same level as the existing footpath level. Any level changes should be accommodated within the building footprint.

The unisex toilet along princes Highway should be relocated to continue street activation along princes Highway.

All the apartments should also be above the existing natural ground to minimise cut and fill, use of steps and ramps and enhance the relationship between the open space and built form.

c) Setbacks / Building Separation

Level	Direction	Required	Proposed
Ground	**North**	6.0m	6.0m
	East (Princes Highway	2.0m	2.0m
	South (Stanley Street)	5.0m	5.0m
	West	6.0m	0m - 6.0m
Up to 4 Storeys	**North**	6.0m	6.0m
	East (Princes Highway	2.0m to balcony 4.0m to Building wall	2.0m to balcony 4.0m to Building wall
	South (Stanley Street)	7.0m	5.0m
	West	6.0m	0m
5 to 8 Storeys	**North**	9m	6.5 (curved area) & 9m
	East (Princes Highway	5m from the Street to Balcony	5m from the Street to Balcony
	South (Stanley Street)	8m to balcony	8m
	West	9m (between habitable rooms)	6m
9+ Storeys	**North**	12m	6.5 (curved area) & 12m
	East (Princes Highway	5m from the Street to Balcony	5m from the Street to Balcony
	South (Stanley Street)	8m to balcony	8m
	West	12m	6m

Table 1: Building Setbacks + Separation

The proposal has numerous non-compliances with the prescribed setbacks under GRDCP 2021 and the ADG building separation distances, especially to the west (Refer Table 1 – non-compliances in red text).

In justification to the 0m setback to the western boundary, the Statement of Environmental Effects (SEE) prepared by Sutherland & Associates Planning states:

> *to the south across Stanley Street to the east of Regent Lane are a variety of recently completed residential flat buildings which reflect the emerging character of the North Kogarah precinct. These buildings employ a 4 storey podium with 6 storeys above. These buildings also establish a precedent of a nil side boundary setback at podium level, and a 6 metre side boundary setback for the levels above……..*

However, as stated in Council's Pre-DA letter, the precedent set to the south is not considered a good urban design outcome and nor is it consistent with the vision for the Kogarah North Precinct, which includes:

> *Kogarah North will consist of residential and community uses in the form of apartment buildings that will deliver a diversity of heights but will maintain a human scale built form at street level creating a balance between increased housing opportunities, public and private amenity and an active and safe pedestrian environment. The built form will be complemented by generous public domain with a strong landscape character to create a verdant, attractive and high-quality landscape for the amenity of residents, neighbours and visitors to Kogarah North.*
>
> …..*The area's leafy streets, beautiful public and hidden parks, community facilities and visible heritage features make for an attractive, people-friendly environment. There are many pleasant places to stop awhile and chat to neighbours, providing the setting for a rich and varied community life.*

While, the ADG has established that building separation not only ensures that amenity between buildings is maintained but also contributes to the urban form of an area. Hence, one of the aims of building separation under Part 2F of the ADG is to:

- *ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*

It should be noted that the subject site lies within the R4 – High Density Residential area and a continuous podium is not desired. Continuous podium is only appropriate in the business/commercial zones. The lack of setback to the west denies the opportunity for deep soil planting and landscaping to realise the vision. The proposal and any future development to the west will result in overbearing streetscape devoid of landscaping to minimise the impact of building bulk (Refer Figures 1 and 2).

In addition, the Western Elevation is entirely blank because of the non-compliance with the required building separation. The bulky and blank Western Elevation does not demonstrate design excellence as required under Part 6.10 of GRLEP 2021, which requires highest standard of architecture.

Lack of appropriate building separation/setbacks has resulted in an excessive building bulk and a development that further deteriorates the urban form contrary to the vision established for Kogarah North Precinct. Hence, the non-compliance with the setbacks and building separation is not supported.

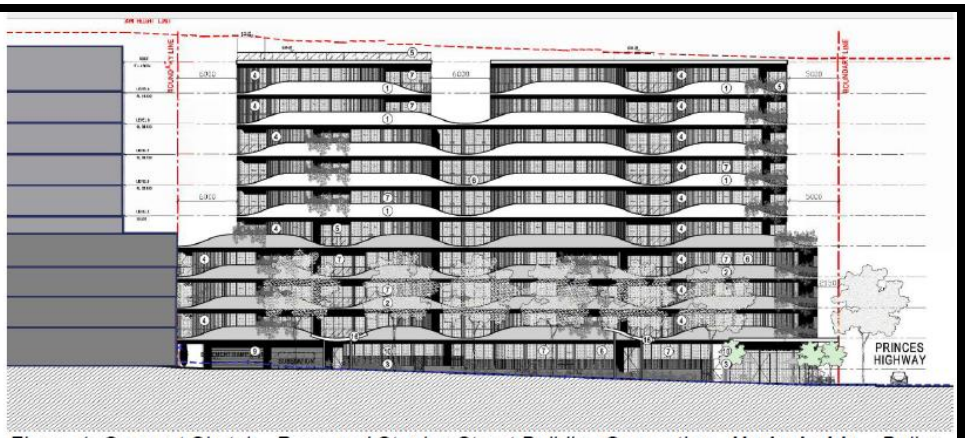


*Figure 1: Concept Sketch - Proposed Stanley Street Building Separation - **Undesirable** – Bulky and overbearing streetscape + potential amenity impacts*

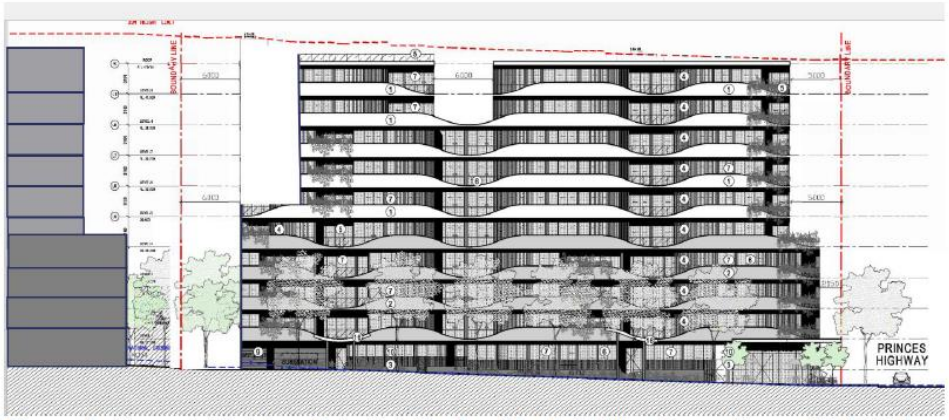


*Figure 2: Concept Sketch - Potential Stanley Street Building Separation – **Preferred** – Enhanced skyviews and landscape providing a relief from densification and landscape setting as per the Vision*

It is recommended that given the densification of the area, scale of the proposal and taking into consideration the vision for the area, the design should be amended to comply with the minimum required GRDCP setbacks and ADG building separation, especially to the west to not compromise any potential development to the west. Façade treatment and building bulk is discussed further below.

d) Basement Car Park

Part 6.3.4 of GRDCP prescribes a minimum 3m setback for basements. However, as discussed further under Section 4.2, for sites with greater than 1,500sqm site area **minimum 6m dimensions** are required to be provided to accommodate deep soil areas.

The proposed 4 levels of basement have a 1m setback to the western boundary, 2.6m - 6m to the northern boundary, and 3m to the southern and eastern boundaries. Setback to the western boundary and part of the setback to the northern boundary do not comply with the GRDCP. The non-compliance to the basement setbacks is not supported.

It is recommended that a minimum 3m setback to all the proposed basement levels should be provided to the western boundary for the proposal to comply with the basement setback requirements and to include deep soil along the western boundary to enhance the landscape character.

e) Vehicular Access

Vehicular access is proposed with 2.5m setback to the western boundary off Stanley Street. The western side setback narrows down to 1m and includes fire egress. The proposed 3 levels above ground have 0m setback to the western boundary managing to integrate the vehicular access with the façade design.

However, as stated above under Setbacks, the proposal does not comply with the western side setback requirement. And it is recommended to provide the GRDCP required setbacks and ADG building separation. This will have an impact on the current location of the driveway / vehicular entry.

In addition to recommendation above, **it is recommended** that the design of the vehicular access should be consistent with ADG Objective 3H-1, which requires vehicular access points to be designed and located to create high quality streetscapes and to be integrated with the building's façade design. The 6m setback to the west will provide opportunity for deep soil planting that will not only enhance the streetscape but also amenity of future residents.

f) Pedestrian Access / Building Entry

Residential
Two main pedestrian building entries are proposed from Stanley Street associated with the 2 service cores/lift lobbies, which are inset and not visible from the building entrance. The entries have white curved awnings in an effort to distinguish them on the facade. Separate individual entries to the ground floor apartments along Stanley Street have also been provided.

The substation in the south-west corner dominates the 2m wide building Entry 1. The plans indicate that the substation projects under Entry 1 canopy to the west, while to the east is the 1.8m high privacy fence of G10 courtyard. Similarly, the 1.8m wide building Entry 2 has 1.8m high privacy fence of G07 and G08 courtyards on either side.

The building entries through the 1.8m high privacy fence and in part encroached by a substation is not considered a high quality and pleasant walking environment. The white curved awnings blend in with the all the curved elements and materiality on the façade.

This is not consistent with ADG objective 3G-1, which requires building entries to be clearly identifiable and distinguishable. The proposal is also not consistent ADG Objective 3G-2, which requires building access areas including lift lobbies, stairwells and hallways to be clearly visible from the public domain. Hence, not supported.

It is recommended that the lifts should be located to be clearly visible from the public domain. This will not only enhance the visual and physical pedestrian connection of the proposal with the public domain but also the ease of wayfinding.

The building entries should be designed such that they contribute to the identity of the building and the character of the streetscape. Building entries should be clearly identifiable and distinguishable on the façade and provide high quality and please walking environment.

The exact area required for the substation should be determined and the design finalised accordingly.

g) Common Circulation Space

The proposal includes a 2m wide corridor/common circulation space associated with Service Core 1 and a 1.8m wide corridor associated with Service Core 2 (widens to 2m wide lift lobby) connecting the pedestrian entry with the service cores.

Commercial parking spaces are provided on Basement Level 2. However, separate service area has not been provided as required under ADG Objective 4S-2. To access the commercial tenancies, the employees / customers will have to exit the building and walk as much as 50m to Commercial 1. Accordingly, the commercial components of the building are inaccessible to people with a disability.

On the 3 levels above ground, Service Core 2 provides access to 9 apartment/floor. This does not comply with ADG Objective 4F-1, which allows maximum 8 apartments off a circulation core on a single level. The corridors associated with each service core is around 1.54m – 2m wide with no opportunity for casual social interaction or gathering. The proposal does not comply with ADG Objective 4F-2. The garbage chutes and maintenance room doors that open onto the corridors will be an obstruction in the narrow corridors.

Although the corridor width may comply with the AS, **it is recommended** that greater than minimum required corridor widths should be provided to allow for comfortable movement while also incorporating the building services. The corridors should also be designed to provide incidental space for casual social interaction.

The non-compliance of the proposal on the 3 levels above ground with the maximum number of apartments accessed for a circulation core could be taken into consideration subject to compliance of the proposal with all other requirements and the design amended to address the urban design recommendations.

h) Private Open Space and Privacy

It should also be noted that Objective 4E-1 of the ADG recommends a minimum 2m depth for balconies of 1 and 2 bedroom apartments with a minimum 8sqm and 10sqm area respectively. The proposal includes numerous curved primary balconies and balconies which may have planter boxes and following issues are raised and need clarification:

Concern is raised on the primary balcony of the following apartments:

- The 9sqm POSs of apartment 408, 508, 608, 708 do not comply with the minimum required 10sqm.
- Apartments 111, 211, 311 have a maximum 2m depth and minimum 0.60m.
- Apartments 116, 216, 316, have minimum dept of 1.6m, which will be further reduced if a planter was incorporated.

- Apartments 103, 203, 303 have a depth of 2m; however, if planter boxes are incorporated the depth will not comply with the ADG.
- Apartments 104, 204, 304, 115, 215, 315, 804, 904 have a depth of 1.4m – 1.8m.

Planting is illustrated on the 3D Visualisation images as well as the elevations. However, no information is provided on the landscape plans. In addition, the planter box sizes are inaccurate as the overall depth of 0.15m is considered inadequate.

Although some of the above non-compliances could be considered minor. The numerous POS non-compliances, in addition to the other urban design issues demonstrates the proposal is an over development of site.

In addition, the quality of the primary balconies and the bedroom privacy is also of concern as majority of the balconies are located adjacent bedrooms with windows that overlook into the balconies. This is undesirable especially for the 2 and 2 plus bedroom apartments.

It is recommended that the design should be amended for the balconies to comply with the minimum ADG recommended depths. The balconies should be located to minimise privacy impacts.

In addition, accurate information should be provided on the proposed planters on the balconies. If planter boxes are provided, then accurate information should be provided accordingly. If planter boxes are not proposed, then the 3D visualisation images should be amended.

i) <u>Communal Open Space</u>

Objective 3D-1 of the ADG requires minimum 25% of the site area to be provided as communal open space (COS) with minimum 3m dimension. Minimum 50% of the COS is to receive direct sunlight for a minimum 2 hours between 9am to 3m on 21 June. The design guidance requires COS to be co-located with deep soil area.

In addition, the recently adopted GRDCP prescribes that no more than 40% of the required COS to be located above ground. The GRDCP also prescribes a minimum 5m dimension for the COS.

Based on the Site Area being 2,398sqm **(Note. site area varies depending upon the documentation, Council will be using the registered lot diensions and areas)** the subject site requires a minimum 599.6sqm COS. Based on the calculations provided, the proposal provides in total 700.4sqm COS (431.4sqm on ground and 269sqm on roof top) (Refer Drawing No. A703). However, the separation between the public and communal open space at ground level is unclear given the potential public link through the site within the open space area to the north.

The proposal complies with the numerical requirements based on a site area of 2,398sqm. However, the COS is more of a ‘left over’ space as it is not well integrated with the built form. At ground, the majority of the COS has interface with private courtyards with around 2.0m high privacy fence preventing any informal casual surveillance. The COS is also unlikely to receive the required sunlight in the future if the site to the north when developed.

It is recommended that the design should be amended for the COS to be well integrated with the built form and not be a “left-over’ space. A preferred option could be to locate the COS space such that it has equitable and direct access and visual link from the service core.

The solar access study should take into consideration the potential development to the north.

It is acknowledged that the through site link will not be usable until the completion of development to the northwest in the future. However, the design should be future proof and hence clarification should be provided on the separation between the public and communal spaces.

j) Deep Soil

Objective 3E-1 of the ADG requires minimum 7% of the site area to be provided as deep soil area with **minimum 6m dimensions** for sites greater than 1,500sqm site area. For site area greater than 1,500sqm, where possible, the ADG also recommends providing 15% of the site area as deep soil area.

Based on the Site Area being 2,398sqm **(Note. site area varies depending upon the documentation)** requires a minimum 167.86sqm deep soil area. Based on the information provided, the proposal in total provides 384sqm deep soil area (Refer Drawing No. A704 and Landscape Plan Drawing No. DA-L101). However, this figure is incorrect as areas occupied by private courtyards, paving and timber deck pedestrian paths have also been included. Considering this, the proposal is unlikely to comply with the ADG deep soil requirements.

It is recommended that accurate deep soil calculations based on the ADG description and minimum 6m dimensions should be provided. Any non-compliance with the deep soil requirement will not be supported given the R4 zone.

k) Solar Access

Objective 4A-1 of the ADG requires minimum 70% of the living rooms and private open spaces (POS) of apartments in a building to receive a minimum 2-hour direct sunlight between 9am and 3pm at mid winter. A maximum of 15% of apartments could receive no direct sunlight. The proposal includes a total of 112 apartments of which minimum 78.4 apartments and their POSs are required to comply with the ADG.

Based on the information provided, 87 of the total 112 apartments receive the minimum required 2 hours direct sunlight. However, the proposal has not taken into consideration the potential development to the north. Given the upzoning of the area, it is very likely that the site to the north will be development to similar scale.

Secondly, given the apartment layout, it is considered that apartment along Princes Highway may not receive the required direct sunlight. Skylights are proposed above the podium roof along Stanley Street to enhance solar access to the south facing apartments. Privacy concerns are raised due to lack of information.

It is recommended that that following be provided:

- Detail solar analysis should be provided taking the context into consideration especially the potential development to the north.
- Detail solar analysis should include elevational shadows and internal views.
- Sun eye diagrams taking into consideration potential development to the north should also be provided to ascertain the compliance of the proposal with the required direct solar access.
- Addition information should be provided on the treatment of the skylights on the podium roof and privacy issues given the proposed landscaping on the podium roof as illustrated on the 3D Visualisation images.

Any non-compliance to the solar access requirements is unlikely to be supported.

l) Shadow Analysis

It is acknowledged that the area has been zoned for certain scale of development. However, every effort should be made to minimise overshadowing of the public domain to the south. This includes providing appropriate building separation, building breaks to allow for sunlight penetration and sky views.

It is recommended that the proposal should provide setbacks to the west to minimise overshadowing to the south.

m) Natural Cross Ventilation –

Part 4B-3 of the ADG requires minimum 60% of apartments in the first nine storeys of a building to be naturally cross ventilated. It also requires the overall depth of apartments to not exceed 18m. To facilitate air flow, ADG provides following design guidance:

- Building should include dual aspect, cross through and corner apartments.
- Ventilation openings (inlet and outlet) with approximately the same area.
- Apartment layout designed to minimise number of corners, doors and rooms that might obstruct airflow.

The information provided state that 74 out of the total 112 apartments proposed have access to natural ventilation. However, this number is incorrect.

Apartment G01 indicates air flow from the living room to adjacent courtyard with 2m high privacy screen. There is not movement of fresh air through the apartment. It is also not consistent with ADG Objective 4B-1, which requires all habitable rooms to be naturally ventilated.

Apartments 103, 203, 303 has the airflow through a kitchen high level window into the corridor and out through the 1.5m wide louvered window of the 1.5m wide x 10.5m long building indentation. This is not supported as it is considered that movement of air through this convoluted, narrow and long space is unlikely. For effective air circulation, the ADG recommends a 2 : 1 (width to depth) ratio for building indentations (Refer ADG Objective 4B-2). In addition, there is a significant difference in the size of the inlet and outlet.

Concern is raised on all the single aspect apartment, which include 104, 204, 304, 105, 205, 305, 110, 210, 310, 113, 213, 313, 116, 216, 316, 115, 215, 315,

804, 904. Natural cross ventilation is not achieved in these apartments (Refer ADG Figure 4B.8).

Given the layout of the apartments, concern is also raised on lack of natural cross ventilation of apartment 801 and 901.

Accordingly, only 50 (44.4%) of the 112 apartments are naturally cross ventilated. This does not comply with Objective 4B-3 of the ADG.

It is recommended that the design should be amended for the proposal to comply with the minimum required 60% apartments to be naturally cross ventilated.

Clarification is also required on the following:

- Apartment G06 air flow is indicated through two bedrooms and courtyard.
- Apartment 101, 201 and 301 has air flow through two bedrooms and into the 1.5m building indentation, which is not supported.

In addition, accurate drawings should be provided indicating the true air flow rather than just the annotation of arrows.

n) Ceiling Heights

The FFL of Commercial 1 is at RL 13.20m and 1.07m higher than the FFL of Commercial 2 and 3. However, the entire floor has a single slab. This results in Commercial 1 having ceiling height of 3.9m (floor to floor). This does not comply with the required height for ground floor non-residential uses.

It is recommended that the design should be amended for the ceiling height of Commercial 1 to comply with ADG and be consistent with Commercial 2 and 3 ceiling heights.

o) Building Services

Substation is located adjacent the vehicular access off Stanley Street. Fire Hydrant Booster is located at the intersection of Stanley Street and Princes Highway.

Confirmation from the energy provider is to be provided on the size of the substation kiosk as any increase will have an adverse impact on the streetscape and the building entry. Similarly, given the dominance of the Fire Hydrant Booster at the intersection of Stanley Street and Princes Highway, the location is considered undesirable.

Following is recommended:

- Locating the substation at the corner of Princes Highway and Harrow Road or a basement chamber substation should be considered.
- The Fire Hydrant Booster should be relocated away from the intersection of Stanley Street and Princes Highway where possible, is there an alternate compliant location that could be considered.
- All building services included should be integrated into the development and the façade design without compromising street activation and minimise the impact on the streetscape.

- Consider installing smart electrical and gas meter that could be installed away from the street frontage as service providers do not need access to the smart meters.

p) Architectural Expression and Bulk and Scale

The proposed development is clearly rooted in the architectural language of the developments constructed in recent years in the area, which are dominated by mundane repetition of architectural elements and materials with little attention to detail, massing composition or design excellence (Refer Drawing A011 and Figure 3).

The proposed development is described as providing attractive contemporary architectural expression in the SEE. It is acknowledged that there is variation in massing created by the podium and tower typology. However, it is considered that the façades predominantly are a composition of repetitive building elements. The façade design lack variation in materiality and are dominated by clear glass, dark/black aluminium fins and white and grey undulating / curved render balcony balustrade emphasising horizontality (Refer Figure 3). The flat roof further accentuates horizontality and does not enhance the built form or the skyline.

Figure 3: Stanley Street Elevation – landscaping on façade in the current design is not feasible (Source: tony owen ptnrs)

Development on the site to the west will happen. With a continuous podium and lack of appropriate building separation above the podium along Stanley Street, the streetscape will be dominated by overbearing built form with lack of landscaping contrary to the Vision for the area (Refer Figures 1 and 2).

In addition, the unarticulated Western Elevation presents a bulky, 10 storey monolithic wall when viewed form the west, which will dominate the views till the site to the west is developed. This is undesirable and does not demonstrate design excellence.

The 6m separation on levels 9 and 10 does not provide relief from the bulk below, especially along Stanley Street and views looking south from Princes Highway. The articulation in the form of the repetitive balconies do not provide depth in the massing as there is no projection or surface recession on the façade. The solid-

to-void relationship of the northern, southern and eastern elevations too is not proportionate with significant proportion of the façade dominated by glazing.

Along Princes Highway, the elevated Commercial 1 FFL adds to the bulk at street level and disconnects the public / private domain.

On the southern façade (Stanley Street frontage) the main building entries are not clearly identifiable. Additional details should be provided on the public / private interface treatment as it is likely that privacy screens will be provided for the POSs within the front setback, that will dominate the streetscape and is undesirable.

Generally, planting is indicated on the 3D Views to enhance the presentation of the proposal. However, as discussed under section 3.2, concern is raised on the accuracy of the information. In addition, planting indicated on the non-trafficable podium roof on elevations but not on plans. If planting is proposed the maintenance of it is of concern

It is recommended that the proposal should be amended for it to make a positive contribution to the public realm.

All recommendations provided should be taken into consideration and addressed for the building to deliver highest standard of sustainable architecture and urban design as prescribed under Clause 6.10 of GRLEP 2021.

Using vertical emphasis to balance the overall size and horizontality should also be considered to break the horizontality, building bulk and the monotonous pattern and repetitions of the facades. Variation in materiality and texture should also be considered for the facades to contribute to the visual interest. Any blank walls should include changes in materials, patterns, colours or other design elements to provide some visual variation. The roof form should enhance the built form and the skyline.

To break the overall bulk, the proposal should consider a podium and two towers to mimic the built form on levels 9 and 10. This will also provide opportunity to incorporate dual aspect or corner apartments for the proposal to comply with the ADG requirements on natural cross ventilation.

One of Council's priorities under the LSPS is to improve architectural quality of developments, , innovation is required in the design. Design solutions that integrate vertical gardens in the building façades must be explored to enhance visual appeal and address sustainability.

The proposal is not supported in its current form. This referral provides numerous recommendations for design amendments. The proposal will require considerable amendments in order to receive support from an urban design perspective.

3. <u>Senior Development Engineer</u>

a) Driveway Profile: - The applicant is to submit a profile (longitudinal section) demonstrating access clearance by the B85 Design Vehicle (85% percentile vehicle in accordance with AS2890.1 2004)" for the entry and exit. This profile (scale 1:20) is to show levels and grades from road centreline to the proposed internal garage floor level including but not limited to levels of, Road centreline, changes of grade on road surface, lip of gutter, invert of gutter, back of vehicular

crossing (gutter layback), front of path, back of path and boundary. The profiles provided are to also include the natural surface of the land as well as the proposed design including cut and fill dimensions.

Additional profiles are to be provided on either side of driveway when longitudinal grade of road exceeds 8%. The profile will be used to assess suitability of proposed internal driveway levels and does not represent final footpath or road levels. The levels on Councils Road related area including boundary level will be provided follow the submission of an "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act.

b) The Stormwater and OSD - The applicant is to submit documentation check list (Appendix –A1 of the SMP) are required to be completed by the consulting engineer and submitted together with the submission. The SMP can be obtained from the following link: https://www.georgesriver.nsw.gov.au/StGeorge/media/Documents/Council/Governance/Codes%20and%20Policies/Pol-073-01-01-Stormwater-Management-Policy-April-2021.pdf

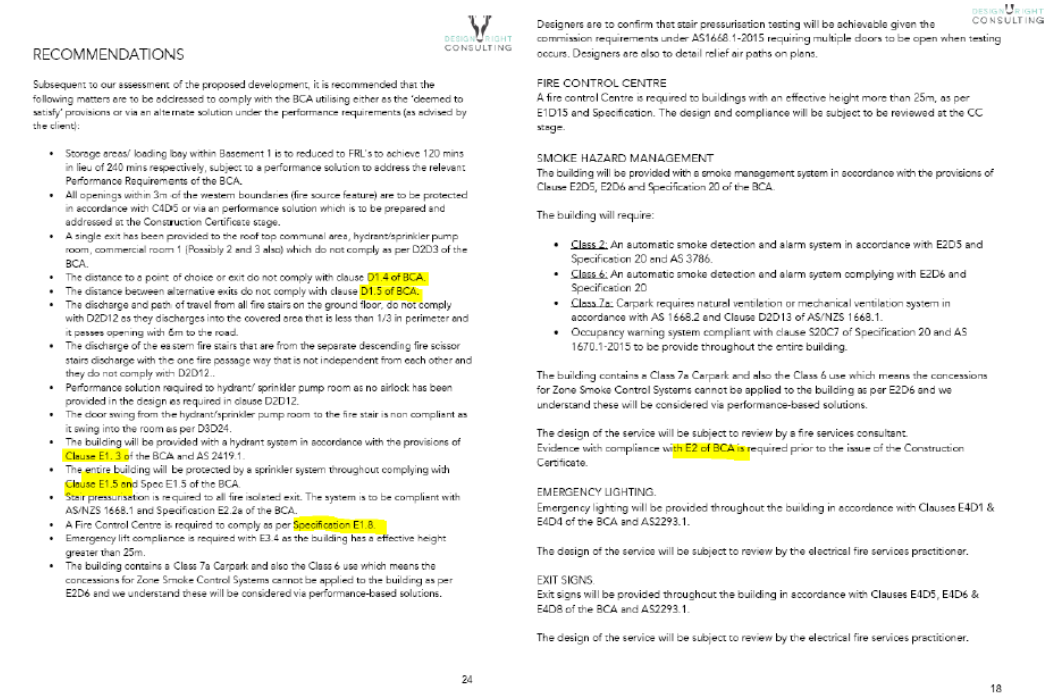
4. Senior Building Surveyor

BCA classification - Class 9c & 7a
RIS-11
Effective Height more than 25m
Type of Construction: Type A

The proposal has been examined as an overview for general compliance with the Fire Safety and construction provisions of Clause 69 of the EP&A Regulation - a detailed Building Code of Australia assessment has not been undertaken.

After review of the submitted BCA report, several issues were identified. It should be noted that the BCA report should be amended to be consistent with new NCC BCA Vol.1 which came in effect in May 2023.

i. A number references to BCA were made to the BCA 2019 which does not reflect the requirement of current BCA 2022.



RECOMMENDATIONS

Subsequent to our assessment of the proposed development, it is recommended that the following matters are to be addressed to comply with the BCA utilising either as the 'deemed to satisfy' provisions or via an alternate solution under the performance requirements (as advised by the client):

- Storage areas/ loading bay within Basement 1 is to reduced to FRL's to achieve 120 mins in lieu of 240 mins respectively, subject to a performance solution to address the relevant Performance Requirements of the BCA.
- All openings within 3m of the western boundaries (fire source feature) are to be protected in accordance with C4D5 or via an performance solution which is to be prepared and addressed at the Construction Certificate stage.
- A single exit has been provided to the roof top communal area, hydrant/sprinkler pump room, commercial room 1 (Possibly 2 and 3 also) which do not comply as per D2D3 of the BCA.
- The distance to a point of choice or exit do not comply with clause D1.4 of BCA.
- The distance between alternative exits do not comply with clause D1.5 of BCA.
- The discharge and path of travel from all fire stairs on the ground floor, do not comply with D2D12 as they discharges into the covered area that is less than 1/3 in perimeter and it passes opening with 6m to the road.
- The discharge of the eastern fire stairs that are from the separate descending fire scissor stairs discharge with the one fire passage way that is not independent from each other and they do not comply with D2D12..
- Performance solution required to hydrant/ sprinkler pump room as no airlock has been provided in the design as required in clause D2D12.
- The door swing from the hydrant/sprinkler pump room to the fire stair is non compliant as it swing into the room as per D3D24.
- The building will be provided with a hydrant system in accordance with the provisions of Clause E1..3 of the BCA and AS 2419.1.
- The entire building will be protected by a sprinkler system throughout complying with Clause E1.5 and Spec E1.5 of the BCA.
- Stair pressurisation is required to all fire isolated exit. The system is to be compliant with AS/NZS 1668.1 and Specification E2.2a of the BCA.
- A Fire Control Centre is required to comply as per Specification E1.8.
- Emergency lift compliance is required with E3.4 as the building has a effective height greater than 25m.
- The building contains a Class 7a Carpark and also the Class 6 use which means the concessions for Zone Smoke Control Systems cannot be applied to the building as per E2D6 and we understand these will be considered via performance-based solutions.

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Designers are to confirm that stair pressurisation testing will be achievable given the commission requirements under AS1668.1-2015 requiring multiple doors to be open when testing occurs. Designers are also to detail relief air paths on plans.

FIRE CONTROL CENTRE
A fire control Centre is required to buildings with an effective height more than 25m, as per E1D15 and Specification. The design and compliance will be subject to be reviewed at the CC stage.

SMOKE HAZARD MANAGEMENT
The building will be provided with a smoke management system in accordance with the provisions of Clause E2D5, E2D6 and Specification 20 of the BCA.

The building will require:

- Class 2: An automatic smoke detection and alarm system in accordance with E2D5 and Specification 20 and AS 3786.
- Class 6: An automatic smoke detection and alarm system complying with E2D6 and Specification 20
- Class 7a: Carpark requires natural ventilation or mechanical ventilation system in accordance with AS 1668.2 and Clause D2D13 of AS/NZS 1668.1.
- Occupancy warning system compliant with clause S20C7 of Specification 20 and AS 1670.1-2015 to be provide throughout the entire building.

The building contains a Class 7a Carpark and also the Class 6 use which means the concessions for Zone Smoke Control Systems cannot be applied to the building as per E2D6 and we understand these will be considered via performance-based solutions.

The design of the service will be subject to review by a fire services consultant.
Evidence with compliance with E2 of BCA is required prior to the issue of the Construction Certificate.

EMERGENCY LIGHTING.
Emergency lighting will be provided throughout the building in accordance with Clauses E4D1 & E4D4 of the BCA and AS2293.1.

The design of the service will be subject to review by the electrical fire services practitioner.

EXIT SIGNS.
Exit signs will be provided throughout the building in accordance with Clauses E4D5, E4D6 & E4D8 of the BCA and AS2293.1.

The design of the service will be subject to review by the electrical fire services practitioner.

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ii. Draft Proposed Fire Safety Schedule listed 'Fire engineering report by I-Fire', which is not applicable to the proposed development.

APPENDIX B – DRAFT PROPOSED FIRE SAFETY SCHEDULE

MEASURE	STANDARD OF PERFORMANCE
Access panels to fire-resisting shafts	BCA Clause C4D14, AS 1905.1-2015.
Automatic fail safe devices	BCA 2022 Clause C4D5, D3D26, AS 1670.1 2018
Automatic fire suppression system Wall wetting sprinkler and drencher systems	BCA Clause E1D4, E1D11(2), Specification 17, AS 2118.1-2017 & AS 2118.6-2012,
Automatic fire detection system	E2D2(2)(b)(v), NSW E2D19(3), clause S20C2(c) of Specification 20, S20C4, AS 1670.1-2018.
Automatic shutdown air handling systems	NSW E2D16, AS1668.1-2015, S20C6, AS 1670.1-2018.
Emergency lifts	BCA Clause E3D5 AS 1735.2 – 2001
Emergency lighting	BCA Clause E4D2 & E4D4, AS 2293.1-2018.
Emergency warning and intercom system	BCA Clause E4D9, AS 1670.4-2018.
Exit signs	BCA Clause E4D5, NSW E4D6, ED4D8, AS 2293.1-2018.
Fire alarm monitoring system - Sprinkler system only.	BCA Clause E1D4, E1D11(2), Specification 17, AS 2118.6-2012, AS 1670.3-2018.
Fire Control Centre	BCA Clause/Specification E1D15
Fire dampers	BCA Clause C4D15(2)(b), AS 1668.1-2015, AS 1682.1-2015.
Fire doors	BCA Clause C3D14, C4D5, C4D9, D2D12, AS 1905.1-2015.
Fire hose reels	BCA Clause E1D3, AS 2441-2005.
Fire hydrant system	BCA Clause E1D4, AS 2419.1-2021.
Fire seals (protecting openings in fire resisting components of the building)	BCA Clause C4D13, C4D15, Specification 13, and manufacturers specifications.
Fire Engineering	Fire Engineer Guidelines (TBA)
Mechanical air handling system	BCA Clause/ Specification E2D4 (Clause 6), AS/NZS 1668.1 – 2015 & AS 1668.2 – 2012 & AS1670.1- 2018 (Clause 7.4 Smoke Control Systems)
Portable fire extinguishers	BCA Clause E1D14, AS 2444-2001
Pressurising system	BCA Clause/ Specification E2D4 (Clause 6) & AS/NZS 1668.1 – 2015 & AS1670.1- 2018 (Clause 7.4 Smoke Control Systems)
Power operated exit doors	BCA Clause D3D24, D3D26
Standby power systems - battery back-up for emergency lifts;	Fire engineering report by I-Fire.
Smoke and Heat Alarms	BCA Spec E2D4 and AS3786-2014 and Manufacturer's Specification
Smoke doors	BCA Clause S11C2, S11C3, C3D6, C3D15, D3D7, G3D4, Spec 11, Spec 12
Smoke proof walls	BCA Clause C3D6, NSW C3D6(3), C3D15, Spec 11
Warning and operational signs	BCA ClauseC4D7, D3D28, D4D7, E3D4, Specification 19, Specification 23, Specification 27, Clause 108 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

In summary, there are inconsistency between the BCA clause referenced in report, error in the proposed fire safety schedule and no clause-by-clause assessment to proposed building in term of BCA compliance. Considering the scale and complexity of the building, The BCA report is considered unable to be referenced in the Development Consent as it is not addressing the correct criterion.

An amended BCA report is to be provided.

5. <u>Waste Development Officer</u>

<u>Waste Management Plan and design</u>

a. The Waste Management Plan submitted is incomplete.

- *The applicant must outline within an updated/new Waste Management Plan (WMP) the proposed methods for managing waste from the demolition and construction phase of the project. For construction and demolition stages of the development, the WMP must propose, at a minimum, all information outlined in Section 1 (Attachment 1) of the Georges River DCP 2021.*

b. There are inconsistencies within the Waste Report (WMP) as follows:
   i. Food organics are proposed to be collected both weekly and fortnightly.
   ii. Waste collection services are proposed to be provided by both Council and private service providers.

- *Ensure a revised Waste Management Plan is provided that is consistent and corresponds with updated Architectural Plans.*

c. The applicant has proposed a single chute system to transport general waste to the bin storage area on the basement floor level 1. Recycled materials are to be collected in separate bin storge areas provided on each occupied level and transferred to the basement floor level 1 bin storage area. Council does not support this proposal, a dual chute or switching system is required as a minimum.

- *The applicant must outline on revised architectural plans and corroborate these within a revised WMP a single chute with switching device or dual chute system for general waste and recycling waste, using either rotating or linear tracks at the discharge point in the waste room.*

- *If the applicant proposes a switch chute system, it will be the responsibility of the Owners Corporation/Building/Strata Manager to ensure contaminations is managed to the satisfaction of Council. Council reserves the right to cancel any services provided at the property in the event contamination is not managed appropriately full details to be provided in the updated WMP.*

d. The applicant has not allowed for organic food waste generated by residents to be managed in a way that encourages source separation. Best practice source separation is achieved by providing residents with a safe and convenient opportunity to manage waste. The applicant has proposed resident transport waste from units directly to the basement waste storage area.

- *The applicant must outline on revised architectural plans and corroborate these within a revised WMP, the path of travel of organic waste from the*

point of generation (each unit) to level specific waste/bin storage area/s, then to the central storage area/collection point.

- *The applicant must provide a food organics bin storage area on each occupied floor, suitable for the storage of at least 2 days' worth of food organics at a ratio of 13.71L per unit, per day. The mobile garbage bins for the collection of food organics are to be rotated with empty bins daily by the managing body.*

e. The applicant has proposed the fortnightly collection of food organics. This is not consistent with waste management practices that manage odour and provide good amenity to residents.

- *The applicant must outline within an updated/new Waste Management Plan (WMP) as a minimum the proposed methods for weekly collection of organic food waste in accordance with all applicable regulatory requirements, relevant health and environmental standards and to the satisfaction of Council.*
- *All organic food waste storage areas are to be maintained in clean, safe and hygienic manner. In the event organic food waste storage areas are not maintained in an appropriate manner, Council reserves the right to cancel any organic food waste services provided at the property. Details are to be provided in the revised WMP on how this will be achieved.*
- *If weekly organic food waste disposal is not proposed the Applicant must demonstrate in a revised WMP that the any alternate method meets the following requirements:*
  - *Is not likely to harbourage and/or a likely breeding place for insects and/or vermin.*
  - *Is being dealt with satisfactorily and is not causing an odour nuisance to residents.*
- *Private waste collection services provided for the removal residential food organics are restricted to a maximum of twice weekly between Monday – Friday and within the hours of 6am – 10pm. Private waste collection services are to occur entirely within the confines of private property with bins or waste prohibited from being placed on Council land for servicing or collection. Full details to be provided in a revised WMP on how this will occur within the property.*

f. The applicant has not met the minimum requirements for onsite collection by Council's waste service contractors. The proposed collection location is on basement level 1 and is not supported by Council. Furthermore, access to the basement does not allow access for any waste collection vehicles. The ramp height shown in drawing A302 is only 2.2m at its lowest point. The applicant has options for collections, and a redesign should consider such options.

- *The applicant must outline on revised architectural plans and corroborate these within a revised WMP showing the bin collection arrangements are suitable for onsite collection.*
- *Wheel Out Wheel Back' (WOWB) service is not supported at this location with the design proposed so full details are required on off-street collection location.*

Construction and Demolition Waste

g. The provisions for managing construction and demolition waste have not been provided.

- *Ensure a revised Waste Management Plan is provided addresses managing construction and demolition waste.*

Ongoing Operational Waste

RESIDENTIAL

h. The applicant has allowed for the required bins to be stored onsite for use by residents in managing waste at the site by use of private waste contractor. In the event that the applicant proposes to modify the bin room location and change the servicing arrangements to use Council's waste contractors the following would need to be addressed.

- *The applicant must allow sufficient bin storage at the following:*
  - *120L general waste per unit per week – equivalent to 7 x 1100L general waste bins per week, serviced twice weekly,*
  - *120L recycling per unit per week – equivalent to 28 x 240L commingled recycling bins per week, serviced twice weekly,*
  - *120L organics per unit per week equivalent to 23 x 240L organic waste bins per week, serviced twice weekly.*
  - *Units with greater than 50 units must provide a separate paper storage area at a rate of 660L for every 50 units – equivalent to 3 x 660L bins per week, serviced once weekly.*

i. The location of the bin storage area on each occupied levels does not encourage source separation by providing residents with convenient opportunity to manage the waste stream. In all but one location the recycle bin storage areas are positioned away from and not adjacent to the waste chute system inlet and this is not supported.

- *The bin storage areas on each occupied floor must encourage source separation and be located in a convenient location adjacent to a chute system inlet.*
- *The bin storage area must not result in odour or nuisance to residents. Bin storage areas should not be located adjacent to or opposite unit entry points to avoid nuisance.*

j. The applicant has allowed for the storage of bulky waste generated by residents, but the design is either deficient or lacking in detail. Following details need to be included in the architectural Plan and/or the Waste Management Plan

- *For a development of 112 residential units, the following storage space will be required for bulky waste:*
  - *Over 100 units: a minimum of 12sqm + 2sqm per 50 additional units above 150 units (or part thereof).*

The bulky waste storge area must be secured, and only permitted to be used by the Body Corporate/Building Manager to prevent illegal dumping of waste.

The management of access to the designated bulky waste storage area will be the responsibility of the Body Corporate/Building Manager. The access into the storage area must be double door width, and/or use roller doors where space is constrained. Any double-width doors must have a wide hinge to open flush with walls so as to not restrict manoeuvrability of large or heavy bulky waste items.

- *All bin and bulky waste storage areas are to be sufficiently dimensioned to allow for the easy movement of bins to and from the kerbside/interim storage area during collection and must have appropriately sized doors for the size of bin to be used. The path of travel for bins must be level, at an appropriate grade, well-lit and without stairs, in addition to being in accordance with the BCA. The designated bin and waste storage areas are required to be a size appropriate for the storage of the waste volumes generated at the site. All bin and waste storage areas are to be appropriately lit (sensor lighting recommended), drained to sewer with a water outlet for bin washing/cleaning and not visible from the public domain unless secured behind wall/roof.*

- *Double door access (at least 2500mm) must be provided into the bulky waste storage area, with a wide range of openings to enable ease of manoeuvring large bulky waste such as furniture without doors as obstructions.*

k. If the Applicant relocates the waste collection point to a suitable location to allow onsite collection by Council the applicant needs to provide the following details:

- *The applicant must outline where bins and bulky waste will be stored on private property ahead of collection, adjacent to the collection location for ease of collection.*
- *The use of equipment must be considered and outlined within the WMP, such as the use of bin tugs and/or bin lifters to mitigate any manual handling risk associated with the proposed method of managing waste/bins at the site.*
- *Collection vehicles must be able to service the development without the need to travel any distance in reverse - all vehicular movements must be in a forward-moving direction. If a collection vehicle is required to reverse to complete a collection service, this must be discussed with Council prior to Development Application lodgement and detailed in both the Development Application's Traffic Management Plan and Waste Management Plan.*
- *The development will be constructed in a manner as per this approval, to facilitate on-property collection services, by ensuring the following:*
  - *Waste Loading zone access and operation facilitates the accessing of the site by a waste collection vehicle up to 10.5m length, 2.5m width and 3.9m height, with rear bin loading.*
  - *A Council-contracted waste collection vehicle can stand on-site to enable servicing of both bins and bulky waste. On-site collection must cater for the following waste rear loader vehicle specifications (larger than standard MRV):*

i. *Length - 10.5 metres*
ii. *Width - 2.5 metres*
iii. *Travel height - 3.9 metres*
iv. *Operational height for loading – 3.9 metres*
v. *Vehicle tare weight – 13.1 tonnes*
vi. *Maximum payload - 10 tonnes*
vii. *Loaded vehicle mass estimate - 23 tonnes*
viii. *Turning radius - 25 metres.*
ix. *In the event of a turntable - 25-tonne capacity*

- *All driveways and collection points must be designed to carry collection vehicles and their loads (up to 25 tonnes total). Refer to the" Better practice guide for resource recovery in residential developments" for vehicle specifications.*
  i. *The gradient of any basement entry or exit, that must be traversed by a waste collection vehicle shall be a maximum gradient of 1:20 for the first 6 meters from the street, then 1:8 or 1:6 with a transition of 1:12 for 4 meters at a lower end.*
  ii. *The gradient of the collection point shall be reasonably flat to allow manoeuvring and loading of receptacles.*
  iii. *The gradient of the internal driveways should not exceed 1:10.*
  iv. *Collection vehicles should not have to travel more than 50 meters once inside the basement to access the collection point.*
  v. *The collection point must be designed and constructed in line with Australian Standards and Other regulations and appropriately for the collection vehicle to stand and perform the services safely, including, but not limited to the requirements of sufficient space, adequate lighting, and non-slippery surfaces.*

- *To accommodate the safe movement of bins. Bin storage area door access must be at least 1700mm for 240L bins and 2500mm for 660L and 1100L bins. A minimum of 2500mm must be provided for the bin and bulky waste storage area access and for the entire path of bin travel.*
- *In the event redesign does not satisfy Councils' requirement for onsite collection, the development will be conditioned to receive only collection services by private waste collection contractor entirely within the confines of private property and at expense to the Owners Corporate/Body Corporate. Private waste collection services will be limited to occur Monday – Friday between the hours of 6 am – 6pm and limited to twice weekly. A private waste condition may be waived in the future by Council, in line with any changes to the waste collection service enabling Council to provide a collection service to this property which is not currently available at the time of completing this referral.*
- *and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications.*

Recommendation
A redesign is required to address the significant issues and to ensure waste management is considered according to Council's requirements and in line with best practice.

The applicant is required to ensure a revised Waste Management Plan is provided that corresponds with updated Architectural Plans, and it aligns with the proposed

modifications to the bin storage area and the services cupboard on each occupied level. The proposed method of collection, bin and bulky waste collection locations is required to be provided to Council in the WMP and shown on the revised Architectural Plans.

In the event a re-design and further information is not provided, the site will be applied with numerous conditions to waive the responsibility of Council to provide waste collection services at a property as the proposal does not meet minimum essential collection requirements given the location and designs of the bin storage area. This will mean the site is conditioned to only receive private waste collection services in perpetuality which will likely lead to increased costs to the body corporate and future residents.

6. <u>Traffic Engineer</u>

The applicant be advised to submit amended plans and documents to Council that:

a) Shows the quantum of car parking has been assessed and is provided using Metropolitan Sub-regional Centre parking rates as per s12. Vehicular Access and Car Parking in GRDCP2021 Part 10- Precincts- Kogarah North Precinct.
b) Shows clearance heights in the loading area and gradients on the ramp(s) to it being designed to cater for access by a Small Rigid Vehicle (SRV) as described in AS 2890.2: 2018 Parking Facilities, Part 2 – off street commercial vehicle parking.
c) Shows the location of all security roller doors/shutters.
d) Includes an assessment of the queue length at the vehicle entry point.
e) Include ground clearances for the mini – rear loader vehicle as described in “s5.2 Loading and Service Circulation” of the “Traffic Impact Assessment” document prepared by Genesis Traffic (Ref:GT22058) dated 18 May 2023.

7. <u>Town Planning</u>

a) **Georges River Local Environmental Plan**

- **Design Excellence**
  Clause 6.10 of the GRLEP relates to design excellence and provides that the consent authority must not consent to development greater than 3 storeys in the R4 High Density Residential zone unless it has considered that the development exhibits design excellence.

  The proposed design has an unsympathetic relationship with the adjoining properties to the west and will lead to them becoming isolated allotments.

  Once isolated, these 3 properties will be unable to achieve the density envisaged by the R4 zoning and the requirements of the planning policy.

  The proposal is also reliant upon numerous non-compliances and urban design issues discussed above the design fails to achieve the necessary design excellence required by the clause.

  Accordingly, the consent authority cannot consent to a development that fails to exhibit design excellence and the proposal needs to be redesigned.

b) **Statement of Environmental Effects** - The Statement of Environmental Effects (SEE) was found to be deficient and failed to address multiple planning policy controls as required by section 4.15 (1)(a)(i). including the following:

Apartment Design Guide

i. 3D Communal Open Space
ii. 3E Deep Soil Zones
iii. 3F Visual Privacy
iv. 3G Pedestrian access and entries
v. 3H Vehicle access
vi. 3J Bicycle and Carparking
vii. 4A Solar and Daylight Access
viii. 4B Natural Ventilation
ix. 4C Ceiling Heights
x. 4D Apartment Size and Layout
xi. 4E Private Open Space and Balconies
xii. 4F Common circulation areas
xiii. 4G Storage
xiv. 4H Acoustic Privacy
xv. 4J Noise and Pollution
xvi. 4K Apartment Mix
xvii. 4L Ground Floor Apartments
xviii. 4M Facades
xix. 4N Roof design
xx. 4O Landscape Design
xxi. 4P Planting on Structures
xxii. 4Q Universal Design
xxiii. 4U Energy Efficiency
xxiv. 4V Water management and conservation
xxv. 4W Waste Management
xxvi. 4X Building Maintenance

c) **Georges River Development Control Plan (GRDCP)**
Part 6 3 Residential Flat Buildings and residential components of shop top housing (High Density).

Please provided an update SEE addressing these requirements.

d) **Wind Analysis Report** - In accordance with the requirements of GRDCP - Part 10.1.6 (3) – Kogarah North Precinct a Wind Analysis Report is required to be submitted.

e) **Fencing Details** - details required of proposed fencing to Stanley Street frontage.

f) **Isolated sites** – In accordance with the requirements of GRDCP - Part A 10.1.6 (1) – Siting and Consolidation of Development Sites a DA Concept Plan is required to be submitted for the sites to be isolated in Stanley Street No.s 7, 9 and 9A. The Plan must have regard to all the requirements of this section.

g) **Western Side Boundary Setback** – In accordance with the requirements of GRDCP Part 6.3.3 – Side Boundary Setbacks and Part 10.1.6 (4) – Setbacks the western boundary setbacks fail to comply. The setback needs to be increased to

allow separation with the adjoining property and all opportunities for deep soil panting.

h) **Basement Setbacks** - In accordance with the requirements of GRDCP Part 6.3.4 basement setbacks need to be amended to comply.

i) **Deep Soil zones** – The deep soil zones on the northern side have structures and paving shown which cannot be included when calculating deep soil zones.

j) **Public Art** – In accordance with the requirements of GRDCP - Part 3.15.2 a Public Art Plan is required to be submitted. The Plan shall be prepared in accordance with the Georges River Council Public Art Guidelines.

k) **Creation of Through Site Pedestrian Link** - In accordance with the requirements of GRDCP - Part 10.1.6 (7) Creation of Through Site Pedestrian Links and Additional Open Space the development proposal needs to create a through link as detailed in Figure 7 shown below or on an alternative alignment.

l) **Site Area** – Survey Plan of Site - The total area of the site is stated differently in various plans and documents as follows:

i. Statement of Environmental Effects/Architectural Plans: 2,398sqm.
ii. Traffic Impact Assessment: 2,572sqm.
iii. Addition of each of the ten lots area as per the DP's: 2,554.61sqm.

Without a consistent and accurate site area many other calculations that rely on site area cannot be accurately completed. The site area needs to be determined and calculations redone. Please provide an accurate Site plan with boundary dimensions and site area shown.

m) **Gross Floor Area -** The gross floor area is stated differently in various plans and documents as follows:

i. Statement of Environmental Effects: 9,372sqm.
ii. Architectural Plans: 9,356sqm.

Once the suite area is accurately determined and the gross floor area the floor space ratio needs to be recalculated.

n) **Other GRDCP controls**: - The proposal needs to be amended to comply with the below GRDCP controls:

- Part 6.3.6 – Landscape Treatment of Setbacks
- Part 6.3.7 – Communal Open Space
- Part 6.3.8 – Solar Access
- Part 6.3.10 – Dwelling Mix

- Part 10.1.6 (5) – Trees and Landscape
- Part 10.1.6 (8) – Housing Choice