

MAJOR PROJECT ASSESSMENT

MP 09_0148

***Meriton Multi Unit Residential Development
12-40 Bonar Street & 5 Loftus Street, Arncliffe
Proposed by: Meriton Apartments Pty Ltd***



Director-General's Environmental Assessment Report
Section 75I of the Environmental Planning and Assessment
Act 1979

February 2010

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1. EXECUTIVE SUMMARY

This report is an assessment of a Project Application seeking approval for a multi unit residential development at 12-40 Bonar Street and 5 Loftus Street, Arncliffe, pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act). The site is located within the Local Government Area of Rockdale. The Proponent is Meriton Apartments Pty Ltd.

The Project Application seeks approval to:

- Erect four apartment buildings containing a total of 305 residential apartments;
- Excavate the site and undertake dewatering of the site;
- Construct basement level car parking for 443 vehicles; and
- Undertake associated landscaping works.

The project has a Capital Investment Value (CIV) of **\$109,324,820** and will create 400 full time construction jobs and 15 full time operational jobs.

Permissibility

The majority of the site is zoned "2(d) High Density Residential" under the Rockdale Local Environmental Plan 2000 (Amendment No.29). Residential Flat buildings are permissible. Hirst and Bonar Street frontages are zoned "7(d) Local Road Reservation" under the Rockdale Local Environmental Plan 2000 (Amendment No.29). A new boundary is proposed to accommodate required road widening.

Public Exhibition

The Environmental Assessment was exhibited for a 30 day period from Wednesday 21 October 2009 to Friday 20 November 2009. The Department received a total of 7 submissions during the exhibition period, comprising 2 submissions from the public (including a petition letter signed by 13 signatures) and 5 submissions from public authorities (Rockdale City Council, Roads and Traffic Authority, Sydney Water, Railcorp and the NSW Department of Education and Training).

Key issues

- Height
- Residential amenity
- Traffic / Parking / Access.
- Section 94
- SEPP 65
- Flooding
- Public / private interface
- Landscaping

Preferred Project Report / Response to submissions

On 22 December 2009, the Proponent submitted a Preferred Project Report. Key revisions to the Environmental Assessment include:

- Additional screen planting for privacy between balconies of Building D and Knoll Avenue residents.
- Amended Statement of Commitments. Information provided on ways to reduce impacts on neighbouring properties including Cairnsfoot School for Special Purposes and Arncliffe West Infants School during construction. This includes noise measures, stormwater, waste and crane management.
- Improved streetscape presentation. This includes variation to courtyard walls, increased direct access from ground floor units, grading ground lines at boundaries and screen planting to basement projection along Bonar Street,
- Increased deep soil to enable mature tree planting within communal open space.

Public Benefit

The proposal is in the public interest as it serves to revitalise former degraded industrial land for high quality infill residential development in accordance with the zoning and development controls. This development is the first major redevelopment within the Bonar Street Precinct. The site is located within an area well serviced by existing transport infrastructure especially bus and rail connections within 30minutes of the CBD. The proposal will increase housing supply, mix and type within close proximity to the regional transport network and within walking distance of Arncliffe Town Centre. The proposal will also assist in achieving the aims and objectives of the draft Subregional Strategy for the region.

Planning Assessment Commission (PAC)

Pursuant to Section 23 of the Environmental Planning and Assessment Act, the former Minister for Planning delegated her functions to approve a Project Application under Section 75J of the Act to the PAC, where a statement has been made disclosing a reportable political donation or where an application is made in the Minister's electorate. The Proponent has provided a statement indicating they have made a reportable political donation. As such, the project is to be determined by the PAC.

Conclusion

The Department has assessed the merits of the proposal, public and agency submissions and is satisfied that the proposal is acceptable and the impacts of the proposed development have been adequately addressed via the Proponent's Preferred Project Report and the Department's recommended conditions of approval.

The Department is satisfied that the site is suitable for the proposed development and that the project will provide social and economic benefits to the south region of metropolitan Sydney. The proposal is recommended for approval subject to conditions of approval.

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2. BACKGROUND

2.1 THE SITE

The site, known as 12 – 40 Bonar Street and 5 Loftus Street, Arncliffe (Lot 100 DP 706950, Lot E, DP 399131 and Lot 101, DP706950) is located approximately 9km south-west of Sydney CBD within the Rockdale Local Government Area (**Figure 1**). The site comprises an area of 16,326sqm and is bound on three sides by Loftus, Hirst and Bonar Street. The site forms part of the Bonar Street Precinct which has recently been rezoned to redevelop underutilised industrial land into a medium to high density residential development.

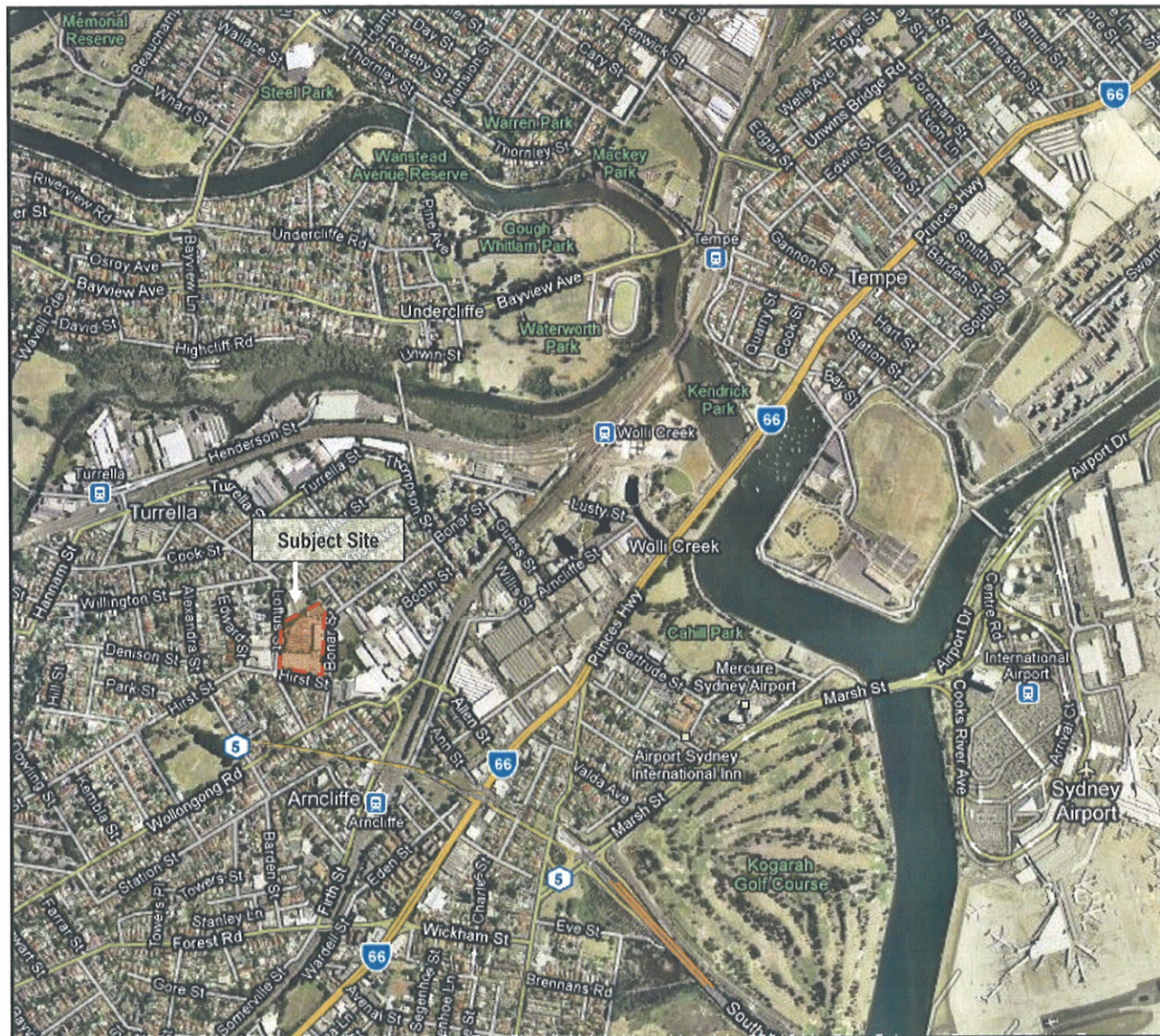


Figure 1: Site Locality – Aerial View

2.2 EXISTING SITE FEATURES

Large volume, freestanding concrete warehouse buildings, commercial offices, car parking, loading and truck turning areas currently occupy the site. The site has a cross fall from the west to east boundary towards Bonar Street. Vehicular access is currently provided off Bonar Street and Loftus Street. Screening vegetation exists around the perimeter of the site. No heritage items exist on the site.



Figure 2: Context of subject site

2.3 SURROUNDING DEVELOPMENT (REFER FIGURE 2)

The site is surrounded by the following:

- The closest residential development immediately adjoins the north eastern property boundary to the site (Knoll Avenue residents) and the southern side of Hirst Street. Existing residential development predominantly consists of free standing 1-2 storey dwellings.
- Existing industrial development adjoins the eastern (Bonar) and western (Loftus) street boundary lengths to the site.
- Arncliffe West Infants School adjoins the northern property boundary and Cairnsfoot School for Specific Purposes is situated diagonally opposite the site, both on Loftus Street.
- Arncliffe (including Arncliffe town centre), Turella and Wolli Creek railways stations are within walking distance of the site.
- Public bus services run along Wollongong Road, Bonar Street/ Loftus Street and Princes Highway.

2.4 SURROUNDING HERITAGE ITEMS

There are three heritage items within the vicinity of the subject site. These include:

- **“Cairnsfoot” School for Specific Purposes (No.18 Loftus Street)** – Cairnsfoot is of State Heritage. It is located diagonally opposite the site, on the western side of Loftus Street. Further a row of heritage trees are planted along the Loftus (front property) boundary to the site.

- **No.39 and No.79 Hirst Street** – Both items (Federation houses) are listed as heritage items in the Rockdale Local Environmental Plan 2000 located several streets away from the development site.

2.5 BONAR STREET PRECINCT

The Bonar Street Precinct was recently rezoned by Council to redevelop underutilised industrial land into a medium to high density residential environment. The site was identified as an appropriate area for high density residential development to take advantage of its location near Arncliffe town centre and existing public transport infrastructure at Arncliffe and Turrella railway stations. This site is the first to be redevelopment within the Bonar Street Precinct.



Figure 3: Bonar Street Precinct Masterplan (Source: Rockdale DCP 80 - Bonar Street Precinct)

3. PROPOSED DEVELOPMENT

3.1 ENVIRONMENTAL ASSESSMENT (AS EXHIBITED)

The proposal seeks approval for:

- Four apartment buildings containing a total of 305 residential apartments;
- Basement levels car parking for 443 vehicles;
- Site excavation and dewatering; and
- Landscaping.

Buildings B and C have an overall height of 6 storeys, Buildings A and D have a height of 7 part 8 storeys. The proposal has a total floor space of 33,010sqm.



Figure 4: Building Layout

Basement

The basement accommodates car parking, bicycle/motorcycle parking, secure apartment storage, stormwater tank, lifts, fire egress stairs and plant for the development. The basement level is predominantly located below ground level. The basement has been set back from the boundaries of the site to provide a deep soil landscaping area.

Ground Level

The ground level comprises car parking at the north-western side of the site under Buildings A and B and dwellings on the eastern side of the site beneath Buildings C and D.

The basement parking area is accessed from 2 vehicular crossings, the first on Hirst Street and the second on Bonar Street, at the north-eastern corner of the site. This level also provides a central garbage storage/collection area and loading facilities which are accessed via the Hirst Street vehicle entrance. Sufficient clearance is provided for Council's garbage truck.

Levels 1-7

Levels 1 to 7 of the development contain residential units. The mix of the apartments includes:

- 5 x Studio
- 37 x 1-bedroom
- 239 x 2-bedroom
- 24 x 3-bedroom

Unit sizes range between 43.9sq.m (studio) and 106.7sq.m (3 Bedroom). The apartments comprise a mix of cross-over (maisonette) and single level floor plans. All apartments are provided with courtyards at ground level or balconies.

Landscaping

The proposal contains a large central courtyard podium area that is landscaped with hard and soft landscaping. The courtyard also contains swimming pool and gym facilities. The total landscaping area is 4,119sq.m (25.2%). The Hirst, Loftus and Bonar Street frontages will also be landscaped.

Colours and Material

The proposed development utilises a modern palette of colours and materials. The building will be constructed of materials including rendered masonry, glass, metal and cladding. The proposed building finishes are shown on the photomontages at **Figure 5 and 6**.



Figure 5: Perspective view of Building B looking north along Loftus and east along Hirst St.



Figure 6: Perspective view of Building C looking west along Hirst and north along Bonar Street from intersection of Hirst / Bonar.

3.2 PREFERRED PROJECT REPORT

Changes from the original submission to the Preferred Project Report (PPR) include:

- Amended Statement of Commitments for excavation and construction management procedures to reduce impact and minimise noise, traffic impacts for neighbouring properties (residents/schools).
- Confirmation of flood protection for all habitable areas/driveway entries to site.
- Additional planting along north east elevation to screen balconies to Building D from Knoll Avenue residents
- Screen planting along enclosed basement car park projection above ground on Bonar Street to improve streetscape appearance.
- Variation in ground floor, courtyard wall heights to offset perception of high walls on street elevations.
- Increased direct access from ground floor units to street frontages.
- Grading of existing and finished ground lines at street boundaries
- Confirmation of daylight access to living rooms/private open space to all units.
- Additional louvers, opaque glass applied to building elevations to minimise privacy impacts where building separation not met.
- Justification of additional height to all buildings (including plant located at roof level).
- Details on shadow impact for low density residential properties on southern side of Hirst Street
- Increased deep soil planting within communal open space to enable planting mature trees
- Detailed landscape plan indicating planting regime indigenous to Rockdale
- Numerical compliance with SEPP 65's Residential Flat Design Code (RFDC) for storage volumes, open space, deep soil planting
- Submission of a material sample board

The PPR forms the basis of the assessment of this report.

4. STRATEGIC CONTEXT

NSW State Plan

The NSW State Plan aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and new development in close proximity to existing centres, services and public transport.

The proposal is consistent with the directions of the NSW State Plan, including:

- P2 – maintain and invest in infrastructure. The proposal invests in public domain works associated with servicing needs for the surrounding area as the first parcel to be redeveloped in the Bonar Street precinct.
- E5 – jobs closer to home. The proposal increases the number of people who live within walking distance of public transport and 30 minutes by public transport to the city or a major centre in metropolitan Sydney.
- E6 – housing affordability. The proposal ensures supply of land and a mix of housing that contributes to housing capacity targets for existing urban areas within metropolitan Sydney.

Metropolitan Strategy, City of Cities – A Plan for Sydney's Future

The Strategy, developed to support the continuing economic growth of Sydney and enhance its standing as a global city, places the Rockdale City Council area in the South Subregion. The proposal satisfies the following objectives of the Metropolitan Strategy:

- B2 – Increase densities in centres whilst improving liveability
- C1 – Ensure adequate supply of land for residential development
- C2 – Plan for a housing mix near jobs, transport and services
- C5 – Improve the quality of new development and urban renewal.

Draft South Subregional Strategy

The site is located within the Bonar Street Precinct, identified as Category 3 Employment Lands being land not required to meet local future demand for employment and which can be investigated for alternative uses including residential.

From a strategic planning/land use perspective, the proposed development is considered to be appropriate at this particular location. It removes an underutilised industrial land use, provides a variety of housing in close proximity to schools, public transport infrastructure (rail and bus services) and employment lands of Port Botany / Airport, hospitals, retail (Arncliffe village centre) and public open space. The proposal will also help the Rockdale LGA achieve their dwelling target of 7,000 additional dwelling by 2031.

Bonar Street Precinct

The site forms part of a broader urban redevelopment area known as the Bonar Street Precinct, which has recently been rezoned by Council under Rockdale LEP 2000 (Amendment 29) to redevelop underutilised industrial land into a medium to high density residential environment. The precinct was identified as an appropriate area for high density residential development to take advantage of its location near Arncliffe town centre and existing public transport infrastructure at Arncliffe and Turrella railway stations.

The Bonar Street precinct will comprise medium to high residential development, a new public park and new roads. The Bonar Street Precinct is approximately 7 hectares in area and consists of three distinct sections. The subject development site comprises the second largest section of the precinct. This site is the first to be redeveloped within the Bonar Street Precinct and is consistent with the LEP with regards to land uses, height and FSR (despite some minor non-compliance discussed later in the report).

5. STATUTORY CONTEXT

5.1 MAJOR PROJECT DECLARATION

On 30 July 2009, the Deputy Director-General (as delegate for the Minister for Planning), formed an opinion, pursuant to Clause 6 of the State Environmental Planning Policy (Major Development) 2005 that the proposal is development of a kind described in Schedule 1, Group 5, Clause 13 – namely residential, commercial, retail projects with a Capital Investment Value (CIV) more than \$100 million.

The CIV for this proposal, as verified by a Quantity Surveyor's certificate, is **\$109, 324, 820**. The proposal therefore meets the non discretionary criteria for a Part 3A project.

5.2 PERMISSIBILITY

Rockdale Local Environmental Plan 2000 (Amendment No.29) (RLEP)

The majority of the site is zoned 2(d) – High Density residential under RLEP (Amendment No.29). The proposal for residential flat development is permissible within the zone.

A 7(d) Local Road Reservation zoning affects the northern boundary of Hirst St (to a depth of 1.1m) and the western boundary of Bonar Street (to a depth of 3.34m). Further, splay corner widening at the intersection of Bonar and Hirst Street is required. The development proposes the required road widening indicated as a new boundary on the plans.

5.3 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

On 14 August 2009 the Executive Director (as delegate for the Director-General) issued DGRs pursuant to Section 75F of the Act.

The DGRs have been addressed in the Environmental Assessment and the Environmental Assessment was deemed to be adequate for public exhibition. The DGRs are contained in **Appendix B**.

5.4 OTHER STATUTORY CONSIDERATIONS

Appendix A contains further consideration of the following Statutory Context:

- Objects of the EP&A Act
- Ecologically Sustainable Development
- SEPP 65 – Design Quality of Residential Flat Development & Residential Flat Design Code (Planning NSW, 2002)
- Environmental Planning Instruments - SEPP 55, BASIX 2004, Rockdale LEP 2000 (Amendment 29).
- Compliance with other controls (Rockdale DCP No.80 + S.94)

6. CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

Under Section 75J of the Act, the Director-General is required to make the EA of a project publicly available for at least 30 days.

After accepting the EA, the Department conducted the following actions:

- Made the EA publicly available from **21 October 2009** to **20 November 2009** (30 days)
 - on the Department of Planning website
 - at the Department of Planning Information Centre
 - at Rockdale City Council's Information Centre
- Local landowners and residents were notified about the proposal and exhibition period for comment.
- Notified relevant State government authorities and Council.
- Advertisements were placed in the Sydney Morning Herald, Daily Telegraph, St George and Sutherland Shire Leader newspapers on the 21 October 2009.

The Department received a total of **8** submissions comprising **5 Government Agency** submissions and **3 public** submissions (including a petition letter with 13 signatures).

6.2 SUBMISSIONS FROM PUBLIC AGENCIES

Rockdale City Council

The Council raised concern over the streetscape relationship of the development and the public domain. This includes the height of basement car park projection above ground, courtyard size and wall heights, lack of durable building materials for surrounding walls, direct access from units to streets and street edge landscaping. The Proponent responded in the PPR by grading existing and finished ground levels at street boundaries, increasing direct access to ground floor units from 14 to 17 units, providing screen vegetation along the Bonar Street of the basement wall projection and variation in courtyard wall heights. Key issues raised by Council are discussed in further detail in the assessment section of this report.

Issues were also identified relating to non compliance with the Residential Flat Design Code under SEPP 65. Specifically, lack of deep soil planting within central open space, concept landscape design, safety, storage, building separation, number of cross over units and daylight access. Building issues were also raised related to Council's DCP 80 including unit mix, sizes, acoustic issues and inadequate flood analysis. In response, the PPR provides details on SEPP 65's Residential Flat Design Code compliance including storage volumes, building separation, unit mix, daylight access and acoustic issues. Further detailed assessment is provided in the assessment section of this report.

A further review by Council and the proponent's costing for the required infrastructure works as compared to their own costings including offsets for works in kind against Section 94 contributions has been supplied. Findings and recommendations of an independent review of the contributions and infrastructure requirements are discussed in the assessment section of this report.

Roads & Traffic Authority (RTA)

Key issues initially raised by the RTA included concerns over acceptable traffic generation / capacity of road intersections and environmental implications of car park layout on vehicular conflicts/access/parking, intersection upgrades, medians and sight distance.

Additional traffic analysis provided within the PPR reveals traffic assessment was undertaken precinct wide with no unsatisfactory projected traffic generation or operation of intersections expected. Conditions recommended by the RTA regarding stacked parking space management, pedestrian safety, access and traffic management are recommended as conditions of approval. Traffic, access and parking are discussed further in the assessment section of this report.

Sydney Water

Sydney Water did not raise concern with the proposal but recommended the need to engage a Water Servicing Coordinator to obtain a Section 73 Certificate and manage the servicing aspects of the development. Sydney Water's condition has been recommended accordingly.

Railcorp

Railcorp have indicated they are prepared to underground their overhead wiring, as per Rockdale DCP No.80, provided all costs of any investigation and any agreed resultant works are met by the developer. Resolution of this key issue is discussed within the S.94 assessment section of this report.

NSW Department of Education and Training

The NSW Department of Education raised concern over how the construction phase will impact upon the adjacent Arncliffe West Infants School and Cairnsfoot Special School.

In response, the Proponent provided further details including: stormwater management; construction management; project waste management; waste collection and crane management within the PPR response. The Proponent has also included a revised commitment to investigate 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.

The Department considers the Amended Statement of Commitments together with recommended conditions requiring construction management plans, will suitably mitigate the impacts of construction on surrounding residents and in particular neighbouring schools.

The Department of Education also requested a State Infrastructure Contribution for land associated with expected additional demand. The Department notes, as per "Review of Infrastructure Contributions Circular" dated 23 December 2008, no mechanism exists to charge developer funded contributions for education facilities suggested by the NSW Department of Education.

6.3 PUBLIC SUBMISSIONS

Public submissions raised the following issues:

- Overshadowing
- Traffic and on street car parking
- Construction management
- Privacy
- Excessive height and bulk of buildings over original plan to Council
- Blocking of prevailing southerly winds for Knoll Avenue residents

The above issues have all been addressed in **Section 7** of the report and the Proponent's preferred project report.

7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The key issues considered in the Department's assessment include:

- Height (amenity impacts)
- Traffic, Access and parking
- Design Issues
- Construction Management
- Section 94
- Other

7.1 HEIGHT

The Rockdale Local Environmental Plan 2000 (Amendment No.29) sets the following height limits for the site:

- 15m along the Hirst, Loftus and Bonar Street interface;
- 15m immediately adjoining the north eastern property boundary shared with residential dwellings in Knoll Avenue; and
- 21m across the remainder of the site (Refer to **Figure 7**).

Further, Council's controls allow for an additional height of 3m (24m max.) over any part of the site, but only if the consent authority is satisfied that such variation will not have an adverse material effect on the amenity of occupants of nearby land.

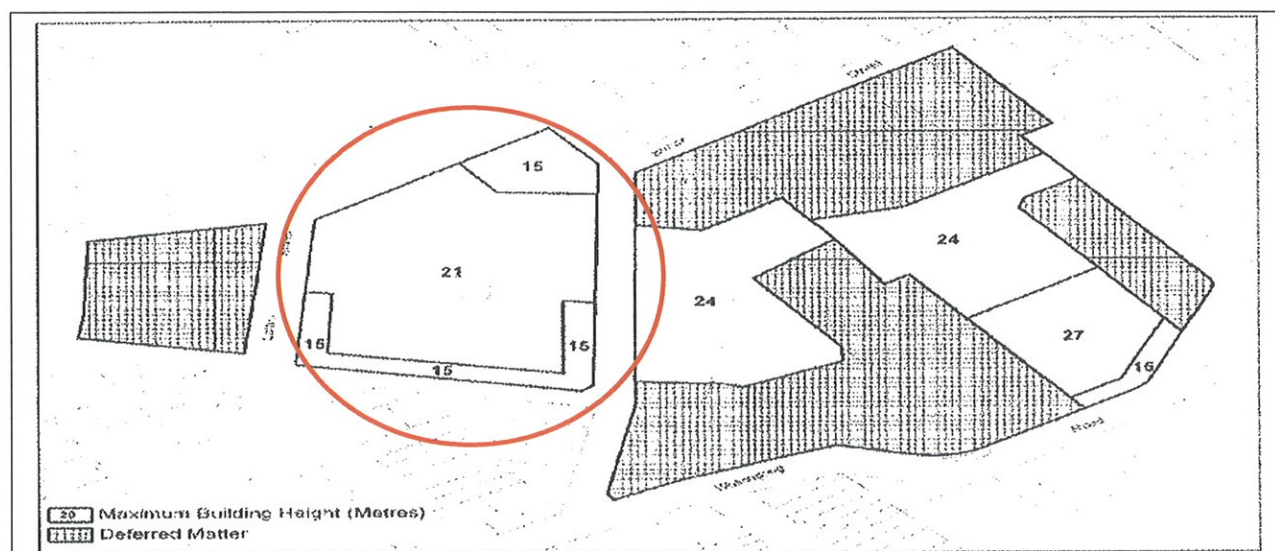


Figure 7: Council's maximum building heights across the subject site.

The Proponent seeks to utilise the additional 3m height for buildings A and D of the proposal (refer **Figure 8**). Buildings A and D will have a total height of 24m, however it is noted that roof top plant and parapets on buildings A and D exceed the maximum 24m height limit by 1m. Buildings B and C project 1m above Council's standard height control of 21m however are well within the maximum height limit of 24m.

To assess whether the additional height is acceptable, the Department has considered the overshadowing and privacy impacts of the proposal.

Overshadowing

The Proponent submitted overshadowing diagrams to illustrate the impact of the additional height compared to a 21m complying building envelope. Proposed Building A will increase overshadowing to neighbouring properties to the west on the opposite side of Loftus Street in the morning, compared to a complying building envelope. Similarly, Building D will also increase overshadowing to the east on the opposite side of Bonar Street in the afternoon, compared to a complying building envelope. Despite the increase of overshadowing, the affected properties will still receive more than 3 hours of

sunlight access throughout the day during mid winter, which complies with Council's solar access control. It should also be noted that development to the east and west of the site currently consists of existing industrial development and no existing residential development will be affected by the new shadows. On this basis the additional overshadowing impact is considered to be reasonable

The majority of overshadowing from a complying built form (4/6 storeys) is to the south, across Hirst Street, where lower scale residential dwellings are located. Shadow diagrams illustrate the majority of affected properties immediately adjoin the Hirst Street roadway. These existing properties receive more than 2hrs sunlight access, to a part of the property, in midwinter. Council's sunlight access control requires 3 hours throughout day during midwinter. On balance, the shadow impact is considered reasonable given that the affected properties lie adjacent to and on the interface with higher density development pre-determined by Council's controls for the Bonar Street Precinct. Further, the majority of the new shadows cast will be over the front yards of properties rather than private open space.

Further, the shadow diagrams also illustrate that the minor height variation of 1m sought from Council's standard controls for Buildings B and C do not increase the overshadowing impact on adjoining properties to the south, compared to a complying building envelope, as the additional height to Building B and C is setback from the Hirst Street edge. Given the impact that arises from a proposal with additional height is the same that arises from a fully complying proposal, the overshadowing impact to the properties on the opposite side of Hirst Street is considered to be reasonable in this instance.

Privacy

Concern was raised regarding possible privacy impacts from the north east facing balconies of Building D which has the potential to overlook the private open space of adjoining properties on Knoll Avenue. There are a total of 5 balconies which have the potential to overlook neighbouring properties particularly from the second, third and fourth storeys.

The Department notes that whilst the building complies with Council's controls in terms of height and setbacks from this elevation, additional privacy screening will be required to reduce the potential privacy impacts, given the height and potential for overlooking from the proposed balconies. A condition is therefore recommended requiring screening devices be fitted to all balconies (on level 2-4) to minimise privacy impacts.

Where proposed Building A adjoins the Arncliffe School, privacy impacts are considered to be minimal given this elevation overlooks the school playground and the large trees along the school boundary will provide sufficient screening.

Privacy impacts from all other elevations will be minimal as the proposal has the benefit of being on a site largely enclosed by public streets. Accordingly, the majority of building elevations overlook the street rather than neighbouring properties. There are no other privacy concerns relating to the proposal.

Plant and parapet height

The Department notes that a minor height variation is sought where the rooftop plant and parapets exceed Council's maximum 24m height controls by 1m on Buildings A and D. However, the Department considers that the roof top plant is sufficiently setback from building edges and is appropriately screened to mitigate any visual or amenity impacts arising from the minor non compliance. Furthermore, the parapets form part of the overall design of the building and the height is consistent with the height controls opposite Bonar Street which sets a height limit of 24m and up to 27m further to the east.

On balance, the Department considers the additional height is acceptable. As discussed above, the additional height will have minimal impacts on the amenity of occupants of nearby land. Furthermore, the proposed maximum height (25m) is considered to be consistent with the desired future character of Bonar Street Precinct which allows heights ranging from 24m to 27m directly opposite the site to the east. The additional height is therefore supported.

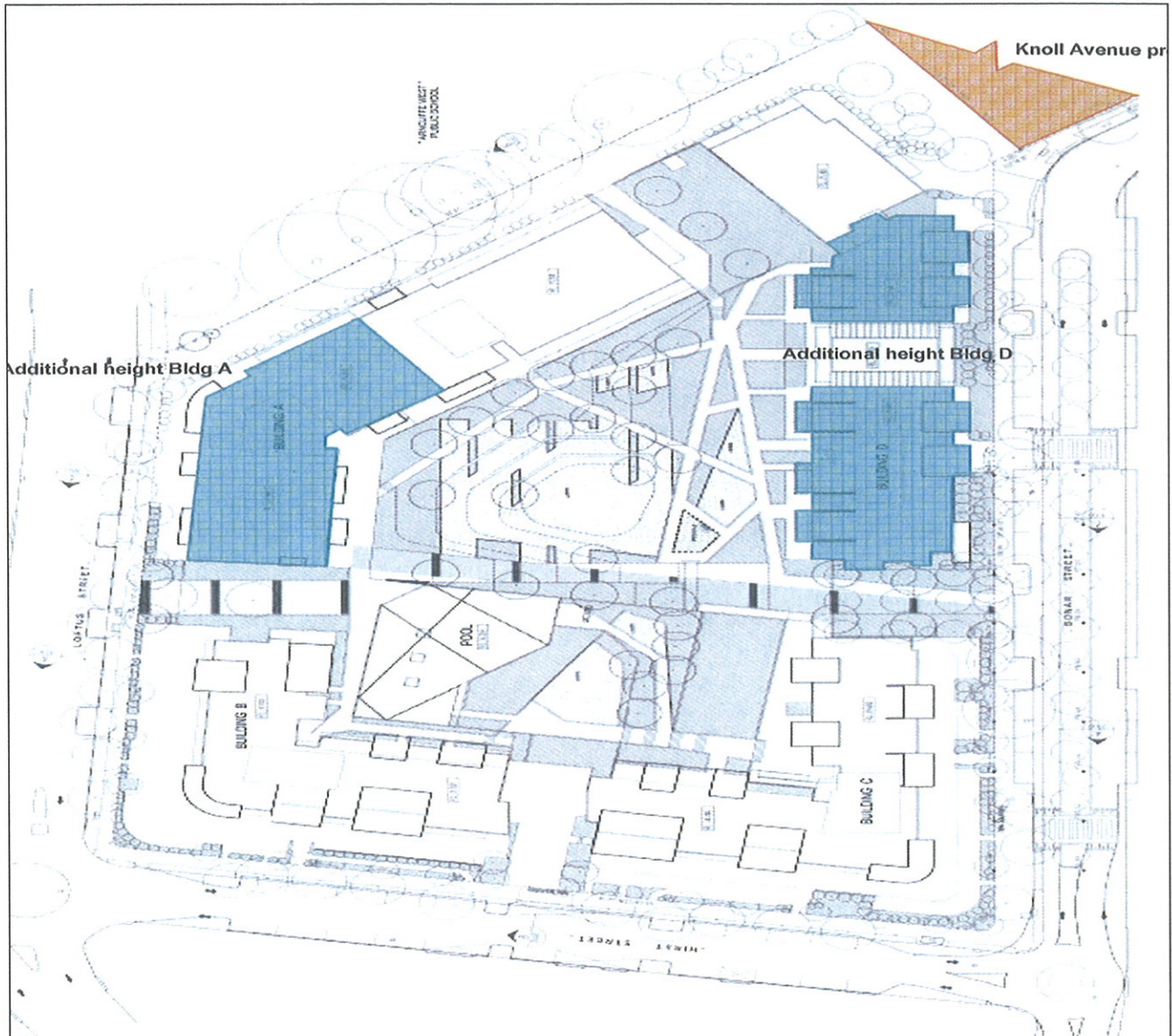


Figure 8: Additional height to Building A and D shaded blue. Distance from closest affected residents (Knoll Avenue) is highlighted in orange.

Height of basement car park

Rockdale Council and the Department both raised concerns with the height of the basement car park on frontages where it is elevated above ground level. The basement projection ranges between 1.2m and 1.6m above the ground level along Bonar Street and 1.8m and 3.4m along the northern property boundary shared with the school and Knoll Avenue residents. This has the potential to add unnecessary height to the building and a poor presentation to the street.

In the PPR response, the proponent provided further justification noting that the basement car park is raised above street level along the Bonar Street frontage and a small part of the Hirst Street frontage to address the 1:100 year flood level. Further, additional landscaping is proposed along the Bonar Street frontage to better screen the elevated parking area.

The Department notes that the 1:100 year flood level ranges between RL10.2m and RL 12.4m and the proposed basement projection provides the necessary freeboard clearance ranging between 300mm-400mm above the flood level, in accordance with Council's controls. In this regard, the height of the basement projection is unavoidable in the circumstances. To mitigate the visual impact of the basements a condition is recommended requiring the landscaping of the street frontages to screen and soften the building facade.

Where the basements are elevated above natural ground level and the proposal does not require clearance for flood protection, particularly for Buildings A and D, there is scope to reduce the

basement height. This will reduce the overall height of the building and will further minimise amenity impacts on surrounding properties, particularly overshadowing and privacy impacts. A condition is therefore recommended limiting basement projection to 1m above the proposed natural ground level along the property boundary shared with Knoll Avenue residents (Building D) and Arncliffe school (Building A). Subject to the above conditions, the Department considers the basement projections are acceptable.

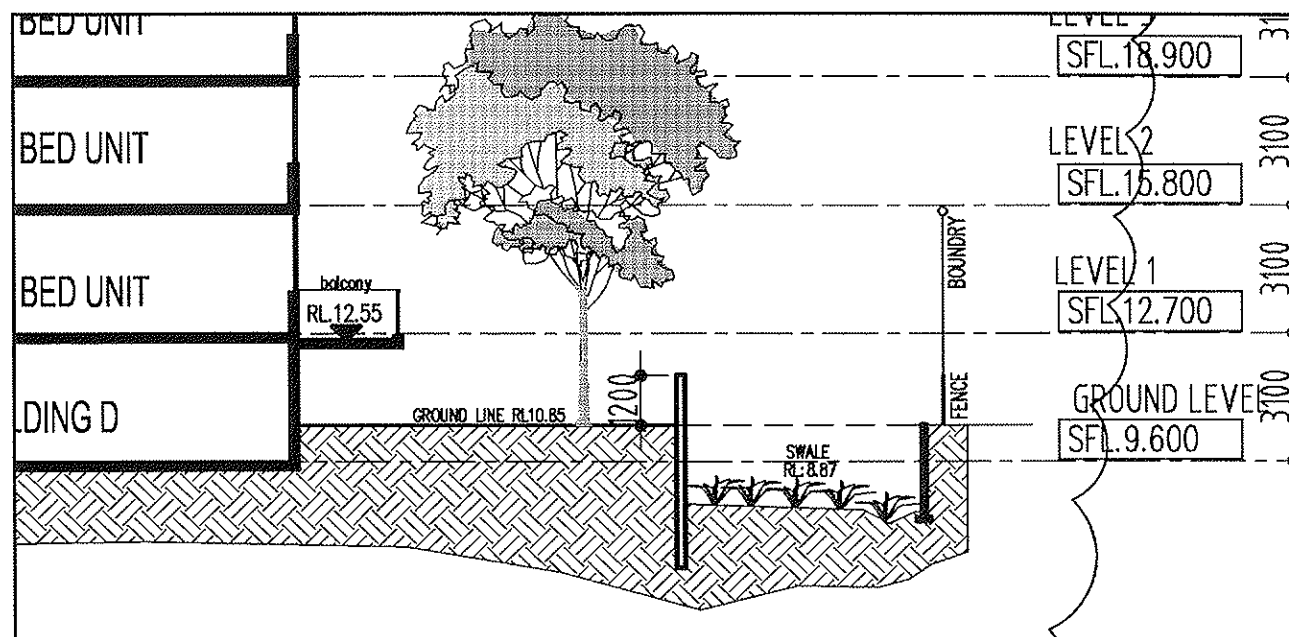


Figure 9: Northern property boundary length to Building D adjoining residential properties in Knoll Avenue.

7.2 TRAFFIC, ACCESS AND PARKING

Parking

The development proposes 450 car parking spaces compared with Council's requirement for 433 spaces.

The Department supports reduced car parking rates in areas well served by public transport and it is noted that this site lies within walking distance of Arncliffe and Turella train station and local bus routes run along Loftus and Bonar Street. Given this site lies within a highly accessible area, and complies with Council's minimum car parking requirements, it is considered reasonable to recommend a condition approving 433 spaces only. The reduced car parking rate will encourage public transport patronage, walking, cycling and reduce private vehicle use which will relieve unnecessary traffic congestion from local streets, within this highly accessible area.

Traffic generation:

The RTA raised concern that the total numbers of vehicles generated as part of the proposal were not provided within the EA and that the outcomes of the traffic report for traffic and pedestrian activity were assessed in isolation.

Additional traffic analysis provided within the PPR concludes the total number of vehicles generated by the proposed development is in keeping with the projected traffic generation identified by the comprehensive traffic assessment for the entire Bonar Street Precinct undertaken during its rezoning. Further, the total number of vehicles generated as part of the Precinct (including the subject site) is expected to create acceptable volumes of traffic utilising the local road network.

The Department is satisfied with the conclusion reached within the updated traffic analysis noting the projected traffic generation for the proposal is less than that approved by Council's traffic assessment for the whole precinct. Furthermore, the infrastructure requirements identified for the Bonar Street Precinct such as the provision of a roundabout at the corner of Hirst and Bonar Street

and the widening of Bonar and Hirst Street will better manage vehicle movements around the site and form recommended conditions of approval.

Upon further review the RTA did not raise additional concern with traffic generation associated with the proposal. Conditions recommended by the RTA regarding stacked parking space management, pedestrian safety, access and traffic management are also recommended as conditions of approval.

7.3 DESIGN ISSUES

Landscaped Area

The proposed development initially provided 18.5% as deep soil planting area around the perimeter of the site. The Department requested that additional deep soil planting should be provided within the communal open space area in accordance with the Residential Flat Design Code (noting a minimum requirement for 25% of open space area of the site).

To address this issue a detailed landscape plan has been submitted with the PPR which included the following amendments:

- 26.2% of the proposed open space area (accounting for 25.2% of the site area) is provided as deep soil. This is divided between boundary planting (2,387m²) and the central communal open space on the site to enable mature tree planting (1080.6m²).
- A mix of species indigenous to Rockdale.

The Department supports the increased deep soil planting area proposed within the PPR and considers that the proposal is consistent with the RFDC requirements. The Department also supports the use of drought resistant plant species indigenous to Rockdale. To ensure the landscape area is appropriately managed and maintained and suitable trees are selected, a condition is recommended accordingly.

Building separation

The RFDC requires buildings between 12m-25m in height to have an 18m separation distance. The control aims to maintain an acceptable level of residential amenity between units. The Department notes that with the exception of a minor non compliance between Buildings A and B, all buildings comply with SEPP 65 building separation requirements above 12m.

In response to this issue, the Proponent has provided fixed louvers to all dining room windows of Building B to address privacy concerns that may arise due to the separation non compliance. The Department considers the proposed privacy measures satisfy the objectives of SEPP 65 and will adequately maintain privacy between dwellings. The proposed variation to the building separation requirements is therefore supported.

Daylight Access

The Department requested confirmation of daylight access to apartments in accordance with the RFDC requirements. The RFDC recommends 3 hours of sunlight to the living rooms and private open spaces for 70% of apartments between 9am and 3pm, reducing it to 2 hours in dense urban areas.

Additional details provided by the Proponent reveal that only half (51%) of all apartments receive 3 hours direct sunlight between 9.00am and 3.00pm midwinter (worst case scenario). By comparison, reasonable access to sunlight (2 hours) is still maintained to the majority (83%) of all apartments on a mid winter's day. Further, one month later (August), up to 70% of all apartments receive up to 3 hours of sunlight access.

On balance, daylight access is considered to be reasonable. The Bonar Street Precinct redevelopment is a medium to high density residential development and the solar access achieved (2hrs for 83% of all apartments) is consistent with the RFDC control for dense urban areas.

7.4 SECTION 94

Council's Section 94 Plan identifies the site within the Bonar Street Precinct which is anticipated to be developed over the next 15 -25 years. The Plan identifies a total package of works required to be provided by way of S.80A conditions of consent and S.94 contributions. It should also be noted that a S.94E Direction signed by the former Minister dated, 13 January 2009, caps contributions to \$20,000 per dwelling.

Council and Meriton have however failed to agree on the required infrastructure for the site. The areas of difference between Council and Meriton lie in both the types and amount of infrastructure required for the development and also the valuations of these works.

To address the infrastructure and general Section 94 requirements for the proposal, the Department appointed an independent consultant MVK and Associates Pty Ltd (MVK) to undertake a review of the infrastructure needs of the proposal. A copy of the report is attached at Appendix E. Each item of contention is discussed below:

MVK Report

State Rail Power lines

As part of the Bonar Street Precinct redevelopment Council has requested the overhead State Rail power lines be placed underground for aesthetic/urban design reasons. Council recommended that Meriton be responsible for under-grounding the full length of the power lines running through the precinct. Council value the cost of works at \$1,959,563. Meriton however argue that the lines will not adversely impact on the appearance, marketability or sales of their development and therefore consider it an unreasonable requirement. They also dispute the cost of the works, claiming it to be worth \$2.5m. Council estimates the total length to be under- grounded at 670m. The frontage of the Meriton land affected is approximately 270m.

MVK consider that the cost of under-grounding the line should not be borne by the applicant alone. MVK considers it unreasonable that one major developer with less than half the line frontage should bear the full cost. As these lines pass through the Precinct, MVK consider that individual sites be responsible for installing conduits in the relevant adjacent roads to enable the lines to be placed underground and pay a contribution towards the works to be carried out in the future by Council based on a proportion of the population.

The Department considers MVK's recommendation is reasonable and recommends a condition requiring Meriton to provide conduits along Bonar and Hirst Street frontages and pay a contribution of \$477,617 based on the proportion of the Meriton site to the full precinct. The money can then be used by Council to carry out the works when the funds become available.

Bonar Street: Widening western side, landscaped median, raised threshold, streetscaping and roundabout.

Council requires Bonar Street to be widened to facilitate appropriate traffic circulation, provide adequate on-street parking facilities and streetscaping. Meriton argues that the capacity of the roadway is not increased by the street widening and that the requirement is driven by urban design rather than increasing the road capacity.

MVK consider that the land use change will generate more private vehicle movements than would be expected from industrial or commercial development. Therefore widening the road will better manage vehicle movements and provide sufficient on-street car parking

Meriton are also opposed to paying for upgrading Bonar Street for flood mitigation works as their site is subject to minimal flooding impacts. If Meriton were required to upgrade Bonar Street now, this matter is complicated by Council's proposal to eventually raise Bonar Street by up to 1.5 metres to redirect existing stormwater flows. The timing of these works is uncertain and it is not practical to widen half the road. This then has implications for the proposed footpath upgrades and other road works which Meriton are required to undertake on its side of Bonar Street. As it is not

considered practical for Meriton to undertake works in kind along Bonar Street now, MVK recommended that Meriton contribute to the upgrading and streetscaping for half the road.

The Department agrees with the MVK review and recommends a condition be imposed requiring Meriton to dedicate the strip of road widening and contribute to the Bonar Street upgrade plus half the landscaped median strip. These works will total \$1,032,447. The Department has considered Council's Section 94 Plan and whilst the works relating to Bonar Street upgrade are identified as S80A items, in accordance with Section 94B(2) of the Act it is considered reasonable that a contribution be paid towards the works. The works are considered to be necessary as there is a clear nexus between the proposed works and the redevelopment of the site for residential development purposes with regards to traffic management, on street car parking and managing flood waters passing around the site. In these circumstances it is considered appropriate that the proponent pay a contribution for these works to be undertaken when funds become available to construct the entire road.

A further contribution of \$211,409 will also be required for the roundabout and other road capacity improvement works will also be required as per Council's Section 94 plan.

Widening of Hirst Street and Streetscaping of Loftus and Hirst Streets

Council have requested the proponent carry out streetscaping works to Loftus and Hirst Street including the opposite side of both Streets.

MVK however considers that it is unreasonable to require the proponent to carry out streetscaping on the opposite side of Hirst and Loftus Street as there is not a clear nexus between the proposed development and the requirement for the opposite side of the street to be upgraded.

The Department agrees with the MVK review and recommends a condition be imposed requiring Meriton to dedicate the widening along Hirst Street and undertake the necessary upgrade and streetscaping of Hirst Street (north side only) and Loftus Street (east side). These works can be undertaken as works in kind. No contribution will be charged for streetscaping works opposite the site.

Stormwater/Flooding

Council has adopted a precinct-wide approach in terms of apportioning costs for storm water infrastructure requiring all sites to contribute to resolving flooding issues associated with the redevelopment of the precinct. However, the proponent argues that as their site does not contribute to stormwater flooding, they should not be required to upgrade drainage works within the precinct.

MVK considers that it is difficult to establish a nexus between the proposed development and the proposed precinct drainage works given the Meriton site does not appear to contribute significant run-off to the downstream systems. Therefore MVK recommended that Meriton not be required to contribute to the upgrade of drainage works within the precinct.

MVK do however recommend that the proponent pay for upgrade of the existing stormwater pipe in Bonar Street as a proposed swale (agreed to be constructed by Meriton) running along the northern boundary will direct stormwater into an existing stormwater pipe resulting in surcharging and the potential for increased downstream flows. Therefore, it is considered reasonable that Meriton undertake these works.

In accordance with MVK's recommendations the total contribution for stormwater works for the development will be \$197,961. The Department considers MVK's recommendation is reasonable and the total infrastructure contribution for stormwater and floodwater improvements has been adjusted accordingly.

Section 94 cash contribution amenities and Services

A condition has also been recommended requiring the proponent to pay S.94 cash contribution of \$2,411,019.32 in accordance with Council's adopted Section 94 Plan for provision/improvement of LGA wide amenities and services. There is no contention between Council and the Proponent regarding this contribution.

Total Contribution

After applying the recommendations from the MVK report (Appendix E) a total infrastructure contribution of \$2,027,920 is required. A further cash contribution of \$2,411,019.32 will be required for provision/improvement of LGA wide amenities and services. The total contributions required for the proposal will therefore equate to \$4,438,939.32. The total contribution falls well within the S.94 Cap for this site of \$6.1m (305units x \$20,000 per dwelling).

7.5 OTHER ISSUES

Courtyard size and setback

Rockdale Council raised concern with the restricted size of front courtyards (2m minimum depth) to ground floor units. The RFDC requires a minimum of 25m² private open space, with 4m minimum depth for ground floor units. Council's preference is to maximise private open space for ground floor units by enabling them to utilise the entire front setback area, to the boundary.

In the PPR response, the proponent advised the proposed landscape treatment between courtyard walling and the property boundary soften and provide a better interface with the public domain.

Upon review, the Department supports the proponent's proposed setback location of courtyard fencing behind perimeter planting along street boundaries. This arrangement ensures existing vegetation is retained in situ and incorporated into the proposed landscape embellishment planned for the perimeter of all street frontages to the site. Further it enhances the setting of high rise buildings and provides for an appropriate soft edge to existing low density residential development surrounding the project site.

Courtyard fence height and finishes

Council raised concern with the proposed height (exceeding 2m) and painted rendered finish and glazed panels of the courtyard fences. Council were concerned that the high walls detract from the streetscape and limit opportunities for passive surveillance of the street.

To address this issue, the Proponent responded by providing a variety of wall heights as follows:

Blg B (Hirst Street) = 1.6 – 2.0m
Blg B (Loftus Street) = 1.8m – 2.4m
Blg C (Hirst Street) = 1.6m – 2.0m
Blg A (Loftus Street) = 1.6m – 1.8m
Blg D (Bonar Street) = 1.4m – 1.8m.

The Department supports the amendments made to the courtyard fence heights within the PPR. However, to further reduce the visual impact of the courtyard fences and ensure compatibility with the character of adjoining residential properties, a condition of approval is recommended requiring any courtyard fences along street frontages to be limited to a maximum height of 1.8m. This is to be made up of 1.2 wall height with open form fencing above (such as spaced timber or metal) to the full height of the courtyard fence. It is also recommended that graffiti resistant durable materials are required for any courtyard fencing along the street frontage.

The Department does not raise any further concerns in relation to front courtyard fencing and considers, subject to conditions, the issues raised have been appropriately addressed.

Heritage

There are 2 heritage items located within the immediate vicinity of the site. These items include "Cairnsfoot", a two storey Victorian Italianate mansion listed on the State Heritage Register and a

stand of mature trees planted along the Loftus Street boundary to Cairnsfoot. Cairnsfoot is located diagonally opposite the subject development site on the western side of Loftus Street. Proposed Building A on the corner of Loftus and Hirst Street is sited closest to the Cairnsfoot heritage item.

The Department acknowledges the contrast in scale between the proposed development and the heritage item, however it is considered acceptable given the proposed development is anticipated by Rockdale LEP 2000 (Amendment No.29) which seeks to increase the height and density of future residential development within the Bonar Street Precinct.

The Department also notes that the setting of the surrounding area has already been altered by the existing industrial development within the Bonar Street precinct. In this regard it is considered that the proposal will have similar or less impacts on the setting of the Cairnsfoot heritage item and the stand of heritage trees than the existing industrial development.

Further, a 60m physical separation distance and screening by mature heritage trees will reduce the impacts associated with the redevelopment of the site. Heritage impacts on the item and setting are therefore considered acceptable.

Safety by Design

The Department raised safety concerns with the large expanses of basement level car park and requested further details on how this area was going to be treated. The basement car park provides parking for 450 cars and has maximum width of approximately 130m.

The proponent submitted a Crime Risk Assessment Report as a part of the EA which includes references to the installation of CCTV at all entrance points, gated car park entry and pin code access to buildings. The Department considers that these measures are sufficient to maintain security within the car park area.

Conditions are recommended to reinforce the recommendations made within the crime risk assessment report. A further condition is recommended requiring evenly lit, pedestrian scale lighting be used throughout all pedestrian pathways and within the communal open space. The Department considers subject to the above conditions, crime prevention design treatments are acceptable for the proposal.

Flood Protection

The Rockdale LEP 2000 (Amendment No.29) requires flood protection for the Bonar Street precinct. Further, DCP No.80 stipulates a freeboard clearance between 200mm to 500mm above the 100 year ARI flood level for habitable floors and entrances to basements.

The Proponent has confirmed that a minimum freeboard clearance between 300mm to 400mm above the 1:100 year flood level has been provided. The Department is therefore satisfied adequate flood protection for habitable areas and vehicular entries can be assured from a 100 year flood event as required by Council's controls. A condition is also recommended requiring certification that the freeboard clearance is in accordance with Council's requirements.

Floor Space Ratio

The proposal seeks approval for an FSR of 2.02:1 which marginally exceeds the Rockdale LEP 2000 (Amendment No.29) maximum FSR control of 2:1. The Department notes that the proposed FSR of 2.02:1 represents a minor variation to the control (1.1%) and is acceptable. Built form and amenity impacts such as overshadowing and privacy are considered to be acceptable as discussed earlier in the report.

8 PUBLIC INTEREST/PUBLIC BENEFIT

The Bonar Street Precinct is planned for comprehensive redevelopment as a predominantly high density residential area. The proposal is in the public interest as it serves to revitalise former degraded industrial land for high quality infill residential development in accordance with the zoning and development controls. The site is located within an area well serviced by existing transport infrastructure especially bus and rail connections, within 30 minutes of the CBD. The proposal will also assist in achieving the aims and objectives of the draft Subregional Strategy for the region.

9 CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions and is satisfied that the impacts have been addressed in the EA, PPR the revised statement of commitments and recommended conditions. It is considered that the site is suitable for the proposed development and that any impacts can be suitably mitigated and / or managed to ensure a satisfactory level of environmental performance.

The site is appropriately zoned for high rise residential densities, complies with detailed planning controls for height and density (despite minor variations) and is in accordance with the strategic vision for the wider precinct to contribute to the dwelling target for the City of Rockdale.

10 RECOMMENDATION

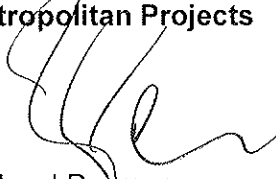
It is recommended that the Planning Assessment Commission:

- (a) consider all relevant matters prescribed under Section 75J(2) of the Environmental Planning and Assessment Act, 1979, including those relevant matters prescribed in Section 75I(2) and as contained in the findings and recommendations of this report;
- (b) approve the Project Application, subject to modifications, under Section 75J of the Environmental Planning and Assessment Act, 1979, having considered all relevant matters in accordance with (a) above; and
- (c) sign the Instrument of Approval (**Tag A**)

Endorsed by:



Andrew Smith
A/Director
Metropolitan Projects



Richard Pearson
Deputy Director General
Development Assessment & Systems Performance

APPENDIX A. STATUTORY CONTROLS

OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Minister's consideration and determination of an application under Part 3A must be informed by the relevant provisions of the Act, consistent with objects of the Act. The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

SECTION 75I (2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The DG's report to the Minister for the proposed project satisfies the relevant criteria under Section 75I of the Act as follows:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report;	The Proponent's EA is located at Appendix C and http://www.planning.nsw.gov.au/ The Preferred Project Report is located at Appendix D and http://www.planning.nsw.gov.au/
Any advice provided by public authorities on the project;	A summary of the advice provided by public authorities on the project is set out in Section 6 of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	N/A
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the project is identified below.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the development relative to the prevailing environmental planning instrument is provided in this report
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment of the project application is this report in its entirety.

The DG's report to the Minister for the proposed project satisfied the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in this report.
The suitability of the site for	The Bonar Street Precinct is appropriately zoned for high density

the project	residential development. Further, residential flat buildings are permissible development for the site within the Rockdale LEP 2000 (Amendment No.29). Overall, perimeter block siting, stepped massing and appropriate amenity is provided to the development balanced with achievement of reasonable level of amenity to neighbouring properties. Impacts are adequately mitigated by way of amendments in the PPR and appropriate consent conditions.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in this report.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are five accepted ESD principles:

- (a) *decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Act adopts the definition of ESD from the Protection of the Environment Administration Act.

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Integration Principle – Economic, environmental and social impacts associated with the development are considered positive for the locality. An entirely new resident population with an outlook and setting appropriate to an existing residential living environment will replace downgraded industrial land. Importantly, the development does not hinder key employment land for future industrial purposes. Further, the A high density residential development within the Bonar Street Precinct is compatible with the strategic policy context and is well served by existing and proposed infrastructure (including rail and bus connections). Environmental safeguards have been addressed through the proponent's PPR, Statement of Commitments and the recommended conditions/modifications of approval.

Precautionary Principle – It is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site therefore has a low level of environmental sensitivity. The site is considered suitable for residential development based on the contamination assessment undertaken by the proponent. Conditions of approval are recommended for those parts of the site inaccessible at the time of contamination investigation. Further, the site is subject to flooding but habitable areas and driveway entries have been provided with a 300mm – 400mm freeboard above the 100 year ARI flood interval for flood mitigation.

Inter-Generational Principle – The proposal represents a sustainable use of the site and the redevelopment will utilise existing infrastructure and make efficient use of the site. The redevelopment will also have positive ongoing social, economic and environmental impacts for the surrounding area.

Biodiversity Principle – The proposed development does not result in a threat of serious or irreversible environmental damage. The site has been extensively developed for some time and has a low level of environmental sensitivity. There is some natural vegetation on the site, to be

largely retained and incorporated into deep soil planting areas. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. Therefore the proposal will not impact upon the conservation of biological diversity or ecological integrity.

Valuation Principle – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate measures to mitigate adverse environmental effects and maximise energy efficiency through design. Benchmarking of proposed buildings has been undertaken using BASIX requirements for water, energy and thermal comfort targets by maximising opportunities for cross ventilation, daylight access to units, on site stormwater detention and use of drought resistant indigenous landscaping. The above mitigation measures will be included in the total cost of the project and considering environmental performance, accessibility and travel the proposal is considered to be acceptable.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- State Environment Planning Policy - Major Development (2005).
- Rockdale City Council Local Environment Plan 2000 (Amendment No.29).
- SEPP 65 – Design Quality of Residential Flat Development (Residential Flat Design Code (Planning NSW 2002).
- Rockdale Development Control Plan No.80 – Bonar Street Precinct.
- Rockdale Section 94 Contributions Plan (incorporating Amendments 1 – 4).

Other controls to be considered in the assessment of the proposal are:

- SEPP (Building and Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.55 – Remediation of Land

Development standards in Local Environmental Plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy - Major Development 2005

As discussed previously in **Section 5.1**, the Minister formed the opinion that the residential development at Arncliffe is a project to which Part 3A applies.

State Environmental Planning Policy No.65 (SEPP 65) – Design Quality of Residential Flat Development

SEPP 65 seeks to improve the design quality of residential flat developments through the application of a series of 10 design principles. An assessment against these principles is given in the below table.

A written declaration has been provided by Meriton Apartments Pty Ltd stating Mr. Peter Spira, General Manager, as a qualified designer for the purpose of SEPP 65.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The subject site is the first parcel within the Bonar Street Precinct undergoing transformation from a former industrial to high density residential area. The proposed perimeter siting and overall massing of each residential building is consistent with the detailed planning controls of Rockdale LEP 2000 (Amendment No.29) and Bonar Street DCP No.80 for residential flat built form.

Principle 2: Scale	The site is proposed to be redeveloped by 4 residential flat buildings, consistent in scale with Council's maximum building envelope controls for the Bonar Street Precinct. Building B and C appropriately incorporate a stepped mass where they adjoin lower residential scaled building forms. Despite some minor height variations sought from Council's controls (25m max) the proposed height is also consistent with the desired future character of Bonar Street Precinct which allows heights ranging from 24m to 27m directly opposite the site to the east.
Principle 3: Built Form	The desired built form outcome corresponds to the perimeter block development requirements in DCP 80. Specific planning controls governing setbacks, footprints, height and FSR ensure appropriate amenity of surrounding existing development is maintained by the proposal.
Principle 4: Density	The Bonar Street precinct is designated for a high density residential development. The Department accepts the Proponent's argument that the additional floor space (1.1% variation to 2:1GFA) is a minor variation to Council's control. The additional floor space, sited within the communal swimming pool/associated gym building, maintains acceptable residential amenity levels.
Principle 5: Resource, Energy and Water Efficiency	The proposal incorporates a number of measures to ensure the working sustainability of the development incorporating efficient use of natural ventilation and energy and water use. The proposal is BASIX compliant.
Principle 6: Landscape	The landscape treatment and integration of the site within the existing area will be improved when compared to the existing industrial environment. The proposal consists of a central, communal open space area, as well as retained trees within perimeter planting.
Principle 7: Amenity	<p>Reasonable solar access is maintained for all existing adjoining residential properties. Shadow cast onto adjoining properties to the south (Hirst Street) (as the most sensitive boundary to overshadowing) will be no greater than a building that complies with Council's 21m height limit.</p> <p>Privacy impacts to immediately adjoining properties in Knoll Avenue have been minimised via additional screen planting within the PPR response and an additional condition of approval to screen balconies off living areas.</p> <p>Bulk and scale impacts of the additional height across all four buildings is acceptable in context of built form controls for the site with the Bonar Street precinct, adjoining building heights, building line setbacks and provision of reasonable amenity.</p> <p>Noise impacts from construction works between the proposal, schools and residential properties have been adequately addressed via mitigation measures in conditions of approval.</p>
Principle 8: Safety and Security	Details on the measures to reduce risk in the basement level car park provided in the PPR such as graded lighting, CCTV at entry points, serve to improve safety and security for all users. Such measures have been adopted as additional conditions of approval.
Principle 9: Social Dimensions and Housing Affordability	A suitable mix of studio, 1, 2 and 3 bedrooms have been provided by the proposal. A surplus of studios / 1 bedrooms (14%) compared to 10% maximum under DCP is provided. There is a limited number of 3 bedroom units provide (8%) compared to 15% minimum as per Council's control. The Department accepts the proponent's view that the proposed mix is based on market analysis and considers it provide adequate housing choice.
Principle 10: Aesthetics	Articulation and modelling at the top of each building add appropriate interest to the building facades. The PPR provides for a materials sample board which includes a combination of rendered and painted masonry, / steel (paint finish). Upon review, the Department considers scope exists to improve upon the streetscape appearance of the development through conditions of approval.

The Department considers the proposal displays an acceptable level of consistency with the Principles in SEPP 65.

Residential Flat Design Code (RFDC)

The proposal has been assessed against the primary development controls contained within the RFDC. Key non compliances with the RFDC relate to building separation, open space, daylight access and storage. The key non compliances with the code are discussed in detail in Section 7 of this report.

Further, storage volumes for all units comply with SEPP 65, split between the internal unit layout and storage cages within the basement level car park, as detailed in the PPR response.

Rockdale LEP 2000 (Amendment 29)

The majority of the site is zoned 2(D) – High Density residential under RLEP (Amendment No.29). The proposal for residential flat development is permissible within the zone.

7(D) Local Road Reservation affects the northern boundary of Hirst St (by 1.1m) and the western boundary of Bonar Street (by 3.34m). Further, splay widening at the intersection of Bonar and Hirst Street is required. The development proposes the required road widening indicated as a new boundary on the plans.

Below is a table which details compliance with the main development controls under RLEP:

RLEP 2000 – Amendment 29	Control	Proposed	Compliance
2(D) High Density Residential Zone –	Residential Flat buildings permissible	Residential Flat Development	Yes
7(d) Local Road reservation zone	Hirst and Bonar Street affected.	To widen Hirst and Bonar Streets	Yes
HEIGHT (max)	Blg A - 21m Blg B – 21m Blg C – 21m Blg D – 21m +3m provided amenity impacts are acceptable	Blg A - 24m plant (25m) Blg B – 22m Blg C – 22m Blg D – 25m plant (25m)	Yes - minor variation considered acceptable
FSR	2:1	2.02: 1 (Total GFA of 33,010m ²)	Yes - minor 1.1% variation considered acceptable
FLOODING & VEHICULAR ACCESS	200mm- 500mm freeboard above 100 year ARI flood level for habitable floors and entrances to basements.	Affected by overland flood flows	Yes (refer to conditions of approval).

Table XX: Rockdale LEP 2000 (Amendment No.29) compliance table.

Development Control Plan No. 80 – Bonar Street Precinct (2008)

There is general compliance with siting and design of buildings within the DCP No.80 – Bonar Street Precinct, however areas of non-compliance include:

- DCP No.80 requires a 10m minimum setback from exterior building walls to the Arncliffe West Infants School. The proposal seeks approval for a variable 8.5 - 10.0m setback. Whilst the proposed setback does not comply with Council's control, the departure is minor and does not give rise to any adverse impacts to the adjoining property in relation to privacy, solar access or sense of enclosure. It is considered that the setback to the school is acceptable and if the control were to be enforced, no substantial improvement to amenity would result. In the circumstances, the proposed setback is supported.

- Unit mix: The Department accepts the proponent's justification that large apartments are limited in number due to affordability issues compared with studios/1 bedroom units. The Department considers a sufficient number of 3 bedroom units are provided to enable reasonable access to social mix, affordability and amenity across the development.
- Minimum apartment sizes do not comply with that outlined in the DCP but comply with SEPP 65 requirements. The Department agrees with the adoption of SEPP 65 minimum apartment sizes as it provides an acceptable level of residential amenity.

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated and, if so, whether the land will be remediated before the land is used for its intended purpose.

The Phase 2 contamination report supplied indicates residential development is suitable despite its former use for industrial and commercial purposes.

The Department notes a Phase 2 contamination assessment has been carried out over a limited part of the site. Therefore conditions are recommended to ensure the proposal complies with SEPP 55 Requirements during excavation.

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

SEPP – BASIX 2004 aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006.

BASIX certificates (237202M_02, 235406M_02, 237205M_02, 235350M_02) have been submitted indicating that each building will satisfactorily meet the required targets with a 20% reduction in energy use (20% target), 41% reduction in potable water (40% target) and thermal comfort pass (target pass). A condition of approval is recommended which requires demonstration that these measures have been incorporated into the building works prior to issue of a Construction Certificate for the development.

APPENDIX B. DIRECTOR GENERAL'S REQUIREMENTS

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 09_0148
Project	Project Application for a residential development including basement car parking, communal open space and a private gymnasium
Location	12-40 Bonar Street and 5 Loftus Street, Arncliffe
Proponent	Meriton Apartments Pty Limited
Date issued	14/8/09
Expiry date	If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.
Key issues (Core)	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none"> 1. Relevant EPI's policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: <ul style="list-style-type: none"> • Objects of the EP&A Act; • SEPP (Building Sustainability Index: BASIX) 2004; • SEPP 65 – Design Quality of Residential Flat Development; • Residential Flat Design Code (Planning NSW, 2002); • Draft South Sub-regional Strategy; and • Nature and extent of any non-compliance with Rockdale Local Environmental Plan 2000 and Development Control Plan No. 80 - Bonar Street Precinct (including any amendment) and justification for any non-compliance. 2. Built Form <ul style="list-style-type: none"> • The EA shall address the height, bulk and scale of the proposed development within the context of the locality and relevant planning policies, including consideration of the comments provided by the Design Review Panel. • The EA shall provide a view analysis to and from the site from key vantage points and also assess overshadowing impacts of the proposed buildings on the the central courtyard and communal open space. 3. Urban Design The EA shall address the design quality with specific consideration of the façade, massing, setbacks, building articulation to the street, use of appropriate colours, materials / finishes, landscaping, safety by design and public domain. The EA is to also address the following: <ul style="list-style-type: none"> • buildings are to address the street and contain street address; • ground floor units are to be provided with direct access to the street and include landscaping; • fencing at the street frontage is to address Council's policies; • the basement car park should be below finished ground level or to a maximum of 1 metre above ground, subject to consideration of the minimum flood level requirement; • all plant rooms and lift overruns are to be integrated into the overall design; and • all levels are to be safe, secure and legible.

	<p>4. Environmental and Residential Amenity The EA must address solar access, acoustic privacy, visual privacy, storage for residents, view loss, wind impacts and achieve a high level of environmental and residential amenity (including a high level of environmental amenity for private and communal open space on the site).</p> <p>5. Car parking The EA must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines (Note: The Department supports reduced car parking rates in areas well-served by public transport).</p> <p>6. Transport and Accessibility (Construction and Operational) The EA shall provide a Traffic and Accessibility Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road / intersection upgrades (including between Bonar Street and the new proposed New Road West), access, loading dock(s), car parking arrangements (separated visitor and resident parking), landscaping works, measures to promote public transport usage and pedestrian and bicycle linkages, an assessment of the implications of the proposed development for non-car travel modes (including public transport, walking and cycling (bicycle storage is to be provided in the proposal)), and also identify measures to mitigate potential impacts for pedestrians and cyclists during the construction stage of the project.</p> <p>7. Ecologically Sustainable Development (ESD) The EA shall detail how the development will incorporate ESD principles / initiatives in the design, construction and ongoing operation phases of the development.</p> <p>8. Contributions The EA shall address Council's Section 94 Contribution Plan and / or details of any Voluntary Planning Agreement.</p> <p>9. Drainage The EA shall address drainage / flooding issues associated with the development / site, including: overland flow paths, stormwater (including water quality and flow impacts upon surrounding waterways), drainage infrastructure, incorporation of Water Sensitive Urban Design measures and compliance with other relevant Council policies.</p> <p>10. Utilities In consultation with relevant agencies, the EA shall address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</p> <p>11. Staging The EA must include details regarding the staging of the proposed development (if proposed).</p> <p>12. Contamination The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55 – Remediation of Land.</p> <p>13. Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>, including consultation with the adjoining Arncliffe West Public School in relation to noise and construction impacts from works being carried out on the site.</p>
Deemed refusal period	60 days

Plans and Documents to accompany the Application

General	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP; and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
Plans and Documents	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed; • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground;

	<ul style="list-style-type: none"> any changes that will be made to the level of the land by excavation, filling or otherwise; detailed sections (scale 1:20) of the street walls of all buildings including the interface between the ground floor units and the public domain and at least section one that shows typical treatment of the building entry. <p>5. Other plans (to be required where relevant):</p> <ul style="list-style-type: none"> Stormwater Concept Plan - illustrating the concept for stormwater management. Flood Study - a flood study is required for the intersection of Bonar Street and Hirst Street and for the conveyance of flows from the catchment upstream of Loftus Street. Erosion and Sediment Control Plan - plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site. Geotechnical Report - prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons. View Analysis - visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas. Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. Shadow diagrams - showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm. In addition, a further plan at 1.00pm for the winter solstice should be provided to determine compliance with Council policies. Waste Management Plan - illustrating how the waste is to be managed from the site in accordance with Council policies. Construction Management Plan - providing details of the management of the construction activities to be carried out on the site in accordance with Council policies.
<u>Documents to be submitted</u>	<ul style="list-style-type: none"> 1 copy of the EA, plans and documentation for the Test of Adequacy; 12 hard copies of the EA (once the EA has been determined adequate); 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and 12 copies of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.

APPENDIX C. ENVIRONMENTAL ASSESSMENT

APPENDIX D. PREFERRED PROJECT REPORT

APPENDIX E. MVK Pty Ltd REPORT

APPENDIX F. STATEMENT OF COMMITMENTS

12-40 Bonar Street and 5 Lotus Street, Arncliffe

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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 to 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.~~



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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.



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Information in this report is confidential to the project and is not to be released to the public without the approval of the Council.