
Bayside Planning Panel

27/03/2018

Item No	6.3
Application Type	Development Application
Application Number	DA-2016/399
Lodgement Date	02.06.2016
Property	11-13 Queen Street, Arncliffe NSW 2205
Owner	Ostar Developments Pty Ltd
Applicant	Design Cubicle
Proposal	Construction of a five (5) storey residential flat building comprising 14 residential units including seven affordable units, basement parking, demolition of existing buildings
No. of Submissions	A total of fifteen (15) submissions were received initially. An additional three (3) submissions were received upon re-notification.
Cost of Development	\$3,239,002
Report by	Eric Alessi – Development Assessment Planner

Officer Recommendation

- 1 That the Bayside Planning Panel support the variation to clause 4.3 - Height of Rockdale Local Environmental Plan 2011 in accordance with the request under clause 4.6 submitted by the applicant.
 - 2 That Development Application DA-2016/399 for the Construction of a five (5) storey residential flat building comprising 14 residential units including seven (7) affordable units, basement parking and demolition of existing buildings be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
 - 3 That the objectors be advised of the Bayside Planning Panel's decision.
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Attachments

- 1 Planning Assessment Report
- 2 Roof plan (Communal open space)
- 3 Existing and proposed shadow diagram June 22 part 1
- 4 Existing and proposed shadow diagram June 22 part 2
- 5 Ground level landscaping
- 6 Rooftop landscaping
- 7 North-West and North-East Elevations

- 8 South-East and South-West Elevations
 - 9 Streetscape Plan
 - 10 Materials
 - 11 Section plan part 1
 - 12 Section plan part 2
 - 13 Section plan part 3
 - 14 Section plan part 4
 - 15 Site Plan
 - 16 Design Review Panel minutes October
 - 17 4.6 Variation
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Location Plan

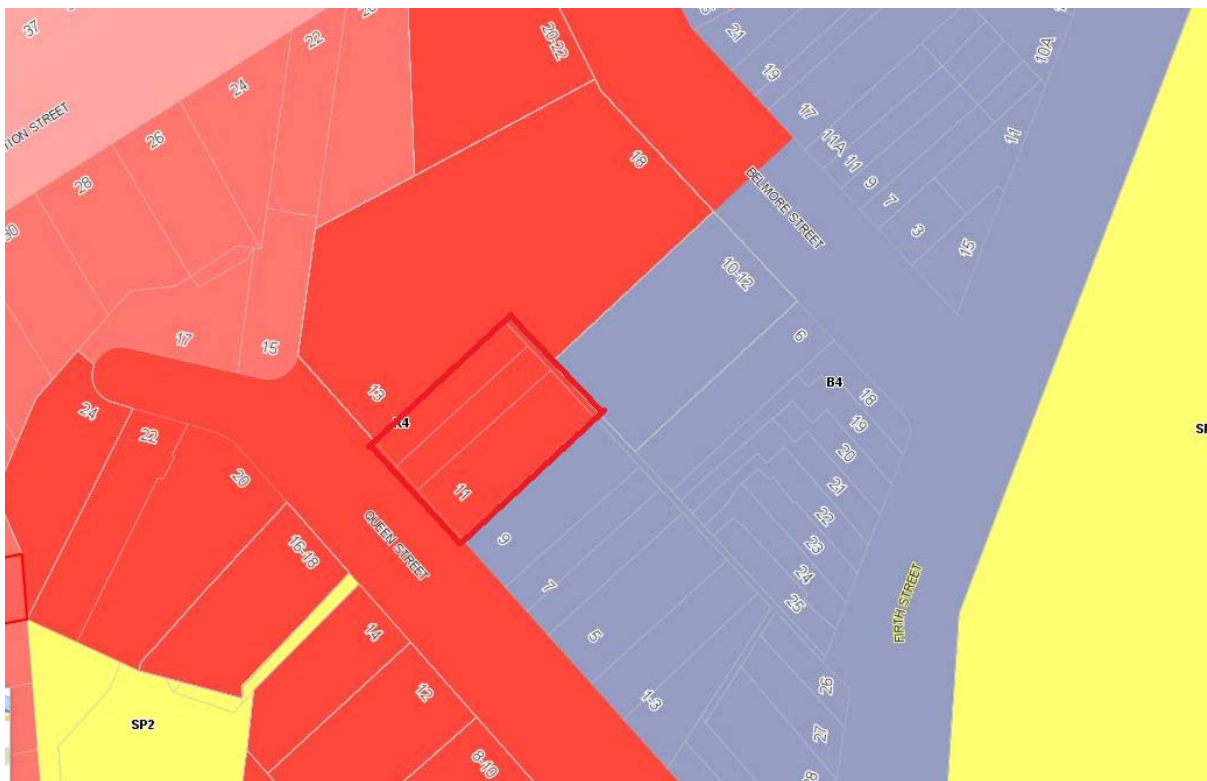


Fig 1 – Location Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	DA-2016/399
Date of Receipt:	2 June 2016
Property:	11 Queen Street, ARNCLIFFE (Lot 1 DP 742648) 13 Queen Street, ARNCLIFFE (Lot 15 SecB DP 976419), (Lot 16 SecB DP 976419)
Owner:	Ostar Developments Pty Ltd
Applicant:	Design Cubicle Pty Ltd
Proposal:	11-13 Queen Street ARNCLIFFE NSW 2205 - Construction of a five (5) storey residential flat building comprising 14 residential units including seven (7) affordable units, basement parking and demolition of existing buildings
Recommendation:	Approved
No. of submissions:	A total of fifteen (15) submissions were received initially. An additional three (3) submissions were received upon re-notification.
Author:	Eric Alessi
Date of Report:	8 March 2018

Key Issues

- The proposal includes a variation to the maximum permissible building height.
- The proposal impacts on neighbouring property views.
- The proposal includes retaining walls along the property boundaries.
- A total of eighteen (18) objections to the proposal have been received.

Recommendation

- That the Bayside Planning Panel support the variation to clause 4.3 - Height of Rockdale Local Environmental Plan 2011 in accordance with the request under clause 4.6 submitted by the applicant.
- That Development Application DA-2016/399 for the Construction of a five (5) storey residential flat building comprising 14 residential units including seven (7) affordable units, basement parking and demolition of existing buildings be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
- That the objectors be advised of the Bayside Planning Panel's decision.

Background

History

On 20 January 2016, a pre-DA (PDA-2016/26) was held at Council for the construction of a five (5) storey residential flat building comprising fourteen (14) residential units and basement car parking at 11-13 Queen Street, Arncliffe. The proposal included:

- Basement Parking for sixteen (16) car spaces
- Ground Floor 3 x 2 bedroom affordable dwellings
- First - Third Floors 3 x 2 bedroom dwellings
- Fourth floor 1 x 2 bedroom affordable dwelling and 1 x 1 bedroom dwelling

The following is a list of events for the proposal.

- 20 January 2016 - Pre-Development Application meeting was conducted.
- 23rd June 2016 - Application reviewed by Design Review Panel.
- 19th October 2016 - Application reviewed at second Design Review Panel meeting. The recommendations of the Panel are outlined under the section addressing SEPP No - 65 in this report.
- 29 November 2016 - Request for additional information letter sent. The letter requested the following issues be addressed:
 - The design is to address the issues raised by the design review panel including.
 - A split between the building levels across the site with a four-storey presentation along Queen Street.
 - Without having major impact on the building height, the basement and ground floor levels of the building should be reviewed to reduce excessive walls and to improve the amenity to the lower ground level apartments.
 - Remove the entrance portico structure and reduce the retaining wall within the street setback.
 - Remove the fire egress stairs in front of Unit 002 and enhance the streetscape landscaping.
 - Locate the lift core / fire stairs structure away from the front facade of the building.
- The use of solid / frosted glass balustrades should be used at the lower levels to reduce unsightliness from Queen Street.
 - Reduce the overall depth of Units 103, 203, 303, & 403 to less than 18m, as measured from the unit's glass line to glass line.
 - Delete all upper level side boundary facing balconies (i.e units 401 & 402).
 - Provide a revised BASIX certificate.
 - Submit a clause 4.6 justification from the exceeding of the height limit.
 - Provide a geo-technical report demonstrating that the earthworks will not have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
 - Reduce cut and fill.
 - Provide details on fencing.
 - Provide a revised landscape plan.
 - Provided revised shadow diagrams.
 - Clarify number of adaptable dwellings.
 - Provide revised basement plan so that it is located wholly within the building footprint and provide parking in accordance with the RTA Guide to Traffic Generating Development.
 - Provide details of where air conditioning units are to be located.

- Demonstrate corridors provide a minimum width of 2 metres and provide dimensions of lift core.
- Provide additional details regarding social housing provider, cross section

- 22 June 2017 - Lodgement of amended plans and additional information.
- 13 November 2017 - Applicant advised by email that changes to the basement parking plan are needed.
- 24 November 2017 - Revised plans received.
- 6 December 2017 - Request for additional information letter. Revised plans not acceptable. Revised plans showing the basement plan complying with AS2901.2004 and AS2890.6:2009 and a revised access report needed.
- 19 February 2018 - Additional information received.

No information on previous consent issued for the site was available in Council's GIS system.

Proposal

The proposal seeks to construct a five (5) storey residential flat buildings with rooftop terrace.

Features of the proposal include:

a) Basement Level (RL 24.29)

b) Lower Ground Level (RL 27.5)

- One three (3) bedroom unit and a one (1) bedroom unit.
- Air-conditioning room with mechanical ventilation.
- Store room for garden tools/common facilities.
- Bin room.

c) Upper Ground Floor (RL 30.50)

- Three two (2) bedroom units including one adaptable unit.

d) First Floor (RL 33.50)

- Three two (2) bedroom units including one adaptable unit.

e) Second Floor (RL 36.50)

- Three two (2) bedroom units, including two (2) affordable units.

f) Third Floor (RL 39.50)

- Two one (1) bedroom units, and one two (2) bedroom units. All units are affordable.

g) Roof Level (RL 42.50)

- Features a communal area of open space 83 square metres in area with amenities including seating, tables and barbecue area.

Seven (7) of the units are to be dedicated to affordable housing. An affordable unit allocation plan has been provided. The break down of units is below, which shows 3x1 bed units, 10x2 bed units and 1x3 bed units.

Unit sizes are as follows:

Unit 001 95 square metres - 3 Bed

Unit 002 67 square metres - 1Bed
Unit 101 77 square metres - 2 Bed
Unit 102 75 square metres - 2 Bed
Unit 103 79 square metres - 2 Bed
Unit 201 77 square metres - 2 Bed
Unit 202 75 square metres - 2 Bed
Unit 203 79 square metres - 2 Bed
Unit 301 77 square metres - 2 Bed
Unit 302 75 square metres - 2 Bed
Unit 303 79 square metres - 2 bed
Unit 401 50 square metres - 1 Bed
Unit 402 50 square metres - 1 Bed
Unit 403 50 square metres - 2 Bed

Site location and context

The subject site is legally known as Lot 1 in DP 742648 and Lots 15 & 16, Section B in DP 976419 and is commonly known as No.11-13 Queen Street, Arncliffe. The site comprises of three (3) allotments which are irregular in shape. The land area is 893.4m². The width of the front boundary facing Queen Street is 26.4 metres. The rear boundary is 26.4 metres in length. The left side boundary is 33.4 metres in length and the right side boundary is 34.1 metres in length.

The site is currently occupied by two (2) cottages. The site has a fall along Queen Street from the left side to the right side. The fall is approximately seven (7) metres deep. There is also a fall away from Queen Street. Directly north-west of the site is a four (4) storey residential flat building. To the north east is a six (6) storey residential flat building. To the south east are single storey dwelling houses. Opposite the site across Queen Street are four (4) storey residential flat buildings.

Queen Street is a Cul-de-sac street approximately 182 metres in length. There are steps in the pedestrian path at the front of the property due to the steep grade. The street mainly consists of residential flat buildings, however there are a number of single storey cottages, particularly on the northern side of Queen Street. The existing dwellings on the site were identified as heritage items in the previous LEP but are not listed as items in the current LEP. Photographic records of the existing dwellings have been provided with the application.

The subject site is affected by acid sulphate soils - Class 5. All existing vegetation on the site is to be removed. A small *Leptospermum* street tree is to be removed to facilitate the driveway entrance.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

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

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

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

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is subject to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. An assessment of the proposal against the ARHSEPP has been carried out as follows:

Division 1 – In-fill affordable housing

Clause 10 - Development to which Division applies

Comment: The proposal is for a Residential Flat Building within 400 metres of B4 - Mixed Use zoned land. The proposal is within walking distance to Arncliffe Station. Accordingly division 1 In-fill affordable housing applies.

Clause 13 - Floor Space Ratios

This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent

Comment: The site has a FSR of 1:1 under the RLEP 2011. The proposal seeks to provide seven (7) units out of the total fourteen (14) units as affordable rental housing, accordingly 50% of the units are to be affordable housing.

The floor space ratio bonus in accordance with clause 13 has been calculated as follows:

The existing maximum floor space ratio is 1:1 or 893.4 square metres.

The Floor Space Ratio Bonus is the percentage of the proposal to be affordable housing divided by 100 to come up with a decimal number.

$50 \text{ (Affordable Housing Percentage)} / 100$

The Floor Space Ratio bonus is 0.5:1.

The total permissible Floor Space Ratio is therefore 1.5:1 or 1340.1 square metres.

The Gross Floor Area of the proposal has been calculated to be 1206.4 square metres over a site area of 893.4 square metres. In this regard, the proposed floor space ratio (FSR) for the building is 1.35:1. Accordingly, the proposed FSR for the development meets the objectives and satisfies the maximum FSR permitted by State Environmental Planning Policy (Affordable Rental Housing) 2009.

Clause 14 - Standards that cannot be used to refuse consent

consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) (Repealed)

(b) site area

if the site area on which it is proposed to carry out the development is at least 450 square metres,

Comment: The area of the site is 893.4 square metres.

(c) landscaped area

if:

(i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or

(ii) in any other case—at least 30 per cent of the site area is to be landscaped,

Comment: The total area of landscaping is equal to 29% of the total site area. The area of landscaping is below the required 30% and in this regard a merit assessment has been undertaken. The proposal maintains a reasonable area of landscaping and the proposed 29% of the site only represents a minor variation. In addition to the ground level landscaping there is a garden terrace on the third level and roof terrace. The proposed area of landscaping is supported.

(d) deep soil zones

if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:

(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and

(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and

(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,

Comment: The total area of deep soil landscaping is 230 square metres over a site area of 893.4 square metres or 26% of the site area. 45% of the deep soil zone is located to the rear of the site. A reasonable area of the deep soil is located at the rear and is considered acceptable. Not all of the deep soil area is 3 metres in width. In this regard a merit assessment has been undertaken. The proposal provides deep soil areas of adequate dimensions for three large canopy trees. The landscaping dimensions are acceptable.

(e) solar access

if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

Comment: A minimum 70% of living rooms and private open spaces receive at least 3 hours of direct sunlight between 9am and 3pm.

(2) General

A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) parking

if:

(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or

(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,

Comment: The above has been taken into consideration in the assessment of parking rates. This is discussed in section 4.6 Parking Rates.

(b) dwelling size

if each dwelling has a gross floor area of at least:

- (i) 35 square metres in the case of a bedsitter or studio, or
 - (ii) 50 square metres in the case of a dwelling having 1 bedroom, or
 - (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or
 - (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.
- Comment: All units meet the above floor areas.

Clause 15 - Design requirements

Comment: Not applicable as SEPP 65 applies to the site.

Clause 16 - Continued application of SEPP 65

Comment: Noted.

Clause 17 - Must be used for affordable housing for 10 years

- (1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:
- (a) for 10 years from the date of the issue of the occupation certificate:
 - (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
 - (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.
- (2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.

Comment: Documentation from a social housing provider demonstrating that the affordable units are to be used as affordable housing is to be provided prior to the issue of the Construction Certificate. The affordable units will be required to continuously be used as affordable units in accordance with the above. This will be a condition of consent.

Clause 18 - Subdivision

This clause applies to land on which development has been carried out under this Division which may be subdivided with the consent of the consent authority.

Comment: The proposal does not involve subdivision.

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

The applicant has submitted a revised BASIX Certificate for the proposed development. The Certificate number is 716389M_02.

The commitments made result in the following reductions in energy and water consumption:

Reduction in Energy Consumption 31% (Target: 30)
Reduction in Water Consumption 40% (Target: 40)

Thermal Comfort Pass (Target: Pass)

A condition has been imposed on the consent to ensure that these requirements are adhered to.

State Environmental Planning Policy (Infrastructure) 2007

All matter of the State Environmental Planning Policy (Infrastructure) 2007 have been considered and comments area made below:

Clause 87 - Impact of rail noise or vibration on non-rail development (for residential development):
The proposal is 110 metres distance from a Railway line. The distance between the railway and the proposal is such that noise and vibrations and not likely to be an issue.

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

The site contains trees that are subject to approval by Council under clause 5.9 of RLEP 2011 conferred by:

- (a) development consent, or
- (b) a permit granted by Council.

All site trees are to removed to facilitate the development. This include a small Leptospermum street tree to facilitate the driveway construction. Council's Tree Management Officer has assessed the proposal and provided support. The landscape plan provides adequate compensation for the trees that are to be removed.

In this regard, the amenity of the area will be preserved and accordingly, the proposed development satisfy's the requirements and meets the objectives of this Clause.

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

In accordance with clause 28(2) of this policy, the consent authority must take into consideration the following:

a. The advice of the Design Review Panel (DRP)

The was referred to the Design Review Panel on the 23rd of June 2016 and the panel recommended that changes be made and the application be referred to the panel for further consideration. The application was again considered on the 19 October 2016 with revised plans. The Panel recommended that changes be made and the application be referred to Council for further consideration. The matters are discussed below.

b. The design quality of the development when evaluated in accordance with the design quality principles.

The design quality principles have been considered in the assessment of the proposal as follows:

Principle 1 – Context and Neighborhood Character

23rd June DRP

This is an extremely difficult site on a very steep slope in an area of mixed development which includes cottages and medium rise apartments. There is an approximately 3 metres level change in the middle of the site between existing upper level and lower level blocks. Overall there is approximately a 6 metres level change along the street. This creates difficulties particularly at side and rear boundaries. Site sections should be provided that include levels and location of adjacent properties and the footpath. There are opportunities for distant views to the east from upper floors and rooftop. The existing footpath has two sets of stairs along the frontage of the site.

19 October DRP

No further comments.

Comments: The site is significantly constraint by the steep topography. The proposal has been designed to respond to the topography of the land. This is discussed in detail in section 4.1.6 Development on Sloping Sites.

Principle 2 – Built Form and Scale

23rd June DRP

It seems to the Panel that access to the building could be gained directly from the footpath approximately mid site without any stairs or ramps. This would be a dramatic improvement over that currently proposed. The proposal includes a site benching strategy that excavates a single level across the site and results in high retaining walls on all site boundaries. The Panel recommends a split level approach that would tie into the approximate levels of the existing lots. The applicant proposed flipping the floor plans to respond to this approach. This approach would:

- reduce the height of retaining walls on boundaries;*
- allow for possible vertical capacity in car park levels to accommodate OSD tanks and storage etc;*
- provide capacity to relocate bin storage to the basement car park thereby improving access to the street;*
- improve streetscape interface and access;*
- improve apartment amenity and solar access for ground level apartments.*

The Panel recommends relocation of communal open space to the rooftop. This will enable removal of the inaccessible BBQ area in the rear corner of the site. It may, however, result in a minor intrusion through the building height plane. The Panel supports this possible non compliance in order to facilitate the creation of communal rooftop open space. Ceiling height should comply with the ADG and therefore be 3.1 metres floor to floor.

19 October DRP

The revised proposal has addressed some of the point raised above including provision of relocated building access from the street and communal roof top space. However the design has not adopted a split between the building levels. An alternative approach has been pursued which provides a lower level apartment at RL27.5 on the southern portion of the building and a single level ground floor at RL30.5. This still presents a range of issues related to walls and the interface to surrounding properties and amenity for the basement level units. Furthermore the relocation of the lift core to the street front of the development exacerbates the scale of the development. The following recommendations are made:

- Review of basement and ground floor building levels to reduce excessive walls and construction and improve amenity for basement apartments;*
- Investigate use of double height parking area for required parking spaces (car stackers), storage or*

services and to provide more efficient car parking layout;

- Investigate the relocation of the lift and stairs core and reduce height of core to reinforce the 4-storey datum along the street;
- Remove the entrance portico and walls;
- Remove unnecessary walls within street setback and reduce wall height;
- Remove access stairs in front of Unit 002 and maximize streetscape landscaping;
- Modify all balustrades to reduce transparency and to maximize privacy for residents;
- Protect the streetscape landscape frontage by ensuring all services including hydrants and detention tanks are located in the building footprint. Ideally hydrants should be located in driveway structure (perpendicular to the street);

There is insufficient building separation on the top apartment level particularly to the balconies facing the side southeastern boundary. Relocation of the lift and fire stairs could assist by allowing Unit 4.02 to face the street rather than the side boundary. All site cross sections should show top of wall heights for retaining walls on the boundary.

Comments: The following changes have been incorporated into the proposal:

- Retaining walls surrounding the ground floor apartments are reduced.
- The lift core has been relocated
- The entrance portico has been removed.
- Walls within the street setback have been removed.
- Access stairs in front of unit 002 have been removed.
- The proposal retains glass balustrades. The balustrade of the second floor unit is proposed to be frosted to protect the privacy of residents.
- A condition can be incorporated into the consent requiring fire hydrants to be perpendicular to the street.
- The proposal will need to incorporate floor to floor heights of 3.1 metre. This will be a condition of consent.

Considerable changes have been made to minimise ground level cut and fill, however there are still retaining walls along the side boundaries. Conditions of consent are proposed to ensure minimal impacts on surrounding properties. The scale of the building is similar in height and bulk to residential flat buildings on Queen Street. The proposal is supported in regard to this principle.

Principle 3 – Density

23rd June DRP

The scale is appropriate in the Context. The density although marginally above that permissible in this location, is permissible under the Affordable Housing bonus.

19 October DRP

The proposal appears to conform to floor space ratio requirements inclusive of the Affordable Housing bonuses.

Comment: The proposal is consistent with the floor space ratio requirements as outlined in clause 4.4 'Floor Space Ratios - Residential Zones' in this report with a floor space ration bonus obtained in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Principle 4 - Sustainability

23rd June DRP

Reducing cut and fill on the site through the split floor plate would be environmentally beneficial. Garbage store, OSD tanks and other services should be excluded from deep soil zones. Subject to BASIX.

19 October DRP

As above.

Comment: The level of cut and fill has been reduced and the height of the retaining walls along side boundaries has been reduced. The building design features appropriate sun shading devices including awnings to balconies. There are no excessive areas of glazing. The proposal includes canopy trees to provide shading the building and surroundings. The BASIX Certificate shows that the proposal meets the targets. As such the proposal is considered appropriate in regard to this principle.

Principle 5 – Landscape

23rd June DRP

A split level built form strategy would improve landscape spaces and interfaces by removing the requirements for excessive walls, stairs, ramps etc.

Relocation of communal open space to the rooftop would allow for increased planting along boundaries and within ground floor deep soil zones, improving privacy for neighbours.

The egress stairs from the basement car park to Queen Street requires further review to ensure a high quality streetscape interface. It is preferable for the egress stairs to be perpendicular to the street.

The treatment to the street frontage needs careful consideration to provide an appropriate interface between the public and private spaces (fence/hedge/retaining walls etc).

The roof terrace would be a positive outcome for residents and therefore should permit a lift overrun if required. The terrace design should incorporate some portion of shade, as well as common amenities and facilities such as BBQ' benches, table and planting.

19 October DRP

The proposal has been modified to reduce cutting and filling but requires further refinement. Refer to notes above under Built Form.

A new communal roof top space has been provided. Refinement of the design of this space is required. The design should:

- Create a series of spaces defined by planting to allow for a range of uses to occupy the space;*
- Provide more seating and tables;*
- Provide a small amenities room (with toilets, sink and storage) accessed off the lift foyer;*
- Be flexible. It is recommended that the over-scaled chess board be removed and replace with more seating, gathering spaces tables. A temporary chess board could be provided if desirable;*
- Provide a planting palette to deliver more planting diversity;*

The egress stairs from the basement car park to Queen Street requires further review to ensure a high quality streetscape interface. It is preferable for the egress stairs to be perpendicular to the street.

Refer comments above under Built Form regarding stairs located in front landscape setback.

The treatment to the street frontage needs careful consideration to provide an appropriate interface between the public and private spaces (fence/hedge/retaining walls etc).

The street frontage should be predominantly planting with the building entry defined by the Built Form and excess, unnecessary features such as walls should be removed from this zone. Further refinement of the planting palette is required to provide a diverse planting palette to allow for views and privacy and to ensure plant longevity.

The roof terrace would be a positive outcome for residents and therefore should permit a lift overrun if required. The terrace design should incorporate some portion of shade, as well as common amenities and facilities such as BBQ's benches, tables and planting.

Refer to comments above.

Existing streetscape including the verge concrete driveways etc should be clearly shown on all drawings.

Comments: The following amendments have been made to the proposal.

- The rooftop terrace has been amended to provide seating, and a barbecue area and appropriate vegetation screening.
- Basement entrances have been amended to be perpendicular to the street.
- The proposal incorporates landscape screening to provide a defined boundary between the public and private space.
- Walls within the Queen Street frontage have been removed and has been changed to predominately consist of screen planting.

The proposal includes an appropriate level of landscaping to the ground level, third garden terrace and rooftop. The landscape design provide an appropriate quality of vegetation to include the amenity of the locality. The proposal satisfies this principle.

Principle 6 – Amenity

23rd June DRP

The proposal should consider the inclusion of more 3-bedroom units.

The redesign of the front entry directly from the street as mentioned above is important.

Storage to be provided within units and basement car park.

Care should be taken to prevent overlooking of adjacent properties from upper balconies and terrace levels. Consideration should be given to amenity, outlook, privacy and solar access to ground level apartments.

Solid balustrades should be provided, particularly at lower levels where sight lines from the street are an issue.

19 October DRP

The proposal should consider the inclusion of more 3-bedroom units.

There is only 1 three-bedroom unit for the development. This may be insufficient for development of this scale.

The redesign of the front entry directly from the street as mentioned above is important.

Storage to be provided within units and basement car park.

Care should be taken to prevent overlooking of adjacent properties from upper balconies and terrace

levels. Consideration should be given to amenity, outlook, privacy and solar access to ground level apartments.

Solid balustrades should be provided, particularly at lower levels where sight lines from the street are an issue.

The access from the street to the lobby may not be equitable due to the verge treatment and steps in the footpath. This requires clarification from an Access Consultant.

Comments: The following changes have been made to the proposal:

- The front entry has been redesigned.
- Storage has been provided within units and basement car park.
- The amended plans provide a frosted glass balustrade to the ground floor level and a solid balustrade to the unit to the first floor unit on the left side. All other balustrades remain clear.
- The proposal makes no changes to the existing footpath.

Accessibility along Queen Street is still an issue. The steep grade of the street means it is unlikely a design solution can be devised to address the accessibility of the street. However, the applicant has submitted an Access report, which confirms the proposal complies with the relevant standards and is supported. Whilst the proposal does not comply with the number of three bedroom units, this has been supported as stated in CI4.5.1 of Rockdale Development Control Plan 2011 further in this report.

Principle 7 - Safety

23rd June DRP

The current entry is unsafe and illegible and relocation as recommended is desirable.

19 October DRP

The current entry is unsafe and illegible and relocation as recommended is desirable.

This has been improved.

Comment: The proposal does not include any non visible areas. Surveillance to the street is maintained. There is a clearly defined boundary between the public space and the building. The design provides safety and security to occupants and neighbours.

Principle 8 - Housing Diversity and Social Interaction

23rd June DRP

Increase the number of 3-bedroom units to improve housing mix.

Refer to comments under Amenity.

19 October DRP

Increase the number of 3-bedroom units to improve housing mix.

Refer to comments under Amenity.

Comments: The number of three bedroom units still remains one. The proposal is suitable in terms of affordability incorporating seven (7) affordable units creating a mix of demographics, living needs and household budgets as required by this principle. There is sufficient communal areas allowing the residents to interact. The proposal is considered to be consistent with this principle.

Principle 9 – Aesthetics

23rd June DRP

The appearance of the building will undoubtedly change significantly given the new design parameters recommended above.

19 October DRP

Aesthetic issues have been largely addressed in the comments above, however key concerns include:

- *Amending the front retaining walls and enhancing landscape (see Landscape);*
- *Locating the lift /stair tower away from the front facade and amending materials to reduce visual scale and bulk;*
- *Addressing privacy by revising glass balustrades.*

Comments: The following changes have been made to the proposal:

- Enhanced landscaping has been included.
- The lift/stair tower has been located away from the front facade
- The proposal includes frosted glass balustrades to the upper ground floor.

The proposed building is acceptable in terms of aesthetics. The facade includes a variety of building materials to add interest to the building. There is also suitable articulation and features, vertical and horizontal scaling of the building. The proposal is satisfactory in regard to this principle.

c. the Apartment Design Guide

The proposal has been assessed against the Apartment Design Guide (ADG).

The proposed development is considered to have performed adequately in respect to the objectives and design criteria contained within the ADG. The relevant issues are discussed below:

CLAUSE	DESIGN CRITERIA	COMMENTS	COMPLIES										
3J - Bicycle and car parking	As per Guide to Traffic Generating Developments, or per council requirement, whichever is less. Parking provided off street.	Complies. Refer to section 4.6 Parking Rates in DCP.	Yes										
4D – Apartment size and layout	<div>Minimum internal areas:<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50M²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table><p>Internal areas includes only one bathroom. Additional bathrooms increase area by 5m² each. Further bedrooms increase minimum internal area by 12m² each.</p></div>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50M ²	2 bedroom	70m ²	3 bedroom	90m ²	Internal areas for apartments comply as stated in the proposal section of this report.	Yes
Apartment type	Minimum internal area												
Studio	35m ²												
1 bedroom	50M ²												
2 bedroom	70m ²												
3 bedroom	90m ²												

4C – Ceiling heights	Minimum ceiling heights:			All units will have minimum ceiling heights of 2.7 metres. This is discussed in section 4.4.3 Natural Light and Ventilation.	Yes
	Habitable	2.7m			
	Non-habitable	2.4m			
	Two storey apartments	2.7m main living 2.4m first floor, area < 50% of apartment area			
	Attic spaces	1.8m at edge 30deg min slope			
	Mixed use area	3.3m for ground and first floor			
3F Visual Privacy	Min separation - side & rear boundaries:			Minimum setbacks are as follows: Rear: 13.6 metres Left side: 18.8 metres Right side: 6 metres (balconies to single storey dwelling) Front: 25 metres	Yes
	Building height	Habitable rooms and balconies	Non habitable rooms		
	Up to 12m (4 storeys)	6m	3m		
	Up to 25m (5-8 Storeys)	9m	4.5m		
	Over 25m (9+storeys)	12m	6m		
	Buildings on the same site combine required building separations. Gallery treated as habitable space				
4A – Solar and daylight access	Living rooms + POS of at least 70% of apartments receive min 2hrs direct sunlight b/w 9am & 3 pm mid-winter			All apartment receive a minimum two (2) hours of direct sunlight.	Yes
	Max 15% apartments receive no direct sunlight b/w 9am & 3pm mid-winter				
4F – Common circulation and spaces	Max apartments off a circulation core on a single level is eight. 10 storeys and over, max apartments sharing a single lift is 40.			No more than three (3) apartments have access to an circulation core on each level.	Yes

4E – Private open space and balconies	Primary balconies as follows:		Balcony areas have been calculated as follows: Unit 001 (3 bedroom) 140sqm (courtyard) Unit 002 (1 bedroom) 10sqm (courtyard) Unit 101 (2 bedroom) 10sqm Unit 102 (2 bedroom) 10sqm Unit 103 (2 bedroom) 195sqm (courtyard) Unit 201 (2 bedroom) 10sqm Unit 202 (2 bedroom) 13sqm Unit 203 (2 bedroom) 12sqm Unit 301 (2 bedroom) 13sqm Unit 302 (2 bedroom) 13sqm Unit 303 (2 bedroom) 12sqm Unit 401 (1 bedroom) 16sqm Unit 402 (1 bedroom) 9sqm Unit 403 (2 bedroom) 12sqm	Yes	
	Dwelling type	Minimum area			Minimum depth
	Studio	4m ²			-
	1 bed	8m ²			2m
	2 bed	10m ²			2m
	3+ bed	12m ²			2.4m
	Min balcony depth contributing to the balcony area is 1m.				
	Ground level, podium or similar -POS provided instead of a balcony: min area 15m ² and min depth of 3m.				
4B – Natural ventilation	Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.		Apartments are generally of a suitably depth to allow natural cross ventilation.	Satisfactory	
	Ten storeys or > are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.				
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.				

4G – Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	The proposal generally provides adequate storage areas within the basement and within the units. An additional condition is included to ensure they comply.	Satisfactory										
	<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m²</td></tr><tr><td>1 bed</td><td>6M²</td></tr><tr><td>2 bed</td><td>8m²</td></tr><tr><td>3 bed</td><td>10m²</td></tr></table>			Dwelling type	Storage size volume	Studio	4m ²	1 bed	6M ²	2 bed	8m ²	3 bed	10m ²
	Dwelling type			Storage size volume									
	Studio			4m ²									
	1 bed			6M ²									
	2 bed			8m ²									
3 bed	10m ²												
At least 50% of the required storage is located within apartment													

Rockdale Local Environmental Plan 2011

Relevant clauses	Compliance with objectives	Compliance with standard/provision
2.3 Zone R4 High Density Residential	Yes	Yes - see discussion
2.7 Demolition requires consent	Yes	Yes - see discussion
4.3 Height of buildings	Yes	No - see discussion
4.4 Floor space ratio - Residential zones	Yes	Yes - see discussion
4.6 Exceptions to development standards	Yes	Yes - see discussion
6.1 Acid Sulfate Soil - Class 5	Yes	Yes - see discussion
6.2 Earthworks	Yes	Yes - see discussion
6.4 Airspace operations	Yes	Yes - see discussion
6.7 Stormwater	Yes	Yes - see discussion
6.11 Active Street Frontages	No - see discussion	No - see discussion
6.12 Essential services	Yes	Yes - see discussion

2.3 Zone R4 High Density Residential

The subject site is zoned R4 - High Density Residential under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a residential flat building which constitutes a permissible development only with development consent. The objectives of this zone are:

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

The proposed development is consistent with the objectives of the zone.

2.7 Demolition requires consent

The proposed development seeks consent for the demolition of all existing site structures and hence satisfies the provisions of this Clause.

4.3 Height of buildings

The height of the proposed building at its highest point is 16m (top of the lift overrun structure RL 44.90 to NGL 28.9) which exceeds the maximum 14.5m height permitted in Clause 4.3 (Height of Buildings) of RLEP 2011. The exceedance is due to a lift core that protrudes above the 14.5m control. This component of the proposal exceeds the height limit by 1.39 metres. In addition the height of the building will need to be increased by 0.5 metres to meet the minimum floor to ceiling heights as discussed in section 4.4.3 Natural Light and Ventilation. As a result, the overall height of the parapet of the building along the lower side of the site on the eastern boundary will breach the height control by 100mm and the lift core will breach the height control by 1.89m.

The application has been accompanied by a written Clause 4.6 Variation. The submission is discussed in section 4.6 Exceptions to development standards within this report.

4.4 Floor space ratio - Residential zones

The proposal complies with the FSR requirements of the SEPP.

4.6 Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

- (3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and
- (3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

- (i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

5(a) The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and

5(b) the public benefit of maintaining the development standard.

The proposal seeks to vary the maximum permissible building height as discussed in section 4.3 Height of Buildings. The plans show the proposal is to exceed the maximum permissible building height by 1.39 metres. In addition the proposal will need to exceed the height by an additional 0.5 metres to the lift overrun and by 100mm to the parapet of the building at the lowest side of the site to meet minimum floor to floor ceiling height as is discussed in section 4.4.3 Natural Lighting and Ventilation.

The applicant has submitted a detailed justification for the proposed variation to the development standard. The justification is summarised as follows:

- The slope of the land means the building is pushed higher than would normally be the case.
- The variation will not result in any additional floor space.
- Only a small component of the proposal exceed the height limit and it is recessed into the building to be of minimal visual impact.

- The non-compliance will not obstruct existing view corridors.
- The fifth storey of the building is recessed in from the front setback.
- The variation does not result in any increased overshadowing.
- The variation will not be of significant environmental impact.

The applicants written request is satisfactory in regards to sub-clause (3).

Maximum permissible building height discussion

The objectives of clause 4.3 Height of Buildings is as follows:

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

- (a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and the public domain,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposal variation has been considered against each objective of clause as follows:

(a) to establish the maximum limit within which buildings can be designed and floor space can be achieved,

The variation to the height arises from the need to have a lift overrun to permit the use of the rooftop terrace. The lift overrun will have minimum impact on the bulk and scale of the proposal.

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

The proposal maintains a high quality urban form and the rooftop terrace is supported by the Design Review Panel.

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

The lift overrun will not cause additional overshadowing to adjoining properties or units within the proposal.

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

The lift overrun will be recessed into the rooftop and not visible from the street. There will not be an increase in habitable floor area. The lift overrun is necessary to facilitate the rooftop terrace which is supported by the Design Review Panel to increase the amenity for residents. The rooftop terrace would not be able to be included in the proposal without the variation.

The variation to the maximum permissible building height standard satisfies the 'five part test' established by the NSW Land and Environmental Court where the objectives of the standard have been achieved and the standard has been previously varied by a very minor degree in similar circumstances. The site has significant constraints by an irregular topography therefore there are specific circumstances in this case which warrants a variation to the numerical standards. It is also noted that the variation is only to part of the perimeter of the building and the lift core. The proposal meets the objectives of the zone and the standard and is of minimal environmental impacts. The strict application of the numerical control in this case is considered to be unreasonable and unnecessary. The proposal provides affordable housing in the short term and is in the public interest. As such, the applicant's submission is supported.

6.1 Acid Sulfate Soil - Class 5

Acid Sulfate Soils (ASS) – Class 5 affect the property. The proposal is not within 500 metres of adjacent Class 1, 2, 3 or 4 or contains works below 5 AHD which may lower the water-table beyond 1m of adjacent Class 1, 2, 3 or 4 land. Accordingly the proposal is not to affect Acid Sulphate Soils.

6.2 Earthworks

Earthworks including excavation are required on site for the basement levels, driveway and foundation works. The objectives and requirements of Clause 6.2 of RLEP 2011 have been considered in the assessment of this application. The proposal has been amended to minimise fill and cutting in accordance with the recommendations of the Design Review Panel. The proposal has been designed to slope in accordance with the natural contours of the land and retaining walls along side boundaries have been minimised.

Where earthworks remain it is considered that they will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. However, notwithstanding, relevant conditions are included in the draft Notice of Determination to ensure that the environmental amenity of surrounding land is maintained, and soil erosion, sedimentation, and drainage impacts are minimised.

6.4 Airspace operations

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51 metres to Australian Height Datum (AHD). The proposed building height is at 44.9 metres to AHD and in this regard, it is considered that the proposed development will have minimal adverse impact on the OLS and hence is acceptable with regards to this Clause.

6.7 Stormwater

The proposal involves the construction of an on site detention system to manage stormwater. The proposed stormwater system has been approved by Council's development engineers and is consistent with this clause.

6.11 Active Street Frontages

Active Street Frontages apply to the land under the Rockdale Local Environmental Plan 2011. Council's strategic planning team have advised that this is an anomaly in the Local Environmental Plan mapping and Active Street Frontages are not envisioned for the site. As such the proposal is satisfactory.

6.12 Essential services

Services will generally be available on the site. Additional conditions have been incorporated in the draft Notice of Determination requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site.

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

No relevant proposed instruments are applicable to this proposal.

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

The following Development Control Plan is relevant to this application:

Rockdale Development Control Plan 2011

The application is subject to Rockdale DCP 2011. A compliance table for the proposed development is

provided below:

Relevant clauses	Compliance with objectives	Compliance with standard/provision
4.1.1 Views and Vista	Yes - see discussion	Yes - see discussion
4.1.3 Water Management	Yes	Yes - see discussion
4.1.4 Soil Management	Yes	Yes - see discussion
4.1.6 Development on Sloping Sites	Yes	Yes - see discussion
4.1.7 Tree Preservation	Yes	Yes - see discussion
4.1.9 Lot size and Site Consolidation - Residential flat buildings	Yes	Yes
4.2 Streetscape and Site Context - General	Yes	Yes - see discussion
4.2 Streetscape and Site Context - Fencing		
4.2 Streetscape and Site Context - Sandstone Walling, Rock Outcrops and Kerbing	Yes	Yes - see discussion
4.3.1 Open Space and Landscape Design - Residential Flat Buildings	Yes	Yes - see discussion
4.3.2 Private Open Space - Residential Flat Building/Shoptop housing	Yes	Yes - see discussion
4.3.3 Communal Open Space	Yes	Yes - see discussion
4.4.1 Energy Efficiency - Residential	Yes	Yes - see discussion
4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing	Yes	Yes - see discussion
4.4.3 Natural Lighting and Ventilation - Residential	Yes	Yes - see discussion
4.4.4 Glazing - General Controls	Yes	Yes - see discussion
4.4.5 Visual privacy	Yes	Yes - see discussion
4.4.5 Acoustic privacy	Yes	Yes - see discussion
4.4.7 Wind Impact	Yes	Yes - see discussion
4.5.1 Social Equity - Housing Diversity and Choice	Yes	Yes - see discussion
4.5.2 Social Equity - Equitable Access	Yes	Yes - see discussion
4.6 Parking Rates Residential Flat Buildings	Yes	Yes - see discussion
4.6 Car Park Location and Design	Yes	Yes - see discussion
4.6 Vehicles Enter and Exit in a Forward Direction	Yes	Yes - see discussion
4.6 Basement Parking - General	Yes	Yes - see discussion
4.6 Driveway Widths	Yes	Yes - see discussion
4.6 Basement Parking - Residential Flat Buildings	Yes	Yes - see discussion
4.6 Access to Parking	Yes	Yes - see discussion
4.6 Design of Loading Facilities	Yes	Yes - see discussion
4.6 Car Wash Facilities	Yes	Yes - see discussion
4.6 Pedestrian Access and Sustainable Transport	Yes	Yes - see discussion
4.7 Air Conditioning and Communication Structures	Yes	Yes - see discussion
4.7 Waste Storage and Recycling Facilities	Yes	Yes - see discussion
4.7 Service Lines/Cables	Yes	Yes
4.7 Laundry Facilities and Drying Areas	Yes	Yes - see discussion
4.7 Letterboxes	Yes	Yes - see discussion
4.7 Hot Water Systems	Yes	Yes - see discussion

Relevant clauses	Compliance with objectives	Compliance with standard/provision
5.2 RFB - Site Coverage	Yes	Yes - see discussion
5.2 RFB Front Setback	Yes	Yes - see discussion
5.2 RFB - Side Setbacks	Yes	Yes - see discussion
5.2 RFB - Rear Setbacks	Yes	No - see discussion
5.2 RFB - Building Design	Yes	Yes - see discussion
5.2 RFB - Building Entry	Yes	Yes - see discussion
5.2 RFB - Lift Size and Access	Yes	Yes - see discussion

4.1.1 Views and Vista

The proposal is located in an R4 - High Density Residential Zone. The maximum height of buildings is 14.5 metres under the Height of Buildings map. The only property which views are to be affected is 18 Belmore Street, located directly north-west of the site. The impacts are discussed below:

18 Belmore Street Arncliffe

The proposal will impact on easterly views towards Botany Bay and accordingly the principles set out in *Tenacity Consulting v Warringah Council* were used to assess the impact.

1. Description and assessment of views to be affected by the proposal and the value of these views.
The property has district views to the east towards Botany Bay. The value of the views are considered high.

2. Ascertain whether view retention expectations are realistic. Consider what part of the property the views are obtained. The protection of view across side boundaries is more difficult than the protection of views from the front and rear boundaries.
Views are obtained from the side boundaries.

3. Assess the extent of the impact for the whole property. The impact should be qualified on a scale of negligible to devastating.
The property will lose views towards Botany Bay. The impact is considered high.

4. Assess the reasonableness of the proposal that is causing the impact, taking into account any non-compliance that is causing view loss (A development that complies with all the planning controls would be more reasonable than one that breaches them).

The Apartment Design Guide contains stipulated minimum building separation distances and minimum setback distances which the development complies. The proposal complies with front and rear setbacks. The side setbacks have been endorsed by the Design Review Panel. The proposal does not comply with the height limit in the Local Environment Plan as discussed in section 4.3 Height of Buildings. The principle states that *"A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable"*. The proposal exceeds the height limit due to the lift overrun which results in no impact on views.

The principles require consideration as to whether a more skillful design could reduce impact. *"With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of*

neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable". Consideration has been given to whether design changes can minimise view impacts. The impact on views arises by the height of the building being greater than habitable windows on the side of 18 Queen Street. The proposal would have to reduce its height significantly below the maximum permissible height to allow the neighbouring dwelling to retain its easterly views. The land is zoned for high density residential development and a building of this scale is consistent with the zoning. There are no opportunities to change setback to reduce view impacts, and the proposed setbacks are supported by the design review panel. In addition land east of the site is zoned for higher density residential development up to 14.5 metres in height.

In consideration of the above it is considered that the proposal is consistent with clause 4.1.1 of the DCP2011.

4.1.3 Water Management

The roofwater and runoff is to be directed to a detention tank. A stormwater plan has been submitted. Council's development engineer has assessed the proposal stormwater system and provided support.

4.1.4 Soil Management

A soil and water management plan will need to be produced and submitted and approved by the Principal Certifying Authority prior to the issue of the construction certificate. This will be a condition of consent.

Accordingly the proposal is consistent with the objectives and controls of this clause.

4.1.6 Development on Sloping Sites

The site has a steep fall from the north-west to the south-east. As discussed in the section regarding State Environmental Planning Policy 65, changes have been made to the proposal to reduce the level of cut and fill. The proposal originally involved creating a level ground floor from the north-eastern side of the site to the south-western side of the site. The design would result in extensive retaining walls along the boundaries to neighbouring properties, and extensive retaining walls around the ground floor apartments.

The building in the amended plans is designed to step in accordance with the topography of the land. The change in ground level along the property boundaries has been minimised. The section plans show that on the north-western side of the site the ground level continues at the natural level from 18 Queen Street to the building, however there is still to be a 1.7 metre retaining wall on the south eastern boundary.

The proposal is appropriately designed for the slope of the land and is consistent with the controls and objectives of this section.

4.1.7 Tree Preservation

The development proposal involves the removal of two (2) trees including one at the front of the existing dwelling at 11 Queen Street and the street tree in front of the property. Council's Tree Management Officer has assessed the proposal and provided the following comments.

- *Existing site trees may be removed. More than adequate compensation is provided in the proposed landscape works.*

- *The small Leptospermum street tree located at the front of 11 Queen Street is in poor condition and may be removed to facilitate construction of the proposed vehicle entrance.*

The proposal is satisfactory in relation to State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Clause 4.1.7 of DCP2011.

Accordingly the proposal is consistent with the objectives of this clause.

4.2 Streetscape and Site Context - General

The proposal is located in an R4 - High Density Residential Zone. The locality is mixed in character featuring cottages, older residential flat buildings and a newer residential flat building. The proposal is for a five storey residential flat building. The proposal is not out of context with the area in terms of scale and height.

The Queen Street elevation provides appropriate levels of articulation and features balconies and appropriate glazing. The proposal has been accompanied with a schedule of external materials and finishes. Materials include a mix of lighter and darker colour rendering, timber look cladding and ground level sandstone finishes. The varying building materials are suitable for the locality. The proposal includes a landscaped terrace to the south-eastern section. The general appearance of the proposal is satisfactory in the context of the area and is supported by the design review panel.

4.2 Streetscape and Site Context - Sandstone Walling, Rock Outcrops and Kerbing

There is no sandstone walling or rock formation within or in proximity to the site.

4.3.1 Open Space and Landscape Design - Residential Flat Buildings

The area of landscaping has been calculated to be 260 square metres out of a total site area of 893.4 square metres. Landscaping is 29% of the total site area. The minimum area required to be landscaped is 15% of the site.

Council's Landscape Officer has assessed the proposal and has provided comments in relation to the landscape plan and ongoing maintenance of the landscaping. A revised landscape plan will be needed prior to the issue of the occupation certificate and there will be conditions of consent regarding the ongoing maintenance of landscaping.

With the appropriate conditions of consent the proposal is consistent with the objectives and requirements of this clause.

4.3.2 Private Open Space - Residential Flat Building/Shoptop housing

All apartments are required to have primary balconies as follows:

Dwelling type Minimum area Minimum depth

Studio Apartments 4m² 2m

1 bedroom apartments 8m² 2m

2 bedrooms apartments 10m² 2m

3+ bedroom apartments 12m² 2.4m

The minimum balcony depth to be counted as contributing to the balcony area is 1m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.

All proposed balconies comprise minimum dimensions of 2.4 metres. Proposed balconies adjoining main habitable areas, are oriented east or west, which provides appropriate solar access and outlook. Balconies are of suitable dimensions to allow functional use and can accommodate a variety of furnishings.

The proposed development is consistent with the objectives and requirements of this section.

4.3.3 Communal Open Space

Control 4.3.3 of the Rockdale Development Control Plan requires a primary communal open space are of adequate dimensions for residential flat buildings which has 12 or more dwellings. A minimum area of 5 square metres of communal open space is required per dwelling. The proposal provides an area of 82 square metres of communal open space on the rooftop which equates to 5.8 square metres per apartment. In addition communal open space should:

Contribute positively to the amenity of the development

The rooftop terrace contains suitable amenities including tables seating and is situated in a desirable part of the building.

Be conceived as part of the overall design of the building

Communal open space is located on the rooftop terrace as is a clearly defined space which is integrated into the design of the building.

Be north facing and receive adequate solar access

Communal open space is located on the rooftop and receives no overshadowing.

Have a minimum area of 40% that has sunlight at 1pm on 21 June,

The rooftop terrace is not anticipated to receive any overshadowing.

Be clearly defined to distinguish between communal and private open space

The whole rooftop is designates as communal open space and there is a clear boundary between private space and communal space.

Be of dimensions to suit the proposed use and requirement of the occupants

Communal open space is of suitable dimensions to be usable.

Provide for a range of recreational uses and activities, act as a catalyst for social interaction, and be supplemented with seating and shading.

The communal open space contains seating a table and shade structure.

Be cost effective to maintain

There are no features in the area of communal open space that are anticipated to be costly to maintain.

Contribute to storm water management and be integrated with the on-site drainage detention system.

Council's Development Engineer has supported the proposed stormwater management system.

Access to the rooftop terrace is via the lift and stairs which is shared as the means of access to all apartment. Access to the area of communal open space is considered adequate and convenient. The proposal is acceptable with regarding to the objectives and controls of this section.

4.4.1 Energy Efficiency - Residential

The applicant has submitted a BASIX Certificate for the proposed development.

The commitments made result in reductions in energy and water consumption, and will achieve the efficiency target set under SEPP BASIX.

The façade incorporates shade structures and does not feature any extensive areas of unprotected glazing.

4.4.2 Solar Access - Residential Flat Buildings and Shop Top Housing

The objectives of this clause area as follows:

- A. To ensure that sunlight access is provided to private open space and habitable rooms within the development*
- B. To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site*

Hourly shadow diagrams have been provided for mid-winter at 9 am to 3 pm. The shadow diagrams show that at 9 am a shadow approximately 43 metres in length will be cast south-west to the front of 16-18 Queen Street, and the northern side of 14 Queen Street. By 11 am the shadow would have shifted so that it is cast to the south to the front of 14 and 12 Queen Street. The length of the shadow will not be enough overshadow balconies and habitable windows of units at 14 and 12 Queen Street. At 10 am a shadow will be cast to the side of No. 9 Queen Street overshadowing approximately 50% of the side of the dwelling. Between 11 am and 3 pm all of the north-western side of No 9 Queen Street will experience overshadowing. The private open space of No. 9 Queen Street will only be overshadowed at 3 pm.

The Rockdale Development Control Plan requires that living rooms and private open spaces for at least 70% of apartments in a development and adjoining properties should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter. At least 70% of apartments and adjoining properties receive at least 3 hours of direct sunlight.

No. 9 Queen Street does not receive a minimum three (3) hours of direct sunlight as stipulated by control 4 of this section. In this regard a merit assessment has been undertaken. The survey plans shows that the existing separation distance between 11 and 9 Queen Street is 600 mm. The proposal has been accompanied by shadows diagrams showing existing overshadowing between the dwellings that exist between the 13 to 9 Queen Street. The diagram shows that the north-western side of No. 9 Queen Street is currently overshadowed between 10 am and 3 pm. Control 4 required that where existing properties currently receive less sunlight than these standards, sunlight must not be reduced by more than 20%. The proposal does not create any additional overshadowing to No. 9 Queen Street.

The objectives of clause 4.4.2 have been considered and the proposal is considered satisfactory.

4.4.3 Natural Lighting and Ventilation - Residential

The section plans show that there is to be 3 metres separation distance floor to floor in habitable areas. A floor to floor separation distance of 3.1 metres is required to meet the minimum required ceiling height of 2.7 metres. This was a comment made by the design review panel. It is proposed that a draft condition of consent require amended section and elevation plans to be provided showing a minimum floor to floor separation distance of 3.1 metres prior to the issue of the construction certificate.

Consequently the building height will need to be increased above the maximum permissible height. It is

proposed that the proposal be permitted to exceed the maximum permissible height in addition to that outlined in the 4.6 to meet this clause.

A condition of consent will require the proposal to have minimum ceiling height of 2.7 metres.

Provided the above is implemented the proposal will be consistent with the objective and controls of this clause.

4.4.4 Glazing - General Controls

The proposed development provides appropriate sun protection/shading devices during summer for glazed areas facing north, west and east, including the use of eaves/awnings/external louvers/projecting sunshades.

4.4.5 Visual privacy

Consideration of visual privacy impacts have been considered as follows:

16-18 Queen Street

16-18 Queen Street is a four (4) storey residential flat building located directly opposite the proposal. The building features windows facing into the frontage of the proposal. There is to be an approximate 25 metres separation distance between the balconies of the building and the proposal. The Apartment Design Guide recommends a 9 metre minimum separation distance. There is a suitable separation distance between balconies to provide a reasonable level of visual privacy.

14 Queen Street

14 Queen Street is a four (4) storey residential flat building located south of the site across Queen Street. The proposal feature balconies with solid balustrades facing onto Queen Street. The separation distance between balconies of the building and the proposal is approximately 33 metres.

10-12 Belmore Street

10-12 Belmore street is a five (5) storey residential flat building located to the rear of the proposal. It contains balconies along the length of the rear facing into the proposal. The separation distance between the balconies of the proposal and 10-12 Belmore Street is 14.4 metres.

In consideration of the above the proposal is reasonable in terms of visual privacy and meets the objective of this clause.

4.4.5 Acoustic privacy

The floor plans show that the proposal is suitable designed so that noise sensitive components of the proposal include bedrooms are not to be directly adjacent to components of the development that is anticipated to generate noise, including lift-cores and bathrooms and kitchens of adjoining dwellings.

The proposal is required to be insulated to have and impact Isolation between floors to achieve an Acoustical Star Rating of 5 in accordance with the standards prescribed by the Association of Australian Acoustical Consultants (AAAC). An Acoustic Report is required to be submitted and approved by Council prior to the issue of the Construction Certificate and post construction stage to ensure that this standard can be achieved. This will be a condition of consent.

The proposal is consistent with the objectives and controls of this section.

4.4.7 Wind Impact

A Wind Assessment Report prepared by WINDTECH Consultants dated June 15, 2016 has been prepared for the proposal. The report includes details of the methodology used for assessing the impact. The report concluded that the proposal will have minimal adverse impacts on traffic able areas outside of the proposal. The following is from the report:

"The results of the study indicate that suitable wind conditions will be experienced for the majority of the tested trafficable outdoor locations within and around the site without the need for ameliorative treatments. It should be noted that impermeable balustrades will be required for the south-western corner balconies on Levels 1 to 3 and for the south-eastern corner balcony on Level 4.

The results of the study indicate that wind conditions along the pedestrian footpath of Queen Street will be similar to existing site wind conditions."

The report recommends the following ameliorative treatments for the proposal.

<u>Site</u>	<u>Recommended Treatment</u>
Point 13 (Eastern side of balcony on south-eastern section of level 3)	Solid Balustrades
Point 17 (Eastern side of balcony on north-eastern section of level 4)	Solid Balustrades

All units contain solid balustrades and accordingly the proposal is consistent with the recommendations

The proposal complies with the requirements and objectives of this clause.

4.5.1 Social Equity - Housing Diversity and Choice

Part 4.5 of the RDCP 2011 contains objectives and controls that aim to ensure that apartments in mixed use developments are flexible, maximise housing choice and provide equality of access. The proposal is considered to satisfy the relevant objectives and requirements. Compliance with the key controls are discussed below:

- Provision of 10%-30% 1 bed-room units, 50-75% two-bedroom units, and 10-20% three-bedroom units. The proposed unit mix does not comply with the RDCP 2011. The proposal includes 21% one-bedroom units (3), 71% two-bedroom units (10) and 7% three-bedroom units (1). The proposal is deficient one three bed-room unit. A merit assessment has been undertaken in this regard. The proposal provides a reasonable mix of unit types and includes more two-bedroom units than usual. The proposal also includes seven (7) affordable dwellings.

The proposal is therefore considered to satisfy the requirements of Part 4.5 of the RDCP 2011.

4.5.2 Social Equity - Equitable Access

- Minimum 10% of units being adaptable in accordance with AS 4299, and barrier free access to be provided to a minimum of 20% of apartments.

Part 4.5.1 requires that a minimum of one (1) unit to be provided as adaptable housing in accordance with AS 4299. The proposal contains two (2) accessible units both two (2) bedrooms in size. An Access Report has been accompanied with the proposal.

4.6 Parking Rates Residential Flat Buildings

All parking for the proposal is to be located in an underground car park. There are to be a total of sixteen (16) car-parking spaces and a Bicycle storage area and three (3) motorbike storage areas. One (1) parking space is to be designated as a visitor / car-wash bay. There are two accessible car-parks.

The required parking rates are as follows:

Dwelling Size	Required	Provided	Compliance
A total of seven (7) one and two bedroom units (non-affordable)	1 space / unit = 7 spaces	7	Yes
One (1) three-bedroom units (affordable)	1 spaces / unit = 1 spaces	1	Yes
Seven (7) one and two bedroom affordable units	0.5 spaces / unit in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 = 4 spaces	4	Yes
Visitor Parking	1 space / 5 dwellings = 14/5 = 2 spaces	3	Yes
Car wash bay / van space for loading and unloading (can be shared with visitor spaces)	1 space (3.5 m wide x 5.5m long) = 1	1	Yes
Total	16	16	Yes

As shown above the proposal contains a suitable number of car-parks and meets the requirements and objectives of this section.

4.6 Car Park Location and Design

Access to parking is provided by a single lane driveway leading from Queen Street into the underground car-park. The driveway is located along the south-eastern boundary. Access to the basement is provided via a lift and stairwell. It is proposed that a condition of consent require a traffic management system to be designed for the basement ramp to provide for priority oneway access on the 3.6m wide ramp that provides for access in both directions. The system is to be able to detect the location of vehicles and designate priority to vehicles entering the basement from Queen Street using a traffic light system. The proposed system is to be submitted and approved by Council prior to the issue

of the Construction Certificate and included in the proposal.

Provided the above condition is adhered to the proposal is satisfactory in relation to the provisions of this clause.

4.6 Vehicles Enter and Exit in a Forward Direction

The underground car park provides adequate manoeuvring areas to allow vehicles to enter and exit in a forward direction. Council's development engineer has assessed the proposal and has found that the proposal includes adequate manoeuvring areas for vehicles to enter and exit the site. The proposal is consistent with the requirements of this clause.

4.6 Basement Parking - General

Access to the underground car-park is provided by a single driveway from Queen Street. The driveway is located along the south-eastern boundary and is not shared with pedestrian access. Access from the car-park is provided via a lift and stairwell. No part of the underground car-park protrudes above the ground level. The proposal is satisfactory in relation to the provisions of this clause.

4.6 Driveway Widths

The proposed driveway width complies with Council's Technical Specifications and hence satisfies the provisions of this Clause.

4.6 Basement Parking - Residential Flat Buildings

All parking is provided within an underground car-park with access off Queen Street.

4.6 Access to Parking

Visitor parking is to be clearly defined. There is not to be a security shutter. Parking spaces for people with disabilities are located close to lifts and access stairs. The proposal is satisfactory in regards to the provisions of this clause.

4.6 Design of Loading Facilities

There is to be a service bay located within the underground car park for the loading and unloading of goods. This bay is isolated from pedestrian and vehicular movements. The proposal is satisfactory in regards to the controls in this clause.

4.6 Car Wash Facilities

The car-parking plan shows that the proposal is to incorporate one visitor parking bay with car wash facilities. A condition of consent will be placed on the draft notice of determination requiring the car wash bay to be provided with a tap and runoff directed and treated as per Rockdale Technical Specification Stormwater Management.

4.6 Pedestrian Access and Sustainable Transport

The proposal incorporates secure designated bicycle parking spaces in the basement. Direct pedestrian access to the development from Queen Street is provided. Ann pedestrian access is separated from vehicle access. The development is acceptable in this regard.

4.7 Air Conditioning and Communication Structures

The BASIX certificate shows that each unit is to have its own designated air conditioning. There is a designated air conditioning room within the lower ground floor. A condition of consent will be placed on the draft notice of determination requiring air conditioning units to be placed within the air-conditioning

room and not be located within balconies.

4.7 Waste Storage and Recycling Facilities

There is a designated bin room within the lower ground floor with enough space for seventeen (17) bins. Council's waste management officer has assessed the proposal and provided support. The proposal is satisfactory in regards to the controls of this clause.

4.7 Laundry Facilities and Drying Areas

Each unit has a designated space for laundry facilities. The proposal is consistent with the controls in this clause.

4.7 Letterboxes

Letter boxes are located adjacent to the main entry off Queen Street. Letterbox are contained within a wall which is an integrated part of the building. The proposal is satisfactory in relation to the controls of this clause.

4.7 Hot Water Systems

No information has been provided on the location of hot water systems. A condition of consent will be placed on the draft notice of determination requiring any hot water equipment located with balconies to be recessed into the built for and designed to blend into the building. In this regard the proposal will comply with this control.

5.2 RFB - Site Coverage

The total building footprint as calculated from the Upper Ground Floor plan is 286.6 square metres over a site area of 893.4 square metres, equating to 32% of the total site area and as such the proposal involves a variation to the requirements of this clause which requires the building footprint for residential flat buildings to be 35% of the site area. The variation is considered minor and given the constraints of the site, it is supported in this instance.

5.2 RFB Front Setback

An established setback has been established by neighbouring dwellings. Existing cottages down the right side of Queen Street have setbacks of between 3.5 and 4 metres. Adjacent to the proposal is 13 Cecil Street a residential flat building with a setback of approximately 11.5 metres. The proposal incorporates a setback of 4 metres. The setback is consistent with the prevailing setback that has been established along the street and in accordance with this Clause.

5.2 RFB - Side Setbacks

The proposal has a setback of six (6) metres from the north-western boundary and 5.8 metres setback from the south-eastern boundary. A 4.5 metre side setback is required for buildings over three (3) storeys. Proposed setbacks are consistent with the requirements of this Clause and have been endorsed by the Design Review Panel.

5.2 RFB - Rear Setbacks

The proposal incorporates a six (6) metre rear setback. The rear setback is in excess of 15% of the length of the site but is less than twelve (12) metres. In this regard a merit assessment has been undertaken. The shadow diagram shows that there will be no overshadowing to the rear of the site. The proposed rear setback has been endorsed by the Design Review Panel. In this regard the proposed rear setback is acceptable.

5.2 RFB - Building Design

The proposal has been accompanied by a streetscape elevation and a concept illustration. The building generally consists of a singular form which is rectangular in shape. A variety of external materials are proposed including white, grey and dark coloured rendering and timber look cladding. There is a sandstone finish rendering around the ground floor area. The façade consists on a core running the height of the building featuring timber look cladding. There are balconies extending the length of both side of the building. The varying building materials are compatible with the locality and do contribute to creating an aesthetic building. Balconies have frosted and clear glass balustrades. All aesthetic issues raised by the design review panel have been addressed in the revised plans. The proposal provides a reasonable quality building design and meets the objectives and controls of this section.

5.2 RFB - Building Entry

The proposed residential entry is clearly identifiable from Queen Street. All pedestrian access is separated from vehicular access. The design and configuration of circulation spaces and lobbies are of sufficient width to enable movement of bulk items. The proposal is consistent with the objectives and controls of this Clause.

5.2 RFB - Lift Size and Access

The proposal incorporates a lift core measuring 2.4 x 2 metres in diameter. A condition of consent will require a lift car to be provided with minimum internal dimensions of 2.1m x 1.5m. The common circulation corridors area 1.6 metres in width as opposed to the required 2 metres width. In this regard a merit assessment has been undertaken. The common corridors provide a reasonable width to allow bulky goods and there are no lengthy corridors included in the proposal. In this regard the proposal is considered satisfactory.

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

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of *AS 2601:1991 - Demolition of Structures* when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

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

Potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed are as follows:

Access

A disability Access Report for the proposal has been prepared by Access Solutions dated 05.02.2018. The report demonstrates compliance with Part 4 of the Rockdale Development Control Plan with requires two (2) adaptable units and 20% 'barrier free' units with an accessible car parking space for 50% of adaptable units. A condition of consent will require the recommendations contained within the report to be implemented into the proposal.

Construction

There are no specific issues relating to the BCA in the proposed design. Site and safety measures to be implemented in accordance with conditions of consent and Workcover Authority guidelines/requirements.

Building Materials

To ensure all external building materials maintain fire safety to the building, a condition is proposed requiring suitable evidence to be provided that construction materials included cladding, synthetic or aluminium composite panels comply with the relevant requirements of the NCC.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

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

The development has been notified in accordance with the provisions of Rockdale DCP 2011. There were two submission periods. One between the 15th June 2016 and the 29th June 2016 in which fourteen (14) submission were received. The application was again placed on exhibition with revised plans on the 30 June 2017 to the 17 July 2017. A total of three (3) submission were received.

The issues raised in the submission are discussed below:

Issue: Sunlight access

Concern has been raised that *"...loss of morning light and loss of view...", and "...overshadowing of our property which will lead to reduction in our social life to use our backyard and enjoy sunlight."*

Comment: The proposal will not reduce solar access to adjoining properties by less than two (2) hours to balconies or habitable rooms of any adjoining properties. Solar access is discusses in detail in clause 4.4.2 Solar Access.

Issue: View loss

Comment: The impacts on views have been assessed in accordance with the principles set out in Tenacity Consulting v Warringah Council. This is discussed in detail in section 4.1.1 Views and Vistas.

Issue: Height of Building

Concern has been raised that *"...the proposed building is to be 5 stories and non-compliant with Council height limits..."*

Comment: The variation in the maximum building height to allow a lift overrun to be included to facilitate the inclusion of a rooftop terrace. The variation is to have not impact of adjoining properties including solar access and bulk and scale. The height variation is discussed in detail in section 4.6 Exceptions to development standards.

Issue: Loss of privacy

Concern has been raised that *"... the development poses a substantial privacy risk as infringement will be directly into our property and line of sight..."*

Comment: The issue of privacy is discussed in detail in section 4.4.5 Visual Privacy.

Issue: Population Density

Concern has been raised that *"....that there must be a 'balance' struck in (densities) so that we are not living (on top of each other) in compressed and stressful 'concrete ghettos' conditions."*

Comment: The land is zoned high density residential development and the proposal meets the

objectives of the zone. The proposal provides all amenities that are required by the apartment design guide including landscaping and open space.

Issue: Traffic & Parking congestion

Concerns have been raised regarding parking, access and traffic in Queen Street....*At present, we have many units in Queen St. There are a lot of people residing in such a small space because of all the units. We all share this small space, and its narrow road, steep incline and dead end as best as we can, but given the amount of people living here it is already a traffic hazard for parking, rubbish collection and general coming and going. Adding a 14 unit block to the already full to the capacity street (regardless of their own basement level parking) will only exacerbate the situation.*

Comment: Off street parking is to be provided in accordance with the requirements of Council's Development Control Plan and State Environmental Planning Policy (Affordable Housing).

Issue: Loss of rental income and market value

Comment: Loss of rental income and market value is not an issue for consideration under section 79C of the Environmental Planning and Assessment Act.

Issue: *Garbage collection is already a big problem (just ask any of the garbage employees who attempt this weekly. In fact we have two pick ups a week because of the nature of the busy small road.*

Comment: Council's waste management officer has assessed the proposal and provided support.

Issue: Bulk and scale

Comment: The site coverage of the building is less than 35% of the site and the proposal complies with all controls in relation to scale including Floor Space Ratio.

Issue: Excavation and Dust

Concerns raised affectation "...one-level underground parking will come to our boundary and will require full excavation of the site. This will mean noise, dust and possible landslide".

Comment: A soil and erosion control plan will be required to be prepared and soil erosion control measures put in place during construction.

Issue: Construction noise

Comment: hours of construction will be restricted to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays. This will be a condition of consent.

Issue: Removal of trees

Comment: The landscape plan provide compensation for trees that will be removed including the replacement of the street trees. Council's Tree Management Officer and Landscape architect has assessed the proposal and provided support.

Issue: The flat roof is not compatible with the area

Comment: The flat roof design is supported by the design review panel to enable the incorporation of a rooftop terrace.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development

application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high quality building that will add architectural value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

S94 Contribution towards provision or improvement of amenities or services

A Section 94 Contribution Payment of \$184,566.82 is payable in accordance with Council's Policy and accordingly, imposed as a condition on the draft Notice of Determination.

Schedule 1 - Draft Conditions of consent

General Conditions

The following conditions restrict the work to the detail provided in the Development Application and are to ensure that the development is complete.

1. The term of this consent is limited to a period of five (5) years from the date of the original approval. The consent will lapse if the development does not commence within this time.
2. The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Drawn by	Dated	Received by Council
16038 DA 2-2 Rev C Landscape Concept Plan (Rooftop)	Wallman Partners Pty Ltd	05.06.2017	01.08.2017
16038 DA 1-2 Rev C Landscape Concept Plan (Ground Level)	Wallman Partners Pty Ltd	05.06.2017	01.08.2017
150758 DA:301 Issue G (South-East and South-West Elevation)	Design Cubicle	20.12.2017	16.02.2018

150758 DA:300 Issue G (North-West and North-East Elevation)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:207 Issue G (Roof Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:206 Issue G (Third Floor Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:205 Issue G (Second Floor Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:204 Issue G (First Floor Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:203 Issue G (Upper Ground Floor Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:202 Issue G (Lower Ground Floor Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:201 Issue G (Basement Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 DA:200 Issue G (Site Plan)	Design Cubicle	20.12.2017	16.02.2018
150758 - External Materials and Finishes - Issue D	Design Cubicle	May 15	22.06.2017

3. All new building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA).
4. **A Construction Certificate must be obtained from Council or an Accredited Certifier prior to any building work commencing.**
5. The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number (716389M_02) other than superseded by any further amended consent and BASIX certificate.
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note:** Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Note: For further information please see <http://www.basix.nsw.gov.au>.
6. The balconies shall not be enclosed at any future time without prior development consent.
7. This approval is not to be construed as permission to erect any structure on or near a boundary contrary to the provisions of the Dividing Fences Act.
8. Excavation, filling of the site (with the exception of the area immediately under the building envelope), or construction of retaining walls are not permitted unless shown on the approved plans and authorised by a subsequent construction certificate.
9. The materials and façade details approved under condition 2 and any other relevant condition of this consent shall not be altered or amended at the construction

certificate stage without a prior S96 application and approval under the EP&A Act.

10. Mail boxes must be installed along the street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
11. Parking spaces shall be allocated to residential apartments / non-residential units in the development in the following manner and this shall be reflected in any subsequent strata subdivision of the development:

Allocated Spaces

1 bedroom apartments and 2 bedroom apartments (non affordable) = 1 space per apartment

3 bedroom apartments = 1 spaces per apartment

1 and two bedroom affordable apartments = Four (4) car parking spaces

Non-Allocated Spaces

Residential Visitor Spaces = Four (4) spaces.

All residential visitor spaces, car wash bays and loading bays shall be labelled as common property on the final strata plan for the site.

Note: This parking allocation condition applies to any Strata Certificate issued with respect to a Consent issued in accordance with Section 81 (1)(A) of the *Environmental Planning and Assessment Act 1979* or a Complying Development Certificate issued in accordance with Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development specific conditions

The following conditions are specific to the Development Application proposal.

12. Storage
 - (a) The plans submitted with the Construction Certificate shall demonstrate that accessible storage has been provided to all apartments in accordance with the following requirements from the Apartment Design Guide (ADG):
 - (i) The minimum storage area to be provided for each dwelling shall be:
 - Studio / 1 bed unit = 6m³
 - 2 bed unit = 8m³
 - 3 bed unit = 10m³
 - (ii) A minimum 50% of the storage space required by (b) above shall be provided in each apartment.
 - (iii) The storage areas located within the basement levels shall be of metal construction (mesh and/or solid metal) and must be provided with lock and key.
 - (b) The storage areas required by (a) above must be provided in accordance with the above requirements prior to issue of the Occupation Certificate.
13. Safer by Design

To maximise security in and around the development the following shall be incorporated into the development. Details for the following are to be approved by the Principal Certifying Authority prior to the issue of the Construction Certificate,

implemented prior to issue of the Occupation Certificate, and maintained for the lifetime of the development:

- Monitored CCTV facilities shall be implemented throughout the development. Areas of focus include the basement car park (including entry and exits), main entry areas to the development and garbage/storage areas.
- A lighting maintenance policy shall be established for the development. Lighting shall be designed to the Australian and New Zealand Lighting Standards. Australia and New Zealand Lighting Standard 1158.1 - Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- Security mirrors shall be installed within corridors and on blind corners to enable users to see around blind corners.
- Graffiti resistant materials shall be used to ground level external surfaces.
- Intercom facilities shall be installed at all vehicular and pedestrian entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.

14. Design Quality

(a) In order to ensure the design quality excellence of the development is retained:

- i. A Registered Architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.

(b) The design architect of the project is not to be changed without prior notice and approval of the Council.

15. The proposal is to incorporate a lift car with minimum internal dimensions of 2.1m x 1.5m. Details are to be shown in the construction certificate documentation.

16. Parking spaces shall not be enclosed without further approval of Council. The enclosure of car spaces is not permitted unless the enclosure complies with the design requirements of AS2890.1.

17. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system. The registered proprietor will:

- (i) permit stormwater to be temporarily detained by the system;
- (ii) keep the system clean and free of silt, rubbish and debris;
- (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner, and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
- (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
- (v) not make any alterations to the system or elements thereof without prior consent in writing of the Council;
- (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirements of this clause;

- (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
18. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

- (i) permit stormwater to be temporarily detained and pumped by the system;
 - (ii) keep the system clean and free of silt, rubbish and debris;
 - (iii) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - (iv) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - (v) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - (vi) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - (vii) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
19. 1. A water quality report shall be prepared as per the section 7.5.2 of Rockdale Technical Specification - stormwater management and shall be provided to certifying authority for assessment and approval.
2. All wastewater and stormwater treatment devices (including drainage systems, sumps, water quality device and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
20. The rainwater tank shall be routinely de-sludged and all contents from the de-sludging process disposed – solids to the waste disposal and de-sludged liquid to the sewer.
21. Residential air conditioners shall not cause 'offensive noise' as defined by the Protection of the Environment Operations Act 1997 or contravene provisions of the Protection of the Environment (Noise Control) Regulation 2008 where emitted noise from a residential air conditioner can be heard within a habitable room in any other residential premises at night.
22. Temporary dewatering of the site to construct the subsurface structure is not permitted.
23. The visible light reflectivity from building materials used on the façade of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A statement demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for the relevant stage of works.
24. Bicycle parking facilities shall be designed in accordance with AS2890.3:1993.
25. The off-street parking areas associated with the subject development shall be designed strictly in accordance with AS2890.1 and AS2890.6.
26. Internal height clearance shall be designed throughout the car park and access

driveway in accordance with AS2890.1 and AS2890.6.

27. All proposed lights shall comply with the Australian Standard AS4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting". In this regard, the lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads.

28. Hot and cold water hose cocks shall be installed to the garbage room.

29. Noise Impacts & Attenuation

(a) An Acoustic Report is to be submitted reflecting the amended architectural plans. The Acoustic Report must be prepared by a suitably qualified Acoustic Consultant and must be submitted to, and approved by, the Principal Certifying Authority prior to issue of the Construction Certificate for any works above ground floor level.

(b) The acoustic report required by (a) above must demonstrate that the plans submitted with the Construction Certificate comply with the following specific matters:

(i) Noise Impacts between units:

Compliance with the inter-tenancy flooring & wall construction requirements contained in RDCP 2011 which are as follows:

Flooring within the development shall achieve the following minimum equivalent Association of Australian Acoustical Consultants (AAAC) Star Rating within the below specified areas of the development:

- 3 Star for tiled areas within kitchens, balconies, bathrooms and laundries. Tiled flooring within corridors, living areas and bedrooms is not permitted.
- 4 Star for timber flooring in any area.
- 5 Star for carpet in any area.

Walls within the development shall be constructed to satisfy the requirements of the Building Code of Australia.

A suitably qualified acoustic engineer with MIE Australia membership or employed by a consulting firm eligible for AAAC membership is to certify that the details provided in the report required by (b) above satisfies the requirements of this condition, with the certification to be submitted to the Principal Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

(ii) Noise from Mechanical Plan / Ventilation - A detailed acoustic assessment of all proposed mechanical services plant including fans, compressors, condensers, air-conditioning plant, basement ventilation, and exhaust systems for the commercial tenancies must be undertaken by a suitably qualified acoustic consultant prior to issue of the Construction Certificate to determine what acoustic treatments will be required to control noise emissions to achieve the noise emission levels detailed in the submitted Acoustic Report.

The architectural plans and documentation submitted with the Construction Certificate must demonstrate compliance with the amended and approved acoustic report required by (a) and (b) above.

30. All plumbing shall be concealed within the brickwork of the building. Utilities shall be softened with landscaping so as not to detract from the overall appearance of the development and amenity of the streetscape. Details demonstrating compliance with this requirement shall be submitted to Council for approval prior to the issue of the Construction Certificate.
31. Where natural ventilation fails to comply with the provisions of the Building Code of

Australia, mechanical ventilation shall be provided in accordance with Australian Standard, 1668, Part 2.

32. All hot water systems/units which are located on the balcony of a dwelling/unit must be encased in a recessed box on the balcony with the lid/cover of the box designed to blend in with the building. All associated pipe work is to be concealed.
33. Stormwater and drainage systems are not to be located in, or under those areas shown as landscaped beds, or where existing or proposed trees are located.
34. All pavements shall comply with AS/NZ 4586:1999 standards Class W (low) for slip resistance on both private and Council property.
35. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
 - a. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b. Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
36. All planter boxes constructed over a concrete slab should be built in accordance with the following requirements:
 - (1) Soil depths and dimensions are to be in accordance with the Rockdale DCP2011 with a minimum soil depth of 1 metre. Soil depth of 1500mm is required where canopy trees are proposed over podium. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - (2) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - (3) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - (4) Irrigation works should be conducted during installation of planter boxes by a qualified technician.
 - (5) Drainage cell must be supplied to the base and sides of the planter to minimise damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - (6) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
37. The retaining wall and any boundary fencing along the south-east boundary facing No. 9 Queen Street, Arncliffe shall not exceed 1.8 metres in height as measured from the existing natural ground at No. 9 Queen Street unless consent has been granted by Council. Details of the boundary fence and retaining wall are to be submitted and

approved by Council prior to the issue of the Construction Certificate.

38. Services

(a) Fire Boosters - The fire hydrant booster valves must be located perpendicular to the driveway entrance, and shall be enclosed by a door. The door shall be provided with appropriate locks and signage in accordance with AS2419.1. Any amendment to the Fire Booster location must be approved in writing by Council's Director of City Futures. A S96 application may be required.

(b) Substation - If a substation is required by Ausgrid, a s96 modification application will be required.

(c) Antenna / Satellite Dishes - The proposal may include the installation of a single master antenna for the development in accordance with Controls C1 and C2, Part 4.7 of RDCP 2011. No further antennas or satellite dishes may be installed without obtaining further approval (unless permitted as exempt development).

39. The landscaped areas on the property shall be maintained in accordance with the Council stamped and approved landscape documentation and the conditions of development consent. The landscaping is to be maintained as follows:

(1) Protection of works: fencing or barriers necessary to protect the planting from damage throughout the planting establishment period are to be provided.

(2) Recurrent works: throughout the planting maintenance period maintenance works area required to ensure that the plants are in the best possible condition at the end of the planting maintenance period. These activities are include weeding, rubbish removal, fertilizing, pest and disease control, adjust / replace stakes and ties topping up mulch, cultivating, pruning, keeping the site neat and tidy.

(3) Replacements: the contractor is responsible for the replacement of failed, damaged or stolen trees, shrubs and groundcovers throughout the planting establishment period.

40. State Environmental Planning Policy (Affordable Rental Housing) 2009

The following must be implemented to meet the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009:

(a) That seven (7) units in accordance with the submitted affordable unit allocation plan (units 001, 002, 303 and 301, 401, 402 and 403) must be used for the purposes of affordable rental housing for a period of 10 years from the date of the issue of the Occupation Certificate in accordance with clause 17(1)(a) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

(b) The dwellings identified in (a) above shall be managed by a 'registered community housing provider'.

Note: 'Registered Community Housing Provider' has the same meaning as in the Housing Act 2001.

(c) Prior to the issue of the Occupation Certificate, a restriction shall be registered against the title of the property the subject of this application pursuant to the Conveyancing Act 1919 that will ensure that the requirements of (a) and (b) above are met. These provisions may only be varied or extinguished with the consent of Council.

(d) Documentation is to be provided to Council by a "Registered Community Housing Provider" demonstrating the affordable units are to be used for the purpose of affordable housing prior to the issue of the Construction Certificate.

41. Compliance with Australian Standard 4299 must be provided to all accessible units

and their allocated car parking spaces. The adaptable unit are units 101 and unit 201.

42. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
43. Ceiling heights for all habitable areas shall be a minimum of 2.7 metres and ceiling heights for all non-habitable areas shall be a minimum of 2.4 metres as measured vertically from finished floor level to the underside of the ceiling.

Prior to issue of the construction certificate

The following conditions must be completed prior to the issue of the Construction Certificate.

44. The following fees shall be paid to Council prior to the issue of a Construction Certificate. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
 - i. A Footpath Reserve Restoration Deposit of \$10,495.00. This is to cover repair of any damages, or other works to be done by Council. This includes construction, removal, or repair as required to: kerb and guttering, existing or new driveways; paved areas and concrete footpaths. The deposit may be lodged with Council in the form of a Bank Guarantee (Any proposed Bank Guarantee must not have an expiry date). The deposit will not be returned by Council until works are completed and all damage is restored and all specified works are completed by Council.
 - ii. An environmental enforcement fee of 0.25% of the cost of the works.
 - iii. A Soil and Water Management Sign of \$18.00.
45. For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.
46. An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) / Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges.
47. A Section 94 contribution of \$184566.82 shall be paid to Council. Such contributions are only used towards the provision or improvement of the amenities and services identified below. The amount to be paid is adjusted at the time of payment, in accordance with the contribution rates contained in Council's current Adopted Fees and Charges. The contribution is to be paid prior to the issue of any construction certificate for works above the floor level of the ground floor. (Payment of the contribution is not required prior to any separate construction certificates issued only for demolition, site preparation works and the construction of basement levels). The contribution is calculated from Council's adopted Section 94 contributions plan in the following manner:

Arncliffe Regional Open Space	\$9165.65
Arncliffe City Wide Open Space	\$14,496.89
Arncliffe Local Open Space Fund	\$143,218.02
Arncliffe Local Town Centre and Open Space Fund	\$1373.92
Arncliffe City Wide Town Centre and Streetscape Fund	\$1629.30
Arncliffe Pollution Control Management	\$8385.60
Arncliffe Administration and Management	\$642.85
Child Care Services	\$341.72
Community Services	\$366.09
Library Services	\$4946.78

Copies of Council's Section 94 Contribution Plans may be inspected at Council's Customer Service Centre, Administration Building, 444-446 Princes Highway, Rockdale.

48. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance or owner builder's permit in force in accordance with Part 6 of that Act, that such a contract or permit is in place.
49. The applicant shall confer with Ausgrid to determine if an electricity distribution substation is required. Written confirmation of Ausgrid's requirements shall be obtained prior to issue Construction Certificate.
50. The applicant shall confer with Energy Australia to determine if installation of electricity conduits in the footway is required. Written confirmation of Energy Australia's requirements shall be obtained prior to issue Construction Certificate.
51. Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

52. Prior to issue of the Construction Certificate, a longitudinal driveway profile shall be submitted to Principal Certifying Authority for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with Council's Code. The profile shall be drawn to a scale of 1 to 25 and shall include all relevant levels, grades (%) and lengths.
53. A qualified practising geotechnical engineer must prepare a geotechnical report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure. The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include but not limited to:
 - Location & level of nearby foundations/footings (site and neighbouring).
 - Proposed method of excavation.
 - Permanent and temporary support measures for excavation.
 - Potential settlements affecting footings/foundations.
 - Groundwater levels, seepage, rock beds.
 - Batter slopes.

- Potential vibration caused by method of excavation.
- Tanking and waterproofing the basement structures.
- Dewatering including seepage and off site disposal rate (if any).

Note: Council may allow temporary dewatering during construction upon application. However long term seepage and permanent dewatering to the kerb and gutter is prohibited.

54. A traffic management system shall be designed for the basement ramp to provide for priority oneway access on the 3.6m wide ramp that provides for access in both directions. The system is to be able to detect the location of vehicles and designate priority to vehicles entering the basement from Queen Street using a traffic light system. Plans for the system are to be submitted and approved by Council prior to the issue of the Construction Certificate. The system is to be installed prior to the issue of the Occupation Certificate and maintained for the life of the proposal.
55. The recommendations contained within the Disability Access Report prepared by Access Solutions dated 5th February 2018 are to be included in the Construction Certificate documentation.
56. Prior to the issue of the relevant Construction Certificate, a Workzone Traffic Management Plan (WZTMP) prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:
 - (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods.

Copy of the WZTMP shall be submitted to Council.

57. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the Construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction. A copy of the CMP shall be submitted to Council.
58. A qualified practising geotechnical engineer must prepare a geotechnical report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.
 - The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include but not limited to:
 - Location & level of nearby foundations/footings (site and neighbouring).
 - Proposed method of excavation.
 - Inspection schedule at relevant stages of construction.
 - Permanent and temporary support measures for excavation.
 - Tanking and waterproofing the basement structures.
 - De-watering including seepage and off site disposal rate (if any).
59. Revised stormwater plans for the latest plans are to be provided and approved by Council prior to the issue of the Construction Certificate. On site detention tanks are not to be located within any deep soil zone.
60. The low level driveway must be designed to prevent inflow of water from the road

reserve. The assessment of flows and design of prevention measures shall be in accordance with the requirements of Rockdale Technical Specification Stormwater Management. Details shall be included in the documentation presented with the Construction Certificate application.

61. Any part of the proposed building within 3m of the proposed detention tank shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank base. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
62. A visitor car space shall also operate as a car wash bay. A tap shall be provided. A sign shall be fixed saying 'Visitor Car Space and Car Wash Bay'. The runoff shall be directed and treated as per Rockdale Technical Specification Stormwater Management. Details shall be provided with the plans accompanying the Construction Certificate.
63. Prior to the issue of the Construction Certificate, amended detailed drainage design plans for the management of stormwater are to be submitted to Principal Certifying Authority for assessment and approval.

- (i) Stormwater plans to be revised as per the approved architectural plans.
- (ii) Water quality report shall be prepared as per the section 7.5.2 of Rockdale Technical Specification – stormwater management and shall be provided to certifying authority for assessment and approval.

Design certification, in the form specified in Rockdale Technical Specification Stormwater Management, and drainage design calculations are to be submitted with the plans. Council's Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the development site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

64. (i) Stormwater plans to be revised as per the approved architectural plans.
(ii) Water quality report shall be prepared as per the section 7.5.2 of Rockdale Technical Specification - Stormwater Management and shall be provided to the certifying authority for assessment and approval.
65. There are built structures, (including public assets) which may be in the zone of influence of the proposed works and excavations on this site. A qualified practicing geotechnical engineer must prepare a geotechnical report demonstrating that the proposed construction method including any excavation and the configuration of the built structures will have no adverse impact on any surrounding property and infrastructure.

The report must include an investigation to determine the design parameters appropriate to the specific development and site. This would typically include but not limited to:

- Location & level of nearby foundations/footings (site and neighbouring)
- Proposed method of excavation
- Inspection schedule at relevant stages of construction
- Permanent and temporary support measures for excavation
- Potential settlements affecting footings/foundations
- Ground-water levels, seepage, rock beds.
- Batter slopes
- Potential vibration caused by method of excavation

- Tanking and waterproofing the basement structures.
 - De-watering including seepage and off site disposal rate (if any).
66. Revised section and elevation plans are to be submitted and approved by Principal Certifying Authority showing a floor to floor separation distance of 3.1 metres to achieve a minimum 2.7 ceiling height prior to the issue of the Construction Certificate.

Prior to commencement of works

The following conditions must be completed prior to the commencement of works.

67. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Accredited Certifier (AC) or Council prior to Commencement of Works. The insurance cover shall be a minimum of \$10 million.
68. A Soil and Water Management Plan shall be prepared. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.

Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction.

Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign shall be erected prior to commencement of works and shall be displayed throughout construction.

69. Vibration monitoring equipment must be installed and maintained, under the supervision of a professional engineer with expertise and experience in geotechnical engineering, between any potential source of vibration and any building identified by the professional engineer as being potentially at risk of movement or damage from settlement and/or vibration during the excavation and during the removal of any excavated material from the land being developed.

If vibration monitoring equipment detects any vibration at the level of the footings of any adjacent building exceeding the peak particle velocity adopted by the professional engineer as the maximum acceptable peak particle velocity an audible alarm must activate such that the principal contractor and any sub-contractor are easily alerted to the event.

Where any such alarm triggers all excavation works must cease immediately. Prior to the vibration monitoring equipment being reset by the professional engineer and any further work recommencing the event must be recorded and the cause of the event identified and documented by the professional engineer.

Where the event requires, in the opinion of the professional engineer, any change in work practices to ensure that vibration at the level of the footings of any adjacent building does not exceed the peak particle velocity adopted by the professional

engineer as the maximum acceptable peak particle velocity these changes in work practices must be documented and a written direction given by the professional engineer to the principal contractor and any sub-contractor clearly setting out required work practice.

The principal contractor and any sub-contractor must comply with all work directions, verbal or written, given by the professional engineer.

A copy of any written direction required by this condition must be provided to the Principal Certifying Authority within 24 hours of any event.

Where there is any movement in foundations such that damaged is occasioned to any adjoining building or such that there is any removal of support to supported land the professional engineer, principal contractor and any sub-contractor responsible for such work must immediately cease all work, inform the owner of that supported land and take immediate action under the direction of the professional engineer to prevent any further damage and restore support to the supported land.

Note: Professional engineer has the same mean as in Clause A1.1 of the BCA.

Note: Building has the same meaning as in section 4 of the Act i.e. "building includes part of a building and any structure or part of a structure".

Note: Supported land has the same meaning as in section 88K of the Conveyancing Act 1919.

70. A sign must be erected at the front boundary of the property clearly indicating the Development Approval Number, description of work, builder's name, licence number and house number before commencement of work. If owner/builder, the Owner/Builder Permit Number must be displayed.
71. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited, and
 - ii. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours. Any such sign is to be removed when the work has been completed. This condition does not apply to:
 - iii. building work carried out inside an existing building or
 - iv. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
72. The site shall be secured by a 1800 mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points.
73. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
74. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions other than those selected by Ausgrid or
 - ii) where the erection of gates or fences has restricted access to metering equipment.
75. Consultation with Ausgrid is essential prior to commencement of work. Failure to notify Ausgrid may involve unnecessary expense in circumstances such as:
 - i) where the point of connection and the meter board has been located in positions

other than those selected by Ausgrid or
ii) where the erection of gates or fences has restricted access to metering equipment.

76. A Construction Management Plan (CMP) shall be prepared in accordance with the requirements of all relevant regulatory approval bodies. Prior to the commencement of works the Certifying Authority shall be satisfied that the construction Management Plan has obtained all relevant regulatory approvals. The Construction Management Plan shall be implemented during demolition, excavation and construction. Copy of the CMP shall be submitted to Council

During demolition / excavation / construction

The following conditions must be complied with during demolition, excavation and or construction.

77. A copy of the Construction Certificate and the approved plans and specifications must be kept on the site at all times and be available to Council officers upon request.
78. Hours of construction shall be confined to between 7 am and 6.30 pm Mondays to Fridays, inclusive, and between 8 am and 3.30 pm Saturdays with no work being carried out on Sundays and all public holidays.
79. Upon inspection of each stage of construction, the Principal Certifying Authority (or other suitably qualified person on behalf of the Principal Certifying Authority) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:
- Sediment control measures
 - Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
 - Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.
80. Demolition operations shall not be conducted on the roadway or public footway or any other locations, which could lead to the discharge of materials into the stormwater drainage system.
81. All waste generated on site shall be disposed of in accordance with the submitted Waste Management Plan.
82. A Registered Surveyor's check survey certificate or compliance certificate shall be forwarded to the certifying authority detailing compliance with Council's approval at the following stage/s of construction:
- i. After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, building and boundary setbacks.
 - ii. Prior to construction of each floor level showing the area of the land, building and boundary setbacks and verifying that the building is being constructed at the approved level.
 - iii. Prior to fixing of roof cladding verifying the eave, gutter setback is not less than that approved and that the building has been constructed at the approved levels.
 - iv. On completion of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels.

- v. On completion of the drainage works (comprising the drainage pipeline, pits, overland flow paths, on-site detention or retention system, and other relevant works) verifying that the drainage has been constructed to the approved levels, accompanied by a plan showing sizes and reduced levels of the elements that comprise the works.
83. All contractors shall comply with the following during all stages of demolition and construction:
 - A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - A current Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
84. All demolition work shall be carried out in accordance with AS2601 – 2001: The Demolition of Structures and with the requirements of the WorkCover Authority of NSW.
85. The following conditions are necessary to ensure minimal impacts during construction:
 - i. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.
 - ii. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area.
 - iii. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.

- iv. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- v. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
- vi. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:
 - a) spraying water in dry windy weather
 - b) cover stockpiles
 - c) fabric fences
- vii. Access to the site shall be restricted to no more than two 3m driveways. Council's footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of 2 metres to remove mud from the tyres of construction vehicles.

An all weather drive system or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.

In addition builders / demolishers are required to erect a 1.5m high fence along the whole of the street alignment other than at the two openings. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifying Authority, prior to the demolition of the existing structures and commencement of building operations.

- viii. Any noise generated during construction of the development shall not exceed limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the site.
86. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
87. All existing trees located within the site and the small *Leptospermum* street tree may be removed.

Prior to issue of occupation certificate or commencement of use

The following conditions must be complied with prior to issue of the Occupation Certificate or Commencement of Use.

88. An Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of the building.
 89. Where Council's park/reserve is damaged as a result of building work or vehicular building traffic, this area shall be restored by Council at the applicant's expense. Repairs shall be completed prior to the issue of the Occupation Certificate.
 90. A by-law shall be registered and maintained for the life of the development, which requires that :
 - (a) balconies are not to be used as clothes drying areas, storage of household goods and air-conditioning units that would be visible from the public domain;
 - (b) an owner of a lot must ensure that all floor space within the lot complies with the acoustic conditions for floors specified in this consent;
 - (c) Notwithstanding subclause (b), in the event that a floor covering in the lot is removed, the newly installed floor covering shall have a weighted standardized impact sound pressure level not greater than L'nT,w 45 measured in accordance with AS ISO 140.7 and AS ISO 717.2, A test report from a qualified acoustic engineer employed by a firm eligible to membership of the Association of Australian Acoustical Consultants shall be submitted to the Owners Corporation within 14 days of the installation of the new floor covering demonstrating compliance with that standard. In the event that the standard is not complied with, the floor covering shall be removed and replaced with a floor covering that conforms to that standard in accordance with any directions given by the Owners Corporation.
- Proof of registration of the By Law shall be submitted to Council prior to the issue of the Occupation Certificate.
91. Lot 15 SecB DP 976419, Lot 16 SecB DP 976419, Lot 1 DP 742648 shall be consolidated into one allotment. Council requires proof of lodgement of the plan of consolidation with the Land and Property Information Office prior to occupation.
 92. All landscape works are to be carried out in accordance with the approved landscape plans prior to the issue of an Occupation Certificate for the approved development. The landscaping is to be maintained to the approved standard at all times. At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to the Bayside Council prior to the Issue of an Occupation Certificate.
 93. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
 94. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
 95. Prior to completion of the building works, a full width vehicular entry is to be constructed to service the property. Any obsolete vehicular entries are to be removed and reconstructed with kerb and gutter. This work may be done using either a Council quote or a private contractor. There are specific requirements for approval of private contractors.

96. The width of the double driveway at the boundary shall be a maximum of 6 metres.
Note: Council's Vehicular Entrance Policy restricts the width of the vehicular entrance over the footpath to a maximum of 4.5 metres.
97. A convex mirror is to be installed at the eastern corner of the driveway to provide increased sight distance for vehicles.

Visibility splays are to be provided at the entry to the basement as per AS2890.1:2004.

98. 16 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
99. Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

100. Prior to occupation, a registered surveyor shall certify that the driveway(s) over the footpath and within the property have been constructed in accordance with the approved driveway profile(s). The certification shall be based on a survey of the completed works. A copy of the certificate and a works-as-executed driveway profile shall be provided to Council if Council is not the Principal Certifying Authority.
101. Where the installation of electricity conduits is required in the footway, the builder shall install the conduits within the footway across the frontage/s of the development site, to Ausgrid's specifications. Ausgrid will supply the conduits at no charge. A Road Opening Permit must be obtained from Council prior to the installation of the conduits. The builder is responsible for compaction of the trench and restoration of the footway in accordance with Council direction. A Compliance Certificate from Ausgrid shall be obtained prior to the issue of the Occupation Certificate.
102. The air conditioning system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate.
103. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Rockdale Technical Specification Stormwater Management. The certificate shall be in the form specified in Rockdale Technical Specification Stormwater Management and include an evaluation of the completed drainage works. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
104. A positive covenant pursuant to the Conveyancing Act 1919 shall be created on the title of the lots that contain the stormwater detention facility to provide for the maintenance of the detention facility.
105. The pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of

testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.

106. The owner of the premises is required to comply with the following requirements when installing a rainwater tank:
- Inform Sydney Water that a Rainwater tank has been installed in accordance with applicable requirements of Sydney Water.
 - The overflow from the rainwater tank shall be directed to the storm water system.
 - All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.
 - A first flush device shall be installed to reduce the amount of dust, bird faeces, leaves and other matter entering the rainwater tank.
107. Prior to occupation a Chartered Professional Engineer competent in geotechnics shall certify that the construction works has been constructed in accordance with the approved geotechnical report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
108. The noise reduction measures specified in the acoustic reports shall be validated by a Certificate of Compliance prepared by the acoustic consultant and submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate. If Council is not the PCA, a copy shall be submitted to Council concurrently.

Roads Act

109. Construction related activities must not take place on the roadway without Council approval.
- Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.
- Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Works Zone signs by Council's Traffic and Road Safety Section.
- Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.
110. Where applicable, the following works will be required to be undertaken in the road reserve at the applicant's expense:
- i) construction of a concrete footpath along the frontage of the development site;
 - ii) construction of a new fully constructed concrete vehicular entrance/s;

- iii) removal of the existing concrete vehicular entrance/s, and/or kerb laybacks which will no longer be required;
- iv) reconstruction of selected areas of the existing concrete Footpath/vehicular entrances and/or kerb and gutter;
- v) construction of paving between the boundary and the kerb;
- vi) removal of redundant paving;
- vii) construction of kerb and gutter.

- 111. All footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.
- 112. This Roads Act approval does not eradicate the need for the Contractor to obtain a Road Opening Permit prior to undertaking excavation in the road or footpath.
- 113. Any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the application fee. Works within the footpath reserve must not start until the application has been approved by Council.
- 114. Following completion of concrete works in the footpath reserve area, the balance of the area between the fence and the kerb over the full frontage of the proposed development shall be turfed with either buffalo or couch (not kikuyu) or landscaped. If landscaping is proposed rather than turfing, details shall be submitted to the Property and Community Services Department for approval.

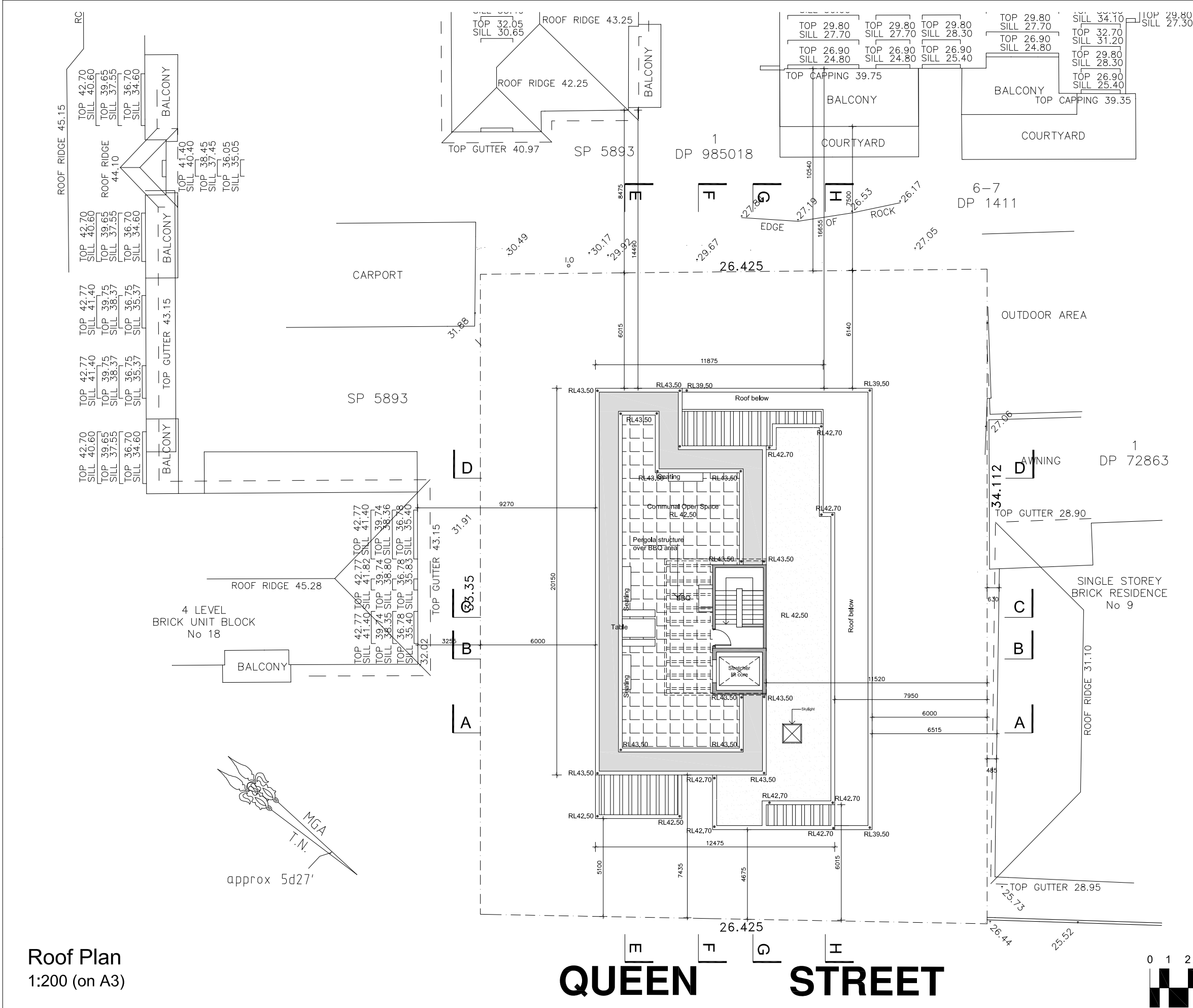
Development consent advice

- a. You are advised to consult with your utility providers (i.e. Energy Aust, Telstra etc) in order to fully understand their requirements before commencement of any work.
- b. *Dial Before You Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before You Dig service in advance of any construction or planning activities.

- c. Section 88E Instrument contains easements and/or covenants to which Council is a Prescribed Authority, the Council must be provided with all relevant supporting information (such as works-as-executed drainage plans and certification) prior to Council endorsing the Instrument.
- d. The water from the rainwater tank should not be used for drinking, Sydney Water shall be advised of the installation of the rainwater tank.

- e. All site works shall comply with the occupational health and safety requirements of the NSW WorkCover Authority.
- f. In the event of any inconsistency between conditions of this approval and the drawings/documents referred to in condition 2, the conditions of this approval prevail.



Roof Plan
1:200 (on A3)

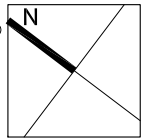
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C	REVISION AS PER COUNCIL LETTER DATED 29.11.2016	22.03.2017	AW
B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
ISSUE	AMENDMENT	DATE	DRAWN

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SHEET TITLE:
ROOF PLAN
LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
YP
CHECKED BY:
FG
DATE:
MAY 15

PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET, ARNCLIFFE
JOB No.
150758 DA: 207

ISSUE:
G
SCALE:
1:200

BASIX Commitments(Building C&D)

Water Commitments.

- Fixtures:**
Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
Must install min. 4 star rating or higher toilet flushing system in each toilet.
Must install min. 5 star rating or higher taps in the kitchens.
Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

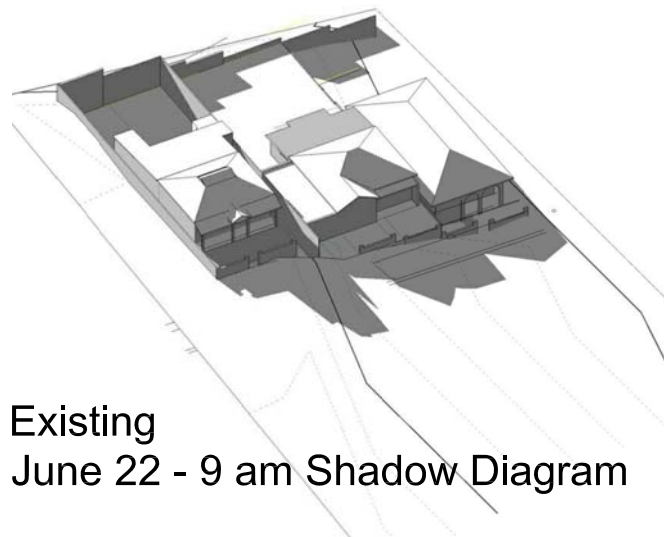
- Hotwater:**
Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.
- Cooling/ Heating System:**
Must install min. 4,5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.
- Other :**
Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas
Water Commitments.

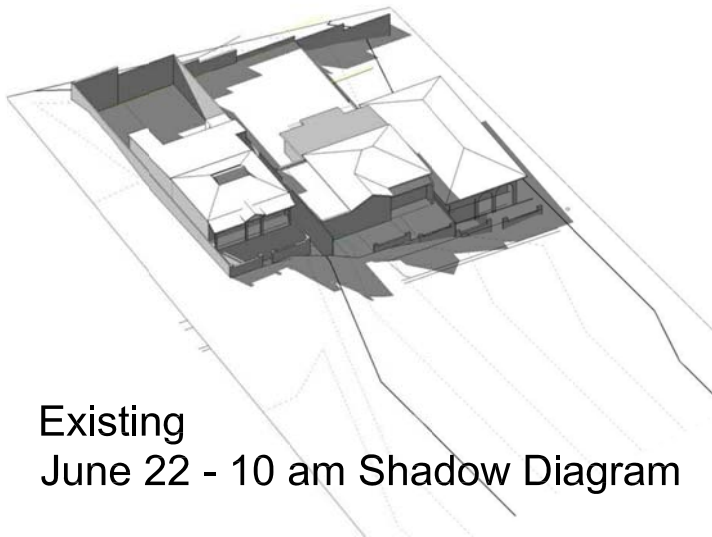
- Fixtures –**
Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.

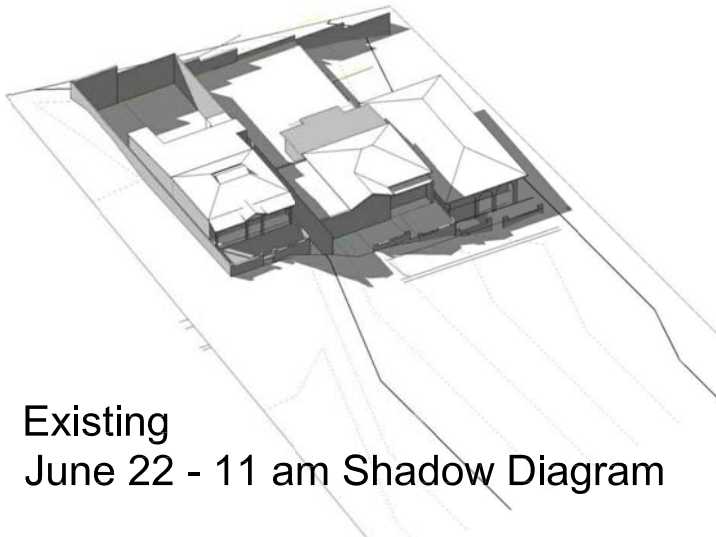
- Lighting :**
Must install lighting in–
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways:fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors
- Ventilation –** Must install ventilation in:
Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : –
- Other :**
Must install gearless traction with VVV F motor in lift (No.1).



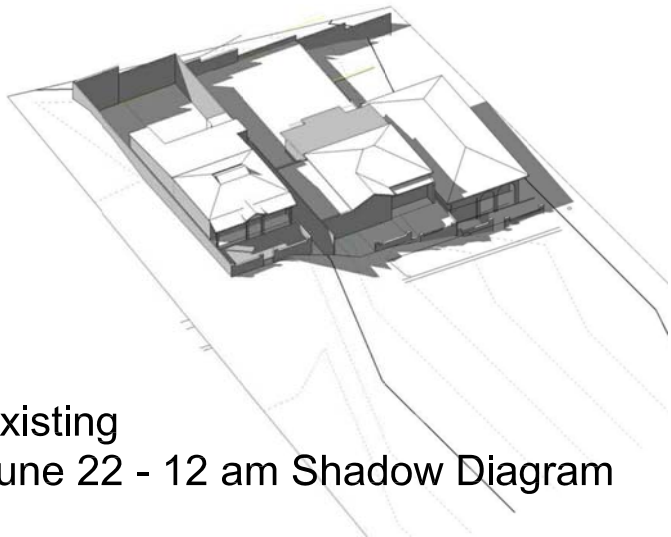
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Existing
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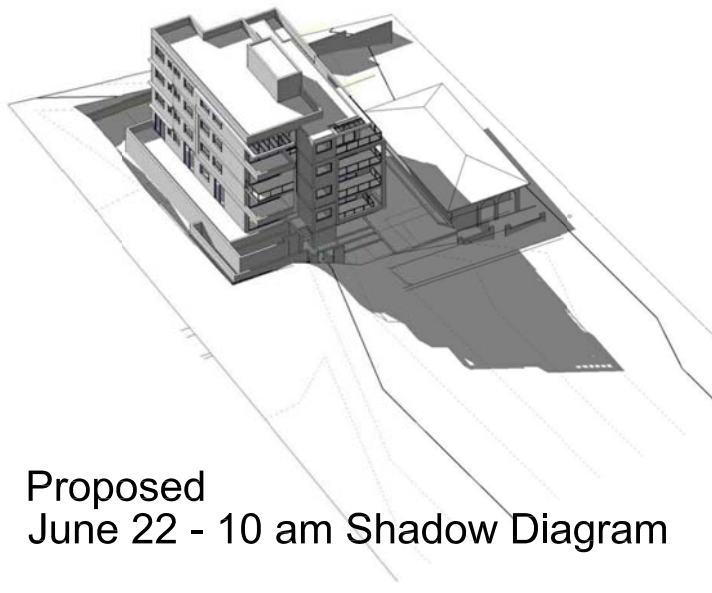
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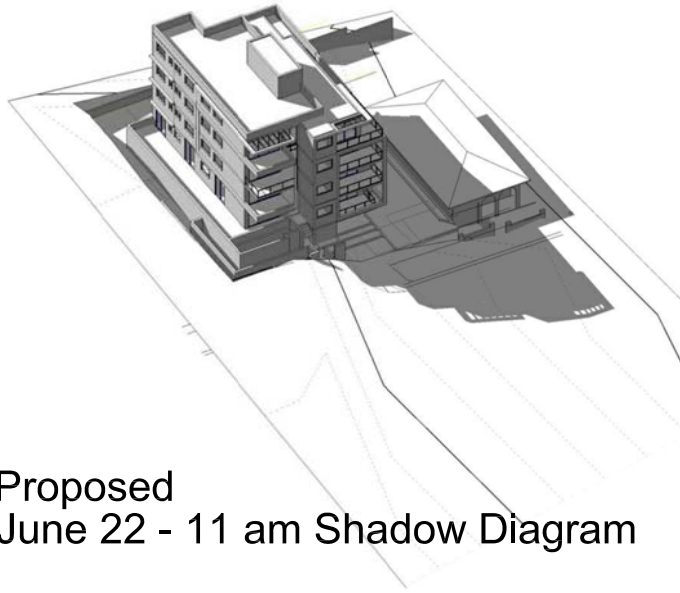
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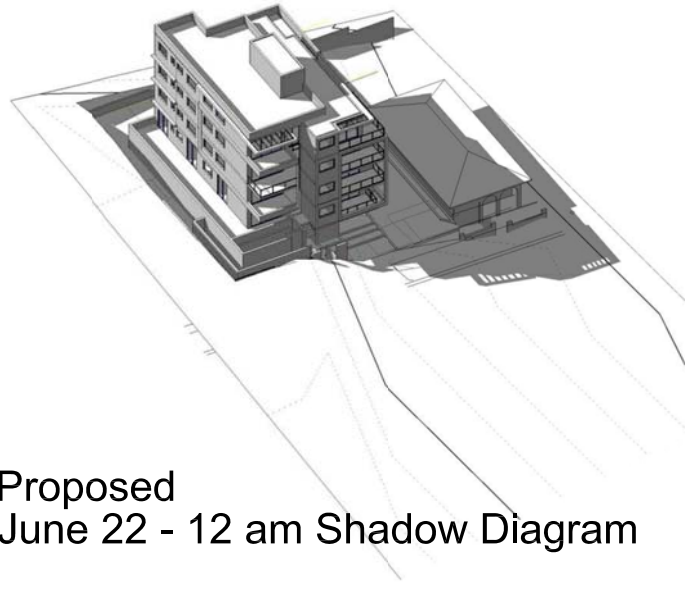
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Proposed
June 22 - 10 am Shadow Diagram



Proposed
June 22 - 11 am Shadow Diagram



Proposed
June 22 - 12 am Shadow Diagram

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SHEET TITLE:
SHADOW DIAGRAM 1/2
EXISTING & PROPOSED
JUNE 22
LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
YP/TL
CHECKED BY:
FG
DATE:
MAY 15

PROPOSED RESIDENTIAL
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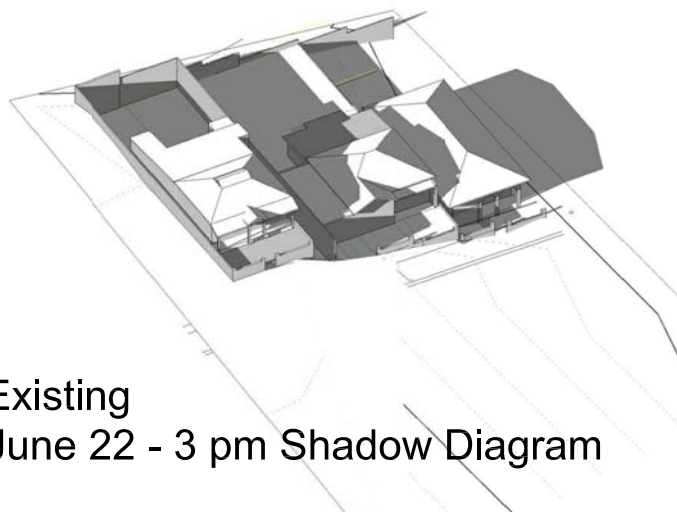
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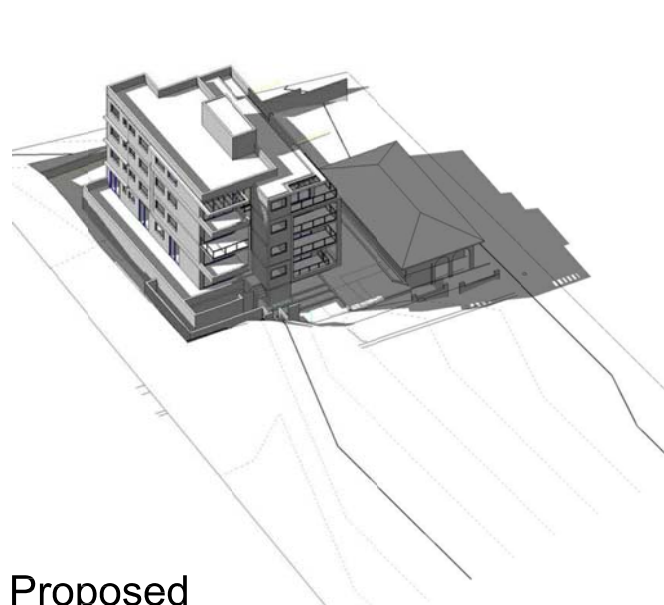
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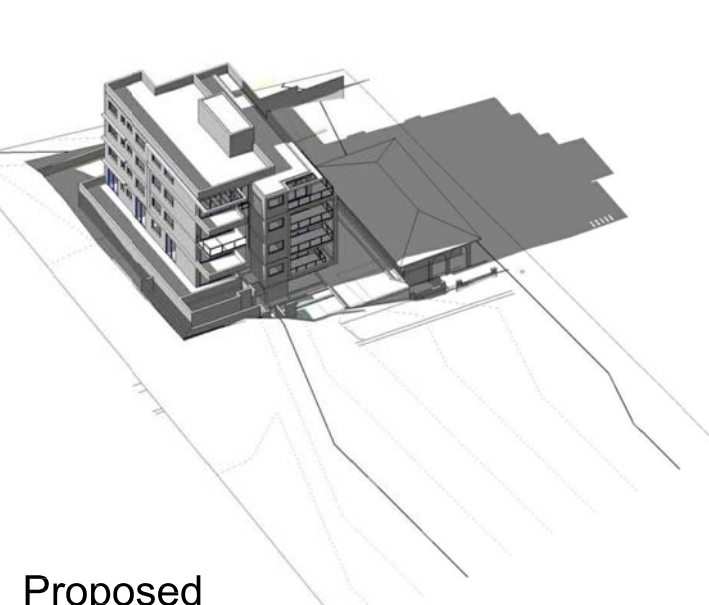
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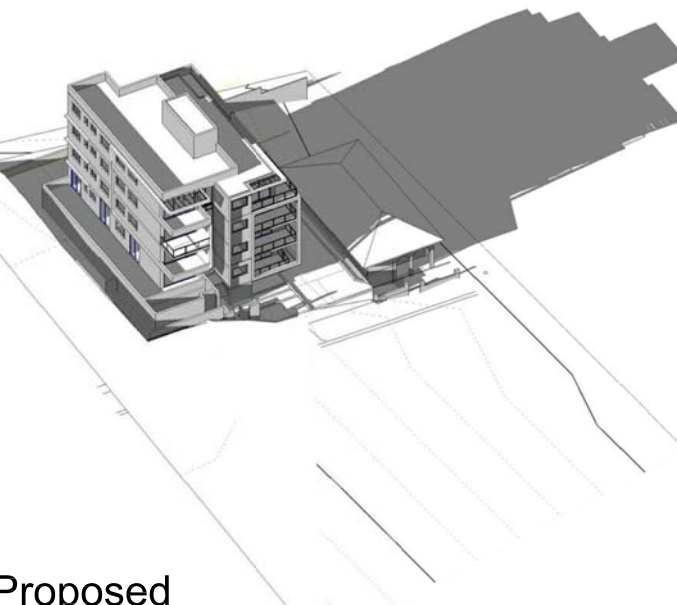
Existing
June 22 - 3 pm Shadow Diagram



Proposed
June 22 - 1 pm Shadow Diagram



Proposed
June 22 - 2 pm Shadow Diagram



Proposed
June 22 - 3 pm Shadow Diagram

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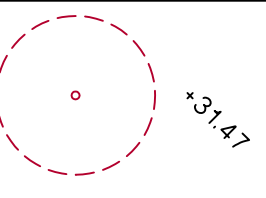
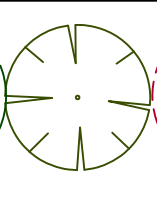

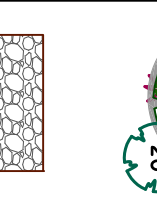
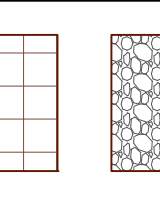
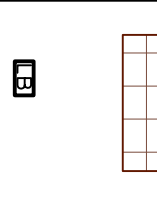
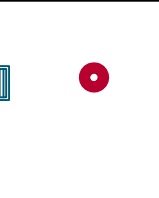

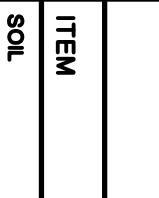
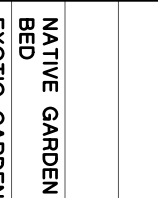
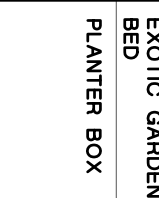
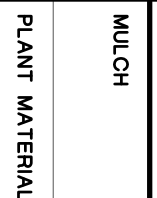
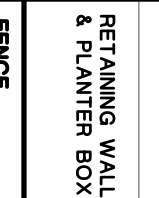
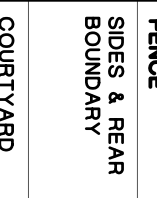
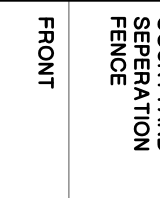
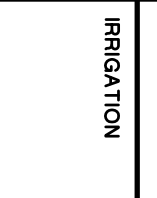
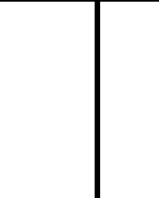

SHEET TITLE:
SHADOW DIAGRAM 2/2
EXISTING & PROPOSED
JUNE 22
LOGGED AT: ROCKDALE CITY COUNCIL

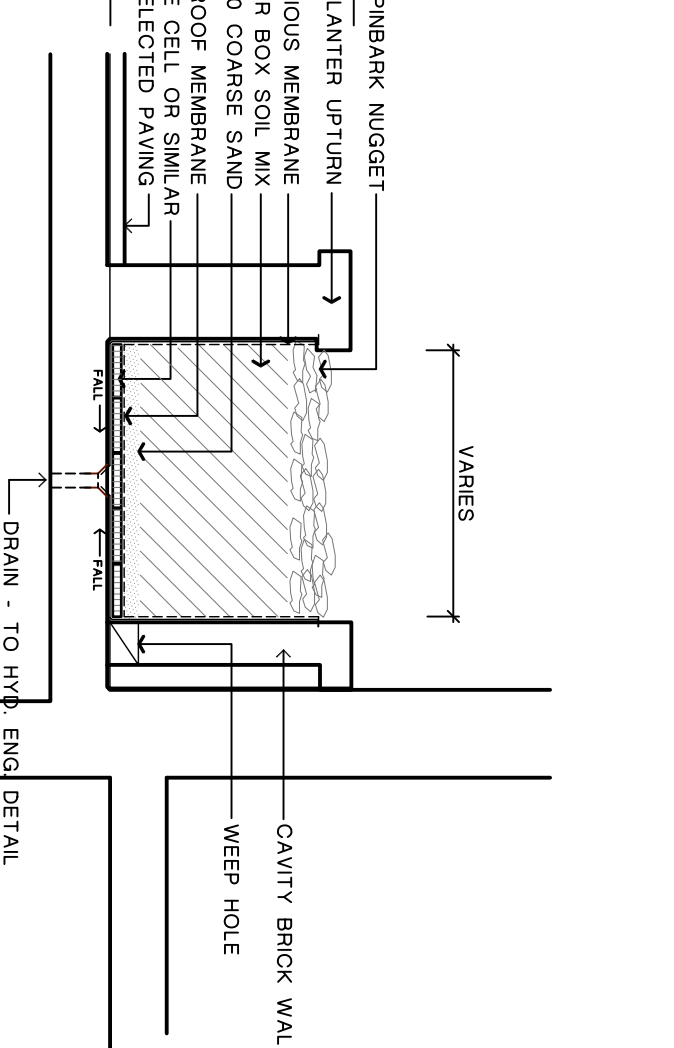
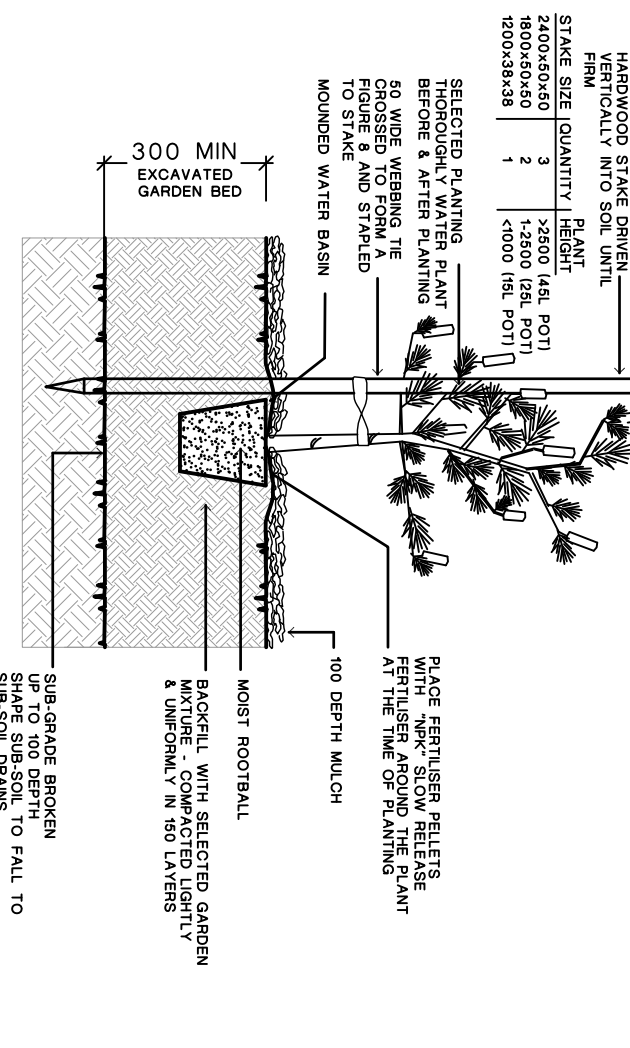
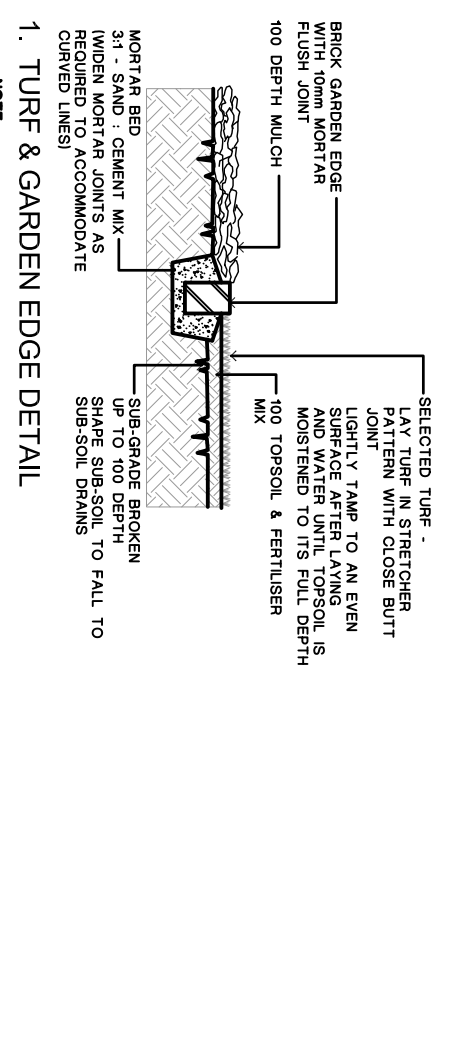
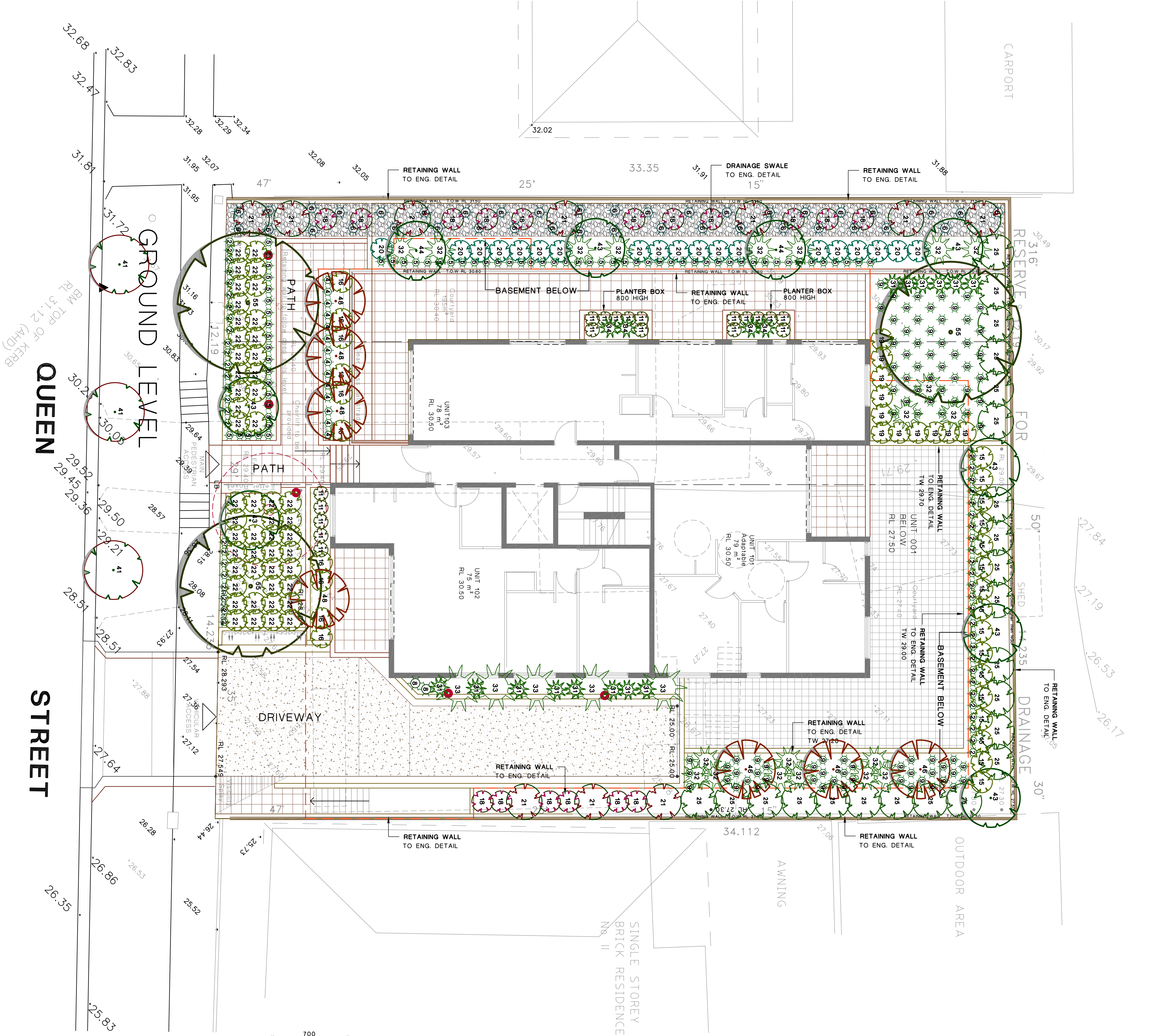
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MAY 15

PROPOSED RESIDENTIAL
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AT 11-13 QUEEN STREET, ARNCLIFFE
JOB NO.
150758 DA: 502

ISSUE:
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SCALE:
N.T.S.

LEGEND / FINISHES SCHEDULE

	EXISTING RL
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED
	PROPOSED TREES, SHRUBS & GROUND COVER REFER NO. TO PLANT SCHEDULE
	PEBBLE AREA 300mm DEPTH RIVER PEBBLES WITH WEED MAT UNDER
	PAVING / TERRACE / PATH SELECTED TILES
	SELECTED LETTER BOX TO AS400 POST REQUIREMENTS SELECTED AUTOMATIC BOLLARD ILLUMINATION IN ACCORDANCE WITH AS 4282 & AS 1188 STORM WATER PIT TO ENGINEER DETAIL
	MATERIAL NOTE: ALL SOL TYPE AS PER AUST. EQUIVALENT
	NATIVE GARDEN MATTIE GARDEN MIX
	EXOTIC GARDEN ORGANIC GARDEN MIX
	PLANTER BOX PLANTER BOX MIX IN ACCORDANCE WITH AS4488.1993 & AS33743
	MULCH SELECTED HARD WOOD CHIP REFER TO DETAIL 1 & 2
	PLANT MATERIAL AS PER PLANT SCHEDULE REFER TO DETAIL 2
	RETAINING WALL & PLANTER BOX SELECTED MASONRY RETAINING WALL TO ENG. DETAIL
	FENCE 1800 HIGH LAPPED & CAPPED OR 1800 HIGH COLOURBOND
	COURTYARD SEPERATION FENCE REFER TO ARCHITECT'S DETAIL
	FRONT REFER TO ARCHITECT'S DETAIL
	IRRIGATION PROVIDE DRIP IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CORPORATION. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.



NOTE: 1. IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CORPORATION. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.

NOTE: 2. IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CORPORATION. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.

NOTE: 3. IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER CORPORATION. IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.

REV / DESCRIPTION	INT. REVISION
C AMEND AS PER ARCH CHG	5.8.17
B AMEND AS PER ARCH CHG	10.10.16
A COUNCIL DA ISSUE	10.5.16

NOTE:

- Contractors must verify all dimensions at the site before commencing any work or making any shop manufacturing.
- Do not scale drawing, if in doubt - ASK.
- This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans.
- All existing trees to remain shall be protected as per arborist report & council requirements.
- All pruning shall be in accordance with the AS 4373.
- Thoroughly eradicate weeds from all garden areas.
- No variation to the works to be carried out without prior approval from owner.
- All materials to be the best of their respective kind and shall comply with approved sample type submitted or specified.
- Substitution of plant species or varieties will not be permitted.
- Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
- All storm water outlets & surface run off shall be to Hydraulic Engineers detail.
- Provide sub-soil drainage to garden beds & lawn areas where required - to be confirmed on site.
- Refer to survey plan for position of all existing services.
- Refer to Architectural elevations & Sections for existing and proposed ground levels.
- All landscape works shall comply with all councils SVA & CC conditions and relevant AUSTRALIAN STANDARD AS 3500 (2013) Specification C273-Landscaping.
- Irrigation system - If required shall be designed & installed to comply with AS 2688, AS 2688.1994 & AS 2688.2-1995, AS 2688.3-1990, water board and other relevant authority regulations.
- MAINTENANCE - All landscape works are to be maintained for a period of 12 months after final completion. Replace all plants which have failed with the same or similar plants of the same or similar depth. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.

PROPOSED HOME UNITS
11-13 Queen Street,
Amcliffe

ARCHITECT
design cubicle

LANDSCAPE ARCHITECT
WALLMAN PARTNERS PTY LTD
Landscape Architects



Vision dynamics
Landscape Architects
8 Blackland Road
Kilgarray NSW 2071
Ph: (02) 9499 8888 Fax: (02) 9499 8889
www.visiondynamics.com.au

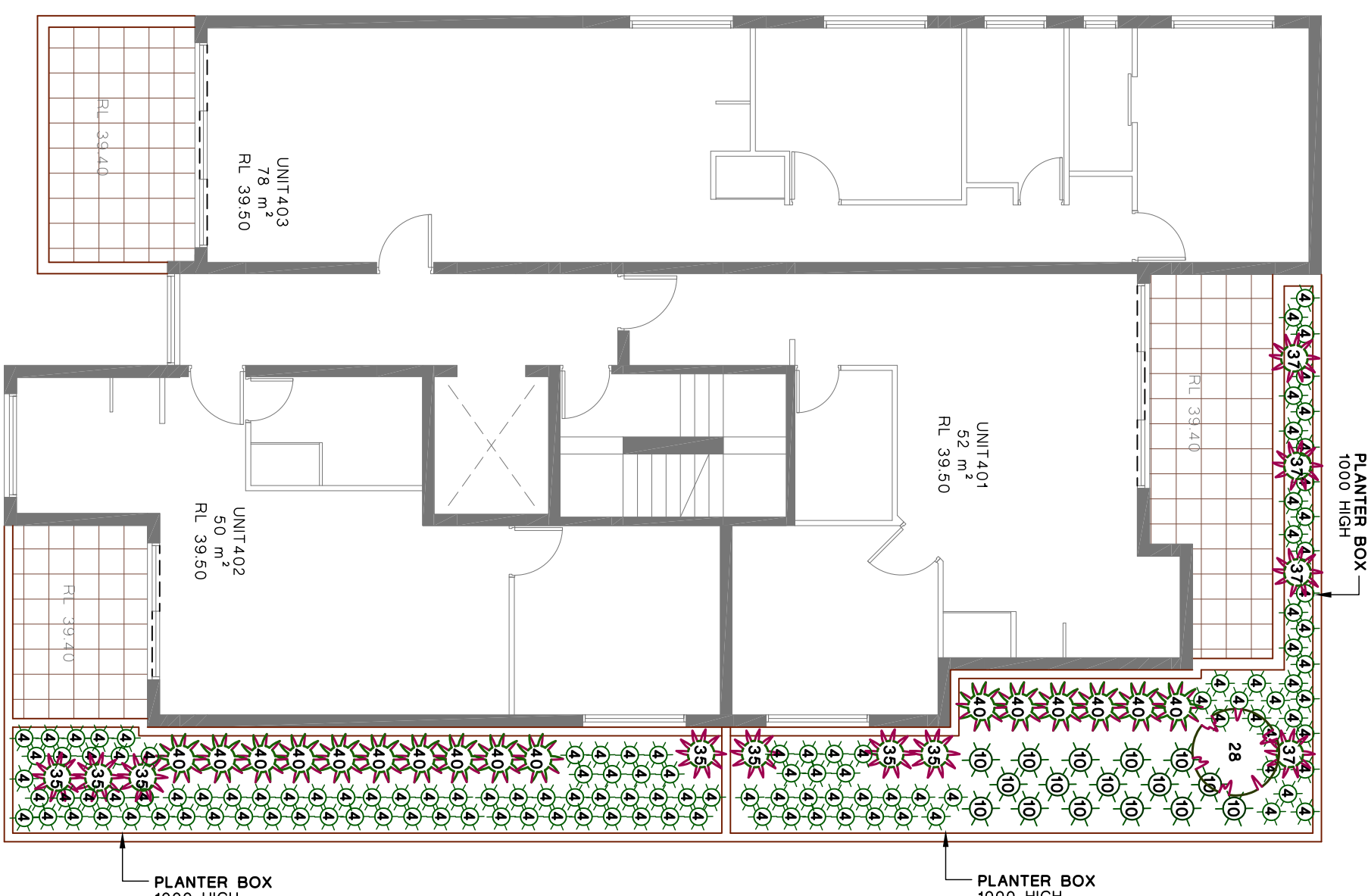
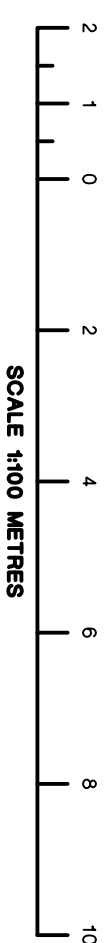
LANDSCAPE CONCEPT
PLAN

BRAWN FF SCALE 1:100@A1 OR 1:200@A3
DRAWING NUMBER 16038 DA 1-2
REV. C

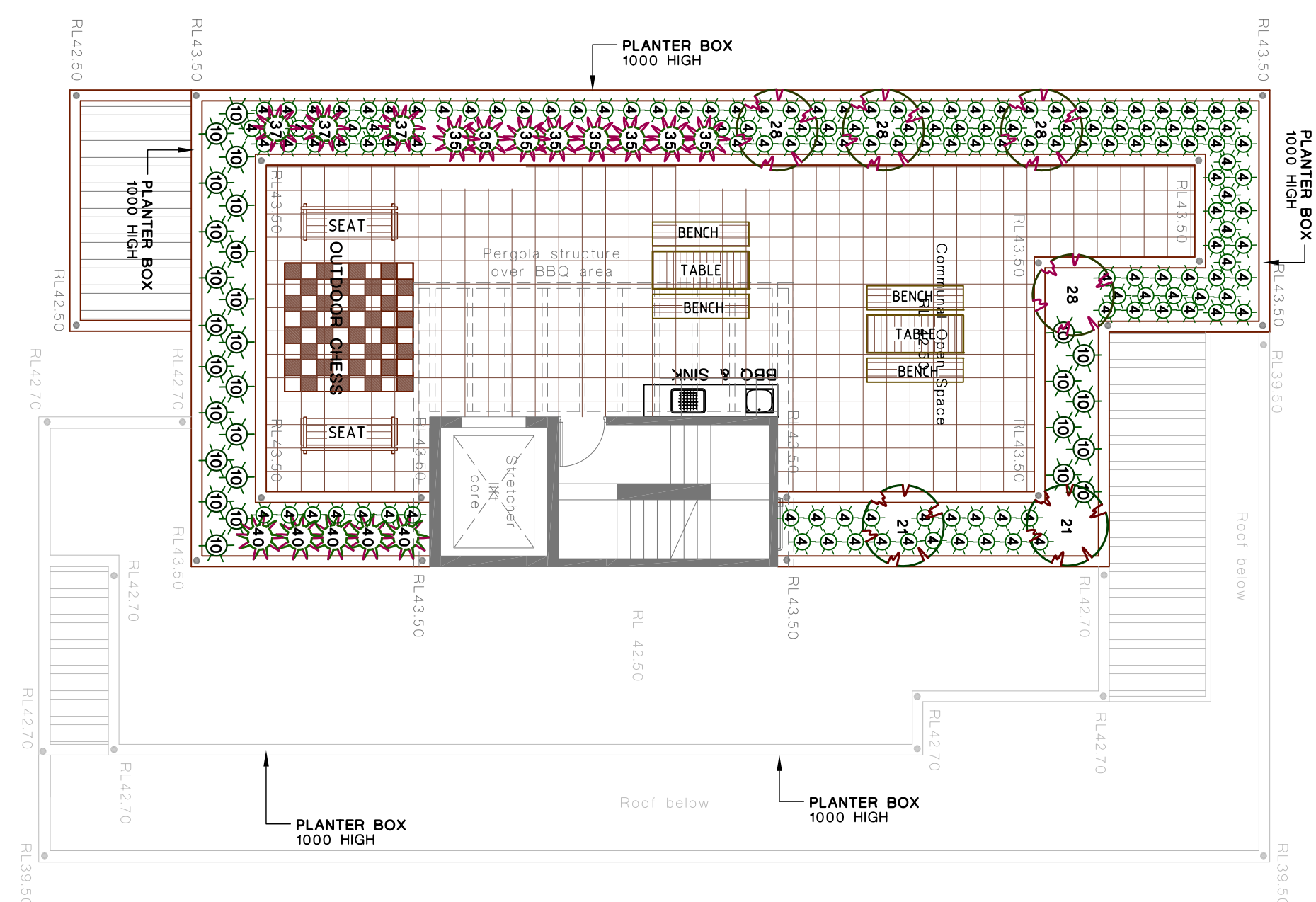
LEGEND / FINISHES SCHEDULE

[illegible]

ITEM	MATERIAL
SOIL	NOTE: ALL SOIL TYPE AS PER AUST. STANDARD. ALL RESPONSIBLE SUPPLY OR EQUIVALENT
NATIVE GARDEN BED	NATIVE GARDEN MIX
EXOTIC GARDEN BED	ORGANIC GARDEN MIX
PLANTER BOX	PLANTER BOX MIX IN ACCORDANCE WITH AS4449:1998 & AS3743
MULCH	SELECTED HARD WOOD CHIP DECOMPOSITIVE GRAVEL, TO ODP AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
RETAINING WALL & PLANTER BOX	SELECTED MASONRY RETAINING WALL AND DRAINAGE TO ENG. DETAIL
FENCE	
SIDES & REAR BOUNDARY	1800 HIGH LAPPED & CARBED TIMBER FENCE OR 1800 HIGH COLOURBOND
COURTYARD SEPARATION FENCE	REFER TO ARCHITECT'S DETAIL
FRONT	REFER TO ARCHITECTS DETAIL
IRRIGATION	PROVIDE DRAIN IRRIGATION SYSTEM TO ALL PLANTER BOXES IN ACCORDANCE WITH AS3500 AND SYDNEY WATER IRRIGATION SHALL BE DESIGNED & INSTALLED BY QUALIFIED IRRIGATION CONTRACTORS.



LEVEL 3



ROOF LEVEL

PROPOSED PLANT SCHEDULE

No.	BOTANICAL NAME	COMMON NAME	APPROX HEIGHT	POT SIZE	QUANTITY
GROUND COVER / BORDER					
3	<i>Lomandra Aitika</i>	Dwarf Lomandra	0/3	150mm	51
4	<i>Urochloa micrantha</i> 'Just Right'	Just Right Lilly	0.5	150mm	280
4	<i>Dianella laetevirens</i> 'Destiny'	Destiny Flax Lily	0.4	150mm	65
6	<i>Jiminea asilutius</i>	Common Rush	0.6	150mm	40
8	<i>Dianella caerulea</i>	Paroo Lily	0.6	150mm	2
9	<i>Moxorum ardens</i> 'Virens'	Moxorum - virens	0.1	150mm	47
10	<i>Pennisetum alopecuroides</i> 'Virens'	Swamp Foxtail	0.5	150mm	84
LOW SHRUBS					
11	<i>Buxus microphylla</i> japonica	japanese box	1	5 L	19
16	<i>Cornus alba</i>	White Cornus	1.5	5 L	16
16	<i>Myrica palustris</i>	Murray	1.5	5 L	10
18	<i>Dodonaea viscidiflora</i> 'Purpurea'	Purple-leaved hop bush	2	5 L	17
19	<i>Acmena 'Alvyns Magic'</i>	Lilly pilly	1.5	5 L	11
20	<i>Westringia frutescens</i>	Westringia	1.5	5 L	19
TALL SHRUBS					
21	<i>Callistemon viminalis</i> 'Slim'	Slim bottlebrush	3	5 L	12
22	<i>Westringia 'Levee Gate'</i>	Coastal rosemary	1	5 L	50
25	<i>Strydomia australis</i> 'Rainforest'	Lilly pilly	4	5 L	23
28	<i>Lagotis linearis</i> indica Summer 'Lawn'	Lawn Cape Myrtle	3	5 L	6
FEATURE SHRUBS					
31	<i>Gordalium africana</i>	Slender ashm. lily	3	5 L	14
32	<i>Doryanthes excelsa</i>	Trees lily	1.2	5 L	20
33	<i>Crataea australis</i>	Tea fern	4	5 L	5
34	<i>Rhipsalis excelsa</i>	Lady palm	2.5	5 L	4
35	<i>Cordyline 'Red Sensation'</i>	Red Sensation	1.2	5 L	15
37	<i>Spathelia juncea</i>	Bird of Paradise	1.2	5 L	7
40	<i>Alpinia zeylanica</i> variegata	Variegated Shell Ginger	1.5	5 L	21
TREES					
41	<i>Callistemon viminalis</i>	Weeping bottlebrush	7	25 L	3
43	<i>Eucalyptus amundulii</i>	Eumundi Quandong	8	25 L	7
44	<i>Tristania laurata</i> 'Nuscotus'	Water cork	7	25 L	2
46	<i>Lagotis linearis</i> indica 'Summer'	Cape Myrtle	7	45 L	1
48	<i>Mangolia Little Gem</i>	Mangolia	5	45 L	3
55	<i>Anacardium occidentale</i>	Rough-leaved Apple	20	75 L	3

REV/ DESCRIPTION	INIT REVISION BY DATE
C AMEND AS PER ARCH CHG	5.6.17
B AMEND AS PER ARCH CHG	10.10.16
A COUNCIL DA ISSUE	10.5.16

NOTE:

1. Contractors must verify all dimensions at the site before commencing any work or making any shop drawings. All dimensions must be approved before manufacturing.
 2. Do not cross drawing. If in doubt - ASK
 3. This scale is to be read in conjunction with Architectural, Hydraulic and survey plans
 4. All Existing trees to remain shall be protected as per arborist report & council requirements
 5. All pruning shall be in accordance with the AS 4373
 6. All trees to be removed shall be removed prior to approval from owner.
 7. No variation to the works to be carried out without prior approval from owner.
 8. All materials to be the best of their respective kinds and shall comply with approved sample type submitted or specified.
 9. Substitution of plant species or varieties will not be permitted.
 10. Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
 11. All storm water outlets & surface run off shall be to Hydraulic Engineers detail.
 12. Provide sub-sol drainage to garden beds & lawn areas where required - To be confirmed on site.
 13. Refer to survey plan for position of all existing services
 14. Refer to Architectural elevations & Sections for existing and proposed ground lines.
 15. All landscape works shall comply with all councils DA & CC conditions and all relevant AUSTRALIAN STANDARDS and AUS SPEC NOT Specification CD-9-Landscaping
 16. Irrigation system - If required shall be designed & installed to comply with AS 2666, AS 2686-1994, AS 2686-2001, AS 2686-2002, AS 2686-2003 and other relevant authority regulations.
- MAINTENANCE:** All landscaping works are to be completed within 14 days of completion of the construction. Replace all plants which have failed with the same species. Mulch is to be maintained at specified depth. All plants and turf shall be watered on a regular basis. All plants and turf shall be maintained on a regular basis. All garden areas are to be maintained free from weeds.

PROPOSED HOME UNITS

Arncliffe



LANDSCAPE ARCHITECT

WALLMAN PARTNERS PTY LTD
Landscape Architects



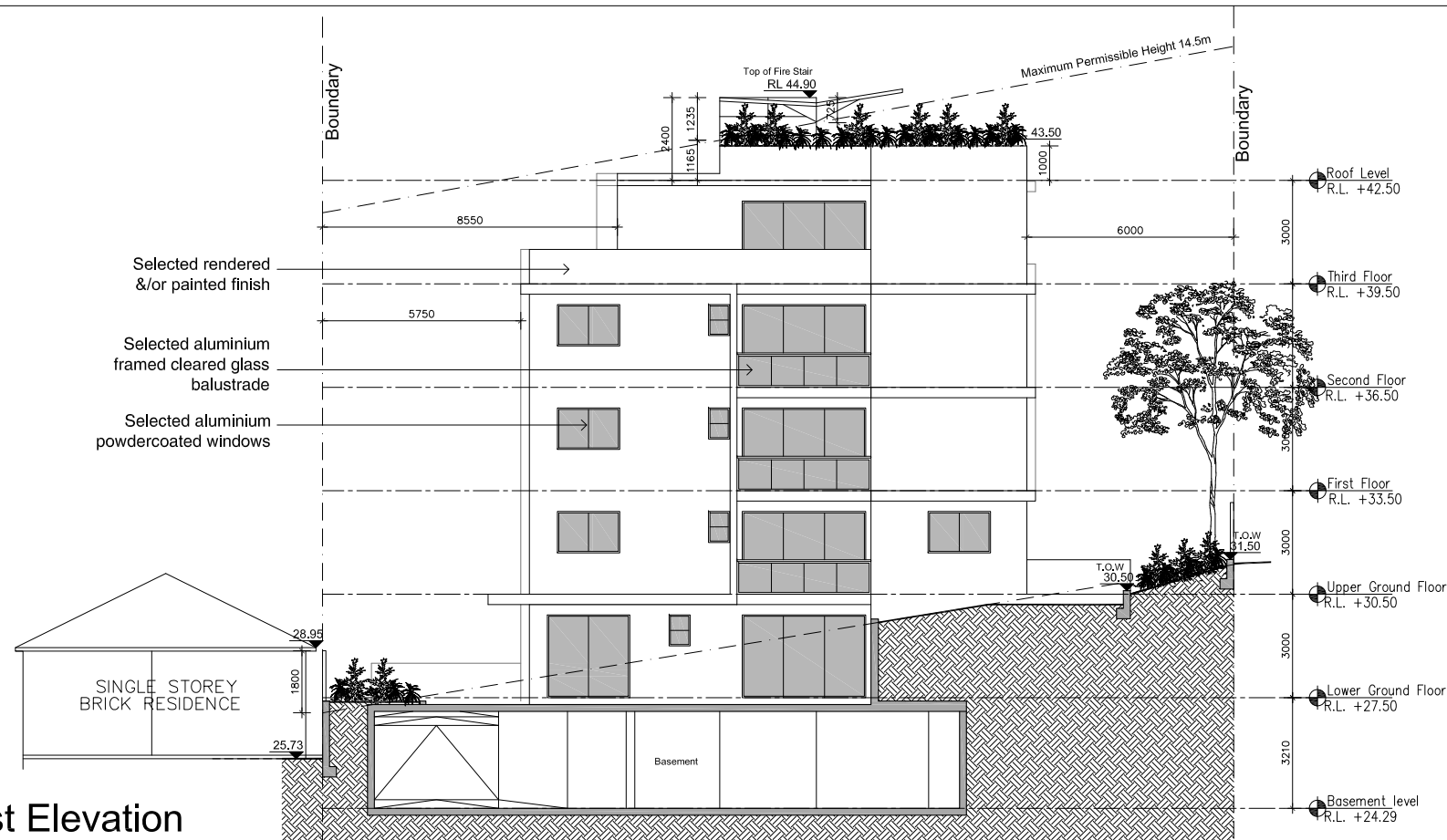
LANDSCAPE CONCEPT

PLAN

DRAWN	FF	SCALE	1:100 @ A1 1:200 @ A3	REV.
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DRAWING NUMBER	16038 DA 2-2
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North West Elevation
1:200 (on A3)

BASIX Commitments(Building C&D)

Water Commitments.

•Fixtures:

Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
Must install min. 4 star rating or higher toilet flushing system in each toilet.
Must install min. 5 star rating or higher taps in the kitchens.
Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

•Hotwater:

Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.

•Cooling/ Heating System:

Must install min. 4.5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.

•Other :

Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas Water Commitments.

•Fixtures –

Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.

•Lighting :

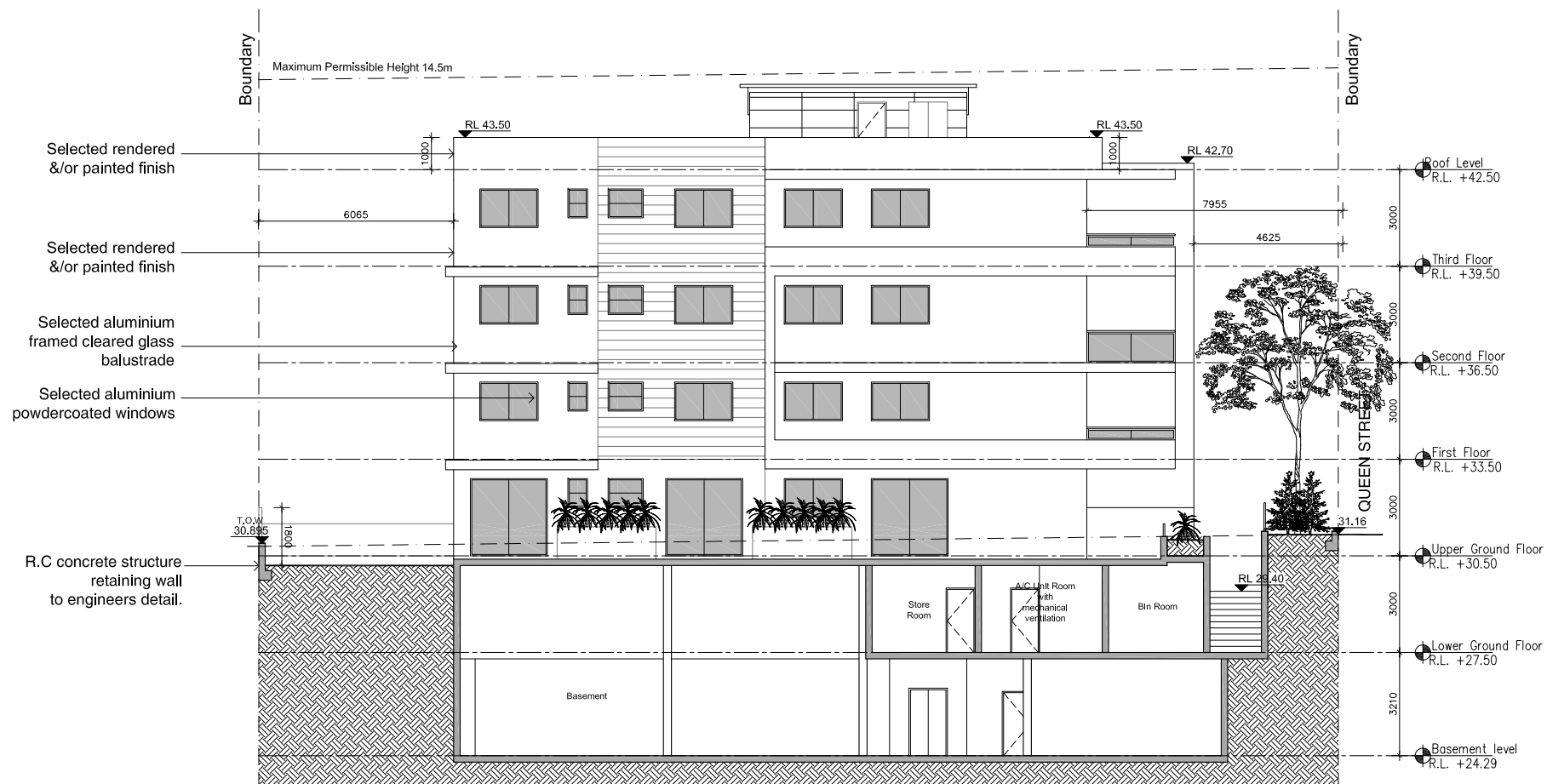
Must install lighting in–
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways:fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors

•Ventilation – Must install ventilation in:

Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : –

•Other :

Must install gearless traction with VVV F motor in lift (No.1).



North East Elevation
1:200 (on A3)

G	ISSUED IN RESPONSE TO COUNCIL LETTER DATED 6.12.17	20.12.2017	JPB
F	AMENDED IN RESPONSE TO COUNCIL EMAIL DATED 27.11.17	28.11.2017	JPB
E	AMENDED TO ADDRESS COMMENTS RECEIVED FROM COUNCIL EMAILS DATED 13.11.17 & 17.11.17	24.11.2017	JPB
D	REVISION AS PER RECENT DISCUSSION WITH COUNCIL	30.05.2017	AW/YP
B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
A	ISSUED FOR DEVELOPMENT APPLICATION	23.05.2016	YP
ISSUE	AMENDMENT	DATE	DRAWN

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Design Cubicle Pty Ltd
Nominated Architect: Sam Min-Han Lu (#6842)
Address: 44 Sorrell Street,
North Parramatta, NSW, 2151
Tel: 9683 2778 Fax: 9683 3242
Email: info@designcubicle.com.au
Http: www.designcubicle.com.au
ABN: 47 116 316 333

SHEET TITLE:
ELEVATIONS 1/2

LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
YP
CHECKED BY:
FG
DATE:
MAY 15

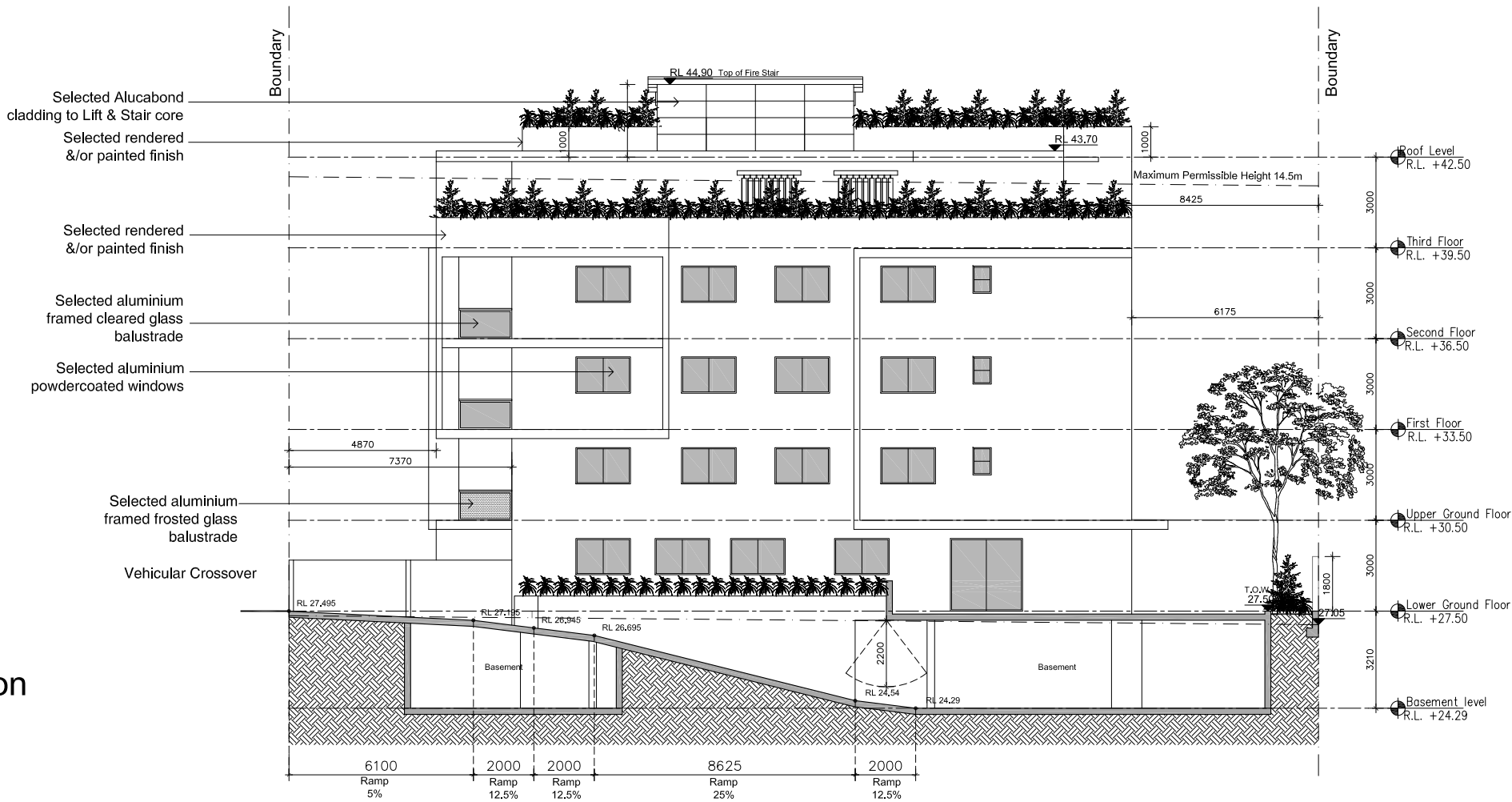
PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET, ARNCLIFFE

JOB NO.
150758 DA: 300

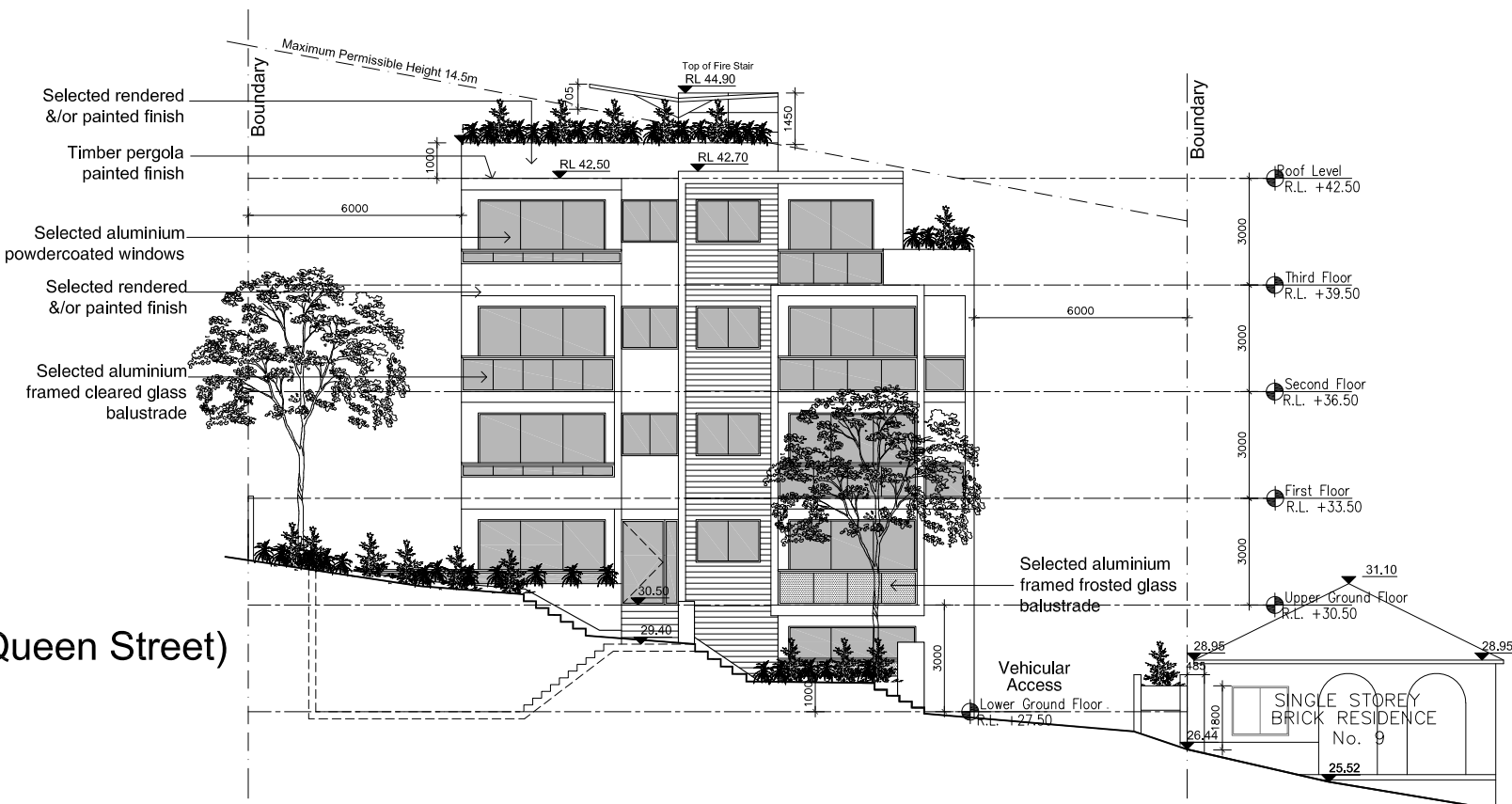
ISSUE:
G

SCALE:
1:200

South East Elevation
1:200 (on A3)



South West Elevation (Queen Street)
1:200 (on A3)



BASIX Commitments(Building C&D)

Water Commitments.

***Fixtures:**

Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
Must install min. 4 star rating or higher toilet flushing system in each toilet.
Must install min. 5 star rating or higher taps in the kitchens.
Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

***Hotwater:**

Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.

***Cooling/ Heating System:**

Must install min. 4.5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.

***Other :**

Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas

Water Commitments.

***Fixtures –**

Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.

***Lighting :**

Must install lighting in–
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways:fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors

***Ventilation –** Must install ventilation in:

Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : –

***Other :**

Must install gearless traction with VV F motor in lift (No.1).

G	ISSUED IN RESPONSE TO COUNCIL LETTER DATED 6.12.17	20.12.2017	JPB
F	AMENDED IN RESPONSE TO COUNCIL EMAIL DATED 27.11.17	28.11.2017	JPB
E	AMENDED TO ADDRESS COMMENTS RECEIVED FROM COUNCIL EMAILS DATED 13.11.17 & 17.11.17	24.11.2017	JPB
D	REVISION AS PER RECENT DISCUSSION WITH COUNCIL	30.05.2017	AW/YP
B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
A	ISSUED FOR DEVELOPMENT APPLICATION	23.05.2016	YP
ISSUE	AMENDMENT	DATE	DRAWN

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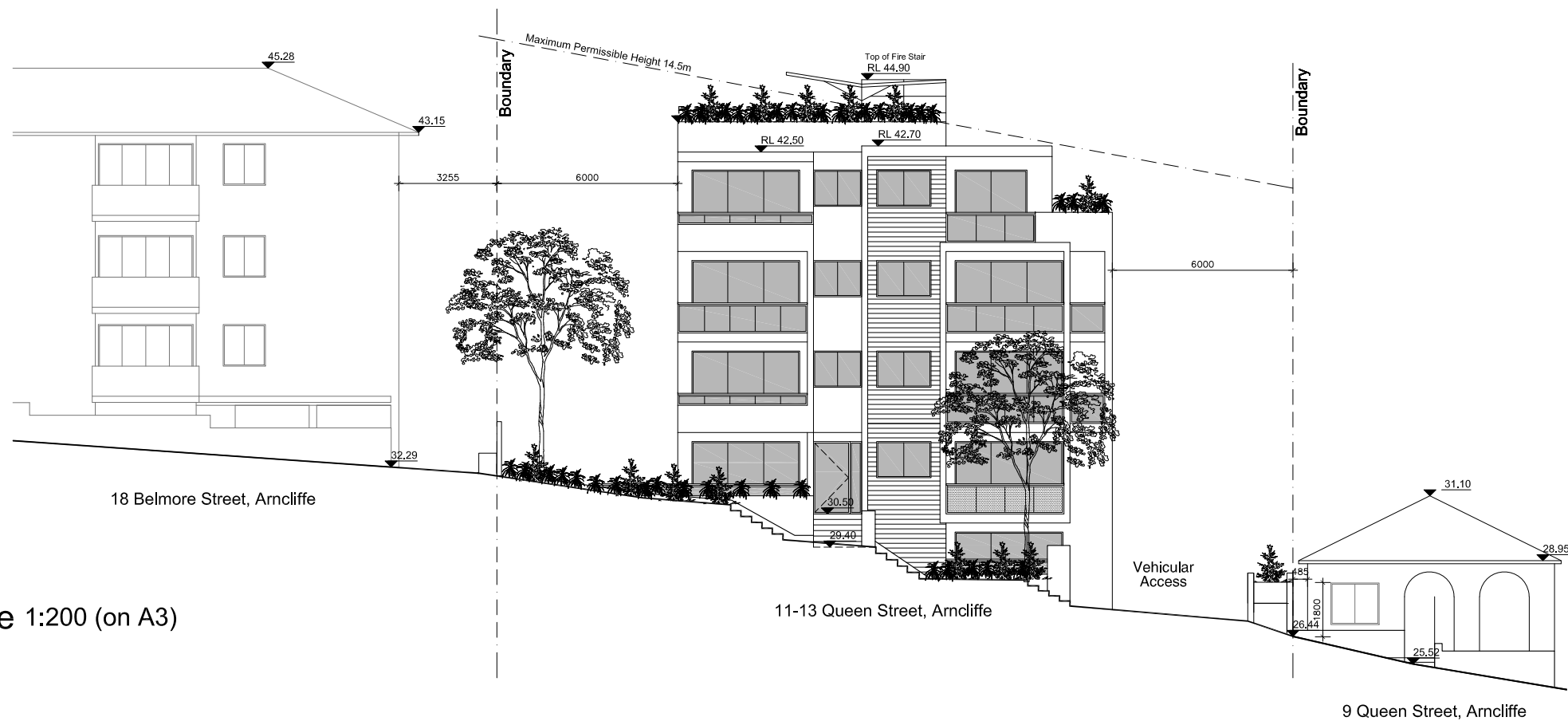
Design Cubicle Pty Ltd
Nominated Architect: Sam Min-Han Lu (#6842)
Address: 44 Sorrell Street,
North Parramatta, NSW, 2151
Tel: 9683 2778 Fax: 9683 3242
Email: info@designcubicle.com.au
Http: www.designcubicle.com.au
ABN: 47 116 316 333

SHEET TITLE:
ELEVATIONS 2/2
LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
YP
CHECKED BY:
FG
DATE:
MAY 15

PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET, ARNCLIFFE
JOB NO.
150758 DA: 301

ISSUE:
G
SCALE:
1:200



Streetscape 1:200 (on A3)

BASIX Commitments(Building C&D)
Water Commitments.
•**Fixtures:**
Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
Must install min. 4 star rating or higher toilet flushing system in each toilet.
Must install min. 5 star rating or higher taps in the kitchens.
Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.
•**Hotwater:**
Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.
•**Cooling/ Heating System:**
Must install min. 4.5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.
•**Other :**
Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas
Water Commitments.
•**Fixtures –**
Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.
•**Lighting :**
Must install lighting in–
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways:fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors
•**Ventilation –** Must install ventilation in:
Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : –
•**Other :**
Must install gearless traction with VV F motor in lift (No.1).



No.18 Queen Street



No.9 Queen Street



No.14 Queen Street



No.16-18 Queen Street

G	ISSUED IN RESPONSE TO COUNCIL LETTER DATED 6.12.17	20.12.2017	JPB
F	AMENDED IN RESPONSE TO COUNCIL EMAIL DATED 27.11.17	28.11.2017	JPB
E	AMENDED TO ADDRESS COMMENTS RECEIVED FROM COUNCIL EMAILS DATED 13.11.17 & 17.11.17	24.11.2017	JPB
D	REVISION AS PER RECENT DISCUSSION WITH COUNCIL	30.05.2017	AW/YP
C	REVISION AS PER COUNCIL LETTER DATED 29.11.2016	22.03.2017	AW
B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
ISSUE	AMENDMENT	DATE	DRAWN

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Email: info@designcubicle.com.au
Http: www.designcubicle.com.au
ABN: 47 116 316 333

SHEET TITLE:	STREETSCAPE
LOGGED AT:	ROCKDALE CITY COUNCIL

DRAWN BY:	YP
CHECKED BY:	FG
DATE:	MAY 15
PROPOSED RESIDENTIAL DEVELOPMENT AT 11-13 QUEEN STREET, ARNCLIFFE	
JOB NO:	150758 UA101

ISSUE:	G
SCALE:	1:200



1. Render & Paint Finish -
Dulux Grey Pail colour
(or equivalent)



2. Render & Paint Finish
Dulux Tea house Colour
(or equivalent)



3. Cladding Timber Look-
INNOWOOD External Cladding
Tasmania Oak colour
(or equivalent)



4. Render & Paint Work Finish
Dulux Accord colour
(or equivalent)



5. Powder coated Aluminium Window
and Door Frames, Pergolar and
Balustrades Colorbond Domino colour
(or equivalent)



6. Render & Paint Finish -
Dulux Lexicon colour
(or equivalent)



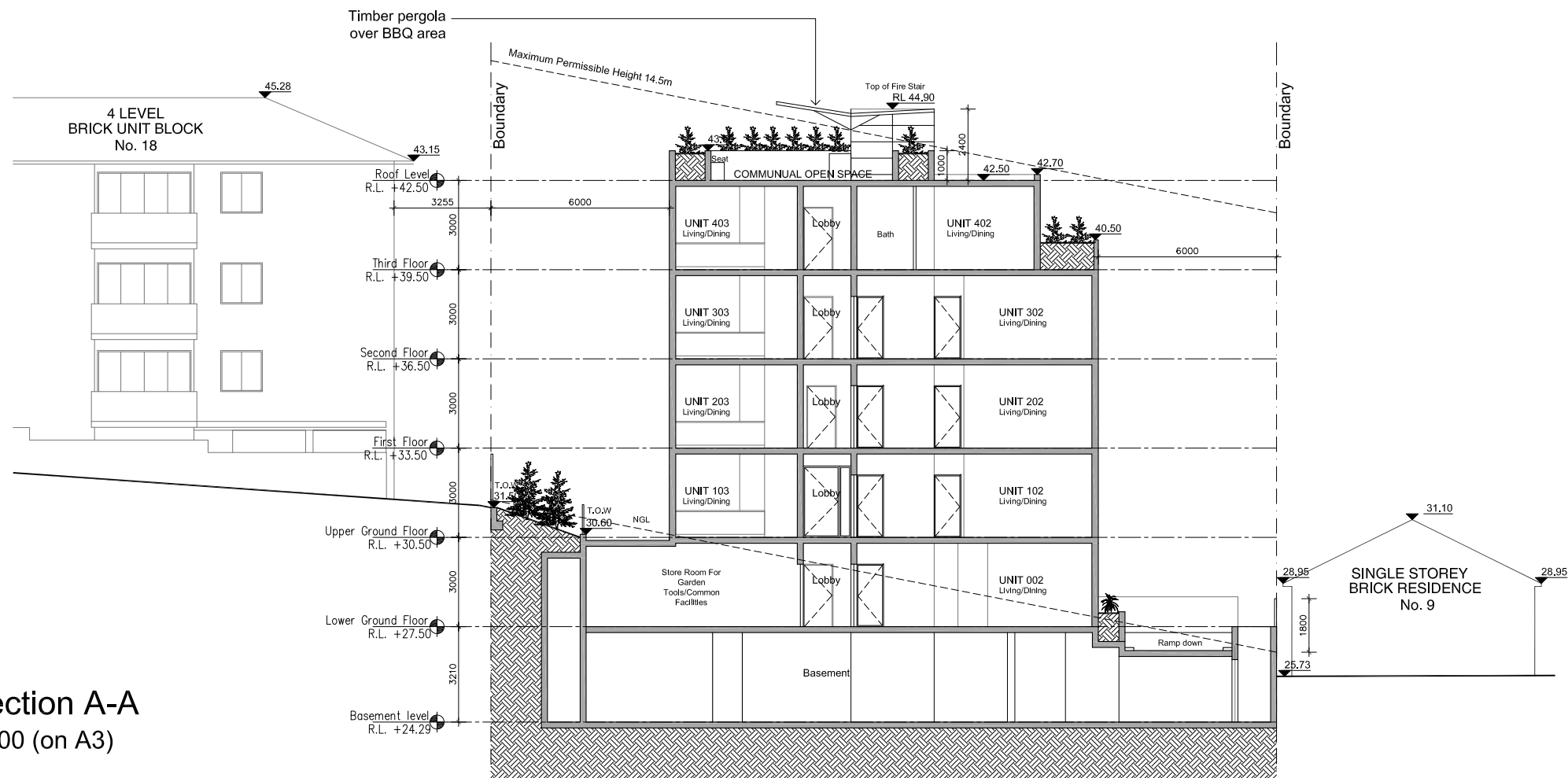
7. Sand Stone Finish
(or equivalent)



8. Frosted Glass Balustrade
(or equivalent)



Section A-A
1:200 (on A3)



BASIX Commitments(Building C&D)
Water Commitments.

*Fixtures:

Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.

Must install min. 4 star rating or higher toilet flushing system in each toilet.

Must install min. 5 star rating or higher taps in the kitchens.

Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

*Hotwater:

Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.

*Cooling/ Heating System:

Must install min. 4.5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.

*Other :

Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas
Water Commitments.

*Fixtures –

Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.

*Lighting :

Lighting
Must install lighting in-
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways: fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors

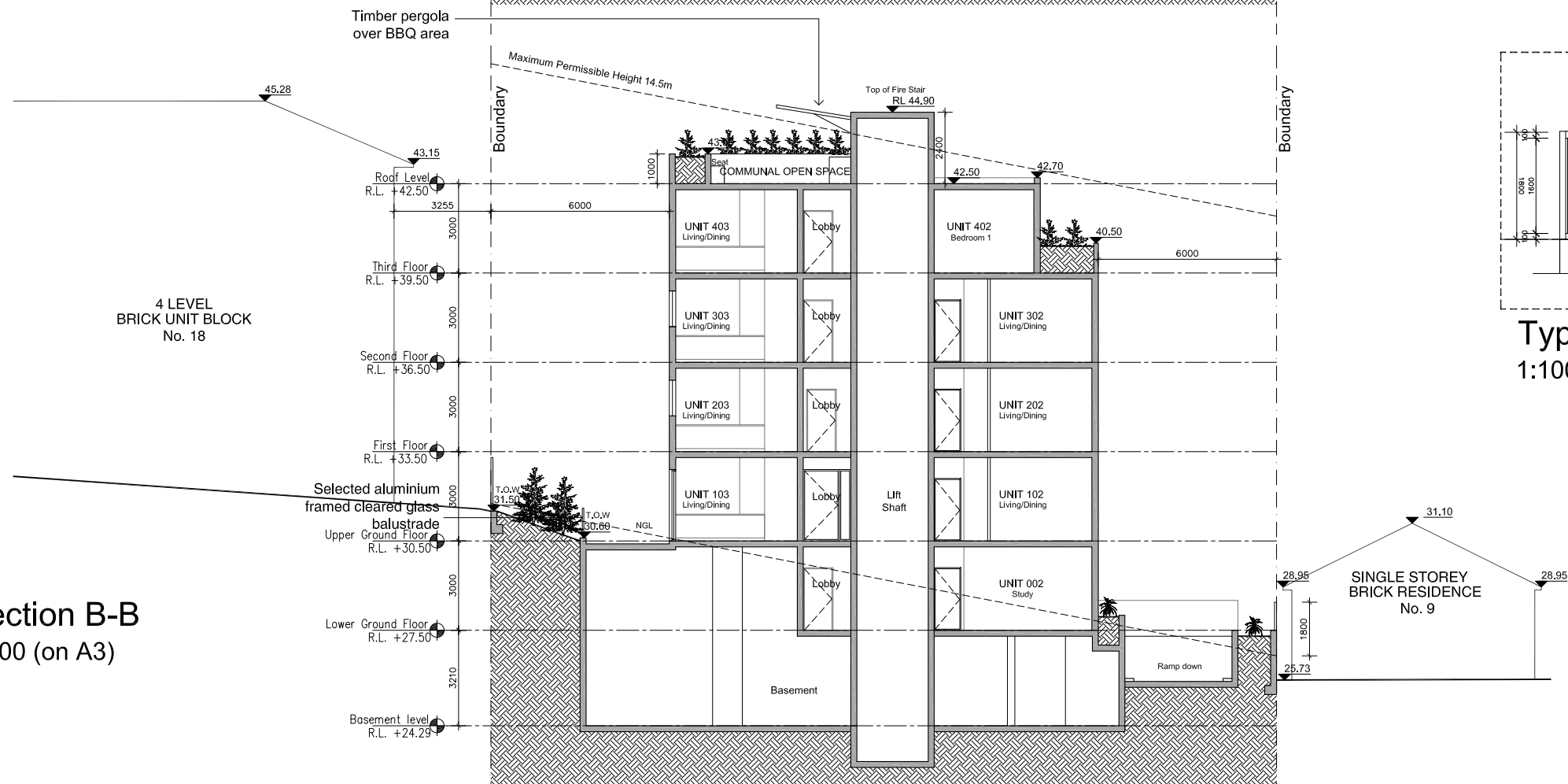
*Ventilation – Must install ventilation in:

Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : -

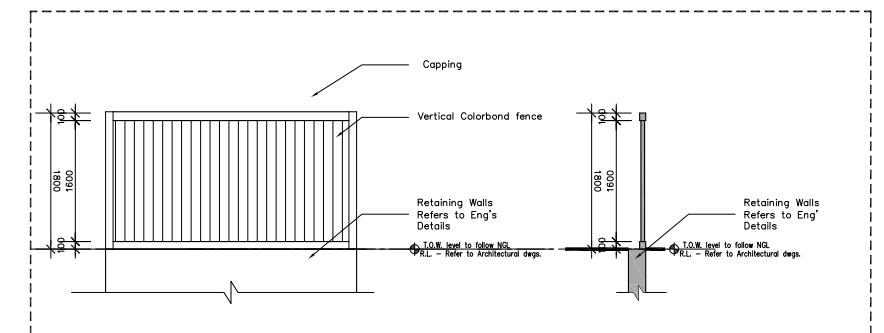
* Other :

Must install gearless traction with VV F motor in lift (No.1).

Section B-B
1:200 (on A3)



Typical side/rear fence detail
1:100 (on A3)



G	ISSUED IN RESPONSE TO COUNCIL LETTER DATED 6.12.17	20.12.2017	JPB
F	AMENDED IN RESPONSE TO COUNCIL EMAIL DATED 27.11.17	28.11.2017	JPB
E	AMENDED TO ADDRESS COMMENTS RECEIVED FROM COUNCIL EMAILS DATED 13.11.17 & 17.11.17	24.11.2017	JPB
D	REVISION AS PER RECENT DISCUSSION WITH COUNCIL	30.05.2017	AW/YP
B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
A	ISSUED FOR DEVELOPMENT APPLICATION	23.05.2016	YP
ISSUE	AMENDMENT	DATE	DRAWN

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design cubicle
ARCHITECTURAL SOLUTIONS

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SHEET TITLE:
SECTIONS I/IV

LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
YP

CHECKED BY:
FG

DATE:
MAY 15

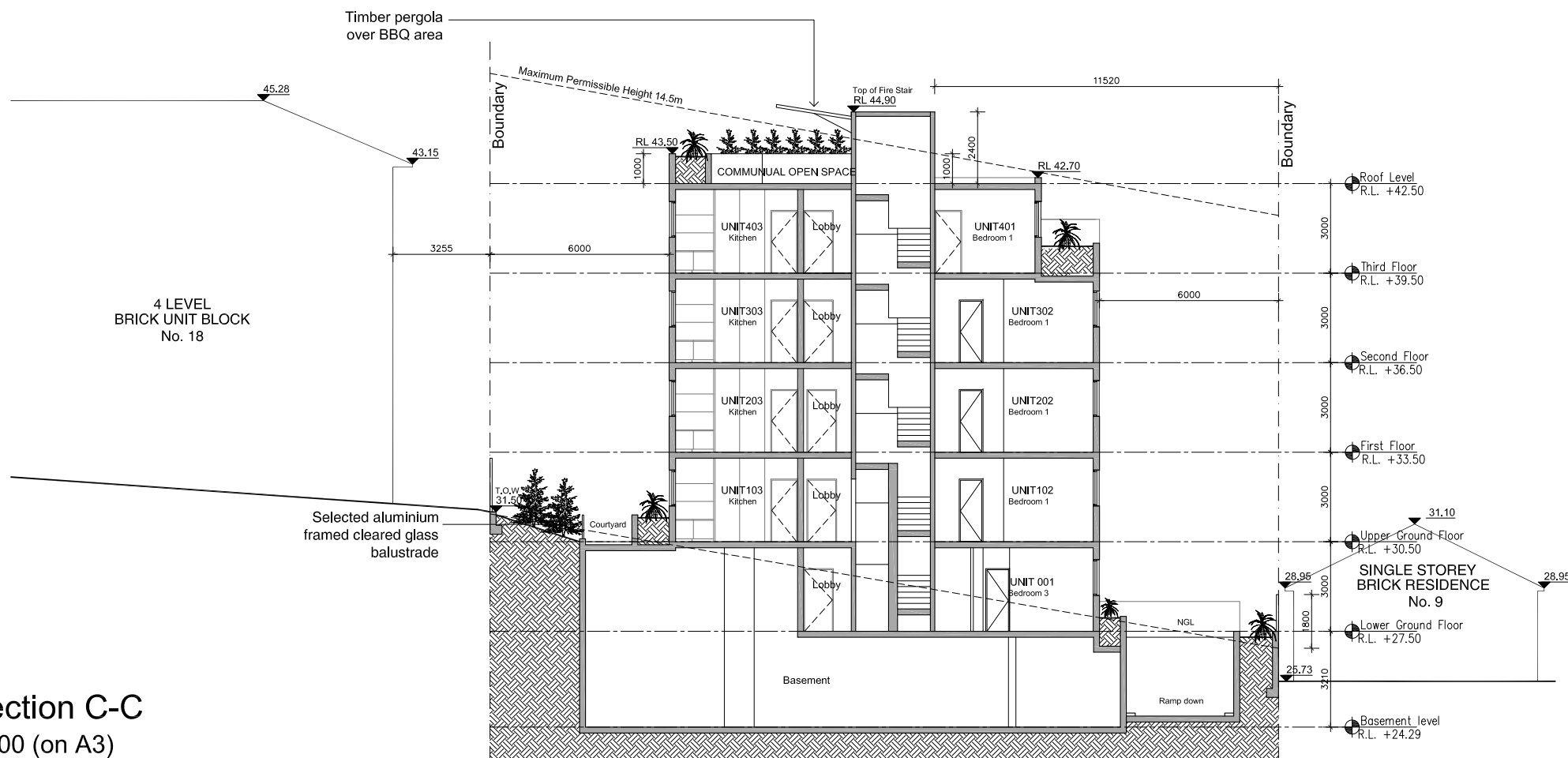
PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET, ARNCLIFFE

JOB No.
150758 DA: 302

G

SCALE:
200

Section C-C
1:200 (on A3)



BASIX Commitments(Building C&D)

Water Commitments.

*Fixtures:

Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.

Must install min. 4 star rating or higher toilet flushing system in each toilet.

Must install min. 5 star rating or higher taps in the kitchens.

Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

*Hotwater:

Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.

*Cooling/ Heating System:

Must install min. 4.5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.

★Other :

Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas
Water Commitments.

*Fixtures –

Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.

*Lighting :

Must install lighting in—
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways: fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors

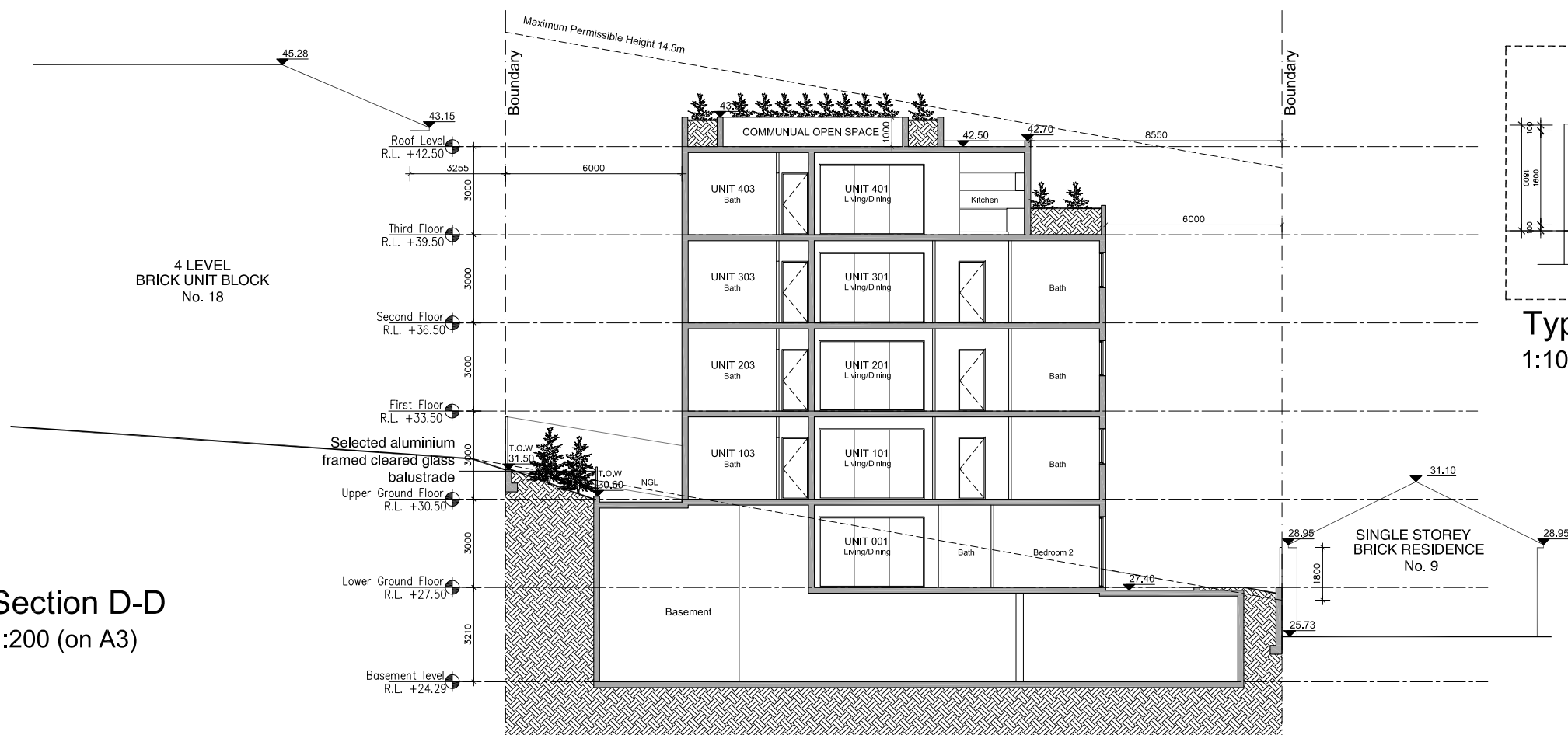
*Ventilation – Must install ventilation in:

Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : -

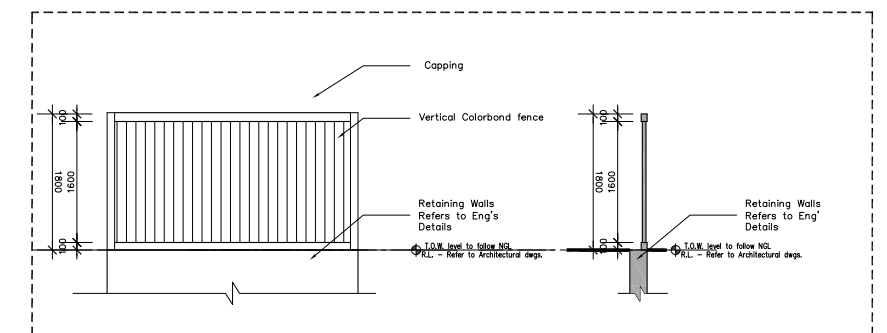
*Other :

Must install gearless traction with VV F motor in lift (No.1).

Section D-D
1:200 (on A3)



Typical side/rear fence detail
1:100 (on A3)



G	ISSUED IN RESPONSE TO COUNCIL LETTER DATED 6.12.17	20.12.2017	JPB
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C	REVISION AS PER COUNCIL LETTER DATED 29.11.2016	22.03.2017	AW
B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
ISSUE	AMENDMENT	DATE	DRAWN

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design cubicle
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SHEET TITLE:
SECTIONS II/IV

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FG

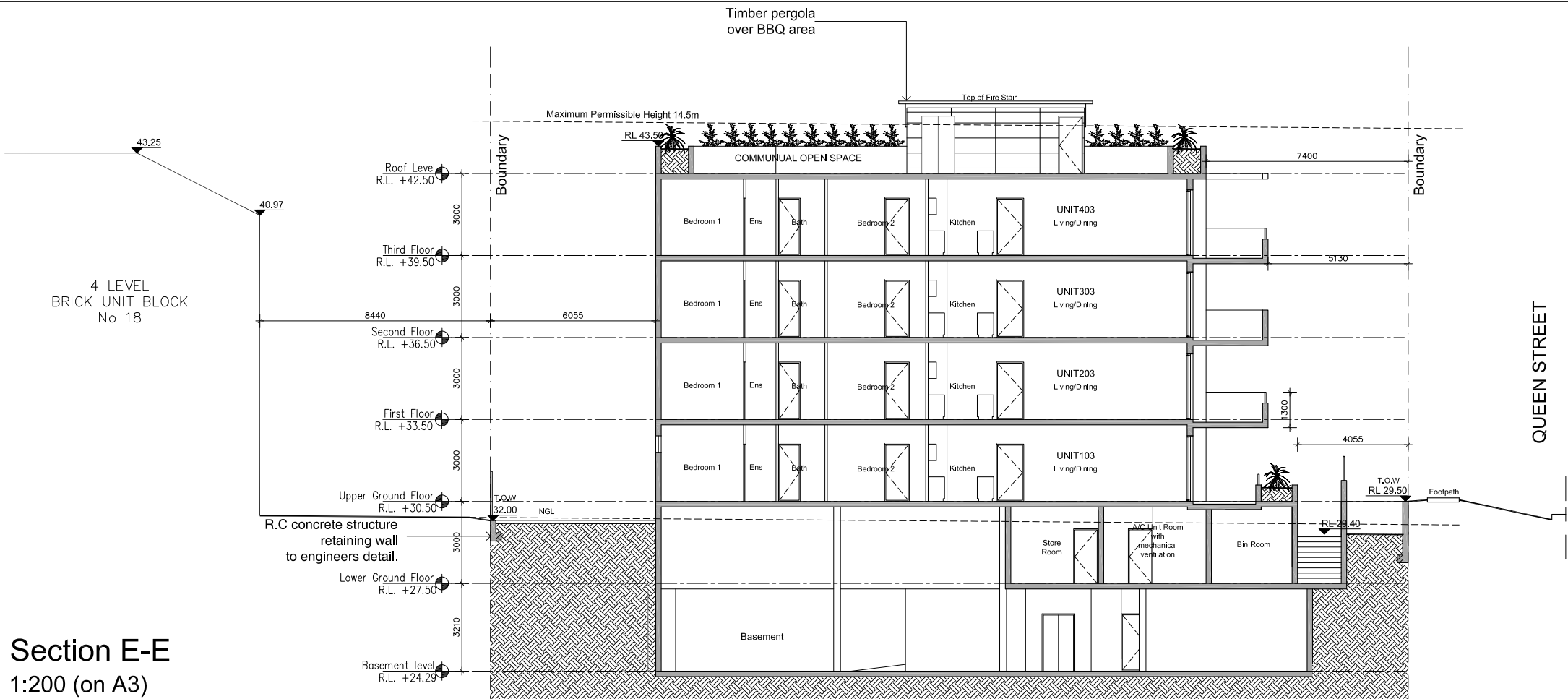
DATE:
MAY 15

PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET, ARNCLIFFE

JOB No.
150758 DA: 303

G

SCALE:
200



Section E-E
1:200 (on A3)

BASIX Commitments(Building C&D)
Water Commitments.
 •**Fixtures:**
 Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
 Must install min. 4 star rating or higher toilet flushing system in each toilet.
 Must install min. 5 star rating or higher taps in the kitchens.
 Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.
 •**Hotwater:**
 Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.

•**Cooling/ Heating System:**
 Must install min. 4,5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.

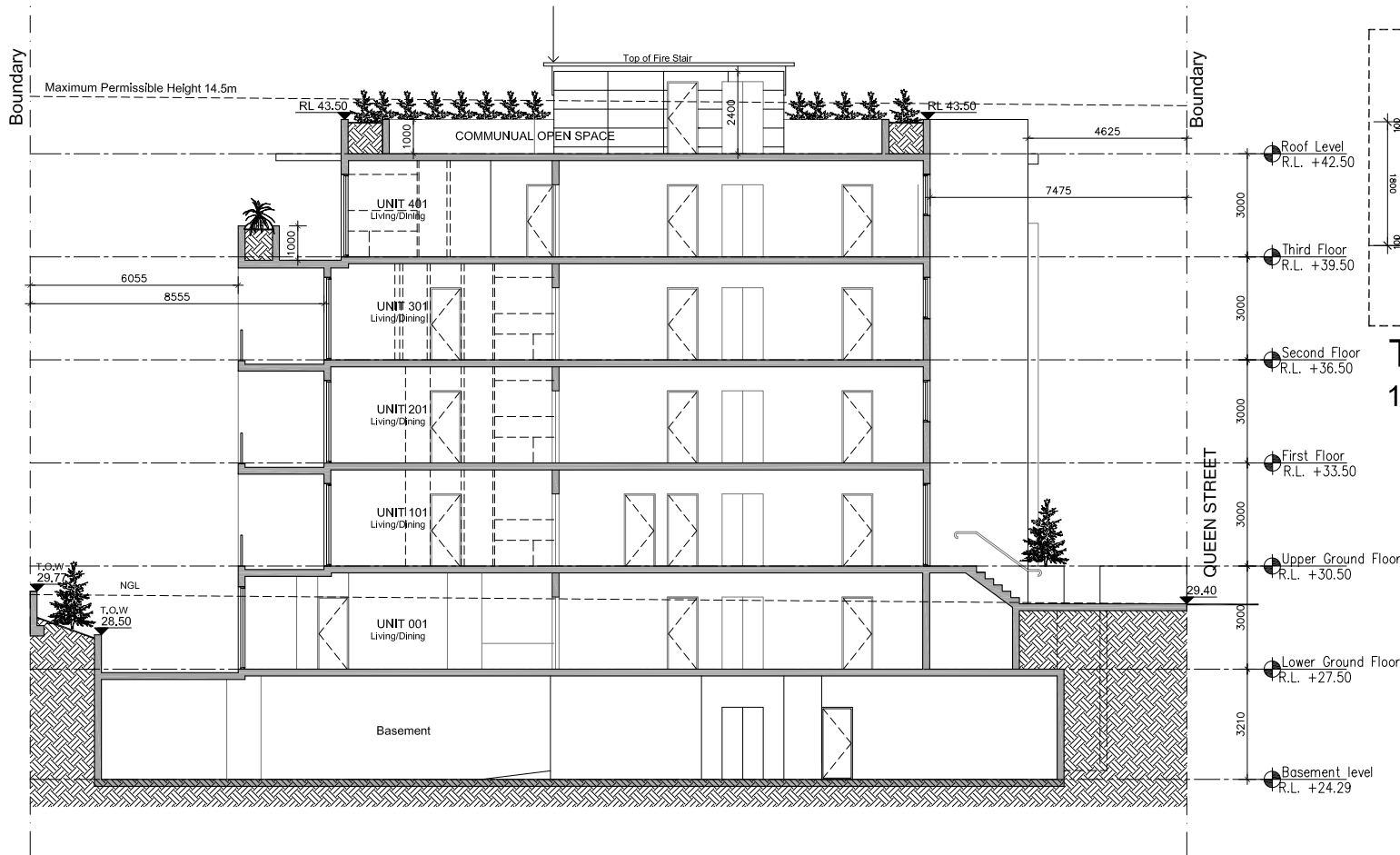
•**Other :**
 Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas
Water Commitments.
 •**Fixtures –**
 Must install min. 4 Star rating or higher taps and toilets in common areas.

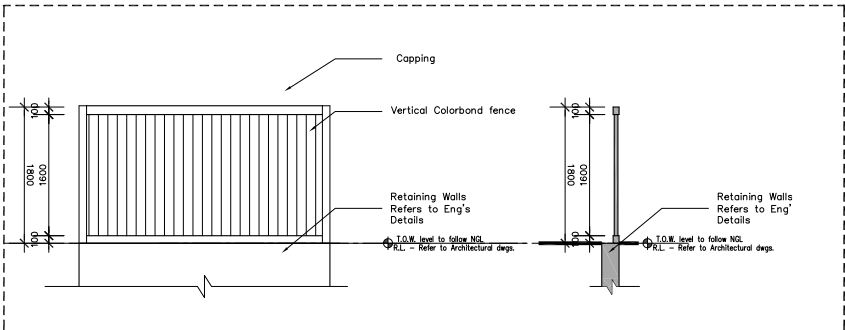
Energy Commitments.
 •**Lighting :**
 Must install lighting in–
 Garbage room (No.1): fluorescent.
 Efficiency measure: manual on/ manual off
 Lift car (No. 1): fluorescent.
 Efficiency measure: Connected to lift call button.
 All lobbies & Hallways:fluorescent.
 Efficiency measure: manual on/ manual off
 Car park area: fluorescent.
 Efficiency measure: daylight sensors

•**Ventilation –** Must install ventilation in:
 Garbage (No.1): No Mechanical Ventilation
 Car park area: ventilation (supply + exhaust)
 Efficiency measure: carbon monoxide monitor + VSD fan
 All lobbies & Hallways: no mechanical ventilation
 Efficiency measure : –

•**Other :**
 Must install gearless traction with VVV F motor in lift (No.1).



Section F-F
1:200 (on A3)



Typical side/rear fence detail
1:100 (on A3)

G	ISSUED IN RESPONSE TO COUNCIL LETTER DATED 6.12.17	20.12.2017	JPB
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B	REVISION AS PER COUNCIL LETTER DATED 23.06.2016	08.08.2016	AW/YP
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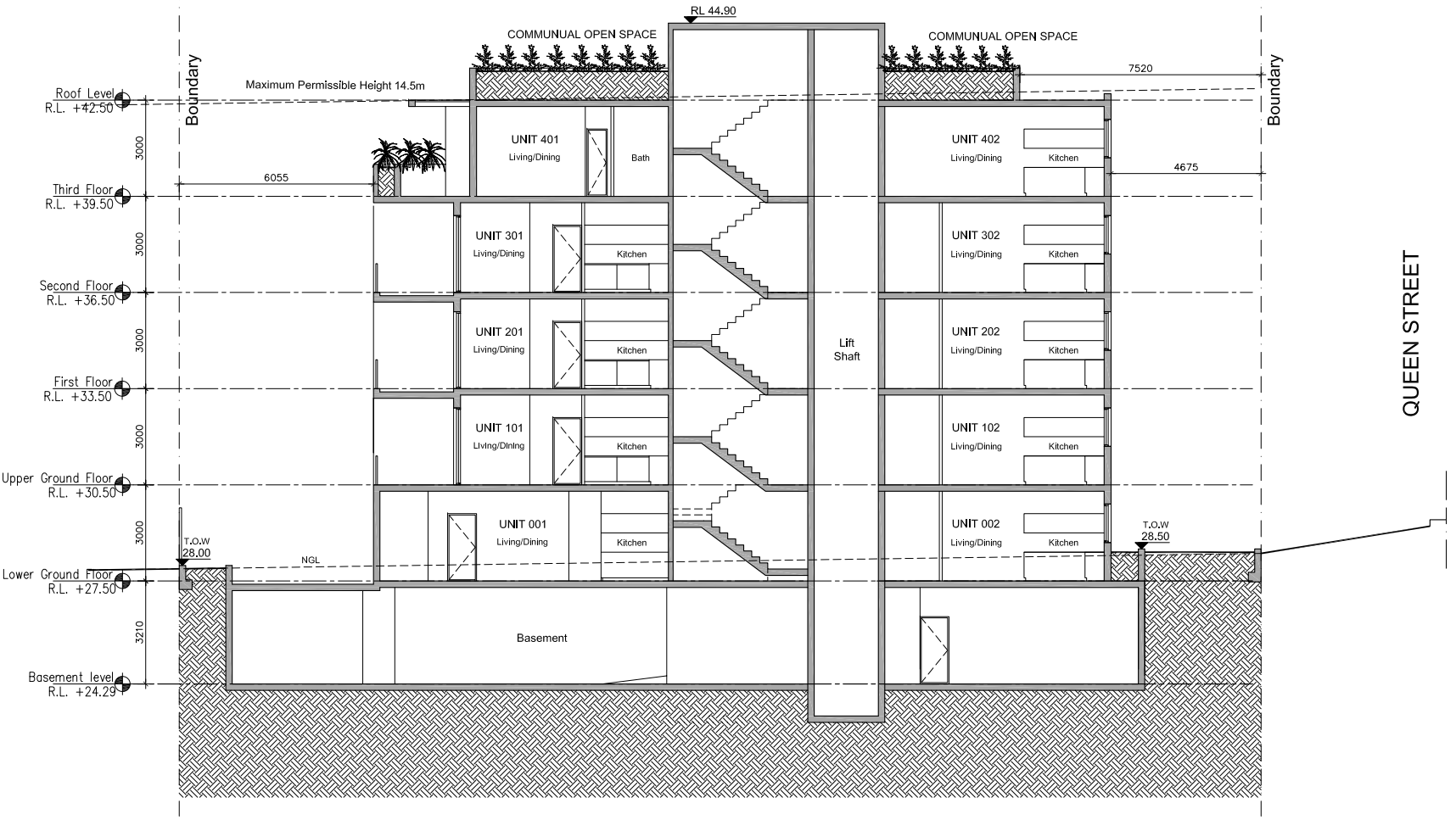
SHEET TITLE:
 SECTIONS III/IV
 LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
 YP
 CHECKED BY:
 FG
 DATE:
 MAY 15

PROPOSED RESIDENTIAL
 DEVELOPMENT
 AT 11-13 QUEEN STREET, ARNCLIFFE
 JOB NO.
 150758 DA: 304

ISSUE:
 G
 SCALE:
 1:200

Section G-G
1:200 (on A3)



BASIX Commitments(Building C&D)

Water Commitments.

- Fixtures:**
Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
Must install min. 4 star rating or higher toilet flushing system in each toilet.
Must install min. 5 star rating or higher taps in the kitchens.
Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

- Hotwater:**
Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.
- Cooling/ Heating System:**
Must install min. 4.5 star rated (new rating) or higher 1-phase air conditioning to the living areas of each dwelling.
- Other :**
Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas

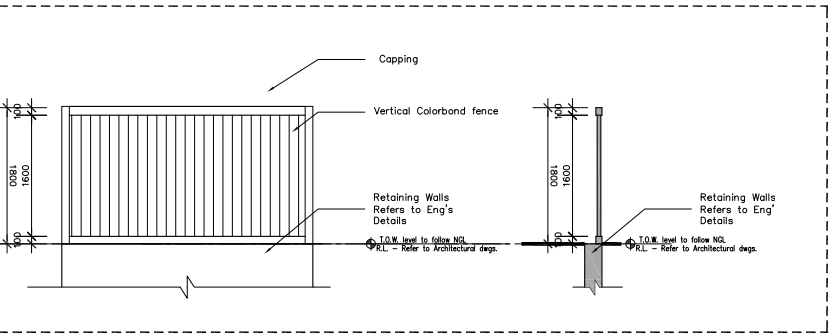
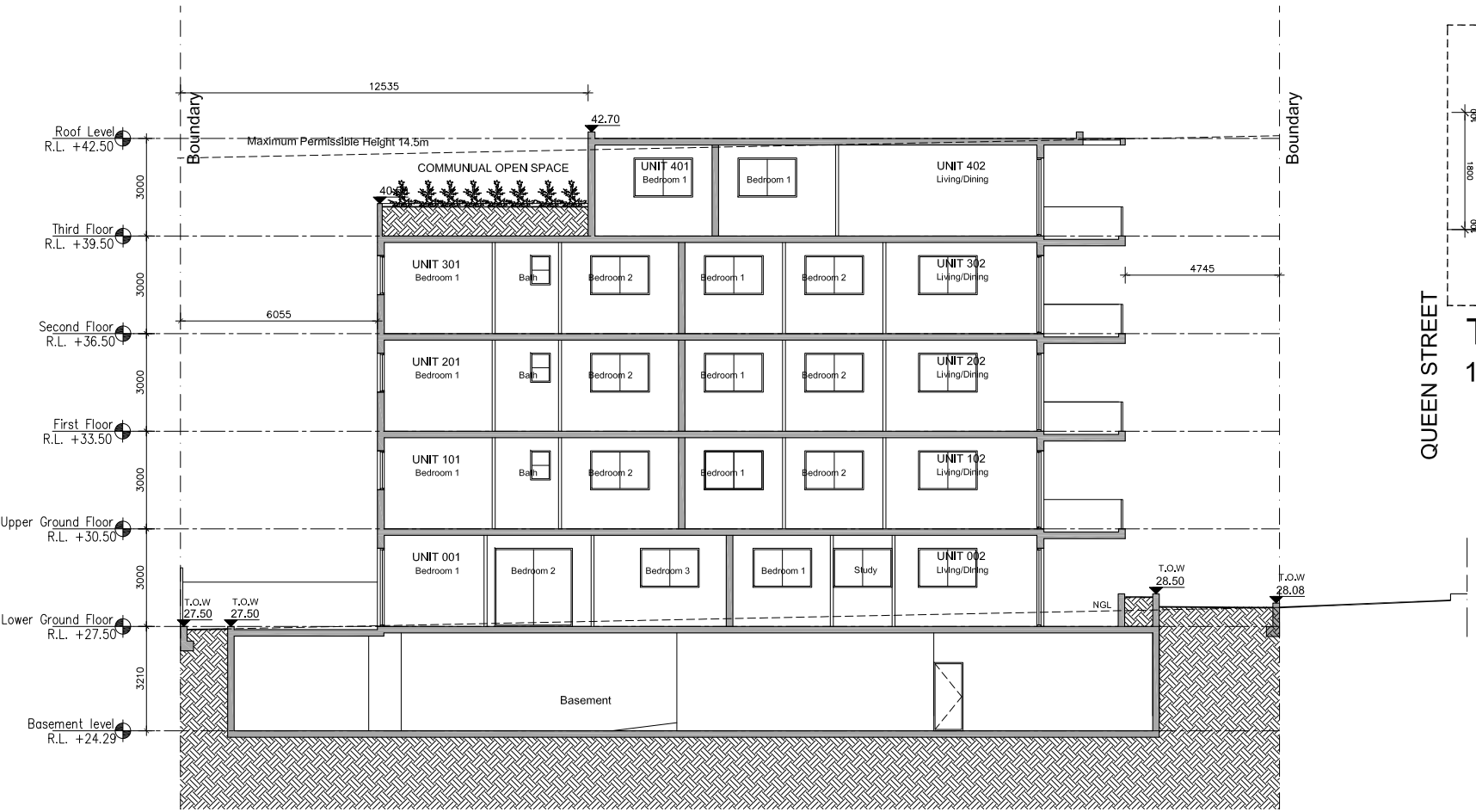
Water Commitments.

- Fixtures –**
Must install min. 4 Star rating or higher taps and toilets in common areas.

Energy Commitments.

- Lighting :**
Must install lighting in–
Garbage room (No.1): fluorescent.
Efficiency measure: manual on/ manual off
Lift car (No. 1): fluorescent.
Efficiency measure: Connected to lift call button.
All lobbies & Hallways:fluorescent.
Efficiency measure: manual on/ manual off
Car park area: fluorescent.
Efficiency measure: daylight sensors
- Ventilation –** Must install ventilation in:
Garbage (No.1): No Mechanical Ventilation
Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : –
- Other :**
Must install gearless traction with VV F motor in lift (No.1).

Section H-H
1:200 (on A3)



Typical side/rear fence detail
1:100 (on A3)

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SHEET TITLE:
SECTIONS IV/IV

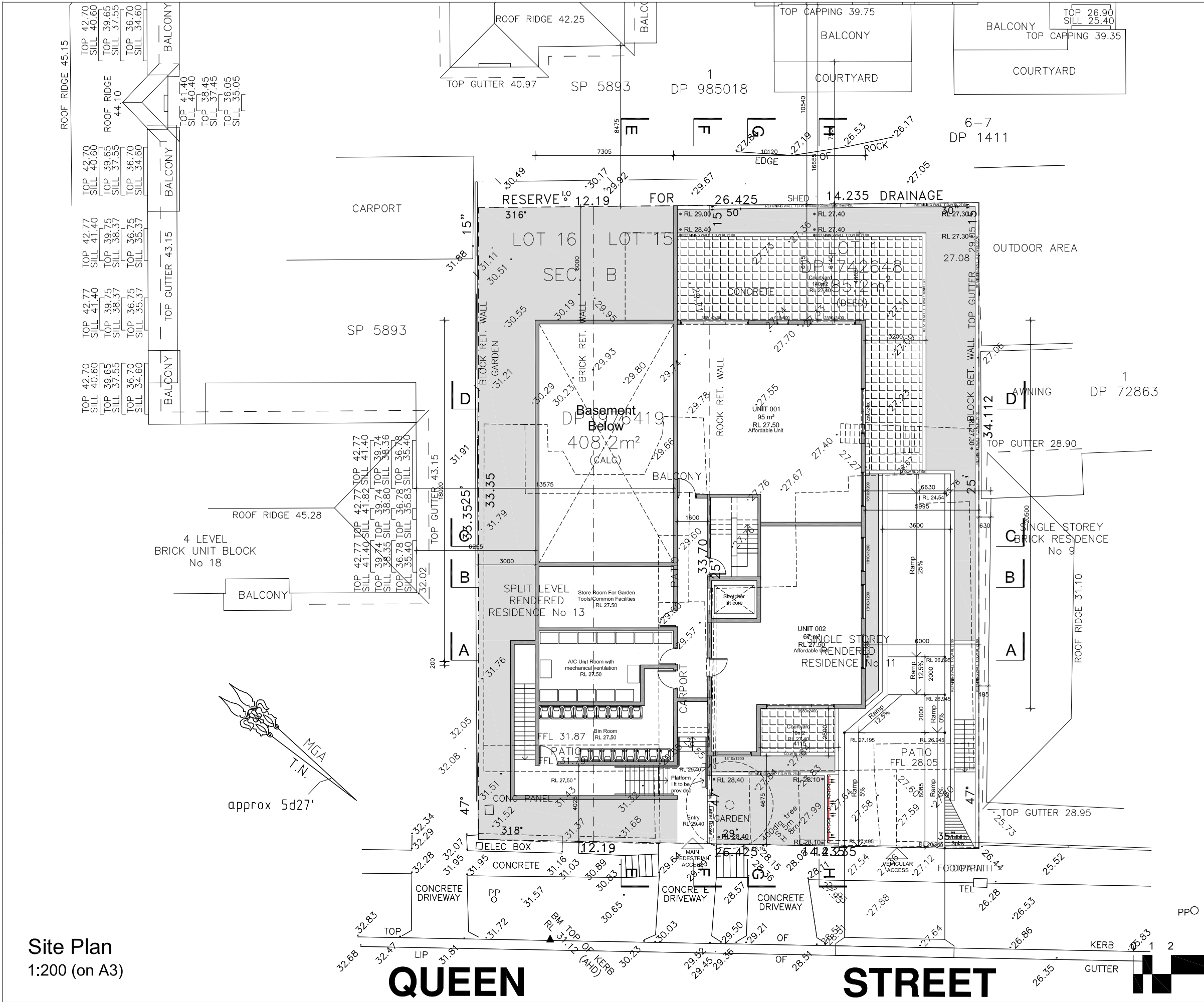
LOGGED AT: ROCKDALE CITY COUNCIL

DRAWN BY:
YP
CHECKED BY:
FG
DATE:
MAY 15

PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET, ARNCLIFFE
JOB NO.
150758 DA: 305

ISSUE:
G
SCALE:
1:200

Site Plan
1:200 (on A3)



BASIX Commitments(Building C&D)

Water Commitments.

•Fixtures:

Must install min. 3 star rating or higher (>4.5 but <=6 l/min) showerheads in all showers.
Must install min. 4 star rating or higher toilet flushing system in each toilet.
Must install min. 5 star rating or higher taps in the kitchens.
Must install min. 5 star rating or higher taps in the bathrooms.

Energy Commitments.

•Hotwater:

Must install a gas instantaneous min. 5.5 star or higher system for each dwelling.

•Cooling/ Heating System:

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•Other :

Must install gas cooktop, electric oven in the kitchen of all dwellings.

BASIX Commitments – Common Areas

Water Commitments.

•Fixtures –

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Energy Commitments.

•Lighting :

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Car park area: ventilation (supply + exhaust)
Efficiency measure: carbon monoxide monitor + VSD fan
All lobbies & Hallways: no mechanical ventilation
Efficiency measure : –

•Other :

Must install gearless traction with VV F motor in lift (No.1).

CALCULATIONS

No.11 EXISTING BUILDING AREA (To be demolished)	171.5 m2
No.13 EXISTING BUILDING AREA (To be demolished)	134 m2
TOTAL EXISTING BUILDING AREA (To be demolished)	305.5 m2
TOTAL PROPOSED BUILT-UP AREA	1140.4 m2

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SHEET TITLE:
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PROPOSED RESIDENTIAL
DEVELOPMENT
AT 11-13 QUEEN STREET,ARNCLIFFE
JOB No.
150758 DA: 200

ISSUE:
G
SCALE:
1: 200

St George Design Review Panel

Georges River Council | Bayside Council

REPORT OF THE ST GEORGE DESIGN REVIEW PANEL

Meeting held on 19 October, 2016 at Bayside Council – Rockdale Branch

[Panel members: Deena Ridenour, Peter Annand and Libby Gallagher]

ITEM 1

Date of Panel Assessment:	19 October 2016
Applicant:	Design Cubicle Pty Ltd
Architect:	Design Cubicle Pty Ltd
Property Address:	11-13 Queen Street, Arncliffe
Description:	Construction of five (5) storey residential flat building comprising 14 residential units (with 4 units providing affordable rental housing component) including basement parking and demolition of existing buildings
No. of Buildings:	1
No. of Storeys:	5
No. of Units:	14 residential units - 2 x one-bedroom/studio units, 11 x two-bedroom apartment units and 1 x three-bedroom apartment unit
Consent Authority Responsible:	Bayside Council
Application No.:	DA-2016/399
Declaration of Conflict of Interest:	Nil

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>This is an extremely difficult site on a very steep slope in an area of mixed development which includes cottages and medium rise apartments. There is an approximately 3 metres level change in the middle of the site between existing upper level and lower level blocks. Overall there is approximately a 6 metres level change along the street. This creates difficulties particularly at side and rear boundaries.</i></p> <p><i>Site sections should be provided that include levels and location of adjacent properties and the footpath.</i></p> <p><i>There are opportunities for distant views to the east from upper floors and rooftop.</i></p> <p><i>The existing footpath has two sets of stairs along the frontage of the site.</i></p> <p>No further comments.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>It seems to the Panel that access to the building could be gained directly from the footpath approximately mid site without any stairs or ramps. This would be a dramatic improvement over that currently proposed.</i></p> <p><i>The proposal includes a site benching strategy that excavate a single level across the site and results in high retaining walls on all site boundaries. The Panel recommends a split level approach that would tie into the approximate levels of the existing lots. The applicant proposed flipping the floor plans to respond to this approach.</i></p> <p><i>This approach would:</i></p> <ul style="list-style-type: none"> <i>• reduce the height of retaining walls on boundaries;</i> <i>• allow for possible vertical capacity in car park levels to accommodate OSD tanks and storage etc;</i> <i>• provide capacity to relocate bin storage to the basement car park thereby improving access to the street;</i> <i>• improve streetscape interface and access;</i> <i>• improve apartment amenity and solar access for ground level apartments.</i> <p><i>The Panel recommends relocation of communal open space to the rooftop. This will enable removal of the inaccessible BBQ area in the rear corner of the site. It may, however, result in a minor intrusion through the building height plane. The Panel supports this possible non compliance in order to facilitate the creation of communal rooftop open space.</i></p> <p><i>Ceiling height should comply with the ADG and therefore be 3.1 metres floor to floor.</i></p> <p>The revised proposal has addressed some of the point raised above including provision of relocated building access from the street and communal roof top space. However the design has not adopted a split between the building levels. An alternative approach has been pursued which provides a lower level apartment at RL27.5 on the southern portion of the building and a single level ground floor at RL30.5. This still presents a range of issues related to walls and the interface to surrounding properties and amenity for the basement level</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
	<p>units. Furthermore the relocation of the lift core to the street front of the development exacerbates the scale of the development. The following recommendations are made:</p> <ul style="list-style-type: none"> • Review of basement and ground floor building levels to reduce excessive walls and construction and improve amenity for basement apartments; • Investigate use of double height parking area for required parking spaces (car stackers), storage or services and to provide more efficient car parking layout; • Investigate the relocation of the lift and stairs core and reduce height of core to reinforce the 4-storey datum along the street; • Remove the entrance portico and walls; • Remove unnecessary walls within street setback and reduce wall height; • Remove access stairs in front of Unit 002 and maximize streetscape landscaping; • Modify all balustrades to reduce transparency and to maximize privacy for residents; • Protect the streetscape landscape frontage by ensuring all services including hydrants and detention tanks are located in the building footprint. Ideally hydrants should be located in driveway structure (perpendicular to the street); <p>There is insufficient building separation on the top apartment level particularly to the balconies facing the side southeastern boundary. Relocation of the lift and fire stairs could assist by allowing Unit 4.02 to face the street rather than the side boundary.</p> <p>All site cross sections should show top of wall heights for retaining walls on the boundary.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>The scale is appropriate in the Context. The density although marginally above that permissible in this location, is permissible under the Affordable Housing bonus.</i></p> <p>The proposal appears to conform to floor space ratio requirements inclusive of the Affordable Housing bonuses.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil</p>	<p><i>Reducing cut and fill on the site through the split floor plate would be environmentally beneficial.</i></p> <p><i>Garbage store, OSD tanks and other services should be excluded from deep soil zones.</i></p> <p><i>Subject to BASIX.</i></p> <p>As above.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comments
zones for groundwater recharge and vegetation.	
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><i>As noted above, a split level built form strategy would improve landscape spaces and interfaces by removing the requirements for excessive walls, stairs, ramps etc.</i></p> <p>This has been slightly modified but requires further refinement. Refer notes above under Built Form.</p> <p><i>As noted above, relocation of communal open space to the rooftop would allow for increased planting along boundaries and within ground floor deep soil zones, improving privacy for neighbours.</i></p> <p>A new communal roof top space has been provided. Refinement of the design of this space is required. The design should:</p> <ul style="list-style-type: none"> • Create a series of spaces defined by planting to allow for a range of uses to occupy the space; • Provide more seating and tables; • Provide a small amenities room (with toilets, sink and storage) accessed off the lift foyer; • Be flexible. It is recommended that the over-scaled chess board be removed and replace with more seating, gathering spaces tables. A temporary chess board could be provided if desirable; • Provide a planting palette to deliver more planting diversity; <p><i>The egress stairs from the basement car park to Queen Street requires further review to ensure a high quality streetscape interface. It is preferable for the egress stairs to be perpendicular to the street.</i></p> <p>Refer comments above under Built Form regarding stairs located in front landscape setback.</p> <p><i>The treatment to the street frontage needs careful consideration to provide an appropriate interface between the public and private spaces (fence/hedge/retaining walls etc).</i></p> <p>The street frontage should be predominantly planting with the building entry defined by the Built Form and excess, unnecessary features such as walls should be removed from this zone. Further refinement of the planting palette is required to provide a diverse planting palette to allow for views and privacy and to ensure plant longevity.</p> <p><i>The roof terrace would be a positive outcome for residents and therefore should permit a lift overrun if required. The terrace design should incorporate some portion of shade, as well as common amenities and facilities such as BBQ's benches, tables and planting.</i></p> <p>Refer to comments above.</p> <p>Existing streetscape including the verge concrete driveways etc should be clearly shown on all drawings.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook,</p>	<p><i>The proposal should consider the inclusion of more 3-bedroom units.</i></p> <p>There is only 1 three-bedroom unit for the development. This may be insufficient for development of this scale.</p> <p><i>The redesign of the front entry directly from the street as mentioned above is important.</i></p> <p>This has been provided.</p> <p><i>Storage to be provided within units and basement car park.</i></p> <p>Refer to above.</p>

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<p>visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><i>Care should be taken to prevent overlooking of adjacent properties from upper balconies and terrace levels. Consideration should be given to the amenity, outlook, privacy and solar access to ground level apartments.</i></p> <p>This is still an issue. Refer to comments above.</p> <p><i>Solid balustrades should be provided, particularly at lower levels where sight lines from the street are an issue.</i></p> <p>This remains an issue.</p> <p>The access from the street to the lobby may not be equitable due to the verge treatment and steps in the footpath. This requires clarification from an Access Consultant.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><i>The current entry is unsafe and illegible and relocation as recommended is desirable.</i></p> <p>This has been improved.</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><i>Increase the number of 3-bedroom units to improve housing mix.</i></p> <p>Refer to comments under Amenity.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local</p>	<p><i>The appearance of the building will undoubtedly change significantly given the new design parameters recommended above.</i></p> <p>This has been largely addressed in the comments above, however key concerns include:</p> <ul style="list-style-type: none"> • Amending the front retaining walls and enhancing landscape (see Landscape); • Locating the lift /stair tower away from the front facade and amending materials to reduce visual scale and bulk; • Addressing privacy by revising glass balustrades.

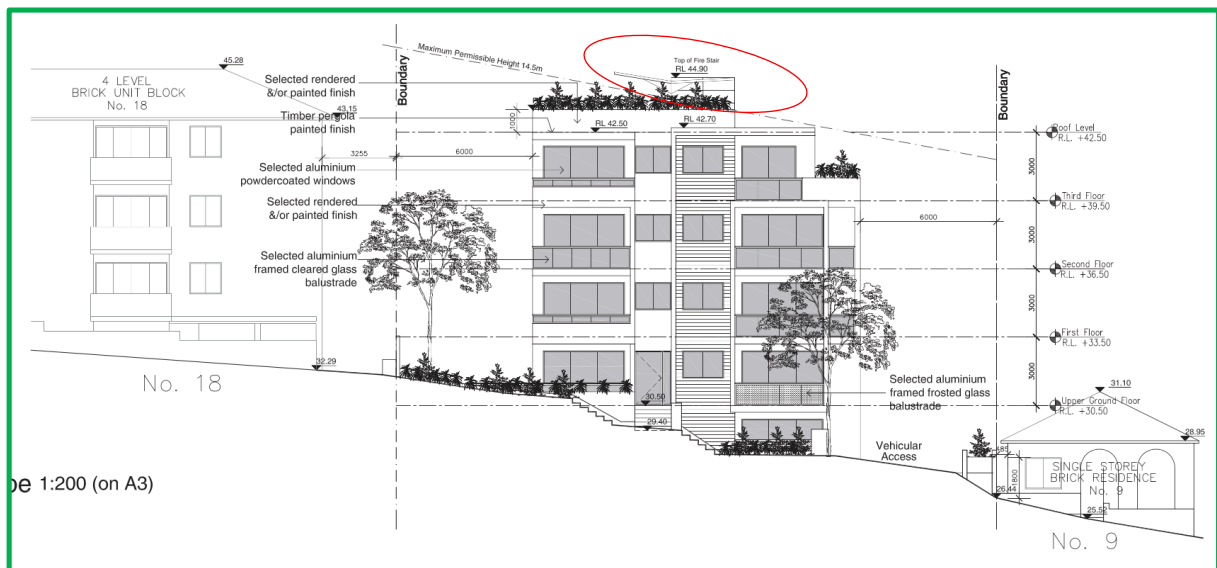
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context, particularly desirable elements and repetitions of the streetscape.	

RECOMMENDATION

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

Ammended Clause 4.6 Variation: Height of Building August 2017

The proposed development will comprise a 5 storey residential flat building that predominantly complies with the permitted maximum 14.5m building height. However as illustrated below a small section of the building and the top of the lift core that protrudes above the 14.5m control. The building height protrusion is at its maximum 1m above the maximum height control of 14.5m or 6.9%. The maximum protrusion relates to the south west/Queen Street elevation and is shown in the red circle highlighted below. The photomontage below also demonstrates the contextual appropriateness of the proposal.



Clause 4.6 of the Rockdale LEP 2011 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular sub clause 3-5 which provide:

- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - a. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - b. *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - a. *the consent authority is satisfied that:*
 - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - b. *the concurrence of the Secretary has been obtained.*
- 5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - a. *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - b. *the public benefit of maintaining the development standard, and*
 - c. *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Each of these provisions are addressed in turn.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The objectives of the building height development standard are stated as:

- 1) *The objectives of this clause are as follows:*
 - a. *to establish the maximum limit within which buildings can be designed and floor space can be achieved*
 - b. *to permit building heights that encourage high quality urban form*

- c. *to provide building heights that maintain satisfactory sky exposure and daylight to buildings, key areas and public domain,*
- d. *to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The current development proposal seeks to depart from the height control for small portions of the upper storey of the building and the top of lift core. Despite this, the proposal remaining consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- The overall height of the development presents as a compatible form of development with only a small component of the upper level of the building and top of the lift core exceeding the height limit. This upper level of the building is recessed in so that the top of the building will be less visually prominent when viewed from the street level and the height protrusion will not be visible from the adjoining properties which aligns with the intent of the planning controls contained within Rockdale LEP 2011.
- The subject site has a significant fall from the west to the east with a drop of natural landform of approximately 4m. Although the building platform and basement areas are cut into the natural slope there is a fine balance between excessive cutting into the natural land to form a level building platform which meets accessibility guidelines. The significant slope of the site results in the building being pushed higher than it would otherwise, meaning the overall building height is pushed slightly above the maximum permitted under the LEP.
- The portion of the building that exceeds the height control is not intended to gain additional floor space as the application demonstrates, the proposal is compliant with the maximum floor space ratio of 1.273:1 (taking into account the bonus floor space from the ARH SEPP). The additional building height is merely a response to the site's landform constraints in that the building needed to be lifted to ensure cutting of the site is not excessive and an accessible development is delivered.
- It is also noted that the proposal will not obstruct existing view corridors as compared to a compliant built form.
- The fifth storey of the building is recessed from the front setback 6m and more than 9m from the rear setback. This enables there to be a fifth level or useable floor space as permitted by the maximum floor space ratio under the ARH SEPP while at the same time minimising the visual impact of this level of the building. This ensure there is no negative impact on this residential streetscape.
- The extent of variation does not contribute to any increase in overshadowing (hence the extent of impact is as per the impact generated by the permitted building envelope).
- The minor non-compliance to the height control has no unacceptable impact on the setting of any items of environmental heritage or view corridors.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the minor departure from the control.

The unique circumstances of the case that warrant support of the departure are the need to provide a development that meets accessibility standards while at the same time developing in a site responsive manner so the building platform does not necessitate excess cutting of the natural slope of the land.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 Zone, being:

- *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 ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

It is understood that the concurrence of the Secretary can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Secretary may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which has been earmarked for future high density development by virtue of its R4 Zoning. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.