
Bayside Planning Panel

11/07/2017

Item No	5.1
Application Type	Development Application
Application Number	DA-2017/183
Lodgement Date	22/11/2016
Property	24 Oswell Street, Rockdale
Owner	Mr H Jouni and Mrs W Hijazi
Applicant	Space 0.618:1
Proposal	Construction of a two (2) storey detached dual occupancy development, including roof top terraces, basement parking, front and side fences, demolition of existing structures and Torrens title subdivision from one lot into two lots
No. of Submissions	Six submissions from four submitters – One is supportive
Cost of Development	\$725,000.00
Report by	Michael Maloof, Senior Development Assessment Planner

Officer Recommendation

That Development Application DA-2017/183 for a proposed two storey detached dual occupancy development with roof top terraces, basement parking, front and side fences, demolition of existing structures and Torrens Title subdivision from one lot into two lots be REFUSED pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, for the following reasons:

- 1 Non-compliance with Rockdale Local Environmental Plan 2011 with regard to the following provisions, and as such failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979:
 - The objectives of the R2 Low Density Residential zone;
 - Clause 4.1 (Minimum subdivision lot size);
 - Clause 4.3 (Height of building); and
 - Clause 4.4 (Floor space ratio).
- 2 The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and provisions of Rockdale Development Control Plan 2011 including:
 - Part 4.1 (Site Planning);
 - Part 4.2 (Streetscape and Site Context);
 - Part 4.3 (Landscape Planning and Design);
 - Part 4.4 (Sustainable Building Design); and
 - Part 5.1 (Low and Medium Density Residential).

- 3 Section 79C(1)(a)(iv) The applicant has failed to provide Council with the all requested information outlined within Council's letter dated 7 February 2017, as requested in accordance with Section 54 of the Environmental Planning and Assessment Regulation 2000.
 - 4 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to create unacceptable impacts to the surrounding development and the locality in the following regards:
 - a Likely impact of the development on the built environment is poorly considered and unacceptable.
 - b Likely impact of the development on the privacy of adjoining neighbours is unacceptable.
 - c Likely impact of the development on the internal amenity of the future residents is unacceptable.
 - 5 Pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, the proposal has not adequately considered the concerns raised in the public submissions received against the development.
 - 6 Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest as it does not satisfy the objectives of the local planning instruments, being the RLEP 2011 and RDCP 2011, and will result in unacceptable impacts on the built environment.
-

Attachments

- 1 Planning Assessment Report
 - 2 Clause 4.6 Variation – Minimum Lot Size
 - 3 Proposed 3D Visualisation Plan
 - 4 Section and Fencing Plan
 - 5 Elevation Plan No. 1
 - 6 Elevation Plan No. 2
 - 7 Roof Top Terrace Plan
 - 8 Garage Plan
 - 9 Proposed Site and Analysis Plan
 - 10 Demolition Plan
 - 11 Existing Site and Survey Plan
 - 12 Streetscape Plan
 - 13 Proposed Subdivision Plan
 - 14 Solstice Shadow Diagrams
 - 15 Winter Shadow Diagrams
-

Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2017/183
Date of Receipt:	22 November 2016
Property:	24 Oswell Street, Rockdale NSW 2216
Owner:	Mrs Wafaa Hijazi and Mr Haithem Jouni
Applicant:	Mr Haithem Jouni
Proposal:	Construction of a two (2) storey detached dual occupancy development, including roof top terraces, basement parking, front and side fences, demolition of existing structures and Torrens title subdivision from one lot into two lots
Recommendation:	Refusal
No. of Submissions:	Six (6) submissions from four (4) submitters have been received by Council. Five (5) submissions object to the development and one (1) is supportive.
Author:	Creative Planning Solutions Pty Limited
Date of Report:	21 June 2017

Key Issues

- **Minimum subdivision lot size variation** – A written request pursuant to clause 4.6 to vary the minimum subdivision lot size development standard has been submitted in response to Council's additional information letter. The written request is unsupported in the circumstances of the situation, as the development further varies the height of building and floor space ratio development standards. Hence the inability to comply with these standards illustrate that the proposed development is not suitable for the subject site.
- **Height of building exceedance** – The proposal exceeds the maximum building height development standard of 8.5m. A written request pursuant to clause 4.6 to vary the height of building development standard has not been submitted to Council, despite being requested to address this matter as part of an additional information letter. For this reason alone, Council is unable to support the proposal.
- **Floor space ratio exceedance** - The proposal exceeds the maximum floor space ratio development standard of 0.5:1. A written request pursuant to clause 4.6 to vary the floor space ratio development standard has not been submitted to Council, despite being

requested to address this matter as part of an additional information letter. For this reason alone, Council is unable to support the proposal.

- **Unacceptable impacts on the environment** – The proposal results in unacceptable impacts on the built environment, including:
 - Character of local area;
 - Streetscape of Holland Avenue;
 - Privacy impacts to adjoining properties and for the future residents of the development; and
 - Inherent overshadowing.
- **Submissions** – Six (6) submissions from four (4) submitters have been received by Council.

Recommendation

The Development Application DA-2017/183 for the construction of a two (2) storey detached dual occupancy development, including roof top terraces, basement parking, front and side fences, demolition of existing structures and Torrens title subdivision from one lot into two lots at 24 Oswell Street, Rockdale be **REFUSED** pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979*. The reasons for refusal are detailed as follows:

- Section 79C(1)(a)(i) - Proposal is inconsistent with the provisions of the RLEP 2011, specifically:
 - The objectives of the R2 Low Density Residential zone;
 - Clause 4.1 (Minimum subdivision lot size);
 - Clause 4.3 (Height of building); and
 - Clause 4.4 (Floor space ratio).
- Section 79C(1)(a)(iii) - Proposal is inconsistent with the provisions and objectives of the RDCP 2011, including:
 - Part 4.1 (Site Planning);
 - Part 4.2 (Streetscape and Site Context);
 - Part 4.3 (Landscape Planning and Design);
 - Part 4.4 (Sustainable Building Design); and
 - Part 5.1 (Low and Medium Density Residential).
- Section 79C(1)(a)(iv) - The applicant has failed to provide Council with the all requested information outlined within Council's letter dated 7 February 2017, as requested in accordance with Section 54 of the *Environmental Planning and Assessment Regulation 2000*.
- Section 79C(1)(b) - Likely impact of the development on the built environment is poorly considered and unacceptable.
Likely impact of the development on the privacy of adjoining neighbours is unacceptable.
Likely impact of the development on the internal amenity of the future residents is unacceptable.
- Section 79C(1)(d) - The proposal has not adequately considered the concerns raised in the public submissions received against the development.
- Section 79C(e) - The proposal is not considered to be in the public interest as it

does not satisfy the objectives of the local planning instruments, being the RLEP 2011 and RDCP 2011, and the resultant unacceptable impacts on the built environment.

Background

History

- A review of subject site's development history using Council's online development application search returned with no results. It is noted that the online development application portal applies to development applications submitted after 1 July 2004.
- DA-2017/183 was lodged with Council on 22 November 2016.
- The development was notified for a period of two weeks commencing on 8 December 2016 and concluding on 22 December 2016.
- In response to the DA's notification, six (6) submissions have been received, with three (3) of these submissions from the same address. A summary of the issues raised in the submissions is included below, with the assessing officer's detailed response to the public submissions included later in this assessment report:

26 Oswell Street, Bexley

- Inadequate open space provisions made for each dwelling within the dual occupancy development;
- The roof terraces proposed for the dual occupancy, along with balconies, will result in overlooking and subsequent loss of privacy to the private open space area at 26 Oswell Street;
- Impacts on views currently afforded to the south-east from the dwelling at 26 Oswell Street. In the objectors opinion a more skilful design could maintain these views currently afforded to the northern shore of Botany Bay, across Sydney Airport and toward the University of New South Wales and Eastern Suburbs;
- The objector has raised concerns with regard to overshadowing, and subsequent loss of solar access to the dwelling house at 26 Oswell Street;
- The objector contends the area of the subject site is 692.6m², and not 694.5m² as nominated by the applicant.
- The objector contends the building height of the development at 8.68m is unacceptable.
- Structural impacts on adjoining development as a result of the proposed rock excavations on the site;

1 Holland Avenue, Bexley

- The proposal is not consistent with the site's zoning;
- The objector contends the area of the property is 689m², and as such falls short of the minimum 700m² requirement for dual occupancy development.
- Structural damage to the property at 1 Holland Avenue will result from the proposed excavation of the rock outcrop for the basement level parking.

- The proposal will result in overshadowing and loss of solar access to the front yard of the dwelling at 1 Holland Avenue.

7/7 Robertson Street, Kogarah

- Raises concern over the demolition of a dwelling house that has heritage value.

509 Forest Road, Bexley

- This submission provides support for the proposed dual occupancy development, based on its apparent consistency with the character of the local area. This submission also refutes any argument that the existing dwelling on the subject site has any heritage value.
- Following the public notification period, and also an assessment by the consultant town planner, an additional information request was sent to the applicant on 7 February 2017, outlining numerous issues warranting further information from the applicant pursuant to Clause 54 of the *Environmental Planning and Assessment Regulation 2000* (Regulation). To understand the nature of the issues raised the following summarises the additional information request letter:

- **Minimum Lot Size** - Clause 4.1(3) 'Minimum Lot Size' of the *Rockdale Local Environmental Plan 2011* (LEP2011) restricts the minimum lot size for the subdivision on which there is an existing dual occupancy, or a dual occupancy proposed to 350m² for each resulting lot, and each resulting lot will have one (1) dwelling one it.

The proposal provides for a lot size of 346.19m² for proposed lot 700, and a lot size of 348.46m² for proposed lot 701. The proposal therefore does not comply with clause 4.3.

For Council to even consider the DA, the applicant was advised a written request pursuant to clause 4.6 would need to be submitted for Council's consideration.

- **Height discrepancy** - Clause 4.3(2) of LEP2011 restricts the maximum height of buildings on the subject site to 8.5m.

The submitted Elevations illustrate the development exceeds the 8.5m maximum.

In this regard, the applicant was advised that the proposal will need to be modified in order to comply with the height of building development standard of clause 4.3, or a written request submitted pursuant to clause 4.6 for Council's consideration.

The applicant was advised that the height exceedance was indicative of development that has had insufficient regard to site topography and features. In this regard, the applicant was advised it would be unlikely that compliance with the development standards could be demonstrated as being unreasonable or unnecessary, and as such a clause 4.6 would unlikely be supported.

- **Floor space ratio** - Clause 4.4(2) of the LEP2011 restricts the floor space ratio (FSR) on the subject site to a maximum 0.5:1.

A measurement of the submitted floor plans revealed that a total gross floor area (GFA) for the dual occupancy development would be at least 358.13m², therefore resulting in a FSR of 0.516:1, or a gross floor area exceedance of approximately 11.1m².

In this regard, it was advised that the proposal would need to be modified in order to comply with the FSR standard of clause 4.4, or a written request pursuant to clause 4.6 be submitted for Council's consideration.

The applicant was advised that the non-compliance with the FSR was indicative of site overdevelopment. The indication that the proposal represents an overdevelopment was outlined as being further supported by the fact that variations were also being sought to the minimum lot size requirement for dual occupancy development, and the maximum building height standard.

- **Holland Ave streetscape - rock outcrop façade** - Development control 29 of Section 4.2 (Streetscape) of the *Rockdale Development Control Plan 2011* (DCP2011) outlines that excavation of sandstone or a rock outcrop for the purpose of providing a garage is not permitted where:
 - a. the rocky outcrop forms a significant part of the streetscape and character of the locality, or
 - b. where adequate on street parking is available, or
 - c. where there is alternative access to a site is available.

It was acknowledged that the proposal seeks to excavate the rock façade on the Holland Ave streetscape for use of a basement garage.

In order to satisfy development control 29, it was requested that the applicant demonstrate that viable alternative access to both proposed dwellings is not available from Oswell Street before the excavation of the rock outcrop for the purpose of a garage will be considered by Council.

Secondly, the design and construction of the proposal had not adequately considered the importance of the rock outcrop, being an integral part of the streetscape character. In this regard, the applicant was advised that should viable access from Oswell Street not be available, the design and construction of the proposal be amended to better integrate the proposed basement car park into the rock façade. As guided by development control 30 of the same section, the design and construction of the garage entry was to utilise sandstone, stone coloured mortar and a recessive coloured door.

- **Excavation impact - Geotechnical Report** - The subject site is located within the Botany Sands Aquifer. Concerns were raised over the potential impact the proposed development would have on groundwater and the watertable, considering that the proposal involves excavation of up to 3.6m for the proposed below ground carpark and up to 1.6m for the building footprint.

The below ground carpark will further include excavation into the existing rock façade apparent on the Holland Ave site boundary. Concerns were raised regarding the impact such excavation will have on existing development on adjoining properties.

It was noted that submissions had been received by Council wherein concerns were raised over the fact that many adjoining properties were constructed prior to contemporary structural standards, and therefore may exhibit weaker foundations which subsequently would be more susceptible to any rock stratum movements.

For these above reasons, a geotechnical report was requested to be prepared and submitted to Council. At a minimum, the geotechnical report was to include assessments of the following:

- Impacts of excavation (stress relief within rock stratum) on adjoining properties,
- Impacts of vibration caused by construction methodologies, which can impact, upon shotcrete adhesion, and
- Impact on the watertable.

It was advised the report should further provide for recommendations regarding the excavation and construction methodology, and the likelihood of requiring de-watering.

It was recommended to the applicant that they first consider the ability for the development to address the aforementioned issues on the Holland Avenue streetscape/rock outcrop façade prior to progressing with a geotechnical report.

- **Streetscape impacts** - Development control 4 section 4.2 (streetscape) of the DCP2011 outlines that building design, use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape. Further to this control, development control 17 of section 5.1 (Building design) requires attention be given to the roof as an important architectural element in the street which can provide continuity and character.

The proposal was considered to result in a significant contrast to the building design and roof elements present in the existing streetscape of Oswell Street and that of Holland Avenue. Particularly noting the proposal's use of contemporary architectural features such as a flat roof, and use of modern materials such as glazing, rendered brick, and factory coloured aluminium panel lift.

In this regard, the applicant had not demonstrated that sufficient regard to the existing streetscape had been incorporated into the design of the proposal.

It was advised that an opportunity existed for the applicant to address how the proposed development had adequately considered the abovementioned development controls, and further consider design changes to better illustrate that the development satisfactorily interprets and responds to the positive character of the streetscape, as demonstrated through the use of materials, roof continuity and character.

- **Overlooking** - It was acknowledged that the roof top terrace of Dwelling 1 and Dwelling 2 will provide overlooking opportunities into adjoining neighbour properties, and internally into the adjoining proposed allotments within the dual occupancy.

As such, in accordance with development control 3 of Section 4.4.5, the usable area of roof was requested to be setback at least 1500mm from the edge of the building,

and additional devices such as privacy screens and planter boxes be incorporated to protect the visual and acoustic amenity of neighbouring properties.

It was acknowledged that overlooking was a key concern raised in the neighbour submissions that were received in respect to the proposal.

- **Landscaping** - Development control 2 of section 4.3.1 (Open space and landscape design) requires that a landscape plan be prepared for all development applications other than single dwelling houses and secondary dwellings.

In this regard, a landscape plan was to be prepared and submitted to Council. The landscape plan was to have regard to the nature of existing landscaping within the applicable streetscapes, and include details of planter box depths and height. The plan should also have contained further detail on how the subject site will comprise a minimum 25% of the site area as pervious landscaped area, and include trees to maximise tree cover.

- **Overshadowing - Solar access to POS** - The submitted shadow diagrams illustrated that the rear private open space (POS) of both dwellings would not receive the minimum 3 hours of sunlight during mid-winter, as required by development control 4 of section 4.4.2 (solar access).

In this regard, the development was to consider design changes to improve the solar access to the POS areas of both proposed dwellings.

- **Access way widths** - The Rockdale Technical Specifications outline that for dual occupancy developments, the maximum boundary width of an access driveway is 3m and separated by 6m along the kerb.

In this regard, it was noted the proposal should be amended to ensure both access driveways are a maximum 3m wide at the boundary.

The culmination of all the non-compliances detailed above illustrated the unsuitability of the proposed development on the subject site in its current form. It was advised that the proposal would need design amendments to address all the non-compliances detailed above, and the subsequent resubmission of amended plans and supporting reports to Council.

- On 13 April 2017, amended architectural plans, amended landscape plan, a geotechnical report and letter in response to Council's additional information request was received by Council.
- The amended plans and additional information submitted by the applicant was provided to the consultant town planner for assessment on 18 April 2017.
- A review of the amended plans and additional information submitted by the applicant was undertaken by the consultant town planner and it was identified the amendments had not adequately addressed the concerns of the additional information letter sent on 7 February 2017. Importantly, the proposal continues to demonstrate non-compliance with Council's

height of building and FSR development standards without any written request to vary these under clause 4.6 of the LEP2011.

- The results of the review of the applicant's additional information was reported to Council officers on 18 April 2017. On 19 April 2017 Council advised the consultant town planner to proceed with the assessment (refusal) as ample opportunity has been given to the applicant to amend the scheme and comply with the development controls.
- The assessment herein is based on the amended plans and additional information received on 18 April 2017.

Proposal

Council is in receipt of development application DA-2017/183 at 24 Oswell Street, Rockdale, which seeks consent for the construction of a two (2) storey detached dual occupancy development, including roof top terraces, basement parking, front and side fences, demolition of existing structures and Torrens title subdivision from one lot into two lots.

In detail, the development application seeks consent for the following works:

Dwelling 1 – corner of Oswell Street and Holland Avenue

Ground Floor – RL40.0

The Ground Floor of Dwelling 1 will include pedestrian access from Oswell Street. The front porch and entry opens into an open-plan room comprising of a kitchen (with walk-in pantry), lounge and dining room. Also on the ground floor is a study, powder room, laundry, a staircase leading to the basement garage, and a separate staircase leading to the first floor of the dwelling.

Adjacent to the kitchen and lounge room are sliding doors which open out onto a paved alfresco area with BBQ, and a turf area beyond.

First Floor – RL43.5

The First Floor of Dwelling 1 comprises of four bedrooms, a retreat area, and a bathroom. The master bedroom also includes a walk-in-robe, an en-suite bathroom, and a wraparound balcony that adjoins the southern and eastern side of the building.

Roof Terrace – RL46.2

A roof top terrace is proposed for Dwelling 1 which is accessible via the dwelling's internal staircase. This roof terrace setback from the building edge, and has an open area of around 50m², and an enclosed access area of approximately 16m².

Garage Floor Level – RL37.0

A two-car garage is located beneath the Ground Floor of Dwelling 1. Storage areas are also provided on this level. Vehicular access to this garage is via Holland Avenue, with an internal staircase leading up to the ground floor of the dwelling house.

Dwelling 2 – fronting Holland Avenue

Ground Floor – RL39.6

The Ground Floor of Dwelling 2 will include pedestrian access via stairs from Holland Avenue. The front porch and entry opens into an open-plan room comprising of a kitchen, lounge and dining room. Also on the ground floor is a study, powder room, laundry, and a staircase leading to the first floor or basement of the dwelling.

Adjacent to the kitchen are sliding doors which open out onto a paved alfresco area with a turf area beyond.

A large paved patio area is also located within the northern portion of the allotment, within the front setback to Holland Avenue. A smaller paved area with a clothesline is located adjacent to the laundry within the rear setback of the dwelling.

First Floor – RL43.1

The First Floor of Dwelling 1 comprises of four bedrooms, a retreat area, and a bathroom. The master bedroom also includes a walk-in-robe, an en-suite bathroom, and a wraparound balcony that adjoins the southern and eastern side of the building.

Roof Terrace – RL46.2

A roof top terrace is proposed for Dwelling 2 which is accessible via the dwelling's internal staircase. This roof terrace setback from the building edge, and has an open area of around 39m², and an enclosed access area of approximately 12m².

Garage Floor Level – RL36.6

A two-car garage is located beneath the Ground Floor of Dwelling 1. A storage area is also provided on this level. Vehicular access to this garage is via Holland Avenue, with an internal staircase leading up to the ground floor of the dwelling house.

Removal of Trees

The proposal seeks the removal of one (1) tree within the front setback to Oswald Street. This tree is identified as a Canary Island Date Palm.

The proposal also shows the removal of one (1) Callistemon street tree within the verge on the secondary street setback. This is to be moved in order to obtain access to the basement garage.

A second Callistemon street tree is shown to be retained, however it is noted the proposed driveway is located within the canopy spread of this tree meaning that the tree will be impacted upon.

Excavation

The proposal involves excavation up to 3.6m for the proposed below ground garages and up to 1.6m for the building footprint. This excavation is into the rocky outcrop off Holland Avenue.

A 3D visualisation image of the proposed dual occupancy development, as submitted with the applicant, is reproduced for the benefit of the reader below.



OSWELL STREET

HOLLAND AVENUE

Figure 1 – Extract of the submitted 3D Visualization Image, illustrating the proposed dual occupancy development.

Source: 3D Visualisation diagram, prepared by Space 0.618:1

Site location and context

The subject site is formally known as Lot 14 in Deposited Plan 13153 and is located at 24 Oswell Street, Bexley. The site is rectangular in shape and has a total area of 694.5m².

The site is afforded a dual frontage with a primary frontage of 15.1 metres to Oswell Street and a secondary frontage of 45.72m metres to Holland Avenue. Refer to **Figure 2** for an extract of the applicant's submitted survey plan.

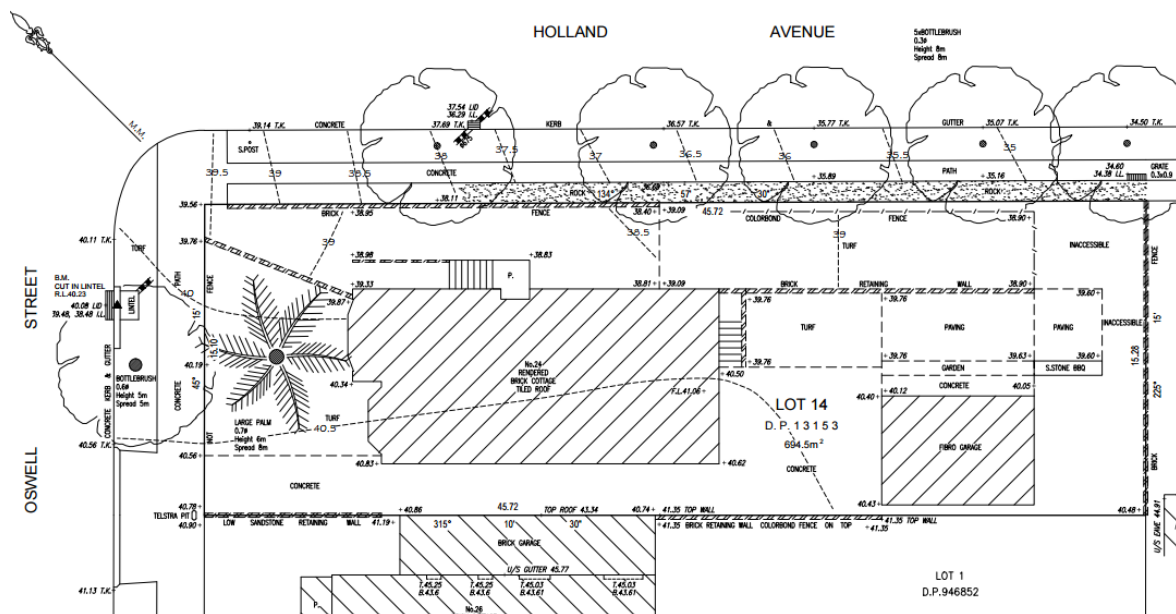


Figure 2 - Extract of the Site Plan, illustrating dual frontage and allotment shape

Source: Applicant's submitted survey plan.

The subject site contains single-storey rendered brick dwelling house with a tiled roof. Other improvements on site include a detached fibro garage within the rear yard that is accessed via a driveway along the southern side of the dwelling house connecting to Oswell Street.

The subject site is largely clear of any significant vegetation, except for a Canary Island Date Palm within the front setback (refer to **Figure 3**).

A single Callistemon street tree is located within the verge on the primary street frontage.

The secondary street frontage includes five Callistemon street trees.



Figure 3 – Image of subject site captured from Oswald Street looking south-east towards the subject site. Noted in this image is the existing dwelling house which is to be demolished, along with the Canary Island Date Palm within the front setback that is also to be removed.

Source: Site inspection photograph taken by CPS, dated 9 January 2017

The subject site is located on a corner allotment. Adjoining site to the south-western side boundary is a single storey brick dwelling house with a tiled roof at 26 Oswald Street (refer **Figure 4**).

Adjoining the rear boundary to the south-east is a two-storey brick dwelling house with a tiled roof located at 1 Holland Avenue (refer to **Figure 5**).

Adjacent to the north on the opposite side of Oswald Street are a mix of dwelling houses and attached dual occupancy developments ranging from one to three storeys in height (refer to **Figure 6**).

Adjacent to the east on the opposite side of Holland Avenue are dwelling houses ranging from one to three storeys in height (refer to **Figure 7**).



**Figure 4 – Image of the adjoining single storey dwelling house to the south-west of the subject site at 26
Oswell Street.**

Source: Site inspection photograph taken by CPS, dated 9 January 2017



**Figure 5 – Image of the adjoining two storey dwelling house to the rear of the subject site at 1 Holland
Avenue.**

Source: Site inspection photograph taken by CPS, dated 9 January 2017



Figure 6 – Image of the three storey developments located to the north of the subject site on the opposite side of Oswald Street.

Source: Site inspection photograph taken by CPS, dated 9 January 2017

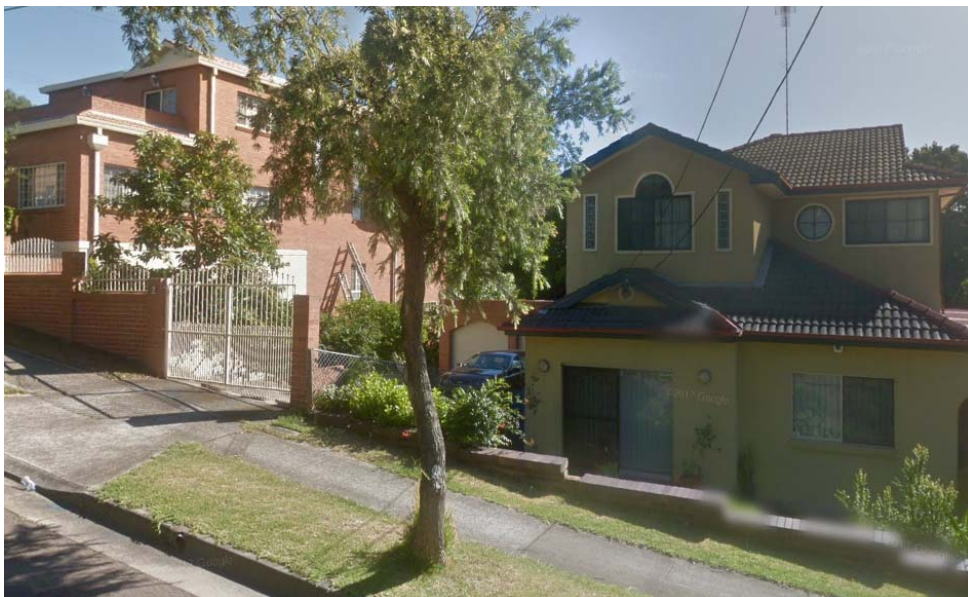


Figure 7 – Image of the two and three storey dwelling houses located to the east of the subject site on the opposite side of Holland Avenue.

Source: Site inspection photograph taken by CPS, dated 9 January 2017

The subject site is located within an established low density residential neighbourhood that is characterised by mostly single dwelling houses (refer to **Figure 8**). Further to the south of the subject site there is some denser residential land uses in the form of residential flat buildings, particularly on land fronting Wolli Creek Road and Villiers Street.



Figure 8– Aerial image of the low density residential neighbourhood. The subject site is highlighted in yellow.

Source: maps.six.nsw.gov, retrieved on 14 June 2017.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

S.79C(1) - Matters for Consideration - General

S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

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

In accordance with the BASIX SEPP, any development that contains one or more dwellings building must be accompanied by a valid BASIX Certificate.

The proposal is accompanied by BASIX Certificate 759666M issued on 14 September 2016, which is valid as it was prepared within three (3) months of the date of lodgement of the subject development application.

The submitted BASIX certificate illustrates that the development achieves the water, thermal comfort and energy targets required by the BASIX SEPP.

In this regard, the proposal satisfies the provision and objectives of this SEPP.

State Environmental Planning Policy No 55 – Remediation of Land

In accordance with clause 7 of the SEPP 55, a consent authority must consider whether the land is contaminated before providing consent to the carrying out of any development on the land.

In accordance with the Planning Guidelines SEPP 55 – Remediation of Land, prepared by Department of Urban Affairs and Planning in 1998, the history of land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these guidelines, the proposal may be processed in the usual way. Table 1 on page 12 of the guidelines lists activities that may cause contamination.

In this regard, the suggested checklist for evaluation contained in the guidelines are addressed as follows:

- The subject site is currently zoned for residential purposes, that is R2 Low Residential Density, as per the Rockdale Local Environmental Plan (RLEP) 2011;
- Prior to the RLEP the subject site was also zoned for residential purposes, being 2(a) Low Density Residential, pursuant to the RLEP 2000;
- The proposed development seeks to continue using the land for residential purposes;
- Adjoining properties are similarly zoned for residential purposes;
- Subject to a desktop review of aerial imagery and site inspection, there is no evidence to suggest that the subject site or any adjoining sites have previously been used for commercial, industrial, or agricultural activities as detailed in Table 1 of the guidelines; and
- There are no known clean-up notices or licences issued by the Environmental Protection Authority that apply to the site.

Therefore, there is no evidence to suggest that the land is contaminated and unsuitable for the proposed development or that further land contamination investigation is warranted.

Accordingly, the subject site is considered to have satisfied the provisions of SEPP 55.

Rockdale Local Environmental Plan 2011

The following are the relevant matters from the RLEP 2011 that need to be taken into consideration.

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R2 Low Density Residential	No – see discussion	Yes
2.7 Demolition requires consent	Yes	Yes

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1 Minimum Subdivision Size	No	No – see discussion
4.3 Height of buildings	No	No - see discussion
4.4 Floor space ratio - Residential zones	No	No- see discussion
5.9 Preservation of trees or vegetation	No	No - see discussion
5.10 Heritage conservation	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes- see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R2 Low Density Residential

The subject site is zoned R2 – Low Density Residential under the provisions of the RLEP 2011. Within this zone development for the purpose of ‘dual occupancies’ are permitted with consent. Pursuant to the Dictionary of the RLEP 2011, a ‘dual occupancy’ is defined as follows:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of residential accommodation—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of dual occupancy—see the definition of that term in this Dictionary.

The proposed development is defined as a ‘dual occupancy (detached)’ development. Subject to the proposed Torrens Tile subdivision of the dual occupancy development, the proposal would be best described as two (2) ‘dwelling houses’, each being located on their own lot of land. Pursuant to the Dictionary of the RLEP 2011 a ‘dwelling house’ is defined as follows:

dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Dwelling houses are permitted with development consent within the R2 – Low Density Residential zone.

Accordingly, the proposal to construct a dual occupancy development and subsequent use of the development as two (2) dwelling houses each located on their own lot of land subject to the Torrens Title subdivision is permissible with consent in the R2 zone.

The objectives of the R2 – Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.*

Although it can be argued the proposed development will provide for the housing needs of the community, by virtue of the building's non-compliance with the floor space ratio (FSR), building height, and minimum subdivision lot size development standards, the proposal is deemed to be inconsistent with the scale and density of development expected within the low density residential environment. For this reason, the proposal fails to meet the first objective of the R2 Low Density Residential zone.

The second objective of the R2 zone is not considered relevant to the proposed development, however it is noted the proposal will not disable the opportunity for other land uses on surrounding land to provide facilities or services to meet the day to day needs of residents.

A 'dual occupancy (detached)' development on the subject site would not be a land use that is incongruent with the character of the local area, however the building proposed under the subject DA is considered to be incompatible with the character and amenity of the local area, owing largely to its inability to achieve satisfactory compliance with the relevant development standards under the RLEP 2011, and also the development controls under the Rockdale Development Control Plan 2011 (RDCP 2011). On these matters, reference is made to further discussions on the proposal's non-compliances later in this report.

2.7 Demolition requires consent

The proposal seeks approval for the demolition of existing structures on the site. There are no objections to the proposed development subject to compliance with AS2601. The proposal is therefore considered to be capable of satisfying this clause.

4.1 Minimum subdivision lot size

Clause 4.1(3) of the RLEP 2011 restricts the minimum lot size for the subdivision on which there is an existing dual occupancy or a dual occupancy proposed, to 350m² for each resulting lot, and if each resulting lot will have one (1) dwelling one it.

The proposal seeks to subdivide the proposed dual occupancy development, wherein proposed lot 700 will have a lot size of 346.19m², and proposed lot 701 will have a lot size of 348.46m². Accordingly, the proposal does not comply with clause 4.3.

This issue was raised with the applicant as part of Council's additional information request letter dated 7 February 2017.

In the applicant's response to the additional information request, a clause 4.6 written request to vary the aforementioned development standard was provided. Below are the justifications provided within the written request for the variation, followed by a comment from the assessing officer:

- *The proposal is generally compliant with the requirements and controls of the LEP and DCP with the exception of a minor non-compliance of 3.815m² and 1.537m² for each respective dwelling relating to the minimum lot size requirement which equates to approximately 1% and 0.004% respectively. The proposal complies with the other applicable development standards on the site.*

Assessing Officer Comment: The proposal fails to achieve compliance with the applicable building height and floor space ratio development standards under the LEP. Accordingly, the applicant's notion the proposal is otherwise compliant with Council's LEP development standards are incorrect.

The proposal also fails to achieve compliance with a range of development controls contained within the DCP. Details of DCP non-compliances are addressed later in this report, however this is further evidence to disprove the applicant's belief the proposal is otherwise compliant.

- *The proposed subdivision does not change the level of impact of the proposed dual occupancy on the site on the adjoining properties in terms of privacy, amenity and shadow impacts.*

Assessing Officer Comment: The proposal will result in a built form outcome that is of a bulk and scale beyond that which would reasonably be expected by the current planning controls applying to the land. The excessive built form is proposed on a parcel of land which also fails to achieve the minimum area requirements for subdivision. The resultant impact of the above is considered to deliver a discordant element in the streetscape, and therefore will unduly impact on the character of the local area.

- *The proposed subdivision is in keeping with recently approved and subdivided allotments within the area that have a similar allotment size to what is being proposed.*

Assessing Officer Comment: The applicant has provided Council with six (6) examples of allotments where Council approved subdivisions on allotments less than the minimum 700m² required under clause 4.1(3B).

All of the examples provided are within Bexley, Bexley North or Bardwell Valley, not within the subject site's location in Rockdale.

A review of cadastral plans showing the subdivision patterns throughout the local area has not identified any dual occupancy dwellings that appear to have been subdivided under clause 4.1(3B). Accordingly, the applicant's assertion that Council compromises on the minimum lot sizes permitted under clause 4.1(3B) are prevalent in the local area is not supported.

- *The proposed variation will not detract from the streetscape of Oswald Street and Holland Avenue and will not impact on the bulk and scale of the development from the street or the adjoining dwellings at the rear.*

Assessing Officer Comment: The proposal will result in a built form outcome that is of a bulk and scale beyond that which would reasonably be expected by the current planning controls applying to the land. The excessive built form is proposed on a parcel of land which also fails to achieve the minimum area requirements for subdivision. The resultant impact of the above is considered to deliver a discordant element in the streetscape, and therefore will unduly impact on the character of the local area.

- *The subdivision of each dwelling is of a sufficient size to serve its intended purpose and usage. The dual occupancy demonstrates compliance with the landscape, private open space and required car parking areas.*

Assessing Officer Comment: Although the proposal achieves compliance with the landscape, private open space and car parking requirements, it can be argued the current design is only able to achieve this via a building that breaches the building height limit and FSR limit for the land.

- *The proposed shortfall of 3.815m² and 1.537m² for each respective lot is a minor variation to the overall requirement and will not compromise the internal amenity of the development.*

Assessing Officer Comment: It is acknowledged that the variation sought to the development standard is minor, however when considered cumulatively with the non-compliant FSR and building height in particular, they support the notion that if approved, the proposal would have an adverse impact on the amenity of adjoining residents and the adjacent locality which confirms the site is not suitable for the proposed development.

- *Although the proposal departs from the numerical standard, the proposal satisfies the objectives of the standard and hence there is scope on merit grounds in permitting the numerical departure.*

Assessing Officer Comment: The objectives of clause 4.1 is as follows:

- (a) *to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (b) *to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,*
- (c) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

The predominant subdivision pattern comprises of allotments with areas of sizes of 550m² – 650m² and exhibiting depths approximately three times the length of the frontage width. In this regard, the proposal with lots sizes of less than 350m² and lot depths of that are less than two times the length of the lot frontage, is not seen as reinforcing the existing subdivision pattern.

Also, as outlined above, the proposal will result in a built form outcome that is of a bulk and scale beyond that which would reasonably be expected by the current planning controls applying to the land. The excessive built form is proposed on a parcel of land which also fails to achieve the minimum area requirements for subdivision. The resultant impact of the above is considered to deliver a discordant element in the streetscape, and therefore will unduly impact on the character of low density residential environment.

The proposed lot size and dimensions further result in a poorer internal outcome, where the ground floor private open space areas within the development do not achieve the prescribed levels of solar access, and additional overlooking opportunities to adjoining properties shall be provided.

On this basis, it is clear the proposal fails to meet the objectives of the zone, and therefore the objectives of clause 4.1(3B).

- *Council has previously accepted and approved numerous developments that have a deficient lot size.*

Assessing Officer Comment: As outlined above, the applicant has provided Council with examples of allotments where Council approved subdivisions on allotments less than the minimum required under clause 4.1(3B). However, all of the examples are outside of the local area.

Accordingly, the applicant's assertion that Council compromises on the minimum lot sizes permitted under clause 4.1(3B) are prevalent in the local area is not supported

Notwithstanding the critical non-compliance with clause 4.1 a full assessment is of the proposal is performed to identify any further outstanding or unsupportable aspects of the development for the benefit of the applicant.

4.3 Height of buildings

Clause 4.3 restricts the maximum height of buildings on the subject site to 8.5 metres.

The proposal provides for a height of 8.56m (RL/TOW: 48.9 – EGL 40.34) at the point of the covered stairwell access to the rooftop terrace for Dwelling 1.

Accordingly, the proposal is in contravention with this development standard. Furthermore, the applicant has not provided any written request seeking to justify the contravention pursuant to clause 4.6 for Council's consideration.

For this reason alone, the development cannot be supported by Council.

The applicant was afforded an opportunity to address the maximum height non-compliance within an additional information request, refer to discussion under the *History* section of this report. In response to Council's additional information request, the applicant did not address the height of building non-compliance.

Notwithstanding the critical non-compliance with clause 4.3, a full assessment is of the proposal is performed to identify any further outstanding or unsupportable aspects of the development for the benefit of the applicant.

4.4 Floor space ratio - Residential zones

Clause 4.4 restricts the subject site to a maximum floor space ratio (FSR) of 0.5:1.

In accordance with the submitted floor plans prepared by *Space 0.618:1*, the proposed FSR of the dual occupancy development is a non-complying 0.532:1.

Furthermore, the resulting FSR of the proposed dwelling houses when subdivided in accordance with the proposed draft subdivision plan also fails to comply with the FSR standard. Dwelling 1 would exhibit an FSR of 0.538:1 and Dwelling 2 would exhibit an FSR of 0.527:1.

Accordingly, the proposal is in contravention with this development standards, and as the applicant has not provided any written request seeking to justify the contravention pursuant to clause 4.6 for Council's consideration, the proposal cannot be supported.

The applicant was afforded an opportunity to address the FSR non-compliance within an additional information request, refer to discussion under the *History* section of this report.

Notwithstanding the critical non-compliance with clause 4.4, a full assessment of the proposal is performed to identify any further outstanding or unsupportable aspects of the development for the benefit of the applicant.

5.9 Preservation of trees or vegetation

Clause 5.9 requires consent or a permit to be obtained before removing, injuring or destroying any vegetation.

The proposal seeks the removal of one (1) tree within the front setback to Oswald Street. This tree is identified as a Canary Island Date Palm.

The proposal also shows the removal of one (1) Callistemon street tree within the verge on the secondary street setback. This is to be moved in order to obtain access to the basement garage. A second Callistemon street tree is shown to be retained, however it is noted the proposed driveway is located within the canopy spread of this tree meaning that the tree will be impacted upon.

Due to the critical non-compliances with the RLEP 2011 that are unsupported, a referral to Council's Tree Management Officer was not considered necessary.

5.10 Heritage conservation

The subject site does not contain any Heritage listed items, pursuant to the RLEP 2011 Heritage Map – Sheet HER_003.

The nearest heritage listed items to the subject site is Gardiner Park, located 130m west, and "Wilga" (dwelling), located 130m to the north-west. Due to the physical distance separating the subject site and nearest heritage item's, the proposal will not impact the heritage significance of these heritage items.

6.1 Acid Sulfate Soil - Class 5

In accordance with the RLEP 2011 Acid Sulfate Soils Map – Sheet ASS_003, the subject site is identified as (potentially) containing Class 5 Acid Sulfate Soils (ASS).

For any works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land, an acid sulfate soils management plan is required.

The subject site is not located within 500 metres of land identified as containing class 1, 2, 3, or 4 ASS. In this regard, the provisions of clause 6.1 do not need to be considered any further.

6.2 Earthworks

The proposal seeks consent for earthworks associated to the construction of basement parking.

Excavation for the garages is required to maximum depths of approximately 3.4m, located on the Holland Ave street frontage. The excavation will be predominantly in rock. Lesser excavations of 1.0m to 1.7m depth are required at the uphill (western) side of each dwelling for benching to the future rear ground levels.

A Geotechnical Assessment Report, prepared by Davies Geotechnical (dated 6 April 2017) was submitted in response to Council's additional information request. The report concluded that the proposed development is considered feasible, subject to engineering design and recommendations of the report.

In this regard, the objectives of clause 6.2 can be satisfied subject to compliance with the recommendations of the Geotechnical Assessment Report.

6.7 Stormwater

A referral to Council's Development Engineer to comment on the adequacy of the concept stormwater management plan was not considered to be necessary due to the unsupported variations to the development standards of the RLEP 2011.

6.12 Essential Services

With reference to the existing use of the site, it is noted that connection to essential services are already available. The requirement to augment any of the services can be included within the development consent, if the proposal was supported.

S.79C(1)(a)(ii) - Provisions of any Draft EPI's

No draft environmental planning instruments have been identified as being applicable to the proposed development.

S79C(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application

Rockdale Development Control Plan 2011

The application is subject to RDCP 2011. A compliance table for the proposed development is provided below. Detailed discussions are provided for non-complying aspects of the proposal in respect to the RDCP 2011.

Relevant Parts of the RDCP 2011	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	No	No – see discussion
4.1.2 Heritage Conservation	Yes	Yes
4.1.3 Water Management	Yes	Yes
4.1.4 Soil Management	Yes	Yes
4.1.5 Contaminated Land	Yes	Yes
4.1.7 Tree Preservation	Yes	Yes
4.1.9 Lot size and Site Consolidation - isolated sites	No	No – see discussion
4.2 Streetscape and Site Context - Fencing	No	No – see discussion
4.3.1 Open Space and Landscape Design	No	No – see discussion
4.3.2 Private Open Space – Impact on neighbouring private open space	No	No – see discussion
4.4.2 Solar Access	No	No – see discussion
4.4.5 Visual privacy	No	No – see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes
4.6 Parking Rates - Other Uses	Yes	Yes
4.6 Car Park Location and Design	Yes	Yes
4.6 Basement Parking - General	Yes	Yes
4.6 Driveway Widths	Yes	Yes
4.6 Design of Loading Facilities	Yes	Yes
5.1 Setbacks	Yes	Yes
5.1 Building Design	No	No – see discussion

Part 4.1.1 - Development on highly visible sites to complement character of area

Control 3 of Part 4.1.1 outlines that development on highly visible sites, such as ridgelines, must be carefully designed so that it complements the character and its ridgeline.

The subject site is considered to be highly visible in the context of the local area, due to it being a corner allotment located on the high side of Holland Avenue. The site is particularly visible from Oswald Street when looking south-west towards the intersection of Oswald Street and Holland Avenue, and when looking north-west from Holland Ave, refer to **Figures 9** and **10** for street view images.

As highlighted by the annotations within **Figure 10**, the proposed development will become comparatively more visible within the Holland Avenue streetscape should the proposed works to remove the existing vegetation on the subject site and the Callistemon street trees be approved. The visibility of the subject site will further be exacerbated because of the scale of the proposed development, being comprised of two (2) x two-storey dwellings on the subject site and involving significant excavation into the rock face of the Holland Avenue frontage.

The proposed development is not considered to have been designed sensitively to the character of the local area or appropriately considered the visual prominence of the site. This is demonstrated by the following observations:

- The proposal results in a built form outcome that is of a bulk and scale beyond that which would reasonably be expected by the current planning controls applying to the land;
- The apparent scale is further exacerbated by the siting of the proposed development, setback about 3.5m from the Holland Avenue frontage;
- The massing of the building is focussed towards the Holland Avenue frontage, which again will increase the visual dominance of the development;
- The design of the dual occupancy development proposes a flat roof design with roof top terraces for both dwellings. This roof design contrasts the existing roof scape of the local area where existing developments are almost entirely comprised of tiled hipped and gabled roof lines;
- The proposal has not demonstrated that the development will incorporate a landscape character that supports the existing native landscape exhibited by developments within the local area; and
- The use of modern materials contrasts with the building materials used within existing developments, and will further intensify the appearance and isolate the proposed development from the existing urban character.

It should be noted that individually each design choice observed in the dot points above may be acceptable when considered in isolation, however when considered together and within the context of the subject site and local area, the proposal will deliver an incongruent element in the streetscape, and will adversely impact on the character of the local area.



Figure 9 – Street view image looking south-west down Oswald Street, illustrating the visible location of the subject site.

Source: google street view image, captured Dec 2015.

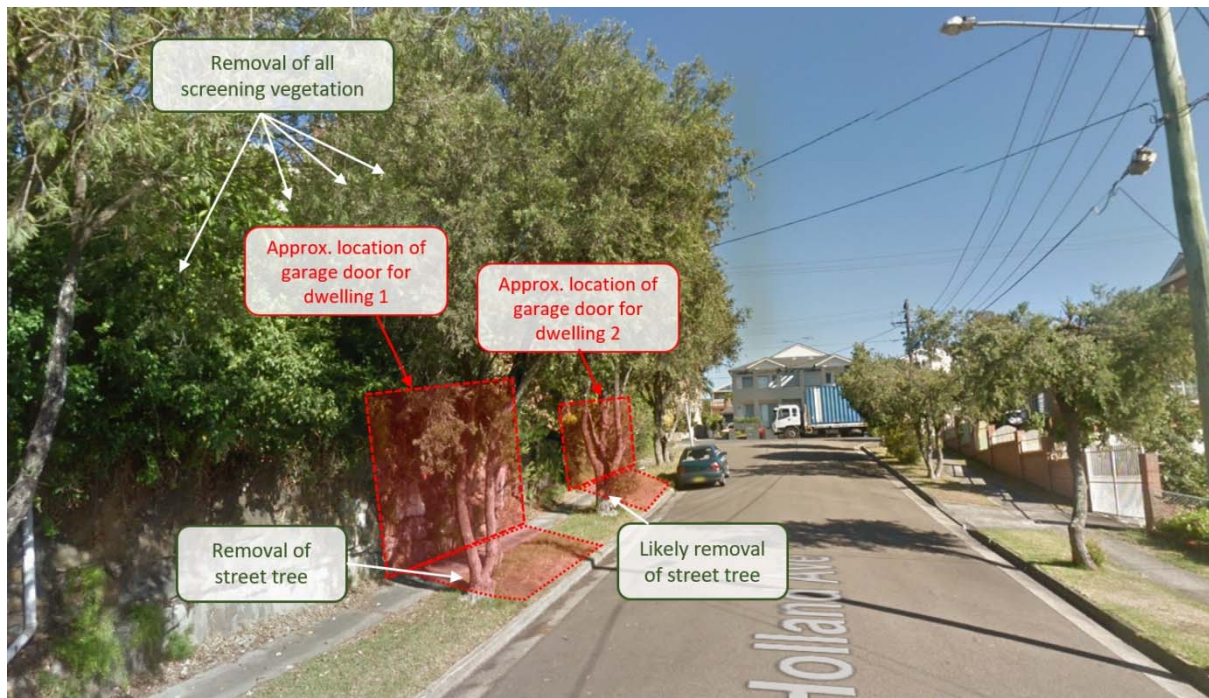


Figure 10 – Street view image looking north-west up Holland Ave, illustrating the indicative location of proposed driveways, garage doors, and removal of vegetation and street trees, resulting in the increased visibility of the proposed development.

Source: google street view image, captured Feb 2014, as annotated by CPS.

Part 4.1.9 – Lot size and Minimum Site Frontage

Control 1 of Part 4.1.9 outlines that a lot on which dual occupancy development is proposed must exhibit a minimum lot size of 700m² and a minimum frontage of 15m.

The subject site has a total site area of 694.5m² and a dual frontage which exceeds 15m. In this regard, the subject site represents a variation of 5.5m² or 0.8% to the minimum lot size controls of the RDCP 2011.

As previously discussed within this report under *clause 4.1 Minimum subdivision lot size*, the proposed variation to the minimum lot size control in addition to non-compliance with other key development standards such as maximum building height and FSR, demonstrates that the proposal is not suitable for the subject site.

Part 4.2 Streetscape

Part 4.2 of the RDCP outlines that development must respond and sensitively relate to the broader urban context, including topography block patterns and subdivision, street alignments, landscape, views and patterns of development within the area. The building design and use of materials, roof pitch and architectural features and styles must have regard to those of surrounding buildings to ensure a cohesive streetscape.

The proposal is not considered to have responded adequately to the broader urban context of the area, and further does not ensure a cohesive streetscape is created. This is demonstrated by the following site characteristics and design choices:

- Prominence of the subject site;
- Elevated nature of subject site over the Holland Avenue street level;

- Location of massing in relation to adjoining development and resulting visibility of the proposed built form;
- Lack of appropriate landscaping on the Holland Avenue frontage to provide for a softened appearance of the built form, and to ensure the proposal contributes positively to the existing character of the streetscape;
- Use of modern roof form, and reliance on contemporary construction materials such as glazing and cladding which results in a contextually distinct development.

Furthermore, when considering the proposal in light of the planning principle 'compatibility with context' established in *Project Venture v Pittwater Council* [2005] NSWLEC 191 at paragraphs 22-33, it is noted that compatibility within the urban context does not mean 'sameness' with surrounding buildings. Instead development must be capable of existing together in harmony with surrounding buildings. To test whether a proposal is compatible with its context the court case refers to two (2) questions that should be asked:

1. Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

With reference to question 1, the proposal is considered to result in unacceptable overlooking and internal overshadowing impacts. Overlooking opportunities are afforded from the rooftop terrace, and from first floor bedrooms. The proposal will further result in providing inadequate solar access to the ground floor private open space areas as a result of overshadowing from the proposed built form.

With reference to question 2, it is acknowledged that for new development to exist in harmony with surrounding buildings it must respond to the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the relationship between the built form to surrounding space created by building height, setbacks, and landscaping.

As discussed earlier within this report under the discussion of *clause 4.3 Height of buildings*, the height of the development exceeds that what can reasonably be expected within the area, as determined by the RLEP 2011. The apparent height of the proposal is further exacerbated by the use of a flat roof design, which means that the built form extends vertically in a straight line for the height of the dwelling. Whereas the surrounding buildings incorporate pitched roofs which provides for a narrowing of built form towards the highest elevation of the development. It should be noted that the use of a flat roof has not been assessed as being inappropriate in terms of the urban context, only that the roof design in combination with the covered access to the roof for a rooftop terrace is observed to contribute to the apparent scale of the development.

The setback provided by the proposed development to Holland Avenue frontage, although complying with the RDCP 2011 secondary setback control of 3m, does not reflect the general front setback line created by existing developments within Holland Avenue, where dwellings provide setbacks of 5m – 9m. In isolation, a secondary frontage setback of 3.5m may be suitable, but when considering the location of the site; the proposed massing of the development; the reduction of planter screening, this frontage results in a discordant contribution to the street character of Holland Avenue.

The visual bulk of the proposal is observed to be established by the placement of the first floor located directly above the ground floor, construction of the basement garages within the rock face of Holland Avenue, covered stairway access 'overrun' to the rooftop terrace, and

associated glass balustrades. In this regard, the proposal when viewed from Holland Ave will appear to contain three (3) to four (4) storeys, where the basement garage doors are located below the level of the ground floor and the covered rooftop terrace access located on top of the second floor of the dwellings. This apparent scale with limited voids and spaces between the proposed built form, contrasts with the existing rhythm of built form created by the spaces between the dwelling located along Holland Avenue.

The proposal has not included a considered landscape design which would otherwise ensure the development appropriately contributes to the landscaped character of the area and complements the streetscape. The existing development on the subject site is currently complemented by a substantial amount of landscape plantings on the Holland Avenue frontage, which in turn supports the screening of the dwelling. The proposed development however, will remove this vegetation to facilitate vehicular access to the site from Holland Avenue, and as a result the visual dominance of the proposal will be significantly increased. Additionally, the use of new materials and building forms will further ensure that the proposal stands out from the character of the streetscape.

It is acknowledged that the character of an area may be subject to change as a response to a built form transition facilitated by the land use zoning. However, in the circumstance of the local area, the character is unlikely to change as surrounding land achieves the objectives of the R2 Low Density Residential zone and achieves the anticipated density with corresponding lot sizes, and the setting the scale by the presence of single and two-storey dwellings.

In this regard, the proposal's appearance is not considered to exist in harmony with the character of the local area and therefore has not satisfied the intent and objectives of the RDCP 2011 streetscape controls.

Part 4.3.1 Open Space and Landscape Design

Control 3 of Part 4.3.1 outlines that landscape must relate to building scale and assist integration of the development with the existing street character.

The submitted Landscape Plan, prepared by Outliers Design Studio (dated 26 March 2017) is not considered to satisfactorily assist in integrating the development with the existing street character, as discussed previously under *Section 4.2 Streetscape*.

Part 4.3.2 Private Open Space

Part 4.3.2 outlines that private open space (POS) must take account of the visual and acoustic privacy of its occupants and neighbours, and development must ensure that the usability of private open space of adjoining buildings is not reduced through overlooking and overshadowing.

The proposed roof top terraces of the dual occupancy development are afforded with unreasonable overlooking opportunities to the adjoining property at 26 Oswell Street) and to 1 Holland Avenue, as a result of the topographic relationship between the properties and the subject site. The size of the roof top terraces would furthermore allow for entertaining activities to occur thereon.

In this regard, the impact of the proposal on the visual and acoustic privacy for adjoining developments and to that of the proposed dual occupancy dwelling themselves is unreasonable.

Part 4.4.2 Solar Access

Part 4.4.2 requires for dwellings within low and medium density residential development, and on adjoining properties, to receive a minimum three (3) hours direct sunlight to habitable rooms and to at least 50% of POS between 9.00am and 3.00pm in mid-winter.

The submitted shadow diagrams illustrate that the ground floor POS area of dwelling 1, where the clothes line is proposed to be located, will receive less the required amount of direct sunlight in mid-winter.

In this regard, the proposal is not considered to result in satisfactory amenity for the ground floor open space of dwelling 1.

Part 4.4.5 Visual Privacy

Control 1 of Part 4.4.5 requires the windows of habitable rooms with direct sightlines to the windows of habitable rooms of adjacent dwellings located within 9m to be treated with higher window sills, obscuring, or be offset. Balconies are further required to be located as to minimise overlooking into adjoining property windows or POS areas.

The proposed development is considered to result in several overlooking opportunities, as detailed by the following:

- First floor bedroom 3 windows of dwelling 1 will include overlooking opportunities into the west adjoining property;
- First floor bedroom 2 of dwelling 2 include overlooking opportunities into the west adjoining property;
- First floor bedroom 2 and first floor balcony of dwelling 1 will include overlooking opportunities into proposed dwelling 2;
- First floor bedroom 3 and 4 dwelling 2 will include overlooking opportunities into proposed dwelling 1 and it's POS; and
- The proposed roof top terraces of the dual occupancy development are afforded with unreasonable overlooking opportunities to the adjoining property at 26 Oswell Street) and to 1 Holland Avenue.

As discussed above, the proposal will result in overlooking opportunities to the POS areas and dwelling windows of adjoining properties and internally of the proposed dual occupancy development. In this regard, the proposal cannot be supported due to the significant impact on privacy.

5.1 Building Design

Part 5.1 further details that building design and architectural style is to interpret and respond to the positive character of the locality, including the dominant patterns, textures and compositions of buildings. Additionally, Part 5.1 outlines that attention must be given to the roof as an important architectural element in the street which can provide continuity and character.

The proposal is of modern design using contemporary building materials and is considered to exhibit architectural merit. However, notwithstanding the architectural merit of the proposal, the building form and use of materials is novel within the immediate streetscape, and is not considered to have had sufficient regard to the essential elements that make up the character and of the local area.

In this regard, the proposal has not satisfied the provisions of Part 5.1 of the RDCP 2011 and is therefore not supported.

S.79C(1)(a)(iv) - Provisions of regulations

Environmental Planning and Assessment Regulation 2000

Clause 54 of the Regulations outlines that a consent authority may request the applicant to provide it with such additional information about the proposed development as it considers necessary for its proper consideration of the application.

As detailed in the *History* section of this report, the applicant was requested to provide additional information on the 7th of February 2017. The applicant provided Council with a response to the additional information request, however the response has not adequately address all of the concern raised, most notably non-compliances with the maximum building height and FSR development standards.

Clause 54(6) further identifies that if the applicant has failed to provide any of the requested information by the end of the period specified in the additional information request, and any further period as the consent authority allows, the applicant is taken to have notified the consent authority that the information will not be provided, and the application may be dealt with accordingly.

In this regard, the applicant has failed to provide the requested information, and the application is now being dealt with accordingly.

S.79C(1)(b) - Likely Impacts of Development

The likely impacts resulting from the proposed development on the natural and built environments have been assessed and are considered to be unreasonable. The proposal results in unacceptable impacts on the:

- Privacy of adjoining properties and future internal residents
- Direct solar access available for the future internal residents, and
- Urban character of the local area with a development that incongruent in terms of visual bulk and apparent scale;
- Streetscape of Holland Avenue;

S.79C(1)(c) - Suitability of the site

This report has undertaken a thorough assessment of the proposal's impacts on the natural and built environment, whilst also assessing compliance against the relevant environmental planning instruments and development control plans.

The subject site has been identified as being suitable for residential development with considerations of access to services and absence of land contamination, however the proposal itself has been determined to be unsuitable for the site.

S.79C(1)(d) - Public submissions

The development has been notified in accordance with the provisions of RDCP 2011. In response, six (6) submissions has been received from four (4) submitters.

The submission raised the following concerns regarding:

- Zoning inconsistency;
- Structural damaged due to the proposed rock outcrop excavation;
- Overshadowing;
- Heritage significance of home, despite the subject site not being heritage listed pursuant to the RELP 2011;
- Loss of privacy
- Loss of view
- Location of balcony

Reference should be made to the History section of this report for a detailed account of the objections raised.

S.79C(1)(e) - Public interest

The proposed development is not considered to be in the public interest because of its inability to satisfactory comply with the objectives and controls of the RLEP 2011 and RDCP 2011, and the likely negative impacts on the natural and built environments, as discussed in detail within this report.

VARIATION 4.6

24 OSWELL STREET, ROCKDALE

1. What is the name of the environmental planning instrument that applies to the land?

ROCKDALE LEP 2011

2. What is the zoning of the land?

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.

2 Permitted without consent

Home-based child care; Home businesses; Home industries; Home occupations; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hostels; Places of public worship; Recreation areas; Respite day care centres; Secondary dwellings; Semidetached dwellings; Seniors housing; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

4. What is the development standard being varied?

Min lot size of 350m²

5. Under what clause is the development standard listed in the environmental planning instrument?

CLAUSE 4.1 (3B)

6. What are the objectives of the development standard?

Objectives

- (1) The objectives of this clause are as follows:
 - (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
 - (b) to minimise any likely impact of subdivision, and development on subdivided land, on the amenity of neighbouring properties,
 - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of subclause (3).
- (3B) Despite subclause (3), development consent may be granted to the subdivision of a lot on which there is an existing dual occupancy, or on which a dual occupancy is proposed, if:
 - (a) the area of each lot resulting from the subdivision is equal to or greater than 350 square metres, and
 - (b) each of the lots will have one of the dwellings on it.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) This clause does not apply to the subdivision of land in Zone R2 Low Density Residential on which the erection of an attached dwelling or a semi-detached dwelling is proposed.

7. What is the numeric value of the development standard in the environmental planning instrument?

350m²

8. What is proposed numeric value of the development standard in your development application?

346m² Lot 700

348m² Lot 701

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

0.99%

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

- The proposal is generally compliant with the requirements and controls of Rockdale LEP 2011 and Rockdale DCP 2011 with the exception of a minor non-compliance of 4sqm for Lot 700 and 2sqm for Lot 701 dwelling relating to the minimum lot size requirement which equates to approximately 0.99% percent. The proposal complies with the other applicable development standards and has not sought to maximise the floor space possible on the site.
- The proposal has minimal impact on the adjoining properties in terms of privacy, amenity and shadow impacts with the site enjoying a north-south orientation.
- The proposed subdivision is in keeping with the existing subdivision pattern along Oswell Street and Holland Avenue having similar allotment sizes to what is being proposed.
- The proposed variation will not detract from the streetscape of Oswell Street and Holland Avenue and will not impact on the bulk and scale of the development from the street or the adjoining dwellings at the rear
- The proposal has been designed to ensure that each dwelling is of a sufficient size to serve its intended purpose and usage. The proposal demonstrates compliance with the landscape, private open space and required car parking areas.
- The proposed shortfall of 6sqm is a minor variation to the overall requirement and will not compromise the internal amenity of the development.

11. How would strict compliance hinder the attainment of the objects specified in Section 4.1 of the Act.

Strict compliance would not hinder the attainment of the objects in section 4.1 of the act, however the development proposal offers a better variety of house size.

The land is being developed for its intended purpose in an orderly and economic manner. The development will not result in any detrimental environmental effects.

MATERIALS	SCHEDULE
RENDERED FACE BRICK - PART DULUX WINDWICK	
UPVC/TIMBER LOCK CLADDING - STONE	
BRICK COLUMNS	
RAILING	
FRONT DOOR	
BACK DOOR	
WINDOWS	
CLADDING	
WALLING / S/S	
ROOF + DP	



OSWELL STREET

HOLLAND AVENUE

FW15CILA
Assessor Name: Robin Jaber
VICIDAAN/NS17N7
13 Sep 2016

Certificate Number:
Assessor Name:
Accreditation number:
Certificate date:
Dwelling address:
24 Oswald Street
Rockdale NSW 2116
www.natfens.gov.au

4.8
Average star rating

NATIONWIDE HOUSE
www.natfens.gov.au

SPACE
06181
bda
53 SANSON STREET,
SUITE 200, NEW YORK, NY 10003
T 212 693-0005
F 212 693-0001
www.bda.com
designer:
Moore Hitzig

project:
24 OSWELL STREET, ROC-KDALE

Journal of Interpersonal Violence 28(12)

Rev	Date
0	1
1	2
2	3
3	4m
4	0
5	2
6	4
7	6
8m	
1,100	
1,200	

for:
3D VISUALISATION

drawn: Author
approved: Approver
job no: J0UNT1
date: SEPT 16
scale @ A1:
for no: 14 DP 13.53
drawing no: 3-06
rev:

	MATERIALS	SCHEDULE
WALLS	RENDERED FACE BRICK - PAINT DULUX 'VIVID WHITE'	
BRICK COLUMNS	UPVC TIMBER LOOK CLADDING - STONE	
RAILINGS	GLAZED TO NCC	
FRONT DOOR	SOLID CORE TIMBER TO MATCH UPVC CLADDING	
PRIVACY SCREENS	FACTORY COLOURED ALUMINIUM FRAMED TO MATCH UPVC CLADDING	
WINDOWS	FACTORY COLOURED WHITE ALUMINIUM FRAMED	
GARAGE DOOR	FACTORY COLOURED ALUMINIUM PANEL LIFT TO MATCH UPVC CLADDING	
CLADDING	SELECTED STONE + SELECTED UPVC CLADDING	
AWNING / SHS	SELECTED COLORBOND	
ROOF + DP	SELECTED COLORBOND	

BASIX REQUIREMENTS:
DW 1
All external walls require R1.5 insulation (polyurethane rigid foam)
The floor Insulation for the first floor: R1.5
The flor insulation for the ground slab: R1.5
The ceiling Insulation for the first floor: R2.5

W1.11, W1.12, W1.15 are all double glazed with a U value of 4.8 and SHGC value of 0.59.

DW 2

All external walls require R1.0 insulation (polyurethane rigid foam)
The ceiling Insulation for the first floor: R2.5



4.8
Average star rating
NATIONWIDE HOUSE
ENERGY RATING SCHEME
www.nathers.gov.au

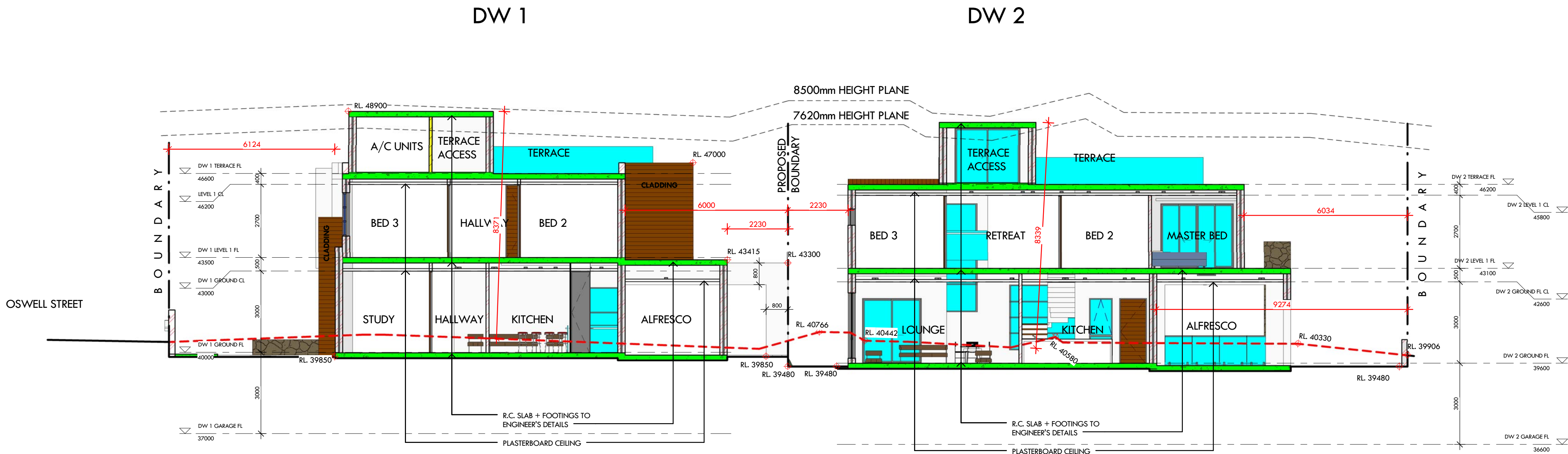
Certificate Number:
Assessor Name:
Accreditation number:
Certificate date:
Dwelling address:

F1WSXC16LA
Robyn Jaber
VIC/BDV/16/1747
13 Sep 2016

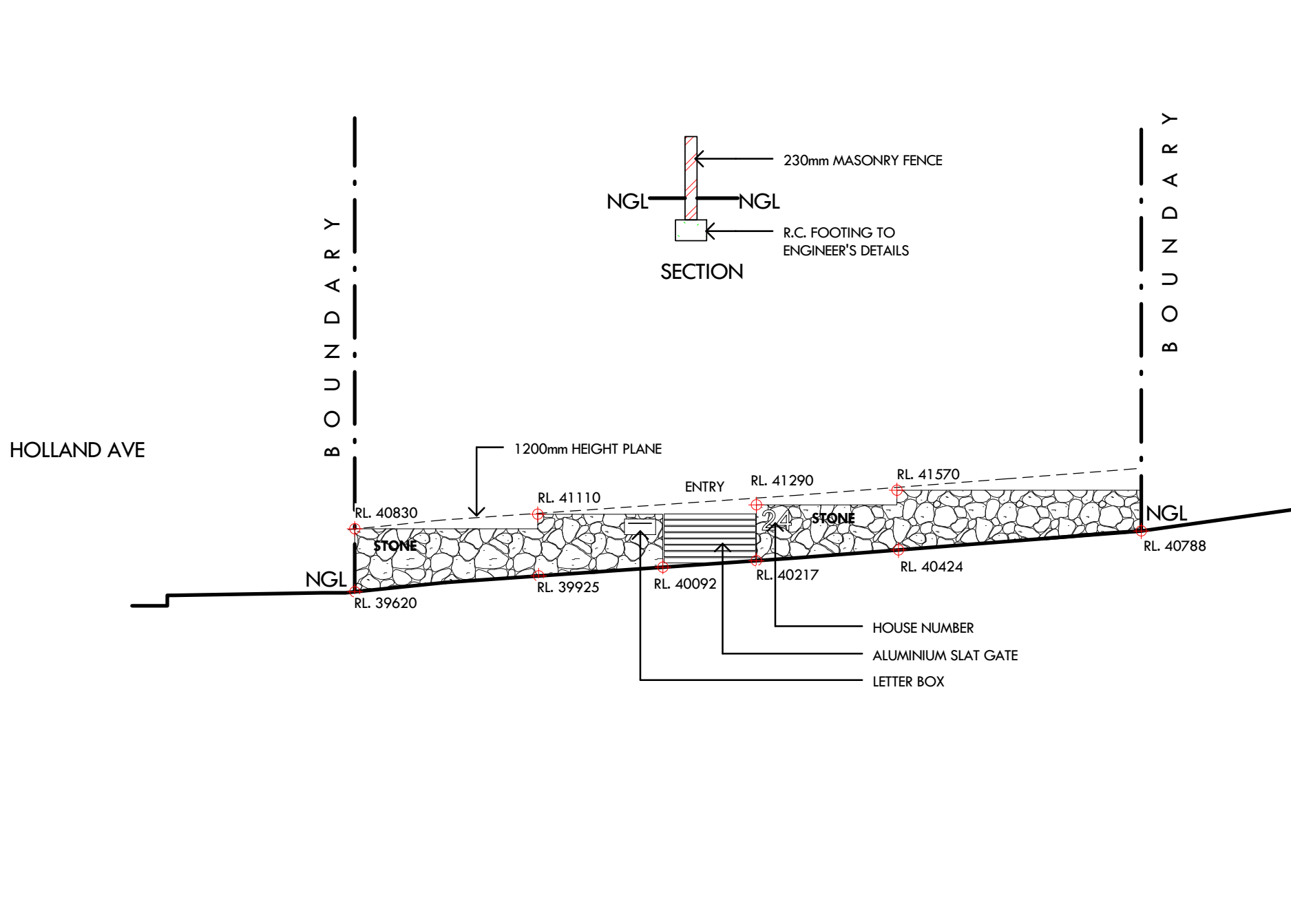
24 Oswell Street,
Rockdale NSW 2216
www.nathers.gov.au



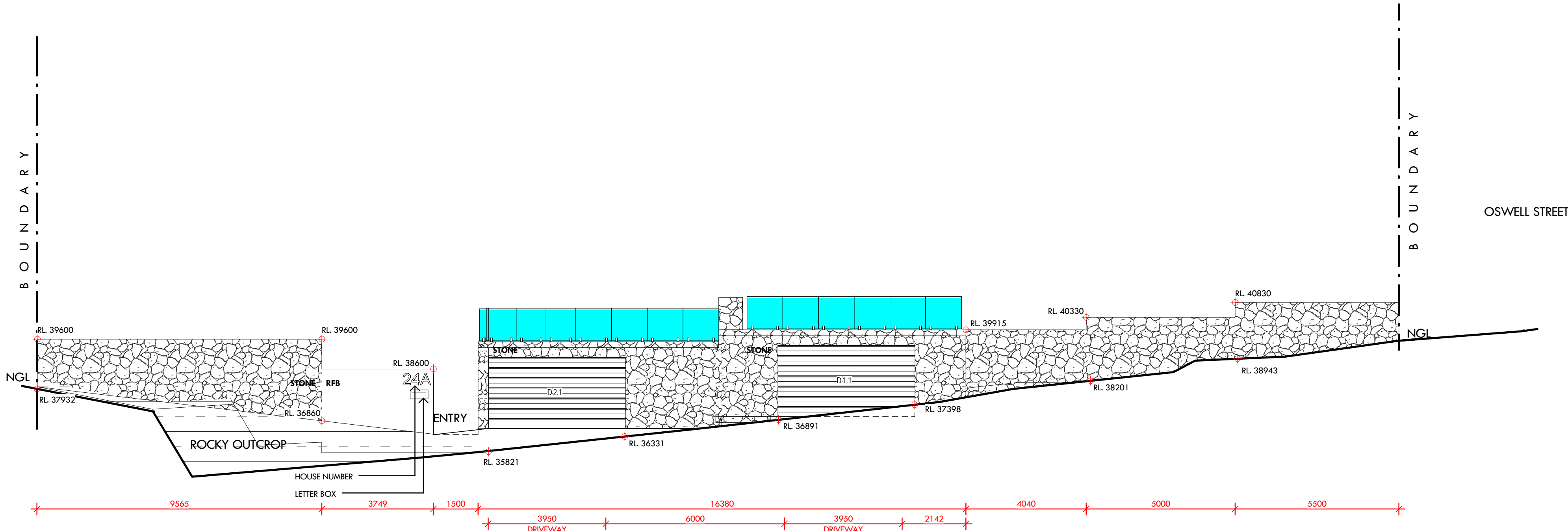
https://www.rfs.com.au/Q
RCodeLanding?PublicId=F1WSXC16LA&GrpCert=1



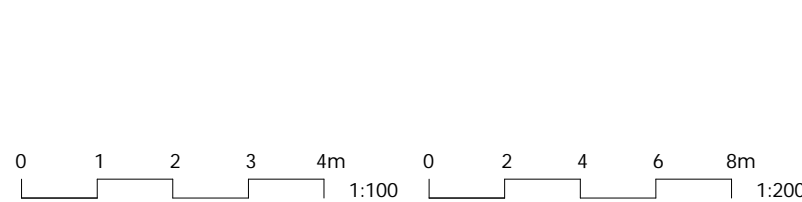
1 Section 1
Scale: 1:100



2 OSWELL STREET FENCE ELEVATION
Scale: 1:100



3 HOLLAND AVENUE FENCE ELEVATION
Scale: 1:100



Date	Rev

Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions. report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618/1 and in any works executed from those documents and drawings shall remain the property of Space 0.618/1 or on creation vested in Space 0.618/1



53 STATION STREET
ARCHITECTURE NSW 2205
T: 0414220615
E: info@space0618.com.au

designer:
Moe Hjazzi



0.618:1
BUILDING DESIGNERS
AUSTRALIA
P.O. BOX 1000 MELB VIC 3000

title:
SECTIONS + FENCE ELEVATIONS

drawn: Author
approved: Approver

job no: JOUN1

date: FEB 17

scale @ A11 : 100

lot no: 14 DP 13153

drawing no: 3-02

Page 38

MATERIALS SCHEDULE	
WALLS	RENDERED FACE BRICK - PAINT DULUX 'VIVID WHITE'
BRICK COLUMNS	UPVC TIMBER LOOK CLADDING - STONE
RAILINGS	GLAZED TO NCC
FRONT DOOR	SOLID CORE TIMBER TO MATCH UPVC CLADDING
PRIVACY SCREENS	FACTORY COLOURED ALUMINIUM FRAMED TO MATCH UPVC CLADDING
WINDOWS	FACTORY COLOURED WHITE ALUMINIUM FRAMED
GARAGE DOOR	FACTORY COLOURED ALUMINIUM PANEL LIFT TO MATCH UPVC CLADDING
CLADDING	SELECTED STONE + SELECTED UPVC CLADDING
AWNING / SHS	SELECTED COLORBOND
ROOF + DP	SELECTED COLORBOND

BASIX REQUIREMENTS:
DW 1
All external walls require R1.5 insulation (polyurethane rigid foam)
The floor Insulation for the first floor: R1.5
The floor insulation for the ground slab: R1.5
The ceiling Insulation for the first floor: R2.5

W1.11, W1.12, W1.15 are all double glazed with a U value of 4.8 and SHGC value of 0.59.

DW 2
All external walls require R1.0 insulation (polyurethane rigid foam)
The ceiling Insulation for the first floor: R2.5

4.8

Average star rating

NATIONWIDE

HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

Certificate Number:

Assessor Name:

Accreditation number:

Certificate date:

Dwelling address:

24 Oswell Street,
Rockdale NSW 2216

www.nathers.gov.au

F1WSXC16LA

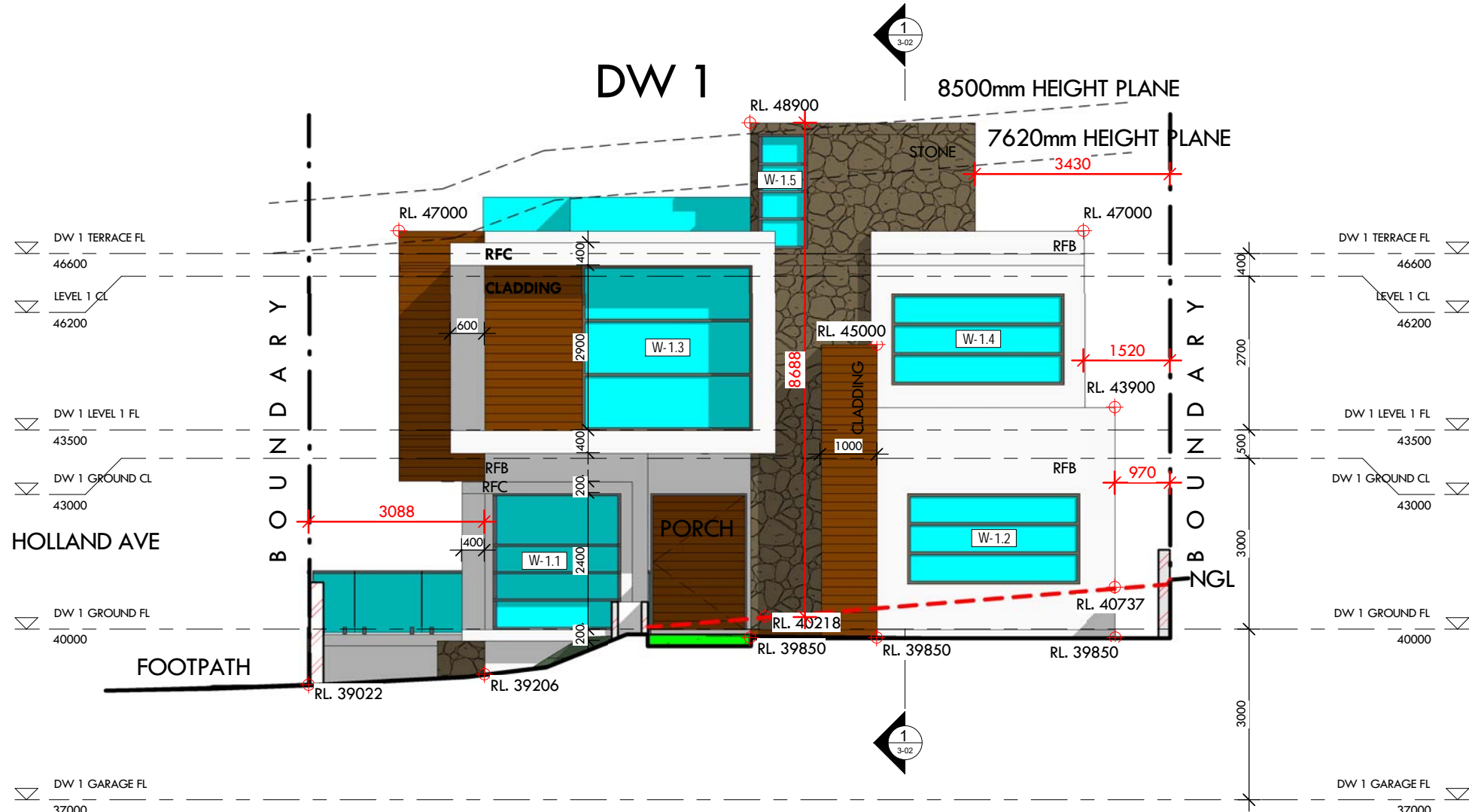
Robyn Jaber

VIC/BDV/16/1747

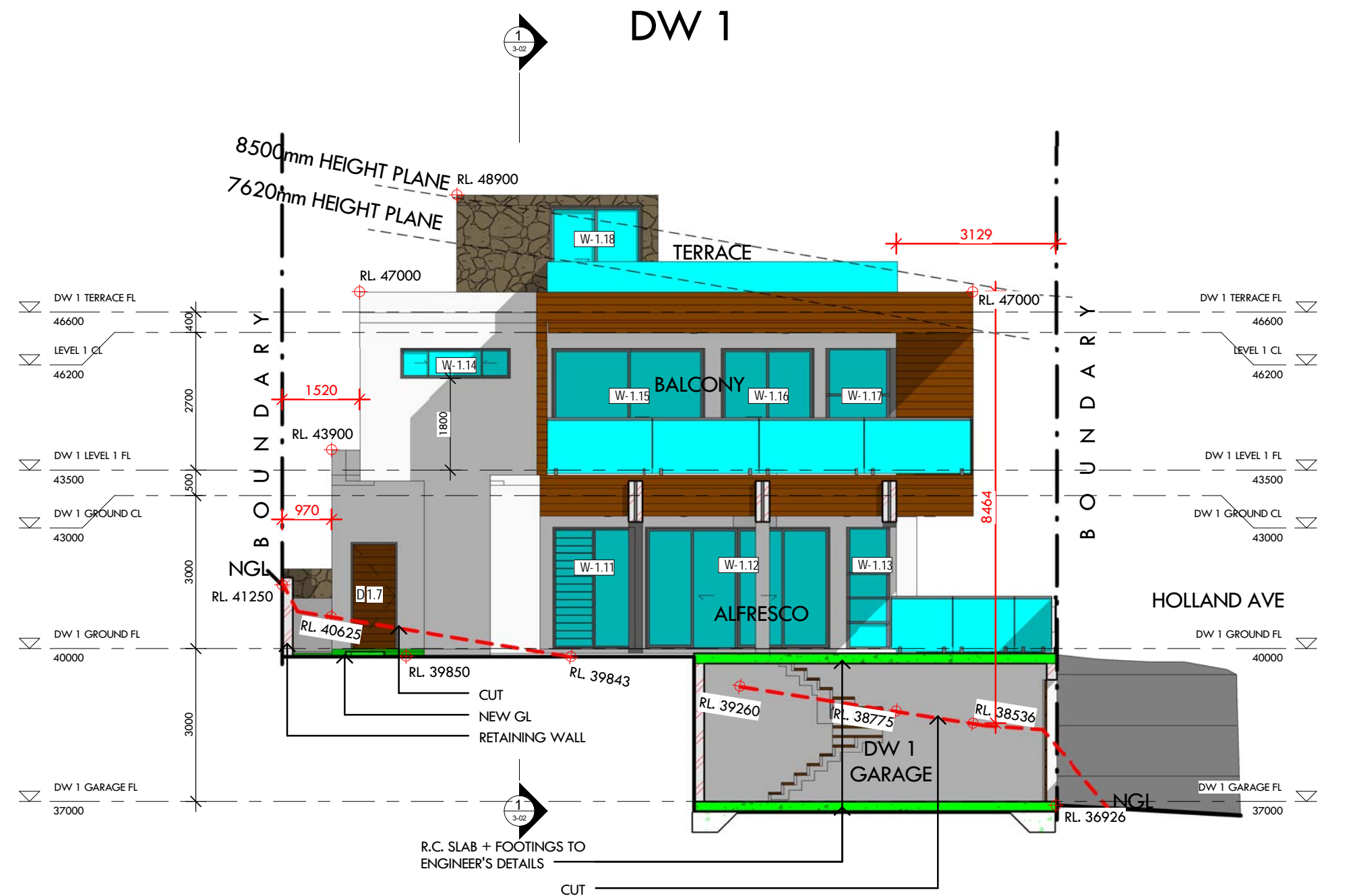
13 Sep 2016



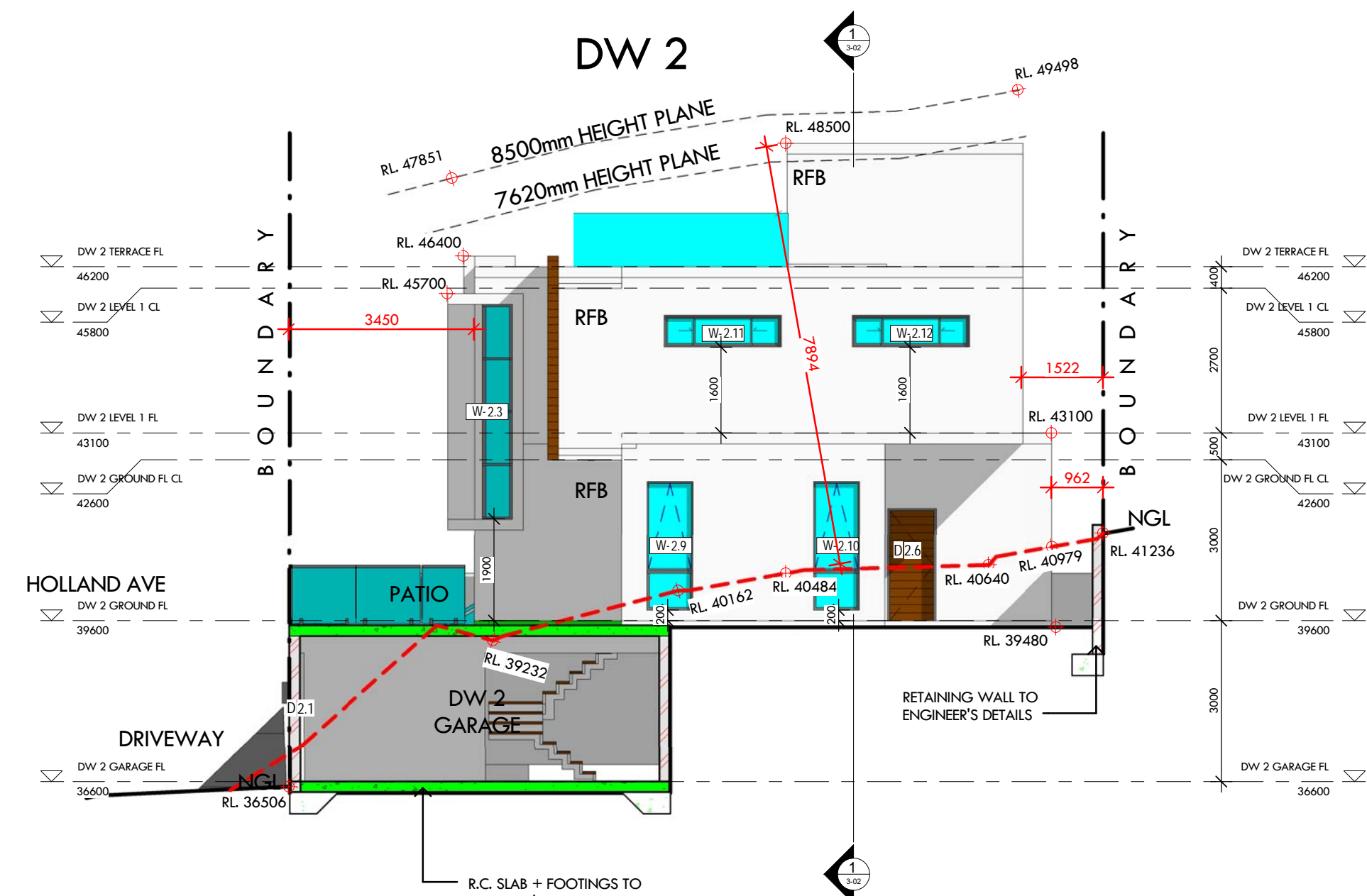
https://www.f15.com.au/Q
R-Relating-PubId=F1WSXC16LA&QpCertF1



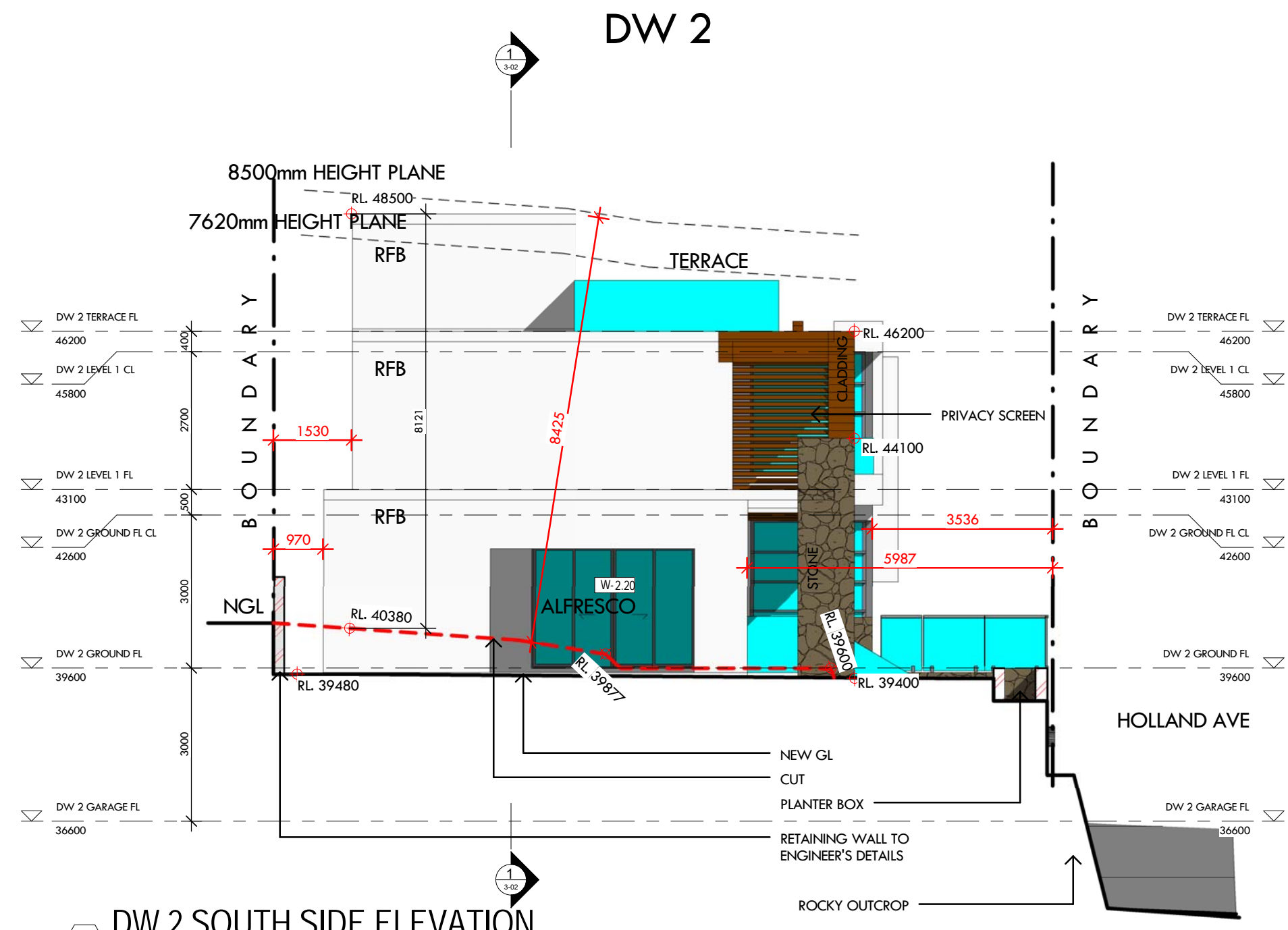
6 DW 1 NORTH FRONT ELEVATION
Scale 1:100



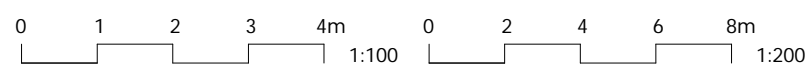
1 DW 1 SOUTH REAR ELEVATION
Scale 1:100



5 DW 2 NORTH SIDE ELEVATION
Scale 1:100



4 DW 2 SOUTH SIDE ELEVATION
Scale 1:100



Date	Rev	Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawing. Work to written dimensions. report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.

designer:
Moe Hijazi



title:
ELEVATIONS 1

drawn: Moe Hijazi
approved: Approver

job no: JOUN1 date: FEB 17 scale @ A11 : 100

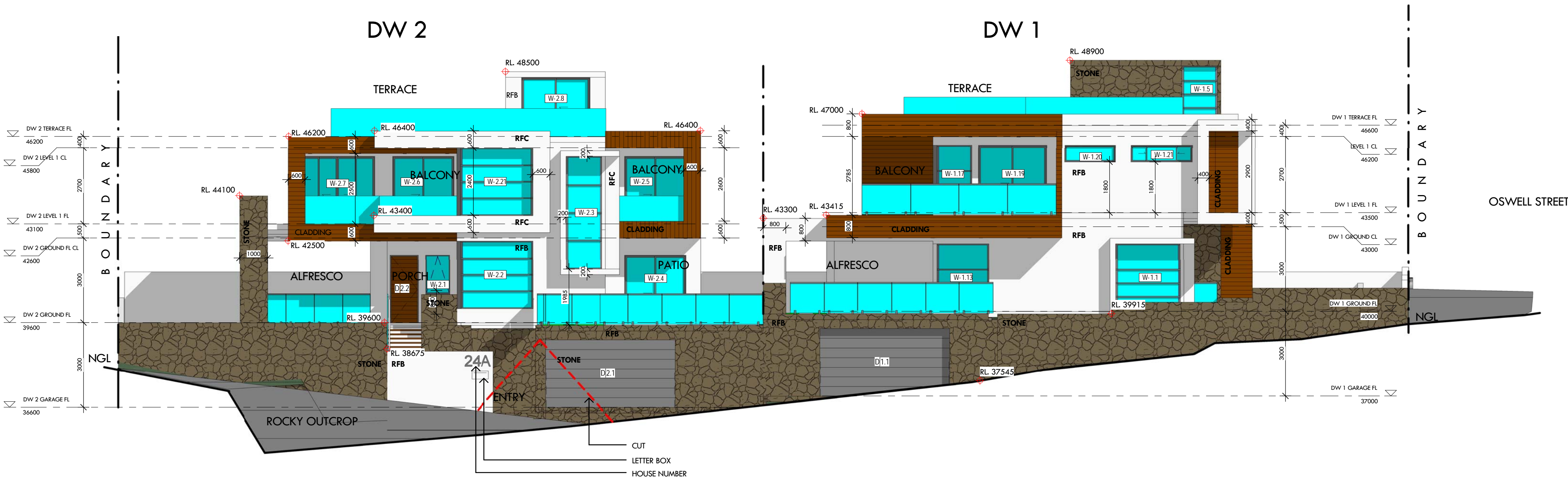
lot no: 14 DP 13153 drawing no: 3-00 Page 39: A

BASIX REQUIREMENTS:
DW 1
All external walls require R1.5 insulation (polyurethane rigid foam)
The floor Insulation for the first floor: R1.5
The floor insulation for the ground slab: R1.5
The ceiling Insulation for the first floor: R2.5

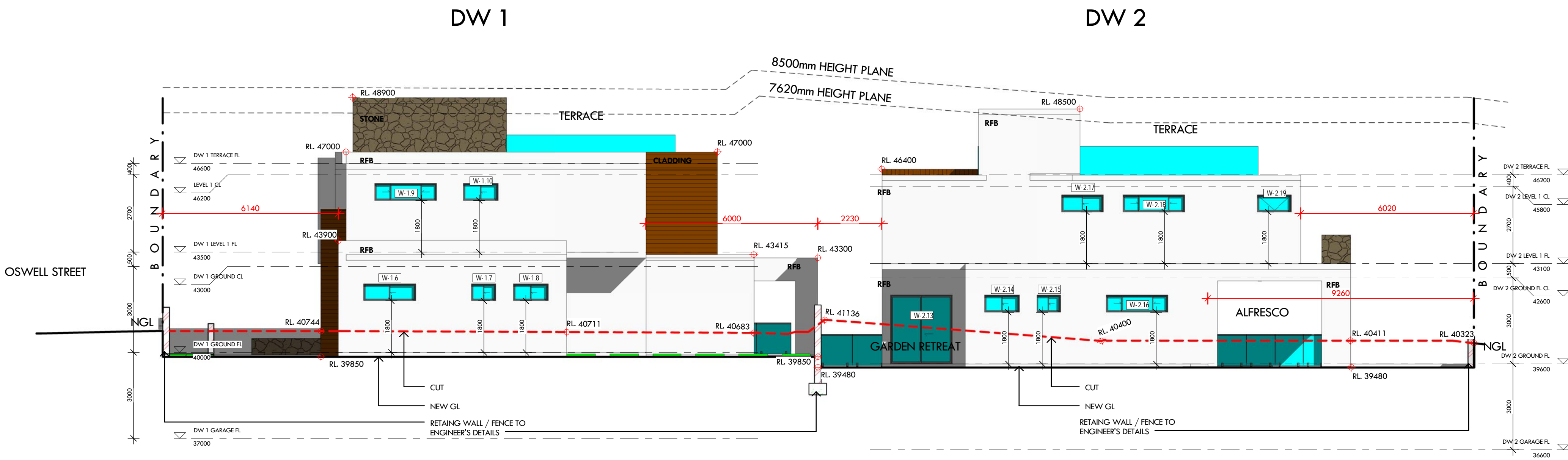
W1.11, W1.12, W1.15 are all double glazed with a U value of 4.8 and SHGC value of 0.59.

DW 2
All external walls require R1.0 insulation (polyurethane rigid foam)
The ceiling Insulation for the first floor: R2.5

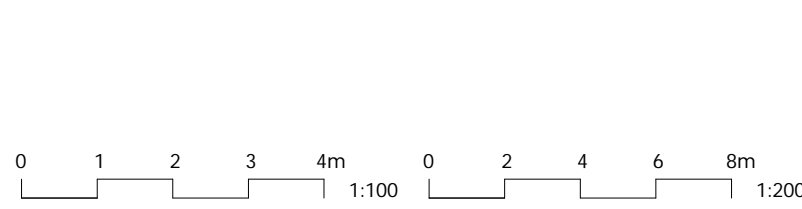
	MATERIALS	SCHEDULE
WALLS	RENDERED FACE BRICK - PAINT DULUX 'VIVID WHITE'	
BRICK COLUMNS	UPVC TIMBER LOOK CLADDING - STONE	
RAILINGS	GLAZED TO NCC	
FRONT DOOR	SOLID CORE TIMBER TO MATCH UPVC CLADDING	
PRIVACY SCREENS	FACTORY COLOURED ALUMINIUM FRAMED TO MATCH UPVC CLADDING	
WINDOWS	FACTORY COLOURED WHITE ALUMINIUM FRAMED	
GARAGE DOOR	FACTORY COLOURED ALUMINIUM PANEL UP TO MATCH UPVC CLADDING	
CLADDING	SELECTED STONE + SELECTED UPVC CLADDING	
AWNING / SHS	SELECTED COLORBOND	
ROOF + DP	SELECTED COLORBOND	



2 EAST SIDE ELEVATION
Scale 1:100



1 WEST SIDE ELEVATION
Scale 1:100



Date	Rev

Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions. report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618.1 and in any works executed from those documents and drawings shall remain the property of Space 0.618.1 or on creation vested in Space 0.618.1



title:
ELEVATIONS 2

drawn: Author
approved: Approver

job no: JOUNI1

date: FEB 17

scale @ A11 : 100

lot no: 14 DP 13153

drawing no: 3-01

Page 40:

DW 1
All external walls require R1.5 insulation (polyurethane rigid foam)
The floor Insulation for the first floor: R1.5
The floor insulation for the ground slab: R1.5
The ceiling Insulation for the first floor: R2.5

DW 2

[illegible]

LEGEND:

RFC	RENDERED FIBRE CEMENT SHEET
RPS	RENDERED POLYESTER PANEL
RFB	RENDERED FACE BRICK
F8	FACE BRICK



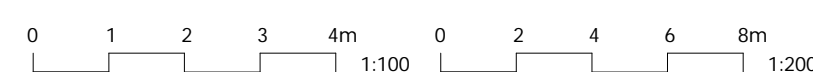
24 Oswell Street,
Rockdale NSW 2216

www.nathers.gov.au

F1WSXCI6LA
Robyn Jaber
VIC/BDAV/16/1747
13 Sep 2016



https://www.fr5.com.au/Q
RCodeLanding?PublicId=
F1WSXCI6LA&GrpCert=1



Date	Rev	Amendmen
------	-----	----------

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions; report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618:1
and in any works executed from those documents and drawings shall remain the property of Space 0.618:1 or on creation vested in Space 0.618:1

SPACE

0618:

S3 STATION STREET,
ABRINGTON NSW 2205
T: 0414250615
E: moe@space061821.com

designer:
Moe Hijazi

bda BUILDING
DESIGNERS
AUSTRALIA
b d a

ROOF TOP
TERRACE

lot no: 14 DR 13152

drawing no: 2-02

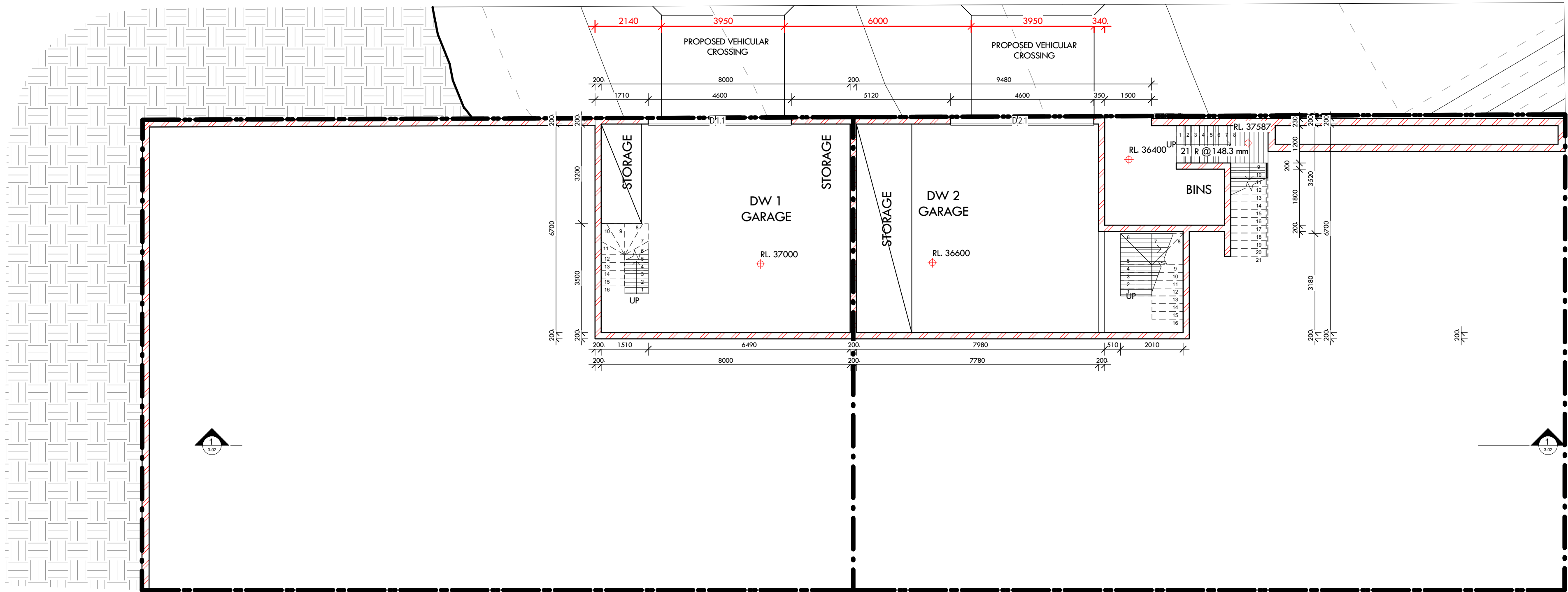
Page 41 rev: A

BASIX REQUIREMENTS:
DW 1
All external walls require R1.5 insulation (polyurethane rigid foam)
The floor Insulation for the first floor: R1.5
The floor insulation for the ground slab: R1.5
The ceiling Insulation for the first floor: R2.5

W1.11, W1.12, W1.15 are all double glazed with a U value of 4.8 and SHGC value of 0.59.

DW 2

All external walls require R1.0 insulation (polyurethane rigid foam)
The ceiling Insulation for the first floor: R2.5



LEGEND:

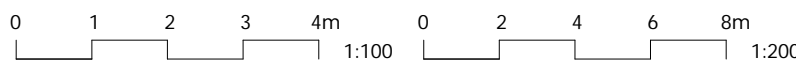
WATER HEATER TO BASE	
EXISTING STRUCTURES	
PLASTERBOARD	
ALUMINIUM IN SECTION	
CONCRETE OF FIBRE CEMENT SHEET	
ALUMINIUM IN ELEVATION	
Timber in section	
Timber in plan	
GLAZING	
UNDERLAYING	
COLLARED JOINTS - EXTERIOR	
RFC	RENDERED FIBRE CEMENT SHEET
RPS	RENDERED POLYSTYRENE PANEL
RFB	RENDERED FACE BRICK
FB	FACE BRICK

SD
HORIZONTAL SUNKEN ALARM / DETECTOR

4.8
Average star rating
NATIONWIDE
HOUSE
ENERGY RATING SCHEME
www.nathers.gov.au

Certificate Number: F1WSXCi6LA
Assessor Name: Robyn Jaber
Accreditation number: VIC/BDIV/16/1747
Certificate date: 13 Sep 2016
Dwelling address: 24 Oswell Street, Rockdale NSW 2216
www.nathers.gov.au

https://www.nfers.com.au/QRCodeLanding?PublicId=F1WSXCi6LA&GpCert=1



Date	Rev	Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions. report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618.1 and in any works executed from those documents and drawings shall remain the property of Space 0.618.1 or on creation vested in Space 0.618.1

designer:
Moe Hjjazi



title:
GARAGE FLOOR
PLAN

drawn: Author
approved: Approver

job no: JOUNI1 date: FEB 17 scale @ A11 : 100

lot no: 14 DP 13153 drawing no: 2-00 Page 42

site area: 694.5sqm	
proposed lot areas:	
lot 1: 346sqm	
lot 2: 348sqm	
total dwelling floor areas:	
basement /	dwelling No. 1 dwelling No. 2
garage /	40sqm 40sqm
ground floor:	80sqm/77sqm
first floor:	94sqm/93sqm
total:	174sqm/170sqm
total dwl w 1 + 2:	348sqm (49%)
proposed site built on and paved areas:	
dwelling No. 1 dwelling No. 2	
driveway:	57sqm 86sqm
offspaces:	0sqm 0sqm
paths:	29sqm 18sqm
building footprint:	100sqm 97sqm
site coverage: 100+97 = 197sqm (28%)	
total dwl w 1 + 2:	331sqm
proposed landscaped areas:	
dwelling No. 1 dwelling No. 2	
total:	157sqm 140sqm
total dwl w 1 + dw2:	297sqm (43%)
roof area:	
dwelling No. 1 dwelling No.2	
	158sqm 171sqm

ABOVE GROUND DTD TO ENGINEER'S
WATER HEATER TO BASIC
EXISTING STRUCTURE
PLASTERBOARD
MASONRY IN SECTION
CONCRETE OR FIBRE CEMENT SHEET
MASONRY IN ELEVATION
TIMBER IN SECTION
TIMBER IN PLAN
GLAZING
LANDSCAPING
OUTLINE OF REINFORCED STEEL TUBES
RFC RENDERED FIBRE CEMENT SHEET
RPS RENDERED POLYSTYRENE PANEL
RFB RENDERED FACE BRICK
FR FACE BRICK

SD

FW RADWATER

BASIC REQUIREMENTS:

BASIX REQUIREMENTS:
DW 1
All external walls require
The floor Insulation for the
The floor insulation for the
The ceiling Insulation for the

W1.11, W1.12, W1.15 are all double glazed with a U value of 4.8 and SHGC value of 0.59.

DW 2

All external walls require R1.0 insulation (polyurethane rigid foam)
The ceiling insulation for the first floor: R2.5



to Villiers Street



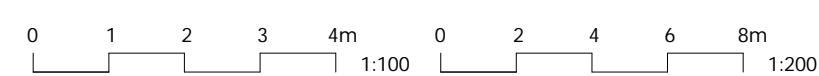
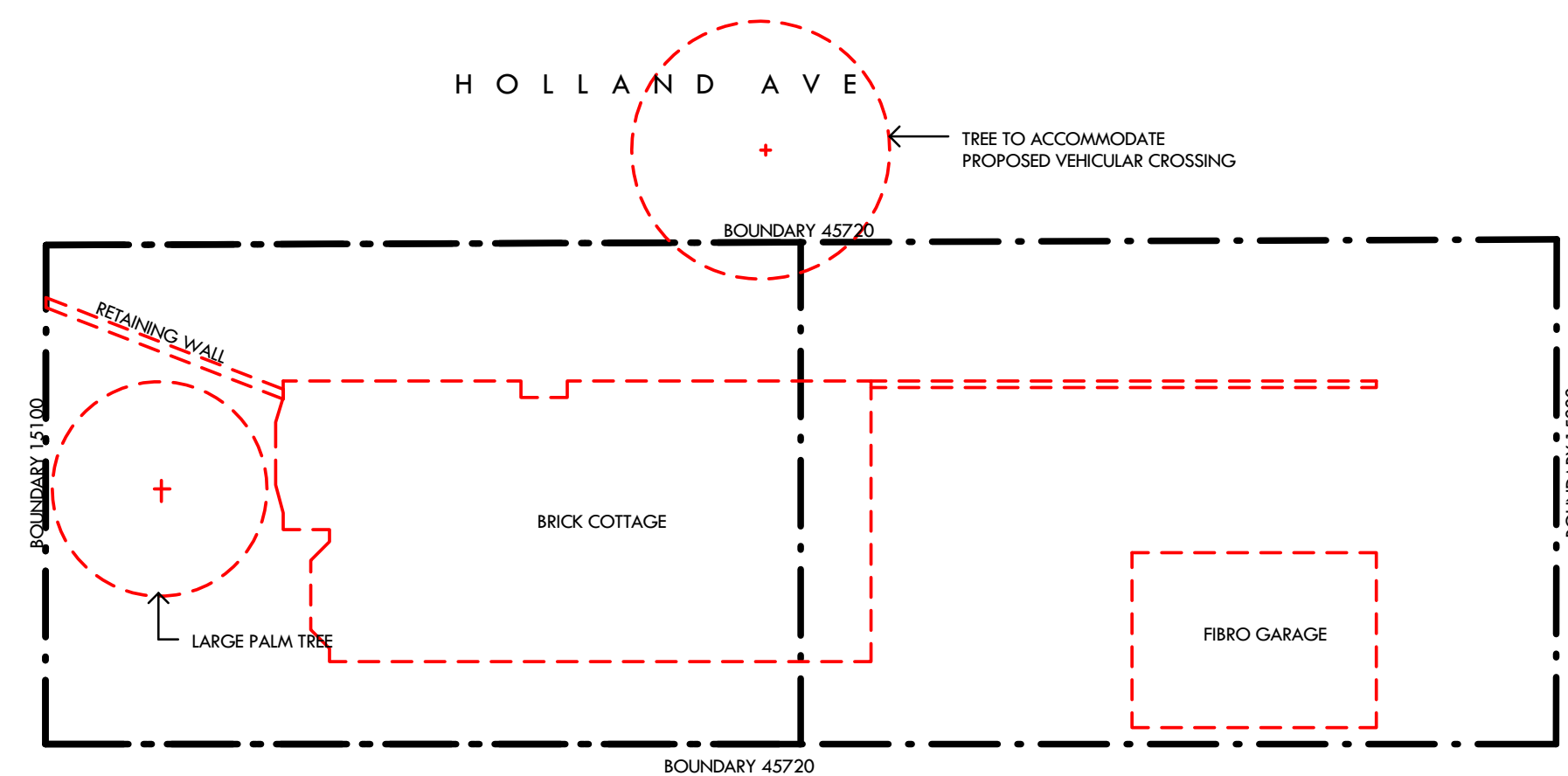
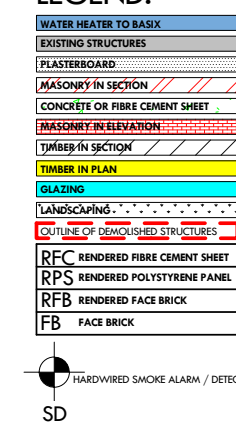
EQUINOX AFTERNOON SUN

PREVAILING
WINTER WINDS



F1WSXCI6LA
Robyn Jaber
VIC/BDAV/16/1747
13 Sep 2016





Date	Rev
------	-----

Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions. report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618:1 and in any works executed from those documents and drawings shall remain the property of Space 0.618:1 or on creation vested in Space 0.618:1

SPACE

53 STATION STREET,
ARCADINE NSW 2205
T: 0414250615
E: moe@space061821.com

designer:
Moe Hijazi

0618:

bda BUILDING
DESIGNERS
AUSTRALIA

title:
DEMOLITION
PLAN

drawn: Moe Hijazi
approved: Approver

job no: JOUNI1

date: FEB 17

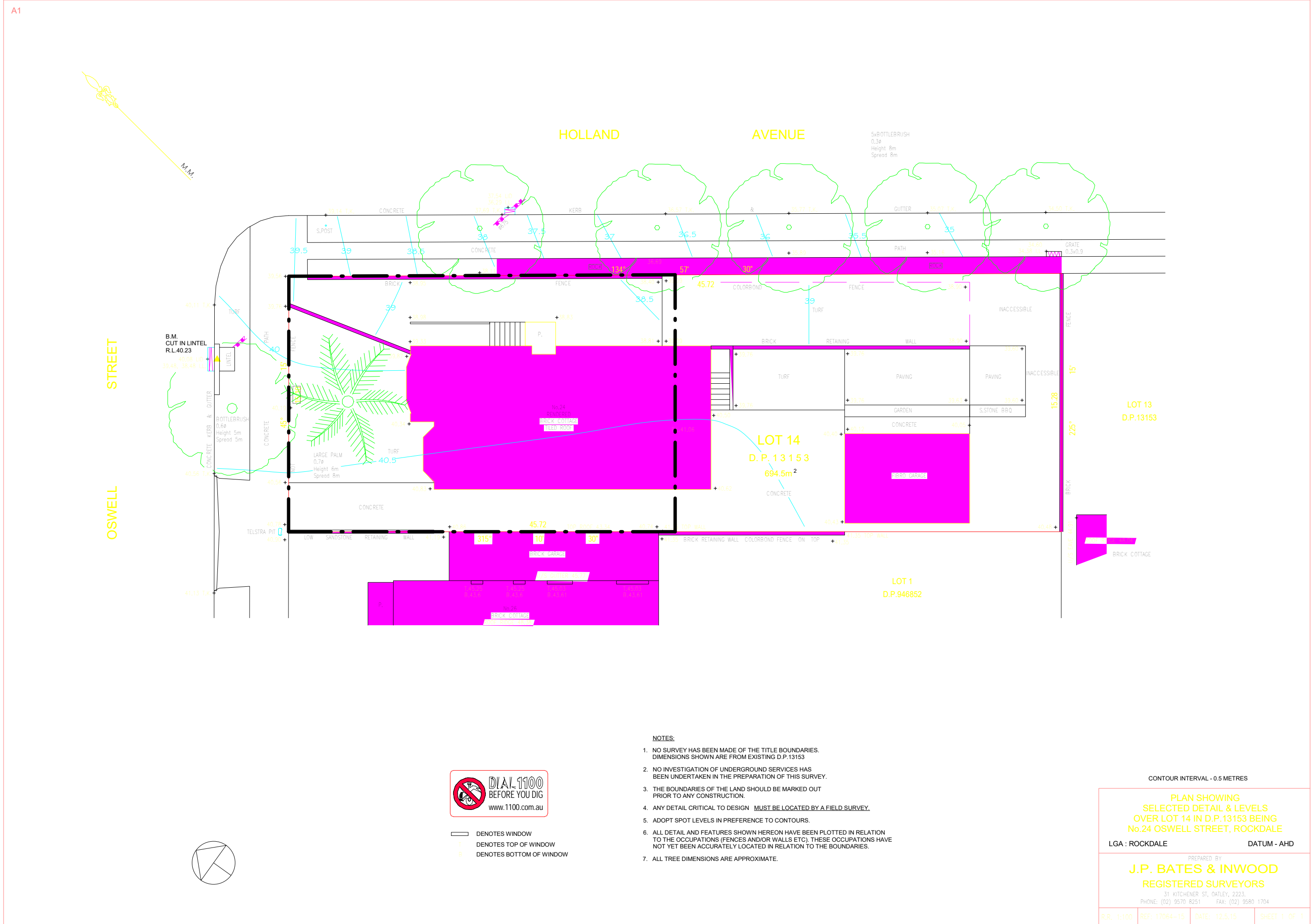
scale @ A11 : 200

lot no:14 DP 13153

drawing no: 1-001

Page 49:

PLOT 10:1 = A1 1:100



Certificate Number: **F1WSXC16LA**
Assessor Name: **Robyn Jaber**
Accreditation number: **VIC/BDV/16/1747**
Certificate date: **13 Sep 2016**
Dwelling address: **24 Oswell Street, Rockdale NSW 2216**
www.nathers.gov.au

4.8
Average star rating
NATIONWIDE HOUSE
ENERGY RATING SCHEME
www.nathers.gov.au

QR Code
<https://www.nathers.gov.au/QRCodeLanding?PublicId=F1WSXC16LA&GrpCert=1>



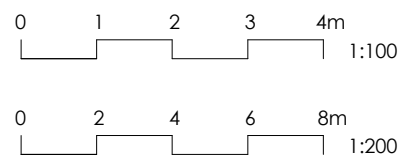
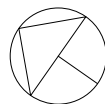
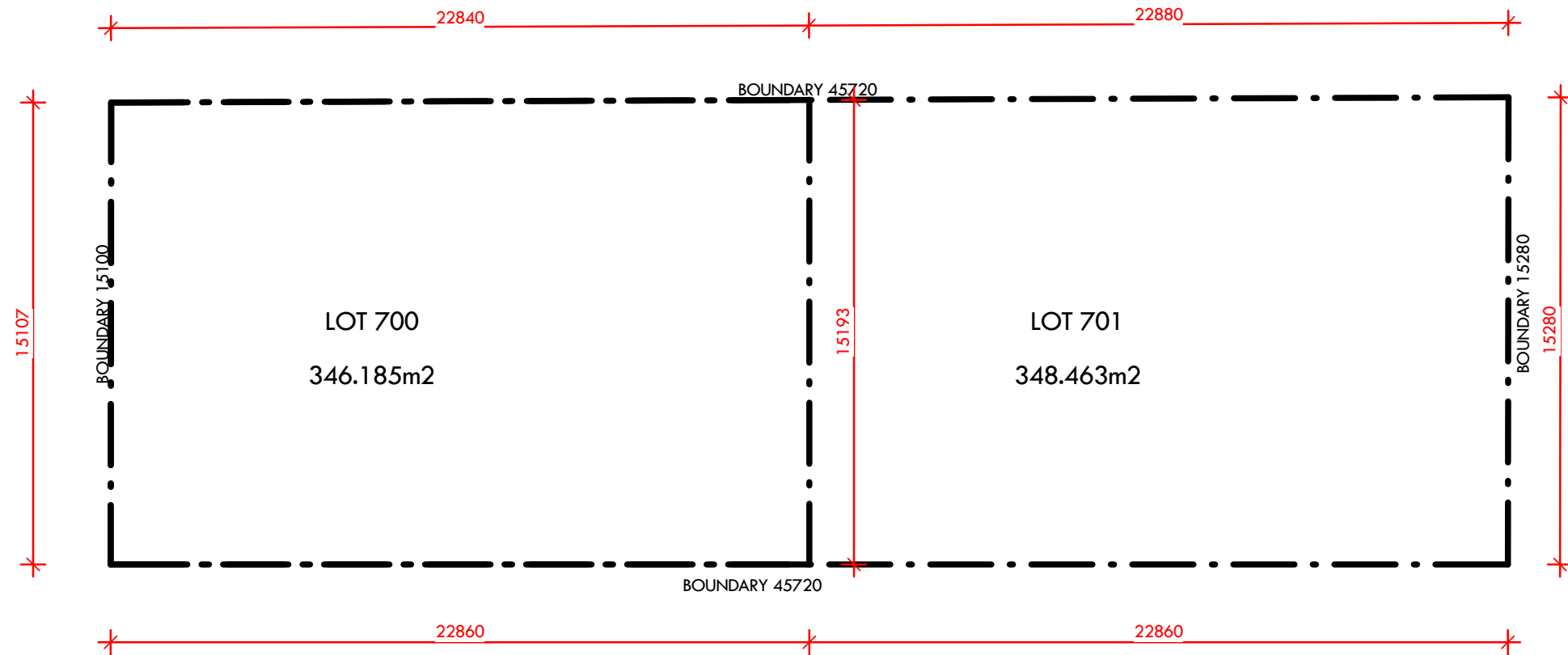
No. 26 OSWELL STREET
BRICK COTTAGE



Page Rev:

O S W E L L S T R E E T

H O L L A N D A V E



Date	Rev	Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions. report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618:1 and in any works executed from those documents and drawings shall remain the property of Space 0.618:1 or on creation vested in Space 0.618:1.

SPACE
POINT
0.618:1

53 STATION STREET,
ARNcliffe NSW 2205
E: moe@space061821.com

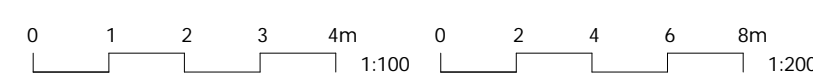
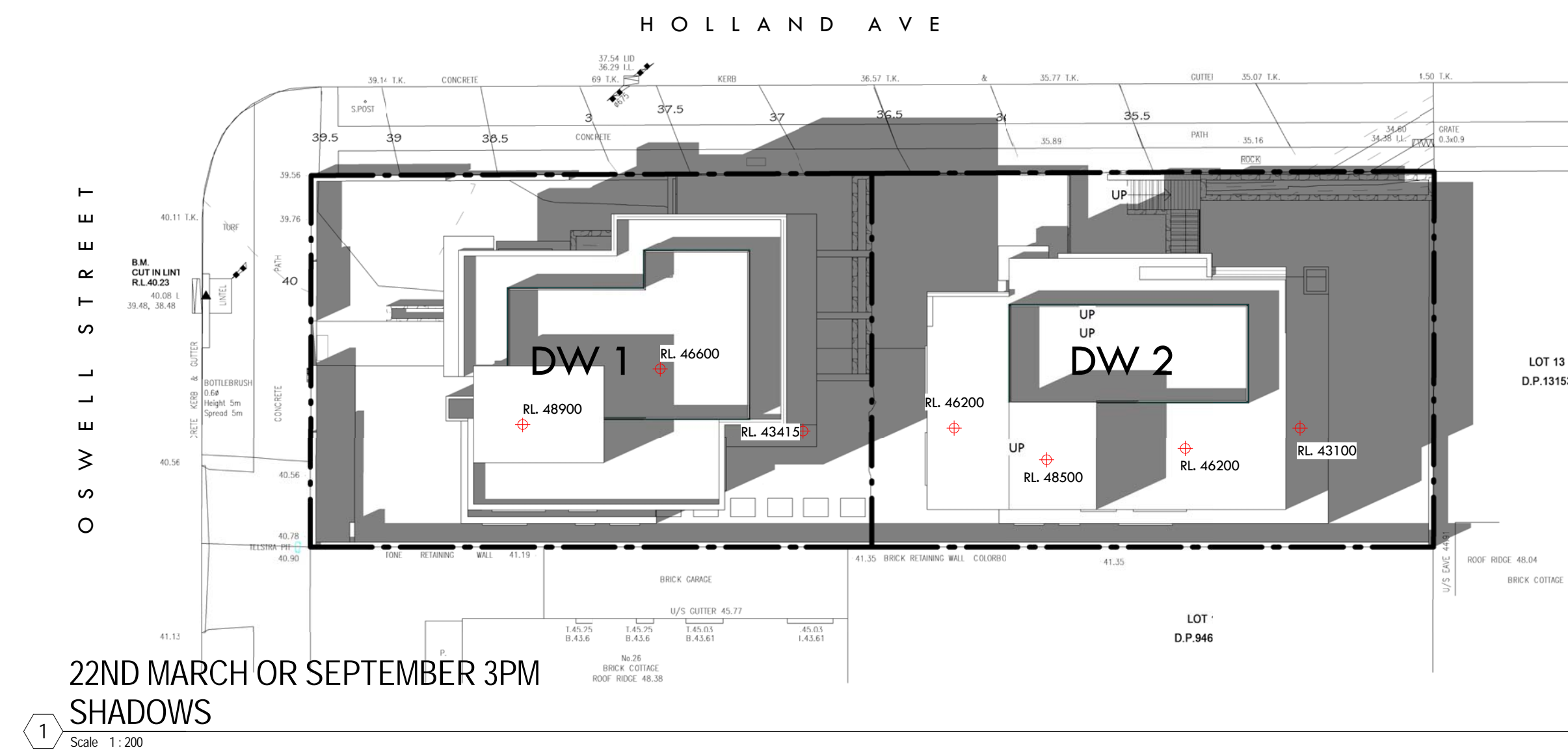
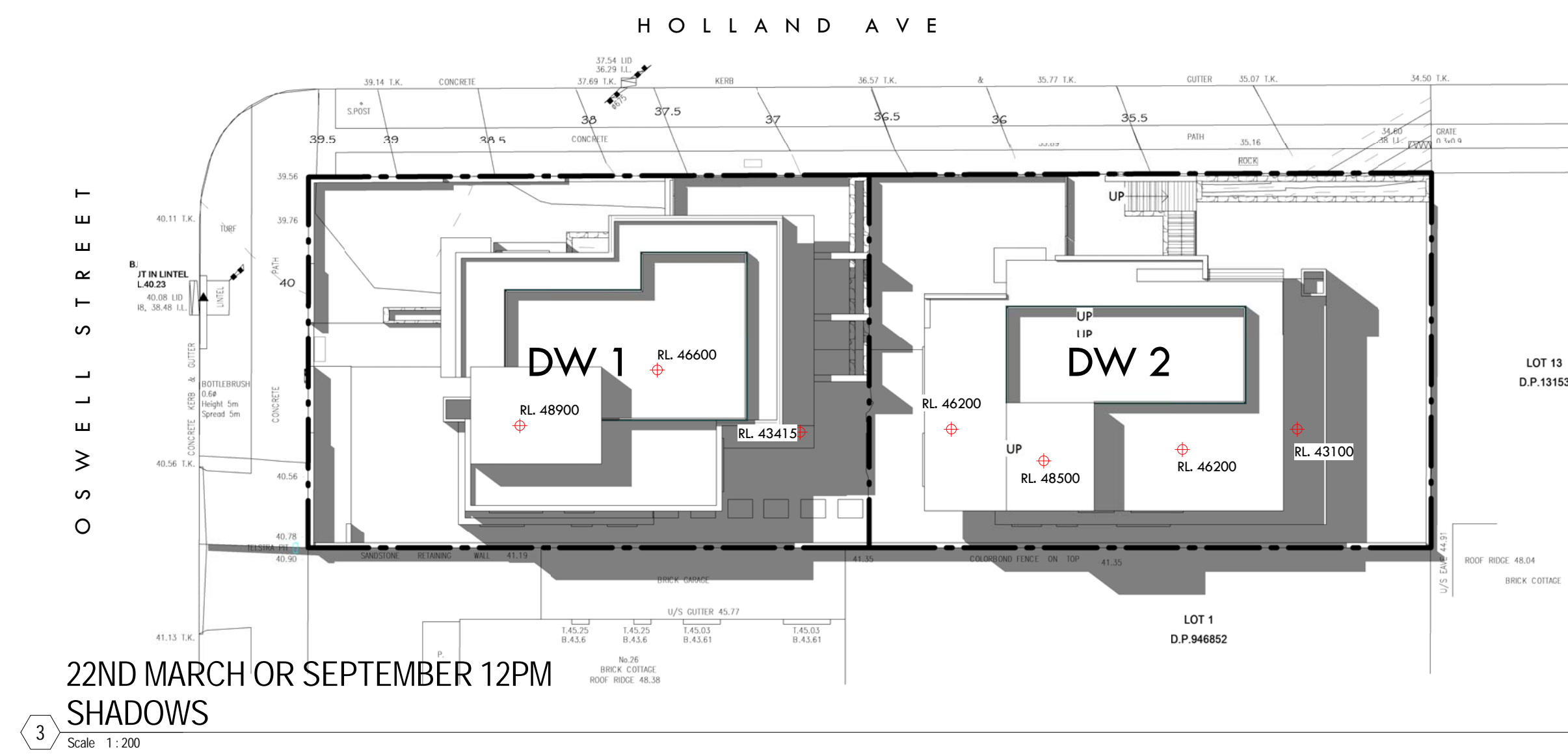
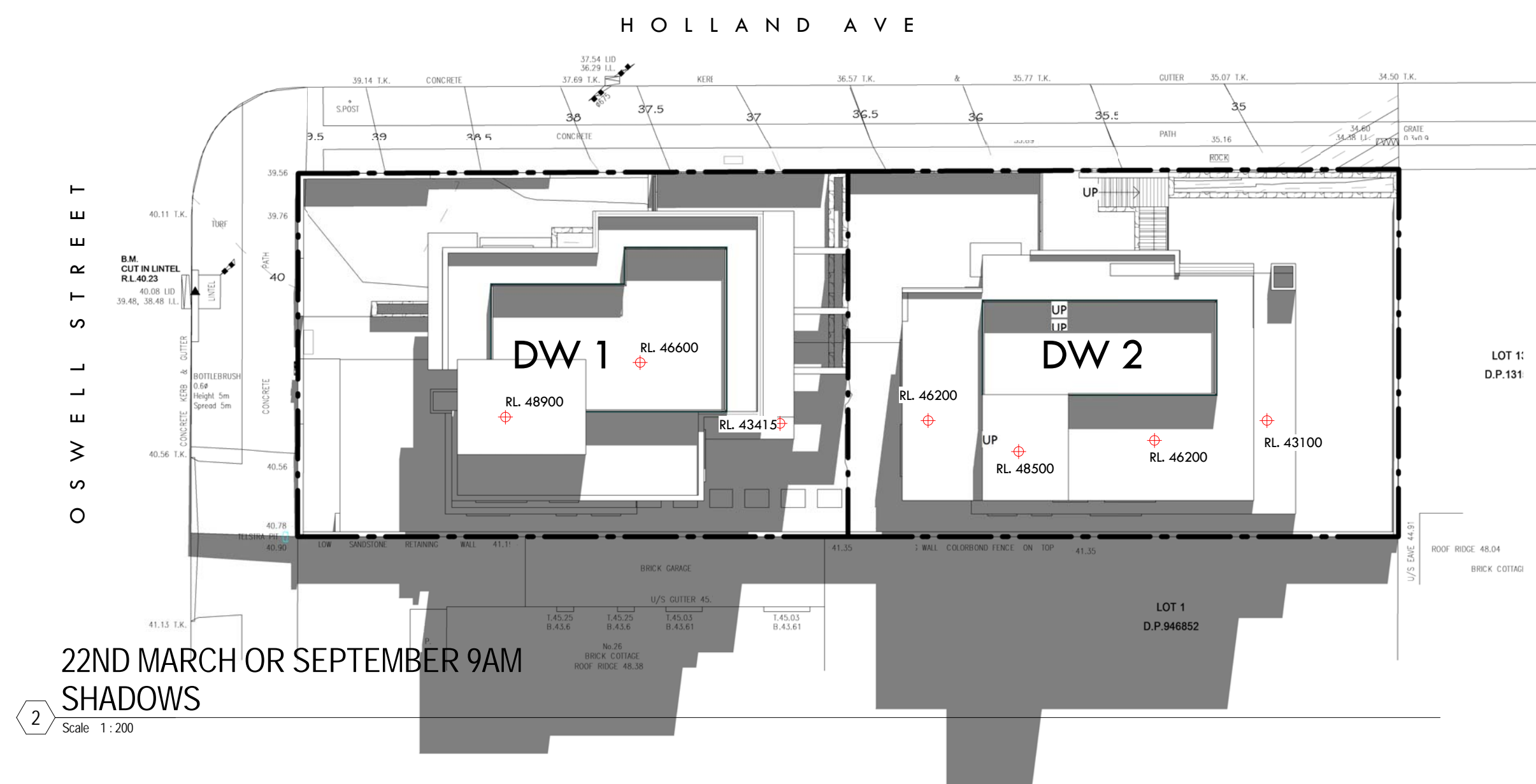
DESIGNER: Moe Hijazi
AUTHOR: Moe Hijazi

bda BUILDING DESIGNERS AUSTRALIA
FULL MEMBER No. 1729-14

title: DRAFT SUBDIVISION PLAN

Lot Number: 14 DP 13153

Job Number: JOUN11 Stage: DA Class Type: 1A
date: SEPT 16 scale @ A3: 1 : 200 drawing no: 0-04 rev: Page 47



Date	Rev
------	-----

Amendments

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions, report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618:1 and in any works executed from those documents and drawings shall remain the property of Space 0.618:1 or on creation vested in Space 0.618:1

SPACE

S3 STATION STREET,
ABCURVE NSW 2205
T: 0414 250615
E: moe@space061821.com

designer:
Moe Hijazi

POINT 0618:1

bda
BUILDING
DESIGNERS
AUSTRALIA

| title:

SOLSTICE SHADOWS

drawn: Author
approved: Approver

job no: JOUN11

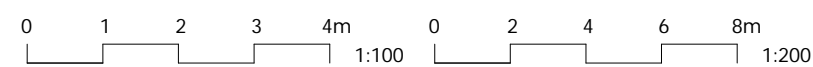
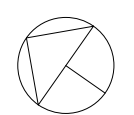
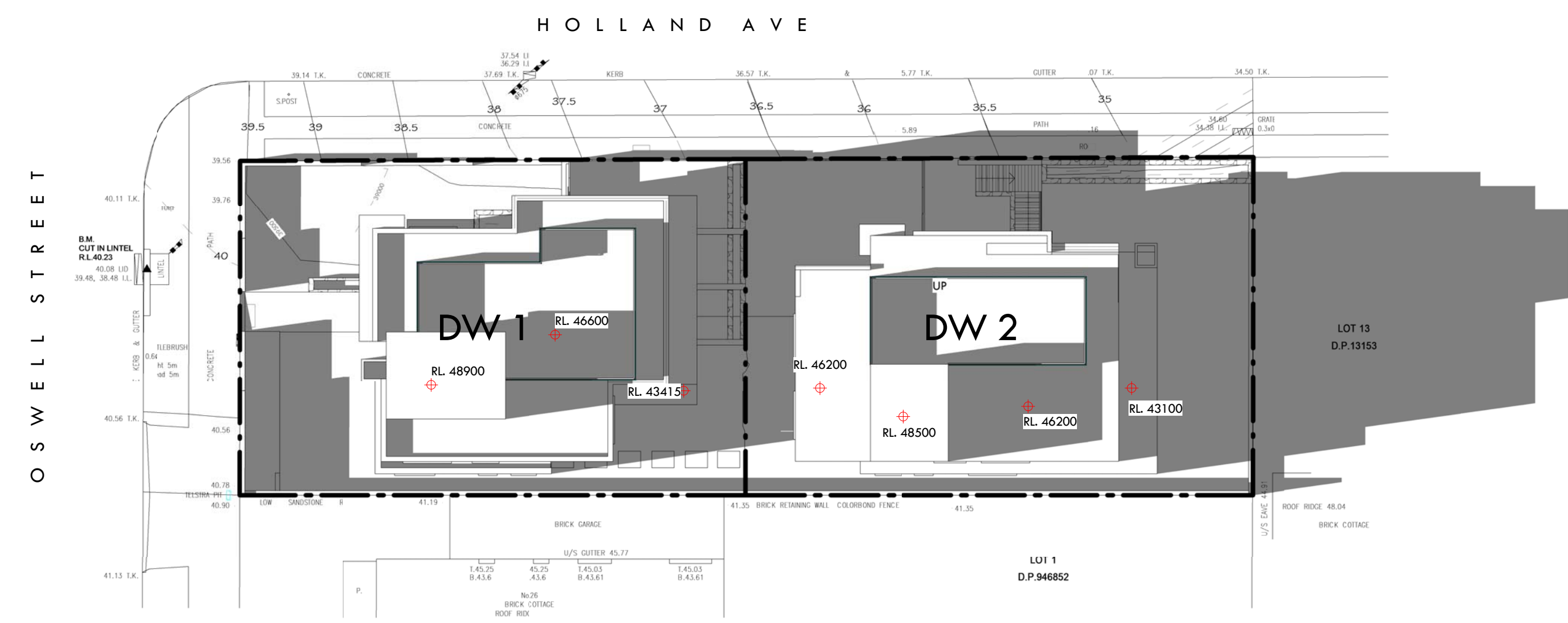
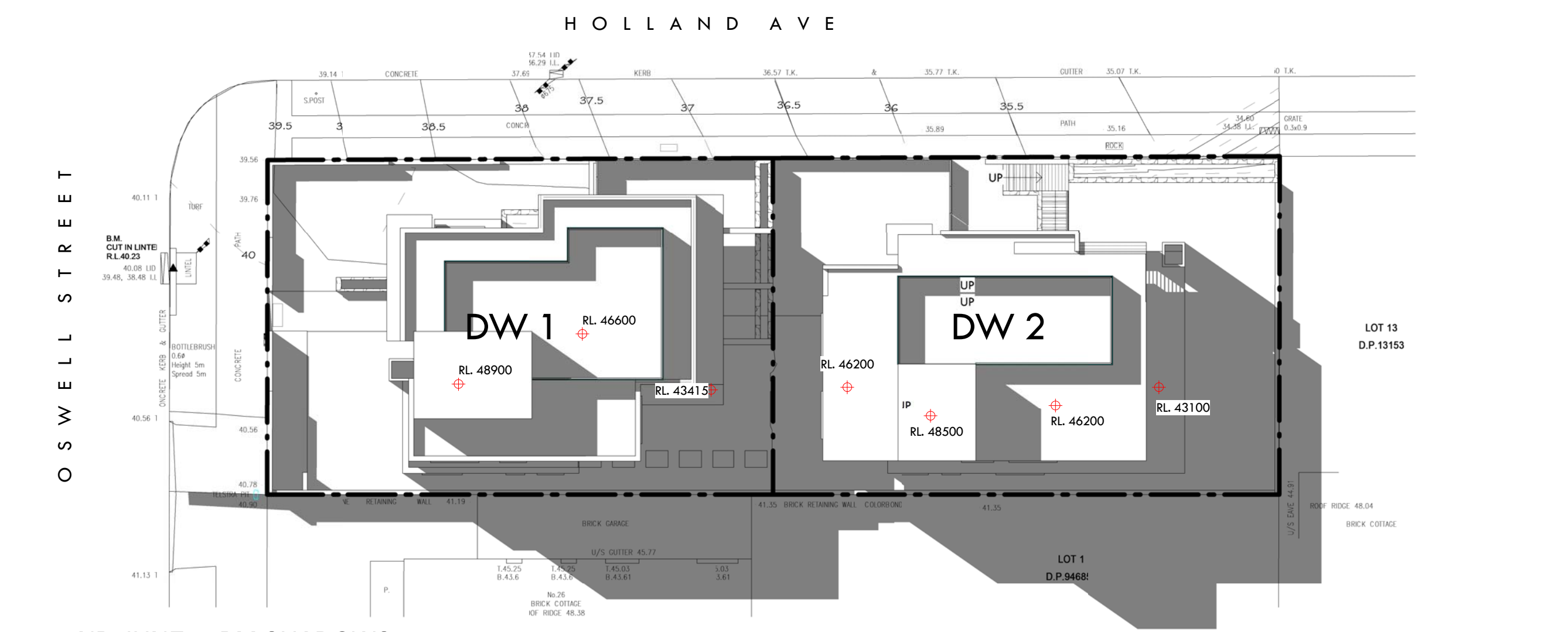
date: FEB 17

scale @ A11 : 200

lot no:14 DP 13153

drawing no: 3-05

Page 48:



Date	Rev
------	-----

Amendment

project:
24 OSWELL STREET, ROCKDALE

NOT FOR CONSTRUCTION - REV. B

Verify all dimensions on site before proceeding with construction. Do not scale off drawings. Work to written dimensions, report any discrepancies for resolution. All work to be carried out in accordance with relevant parts of the BCA and the Environmental Planning and Assessment Act and regulations under the Act.
© Copyright in all documents and drawings prepared by Space 0.618:1 and in any works executed from those documents and drawings shall remain the property of Space 0.618:1 or on creation vested in Space 0.618:1

SPACE

53 STATION STREET,
ARNCUFFE NSW 2205
T: 0414250615
E: now@space061821.com

Moer hijazi

0618:
POINT

bda BUILDING
DESIGNERS
AUSTRALIA
FULL MEMBER No. 1729-1

title:
WINTER
SHADOWS

drawn: Author
approved: Approver

job no: JOUNI1

lot no:14 DP 13153

date: FEB 17

drawing no: 3-04

scale @ A11 : 200

Page 45: