# Bayside Planning Panel

Item No	6.1
Application Type	Development Application
Application Number	DA-2017/199
Lodgement Date	5 December 2016
Property	205-207 President Avenue, Monterey
Owner	Mr Johny Papantoniou
Applicant	MacGillivray Architects
Proposal	Construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking, front fence and demolition of existing structures
No. of Submissions	Two (2) in opposition; one (1) in support
Cost of Development	\$ 4,711,892.00
Report by	Brendon Clendenning, Creative Planning Solutions Pty Limited Pascal van de Walle, Coordinator Development Assessment

# **Officer Recommendation**

- 1 That Development Application DA2017/199 for construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking, front fence and demolition of existing at 205-207 President Avenue, Monterey, be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
  - Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following considerations listed within Clause 28 of State Environmental Planning Policy 65 Design Quality of Residential Apartment Development:
    - i. 3C Public Domain Interface
    - ii. 3D Communal Open Space
    - iii. 3F Visual Privacy
    - iv. 4A Solar Access
    - v. 4E Private Open Space
    - vi. 4F Common Circulation and Spaces
    - vii. 4H Acoustic Privacy
    - viii. 4L Ground Floor Apartments
    - ix. 40 Landscape Design
    - x. 4Q Universal Design
  - Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, as the proposed removal of the Jacaranda mimosifolia at the rear of the site, is not appropriate.

24/04/2018

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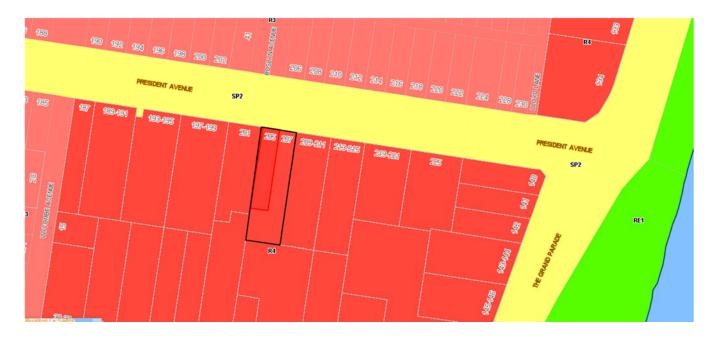
- iii) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the requirements of Clause 101 of State Environmental Planning Policy (Infrastructure) 2007, as concurrence from the Road and Maritime Services, pursuant to the Roads Act 1993, has not been received in relation to the design of the vehicular access to the land.
- iv) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, as an amended certificate has not been provided to accompany the amended design.
- Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following requirements or objectives of Rockdale Local Environmental Plan 2011:
  - a) Clause 2.3 Zone Objectives
  - b) Clause 4.3 Height of Buildings
  - c) Clause 4.4 Floor Space Ratio
  - d) Clause 6.7 Stormwater
- vi) The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as it does not comply with the objectives and provisions of *Rockdale Development Control Plan 2011* including:
  - i. 4.1.3 Water Management
  - ii. 4.1.7 Tree Preservation
  - iii. 4.2 Streetscape and Site Context
  - iv. 4.3.1 Open Space and Landscape Design Residential Flat Building
  - v. 4.3.2 Private Open Space
  - vi. 4.3.3 Communal Open Space
  - vii. 4.3.4 Open Space and Landscape Design Residential Building
  - viii. 4.4.2 Solar Access
  - ix. 4.4.5 Visual and Acoustic Privacy
  - x. 4.5.2 Social Equity Equitable Access
  - xi. 4.6 Car Parking and Movement
  - xii. 4.7 Letterboxes
  - xiii. 5.2 Residential Flat Buildings
- vii) Having regard to the abovementioned non-compliances and pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is unsatisfactory and represents an overdevelopment of the subject site.
- viii) Pursuant to the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the suitability of the site for the proposed development has not been adequately demonstrated.
- ix) Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.

2 That the objectors be advised of the Bayside Planning Panel's decision.

# **Attachments**

- 1 Assessment Report
- 2 Site Analysis Plan
- 3 Landscape Plan
- 4 North East Elevation and Streetscape Plan
- 5 West South Elevation Plan
- 6 Basement Parking Plan

# **Location Map**



# **BAYSIDE COUNCIL** Delegated Planning Assessment Report

# Application Details

Application Number:	DA-2017/199	
Date of Receipt:	5 December 2016	
Property:	205-207 President Avenue, MONTEREY NSW 2217	
Lot & DP/SP No:	Lot A and Lot B in DP 421111	
Owner:	Mr Johny Papantoniou	
Applicant:	MacGillivray Architects	
Proposal:	Construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking, front fence and demolition of existing structures	
Value:	\$4,711,892	
Recommendation:	Refusal	
No. of submissions:	Two (2) in opposition; one (1) in support	
Author:	Brendon Clendenning, Creative Planning Solutions Pty Limited	
Date of Report	4 April 2018	

# Key Issues

Council received Development Application No. DA-2017/199 on 5 December 2016 seeking consent for the construction of a four (4) storey residential flat building comprising 16 residential units, roof terrace, basement car parking and demolition of existing buildings, at 205-207 President Avenue, Monterey.

Following the receipt of amended plans in relation to the comments of the Design Review Panel DRP, and Roads and Maritime Services (RMS), Council issued an additional information request on 20 September 2017. This request raised a number of issues relating to Apartment Design Guide non-compliances, floor space ratio, streetscape, landscaping, building height, communal open space, solar access, parking, sewer information, and access. Additional information was also sought in relation to an apartment schedule, groundwater, architectural plans, and Design Review Panel comments.

The applicant issued a response to this letter on 25 September 2017 and met with Council on 28 September 2017. Following the meeting, Council issued further advice to provide clarification on points of discussion from the meeting held at Council offices.

On 8 February 2018, after which no amended proposal had been submitted, Council indicated to the applicant that the application would be determined if it was not withdrawn by 15 February 2018. The applicant indicated that the preparation of an amended proposal would be finalised

within 3-4 weeks, and Council indicated to the applicant that the information must be provided by 13 March 2018.

To date, no further amended plans have been submitted since the earlier amended set, responding to the issues raised by the DRP and the RMS.

The original proposal was compliant with the building height standard for the site. The proposal was amended in response to feedback from the DRP, which included potential support for a building which did not comply with the maximum building height requirement. Further, insufficient information was provided to demonstrate that the proposal was compliant with the floor space ratio standard, and the proposal is therefore deemed to be non-compliant with two development standards.

The proposal also seeks the removal of a large Jacaranda tree in the rear yard. The submitted arborist report indicates that it cannot be retained having regard to the proposed development; however, it is evident that there are design options available which would enable the retention of this tree. The proposal also exhibits various other non-compliances, which the applicant has attributed to being a consequence of the location of a sewer main; however, inadequate information has been provided to substantiate this.

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal, for the reasons outlined within the below 'Recommendation'.

# That:

- A. Development Application DA2017/199 for construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking, front fence and demolition of existing at 205-207 President Avenue, Monterey, be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
  - 1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning* and Assessment Act 1979, the proposed development does not satisfy the following considerations listed within Clause 28 of *State Environmental Planning Policy* 65 *Design Quality of Residential Apartment Development*:
    - a) 3C Public Domain Interface
    - b) 3D Communal Open Space
    - c) 3F Visual Privacy
    - d) 4A Solar Access
    - e) 4E Private Open Space
    - f) 4F Common Circulation and Spaces
    - g) 4H Acoustic Privacy
    - h) 4L Ground Floor Apartments
    - i) 40 Landscape Design
    - j) 4Q Universal Design
  - 2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning* and Assessment Act 1979, the proposed development does not satisfy the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, as the proposed removal of the Jacaranda mimosifolia at the rear of the site, is not appropriate.
  - 3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning* and Assessment Act 1979, the proposed development does not satisfy the requirements of Clause 101 of *State Environmental Planning Policy (Infrastructure)* 2007, as concurrence from the Road and Maritime Services, pursuant to the Roads Act 1993, has not been received in relation to the design of the vehicular access to the land.
  - 4. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning* and Assessment Act 1979, the proposed development does not satisfy the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, as an amended certificate has not been provided to accompany the amended design.

- 5. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following requirements or objectives of *Rockdale Local Environmental Plan 2011*:
  - a) Clause 2.3 Zone Objectives
  - b) Clause 4.3 Height of Buildings
  - c) Clause 4.4 Floor Space Ratio
  - d) Clause 6.7 Stormwater
- 6. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as it does not comply with the objectives and provisions of *Rockdale Development Control Plan 2011* including:
  - a) 4.1.3 Water Management
  - b) 4.1.7 Tree Preservation
  - c) 4.2 Streetscape and Site Context
  - d) 4.3.1 Open Space and Landscape Design Residential Flat Building
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  - j) 4.5.2 Social Equity Equitable Access
  - k) 4.6 Car Parking and Movement
  - l) 4.7 Letterboxes
  - m) 5.2 Residential Flat Buildings
- 7. Having regard to the abovementioned non-compliances and pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act* 1979, the proposed development is unsatisfactory and represents an overdevelopment of the subject site.
- 8. Pursuant to the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the suitability of the site for the proposed development has not been adequately demonstrated.

- 9. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(d) and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the development application is not in the public interest.
- B. The objectors be advised of the decision of the Panel.

# Background

# History

# 5 December 2016 – DA-2017/199 submitted to Council

Construction of a four (4) storey residential flat building comprising 16 residential units, roof terrace, basement car parking, front fence and demolition of existing buildings.

# 19 December 2016 – 18 January 2017 - Public notification of proposal

# 16 February 2017 – Consideration by Design Review Panel (DRP)

The DRP recommended that a communal rooftop area be added to the development, despite the resultant non-compliance with the building height limit. The panel also provided a range of recommendations in relation to landscaping, including the requirement for the retention of the large Jacaranda tree in the rear yard.

# 1 February 2017 – Road and Maritime Services (RMS) referral response

The RMS indicates that the driveway was to be a minimum of 5.5 metres wide for the first 6 metres to allow for simultaneous entry and exit movements.

# 21 February 2017 – Tree Management Officer referral response

The Tree Management Officer referral response indicated that the existing Jacaranda tree was to be retained and that redesign was required.

#### May 2017 – Submission of amended plans

# 21 July 2017 – Tree Management Officer referral response

After reviewing the arborist report, the Tree Management Officer referral response concluded that the tree would not be able to be retained, given the location of the proposal.

# 27 July 2017 – Tree Management Officer referral response

After reviewing the DRP minutes, the Tree Management Officer again indicated that the existing Jacaranda tree was to be retained and that redesign was required.

# 11 September 2017 – Request for further information

A letter sent to applicant regarding several deficiencies in the proposal. These dealt with various non-compliances with the specific design criteria and design guidance prescribed within the Apartment Design Guide (including balcony depths, building size, circulation spaces, garbage chutes, storage), floor space ratio, streetscape, landscaping, height, solar access, parking, sewer, acoustic impacts, access, and groundwater. Other information was also sought such as an apartment schedule and updates to the architectural plans.

# 28 September 2017 – Meeting with applicant held at Council offices

#### October 2017 – Follow up email sent to the applicant following the meeting

Further clarification was provided,

primarily in relation to Council's position in relation to the Jacaranda tree. Information was also provided on Council's position on the balconies to the north-east apartments, the size of the awning over the pedestrian entry, the entry portico, storage, and garbage chutes.

# 8 February 2018 – Applicant advised that the application would be refused unless withdrawn by 15 February 2018.

#### 27 February 2018 – Engineering referral response

The Development Engineer referral response indicated that there were issues in relation to the car park and stormwater design. Given the other issues contained above, the applicant was not afforded the opportunity to respond to this referral.

# Site Description

The site is known as 205-207 President Avenue, Monterey. It comprises two lots which are legally described as Lot A and Lot B in DP 421111.

The site is located on the southern side of President Avenue, between its intersections with Wycombe Avenue to the west and The Grand Parade to the east.

The site is rectilinear in shape and has an area of 1,347.4sqm. It has a primary frontage of 20.115m to President Avenue and a depth of 66.985m.

The site is relatively flat with minimal variation in surface levels throughout the site. A large Jacaranda tree sits in the rear of the site, with smaller trees located in the rear setback and within the road reserve.

The two existing dwellings are each provided with vehicular access from President Avenue. The subject site is affected by Class 4 Acid Sulfate Soils and subject to Sydney Airport's Building Height Controls.

The site is located to the east of The Grand Parade, which runs along the shores of Botany Bay. North of President Avenue, The Grand Parade is the focal point for the Brighton Le Sands commercial centre, and that part of The Grand Parade and the adjoining waterfront area are characterised by high pedestrian traffic. The southern side of President Avenue is characterised by four storey residential flat buildings, and the northern side of President Avenue is primarily characterised by single residential dwellings. The two dwellings located on the subject site are the only single dwellings fronting the southern side of President Avenue between its intersections with Wycombe Avenue and The Grand Parade. Development to the rear also consists of residential flat development, with a height of 3 storeys and fronting Banks Street.

The properties adjoining on either side of the subject site are each four storey brick walk-up residential flat buildings, with pitched roofs. Each of these buildings sit on a relatively narrow allotment, of a similar width to the subject site, but narrower than the majority of other allotments within the block.

The site is serviced by buses on nearby streets, including The Grand Parade and O'Connell Street, and is situated approximately 2km to the east of Kogarah Railway Station.

# **Description of Development**

The development application, DA-2017/199. at 205-207 President Avenue, Monterey, seeks consent for the construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking, front fence and demolition of existing structures.

The key development statistics and details of the proposal are outlined below.

Site area	1347.4sqm (survey)	
Site dimensions	Frontage/width: 20.115m	
	• Length: 60.985m	
Gross floor area	Approx. 1493sqm	
Floor space ratio	1.11:1	
Building Height	17.3m	
No. of Apartments	Two (2) x 1-bedroom:	
	Twelve (12) x 2-bedroom:	
	Two (2) x 3-bedroom:	
	Total: 16 apartments	
Apartment sizes	66.93sqm – 97.40sqm	
Private Open Space sizes	10.162 sqm – 19.277sqm	
Communal Areas	Communal open space (rear): 156.5sqm	
	Communal open space (rooftop): 103.9sqm	
Parking	<ul> <li>Car spaces: 22</li> <li>Accessible spaces: 2</li> <li>Visitor spaces: 4</li> <li>Motorcycle spaces: 2</li> <li>Bicycle spaces: 2</li> </ul>	

# Built form

The proposed built form consists of a four (4) storey building, roughly rectangular in shape. The building includes a flat roof containing a rooftop communal open space. The building contains a lift core and stair core, situated on opposite sides of the foyer areas, and access is provided to each level, including the basement and rooftop.

The building is setback 8.5m from President Avenue, and approximately 11m from the rear southern boundary. The main building wall is setback 4.5m from the side boundaries; however, ancillary structures are proposed within the side setback areas.

#### Internal layout and facilities

The development consists of 16 units with a mix of 1-bedroom, 2-bedroom and 3-bedroom units, and each floor provides a floor plate containing four units. The majority of units contain a combined kitchen, dining, and living areas, which adjoin balconies or terraces spanning the entire width of the apartment. The exception being the north-eastern units, which contain kitchens situated alongside balconies/decks at the frontage of each apartment. Separate bathroom and WC areas are provided to each apartment, with laundries proposed within the bathrooms. A rooftop communal open space is proposed with stair and lift access. The rooftop communal open space features a barbecue area and seating.

#### Basement

The development includes a single level of basement car parking which comprises 22 car parking spaces, including 18 resident parking spaces, and 4 visitor parking spaces, 2 accessible spaces, 2 motorbike spaces, 2 bicycle spaces, a waste bin storage room, and 1 lift core providing pedestrian access to the building above. Vehicular access to the basement is provided off a driveway to President Avenue, and the car park is arranged in a single aisle. The basement has setbacks which are not entirely consistent with the setbacks of the buildings, being a 900mm side setback to the eastern side boundary, and a 800mm side setback to the western side boundary.

#### Materials and finishes

The materials and finishes of the development include a mixture of light and dark toned bricks, aluminium framed windows, and some render. A perspective from President Avenue is shown within *Figure 1*.



Figure 1 Streetscape Elevation (MacGillivray Architects, 2017)

# Trees and landscaping

All of the existing four (4) trees identified on the survey are proposed to be removed, including the large Jacaranda in the rear. There is a street tree fronting the site and a tree located near the boundary on the adjoining property to the rear that are proposed to be removed, but another street tree, situated further to the east, is proposed to be retained.

The primary areas of landscaping on the site are proposed along the length of the southern side boundary, within a courtyard space between the buildings, and within a planter box in the front setback.

# **Statutory Considerations**

# **Environmental Planning and Assessment Act, 1979**

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

# S.4.15(1) - Matters for Consideration – General

# S.4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

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

The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP and BASIX certification. A BASIX certificate was submitted with the original proposal in accordance with the provisions of this SEPP.

However, an amended Basix Certificate was not provided with the amended plans that were submitted to Council. In this regard, it is unclear whether the proposal satisfies the provisions and objectives of this SEPP.

# State Environmental Planning Policy (Infrastructure) 2007

# Clause 101 - Development with frontage to classified road

The proposal fronts President Avenue, which is listed as a classified road. Consent must not be granted to development on this site unless Council is satisfied of the following:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

- (i) the design of the vehicular access to the land, or
- (ii) the emission of smoke or dust from the development, or
- *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Vehicular access is proposed from President Avenue, given that the site is provided with no frontages to other streets. As works are proposed to accommodate the vehicular crossing, the application was referred to Roads and Maritime Service (RMS) for concurrence, as required by S138 of the *Roads Act 1993*. The RMS provided the following comment:

"The submitted plans show the driveway width is 3500mm. Roads and Maritime requires the driveway to be a minimum of 5.5 metres wide for the first 6 metres to allow for simultaneous entry and exit movements".

The amended plans depict the design amendment required by the RMS. However, concurrence is yet to be provided, and it is unclear if the proposed design amendment satisfies this clause.

# State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 4.1.5 Contaminated Land of the Rockdale Development Control Plan 2011. The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given the following:

- 1 The site appears to have been continuously used for residential purposes.
- 2 The adjoining and adjacent properties are currently used for residential purposes.
- 3 The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guide in State Environmental Planning Policy 55, in particular industrial, agricultural or defence uses.

On this basis, the site is considered suitable in its present state for the proposed residential development. No further investigations of contamination are considered necessary.

# State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

As part of the application four (4) trees are proposed to be removed from the site to accommodate the proposed development, this includes a large *Jacaranda mimosifolia* at the rear of the site. The tree is shown within the image below:



Figure 2 Existing Jacaranda mimosifolia at the rear of the site

The submitted arborist report indicated as follows:

"This specimen is recommended to be removed and replaced as it cannot be retained due to the current proposed building footprint. Design options have been explored into the potential for the retention of the tree and with a Structural Root Zone of 3.2 metres and a Tree Protection Zone of 11.4 metres from centre of trunk and the relocation of the storage further to the west the encroachment is still too great for the specimen to remain viable". Council's Tree Management Officer has reviewed the application and indicated that the building and landscape for the site needs to be redesigned to allow this tree to be retained as it provides significant amenity to the local area.

During a meeting with the applicant, Council indicated that there were other design options which would allow for the retention of the tree. The image below provides an excerpt of the amended basement floor plan. The basement floor plan shows that the basement storage provides a major incursion into the tree protection zone and the tree canopy.

The ADG indicates that at least half of the required apartment storage is to be provided within each individual unit, and allows for some storage to be provided within the basement. However, the ADG does not stipulate any minimum amount of storage that must be provided within the basement.

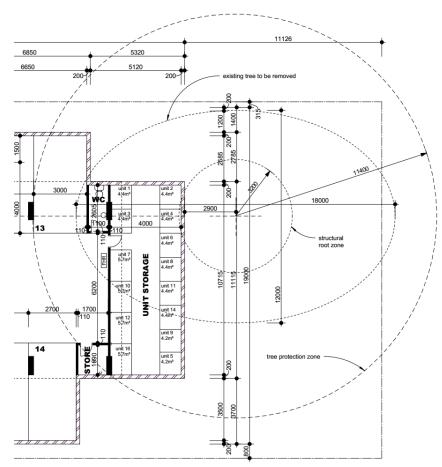


Figure 3 Basement Floor Plan showing (from centre) the structural root zone, canopy spread, and tree protection zone, of the existing Jacaranda mimosifolia (MacGillivray Architects, 2017)

In addition, the floor plans within each level provide 2 metre wide articulation areas, as well as some instances of second balconies oriented towards the side boundaries, which serve to unnecessarily increase the overall depth of the building. Void areas are also proposed to the foyer at First Floor and Second Floor, which add to the overall size of the building, despite also being excluded from floor space calculations. An example of such spaces is shown within the image below:

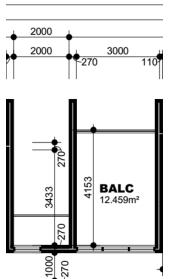


Figure 4 – Articulated area and side balcony within Unit 5, situated on the first floor (MacGillivray Architects, 2017)

Finally, as shown within the image below, the ground floor courtyard areas of the rear units, are primarily comprised of hard stand areas, which are elevated above ground level, as a consequence of the limited depth of the basement (discussed further throughout the report). Although larger courtyard areas are favourable for ground floor units, within the context of the existing tree, every effort should be made to provide deep soil area surrounding the tree. For instance, it is possible to delete the lower level of the rear courtyards, as they are not required for to achieve minimum private open space requirements. It is not considered that this requirement is incompatible with the provision of suitable courtyard areas for the rear ground floor units.

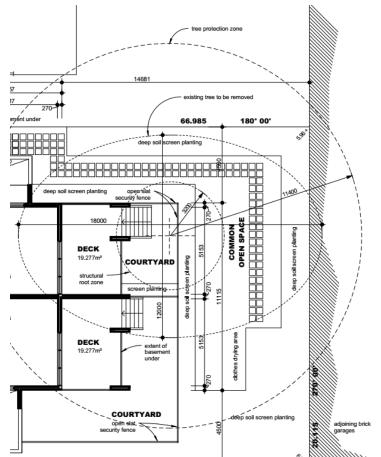


Figure 5 Ground Floor Plan showing (from centre) the structural root zone, canopy spread, and tree protection zone, of the existing Jacaranda mimosifolia (MacGillivray Architects, 2017)

It is evident that there are opportunities to shift the core of the building towards President Avenue and increase the rear setback to minimise the incursion on the tree. This information was communicated to the applicant as follows:

"The Design Review Panel had also earlier indicated that there may be some merit in a minor reduction in the front setback (of up to 1.5m) in order to 'slide' the building north on the site to contribute space for the retention of the Jacaranda if further space is considered necessary.

Council has given further consideration to this issue, and can advise that the following design modifications should be made to the development:

- The basement storage areas should be deleted or reduced in scale in order to minimise the impacts to the roots of the tree. As discussed during the meeting, the ADG does not require that 50% of storage be located within the basement, only that a <u>minimum</u> of 50% of the required storage be located within the apartment. Therefore, there is no impediment to providing all of the storage within the apartments.
- The circulation core of the building (i.e. lifts and stairs) should be relocated further towards the street in order to enable the entirety of the development to be situated away from the tree. This may require a different approach to the mix of apartments

located either side of the circulation core. It is recommended that consideration should be given to a floor plan which provides to the southern side of the circulation core, either 2 x 1-bedroom apartments, or  $1 \times 3$ -bedroom apartment.

- It is recommended that a more efficient floor layout be proposed, with articulation elements that require only a minimal increase in the overall building footprint. If required, the front setback may also be reduced as recommended by the Design Review Panel.
- This design may also allow for adequate communal open space to be provided at the rear, with the potential for deletion of the rooftop communal open space, which could assist in minimising ongoing maintenance costs of the development".

It is therefore not accepted that the tree must be removed to accommodate a reasonable development on the site, and the application is recommended for refusal, given the impact to this tree.

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

SEPP 65 requires Council to consider the design quality of residential flat buildings comprising of three or more storeys and including four or more dwellings. In accordance with SEPP 65, before determining any development application subject to SEPP 65, the consent authority must consider the following:

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

# Advice from Design Review Panel

The proposed development was considered by the Bayside Design Review Panel (DRP) on 16 February 2017. The DRP recommended several changes be made to the proposal in order to satisfy the nine (9) design quality principles of SEPP 65. The applicant responded to the recommended changes and provided amended architectural plans but the proposal was not again referred to the DRP.

The recommendations of the DRP are highlighted below, followed by a comment by the assessment officer in relation to any design response made by the applicant:

a) **DRP comment:** The Panel supports in principle a flat roofed building despite the adjacent context of three levels buildings with pitched roofs. The Panel considers that, in order to better reflect the character of the adjacent buildings to the east and west, the upper level of the building, particularly on the street frontage, should be more recessive than the bottom three levels of the building (possibly achieved by a subtle change in materials, colours or textures or by minor setbacks to the top levels), and the banding element of the

floor line of the third floor at approximate RL 16.11 should be strengthened to provide a more distinctive line and horizontal delineation in the building façade that corresponds to the gutter line of adjacent buildings.

Assessment consultant comment: The amended proposal provided an additional horizontal banding element sitting above that highlighted by the DRP, and just under the glazing to the third floor apartments. However, none of the other changes have been introduced to the design.

b) DRP comment: The Panel is only prepared to support the side setbacks being less than the minimum required by the Apartment Design Guide, considering its context and noting the provision of visual privacy screening to side windows, if the landscape quality of the long side spaces is significantly improved in order to provide a better quality outlook (see comments under landscape).

**Assessment consultant comment:** Refer to later comments specifically in relation to landscaping.

c) **DRP comment:** The Panel considers that the large Jacaranda in the rear of the subject site must be retained and that the built form should be adjusted at the rear (and possibly along the eastern side in) to retain this tree.

In particular the basement storage should be reconfigured to avoid the root zone of the tree; and built form should be shortened to avoid the roots and branches of the tree. The Panel notes there are several indents in the building on the eastern side that could be removed in order to "slide" the design of the eastern side of the building to the north to provide space for shortening of the building without necessarily compromising on the yield. The Panel would also support a minor reduction in the front setback (of up to 1.5m) in order to slide the building north on the site to contribute space for the retention of the Jacaranda if further space is considered necessary.

**Assessment consultant comment**: The design has not sought to retain the Jacaranda. Further discussion is provided in relation to the Vegetation SEPP.

d) **DRP comment:** The Panel notes that there are opportunities for solar power, and rainwater harvesting to be included in the design.

**Assessment consultant comment:** Solar panels are provided with the amended design. An absorption system is proposed with the design.

e) **DRP comment:** The Panel notes that indigenous plants from council list are suggested but landscape plan does not accurately articulate.

**Assessment consultant comment:** A condition of consent requiring an amended landscape plan could accommodate this requirement. However, the application is recommended for refusal.

f) **DRP comment:** The Panel considers that the large Jacaranda in the rear yard must be retained and the building redesigned to accommodate retention of this tree.

**Assessment consultant comment:** The design has not sought to retain the Jacaranda. Further discussion is provided in relation to the Vegetation SEPP.

g) DRP comment: The quality of the deep soil planting areas available is not clearly defined as many of these areas are too thin to accommodate significant planting such as canopy trees to reduce bulk and scale and provide building articulation as well as reduce rising salinity.

**Assessment consultant comment:** Planting within the side setbacks is constrained by the width of the basement, and the proposal is recommended for refusal in this regard.

h) DRP comment: The Panel considers that the side setback areas must be redesigned to accommodate an improved landscape solution with small and medium trees, shrubs and ground covers to improve the quality of this space. The Panel notes that this will involve work to redesign and rationalise ramping, stairs, paving areas, and other structures in this area; the relationship of fencing and retaining walls to provide for adequate planting space; and utilising of deep soil areas to provide for tree planting.

**Assessment consultant comment:** Planting within the side setbacks areas is further constrained by the structures built within the side setbacks and the proposal is recommended for refusal in this regard.

i) **DRP comment:** Reuse and transplanting of existing Date Palms should be considered as part of this design proposal

Assessment consultant comment: A condition of consent requiring an amended landscape plan could accommodate this requirement. However, the application is recommended for refusal.

**DRP comment:** The Panel notes there is a lack of information in relation to landscape plans including: legend information; location of services (gas water etc); fencing; hardscape material colours and selections (including any use of permeable paving); irrigation systems; the plant schedule does not convey widths; graphics do not convey scale of trees; no layback and crossover defined; and mailbox location and design.

**Assessment consultant comment:** Irrespective of the level of information provided, the array of structures within landscaped areas is not supported, and the overall quality of the landscaped areas is not sufficient to warrant support.

j) DRP comment: The Panel considers that the design is generally acceptable, but a higher level of amenity should be achieved in the communal and public open spaces of this development, and a better level of screening to the side setback areas through the provision of more landscape treatment. **Assessment consultant comment:** Discussed throughout the report; these matters are reflected within the reasons for refusal.

- k) **DRP comment:** The Panel considers:
  - The bin storage area in front of boundary is inappropriate, and a better solution should be found.
  - Safety of the side setback areas should be considered as they are redesigned in accordance with the comments above.
  - Security to units 3 and 4 are of concerned as accessible from communal open space areas

The quality of the deep soil planting areas available is not clearly defined as many of these areas are too thin to accommodate significant planting such as canopy trees to reduce bulk and scale and provide building articulation as well as reduce rising salinity.

Assessment consultant comment: Bin storage has been relocated to the basement. As indicated throughout this report, the rear of the site required a redesign in order to retain the Jacaranda tree, and there may be opportunities to improve the relationship between the private open spaces and the communal open space. For instance, it is possible to delete the lower level of the rear courtyards, as they are not required for to achieve minimum private open space requirements.

I) DRP comment: The Panel considers that the design is generally acceptable, but a higher level of amenity should be achieved in the communal and public open spaces of this development, and a better level of screening to the side setback areas through the provision of more landscape treatment.

**Assessment consultant comment:** The amended plans have accommodated this requirement, and this is reflected within the reasons for refusal.

Further discussion is provided throughout the report on the communal open space areas.

m) **DRP comment:** The Panel considers that the application is generally satisfactory in relation housing diversity and social interaction.

# Assessment consultant comment: Noted.

n) **DRP comment:** The Panel considers that the quality of the communal open space should be significantly improved and designed to be more engaging.

The Panel notes there is an opportunity to utilise the rooftop as an additional communal space, and would support a height exceedance for extension of lift tower and pergola structure in order to provide a high quality rooftop communal garden noting that the height of this space in relation to the adjacent roof areas means it would could be easily designed to not overlook adjacent dwellings.

**Assessment consultant comment:** It is not considered that the amended design has addressed this point appropriately. The structures that are proposed to accommodate the rooftop communal open space are excessive in size, and the resultant height non-compliance is unable to be supported. Refer to further commentary provided in relation to Clause 4.3 of the RLEP 2011.

o) DRP comment: The Panel considers that the building articulation and break up of materials, form and character are generally high quality particularly in relation to referencing and interpreting the local 1960s character in a contemporary design.

Assessment consultant comment: Noted.

#### **Design Quality Principles**

The following comments provide a general discussion of the response of the proposal to the design quality principles. These comments are partly informed by the commentary provided by the Design Review Panel.

Principle	Comment
Context	The site is located in a prominent location along President Avenue, which experiences a high volume of traffic, particularly given it accommodates traffic travelling between the Sydney CBD and areas within Sutherland Shire and Wollongong. The southern side of President Avenue is characterised by four storey residential flat buildings, and the northern side of President Avenue is primarily characterised by single residential dwellings.
	The properties adjoining on either side of the subject site are each four storey brick walk-up residential flat buildings, with pitched roofs. Each of these buildings sit on a relatively narrow allotment, of a similar width to the subject site, but narrower than the majority of other allotments within the block. As a consequence, each of the neighbouring buildings are provided with generally small side setbacks; however, the side setbacks of the building to the east, at 209-211 President Avenue, are more generous through the central portion of the building. As is typical in this street, vehicular parking is provided to the rear of each lot, with minimal communal open space area.
	The rear boundary of the existing building to the west, at 201 President Avenue, sits further to the north than on other lots on the southern side of the street, and the rear building line is therefore much further to the north than on other lots.
	Balconies from each neighbouring building face directly towards the subject site, and the existing dwellings are currently afforded with very little privacy, particularly given the small side setbacks.
	The extent of overshadowing as a consequence of the setback non-compliances is also unclear, and insufficient information has been provided to enable a thorough consideration of this matter.

Principle	Comment
	The proposed non-compliant side setbacks could be supported, given the site is the last remaining development site within this block. However, further refinement is needed to improve the relationship between the proposed buildings and the neighbouring buildings, with additional landscaping recommended within the side setbacks.
	The proposal is not considered to be consistent with the desired future character established by the planning controls, and does not provide an appropriate response to this context and setting of the neighbourhood.
Built Form & Scale	In terms of bulk, scale and built form, the proposal is larger than neighbouring developments. This is a direct consequence of the rooftop communal open space and associated structures that are proposed above the habitable floors. Although the tallest parts of the building are located towards its centre, the scale of the building will readily perceivable from the north from low density areas directly opposite President Avenue, and further beyond. The generous width of President Avenue, and the lower density on the northern side of the street would allow the larger parts of this building to be seen from a wide visual catchment, and consequently the overall scale of the proposal is not appropriate in this location.
	In order to better reflect the character of the adjacent buildings to the east and west, the DRP had sought for the upper level of the building, particularly on the street frontage, to be more recessive than the bottom three levels of the building (possibly achieved by a subtle change in materials, colours or textures or by minor setbacks to the top levels). The amended proposal provided an additional horizontal banding element sitting above that highlighted by the DRP, and just under the glazing to the third floor apartments. However, none of the other changes have been introduced to the design.
	The design features an array of ground floor structures within the front setback which are completely at odds with the prevailing character of the street, and these elements are not appropriate.
	The facades of the building are generally well articulated with balconies and architectural features, recesses in elevations, use of variable building materials and colours create to visual interest along the streetscape and when viewed from adjoining properties. However, there are concerns with the location of kitchens within the north-eastern units, and with the excessive building depth that is created in part by articulation through the side elevations.
Density	The plans indicate that the proposed GFA is 1347.36sqm, which would comply with the FSR development standard. A GFA validation was submitted with the original proposal, but has not been provided with the amended design. Details on floor space ratio compliance was requested by Council; however, this information has not been provided.
	The GFA has been calculated by Council to be 1493.17sqm, which equates to an FSR of 1.11:1, and would be non-compliant with the development standard. However, no 4.6 variation request was submitted, as the applicant's figures

Principle	Comment
	indicated compliance. In the absence of a clause 4.6 written request, and based on the assessment calculations there is no legal basis to consent to the subject DA. In any event, it is considered the proposed density is not suitable in this locality.
Sustainability	The Design Review Panel had made a number of requests in relation to sustainability, including several changes to the landscaping proposal, and the exploration of opportunities for solar power and rainwater harvesting. The proposal has incorporated the latter requirements.
	Furthermore, the extent of overshadowing remains unclear as the impacts have not been demonstrated adequately. Finally, an amended Basix Certificate did not accompany the amended design.
Landscape	The Design Review Panel had made a number of requests in relation to landscaping, including several changes to the landscaping proposal, and the exploration of opportunities for solar power and rainwater harvesting. Critically, the application still seeks the removal of the Jacaranda within the rear yard, and this is not appropriate, given the design alternatives that are available. Moreover, the applicant has not resolved the landscape design issues within the front and side setbacks.
Amenity	The extent of overshadowing remains unclear as the shadow diagrams do not adequately demonstrate the impacts of the proposal.
	It is acknowledged that the design seeks to minimise privacy impacts through provision of privacy screening. However, details of landscaping is required to ensure that privacy impacts are ameliorated, particularly noting the minimal setbacks to the basements, and lack of planter depths.
	The deep narrow balcony layouts to the units in the northern eastern corner of the building, are not appropriate given they will limit the availability of solar access and daylight into the internal areas of these dwellings.
Safety	The DRP comments outlined safety concerns with the original design, due to the relationship between the private open spaces and the communal open space, and it is considered that there are design solutions which could improve this outcome, as well as improving the overall allocation of communal open space. For instance, it is possible to delete the lower level of the rear courtyards, as they are not required to achieve minimum private open space requirements.
Housing diversity and social interaction	The proposal provides an acceptable dwelling mix and is compliant with the RDCP 2011 requirements. The unit mix includes 12.5% of 1-bedroom units, 75.0% of 2-bedroom units and 12.5% of 3-bedroom units.
	Part 4.5.1 of the RDCP 2011 requires that two adaptable dwellings be provided for this development. The submitted Access Report indicates that this information can be provided with a Construction Certificate; however, this

Principle	Comment	
	information should be provided for DA assessment to ensure compliance can be achieved the final built form outcome.	
	Part 4F of the ADG provides guidance on the design of common circulation spaces at each level of the building. Part 4F requires that daylight and natural ventilation be provided to all common circulation spaces that are above ground. No natural light or ventilation is provided to the circulation spaces of the third floor, and this is related to the provision of two 3-bedroom apartments at this level.	
	In addition, the overall function of common circulation spaces within the development are poor having regard to the following:	
	• The entry to the building sits in the centre of the building, with a long entry path provided from the street to the entry foyer.	
	There is no direct connection between the ground floor communal open space and the common internal areas	
	The design does not adequately facilitate incidental social interaction between residents.	
Aesthetics	The DRP considers that the building articulation and break up of materials, form and character are generally high quality particularly in relation to referencing and interpreting the local 1960s character in a contemporary design.	
	The garbage bin storage area within the front setback has been deleted and relocated within the basement area. However, there are further changes that can be made within the street to reduce the overall visual clutter within the street frontage, including removal of the entry awning, letterboxes, and level changes to remove the amount of ramps required for access.	
	Furthermore, the fifth level, associated with the height non-compliance, will be readily perceived from properties to the north of the site, despite being setback from the street, and the proposal is not appropriate in this regard.	

# **Apartment Design Guidelines**

The proposed development has been assessed against the NSW Apartment Design Guide (ADG). There are numerous non-compliances which are not considered acceptable. These non-compliances against the design criteria are discussed as follows:

# Part 3C - Public Domain Interface

The objectives of Part 3C are as follows:

- Transition between private and public domain is achieved without compromising safety and security.
- Amenity of the public domain is retained and enhanced.

Part 3C includes a variety of controls aimed at achieving the above objectives. It is noted that the garbage bin storage area was relocated to the basement, however, the following concerns remain with regard to the public domain presentation:

- The main pedestrian entry to the building is not provided at the front of the building, and the letterboxes, portico, and ramps at the boundary provide a poor presentation to the streetscape. This is largely a consequence of the raised level of the ground floor.
- A prominent entry should be provided which is integrated into the overall building.
- Furthermore, the ground floor apartments that face the street are not provided with individual entries from the street, or the entry corridor.

In relation to the floor level of the ground floor, the submitted Statement of Environmental Effects indicated the following:

"The basement is proposed as low as possible but is not located completely below ground. It protrudes above ground to an approximate maximum height of 1.5m (to the ground floor level). This is due to the level of the sewer traversing the centre of the site.

Initial design consideration was to divert the sewer around the site perimeter to the rear, so the basement could be proposed below natural ground level. Harrison and Friedmann, Civil Engineers and Water Servicing Co-ordinator for Sydney Water, were engaged to determine if this was possible. They found that the fall of the sewer was not sufficient enough to allow diversion. They concluded that for any development to occur on the site, the sewer would require encasement and be built upon.

The position of the sewer and the subsequent encasement dimensions has determined the proposed basement floor level. A sewer 'peg-out' indicating the position and depth of the sewer is included with the application".

In relation to the discussion within the Statement of Environmental Effects, Council sought the following information

Further information is required on the site constraints relating to the sewer main, as much of the urban design issues with the street frontage, as well as the site coverage non-compliance, appear to be as a consequence of the sewer main. Specific details on the location of the sewer, and its effect on the construction of the basement, must be provided:

- The Statement of Environmental Effects (SEE) indicates that there is not enough slope for the sewer to be diverted. A letter from the engineer should be provided to demonstrate this to be the case. The SEE also states that a sewer pegout has been prepared, which should be made available to Council.
- Details on the feasibility of alternative designs shall be provided, to demonstrate that the proposed levels present an optimal outcome for the site. If the proposed levels are unchanged, it must be demonstrated that site coverage, and the variation in levels, has been minimised as much as possible.

No further information has been submitted in this regard.

#### Part 3D – Communal Open Space

Part 3D of the ADG requires that communal open space be provided to an area that is equal to 25% of the site, and that a minimum of 50% direct sunlight be provided to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).

The proposal provides approximately 156.5sqm of communal open space at ground level, at the rear of the property, which faces towards the south and would therefore receive very little solar access. Although the proposal complies with the lower spatial requirements within the RDCP 2011 (5sqm per apartment), the proposal is inconsistent with the solar access requirements of both the ADG and RDCP 2011.

To improve the provision of communal open space, the DRP recommended that a rooftop communal open space be provided. The plans indicate that 141sqm of communal open space has been provided; however, it has been estimated that the size of the communal open space is actually closer to 103.8sqm. This would give a total communal open space area of 260.3sqm, or 19% of the site, which is short of the required 25%, but is compliant with the requirements of the RDCP 2011.

Critically, the proposed rooftop communal open space requires a significant height noncompliance to obtain access. It has been indicated throughout this report, that there are opportunities to improve the provision of communal open space at the rear of the site. The extent and overall scale associated with the height non-compliance are excessive, and the rooftop communal open space as currently proposed is not able to be supported.

#### Part 3F - Visual privacy

The design criteria for Part 3F of the guidelines prescribes minimum separation distances to be provided between windows and balconies from a building to the side and rear boundaries, as reproduced below:

Des	ign criteria		
1.	Separation between win provided to ensure visua Minimum required separ buildings to the side and follows:	al privacy is a ration distance	chieved. es from
	Building height	Habitable rooms and balconies	Non- habitable rooms
	up to 12m (4 storeys)	6m	3m
	up to 2Em (E. 9 storous)	9m	4.5m
	up to 25m (5-8 storeys)	3111	4.011

Figure 6 Building Separation Requirements

The proposal incorporates five-storeys with a height of approximately 17.3 metres. The lower three storeys would require boundary setbacks of 3m for non-habitable rooms and 6m for habitable rooms and balconies. The fifth storey would require setbacks of 4.5m for non-habitable rooms and 9m for habitable rooms and balconies. Further, given the fourth storey partially sits above 12m, these more onerous setback requirements would also apply to the fourth storey.

The proposed setbacks can be summarised as follows:

- Each level is provided with 4.5m side setbacks to the external walls of the internal areas of the building. However, blade walls and privacy screening are proposed approximately 1 metre further towards the side boundaries. The pedestrian entry portico is also provided within the eastern side setback area.
- The basement has setbacks which are not entirely consistent with the setbacks of the buildings, being a 900mm side setback to the eastern side boundary, 800mm side setback to the western side boundary, and is raised approximately one metre above ground level.
- There is generally no variation in the setback to habitable and non-habitable areas.

The proposal therefore does not comply with the required setbacks of between 6m and 9m for the habitable areas of the building. Privacy screening has been proposed throughout the development, and given the site represents the only underdeveloped site within the urban block, and that the site does not meet the minimum requirement for lot width, it is reasonable to expect that full compliance with the setback requirements would not be possible, and would also not be consistent with the prevailing street character. However, it has not been demonstrated that the extent of the non-compliances is acceptable as proposed, particularly noting the DRP requirements for suitable planting within the side setback areas.

# Part 4A – Solar Access

Refer to discussion in relation to Part 4.4.2 of the RDCP 2011.

# Part 4E – Private Open Space

Part 4E of the outlines a range of provisions for the private open space areas associated with balconies. Design guidance in relation to 4E-2 indicates that primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.

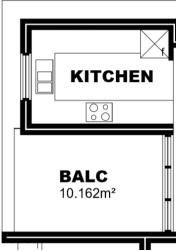


Figure 7 Kitchen and front balcony within Unit 13, situated on the third floor (MacGillivray Architects, 2017)

An example of the primary balconies to the north-eastern apartments are shown within the image above, and are almost 3.5m deep, allowing little solar access to reach the living rooms, particularly given privacy screening is proposed over eastern windows, and that small side setbacks within the proposal, and on neighbouring properties, limits the provision of solar access. These units are also provided with east facing balconies/courtyards, which are similarly-dimensioned, and further constrained given their location alongside narrow side setback areas.

In the correspondence sent to the applicant, Council indicated to the applicant that the northeast apartments should be redesigned to provide wide balconies with outlooks towards the north, and the kitchens should be relocated to sit further to the south. This is similar to what is provided within the apartments within the north-west portion of the building.

It is noted that this recommended design change would reduce the articulation to the front façade. However, given the overall width of the façade, it is considered that this feature is not required, and that the articulation provided by the suggested design amendments would be acceptable. The proposed front façade is depicted below.



Figure 8 Streetscape Elevation with kitchens shown on the left hand side of the front façade (MacGillivray Architects, 2017)

# Part 4F – Common Circulation and Spaces

Part 4F provides guidance on the design of common circulation spaces at each level of the building. Part 4F required that daylight and natural ventilation be provided to all common circulation spaces that are above ground. No natural light or ventilation is provided to the circulation spaces of the third floor, and this is related to the provision of two 3-bedroom apartments at this level.

In addition, the overall function of common circulation spaces within the development are poor having regard to the following:

- The entry to the building sits in the centre of the building, with a long entry path provided from the street to the entry foyer.
- There is no direct connection between the ground floor communal open space and the common internal areas

The design is inconsistent with objective 4F-2, which requires designs to facilitate incidental social interaction between residents.

# Part 4H – Acoustic Privacy

Bedrooms within the south-western units are located adjacent to the lift, which is contrary to the design guidance within Part 4H. The acoustic report provided with the application has not demonstrated that the indoor sound levels to these bedrooms are able to be made to be acceptable.

In addition, access from the ground floor entry foyer to both the street, and to the rear communal open space, requires residents to travel past ground floor bedroom windows.

# Part 4L - Ground floor apartments

As indicated within the assessment of Part 3C, the ground floor apartments that face the street are not provided with individual entries from the street, or from the entry corridor. The proposal is inconsistent with Part 4L.

# Part 40 - Landscape Design

Refer to discussion in relation to Part 4.3.1 of the RDCP 2011.

# Part 4Q - Universal Design

Part 4Q requires that adaptable housing be provided in accordance with the relevant Council policy, which is outlined within Part 4.5.1 of the RDCP 2011. This policy would require that two adaptable dwellings be provided for this development. The submitted Access Report indicates the following:

"Two adaptable units have been provided, located in dwellings number 13 and 16. These are proposed within the three bedroom units as these units provide for the greatest 'ease of adaption'. No detail is provided at this Development Application stage but will be provided for the Construction Certificate".

This information is required to be provided for assessment of the development application.

# Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with standard/provision
2.3 Zone R4 High Density Residential	No – see discussion
4.3 Height of buildings	No – see discussion
4.4 Floor space ratio - Residential zones	No – see discussion
4.6 Exceptions to development standards	4.6 request not submitted - see discussion
	in relation to Clause 4.3 and 4.4
5.10 Heritage conservation	Yes – see discussion in relation to 4.1.2 of
	RDCP 2011
6.1 Acid Sulfate Soil - Class 4	Yes – see discussion
6.2 Earthworks	Yes – see discussion
6.4 Airspace Operations	Yes – see discussion
6.7 Stormwater	No – see discussion
6.12 Essential Services	Yes – see discussion

# 2.3 Zone R4 High Density Residential

The subject site is zoned R4 – High Density Residential under the provisions of the RLEP 2011. The proposed development is for the purpose of a 'residential flat building' which is permitted with consent in the zone.

The objectives of the R4 zone are outlined in the following:

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

The proposal is not considered to meet the first objective as discussed throughout this report.

# 4.3 Height of buildings

Clause 4.3 provides a maximum height of buildings on the subject site of 14.5 metres. The existing ground levels range from RL 5.44 – RL 6.03. No specific information has been provided on the maximum level of the proposal, however it has been measured off the plan to be approximately RL 22.75, which would result in a height non-compliance of between approximately 16.72m and 17.31m. Measuring directly from the plans also shows a maximum height of approximately 17.3m. The proposal does not comply with the development standard and therefore does not satisfy this clause.

Following its review of the original plans, the DRP indicated that they would support a height non-compliance at the site to offset the provision of communal open space at the rear, which is oriented the south. The DRP comments are provided below:

"The Panel notes there is an opportunity to utilise the rooftop as an additional communal space, and would support a height exceedance for extension of lift tower and pergola structure in order to provide a high quality rooftop communal garden noting that the height of this space in relation to the adjacent roof areas means it would could be easily designed to not overlook adjacent dwellings".

Following a review of the amended plans, Council had indicated that the extent of the height non-compliance – that is, the portion of the roof structure that was non-compliant – was excessive, and that more effort was required to reduce the extent of the height non-compliance. These comments are provided below:

"The elevations indicate that the central element - which is non-compliant with the maximum building height – is situated across the entire width of the building. The scale of the lift overrun and adjacent structures must be minimised and centralised within the building envelope. The foyer should be deleted, and the ceiling heights around the stairwell reduced to be as small as possible".

No further information has been submitted which responds to this concern, and no clause 4.6 variation was submitted with the amended design.

In addition, it is apparent that the increased rear setback required to allow for the retention of the Jacaranda tree, combined with smaller rear private open space areas would enable an improved communal open space. Furthermore, the depth of the building is unnecessarily large as discussed elsewhere, and the 2 metre wide articulation areas and second balconies oriented towards the side boundaries, serve to unnecessarily increase the overall depth of the building. There is capacity to reduce the overall depth of the building, allowing for the improvement of the rear communal open space, which could potentially negate the need for such a large rooftop communal open space.

Despite no 4.6 variation being submitted (as there being no legal basis for approval of the subject DA), it is not considered that such a request could be supported in any instance given that it unlikely that it could be demonstrated that the height control is unreasonable or unnecessary, particularly noting other non-compliances with setbacks and site coverage, indicating that the scale of the development is excessive for this site.

# 4.4 Floor space ratio - Residential zones

Clause 4.4 restricts the development to a maximum floor space ratio (FSR) of 1:1, which equates to a total gross floor area (GFA) of 1347.4sqm. The amended plans indicate that the proposed GFA is 1347.36sqm, which would comply with the FSR development standard.

A GFA validation was submitted with the original proposal, but has not been provided with the amended design. Details on floor space ratio compliance was requested by Council; however, this information has not been provided.

The GFA has been calculated by Council to be 1493.17sqm, which equates to an FSR of 1.11:1, and would be non-compliant with the development standard. However, no 4.6 variation request was submitted, as the applicant's figures indicated compliance.

Given that the requested information was not provided, floor space ratio non-compliance is included as a reason for refusal.

# 6.1 Acid Sulfate Soil - Class 4

Acid Sulfate Soils – Class 4 affects the site. The proposal involves works more than 2 metres below the natural ground surface, and therefore an acid sulfate soils assessment is required. The submitted Acid Sulfate Soils Assessment concludes that an Acid Sulfate Soils Management Plan will not be required provided onsite dewatering does not lower the groundwater level outside the site. Information was sought in relation to groundwater, but was not provided, and this is reflected within the reasons for refusal. However, based on the information that is currently available on acid sulfate soils, it is considered that the clause could be satisfied.

# 6.2 Earthworks

Earthworks including excavation are required on site to accommodate the development. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. It is considered that the proposed earthworks and excavation will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposal meets the objectives of this clause.

#### 6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51.00 AHD. The maximum building height is comfortably below this requirement at approximately RL 22.75.

#### 6.7 Stormwater

Several issues are outstanding in relation to the submitted stormwater plans. Refer to discussion in relation to Part 4.1.3 of RDCP 2011.

#### 6.12 Essential services

Services will generally be available on the site. The proposal complies with the requirements of this clause.

# S.4.15(1)(a)(ii) - Provisions of any Draft EPI's

There are no draft planning instruments that will affect the proposed development.

# S4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application;

# Rockdale Development Control Plan 2011

A summary of the compliance assessment against the Rockdale Development Control Plan 2011 (RDCP 2011) for the proposed development is provided below. Detailed discussions are provided as noted.

Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.1.1 Views and Vista	Yes — see discussion
4.1.2 Heritage – vicinity	Yes - see discussion

	Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.1.5 Contaminated Land       Yes – see discussion under SEPP 55.         4.1.6 Development on sloping sites       Yes         4.1.7 Tree Preservation       No – see discussion under Vegetation SEPP         4.1.9 Lot size and Site Consolidation – Residential Flat Buildings       No – see discussion         4.1.9 Lot size and Site Consolidation – Avoidance of Isolated Sites       Yes – see discussion         4.2 Streetscape and Site Context – General       No – see discussion         4.3.1 Open Space and Landscape Design – Residential Flat Building Centres       No – see discussion in relation to SEPP 65         4.3.2 Private Open Space - Residential Flat Building       No – see discussion in relation to the ADG         4.3.3 Communal Open Space       No – see discussion         4.3.4 – Open Space and Landscape Design – Residential Building       No – see discussion         4.4.2 Solar Access       No – see discussion         4.4.3 Natural Lighting and Ventilation - Residential Pletyts       NA – as per clause 6A(1)(b) and (g) of SEPP 65 this section no effect.         4.4.4 Glazing – General controls       Yes         4.4.5 Visual and Acoustic Privacy       No – see discussion in relation to the ADG in relation to acoustic privacy.         4.4.5 Visual privacy – Roof Top Area       Yes         4.5.1 Social Equity - Housing Diversity and Choice       Yes         4.5.2 Social Equity - Housing Diversity and Choice       Yes </td <td>4.1.3 Water Management</td> <td>No — see discussion</td>	4.1.3 Water Management	No — see discussion
4.16 Development on sloping sites       Yes         4.1.7 Tree Preservation       No – see discussion under Vegetation SEPP         4.1.9 Lot size and Site Consolidation – Residential Flat Buildings       No – see discussion         4.1.9 Lot size and Site Consolidation – Avoidance of Isolated Sites       Yes – see discussion         4.2 Streetscape and Site Context – General       No – see discussion in relation to SEPP 65         4.3.1 Open Space and Landscape Design – Residential Flat Building Centres       No – see discussion in relation to the ADG         4.3.2 Private Open Space - Residential Flat Building       No – see discussion in relation to the ADG         4.3.3 Communal Open Space       No – see discussion         4.4.2 Solar Access       No – see discussion         4.4.3 Natural Lighting and Ventilation - Residential heights       N/A – as per clause 6A(1)(b) and (g) of SEPP 65 this section no effect.         4.4.4 Glazing – General controls       Yes         4.4.5 Visual and Acoustic Privacy       No – see discussion in relation to the ADG in relation to acoustic privacy.         4.4.5 Visual privacy – Roof Top Area       Yes – see discussion         4.4.6 Noise impact       Yes         4.5.1 Social Equity - Housing Diversity and Choice       Yes         4.5.2 Social Equity - Housing Diversity and Choice       No – see discussion in relation to the ADG         4.6 Car Parking       No – see discussion	4.1.4 Soil Management	Yes
4.1.7 Tree Preservation       No – see discussion under Vegetation SEPP         4.1.9 Lot size and Site Consolidation – Residential       No – see discussion         Flat Buildings       No – see discussion         4.1.9 Lot size and Site Consolidation – Avoidance of Isolated Sites       Yes – see discussion         4.2 Streetscape and Site Context – General       No – see discussion in relation to SEPP 65         4.3.1 Open Space and Landscape Design –       No – see discussion         Residential Flat Building Centres       No – see discussion in relation to the ADG         4.3.2 Private Open Space - Residential Flat Building       No – see discussion         4.3.3 Communal Open Space       No – see discussion         Residential Building       No – see discussion         4.4.2 Solar Access       No – see discussion         4.4.3 Natural Lighting and Ventilation - Residential       N/A – as per clause 6A(1)(b) and (g) of SEPP 65 this section no effect.         4.4.3 Natural Lighting and Ventilation - Ceiling heights       Yes         4.4.5 Visual and Acoustic Privacy       No – see discussion in relation to the ADG in relation to acoustic privacy.         4.4.5 Visual and Acoustic Privacy       No – see discussion in relation to the ADG in relation to acoustic privacy.         4.4.5 Visual privacy – Roof Top Area       Yes – see discussion         4.4.6 Noise impact       Yes         4.5.1 Socia	4.1.5 Contaminated Land	Yes – see discussion under SEPP 55.
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4.7 Air Conditioning and Communication Structures       Yes         4.7 Waste Storage and Recycling Facilities       Yes – see discussion         4.7 Laundry Facilities and Drying Areas       Yes	4.5.2 Social Equity - Equitable Access	No – see discussion in relation to the ADG
4.7 Waste Storage and Recycling Facilities       Yes – see discussion         4.7 Laundry Facilities and Drying Areas       Yes	4.6 Car Parking	No — see discussion
4.7 Laundry Facilities and Drying Areas Yes	4.7 Air Conditioning and Communication Structures	Yes
	4.7 Waste Storage and Recycling Facilities	Yes — see discussion
4.7 Letterboxes No – see discussion in relation to the ADG	4.7 Laundry Facilities and Drying Areas	Yes
	4.7 Letterboxes	No – see discussion in relation to the ADG

Relevant Parts of the RDCP 2011	Compliance with standard/provision
4.7 Service Lines/Cables	Yes
5.2 Residential Flat Building – Site Coverage	No – see discussion
5.2 Residential Flat Building – General	No – see discussion in relation to the ADG
5.2 Residential Flat Building – Setbacks	No – see discussion in relation to the ADG
5.2 Residential Flat Building – Balcony Balustrade	Unclear – see discussion

#### 4.1.1 Views and Vista

The subject site is located within a low lying area. The site is not afforded any view of Botany Bay or any items of local or State heritage. In this regard, the subject site does not enjoy any significant views or vistas.

It is unlikely that the siting of the proposed development will generate any significant impacts on the views of the street and general neighbourhood that are enjoyed by adjacent properties.

#### 4.1.2 Heritage – vicinity

The nearest item of heritage significant is Cook Park (item I168, local significance) and is located approximately 200m to the west. The spatial distance between the subject site and heritage item is considered to be sufficient to ensure the heritage item is not impacted by the proposed development.

# 4.1.3 Water Management

# <u>Drainage</u>

The following comments were provided by Council's development engineer:

- "The absorption rate used in the assessment of the absorption system need to be factored down in accordance with Section 5.4.1 of Council Technical Specification Stormwater Management;
- An oil separator device is to be provided in the basement drainage system in accordance with Section 5.4.1 of Council Technical Specification Stormwater Management.

Where a crest is required, an amended longitudinal surface profile must be also be submitted for assessment".

Given the other issues outlined elsewhere, the applicant was not afforded the opportunity to address these issues, and this matter is subsequently included in the recommended reasons for refusal.

#### Groundwater

The submitted geotechnical report indicates that some minor localised dewatering may be required if foundations extend below the groundwater table. Details were requested, as approval

of the proposal may require an approval for an aquifer interference activity pursuant to the *Water Management Act 2000.* No further information has been provided.

# 4.1.4 Soil management

The proposed development will involve considerable earthworks for the construction of the basement car parking level, which will result in the disturbance of soil and dust.

In this regard, conditions of consent requiring a Soil and Water Management Plan (prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organisation of Councils) to be submitted to the Principal Certifying Authority prior to the commencement of works. However, this application is recommended for refusal.

# 4.1.9 Lot size and Site Consolidation - Residential flat buildings

The subject site has a frontage of 20.115m, less than the frontage of 24m required under the DCP. The development site combines the only two remaining sites on the southern side of President Avenue, between Wycombe Avenue and The Grand Parade, to create an allotment that is of a similar size to each of the adjoining allotments, which each contain older residential flat buildings. As a result, the redevelopment of this land for the purpose of a residential flat building is a desirable outcome. The non-compliance with the minimum frontage is therefore not included as a reason for refusal.

# 4.1.9 Lot size and Site Consolidation – Avoidance of isolated sites

In accordance with RDCP 2011, a property will be isolated by a proposed development when that property cannot satisfy the minimum lot requirements to achieve its development potential under the planning controls. President Avenue is generally characterised by existing residential flat developments, and the subject site represents a consolidation of the remaining underdeveloped allotments within this block. Therefore, the proposal does not render any potential development sites as being isolated.

# 4.3.1 Open Space and Landscape Design - Residential Flat Building

Several deficiencies with the landscape design were identified by the DRP, and have not been resolved (refer to comments in relation to SEPP 65 and Vegetation SEPP assessment). In particular the proposal seeks unnecessary removal of a Jacaranda, and provides inadequate screen planting to the sides of the building, which would offset the non-compliant side setbacks. The latter issue is exacerbated by minimal basement side setbacks, and inadequate planter depth (600mm is proposed, and 800mm planters would be required).

# 4.4.2 Solar Access to residential flat buildings

Part 4.4.2 requires buildings to be designed and sited to minimise the extent of shadows cast on:

- private and communal open space within the development;
- private and communal open space of adjoining dwellings;
- public open space such as parkland and bushland reserves;

- solar collectors of adjoining development; and
- habitable rooms within the development and in adjoining developments.

Furthermore, Part 4A of the ADG requires the following:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter

Given that half of the apartments in the development are oriented towards the south, and that the proposal is provided with narrow side setbacks, it is unlikely that the proposal complies with the above requirements.

Council had sought further information in relation to overshadowing and solar access, as the information provided with the application is not sufficient to determine compliance with the various solar access requirements. Further information was required as follows:

- There is insufficient detail to determine the extent of overshadowing on the communal open space areas. An analysis of the provision of solar access to the ground floor communal open space should be provided. Shadows cast by neighbouring buildings, fences, and the proposal must be accounted for in this analysis.
- The shadow diagrams provide insufficient detail on neighbouring properties to determine the overall impact. The degree of overshadowing to neighbouring windows and balconies should be provided on shadow elevation plans. The impact of the proposal on the solar access provided to neighbouring communal open space area should be clearly outlined, either on plan, or through a separate written response.

This information has not been provided.

# 4.4.5 Visual Privacy – Roof Top Area

Part 4.4.5 of the RDCP 2011, outlines that the use of the roof top area for recreational purposes is permissible as long as the usable area of the roof is setback at least 1500mm from the edge of the building, and that other devices such as privacy screens and planter boxes are incorporated to protect the visual and acoustic amenity of neighbouring properties. The rooftop communal open space is setback over 2m from each edge of the building and complies with this requirement.

# 4.5.1 Housing Diversity and Choice

Part 4.5.1 outlines the dwelling mix that is required for residential flat developments to be as follows:

- 1 bed/studio units 10-30%
- 2 bedroom units 50-75%

• 3 bedroom unit – 10-20%

The proposal provides for two (2) x 1-bedroom units (12.5%), twelve (12) x 2-bedroom units (75%), and two (2) x 3-bedroom unit (12.5%). As a consequence, the proposal is compliant with this control.

#### 4.6 Car Parking, Access and Movement

The proposed development provides for a complying 22 parking spaces for residents, two (2) of which are accessible, with four (4) car parking spaces for visitors, one (1) of which also doubles as a car wash bay, within the basement car park level. Two (2) motorbike and two (2) bicycle spaces are also provided within the basement. However, one of the motorbike spaces is provided as a 'small motorbike space', which are not appropriate for a development of this size as it is unlikely that they will cater to the limited number of residents within this development. Standard motorcycle spaces shall be provided to cater for the greatest number of potential occupants.

In addition, Part 4.6 requires that basements be located within the building footprint, fully below natural ground level, and that where site conditions mean that achieving this requirement is unachievable, the maximum basement projection above natural ground level is to be 1m at any point on the site.

The Statement of Environmental Effects indicates that the proposal is unable to be located completely below natural ground level or within the building footprint, because of the location of an existing sewer line. The maximum basement projection above natural ground level has been generally limited to approximately 1m; however, further information was by Council on the location of the sewer, to demonstrate that such a projection was necessary.

In addition, the following comments were provided by Council's development engineer:

- Council technical and Parking Specifications Traffic, Parking and Access, table 3.3 require a Small Rigid Vehicle parking space be provided within the proposed development. refer to AS2890.2:2002 regarding grade, height clearance and parking space sizes. Note: Small Rigid Vehicles require less steep grades and more headroom;
- All Structural members to be located outside the parking spaces, refer to Section 5 of AS2890.1:2004;
- The 90 degree transition from a 5.5 metre Driveway to a 3.5 m is not accessible, a 60 degree splay must be incorporated in the transition to eliminate the need for reversing to access the ramp;
- The ramp access width must be 3.6m minimum to allow for a 300mm Kerb clearance in accordance with figure 2.8 of AS2890.1:2004;
- Carwash bays must be 3.5m wide minimum refer to Council Technical Specification Section 7.5.5;
- The driveway ramp is generally acceptable, except for headroom, headroom clearance need to be measured perpendicular to the ramp; however if a SRV vehicle is to be provided in the basement the grades do not comply.

Given the other issues outlined elsewhere, the applicant was not afforded the opportunity to address these issues, and this matter is subsequently included in the recommended reasons for refusal.

#### 4.7 Waste Storage and Recycling Facilities

The proposed waste storage area within the basement provides space for 8 bins within the basement, with temporary space available for larger waste. This is appropriate for a development of this size.

#### 5.2 Residential Flat Building – Site Coverage

Part 5.2 indicates that building footprints for residential flat buildings are to be limited to 35% of the site area. The proposal provides for 792.82sqm (58.8%) of site coverage. The Statement of Environmental Effects indicates that this is a direct consequence of the location of the sewer main, as the basement is unable to be positioned entirely underneath the proposed building. Further information is required to substantiate this position. Refer to discussion in relation to Part 3C of the ADG.

#### 5.2 Residential Flat Building – Balcony Balustrade

Part 5.2 of RDCP 2011 outlines that solid balustrading should be included in the façade design to provide screening of clothes line and other paraphernalia. The submitted finishes schedule does not clearly indicate whether balustrades will be transparent, and conditions would be able to be imposed to require opaque balustrades. However, the application is recommended for refusal.

# S.4.15(1)(a)(iv) - Provisions of regulations

Clause 92 of the Regulation has been considered and there are no relevant provisions requiring further discussion.

# S.4.15(1)(b) - Likely Impacts of Development

Potential impacts associated with the proposed development have been discussed in detail within this report.

# S.4.15(1)(c) - Suitability of the site

As previously mentioned in this report, the subject site is of a suitable overall area and dimensions to accommodate a reasonable increase in density. The design of the proposal however is not suitable for the subject site for the reasons previously detailed within this report.

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. It is reiterated that the proposal exceeds the building height and FSR requirements and as a result, creates undue impacts.

As such, the proposal is recommended for refusal and the site is not suitable for the proposed development in its current form.

# S.4.15(1)(d) - Public Submissions

The development has been notified in accordance with the provisions of the RDCP 2011. In response, three (3) submissions were received, plus a second objection from one of the original objectors. All but one of the submissions objected to the proposal.

The issues raised in the submissions have been taken into consideration in the assessment of the application as discussed below:

Issue 1: Site coverage non-compliance.

<u>Comment</u>: The non-compliance with site coverage has not been adequately justified, and this is included as a reason for refusal.

Issue 2: Privacy impacts to surrounding buildings.

<u>Comment</u>: It has not been demonstrated that the proposed setback non-compliances are acceptable, and as a consequence, this form one of the reasons why the proposal is recommended for refusal.

Issue 3: Construction over sewer

<u>Comment</u>: It is expected that there are engineering solutions which would enable construction over the sewer. However, the applicant has not satisfactorily demonstrated that the sewer is unable to be diverted.

#### Issue 4: Overshadowing

<u>Comment</u>: The overshadowing impacts have not been adequately demonstrated, and the proposal is therefore recommended for refusal.

Issue 5: Not compatible with existing character

<u>Comment</u>: It is agreed that the height of the proposal, and the design of the ground floor front setback areas are not compatible with the existing character, and the proposal is recommended for refusal.

#### Issue 6: Removal of Jacaranda

<u>Comment</u>: It is considered that there are design options which would allow for the retention of the Jacaranda, and this is reflected within the reasons for refusal.

#### Issue 7: Support for proposal, and support for height increase to 6 or 7 storeys

<u>Comment</u>: Adequate statutory justification has not been provided for the proposed height noncompliance as is required by clause 4.6 of the RLEP 2011. A building of a height up to 7 storeys, would likely require the preparation of a planning proposal.

Issue 8: Parking availability, particularly on President Avenue, Banks Street and Solander Street.

<u>Comment</u>: Parking is generally compliant, however a range of issues remain outstanding with respect to the design of the parking areas, and this is reflected within the reasons for refusal.

#### S.4.15(1)(e) - Public interest

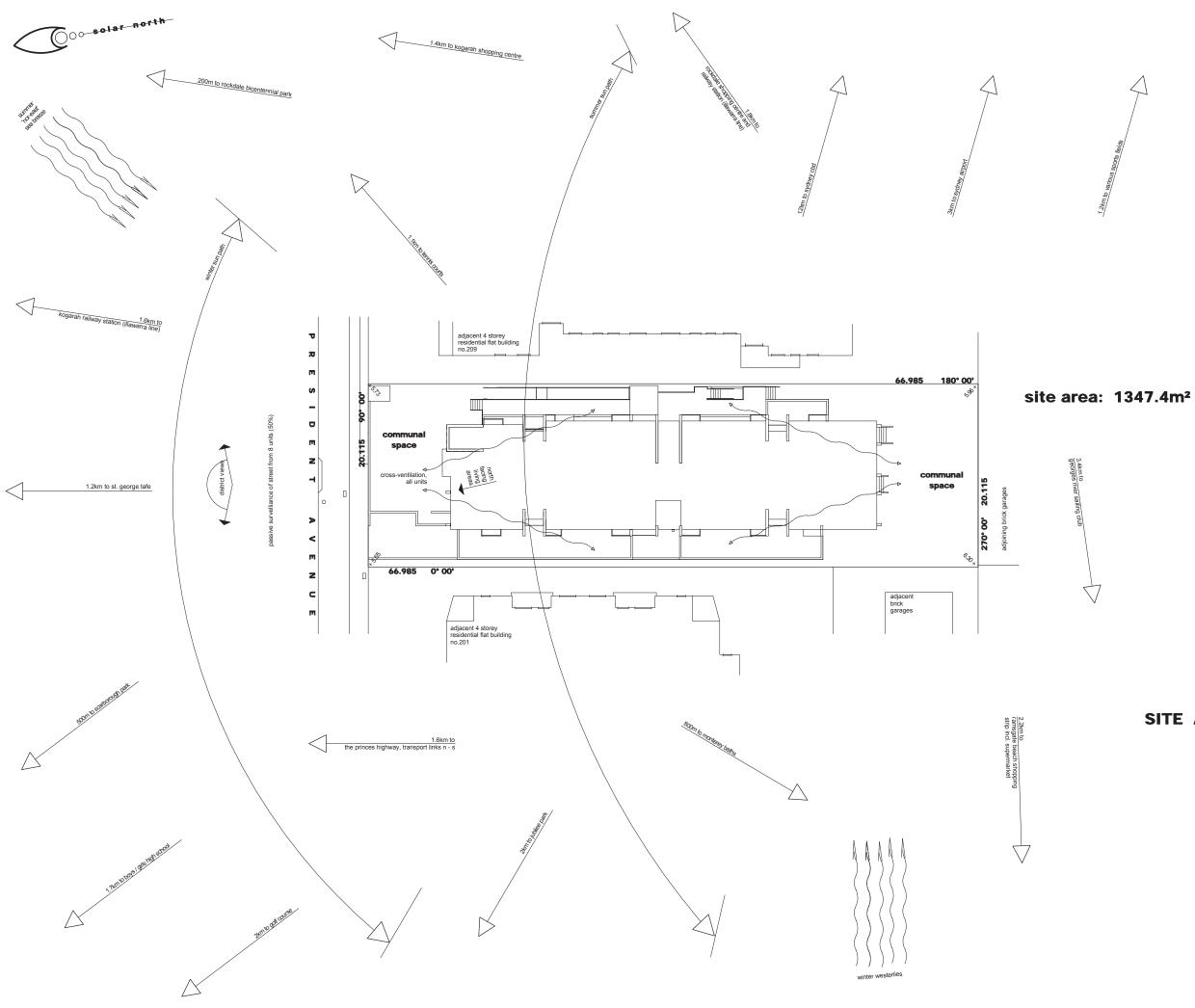
For the reasons outlined previously within this report, the proposed development is inconsistent with the requirements and objectives of the relevant planning policies, and as such is deemed to be unsatisfactory and not in the public interest.

#### **Section 94 Contributions**

S94 contributions would apply to the development as a result of the proposed increase in density, should the proposal have been supported.

#### Conclusion

Development Application No. 2017/199 for construction of a four (4) storey residential flat building development, comprising 16 residential units, basement parking, front fence and demolition of existing structures at 205-207 President Avenue, Monterey has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal for the reasons outlined within the 'Recommendation' contained earlier in this report.







400m to brighto-le-sands beach & botany bay

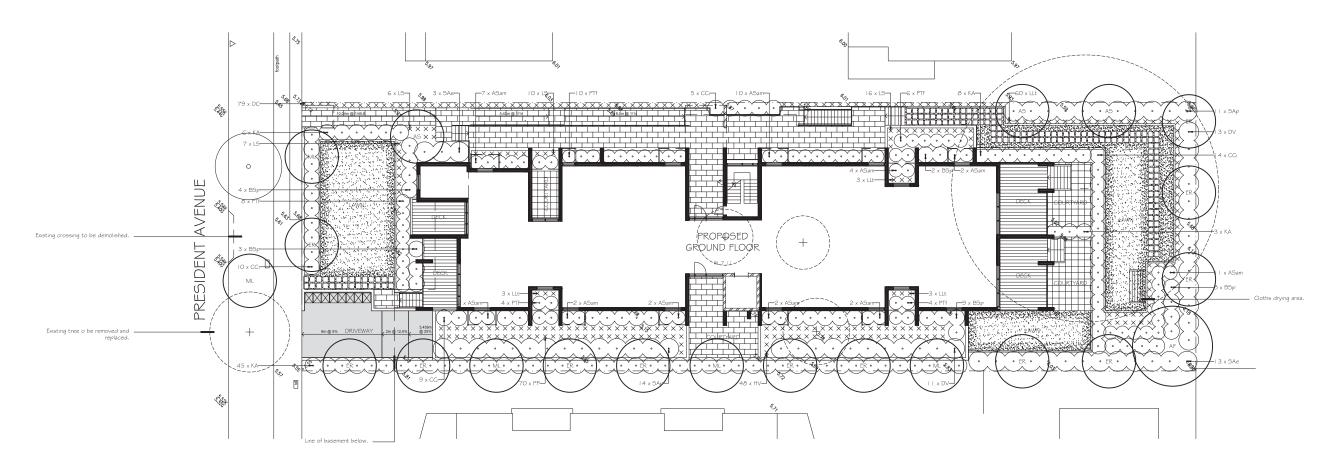
 $\rightarrow$ 

350m to the grand pde transport links north-south  $\rightarrow$ 

# SITE ANALYSIS PLAN

PROPOSED **RESIDENTIAL FLAT BUILDING** CONTAINING 2x3 BED., 12x2 BED., AND 2x1 BED. UNITS AT 205-207 PRESIDENT AVENUE MONTEREY FOR Mr. J. PAPANTONIOU macgillivray architects 29 mutual road, mortdale, 2223 ph: 9594 4809 m3architects@optusnet.com.au scale: 1:100@A1, 1:200@A3 date: 24.10.16

drawing no.: 2.926.10

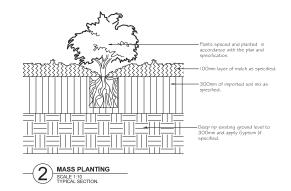


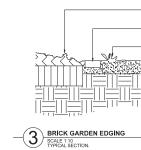
#### SCHEDULE OF PLANT MATERIAL

CODE BOTANICAL NAME		COMMON NAME	QUANTITY	MATURE HEIGHT	CONTAINER SIZE	STAKES
AS	Acmena smithii	Lilly Pilly	3	13m	45 litre	2
ASam	Acmena smithii 'Allyn Magic'	Dwarf Lilli Pilli	44	1m	200mm	-
AF	Angophora floribunda	Rough Barked Apple	1	15m	45 itre	2
BSp	Banksia spinulosa	Hairpin Banksia	26	1,5m	200mm	-
CCI	Callistemon citrinus	Bottlebrush	38	2.5m	200mm	-
DC	Dianella caerulea	Paroo Lily	79	0.4m	140mm	-
DV	Dodonaea viscosa 'Purpurea'	Purple Hop Bush	24	3m	200mm	-
ER	Elaeocarpus reticulatus	Blueberry Ash	11	5m	45 itre	2
ΗV	Hardenbergia violacea	Native Sarspari	48	prostrate	140mm	-
KA	Kunzea ambigua	Tick Bush	62	2,5m	200mm	-
LLt	Lomandra longifolia 'Tanika'	Tanika Lomandra	69	0.4m	140mm	-
LS	Lomandra 'Seascape'	Seascape Lomandra	39	0.4m	140mm	-
ML	Melaleuca linariifolia	Paperbark	5	7m	45 litre	2
PP	Pandorea pandorana	Wonga Vine	70	prostrate	140mm	-
PTf	Phormium tenax 'Flamin'	Red NZ Flax	32	1m	140mm	-
SAe	Syzygium australe 'Elegance'	Dwarf Lili Pili	16	3m	200mm	-
SAp	Syzygium australe 'Pinnacle'	Dwarf Lilli Pilli	25	3m	200mm	-

The majority of the plants in this schedule have been selected from a list of indigenous species from the Rockdale City Council's Technical Specification for Landscape.



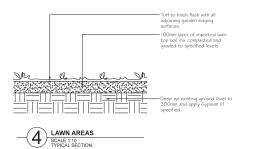


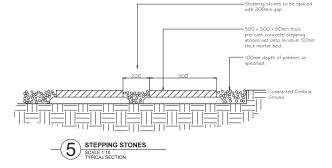


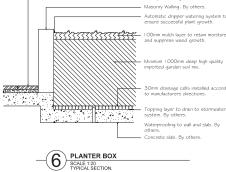
#### MAINTENANCE SCHEDULE

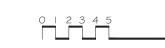
To ensure the rapid establishment and long term success of the landscape works the contractor shall undertake a 12 month maintenance period after Practical Completion. During this time the contractor shall be responsible for the replacement of any fale/dxibeh ghalts or other materials.

- The following general maintenance tasks shall also be undertaken:
- Hand watering of plants on a regular basis equating to four times per week for the first month and two times per week for the next two months (depending on weather conditions & subject to water restrictions)
- Mowing of turfed areas every two weeks from October to March and every month from April to September (depending on when the maintenance period occurs)
- · Checking of plants, stakes and ties every month
- Spraying of weeds every month
- · Replacement of failed/stolen plants every three months
- · Pruning plants (where applicable) every three months
- Topping up of mulch after six months to maintain a 100mm cover
- · Re-application of water crystals around plants after six months
- · Analysing soil after six months and applying fertiliser in accordance with the recommendations of the soil analysis











finimum 1000mm deep high quality nported garden soil mix.

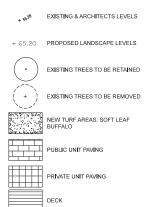
ete slab. By others

irtyard Paving Masonry Walling. By others. Automatic dripper watering system to ensure successful plant growth.



 Adjacent mulched garden bed to finish flush with brick edging.
 Standard paving brick edging laid on a mortar bed. Adjacent lawn to finish flush with brick edging

# LEGEND



BRICK GARDEN EDGING

STEPPING STONES

Verify all dimensions on site before Verify all dimensions on site before commencing construction or ordering materials. Verify the dimensions of all manufactured products before installation. Use figured dimensions in preference to scaled dimensions. Report any discrepancies to the Landscape Architect for a decision before work commences.

#### NOTES

This plan is to be read in conjunction with all documentation prepared by MacGillivray Architects.

# *iscape*

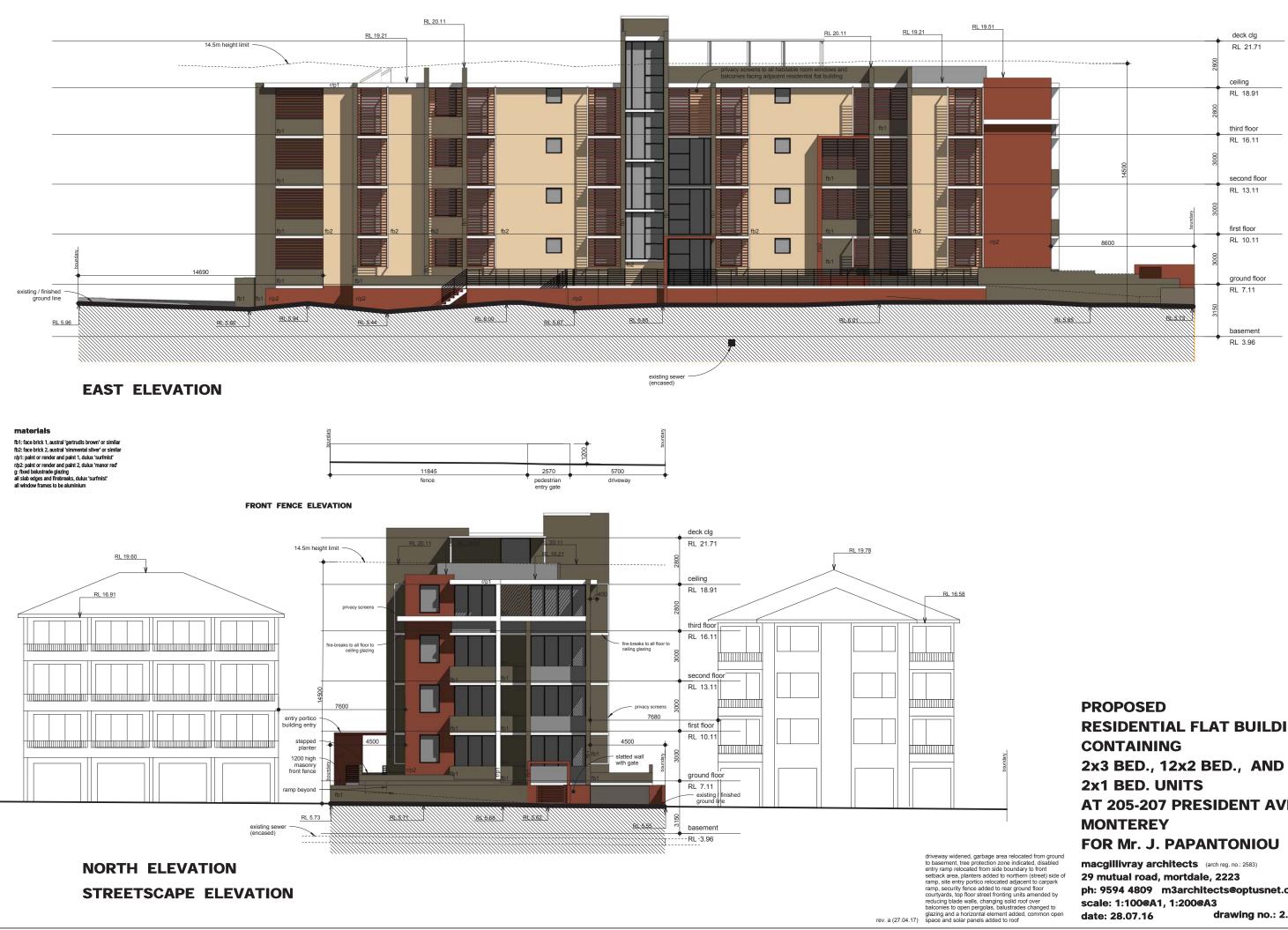
office. 16/303 pacific highway Iindfield nsw 2070 lindfield postal. 25 bent street lindfield nsw 2070 ph 9416 4290 fax 9416 4735 A.C.N 097 328 580 email ijla@netspace.net.au project Proposed Development 205-207 President Avenue, Monterey Irawing Landscape Plan lient Mr. J. Papantoniou 
 date
 scale

 September 2016
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 1:200 @ A2
 ONE/ONE 117.16/356

lesigned by drawn by CT IJ

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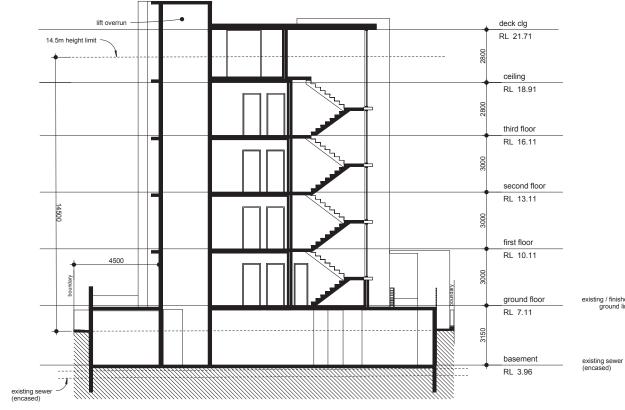
STREETSCAPE ELEVATION

**RESIDENTIAL FLAT BUILDING AT 205-207 PRESIDENT AVENUE** 

ph: 9594 4809 m3architects@optusnet.com.au scale: 1:100@A1, 1:200@A3 drawing no.: 2.926.6A date: 28.07.16





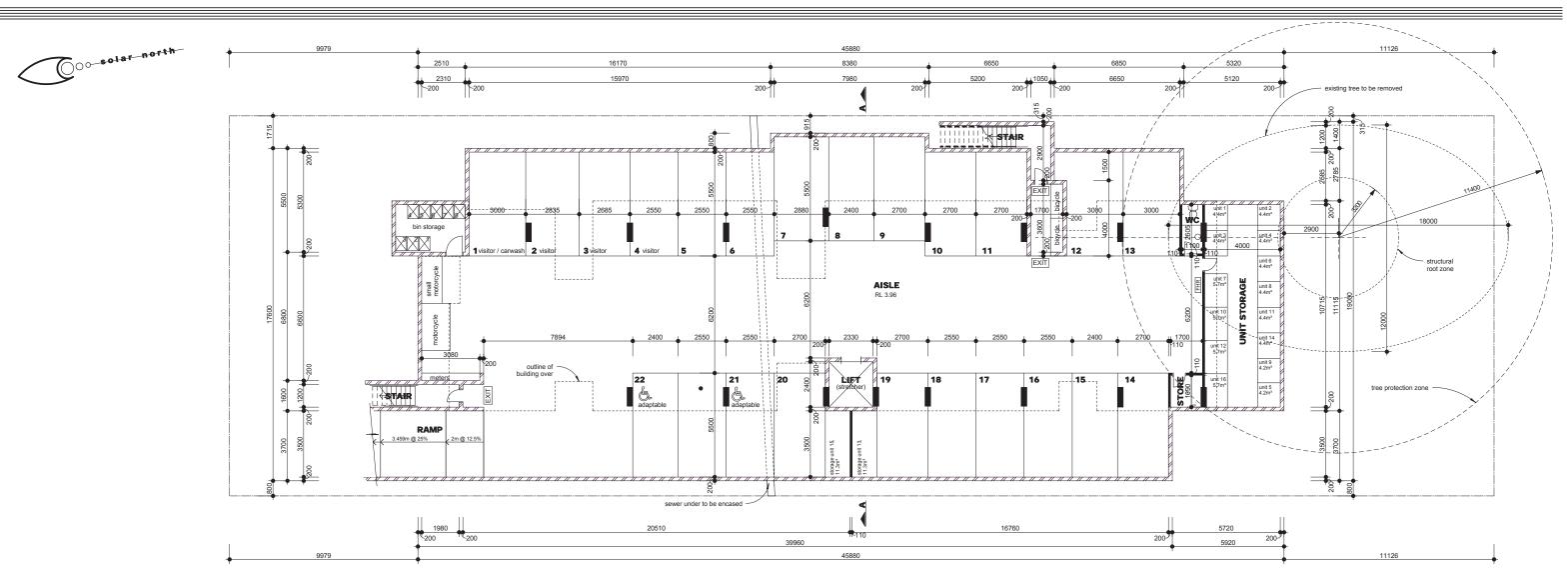




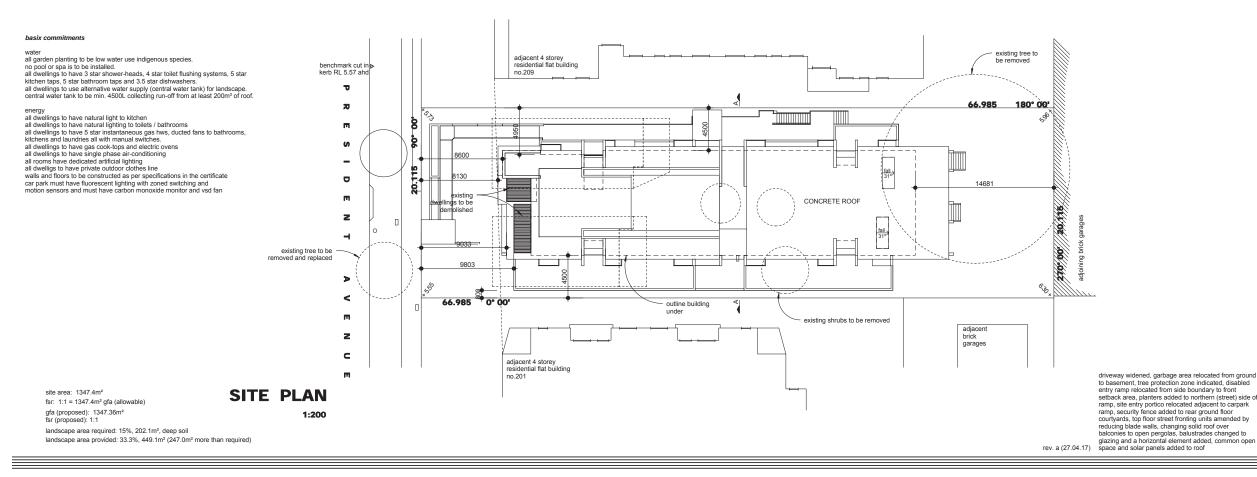
SECTION A - A

SOUTH ELEVATION

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11	PROPOSED	
	<b>RESIDENTIAL FL</b>	AT BUILDING
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96	2x3 BED., 12x2 E	BED., AND
	2x1 BED. UNITS	
	AT 205-207 PRE	SIDENT AVENUE
	MONTEREY	
	FOR Mr. J. PAPA	NTONIOU
elocated from ground indicated, disabled indary to front rthern (street) side of djacent to carpark ground floor units amended by id roof over rades changed to dded, common open oof	macgillivray architects 29 mutual road, mortdale ph: 9594 4809 m3archit scale: 1:100@A1, 1:200@/ date: 28.07.16	e, 2223 accts@optusnet.com.au







PROPOSED **RESIDENTIAL FLAT BUILDING** CONTAINING 2x3 BED., 12x2 BED., AND **2x1 BED. UNITS AT 205-207 PRESIDENT AVENUE** MONTEREY FOR Mr. J. PAPANTONIOU

macgillivray architects (arch reg. no.: 2583) 29 mutual road, mortdale, 2223 ph: 9594 4809 m3architects@optusnet.com.au scale: 1:100@A1, 1:200@A3 drawing no.: 2.926.1A date: 28.07.16