

PREFERRED PROJECT REPORT

**12-38 AND 40 BONAR STREET AND
5 LOFTUS STREET, ARNCLIFFE**

DECEMBER 2009

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1.0 INTRODUCTION

A Project Application under Part 3A of the Environmental Planning and Assessment Act was lodged with the Department of Planning on 14 October 2009 for a residential development including basement car parking, communal open space and a private gymnasium. The Project Application (MP 09_0148) was publicly exhibited for 30 days from 21 October 2009 to 20 November 2009.

Following exhibition of the Application, the Department of Planning forwarded a summary of public submissions received during the exhibition period, a copy of which is attached to **Annexure 1**.

On 2 December 2009, the Department of Planning forwarded a letter detailing the issues raised in its preliminary assessment of the Project Application. A copy of the Department's letter is at **Annexure 2**.

This Preferred Project Report has been prepared in accordance with Section 75 of the Environmental Planning and Assessment Act, 1979. The report addresses all relevant issues raised during the notification period and those raised by the Department in its preliminary assessment of the proposal.

This report:

- Outlines the submissions received from each party during the notification period;
- Details the issues raised by the Department of Planning in its letter dated 2 December 2009;
- Identifies and describes the response to the submissions received and issues raised and details the proposed improvements to the project;
- Examines the need for any changes to the Draft Statement of Commitments; and
- Provides a conclusion to the report.

2.0 RESPONSE TO SUBMISSIONS RECEIVED

The Project Application (MP 09_0148) was publicly exhibited for 30 days from 21 October 2009 to 20 November 2009. Submissions were received from the following organisations:

- Sydney Water;
- Railcorp;
- Department of Education;
- Residents of Knoll Avenue; and
- Rockdale Council.

A copy of the submissions is at **Annexure 1**. The issues raised in the submissions are addressed under each organisation below.

2.1 Sydney Water

A copy of the submission received from Sydney Water is included at **Annexure 1**.

No concerns were raised by Sydney Water. The submission states that further consideration will be given to the development once an application is made for a Section 73 Certificate. At such time, Sydney Water will assess if any amplification or changes to the system are necessary.

It is standard to include as a condition of consent the requirement to apply for a Section 73 Certificate.

2.2 Railcorp

A copy of the submission received from Railcorp is included at **Annexure 1**.

No concerns were raised by Railcorp in relation to rail corridors in the locality. The submission states that it will consider a request to underground its overhead wiring alongside the site if the cost is borne by the developer.

This issue is addressed in section 2.5.1 of this Preferred Project report.

2.3 Department of Education and Training

A copy of the submission received from Department of Education and Training is included at **Annexure 1**.

The Department is concerned about the potential for excavation and construction related impacts activities to affect the students of Arncliffe West Infants School (adjoining to the north) and Cairnsfoot School for Specific Purposes (adjacent to the northwest). The Department has requested that Meriton fund additional school staffing and undertaken sound proofing works to school buildings.

Providing funding for extra staff and sound proofing to buildings for the Arncliffe West Infants School is not related to the long-term use of the proposed development. Furthermore, the adjoining land owners (including the Arncliffe West Infants School) have known about the change in use of the land from industrial to residential for the past 5 years. Accordingly, there is every expectation that the land would be developed and short-term construction impacts are unavoidable.

Notwithstanding, it is recognised that construction noise must be moderated for the Cairnsfoot School for Specific Purposes. In this regard, Meriton will meet with the Cairnsfoot School to work through the issues and come to an agreement to put in place noise minimising procedures/systems which are outlined in the amended Statement of Commitments at section 4 of this report.

Meriton works to a tight construction schedule to ensure that all works, from excavation to completion, are done in the minimal amount of time. This tight construction schedule ensures that any potential impacts caused occur for the least amount of time possible.

Meriton will work within the limits of the construction hours imposed in the development approval. All works on site will also comply with the construction management plan as required by condition 36 of the draft conditions by Rockdale Council.

These measures ensure that construction impacts will be minimised without the need to fund staffing and improvement works to the nearby schools the benefits of which will continue beyond the construction schedule.

2.4 Residents of Knoll Avenue

A copy of the submission received from the Residents of Knoll Avenue is included at **Annexure 1**.

The Residents of Knoll Avenue is comprised of a number of residents living on Knoll Avenue to the northeast of the subject site. The rear boundary of Nos. 2, 4 and 6 Knoll Avenue is shared with Meriton's site.

The residents raise issues with regard to noise, vibration and dust from excavation and future construction; the height of the proposed development; the 'blocking' of southerly breezes; and traffic and parking problems during and after construction.

Meriton works to a tight construction schedule to ensure that all works, from excavation to completion, are done in the minimal amount of time. This tight construction schedule ensures that any potential impacts caused occur for the least amount of time possible. Further, the adjoining land owners (including the Arncliffe West Infants School) have known about the change in use of the land from industrial to residential for the past 5 years. Accordingly, there is every expectation that the land would be developed and short-term construction impacts are unavoidable.

Meriton will work within the limits of the construction hours imposed in the development approval. All works on site will also comply with the construction management plan that will be approved with the construction certificate.

The building height adjacent to the boundary shared with 2-6 Knoll Avenue is proposed at 13 metres, which complies with the 15-metre height maximum on the LEP. **Figure 1** shows that the location of the proposed additional height is not located near the Knoll Avenue residents.

In relation to the proposed effects on breezes in the area, adequate southerly winds will continue to flow through the site as shown in **Figure 2**.

With regard to traffic and parking issues raised, temporary traffic arising from construction traffic is largely unavoidable and is best mitigated by a tight construction schedule to minimise overall impact on the locality.

The proposed development has been designed to comply with the number of parking spaces required by the DCP 80. In terms of any additional traffic resulting from the completed development, it will not be anything that was not anticipated by the rezoning of the site and preparation of the site specific DCP 80. A traffic report was submitted with the Project Application, which confirms that the proposal will have no overall adverse traffic and parking impacts.

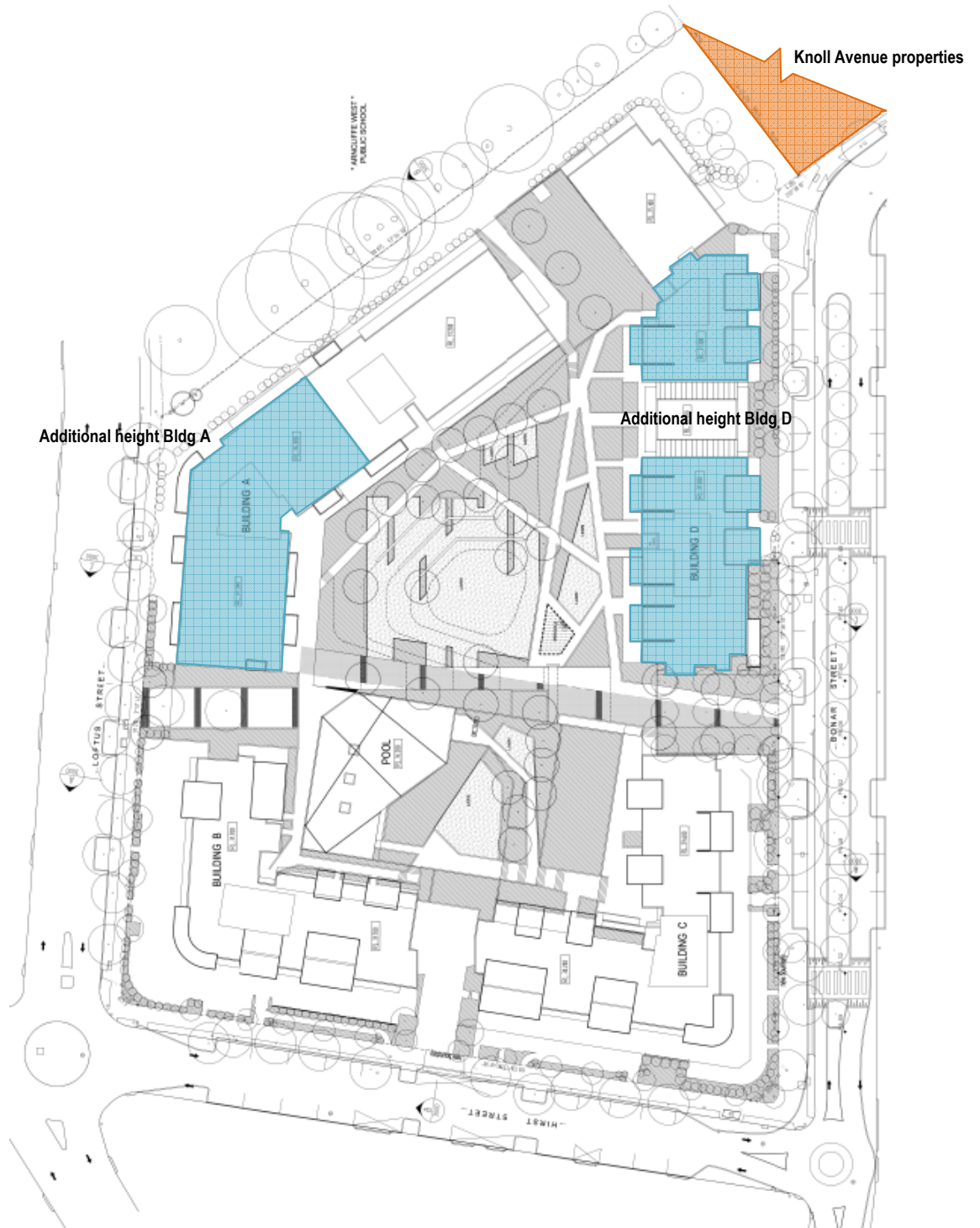


Figure 1: Location of additional height on Buildings A and D (shaded) and distance from Knoll Avenue properties

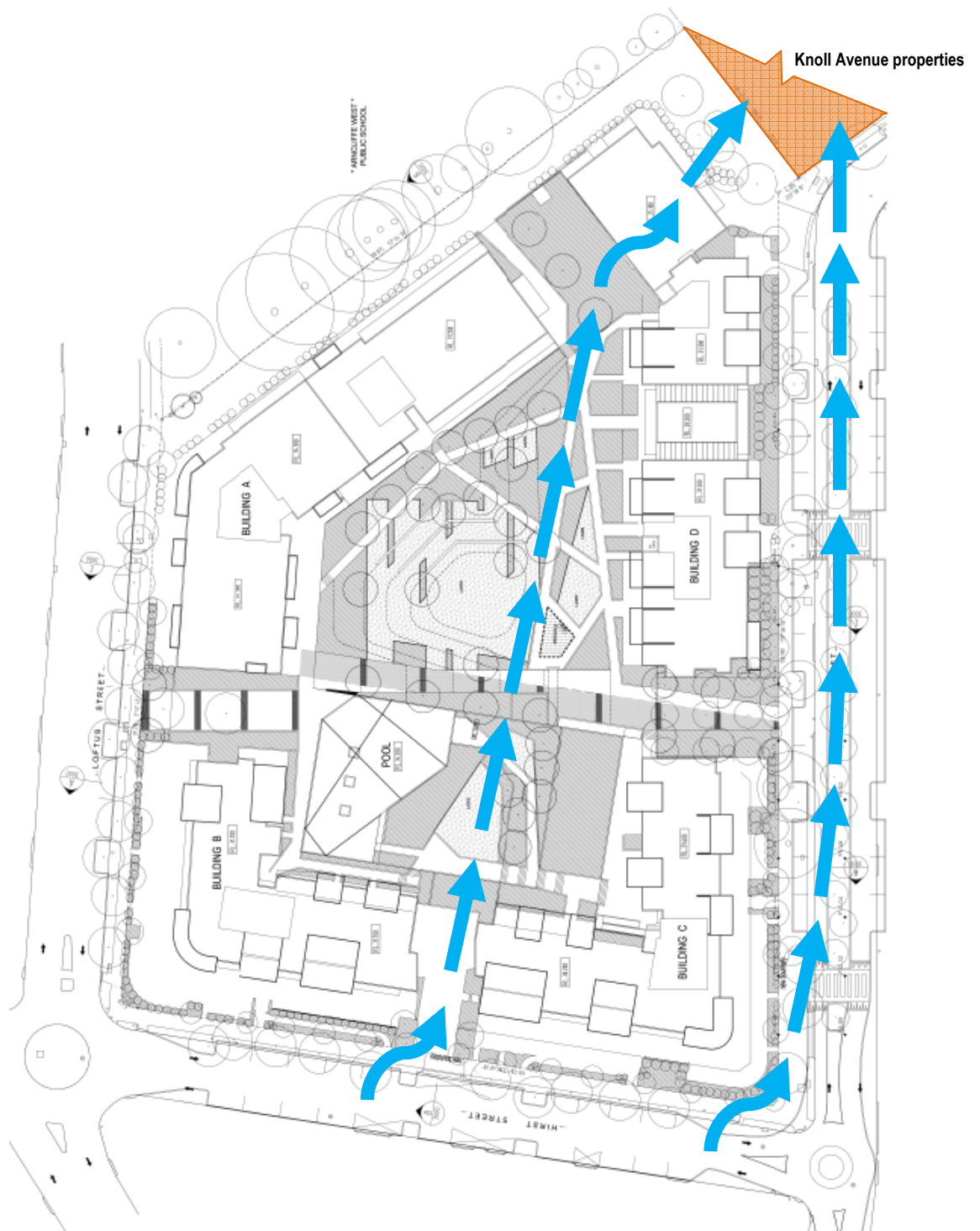


Figure 2: Flowpath of southerly breezes through the site and towards Knoll Avenue properties

2.5 Rockdale Council

A copy of the submission received from Council is included at **Annexure 1**. Each of the numbered issues raised in Council's submission is addressed in sequence below.

Item 1: SEPP 65

a) *Deep Soil and Landscape*

Amended plans accompanying this report show that the site has a total landscaped area of 4,119.00 sqm (25.2% of the site). This complies with the SEPP 65 Residential Flat Design Code open space requirement of 25-30% of the site.

Further, the accompanying plans show that 1,080.6 sqm (26.2%) of the proposed open space area is provided as deep soil. This complies with the SEPP 65 Residential Flat Design Code deep soil requirement of 25% of the open space area.

Notwithstanding compliance with the deep soil requirements, **Annexure 3** shows images of highly successful landscaping that Meriton has previously undertaken on podium areas. The areas containing turf have soil depths of approximately 600mm and the garden bed areas containing shrubs and trees have soil depth of up to 1500mm. The images clearly demonstrate that the trees and vegetation are healthy and provide an excellent mature garden area with a high level of amenity.

b) *Safety*

A crime risk assessment undertaken in accordance with the Department of Planning's guidelines entitled *Crime Prevention and the Assessment of Development Applications* is at Annexure 21 of the submitted Environmental Assessment report. The report contains a detailed analysis of the potential crime risks and identifies potential solutions to address any potential crime problems on the site. The crime risk assessment report lodged with the Environmental Assessment report is considered adequate for assessment of the application and includes reference to CCTV installation, gated carparking entry with PIN code access and the like.

c) *Storage*

Minor amendments have been made to the interior layout of selected units in the buildings to ensure that each apartment contains internal storage in addition to the basement storage to comply with SEPP 65 RFDC. The amended layouts are shown on the accompanying architectural plans. **Annexure 10** contains a schedule of the proposed storage provisions.

d) *Ground Floor Apartments*

The number of ground level apartments in the development has been maximised. The only apartments that have not been provided at ground level are those that need to be raised above the 1:100 year flood levels relevant to the site.

e) Internal Circulation

The majority lobbies serve no more than 8 apartments. The only parts of the development that have lobbies that serve more than 8 apartments are:

- Building A (courtyard lobby only): Level 1; Level 3; Level 5.
- Building B: Level 1; Level 3.
- Building C (Hirst Street lobby only): Ground level; Level 2.

The SEPP 65 RFDC allows for variations to the maximum number of apartments where buildings contain crossover apartments. All the above parts of the development contain crossover apartments.

Item 2: Unit Mix

The Council has expressed a desire for 15% of the development to contain 3-bedroom apartments. The proposed development provides 8% 3-bedroom apartments. The remainder of the development provides a mix of studio, 1-bedroom and 2-bedroom apartments of varying sizes and configurations. The proposed mix is based on market analysis and will provide adequate housing choice.

Item 3(a): Height of basement carpark / ground floor units

The basement carpark is raised above street level along the Bonar Street frontage and a small part of the Hirst Street frontage. The building has been intentionally designed like this to address the 1:100 year flood levels relevant to the site. The amended accompanying landscape plans show that additional landscape treatment is proposed along the Bonar Street frontage to better screen the elevated parking area.

The number of apartments at ground level in the development has been maximised. The only apartments that have not been provided at ground level are those that need to be raised above the 1:100 year flood levels.

Item 3(b): Courtyard fences

The proposed location of courtyard fences is considered appropriate for various reasons. Indeed, it is considered that the proposed location is better than locating the fences right on the property boundary.

Locating the fences on the property boundary will not result in any significant improved casual surveillance. The streets surrounding the site will be subject to extensive casual surveillance from the numerous apartment windows and balconies on the levels above. The upper levels of the development are better placed to provide casual surveillance as a better view is offered of the streetscape and the activities occurring below.

Locating the fences on the boundary will eliminate the opportunity to provide a visually softening landscape strip. The proposed location of the fences allows for landscaping to be established forward of the fences, which will soften the development and provide for a better interface with the public domain.

The landscaping will act as a hedge that will form part of the boundary between the private domain of the courtyard spaces and the public domain of the adjoining streets.

Item 4: Streetscape interface and colours and materials board

The accompanying architectural drawings show details of the treatment of the public domain interface. The drawings provide improved details that better communicate the proposed outcome of the development.

Accompanying this Preferred Project Report is a colours and materials sample board that shows the proposed finishes and colour scheme.

Item 5: Acoustic and storage issues

Council requires acoustic treatment of buildings in its Local Government Area that go well beyond the requirements of the BCA. Meriton is obliged to comply with the BCA and acoustic treatment to the building will be undertaken accordingly. An acoustic report, which provides details in relation to this, is at Annexure 11 of the submitted Environmental Assessment report.

Minor amendments have been made to the interior layout of selected units in the buildings to ensure that each apartment contains internal storage in addition to the basement storage to comply with SEPP 65 RFDC. The amended layouts are shown on the accompanying architectural plans. **Annexure 10** contains a schedule of the proposed storage provisions.

Item 6: Deep Soil

Amended plans accompanying this report show that 1,080.6 sqm (26.2%) of the proposed open space area is provided as deep soil. This complies with the DCP 80 deep soil requirement of 25% of the open space area. The majority of the deep soil is located in the central communal open space area on the site.

Notwithstanding compliance with the deep soil requirements, **Annexure 3** shows images of highly successful landscaping that Meriton has previously undertaken on podium areas. The areas containing turf have soil depths of approximately 600mm and the garden bed areas containing shrubs and trees have soil depth of up to 1500mm. The images clearly demonstrate that the trees and vegetation are healthy and provide an excellent mature garden area with a high level of amenity.

Item 7: Landscape plan

Amended landscape drawings accompany this report. The plans have been amended to incorporate a planting plan and additional detailed information. A landscape design statement has been prepared by Guy Stuart and is at **Annexure 9**.

Item 8: Crossover unit design / security

The majority of lobbies serve no more than 8 apartments. Where crossover units are commonly used in apartment buildings to provide a variety in unit mix and unit types, similarly, crossover units are inevitably provided to comply with the RFDC ventilation and daylight access provisions. Inevitably, buildings must provide crossover units resulting in every second level to have more units per corridor (and every other level to have significantly less units per corridor) which is a common design practice permitted by the RFDC.

With regard to security, the corridors providing access to crossover units will have a greater level of visual surveillance, not less.

The SEPP 65 RFDC allows for variations to the maximum number of apartments where buildings contain crossover apartments, which is commonly approved by various Councils.

Item 9: Local roadworks / Section 94

Refer to section 2.5.1 of this Preferred Project report.

Items 10 to 11: Public Domain / Section 94

Refer to section 2.5.1 of this Preferred Project report.

Item 12(a): Design of access, parking and loading facilities

Attached is a letter prepared by TTPA Traffic Consultants. The letter was prepared to address issues raised by the RTA. Item 9(a) of the letter states that the parking area of the development has been checked and compliance is confirmed with AS 2890.1.

Plans have been amended showing the car parking spaces notated in accordance with AS2890.1.

Item 12(b): Bicycle spaces

Compliance with the relevant standards can be suitably addressed by imposing a condition of consent for bicycle spaces.

Item 12(c) of Council's letter

Compliance with the relevant standards can be suitably addressed by imposing a condition of consent for bicycle spaces.

Items 13 to 14: Section 94 contributions

Refer to section 2.5.1 of this Preferred Project report.

Item 15: Waste management report

The Statement of Commitments provides information in relation to waste management during construction.

Item 16: Requirement for access

Page 2 of Annexure 10 of the submitted Environment Assessment report states that 3.3% of apartments have been designed with an accessible floorplan. This meets the requirements of Council's DCP 28. The development also has been designed with at-grade access and pedestrian ramps where appropriate to ensure accessibility to the buildings. Disabled parking spaces are included in the basement to provide parking for disabled visitors and residents. Elevator access is proposed to all levels of the development.

Item 17: Flooding / Section 94

Refer to section 2.5.1 of this Preferred Project report.

Item 18(a)-(b): Draft public domain plan / Section 94

Refer to section 2.5.1 of this Preferred Project report.

Item 18(c): Floor space ratio

The gross floor area of the proposal has been calculated using AutoCAD and in accordance with the relevant LEP definition. Plans accompany this report that show the areas used to calculate the proposed gross floor area. The AutoCAD files can be made available should verification of the areas be required by the Department.

The result of the calculations is that the proposed development has a gross floor area figure of 33,010 sqm. Accordingly, the proposal seeks a 358 sqm variation to the allowable 32,652 sqm gross floor area for the site. This equates to a 1.1% variation to the allowable gross floor area, which is insignificant.

The proposed swimming pool and associated gym facilities occupy an area of 473sqm. If this area were to be redesigned so that it operated as an outdoor space, then the proposal would fully comply with the floor space ratio. However, this would reduce the amenity offered by the facilities and would have a noise and nuisance impact on the residents of the development. The enclosed pool area also offers superior environmental performance by greatly reducing evaporation from the pool and allowing more efficient heating of the pool water.

The swimming pool and gym building will be below finished ground level and will not have any visual bulk issues. The removal of the swimming pool enclosure would have no effect on the overall visual attributes of the development, particularly in terms of bulk and scale.

For the reasons above, it is considered that the minor proposed variation to the floor space ratio control is acceptable under the circumstances of the proposed development.

Item 18(d): Ground wall treatment

The architectural plans accompanying this report provide a detail on how the developed is to be treated on each streetscape.

Item 18(e): Natural ventilation and basement

Natural ventilation of the basement areas will be undertaken where possible above the flood levels.

2.5.1 Section 94 issues

Rockdale Section 94 Contributions Plan 2004 relates specifically to the Bonar Street Precinct and describes the various public infrastructure works that are required to be constructed. In this regard, section 15.5 of the S.94 Plan contains a *Works Schedule*, which lists the 7 sites that form the Bonar Street Precinct and the public infrastructure works that are required upon redevelopment of each of those sites.

Extensive public infrastructure works are required in order to fulfil the requirements of the S.94 Plan. The amount of required public infrastructure works within the Bonar Street redevelopment precinct varies from site to site. With respect to the subject site, works include widening and the substantial embellishment of Loftus, Hirst and Bonar Streets, including upgrading of Council's stormwater system in Bonar Street. The total cost of such works is \$11.39 million (refer to the preliminary costing prepared by an independent Quantity Surveyor at **Annexure 11**).

Rockdale Council's draft consent conditions 16 and 17 require S.94 contributions totalling \$5,880,904. Draft consent condition 17 makes available S.94 credit for public infrastructure works constructed within the Bonar Street Precinct.

However, draft consent condition 16 states that works in kind credit will only be issued with relation to condition 5(m), which Meriton has valued at \$127,000. This means that the total available works in kind credit for the project is \$3,596,885 (draft consent condition number 17 plus \$127,000 as allowed by draft consent condition 16).

Open space contributions, streetscape works, plan administration, childcare services, community services and library services (see draft condition 16) will still require full payment, which totals \$2,284,019.

The S.94 Plan is burdensome on developers who first instigate redevelopment of the Bonar Street Precinct development sites as it expects the developer to fully fund the necessary embellishment works until such time that other sites are redeveloped, at which time Council will collect S.94 monies and reimburse the developer. Under this scenario there is no guarantee that other sites will be developed and therefore no guarantee that Council will be in a position to reimburse Meriton for undertaking the public works. On this basis, the S.94 Plan is fundamentally flawed as it places the cost of embellishment of public land (that is not directly connected with the redevelopment of a site) on a private developer without certainty of cost recovery, which ultimately impacts on the economic viability of the project.

In order to encourage redevelopment of the Bonar Street Precinct sites in accordance with the adopted planning controls, Rockdale Council must adopt a more flexible approach in pursuing its works program.

Meriton is only prepared to complete public infrastructure works that are directly related to the redevelopment of the site and for which immediate works in kind credit is forthcoming.

To achieve the requirements of the S.94 Plan, Rockdale Council have requested that draft consent conditions numbered 5 and 7 be included in any development consent issued by the Department. Provided at **Annexure 11** is a table that breaks down consent conditions 5 and 7 into the following categories:

- *Agreed works at Meriton cost (no S.94 credit will be requested);*
- *Agreed works in kind (S.94 Credit will be sort); and*
- *Works that Meriton do not agree to undertake.*

The table provided at **Annexure 11** reveals that:

- Meriton is prepared to undertake works that directly relate to the redevelopment of the site, which can be undertaken without the substantial upgrade to Bonar and Hirst Streets (see attached matrix). Such works have a total value of \$1.522 million (s.94 credit will not be sought);
- Meriton will be seeking works in kind credit for upgrading the existing bus stop on Loftus Street and pedestrian refuges in Bonar Street. These works have a total value of \$51,500; and
- Meriton will NOT undertake works unrelated to the subject site, for which there is no nexus and/or where financial reimbursement is not immediately available. These works have a total value of \$9.83 million (reasons below).

Rockdale Council have advised in draft consent condition 16 that it is unwilling to give works in kind credit for the portion of S.94 contributions that relate to open space etc. As previously mentioned, the total available works in kind credit for the project is \$3,596,885 (draft consent condition number 17 plus \$127,000 relating to condition 5(m)). However, the total value of works that will require S.94 Credit and/or financial reimbursement is \$9.882 million. From this figure, Meriton will request S.94 work in kind credit to the value of \$51,500.

A large portion of the requested public infrastructure works relate to the embellishment and flood mitigation works on Bonar and Hirst Streets. As detailed in Map 16 of *DCP No. 80 Bonar Street Precinct*, the subject site is not affected by the 1% AEP flood waters. It is not reasonable for Meriton to undertake substantial public infrastructure works to Bonar and Hirst streets because the development of the subject site has no adverse impact on existing flood behaviour. In fact, the post development discharge of water will be less than the pre-development discharge through the removal of extensive hardstand areas and replacement with landscaped areas. Furthermore, Council will not be able to reimburse Meriton for the costs of constructing such works for an unknown period of time.

As would usually be the case, sites that are affected by flood waters would need to undertake the necessary works to manage flooding impacts and displacement of flood waters resulting from redevelopment. In this instance, the subject site is not affecting flood behaviour. Floor levels of the proposed buildings are set 500mm above the 1% AEP level (as required by Rockdale Council policy) – the 1% AEP level is generated on the assumption that the entire Bonar Street precinct is redeveloped in accordance with the adopted planning controls. Redevelopment of the properties on the eastern side of Bonar Street should be held responsible for management of flood waters as they sit within the flood plane – not Meriton.

In addition, Rockdale Council's proposed draft consent conditions requests Meriton to undertake flood mitigation works on 45 Bonar Street, which is under private ownership. It is unreasonable for Council to expect Meriton to undertake works on an unrelated private property and furthermore, if access to the property is not forthcoming, the entire stormwater infrastructure upgrade would not function as desired by Council and downstream property owners.

The only practical solution is for Council to undertake the necessary public works in cooperation with future developers of flood affected properties and when S.94 monies become available.

3.0 RESPONSE TO DEPARTMENT OF PLANNING COMMENTS

On 2 December 2009, the Department of Planning forwarded a letter detailing the issues raised in its preliminary assessment of the Project Application. A copy of the Department's letter is at **Annexure 2**.

The following provides a response to each of the issues raised in the Department's correspondence.

3.1 Key issues

Public / Private Interface

The plans lodged with the application included ramp access from Hirst Street for people with a disability to enter and leave the building. Level access from the street for people with a disability cannot be provided due to the building being raised above the 1:100 flood level. Therefore ramp access is required to satisfy the Disability Discrimination Act 1992.

Perceived high courtyard walls have been replaced with varying heights and finishes. This is in the plans accompanying this report. Direct Street access has been provided to units from courtyards that are not below the 1:100 year floor level.

Basements

The basement carpark is raised above street level along the Bonar Street frontage and a small part of the Hirst Street frontage. The building has been intentionally designed like this to address the 1:100 year flood levels. The amended accompanying landscape plans show that additional landscape treatment is proposed along the Bonar Street frontage to better screen the elevated parking area. The photomontage at **Annexure 4** shows that the proposed development will have a good relationship with the public domain.

The truck turning area structure is below finished ground level in the central courtyard space. The structure has been incorporated into the landscape design of the courtyard space. The accompanying landscape plans show how pathways and garden beds have been designed to incorporate the structure to ensure it is visually integrated into the development.

Proposed Ground Level at Boundaries

The levels between the subject site and the adjoining school have been amended to reflect and flood stormwater swale required by Council. Detailed section information is shown on the submitted plans.

Landscaping

Amended plans accompanying this report show that 1,080.6 sqm (26.2%) of the proposed open space area is provided as deep soil. This complies with the DCP 80 deep soil requirement of 25% of the open space area. The majority of the deep soil is located in the central communal open space area on the site.

Amended landscape drawings accompany this report. The plans have been amended to incorporate a planting plan and additional detailed information.

Notwithstanding compliance with the deep soil requirements, **Annexure 3** shows images of highly successful landscaping that Meriton has previously undertaken on podium areas. The areas containing turf have soil depths of approximately 600mm and the garden bed areas containing shrubs and trees have soil depth of up to 1500mm. The images clearly demonstrate that the trees and vegetation are healthy and provide an excellent mature garden area with a high level of amenity.

Justification for Building Height

Clause 53A(2D) of the Rockdale Local Environmental Plan 2000 states that the maximum height may be exceeded by 3 metres *“but only if the consent authority is satisfied that any such variation from the maximum building height specified for the land in that diagram will not have a material adverse effect on the amenity of the occupants of nearby land.”*

Accompanying this report is additional overshadowing diagrams that show the extent and location of additional shadows cast by the additional height to Buildings A and D.

During December 21, the additional shadow cast is only evident at 9am and 3pm and affects only a small part of Loftus Street and Bonar Street, respectively, and a small part of the internal courtyard of the proposed development.

At June 21, the additional shadow cast is also evident either side of midday. The additional shadow at 9am will be cast towards the future Bonar Street Precinct development site on the western side of Loftus Street; and the additional shadow cast at 3pm will be cast over the future Bonar Street Precinct development site on the eastern side of Bonar Street. No existing residential properties will be affected by the additional overshadowing.

At Equinox (March and September 21), the additional shadow cast will essentially be the median of the summer and mid-winter shadowing impacts. No existing residential properties will be affected by the additional overshadowing.

The proposed development has been designed with rooftop structures that fully contain all lift overruns. This will ensure better visual presentation of the building from all viewpoints. The accompanying building elevation plans show how the rooftop structures will be well integrated into the architecture of the buildings. Incorporated into the design of the rooftop structures are architecturally treated screens that will hide from view air-conditioning condenser units. This design attribute means that condenser units will not otherwise clutter balconies of the apartments.

With regard to building height, the proposal complies with the Council's LEP and DCP in the vicinity of the boundary shared with 2-6 Knoll Avenue. **Figure 1** shows that the location of the proposed additional height is not located near the existing Knoll Avenue or Hirst Street residents.

Setbacks

Building D is located 15 metres away from the boundary shared with the Knoll Avenue properties. This complies with the requirements of DCP 80, specifically the building setback plan (Map 4).

Building D has a setback of 8.5 to 10 metres from the boundary shared with the school. This partially complies with the building setback plan (Map 4). Figure 3 shows the part of the school site that Building D faces, which contains no school buildings and has a row of trees which will provide a buffer to the development. It is considered that full compliance would result in no reduced impacts.

The setback zone between Building D and the school and the Knoll Avenue residents is to be landscaped that will provide an additional visual buffer to the development. This is in addition to the existing trees along the inside of the school boundary.

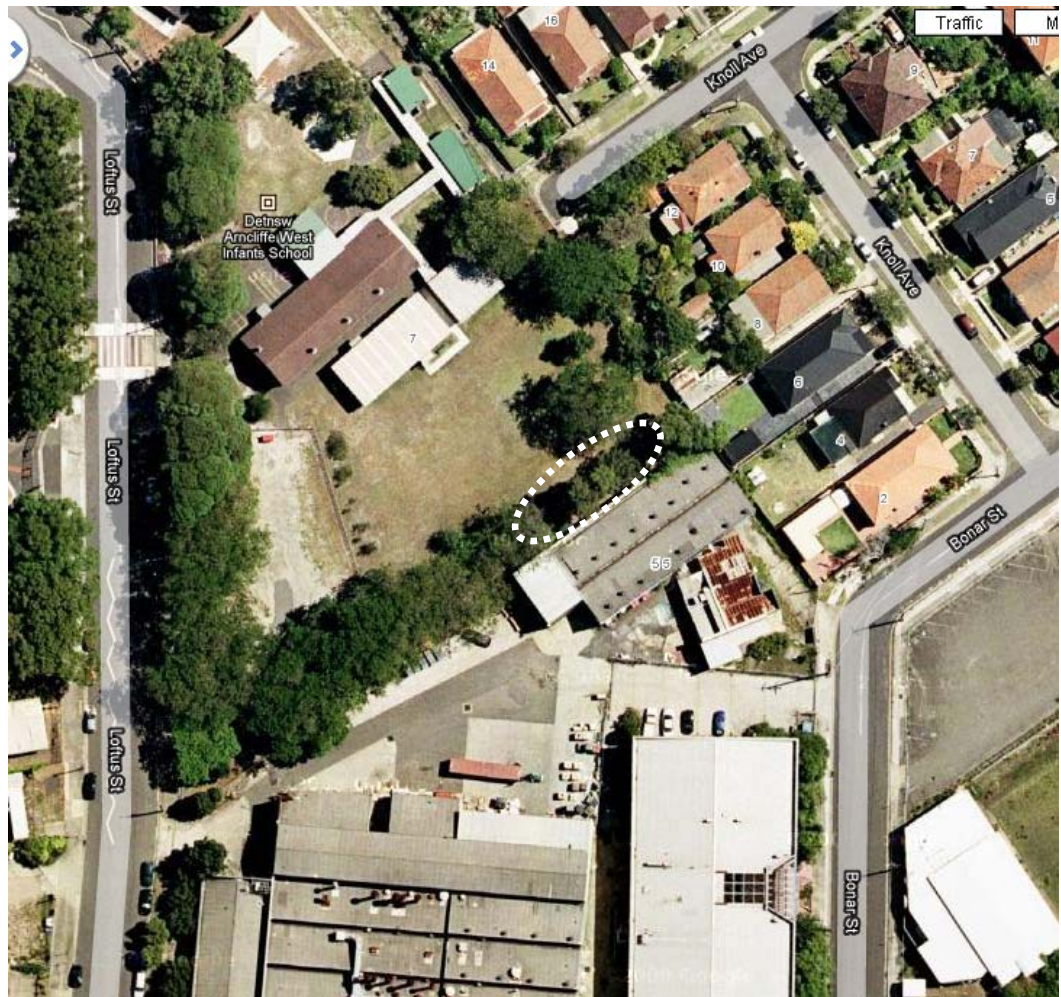


Figure 3: Aerial view showing the school and subject site. Area dotted outline represents that part of the school site that building D will look onto.

Traffic / Parking / Public Domain Works

Annexure 5 is a letter prepared by TTPA Traffic Consultants. The letter was prepared to address issues raised by the RTA.

Safety

A crime risk assessment undertaken in accordance with the Department of Planning's guidelines entitled *Crime Prevention and the Assessment of Development Applications* is at Annexure 21 of the submitted Environmental Assessment report. The report contains a detailed analysis of the potential crime risks and identifies potential solutions to address any potential crime problems on the site. The crime risk assessment report lodged with the Environmental Assessment report is considered adequate for assessment of the application and includes reference to CCTV installation, gated carparking entry with PIN code access and the like.

Storage

Minor amendments have been made to the interior layout of selected units in the buildings to ensure that each apartment contains internal storage in addition to the basement storage to comply with SEPP 65 RFDC. The amended layouts are shown on the accompanying architectural plans. **Annexure 10** contains a schedule of the proposed storage provisions.

Building Separation

Accompanying plans show the proposed building separation. The separation between the buildings is as follows:

- Buildings A-D (view 4 on the building separation plan) has a separation of 15.5 metres (between habitable and non-habitable spaces) and 18 metres (between habitable spaces), which complies with the requirements;
- Buildings D-C (view 3 on the building separation plan) has a separation of 14 to 16 metres (between habitable and non-habitable spaces), which complies with the requirements;
- Buildings C-B (view 2 on the building separation plan) has a separation of 10.5 metres (between non-habitable spaces), which complies with the requirements; and
- Buildings B-A (view 1 on the building separation plan) has a separation of 15 to 16 metres (between habitable spaces), which meets the objectives of the requirements due to proposed window treatment – see below.

All the above building separation distances comply, apart from the distance between Buildings A and B. To address privacy between Buildings A and B, the architectural plans have been amended to have louvres against the dining room windows of Building B.

3.2 Additional Information

Materials and Finishes

Tony Caro Architects undertook a detailed review of building materials and colours prior to lodging the Environmental Assessment application. A letter from Tony Caro is at **Annexure 6** and his proposed scheme is shown in the accompanying colours and materials sample board.

FSR

The gross floor area of the proposal has been calculated using AutoCAD and in accordance with the relevant LEP definition. Plans accompany this report that show the areas used to calculate the proposed gross floor area. The AutoCAD files can be made available should verification of the areas be required by the Department.

The result of the calculations is that the proposed development has a gross floor area figure of 33,010 sqm. Further discussion of the proposed gross floor area is under section 2.5 of this report.

Building Heights

The accompanying elevation and section plans of the buildings show all the relevant height line criteria from the LEP. The lines clearly show how the height lines relate to the various parts of the development. Justification and discussion of the variations to height is contained in the submitted Environmental Assessment report. Additional justification for the additional level to part of Buildings A and D is contained in section 3.1 of this Preferred Project report.

Flood Levels

Elevation plans have been amended to show the 100 year ARI flood level as a broken line rather than on section plans. Section plans only show the flood level at any one point in a building and always infers that somewhere else in the building floor levels may be not shown to be consistent with the flood levels. By sharing the 100 ARI flood level across the elevations, one can see that the building has been raised to ensure units will not be affected by a 100 year flood event.

In addition to this, Hughes Truman, Consulting Hydraulic/Flood Engineers, calculated and provided Meriton with the ground floor RLs required for the building to be above the 100 year ARI flood event. The RLs were annotated on the architectural plans initially lodged with the Environmental Assessment report. **Annexure 7** contains a letter from Hughes Truman verifying the RLs being required on the ground floor level.

Daylight Access

Heggies Pty Ltd has prepared a daylight access report in accordance with the requirements of the SEPP 65 RFDC (refer to **Annexure 8**). The report demonstrates that adequate solar access is provided to the development as summarised below:

Between 9am and 3pm on June 21:

- 83% of apartments receive 2 hours of sunlight;
- 76% of apartments receive 2 ½ hours of sunlight;
- 51% of apartments receive 3 hours of sunlight.

By 21 August, between 9am and 3pm, 70% of all units receive 3 hours or more of sunlight access which generally satisfies the SEPP 65 RFDC guidelines.

Construction Management Plan

The Statement of Commitments provides information in relation to waste management during construction. A detailed construction management plan can be suitably addressed by a condition of consent on the project approval with details to be submitted to the Department of Planning prior to commencement of excavation.

4.0 AMENDED STATEMENT OF COMMITMENTS

The draft Statement of Commitments is to be amended as presented below. The amendments are shown in bold and struck through.

PROPOSED MITIGATION AND MANAGEMENT OF RESIDUAL IMPACTS

Relevant to the proposed development, statement of commitments relate to stormwater management, construction impacts, project waste management, waste collection and crane management. Each of these issues and commitments are made in the paragraphs that follow in this section.

STORMWATER MANAGEMENT

~~Stormwater management of the site will be designed in accordance with the relevant guidelines of Rockdale City Council.~~

*An undertaking is be made that stormwater will be removed from the development lot by way of pipes and pits connected to the drainage system **where related to the proposed development.***

Where possible, stormwater will be captured and stored for irrigation purposes for landscaping. The use of any such water will be undertaken in accordance with the relevant standards and regulations.

CONSTRUCTION IMPACTS

Noise emissions are primarily from machinery on the site and trucks entering and leaving a development site. To minimise noise impacts, the hours of work will be restricted to between 7am-6pm Monday-Fridays 7am-5pm Saturdays and Sundays.

Sediment run off will be managed with the provision of siltation traps, silt meshing at sensitive locations along the perimeter of the site during construction of the buildings. Sediment control management will be based on the Rockdale City Council's guidelines.

WASTE GENERATION AND COLLECTION

Construction material on the site is used in an efficient manner to reduce wastage and costs. All construction material that is no longer requires is sent to local building recycling companies or reused elsewhere on site where applicable.

Waste collection for the final development has been designed to take place from the basement car parking levels. The ceiling to floor heights and manoeuvrability of trucks have been designed to ensure Council garbage trucks and service vehicles can enter and leave the site in a forward direction.

USE OF CRANES

Wiring will be appropriately covered where equipment or cranes are over transmission lines.

To reduce the impact of existing residents, crane operating hours of 7am-6pm Monday to Friday and 7am-5pm Saturdays and Sundays will be undertaken by construction companies and subcontractors.

MITIGATION OF AMENITY IMPACTS FROM CONSTRUCTION ACTIVITIES

~~Relevant mitigation matters have been identified and addressed above. Construction will be undertaken in accordance with the approved Construction Management Plan.~~

Meriton will commit to investigating ways to reduce/minimise noise and visual impacts upon the students of Cairnsfoot School for Specific Purposes. Meriton will consult with the Principal of the School to determine what reasonable measures can be put in place to reduce/minimise noise and views of the construction work.

5.0 CONCLUSION

Issues raised by the Department of Planning and arising from the notification period of the Project Application have been adequately addressed in this Preferred Project Report. Draft Statement of Commitments has been amended in this report to more closely reflect the construction of the site. The proposed development is considered to address all relevant matters listed in the Director General requirements and is worthy of approval.

ANNEXURE 1

Public Submissions



ANNEXURE 2

Department of Planning Letter



ANNEXURE 3

Podium landscape treatment on previous development



ANNEXURE 4

Photomontage



ANNEXURE 5

TTPA letter responding to RTA issues



ANNEXURE 6

Tony Caro Letter



ANNEXURE 7

Hughes Truman letter



ANNEXURE 8

Solar Access Report



ANNEXURE 9

Landscape Design Statement



ANNEXURE 10

Unit Storage Schedule



ANNEXURE 11

Section 94 Costings and Conditions

