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## Bayside Planning Panel

27/02/2018

Item No	5.1
Subject	<b>Post-Exhibition Report: Planning Proposal for 64-68 The Grand Parade, Brighton-Le-Sands</b>
Report by	John McNally, Senior Urban Planner
File	F15/526

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### Summary

In March 2016, Council resolved to support a Planning Proposal for land at 64-68 The Grand Parade, Brighton-Le-Sands. The Planning Proposal seeks the following amendments to the Rockdale Local Environmental Plan 2011 (RLEP 2011):

- Increase the maximum Height of Building (HOB) from 13m to 36m; and
- Increase the maximum Floor Space Ratio (FSR) from 1:1 to 4:1.

Council's resolution also required a number of amendments to be made to the Planning Proposal and supporting documents before a Gateway Determination was sought from the Department of Planning and Environment (the DPE). The required amendments were made and Council subsequently received the Gateway Determination in May 2017.

In accordance with the Gateway Determination, Council publicly exhibited the Planning Proposal for 29 days from Wednesday 14 June 2017 to Thursday 13 July 2017. This report provides the Bayside Planning Panel with a summary of the submissions received during the public exhibition period and Council's responses to them.

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### Officer Recommendation

That the Bayside Planning Panel recommends to Council that it exercises its delegation and makes the Local Environment Plan amendment, as exhibited, for 64-68 The Grand Parade, Brighton-Le-Sands in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.

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### Background

On 16 March 2016, Council resolved to endorse a Planning Proposal for the land (see **Attachment 1**) and to seek a Gateway Determination from the DPE subject to the following changes first being made to the Planning Proposal and supporting documents prior to seeking a Gateway Determination:

- Amending the Planning Proposal to ensure that Clause 6.14 – Design Excellence of the Rockdale LEP 2011 applies to the site;
- Amending the Planning Proposal in accordance with the Council Report;
- Amending the applicant's Urban Design Report in accordance with the Council Report;

- Amending the Heritage Impact Statement in accordance with the Council Report; and
- Amending the applicant's Massing Diagrams in accordance with the Council Report.

The Planning Proposal originally sought the following amendments to the RLEP 2011:

- Increase the maximum Height of Building (HOB) from 13m to 36m; and
- Increase the maximum Floor Space Ratio (FSR) from 1:1 to 4:1.

The Officer's recommendation in the report to Council on 16 March 2016 had recommended that the maximum HOB be limited to 28m with a height incentive of 3m, and the maximum FSR be limited to 3:1. However, Council resolved to support the planning controls as sought by the proponent, those being a maximum HOB of 36m and a maximum FSR of 4:1.

All of the other necessary amendments required by Council were made to the Planning Proposal and supporting documents. The Gateway Determination (see **Attachment 2**) was issued by the DPE on 1 May 2017 which required the following conditions to be satisfied:

1. Community consultation for a minimum of 28 days in accordance with the requirements of the DPE's 'Guide to Preparing Local Environmental Plans';
2. Consultation with the following public authorities:
  - Transport for NSW – Roads and Maritime Services;
  - Office of Environment and Heritage;
  - Sydney Airport Authority;
  - Civil Aviation Safety Authority; and
  - Commonwealth Department of Infrastructure and Regional Development.

## Exhibition

The Planning Proposal was exhibited from 14 June 2017 to 13 July 2017 satisfying the minimum 28 day community consultation requirement in the Gateway determination. Notification letters were sent to 357 property owners in the surrounding area. The Planning Proposal was also advertised in the St George and Sutherland Shire Leader on 14 June 2017, and the Planning Proposal and supporting documents were made available for inspection at both the Brighton-Le-Sands and Rockdale libraries.

A total of 18 submissions were received from the local community raising the following matters:

- General objections against the Planning Proposal;
- Heritage impacts relating to both the subject land and to the street trees on Princess Street;
- Overshadowing;
- Building height and density;
- View sharing; and
- Traffic, access and car parking.

A detailed summary of each submission from the community has been provided to assist Council with identifying the key matters raised (see **Attachment 3**).

The public authorities listed above were also consulted on the Planning Proposal in accordance with Condition 2 of the Gateway Determination. A summary of the responses received and Council's response to them is also detailed below.

## Community Submissions

Of the 18 submissions received from the local community, 17 raised objections to the Planning Proposal, with 1 supporting it. A response to the key issues raised in the submissions is provide below:

### *Heritage Impacts (Terrace)*

Concerns have been raised by the community in relation to the proposed demolition of part of the heritage-listed terrace and the impact this would have on the architectural and historic integrity of the retained parts of the terrace. Concerns were also raised in relation to the protection of the retained parts of the terrace during the course of any construction.

In light of these concerns, Council officers held discussions with the proponent to determine whether any further elements of the original fabric of the buildings can be retained. It was suggested by Council officers that the rear wing of the Southernmost terrace on the corner of The Grand Parade and Princess Street could be retained, along with the Southern boundary wall, with the aim of retaining more of the historic fabric of the terrace. Assurances were also sought that the structural integrity of the retained parts of the terrace would not be affected during the course of construction.

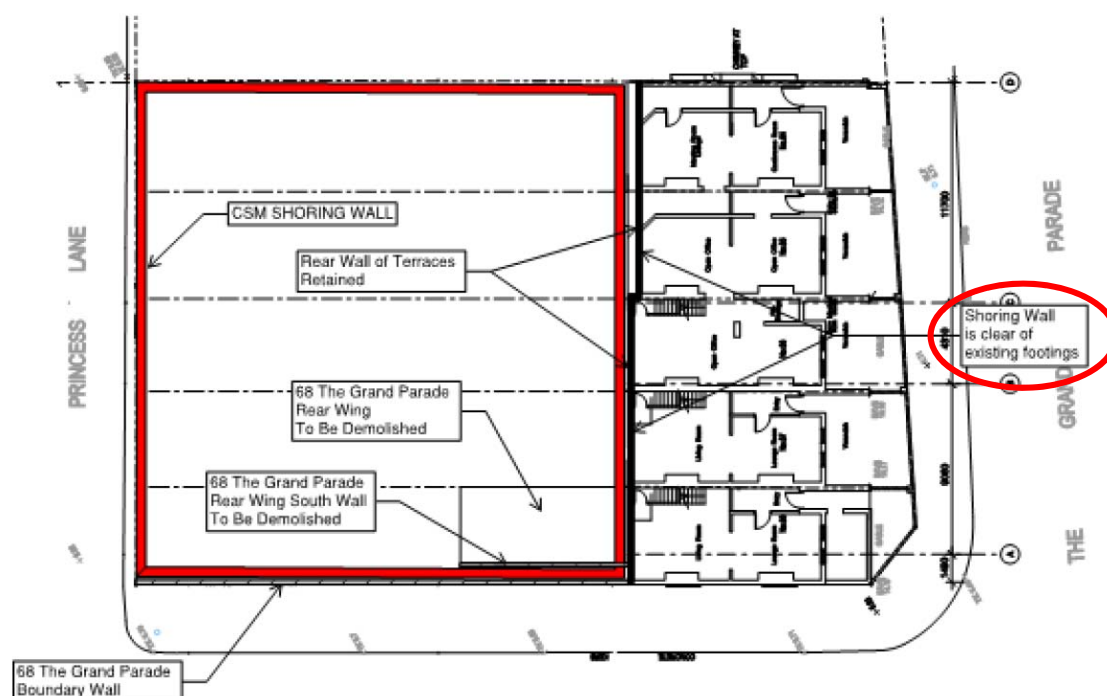
In response, the proponent provided comments from a structural engineer (see **Attachment 4**) which state that, while the basement will require the construction of a shoring system which is watertight and tanked, a specialist foundation construction process will be employed which is vibration-free and which minimises disturbance to the retained parts of the terrace. The image below has been provided by the structural engineer and shows the location of the proposed shoring wall (Note: text circled in red confirms that the shoring wall will be clear of the footings of the retained part of the terrace):



Figure 1 – Location of proposed shoring wall (Source: Structural Design Solutions, **Attachment 4**)

The structural engineer's comments also provide a diagram showing the structures to be retained. Whilst the diagram below shows the South wall of the rear wing being demolished, the proponent has stated that this can also be retained with the Southern boundary wall.

(Note: text circled in red confirms that the shoring wall will be clear of the footings of the retained part of the terrace)



### SHORING WALL POSITION UNDER 68 The Grand Parade

Figure 2 – Location of proposed shoring wall and structures to be retained (Source: Structural Design Solutions, Attachment 4)

The Planning Proposal proposes the retention and restoration of the main part of the existing terrace, along with the Southern wall of the Southernmost rear wing and the Southern boundary wall. It is proposed to ensure their future maintenance by bringing them into active use for retail and/or commercial premises. In turn, this would provide active street frontages to The Grand Parade and Princess Street.

Council resolved to support the Planning Proposal subject to the inclusion of Clause 6.14 Design Excellence of the RLEP 2011. Any future Development Application would therefore need to achieve an appropriate built form outcome to provide a suitable backdrop to the heritage listed terrace. An updated Heritage Impact Statement would also need to be submitted in support of any Development Application.

#### *Heritage Impacts (Street Trees – Princess Street)*

The Arboricultural Assessment, prepared by Sydney Arbor Trees, submitted with the Planning Proposal assessed the impact of overshadowing by a future new building on the subject site, based on shadow diagrams provided by the applicant. The assessment has determined that, while a future development would alter the amount of sunlight, it is unlikely that this change would have a significant detrimental impact on the trees. Any future Development Application for the land would also require consideration of an updated Heritage Impact Statement, Arboricultural Assessment and solar access diagrams.



### *Overshadowing*

The comments received from the community have also raised significant concerns relating to the overshadowing impacts of the proposed building envelope on adjacent properties, particularly the Novotel, and enjoyment of adjacent public areas, particularly Lady Robinson's Beach.

The shadow diagrams submitted with the Planning Proposal are shown below and included in the proponent's Urban Design Report (see **Attachment 5**):



Figure 2 – Shadow Diagrams (Source: Urban Design Report)

The Urban Design Report outlines the following impact of the proposed building envelope on overshadowing:

- Winter Solstice:
  - Additional impact from height occurs between 9am and 12pm with the most impact occurring between 9am and 10am;
  - 10am is the only time overshadowing partially covers the sun decks; and
  - Reasonable solar access is achieved for communal open space between 9am – 3pm.
- Summer Solstice:
  - Overshadowing does not fall on key outdoor spaces at any of the peak times of the day;
  - Additional overshadowing caused by increased height falls onto Princess Street and The Grand Parade; and
  - Reasonable solar access is achieved for communal open space between 9am – 3pm.
- Autumn Equinox:
  - Additional impact from height occurs between 7am and 11am with the most impact occurring between 8am and 9am; and
  - Reasonable solar access is achieved for communal open space between 9am – 3pm.

It is important to note that Council is at this stage considering a maximum building envelope within which any future development would have to sit. Any future Development Application would be subject to detailed analysis of the impact of overshadowing of a development proposal, including consideration of solar access to adjoining properties and surrounding public open space areas, thereby demonstrating compliance with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)* and the accompanying Apartment Design Guide (ADG).

The shadow diagrams show a worst case scenario of overshadowing during the most extreme times in the mid-winter when the sun is at its lowest angle. The diagrams indicate that the proposed building envelope has the potential to cast long, narrow shadows over part of Lady Robinson’s Beach to the east and parts of the Novotel to the south.

The planning merits of the impact of the proposed building envelope have already been assessed by Council in the March 2016 resolution and by the DPE in its Gateway Determination. Notwithstanding the community’s concerns on this matter, there are no additional issues raised that have not already been considered by Council and the DPE. While there will be some impact from overshadowing, the impact is likely to be modest at the most affected time of year, in mid-winter.

#### *Building Height and Density*

The Planning Proposal seeks a maximum Floor Space Ratio (FSR) of 4:1 and a maximum Height of Building (HOB) of 36m. Whilst the Council officer’s report to Council in March 2016 recommended a maximum HOB of 28m and an FSR of 3:1 (see **Attachment 6**), Council resolved to support the FSR of 4:1 and building height of 36 metres as originally proposed, subject to the additional height and FSR being achieved through meeting the design excellence criteria of Clause 6.14 of the RLEP 2011. Council also noted that the height and scale proposed would provide a transition between the adjoining Novotel site to the South and adjacent high density residential development to the North, as shown in the contextual massing diagrams below.



Figure 3 – Contextual massing diagram (Source: Urban Design Report)

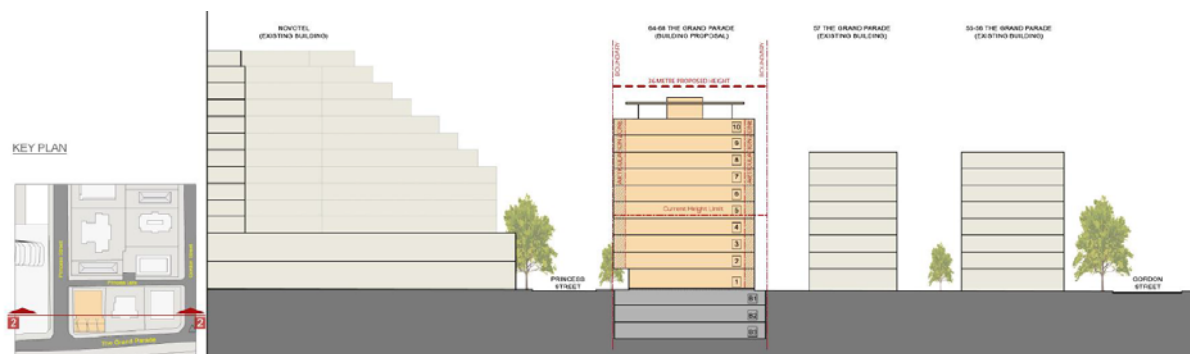


Figure 4 – Contextual cross section North-South (Source: Urban Design Report)



Figure 5 – Contextual cross section East-West (Source: Urban Design Report)

In addition to achieving Design Excellence, any future Development Application for the land would also need to demonstrate consistency with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)* and the accompanying Apartment Design Guide (ADG).

#### *Traffic, Access and Carparking*

The Planning Proposal was supported by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The Report assessed the traffic and parking impacts of a development across the whole of the site. The analysis concludes that *“there is adequate capacity in the surrounding road network to cater for the traffic generated by the development”* of the site in accordance with the built form envelopes proposed.

The Report was sent to Council's Transport Planner, who agreed that the impact of a development across the whole site would be minimal in regards to traffic. Transport for NSW – Roads and Maritime Service (RMS) were consulted about the Planning Proposal. RMS raised no objection to the traffic and access impacts of the Planning Proposal.

Any future Development Application for the land would need to include an updated Traffic Impact Assessment. The final design would need to comply with the relevant Australian Standards and Council's policies and technical guidelines with regard to traffic, access and parking.

#### *View Sharing*

The potential loss of views associated with changes to planning controls has also raised some concern among the local community. The maximum building envelope proposed will impact views currently enjoyed by some properties in the immediate vicinity, principally looking East along Princess Street towards Botany Bay. Many of the taller Residential Flat Buildings in the locality currently tower over the existing buildings on the land and, therefore,

enjoy views of the surrounding area, with the views East over Botany Bay being particularly attractive.

However, the current planning controls in the RLEP 2011 allow a maximum HOB of 13m which would, arguably, obscure most views from the closest adjacent residential properties at 1 Princess Street and many of the lower properties in some of the taller Residential Flat Buildings beyond.



Figure 6 – Photograph showing locations of surrounding properties (Source: Urban Design Report)



Figure 7 – Photograph showing locations of surrounding properties (Source: Urban Design Report)

The RLEP 2011 does not contain any specific clause which relates to the issue of view sharing. Furthermore, Council must also consider the principle of planning law that no property owner has a proprietary right to a view. Any future Development Application for the



land would require consideration of the principles of view sharing established by the NSW Land and Environment Court in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

### **Submissions Made by Public Authorities**

*Office of Environment & Heritage (OEH)*

Submission:

OEH requested that the heritage significance of the properties be retained and that consideration be given to retaining a reasonable setting for the heritage items.

Response:

The Planning Proposal proposes to retain and restore the main parts of the existing terrace, providing retail/commercial uses and an active street frontage to The Grand Parade and Princess Street.

Council has resolved to support the Planning Proposal subject to the inclusion of Clause 6.14 Design Excellence of the RLEP 2011. This will assist in securing an appropriate built form outcome given the heritage significance of the site. It is also noted that in response to submissions raised in relation to the heritage impacts of the proposal, the proponent modified the proposal to retain the Southern wall off the Southernmost rear wing of the terrace, as well as the Southern boundary wall. This would also assist in the retention of the heritage-listed fabric.

Any future Development Application for the land would also require the submission of an updated Heritage Impact Statement which provides a closer examination of the relationship between the retained heritage items and the proposed development.

*Transport for NSW – Roads and Maritime Services (RMS)*

RMS raised no objection to the proposal in relation to traffic and access.

*Sydney Airport Corporation Limited (SACL)*

SACL raised no objection to the proposed height of 36 metres.

*Civil Aviation Safety Authority*

No response was received.

*Commonwealth Department of Infrastructure and Regional Development*

No response was received.

### **Next Step**

In the event that Council resolves to endorse the Planning Proposal, it will be forwarded to the Department of Planning and Environment so that the LEP amendment can be drafted, subject to any amendments resolved by Council. Council has delegation from the Minister to make the LEP amendment.

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## **Community Engagement**

The community engagement actions in relation to this Planning Proposal were:

- Publicly exhibiting the Planning Proposal for 29 days from 14 June 2017 to 13 July 2017;
- Sending notification letters to 374 adjoining and surrounding landowners;

- Providing hard copies of all materials for inspection at the Rockdale and Brighton-Le-Sands libraries; and
  - Advertising the Planning Proposal in the St George & Sutherland Shire Leader, providing notification of the exhibition period and where exhibition materials could be viewed, including on Council's 'Have Your Say' web page.
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## **Attachments**

1. Planning Proposal dated February 2017
2. Gateway Determination dated 28 April 2017
3. Summary of community submissions;
4. Structural Engineer's submission on behalf of the proponent;
5. Urban Design Report submitted in support of the Planning Proposal; and
6. Council Report of 16 March 2016.

# **Planning Proposal**

**Rockdale Local Environmental Plan 2011**

**64-68 The Grand Parade**

**Brighton-Le-Sands**



February 2017



## Contents

- Part 1 -** A statement of the Objectives or Intended Outcomes of the proposed LEP
- Part 2 -** An Explanation of the Provisions that are to be included in the proposed LEP
- Part 3 -** The Justification for those objectives, outcomes and provisions and the process for their implementation
- Part 4 -** Mapping
- Part 5 -** Details of the Community Consultation that is to be undertaken on the planning proposal
- Part 6 -** Project Timeline

<b>Table of revisions</b>	
<b>Version 1</b>	October 2015
<b>Version 2</b>	February 2017

# Background

## Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan (LEP) 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guides, including *A Guide to Preparing Local Environment Plans* and *A Guide to Preparing Planning Proposals*.

### Background

This Planning Proposal applies to allotments (hereafter referred to as 'the site'):

- Lot 8 in DP 33420 (64 The Grand Parade, Brighton-Le-Sands);
- Lot 9 in DP651072 (65 The Grand Parade, Brighton-Le-Sands);
- Lot 10 DP662061 (66 The Grand Parade, Brighton-Le-Sands);
- Lot11 DP654651 (67 The Grand Parade, Brighton-Le-Sands); and
- Lot 1 DP 798421 (68 The Grand Parade, Brighton-Le-Sands).

The site is approximately 1085sqm in size and currently occupied by a row of 5 heritage listed (Item No. 1174, RLEP 2011) 2 storey terraces. While substantially intact, the existing condition of the terraces is varied. The terraces have undergone varying degrees of alteration to fabric and finishes as outlined in the *Heritage Impact Statement* forming part of this application (Weir Philips 2015).

The existing controls pertaining to the site are as follows:

- Floor Space Ratio: N – 1:1.
- Height of Buildings: N1 – 13 metres.
- Land Use Zoning: B4 – Mixed Use.

### Council Resolution

At the Rockdale Council meeting on 16 March 2016, the planning proposal was approved.

Councillors adopted the proponent's recommendation of a maximum height limit of 36m and a FSR of 4:1 as opposed to the Officer's recommendation of a maximum height limit of 28 metres and FSR of 3:1, additional height and bulk could be achieved through design excellence.

There was discussion at the meeting between the Councillors that the site is a landmark site, because of its visibility from Sydney International Airport. The additional bulk and scale was considered appropriate, subject to the development satisfying Council's design excellence criteria.

While these development sites are not within the same visual catchment of 64-68 The Grand Parade they were not considered landmark sites and it would be unreasonable to place the same controls on the subject site. It must also be noted that recent approvals relied upon Clause 4.6 variations to accommodate lift overruns, which would be very difficult should height incentives be placed on this site.

In summary:

- This site will be subject to Bayside Council's Design Excellence Clause, which will ensure the highest standard of architectural, urban and landscape design.
- Additional height will accommodate 3.1 metre floor to ceiling heights and lift overrun.
- It is critical that when determining the FSR that maximum envelopes are utilised incorporating incentives and bonuses associated with design excellence.

The Urban Design Principles that informed this proposal can be found in the corresponding Urban Design Report are based on the Urban Design Principles for in Appendix 3 of the Apartment Design Guide.

The rationale of this Planning Proposal is to:

- Enable the development of a landmark building incorporating adaptive reuse of existing heritage structures.
- Enable a transition in building height between existing high density commercial development south of the subject site (Novotel building) and existing high density residential development north of the subject site.
- Encourage a more active streetscape through active ground floor uses enabled by an increase in the permissible scale of development.
- Provide increased housing supply and choice within the walking catchment of the Brighton-Le-Sands commercial centre through mixed use development.
- Transform the existing character of the site through innovative design guided by design excellence criteria outlined in Clause 6.14 of the Rockdale LEP 2011.

## Part 1 - Objectives or Intended Outcomes

This Planning Proposal applies to the site:

- Lot 8 in DP 33420 (64 The Grand Parade, Brighton-Le-Sands);
- Lot 9 in DP651072 (65 The Grand Parade, Brighton-Le-Sands);
- Lot 10 DP662061 (66 The Grand Parade, Brighton-Le-Sands);
- Lot11 DP654651 (67 The Grand Parade, Brighton-Le-Sands); and
- Lot 1 DP 798421 (68 The Grand Parade, Brighton-Le-Sands).

The objective of the Planning Proposal is to amend maximum permissible height of buildings and FSR controls pertaining to the site to enable:

- a) The development of a landmark building incorporating adaptive reuse of existing heritage structures.
- b) A transition in building height between existing high density commercial development south of the subject site (Novotel building) and existing high density residential development north of the subject site.
- c) A more active streetscape through active ground floor uses enabled by an increase in the permissible scale of development.
- d) Increased housing supply and choice within the walking catchment of the Brighton-Le-Sands commercial centre through mixed use development.
- e) A site of scale, character and form to complement surrounding urban qualities and likely future development as outlined in the Rockdale LEP 2011 design guidelines.
- f) Create a development which follows the Design Excellence Criteria outlined within Clause 6.14 of the Rockdale LEP 2011.

## Part 2 - Explanation of Provisions

The proposed outcomes will be achieved through amending the Rockdale Local Environment Plan 2011 mapping, shown in Part 4 of the proposal.

The portion of Princess Street adjacent with the same land use zoning (B4 Mixed Use) is also proposed to be amended with Height and FSR in accordance with the site as a matter of 'housekeeping' to maintain continuous zoning.

### A Map

The Rockdale LEP 2011 Height of Building Map (Sheet HOB\_004), Floor Space Ratio Map (Sheet FSR\_004) and Design Excellence Map (Sheet DEX\_004) are proposed to be amended as per Table 1 below.

**Table 1** – Proposed Map amendments

Map Tile No.	Amendment	Explanation
FSR_004	Lot 8 in DP 33420, Lot 9 in DP 651072, Lot 10 in DP 662061, Lot 11 in DP 654651 and Lot 1 in DP 798421 rezoned X - 4:1.	Enables development within the 1085sqm site with bulk and density consistent with existing residential development north of the site and commercial development south of the site.
HOB_004	Lot 8 in DP 33420, Lot 9 in DP 651072, Lot 10 in DP 662061, Lot 11 in DP 654651 and Lot 1 in DP 798421 rezoned V - 36 metres.	Enables development within the subject site with a transitional height between with existing residential development north of the site and commercial development south of the site.
DEX_004	Lot 8 in DP 33420, Lot 9 in DP 651072, Lot 10 in DP 662061, Lot 11 in DP 654651 and Lot 1 in DP 798421 to be considered under Clause 6.14 – Design Excellence of the Rockdale LEP 2011	Site will undergo a competition to see if design meets the Design Guidelines outlines in Clause 6.14 of the Rockdale LEP 2011. Requires a building that will provide for the desired future character of the area.

### B Other Provisions

No amendments are proposed to the written Environmental Planning Instrument.

## Part 3 - Justification

### A Need for the planning proposal

#### A1 Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared in response to a number of strategic studies and reports prepared by Rockdale City Council which suggest a desired future character for the locality substantially different to existing character:

##### Community Strategic Plan 2013 – 2025 (2013)

The proposed amendments to the Rockdale LEP are consistent with the vision for Rockdale, as outlined within the Community Strategic Plan:

- *“Future growth is likely to occur in the centres of Rockdale, Wollie Creek, Brighton Le Sands, Bexley and Bexley North, which have the most significant opportunities for redevelopment”* (p 13).

##### Summary

Assessment of key directions within the strategy indicates a desired future character for the locality (including the subject site) substantially different to existing character. The desired future character is summarised as follows:

- Mixed use development;
- Active street frontage;
- Increased residential population in and proximate to town centres; and
- Development of new iconic/landmark buildings in highly visible locations.

The planning controls must be amended to facilitate development consistent with the desired future character.

#### A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Rockdale Council officers (8 May 2014) confirmed a planning proposal was the most appropriate means of achieving the objectives and intended outcomes. Council officers also confirmed that this proposal should progress separately from any other proposal that may result from investigations currently being undertaken into master planning and public domain works in the Brighton-Le-Sands town centre.

### B Relationship to strategic planning framework

#### B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the A Plan for Growing Sydney and exhibited draft strategies)?

##### A Plan for Growing Sydney (2015)

The proposed amendments to the Rockdale LEP 2011 are consistent with *A Plan for Growing Sydney*:

##### GOAL 1: A competitive economy with world-class services and transport

##### GROW STRATEGIC CENTRES – PROVIDING MORE JOBS CLOSER TO HOME

*Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.*

Increased maximum permissible FSR and height of buildings enables the development of the subject site, located adjacent to and within the walking catchment of the established Brighton-Le-Sands commercial centre, highly visible to passengers of aircraft on approach to/departure from Sydney Airport's north-south runways. Mixed use redevelopment of the subject site (incorporating adaptive reuse) creates increased housing choice and supply proximate to existing employment opportunities. This creates increased employment opportunities proximate to existing high density residential areas north and west of the subject site.

GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles

ACCELERATE URBAN RENEWAL ACROSS SYDNEY – PROVIDING HOMES CLOSER TO JOBS

*Use the Greater Sydney Commission (once established) to support council-led urban infill projects.*

Increased maximum permissible FSR and height of buildings creates increased employment and housing choice and supply opportunities within a landmark mixed use development (incorporating adaptive reuse of existing heritage structures) proximate to an existing commercial centre south of the site and high density residential area north and west of the site.

GOAL 3: A great place to live with communities that are strong, healthy and well connected

REVITALISE EXISTING SUBURBS

*Support urban renewal by directing local infrastructure to centres where there is growth.*

- Existing social and community infrastructure need not be expanded in response to the proposed amendment to planning controls.
- Existing social and community infrastructure can be supported by developer contributions as part of any future Development Application compliant with proposed FSR and height of building controls.

GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

PROTECT OUR NATURAL ENVIRONMENT AND BIODIVERSITY

- The proposed amendment to planning controls to the Rockdale LEP 2011 will not impact the natural environment and biodiversity of the established urbanised area.
- As part of the Development Application process, future development of the subject site in compliance with amended planning controls should address impacts to proximate natural environment and biodiversity areas (as zoned within the LEP).

**Sydney Central Draft District Plan (2016)**

The Sydney Central Draft District Plan has identified priorities and actions for the District with goals to create a productive, liveable and sustainable city.

Brighton-le-sands has been identified as a local centre in close proximity to the strategic centre located at Sydney Airport. This allows the centre to be a part of the reshaping of Sydney through the following priority actions for the Central District:

*Plan for demographic change*

With housing populations expected to rise within the district, it is important to provide options within local centres to allow for accommodation close to employment opportunities within the local centre and strategic centres in close proximity. These new housing options should also provide a high level of amenity for residents and be of a high standard of design excellence.



*Enrich unique places and connections*

Provides a development which will be assessed under a high level of design excellence within the established local centre of Brighton-le-sands providing increased housing stock in area with strong pedestrian and bicycle connections along the promenade, beach and parks. The site will create an identifiable building along a key road within the centre.

**B2 Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?**

Rockdale City Community Strategic Plan

Council’s Vision is: One Community, Many Cultures, Endless Opportunity. The blueprint for the Rockdale community for 2025 is to be achieved through strategic community outcomes:

- **Outcome 1** – Rockdale is a welcoming and creative City with active, healthy and safe communities.
- **Outcome 2** – Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods. A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
- **Outcome 3** – Rockdale is a City with a thriving economy that provides jobs for local people and opportunities for lifelong learning.
- **Outcome 4** – Rockdale is a City with engaged communities, effective leadership and access to decision making.

Table 2 below identifies how the Planning Proposal is consistent with the community outcomes.

**Table 2** – Consistency with Rockdale City Community Strategic Plan

Outcome	Objective	Strategy	Consistency
1	1.1 Our community’s health and wellbeing will increase.	1.1.1 Build a healthy community where people of all ages and abilities can enjoy an environment free of public health risk.	The proposed amendment enables development with a high level of amenity to residents derived from outlook to Botany Bay and proximity to services in Brighton-Le-Sands. A Preliminary Site Contamination Investigation has found low potential for contamination (CSTS 2014)
		1.1.2 Work with the community and increase the cleanliness of Rockdale City.	The proposed amendment enables development which contributes to the cleanliness of Rockdale City through increased opportunities for passive surveillance and improved on-site waste management.
		1.1.3 Build a healthy community with people of all ages and abilities.	The proposed amendment enables development with an appropriate proportion of adaptable units and an apartment mix to suit the housing needs of a variety of people in proximity to services, including the St George Hospital located 3.4 kilometres drive from the subject site.

	<b>1.1.4 Improve the access and effectiveness of services and facilities available to all members of the community to encourage active living to improve health and wellbeing.</b>	The proposed amendment enables development proximate to a variety of retail, medical and educational services, recreational and employment opportunities.
<b>1.2 Our community feels safe in their homes, workplace and in public spaces.</b>	<b>1.2.1 Work with partners and the community to identify and address community safety issues.</b>	Development complying with controls proposed as part of this planning proposal will achieve the objective through increased opportunities for casual surveillance.
<b>1.3 Our community is welcoming and inclusive and celebrates its cultural diversity and community harmony.</b>	<b>1.3.1 Ensure we value and support our Aboriginal and Torres Strait Islander communities.</b>	N/A
	<b>1.3.2 Build a welcoming and empowered community that embraces cultural diversity.</b>	N/A
	<b>1.3.4 Build a vibrant and exciting City that reflects the range of cultures, entertainment, events and networks that contribute to the wellbeing of its community.</b>	Proposed increase to height and density will encourage a mixed use development adding to vibrancy of Brighton-Le-Sands.
<b>1.4 Our City has quality and accessible services, community and recreational facilities.</b>	<b>1.4.1 Ensure that community buildings and facilities are designed, delivered and maintained in a manner that is sustainable and reflects the needs of the community.</b>	The impact of the proposed amendment is not substantial enough to trigger a need for new community facilities.
	<b>1.4.2 Provide parks, reserves and recreation areas which reflect the qualities of the City's social and environmental needs.</b>	The subject site is proximate to a network of open space along the Botany Bay foreshore.  The proposed amendment will encourage restoration of heritage items which will improve the streetscape character.
	<b>1.4.3 Ensure equitable and affordable access to services and facilities for our established and</b>	The proposed amendment enables development with an appropriate proportion of adaptable units and an apartment mix to suit the

		<b>emerging communities.</b>	housing needs of a variety of people in proximity to a variety of retail, medical and educational services, recreational and employment opportunities.
<b>2</b>	<b>2.1 Our City protects and enhances our natural environment including our beaches, waterways, bushland and foreshore areas</b>	<b>2.1.1 Protect, preserve and promote the City's natural resources.</b>	There is to be no impact on the City's natural resources as a consequence of the proposed amendment.
		<b>2.1.2 Demonstrate leadership in responding to climate change through action and adaptation.</b>	The proposed amendment to the LEP enables redevelopment of the subject site employing sustainable design practices, including adaptive reuse of the existing heritage terraces.
	<b>2.2 Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice</b>	<b>2.2.1 Ensure planning enables the provision of quality affordable housing.</b>	The proposed amendment to the LEP enables redevelopment of the subject site such that it incorporates measures that ensure housing affordability, including compliance with the Apartment Design Guide.
		<b>2.2.2 Promote high quality, well designed and sustainable development and places that enhances the City.</b>	The proposed amendment to the LEP enables the redevelopment of the subject site such that it is consistent with the desired future character, including the development of a landmark building within a highly visible location on the Botany Bay foreshore.
	<b>2.3 Our community will demonstrate leadership in maximising efficient use of resources and minimising waste</b>	<b>2.3.1 Ensure waste minimisation to reduce the impact on the environment.</b>	The proposed amendment to the LEP enables redevelopment of the subject site employing sustainable design practices, including adaptive reuse of the existing heritage terraces.
		<b>2.3.2 Ensure Council increases its efficient use of resources.</b>	The proposed amendment enables development with greater height and density within the site, implementing the principle of economies of scale with respect to waste collection, etc.
	<b>2.4 Our City will value and protect our heritage</b>	<b>2.4.1 Ensure that Rockdale's natural and built heritage and history is respected, protected and well maintained reflecting the rich and diverse past of both Aboriginal and European settlement</b>	Future redevelopment of the subject site should incorporate the adaptive reuse of the existing heritage terraces located on site.

	<b>2.5 Our community will be able to get around and connect with a range of effective linkages across the City and beyond</b>	<b>2.5.1 Ensure that the City's transport networks and infrastructure are well planned, integrated and maintained.</b>	N/A
		<b>2.5.2 Ensure sustainable current and future transport needs of the community providing access to services and facilities and enabling active living.</b>	The proposed amendment encourages the intensification of development within walking distance of the Brighton-Le-Sands commercial centre.
		<b>2.5.3 Ensure the City has access to wireless technology and opportunities to enhance a digital economy.</b>	N/A
<b>3</b>	<b>3.1 Our City offers a diverse range of education and lifelong learning opportunities</b>	<b>3.1.1 Ensure access to life long learning so that our community can maximise its potential.</b>	The land to which the planning proposal applies is approximately within 3 kilometres of a number of educational institutions, including Kogarah Public School, Kogarah High School, St George Girls High School, James Cook Boys Technology High School and St George TAFE.
	<b>3.2 Our city comprises a thriving and robust economy with diverse industry and employment</b>	<b>3.2.1 Develop effective partnerships to build a prosperous economy.</b>	The proposed amendment to the LEP enables redevelopment of the subject site such that incorporates a retail/commercial component to create increased employment opportunities proximate to an established centre and a large residential population.
		<b>3.2.2 Identify and enhance opportunities for diverse employment and income generation through business growth and investment.</b>	Future development compliant with the proposed amendment to the LEP should achieve the objective through the provision of a retail/commercial component.
	<b>3.3 Our City has vibrant town centres that provide a range of services and experiences for our residents, workers and visitors</b>	<b>3.3.1 Ensure Town Centres are improved on a rolling program.</b>	There is a strategy to review Brighton-Le-Sands in progress however it is in a preliminary stage.
		<b>3.3.2 Provide a strategic approach to tourism.</b>	The proposed amendment to the LEP enables the redevelopment of the subject site such that it incorporates a landmark development.

4	4.1 Rockdale City's citizens are enabled, encouraged and able to participate in planning and decision making that affects the city	4.1.1 Council engages the community in decision making, planning and delivery of outcomes	The Planning Proposal, by way of exhibition, encourages public involvement.
		4.1.2 Build a sound partnership between council and the community and other stakeholders	The Planning Proposal, by way of exhibition, encourages public involvement.
	4.2 Increase understanding and value of democratic processes and role of elected representatives	4.2.1 Ensure high level of Council representation exists to adequately advocate and lobby on issues relevant to the City and the community	N/A
		4.3 Rockdale City Council ensures and implements an effective governance framework for the delivery and management of its services and infrastructure	4.3.1 Enable continuous improvement through technology, service and process review to deliver effective services to meet community needs
	4.4 Rockdale City Council ensures transparent and effective human resource, financial, asset and risk management	4.4.1 Ensure that Council has effective and efficient financial planning and management that ensures a sustainable future for the community	N/A
		4.4.2 Ensure effective planning and management of Council's assets to meet current and future community needs	N/A
		4.4.3 Ensure Council undertakes effective risk management planning and processes	N/A
		4.4.4 Ensure that Council has a capable and motivated workforce committed to excellence in customer service and service delivery	N/A

Brighton-Le-Sands Masterplan

Stage 1 (Parking) of Council's Brighton-Le-Sands Masterplan has been made publically available. The proposed amendment to the Rockdale LEP is consistent with the Stage 1 (Parking) Master Plan.

**B3 Is the planning proposal consistent with applicable state environmental planning policies?**

Consistency with the State Environmental Planning Policies is assessed in Table 3 below:

**Table 3 - Consistency with State Environmental Planning Policies**

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by <i>RLEP 2011</i> )
4	Development Without Consent and Miscellaneous Exempt and Complying Development	(Clause 6 and Parts 3 and 4 repealed by <i>RLEP 2011</i> ) Remainder N/A
6	Number of Storeys in a Building	Repealed
14	Coastal Wetlands	N/A
15	Rural Landsharing Communities	N/A
19	Bushland in Urban Areas	N/A: there is no bushland in the vicinity of the site.
21	Caravan Parks	N/A
22	Shops and Commercial Premises	Repealed
26	Littoral Rainforests	N/A
29	Western Sydney Recreation Area	N/A
30	Intensive Aquaculture	N/A
32	Urban Consolidation (Redevelopment of Urban Land)	YES: <ul style="list-style-type: none"> <li>The increase in development standards will facilitate the orderly development of multi-storey housing appropriate to the locality. Development of the subject site will contribute to an increase in residential dwellings within Brighton-Le-Sands.</li> <li>The location of the subject area is close to a range of employment opportunities, leisure and recreational spaces, whilst having good access to existing transit routes.</li> <li>The subject site is not of environmental significance.</li> </ul>
33	Hazardous and Offensive Development	N/A
36	Manufactured Home Estates	N/A
39	Spit Island Bird Habitat	N/A
41	Casino Entertainment Complex	Repealed
44	Koala Habitat Protection	N/A
47	Moore Park Showground	N/A
50	Canal Estate Development	N/A
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A

55	Remediation of Land	<p>YES:</p> <p>Cl. 6 Contamination and remediation to be considered in zoning or rezoning proposal of the SEPP states:</p> <p>(1) <i>In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p>(a) <i>The planning authority has considered whether the land is contaminated, and</i></p> <p>(b) <i>if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p>(c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><b>Response:</b></p> <ul style="list-style-type: none"> <li>• A preliminary contamination and groundwater assessment has been prepared for this site by Compaction &amp; Soil Testing Services Pty Ltd (2014).</li> <li>• The assessment indicated that the subject site has low potential for soil contamination.</li> <li>• The site may be impacted by groundwater, which will need to be mitigated during deep excavation in the construction period, which should be addressed in the Development Application stage.</li> <li>• The site may be impacted by acid sulphate soils when excavating deeper than four metres, which should be addressed in the Development Application stage.</li> </ul>
59	Central Western Sydney Regional Open Space and Residential	N/A
60	Exempt and Complying Development	(Repealed by <i>RLEP 2011</i> )
62	Sustainable Aquaculture	N/A
64	Advertising and Signage	N/A
65	Design Quality of Residential Apartment Development	<p>YES:</p> <ul style="list-style-type: none"> <li>• The proposed amendments to the Rockdale LEP enable the development of a mixed use development within the subject site.</li> <li>• The design of future building will address the principles of the SEPP and address the requirements of the Apartment Design Guide at the Development Application stage.</li> <li>• Compliance with SEPP 65 requirements raises the design quality of residential apartment development through the application of a series of design principles.</li> </ul>



70	Affordable Housing (Revised Schemes)	YES:  To be addressed at the Development Application stage if affordable housing is proposed.
71	Coastal Protection	N/A
	(Affordable Rental Housing) 2009	YES:  To be addressed at the Development Application stage if affordable housing is proposed.
	(Building Sustainability Index: BASIX) 2004	YES:  To be addressed at the Development Application stage.
	(Exempt and Complying Development Codes) 2008	YES:  The proposed amendment does not alter the provision of this SEPP.
	(Housing for Seniors or People with a Disability) 2004	YES:  The proposed amendment does not alter the provision of this SEPP.
	(Infrastructure) 2007	YES:  The subject site has primary frontage to The Grand Parade, identified as a classified road as per the Schedule of Classified Roads and Unclassified Regional Roads (Gazetted Road No. 194, RMS).  Future development of the subject site should ensure that achieves the specific objectives and conditions of Cl. 101 Development with frontage to classified road of the SEPP.
	(Kosciuszko National park Alpine Resorts) 2007	N/A
	(Kurnell Peninsula) 1989	N/A
	(Major Development) 2005	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	N/A
	(Penrith Lakes Scheme) 1989	N/A
	(Rural Lands) 2008	N/A
	(Sydney Drinking Water Catchment) 2011	N/A
	(Sydney Region Growth Centres) 2006	N/A
	(Temporary Structures) 2007	N/A
	(Urban Renewal) 2010	N/A
	(Western Sydney Employment Area) 2009	N/A
	(Western Sydney Parklands) 2009	N/A

**B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

See Table 4 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

**Table 4 - Consistency with applicable Ministerial Directions**

**1. Employment and Resources**

<b>No.</b>	<b>Title</b>	<b>Consistency with Planning Proposal</b>
1.1	Business and Industrial Zones	<p>YES.</p> <p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in business and industrial zones, and</li> <li>(c) support the viability of identified strategic centres.</li> </ul> <p>The site is zoned B4 Mixed Use and will remain unchanged from its current zoning. The proposed development will provide both residential accommodation and employment opportunities following the objectives of the B4 zone. The development allows for an adaptive reuse of the heritage buildings providing employment opportunities within the local centre of Brighton-le-sands and the Sydney Airport, a strategic centre identified in the Draft Central District Plan.</p>
1.2	Rural Zones	<p>N/A.</p> <p>The site is not located within an existing or proposed rural zone.</p>
1.3	Mining, Petroleum Production & Extractive Industries	<p>N/A.</p> <p>This planning proposal has not effect on:</p> <ul style="list-style-type: none"> <li>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</li> <li>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</li> </ul>
1.4	Oyster Aquaculture	<p>N/A.</p> <p>The site is not located near or will have any effect on a Priority Oyster Aquaculture Area.</p>
1.5	Rural Lands	<p>N/A.</p> <p>The site is not located within an existing or proposed rural or environment protection zone. State Environmental Planning Policy (Rural Lands) 2008 does not apply to the site.</p>

**2. Environment and Heritage**

<b>No.</b>	<b>Title</b>	<b>Consistency with Planning Proposal</b>
2.1	Environmental Protection Zones	<p>N/A.</p> <p>This is a brownfield development and is unlikely to impact on environmentally sensitive areas.</p>
2.2	Coastal Protection	<p>N/A.</p> <p>The site is not in a coastal zone, as defined in the Coastal Protection Act 1979.</p>
2.3	Heritage Conservation	<p>YES.</p> <p><i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p> <p>A Heritage Impact Statement was produced by Weir Phillips Heritage outlining how the proposed development proposes minimal impacts on the heritage items on site.</p>

		The Saywell Terraces will remain on site and it is proposed they will be adaptively reused and upgraded from their current state.
2.4	Recreation Vehicle Areas	N/A.  The site is not proposed to be developed for the purpose of a recreation vehicle area.

### 3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	<p>YES.</p> <p><i>The objectives of this direction are:</i></p> <ul style="list-style-type: none"> <li>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) to minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>This proposal will increase the potential residential density and provide a variety of housing stock for the area allowing for a greater variety of residents.</p> <p>RLEP 2011 Cl 6.12 will apply and require site to be serviced.</p> <p>The development will be a brownfield development, on a site currently used for residential development reducing the impact on environment and resource lands.</p>
3.2	Caravan Parks and Manufactured Home Estates	<p>N/A.</p> <p>A caravan park is not proposed for this site.</p>
3.3	Home Occupations	<p>YES.</p> <p><i>The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.</i></p> <p>It will be possible for low-impact small business to be carried out in dwelling houses.</p>
3.4	Integrating land use and Transport	<p>YES.</p> <p><i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars, and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>(d) supporting the efficient and viable operation of public transport services, and</li> <li>(e) providing for the efficient movement of freight.</li> </ul> <p>The site is located within the Brighton-le-sands Town Centre. It will provide increased employment opportunities within the town centre.</p> <p>The site is also located close to employment opportunities in the Sydney Airport strategic centre and other employment hubs</p>

		including Hurstville and the CBD. The site is located a ten minute bus ride or bike ride to Rockdale Station. Parking is also available around the station.
3.5	Development near Licensed Aerodromes	<p>YES.</p> <p>The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>(a) to ensure the effective and safe operation of aerodromes, and</li> <li>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</li> <li>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</li> </ul> <p>The site is located between the 20 and 25 ANEF contours. Mitigation techniques will be addressed at the Development Application stage.</p>
3.6	Shooting ranges	<p>N/A.</p> <p>The site is not located adjacent to an existing shooting range.</p>

#### 4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	<p>YES.</p> <p><i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i></p> <p>The site is classified as Class 4 Acid Sulfate Soils in the RLEP 2011. A contamination report has been prepared by Compaction &amp; Soil Testing Services Pty Ltd (2014).</p>
4.2	Mine Subsidence and Unstable Land	<p>N/A.</p> <p>The site has not been identified as unstable or potentially subject to mine subsidence.</p>
4.3	Flood Prone Land	<p>N/A.</p> <p>The site is not classified as flood prone land in the RLEP 2011.</p>
4.4	Planning for Bushfire Protection	<p>N/A.</p> <p>The site is not identified on a bush fire prone land map.</p>

#### 5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	<p>N/A.</p> <p>The site is not located in a regional area, it is located in the Metropolitan Sydney Area.</p>
5.2	Sydney Drinking Water Catchments	<p>N/A.</p> <p>Rockdale Council is not identified as a local government area where this Direction applies.</p>
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	<p>N/A.</p> <p>Rockdale Council is not identified as a local government area where this Direction applies.</p>

5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A Rockdale Council is not identified as a local government area where this Direction applies.
5.5	Development on the vicinity of Ellalong...	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)
5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	N/A. Rockdale Council is not identified as a local government area where this Direction applies.
5.9	North West Rail Link Corridor Strategy	N/A. Rockdale Council is not identified as a local government area where this Direction applies.

## 6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	YES.  <i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>  The planning proposal has minimised the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.  The site is not identified as designated development.
6.2	Reserving land for Public Purposes	YES.  <i>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>  The planning proposal does not alter existing zonings or reservations of land.
6.3	Site Specific Provisions	YES.  <i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>  The planning proposal does not propose a rezoning of the site as the site will remain B4 Mixed Use.  There are no development standards or requirements in addition to those already contained in the principal environmental planning instrument proposed for the site.

## 7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of A Plan for Growing Sydney	YES.  <i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>

The planning proposal is consistent with A Plan for Growing Sydney and provides reasoning behind how it achieves the overall intent of the plan.

## C Environmental, social and economic impact

The cumulative impact of the increased population will support the local and wider community and maintain the vibrancy and vitality of Brighton-Le-Sands.

**C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The planning proposal seeks the amendment of planning controls pertaining to an urban area within the Rockdale LGA and will not adversely affecting critical habitat or threatened species, populations or ecological communities, or their habitats.

**C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Amenity:**

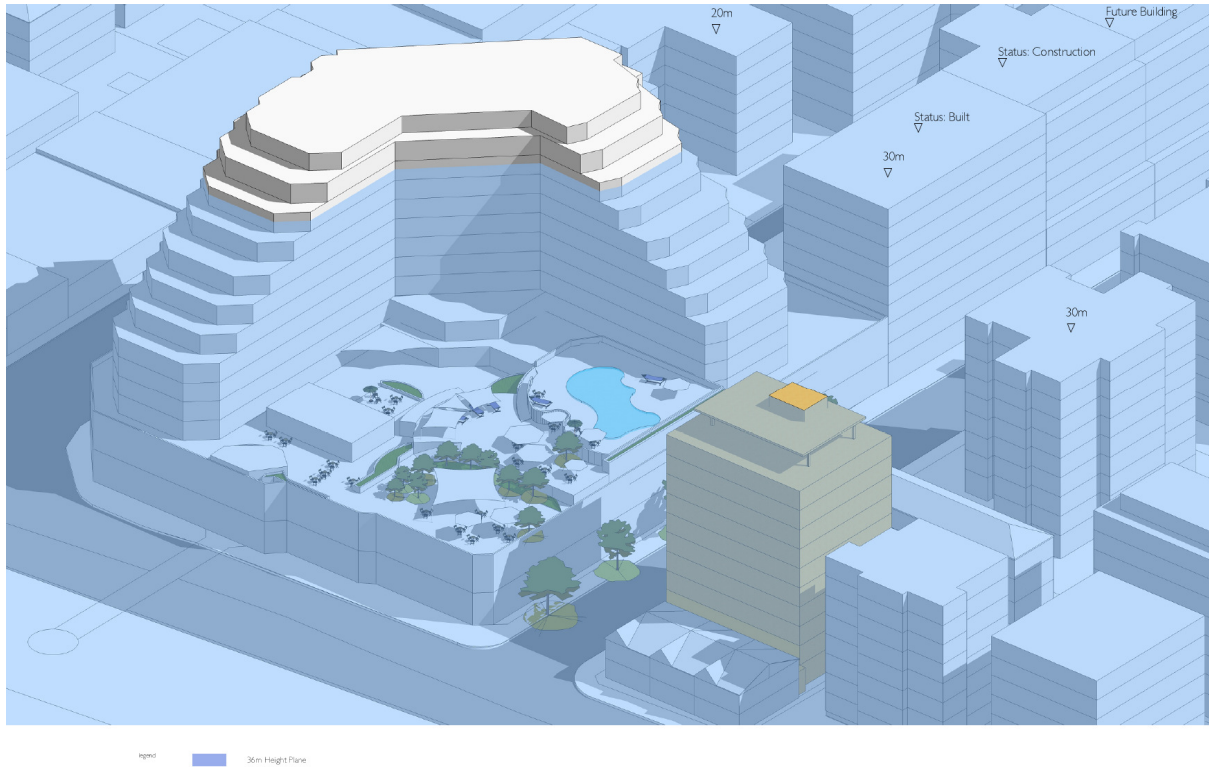
The proposed amendments to the Rockdale LEP will have no substantial impact on amenity to adjoining land uses or the public domain.

Future development compliant with proposed amendment will ensure that:

- Any amenity impacts to adjoining development and/or the public domain is minimised as part of the design process.
- An acceptable level of internal amenity is achieved through compliance with the Apartment Design Guide.

A height plane for the site and surrounding buildings is illustrated in Figure 1. Shadow diagrams are analysed in Figures 2 – 4.

These diagrams demonstrate the impact of the additional height does not have an unreasonable impact on the Novotel. Shadow diagrams include key times for winter and summer solstice as well as autumn equinox.

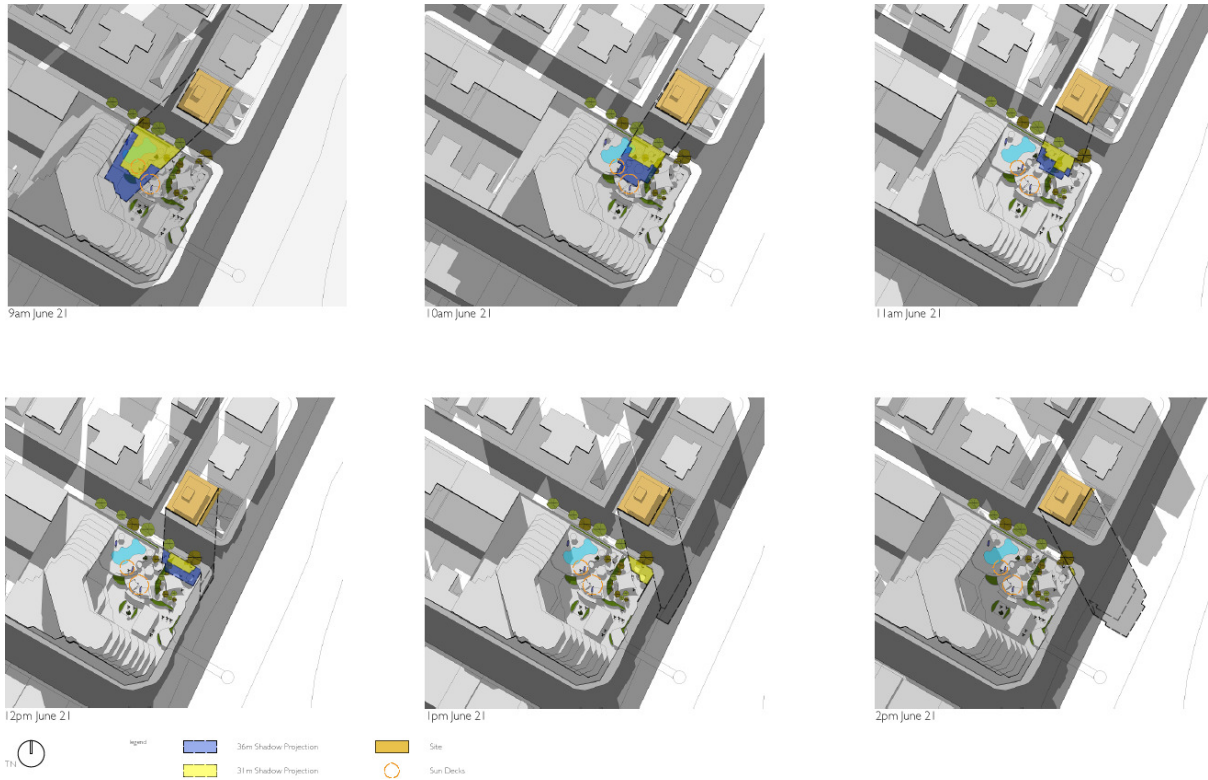


**Figure 1: 36 metre height plan from bird's eye view.**

Winter Solstice:

- Additional impact from height occurs between 9am and 12pm with the most impact occurring between 9am and 10am.
- 10am is the only time overshadowing partially covers the sun decks.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

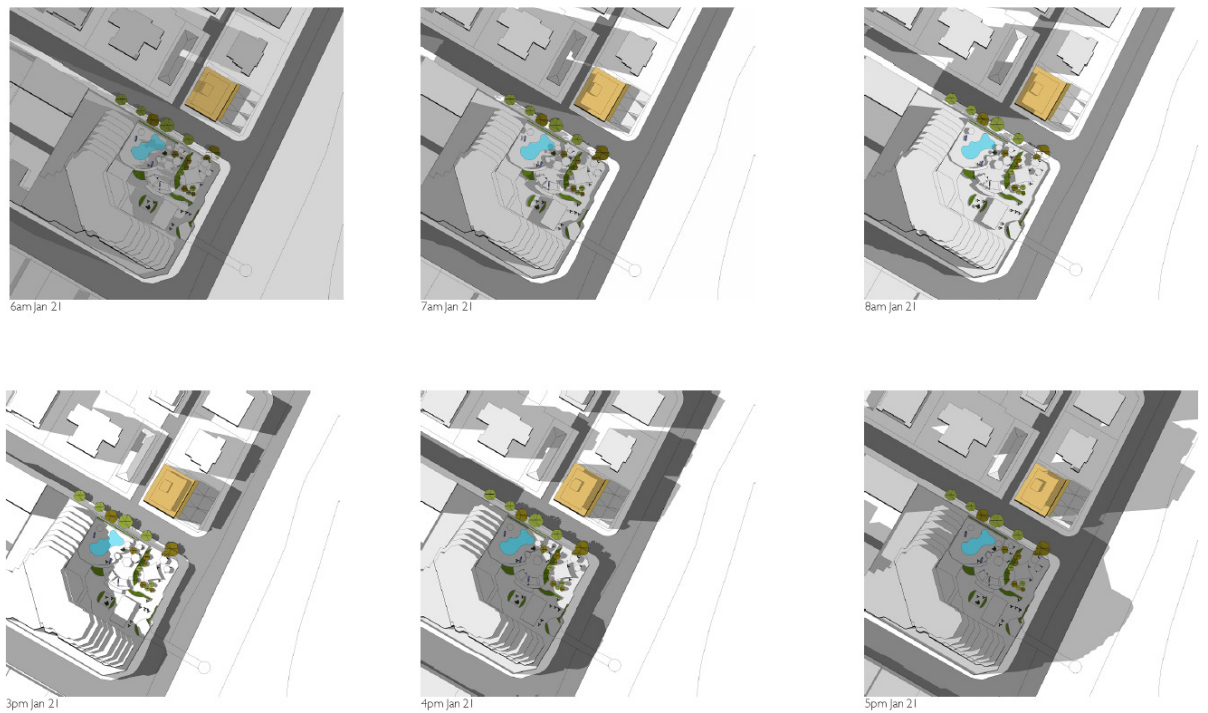




**Figure 2: Winter Solstice**

Summer Solstice:

- Overshadowing does not fall on key outdoor spaces at any of the peak times of the day.
- Additional overshadowing caused by increased height falls onto Princess Street and The Grand Parade.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.



**Figure 3: Summer Solstice**

#### Autumn Equinox:

- Additional impact from height occurs between 7am and 11am with the most impact occurring between 8am and 9am.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

The additional height does not have any unreasonable impact on the key outdoor spaces of the Novotel podium during mid-winter solstice and autumn equinox and minimal additional impact occurring on during the summer solstice.



Figure 4: Autumn Equinox

#### Desired Future Character:

Based on strategic documents from Council and NSW Planning, the desired future character of the area includes:

- Landmark buildings to improve the visibility of Brighton Le Sands for aircrafts landing/taking off from Sydney Airport's Main North-South Runway;
- Building footprint occupying the entirety of lots in B4 Mixed Use and SP3 Tourist Zones;
- Active street frontages with development incorporating retail/commercial uses and serviced apartments;
- Increase in building height along the western side of The Grand Parade; and
- Responding to the heritage character of the locality including adaptive reuse and restoration of the Saywell terraces.

#### Heritage:

There are 5 terrace houses on the subject site listed as heritage items under Schedule 5 Part 1 of the Rockdale LEP 2011. The Heritage Impact Statement prepared by Weir Phillips Heritage (2015) concludes that:

*"The proposal will have an acceptable impact on the heritage significance of the existing row of terrace houses."* (Weir Phillips Heritage, Heritage Impact Statement, p. 55)

The reasons for this conclusion are:

- The proposal provides the incentive and opportunity to restore the terraces.

- A new building can be setback and separated from the principal building form.
- The proposal is consistent with existing development of high density residential buildings and commercial premises.
- The rear wings are substantially altered and would require further alteration to meet DDA and BCA requirements to make suitable for commercial purposes
- The design of the new building can be further developed in later stages to mitigate its impact on the terraces.

A Structural Design Statement has been prepared by Structural Design Solutions confirms that proposed works associated with constructing a building with multiple basements adjacent to the principle building forms:

- *“the basement shoring retention system is outside the existing Heritage buildings an no part of the basement extends below the buildings”( to be retained).*
- *“The retention system will be designed to minimise vibrations during installation and movements in both temporary and permanent conditions”.*
- *The cantilever balcony doesn't require heritage area access. A temporary system of props and needles will be designed to support framework framing well above the heritage building envelope”.*

Additionally there are 6 Norfolk Island Pines located to the south of the site on Princess Street, Brighton Le Sands. The trees are estimated to be 125 years old. The Arboriculture Assessment prepared by Sydney Arbor Trees (2015) identifies that he proposed construction site is outside the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ).The report concludes that:

*“The impact upon the subject trees from the proposed development would appear to be low”*  
(Sydney Arbor Trees, Arboriculture Assessment, p. 17)

#### **Traffic:**

It is proposed that vehicular access can be achieved from Princess Lane. No vehicular access is proposed from Princess Street or The Grand Parade.

According to the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd (2015, p 17);

- *“The proposed development is expected to have a traffic generation potential of approximately 24 vehicles per hour during commuter peak periods”*
- *“There is adequate capacity in the surrounding road network to cater for the traffic generated by the development”*
- *“Preliminary concept plans ... indicate that the required number of car parking spaces, bicycle spaces and motorcycle spaces can ultimately be provided on the site and in accordance with the relevant standards and guidelines, subject to the number of basement levels being excavated”.*

### **C3 How has the planning proposal adequately addressed any social and economic effects?**

On 15 July 2015, the NSW Department of Planning & Environment gave gateway approval for the amendment of planning controls at 16-20 and 22-28 Princess Street, Brighton Le Sands. The amended controls are as follows:

- Land use zoning: B4 Mixed Use (previously R4 High Density Residential).
- Maximum height of buildings: 28 metres (previously part 26.5 metres and part 14.5 metres).
- Maximum floor space ratio: 3:1 (previously part 2:1 and part 1:1).

Similarly to the gateway approved amendments at 16-20 and 22-28 Princess Street, the proposed amendments to 64-68 The Grand Parade facilitate development that will have positive social and economic implications:

- Increased retail/commercial floor space and housing choice and supply within the Brighton Le Sands Village to accommodate increased local worker base and residential population, facilitating:
  - Increased day and night pedestrian activity surrounding the subject site and throughout the Brighton Le Sands centre, improving the vitality and vibrancy of the centre whilst creating additional opportunities for casual surveillance.
  - Increased patronage of existing retail and commercial services, quality public open space and transport links.
- Improved quality of housing stock within the locality by encouraging construction of a building with contemporary design and having internal amenity as required by SEPP 65.
- Increased employment opportunities in the Brighton Le Sands Town Centre proximate to an established high density residential area north and west of the site.
- Increased visual interest along The Grand Parade through:
  - Landmark development highly visible to passengers of aircraft approaching/departing to/from Sydney's north-south runways.
  - Development incorporating adaptive reuse of existing heritage structures;
  - Improved consistency of building height along The Grand Parade; and
  - Ground floor active street frontage.

## **D State and Commonwealth interests**

### **D1 Is there adequate public infrastructure for the planning proposal?**

The planning proposal seeks the amendment of planning controls pertaining to the site and does not require increased or improved provision of public infrastructure.

It is not anticipated that improvements to existing public infrastructure are required as the subject site is within an urbanised area. Nevertheless, assessment of infrastructure services should form part of the Development Application process. Developer contributions are payable.

### **D2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

No consultation has occurred with State authorities or Commonwealth authorities. Relevant authorities will be consulted as part of the exhibition of this Planning Proposal.



## Part 4 – Mapping



Figure 5: Site Context

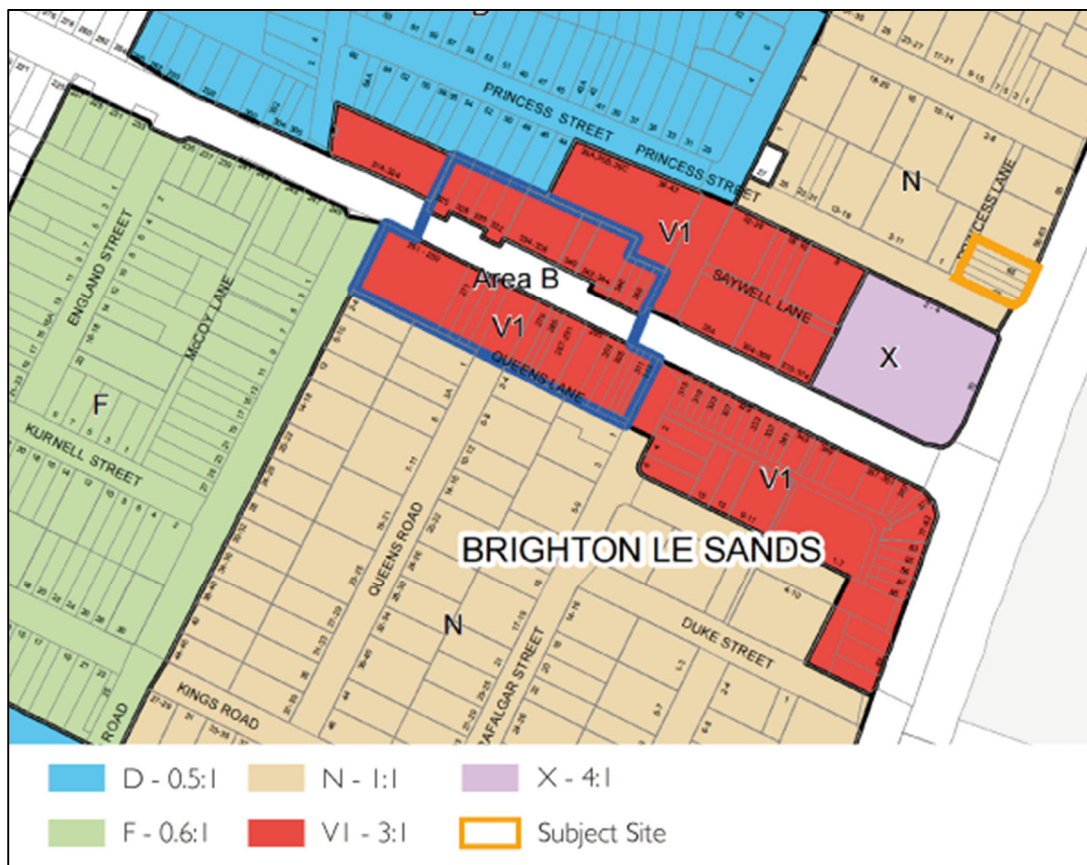


Figure 6: Existing Maximum Floor Space Ratio Map

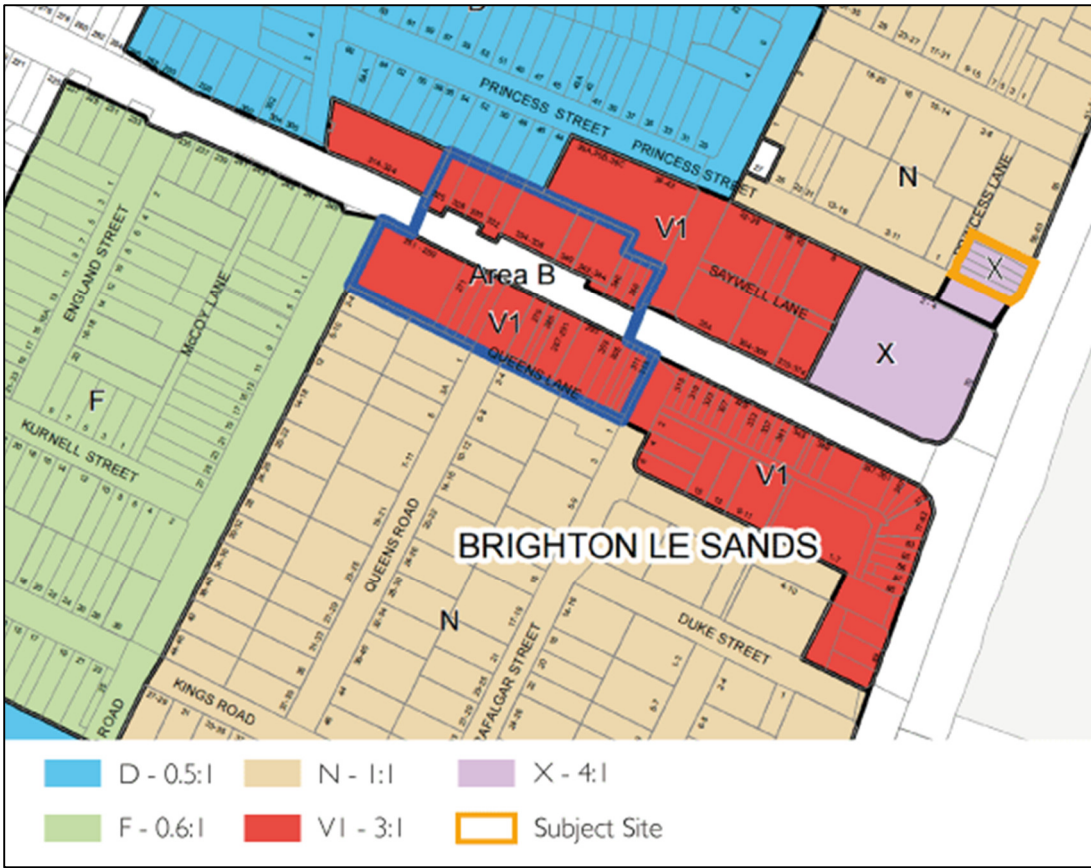


Figure 7: Proposed Maximum Floor Space Ratio Map

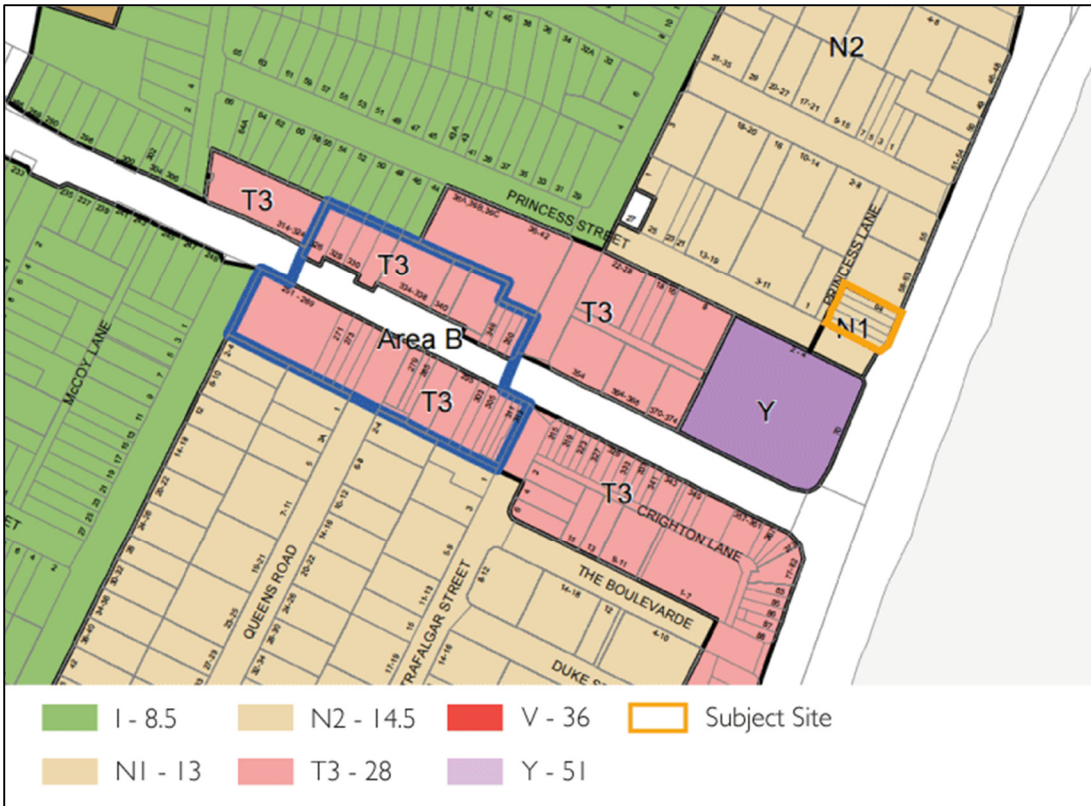


Figure 8: Existing Maximum Building Height Map



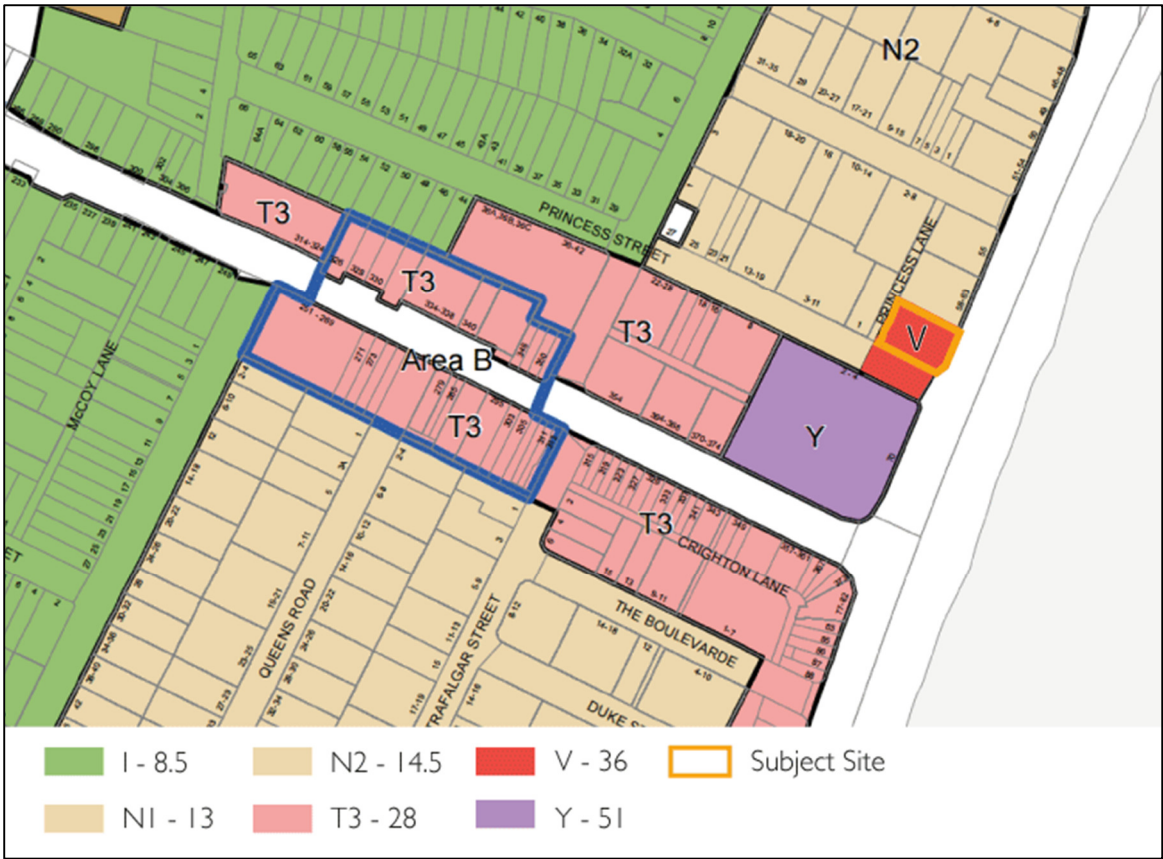


Figure 9: Proposed Maximum Building Height Map



Figure 10: Existing Design Excellence Map



Figure 11: Proposed Design Excellence Map

## Part 5 - Community Consultation

In accordance with discussions with Rockdale City Council the following consultation will be:

- Mail-out to adjoining landowners, Newspaper notice and notification on Council website to inform community of proposal.
- Public exhibition period of a minimum 28 days.



## Part 6 – Project Timeline

The table below provides a proposed timeframe for the project.

**Table**– Approximate Project Timeline

<b>Task</b>	<b>Timing</b>
Date of Gateway determination	4-6 weeks after submission to DP&E
Anticipated timeframe for the completion of required technical information	Completed
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days – to run concurrently with public exhibition period
Commencement and completion dates for public exhibition period	
Dates for public hearing (if required)	Not Applicable at this stage
Timeframe for consideration of submissions	4 weeks
Timeframe for the consideration of a PP following exhibition	6 weeks
Consideration of PP by Council (Council Meeting)	TBA
Date of submission to the department to finalise the LEP	TBA
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	TBA
Anticipated publication date	TBA

## Appendix 1 – Supporting Technical Reports

Description	Prepared By
Urban Design Report	ae design partnership
Traffic Report	Varga Traffic Planning
Contamination Report	Compaction & Soil Testing Services
Heritage Impact Statement	Weir Phillips Heritage
Arboriculture Assessment Report	Sydney Arbor Trees
Structural Design Statement	Structural Design Solutions

Ms Meredith Wallace  
General Manager  
Bayside Municipal Council  
PO Box 21  
ROCKDALE NSW 2216

Attention: John McNally

Dear Ms Wallace

### **Planning proposal to amend Rockdale Local Environmental Plan 2011**

I am writing in response to your Council's letter dated 8 March 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the maximum building height and floor space ratio controls currently applying to 64-68 The Grand Parade, Brighton Le Sands.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 117 Directions 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister for Planning in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under

section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Michael Kokot of the Department's Sydney Region East section to assist. Mr Kokot can be contacted on (02) 9274 6564.

Yours sincerely



**Sandy Chappel** 28.4.17  
**Director, Sydney Region East**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template

## Gateway Determination

***Planning proposal (Department Ref: PP\_2017\_BSIDE\_006\_00): to amend Rockdale Local Environmental Plan 2011 to increase the maximum height and floor space ratio controls currently applying to 64-68 The Grand Parade, Brighton Le Sands.***

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Rockdale Local Environmental Plan 2011 to increase the maximum height and floor space ratio controls currently applying to 64-68 The Grand Parade, Brighton Le Sands, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is considered to be routine and must be made publicly available for a minimum of 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *'A Guide to Preparing Local Environmental Plans'* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
  - Transport for NSW - Roads and Maritime Services;
  - Office of Environment and Heritage;
  - Sydney Airport Authority;
  - Civil Aviation Safety Authority; and
  - Commonwealth Department of Infrastructure and Regional Development.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



4. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated *28<sup>th</sup>* day of *April* 2017

A handwritten signature in blue ink that reads "Chappel".

**Sandy Chappel**  
**Director, Sydney Region East**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**

## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bayside Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_BSIDE_006_00	Planning proposal to increase the maximum height and floor space ratio controls currently applying to 64-68 The Grand Parade, Brighton Le Sands

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *28 April* 2017



**Sandy Chappel**  
**Director, Sydney Region East**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Greater Sydney Commission**

## Delegated plan making reporting template

### Reporting template for delegated Local Environmental Plan amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2017_BSIDE_006_00
Date Sent to Department under s56	08/03/17
Date considered at LEP Review Panel	N/A
Gateway determination date	28/04/17

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**



**PLANNING PROPOSAL – 64-68 THE GRAND PARADE: LIST OF SUBMISSIONS (NAMES OMITTED)**

	Comments
1.	<ul style="list-style-type: none"> <li>• I have no concerns;</li> <li>• Will bring value to the area; and</li> <li>• Brighton needs more high-density building.</li> </ul>
2.	<ul style="list-style-type: none"> <li>• I wish to object strongly to the proposal;</li> <li>• Significance of the building – highlight features of architectural interest and historic importance; You may wish to reference description in State Heritage Inventory or other sources;</li> <li>• Reference planning policy designed to protect built heritage and local amenity at a local development plan, Archaeology and the Built Heritage;</li> <li>• All is well in providing shadow diagrams and impact statement directly affecting the Novatel. Unfortunately, no shadow diagrams on any neighbouring sites being east, west of the proposed site;</li> <li>• Even more so, no shadow diagrams across Lady Robinson Beach enjoyed by the community in the afternoons throughout the year in spring, summer, autumn, and yes winter;</li> <li>• No Impact statement of lost time in sun shine due to increase in the height as proposed; “Reasonable solar access” as dictated in the proposal means that there will be unfavourable impact to neighbouring properties and more so to open community areas such as Lady Robinson Beach;</li> <li>• By increasing the height will favour a few and affect so many in the community and the eco balance of the reserve. Bayside Council start “Serving our Community”; and</li> <li>• You could also reference other issues, which affect the community as a whole, rather than individual interests.</li> </ul>
3.	<ul style="list-style-type: none"> <li>• Express deep concerns the extreme increase for this building;</li> <li>• We live in this street we have already two new buildings of Strata Units which has impacted on the parking issues for all residence in this area dramatically – we have no parking;</li> <li>• Adding another new building in Princes St will only increase this three times over;</li> <li>• I believe the local residence living in Princes St need to have some sort of quality existence here; and</li> <li>• There is only 4 small houses on this plot of land where the new building is going to be on – how could it be justifiable to build so many unit on it? It can't.</li> </ul>
4.	<ul style="list-style-type: none"> <li>• Heritage Listing: The cottages are heritage listed, and the last remaining pieces of the history and suburb of the original Brighton-Le-Sands. All other historical relics have been demolished and redeveloped and it would be a tragedy if this was lost, never to be seen again;</li> <li>• Damage: If any development of the site was attempted, whilst trying to preserve the cottages</li> <li>• taking into consideration their age there could be an accident that would cause irreparable damage to these cottages e.g. excavators preparing for foundations could undermine the stability of the cottages, or excavating for underground resident parking necessitating their removal;</li> <li>• Access: The area is accessed by a small lane to the rear which is over utilised at present, servicing 2 high-rise blocks and one low rise block at present. Princess and Gordon Streets on either end are very busy, with the Princess St. side facing the Novotel Hotel. The Front of the cottages faces the Grand Parade and has a bus stop in front of them;</li> </ul>

	<ul style="list-style-type: none"> <li>• Parking and Drainage: Parking in both Princess and Gordon Streets is at a premium and any development which should occur at the site would need off street parking, which the water table would prevent from being more than one level down, with significant drainage problems of rainwater, due to overburdened storm water drains in the area; and</li> <li>• Design Excellence: could be achieved on this site by not developing the site, and endangering the cottages, but rather by restoring the cottages to the formal colonial grandeur they once exhibited and showcase how lovely and gracious Brighton-Le-Sands looked in previous days.</li> </ul>
5.	<ul style="list-style-type: none"> <li>• This proposal is geared towards a huge block of units on this very small area;</li> <li>• The fine heritage listed houses should remain the same as they are the last vestige of Thomas Saywell homes in Brighton-Le-Sands;</li> <li>• If this appalling proposal should come to pass, exactly where will the garages for the units be situated? How many spaces would be required for such a huge block of units?</li> <li>• Parking and access along Princess Lane is already very difficult due to lack of space;</li> <li>• The proposed height would suggest a building of 14-storeys is being proposed, which would overshadow the beach;</li> <li>• Ten years ago permission was refused for a 15-storey building.</li> </ul>
6.	<ul style="list-style-type: none"> <li>• As a resident of Princess Street I have a small but appreciated view of the Botany Bay seascape so it could be said that my objection to raising the height of buildings proposed to be erected on sites situated on 64-68 The Grand Parade is based purely my apparent right to enjoy a sea view, constricted as it may be; and</li> <li>• The development will be to the detriment of those who will have their current outlooks obscured/obliterated. The topography of this area has long been established and this late stage development will seriously destroy the ambience currently in place.</li> </ul>
7.	<ul style="list-style-type: none"> <li>• I understand the application seeks to change the LEP to accommodate a planning proposal for a 36 metre mixed use development, with an FSR of 4:1. This follows a Gateway Application in 2015, for a 28 metre building and FSR of 3:1;</li> <li>• Brighton-le-Sands like many other suburbs across Sydney is set to undergo significant change over the coming decades. To this end, any development should ensure its scale and massing does not effectively become an overdevelopment, nor add to previous planning mistakes;</li> <li>• Further any development should ensure it meets the key objectives that support the Greater Sydney Commission's (draft) vision for Sydney, i.e. for a <i>'Liveable', 'Sustainable' and 'Productive'</i> city;</li> <li>• Specifically the following observations are made: <ul style="list-style-type: none"> <li>- The previous Gateway proposal was made in 2015, i.e. prior to the release of the Greater Sydney Commission's draft Central District in November 2016;</li> <li>- In accordance with the Greater Sydney Commission's draft vision for the Central District, any development should now be considered in context of the Commission's vision, i.e. <i>'Productive', 'Liveable' and 'Sustainable'</i> and the future character of an area;</li> <li>- Brighton-le-Sands is defined in the draft District Plan as a <i>'Local Centre'</i>, i.e. <i>varying 'in size from a few shops on a corner to a vibrant main street. They are on a smaller scale than district centres and generally serve the local population.'</i></li> <li>- To this end, Brighton-le-Sands is already a thriving <i>'Local Centre'</i> and any future development should ensure the scale and character of the area is sustainable, through sensitive planning rather than over developed;</li> <li>- While the proposed development enables additional housing and commercial use, the current controls, i.e. 28 metres with an FSR of 3:1 is already substantive;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- The proposed massing and scale (to 36 metres with an FSR of 4:1) is out of context; together with the Novotel and the adjoining apartment block on Grand Parade, the massing will overshadow the public domain and beachfront (during the winter months) leaving a long standing legacy that cannot be easily rectified;</li> <li>- Further the proposed increase in height does not enable an effective transition from Novotel to the adjoining residential area and appears not to provide sufficient setback for future developments;</li> <li>- The proposed development will overshadow nearby developments (including the Novotel) thereby reducing amenity. It will overshadow the public domain area along the beachfront in the afternoon, at a time when the local community actively uses the beach. In doing so it does not support the objective of an 'equitable' city;</li> <li>- Further, in accordance with the government's <i>Better Placed</i> initiative, any development should support the concept of <i>sustainability</i>, i.e. minimise the consumption of 'energy, water and natural resources' and 'avoid detrimental impacts on natural systems'. To this end the proposed scale has a detrimental impact on nearby housing, and is likely to overshadow the open space as part of this development.</li> <li>- Further, while a design competition is proposed in consideration for the up zoning, the development should already be 'design-led planning' that supports 'high quality urban design';</li> <li>- Brighton-le-Sands is approximately 2 km from Rockdale Station, with locals reliant on a bus connection to access the station. Alternately there is a bus route to the CBD and the airport, however the travel time and access does not support the concept of a '30 minute city' as one of the key objective in the Draft District Plan;</li> <li>- Further, the lack of better access to transport options, results in heavy commuter and weekend traffic along Grand Parade. As a consequence any development needs to be carefully considered, as the cumulative changes, even if incremental is likely to put further stress on an already significant problem that is experienced here;</li> <li>- In addition, while the proposal maintains that access will be restricted to and from Princess Lane, unless traffic access is constrained in Princess Street, it will impact traffic on Grand Parade. Further an updated traffic report should be provided and made available for public feedback;</li> <li>- Six Norfolk Island Pines, estimated to be 125 years old, are located directly to the south of the site on Princess Street. While an Arboriculture Assessment was prepared by Sydney Arbor Trees in 2015, a new assessment should be provided, given the increase in height and massing. This report should be made available for public feedback; and</li> <li>- The housing target for Bayside Council for the period 2016 to 2021 are already met through the redevelopment of other precincts.</li> </ul>
8.	<ul style="list-style-type: none"> <li>• When we first bought our apartment in 1980 at 602/2-8 Gordon St, Brighton-Le-Sands we were assured that the 4 heritage houses in front of us were heritage protected &amp; no high rise would ever be built there;</li> <li>• A building of 36m in front of us would completely devastate our view and the view of hundreds of residents in the surrounding area of the bay and dramatically devalue our property;</li> <li>• This developer is well known for knocking down other older homes in the surrounding streets &amp; building high rises, only for his personal profit as he doesn't even live in the area, he resides somewhere around Double Bay; and</li> <li>• We can't believe that Bayside Council is even considering this prosperous proposal and we are completely opposed to this proposal.</li> </ul>
9.	<ul style="list-style-type: none"> <li>• Objection to the height level and FSR approved by Rockdale Council on March 16, 2016;</li> <li>• Council Officers in their report to Council had recommended a height of 28m with an FSR of 3:1;</li> <li>• Saywell's terraces have always been a landmark building in the local area;</li> <li>• Saywell made an enormous contribution to our local area and It is only fitting that any development on the site should not dominate the heritage item;</li> </ul>

	<ul style="list-style-type: none"> <li>• The Council Officers Report refers to the adjoining buildings being of 26-28 metres in height, whereas this proposal would be higher than buildings to the north and east;</li> <li>• It is acknowledged that the terraces are to be restored, and this is most encouraging in a time when our heritage items are increasingly being lost;</li> <li>• However, the community does not want to see the terrace's heritage integrity compromised by a dominant building directly behind them;</li> <li>• Council's Heritage Advisor had raised significant concerns in the Council Officers Report to Council. Council must carefully consider these concerns;</li> <li>• The community looks forward to a clever and appropriate design solution, which will allow us to continue to appreciate these landmark buildings and, in doing so, to acknowledge the wonderful contribution of Thomas Saywell to our past.</li> </ul>
10.	<ul style="list-style-type: none"> <li>• I wish to lodge my objection to the Council decision 16 March 2016 to change the height and FSR of the Council officer's recommendations in the report on the Planning Proposal for 64-68 The Grande Parade, Brighton Le Sands;</li> <li>• I would like to express my concerns in regards to the increase where there has been no evidence as to why this would be of benefit to the development and adaptive reuse of the site;</li> <li>• "As the supporting documentation does not provide a strong enough argument to support the height being proposed". This was the qualified officers reason I believe that should be taken into consideration;</li> <li>• I note that in the Council recommendation a) "the planning proposal being amended to ensure that Clause 6.14 - Design Excellence of the Rockdale LEP 2011 applies to the site prior to submission to the Department of Planning and Environment for Gateway Determination";</li> <li>• The question arises as to the final height of the buildings. As if Clause 6.14 is applied at the current approved height of 36 metres and as the Design Excellence offers the 3 metre incentive what will be the final height?</li> <li>• In the council officers report there can be a good outcome with the incentives offered without there being an overbearing building detracting from these landmark buildings.</li> </ul>
11.	<ul style="list-style-type: none"> <li>• I am strongly opposed to the redevelopment of Saywell's Brighton Terrace at Brighton-Le-Sands;</li> <li>• The terrace row is important to me as it is the last surviving physical link with Brighton's origins as a sea side tourist destination;</li> <li>• Saywell's other buildings such as the New Brighton Hotel, Dancing Pavilion, Baths, Power Station, Tramway, Racecourse and "Shady Nook" Pleasure Grounds are now all demolished;</li> <li>• The Brighton Terrace stands in a prominent position on the beach front and was designed to be imposing and built to a high quality standard;</li> <li>• The Brighton Terrace was and still is a landmark building. It is a rare surviving example of Victorian architecture in Rockdale;</li> <li>• The Heritage Impact Statement inadequately addresses and underestimates the heritage significance of the Brighton Terrace. My primary objections to the Heritage Impact Statement are that it:- <ul style="list-style-type: none"> <li>- Does not acknowledge Saywell's significance as a 19<sup>th</sup> century industrial entrepreneur and his contribution to the development of Rockdale as well as other towns such as Lithgow, Bulli and Newcastle;</li> <li>- Underestimates the quality of construction of the Brighton Terrace and the rarity of this type of finish when compared to other terraces in Sydney;</li> <li>- Does not clearly articulate that Saywell and his family resided in the <b>surviving</b> segments of the terrace row;</li> <li>- Underestimates the loss of heritage significance to the terrace row as a consequence of the tower block dominating the site;</li> <li>- Underestimates the loss of heritage value to the local community as a consequence of the demolition of the rear wings;</li> <li>- Does not identify the remaining original features of the rear wings such as the breezeways, joinery, out houses and rendered wall facing Princess Street;</li> <li>- Does not identify the functions of the rooms in the rear wings and interpret their relationship with the domestic activities in the principal terrace homes;</li> </ul> </li> </ul>

- Inadequately addresses the detrimental impact the removal of the rear wings will have on the heritage form of the main building, its streetscape setting and its relationship with Botany Bay when viewed from Princess Street;
- Inadequately addresses the negative impact of the development on Cook Park.
- The current proposal if allowed to proceed would diminish the heritage value of the Brighton Terrace. Visually the terrace row would be dominated by the sheer bulk of the proposed development;
- A 12 storey building rising directly behind and canter levered over the rear roof of the terrace row is an absurd and mean spirited over development of the site. The row of terraces will become a mere toy like adornment to the high rise towering above;
- Shorn of their rear wings and yards the terraces will stand completely out of context and cease to be a heritage landmark. One has only to view the heritage house "Tokio" at No.8 Belgrave Street, Kogarah to see how a modern building rising above and over it in the same manner diminishes its architectural value;
- The Brighton Terrace is the only surviving row of two storey terraces in the St George District. It is the only row of terraces listed on the local heritage register;
- The local community values its remaining and dwindling stock of Victorian heritage buildings, witnessed most recently by the formation of local community action groups endeavouring to save Griffiths House at Kogarah and Primrose House at Dolls Point;
- The modern building proposed to be built as a landmark behind the terraces can be found anywhere in the world. It is the grand Victorian architecture of the terraces that is the current local landmark and which represents Sydney's heritage and culture;
- The rear wings of No 64, 67 and 68 retain their original form including breezeways, joinery and out houses. The Heritage Impact Statement underestimates these original features and does not attempt to understand the original function of the rear wings and their relationship to the main terraces. The servant's room, kitchen, bathroom, laundry and lavatory would have occupied these rear wings. Their removal would detrimentally affect our interpretation and understanding of the domestic functions of the occupants;
- The quality of the Brighton Terrace and its setting attracted people of substantial means to take up residence. Notable people other than Saywell included Ernest Andrews, the NSW Government Geologist of world standing and William Monahan KC the Mayor of Rockdale from 1914-1917.
- Arguably the view of the terrace row's rear and south elevation from Princess Street looking towards Botany Bay is the most significant as it shows the relationship of the terraces with Botany Bay and the Norfolk Island pine trees;
- The tranquil setting of Botany Bay is the reason the Brighton Terrace exists. Any development at the rear of the row would obstruct the outline of the roof and chimney tops against the clear unobstructed sky over the bay and sever this connection. Furthermore, the rendered brick wall facing Princess street with its curved top over the door inserted in the wall at the rear of No. 68 is a rare and attractive feature;
- Closer inspection of the southern elevation as one walks along Princess Street towards the bay reveals a delightful jumble of Victorian chimney tops, window architraves and pediments. This unique view of the building would be destroyed if the rear wings and rendered wall were replacement by a modern tower block;
- The building proposed would dominate and cast shadows over the Brighton Terrace, Cooks Park and the beachfront. The scale and bulk is dehumanising and would destroy the human friendly beachside atmosphere that the council is trying to promote;
- In recent years the Brighton Terrace has been allowed to become run down through lack of maintenance. I suspect that this is due to it being owned by a developer in whose interest it is to see it decay in order to justify the current development proposal. The Brighton Terrace could be readily restored if the right owner(s) were found such as in the case of Primrose House at Doll's Point, which was recently purchased by the Scots College and is undergoing a \$6 million refurbishment;
- I also question the timing of this proposal given that our council is under the management of an administrator. Why the rush? Council elections are scheduled to be held in September 2017. An important decision such as this should be subject to review by the incoming democratically elected council answerable to the ratepayers;
- This proposal smacks of vested interest. Should this proposal be allowed to go ahead it will benefit the developer at the expense of our local

	<p>community. It will degrade our local heritage and contribute to the dehumanising of our beachside amenity for generations to come.</p> <ul style="list-style-type: none"> <li>This proposal <b><u>must be rejected</u></b> and I call for an <b><u>independent</u></b> heritage review.</li> </ul>
12.	<ul style="list-style-type: none"> <li>I am concerned that increasing the height of the building from the agreed 13m to 36m will significantly impact the desired look of Brighton-Le-Sands and negatively impact the residents living nearby;</li> <li>Furthermore, these homes are the last remaining remnants of what Brighton-Le- Sands used to look like;</li> <li>Removing these buildings will completely wipe away the heritage and history of this suburb; and</li> <li>I believe restoring and renovating these homes as is into apartments would be much better use of the space.</li> </ul>
13.	<ul style="list-style-type: none"> <li>Strongly oppose this development;</li> <li>It will result in yet another horrible high rise building that will tower over the Brighton terrace;</li> <li>The terraces and rear wings must remain intact to retain the historical value;</li> <li>I believe the council officers have a duty to protect our local heritage buildings and MUST NOT allow yet another heritage building to be diminished for the sole benefit of yet another developer; and</li> <li>SAVE the Brighton Terraces and I call on the council to reject this proposal.</li> </ul>
14.	<ul style="list-style-type: none"> <li>I am strongly opposed to the redevelopment of the site 64-68 Grand Parade;</li> <li>These Saywell terraces are an integral link to the Bayside 'resort' of Brighton-Le-Sands and need to be retained as is in order to keep their significance and not turn them into some 'freak' mismatch between old and new;</li> <li>This is an unsympathetic proposal and an ignorant treatment of a heritage item; and</li> <li>I reject this proposal in the strongest possible terms.</li> </ul>
15.	<ul style="list-style-type: none"> <li>I oppose any alteration of the Saywell Terraces at 64-68 Grand Parade;</li> <li>These are historic landmarks and must be retained AS IS, with no adjoining high rise;</li> <li>They are such a rare Victorian building in the area, with important links Thomas Saywell; and</li> <li>Please reject this proposal!</li> </ul>
16.	<ul style="list-style-type: none"> <li>The impact on the heritage buildings in this application needs to be reduced;</li> <li>The heritage buildings need to be further protected and not have such high (36 storey) buildings towering over them; and</li> <li>They are some of the last heritage structures in Brighton and so need to be protected more fully.</li> </ul>
17.	<ul style="list-style-type: none"> <li>These historic terraces are the only link to Brighton Le Sands past as a resort;</li> <li>They should be retained;</li> <li>This is heartbreaking;</li> <li>They should be restored not butchered;</li> <li>A better plan should be developed that maintains the integrity of the original buildings; and</li> <li>Please do not allow the entire back end to be demolished and ask the developer to come up with a better proposal.</li> </ul>



**STRUCTURAL DESIGN SOLUTIONS**  
CONSULTING ENGINEERS

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15<sup>th</sup> December 2017

Alex Scianti  
Rocking Horse Construction

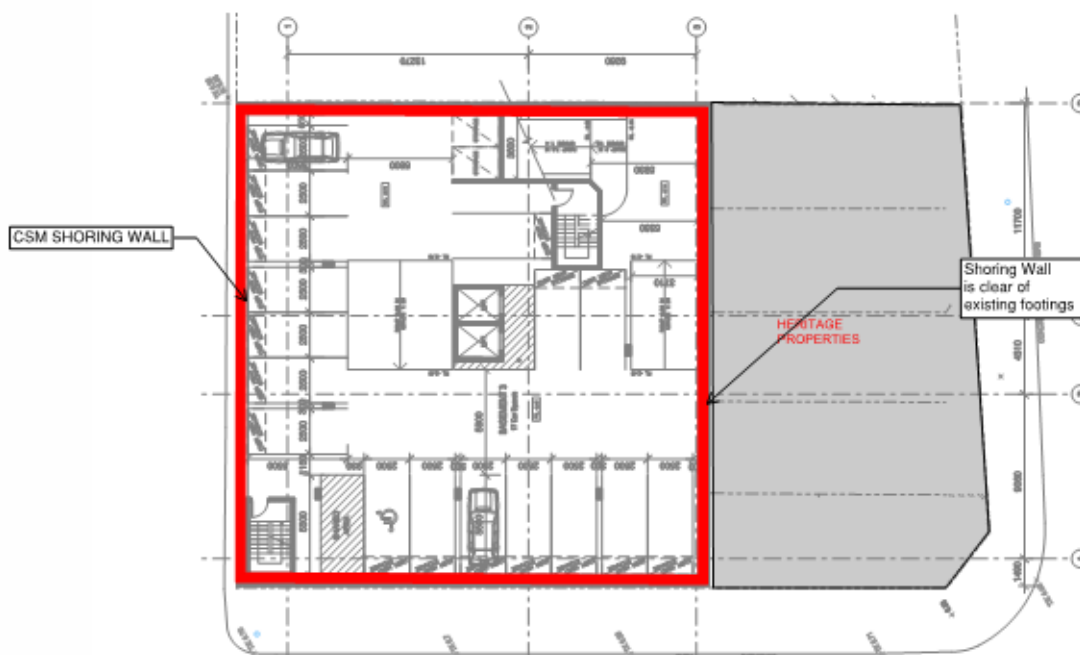
Dear Sir

**RE: 64 to 68 The Grand Pde Brighton – Design Statement**

---

We, Structural Design Solutions Pty Ltd, the practicing Structural Engineers hereby advise that we are responsible for the design of structural elements of the proposed residential development at 64 to 68 The Grand Pde Brighton.

The current site consists of five terrace houses. The development will involve the remove of the rear of the terrace houses and the construction of 4 basements and an 11 storey building. The basement will require a shoring system installed which is watertight and tanked. The shoring will be close to the rear of the main building of all the terraces and adjoining boundaries. For this reason a CSM (Cutter Soil Mix) diaphragm wall will be installed. A diagram below shows the extent of the CSM shoring wall on the site.



**BASEMENT PLAN**

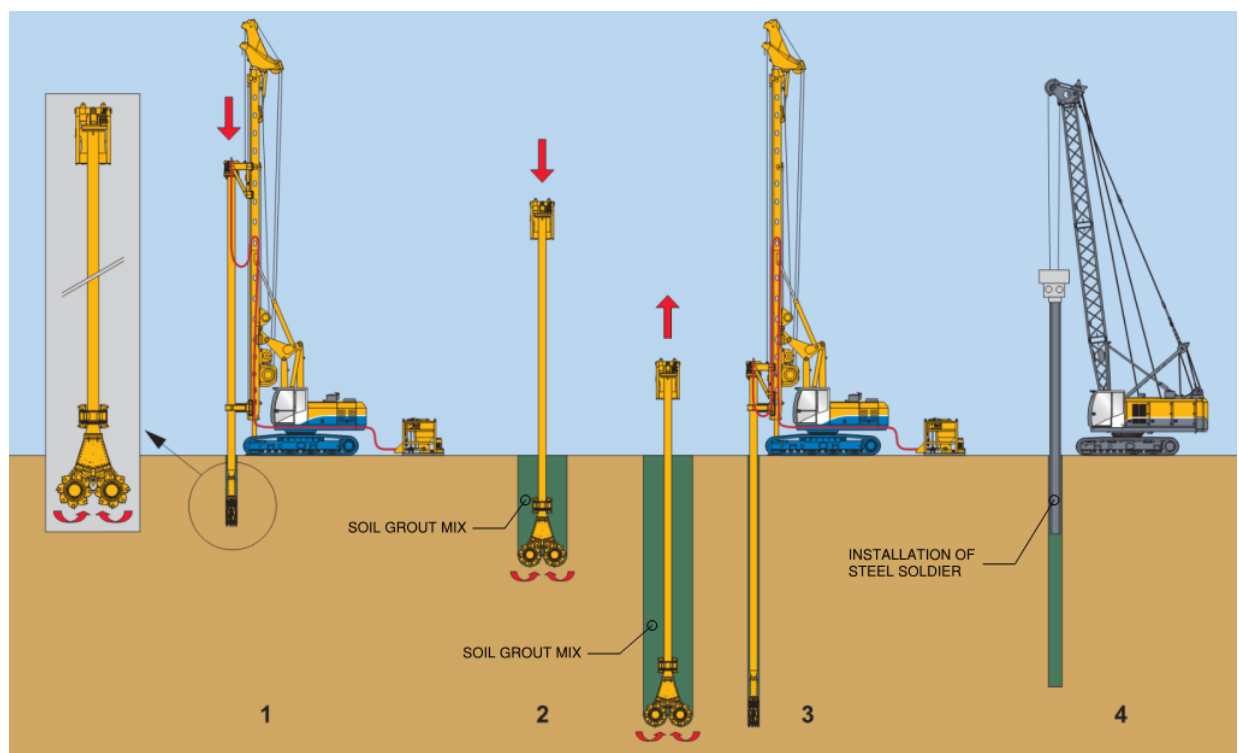
The Cutter-Soil-Mixing or CSM technique is a specialist foundation construction process which mixes grout into the soil to form a solid wall. It is a vibration-free, low-noise process with minimal removal of spoil and disturbance to the ground material. It creates an impermeable retaining and cut-off wall with minimal disturbance to adjoining properties.

The CSM process utilizes two counter rotating cutting wheels and injects grout into the ground and mixes it with the soil. This ensures minimal soil displacement. This technique also provides a high quality final finish and superior water sealing, when compared to many of the alternative/traditional shoring methods.

The advantages of the CSM system are:

- A precise construction method.
- The in-situ soil is used as a construction material.
- Very little generation of spoil and soil displacement.
- No vibrations induced during construction.
- Minimal disturbance to adjoining properties

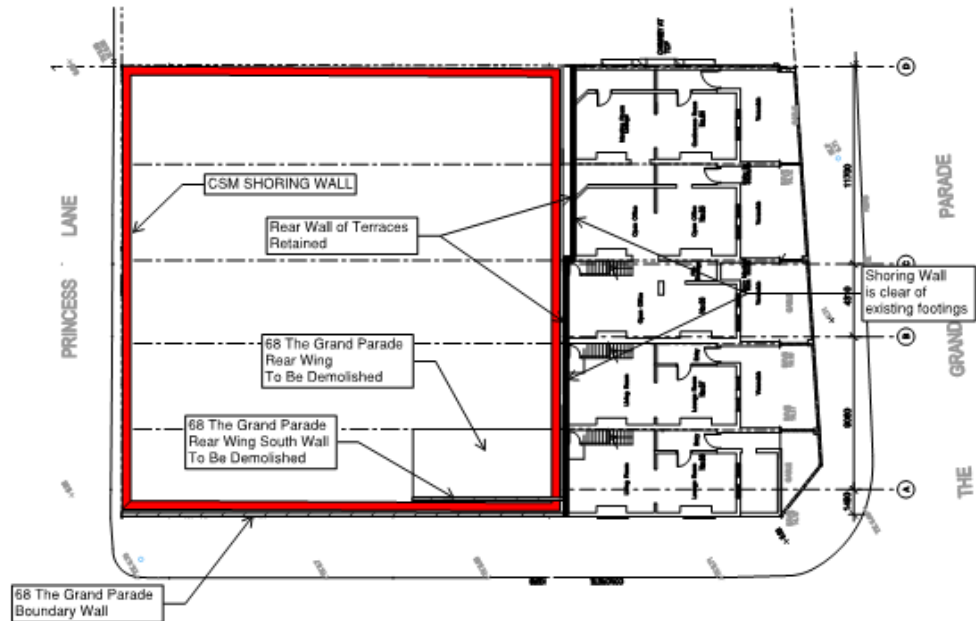
The method of installation is shown below.



During excavation the shoring wall will be anchored back and once the basement slabs are built they will prop the shoring wall.



A diagram showing the proximity of the CSM shoring wall to the existing terraces, in particular 68 The Grand Parade and boundary wall of 68 The Grand Parade is shown below.



**SHORING WALL POSITION UNDER  
68 The Grand Parade**

As is seen in the diagram the rear wing of 68 The Grand Parade will need to be removed to allow construction of the basement. This also includes the South Wall of 68 The Grand Parade.

We have carried out inspections of the property and the rear section of 68 The Grand Parade. The rear section of 68 The Grand Parade has walls which are deteriorating and crumbling in areas. The roof and floors are rotten and unsafe to walk in. Refer to photographs below.

The South Wall appear to have detached from the main building. There is no safe work method which can be adopted to keep the rear wing of 68 The Grand Parade nor the South Wall of 68 The Grand Parade. They will need to be demolished to construct the basement.



Once the rear wings of the terraces are removed, the shoring wall will be clear of the footings of the main buildings of the terraces and the CSM can be installed without disturbing the footings. We can confirm that the integrity of the remaining terraces will not be affected by the construction of the basement car park.

Furthermore, all structural elements including Shoring, piling, pile caps, footings, retaining walls, core walls, columns, slab on ground, suspended slabs, stairs and walls will be designed in accordance with the Building Code of Australia and other relevant Australian Standards namely:

- AS1170.1 - 2002      Dead and Live Loads
- AS1170.2 – 2011      Wind Loads
- AS1170.4 - 2007      Earthquake Loads
- AS3600 - 2009      Concrete Structures Code
- AS3700 - 2001      Masonry Code
- AS4100 – 1998      Steel Structures Code
- AS2159 - 2009      Piling Code

We confirm that the basement shoring retention system is outside of the main part of the existing Heritage buildings and no part of the basement extends below the buildings. The retention system will be designed to minimize vibrations during installation and movements in both temporary and permanent conditions. The integrity of the remaining terraces will not be affected by the construction of the basement car park

Yours faithfully  
STRUCTURAL DESIGN SOLUTIONS PTY LTD

*R. Facioni*

Robert Facioni  
Director

# 64-68 The Grand Parade

BRIGHTON LE SANDS

## Urban Design Report

2 May 2016

Prepared by:

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Prepared for:

**Brighton Australia P/L**

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## I.0 Introduction



Figure 1: Site map

This report has been prepared by ae design partnership on behalf of Brighton Australia P/L, to provide urban design and planning background for a Planning Proposal pertaining to the 5 allotments between 64 and 68 The Grand Parade, Brighton Le Sands (hereafter referred to as the site, see Figure 1).

The Planning Proposal seeks the amendment of development standards pertaining to the subject site as follows:

- Floor Space Ratio: from N – 1:1 to X – 4:1.
- Height of Buildings: from NI – 13 metres to V – 36 metres.

Site area is approximately 1085m<sup>2</sup> with frontages described as follows:

- Primary frontage to The Grand Parade (approximately 24 metres).
- Secondary frontage to Princess Street (approximately 39 metres).
- Rear frontage to Princess Lane (approximately 27 metres), accessible via Gordon Street to the north.
- Northern boundary adjoins 58-63 The Grand Parade, Brighton Le Sands.

The site is currently occupied by a row of 5 heritage listed (Item No. 1174, RLEP 2011) 2 storey terraces known as the 'Saywell' terraces. While substantially intact, the existing condition of the terraces is varied. The terraces have undergone varying degrees of alteration to fabric and finishes as outlined in the *Heritage Impact Statement* forming part of this application (Weir Philips 2015).

## 1.1 Amendments based on Council Resolution

At the Rockdale Council meeting on 16 March 2016, the planning proposal was approved unanimously by Councillors for the proposal to proceed to Gateway determination.

Councillors adopted the proponent's recommendation of a maximum height limit of 36m and a FSR of 4:1 as opposed to the Officer's recommendation of a maximum height limit of 28 metres and FSR of 3:1, additional height and bulk could be achieved through design excellence.

There was discussion at the meeting between the Councillors that the site is a landmark site, because of its visibility from Sydney International Airport. The additional bulk and scale was considered appropriate, subject to the development satisfying Council's design excellence criteria.

The additional height will provide the necessary flexibility to enable a good urban design outcome, which is not overly constrained by restrictive controls.

This site will be subject to Bayside Council's Design Excellence Clause, which will ensure the highest standard of architectural, urban and landscape design. The cantilever above the Saywell Terraces has been removed creating a consistent edge along The Grand Parade.



Figure 2: Original proposed building envelope



Figure 3: Amended building envelope.

A height plane for the site and surrounding buildings is illustrated in Figure 4. These diagrams demonstrate the impact of the additional height does not have an unreasonable impact on the Novotel. Shadow diagrams have been amended based on the new building envelope and include key times for winter and summer solstice as well as autumn equinox.



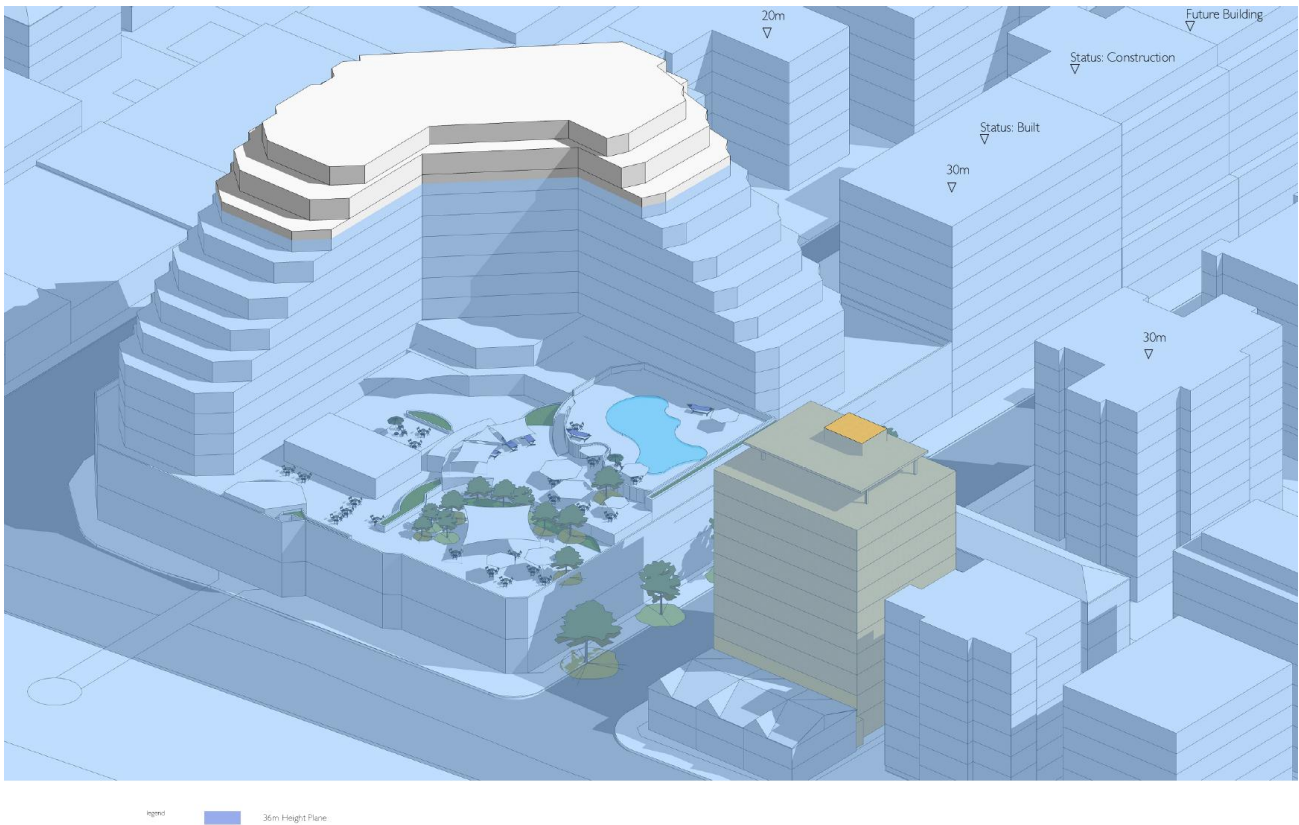


Figure 4: 36 metre height plane from bird's eye view.

Winter Solstice:

- Additional impact from height occurs between 9am and 12pm with the most impact occurring between 9am and 10am.
- 10am is the only time overshadowing partially covers the sun decks.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

Summer Solstice:

- Overshadowing does not fall on key outdoor spaces at any of the peak times of the day.
- Additional overshadowing caused by increased height falls onto Princess Street and The Grand Parade.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

Autumn Equinox:

- Additional impact from height occurs between 7am and 11am with the most impact occurring between 8am and 9am.
- Reasonable solar access is achieved for communal open space between 9am – 3pm.

The additional height does not have any unreasonable impact on the key outdoor spaces of the Novotel podium during mid-winter solstice and autumn equinox and minimal additional impact occurring on during the summer solstice.

The planning proposal proposes 4:1 to follow the controls of the Novotel to the south. Council recommended an FSR this site of 3:1 for Gateway. This is consistent with other rezoning where Council has recently rezoned sites on the southern portion of Princess Street at 28m and 3:1, an illustrated in Figure 2.

## 2.0 Context

### 2.1 Strategic Context

As illustrated in Figure 2, Brighton Le Sands is located in an area of strategic importance:

- On the Botany Bay Foreshore;
- Along a *Proposed Motorway Extension* (through the existing F6 Corridor); and
- Strong connections to:
  - Sydney's *Global Economic Corridor*; including the CBD and other *Major Centres* via The Grand Parade, General Holmes Drive and the M5 South Western Motorway (undergoing expansion as part of the WestConnex project);
  - Kogarah and Hurstville *Major Centres* on the Illawarra-Eastern Suburbs Railway Line, accessible via Bay Street and Railway Parade;
  - The Sydney International Airport *Transport Gateway*, highly visible to aircraft landing and taking off from its Main North-South Runway; and
  - The Port Botany Precinct *Transport Gateway* via The Grand Parade, General Holmes Drive, M5 and Foreshore Road.

Under the *Draft Central District Plan* (2016), Brighton Le Sands is classified as a *Local Centre*, having a 600 metre radius walking catchment with a strip of shops and surrounding residential area within a 5 to 10 minute walk. There are usually on a smaller scale than district centres and generally serve the local population. The priorities of the Central District outlined in the plan include:

- *"Plan for demographic change"*
- *"Enrich unique places and connections"*

Under *A Plan for Growing Sydney* (2015), Brighton Le Sands is located with Sydney's South Subregion. The priorities for the South Subregion include:

- *"Accelerate housing supply, choice and affordability and build great places to live"*
- *"Identify suitable locations for housing intensification and urban renewal ... particularly around established and new centres"* (p 13).

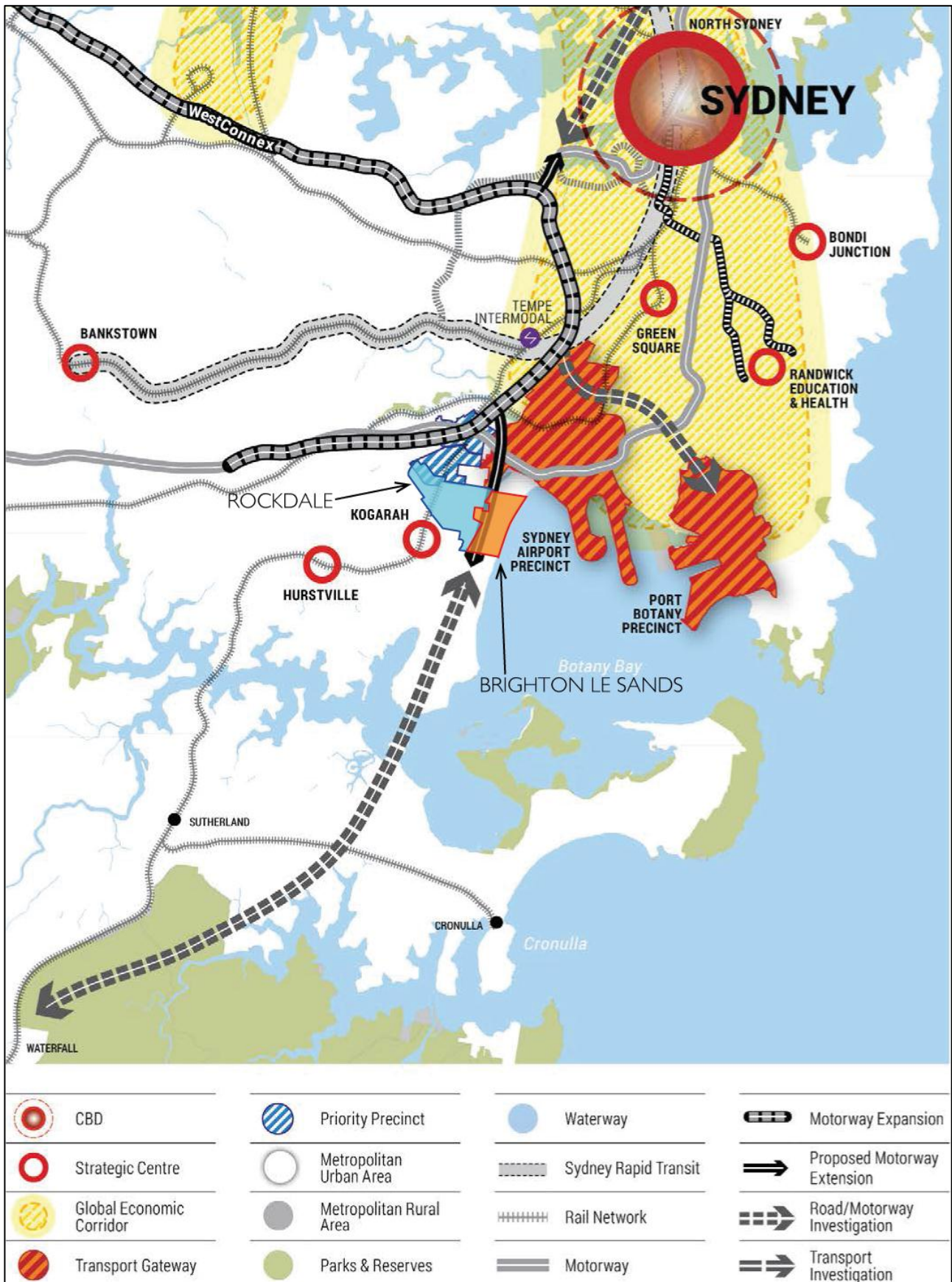


Figure 2: 'Southern Sydney – integrating employment with transport investment' (A Plan for Growing Sydney 2015, Fig. 20, p 58) with Brighton Le Sands and Rockdale overlaid



## 2.2 Sydney Airport-Botany Bay-Kogarah/Rockdale



Figure 3: Brighton Le Sands

The subject site is located within the Brighton Le Sands Village (as identified under the *Draft South Subregional Strategy*). It has a strategically important location, as seen in Figure 3:

- Located on the western side of The Grand Parade, towards the centre of the western foreshore of Botany Bay, highly visible to passengers on aircraft landing at Sydney Airport's Main North-South Runway, creating an opportunity for the development of an iconic, landmark tower.
- Well connected with Rockdale via Bay Street (bus routes 478 and 479), a *Town Centre* (as identified under the *Draft South Subregional Strategy*) incorporating a variety of retail and commercial services, as well as Rockdale Railway Station on the Illawarra-Eastern Suburbs Line.
- Well connected with Kogarah, a *Major Centre* (as identified under the *Draft South Subregional Strategy*) provides a number of health and education institutions that service the subregion including Kogarah High School, Kogarah Public School, St George Girls High School, James Cook Boys Technology High School, Moorefield Girls High School, St George TAFE, St George Public and Private Hospitals.
- Well connected with the Sydney CBD and other Major Centres north of Brighton Le Sands via The Grand Parade/General Holmes Drive/M5 South Western Motorway (bus route 303).
- Proximate an abundance of public open space:
  - Between the Cooks River (north) and Dolls Point (south) along the Botany Bay Foreshore.
  - West of the subject site, forming part of the *Proposed Motorway Extension/Road/Motorway Investigation*, as identified within *A Plan for Growing Sydney* (see Figure 2).

## 2.3 Brighton Le Sands



Figure 4: Local Context Map

As seen in Figure 4:

- The core of Brighton Le Sands Village (as identified under the *Draft South Subregional Strategy*) is focussed around Bay Street towards its intersection with The Grand Parade. The centre is well established with:
  - A range of essential services such as a post office, bank, large supermarket, medical facilities, registered club, shopping plaza.
  - Novotel Hotel at the northern corner of the intersection of Bay Street and The Grand Parade.
  - Approximately 800 metres of continuous active street frontage (within which is an abundance of outdoor dining opportunities) on the northern and southern side of Bay Street between Crawford Road and The Grand Parade, as well as along The Grand Parade itself.
  - An abundance of public open space on the eastern side of The Grand Parade along the Botany Bay Foreshore (which includes a cycle route along the bay to the Cook River and through to the Airport, City and Inner West) which, despite the width of The Grand Parade (up to 6 lanes), is easily accessible via a number of crossings from The Grand Parade's western side.
  - Residential accommodation (including detached dwellings and residential flat buildings) surrounding the core area.
- There is minimal built form transition within the locality. However, a number of potential development sites listed within Council's *Capacity Analysis and Built Form Study* and *Residential Strategy* (see Section 2.1 of this report) are identified within the Figure.



## 2.4 Heritage Context

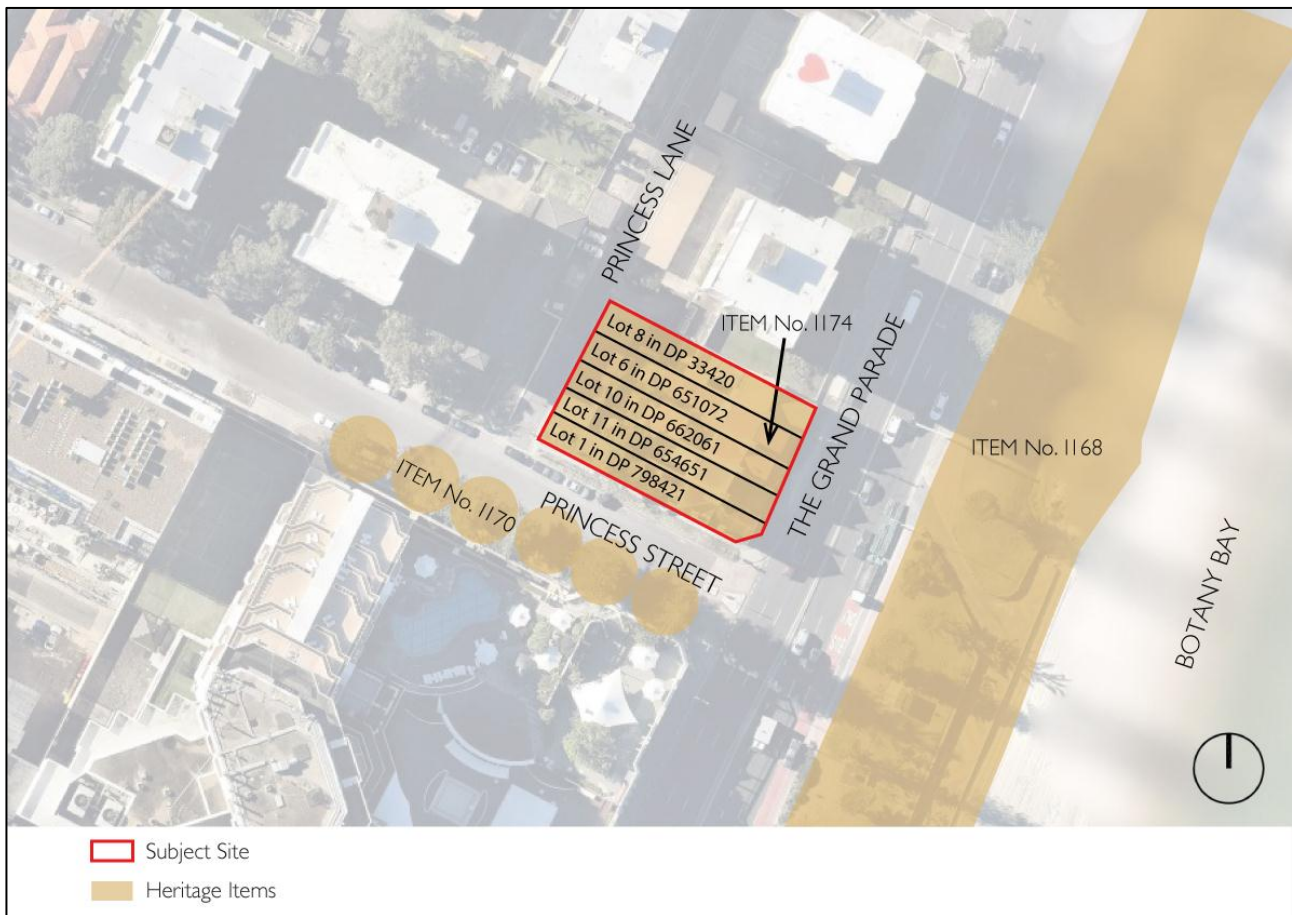


Figure 5: Heritage context

The site is currently occupied by a row of 5 heritage listed (Item No. 1174, RLEP 2011) 2 storey terraces known as the 'Saywell' terraces. While substantially intact, the existing condition of the terraces is varied. The terraces have undergone varying degrees of alteration to fabric and finishes as outlined in the *Heritage Impact Statement* forming part of this application (Weir Philips 2015).

Other heritage items proximate to the subject site include (see Figure 5):

- A row of street trees (Item No. 1170, RLEP 2011) south of subject site, on the southern side Princess Street;
- Cook Park (Item No. 1168), east of the subject site, forming part of the linear network of public open space along the Botany Bay Foreshore.

# 3.0 Character Assessment of Locality

## 3.1 Existing Character

### 3.1.1 Building Footprint



Figure 6: Land Zoning Map – Sheet LZN\_004 and LZN\_008 (RLEP 2011) with building footprints overlaid

The figure ground depicted in Figure 6 illustrates that development within the B4 Mixed Use and SP3 Tourist Zones has greater building footprint than that which is located within the residential zones due to:

- Development within the B4 Mixed Use/SP3 Tourist Zones incorporates minimal or nil street and side setbacks to maximise exposure of ground level retail and outdoor dining establishments; and
- Development within the residential zones incorporates substantial landscaped street and side setbacks.



### 3.1.2 Floor Space Ratio

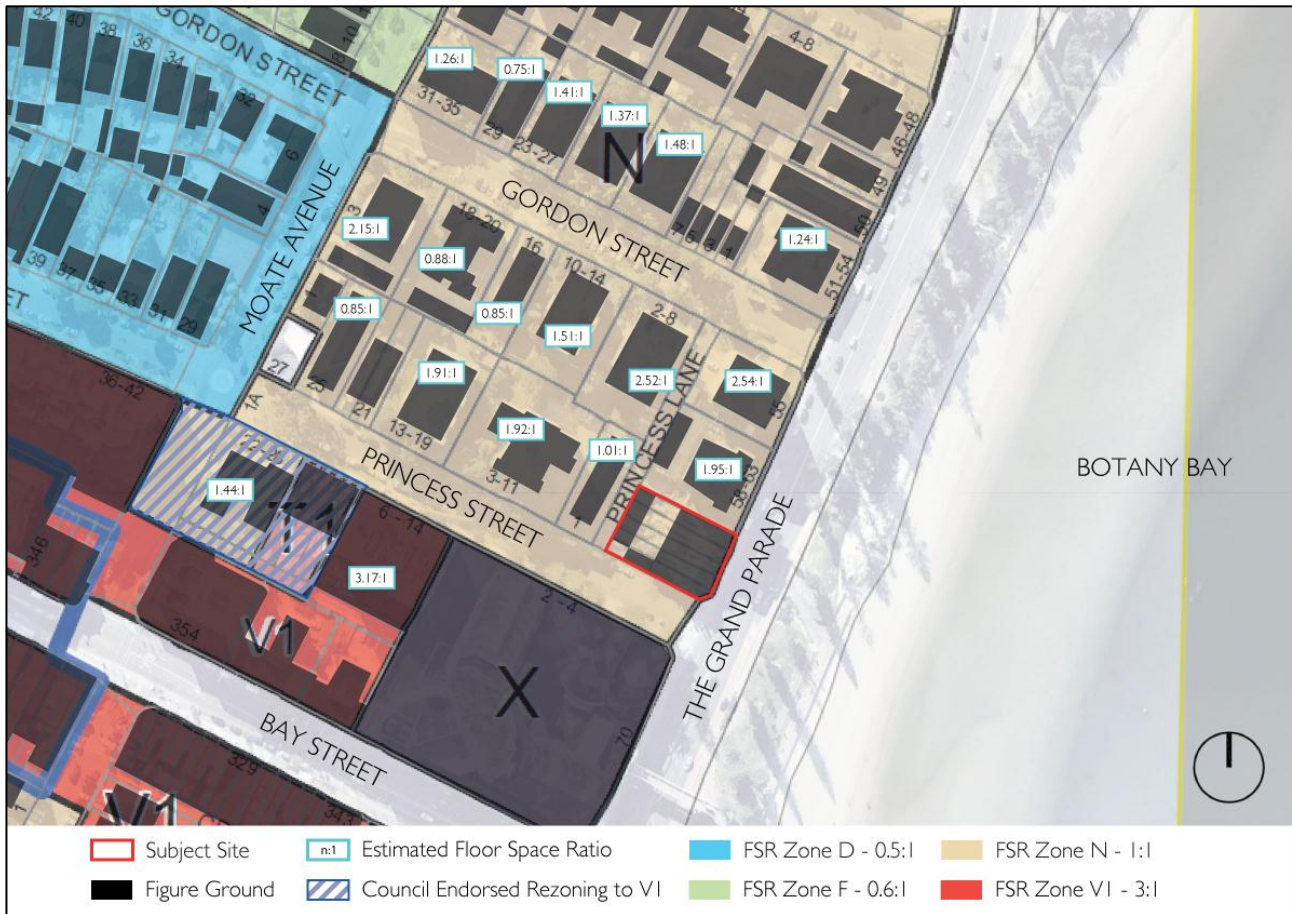


Figure 7: Floor Space Ratio Map – Sheet FSR\_004 (RLEP 2011) with building footprints and estimated FSR's overlaid

Figure 7 depicts the estimated floor space ratio (floor space calculated at 85% efficiency of estimated building footprint) of buildings:

- Within the Moate Avenue/Gordon Street/Princess Street/The Grand Parade street block;
- On the northern side of Gordon Street between Moate Avenue and The Grand Parade; and
- On the southern side of Princess Street between Moate Avenue and The Grand Parade.

Figure 6 illustrates:

- Within the locality there is precedent for development with FSR greater than that which is permissible under existing controls locality, as evidenced by:
  - Gateway approval for rezoning of 16-28 Princess Street to V1 – 3:1;
  - Council approved Cl. 4.6 application for No. 6-14 Princess Street enabling development with FSR 3.17:1 where there is a maximum of 3:1 setout within the LEP.
- Estimated FSR of residential flat buildings within the locality generally exceed the maximum permissible FSR under the RLEP 2011, indicating that further built form transition is unlikely.

### 3.1.3 Height

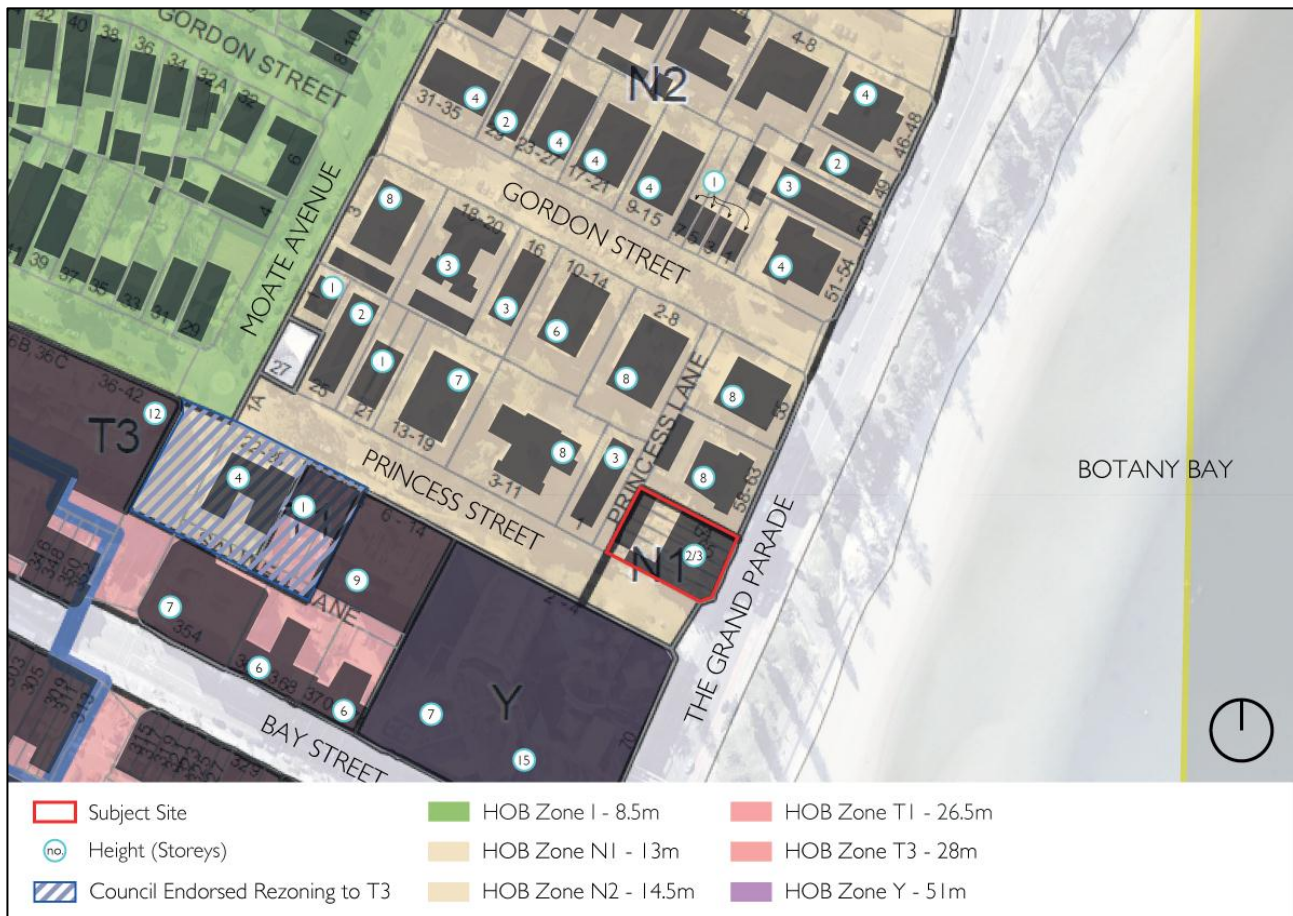


Figure 8: Height of Buildings Map – Sheet HOB\_004 (RLEP 2011) with heights of existing buildings overlaid

Figure 8 depicts the height (in storeys) of buildings in the vicinity of the site:

- Significant built form transition within the locality is unlikely due to existing residential flat buildings generally having height exceeding that which is permissible under the Rockdale LEP 2011; and
- Development with greatest height and scale along The Grand Parade is located at the intersection of The Grand Parade with Bay Street. Development transitions to lower height and scale as distance from the intersection Bay Street with The Grand Parade increases.

### 3.1.4 Streetscape Character

#### Intersection Princess Street and The Grand Parade

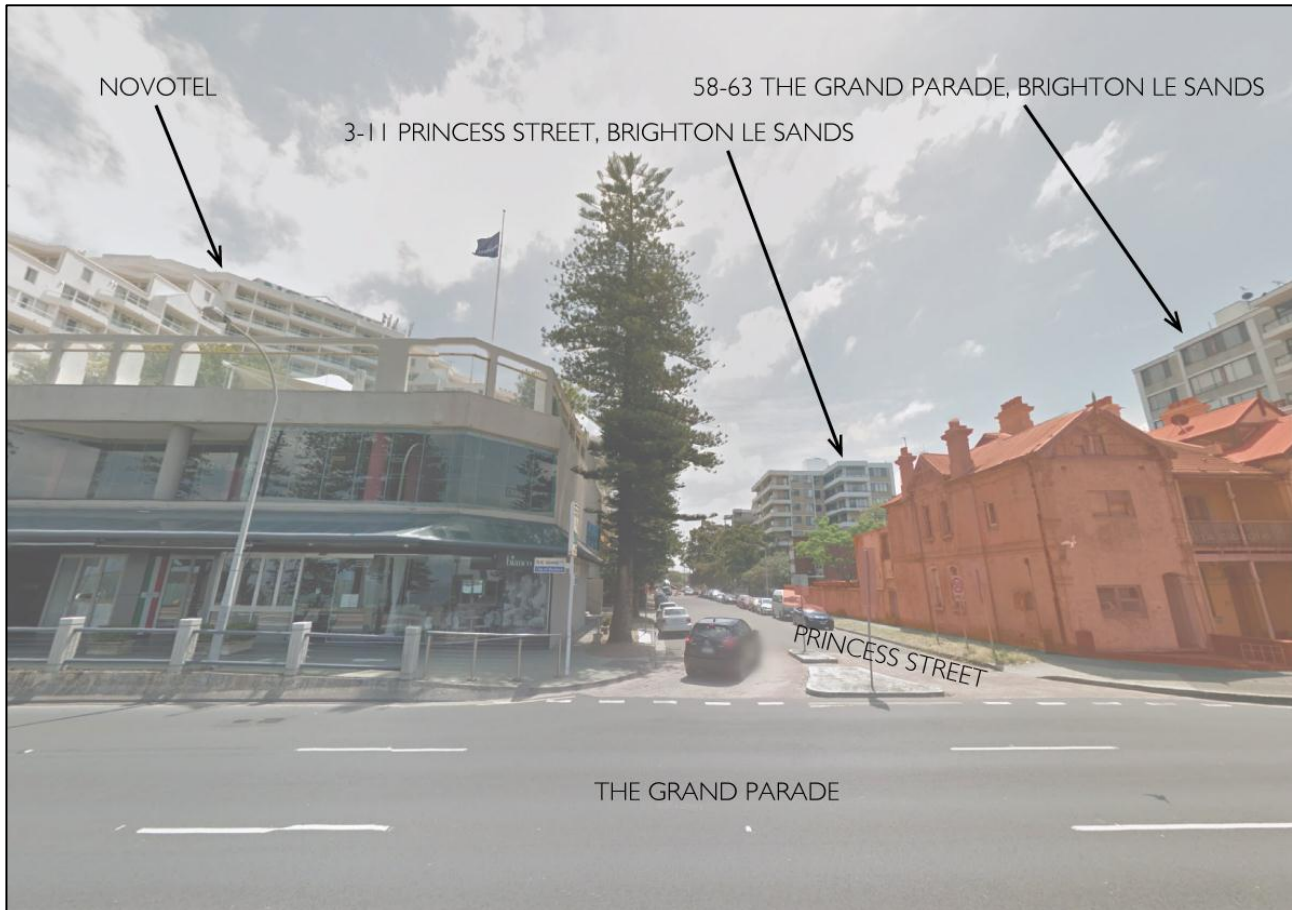


Figure 9: View west to subject site (Saywell terraces highlighted red) and Novotel, as seen from The Grand Parade

- The Novotel building (illustrated in Figure 9) includes a commercial component (including ground floor retail with active street frontage) within the Bayside Plaza Shopping Centre and an upper level hotel component stepping back from The Grand Parade.
- Existing structures within the subject site include 5 terraces (highlighted red in Figure 9), known as the 'Saywell terraces', identified as having local heritage significance within the Rockdale LEP 2011.

As seen in Figure 9, there is a change in character of built form between the Novotel building and the Saywell terraces:

- Novotel building having substantial apparent bulk due to:
  - Nil street setback.
  - 3 storey street wall height.
  - Increased apparent height due to ground level being higher than street level.
- Saywell terraces:
  - Appearing poorly maintained and/or substantially altered (Weir Phillip 2015, Heritage Impact Statement).
  - Presenting predominantly blank façade at its Princess Street frontage.
  - Incorporating nil ground floor retail with active street frontage, despite being located within the B4 Mixed Use Zone.



Subject Site/58-63 The Grand Parade, Brighton Le Sands



Figure 10: View west to subject site (Saywell terraces highlighted red) and 58-63 The Grand Parade, Brighton Le Sands, as seen from The Grand Parade

A land use zoning transition occurs between the subject site (B4 Mixed Use) and the development to the north, No. 58-63 The Grand Parade (R4 High Density Residential). As seen in Figure 10, there is a change in character of built form between 58-63 The Grand Parade and the Saywell terraces (identified in red):

- 58-63 The Grand Parade having:
  - Height 8 storeys.
  - Substantial landscaped street and side setbacks, inconsistent with the nil street and side setbacks of the heritage terraces.
  - Nil address of the heritage character of the existing terraces within the subject site.
- Saywell terraces:
  - Appear poorly maintained and/or substantially altered (Weir Phillips 2015, Heritage Impact Statement).
  - Incorporate nil publically accessible ground floor retail, despite the requirements of Cl. 6.11 of the Rockdale LEP 2011.
  - Present blank façade to 58-63 The Grand Parade, highly visible to southbound pedestrian and vehicular traffic along The Grand Parade.

As seen in Figures 9 and 10, the Novotel building and No. 58-63 The Grand Parade are more closely related (in terms of built form character) than either is to the heritage terraces. An opportunity exists to redevelop the subject site such that a tower is developed at its rear, creating a transition in built form character between the Novotel and No. 58-63 The Grand Parade.

## Intersection Princess Lane and Princess Street



Figure 11: View north to intersection of Princess Lane and Princess Street (Saywell terraces identified in red), as seen from Princess Street

As seen in Figure 11:

- The streetscape at the intersection of Princess Lane and Princess Street, as seen from Princess Street, is predominantly residential flat buildings. Each residential flat building has street address of Princess Lane as well as to its primary street frontage (Princess Street or Gordon Street).
- The heritage terraces (identified in red):
  - Present a blank façade to Princess Street.
  - Present vehicular access, garages and storage to Princess Lane, constructed as part of substantial alterations to the terraces' original form.

## 3.2 Desired Future Character

### 3.2.1 A Plan for Growing Sydney

Under *A Plan for Growing Sydney* (2015), Brighton Le Sands is located with Sydney's South Subregion. The priorities for the South Subregion include:

- *"Accelerate housing supply, choice and affordability and build great places to live"*
- *"Identify suitable locations for housing intensification and urban renewal ... particularly around established and new centres"* (p 13).

## 3.2.2 Draft Central District Plan

### *Plan for demographic change*

With housing populations expected to rise within the district, it is important to provide options within local centres to allow for accommodation close to employment opportunities within the local centre and strategic centres in close proximity. These new housing options should also provide a high level of amenity for residents and be of a high standard of design excellence.

### *Enrich unique places and connections*

Provides a development which will be assessed under a high level of design excellence within the established local centre of Brighton-le-sands providing increased housing stock in area with strong pedestrian and bicycle connections along the promenade, beach and parks. The site will create an identifiable building along a key road within the centre.

## 3.2.3 Rockdale LEP 2011

### Cl. 2.3 Zone objectives and Land Use Table – Zone B4 Mixed Use

Under the Rockdale LEP 2011, the subject site is zoned B4 Mixed Use. The objectives of the B4 Mixed Use Zone are set out within Cl. 2.3 Zone objectives and Land Use Table – Zone B4 Mixed Use:

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

### Cl. 6.1.1 Active street frontages

Cl. 6.1.1 applies to the entire length of the site's Grand Parade frontage:

- (1) *The objective of the clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use.*
- (2) *This clause applies to land identified as "Active street frontages" on the Active Street Frontages Map (refer to Figure 12 below).*



Figure 12: Active Street Frontages Map – ASF\_004 (RLEP 2011)

### 3.2.4 Council Strategic Documents

#### Brighton Le Sands Parking Strategy (RobertsDay & GTA Consultants 2014)

*The Brighton Le Sands Parking Strategy* forms Stage I of the master planning process for the Brighton Le Sands Village. The strategy encourages appropriate parking solutions in response to severe parking congestion “particularly on weekends when visitor, worker and resident parking needs conflict” (p 8). A significant contributing factor to the congestion arises from there being “many apartments which do not have off-street parking” due to “geotechnical conditions result[ing] in very costly basement parking ... resulting in a high proportion of residents parking on the street” (p 14).

The high water table is noted in the *Preliminary Contamination & Groundwater Assessment* prepared by C.S.T.S., however it is stated that basement construction is possible in a tanked arrangement for the required parking.

Furthermore parking can be provided on site at a higher rate than currently provided (4 single garages and 1 car space for 5 terrace houses)



### Community Strategic Plan 2013-2025 (Rockdale City Council 2013)

In 2009, the Local Government Amendment (Planning and Reporting) Bill was introduced to parliament by the Minister for Local Government, requiring all councils within NSW to develop a long term *Community Strategic Plan*. Rockdale's *Community Strategic Plan* forms part of this obligation to the NSW Government.

Under the *Community Strategic Plan*, Council envisions the future as such: *"Future growth is likely to occur in the centres of Rockdale, Wollie Creek, Brighton Le Sands, Bexley and Bexley North, which have the most significant opportunities for redevelopment"* (p 11).

### Capacity Analysis and Built Form Study (Rockdale City Council 2010)

The *Capacity Analysis and Built Form Study* was prepared by Rockdale City Council to assess the capability of the Rockdale LGA to accommodate its dwelling and employment targets, as set out within the *Draft Subregional Strategy*. As part of the assessment, *"each centre was analysed to create likely development sites from parcels that shared similar opportunities and/or constraints. The factors that determined a development site were: size of individual parcels, consistent in ownership patterns, presence of strata units within a building, vehicular accessibility"* (p 3).

The assessment of Brighton Le Sands is found within page 9 of the report:

- The following opportunities were identified:
  - *Well serviced by local and cross regional buses*
  - *High amenity provided by beachside location*
  - *Emergence of café culture along Bay Street*
  - *Full range of retail/commercial services*
  - *Direct vehicular access to Sydney CBD*
  - *Potential benefits to pedestrian amenity provided by enhancements to Bay Street*
  - *Large residential catchment within close proximity to the centre*
  - *Minimal impact on the development capacity due to the operation of Sydney Airport*
- The following constraints were identified:
  - *Volume of vehicular traffic on The Grand Parade*
  - *Disconnect of the beach from the centre due to The Grand Parade*
  - *Limited ability to expand the land area of the centre due to adjoining strata buildings*
  - *Fragmented ownership and proliferation of strata apartment buildings*
- The following potential development sites were identified:
  - The Boulevard car park (Council owned).
  - 89 The Grand Parade (owned by Department of Housing).
  - Boeing Place (owned by Department of Housing).
  - 6-20 Princess Street.

## 3.2.5 Susceptibility to Change

Further built form transition within the locality is limited to a few sites north of Bay Street due to:

- A high proportion of existing residential accommodation comprises residential flat buildings which are *"constrained by laws such as Strata legislation"* (Rockdale City Council 2007, Residential Strategy).
- As discussed in Section 3.1, existing built form within the locality has:
  - Density exceeding permissible FSR under the Rockdale LEP 2011.
  - Height exceeding that permissible building heights under the Rockdale LEP 2011.

Therefore the locality has a low susceptibility to change. Future development should respond to the existing desirable characteristics, the scale of development in the locality and desired outcomes for the locality.

### 3.2.6 Summary

Though there is a low susceptibility to change, a desired future character for the site can be derived from the above-listed adopted policies and the elements of existing character worthy of retention:

- Increased housing supply and choice within existing centres.
- Appropriate parking solutions.
- Improve the vitality and vibrancy of Brighton Le Sands, as well as its status as a tourist destination, by maximising the efficiency of mixed use zones with development incorporating retail/commercial uses and serviced apartments.
- New, landmark, iconic buildings to improve the visibility of Rockdale from aircraft landing/taking off from Sydney Airport's Main North-South Runway and improve Rockdale's status as a tourist destination.
- Adaptive reuse and restoration of the Saywell terraces.
- Building footprint occupying the entirety of lots in B4 Mixed Use/SP3 Tourist Zones.
- Transition in building height and character along the western side of the Grand Parade.
- Improved address of all street frontages and the adjoining development to the north.
- Responds to the heritage character of the locality.

## 3.3 Urban Design Principles

### 3.3.1 SEPP 65 Principles

#### Context

- Located within the Brighton Le Sands Village in Sydney's South Subregion.
  - o Easily accessible from the Sydney CBD via bus and a well-connected road network.
  - o Essential services located within the village: supermarket, post office, bank and medical facilities.
  - o Botany Bay foreshore provides public open space along The Grand Parade.
- Housing supply in the South Subregion to be accelerated (A Plan for Growing Sydney 2015).
  - o Focus on more choices and affordability for residents.
- Site zoned as B4 Mixed Use (Rockdale LEP 2011).
  - o Maximise public transport patronage and encourage walking and cycling.
- Increasing café culture and enhancements to Bay St have increased pedestrian amenity (Capacity Analysis and Built Form Study – Rockdale City Council 2010).
- Site is undergoing a transition as a part of the Sydney Airport Precinct (A Plan for Growing Sydney 2015).
  - o Development must work for current and future residents.
  - o Compatible with future development to occur in the area.

#### Scale

- There is a change in character between the Novotel building and the Saywell Terraces.
  - o New development will act as a transition zone between the Novotel and 58-63 The Grand Parade.
  - o Allows Saywell Terraces to remain as the street frontage and the new development to follow the built form of The Grand Parade.
- Removal of the cantilever allows Saywell Heritage listed terraces to remain the major street focus on The Grand Parade.
  - o Keeps heritage form as the focal point of The Grand Parade street frontage.
  - o Creates a setback between the two buildings on the site.
  - o The larger building does not dominate the site.

#### Built Form

- The Rockdale LEP 2011 promotes active street frontages on The Grand Avenue (see Figure 12).
  - o New development will replace blank façades on Princess St and Princess Lane further activating surrounding street frontages.
- Creative integration of design between heritage buildings and new development.
  - o Creates a relationship between the Saywell Terraces and the new development.
- Terraces follow the nil setback of The Grand Parade.
- Building envelope is consistent with Rockdale DCP 2011 and surrounding area.
  - o Nil street setbacks on The Grand Parade, Princess St and Princess Lane (Part 5.3 Rockdale DCP 2011).
  - o Setback to 58-63 The Grand Parade to allow for further articulation and better building separation.
  - o Boundary kept on the Grand Parade by Saywell Terraces.
  - o Follows proposed and existing developments in the area.

## Density

- Density of development is considered sustainable for site based on regional and local context.
  - o Precinct is undergoing transition.
  - o Close proximity to public transport and public open space.
  - o Similar to existing use of adjacent site (58-63 The Grand Parade).
- Mixed types of residential accommodation allowing for adaptability for future uses and occupants.
  - o Provides a mix of apartment sizes for the providing for the existing and future social mix.
- Parking will be provided at a higher rate than the current site.
  - o Underground parking will be available in the basement.
  - o Parking in the area is limited due to lack of off-street parking (Brighton Le Sands Parking Strategy 2014).

## 3.3.2 Examples of Development involving Heritage Items

### 66-68 Phillip St, Parramatta

66-68 Phillip St, Parramatta has an approved development application which involves building a tower on a site featuring a heritage item by Jones Sontter Architects. The heritage listed hut, shown in the red rectangle, is located on the front street frontage with the new tower to be built behind it.



Figures 13 & 14: Renders of south street frontage for 66-68 Phillip St showing the interaction between the heritage and new development

Iconic, 830-838 Elizabeth Street, Waterloo

The former Chubb Pty Ltd building located at 830-838 Elizabeth Street, Waterloo is heritage listed under the City of Sydney LGA. The site has been granted approval for a mixed use development with five levels of residential apartments and commercial space on the ground floor. The original façade, outlined in red, will be kept intact with the new development to be built within the original building envelope. Renders were created by THIRDi and Milligan Group.



Figure 15: Render of the Iconic, Waterloo by the THIRDi Group and the Milligan Group

In summary the proposal should ensure that the heritage terraces remain a focal point of the Grand Parade. Providing a separation between the buildings even minor will ensure that the heritage component of the building remain an important component of the streetscape.

## 4.0 The Proposal

The Planning Proposal seeks the amendment of planning controls pertaining to the subject site as follows:

- Floor Space Ratio: from N – 1:1 to X – 4:1.
- Height of Buildings: from NI – 13 metres to V – 36 metres.

No further changes to the Rockdale LEP are proposed.

The following sections of this report (Section 3.1 and 3.2) illustrate the existing and proposed amendments to the Rockdale LEP Floor Space Ratio and Height of Buildings Maps:

- Figure 16: Existing Floor Space Ratio Map (Floor Space Ratio Map – Sheet FSR\_004).
- Figure 17: Existing Floor Space Ratio Map with proposed amendments.
- Figure 18: Existing Height of Buildings Map (Height of Buildings – Sheet HOB\_004).
- Figure 19: Existing Height of Buildings Map with proposed amendments.



## 4.1 Floor Space Ratio

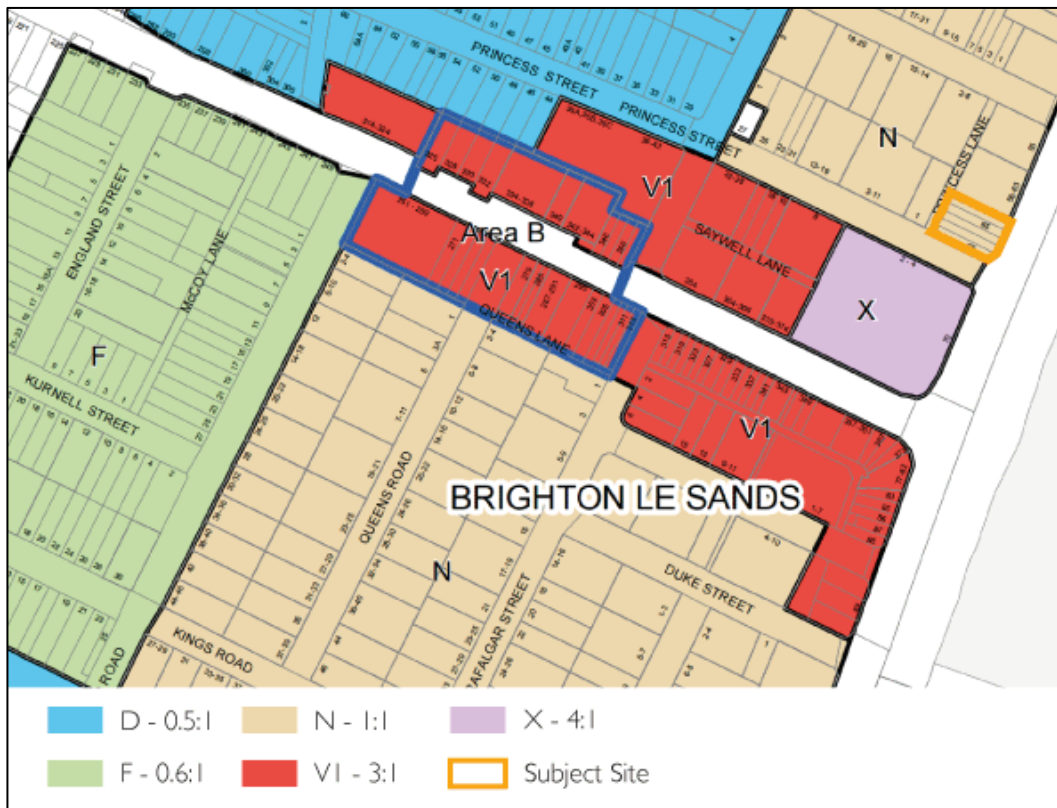


Figure 16: Floor Space Ratio Map – Sheet FSR\_004 (RLEP 2011)

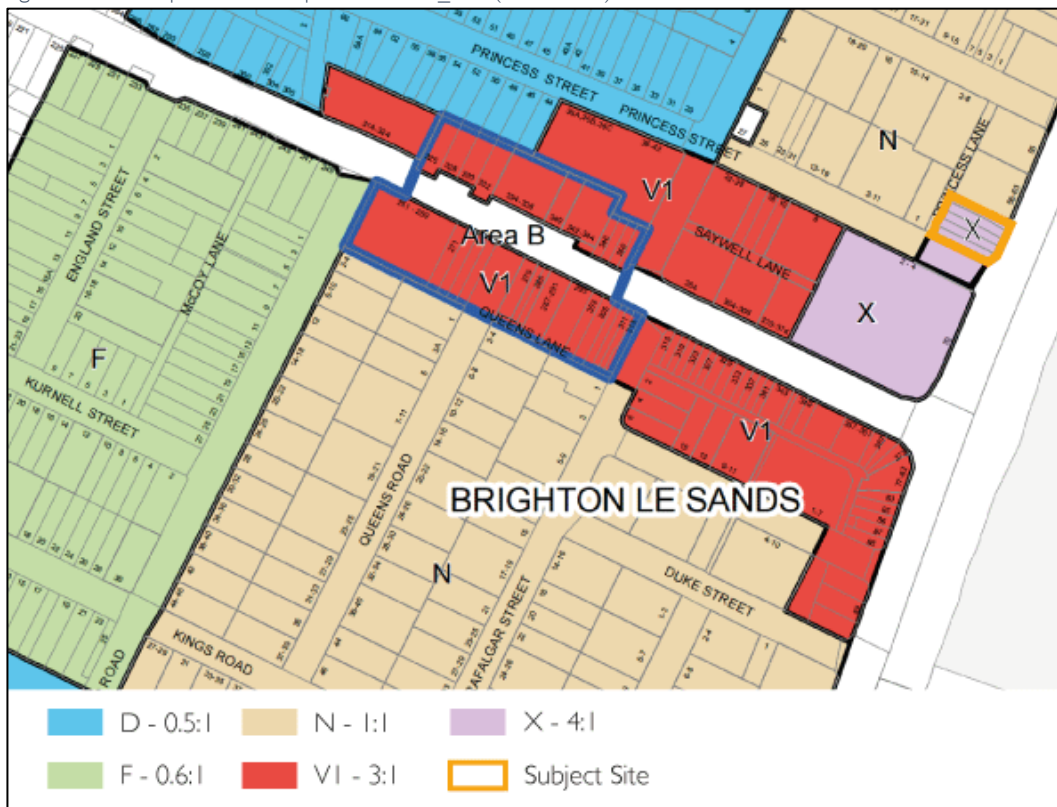


Figure 17: Floor Space Ratio Map – Sheet (RLEP 2011) with proposed amendment



## 4.2 Height of Buildings

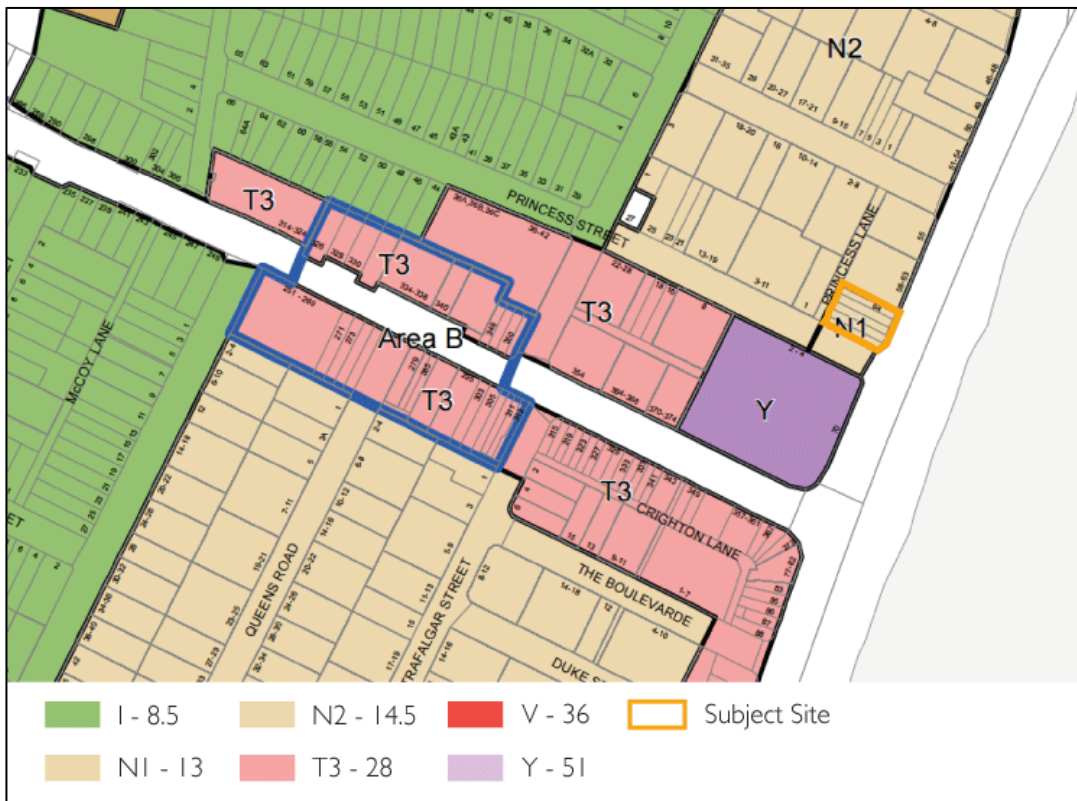


Figure 18: Height of Buildings Map – Sheet HOB\_004 (RLEP 2011).

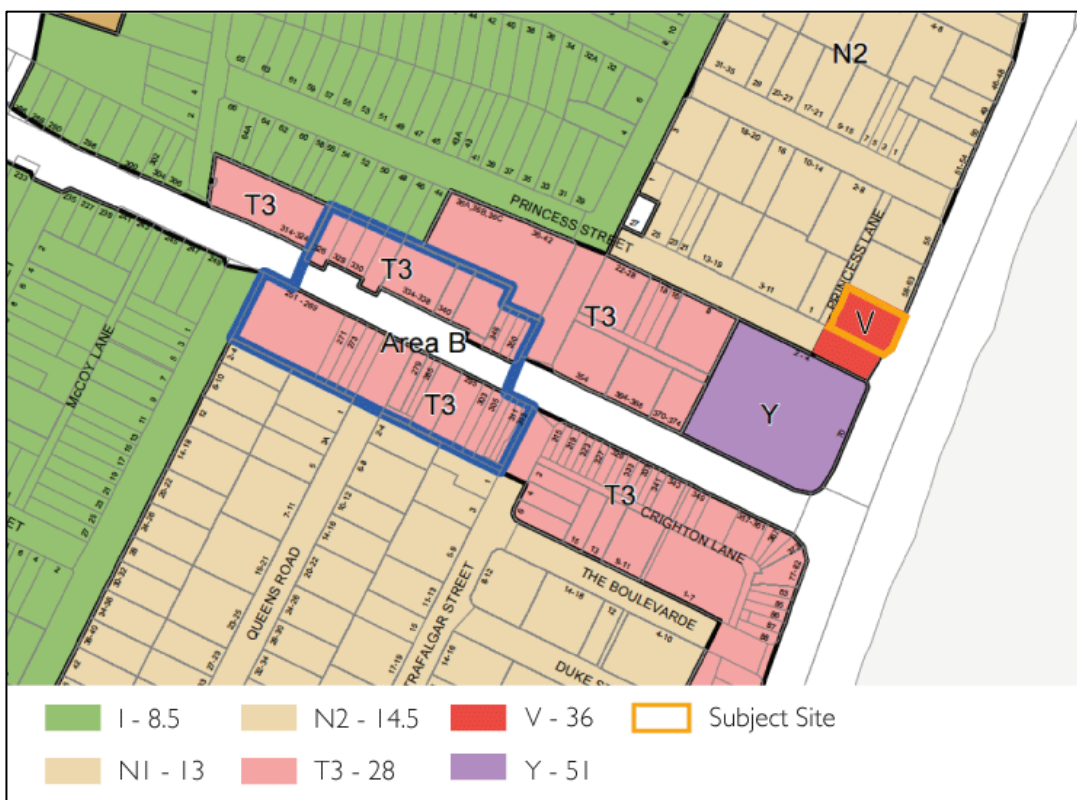


Figure 19: Height of Buildings Map – Sheet HOB\_004 (RLEP 2011) with proposed amendment.

## 4.3 Proposed Building Envelope

An Indicative Layout Plan (Figure 20) and Building Envelope Study (Figures 21) compliant with the proposed height and FSR has been prepared by Architecture & Buildings Works.

The proposed built form envelope is described as:

- Retention of the principle building forms.
- A 10 storey tower within the portion of the site currently occupied by the substantially altered rear wings of the terraces, sufficiently separated from the restored heritage terraces.
- Accessible rooftop for the purpose of communal open space.
- 3 levels of basement parking to minimise the impact of the future development on local streets, already experiencing severe congestion (see Section 3.2.3).

The rationale for the proposed building envelope is consistent with the Apartment Design Guide's 'Primary Controls' (p 28) and 'Floor Space Ratio' (p 32):

- Corner block: *"corner, mid-block or wide shallow sites tend to have different floor space capacities"* (p 33).
- Small site with single building: *"small sites with a single building may have greater floor space capacity than larger sites with multiple buildings"* (p 33).
- Heritage Saywell terraces are retained through a reduction of the developable area to that which is currently occupied by terraces' substantially altered rear wings.
- Nil street setbacks to The Grand Parade, Princess Street and Princess Lane, consistent with 'Development Setback' controls contained within Part 5.3 of the Rockdale DCP 2011.
- Setback to 58-63 The Grand Parade to allow for further articulation and better building separation.
- Nil deep soil zones due to:
  - Nil street and side setbacks (see above);
  - Site being constrained by the heritage terraces; and
  - Abundance of public open space along the Botany Bay Foreshore.
- Building separation between the proposed built form envelope and surrounding development responding to the dense urban character of the area and the constrained nature of the subject site.
- Orientation of the built form envelope is restricted by the constrained nature of the subject site. Internal layouts, forming part of a future development application, will be designed to maximise solar access, cross ventilation and views to Botany Bay.
  - Floor plan has been changed to maximise these issues shown in the Indicative Floor Plan (see Figure 20).
  - 3 bedroom apartments now face the Princess St and Princess Lane street frontages and 2 bedroom apartments have undergone a slight change in shape facing the northern and eastern aspects.
- Removal of cantilever on the eastern aspect which overlooked the heritage properties.
  - Without this feature allows Saywell Terraces to remain the focal point of The Grand Parade.
  - New development is closer to the setback of similar developments including 58-63 The Grand Parade adjacent to the site.

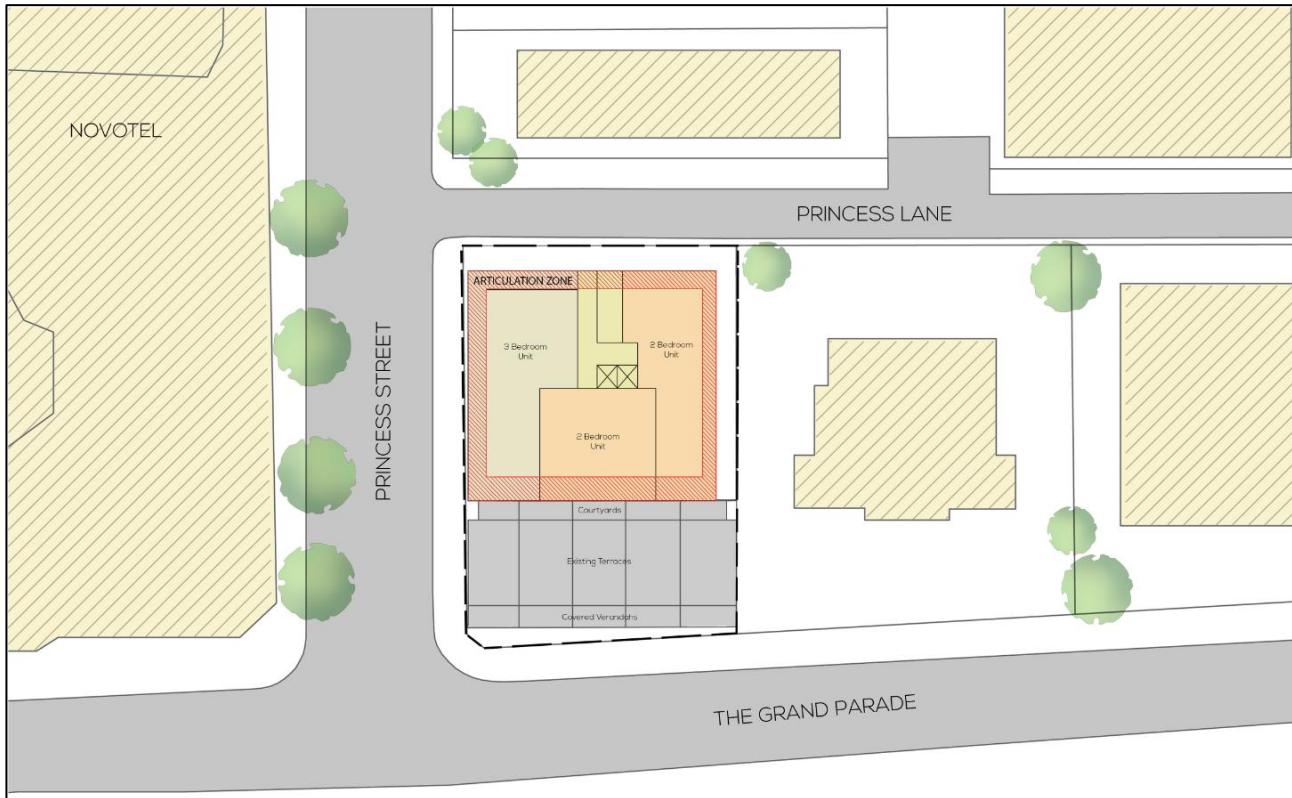


Figure 20: Indicative Plan Layout (Architecture & Building Works 2015)



Figure 21: Proposed Building Envelope (Architecture & Building Works 2015)



## 5.0 Assessment of Proposal

### 5.1 Desired Future Character

The proposed building envelope prepared by Architecture & Building Works, compliant with the proposed Planning Proposal, is consistent with the desired future character for the subject site (see Table 2).

Table 1: Assessment against desired future character

DESIRED FUTURE CHARACTER:	COMMENT:	COMPLIANCE:
Increased housing supply and choice within existing centres.	<p>Under existing conditions, the subject site contains 5 two-bedroom terraces.</p> <p>Under existing planning controls, the maximum permissible height is 4 storeys, resulting in a marginal intensification of the subject site, unlikely to occur due to the limited uplift.</p> <p>The proposed amendment to planning controls enable the redevelopment of the subject site such that it has height and density greater than that which is permissible under current planning controls, allowing a greater dwelling yield within the Brighton Le Sands Village and the variety of existing services and opportunities it contains.</p>	✓
Appropriate parking solutions.	<p>The proposed amendments to planning controls enable development with greater height and scale to make feasible the excavation and dewatering of the site for the purpose of basement parking in the high groundwater environment (see Preliminary Groundwater &amp; Geotechnical Assessment prepared by C.S.T.S.).</p> <p>Off-street parking can be provided in accordance with the <i>Traffic &amp; Parking Assessment Report</i> prepared by Varga Traffic Planning (2015).</p>	✓
Improve the vitality and vibrancy of Brighton Le Sands, as well as its status as a tourist destination, by maximising the efficiency of mixed use zones with development incorporating retail/commercial uses and serviced apartments.	<p>The proposed amendments to planning controls improve the vitality and vibrancy of Brighton Le Sands by increasing the site's efficiency as a mixed use development location, increasing the potential floor space to be dedicated retail/commercial uses and serviced apartments.</p> <p>The proposed amendments to planning controls make feasible the restoration of the heritage Saywell terraces.</p>	✓
New, landmark, iconic buildings to improve the visibility of Rockdale from aircraft landing/taking off from Sydney Airport's Main North-South	The maximum height of 13 metres (4 storeys) permitted by existing planning controls restricts the development of a new, landmark iconic development.	✓

<p>Runway and improve Rockdale's status as a tourist destination.</p>	<p>The proposed amendment enables the development of a new, landmark, iconic building with height 10 storeys incorporating a mix of uses, generating a range of positive impacts throughout the Brighton Le Sands Village:</p> <ul style="list-style-type: none"> <li>- Sufficient height to make feasible the restoration and adaptive reuse of the heritage Saywell terraces, generating further visual interest.</li> <li>- Increased local worker base and residential population, facilitating increased day and night pedestrian activity surrounding the subject site and through the Village, improving the vitality and vibrancy of the Village whilst creating opportunities or casual surveillance.</li> </ul>	
<p>Adaptive reuse and restoration of the Saywell terraces.</p>	<p>The proposed amendment enables the adaptive reuse of the Saywell terraces such that they become an active part of the Grand Parade streetscape, incorporating ground floor retail with active street frontage.</p> <p>The proposed amendments to planning controls makes feasible the restoration of the existing heritage Saywell Terraces, including the provision of an appropriate colour scheme and reconstruction of the front yards and fences.</p>	✓
<p>Building footprint occupying the entirety of lots in B4 Mixed Use/SP3 Tourist Zones.</p>	<p>The proposed amendments to planning controls enables the redevelopment of the subject site such that it has building footprint consistent with the B4 Mixed Use/SP3 Tourist Zones (i.e. nil street and side setbacks), maximising exposure of ground floor retail.</p>	✓
<p>Transition in building height and character along the western side of the Grand Parade.</p>	<p>The proposed amendment enables development to a height of 10 storeys, enabling a transition in building height from the 15 storey Novotel building to the 8 storey residential developments to its north. By incorporating an appropriate design, development compliant with the proposed controls can create a transition in the built form character between the Novotel building and No. 58-63 The Grand Parade.</p>	✓
<p>Improved address of all street frontages and the adjoining development to the north.</p>	<p>Through the restoration and adaptive reuse of the heritage Saywell Terraces and development of a tower at the site's rear (in place of the altered rear wings of the terraces), enabled by the proposed amendments to planning controls, improved address of The Grand Parade, Princess</p>	✓

	<p>Street and Princess Lane can be created through the provision of active street frontage.</p> <p>The frontage to No. 58-63 The Grand Parade can be improved through articulation of the north-facing façade.</p>	
<p>Responds to the heritage character of the locality.</p>	<p>The proposed amendments to planning controls respond to the heritage character of the locality through the restoration and adaptive reuse of the substantially altered heritage Saywell terraces.</p>	<p>✓</p>

## 5.2 Built Form & Scale

The built form envelope enabled by the amended planning controls is an acceptable outcome for the subject site in terms of its form and scale:

- Results in a building footprint occupying the entirety of the subject site, consistent with the site coverage of development within the B4 Mixed Use and SP3 Tourist Zones within the Brighton Le Sands Village.
- Consistent with the Apartment Design Guide's 'Floor Space Ratio' (p 32):
  - Corner block: *"corner, mid-block or wide shallow sites tend to have different floor space capacities"* (p 33).
  - Small site with single building: *"small sites with a single building may have greater floor space capacity than larger sites with multiple buildings"* (p 33).
- Has height of 10 storeys:
  - Enabling a transition in building height along the western side of The Grand Parade (see Figure 22).
  - Consistent with building height along Princess Street (see Figure 23).
  - Enabling the development of a new, landmark, iconic building highly visible from aircraft landing/taking off from Sydney International Airport's Main North-South Runway.
- Enables provision of communal open space within an accessible rooftop.
- Removal of cantilever creates a more consistent built form and allows a definition between the two buildings on the site (see Figure 22).

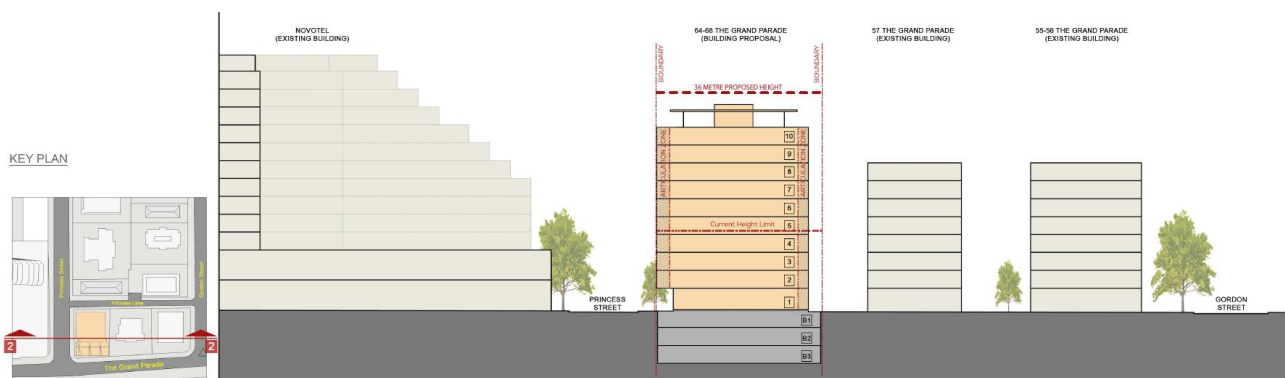


Figure 22: Built form envelope north-south section (Architecture & Building Works 2016).

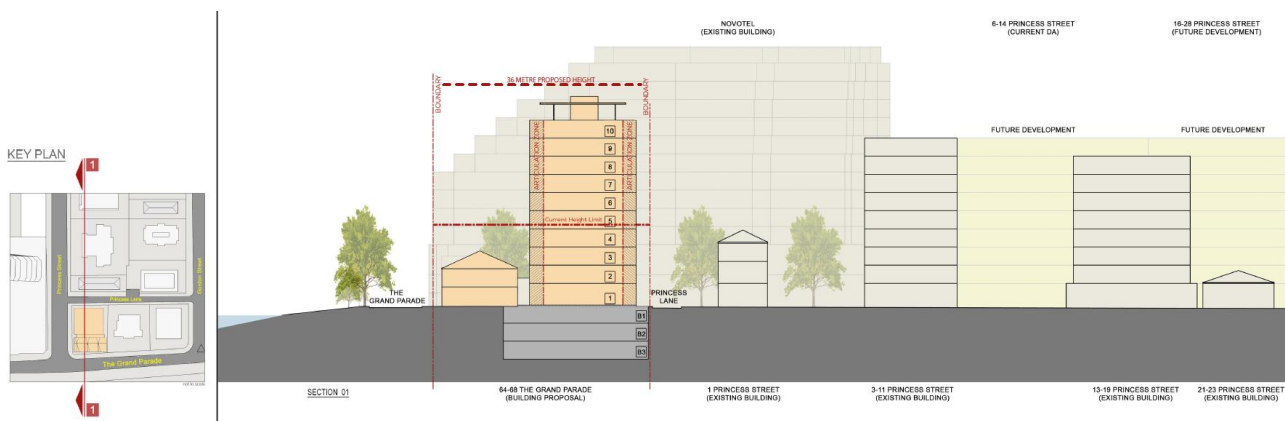


Figure 23: Built form envelope east-west section (Architecture & Building Works 2016).



## 5.3 Amenity



Figure 24: Drawing Pn.0399/004 showing overshadowing impacts of proposed development at June 21 with approximate locations of heritage Norfolk Island Pines denoted by red dots (Sydney Arbor Trees 2015, Arboricultural Assessment)

The building envelope established to reflect the amended planning controls results in a narrow, minimising the length of overshadowing impacts to the building's surroundings (see Figure 24):

- Overshadowing impacts to the Novotel building are acceptable as they are limited to the podium area in mid-winter.
  - Removal of cantilever reduces overshadowing impacts on the Novotel.
- The portion of public open on the eastern side of The Grand Parade overshadowed by the building envelope is minor.
- With regard to the heritage street trees on the southern side of Princess Street: *“The shadow diagrams provided suggest that there will be a slight alteration to light patterns throughout the winter months; this affect appears unlikely to pose any significant impacts upon the subject trees”* (Sydney Arbor Trees 2015, Arboricultural Assessment, p 17).

Development compliant with the proposed controls will not result in any public domain view loss. View impacts to private domain are to be assessed at DA stage.

## 5.4 Heritage

The Planning Proposal enables the provision a 10 storey tower on the site. To achieve the density proposed the portion of the site currently occupied by garages, rear yards, the rear wings of the 5 heritage listed terraces will be included in the proposed development (Item No. 1174, RLEP 2011). The proposal will be sufficiently separated from the principal form of the heritage listed terraces. This is an appropriate outcome as the rear wings are substantially altered and would require further alteration to meet DDA and BCA requirements to make suitable for commercial purposes.

Further assessment of the impact of the built form envelope enabled by the Planning Proposal is provided within the Heritage Impact Statement (Weir Phillips 2015) forming part of this application:

- *“The development provides the incentive and opportunity to restore the principal building forms. An appropriate colour scheme will be provided. The front yards and fences will also be reconstructed. The presentation of the row to the public domain will be greatly enhanced.*
- *“The new building is set back and separated from the retained principal building forms. The two storey building form of the row of terrace houses thus remains dominant from street level” (Weir Phillips Heritage 2015, p 55-56).*

The Structural Design Statement prepared by Structural Design Solutions confirms that:

- *“the basement shoring retention system is outside the existing Heritage buildings and no part of the basement extends below the buildings”.*
- *“The retention system will be designed to minimise vibrations during installation and movements in both temporary and permanent conditions”.*

Other proximate heritage items include:

- A row of street trees (Item No. 1170, RLEP 2011) south of subject site, on the southern side Princess Street;
- Cook Park (Item No. 1168), east of the subject site, forming part of the linear network of public open space along the Botany Bay Foreshore.

Assessment of the impact of the built form envelope enabled by the Planning Proposal is provided within the Arborist's Report (Sydney Arbor Trees 2015) forming part of this application:

- *“The proposed construction site is outside the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ).*
- *The construction should cause no impacts related to soil disturbance or root damage.*
- *It is unlikely that there will be any significant alteration of wind patterns which may be detrimental to the subject trees, although some effects of wind tunnelling may occur during certain conditions.”*
- *“The impact upon the subject trees from the proposed development would appear to be low.” (Sydney Arbor Trees 2015, p 17).*

## 5.5 Ground Conditions

The proposed building envelope incorporates 3 storeys of basement parking. The *Preliminary Contamination & Groundwater Assessment* prepared by C.S.T.S. (forming part of this application) has made the following findings:

- Based on the review of 4 groundwater bores “located approximately 60m North ..., 130m North-west ..., 280m West ... and 315m South-west” of the centre of the site, “groundwater within the site is expected to be encountered approximately 4-6m bgl”.
- “Based on the predicted groundwater levels, CSTS is of the opinion that dewatering of groundwater for excavation will be required”.

The implications of the report's findings are that the feasibility of the provision of basement parking as part of future development of the subject site is reduced. Alternative parking solutions are found to be not in the public interest:

- The provision of on-site, above ground parking is found to not be in the public interest as it creates “dead space” at a level immediately visible to pedestrian and vehicular traffic along The Grand Parade and Princess Street, a poor urban design outcome for the site.
- The provision of parking off-site in the form of street parking is found to not be in the public interest as it will contribute to the Brighton Le Sands Village's existing parking congestion issues arising from many existing residential flat buildings within the locality not having on-site parking due to “geotechnical conditions result[ing] in very costly basement parking” (p 14).

As a consequence, dewatering must form part of the excavation process to enable the provision of basement parking, requiring significant expense on the developer's behalf. In order for future development to remain feasible, planning controls must be amended to enable development to a maximum FSR of 4.0:1 and a maximum height of 36 metres.

## 5.6 Design Rationale for Potential Development

- Removal of cantilever creates building separation necessary for ADG.
  - o Allows more visual privacy for residents of the terrace.
  - o New building does not dominate over the smaller scale of the Saywell terraces.
- New height follows the context of the area.
  - o Sites to the north and south on The Grand Parade are already over the acceptable height in the Rockdale LEP 2011.
  - o Follows Clause 6.14 – Design Excellence, *new scale, character, form and siting complement surrounding urban qualities and likely future development.*
- As a strategic centre, Rockdale must focus on taller buildings which provide more facilities for the community.
  - o Keeping the heritage features allows the original context of the area to remain while creating a new iconic tower for the Rockdale centre.
  - o Provides more active street frontages for pedestrian activity.
- It is possible to use new materials and still create a cohesive site.
  - o The Iconic in Waterloo presents the original façade for the building with a new development using more modern materials.
- Underground parking provides for the community but also does not create dead space on street level.
- Building envelope is consistent with Rockdale DCP 2011 and surrounding area.
  - o Nil street and side setbacks on The Grand Parade, Princess St and Princess Lane (Part 5.3 Rockdale DCP 2011).
  - o Setback to 58-63 The Grand Parade to allow for further articulation and building separation.
  - o Boundary kept on the Grand Parade by Saywell terraces.
  - o Follows proposed and existing developments in the area.
- Allows for more innovative design to occur on The Grand Parade
  - o Provides a new landmark building to increase the visibility of Rockdale from aircraft landing/taking off from the airport runway.
  - o Improves Rockdale's status as a tourist destination.

## 6.0 Conclusion

This report has been prepared by ae design partnership on behalf of Brighton Australia P/L, to provide urban design and planning background for a Planning Proposal to amend development standards within the Rockdale Local Environmental Plan (2011) for 64-68 The Grand Parade, Brighton Le Sands (the site).

The Planning Proposal seeks the amendment of planning controls pertaining to the subject site as follows:

- Floor Space Ratio: from N – 1:1 to X – 4.0:1.
- Height of Buildings: from N1 – 13 metres to V – 36 metres.

The site is currently occupied by a row of 5 heritage listed (Item No. 1174, RLEP 2011) two storey terraces known as the 'Saywell' terraces. While substantially intact, the existing condition of the terraces is varied. The terraces have undergone varying degrees of alteration to fabric and finishes as outlined in the *Heritage Impact Statement* forming part of this application (Weir Philips 2015).

The existing height and FSR controls are unsuitable as:

- The height and scale of existing surrounding built form is generally exceeding that which is permissible under the controls.
- The development standards are insufficient to make feasible the restoration and adaptive reuse of the heritage Saywell terraces.
- The development standards are insufficient to make feasible the provision of basement parking due to the high groundwater.

Architecture & Building Works have prepared a built form envelope consistent with the Apartment Design Guide with respect to corner and small allotments warranting different FSR. The envelope would see the adaptive reuse of the subject site through the demolition of the altered rear wings and development of an adjoining 10 storey building.

The proposed built form envelope has urban design merit and is in the public interest for the following reasons:

- Consistent with the desired future character for the locality:
  - Provides an appropriate parking solution; off street parking to meet Rockdale DCP requirement.
  - Improves the vitality and vibrancy of Brighton Le Sands, as well as its status as a tourist destination, by maximising the efficiency of the mixed use zone through the provision of increased housing supply, retail/commercial floor space and potential serviced apartments.
  - Provides a new, landmark, iconic buildings to improve the visibility of Rockdale from aircraft landing/taking off from Sydney Airport's Main North-South Runway and improve Rockdale's status as a tourist destination.
  - Incorporates adaptive reuse and restoration of the Saywell terraces.
  - Has building footprint occupying the entirety of site area, consistent with development within the B4 Mixed Use and SP3 Zones within the locality.
  - Enables a consistent transition in building height and character along the western side of the Grand Parade.
  - Improves address of frontages to The Grand Parade and Princess Street through the provision of active street frontage.
  - Improves address of frontages to Princess Lane and the adjoining development north of the subject site through increased (compared to current conditions) articulation of both facades.



- Responds to the heritage character of the locality.
- Follows the Design Excellent Criteria outlined for Clause 6.14 of Rockdale LEP 2011
- The built form and scale is an appropriate outcome for the subject site:
  - Consistent with Apartment Design Guide with respect to corner allotments and small allotments with a single building having different FSR to the remainder of the street block.
  - Conforms to the transition in building height along the western side of The Grand Parade.
  - Consistent with building height along Princess Street.
  - Enabling the development of a new, landmark, iconic building highly visible from aircraft landing/taking off from Sydney International Airport's Main North-South Runway.
  - Enables provision of communal open space within an accessible rooftop.
- Overshadowing impacts are minimal and therefore acceptable.
- Does not result in view loss from public domain.

The proposed amendment to development standards encourage redevelopment of the site which will provide an improved urban design outcome.

# Council Meeting

Meeting Date 16/03/2016

## Public

### Report Header

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<b>Item Number:</b>	ORD12
<b>Subject:</b>	PLANNING PROPOSAL: 64-68 THE GRAND PARADE, BRIGHTON LE SANDS
<b>File Number:</b>	F15/526
<b>Report by:</b>	Manager Place Outcomes (Erika Pawley)
<b>Contributors:</b>	Senior Project Officer (Land Use & Transport). (Peter Naidovski)
<b>Community Engagement:</b>	Yes
<b>Financial Implications:</b>	No

### Precis

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A planning proposal has been received affecting a site at 64-68 The Grand Parade, Brighton Le Sands. The site is currently occupied by five terrace houses, which are identified as local heritage items under the Rockdale Local Environmental Plan 2011.

The Planning Proposal seeks to increase the building height from 13 metres to 36 metres and increase the floor space ratio from 1:1 to 4:1.

The purpose of this report is to determine if the planning proposal has sufficient merit to be recommended to the Department of Planning and Environment for Gateway Determination.

### Council Resolution

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MOTION moved by Councillors Nagi and Tsounis

1 That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to:

a) the planning proposal being amended to ensure that Clause 6.14 - Design Excellence of the Rockdale LEP 2011 applies to the site prior to submission to the Department of Planning and Environment for Gateway Determination;

b) the planning proposal being amended in accordance with this Council Report prior to submission to the Department of Planning and Environment for Gateway Determination;

c) the applicant's Urban Design Report being amended in accordance with this Council Report prior to submission to the Department of Planning and Environment for Gateway Determination;

d) the Heritage Impact Statement being amended in accordance with this Council Report prior to exhibition; and

e) the applicant's Massing Diagrams be amended in accordance with this Council Report prior to submission to the Department of Planning and Environment for Gateway Determination.

2 That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

3 That the planning proposal for the building height be increased to 36 m and the floor space ratio be increased to 4:1.

DIVISION

DIVISION on the MOTION called for by Councillors Nagi and Tsounis

FOR THE MOTION

Councillors Macdonald, Bezic, P Sedrak, Awada, Barlow, Kalligas, Nagi, Mickovski, Hanna, Tsounis, Poulos and Saravinovski

AGAINST THE MOTION

Nil

The MOTION was ADOPTED 12 votes to 0.

### **Officer Recommendation**

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That voting on this matter be by way of a Division.

1. That Council supports the planning proposal for submission to the Department of Planning and Environment for Gateway Determination, subject to:

a. the planning proposal being amended to ensure that Clause 6.14 - Design Excellence of the Rockdale LEP 2011 applies to the site prior to submission to the Department of Planning and Environment for Gateway Determination;

b. the planning proposal being amended in accordance with this Council Report prior to submission to the Department of Planning and Environment for Gateway Determination;

c. the applicant's Urban Design Report being amended in accordance with this Council Report prior to submission to the Department of Planning and Environment for Gateway Determination;

d. the Heritage Impact Statement being amended in accordance with this Council Report prior to exhibition; and

e. the applicant's Massing Diagrams be amended in accordance with this Council Report prior to submission to the Department of Planning and Environment for Gateway Determination.

2. That Council publicly exhibits the planning proposal in accordance with the Department of Planning and Environment's Gateway Determination.

### **Report Background**

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Applicant: AE Design Partnership

Land Owner: Brighton Australia Pty Ltd

Brighton Australia Company Director(s): Fehima Gacanovic

Council has received a planning proposal for 64-68 The Grand Parade, Brighton Le Sands ("the site") from AE Design Partnership (the "applicant") on behalf of Brighton Australia Pty Ltd ("the owner") on 13 November 2015. The site is located north of the Brighton Le Sands Town Centre and is bound by a unit development to the north, The Grand Parade to the east, Princess Street to the South and Princess Lane

to the west.

There are currently five terraces located on the site. The terraces are identified as items of local heritage in Schedule 5 of the Rockdale Local Environmental Plan (RLEP) 2011 (Item No. 174). The terraces are known as the 'Saywell' terraces and are the remaining buildings of what was the Brighton Estate subdivision.

Council staff have met with owner and consultant team on a number of occasions to discuss the subject site. The planning proposal is supported by a number of consultant reports, which are attached to this report.

The proposal seeks the following to permit the erection of a mixed use development:

- Increase the building height across the site from the current 13 metres to 36 metres; and
- Increase the FSR from 1:1 to 4:1.

The proposed height is 23 metres higher than what is currently permissible on the site. However, the current height limit does not represent the height of the existing residential flat buildings in the vicinity, which average around 26-28 metres (eight storeys). The proposed height of 36 metres would accommodate a 10 storey building, which is lower than the Novotel building to the south but two storeys higher than surrounding buildings to the north and west.

The proposed FSR is considerably higher than the current controls. While the controls do not represent the actual FSR of residential flat buildings in the vicinity, the proposed FSR of 4:1 is significantly higher than the surrounding building to the north and east (these range from 1.9:1 to 2.5:1). The Novotel site is the only other building in Brighton Le Sands that has a FSR of 4:1. However, the Novotel development is located on a considerably larger site.

## **SITE AND CONTEXT**

The site is located to the north of the Brighton Le Sands town centre and is bound by a unit development to the north, The Grand Parade to the east, Princess Street to the South and Princess Lane to the west. The allotments are legally described as:

- Lot 8 in DP 33420 (64 The Grand Parade, Brighton-Le-Sands);
- Lot 9 in DP 651072 (65 The Grand Parade, Brighton-Le-Sands);
- Lot 10 DP 662061 (66 The Grand Parade, Brighton-Le-Sands);
- Lot 11 DP 654651 (67 The Grand Parade, Brighton-Le-Sands); and
- Lot 1 DP 798421 (68 The Grand Parade, Brighton-Le-Sands).

The site area is approximately 1,085 m<sup>2</sup> with frontages detailed below:

- Primary frontage to The Grand Parade (approximately 24 metres).
- Secondary frontage to Princess Street (approximately 39 metres).
- Rear frontage to Princess Lane (approximately 27 metres) and is accessible via Gordon Street to the north

## **Heritage**

The site is currently occupied by five, two storey terraces that are heritage listed under the RLEP 2011 (174).

### **New Brighton Estate**

The five terraces are the remaining buildings of Thomas Saywell's New Brighton Estate, which was to become a model suburb. The Estate was to accompany the Brighton Pleasure Grounds at Lady Robinson's Beach, which included New Brighton Hotel, a public bathing enclosure, and other amenities including a racecourse. The development of the Estate was also a direct result of the tram transport between Brighton and Rockdale train station, which was developed by Saywell.

To assist with the progress of the Estate, Saywell developed 12 terraces along Grand Parade, between Princess and Gordon Streets. The terraces were designed in an extravagant Victorian style by architect William Kenwood. These buildings were substantial residences, larger than the standard terrace that was prevalent at the time in other parts of Sydney. Thomas Saywell resided in two of the terraces he built on

The Grand Parade.

It should be noted that Thomas Saywell was an important entrepreneur at the end of the 19th century who influenced the historic development of a number of areas in NSW one of which was New Brighton which heralded intensification of development on the Peninsula. Saywell was an important figure in NSW's history having developed the Zig-Zag Coal Co. at Lithgow and the South Bulli Colliery. He built the Bellambi jetty in 1887 at South Bulli and won large government contracts for coal. Later he bought and developed other south coast mines, notably the Clifton and South Clifton collieries.

Today, only five of the original 12 terraces remain. The terrace footprints occupy a significant portion of the site and are also in varying levels of disrepair, requiring significant investment to reinstate them to a level that would be acceptable for their adaptive re-use.

A number of other heritage items are located in close proximity to the site including:

- A row of street trees (Item No. I170, RLEP 2011) south of subject site, on the southern side Princess Street;
- Cook Park (Item No. I168), east of the subject site, forming part of the linear network of public open space along the Botany Bay Foreshore.



Figure 1 - Aerial photo of the Site

North: Immediately to the north of the site is an eight storey residential flat building, with a seven storey residential flat building (RFB) is located in the same block (bounded by Princess Street, The Grand Parade, Gordon Street and Princess Lane). A number of residential buildings ranging in height from four to eight stories are also located further north and north-west of the site.



East: The Grand Parade separates the site from Cook Park and Lady Robinson beach. Access to the park and beach is either via the pedestrian bridge over The Grand Parade or the pedestrian lights at Bay Street.

South: Directly south of the site is the Novotel Hotel. The Hotel is a prominent feature along Bay Street and The Grand Parade. It should be noted that the building of the Novotel Hotels fronts Bay Street, with a three level podium along Princess Street.

West: Immediately to the west of the site is a three storey walk-up flat, with seven and eight storey RFBs further west.

### Current Planning Controls

The current planning controls for the site as per *Rockdale Local Environmental Plan 2011* ("RLEP 2011") are as follows:

- **Zone**: B4 Mixed Use zone (refer to Figure 2).

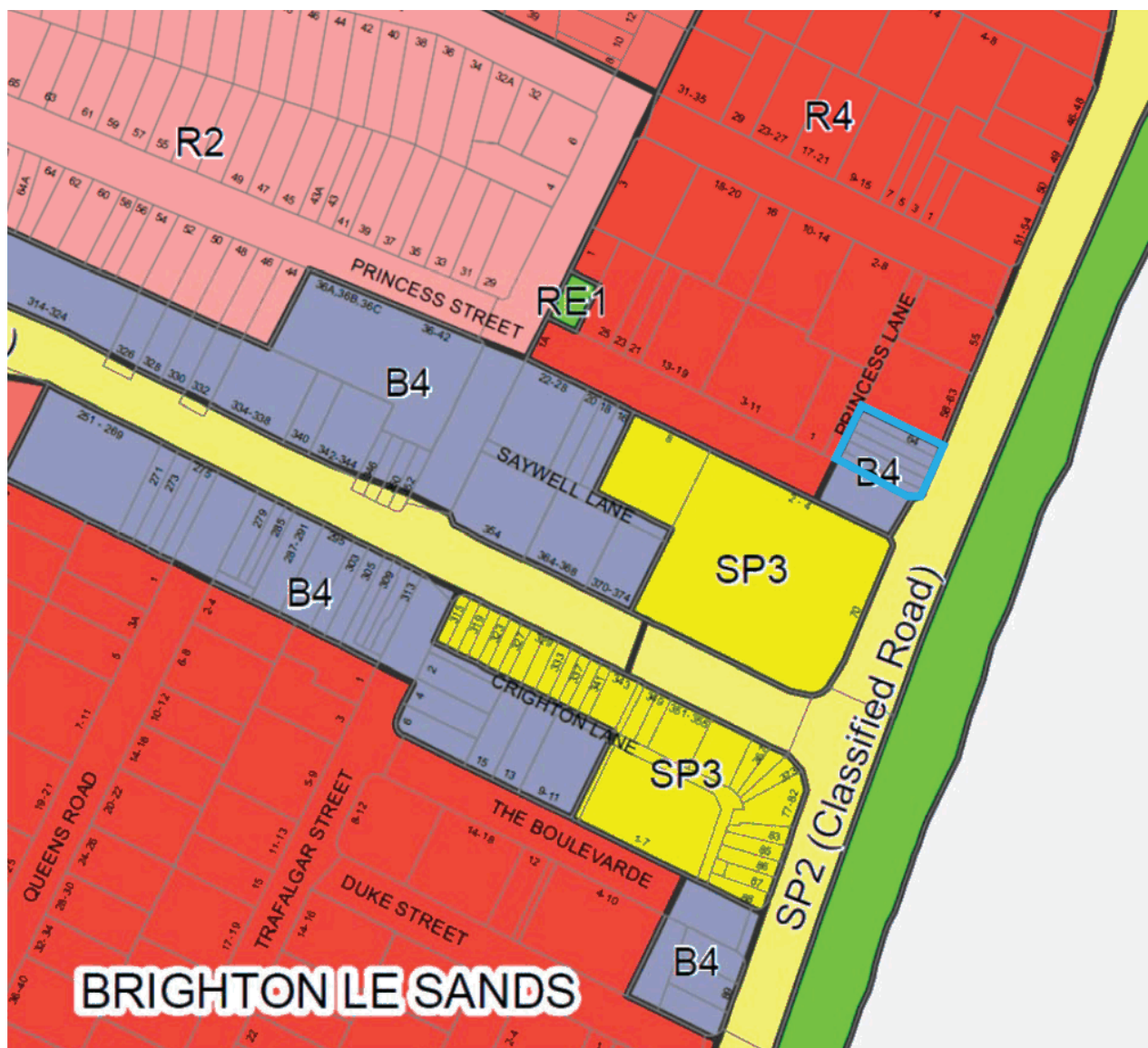


Figure 2 - Land Zoning Map extract from RLEP 2011

- **Building Height:** 13 metres (refer to Figure 3)

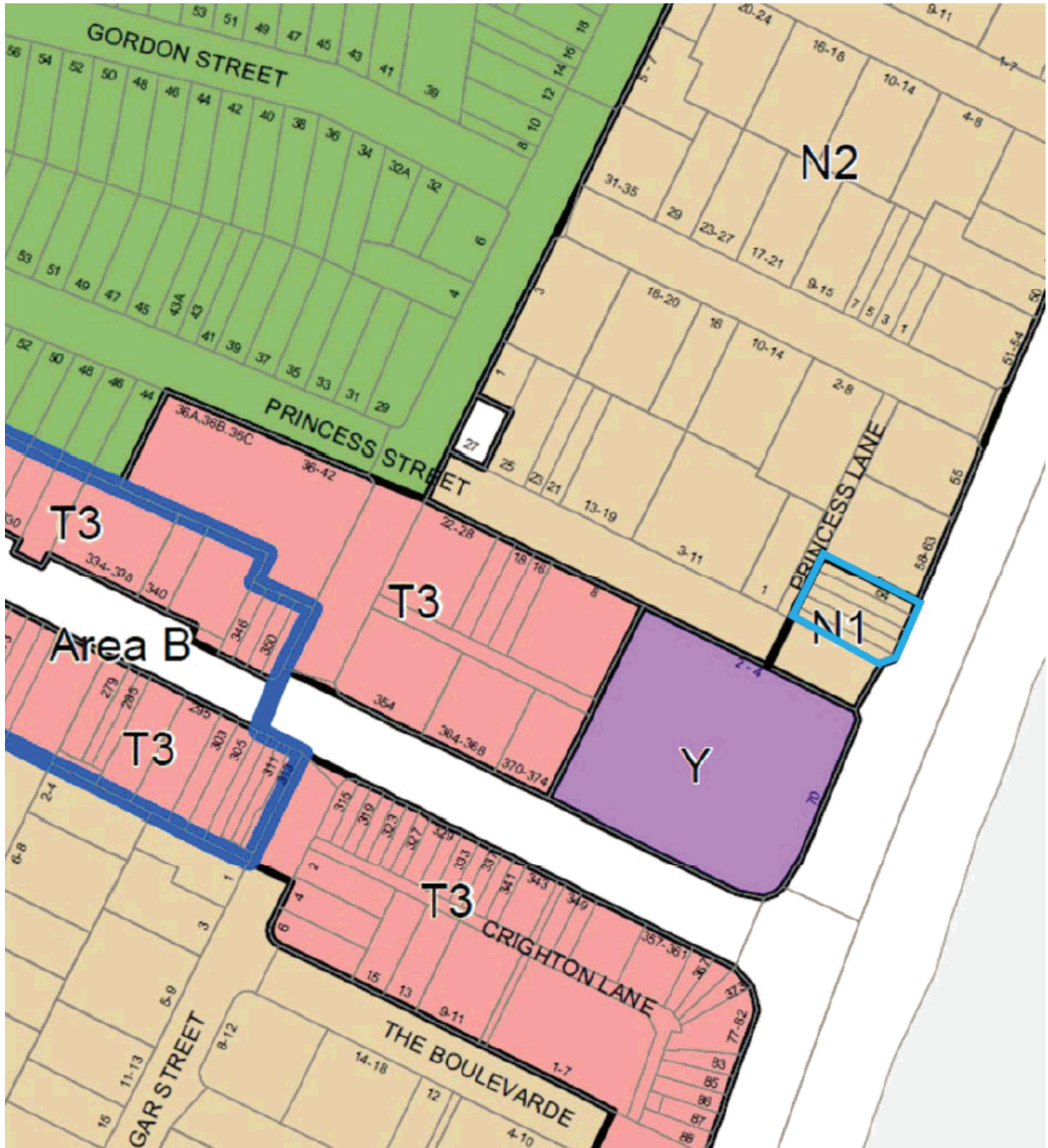


Figure 3 Height of Building Map extract from RLEP 2011

- **Floor Space Ratio:** 1:1 (refer to Figure 4)



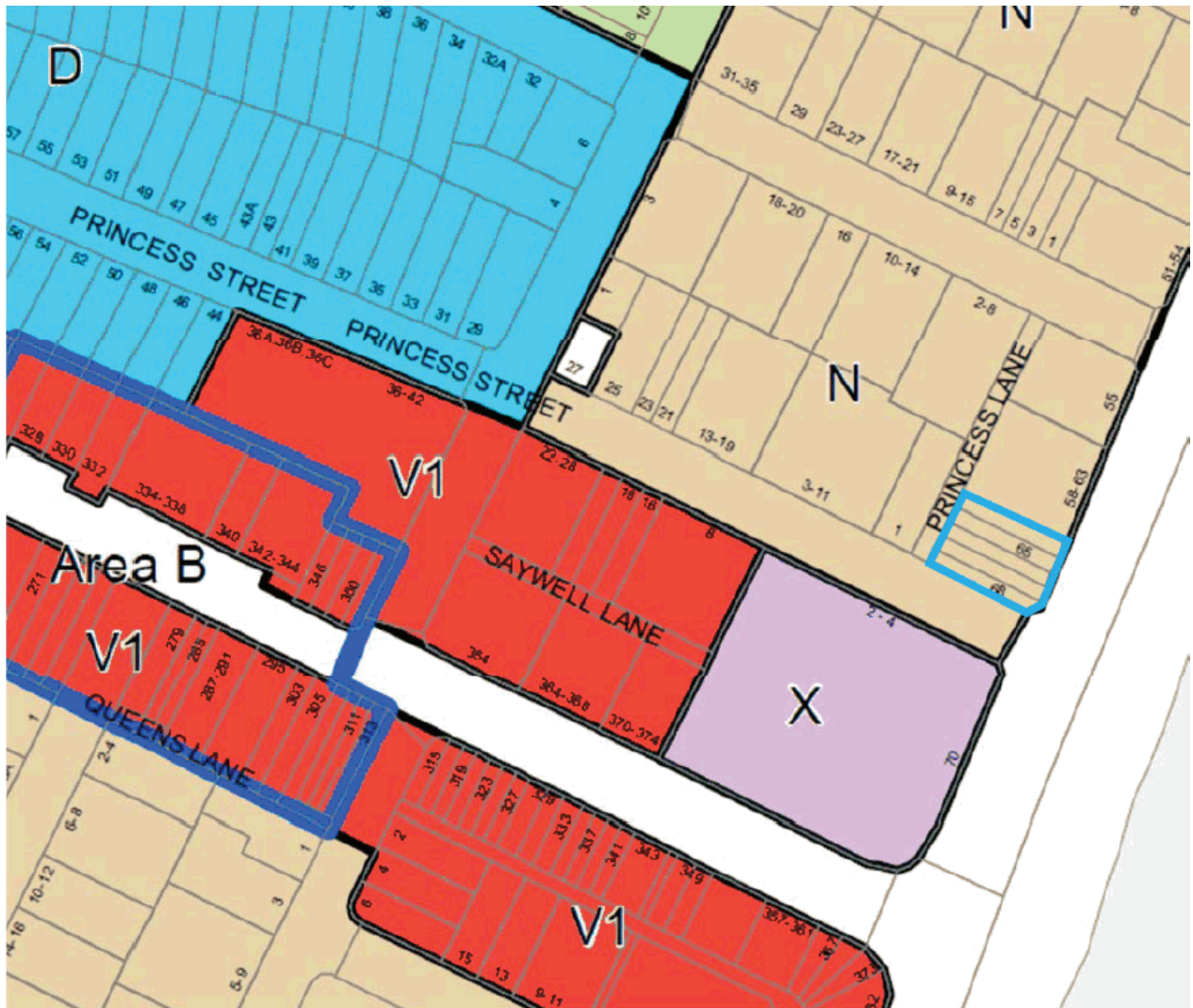


Figure 4 - Floor Space Ratio Map extract from RLEP 2011

- **Heritage:** Item 74 (I74) (refer to Figure 5)

# BRIGHTON LE SANDS

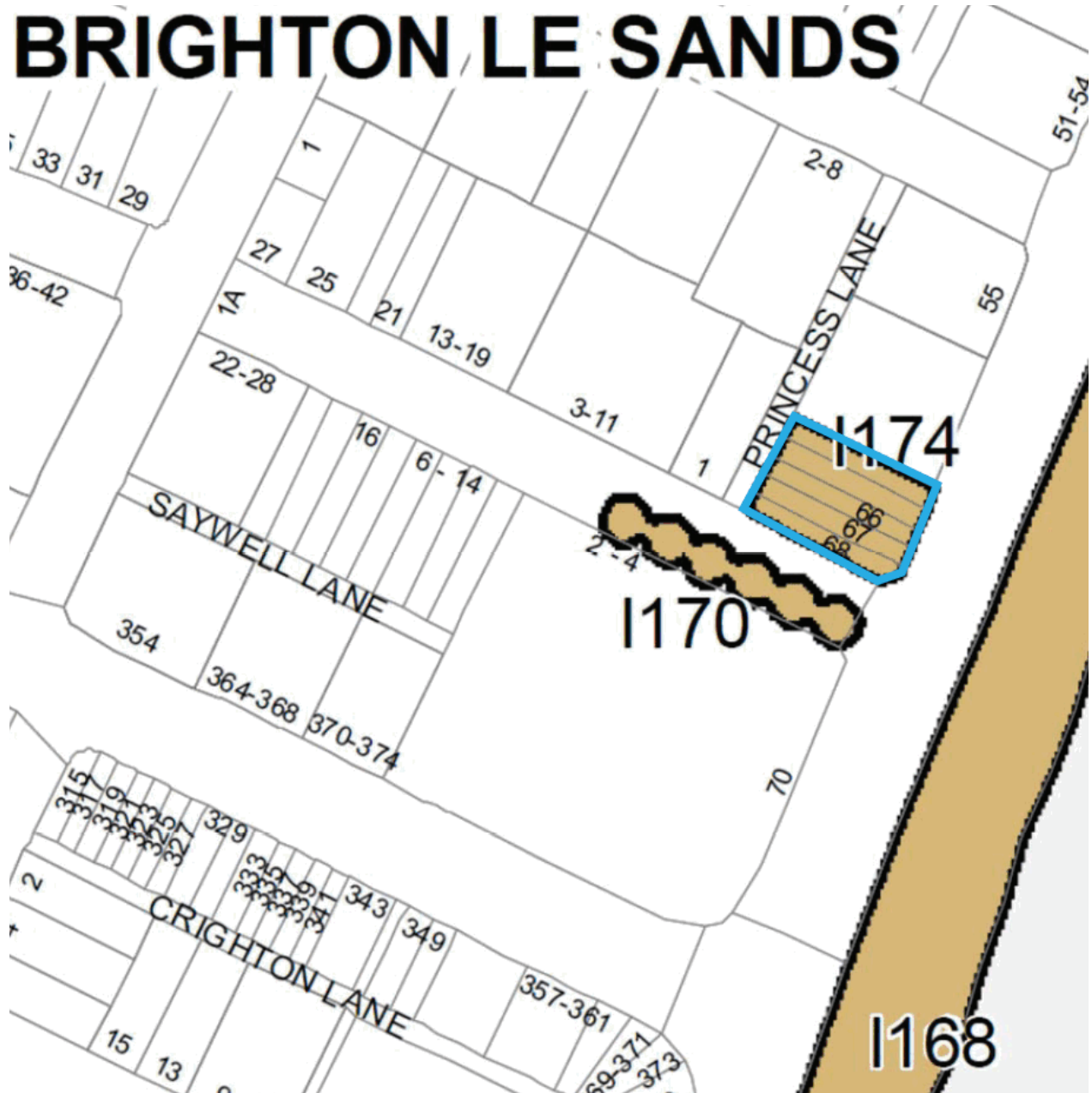


Figure 5 - Heritage Map extract from RLEP 2011

## Strategic Planning Policy and Direction

### *Brighton Le Sands Village Centre Plan*

In 2013, Rockdale Council commenced the master planning process for the Brighton Le Sands Village Centre by preparing the Brighton Le Sands Parking Strategy. Stage two of the master planning process is the preparation of the Village Centre Plan (the Plan). A place based approach to land use planning and urban design is being taken to determine the future character of the area and the types of initiatives that will be required to achieve them. This may include, but is not limited to, changes to planning controls. The subject site has been identified as falling within the commercial/retail core of the Village Centre, which predominantly runs down Bay Street. While the Plan is not yet finalised, the changes that form the Planning Proposal are considered to be consistent with the zoning in the immediate area and will not impact on the delivery of outcomes through the master planning process.

## THE PLANNING PROPOSAL

The Planning Proposal has been prepared generally in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and all relevant planning proposal guidelines published by the Department of Planning and Environment (DP&E). The planning proposal report was prepared by *AE Design Partnership* and supported by the following documentation:

- Urban Design Report – AE Design Partnership
- Traffic and Parking Assessment – Varga Traffic Planning
- Preliminary Contamination and Ground Water Assessment – C.S.T.S
- Heritage Impact Statement – Weir Phillips Heritage
- Arboriculture Assessment – Sydney Arbor Trees
- Engineering Design Statement – Structural Design Solutions
- Massing Models – AB Works

The table below summarises the applicant's proposed amendments as stipulated within the planning proposal:

Current controls – RLEP 2011	Proposed changes sought by the applicant
<b>Height of Building Map:</b> <ul style="list-style-type: none"> <li>• 13 metres</li> </ul>	36 metres (10 stories)
<b>Floor Space Ratio Map:</b> <ul style="list-style-type: none"> <li>• 1:1</li> </ul>	4:1

**Table 1** - Proposed amendments

The applicant has put forward the above proposal to help achieve a higher development yield on the site. Importantly, the redevelopment of the site will facilitate the restoration of the five terraces, which will allow for their adaptive re-use. The restoration is proposed to include the principal building form, front yards and fences.

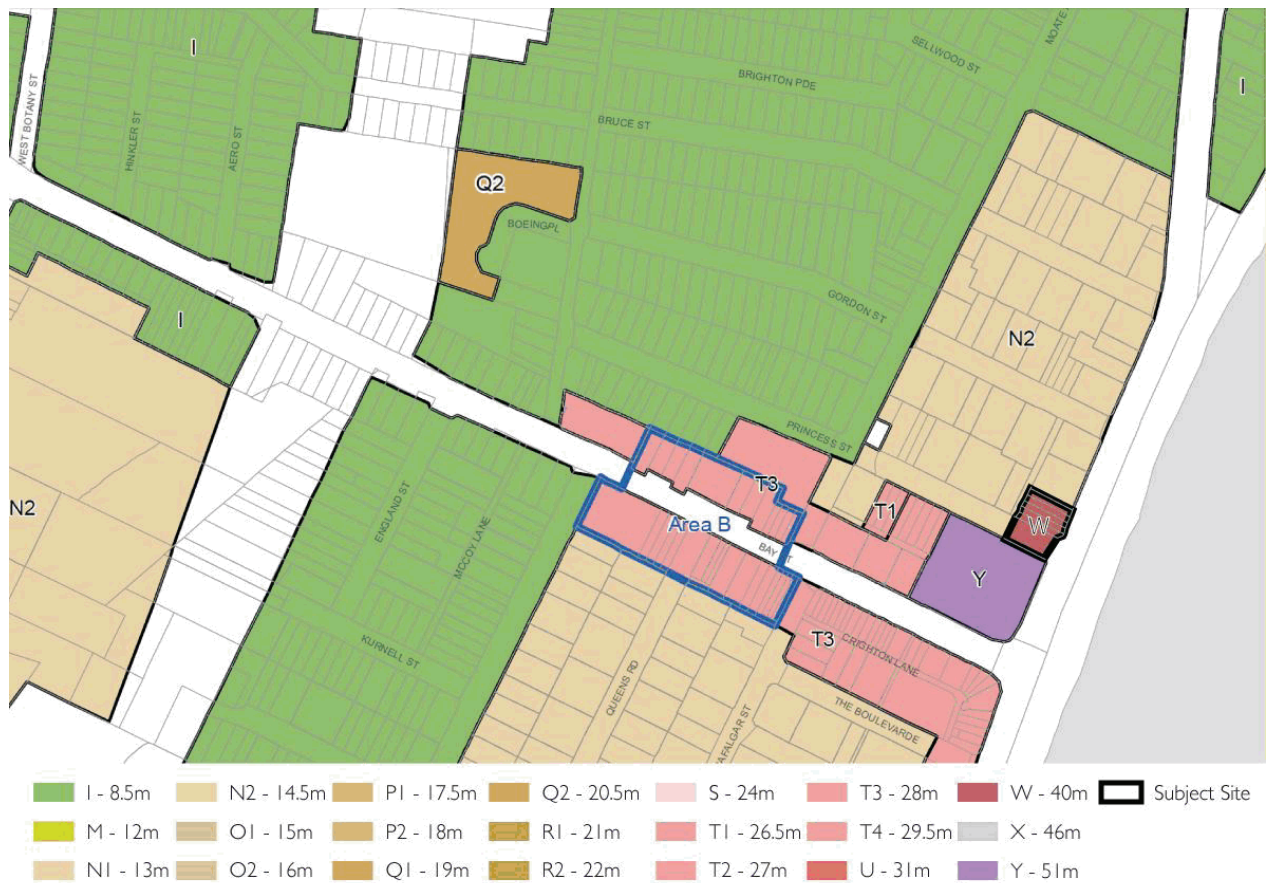
## ASSESSMENT OF THE PLANNING PROPOSAL

As noted in **Table 1**, the Planning Proposal proposes a significant increase in height and FSR on the site. The supporting documentation identifies that part of the rationale put forward by the applicant is to allow for the restoration of the heritage listed terraces that front The Grand Parade.

### Building Height:

The Planning Proposal is seeking an increase in building height from 13 metres to 36 metres across the site. This represents a 23 metre increase from the current controls and will allow for a building up to 10 stories. See **Figure 5** for further details.





**Figure 5 - Proposed Height Map (extract from applicant's planning proposal)**

While the RLEP 2011 highlights a maximum height of 13 metres, this does not represent the current building stock in the area. As noted above, the surrounding area is characterised by seven to eight storey residential buildings (ie up to 28 metres), and commercial buildings between nine to 15 stories. This can be seen in **Figure 6**.



**Figure 6:** Surrounding building heights  
(Source: Applicants Urban Design Report)

While the surrounding context is dominated by higher buildings, the proposed height sought in the Planning Proposal is considered to be excessive given the constraints on the site. The supporting documentation does not provide a strong enough argument to support the height being proposed.

However, it is acknowledged that in order to facilitate the restoration of the terraces, some level of development would be required on the site. With this in mind, it is recommended that a height of 28 metres would be more appropriate on the site. A height incentive of three metres is also proposed to be applied to the site. This would give a maximum 31 metre height limit and would allow for the development of a building of up to nine stories. This would also be consistent with recent amendments to the RLEP 2011 at 16-20 and 22-28 Princess Street.

#### Design Excellence

While it is acknowledged that a level of redevelopment potential is necessary to facilitate the refurbishment of the terraces, this should not be at the cost of design quality. The terraces are a prominent feature in the built form landscape of Brighton Le Sands. They are visible from The Grand Parade, Cook Park and Botany Bay. Their prominence, coupled with their value as the remaining link to some of the earliest development in the area, demands a carefully considered design approach. To achieve an acceptable outcome, it is considered appropriate that Clause 6.14 - Design Excellence apply to any future development across the entire site, which includes the refurbishment of the existing terraces. Application of Clause 6.14 - Design Excellence will allow for innovative approaches to that mitigating adverse impacts on the heritage significance of the buildings, while delivering a building that positively adds to the built form landscape along The Grand Parade.

**Recommendation:** The height of site is recommended to be limited to 28 metres with a height incentive of three metres. An additional requirement to apply Clause 6.14 Design Excellence is also recommended as a condition of obtaining this height incentive.

**Floor Space Ratio:**

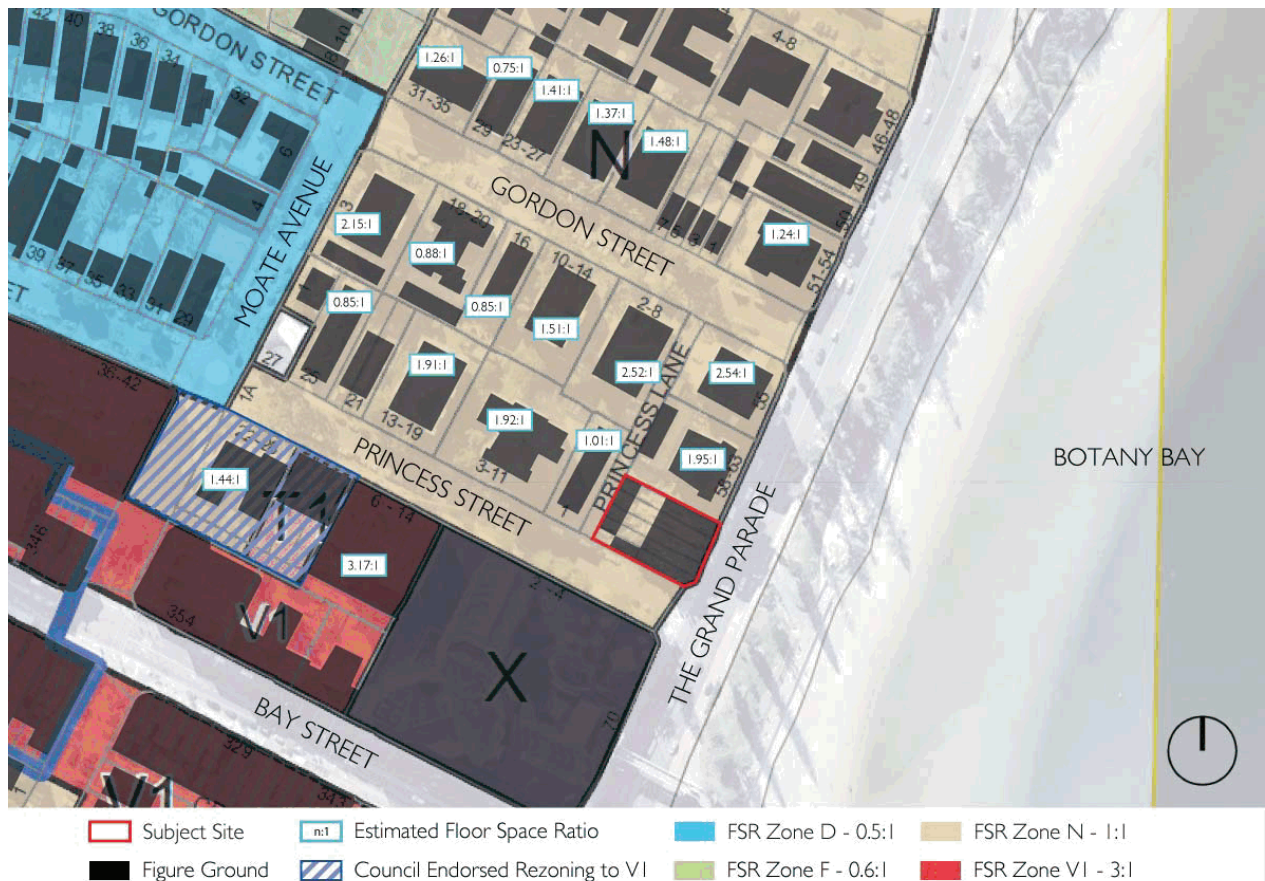
The Planning Proposal is seeking an increase in FSR from 1:1 to 4:1 across the site. This represents a significant increase from the current controls as well as the developments that surround the site.



**Figure 7 - Proposed FSR Map (extract form applicant's planning proposal)**

As is the case with the height, the FSR of the RLEP 2011 is not represented by the development surrounding the site. This can be seen in **Figure 8**. However, unlike the height, the FSR of the surrounding developments are considerably lower than what is being proposed on the site.





**Figure 8:** Surrounding building FSR  
(Source: Applicants Urban Design Report)

The Urban Design Report that supports the Planning Proposal relies on the FSR of the Novotel hotel (4:1) to justify the proposed FSR on the site. It should be noted that the Novotel site is a considerably larger site at over 7500m<sup>2</sup>, with the bulk of the building's density and height along the Bay Street frontage. This is not considered to be a compelling justification for the FSR proposed and cannot be supported.

However, it is acknowledged that a higher than usual FSR would be required to be able to facilitate the redevelopment of the site and restoration of the terraces. It is therefore recommended that an FSR of 3:1 is more appropriate for the site. Such an FSR is more consistent with the surrounding density and recent changes to the RLEP 2011 at 16-20 and 22-28 Princess Street.

**Recommendation:** The floor space ratio of the site is recommended to be 3:1.

### Urban Design Analysis

The Urban Design Report submitted with the planning proposal was prepared by *AE Design Partnership Pty Ltd* and forms the urban design justification for the additional height and FSR (see **Attachment 2**). The report provides a good analysis of the surrounding context and character of the area. Through an analysis of a number of existing strategic documents, the report identifies a set of 'desired character' for the site and assesses the proposal against them. While the 'desired character' for the site is considered to be reasonable, the 'comment' and 'compliance' check is not considered to be a meaningful assessment as it does not properly assess how the proposal fits within the existing context. A more meaningful assessment that informs the identification of design principles is recommended. This is not considered to be onerous as the analysis information provided within the report provides the basis for developing the urban design principles. To assist with the justification for the proposal, examples of developments that are similar in context and that have successfully integrated heritage aspects with new built form is recommended.

### Building Envelope

The Urban Design Report presents a building envelope on the site. The building envelope shows zero setbacks to Princess Street, Princess Lane and the property to the north. Any future development would need to demonstrate compliance State Environmental Planning Policy No. 65 – *Design Quality of Residential Apartment Development* (SEPP 65) and the Apartment Design Guide (ADG) provisions, particularly for building separation. To this end, any massing diagrams should be consistent with the ADG and the Rockdale Development Control Plan (RDCP) 2011.

The massing diagrams also show a building that cantilevers over the rear of the terraces. This is proposed to be balconies. The applicant has provided a design statement from a structural engineer (see **Appendix 8** for further details) confirming that such a structure is achievable. However, such a structure or feature is not supported, particularly from a heritage perspective as such a building would overwhelm the terraces and have a detrimental impact on the prominence of the terraces as a focal point.

There is a rationale for the proposed massing, however this is only based on the ADG rather than the outcome of a well-considered urban design process. Further, this does not provide an insight into the design process undertaken to respond to the heritage terraces and the surrounding context. Rather, they are statements that highlight the constraints of the site. The rationale for a building envelope should be based on urban design principles that have been developed by the analysis at the front of the report.

**Recommendation:** It is recommended that the Urban Design Report is amended to:

- Develop urban design principles that are based on the context analysis.
- Provide examples of developments that have similarly developed with heritage items.
- Provide a design rationale for a potential new building that is based on the urban design principles (as requested above) and sound architectural design principles.
- Amend the massing diagrams to reflect the recommended height and FSR, the removal of the cantilever over the terraces and ensuring that it is consistent with the ADG and the RDCP 2011.

The above amendments are to be completed prior to the submission to the DP&E for Gateway approval (should Council support the proposal).

### **Heritage**

A Heritage Impact Statement (HIS) was prepared by Weir Phillips Heritage for the proposal (see **Appendix 5** for further details). The HIS provides a discussion and analysis of the current state of the terraces, their heritage value and an assessment of the impact a multi-level development will have on the heritage significance. The HIS recognises that the terraces are a *“rare example of a terrace row of this length and style in the Rockdale Area”* (HIS, p 55). However, it has assessed the impact on the heritage significance on the terraces as acceptable. The reasons given include:

- The ability to leverage the redevelopment of the site to enable the restoration of the terraces
- The terraces will remain a dominant feature along The Grand Parade because of the setback of the future development
- The surrounding context is already one of high density
- Any new building can be designed to mitigate the inherent impact on the heritage significance of the terraces.

The HIS was assessed by Council's Heritage Advisor, who provided comment on the HIS and the proposed development. Based on the information provided by the applicant, Council's Heritage Advisor does not support the Planning Proposal. The rationale for this position is detailed below:

- The proposed increase in height will lead to a building that will dominate the heritage item.
- The heritage item will lose its landmark value and prominence as it will cease to be the most visually dominant element on the site.
- The heritage item will be degraded by loss of fabric and its original layout.



- The HIS' assessment of the heritage value of the rear wings is still in question – their integrity and value has not been successfully demonstrated as insignificant enough to justify their demolition.
- The rear view to the dwellings will be lost.
- The proposed cantilever over the rear of the terraces will have a highly detrimental visual impact upon the terraces.
- The proposed building does not provide any setback between the new building and the existing terraces.
- The excavation of four levels of underground car parking will potentially impact the structure of the existing buildings. A building report into the structural adequacy of the buildings and the impact of the proposed excavation needs to be undertaken.

The HIS was also considered to be deficient in a number of areas, including:

- **History:** No information about the architects and engineers, Kenwood and Kerle, has been provided. This firm was responsible for many buildings in Rockdale, many of which were commissioned by Thomas Saywell (eg Harrow Road properties).
- **Assessment of significance:** In some instance the HIS relies solely on the existing inventory sheet criteria. The HIS needs to make a comprehensive assessment of the heritage significance of the buildings.
- The assessment of significance based on Heritage NSW criteria is weak and could be better developed. The following provides an outline of the areas of significance that were missed as part of the HIS assessment:
  - Criteria a) – The establishment of the terraces in the New Brighton Estate was an important stage in the early development of the Peninsula. Their construction heralded an opening up of the lands which had lain undeveloped due to their inaccessibility. As such, their value as physical evidence of a key period in the development history of the City of Rockdale is understated.
  - Criteria b) – Historic associations with prominent people of the time. This includes architect William Kenwood, NSW Government Geologist, of world standing, Ernest Andrews, and leading barrister, acting judge of the NSW Supreme Court and Mayor of Rockdale from 1914 to 1917, William Willis Monahan KC.
  - Criteria b) – Understates the importance of Thomas Saywell in the history of NSW.
  - Criteria c) – The prominence of the buildings on The Grand Parade and their landmark value.
  - Criteria f) – Understates the fact that the terraces are rare surviving evidence of Saywell's New Brighton pleasure grounds and residential development and evidence of the earliest residential development on the foreshores of Botany Bay
- **Rear Wings:** The assessment of the rear wings and their integrity and significance insufficient information and does not adequately justify their demolition.
- **Massing diagrams:** The current view is an aerial, which does not show the realistic impact of the proposed built form. A three dimensional view of the building envelope as viewed at ground level should be provided.

**Recommendation:** It is recognised that the terraces form a significant part of the history of Botany Bay and Rockdale City. They are also the remaining buildings from the original 12 terraces that fronted The Grand Parade, and are a rare example of a row of terraces in the area. This has left the remaining five terraces surrounded by higher density development. As such, the heritage significance will be diminished as a result of a redevelopment of the rear of the site.

It is also acknowledged that the current condition of the terraces, in some instances is poor, and require significant work (at significant cost) to be restored to a level that would ensure their ongoing use. Given their current condition and the likelihood that it would deteriorate, alternative approaches to maintaining significant linkages to the past are necessary. The redevelopment of the rear of the site, while not ideal, is an opportunity to ensure that the remaining terraces of the New Brighton Estate are retained and restored.

It is recommended that the HIS be amended in accordance with the comments above prior to any potential future exhibition of the proposal (should Council and DP&E support the proposal).

### **Traffic and Transport**

The applicant has submitted a Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd (see **Attachment 3**). The Report assesses the traffic and parking impacts of a development across the whole of the site. The analysis concludes that *“there is adequate capacity in the surrounding road network to cater for the traffic generated by the development”* of the site in accordance with the built form envelopes proposed (Varga Traffic Planning November 2015, Traffic and Parking Assessment, p17).

The Report was sent to Council's Transport Planner, who agreed that the impact of a development across the whole site would be minimal.

**Recommendation:** The impact of a development across the whole site on traffic volume would be minimal. Provision of on-site parking for residents would also minimise any impact on the current volume of on-street parking.

### **Contamination**

Separate Preliminary Contamination and Groundwater Assessments have been prepared for the site (see **Attachments 4**). The Report bases its conclusions on readily available information and no invasive testing has been conducted. Additionally, the Reports have not been prepared in accordance with NSW OEH *Guidelines for Consultants Reporting on Contaminated Sites 2011*. Council's Environmental Health Officer assessed the reports and concluded that they do not satisfy the provisions of State Environmental Planning Policy 55 - Remediation of Land (SEPP55).

To satisfy SEPP 55 requirements a Stage 1 Preliminary Site Investigation (PSI) report is required that is prepared in accordance with the NSW Office of Environment and Health *Guidelines for Consultants Reporting on Contaminated Sites 2011*. The report should also conclude that the site is suitable for the re-zoning proposal.

It should be noted that the site has been used for residential purposes for some time and the current zoning of the site is for residential purposes.

**Recommendation:** In light of the site's historical use for residential purposes, it is considered appropriate to require a Stage 1 Preliminary Site Investigation (PSI) with the lodgement of a subsequent development application.

### **Arboricultural Assessment**

An Arboricultural Assessment, prepared by Sydney Arbor Trees, has been submitted with the Planning Proposal (see **Attachment 6**). The assessment has been conducted to identify if a development based on the Planning Proposal will have a detrimental impact on the stand of heritage listed (I70) Norfolk Island Pines adjacent to the site. The assessment was based on information from the applicant, which has since been amended with the formal lodgement of the Planning Proposal. Notably, the initial building envelope was 12 stories in height.

The report has assessed the impact of overshadowing by a future new building on the subject site, based on shadow diagrams provided by the applicant. The assessment has determined that, while a future development would alter the amount of sunlight, it is unlikely that this change would have a significant detrimental impact on the trees.

**Recommendation:** A building based on the recommended height and FSR changes is likely to further reduce the impact on the trees. The Arboricultural Assessment is to be updated based on the recommended reduced height and FSR of the Planning Proposal.

## Structural Engineering

The Structural Design Statement, prepared by Structural Design Solutions, has been submitted with the Planning Proposal (see **Attachment 7**). The statement was requested by Council to ensure that works for any future development would not have an impact on the terraces. Of particular concern was the impact of basement parking on the structural integrity of the terraces. The information provided in the statement details that the shoring for the basement will be outside of the area of the terraces. The statement also provides information on method that was to be used with the cantilever over the terraces.

**Recommendation:** Notwithstanding the information provided, any future development will be required to undertake a detailed dilapidation assessment of the existing terraces and employ methods and process that will minimise any impacts on the terraces and ensure their integrity during the construction process and beyond.

## ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DP&E's guidelines states that Councils are responsible for the content of planning proposals. The submitted Planning Proposal is generally consistent with the Guidelines. However, there are a number of areas that require further information or assessment to fully satisfy the Guidelines and Council. These are detailed below.

- Part B3 – Consistency with State Environmental Planning Policies
  - SEPP 55 – Remediation of Land: An assessment of the information provided by the applicant to Council does not meet the requirements of a State 1 Preliminary Site Investigation. This should be made clear in the Planning Proposal, with further work to be carried out as part of the development assessment process.
- Part B4 consistency with Section 117 Ministerial Directions
  - Generally, where the applicant has noted a 'yes', this should be followed by an explanation of the consistency.
  - Direction 2.3 – Heritage Conservation: The Planning Proposal does not appropriately address this Direction. Given the location of heritage items on the site, this Direction requires further consideration and detail on the proposals consistency with the Direction.

A number of amendments are required to the supporting documentation, as detailed in this report. The amendments are to be made prior to submission to the DP&E for Gateway determination (should Council support the proposal).

## CONCLUSION

While the applicant's proposed changes to the Rockdale LEP 2011 are considered to be excessive, the recommended height and FSR controls will enable the redevelopment of the site and facilitate the restoration of the heritage listed terraces fronting The Grand Parade. The additional requirement to undertake a design competition to access a height bonus will drive a built form outcome that appropriately addresses the heritage significance and prominence of the terraces.

## Community Engagement

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The Planning Proposal will be exhibited in accordance with the Gateway Determination should it be approved.

## Rockdale City Plan

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Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers communitiy benefits (MUES)

**Additional Comments:**

## Financial Implications

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### Additional Comments

There are no financial implications applicable to this report.

## Supporting Information

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Action From Resolution  
File Attachments

[Action raised by Anne Suann on 17/03/2016](#)



Attachment 1 \_Applicants Planning Proposal.pdf



Attachment 2\_UD Report - 64-68 The Grand Parade Brighton Le Sands.pdf



Attachment 3-Traffic Report - 64-68 The Grand Parade BLS.pdf



Attachment 4\_Contamination Assessment - 64-68 The Grand Parade Brighton Le Sands.pdf



Attachment 5\_Heritage impact report - 64-68 The Grand Parade Brighton Le Sands.pdf



Attachment 6\_ Aboricultural Assessment- 64-68 Grand Parade Brighton Le Sands.pdf



Attachment 7\_Structural Design Statement - 64-68 The Grand Parade Brighton Le Sands.pdf



Attachment 8 - Visual Representation - 64-68 The Grand Parade.pdf