Bayside Council
Serving Our Community

Bayside Planning Panel 28/11/2017

Item No	6.3
Application Type	Residential Flat Building
Application Number	DA-2017/231
Lodgement Date	22 December 2016
Property	**10 Loftus Street, Turrella**
Owner	Betar Investments Pty Ltd and Verdun 523 Pty Ltd
Applicant	Verdun 523 Pty Ltd
Proposal	Integrated Development - Construction of an eight (8) storey residential flat building comprising 24 units and five (5) levels basement carparking and demolition of existing structures
No. of Submissions	Nil
Cost of Development	$8,199,574.00
Report by	Patrick White, Town Planner, Creative Planning Solutions Pty Ltd

Officer Recommendation

That the Development Application DA-2017/231 for the demolition of existing structures, and construction of an eight (8) storey residential flat building comprising 24 units, five (5) levels basement car parking at 10 Loftus Street, Turrella, be **REFUSED** pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979*. The reasons for refusal are detailed as follows:

Section 54(6) of the Environmental Planning and Assessment Regulation 2000	The applicant failed to provide Council with a response to the additional information letter recommending the application be withdrawn due to the number and severity of critical non-compliances with the applicable planning controls. These concerns were reiterated during a subsequent meeting with Council, to which no response has been received.
Section 164A(4)(a) of the Environmental Planning and Assessment Regulation 2000	The BASIX certificate does contain a description of the proposed development corresponding in all relevant respects with the description contained in the relevant application, and any relevant accompanying documents, namely in relation to car parking numbers and arrangements.
Section 79C(1)(a)(i)	The proposal is inconsistent with the provisions of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*, noting the advice provided by the Bayside Design Review Panel that was not addressed, and the failure to appropriately satisfy the nine (9) design quality principles and the design criteria of the Apartment Design Guidelines The proposal is inconsistent with the provisions of *State Environmental Planning Policy No 55 – Remediation of Land*, as there is reasonable evidence to suggest that the land may be contaminated.

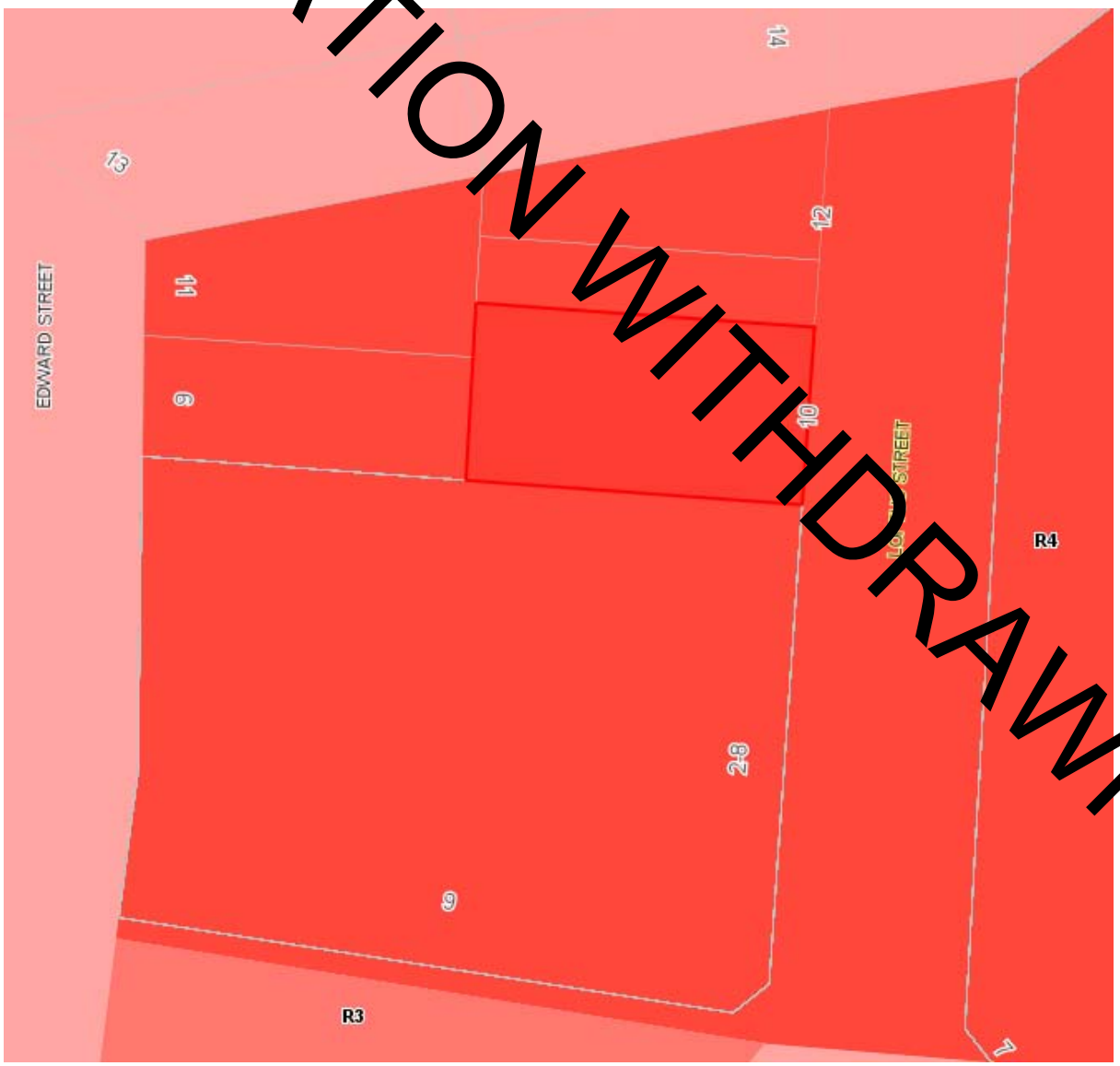
	The proposal is inconsistent with the objectives of the R4 High Density Residential zone under the *Rockdale Local Environmental Plan 2011*, The proposal is non-compliant with the and objectives development standards of the *Rockdale Local Environmental Plan 2011*, specifically clause 4.3 (Height of buildings) and clause 4.4 (Floor space ratio), The clause 4.6 written requests submitted in relation to building height and floor space ratio exceedances are not supported. The proposal is inconsistent with the provisions of the *Rockdale Local Environmental Plan 2011* clause 6.1 (Acid sulphate soils) as no acid sulphate soils management plan has been submitted.
Section 79C(1)(a)(iii)	The proposal is inconsistent with the provisions and objectives of the *Rockdale Development Control Plan 2011*, including: Part 4.1.3 (Water management) – no stormwater drawings submitted, Part 4.1.9 (Lot width and site consolidation) – development is to occur on a non-compliant allotment in terms of minimum width and will result in adjoining site isolation, Part 4.2 (Streetscape and site context) – proposal provides a poor transition to adjacent low density residential zoned land, Part 4.3.3 (Private Open Space) – non-compliant with minimum provision of the ADG as referred to under the RDCP2011, Part 4.3.2 (Communal open space) – non-compliant with minimum provision of the ADG as referred to under the RDCP2011, Part 4.4.2 (Solar access) – non-compliant with minimum provision of the ADG as referred to under the RDCP2011. Proposed non-compliant building height also results in excessive overshadowing of adjoining land. Part 4.6 (Car parking, access and movement) – minimum car parking requirements not achieved. This is non-compliant with minimum provision of the ADG as referred to under the RDCP2011, Part 5.2 (Residential flat buildings) – Minimum number of lifts not provided, and site coverage/building footprint controls exceeded. Part 7.2 (Bonar Street precincts) – proposal inconsistent with the special development area provisions of the RDCP2011 – namely in relation to bulk and scale of the development and also basement encroachment into the front setback.
Section 79C(1)(b)	The impact on the amenity to both residents within the development and on adjoining land is considered unsatisfactory, particularly when having regard to the deficient solar access, significant overshadowing, and deficient communal and private open space areas. The likely impact on the physical integrity of adjoining land due to the depth and proximity of excavation, and lack of certainty regarding the creation of potential of acid sulphate soils. The likely impact of the development on the character of the local area is unacceptable, particularly when having regard to

	the building's poor transition to nearby low density residential areas.
Section 79C(e) -	The proposal is not considered to be in the public interest as it does not satisfy the objectives of the applicable planning instruments, and is considered to have unacceptable impacts on the natural and built environment.

Attachments

1 Planning Assessment Report
2 Compliance Check
3 Site Analysis Plan
4 Perspective
5 Elevations
6 Clause 4.6 objections

Location Plan



BAYSIDE COUNCIL
Planning Assessment Report

Application Details

Application Number:	DA-2017/231
Date of Receipt:	22 December 2017
Property:	10 Loftus Street, TURRELLA NSW 2205
Owner:	Betar Investments Pty Ltd, Verdun 523 Pty Ltd
Applicant:	Verdun 523 Pty Ltd
Proposal:	Construction of an eight (8) storey residential flat building comprising 24 units, five (5) levels of basement car parking, and demolition of existing structures.
Recommendation:	Refusal
No. of Submissions:	None.
Author:	Patrick Waite – Creative Planning Solutions Pty Limited
Date of Report:	6 November 2017

Key Issues

- **Site dimension –** The subject site does not exhibit the minimum street frontage width required for the development of a residential flat building development. No evidence of attempts to amalgamate with an adjoining land parcel have been shown to Council. Higher density development types typically require greater lot sizes to achieve efficient use of the land and high quality environmental and public domain outcomes, as is sought by the *Rockdale Development Control Plan 2011*.

- **Site Isolation –** The proposed development will result in the adjoining site at 12 Loftus Street becoming isolated. The land at 12 Loftus Street also does not include the minimum required frontage width for the development of a residential flat building development. This adjoin land has no opportunity to amalgamate as it is constrained to the north by the adjoining low density zone which prohibits residential flat building developments.

- **Height exceedance –** The proposed height exceedance of 6.3m, or 35%, to the 18m height control is incongruous to the height of adjoining development to the south, and results in unnecessary visual impacts to the existing north adjoining low density residential developments.

- **Floor space ratio exceedance –** The proposed floor space ratio exceedance of 893.76m^2, or 83.7% to the 1.8:1 maximum floor space ratio is unreasonable, and results in an unnecessary intensification of the land.

- **State Environmental Planning Policy No 55 – Land Remediation (SEPP 55) –** The provisions of the SEPP 55 have not adequately been addressed. The subject site could potentially be contaminated, as the south adjoining property was previously found to be contaminated and required a remediation action plan to be prepared to ensure it was suitable for residential development.

- **Unacceptable impacts** – The proposal results in unacceptable impacts on adjoining neighbours, the habitability and amenity of the future occupants of the proposed development, and the envisaged character of the local area. The proposal will result in an unnecessary intensification of land use, unreasonable overshadowing, deficient solar access, discordant building height and resulting poor transition to adjacent low density residential areas. The unacceptable impacts are embodied in the proposal's non-compliances with controls and objectives of the applicable planning standards and plans.

Recommendation

The Development Application DA-2017/231 for the demolition of existing structures, and construction of an eight (8) storey residential flat building comprising 24 units, five (5) levels basement car parking at 10 Loftus Street Kurrella, be **REFUSED** pursuant to Section 80(1) of the *Environmental Planning and Assessment Act 1979*. The reasons for refusal are detailed as follows:

Section 54(6) of the Environmental Planning and Assessment Regulation 2000	The applicant failed to provide Council with a response to the additional information letter recommending the application be withdrawn due to the number and severity of critical non-compliances with the applicable planning controls. These concerns were reiterated during a subsequent meeting with Council, to which no response has been received.
Section 164A(4)(a) of the Environmental Planning and Assessment Regulation 2000	The BASIX certificate does contain a description of the proposed development corresponding in all relevant respects with the description contained in the relevant application, and any relevant accompanying documents, namely in relation to car parking numbers and arrangements.
Section 79C(1)(a)(i)	The proposal is inconsistent with the provisions of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*, noting the advice provided by the Bayside Design Review Panel that was not addressed, and the failure to appropriately satisfy the nine (9) design quality principles and the design criteria of the Apartment Design Guidelines The proposal is inconsistent with the provisions of *State Environmental Planning Policy No 55 – Remediation of Land*, as there is reasonable evidence to suggest that the land may be contaminated. The proposal is inconsistent with the objectives of the R4 High

Density Residential zone under the *Rockdale Local Environmental Plan 2011*,

The proposal is non-compliant with the and objectives development standards of the *Rockdale Local Environmental Plan 2011*, specifically clause 4.3 (Height of buildings) and clause 4.4 (Floor space ratio), The clause 4.6 written requests submitted in relation to building height and floor space ratio exceedances are not supported.

The proposal is inconsistent with the provisions of the *Rockdale Local Environmental Plan 2011* clause 6.1 (Acid sulphate soils) as no acid sulphate soils management plan has been submitted.

Section 79C(1)(a)(iii)

The proposal is inconsistent with the provisions and objectives of the *Rockdale Development Control Plan 2011*, including:

Part 4.1.3 (Water management) – no stormwater drawings submitted,

Part 4.1.9 (Lot width and site consolidation) – development is to occur on a non-compliant allotment in terms of minimum width, and will result in adjoining site isolation,

Part 4.2 (Streetscape and site context) – proposal provides a poor transition to adjacent low density residential zoned land,

Part 4.3.2 (Private Open Space) – non-compliant with minimum provision of the ADG as referred to under the RDCP2011,

Part 4.3.2 (Communal open space) – non-compliant with minimum provision of the ADG as referred to under the RDCP2011,

Part 4.4.2 (Solar access) – non-compliant with minimum provision of the ADG as referred to under the RDCP2011. Proposed non-compliant building height also results in excessive overshadowing of adjoining land.

Part 4.6 (Car parking, access and movement) – minimum car parking requirements not achieved. This is non-compliant with minimum provision of the ADG as referred to under the RDCP2011,

Part 5.2 (Residential flat buildings) – Minimum number of lifts not provided, and site coverage/building footprint controls exceeded.

Part 7.2 (Bonar Street precincts) – proposal inconsistent with the special development area provisions of the RDCP2011 – namely in relation to bulk and scale of the development and also basement encroachment into the front setback.

Section 79C(1)(b)

The impact on the amenity to both residents within the development and on adjoining land is considered unsatisfactory, particularly when having regard to the deficient solar access, significant overshadowing, and deficient communal and private open space areas.

The likely impact on the physical integrity of adjoining land due

to the depth and proximity of excavation, and lack of certainty regarding the creation of potential of acid sulphate soils.

The likely impact of the development on the character of the local area is unacceptable, particularly when having regard to the building's poor transition to nearby low density residential areas.

Section 79C(e) - The proposal is not considered to be in the public interest as it does not satisfy the objectives of the applicable planning instruments, and is considered to have unacceptable impacts on the natural and built environment.

Background

History

The known development history of the 10 Loftus Street, Turrella (subject site), is summarised as follows:

- On 24 May 2016, a Pre-Development Application (pre-DA) meeting was held at Council offices, to discuss a proposal for an eight (8) storey residential flat building comprising 28 residential units, basement parking, and demolition of existing structures on 10 Loftus Street, Turrella.

- On 1 June 2017, a formal pre-DA letter was sent to the applicant, advising the following issues to be addressed prior to the lodgement of a DA:

    1) Subject site's non-compliance with the minimum 24m frontage requirement for residential flat building development.
    2) The applicable planning principles of the Land and Environment Court (i.e. isolation of site by redevelopment of adjacent sites, small and narrow sites, development at zone interface) must be followed and if amalgamation is not achieved, relevant documentation is to be provided to Council at DA stage addressing the principles of the Court.
    3) Breach of Height and FSR controls is not supported.
    4) The additional FSR proposed is excessive and difficult to support in context of recent case law on clause 4.6 submissions (Four2five Pty Ltd v Ashfield Council [2015] NEWSLEC 9).
    5) Design of the building is to be articulated, thus avoiding relying on green walls to achieve visual interest.
    6) Three-bedroom units are to be provided in accordance with LDCP2011.
    7) Deep soil to be provided at the rear of the site.
    8) Ground floor level is to match the flood level (given by Council in Flood Advice letter dated 12/05/2016).
    9) Communal open space is to comply with the Apartment Design Guide and section 4.3.3 of the RDCP2011 with regards to size, solar access and general amenity.
    10) Hydrant booster should be located within the building footprint to minimise its visual impacts on the public domain and the presentation of the building.
    11) Deficiency of car parking will not be supported.

12) Car wash facility to be incorporated within a visitor space.
13) Loading Bay facilities to be designed to accommodate SRV for furniture removal.
14) Disabled parking dimensions to be in accordance with AS 2890.6.
15) A Traffic Impact Assessment report is required to be submitted with the DA.
16) Design gradients of the driveway and ramps shall be in accordance with the DCP and the Rockdale Technical Specifications.
17) Front fences greater than 1.2m shall be setback at least 0.9m at the location of the driveway gate.
18) The height of the security gate (if proposed at the ramp entry) should permit the passing of a medium rigid delivery vehicle to access the site for delivery purposes.
19) Council's Waste Education Supervisor should be contacted to ensure the scale and position of the waste storage areas and means for collection meet Council's requirements.
20) Concept stormwater drainage design plans, that incorporate water sensitive urban design principles, are to be submitted with the DA.
21) Low level basement car park and lift access shall be protected from flooding.
22) A geotechnical investigation report will need to be submitted with the DA.

- On 22 December 2016, the subject DA (DA-2017/231) was lodged with Council.

- On 17 January 2017, the DA was notified to adjoining land owners in accordance with the RCP2011. The notification period concluded on 9 February 2017.

- On 20 February 2017, the DA was publically notified in the local newspaper and on Council's website.

- On 9 March 2017, the DA was considered by the Bayside Design Review Panel.

- On 8 June 2017, a letter recommending the DA be withdrawn was sent to the applicant. The letter outlined the following non-compliances and concerns with the proposal:

    1) ***Site dimension and amalgamation*** – Subject site does not meet the minimum site frontage required for a residential flat building by the RDCP2011. No evidence had been submitted demonstrating that reasonable attempts had been made to acquire an adjoining site or part of an adjoining site in accordance with the 'Karavelles test' as set out in Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at 17-19
    2) ***Site isolation*** – The proposal would result in the north adjoining site becoming isolated, as this site similarly does not meet the minimum site frontage requirements for a residential flat building and is adjoined by low density zoned land on the remaining boundaries.
    3) ***Height exceedance*** – Proposal exceeds the maximum height development standard by 6.3m, or 35%.
    4) ***Floor space ratio exceedance*** – Proposal exceeds the maximum floor space ratio development standard by 893.76m^2, or 83%.
    5) ***Impact of excavation and potential presence of acid sulfate soils not adequately considered within the design of the proposal*** – The proposal has not adequately addressed clause 6.1 (acid sulfate soils) of the RLEP2011, or the section of the RDCP2011 concerning development on sloping sites.
    6) ***Streetscape & Site Context*** – The proposal is of a greater scale than what is envisaged by the block pattern of the Bonar precinct (refer to Section 7 of the

RDCP2011). Proposal provides for a discordant height, and does not support the prescribed height transition to the lower density developments located to the east and north of the site.

7) ***Site Coverage*** – Proposal exceeds the site coverage development controls of the RDCP2011 by 22%, therefore reducing opportunities for landscaping and deep soil zones.

8) ***Communal open space*** – The proposal provides for deficient communal open space (19.5%) when considering the requirements of the Apartment Design Guidelines (25%).

9) ***Private open space*** – The two-bedroom apartments provide for deficient private open space ($9m^2$) when considering the requirements of the Apartment Design Guidelines ($10m^2$).

10) ***Car parking*** – The proposal provides for a shortfall of three (3) parking spaces, when considered against the RTA Guide for Traffic Generating Developments.

11) ***Traffic*** – The submitted traffic report was considered be inaccurate as it submits that the proposed 24 unit apartment building will result in a reduced traffic impact when compared to the existing industrial building.

12) ***Solar access*** – The proposal provides for non-compliant levels of solar access – i.e. less than the 70% of dwelling required by the ADG. The submitted Statement of Environmental Effects suggests that 62.5% of units will receive required solar access (no solar modeling has been provided to verify this statement).

13) ***Overshadowing*** – The design of the proposed development, with consideration of the proposed height exceedance, will not minimise the extent of shadow cast on adjoining property, as required by the RDCP2011.

14) ***Acoustic Privacy*** – No acoustic report has been submitted. The RDCP2011 requires that an acoustic report be submitted demonstrating acoustical star rating of 5 can be achieved between the floors of the development.

15) ***Storage*** - The submitted architectural plans do not delineate any storage areas on the floor plans. Concerns are raised regarding whether the apartments can accommodate the required storage areas that are also well designed and accessible from living areas

16) ***Water management*** - No concept stormwater management plan or water quality treatment statement or report accompanies the DA.

17) ***SEPP 65*** – The comments of the Design Review Panel have not been taking into appropriate consideration. Many of the issues discussed by the Panel are the result of the abovementioned non-compliances with the applicable development standards and controls.

18) ***Discrepancies with Basix certificate*** - BASIX certificate is not considered to accurately reflect the design and details of the proposed development, as inconsistent basement car parking spaces are provided.

19) ***Bonar Street Precinct*** – Due to the building location and reduced front setback, the proposal does not accord with the objectives of the Bonar Street Precinct, in which the subject site is located under the RDCP2011.

- On 21 July 2017, a meeting was held at Council's offices between the applicant, the applicants engineer, Council's Development Assessment Coordinator and Council's Consultant Planner to discuss the content of the letter sent to the applicant on 8 June 2017. After discussions, the applicant advised the proposal will be amended to satisfy the concerns detailed within the letter, particularly acknowledging height compliance.

- To date, no additional information has been lodged by the applicant. In this regard, the

proposal is determined on the information submitted with the lodgement of the DA.

Proposal

Council is in receipt of DA-2017/231 at 10 Loftus Street, Turrella NSW 2205, which seeks consent for the demolition of existing structures, and construction of an eight (8) storey residential flat building comprising of 24 units, and five (5) levels of basement car parking.

In detail, the proposal includes the following:

- ***Basement (FFL 3.6 – 9.6)*:**

  Five (5) levels of basement, designed in a stepped down fashion utilising five (5) short ramps. The basement contains a total of 23 car parking spaces (two (2) of which are disabled spaces), a lift, and fire stairs.

- ***Ground Floor Level (FFL 12.00 – 12.60):***

  The ground floor level contains:
  - 1 x two-bedroom unit with ground floor POS fronting to the street as separated by landscaping,
  - 1 x one-bedroom unit with ground floor POS located at the rear,
  - enclosed bicycle parking area for 5 bicycles,
  - waste room,
  - bulky goods room,
  - Hydrant and building meter located in front of the main entrance in enclosed cabinets,
  - one (1) lift,
  - staircase to the basement and a separate staircase to upper levels, and
  - communal open space with landscaping to the rear.

- ***Level 1 (FFL 15.6), Level 2 (FFL 18.6), Level 3 (FFL 21.6), Level 4 (FFL 24.6), and Level 5 (FFL 27.6):***

  Levels 1-5 each contain:
  - 2 x two-bedroom units overlooking the street,
  - 2 x one-bedroom units to the rear of the building,

- ***Level 6 (FFL 30.6):***

  The level 6 floor contains 2 x three-bedroom cross flow units.

- ***Level 7 (FFL 33.65):***

  The level 7 floor contains 2 x two-bedroom cross flow units.

Refer to ***Figure 1*** for a street elevation diagram of the proposed development.

Figure 1 - Front elevation diagram of the proposed development
Source: Elevation East, prepared by ess Lifestyle

Site location and Context

The subject site is located at 10 Loftus Street, Turrella, and is formally known as Lot 1 DP 928004. The site is a regular shaped allotment with a width of 17.1m, a depth 33.53m, and a site area of 592.8m^2 (Survey). The site is located on the eastern side of Loftus Street.

A double storey brick warehouse, that is built up to the rear and side boundaries, occupies the site. Apart from a single palm tree located in the front setback, the site is devoid of vegetation.

Refer to ***Figure 2*** and ***3*** for an aerial image and street view image of the subject site.

Figure 2 – Aerial image of 10 Loftus Street, Turrella, as highlighted in yellow.
Source: maps.six.gov.au

Figure 3 – Street view image of the existing industrial building on 10 Loftus Street, Turrella.
Source: maps.google.com.au.

Adjoining the site to the north, at 12 Loftus Street, is a vacant industrial property that contains building materials and shipping containers.

Adjoining to the west, at 9 and 11 Edwards Street, two properties that are each occupied by a two-storey industrial building that is built to the rear and side boundaries.

The site adjoining to the south, at 2-8 Loftus Street, currently includes the construction of a part five (5) and part six (6) storey residential flat building containing a total of 78 units, as approved under DA-2014/346.

Directly across Loftus Street is a large residential development known as Fusion Meriton Apartments, and is comprised of four (4) residential flat buildings that range from five (5) to seven (7) storeys in height, as approved under DA-2009/307.

Refer to ***Figure 4*** for an aerial image illustrating the adjoining properties.

Figure 4 - Aerial image of the local area with subject site outlined in red
Source: maps.six.gov.au, as adapted by CPS

The local area is zoned for residential purposes, with the remaining industrial properties undergoing a land use transition to high density residential purposes, as seen at 12-40 Bonar Street, and 2-8 Loftus Street. Refer to ***Figure 5*** for the zoning map extract of the local area.

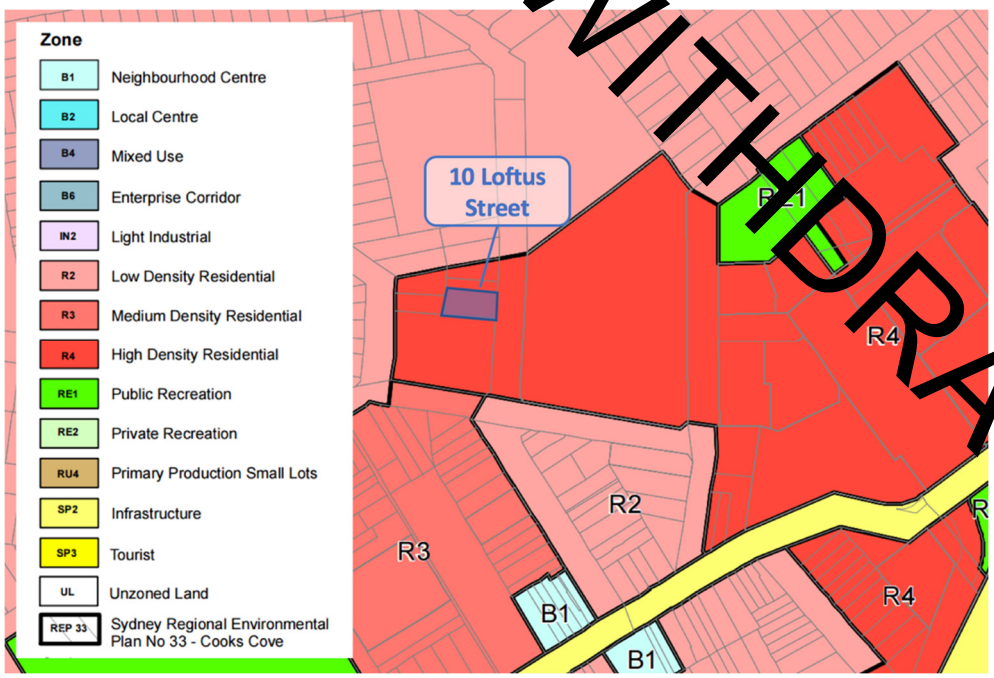


Figure 5 - Land Use Map of the local area, with subject site outlined in blue.
Source: Rockdale Local Environmental Plan 2011

In terms of regional context, the site is located at the western end of the Bonar Precinct under Council's RDCP2011, and is located approximately 500m south-east from Turrella train

station, and 460 north-west from Arncliffe train station.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

S.91A Development that is integrated development

The proposal is integrated development pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* because the proposal is deemed to be an aquifer interference activity.

A request for response in relation to the DA was issued to WaterNSW by Council. WaterNSW has subsequently responded on 24 February 2017 with their General Terms of Approval.

Should the application have been recommended for approval, these General Terms of Approval would have been included within a draft consent. However, as the recommendation for the subject DA is refusal, these General Terms of Approval will not be utilised.

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.

Pursuant to Regulation 164A(4)(a) of the *Environmental Planning and Assessment Regulation 2000*, a BASIX certificate must contain a description of the proposed development, corresponding in all relevant respects with the description contained in the relevant application, and any relevant accompanying documents,

BASIX Certificate 775488M submitted with the DA outlines 15 car spaces are proposed, and that no mechanical ventilation is provided to the basement levels despite natural ventilation not being possible.

In this regard, the submitted BASIX certificate is not considered to accurately reflect the design and details of the proposed development (as outlined earlier in this report), and therefore the provisions of the BASIX SEPP and Regulation 164A(4)(a) have not been satisfied.

State Environmental Planning Policy No 55 – Remediation of Land

In accordance with clause 7 of 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.

The land use history of the subject site is not well known. No development applications have been lodged with Council for at least the last 13 years. In this regard, there is no certainty that the existing warehouse building that occupies the subject site, or previous industrial uses have not contaminated the site.

It is noted that the environmental site assessment, submitted with DA-2014/346 for the adjoining site at 2-8 Loftus Street, found the land at 2-8 Loftus Street to be contaminated and recommended that a remediation action plan be prepared to ensure the site was made suitable for the residential development proceed.

As no environmental site assessment has not been submitted with the subject DA, and there is no certainty that the land is not contaminated and/or suitable for the residential purposes.

In this regard, the proposal cannot be supported as the subject site may not be suitable in its current state for residential purposes.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

SEPP 65 requires Council to consider the design quality of residential flat buildings that are three (3) or more storeys in height and contain four (4) or more dwellings. In accordance with SEPP 65, before determining any development application subject to SEPP 65, the consent authority must consider the following:

(a) the advice (if any) obtained from the design review panel,
(b) the design quality of the development when evaluated in accordance with the design quality principles, and
(c) the Apartment Design Guide.

Advice from Design Review Panel

The proposed development was reviewed by the Bayside Design Review Panel at a meeting at Council's offices on 9 March 2017. With reference to the design quality principles of SEPP 65, the Bayside Design Review Panel provided the following comments:

- ***Principle 1: Context and Neighbourhood Character***

  Loftus Street is an area undergoing a transition from industrial to high density residential. The new built form adjacent to and opposite the site establishes the desired future character. There is a heritage item to the north.

  There is an important role for this site in achieving a transition to the R2 zone and heritage item, particularly considering the 12 metre height control at its north-west corner which will substantially constrain the height of any future building to its north. The Panel does not support the building's height despite its high level of design quality given in this transition context.

- ***Principle 2: Built Form and Scale***

  The Panel considers that the building should achieve compliance with the height and FSR control whilst maintaining its high design quality.

- ***Principle 3: Density***

The Panel considers that the building should achieve compliance with the height and FSR control whilst maintaining its high design quality.

- ***Principle 4: Sustainability***

  The Panel notes that the design currently relies on solar access outside 9am to 3 pm to achieve 2 hours mid-winter sun. Improving solar access should be considered in any redesign. The Panel would encourage the use of solar power, rainwater harvesting and other sustainability initiatives above those requirement by BASIX.

- ***Principle 5: Landscape***

  The Panel is generally supportive and considers the landscape proposal to demonstrate design excellence.

- ***Principle 6: Amenity***

  The Panel considers that the proposal generally provides good amenity subject to the following:
  - Bicycle storage is accessed through a long corridor with 2 doors and stairs. This should be redesigned to provide a more direct access, ideally through the car park.
  - The location of the hydrant booster and meters at the pedestrian entrance is not supported – these should be relocated.
  - The main entrance should be reconfigured to not require stairs between the front door and the lift.
  - The tracking of garbage bins through the front door and main lobby is not ideal.
  - No storage facilities for apartments appear to have been provided.

- ***Principle 7: Safety***

  The safety and security of Unit G02 front private open space is not clear.

- ***Principle 8: Housing Diversity and Social Interaction***

  The Panel generally supports the proposal.

- ***Principle 9: Aesthetics***

  The Panel supports the aesthetics of the design and considers it to exhibit design excellence. In particular, the Panel supports the use of materials, solid and open balustrades, and use of double height scaled elements on the Loftus Street frontage.

- ***Panel Recommendation***

  The Panel recommends that the above changes be made and be referred to Council for further consideration.

The recommendations made by the Bayside Design Review Panel are considered reasonable. The applicant has been provided ample time to consider and respond to the Panel's recommendations.

With regard to the Apartment Design Guide (ADG), reference is made to the comprehensive compliance checklist accompanying this report, however for ease of reference, the following is a summary of the non-compliances with the provisions of the ADG:

- ***Section 3A Site analysis*** - opportunity to amalgamate sites has not been pursued, and as such will result in site isolation and a proposal on an allotment with a non-compliant width.

- ***Section 3B Orientation*** - overshadowing to south adjoining property is unnecessarily exacerbated because of the proposal's height exceedance.

- ***Section 3D Communal and Public Open Space*** – Provided communal open space 114.28m^2 (19.44%), required COS – 147m^2 (25% of 588m^2).

- ***Section 3J Bicycle and car parking*** - Proposal requires a total of 26 car spaces, proposal provides for 23 car spaces.

- ***Section 4A Solar and daylight access*** – SEE states that 62.5% of units will receive requires solar access. No solar modelling has been provided. Requires 70% of units. While the adjoining blank wall is noted, this alone is not however not adequate reasoning. The proposal does not adequately demonstrate that daylight it maximised.

- ***Section 4G Storage*** – Storage areas are not delineated on the floor plans. Storage areas must be in addition to storage areas in kitchens, bathrooms and bedrooms

- ***Section 4H Acoustic Privacy*** – It is noted that several bedrooms adjoin the lift core on levels 1, 2, 3, and 4. Acoustic report must be provided in accordance with Council's DCP and address that the layout will result in suitable acoustic privacy.

- ***Section 4V Water management and conservation*** – Information pertaining to stormwater and WSUD features are not available as no stormwater concept plan or water management plans have been provided. Urban stormwater is treated on site before being discharged to receiving waters.

- ***Section 4W Waste management*** – Waste management plan has not been submitted.

Having regard to the comments made above from the Panel, along with the proposal's poor performance against the design quality principles and ADG provisions, it is considered the proposal fails to demonstrate that the objectives and provisions of SEPP 65 have been achieved. For this reasons the proposal cannot be supported.

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 R4 High Density Residential	No	No – see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.3 Height of buildings	No	No – see discussion
4.4 Floor space ratio	No	No – see discussion
4.6 Exceptions to development standards	No	No – see discussion within responses to building height and floor space ratio non-compliances.
5.9 Preservation of trees or vegetation	Yes	Yes – no significant vegetation removal proposed.
5.10 Heritage conservation	Yes	Yes – see discussion
6.1 Acid Sulphate Soil - Class 5	No	No – see discussion
6.4 Airspace operations	Yes	Yes – see discussion
6.7 Stormwater	No	No – see discussion
6.12 Essential services	Yes	Yes – see discussion

2.3 Zone R4 High Density Residential

The proposal seeks consent for the construction of a residential flat building, which is permissible with consent in the R4 zone.

The objectives of the R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development seeks to vary a vast range of development standards and controls, for which the purpose of these controls is to ensure a reasonable level of amenity is be achieved within the high density residential environment.

Accordingly, the proposal is not considered to have satisfied a key objective for the R4 zone, being the provision of housing with a level of amenity that can reasonably expected for the community within the high density environment.

4.3 Height of buildings

The RELP2011 restricts the maximum height of buildings on the subject site to 18m.

The proposal provides for a maximum height of 24.3m, measure at the lift overrun (RL 37.3) and corresponding existing ground level (RL 13). This equates to a maximum height exceedance of 6.3m, or 35%.

The DA was accompanied by a written request, pursuant to clause 4.6 of the RLEP 2011, to vary the maximum height of building development standard. The proposed height exceedance and written request is not supported for the following reasons:

- The proposal does not achieve the objectives of the standard;
- The maximum building height standard ensures an appropriate height transition is provided from the higher density developments towards the east of the subject site, to the low-density developments towards the west and north of the subject site. The proposed height does not support creation of an appropriate transition in built form and land use intensity (refer to ***Figure 6***);
- The height exceedance will result in exacerbated overshadowing to the southern adjoining property at 2-8 Loftus Street. In particular, no solar modelling has been submitted demonstrating the difference in overshadowing between a complying scheme on the subject site and the proposed development;
- The height exceedance will result in additional land use intensity beyond that which is otherwise envisaged via Council's planning controls;
- The height exceedance will result in adverse impacts to the level of amenity of adjoining low density residential developments; and
- Height exceedance has implications, such as solar access to internal communal and private open space areas.

For the building height exceedance alone, and the non-support of the submitted clause 4.6 written request, the development cannot be approved.

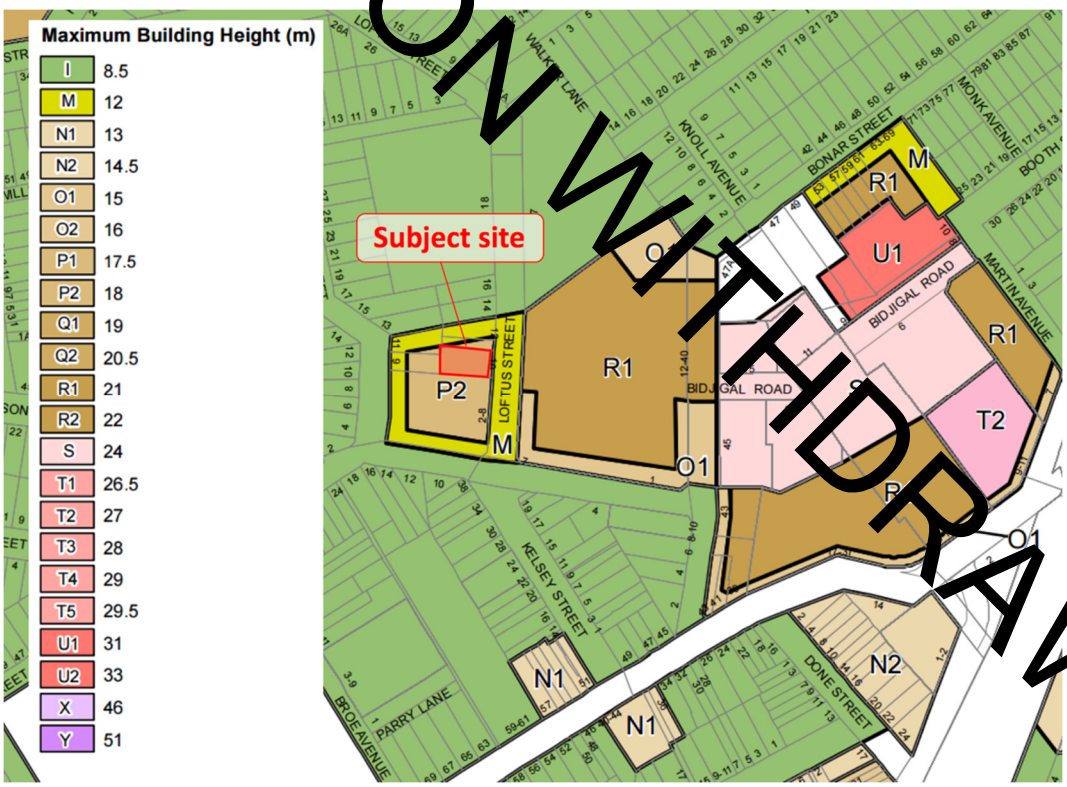


Figure 6 - Extract of the maximum height of building RELP2011 map, illustrating height transition from the subject site (P2) to adjoining sites (M) to the low density areas (I)

Source: legislation.nsw.gov.au, as adapted by CPS

4.4 Floor space ratio - Residential zones

The RELP2011 outlines that a floor space ratio (FSR) of 1.8:1 applies to the subject site.

In accordance with the submitted Statement of Environmental Effects, prepared by ABC Planning, the proposal development exhibits an FSR of 3.27:1, which equates to a gross floor area exceedance of 893.76m^2, or a variation of 83.7%.,

The DA was accompanied by a written request, pursuant to clause 4.6 of the RLEP 2011, to vary the FSR development standard. The proposed FSR exceedance and written request is not supported for the following reasons:

- The proposal does not achieve the objectives of the FSR development standard;
- An appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation has not been achieved;
- The additional floor space proposed will result in additional environmental impacts in the form of traffic generation, noise generation, and demand for services and facilities, which will unreasonably impact on the use or enjoyment of the same adjoining properties;
- The FSR exceedance will result in an additional land use intensity increase that is not anticipated for expected within the planning controls that apply to the site; and
- FSR exceedance contributes to other non-compliances, such as site coverage, deep soil area, and communal open space area.

Again, for the floor space ratio exceedance alone, and the non-support of the submitted clause 4.6 written request, the development cannot be approved.

5.10 Heritage Conservation

The following comments have been provided by Council's Heritage Officer:

> *The proposed development is located in the vicinity of heritage item listed on Schedule 5 of the Rockdale Local Environmental Plan 2011 as Cairnsfoot Special School, 18 Loftus Street, Turella Item No. I233 State significance. Cairnsfoot is also listed on the NSW State Heritage Register. The proposed development is located to the south of the heritage item at 10 Loftus Street. The heritage item has a large group of demountable buildings located on the south side of its lot which currently obscure any views to the heritage item from the south. The Cairnsfoot historic house is situated with a large set back from Loftus Street and is set within a significant landscape of mature trees.*
>
> *Conclusion:*
>
> *Together the setting of Cairnsfoot, the separation by lots 12 and 14 Loftus Street and the existing buildings at Cairnsfoot which obscure views from the south, will ensure the proposed development at 10 Loftus Street will have no heritage impact.*
>
> *Supported. No conditions.*

On the basis of Council's Heritage Officer Comments above, the provisions of Clause 5.10 of the RLEP2011 are considered to be satisfied.

6.1 Acid Sulfate Soils

The subject site is identified as containing class 5 acid sulfate soils, and is within 500m of class 3 land. Furthermore, the works associated with the proposed basement garage are below 5m AHD. Accordingly, an acid sulfate soils management plan needs to be prepared for the proposed works and submitted to Council.

The environmental site assessment report submitted in support of DA-2014/346, for the south adjoining development at 2-8 Loftus Street, identified that at a depth of 8m below ground level, there is a potential that acid sulphated sols will be generated by the proposed works. Accordingly, an acid sulphate soils management plan was required to be prepared for this development.

The proposed development on the subject site requires excavation depths of 8m, and was not accompanied by an acid sulphate soils management plan. In this regard, the provisions of clause 6.1 have not been satisfied.

6.1 Airspace operations

This clause of the RLEP2011 prescribes that the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application if the proposed development will penetrate the Limitation or Operations Surface.

In this regard, an application for approval pursuant to s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996 was made to Sydney Airport.

In their response dated 23 March 2017, no objection to the erection of the proposed development was made – subject to the maximum height of 38.0 metres AHD.

6.7 Stormwater

This clause requires Council to consider whether the development:

(b) will include, where practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
(c) will avoid, or if a disturbance or impact cannot be avoided, will minimise and mitigate, any disturbance or impact of stormwater runoff on:
    (i) properties adjoining the land on which the development is proposed to be carried out, and
    (ii) native bushland, and
    (iii) receiving waters.

As no concept stormwater management plans have been submitted, Council cannot be certain that the future stormwater management on the subject site is suitable or adequate.

6.12 Essential services

The clause essentially provides that Council must not issue consent to a development unless it is satisfied the development will have adequate access to essential services.

It is also noted that clause 45(2) of *State Environmental Planning Policy (Infrastructure) 2007* outlines that before determining a DA the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

Having regard to the above, Council referred the subject DA to Ausgrid, who in their response dated 6 March 2017 consented to the DA subject to recommended conditions of consent.

Should the DA have been recommended for approval, these conditions would have formed part of the draft consent. However given the subject DA is recommended for refusal, the Ausgrid conditions are simply noted.

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.

S.79C(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 detailed compliance table for the proposed development is provided as an attachment to this report, with a summary included below. Following the below table are detailed discussions on non-complying aspects of the proposal in respect to the RDCP 2011.

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes	Yes
4.1.2 Heritage Conservation	Yes	Yes
4.1.3 Water Management	No	No – see discussion
4.1.4 Soil Management	Yes	Yes
4.1.5 Contaminated Land	No	No – refer to SEPP 55 assessment.
4.1.6 Development on Sloping Sites	No	No – see discussion
4.1.7 Tree Preservation	N/A	N/A
4.1.9 Lot size and Site Consolidation - isolated sites	No	No – see discussion
4.2 Streetscape and Site Context	No	No – see discussion
4.3.1 Open Space and Landscape Design	No	No
4.3.2 Private Open Space	No	No – see discussion
4.4.2 Solar Access	No	No – see discussion
4.4.5 Visual and Acoustic Privacy	No	No – see discussion
4.5.2 Social Equity	Yes	Yes
4.6 Parking Rates - Other Uses	No	No – see discussion
4.7 Site Facilities - Laundry Facilities and Drying Areas	No	No – see discussion
5.1 Residential Flat Buildings	No	No – see discussion

4.1.3 Water Management

Part 4.1.3 (Water Management) of the DCP2011 requires development to comply with *Rockdale Technical Specifications for Stormwater Management*, and must incorporate water sensitive urban design principles.

The DA is not accompanied by any stormwater plans, and as such, has not demonstrated how stormwater will be managed, or how water sensitive urban design measures are incorporated. In this regard, the suitability of the water management within the proposed development cannot be ascertained, and therefore is not supported.

4.1.6 Development on Sloping Sites

Part 4.1.6 of the RDCP2011 outlines planning controls in relation to the level of excavation undertaken on sites.

The proposed development includes a 5-level basement garage that is built up to the side boundaries and encroaches into the front setback. In this regard, the proposal may impact on existing development and stability of the land of adjoining properties.

As no geotechnical report has been submitted ensuring that the impacts of the proposal on the structural integrity of adjoining property can be mitigated, the proposal cannot be said to satisfy the provisions of Part 4.1.6 of the RDCP2011.

4.1.9 Lot Size and Site Consolidation

Part 4.1.9 explains that higher density development types typically require greater lot sizes to achieve efficient use of the land and high quality environmental and public domain outcomes. In addition, development should not leave a legacy of an isolated site that cannot achieve its development potential under the planning controls.

Development control 1 of Part 4.1.9 of the RDCP2011 outlines that the minimum lot width of 24m at the street frontage is required for a residential flat building development.

The subject site has a maximum street frontage of 17.68m to Loftus Street, which is 6.32m short of the 24m frontage requirement for a residential flat building development.

No evidence has been provided to Council demonstrating that reasonable attempts have been made to acquire an adjoining site or part of an adjoining site in order to achieve the required minimum lot frontage.

Generally, development sites exhibiting complying site dimensions will provide better landscaping, parking, vehicular and pedestrian access, and are better able to reduce any overshadowing and privacy impacts.

Development control 2 outlines that developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed.

The proposed development would isolate the north adjoining site at 12 Loftus Street. The site at 12 Loftus Street does not exhibit the required 24m frontage width for a residential flat building development pursuant to Section 4.1.9 of the RDCP2011, and is furthermore not adjoined by any other high density residential (R4) zoned land (other than the site which is subject to the proposal). Refer to ***Figure 7*** for diagrammatic image of local zoning.

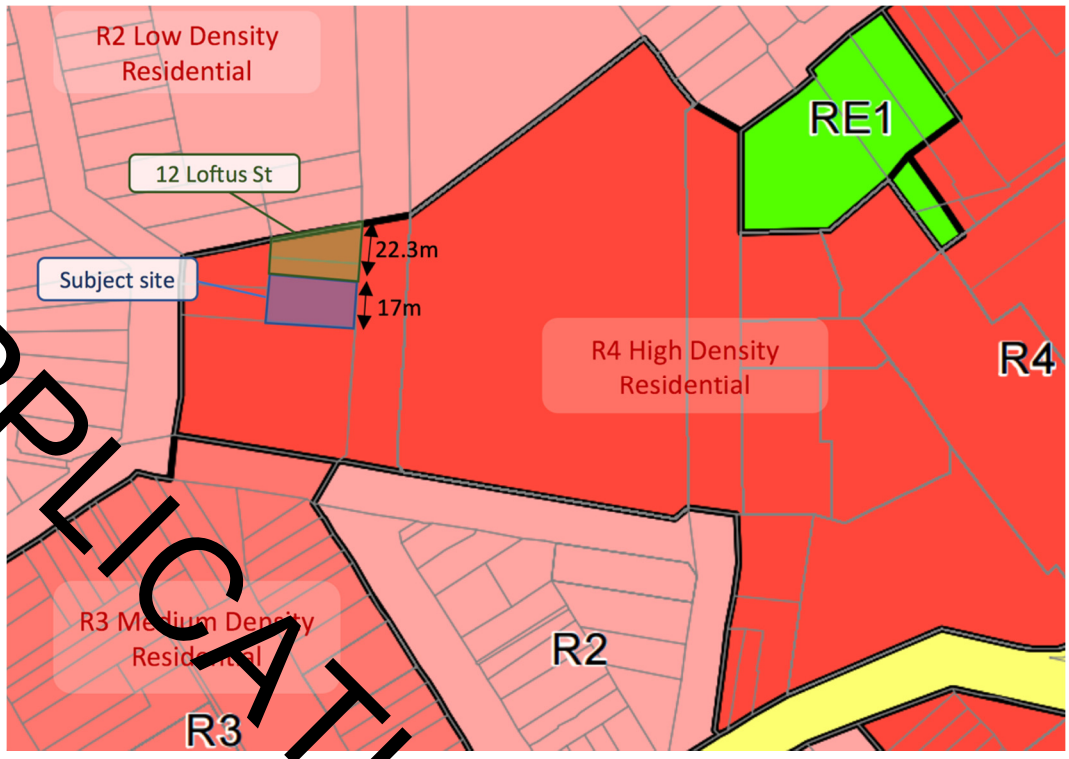


Figure 7 - Zoning map of local area, illustrating that the site at 12 Loftus Street is adjoining by low density residential zoned land

Source: legislation.nsw.gov.au, as adapted by CPS

The applicant has not demonstrated that reasonable attempts, in accordance with the steps outlined in the site isolation planning principle established in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 at 17-19, have been made to acquire this adjoining land. It is noted that Council's Pre-DA letter sent of 1 June 2016, advised such amalgamation to be pursued.

The applicant has also not demonstrated that the adjoining land parcel will be capable of being economically developed, should amalgamation not be possible. How this adjoining parcel can be best developed has implications on the best design and treatment of the north facing wall contained in the proposed development (i.e. opportunities to incorporate north facing windows).

4.2 Streetscape and Site context

It is acknowledged that the immediate area is undergoing a transition to a higher density residential environment. However, this transition has been considered and guided by the special precincts Part in the RDCP2011,

The proposed development is of a greater scale then what is envisaged by the block pattern of the Bonar Street Precinct (refer to Part 7 of the RDCP2011). The proposal provides for a discordant building height in relation to existing developments to the south (2-8 Loftus Street), and future development to the north (12 Loftus Street) which is primarily restricted to a height of 12m.

In this regard, the proposal does not respond, nor sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, and the patterns of development within the area.

The proposal furthermore does not respond appropriately to the site context, with its proximity to existing adjoining low density (R2) zoned land located to the north and rear, as it seeks to replicate the height of development on the eastern side of Loftus Street which is located further from existing low density residential developments and more centrally within the high density zoned land, The replication of this building height will not achieve an appropriate transition in built form.

As advised by Council's Design Review Panel, the subject site plays an important role in achieving a transition to the R2 zone and heritage item, particularly considering the 12m height control at its north-west corner.

4.3.1 Open Space and Landscape Design

As part of the assessment of the proposed development, the DA was referred to Council's consultant Landscape Architect for comment. In their referral response concern was raised in relation to the amount of hard surface area proposed, noting specifically how the deep soil areas of the site are encumbered.

This concern has been reiterated in the planning assessment which notes the basement for the building encroaches on the deep soil front setback area. This is considered to be a circumstance of the site's constrained area and dimensions which is manifested in the land's inability to comply with the minimum frontage requirements for residential flat building development.

Council's consultant Landscape Architect has also raised comment on the proposed street tree planting not being consistent with Council's Street Tree Masterplan. As such, the consultant has recommended the planting of 4 x *Tristaniopsis laurina* (Water Gum), planted at min. 75 litre size in the street frontage.

Should the DA be recommended for approval, this condition would have been included, however as the DA is recommended for refusal, this condition is not necessary.

4.3.2 Private Open Space

Development Control 1 of Part 4.3.2 (Private Open Space) of the RDCP2011 requires each dwelling contained in a residential flat building to provide private open space in accordance with the Apartment Design Guidelines (ADG). The ADG outlines that two-bedroom dwellings are to be provided a minimum 10m^2 of private open space areas.

The seven (7) x two-bedroom corner apartments provide for a deficient balcony private open space area of 9m^2. The deficient private open space area is not considered to be the result of any site constraints or beneficial design, and therefore is not supported. The subject site is considered to be capable of incorporating a development that provides for compliant private open space areas.

4.4.2 Solar Access

Development Control 4 of Part 4.4.2 outlines that that at least 70% of the apartments within the development receive a minimum 3 hours of solar access between the hours of 9am and 3pm in mid-winter.

The ADG states that at least 70% of the apartments within the development receive a minimum 2 hours of solar access between the hours of 9am and 3pm in mid-winter.

The proposal provides for non-compliant levels of solar access. The submitted Statement of Environmental Effects (SEE) suggest that 62.5% of units will receive the required solar access, however no solar modelling has been provided to verify this statement.

Arguments contained in the SEE suggests that due to the blank north facing wall required by the Bonar Street Precinct structure plan, full compliance with the ADG solar access is restricted. This is considered to be inadequate justification for solar access non-compliance, for the following reasons:

- The development has inadequately considered the development potential of the north adjoining site, noting that there may be opportunities to take advantage of the north aspect this adjoining site is afforded, and the lower density residential housing that is located beyond – i.e. unlikely overshadow the subject site if it were amalgamated with 12 Loftus Street.
- The development has inadequately considered the height restriction applicable to the northern adjoining development.
- The proposal has not considered the cumulative impact of the height and FSR additions.

4.4.2 Overshadowing

In accordance with Part 4.4.2 of the RDCP2011, development must be designed and sited to minimise the extent of shadows that it casts on private and communal open space of adjoining dwellings, and habitable rooms within the development and in adjoining developments.

In contrast to this control, the proposed design incorporates a height non-compliance which will increase the extent of shadows cast on the communal open space of the northern wall of the southern adjoining development at 2-8 Loftus Street.

Furthermore, the proposal has not demonstrated that the living rooms and private open spaces for at least 70% of apartments of adjoining properties receive a minimum of 3 hour's direct sunlight between 9am and 3pm in mid-winter, or where existing adjoining properties currently receive less sunlight than these standards, the sunlight is not reduced by more than 20%.

4.4.5 Visual and Acoustic Privacy

Part 4.4.5 of the RDCP2011 requires that an Acoustic Report be submitted at the DA stage demonstrating an Acoustical Star Rating of 5 between floors of the building can be achieved.

Furthermore, part 4H of the ADG outlines that circulation areas should be located at least 3m away from bedrooms. The proposed development incorporates bedrooms that adjoin the lift core (apartments 1.04, 2.04, 3.04, 4.04).

No acoustic report has been submitted with the DA.

It is however noted that a referral was issued to Council's Environmental Officer who has responded in support of the DA, subject to conditions. It is noted however that these conditions relate only to noise propagated from the development, whereas the concern herein is the noise intrusion impacts for poor layout and design.

4.6 Car parking

Part 4.6 of the RDCP2011 requires a total of 33 car parking spaces be provided within the development (28 for residents and 5 for visitors), and two (2) motorcycle parking spaces.

Part 3J of the ADG requires car parking spaces be in accordance with the RTA Guide to Traffic Generating Developments. This guide requires a total of 26 (21 residential and 5 visitor) on-site car parking spaces be provided by proposal.

Note. The subject site is located within Metropolitan Subregional Centre as outlined in the NSW Department of Planning & Environment's technical note on the application of the car parking requirement Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.

The proposal provides for a shortfall of ten (10) car parking spaces when consideration of the requirements of the RDCP2011, and a shortfall of three (3) car spaces when considering the requirements of the ADG. Furthermore, the proposal provides for no motorcycle parking spaces.

The submitted traffic report provides for an inaccurate car parking requirement, as it considers the subject site to be located within a Metropolitan Regional Centre, rather than a Metropolitan Subregional Centre.

4.7 Storage

Development control 18 of Part 4.7 of the RDCP2011 outlines that a minimum $10m^3$ must be provided to each apartment. Furthermore, Part 4G of the ADG requires that storage areas in addition to storage areas in kitchen, bathrooms, and bedrooms are provided within each apartment.

The submitted architectural plans do not delineate any storage areas on the floor plans. Concerns are raised regarding whether the apartments can accommodate the required storage areas that are also well designed and accessible from living areas.

5.2 Residential Flat Buildings

Development control 1 of Part 5.2 of the RDCP2011 outlines that building footprints for residential flat buildings are limited to 35% of the site area.

The proposal provides for a building footprint that covers approximately 57% of the site area. This site coverage exceedance has adverse implications on the ability to provide for satisfactory communal open space area and deep soil zones.

Development control 19 of Part 5.2 of the RDCP2011 outlines that the floor level of the upper most storey must be at least 3.5m below the maximum permitted height to achieve a variety of roof forms.

The uppermost level of the proposed development exceeds the permitted height by 6.3m.

Development control 34 of Part 5.2 of the RDCP2011 outlines that each dwelling on a level above the sixth storey is to have access to two lifts.

The dwellings on levels 6 and 7 have access to only one (1) lift.

7.2 Special Precinct - Bonar Street Precinct

In accordance with Part 7.2 of the RDCP2011:

"Building setbacks from road frontages are to be wholly available as deep soil planting zones clear of car parking structures. Building façade articulation zones should be co-ordinated with deep soil planting zones and landscape plans to optimise root and canopy space for large trees along street frontages."

The basement car park extends into the front setback area resulting in a reduction of the deep soil zone within this setback area. Tree root and canopy space in this area is therefore not optimised.

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

Environmental Planning and Assessment Regulation 2000 (Regulations)

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 failed to provide Council with a response to the additional information letter recommending the application be withdrawn. The applicant furthermore, failed to respond after meeting with Council and the assessment officer.

Regulation 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.

Accordingly, as the applicant has been afforded more than enough time to respond to the Council's requests, the DA is being dealt with accordingly.

As outlined earlier in this report, pursuant to Regulation 164A(4)(a) of the, a BASIX certificate must contain a description of the proposed development, corresponding in all relevant respects with the description contained in the relevant application, and any relevant accompanying documents,

BASIX Certificate 775488M submitted with the DA incorrectly outlines only 15 car spaces are proposed, and that no mechanical ventilation is provided to the basement levels despite natural ventilation not being possible.

The submitted BASIX certificate is not considered to accurately reflect the design and details of the proposed development, and Regulation 164A(4)(a) is therefore not satisfied.

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 for the reasons outlined already within this assessment report. The proposal will result in unacceptable impacts on the general amenity of the future occupants and adjoining residents via a built form outcome that is considerably beyond the expected redevelopment potential of the site when having regard to the relevant planning requirements.

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 applicant's DA has not provided Council with sufficient evidence to demonstrate the subject site is suitable for residential accommodation (i.e. contamination assessments). Despite this, the scale of the development proposed is considered by Council to be too significant for the subject site which is limited to a frontage of 17.7m and area of only 592.8m^2.

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

The development has been notified and publically exhibited in accordance with the provisions of DCP2011. No submissions have been received.

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

The proposed development is not considered to be in the public interest because of the proposal's inability to satisfactory comply with the objectives and controls of SEPP 55, SEPP 65, RLEP 2011, and RDCP 2011 and the unacceptable impacts on the natural and built environments.

PRELIMINARY ASSESSMENT

DA No:	DA-2017/231
Date Plans Rec'd	22 December 2016
Address:	10 Loftus Street, TURRELLA NSW 2205
Proposal:	Integrated Development - Construction of an eight (8) storey residential flat building comprising 24 units and five (5) levels basement carparking and demolition of existing structures
Constraints Identified:	• 15.24m Building Height Civil Aviation Regulations • 18metres - maximum building height (LEP 2011) • Acid Sulfate Soils - Class 5 (LEP 2011) • Bonar St Precinct S.94 Infrastructure Contribution • Bonar Street Special Precinct (DCP 2011 Part 7.2) • FSR - 1.8:1 (LEP 2011) • LEP 2011 - Affected by Obstacle Limitation Surface
Zoning:	R4– High Density Residential

DESKTOP AND SITE INSPECTION	COMMENT	PLANNING CONSIDERATION
Adjoining land uses - sensitivity - overlooking - noise	• North – container storage. No buildings. • South – (DA-2017/340) – 5 and 6 storey RFB containing 78 units – under construction • East – Loftus St frontage. Across the road is a large development comprising of 4 RBS and 313 apartments (DA 2009/307) • West – 9 and 11 Edwards St containing a two-storey industrial building each. Built up to the rear boundary. • Low density residential further north and east.	• Transition to low density residential development to the north and east, to be of an appropriate height.
Site isolation	No. 12 Loftus Street may become isolated. This site is comprised of Lot 1 DP 120377, and Lot 28 DP 4274. When joined these lots will have a frontage of 21.6m, and a site area of 598m^2. *DCP 4.1(2) Developers must satisfy Council that adjoining parcels not included in their development site are capable of being economically developed.*	*Does RDCP 2011 require site consolidation for this instance?* **Evidence must be provided that adjoining parcels can be economically developed.** • RFB development must provide for min lot width of 24m.
Views	Subject site is not located on any crests. No heritage items are located within sight from the proposal. Adjoining developments similarly are not afforded any substantial views for consideration.	• N/A

Land contamination	• Subject site contains an industrial building. • North adjoining sit appears to be a storage site for containers, machinery, and construction materials. • Contaminated fill found at south adjoining site (2-8 Loftus St) -see environmental site assessment of DA-2014/346	• **A preliminary site contamination assessment is required.** • Health referral does not object subject to conditions
Water drainage	Hard paced area at frontage of the site slopes towards the street.	• Okay upon initial inspection.
Vegetation	• One palm tree located within front setback. • Adjoining sites are devoid of vegetation.	• Exotic species.
Road infrastructure	• Electrical pole located on north side of street reserve • Local drainage inlet also located on north side of street reserve • One large cross-over afforded to the site	• Referral to Ausgrid req. • Proposed driveway located to south end of frontage.
Utilities	• As above.	

ROCKDALE LEP 2011	PROPOSAL	COMPLIANCE
4.3(2) Height of buildings • Max 18m	Max RL 37.3 (lift overrun) - EGL RL 13 = **24.3m** Exceedance of **6.3m** or two-storeys.	**No**
4.4(2) Floor space ratio • 1.8:1	SEE suggest that an FSR of **3.27:1** is proposed. Such an FSR represents an exceedance of **[illegible]m²** of GFA.	**No**
5.9 Preservation of trees • Development consent or permit is required to remove trees.	Subject site includes one palm tree in the front setback, which will be removed.	Council landscape officer identifies that the proposal provides for deficient deep soil
5.10 Heritage Conservation • Development consent is required for any works to a heritage item, aboriginal relic or items within a heritage conservation area.	The subject site is not identified as containing any items of heritage, and is not located within a heritage conservation area.	**N/A**
6.1 Acid Sulfate Soils • Class 5 -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.	• Subject site is located within 500m of Class 3 land. • The works associated to the basement garage will be below 5 m AHD. • It is possible the water table will be affected by the proposed development.	**No, an acid sulfate soils management plan is required.**

• Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority	In this regard development consent is required under this clause.	
6.2 Earthworks • (2) Development consent is required for earthworks unless: (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given. • Must consider the impacts of the earthworks	Work is ancillary to proposed residential flat building construction.	**N/A** - **Geotech report to confirm**
6.3 Development in areas subject to aircraft noise • (2) This clause applies to development that: (a) is on land that: (i) is near the Sydney (Kingsford-Smith) Airport, and (ii) is in an ANEF contour of 20 or greater, and	Turrella is not located within the ANEF contours of Kingsford Smith Airport.	**N/A**
6.4 Airspace Operation • (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.	The subject site is located within the Inner Horizontal Surface are of the OLS. This surface layer restricts development to a height of 51m AHD. The proposal seeks consent for a maximum height of 36.7m AHD.	**N/A**
6.6 Flood planning • (2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and	The subject site is not identified within the flood planning area. Ascertain from Council whether a flood planning level applies to the subject site.	**Await engineering comments**

6.7 Stormwater • (a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water, and (b) will include, where practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) will avoid, or if a disturbance or impact cannot be avoided, will minimise and mitigate, any disturbance or impact of stormwater runoff	Request copies of stormwater plans.	**Await engineering comments**
6.12 Essential Services • Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.	Referrals to Ausgrid, Telstra, and Water NSW have been sent. No objections have been raised subject to the General Terms of Approval provided the specific authority.	**Yes, subject to GTA**

Variations / non-compliances to LEP

1. 4.3(2) Height of buildings – max 18m, proposed 24.3m. Exceedance of 6.3m
2. 4.4(2) Floor space ratio – max 1.8:1 – proposal 3.27:1 or exceedance of 393.76sqm.
3. 6.1 Acid sulfate soils - No, an acid sulfate soils management plan is required. Site is identified as including class 5 acid sulphate soils and is located within 500m of class 3 soils.

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
Part 4 – General Principles for Development		
Part 4.1 – Site Planning		
Part 4.1.1 – Views & Vistas		
– Development must consider any significant views to, from and across site.	There are no significant views to, through or from the subject site.	N/A
– Development must retain existing views to Botany Bay.	The subject site has no views to Botany Bay	N/A
– Development on highly visible sites to complement character of area.	Subject site is not highly visible.	N/A
– View corridors to landmarks and significant heritage items to be protected.	Subject site has no views to landmarks or significant heritage items.	N/A
– Views from public spaces to the bay and districts to be preserved.	Development will not have an impact on public views of the bay or district.	N/A
– Roof forms on low side of street to be well articulated to show public views.	Subject site is not located on the low side of the street	N/A
– Building forms enable sharing of views with surrounding residences	Building form guided by the Bonar Precinct development controls.	N/A
Part 4.1.2 – Heritage Conservation		
– Heritage impact statement required for development of heritage items. • **Development in the vicinity of Heritage Items** – Any proposed development located adjacent to or nearby a heritage item must not have an adverse impact on the heritage item including its setting and curtilage	Subject site does not contain a heritage item, nor is it located adjacent to a heritage item. Council's heritage officer has reviewed the proposal and determines that: *"The proposed development is located in the vicinity of heritage item listed on Schedule 5 of the Rockdale Local Environmental Plan 2011 as Cairnsfoot Special School,"* however, *"the separation by lots 12 and 14 Loftus Street and the existing buildings at Cairnsfoot which obscure views from the south, will ensure the proposed development at 10 Loftus Street will have no heritage impact."*	N/A Yes
Part 4.1.3 – Water Management		
• **Stormwater Management**		
– Development to comply with Councils Technical Specs.	Await engineer comment	TBA
– WSUD to be incorporated into design of stormwater drainage.	Await engineer comment	TBA
• **Water Conservation**		

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
– Residential development is to demonstrate compliance with the Building Sustainability Index (BASIX).	BASIX Certificate submitted	Yes
• **Water Quality**		
– Measures to control pollutants in stormwater discharge from development sites.	Await engineer comment Sediment and Erosion plans required for construction.	TBA
– Runoff to waterways/bushland to be treated.	Runoff water from the subject site enters Council's local drainage system and not directly into waterways or bushland.	N/A
• **Flood Risk Management**		
– Development to comply with Councils Flood Management Policy.	SEE states: *Preliminary advice received by Council acknowledges that the site is affected by minor surface flows caused by flooding in road reserves around the property.* *As such, the proposed development is required to be raised to have a minimum habitable floor level of 12.60m AHD* EGL RL = 12.05, at 2m from frontage, 12.6 at 5m from frontage, and 13.00 at existing building.	Yes Confirm via engineer referral
• **Groundwater protection**		
– Operating practices and technology must be employed to prevent contamination of groundwater		Yes, subject to conditions of consent.
– Development which has potential risk to groundwater must submit a geotechnical report.		Yes, subject to conditions of consent.
– Certain development in areas subject to Botany Sands Aquifer may be considered Integrated Development.		N/A
Part 4.1.4 – Soil Management		
– Development must minimise soil loss	Proposal is suitable in terms of zoning and expected type of development.	Yes
– Erosion and Sediment control plan required where development involves site disturbance.	Development works will be done in accordance with Council's Erosion and Sediment Controls. A condition of consent to this effect will be imposed in any consent.	Yes, subject to conditions of consent
– Development is to minimise site disturbance.	As above.	
Part 4.1.5 – Contaminated Land		

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
– Development on land that is likely to have contamination must follow State Environmental Planning Policy 55 – Remediation of Land.	– The subject site is zoned R4 - High Density Residential pursuant to the Rockdale LEP gazetted in 2011. Prior to Rockdale's endorsement of the standard instrument, Rockdale Local Environmental Plan 2000 was in force under which the subject site was similarly zoned residential for purposes of residential flat buildings, i.e. zone 2(d). As such, the subject site land use permissibility for at least 16 years has been for residential purposes. – Subject site includes an industrial building. It cannot be easily ascertained whether the site has previously been used for any of the purposes identified in table 1 of the land contaminated guidelines. – No EPA licenses apply to the site – No EPA orders or notices apply to the site. – Adjoining site included contaminated fill.	**No**
Part 4.1.6 Development on Sloping Sites		
• **Deep Soil Areas** – Building footprint designed to minimise cut and fill	5-level basement car park is proposed. Geotechnical report should be submitted.	**No,** however generally acceptable.
– Any habitable room of dwelling must have at least one external wall entirely above existing ground level.	All dwellings have habitable rooms with external walls above existing ground level.	
4.1.7 Tree Preservation		
– Council consent required to undertake tree work for a tree that is: – More than 3m tall or – Has a circumference in excess of 300mm at a height of 1m above ground – Existing significant trees and vegetation are to be incorporated into proposed landscaping – Building setbacks are to preserve existing significant trees and vegetation and allow for new planting.	One palm tree is present on the subject site. Council's landscape officer has reviewed the proposal and identifies that: - the proposal provides for insufficient deep soil area, and - Street tree is to be provided – 1 x Tristaniopsis laurina (Water Gum), planted at min. 75 litre size is required in the street frontage.	Yes
4.1.8 Biodiversity		
– Development is to be sited and designed to minimise impact on indigenous flora and fauna.	Subject site is devoid of any biodiversity.	N/A

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
– Indigenous species planting is encouraged	Subject site does not adjoin any areas of biodiversity including, wetland, creeklines, or bushland.	
– Development abutting bushland, creeklines or wetland areas is to utilise local indigenous plant species		N/A
– Statement of Flora/Flora Impact required for development in or adjacent to bushland or wetlands		N/A
– Species Impact Statement required where development is to occur adjacent to threatened species or endangered ecological communities.		N/A
4.1.9 Lot Size and Site Consolidation		
• **Lot Size and Minimum Site Frontage**		
• **Residential flat buildings**		
• A minimum lot width of 24m at the street frontage is required for RFBs	The subject site has a lot width of 17.68m.	**No**
• Where a group of allotments is proposed to be developed for the purpose of residential flat buildings, those allotments should share a common road frontage. If 'end to end' amalgamation occurs, the building setbacks and building footprint will be considered as if they were separate sites. Refer to the following diagram.	Not applicable. No amalgamations is proposed.	N/A
• **Avoidance of Isolated Sites**		
– Adjoining parcels must be capable of being economically developed	Adjoining site to the north will become isolated as it has a limited frontage – 22.79m. No evidence has been provided to demonstrate that this site can be economically developed.	**No**
– Development of existing isolated sites is not to detract from the character of the streetscape and is to achieve a satisfactory level of residential amenity.		N/A
4.2 Streetscape and Site Context		
• **Site Context**		
- Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and the patterns of development within the area.	The proposal seeks to vary the height development standard by more than 6m. In this regard, the proposal will stick out from the urban fabric. The proposal provides for a greater scale then what is envisaged by the block pattern of the Bonar precinct.	**No**

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
	Proposal extends beyond the pattern of development in the locality.	
- Development adjoining land use zone boundaries should provide a transition in form.	The proposal does not provide for an appropriate built form transition.	**No**
- Buildings addressing or bordering public open space must relate positively to it.	Building does not address open space.	N/A
• **Streetscape**		
- 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 streetscape of Loftus Street is under transition. The proposal matches the newer building design and styles of developments in the	Yes
- Consistent building setbacks from the street boundary.	Proposed setback is consistent with south adjoining development.	Yes
- Buildings on corner sites are to address each frontage.	Not a corner site.	N/A
- Access to garages should not require major cut and fill.	Considerable cut is proposed for the basement garage. Access to basement garage will not require substantial cut or fill.	Yes
• First floor additions for streets of predominately single storey dwellings shall: o Locate addition at rear and/or o Incorporate addition into the existing roof space and/or o Use similar proportion if existing windows and doors in new work.	Development not for first floor addition.	N/A
- Garages and carports are not permitted in front setback	Proposal incorporates a basement garage.	N/A
• **Pedestrian Environment**		
- Residential buildings must address the street	Proposed RFB provides for residential access from the street and incorporates street facing balconies.	Yes
- Buildings adjacent to public area must have at least one habitable room window overlooking public area, to provide casual surveillance.	The proposed building provides for unit layouts that include living rooms adjacent to the street that extend through to the front facing balconies.	Yes
- Pedestrian and cycle thorough fares are safe routes through: - Appropriate lighting - Casual surveillance from the street - Minimised opportunities for concealment	The proposed development will not impact on the pedestrian or cycle thoroughfares. Casual surveillance opportunities are provided from the proposal.	N/A

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
- Landscaping which allows clear sight-lines between buildings and the street - Avoidance of blind corners.	Proposed landscape will not affect sightlines.	Yes
- Clearly defined public, common, semi-private and private space	Public, common open space for the existing development, and private areas remain clearly identified.	Yes
- Discrete vehicle entries with minimal pedestrian conflict	The entrance to the basement car parking is discrete, whilst being easily observable form the pedestrian path.	Yes
- Development it to take advantage of rear lane access to sites, where possible.	No rear access lane to the site.	N/A
• **Fencing**		
- Sandstone fences and walls to be retained and repaired (if necessary)	No sand stone fence present at the subject site.	N/A
- Front fences and walls are to enable surveillance of the street from the dwelling	No front fence is proposed.	N/A
- Front fences are to be a maximum height of 1.2m above footpath level.	No front fence is proposed.	N/A
- Side and rear fences are to have a maximum height of 1.8m on level sites or 1.8m measured from the low side where there is a difference in level either side of the boundary.	The submitted SEE, prepared by CMT Architects states that side and rear fencing will be constructed of 1.8m high concrete blocks	Yes
• **Sandstone Walling, Rock Outcrops and Kerbing**		
- Excavation of sandstone or rock outcrops for the purpose of providing a garage is not permitted where: - The rocky outcrop forms a significant part of the streetscape and character of the locality; or - Adequate on street parking is available; or - Alternative access to a site is available.	Sandstone or rocky outcrops are not present on the subject site.	N/A
4.3 Landscape Planning and Design		
4.3.1 Open Space and Landscape Design		
1. Must comply with Council's Technical Specifications 2. Landscape Plan submitted and prepared by qualified Landscape Architect	SEE states that proposal is accompanied by a Landscape plan prepared by Amber Road.	Yes
3. Significant trees and natural features incorporated into design	Subject site does not incorporate any significant trees or natural features.	Yes
4. The amount of hard surface area is to be minimised to reduce runoff by:	Ground floor plan suggest that the amount of hard stand areas have been minimised.	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
a. directing run-off from the overland flow of rainwater to pervious surfaces such as garden beds, and b. utilising semi-pervious paving materials wherever possible		
5. Landscape must relate to building scale and assist integration of the development with the existing street character.	Proposed landscaping is similar to that of the new developments adjacent to and opposite to the site. Accordingly, the landscaping will integrate with the future landscape character of the street.	Yes
6. Planting design solutions are to: a. provide shaded areas in summer, especially to west facing windows and open car parking areas; b. provide screening for visually obtrusive land uses or building elements; c. provide vegetation and tree cover within large expanse of car parking areas; d. provide privacy between dwellings; e. not cause overshadowing of solar collectors on rooftops; f. incorporate plant species in locations and in densities appropriate for their expected size at maturity; g. rely primarily on plants that have a low water demand and nil or low fertilizer requirements; and h. use appropriate indigenous plant species wherever possible	Large trees are located in the area of ground floor communal open space. Front setback landscaping helps integrate the building into the streetscape. Basement car parking is proposed. RFB development. Ground floor landscaping is used to increase privacy of the ground floor units. Refer to landscape plan. Refer to BASIX certificate. Refer to landscape officer's comments.	Yes
7. Trees must be planted within properties to maximise tree cover.	Trees capable of providing tree cover are proposed within the landscape plan.	Yes
8. Min landscape area for RFB = 15% (landscaping above basement is not counted).	SEE states that 13% of the site shall include deep soil landscaping.	**No, minor variation**
9. At least 20% of front setback area to be landscaped. Min 1m landscaping to be provided between driveways and side boundaries.	More than 20% of the front setback is landscaped.	Yes
10. Landscaped areas should adjoin the landscaped area of neighbouring properties so as to provide for a contiguous corridor of landscape and vegetation.	The proposed landscaped areas are sensibly located within the front and rear setbacks. This will enable the development of a contiguous corridor of landscaping.	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
11. Where a basement car park protrudes above ground level and is not wrapped in residential or retail uses, the walls are to be screened with appropriate treatments, such as planting.	The basement carpark does not protrude above the ground level.	Yes
12. With the exception of development applications for single dwellings, street trees are to be provided in accordance with Council's Street Tree Masterplan.	The landscape referral recommends that the proposal plant 1 x Tristaniopsis laurina (Water Gum), planted at min. 75 litre pot size in the street frontage.	Yes, can be conditioned.
13. Council requires the footpath area adjacent to the site to be restored at the time of the development. This includes grading, trimming and the planting of suitable turf and trees.	Noted. Can be addressed via conditions of consent.	Yes
14. Development must comply with the streetscape requirements in relevant public domain plans, such as Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.	Site is located within the Bonar Street Precinct. Proposal is capable of meeting the precinct requires. Enforceable via conditions of consent.	Yes, can be conditioned
4.3.2 Private Open Space		
1. Residential Flat Building, Shoptop housing a. As per Apartment Design Guideline (ADG) • 4sqm – studio • 8sqm – 1bed • 10sqm – 2bed • 12sqm – 3+bed • 15sqm - GF units	G.01 (1B) – 23sqm G.02 (2B) – 17sqm 1.01 (1B) – 8sqm 1.02 (2B) – 17sqm 1.03 (1B) – 8sqm 1.04 (2B) – **9sqm** 2.01 (1B) – 8sqm 2.02 (2B) – **9sqm** 2.03 (1B) – 8sqm 2.04 (2B) – **9sqm** 3.01 (1B) – 8sqm 3.02 (2B) – **9sqm** 3.03 (1B) – 8sqm 3.04 (2B) – **9sqm** 4.01 (1B) – 8sqm 4.02 (2B) – **9sqm** 4.03 (1B) – 8sqm 4.04 (2B) – **9sqm** 5.01 (3B) – 15+7sqm 5.02 (3B) – 15+7sqm 6.01 (3B) – 15+17sqm 6.02 (3B) – 15+7sqm 7.01 (2B) – 23sqm 7.02 (2B) – 23sqm	**No, the 2bed corner apartments fronting Loftus street provide for 9sqm instead of 10sqm of POS.**

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
b. Min depth 2m to be calculated towards POS	The afore calculable balconies and terraces have depths of 2m or greater.	Yes
General POS		
2. Private open space is to be clearly defined for private use through planting, fencing or landscape features.	POS is clearly defined.	Yes
3. Development should take advantage of opportunities to provide north-facing private open space to achieve comfortable year-round use	Site has east-west orientation. POS area appropriately aligned with this orientation.	Yes
4. Private open space must take account of the visual and acoustic privacy of its occupants and neighbours. Development must ensure that the usability of private open space of adjoining buildings is not reduced through overlooking and overshadowing	Proposal is designed to be built up to the side boundaries. No windows are located on the side walls of the proposal. Proposed height is likely to exacerbate overshadowing impact to the north façade of 2-8 Loftus Street.	**No**
5. Private open space areas are to act as extensions of indoor living areas.	Living rooms are located adjacent to POS areas.	Yes
6. For residential flat building and shoptop housing, private open space is to be provided for each dwelling in the form of balconies, roof terraces or in the case of ground floor units, courtyards. The primary private open space of each unit must directly connect to the living area.	Complies. See above.	Yes
7. Balcony design is to: a. maximise habitability; b. provide privacy, e.g. the use of adjustable screens; and c. provide for a variety of uses, including clothes drying in open air.	Proposed balconies provide for suitable privacy and improves unit habitability.	Yes
4.3.2 Communal Open Space		
1. A primary communal open space area must be provided for use by all resident of: a. Multi dwelling housing >12 dwellings b. RFB with >12 dwellings c. Shoptop housing of mixed use development >12 dwellings	A primary communal open space is proposed in the rear setback area of the proposal.	Yes
2. Development must provide communal area of 5m^2/dwelling for development containing <12 dwellings an equivalent area of addition POS is to be provided.	Proposed development comprises 24 units = requirement of 120sqm of communal area. Rear POS area incorporates an area of 116.4sqm.	No, minor variation 3%

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
3. Communal areas should: a. Contribute positively to amenity of development b. Be part of overall design of building c. Be north facing and receive adequate solar access d. Min. 40% of area that receives sunlight at 1pm on 21 June e. Be clearly defined f. Of dimension to suit proposed use g. Provide for a range of recreational uses and activities h. Be cost effective to maintain i. Contribute to stormwater management. j. Any internal communal area must have regard to outdoor communal areas. k. Communal space may be on a podium or roof.	The communal area provides for opportunities of casual social interaction, as promoted by the provision of furniture for seating, and an open bbq area. The area also enables passive recreation in a well vegetated located away from the casual recreational area. Part of the area has a northern aspect. In this regard, the communal rea will contribute positively to the overall development.	Yes
4. Any internal communal area must have regard to its relationship to outdoor communal areas. It should be designed to provide for a range of uses such as meetings, leisure, recreational and sporting activities. In this respect it may be appropriate to incorporate kitchenette and toilet facilities.	No internal communal area is included in the proposal.	N/A
5. Communal open space may be accommodated on a podium or roof in a residential mixed use building provided it has adequate amenity and convenient access.	Communal area is located on ground level.	N/A
4.4 Sustainable Building Design		
4.4.1 Energy Efficiency		
1. For residential – BASIX Certificate to be submitted.	BASIX certificate has been submitted.	Yes
2. For retail, commercial and industrial a report on energy and water efficiency to be submitted with development over $1 mill	Proposal does not include a retail/commercial component	N/A
4.4.2 Solar Access		
1. Development must be designed and sited to minimise the extent of shadows that it casts on o private and communal open space within the development; o private and communal open space of adjoining dwellings;	Proposal is designed in line with the site's orientation and the Bonar Street Precinct Plan, with the development being built up to the side boundaries and attached to adjoining RFB developments.	**No**

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
○ public open space such as parkland and bushland reserves; ○ solar collectors of adjoining development; and ○ habitable rooms within the development and in adjoining developments.	Notwithstanding this the proposal substantially exceeds the height development standard. This will result in an exacerbated impact to the south adjoining development with particular reference to the north facing windows, and the central communal area of this development.	
2. Building form, separation and plan layout facilitates good solar access to internal and external living spaces.	Development follows the sites east-west orientation. As such, the communal and private open space areas are afforded east and west orientations. Each unit is afforded more than one aspect.	
3. Buildings must be sited to reduce overshadowing on adjoining properties by increasing setbacks, staggering of design variations in roof form and/or reducing building bulk and height.	As stated earlier the proposed building will result in unnecessary overshadowing impact on south adjoining property.	
4. Development must have adequate solar access as per the following standards. Where existing adjoining properties currently receive less sunlight than these standards, sunlight must not be reduced by more than 20%. **RFB:** • Living rooms and private open spaces for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.	No Solar Access diagrams have been provided. SEE states: - *In accordance with the Bonar Street structure planning controls, the proposed development is required to be built to the boundaries, resulting in a blank north facing façade.* - *63% of units achieve at least 2 hours of sunlight.*	**No evidence to support the statements have not been submitted.**
5. Shadow diagrams required for DA of any building two or more storeys	Shadow Diagrams have been submitted with the DA.	Yes
6. The diagrams should provide information relating to the effect of the proposed development at 9 a.m., 12 p.m. and 3 p.m. on: a. 21 June (mid-winter), b. 21 December (mid-summer) and c. 21 March/September (equinox). d. where a significant level of overshadowing occurs,	Adequate shadow diagrams have been submitted.	

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
elevational shadow diagrams are to be submitted. The diagrams show where shadows fall on walls containing windows of adjoining buildings.		
4.4.3 Natural Lighting and Ventilation		
1. Minimum 2.7m ceiling height for habitable space	3m floor-floor heights are afforded within the development. 300mm depth has previously been sufficient to accommodate building services and floor slab depth.	Yes
Minimum 2.4m ceiling height for non-habitable space	Request basement plan sections.	TBA
2. Designed to maximise opportunities for cross flow ventilation. - clear breeze paths and shallow building depths - maximum internal plan depth of a residential apartment should be 18m from glass line to glass line. - Developments that propose greater than 18m must demonstrate how satisfactory daylight and natural ventilation is achieved	The effectiveness of the cross-flow ventilation paths is questionable in many of the units as they are not clear or direct. Maximum internal depth is 19.5m. Compliant daylight is not achieved.	Yes
3. Openable windows which can control airflow must be installed	Proposed windows and doors are openable.	Yes
4. Office premises must be designed to receive natural light and ventilation. Office floor plates are to have a depth of no greater than 20m if dual aspect, or 10m if single aspect.	Not an office premises	N/A
5. Office spaces should be designed, through orientation and the inclusion of environmental control devices, to achieve maximum daylight without compromising the internal amenity through glare or heat gain from direct sunlight	Not an office premises	N/A
6. On deep sites, courtyards and light wells should be provided on the lower levels of mixed use and commercial buildings to achieve natural lighting of every level and cross ventilation and/or stack effect ventilation	Site is 33.53m deep which is a typical depth for a residential lot.	Yes
4.4.4 Glazing		
1. Areas of glazing are located to avoid energy loss and unwanted energy gain	Development is required to satisfy BASIX commitments which include energy and thermal comfort targets.	Yes
2. Development provides appropriate sun protection during summer for	Development complies with the BASIX commitments to ensure	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
glazed areas facing north, west and east.	appropriate sun protection is considered.	
3. Commercial buildings must not compromise the amenity of the public domain through excessive glare and reflection.	N/A	N/A
4.4.4 Visual and Acoustic Privacy		
1. Windows of habitable rooms with a direct sightline to the windows of a habitable room of an adjacent dwelling and located within 9.0m: a. are to be sufficiently off-set to preclude views into the or have sill heights of 1.7m above floor level; or b. have fixed obscure glazing in any part of the window below 1.7m above floor level.	Windows of the proposal are limited to the frontage and rear of the building. The rear facing windows are setback 9m from the rear boundary.	Yes
2. Balconies, terraces, rooftop recreation areas and the like should be located to minimise overlooking of an adjoining property's open space or windows. Techniques such as recessing, screens or landscaping may be used to prevent direct views into habitable rooms or private open space of adjacent dwellings.	Overlooking to side adjoining balconies is prevented from the rear facing by a solid side wall. Street facing balconies are suitable as they will not overlook into any POS areas or habitable rooms of adjoining developments.	Yes
3. The use of the roof top area for recreational purposes is permissible subject to the following: a. internal stair access must be provided to the roof top area from within the building; and b. the usable area of roof must be set back at least 1500mm Offset Windows from the edge of the building. Other devices such as privacy screens and planter boxes should be incorporated to protect the visual and acoustic amenity of neighbouring properties.	No roof top area is proposed.	N/A
Acoustic Privacy		
4. The location of driveways, open space and recreation areas and ancillary facilities external to the dwelling must be carefully planned to ensure minimal noise impact on adjoining residential properties.	Driveway is located away from the communal open space area.	Yes
5. Bedrooms of one dwelling should not share walls with living rooms or garages of adjacent dwellings. Bedrooms of one dwelling may share walls with living rooms of adjacent dwellings provided	Bedrooms of the units do not adjoin living rooms of adjoining units.	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
appropriate acoustic measures are documented.		
6. Where party walls are provided they must be carried to the underside of the roof.	Can be addressed via conditions.	Yes, as a condition.
7. All residential development except dwelling houses are to be insulated and to have an Impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC). An Acoustic Report is to be submitted at Development Application stage & post construction stage to ensure that the above standards have been achieved.	No acoustic report has been submitted demonstrating that an Acoustical Star Rating of 5 can be achieved.	**No**
8. In attached dwellings and multi-unit development the internal layout should consider acoustic privacy, by locating circulation spaces and non-habitable rooms adjacent to party walls.	Internal layout is suitable in pursuing acoustic privacy	Yes
Building Separation		
9. Three to four storeys = • 12m between habitable rooms and balconies • 9m between habitable rooms and non-hab rooms • 6m between non-hab rooms Four eight storeys = • 18m between habitable rooms and balconies • 13m between habitable rooms and non-hab rooms • 9m between non-hab rooms	Proposed development seeks consent for a max 8-storeys. Proposal will be constructed to both side boundaries resulting in attachments adjoining buildings which are also required to be built up to the boundary. *Note – issue of isolation is outstanding.* A rear setback of 9m is provided to all 8-storeys.	Yes
10. Zero building separation is permitted for residential flat buildings in mixed use areas where the development is a street wall building type with party walls.	Party walls are proposed on both side boundaries.	Yes
4.4.6 Noise Impact		
1. Development must comply with the Australian Standard 2021 – 2000 acoustic – aircraft noise.	The suburb of Turrella in which the subject site is located, is not affected by ANEF contours associated to Sydney Airport.	N/A

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
2. Details of any mitigation measures must be included with the Development Application submission. The mitigation measure must be consistent with the BASIX certificate.	No mitigating measures have been included in the DA submission.	N/A
3. Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, hours of operation and/or service deliveries.	The proposal does not include any commercial development. The driveway is located on the southern boundary, which is directly adjacent to the driveway of approved development on 2-8 Loftus St.	Yes
4. External walls facing potential sources of noise are to be constructed of materials with good sound insulating quality and have no large openings that would transmit noise.	Consideration has been afforded to the design of the units to ensure habitable rooms of adjoining units do not share a common wall.	Yes
5. Balconies and other external building elements are to minimise noise infiltration.	The siting of the balconies is appropriate.	Yes
6. Where new windows face potential sources of noise, they are to be fitted with noise attenuating glass.	Principle noise source is generated from road use of Loftus St. Street facing windows are to be suitable fitted.	Yes
7. Design landscaping to create a buffer between new residential development and adjacent potential sources of noise.	Front setback incorporates appropriate landscaping.	Yes
8. Residential flat buildings are to be designed to minimise any potential conflicts with existing industrial uses in terms of acoustic and visual privacy: a. the setback of any proposed residential building from the boundary of any adjoining industrial premises is to be a minimum of 5m. b. single aspect apartments facing and within 10m of industrial/ warehouse uses are to be avoided.	Existing industrial activities occur to the north and west of the site. The proposal is setback 9m from the western industrial buildings. The north adjoining property is vacant of any buildings, and appears to be used as a temporary holding yard for construction materials. This site and the subject site must consider the site isolation clause of the DCP and demonstrate that reasonable attempts have been made to amalgamate them. N any case this site development of this site is considered to be eminent. No single aspect apartments are proposed.	Yes
4.4.7 Wind Impact		

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1. Buildings must be designed and proportioned to consider the wind generation effects 2. Buildings of 5 or more storeys in height (or over 16 m) require wind tunnel testing, irrespective of whether they are built to the street frontage or not, which demonstrates the following: a. in open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second, which is the speed at which people begin to be blown over; b. in walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second; c. in areas where pedestrians are involved in stationary short exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second; d. in areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.	Wind Assessment Report, prepared by ANA Civil P/L accompanies the DA. This report concludes with the following: *"ANA Civil P/L has investigated and calculated the annual gust speed at critical sections of the proposed development at No. 10 Loftus St, Turrella in accordance with AS 1170.2 (Wind Actions) and Rockdale DCP 2011 Part 4.4.7 - Wind Impact. The proposed development is not expected to induce any significant additional wind flow on neighbouring properties."*	Yes
4.5 Social Equity		
4.5.1 Housing Diversity and Choice		
1. RFB Dwelling mix: • 3 bedroom unit – 10-20% • 2 bedroom units – 50-75% • 1 bed/studio units – 10-30% 2. Dwelling mix may be refined with regard to: • Location of development in relation to public transport, public facilities, employment areas, schools and retail areas. • Population trends • Whether development is for affordable housing/ community	Proposal provides for 9 x 1 bedroom units 11 x 2 bedroom unit 4 x 3 bedroom Site has close proximity to a Train Station In accordance with i.d. profile, Rockdale exhibits a slight downward trend in household size	No, however permitted to be satisfied by following controls.

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housing or non-for-private organisation.	(2.7 persons per household in 2011 and 2.67 persons in 2021).	
3. Developments containing less than 10 dwellings may vary the required dwelling mix, providing a range of dwelling sizes are represented.	The proposal being located close to the train station and in considering general population trends, supports the facilitation of smaller families and single persons living arrangements as represented by the proposed dwelling mix.	Yes
4. Multi-dwelling housing must be compliant with AS4299: 5. 1 adaptable dwelling required for >10 dwellings 6. 2 adaptable dwellings required for 10-30 dwellings; and 7. 10% adaptable dwellings required for more than 30 dwellings.	Submitted architectural plans suggest that units G.03 and 1.03 (representing 28.5% of the total units) can be adapted in accordance with AS4299. Should the proposed development be supported, a condition of consent will be imposed to ensure that a building surveyor is satisfied that the proposed units can be adapted in accordance with AS4299.	Yes, subject to conditions of consent.
4.5.2 Equitable Access		
1. Access is to meet the requirements of and Disability Discrimination Act (DDA) Relevant Australian Standards BCA	The pedestrian access to the building is encumbered by 3 steps accompanied by an accessible chairlift. The primary portion of the communal open space is unencumbered by steps or stairs. 2 of the 24 apartment units are 'adaptable'. In this regard, there is no evidence to suggest that the proposal is unable to comply with the requirements of the DDA and BCA for accessibility.	Yes, subject to conditions of consent.
2. Access Report required for DA's other than single dwellings and dual occupancies.	An accessibility report prepared by Accessibility Building Solutions accompanies the application. The report concludes that the proposal will be capable of achieving compliance with the access provisions of the BCA, SEPP 65 and essential requirement of AS4299.	Yes
4.6 Car Parking, Access and Movement		

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1. Development is to provide on-site parking in accordance with the following rates. Where a parking rate has not been specified in the table, the RTA Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council.	Proposal is for a 24-apartment unit RFB, comprising: - 9 x 1bed - 11 x 2bed - 4 x 3bed	
Residential Flat Buildings:	**Requirement**	
- Vehicles o 1 space per studio/1-bed/2-bed unit o 2 spaces per 3-bed units or more o 1 visitor space per 5 units	Proposal requires a total of **33** car spaces (28 for residents and 5 for visitors) **Proposal** Proposal provides for **23** car spaces. (visitor spaces are not nominated) *The RMS traffic generating guidelines require a min 26 parking spaces (21 residential and 5 visitor)*	**No** Shortfall of 10 under DCP Shortfall of 3 under RMS TGG
- Bicycle o 1 space per 10 units	**Requirement**: 2.4 spaces. **Proposal**: Storage space for 15 bicycles.	Yes
- Motorcycle o 1 space per 15 units	**Requirement**: 1.6 (2) motorcycle spaces. **Proposal**: 0 motorcycle spaces	**No**
Note: parking calculations that are not whole numbers are to be rounded up		
2. Shared parking concession for mixed use development	N/A	N/A
3. Travel demand Management Concession – Rockdale Town Centre and Wolli Creek Town Centre	N/A	N/A
4. Parking provisions for “change of use” developments	N/A	N/A
5. Parking provisions for ‘alterations and additions’ to existing development	N/A	N/A
6. Prior Contributions	None specified	N/A
Car Park Location and Design		

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7. Vehicle access points and parking areas are to be: o Easily accessible o Minimise traffic hazards o Located on secondary frontage where possible o Minimise loss of on-street parking o Multiple driveway crossings not permitted	The proposed vehicle access point will replace an existing one. The location of the vehicle access point, adjoining south adjoining properties driveay, is considered to be rational and suitable.	Yes
8. Car parking and service/delivery areas are to be located so that they do not visually dominate either the development or the public domain	Basement garage is predominantly absent from view.	Yes
9. Car parking areas must be well lit and laid out convenient to manoeuvring	Development will be need to comply with BCA requirements for car parking including lighting provisions.	Yes, subject to suitable conditions
10. Developments of four or more dwellings to be designed so that vehicles can enter and exit in forward direction	To be reviewed by Councils Traffic Engineer	To be reviewed.
11. Basement car parking is to be: a. adequately ventilated, preferably through natural ventilation; b. located within the building footprint. Construction must be carried out in a way to enable deep soil planting to be provided on the site; c. located fully below natural ground level. Where site conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site, or in flood prone areas, to the minimum floor level required by Council; d. designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated; and e. provided with daylight where feasible	To be reviewed by Councils Traffic Engineer Basement garage is fully located underground. Basement extends beyond the building envelope, however area for deep soil plantings is provided on site. Pedestrian access to basement is provided via a separate entrance to that of vehicles, and is separated from general vehicle movements via a common area located in front of the lift and fire stair well. Daylight access is provided from entrance way. Elsewhere is not feasible.	To be reviewed.
12. The widths of access driveways shall comply with Council's Technical Specifications.	Council's TS outline *'for properties with a frontage of less than 30m, access may be provided by a single driveway of minimum width of 2.7m*	TBA – council traffic engineer.

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	and maximum width of 4.5 at the boundary.' Proposal provides for a single driveway 6m wide. Council's traffic engineer to review suitability of proposal.	
13. For development on land fronting a Classified Road, the applicant must demonstrate that the development would not conflict with the traffic flow by reason of vehicles entering or leaving the site, or from parking congestion. Where available, all vehicular access to the land must be by way of a service lane or road other than the Classified Road.	Loftus Street is not a classified road.	N/A
14. All car parking for residential flat buildings is to be provided within a basement carpark with the exception of any required accessible or visitor parking which may be provided at-grade.	Basement car park is proposed.	Ye
15. Mechanical parking systems supported subject to Council's Tech Specs	No mechanical parking systems are proposed.	N/A
16. All visitor car parking must be clearly marked, and must not be behind a security shutter unless an intercom system is provided for access.	Visitor car parking has not been nominated within the proposal.	**No**
17. Disable parking spaces must be close to lifts	Disabled car parking spaces are located adjacent to the lifts.	
18. Garage doors must be integrated in building design.	No garage door details are included in the DA submission. Nevertheless, due to the proposed frontage details, the garage doors will not dominated the street façade.	N/A
19. Where building uses will require the provision of loading facilities they are to be designed in such a way as to permit all loading and unloading to take place wholly within the site and prevent conflict with pedestrian and vehicular movement within or surrounding the site.	2.6m clearance heights is proposed to the garage entrance. Council's traffic engineer to comment on developments capability of loading and unloading.	TBA by Council's traffic engineer.
• **Car Wash Facility** 20. For buildings with 5 dwellings or more, at least one visitor car parking space is to be equipped with car wash facilities which has a cold water tap and is connected to the sewer system.	No Wash By facility is proposed. Council's Traffic Engineer to comment on appropriateness of washbay absence.	No. TBA by Council's traffic engineer.
• **Pedestrian Access and Sustainable Transport**		

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21. Pedestrian access within a development must be legible and separated from vehicular access wherever possible.	Pedestrian access within the proposal is legible when viewing from Loftus St, and separated from vehicle access.	Yes
22. Safe and convenient pedestrian access from car parking and public areas	Pedestrian access from the basement car park is provided by the lift and stairway.	
23. Provide bicycle access which does not interfere with pedestrian access	Secured bicycle parking is located to the rear of the development adjacent to proposed communal open space, and therefore utilises the common pedestrian pathway. It is considered appropriate for cyclist to dismount and subsequently access the secured bicycle access on ground floor.	Yes
24. All bicycle parking is to be secure and where provided within the public domain must be designed to minimise obstruction of pedestrian movement.	As above.	Yes
25. Bicycle parking to cater to various users.	Proposed bicycle park is assumed to be capable of being used by any building resident.	Yes
26. Where bicycle parking is to be provided for residents in basement, it is to be individual bicycle lockers or within a caged or gated secure area.	Bicycle parking is provided within a caged area.	Yes
27. Bicycle parking for non-residential development is to be provided as bike racks within publicly accessible areas or within the parking area	N/A	N/A
28. New development must enhance and maintain pedestrian, cycle and public transport networks.	The proposed development does not interfere or impact on the pedestrian, cycle or public transport networks. The pedestrian path in front of the subject site will need to be made good in accordance to Councils standards.	Yes
29. Design initiatives promoting sustainable transport are encouraged, and can include: a. small car parking spaces b. dedicated communal or shared car spaces c. bicycle exchanges or communal bicycles d. dedicated and convenient motorcycle and scooter parking	Proposed development does not independently seek to create a sustainable transport initiative. The proximity to Arncliffe and Turrella train station is considered to organically promote use of the public transport.	N/A
30. Use slip resistant ground surfaces which are traversable by wheelchairs and indicate changes of grade.	The development will need to comply with BCA including tactile and non-slip surfaces for wheelchair and disabled access.	Yes, subject to conditions of consent

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4.7 Site Facilities		
Air Conditioning and Communication Structures		
1. Ancillary structures are: ○ Not to be visually intrusive. ○ Located to have minimal impact on amenity of adjoining properties. ○ Do not have negative impact on architectural character of building.	Proposed development does not seek consent for air-conditioning and communication structures	N/A
2. For each building comprising >2 dwelling a master TV antenna/satellite dish to be provided.	Submitted plans and SEE does not include any reference to master antenna or satellite dish. A condition of consent can be imposed to ensure compliance with this control.	Yes, subject to conditions of consent
Waste Storage and Recycling Facilities		
3. Must comply with Council's Tech Specs In RFB's: - *1 x 240L garbage bin for every 4 dwellings* - *1 x recycling bin for every 4 dwellings* - *Room for temp storage of discarded bulk items* - *Four or more storeys to provide suitable system of waste transport* - *Waste collection, on street or basement* *Proposal (24 apartment units) requires 12 bins (6 x garage, 6 x recyclable)*	A designated garbage room with an area of 10m² is provided in the basement, with room for 11 x 240L bins. A bulky goods room (7m²) is further proposed on ground level within the proposal. Proposal is 8-storeys, however does not provide for a suitable waste system or transport. SEE states that kerb side collection will occur. Referenced waste management plan prepared by Elephants Foot does not accompany the DA.	**No – suitable waste system or 4-storey or more buildings**.
4. Waste must be minimised through source separation of waste, reuse and recycling by ensuring appropriate storage and collection facilities.	On-going waste management will utilise 11 x 240L bins for general waste and recycling.	Yes
5. Waste storage areas/facilities must be appropriately located so that they are easily accessed by tenants and do not have negative impacts on the streetscape or the residential amenity of occupants and neighbours with regards to smell, visual appearance or noise disturbance.	Bins are located on ground floor, accessible from the pedestrian entrance corridor. The storage area is cannot be seen from the street.	Yes
6. Development must incorporate convenient access for waste collection.	Garbage room is located 5.2m from the lift.	Yes

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7. For mixed uses, industrial and other non-residential uses, waste storage facilities should be designed to cater for different needs of multiple tenants as well as future changes in uses.	N/A	N/A
Service Lines/Cables		
8. Internal communication cabling must be installed for telephone, internet and cable television use.	Subject to any approval, the conditions of consent will ensure that adequate provisions of services, including communication, is provided to the development.	Yes, subject to conditions of consent.
9. In Wolli Creek and Bonar Street precincts, the developer is required to relocate underground electricity cables on the frontages at no cost to Council.		
10. Internet cabling must be installed for telephone, internet and cable television uses.		
Laundry Facilities and Drying Areas		
11. Laundry in each dwelling	Areas for a washing machine and wash basin are provided within each dwelling.	Yes
12. Drying areas not to be located forward of building line or in any street frontage setback	Drying areas can be accommodated in the POS areas of the units.	Yes
13. Drying areas in open, sunny part of site.	As above.	Yes
14. Each dwelling in dual occ or multi-dwelling must be provided with a clothes line with min. length of 7.5m	As indicated earlier, the associated POS areas of each dwelling is considered to be capable of accommodating a clothes line with a length of 7.5m.	Yes
• **Letterboxes**		
15. Letterbox points to be integrated with building design and located in covered area	Letterboxes are integrated into the entrance porch/foyer wall.	Yes
16. Letterboxes to be centrally located and lockable	As above. Locking ability of letterboxes is dependent on the letter boxes that are utilised.	Yes
17. For development with multiple dwellings, letterboxes are to be visible from at least some of the dwellings, and located where residents can meet and talk, preferably with seating and pleasant ambience	Letterboxes are located adjacent to the entrance porch/foyer. They are not visible from any dwellings however; the location of the letterboxes will allow for meet and greets between residents of the building. Seating and pleasant ambiance is afforded in the communal open space.	Yes
• **Storage Areas**		
18. For RFB a min $10m^3$ must be provided to each apartment. Bedroom wardrobes, kitchen cupboards and services are not be included in the storage area	Proposal provides for ADG compliant storage spaces.	No, however ADG compliant.

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• **Hot Water Systems** 19. HWS to be encased in recessed box if located on balcony.	Hot water systems are to be in accordance with BASIX commitments. A condition of consent can be imposed to ensure that HWS are encased or adequately concealed if located on balconies.	Yes, subject to conditions of consent.
Part 5 – Building Types		
Part 5.2 – Residential Flat Buildings		
• **Site Coverage** 1. Building footprints for RFB are limited to 35% of the site area. Building footprint fits within the front, side and rear setback requirements and responds to site features, privacy, solar access and outdoor space design principles.	Proposed building footprint is approximately **57%** (336.72/588). The proposed building footprint does not fit within the side, and rear setbacks. It is acknowledged that the site exceedance is confounded by the limited site area available for development – 588sqm. However, the limited site area is not considered to preclude a site responsive and appropriate design. It is further noted that the proposed development is required to be built up to both adjoining side boundaries. Proposal does not comply with solar access.	**No**
Setbacks		
2. **Development Setbacks** • **Street Setback** - Must be consistent with the prevailing setbacks in the street within the range of 3m-9m	Proposal provides for a 3m front setback which is consistent with adjoining development on 2-8 Loftus St.	Yes
• **Secondary Street Setback** - 3m-5m	No secondary street frontage.	N/A
• **Side Setback** - Min 3m for up to three storeys - Min 4.5m for all levels above three storeys	Proposal is built up to both boundaries. This follows existing approved development on adjoining site at 2-8 Loftus St which was approved with a blank wall on the south adjoining boundary.	N/A

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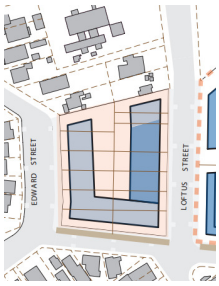
	Development controls requiring the side setback for the proposed development site re incorporated into the Bonar Street precinct section of the DCP.	
• **Rear setback and rear lane setback** - Min 12m or 15% length of site, whichever is greater. *(15% of length of subject site (33.53m) = 5m)* *Note: Compliance with these setbacks alone may not necessarily ensure visual and acoustic privacy between residential units from one block to another and greater separation and/or other measure may be required to ensure privacy between units.*	Proposed min rear setback = **9m**. Rear setback matches approved rear setback of 2-8 Loftus Street, and is in accordance with the Bonar Street Precinct Structure Plan.  	No, variation is 25%. Acceptable.
3. **Balconies** - Balconies that are not enclosed and do not adversely affect adjoining properties in terms of privacy or overshadowing, may encroach on the side setback by up to 300mm.	Balconies in the development have a street view or rear view. Solid walls are provided along boundary facing sides of the balconies. Sufficient rear boundary is afforded to maintain an acceptable level of privacy to the rear facing balconies.	Yes
Apartment Size		
4. As required recommended by ADG ***Design criteria*** 1. Apartments are required to have the following minimum internal areas: **Apartment type** / **Minimum internal area** Studio — 35m² 1 bedroom — 50m² 2 bedroom — 70m² 3 bedroom — 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each	Proposal complies with minimum apartment size of the ADG. The ADG defines a studio as ***Studio apartment*** *an apartment consisting of one habitable room that combines kitchen, living and sleeping space*	Yes
5. **Room size requirements** a) the size of the bedroom in a one bedroom apartment and of the main bedroom in a two or more bedroom apartment must be a minimum of	ADG requires master bedrooms have a min 10m² and other bedrooms have 9m² (excluding wardrobe space).	No, however complies with ADG

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13m² in area with a minimum dimension of 3m;	Proposal complies with ADG bedroom sizes	Yes
b) the floor area of the second and all other bedrooms must be a minimum 9m² with a minimum dimension of 2.7m;	Yes.	Yes
c) the floor area of living rooms must be a minimum 16m² with a least dimension of 3m, and the area must be increased by 4.6m where the living and dining areas are combined;	Open plan living areas with combined living and dining areas are proposed. These areas are greater than 16m² in size and have a dimension of greater than 4.6m in length.	Yes
d) the size of all other habitable rooms must be a minimum 6.5m² in area with a minimum dimension of 2.4m;	No other habitable rooms proposed.	
e) A main bathroom must have a minimum area of 4.5m², and are to be increased by 0.7m² with a toilet, 0.7m² with a washing machine, and 1.1m² with a washing machine and tub	Bathrooms are at least 4.53m² in size.	Yes
	The proposed main bathrooms are sufficiently proportioned in size.	Yes
Building Design		
6. Facade design must respond to orientation, noise, breezes, privacy and views, through the use of appropriate sun shading devices, noise barriers, privacy screens, and the careful location of balconies, terraces and loggias.	The façade design includes the placement of the balconies on the eastern and western facades of the building, which provides for appropriate articulation of the building frontage. The overhang of the balconies will acts as a sun shading device for apartment units below, and the uppermost units is benefited from a roof overhang. The western elevation further includes metal sliding screens for use of future occupants to shield against the afternoon sun.	Yes, subject to conditions of consent.
7. Strengthen the relationship of the building with the street through the use of entry lobbies, entry porches, loggias, balconies, bay windows.	Interaction between the proposed building and Loftus St is provided through front facing balconies, and a common pedestrian entrance pathway.	Yes
8. Solid balustrading should be included in the facade design to provide screening of clothes line and other paraphernalia.	The balcony of apartment 3.02, and 4.04 do not include solid balustrading.	**No**
9. The design should consider expressing a hierarchy of floor levels by defining a base, middle, and top to the building, including podium and penthouse expression.	A uniformed building design is proposed, adjoining neighbouring apartment buildings. A hierarchy of floor levels is displayed using variable building materials with offsetting balustrading finishes and	Yes

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	planter landscaping on alternate levels.	
10. Large expanses of blank walls are to be avoided through the use of architectural design features, modelling and fenestration.	The proposed building includes common walls on both side boundaries, in accordance the intent of the Bonar Street Precinct. The frontage and rear facades include variable building form as created by the presence on balconies, and window fenestration.	**Yes**
11. The building line of a street wall building should generally be parallel with the street boundary alignment.	Building line of the street wall is aligned with approved apartment building on 2-8 Loftus St, as guided by the development controls of the Bonar Street Precinct.	Yes
12. Private open space elements such as balconies should be predominantly north, east and west facing and should be designed to ensure visual and acoustic privacy	Balconies and ground floor terraces are position on the eastern and western sides of the building. The design of the balconies is considered to be appropriate to ensure acceptable levels of visual and acoustic privacy is afforded to the residents.	Yes
13. Express important corners by giving visual prominence to parts of the façade through a change in building articulation, material, colour, roof expression or increased height	As envisaged in the Bonar Street Precinct section of the DCP, the only visible aspect of the building from the street is limited to the front façade.	N/A
14. Existing residential flat buildings with no existing balcony enclosures are not permitted to enclose any balcony. Applications for balcony enclosures may only be considered when the enclosures are: a. integrated with a design for the entire building; and b. improve internal amenity through environmental control.	N/A	N/A
15. All external plumbing must be recessed or concealed and all internal plumbing must be ducted or concealed. Copper pipes must be exclusively used between the meter and service points.	Noted. Can be addressed at CC stage.	CC stage
16. All proposed staircases to the upper levels of buildings must be internal	Staircases are internal.	Yes
17. Façade fixtures such as sun shading devices and blade walls should not be the only means of façade modelling, and must instead be integrated with the overall facade composition to add another layer of detail and interest.	Façade is modulated by the presence of variable length balconies, and through use of alternating building materials.	Yes
18. The selection and mix of building materials must complement the	The proposal utilises a mix of materials which helps dictate the	Yes

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overall composition and emphasise the scale, proportion and rhythm of the façade. Heavy materials such as brick, stone and concrete can provide a solid building base or express key elements, whilst lighter materials such as glazing, cladding and lightly coloured rendered surfaces reduce perceived bulk and add relief to the façade	proportion and rhythm of the façade. Front façade utilised high proportions of glazing with intermittent concrete balustrading.	
19. The floor level of the upper most storey must be at least 3.5m below the maximum permitted height to achieve a variety of roof forms.	The uppermost level exceeds the permitted height by 6.3m. A variation to the height standard is sought.	No
20. Use the roof level for communal purposes or articulate the upper storeys, with differentiated roof forms, maisonettes or mezzanine penthouses and the like	Level 7 is proposed to include penthouse apartments that utilise the level 6 roof as podium style terrace area. (Height non-compliance remains).	Yes
21. Plant rooms, lift overruns and mechanical ventilation rooms must not be located on the roof of a building where they can be visible from a public place. Such services must be integrated into the design of the building, or alternatively located in the basement of the building.	Lift overrun and exhaust riser is located on the roof, however there are not considered to be visible from the street.	Yes
22. The profile and silhouette of parapets, eaves and roof top elements must be considered in roof design.	The use of the level 6 roof has been considered in the design of the level 7 penthouse apartments. Flat roof design is proposed. Such design accords with recently approved roof design on Loftus Street.	Yes
23. The roof design must be sympathetic to the existing streetscape, and have regard to existing parapet and roof lines of adjoining properties that are of a similar building height.	The roof design is representative of contemporary architectural apartment building design. The proposal's roof is sympathetic to recently approved apartment buildings within Loftus Street, however the proposed building is of a non-complying and unsympathetic height to adjoining properties.	Yes, however no to height.
Building Entry		
24. The entry is to be designed so that it is a clearly identifiable element of the building in the street	The pedestrian entrance is located on the southern side of Loftus St frontage and is identifiable from the street.	Yes
25. Utilise multiple entries – main entry plus private ground floor apartment entries to activate the street edge. At least 50% of ground floor	The context of the site and envisaged development makes multiple entrances difficult. Considering the limited street	Yes

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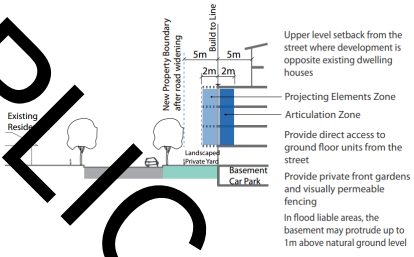
dwellings are to have individual gates and direct access off the street.	frontage width, the single entrance is considered to be acceptable.	
26. Provide as direct a physical and visual connection as possible between the street and the entry	A direct physical connection is apparent between Loftus St and the main entrance to the building.	Yes
27. At least one main entry with convenient, barrier-free access must be provided in all new development.	The main entry is to the building is barrier free, however the corridor to the lifts and stairwell is encumbered by three steps. An accessible chair lift is proposed in conjunction with these steps to ensure convenient and accessible access is provided to the building.	Yes
28. Provide separate entries from the street for ▪ pedestrians and cars; and ▪ different users, for example, for residential and commercial users in a mixed use development.	Separate entries for pedestrians and cars are provided. Proposal is for residential use only.	Yes
29. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	The building entrance is adequate for the passage of furniture and as a gateway to the buildings circulation space.	Yes
30. Pedestrian entries should be located on primary frontages.	Pedestrian entrance addresses Loftus Street.	Yes
Lift Size and Access		
31. Lifts are to be provided in all residential flat buildings. Multiple stairlift cores should be provided to encourage multiple street entries and ease of access to apartments. Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8	One (1) lift is provided. At most four (4) units access the lift on one (1) level.	Yes
32. Lift cars are to have minimal internal dimensions of 2.1m x 1.5m, capable of carrying stretchers, with lift door openings wide enough to enable bulky goods (white goods, furniture etc) to be easily transported.	Lift core has dimensions of 2.3m by 2.4m, with lift door width of 0.9m which is similar to the apartment door width.	Yes
33. Lifts are to be accessible from all levels of the building, including all basement levels. Level access to the lift from all basement levels must be provided.	Lift is accessible from all levels including basement levels.	Yes
34. Each dwelling on a level above the sixth storey is to have access to two lifts.	The two (2) dwellings on level 7 has access to one (1) lift and one (1) stairwell. As Level 7 is limited to two (2) apartments this is considered to be suitable.	**No**

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
35. All common corridors are to have a minimum width of 2 metres to enable bulky goods (white goods, furniture etc) to be easily transported through the building.	Ground floor corridor has a width of 1.6m.	**No**
36. All common corridors are to be provided with natural light and ventilation where feasible.	Natural light penetrates the ground floor corridor from the entrance and exit to the building. Providing natural light to the lift lobbiess of levels 1-7 is not considered to be feasible.	**Yes**
PART 7 – SPECIAL PRECINTS **7.2 Bonar Street Precinct**		
1. Commercial uses, local shops, restaurants/ cafes or child care facilities should be located on at least part of the ground level of the building next to the Bonar Street/ New Road West intersection and the central square and community park.	Subject site is located in Loftus Street.	N/A
2. Provide a street edge building form that defines streets and ensures legibility of the streetscape, provides street addresses for all buildings, view corridors through the precinct, and adequate setbacks for landscape treatment to the street edge.	Proposed street edge building aligns with approved development at 2-8 Loftus Street. Landscape treatment is provided within the front setback not encumbered by vehicular and pedestrian access.	Yes
3. Building setbacks from road frontages are to be wholly available as deep soil planting zones clear of car parking structures. Building façade articulation zones should be co-ordinated with deep soil planting zones and landscape plans to optimise root and canopy space for large trees along street frontages.	Front setback landscaping includes deep soil plantings, however the basement carparking extends into the building setback. Elevations suggests that the building façade incorporates plantings in co-ordination with the front setback landscaping.	**No.**
4. Provide direct access to the street from private yards where possible to maintain connection between public and private domains.	Direct access from private yards is not provided within the proposed development. Considering the limited street frontage, it is not considered to be imperative that individual access to the single ground floor unit addressing the street is afforded.	Yes
5. Provide passive surveillance of the street from the buildings. Definition between the private frontages and the public domain is to include visually permeable fencing and walling. Fencing is to be designed to allow filtered views of the street to maintain passive surveillance.	Suitable level of passive surveillance is afforded by the street facing balconies. Elevations plans suggest that the ground floor unit will include permeable fencing.	Yes

ROCKDALE DCP 2011	PROPOSED	COMPLIANCE
6. Development is to comply with the Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.	Proposal is considered to be capable of complying with the relevant public domain plan. Compliance is a consideration for CC stage.	Yes
7. Development is to incorporate setbacks at the street frontage in accordance with the following street section diagram: 	The proposal's building line is setback 5m, and adjoining balconies are setback 3m from the street boundary, as per section diagram. Development does not oppose dwelling houses and as such upper levels are not required to be setback further.	Yes
8. New roads are to be provided as per the Bonar Street Precinct Structure Plan and the following table:	N/A	N/A
9. Development is to provide on-site detention of water in accordance with Council's specific requirements for this precinct.	Council development engineer to comment on suitability of proposed OSD arrangement.	TBA – Council's development engineer to comment.
10. The stormwater management system identified in the Stormwater Management Plans (as shown on the following diagrams) is to be implemented in conjunction with new development in the precinct.	Development is located on the western side of Bonar Street, see development control 12.	N/A
11. As part of any development on the eastern side of Bonar Street, all of the Stage 1 stormwater works (as shown on the following diagrams) must be completed to the satisfaction of Council prior to the construction of footings or basements for any new residential development.	Development is located on the western side of Bonar Street, see development control 12.	N/A
12. Development on the western side of Bonar Street can be completed and occupied without implementing the Stage 1 stormwater works.	Noted.	Yes

BASIX	PROPOSAL	COMPLIANCE
All ticked “DA plans” commitments on the BASIX Certificate are to be shown on plans (list)	BASIX Certificate 775488M outlines 15 car spaces are proposed, and that no mechanical ventilation is provided to the basement levels even though natural ventilation is not possible. BASIX certificate does not accurately reflect the design and details of the proposed development.	Conflicting design proposal for basement car parking

Variations/ Non-compliances to DCP

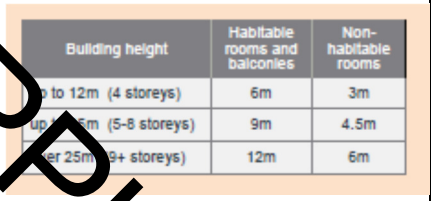
1. Part 4.1.3 Water Management – engineer comment on compliance with Councils Tech Spec, Water quality targets and incorporation of WSUD
2. Part 4.1.6 Development on Sloping Sites – geotechnical report should be submitted as extensive excavation is required for the 5-level basement garage.
3. 4.1.9 Lot width and Site Consolidation – Required to provide a 24m lot width, proposal includes 17.68m lot width. Results in difficulties in achieving adequate provision of landscaping, parking, vehicular and pedestrian access, and exacerbates, overshadowing, privacy impacts, and surrounding land may not be capable of being economically developed. No evidence provided illustrating that adjoining land will be capable of being economically developed.
4. 4.2 Streetscape and Site Context - The proposal provides for a greater scale then what is envisaged by the block pattern of the Bonar precinct. The proposal does not provide for an appropriate built form transition, noting R2 zoned land in proximity.
5. 4.3.1 Open Space and Landscape Design – proposal requires 15%, proposal provides 13%, however this complies with ADG
6. 4.3.2 Private Open Space – 2B apartments provide for 9sqm balconies, require 10sqm. Proposed height exacerbates overshadowing impact to the north façade and open space area of 2-8 Loftus Street
7. 4.3.2 Communal open space – Proposal requires 120sqm, proposal provides for 116.4sqm. ADG requires148.25sqm (25%)
8. 4.4.2 Solar Access - Proposal is designed in line with the site’s orientation and the Bonar Street Precinct Plan, with the development being built up to the side boundaries and attached to adjoining RFB developments. Notwithstanding this the proposal substantially exceeds the height development standard. This will result in an exacerbated impact to the south adjoining development with particular reference to the north facing windows, and the central communal area of this development. On-compliance with ADG solar access provision
9. 4.4.4 Visual and Acoustic Privacy - No acoustic report has been submitted demonstrating that an Acoustical Star Rating of 5 can be achieved.
10. 4.6 Car parking, access and movement – proposal requires 33 spaces, proposal provides for 23 spaces. No motorcycle space provided, requires one. Basement car park appears to require mechanical ventilation; however, BASIX certified states no mechanical ventilation is proposed to basement car park. No loading bay is proposed. No wash bay proposed.
11. 4.7 Site Facilities - Proposal is 8-storeys, however does not provide for a suitable waste system or transport.
12. 5.2 Residential Flat Buildings (Site Coverage) - Proposed building footprint is approximately 57% (336.72/588), max permitted is 35%. The proposed building footprint does not fit within the side, and rear setbacks. However, can be built up to boundaries.

13. 7.2 Bonar Street Precinct - Building setbacks from road frontages are to be wholly available as deep soil planting zones clear of car parking structures. Building façade articulation zones should be co-ordinated with deep soil planting zones and landscape plans to optimise root and canopy space for large trees along street frontages.

APARTMENT DESIGN GUIDELINE	
Guideline	**Comment**
Part 3 – Siting the development	
3A Site Analysis	
Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context Each element in the Site Analysis Checklist should be addressed (see Appendix 1)	Opportunity to amalgamate has not been pursued.
3B Orientation	
Objective 3 B -1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	Layout and streetscape is in response to the strategic planning for Bonar Street Precinct.
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	Overshadowing to south adjoining property is unnecessarily exacerbated because of the height exceedance.
3 C Public Domain interface	
Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	Transition between private and public
Objective 3 C - 2 Amenity of the public domain is retained and enhanced	Proposal is predominantly in accordance with the Bonar Street Precinct. Accordingly, the proposal supports the envisaged public domain of the precinct.
3D Communal and Public Open Space	
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	The proposed development also dedicates 21% of the site a communal open space area that provides for a range of amenity factors, including BBQ facilities, paved seating areas, reading areas and a pergola structure.
Design Criteria	
1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3))	Communal open space 114.28m^2 – (19.44%) SEPP 65 requirement – 147m^2 (25% of 588m^2)

<table>
<tr><td colspan="2">APARTMENT DESIGN GUIDELINE</td></tr>
<tr><td></td><td>Non-complaint.</td></tr>
<tr><td>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</td><td>Communal open space is north facing.</td></tr>
<tr><td>Objective 3D-2
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</td><td>communal open space area provides for a range of amenity factors, including BBQ facilities, paved seating areas, reading areas and a pergola structure.</td></tr>
<tr><td>Objective 3D-3
Communal open space is designed to maximise safety</td><td>Communal open space area at ground level is considered to have been designed to maximise safety.</td></tr>
<tr><td>Objective 3D-4
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>Not considered appropriate to this size of apartment development.</td></tr>
<tr><td colspan="2">3E Deep soil zones</td></tr>
<tr><td>Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</td><td>13% of site area is provided for deep soil planting.
Rear deep soil area has sufficient dimensions to support the growth of trees.
Front deep soil area is considered to be limiting as it is restricted to 1.2m width due to the basement garage encroachment into the front setback.</td></tr>
<tr><td>Design Criteria
Deep soil zones are to meet the following minimum requirements</td><td></td></tr>
<tr><td>1. Deep soil zones are to meet the following minimum requirements:
<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table></td><td>As mentioned above, it is considered that the proposed Deep Soil Zones meet this ADG requirement (13% provided).
No minimum dimensions as the site is less than 650sqm.</td></tr>
<tr><td colspan="2">3F Visual privacy</td></tr>
<tr><td>Objective 3F-1
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td><td>The building will be built up both side boundaries as is required by the applicable Precinct Plan.

A 10m rear setback is provided from the building.</td></tr>
<tr><td>Design criteria</td><td></td></tr>
</table>

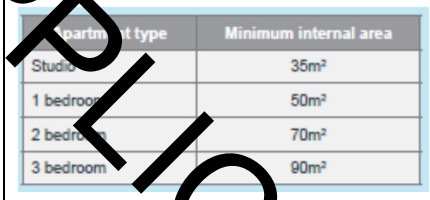
APARTMENT DESIGN GUIDELINE	
1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:  No separation is required between blank walls	Proposal is eight (8) storeys. Common walls provided on both side boundaries. A setback of 10m is provided to the rear boundary - Complies
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties	One building proposed and therefore this is not considered applicable.
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The design currently relies on solar access outside 9 to 3 pm to achieve 2 hours mid-winter sun. Improving solar access should be considered in any redesign
3G Pedestrian access and entries	
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	Building entry addresses and connects to Loftus Street.
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	Yes.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	The proposed development is not considered to be taking place on a large site and as such this objective is not considered applicable.
3H Vehicle access	

APARTMENT DESIGN GUIDELINE	
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Vehicle access point is considered to be sensibly located. Conflict may occur with pedestrians, however this can be addressed with appropriate signage and warning lighting.
3J Bicycle and car parking	
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Refer below.
Design Criteria	
1. For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	Proposal is within 400 metres from two (2) train stations, those being Turrella and Arncliffe Train stations. **Traffic Report** - Report states that Metro Regional CBD Centre parking rates apply to the proposal: o Parking rates for this include: 0.4 per 1B, 0.7 per 2B, 1.2 per 3B, visitor per 7 units o **Total in this regard = 16 res spaces, and 4 visitor spaces** However, in accordance with *Practice note – Car parking requirements* in *SEPP 65* the subject site is located in a Metropolitan Subregional Centre, not a Metropolitan Regional Centre, which means: o Parking rates for this include: 0.6 per 1B, 0.9 per 2B, 1.4 per 3B, visitor per 5 units o **Total in this regard = 21 res spaces, and 5 visitor spaces** **Therefore, the proposal requires a total of 26 car spaces.** **Proposal** Proposal provides for **23** car spaces. (visitor spaces are not nominated), which represents a shortfall of 3 spaces.
Objective 3J-2 Parking and facilities are provided for other modes of transport	A bicycle parking room is provided adjacent to the communal open space on ground floor. The room can accommodate 5 spaces.
Objective 3J-3 Car park design and access is safe and secure	Suitable
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	Suitable
Objective 3J-5	

APARTMENT DESIGN GUIDELINE	
Visual and environmental impacts of on-grade car parking are minimised	No on-grade parking is proposed.
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	As above.
Part 4 – Designing the building	
4A Solar and daylight access	
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	
Design Criteria	
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	- SEE states that 62.5% of units receive 2hrs of solar access - Solar views provided. Considered to be non-compliant and unsuitable. SEE states: *It is noted that the Bonar Street precinct requires the development to provide a blank northern wall, with the likely future redevelopment of the northern neighbour abutting the northern boundary wall, thus preventing compliance with the solar access requirements under the ADG and the DCP.*
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter	The proposed development is within the Sydney Metropolitan Area and as such this is not applicable.
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	SEE states that all apartments get direct solar access.
Objective 4A-2 Daylight access is maximised where sunlight is limited	Daylight is not maximised as a blank north face wall is required to be provided.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	Yes
4B Natural ventilation	
Objective 4B-1 All habitable rooms are naturally ventilated	Yes
Objective 4B-2	

<table>
<tr><td colspan="2">APARTMENT DESIGN GUIDELINE</td></tr>
<tr><td>The layout and design of single aspect apartments maximises natural ventilation</td><td>Yes</td></tr>
<tr><td>Objective 4B-3
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</td><td>As below</td></tr>
<tr><td>Design criteria</td><td></td></tr>
<tr><td>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</td><td>SEPP 65 workbook states that 100% of the unit’s area cross flow ventilated.</td></tr>
<tr><td>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td><td>Yes</td></tr>
<tr><td colspan="2">4C Ceiling heights</td></tr>
<tr><td>Objective 4C-1
Ceiling height achieves sufficient natural ventilation and daylight access</td><td></td></tr>
<tr><td>Design criteria</td><td></td></tr>
<tr><td>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:
<table><tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>These minimums do not preclude higher ceilings if desired</td><td>The submitted plans show that all ceiling-ceiling heights of 3m are provided within the proposed development.

The 300m depth for ceilings is considered to be sufficient to accommodate slab and any services such as cooling and heat distribution if required.</td></tr>
<tr><td>Objective 4C-2
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</td><td>Suitable</td></tr>
<tr><td>Objective 4C-3
Ceiling heights contribute to the flexibility of building use over the life of the building</td><td>The subject site is zoned R4 Medium Density Residential and therefore ground floor retail and commercial uses are not required. Therefore, the objective of this section of the ADG is not applicable to the proposal.</td></tr>
</table>

APARTMENT DESIGN GUIDELINE	
4D Apartment size and layout	
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	
Design criteria	
Apartments are required to have the following minimum internal areas:  The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each	The submitted plans illustrate all apartments comply with the minimum internal areas based on the number of bedrooms and bathrooms.
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have windows and glass doors to external walls. In addition a design verification statement has been provided by the architect which states that the proposed development has been designed in accordance with the design quality principals contained within SEPP 65.
Objective 4D-2 **Environmental performance of the apartment is maximised**	
Design criteria	
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Open plan living, dining and kitchen areas are provided, refer below.
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	It is noted that some of the apartments provide habitable open plan layouts slightly greater than 8m however it is considered that the proposed development generally complies within this requirement. All living areas and bedrooms have been located to the external walls of the building. In addition, a design verification statement has been provided by the architect which states that the proposed development has been designed in accordance with the design quality principals contained within SEPP 65.
4D Apartment size and layout	
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	

Apartment type	Minimum internal area
Studio	35m²
1 bedroom	50m²
2 bedroom	70m²
3 bedroom	90m²

<table>
<tr><td colspan="2">APARTMENT DESIGN GUIDELINE</td></tr>
<tr><td>Design Criteria</td><td></td></tr>
<tr><td>Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)</td><td>Yes</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td>Yes</td></tr>
<tr><td>Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1 bedroom apartments
• 4m for 2 and 3 bedroom apartments</td><td>Combined living and dining rooms generally have a minimum width of 4m.
Corner 2B apartments have a width of 3.9m. These living areas are benefitted by a direct connection to the balcony exhibiting the same width (3.9m). The living areas are also afforded kitchen counter widths of 0.6m.
In this regard, enforcing a 4m wide living space would likely be achieved by a reduction of kitchen counter width which is not considered to improve the amenity of these living rooms.
Therefore, the amenity of the combined living/dining room area is considered to be appropriate.</td></tr>
<tr><td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td><td>Yes</td></tr>
<tr><td colspan="2">4E Private open space and balconies</td></tr>
<tr><td>Objective 4E-1
Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td><td></td></tr>
<tr><td>Design Criteria</td><td></td></tr>
<tr><td>All apartments are required to have primary balconies as follows
<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>All apartments meet the minimum area and depth for primary balconies based on the number of bedrooms for each unit and the guideline provided in the ADG.</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m.</td><td>Yes</td></tr>
<tr><td>4E Private open space and balconies</td><td></td></tr>
<tr><td>Objective 4E-3</td><td></td></tr>
</table>

APARTMENT DESIGN GUIDELINE	
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Yes
Objective 4E-4 Private open space and balcony design maximises safety	Suitable
4F Common circulation and spaces	
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	See design criteria below
Design Criteria	
The maximum number of apartments off a circulation core on a single level is eight	Maximum of 4 apartments off the proposed single circulation core.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable.
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	Common circulation spaces provide a logical and direct path between building and apartment entries. Corners are avoided in the circulation spaces. Ground floor circulation space provides for direct connection to communal open space area, wherein opportunities for social interactions are afforded.
4G Storage	
Objective 4G-1 Adequate, well designed storage is provided in each apartment	Storage areas are not delineated on the floor plans. - Storage areas must be in addition to storage areas in kitchens, bathrooms and bedrooms
Design criteria	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: At least 50% of the required storage is to be located within the apartment	Despite storage areas not being delineated on the architectural plans, the SEE and ADG states that the proposal complies with this design criteria. It is noted that the small enclosed areas adjoining the kitchen counters may be suggested to be used for storage. Nonetheless, despite not specifically delineating storage areas on the plans, the dwellings are of complying sizes and exhibit appropriate dimensions to facilitate for reasonable storage areas and storage opportunities to be accommodated there within.
4H Acoustic privacy	
Objective 4H-1	

Dwelling type	Storage size volume
Studio apartments	4m³
1 bedroom apartments	6m³
2 bedroom apartments	8m³
3+ bedroom apartments	10m³

APARTMENT DESIGN GUIDELINE	
Noise transfer is minimised through the siting of buildings and building layout	Adequate building separation and appropriate acoustic treatment to common walls will minimise any noise transfer between adjoining buildings. Windows and doors are designed to be orientated from noise sources.
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	The proposed internal apartment layout separates noisy spaces from quiet spaces, by grouping rooms with similar noise requirements, utilising doors to separate uses and co-located wardrobes to acts as sound buffers. It is noted that several bedrooms adjoin the lift core on levels 1, 2, 3, and 4. Acoustic report must be submitted. - DCP
4J Noise and pollution	
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	The proposed location is not considered to be a noisy or hostile environment. The development is located on a local road and a review of the site locality indicates there are no classified (traffic generating) roads within the locality which would give rise to acoustic impacts to the development.
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Proposed recessed balconies, balustrades and external privacy screens and louvres are all considered to contribute to the minimisation of noise transmission from the subject development.
4K Apartment mix	
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	A variety of apartment types is provided. - 9 x 1B - 11 x 2B - 4 x 3B According to census data provided by atlas.id.com.au for Bayside Council area, indicates that the highest change in the number of bedrooms per dwelling between 2006 and 2011 was for 2 bedroom dwellings.
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	The apartment mix is evenly distributed through each floor level of the development.
4L Ground floor apartments	
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	Appropriate street frontage will be provided.
Objective 4L-2	

APARTMENT DESIGN GUIDELINE	
Design of ground floor apartments delivers amenity and safety for residents	Privacy and safety has been provided without obstructing casual surveillance. The ground floor private open spaces have been landscaped slightly elevated above the street level. Solar access has been maximised through high ceilings and appropriate window heights and landscaping.
4M Facades	
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	The colour scheme and building materiality is suitable. - Refer to Design Review Panel comments
Objective 4M-2 Building functions are expressed by the facade	Building entries are clearly defined. The apartment layout has been expressed externally through facade features such as party walls and floor slabs.
4N Roof design	
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	Suitable relates to context of streetscape and the Bonar Street Precinct.
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	It is not proposed to utilise the roof space for residential accommodation or open space. Penthouse apartments are proposed on uppermost stepped-in storey.
Objective 4N-3 Roof design incorporates sustainability features	Roof design is integrated as an overhang to the uppermost balconies.
4O Landscape design	
Objective 4O-1 Landscape design is viable and sustainable	Refer to submitted landscape plan it is considered that the proposed landscape design will be environmentally sustainable and will incorporate sustainable planting and has considered the tree and shrub selection, size at maturity and potential root growth.
Objective 4O-2 Landscape design contributes to the streetscape and amenity	Yes – refer to Landscape plans.
4P Planting on structures	
Objective 4P-1 Appropriate soil profiles are provided	Refer to submitted landscape plan it is considered that the proposed landscape design has considered soil weight and volume for areas planted over the proposed basement carpark.
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	Refer to submitted landscape plan it is considered that the proposed landscape design has considered and selected plant species that are suited to the site conditions. The landscape plan also details recommendations for irrigation and maintenance plan.
Objective 4P-3 Planting on structures contributes to the quality and amenity of	It is noted that all ground floor areas subject to planting on structures are private rather than communal or public. However in this instance it is considered that planting over structures will significantly enhance quality and amenity of

APARTMENT DESIGN GUIDELINE	
communal and public open spaces	development as it increases the areas available for private and communal open space.
4Q Universal design	
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	ADG statement (workbook) states that all 2B dwelling from ground floor to level 4 (9 dwellings in total or 37.5% of dwellings) will achieve the silver level universal design of the Livable Housing Guidelines.
Objective 4Q-2 A variety of apartments with adaptable designs are provided	SEE outlines that two (2) dwellings are adaptable. – complies with DCP. Accompanying Accessibility report details that dwellings G.01 and G.02 are designated as adaptable dwellings.
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	Apartment design incorporates flexible design solutions which includes master bedroom apartments with separate bathrooms and larger open plan apartments.
4R Adaptive reuse	
Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of Place	Not applicable as the development is a new residential apartment building
Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	Not applicable as the development is a new residential apartment building
4S Mixed use	
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not applicable as the development is a new residential apartment building, no mix of uses are proposed.
Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Not applicable as the development is a new residential apartment building, no mix of uses are proposed.
4T Awnings and signage	
Objective 4T-1 Awnings are well located and complement and integrate with the building design	Proposed building is setback in-line with the existing street frontage setback. The front pedestrian entrance is easily locatable.
Objective 4T-2 Signage responds to the context and desired streetscape character	It is considered that any signage will be subject of a separate development application to Council.
4U Energy efficiency	
Objective 4U-1	

APARTMENT DESIGN GUIDELINE	
Development incorporates passive environmental design	Adequate natural light is provided to habitable rooms. Ground floor apartments incorporate well located, screened outdoor areas which will provide for clothes drying.
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The proposed development includes passive solar design such as eaves and recessed balconies in addition to incorporating the commitments contained within the accompanying BASIX certificate for the subject development.
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	As detailed in the submitted cross ventilation analysis the majority of apartments generally receive the required amount of natural cross ventilation therefore minimising the need for mechanical ventilation as far as possible.
4V Water management and conservation	
Objective 4V-1 Potable water use is minimised	Water efficient fittings, appliances and wastewater reuse will be incorporated where possible. Rainwater will be collected, stored and reused on site. Drought tolerant, low water use plants will be used within landscaped areas where appropriate.
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Information pertaining to stormwater and WSUD features are not available, as no stormwater concept plan or water management plans have been provided.
Objective 4V-3 Flood management systems are integrated into site design	As above.
4W Waste management	
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Adequately sized storage area for rubbish bins have been located on the ground floor adjoining the lift core and basement ramp and near the building entrance. Waste and recycling storage and collection areas will be appropriately screened and well ventilated. Circulation design allows bins to be easily manoeuvred between storage and collection points Waste management plan has not been provided.
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	All dwellings will have a waste and recycling storage area of sufficient size to hold two days' worth of waste and recycling. Waste storage areas in ground floor waste rooms have been provided to store 11 bins x 240L, comprising of 8 x 240 Litre Waste Bins and 8 x 240 L recycling bins. Waste management plan has not been provided.
4X Building maintenance	
Objective 4X-1 Building design detail provides protection from weathering	Roof overhangs and recessed balconies have been used to protect walls. It is considered that the proposed building has been well designed to withstand weathering.
Objective 4X-2 Systems and access enable ease of maintenance	

APARTMENT DESIGN GUIDELINE	
	It is considered that the window design generally enables cleaning from the inside and that manually operated systems such as blinds and sunshades will be utilised.
Objective 4X-3 Material selection reduces ongoing maintenance costs	It is considered that material selection will ensure that ongoing maintenance costs are reduced.

Variations to the ADG guidelines:

1. 3A Site analysis - opportunity to amalgamate has not been pursued.
2. 3B Orientation - overshadowing to south adjoining property is unnecessarily exacerbated because of the height exceedance.
3. 3D Communal and Public Open Space – Provided communal open space 114.28m2 (19.44%), required COS – 147m2 (25% of 588m2) Non-complaint.
4. 3J Bicycle and car parking - Proposal requires a total of 26 car spaces, proposal provides for 23 car spaces.
5. 4A Solar and daylight access – SEE states that 62.5% of units will receive requires solar access. No solar modelling has been provided. Requires 70% of units. Blank wall is noted, however not adequate reasoning. Needs to demonstrate that daylight it maximised.
6. 4G Storage - Storage areas are not delineated on the floor plans. Storage areas must be in addition to storage areas in kitchens, bathrooms and bedrooms
7. 4H Acoustic Privacy - It is noted that several bedrooms adjoin the lift core on levels 1, 2, 3, and 4. Acoustic report must be provided in accordance with DCP and address that the layout will result in suitable acoustic privacy.
8. 4V Water management and conservation - Information pertaining to stormwater and WSUD features are not available as no stormwater concept plan or water management plans have been provided. Urban stormwater is treated on site before being discharged to receiving waters.
9. 4W Waste management – Waste management plan has not been submitted.

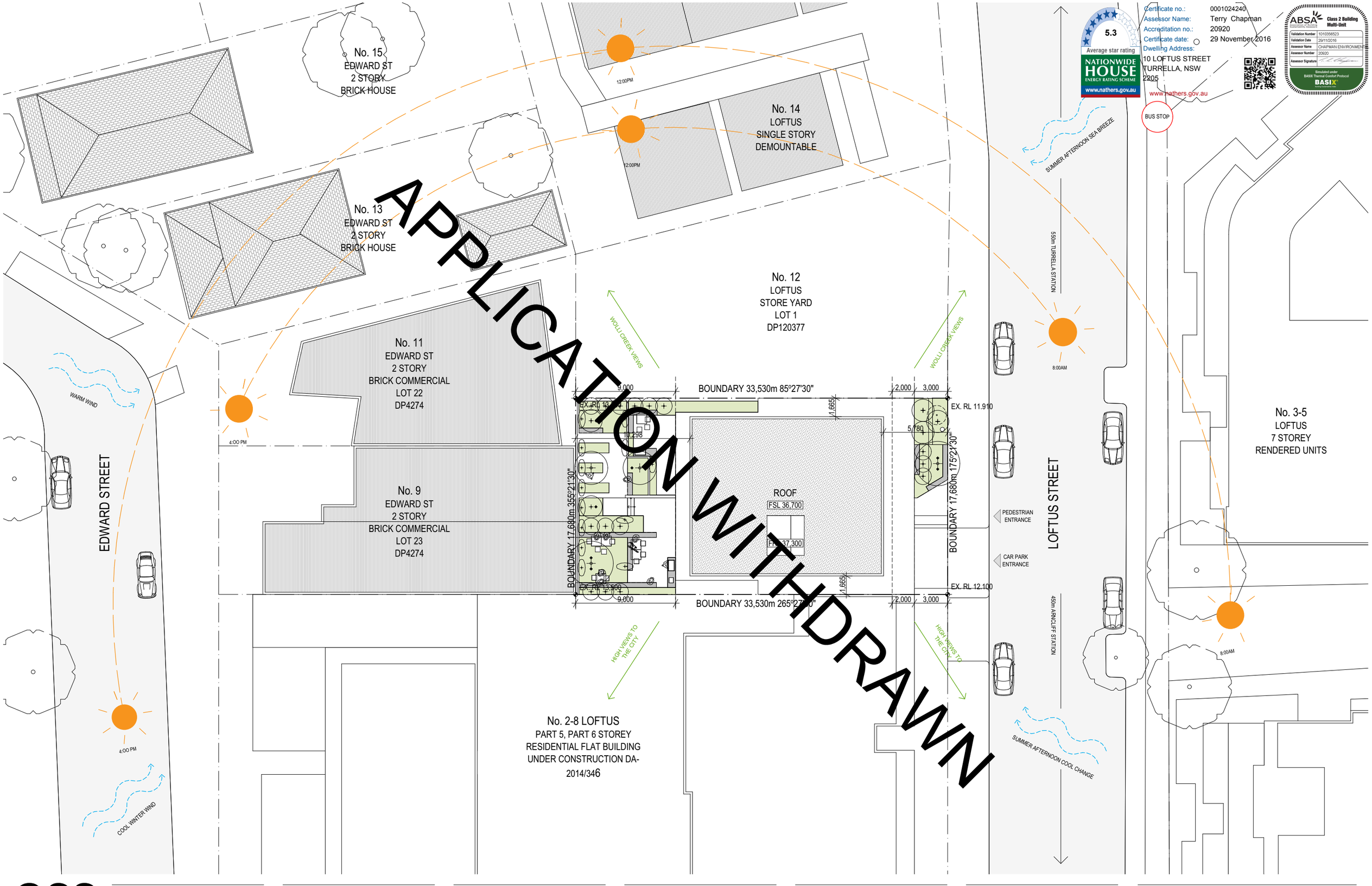
Certification

I certify that all of the above issues have been accurately and professionally examined by me.

Name Patrick Waite

Signature 

Date 15 October 2017



5.3
Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
www.nathers.gov.au

Certificate no.: 0001024240
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 29 November 2016
Dwelling Address:
10 LOFTUS STREET
TURRELLA, NSW
2205
www.nathers.gov.au

ABSA Class 2 Building Multi-Unit
Validation Number 1010356523
Validation Date 29/11/2016
Assessor Name CHAPMAN ENVIRONMEN
Assessor Number 20920
Assessor Signature
Simulated under BASIX Thermal Comfort Protocol
BASIX

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NSW registered architect
Robert Gordon Woodward 9383

Client
Walid Awada

Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
PLAN
SITE ANALYSIS

Drawing No.
A1002

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
1:300@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

BA:01	Steel flat bar balustrade, charcoal finish.
BA:02	Plate steel balustrade, charcoal finish.
BA:03	Plate steel planterbox, charcoal finish.
CE:01	Concrete, off white sand.
DR:01	Clear glass aluminium framed sliding door.
DR:02	Clear glass aluminium framed hinge door.
DR:03	Aluminium clad hinge door, finish to match SC01
FE:01	Steel flat bar fence, charcoal finish.
MF:01	Metal cladding, charcoal finish.
MF:02	Metal Awning, charcoal finish.
MF:03	Metal sliding screen, charcoal finish.
WD:01	Clear glass aluminium framed sliding window.
WD:02	Clear glass aluminium framed fixed window.
WD:03	Clear glass aluminium framed casement window (FIRE RATED)
WD:04	Clear glass aluminium framed casement window.

N

5.3
Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
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Certificate no.: 0001024240
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Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
PERSPECTIVE
PERSPECTIVE

Drawing No.
A5101

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

BA:01	Steel flat bar balustrade, charcoal finish.
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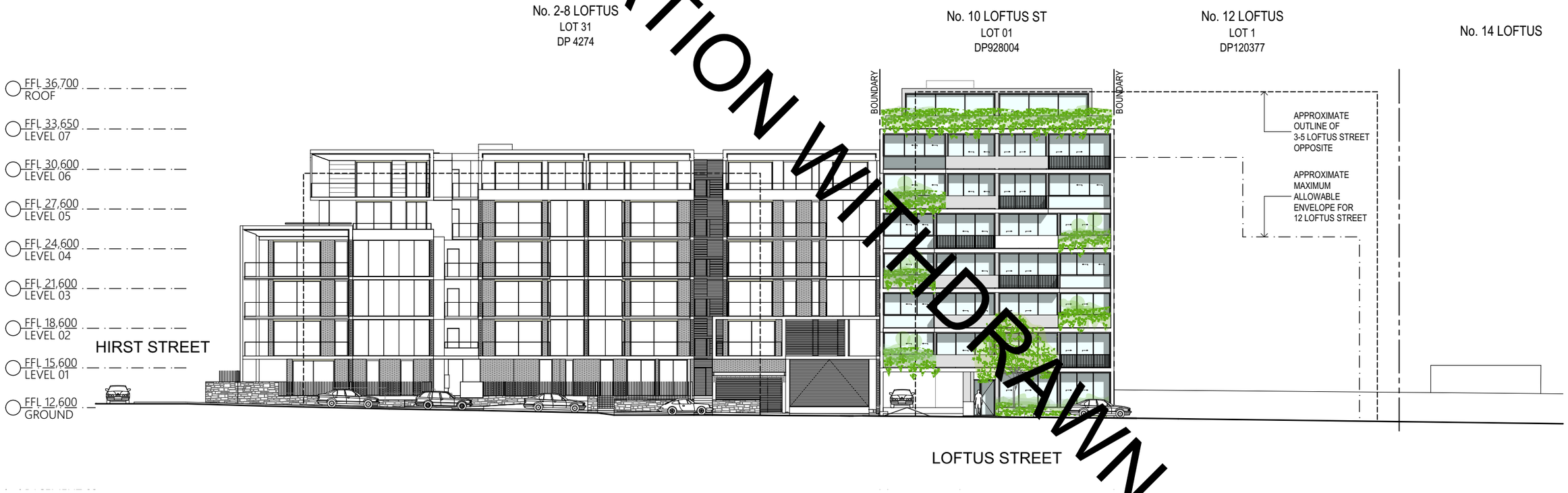
WD:04	Clear glass aluminium framed casement window.

N



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Client
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Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
ELEVATION
LOFTUS STREET ELEVATION

Drawing No.
A3101

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
1:312.50@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

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BA:02	Plate steel balustrade, charcoal finish.
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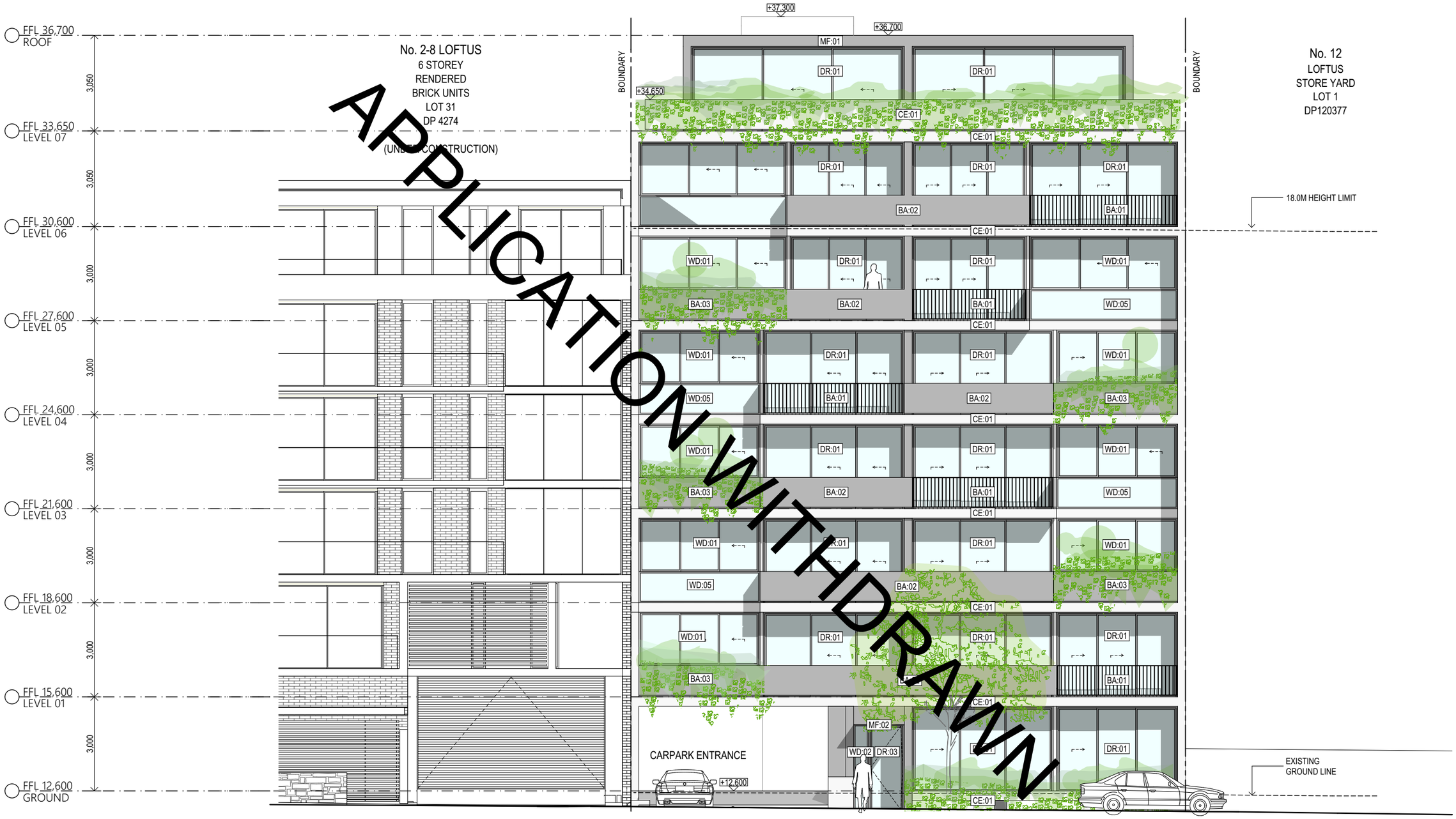

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Client
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Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
ELEVATION
EAST

Drawing No.
A3102

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
1:125@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

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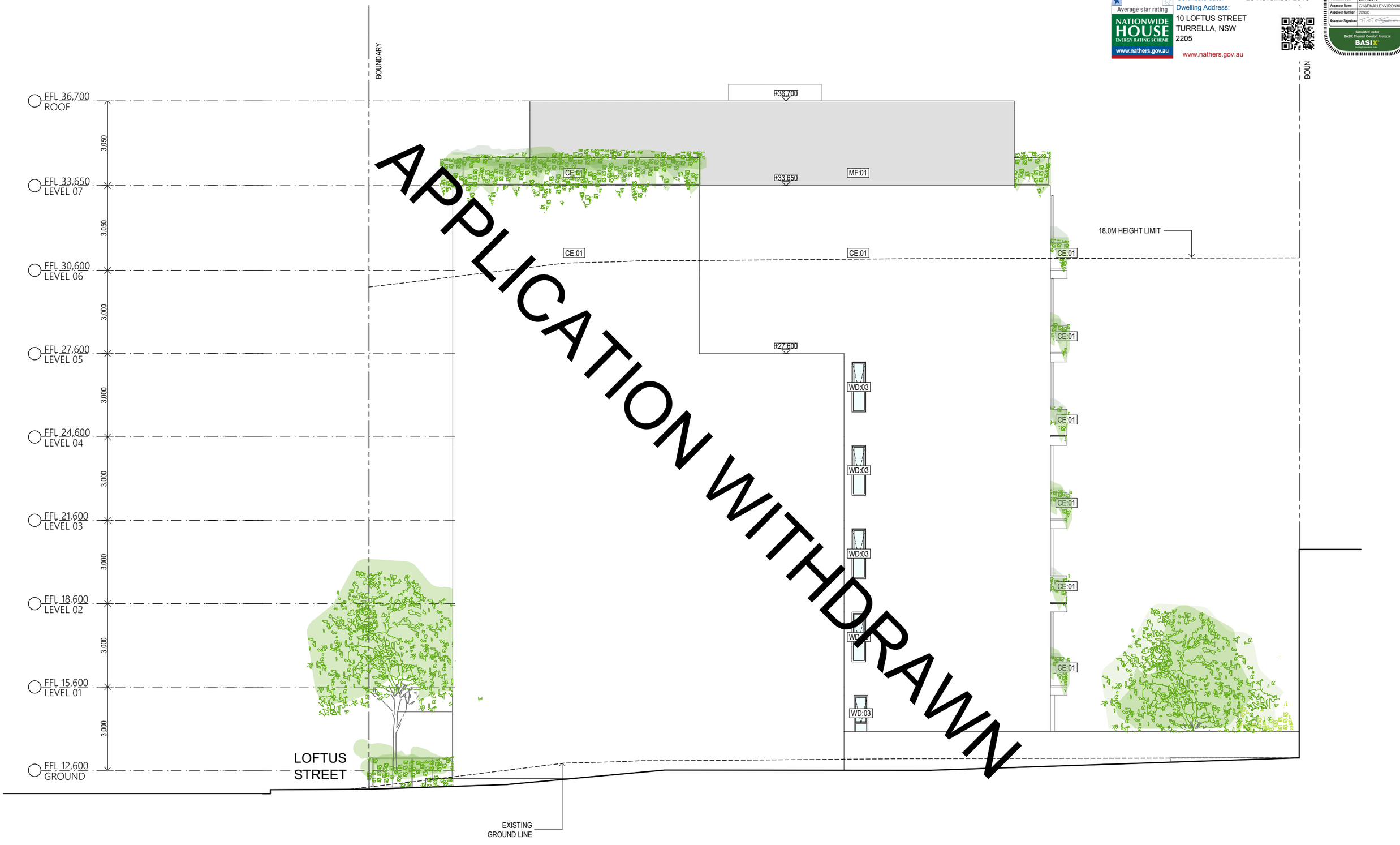

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Client
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Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
ELEVATION
NORTH

Drawing No.
A3103

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
1:125@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

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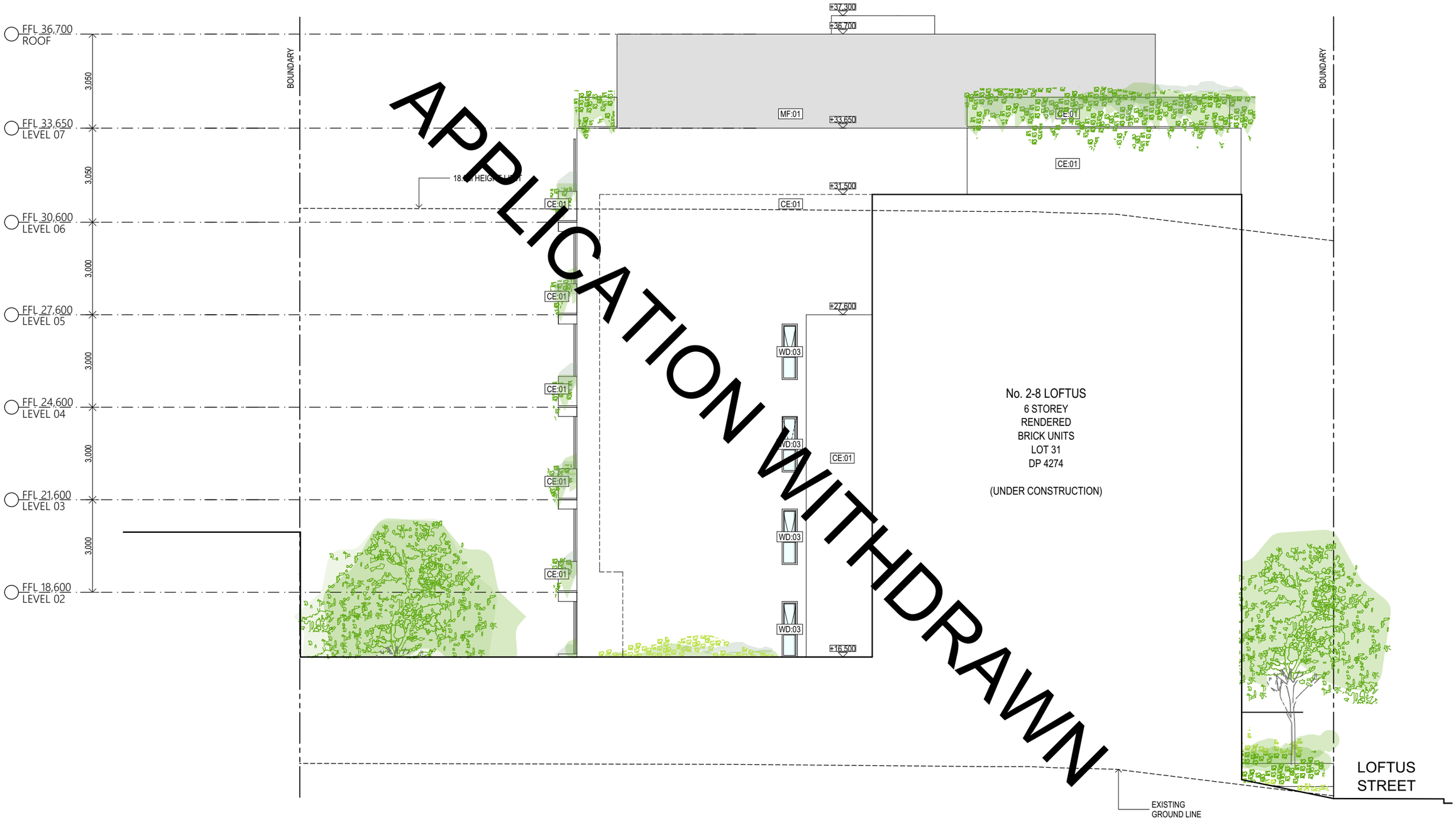

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Client
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Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
ELEVATION
SOUTH

Drawing No.
A3104

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
1:125@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

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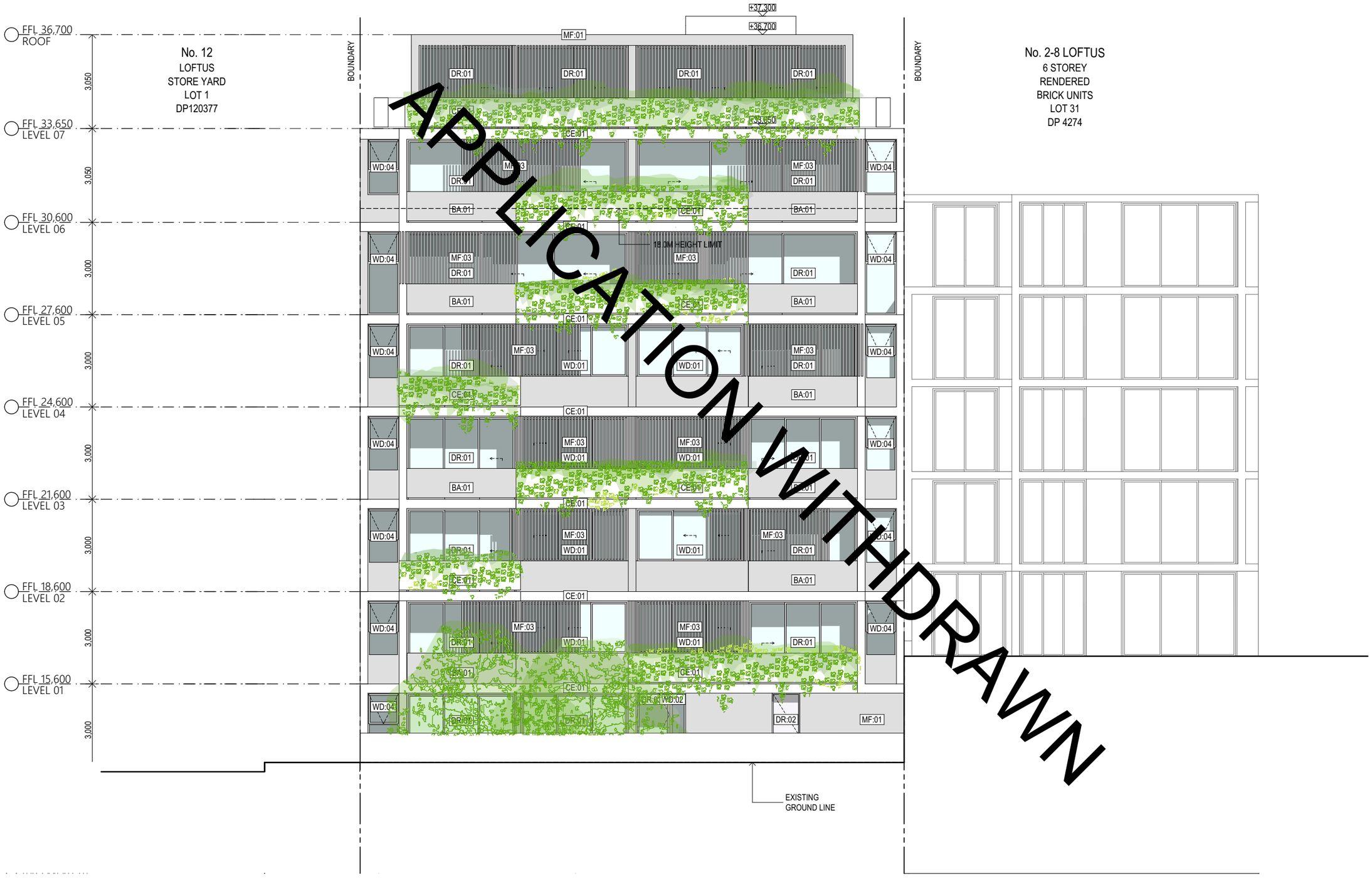

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Client
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Project
10 Loftus Street Turella

Project Start Date

Project Number
0087

Drawing Title
ELEVATION
WEST

Drawing No.
A3105

Drawing Stage
DEVELOPMENT APPLICATION

Drawing Scale
1:125@A3

REV	DESCRIPTION	DATE
DA_01	DEVELOPMENT APPLICATION	05/12/16

LEGEND

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APPENDIX 1

CLAUSE 4.6

EXCEPTION TO DEVELOPMENT STANDARD

HEIGHT STANDARD – CLAUSE 4.3 IN ROCKDALE LEP 2011

Demolition of existing structures and construction of 8 storey residential flat building comprising 24 residential units and 5 levels of basement parking for 23 vehicles

10 LOFTUS STREET, TURRELLA

SUBMITTED TO

BAYSIDE COUNCIL

PREPARED BY

ABC PLANNING PTY LTD

DECEMBER 2016

CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS UNDER ROCKDALE LEP 2011

This Clause 4.6 submission has been prepared to accompany the development proposal submitted to Bayside Council for demolition of the existing commercial / warehouse building and construction of an 8 storey residential flat building, comprising 24 residential units serviced by 5 levels of basement parking for 23 vehicles at 10 Loftus Street, Turrella.

The proposal seeks a variation to the development standard contained within Clause 4.3 of the *Rockdale Local Environmental Plan 2011* - maximum height of 18m.

The development proposes a maximum height of 23.8m which represents a variation of 5.8m. This submission contends that strict compliance with the maximum height is unreasonable and/or unnecessary in the circumstances of the case and that the variation sought can be supported and that the Clause 4.6 exception to the development standards should be upheld.

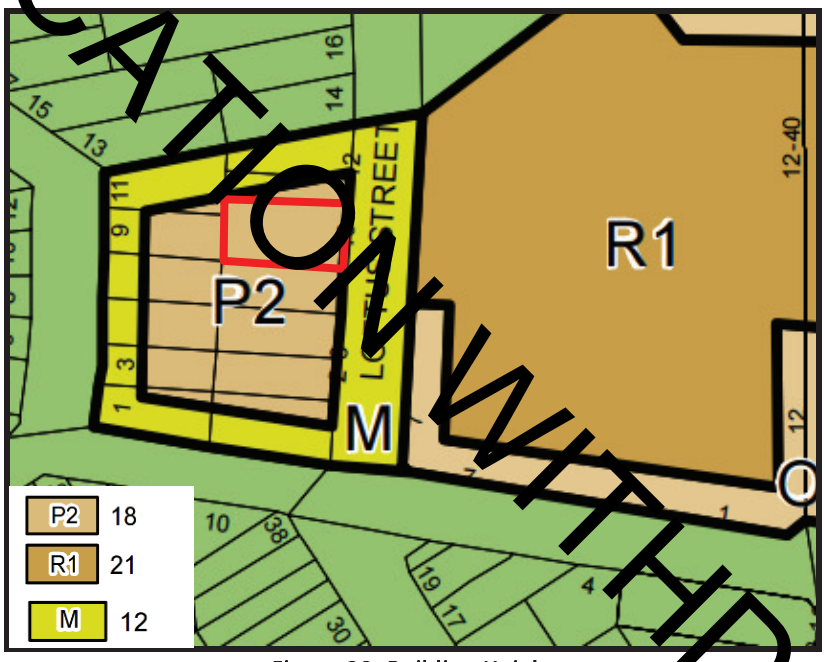

Figure 20: Building Height

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

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

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

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

1. **Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case – clause 4.6(3)(a)**

I submit that compliance with the standard is unreasonable or unnecessary in the circumstances of the case because the proposal complies with the objectives of the standard and the zone. Please see the assessment under 4 – The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(i).

In addition to consistency with the objectives of the standard and the zone, the proposed development represents a compatible streetscape outcome when viewed in the context of the surrounding properties which ensures that the proposed height can be supported on the subject site and that strict compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case.

The subject site is located within the Bonar Street Precinct which is undergoing a transformation from light industrial / warehouse uses to high density residential land uses. The site is located within the north western corner of the Bonar Street Precinct and is centrally located between the Turrella train station (500m north west of the site) and the Arncliffe Station (450m south east of the site).

To the south of the site is a 6 storey residential flat building that is currently under construction, whilst on the eastern side of Loftus Street is a 7 storey residential flat building that forms part of the larger development site at 3 Loftus Street.

The proposed part 7 storey with a recessed 8th storey residential flat building has been designed to form a cohesive streetscape outcome that is compatible with the height, bulk and scale of the established developments within the immediate visual catchment, as illustrated below:

Figure 21: Proposed photomontage

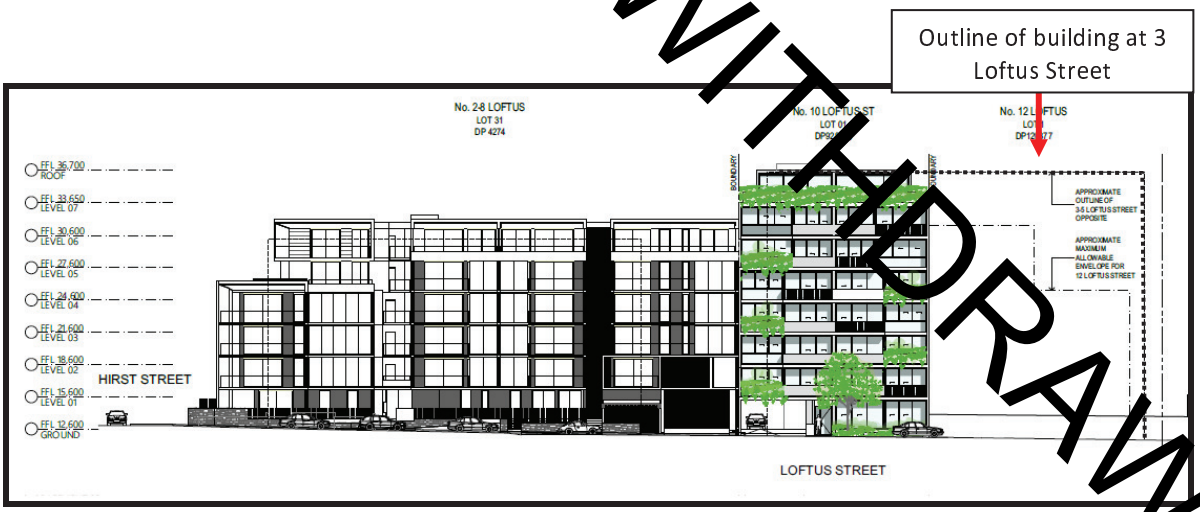

Figure 22: Proposed streetscape perspective

As illustrated above, the proposal has been skilfully designed with a high degree of articulation, landscaping and quality materials and finishes that reduce the perceived bulk and scale of the building whilst providing for a building envelope that is appropriate to the subject site and surrounding context.

Given the site's location away from the Loftus Street and Hirst Street intersection and the stepped nature of the built form at 2-8 Loftus Street, it is considered that the proposed height is suitable in this location, given that it provides for an appropriate transition from the

buildings to the south. It is also considered that any future residential development to the north would again provide an appropriate transition to the lower density residential lands uses further north of the site, outside the perimeter of the Bonar Street Precinct.

The proposed built form would therefore be perceived as compatible in height and scale to those established developments to the north and south of the site, as well as being consistent with the height of the residential buildings on the eastern side of Loftus Street.

Importantly, the proposed height is not responsible for any adverse external amenity impacts in regard to loss of view, overshadowing or privacy to neighbouring properties, beyond that of a compliant building. Any additional shadows fall either on the roof of the southern neighbour or over the Loftus Street roadway, therefore retaining the amenity to the private open space and living areas of adjoining properties.

The primary front and rear orientation of the southern neighbour and any future development to the north, as anticipated by the controls also ensures that the additional level will not be responsible for any adverse visual impact.

Given the proposed development's compatibility with the existing and desired future character, it is considered that there are is no public benefit in maintaining the development standard.

It is thereby considered that the circumstances are particular to the subject site which confirms the reasonable nature of the variation in this instance.

THE VARIATION ALLOWS FOR A BETTER PLANNING OUTCOME

The variation is considered to allow for a better planning outcome as it supports a height which is more compatible with the height and overall built form of the surrounding height density residential land uses. The proposed height allows for a cohesive streetscape outcome when viewed from the intersection of Hirst and Loftus Street, given the upper level is suitably recessed from the Loftus Street frontage, whilst the provision of landscaping throughout the front façade assists in reduce the perceived bulk and scale of the built form.

I therefore submit that strict compliance with the standard is unreasonable and unnecessary in the particular circumstances of the case.

2. Sufficient environmental planning grounds to justify contravening the development standard – clause 4.6(3)(b)

The additional height is not responsible for any greater environmental impacts than a proposal with a compliant height. Given the lack of aural and visual privacy impacts and overshadowing impacts above and beyond a compliant building envelope, there is no sound planning justification to reduce the proposed height.

It is also reiterated that there are no unreasonable view impacts associated with the additional height, nor are there any adverse or unreasonable privacy impacts generated by the additional height. The positive streetscape outcome associated with the provision of the additional height which provides for an appropriate transition between the neighbouring developments, in addition to the lack of impact to surrounding properties as demonstrated on the accompanying shadow diagrams, displays that there are sufficient environmental grounds to support the additional height in this instance.

It is therefore considered that the above assessment demonstrates that there are sufficient environmental grounds to justify the contravention of the development standard.

It is reiterated that the proposed development has no external amenity impacts which would determine that the additional height should not be granted in this instance. This is demonstrated by:

- Retention of at least 2 hours solar access to the living and private open space areas of the east, west and southern neighbours;
- Retention of visual and acoustic privacy
- No significant loss of views or outlook;
- No adverse or unreasonable visual bulk impacts; and
- No adverse streetscape impacts.

There are also no internal amenity grounds that would determine that the additional height should not be granted. This is demonstrated by the compliant degree of private open space, natural ventilation, apartment sizes, layouts and separation distances. It is noted that the minor non-compliance with the solar access requirement (63% proposed) is a direct result of the planning controls for the Bonar Street Precinct, which require the development to be built to the boundary on the northern façade. It is reiterated that all units get at least 1 hour of direct solar access on June 21st.

The combination of the internal and external factors demonstrates that there are sufficient environmental grounds to permit the height variation in this instance.

3. Adequately addressed the matters required to be demonstrative by subclause (3) – clause 4.6(4)(a)(i)

Please see submission in relation to clause 4.6(3)(a)(i) and (ii) above.

4. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(ii)

The proposed height variation is considered to be justified on the following basis:

RLEP 2012 Height Objectives:-

4.3 Height of Buildings

(1) The objectives of this clause are as follows:
a. to establish the maximum limit within which buildings can be designed and floor space can be achieved,

Assessment: The proposed height, setbacks and built form are compatible with surrounding development, noting that the overall bulk and scale of the proposal will be compatible with the existing and approved residential flat buildings to the site's south and east, whilst also being compatible with any future residential development to the north of the subject site.

It is considered that the proposed height is not associated with an overdevelopment of the subject site and is consistent with the intended proposed density and intensity of the development, commensurate with the sites high density residential zoning.

The appropriateness of the intensity of the development is further confirmed by the compliant degree of car parking, motorcycle parking and bicycle parking as well as the ability to comply with a number of Council's DCP requirements, particularly in regard to communal open space, landscaping and setback requirements.

Furthermore, the site is within a well-established locality with the residential flat building capable of connecting to the existing infrastructure network, in regards to water, sewer, electricity, gas and telecommunications. The site is also in close proximity to a range of infrastructure services including public transport, shops, recreational areas and a host of community facilities and services. The financial contributions generated by the proposed development will also enhance existing services and infrastructure which ensures that the additional density can be accommodated within the surrounding infrastructure network.

b. to permit building heights that encourage high quality urban form,

Assessment: It is considered that the proposed development represents a high quality urban design outcome that contributes to the Bonar Street Precinct. This is achieved by the level of detail within the front façade, which includes an appropriate mix of glazed elements, combined with charcoal plate steel balustrading and plate steel planter boxes, recessed clear glass framed windows and off white concrete.

The combination of the proposed materials and finishes which are entwined with indigenous landscaped species, provides for a visually interesting front façade that exhibits an appropriate balance between the built and natural elements.

The recessed nature of the upper level and articulated façade, combined with the high quality landscaped setting an ensures that the proposed development will provide future residents with a high quality living environment which will sit comfortably between the established and recently constructed residential flat buildings to the south and east of the subject site.

The portions of the building that protrude beyond the height limit are suitably recessed to ensure that there is no bulk or scale impacts associated with the height variation. Furthermore, the transition from a non-conforming light industrial / warehouse use to a residential flat building within a high density residential locality and the associated positive streetscape outcomes has a significant benefit to the public domain.

The lack of external impacts to surrounding properties in regard to overshadowing, visual, acoustic and privacy impacts provides further justification for the proposed bulk.

c. to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,

Assessment: The proposed additional height is not responsible for any adverse overshadowing impacts to neighbouring properties. The recessed nature of the upper level and slender built form ensures adequate sky exposure to the subject and surrounding sites.

The overall design of the building provides for an appropriate balance between the built and natural forms, ensuring that the height maintains satisfactory sky exposure and daylight to surrounding buildings.

d. to nominate heights that will provide an appropriate transition in built form and land use intensity.

Assessment: The subject site is suitably located to provide a transition between the 6 storey residential flat building adjoining the sites southern boundary and the future redevelopment of the neighbouring property to the north, which shields the site from lower

density residential uses. The proposal is also of a height that is consistent with the recently constructed residential flat buildings to the east of the site, on the opposite side of Loftus Street and therefore, it remains compatible with the surrounding high density context of the Bonar Precinct, as illustrated below:

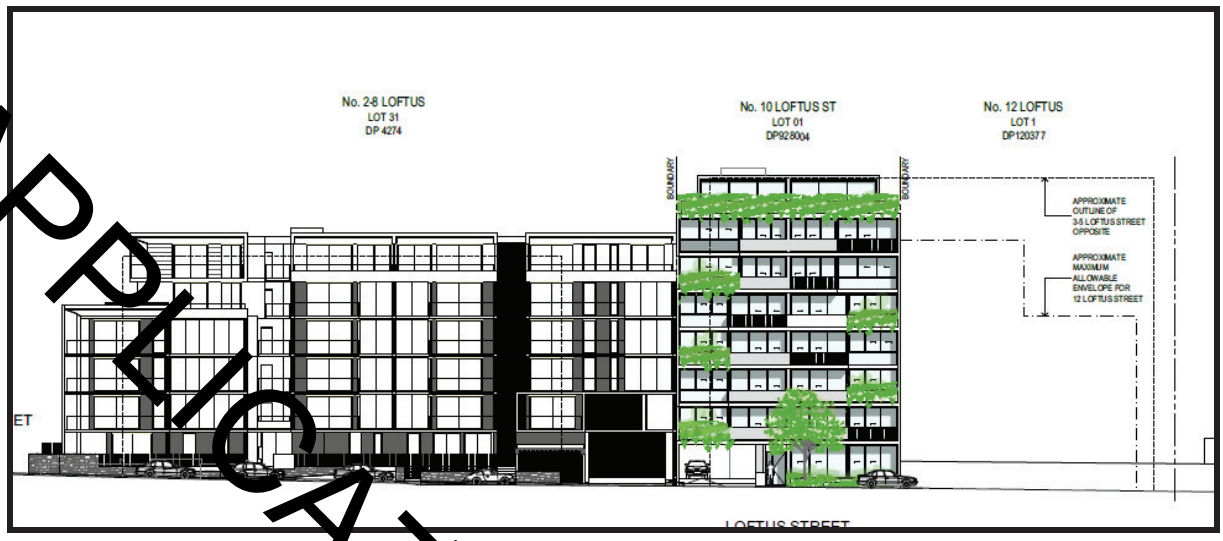

Figure 23: Streetscape context

Furthermore, the proposal has been skilfully designed to incorporate a high degree of landscaping throughout the front façade which further softens and reduces the perceived visual bulk of the residential flat building, resulting in a high quality urban form.

It is therefore considered that the proposed height is appropriate for the high-density locality.

CONSISTENCY WITH THE OBJECTIVES OF THE ZONE R4 HIGH DENSITY RESIDENTIAL

Zone R4 High Density Residential
Objectives of zone

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Assessment: In accordance with the Rockdale LEP 2011, the subject site is zoned R4 High Density Residential. The proposed residential flat building is permissible within the zone.

It is considered that the replacement of the existing commercial / warehouse building with 24 high quality residential apartments is considered to achieve the objectives of the zone.

Furthermore, the proposed development is provided within a high density residential environment and provides for a range of unit typologies that meet the needs of the community. Therefore, the variation to the height limit does not comprise the ability to meet the zone objectives.

OTHER MATTERS - CONSISTENCY WITH STATE AND REGIONAL PLANNING POLICIES

Assessment: The increased height on the subject site is entirely reasonable and appropriate given its proximity to a host of services including shops, public transport and high quality recreational areas. The proposal is therefore consistent with the State Government's Urban Consolidation Policy which seeks to provide greater heights and densities in areas close to public transport, shops and services.

Conclusion

The above assessment has demonstrated that the height control is unreasonable and unnecessary in the circumstances and that there would be no public benefit in maintaining the development standard in this instance.

It has also been demonstrated that the proposed height meets the objective to an equal or better degree than a development with a compliant height, given the positive streetscape outcome and consistency with the established pattern of development.

For reasons mentioned herein, this clause 4.6 variation is forwarded to Council in support of the variation to the height associated with the development proposal at 10 Loftus Street, Turrella and is requested to be looked upon favourably by Council.

APPENDIX 2

CLAUSE 4.6

EXCEPTIONS TO DEVELOPMENT STANDARDS

FSR STANDARD - CLAUSE 4.4 IN ROCKDALE LEP 2011

Demolition of existing structures and construction of 8 storey residential flat building comprising 24 residential units and 5 levels of basement parking for 23 vehicles

10 LOFTUS STREET, TURRELLA

SUBMITTED TO

BAYSIDE COUNCIL

PREPARED BY

ABC PLANNING PTY LTD

DECEMBER 2016

CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS UNDER ROCKDALE LEP 2011

This Clause 4.6 submission has been prepared to accompany the development proposal submitted to Bayside Council for demolition of the existing commercial / warehouse building and construction of an 8 storey residential flat building, comprising 24 residential units serviced by 5 levels of basement parking for 23 vehicles at 10 Loftus Street, Turrella.

The proposal seeks a variation to the development standard contained within Clause 4.4 of the *Rockdale Local Environmental Plan 2011* – maximum FSR of 1.8:1.

The development proposes a maximum FSR of 3.27:1 which represents a variation to the FSR control of 1.47:1. The submission contends that strict compliance with the maximum FSR of 1.8:1 is unreasonable and/or unnecessary in the circumstances of the case and that the variation sought can be supported and that the Clause 4.6 exception to the development standard should be upheld.

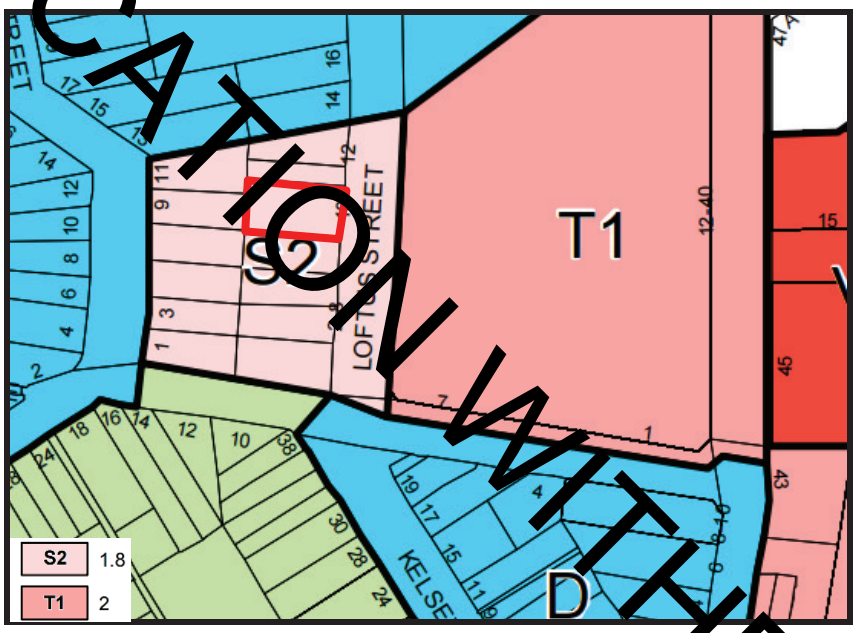

Figure 24: Floor Space Ratio

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

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

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

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

1. **Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case – clause 4.6(3)(a)**

I submit that compliance with the standard is unreasonable or unnecessary in the circumstances of the case because the proposal complies with the objectives of the standard and the zone. Please see the assessment under 4 – The proposed development will be in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(i).

In addition to consistency with the objectives of the standard and the zone, the proposed development represents a compatible streetscape outcome when viewed in the context of the surrounding properties which ensures that the proposed height can be supported on the subject site and that strict compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case.

The subject site is located within the Bonar Street Precinct which is undergoing a transformation from light industrial / warehouse uses to high density residential land uses. The site is located within the north western corner of the Bonar Street Precinct and is centrally located between the Turrella train station (500m north west of the site) and the Arncliffe Station (450m south east of the site).

To the south of the site is a 6 storey residential flat building that is currently under construction, whilst on the eastern side of Loftus Street is a 7 storey residential flat building that forms part of the larger development site at 3 Loftus Street.

The proposed part 7 storey with a recessed 8th storey residential flat building has been designed to form a cohesive streetscape outcome that is compatible with the density, height, bulk and scale of the established developments within the immediate visual catchment, as illustrated below:

Figure 25: Proposed photomontage

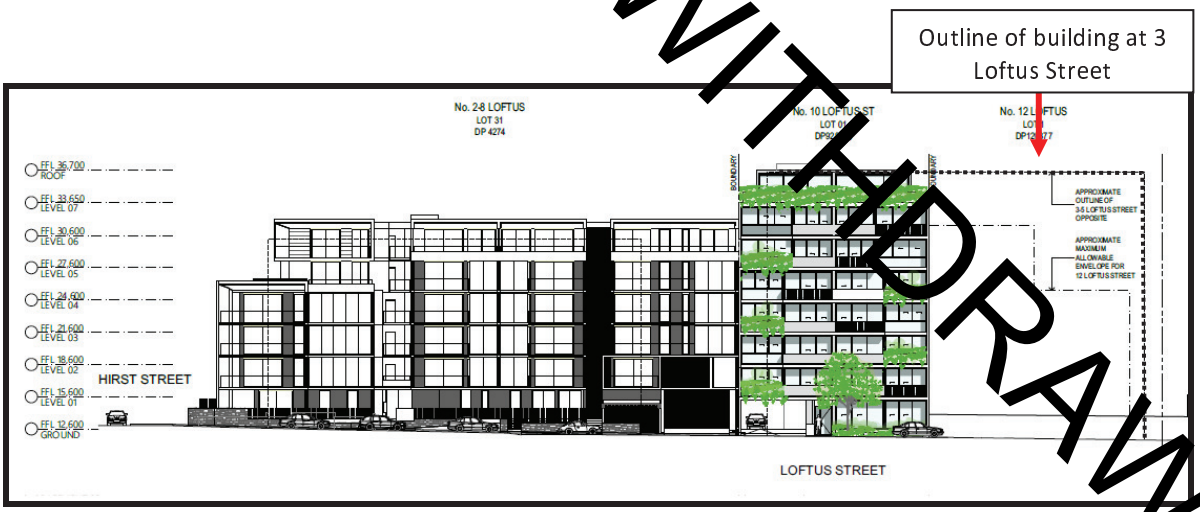

Figure 26: Proposed streetscape perspective

As illustrated above, the proposal has been skilfully designed with a high degree of articulation, landscaping and quality materials and finishes that reduce the perceived bulk and scale of the building whilst providing for a building envelope that is appropriate to the subject site and surrounding context.

Given the site's location away from the Loftus Street and Hirst Street intersection and the stepped nature of the built form at 2-8 Loftus Street, it is considered that the proposed FSR is suitable in this location as it provides for an appropriate transition from the buildings to the

south. It is also considered that any future residential development to the north would again provide an appropriate transition to the lower density residential lands uses further north of the site, outside the perimeter of the Bonar Street Precinct.

The proposed built form would therefore be perceived as compatible with the density and scale of those established developments to the north and south of the site, as well as being consistent with the density of the residential buildings on the eastern side of Loftus Street.

Importantly, the proposed FSR is not responsible for any adverse external amenity impacts in regard to loss of view, overshadowing or privacy to neighbouring properties, beyond that of a compliant building. Any additional shadows fall either on the roof of the southern neighbour or over the Loftus Street roadway, therefore retaining the amenity to the private open space and living areas of adjoining properties.

The primary front and rear orientation of the southern neighbour and any future development to the north, as anticipated by the controls also ensures that the additional level will not be responsible for any adverse visual impact.

Given the proposed development's compatibility with the existing and desired future character, it is considered that there are is no public benefit in maintaining the development standard.

It is thereby considered that the circumstances are particular to the subject site which confirms the reasonable nature of the variation in this instance.

THE VARIATION ALLOWS FOR A BETTER PLANNING OUTCOME

The variation also allows for a better planning outcome internally whilst also supporting a number of unit typologies and sizes. It is considered that the provision of the additional floor space allows for a greater degree of high quality residential accommodation in a building envelope that is compatible with the surrounding high density residential uses. Furthermore, it is considered that the proposed FSR is associated with a more appropriate building density than if it were associated with a compliant FSR, given that the variation supports dwelling units that are above the minimum apartment sizes which therefore results in a desirable form of development in this well established locality.

I therefore submit that strict compliance with the standard is unreasonable and unnecessary in the particular circumstances of the case.

2. Sufficient environmental planning grounds to justify contravening the development standard – clause 4.6(3)(b)

The additional FSR is not responsible for any greater environmental impacts than a proposal with a compliant FSR. Given the lack of aural and visual privacy impacts, and overshadowing impacts above and beyond a compliant building envelope, there is no sound planning justification to reduce the proposed height.

It is also reiterated that there are no unreasonable view impacts associated with the additional FSR, nor are there any adverse or unreasonable privacy impacts generated by the additional FSR. The positive streetscape outcome associated with the provision of the additional FSR which provides for an appropriate transition between the neighbouring developments, in addition to the lack of impact to surrounding properties as demonstrated on

the accompanying shadow diagrams, displays that there are sufficient environmental grounds to support the additional FSR in this instance.

It is therefore considered that the above assessment demonstrates that there are sufficient environmental grounds to justify the contravention of the development standard.

It is reiterated that the proposed development has no external amenity impacts which would determine that the additional FSR should not be granted in this instance. This is demonstrated by:

- Retention of at least 2 hours solar access to the living and private open space areas of the east, west and southern neighbours;
- Retention of visual and acoustic privacy
- No significant loss of views or outlook;
- No adverse or unreasonable visual bulk impacts; and
- No adverse streetscape impacts.

There are also no internal amenity grounds that would determine that the additional FSR should not be granted. This is demonstrated by the compliant degree of private open space, natural ventilation, apartment sizes, layouts and separation distances. It is noted that the minor non-compliance with the solar access requirement (63% proposed) is a direct result of the planning controls for the Bolar Street Precinct, which require the development to be built to the boundary on the northern facade. It is reiterated that all units get at least 1 hour of direct solar access on June 21st.

The combination of the internal and external factors demonstrates that there are sufficient environmental grounds to permit the FSR variation in this instance.

3. Adequately addressed the matters required to be demonstrative by subclause (3) – clause 4.6(4)(a)(i)

Please see submission in relation to clause 4.6(3)(a)(i) and (ii) above.

4. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out – clause 4.6(4)(a)(ii)

The proposed FSR variation is considered to be justified on the following basis:

RLEP 2011 FSR Objectives:-

4.4 Floor Space Ratio

1. The objectives of this clause are as follows:
a. to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,
b. to minimise adverse environmental effects on the use or enjoyment of adjoining properties,
c. to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.

The development has been designed to reflect the bulk and scale of approved and recently constructed developments surrounding the subject site. As such, the proposal incorporates an FSR of 3.27:1.

It is considered that the proposal is of a high quality design and has been formulated to respond appropriately to the constraints presented by the site.

It is considered that the existing and planned infrastructure for the Bonar Street precinct is capable of accommodating the proposed density of the development. In this regard, the subject site is ideally located within 450m - 500m of the Arncliffe and Turrella train stations, respectively.

Given that the lots to the north are anticipated to be redeveloped in accordance with the R4 High Density Residential zoning and associated Bonar Street precinct structure plan, it is considered that the proposed bulk and scale of the development will maintain a positive visual relationship between future developments on these sites, the low density residential land uses further north of the site and from Loftus Street in the east.

CONSISTENCY WITH THE OBJECTIVES OF THE ZONE R4 HIGH DENSITY RESIDENTIAL

Zone R4 High Density Residential
Objectives of the zone

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Assessment: The proposed residential flat building is permissible within the R4 High Density Residential zone under the *Rockdale LEP 2011*.

It is noted that the redevelopment of the subject site results in the removal of a non-conforming use, replacing it with a high quality residential development that is consistent with the surrounding built context.

Furthermore, the proposed residential flat building achieves the core objectives of the R4 zone in that it provides for a variety of dwelling typologies within a high density living environment, commensurate to the subject and surrounding sites.

Importantly, the proposal provides for the housing needs of the community by facilitating the provision of increased residential densities in a desirable location that is established with existing community services and facilities as well as recreational, employment and educational opportunities. Therefore the variation does not comprise the ability of the proposal to meet the zone objectives.

OTHER MATTERS - CONSISTENCY WITH STATE AND REGIONAL PLANNING POLICIES

The FSR variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*. The proposed FSR allows for achievement of a slight increase in building envelope/density to a site that is highly accessible to various uses and bus services. The provision of residential housing in close proximity to public transport and established services and recreation areas is consistent with the State Government Urban Consolidation Policy.

Conclusion

The above assessment has demonstrated that the FSR control is unreasonable and unnecessary in the circumstances of the case and that there would be no public benefit in maintaining the development standard in this instance.

It has also been demonstrated that the proposed FSR meets the objectives to an equal or better degree than a compliant development.

This is due to the demonstration that the proposed additional FSR will provide for improved amenity to the proposed dwelling units whilst having no adverse or unreasonable visual, streetscape or amenity impacts that would preclude support of the proposal. This is displayed by the modest street presentation of the residential flat building to the streetscape and the lack of environmental impacts.

The provision of 24 high quality residential dwelling units which are compliant with the apartment size, access to daylight, ventilation, private open space and outlook represents a superior amenity outcome, given the constraints associated with the subject site, thereby achieving a better planning outcome.

For reasons mentioned herein, this Clause 4.6 variation is forwarded to Council in support of the variation to the FSR associated with the development proposal at 10 Loftus Street, Turrella and is requested to be looked upon favourably by Council.