

Department of Planning

PLANNING REPORT

FILE NO: S02/00911 Pt 1
SUBJECT: Development Application No. 310-11-2001 - Application for a staged Development Application within Precinct A – Rhodes Peninsula.
Report on the remainder of the site – Residential Component – PART B

1. PROPOSAL

This planning report deals with the proposal for the residential component of the site also referred to as W3B. The proposed development in DA 310-11-01 is classified as 'Integrated Development' as consent is required from both the Roads and Traffic Authority under the Roads Act as well as the Waterways Authority under the Rivers and Foreshores Improvement Act. The W3B component is part of the 'Integrated' application under the Rivers and Foreshore Act, 1948.

The residential component (W3B) will be located on Super Lot 1 which is located at the south western side of Precinct A, adjacent to the Foreshore reserve (Refer to Figure 4.1). In total, the applicant proposes to spread the 137 dwelling units throughout the 4 buildings (buildings 5,6,7,8), which vary in height from 2 to 6 storey with a GFA of 15, 296sqm. For the purpose of clarity the residential component assessed under this report can be summarised as follows:-

Residential W3B

- Building 5 – a four storey multi-unit apartment building containing 63 units;
- Building 6 – six storey multi-unit apartment building containing 45 units;
- Building 7 – 5 double storey terraces;
- Building 8 – 24 apartments within a three storey walk-up multi-unit buildings;
- Shored Basement car park with vehicular and service entrance onto Secondary Street;
- A large central communal courtyard located directly over the car park structure, with a swimming pool, lawn area and paved barbecue area;
- Private gardens and courtyards around the perimeter of the four buildings;
- A large west facing garden overlooking the Foreshore Reserve; and
- Landscape Scheme for W3B.

The proposed basement has a total of 170 car parking spaces, 3 disabled car-parking spaces, 2 motor cycle spaces, 57 bicycle spaces, 270.15m² of storage together with a proposed vehicle entry point onto a pedestrianised Secondary Street. Private open space is proposed in the form of an internal courtyard, the western setback area of Building 5 also referred to as the 'Waterfront Garden', private balconies and a number of private ground floor courtyards. Building 5 and Building 6 will be separated from the Foreshore Reserve by a 1.2-metre high wall. The details of W3B are broken down in Table 4.1 below and elevational perspectives are provided at Figures 4.2 and 4.3.

The applicant does not propose to excavate below the water table level and therefore proposes to have a common basement RL of 1.50, therefore avoiding triggering Clause 22 of SREP 29 – Rhodes Peninsula. Lot 1 will therefore be raised to ground floor level of RL 5 for Building 5, 6 and 7 with Building 6 having a ground floor level of RL 6 with part of the internal courtyard rising to an RL of 6.3 which is to accommodate the swimming pool above the concrete slab of the basement car park.

TABLE 1.1 BREAKDOWN OF RESIDENTIAL COMPONENT

Description of Buildings within Super Lot 1	Gross Floor Area (m ²)	Building Height	No. of Units	Breakdown of Units	Building Use
Building 5 (facing the waterfront)	7,503	4 storeys	63	6 - 1 Bedroom* 7 - 2 Bedroom 27 - 2 Bedroom + * 22 - 3 Bedroom 1 - 3 Bedroom + *	Residential
Building 6 (Entry Residential Building to Precinct A, facing Mangrove Park)	4,744	6 storeys	45	8 - 1 Bedroom + * 35 - 2 Bedroom 2 - 3 Bedroom + *	Residential
Building 7 (terraces facing Secondary Street)	840	2 storeys	5	5 - 3 Bedroom	Residential
Building 8 (Walk-up residential building facing Shoreline Avenue)	2,209	3 storeys	24	1 - 1 bedroom 23 - 2 bedroom	Residential
TOTALS	15,296		137		Super Lot 1 Residential Use only

- Study Room

Figure 1.2 Artist Impression of Building 5 and 6 as viewed from the Homebush Bay.



Figure 4.3 provides an artist impression of the built-form of Building 5 and Building 6 facing Homebush Bay and Mangrove Park. The design changes made to late May 2002 are incorporated into this perspective. The landscaping of the Foreshore Reserve is indicative of the type of landscaping scheme proposed. (Please refer to architectural drawings approved under DA 310-11-01 Schedule 2 – Residential Component Part B).

2. NOTIFICATION AND EXHIBITION

The DA, SEE and supporting documents were exhibited for a period of 45 days from 12th December 2001 to 25th January 2002. This exhibition period was later extended until 8th February 2002 by the request of Council.

As part of the notification process Planning NSW notified several public bodies (including but not limited to RTA, EPA, DOT, NSW Health, Sydney Water), community groups and owners and occupants of properties within the vicinity of the Precinct 'A'.

A total of 160 submissions were received as a result of the exhibition of DA 310-11-01 and 375-12-01. Of these, approximately 130 were a standard pro-forma submission from residents of Liberty Grove (a residential development south of Rhodes Peninsula). As a result of the subject DA being exhibited concurrently with DA's 353-12-01 and 375-12-01, the majority of submissions received addressed the entire redevelopment of the Orica Site, rather than raising specific issues related to the residential component in Precinct 'A'.

The main issues raised by the submissions which relate specifically to W3B are as follows:-

- Concern expressed for when community facilities would be provided for the residential component;
- Overall architectural design lacks merit and provides little visual interest. In addition they do not reflect the history of the site;
- Excessive bulk and width of the buildings;
- Poor cross ventilation provided and general poor regard to ecologically sustainable development principles;
- Lack of information provided on adaptable and affordable housing;
- Lack of information on whether the development caters for people with disabilities;
- Recommendation for ESD principles to be applied;
- Concern that the levels of contamination on the site still has the potential to cause an unacceptable level of risk to human health and the environment; and
- Concern that the style of the apartments will lead to a high level of transient residents.

A detailed submission report addressing all submission issues is attached to the covering submission for DA 310-11-01

3. STATUTORY FRAMEWORK:

3.1 Introduction

Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula is the primary instrument guiding development on the land and makes the Minister for Planning the consent authority. Precinct 'A' forms part of Rhodes Peninsula and is a site of 'Strategic Significance' as defined in Schedule 2 of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56). Tags A to E provide an assessment against the relevant requirements of SREP 29, SEPP 56, DCP 2001, Draft SEPP 65 – Design Quality of Residential Flat Development and has been assessed against s79c of the Environmental Planning and Assessment, Act 1979.

3.2 Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula

SREP 29 is the primary instrument that guides any development in Precinct A. Proposed Super Lot 1 is zoned for residential development. As such the 4 residential buildings are permissible development, with consent at this location. This DA has been assessed against the planning principles of SREP 29. Please refer to report tagged 'A':

3.3 Section 79C EP & A Act, 1979 - Matters for Consideration

The residential development, W3B was assessed under the matters for consideration under section 79C of the Environmental Planning and Assessment Act, 1979. An assessment of the proposal under Section 79C is therefore provided in attachment tagged 'E'.

3.4 Sydney Environmental Planning Policy No. 56 – Sydney Harbour Foreshore and Tributaries

Before granting any consent on land affected by SEPP 56, the Minister must take into consideration the guiding principles set out in Clause 7 which relate to a number of issues including increasing public access to and use of the foreshore as well as the character of any development as viewed from the water and its compatibility with the surrounding foreshore. The guiding principles have been considered in the attachment tagged 'B'.

3.5 Sydney Environmental Planning Policy No. 6 – 'Number of Storeys in a Building'

SEPP No. 6 aims to remove any confusion arising from the interpretation of provisions in the various environmental planning instruments which control the height of buildings by reference to the number of storeys, floor or levels which the buildings contain, by specifying the manner in which the issue of height is determined. However, SREP 29 under Clause 16 adopts a height map, which no building on any land within Rhodes Peninsula shall exceed. SREP 29 prevails over SEPP 6.

3.6 Sydney Environmental Planning Policy No. 55 – Remediation of Land

While SEPP 55 applies to the subject site, the provisions of the SEPP do not cover the works proposed under the current DA. SEPP 55 was also taken into consideration in the assessment of the previous development applications (DA 98/97), dealt with by the then Concord Council, for the remediation of the site, which has now been carried out.

The applicant has recently submitted copies of the Site Audit Statement and the Summary Site Audit Report prepared by an accredited auditor. These documents verify that the site has been remediated to the required standards in accordance with the conditions of the development consent issued by Council for the remediation of the site.

A separate issue regarding health risks due to contamination in the mangroves adjoining and to the south of the site, has been raised by the Department of Health. A condition is proposed to require management of this matter. (refer Part B conditions).

3.7 Sydney Environmental Planning Policy No. 11 – Traffic Generated Development

This DA was referred to the Roads and Traffic Authority for their comment, as required under SEPP 11. A meeting of the Sydney Region Development Advisory Committee (SRDAC) was held on 9th January 2002. Subsequent to that SRDAC provided formal comments on the development having full regard to SEPP 11. In addition, the general terms of approval were received from RTA on the 9th May 2002 and these have been incorporated in the conditions of consent for the remainder of the site. (part E general)

3.8 Sydney Regional Environmental Plan No. 22 – Parramatta River

Under Clause 20 of SREP 22, there are several different matters for consideration when assessing development applications along the Parramatta River. The main issues relevant to the residential

component are the appearance from the waterways and foreshores and the effects on existing drainage patterns. In terms of the appearance of the development from the waterways this has been considered in Section 4 of this report which assesses the visual impact of the residential development. Matters related to drainage of the Stage 1 DA are addressed into the planning report for the remainder of the site as well as the assessment report for SREP 22 tagged 'F'.

3.9 Rhodes Peninsula– Development Control Plan

The purpose of the Development Control Plan (DCP) is to clearly set out the vision for the future development in Rhodes Peninsula, which is implemented through the planning controls and guidelines. In this regard, the DCP must be used in conjunction with SREP 29 and SEPP 56 and together they form the framework by which the consent authority makes decisions within Rhodes Peninsula. Essentially the DCP provides more detailed provisions than SREP 29 and SEPP 56, which aims to ensure that Rhodes Peninsula is developed as a high quality urban environment that is a vibrant, attractive and safe part of the wider Metropolitan Sydney Region. A detailed assessment of the DCP is tagged 'C'.

3.10 SYDNEY HARBOUR FORESHORE DESIGN REVIEW PANEL

On the 1st February 2002 the applicant presented the 'Residential Component' of DA 310-11-01 to the Sydney Harbour Design Review Panel (SHDRP). The SHDRP final comments described the 1st Stage 'Residential Component' as "a full block development made up of 2-storey townhouses, 3 –storey floor through walk up apartments and 4 to 6 storey apartments along the parkland. The courtyard form of the waterfront building is supported to break up the bulk of the western elevation. More tree planting within the courtyard would also help reduce the scale of the development along this frontage" (Refer to Tag G). The overall concerns raised by the SHDRP are summarised as follows;

- *The proximity of some of the residential buildings to neighbouring buildings in the 1st stage is of concern. Amenity and privacy appear to be compromised in some locations and may need reworking.*
- *The six storey building scale fronting Mangrove Park is not supported on the foreshores for its bulk and potential overshadowing.*
- *The number of single aspect apartments with no cross ventilation should be minimised. There appears to be more opportunity for cross-ventilated apartments in the foreshores for its bulk and potential overshadowing.*
- *The number of single aspect apartments with no cross ventilation should be minimised. There appears to be more opportunity for cross-ventilated apartments in the foreshore block.*
- *Overlooking from the ridge makes the treatment of the roof-scape of the buildings very important. Lift overruns should be integrated into the design of the roof.*
- *A generally subdued palette of materials and colours is recommended. Darker recessive tones should be tested. Bright colours should only be used in limited areas for accent.*

The major changes suggested by the panel were to the roof structure, and internal modifications to increase the opportunity for cross ventilation. During the assessment period the Department requested the applicant amend: the roof-scape to incorporate lift overhangs into the roof treatment to reduce the number of single aspect apartments, and revisions to materials as well as other aspects.

4. THE WATERWAYS AUTHORITY

On the 14th May 2002 the Waterways Authority provided their General Terms of Approval for the proposed development, as required for integrated development. These have been incorporated into the proposed conditions of development consent. (refer Part E general).

5. ROADS AND TRAFFIC AUTHORITY

Section 138 (of the Roads Act 1993) approval for the connection of the proposed on-load and off-load ramps to/from Homebush Bay Drive, (a classified road) is required and the DA is therefore integrated under the *Roads Act*.

Pursuant to Section 64 of the *Roads Act*, the RTA exercised Canada Bay Council's functions in respect of the approval function relating to the connection of the on/off ramps on Homebush Drive under Section 138 of the *Roads Act*. Consequently, the RTA has provided its general terms of approval. These have been incorporated into the proposed conditions of development consent.

6. MATTERS FOR CONSIDERATION

6.1 INTRODUCTION

This DA seeks approval for the residential development on Lot 1 as described earlier. The DCP requires that all new development within the Rhodes Peninsula must demonstrate a high quality of architecture and aim to provide a positive contribution to the future residential occupants through the creation of a vibrant community. The proposed development has been assessed with this in mind. The main concerns raised from the assessment of W3B are as follows:-

6.2 FURTHER DETAILS

The level of detail provided in the initial drawings is inadequate. The architectural and landscape plans lack detail and the revisions do not go far enough to deal with such matters as proper use of external materials and finishes, visual and acoustic privacy, natural ventilation, resolution of overall design of both Building 5 and 6 to mention but a few. Several conditions are proposed requiring the approval of the Director General to deal with all matters that are yet to be resolved.

6.3 RESIDENTIAL USE

Clause 11 of SREP 29 and Section 5.1.1 establishes the acceptable land uses within Precinct A. As such Lot 1 is zoned exclusively for residential use and is therefore considered that the proposed residential development is permissible with consent at this location. Under SREP 29 residential buildings are defined as '*any form of housing, including that leased on a short term basis, but does not include a hotel, an apartment hotel (being a building consisting of suites of rooms rented or hired without leases on a short term basis) or a motel*'. A condition is proposed to restrict the use of residential buildings.

6.4 VISUAL IMPACT

6.4.1 General

The waterfront location of the site will mean that the residential component will be highly visible from Homebush Bay as well as public and private land across the Bay. Therefore, the buildings have the potential to have a significant positive or negative visual impact. It is therefore considered that the residential buildings, in particular Building 5 and 6 should achieve a high level of architectural merit and be sympathetic to their waterfront location. A good relationship with the surroundings can be achieved through variety of different methods which include sensitive building design, good landscaping, proper use of materials and finishes and appropriate use of colours to mention but a few which should come together to enhance the visual amenity of the area. Bearing this in mind an assessment of the visual impact of W3B has been carried out under the following sections:-

6.4.2 Landscape Treatment

According to Section 4.1.6 of the DCP the “landscape treatment of the peninsula can provide amenity, improve legibility of the urban environment”. In this regard, the Waterfront Garden on the western elevation of Building 5 will play an important part in creating a positive visual impact of W3B when viewed from the Foreshore Reserve and across Homebush Bay. In addition, the Waterfront Garden together with the Foreshore Reserve has the potential to break up the long facades of Building 5 and 6 giving a feeling of depth and texture. However, it should be noted that to date no landscaping scheme for the Foreshore Reserve has been agreed with the Department. Notwithstanding this, it is considered that by applying the private and public open space objectives and controls set out in Section 4.1.6, 4.4.2, 4.4.3 and 5.4 of the DCP it is possible to assess the impact of the Waterfront Garden against the landscaped area of Foreshore Park and as viewed from the public domain and across Homebush Bay. For example, the primary objective of the DCP is to encourage the use of mixed indigenous species as part of the re-establishment of the riparian zone along the foreshore. It is considered that a good variety of mixed indigenous planting is achieved within the private domain which will obviously connect into the Foreshore Reserve through the Waterfront Garden in front of Buildings whilst still maintaining its function as an area of useable private open space. However, it is considered that the 2 tall trees provided within the Waterfront Garden are not considered to successfully break up the western elevation of Building 5. Therefore, a condition is proposed which requires additional planting of trees within the setback portion of the western facade of Building 5 to further break up the long western facade of Building 5 and to soften its overall appearance where repetition of external materials and finishes are apparent.

6.4.3 Built Form and Bulk

Section 5.2 of the DCP establishes the controls to be applied to buildings within the public domain so as to ensure high quality design to the use of ecological sustainable development principles. It is considered that the built form and bulk of the residential buildings will affect the visual impact of this development as viewed from the surrounding public domain and from Homebush Bay. In examining the relationship between the proposal against the requirements of the DCP it is considered that there are a number of non-compliances with the controls set out in Section 5.2 of the DCP. (Refer to elevations attached).

Of particular concern are Building 5 and 6 which are the two dominant buildings within W3B and are a height of 4 and 6 storeys with long facades with several pitched roof elements. In general it is considered that their heights comply with Clause 16(1) of SREP 29 – Rhodes Peninsula. However, the high finished ground floor RL's which range from 5 to 6, the additional solitary skillion (pitch roof elements) together with the lift and service towers above the parapets adds to the overall appearance of height. It is also considered that the skillion pitched roof elements cause visual confusion with their lack of symmetry and their angular form, which appears to conflict with the taller square lift overruns. It is therefore considered that the design fails to comply with Control 10 of the DCP which states “to enhance the visual character of the Rhodes Peninsula rooftops should be designed to minimise bulk and as part of local views”. This causes concern particularly as Section 3.1.1 of the DCP states that to “preserve the cultural heritage value of the place by retaining wherever practical existing streets, established stands of trees, site benching, pre-reclamation shoreline and the flat terrain of the reclaimed area”. As the residential development is located entirely within reclaimed land it is considered that the substantial mounding of the site is not in keeping with this objective of the DCP. A condition is therefore proposed which will require the applicant to reduce the apparent bulk of the roof-scape by deleting some areas of pitched roof.

Rather than providing thin cross section buildings which are encouraged under Section 5.2.2 of the DCP which states “to achieve good cross ventilation and access to natural light, the depth of residential buildings should be less than 12 metres and should not exceed 18 metres from window face to window, and 21 metres overall including balconies, terraces and the like” the applicant has opted for long wide buildings with large floor-plates for Building 5 and 6. This has resulted in long facades on wide buildings which the applicant has failed to adequately articulate through the appropriate use of design elements, external materials and finishes. As a result there is a concern that both of these buildings

have the potential to have a negative impact on the visual amenity. A condition is proposed to ensure better articulation of Building 5 together a condition that will require that the applicant to submit revised sample boards which break up, differentiate and better articulate the buildings. This should further enhance the visual appearance of all residential buildings within W3B.

6.5 DESIGN IMPACT

6.5.1 Heights

Clause 16(1) of SREP 29 establishes the height distribution within Rhodes Peninsula. This distribution generally follows the topography of the site, ranging from low level reclaimed land at the foreshore and higher buildings along the north-south ridge with the aim of ensuring maximum view sharing opportunities and controlling the impact of new development along the waterfront. The varying heights proposed for this residential component within Lot 1 ranges from 2 to 6 storeys and comply with both SREP 29 and the objectives of the DCP. There are two concerns in relation to height: (i) is that the ground level of Lot 1 is substantially raised to accommodate the underground car park and (ii) the pitched roof elements on Building 5 add significantly to the height as viewed from the Homebush Bay. These matters are dealt with/discussed under separate sections of this report.

6.5.2 Building Bulk

The built form has largely been established through the DCP Framework Plan and the building height conforms generally to the topography, ranging with lower buildings along the waterfront to ensure maximum view sharing. The residential component has been designed around an internal courtyard and a built edge setback from Shoreline Avenue (3m) and Secondary Street (5m) and a 20 metre setback from the 1.2 metre high terrace wall to the property boundary which comply with the setback controls set out in Section 5.2.3(i) of the DCP.

Section 5.2.2 of the DCP states "thin cross section buildings improve the amenity of living and working environments, and directly promote sustainable practices...". In addition, Section 5.2.2 Control 5 "states to achieve good cross ventilation and access to natural light, the depth of residential buildings should ideally be less than 12 metres and should not exceed 18 metres from window face to window face, and 21 metres overall including balconies, terraces and the like". It is considered that the applicant fails to comply with the permitted building bulk and as such the window face to window face distances average from 32 to 37 metres in Building 5 and in Building 6 and 20 to 22 metres. This has resulted in high number of single aspect apartments, with the original architectural plans indicating 61 apartments in Building 5 and 6 having single aspects. The chosen building bulk has resulted in further non-compliances with Section 5.2.2 Controls 6, 8, 9 and 10.

During the assessment of the residential component negotiations with the applicant have resulted in further internal reconfigurations that have reduced this number to 27 single aspect apartments, 11 of these which are north facing and benefit from good solar access. It is recommended that further internal reconfiguration of apartment sizes in Building 5 can achieve a further reduction in single aspect apartments. A condition is proposed to ensure that the number of single aspect apartments within Building 5 is further reduced by some internal alterations to apartments.

The large floor plates and subsequent excessive width of most sections through Building 5 and 6 has resulted in double loaded corridors. It should be noted that Section 5.2.2 Control 8 and 9 discourages double loaded corridors, except for corner apartments or in buildings that have a high number of cross over apartments as they discourage quality living environments by making it difficult to achieve good solar access and natural ventilation. It is therefore considered that Building 5 and 6 does not comply with the objectives of the DCP for building bulk. A condition is proposed to ensure that the applicant improves the overall quality of the living environments by ensuring a higher level of ESD principles is achieved.

6.5.3 SOLAR ACCESS AND NATURAL VENTILATION

Sections 5.2 and 5.5 of the DCP encourages high quality living environments to achieve solar access to internal and external areas as well as aiming to maximise natural ventilation. A variety of Controls are set out in Section 5.2 and 5.5 which aim to ensure that certain minimum standards are achieved. These range from Section 5.2.11 - Control 5 which states "to achieve high quality living environments, a minimum of 2 hours direct sunlight per day should be provided to principal living rooms and private open spaces in at least 75% of dwellings within a residential development on the 22nd June" to Control (3) of Section 5.2.12 which states "to achieve natural ventilation, doors and openable windows should be located in two walls facing different or preferably opposite directions. The placement of small low windows on the windward side of a building, and larger higher windows on the leeward side, can encourage cross ventilation".

It is considered that the wide building depth together with the large floor plates has made it difficult to achieve the objectives of the DCP in terms of solar access and natural ventilation. Though negotiations have been conducted with the applicant to address the areas where the applicant has failed to comply it is still considered that there is significant non-compliance with the DCP on these matters in the revised drawings. A number of conditions are proposed which requires the applicant to address natural ventilation through the reconfiguration of the internal apartment dimensions of Building 5 to encouraging more ecologically sustainable design.

It should be noted that as the landscaping scheme for the Foreshore Park has not been approved it is difficult to assess whether the trees proposed for this open space reserve would have any positive or negative effect on solar access to the apartments.

6.5.4 MATERIALS AND FINISHES

Building materials can cause a number of impacts from before they reach the site, during their life-span and their eventual disposal. The DCP encourages building materials, which minimise environmental impacts and enhance the overall appearance of the buildings (Refer to Section 5.3.13). A number of sample boards were submitted by the applicant during the assessment of the DA to address the Department's concern about the use of inappropriate materials. It is considered that there are a number of issues relating to the materials including the applicant not fully resolving the colour palette to adequately differentiate between materials, lack of durable materials and poor choice of colours. Cumulatively it is considered that uncertainty over the materials and finishes exists to the extent it is considered that a condition is required to fully resolve the materials and finishes as well as to achieve appropriate differentiation of all residential buildings within W3B.

6.5.5 SETBACK AND EDGE CONDITIONS

A clear definition between private and public space is considered essential. The DCP establishes the building line for buildings within Lot 1 as follows:

- a) *Building 5 along Foreshore Park has a setback edge of 3 to 10 metres from the 1.2 metre terrace wall or 30 metre to the foreshore edge;*
- b) *Building 6 along Foreshore Park has a 5 metre setback from the 1.2 metre terrace wall together with a separation distance of 20 metres from the foreshore edge to the 1.2 metre terrace wall;*
- c) *Building 7 along Secondary Street has a preferred 5 metre setback; and*
- d) *Building 8 along Shoreline Avenue has a 3-metre setback.*

It is considered that the foreshore edge shall mean the property boundary which in the case of SREP means the base of the seawall.

A well-designed boundary treatment is an essential part of any development. In this regard, various requirements have been set out by Section 5.2.3 and 5.4.2 of the DCP to ensure a number of matters,

which include high quality materials, defining entry points to buildings and the control of height particularly along adjoining streets and public open space areas. Overall it is considered a number of concerns are still present with regards to the overall boundary treatment. In particular, the applicant has provided excessively high boundary treatment along Shoreline Avenue, which under the DCP shall not exceed 1.2 metres from finished footpath level of the adjoining street. In addition the DCP also allows for the buildings to interpret the topography of the site through sloping or stepped boundary treatments along Secondary Street and the 1.2 metre terrace wall edge along Foreshore Park. It is considered that as a result of mounding up the site the applicant has opted not to step the boundary treatment down from Shoreline Avenue to the 1.2m terrace wall fronting the Foreshore Park. This report proposes a condition to ensure that the boundary treatments are redesigned and finished in suitable solid materials.

6.5.6 VISUAL AND ACOUSTIC PRIVACY

Under Section 5.2.9 and 5.2.10 the DCP sets out controls to achieve privacy to private internal and external spaces. In addition this section of the DCP clearly sets out the parameters for applying visual and acoustic screening. However, it is considered that the applicant has failed to have regard to the definition of habitable and non habitable room and as such a problem arises when one considers that several of the habitable rooms within Building 5 fail to achieve the minimum separation distances. It is considered that there is visual and acoustic privacy is compromised. A condition is therefore proposed which puts forward mitigation measures to safeguard the visual and acoustic privacy of the future residents of W3B.

6.5.7 LANDSCAPING

The overall objective for landscaping within this area is set out in Section 5.4 of the DCP and generally aims to provide amenity, to improve the legibility of the urban environment and to enhance the public and private domain to mention but a few. The landscaping around the perimeter of Building 5 and 6, particularly the set back portion of Building 5 as discussed above is extremely important and should aim to integrate with the landscaping concept of the Foreshore Reserve.

After assessing the landscape plans, it is considered that the applicant has not thoroughly examined their landscape scheme in detail against the constraints of the site. To create optimum conditions for the establishment and long term viability of planted areas a minimum depth of 500mm of soil must be provided in planting beds above underground car parking areas. This should total a minimum of 5% of the site area (in addition to deep soil landscaping). It is considered that the applicant has provided a number of planting beds over the underground car park which fail to provide adequate soil depth for the establishment of *Robinia pseudoacacia* Frisia (Black Locust) and *Prunus cerasifera* Nigra (Purple Leafed Plum). A condition is proposed to omit two trees from the landscaping scheme in favour of a more suitable replacement tree species.

As mentioned previously in this report it is considered that the landscaping can play an important role in creating a positive visual setting for buildings. In relation to the planting scheme around the built edge of W3B it needs to help create a soft edge or frame for the buildings. This could be further enhanced in the 'Waterfront Garden' on the western facade of Building 5 by introducing more trees. It is considered that this will visually enhance the waterfront building as well as its appearance from across Homebush Bay by further breaking up the facade. A condition is proposed to require additional tree planting within the setback portion of Building 5.

In addition it is also considered that the choice of planting within the landscaping scheme should be biased towards drought resistant species. This should ensure that once the planting is established they should be able to receive virtually all water needs from rainfall and make no energy demands on the development in terms of extra watering requirements. In conjunction with this, water conservation practices should be implemented as part of any proposed irrigation system for the landscaped areas. Thus ensuring that a reduction in water demand and efficient use of water on site. It is recommended that water conserving landscape practices such as the use of mulch, drip irrigation, zone irrigation,

limited turf areas and flow regulators on hoses should be incorporated into the design as per the objectives of the DCP for water conservation. A condition is proposed to require the applicant to apply water saving techniques as part of the irrigation system for the private open space areas of W3B.

6.5.8 DEEP SOIL PLANTING

Section 5.2.2 of the DCP requires that all buildings have a building depth of less than 12 metres and that no building should exceed 18 metres from face window to face windows. This objective aims to ensure not only good ventilation and access to natural light but also to reduce site cover, resulting in increased landscaping areas. It is considered that the design of the four buildings on Lot 1 together with the design of the basement car park precludes the provision of deep soil planting on much of the site.

Section 5.4.1 Control 1 states inter alia that “to optimise natural infiltration and encourage substantial planting, a minimum of 20% of the total site area should be provided as deep soil landscaped space in all developments in the residential zone. ... Areas included as deep soil should have a minimum dimension of 2 metres”. In addition the DCP states that to maximise deep soil planting, car parking should be located under the building footprint to the greatest extent possible (refer to DCP Section 3.1.8 and 3.1.10). This is to ensure that there is sufficient deep soil landscape space for tall trees. This DA fails to comply with these provisions of deep soil planting. The applicant has provided only 12.3% deep soil planting on this site. This has resulted in a number of problems in terms of providing adequate soil depth on site for the planting of substantial trees, eg substantial trees can not be planted within the internal courtyard due to inadequate soil depth. This report recommends that alternative trees for example substantial evergreen species to the front of Building 5 are chosen as well as other replacement trees that can tolerate shallow soils but still grow to a height of at least 20 metres. A condition is proposed to require this, however it is considered that the planting for this site can be approved conditional that an average of 20% deep soil planting is achieved across the whole of Precinct A and that evidence is provided prior to any further DA for development on Precinct A.

6.5.9 PRIVATE AND COMMUNAL OPEN SPACE

Private open space is provided in the form of balconies and private courtyards. All dwelling units benefit from access to some form of private open space. It is considered that the spaces provided are useable and have the potential to act as an extension of the internal living areas.

Communal open space is provided in two areas; the internal courtyard and the setback portion of Building 5. As part of the communal open space the applicant proposes to provide a 110sqm fenced off swimming pool.

6.6 DWELLING MIX AND ESD PRINCIPLES

Section 5.2.7 of the DCP states that “a mix of apartment types and sizes is promoted to cater to a variety of socio-economic, age, ethnic and other circumstances. A range of dwelling sizes and types creates a housing mix that will cater to a diverse population and enrich the local character. This DCP encourages a component of individual duplex, pair and row housing, but recognises that the apartment type is likely to be the predominant housing form on the Rhodes Peninsula”. A number of controls are set down which aim to ensure that this mix is achieved, such as Control 1 states “to achieve a mix of dwelling sizes, all residential and mixed use developments between 15% to 30% studio or one bedroom apartments, and a minimum of 10% three or more bedroom apartments, located on the ground floor wherever possible, with direct access to private open space” ranging to Control 8 which states “to innovatively combine different apartment types, ‘hybrid’ buildings are encouraged”.

It is considered that the applicant complies with Control 1 with 137 apartments provided which are broken down as follows: (i) 15 are 1-Bedroom, (ii) 92 are 2-Bedroom and (iii) 30 are 3-Bedroom units. The dwelling types range from two and three bedroom waterfront apartments, 3-bedroom townhouses, 2-bedroom walk-up apartments and a mixture of 1, 2 and 3-bedroom lifted apartments (refer to Table 1.1 (earlier in report) & table 6.2). It is therefore considered that a good variety of housing choice has been provided with singles, couples and families all catered for as required under Section 5.2.7 of the DCP. In terms of future adaptation according to the information provided to date, Building 5 and 6 will be constructed in a concrete frame construction, which will permit the future internal reconfiguration of the apartment layouts as permitted under Section 5.2.8 of the DCP. Notwithstanding this, it is considered that the applicant fails to provide any hybrid buildings through the design of the residential buildings which has been discussed throughout Section 9.

General Breakdown of W3B

Description of Building	Gross Floor Area (m2)	Building Height	No. of Units
Building 5	7,503	4 Storeys	63
Building 6	4,744	6 Storeys	45
Building 7	840	2 Storeys	5
Building 8	2,209	3 Storeys	24
TOTAL	15,296		137

The DCP defines Ecologically Sustainable Development (ESD) as *“development that uses, conserves and enhances the community’s resources so that ecological processes, on which life depends, are maintained and the total quality of life now and in the future can be increased”*. In this regard, the residential development has been assessed in terms of its achievements or lack thereof with respect to such matters as energy efficiency, minimisation of green house gas emissions, the efficient use of land and resources, and more. A number of conditions are proposed which will require the applicant to make further steps towards achieving a more ecologically sustainable residential development.

The energy efficiency of any building is determined not only by its design but also by the energy consumption requirements and practices of the occupants. It is therefore considered essential that all new developments shall meet a minimum level of energy efficiency and environmentally responsible development. According to the SEE a number of objectives will be achieved through implementing solar design to maximise natural lighting and ventilation, reduction of heating and cooling requirements as well as the installation of energy efficient services and appliances that rely on gas or solar energy wherever possible. However, it is considered that the report is full of half hearted statements with no assurance that the proposals put forward will carry through to the final design (ie, no commitments), construction and materials to mention but a few. A condition is proposed to deal with achieving best practice in terms of ESD principles.

With respect to acoustic privacy and noise insulation within buildings, the DCP seeks a higher level than the BCA standard. Therefore, conditions are proposed to seek high standards of acoustic privacy between dwellings with respect to floor/ceiling insulation and wall insulation.

An Energy Assessment carried out by Vipac, dated 2001 (Refer to Appendix 18 of the SEE) which assessed residential and townhouses within the development in terms of their passive energy design using the Nationwide House Energy Rating scheme (NatHERS) and the DCP requirements (Section 5.2 and 5.5). A variety of different units were chosen for rating, which found that the residential apartments and townhouses would range between 3.5 to 5 star rating. It should be noted that very few of the residential units will be able to achieve the 5 star rating as they are unable to achieve some or all of the following: good solar orientation with north facing windows, moderate areas of glass to the east and west. Notwithstanding this, the assessment found that the overall concept of the development has

achieved significant reductions in the energy that it requires, both in building and operation by the inclusion of passive and active energy saving features such as operable exterior sliding doors, gas hot water heating. In addition, a number of base line recommendations were put forward within this report which included insulation of external walls, internal walls, windows, ceilings and floor. It is recommended that an average of 4 stars is achieved throughout the residential development with no dwelling unit falling below 3.5 stars ensuring that the applicant makes a commitment to ecological sustainable development. A condition is proposed to deal with the minimum requirements in terms of energy efficiency.

Water conservation and Energy Efficiency measures are also endorsed by Section 5.5.1 and 5.5.2 of the DCP and play an important part of the overall ESD strategy. It is recommended that a variety of water saving devices can be easily implemented into residential component such as dual flush toilets, tap aerators, low water use dishwashers, drip irrigation and 'AAA' appliances to mention but a few. A condition is proposed to require that the applicant provide a variety of water saving devices throughout the development. In addition a condition is proposed which puts forward a number of performance requirements on the developer so as to ensure that energy efficiency requirements of the DCP are met by the applicant such as locating all building services within the walls or under ground, recycling of construction materials to low energy lighting.

6.7 STORMWATER DRAINAGE

The applicant proposes that stormwater drainage within the site will be located within the road reserves or easements created, and under the control of Canada Bay Council. It is hoped that the stormwater drainage assets will ultimately be owned and maintained by Canada Bay Council with the points of discharge into Homebush Bay subject to the approval and requirements of Waterways. It is proposed that stormwater systems will be in accordance with AS 3500.3 National Plumbing and Drainage Code Part 3 – Stormwater Drainage. Overall site runoff and stormwater management will generally be in accordance with the Institute of Engineers, Australia publication "Australian Rainfall and Runoff" (1987 Edition, Volumes 1 & 2). However, this is outside the area assessed within the context of this planning report.

With regards to the residential component it is considered that floor levels of habitable areas in buildings shall have a minimum 300mm freeboard above the calculated major system flood levels. In addition it is considered that as part of water conservation on the site the applicant shall provide irrigation tanks for collecting roof run-off from the residential component within Lot 1 with provisions made to connect the overflow lines to mainwater system. A condition is proposed to ensure that stormwater drainage is dealt with in a comprehensive manner in W3B and throughout the site.

It is also proposed that this should be considered in relation to the separate application required for landscaping and public domain.

6.8 UNDERGROUND CAR PARK

Direct vehicular access to the site is provided from the adjoining northern Secondary Street into a basement car parking area, which is constructed at RL of 1.5. The proposed driveway has been designed to meet the needs of the residential developments. The carpark comprises of 170 car spaces, 3 disabled spaces, 2 motorcycle spaces and 57 bicycle spaces (refer table 6.2). In terms of compliance with the DCP it is considered that the Section 5.6.3 promotes underground car parking to be consolidated under the footprints of the buildings in order to maximise areas for deep soil planting. Therefore it is considered that the basement car park does not comply with the objectives of the DCP and it is recommended that a minimum of 20% deep soil planting is achieved throughout Precinct A, if not at this particular site.

Table 6.2 Breakdown of Parking Provided and Required under the DCP

Residential Type	No.	DCP Parking Provision	No. of Spaces Required	No. of Spaces Provided
1 Bedroom	15	Minimum 1 space per dwelling	16	Total of 170 spaces provided to include both residents and visitor
2 Bedroom (including Study)	92	Minimum 1 space per dwelling Maximum 1.2 spaces per dwelling	Min. 92 Max. 110(110.4)	
3 Bedroom (including study)	30	Maximum of 1.5 spaces per dwelling	Min. 30 Max. 45	
Visitor Spaces		Max. 1 per 10 units	Max 3 (2.7)	
Service Vehicles		1 space per 50 units for first 200 units plus 1 space per 100 units thereafter	3 (2.74)	None within the basement car parking area.
Disabled Spaces		1% of total car parking spaces or 1 space which ever is greater	2 (1.7)	3
Motorcycle Spaces		1 space per 100 car parking spaces	2 (1.7)	2
Resident bicycle parking		Minimum 1 space per 3 units	46 (45.6)	Total of 57 bicycle spaces provided.
Visitor bicycle spaces		Minimum 1 space per 12 units	11 (11.4)	

Two service vehicle spaces shall be provided along Secondary Street where loading of service vehicles will occur. This is outside the area of assessment under this Planning Report (ie addressed in Part D – remainder). However, a number of matters need to be clarified. The placement of the two service spaces along Secondary Street will be assessed as part the overall roads and infrastructure provision. In addition it is also considered appropriate that the service vehicle spaces and their location should form part of any waste management plan for the site so as to ensure adequate turning movements. However, this report proposes a condition that a Waste Management Plan shall be prepared to clarify all matters relating to waste and its disposal.

6.9 WASTE MANAGEMENT AND WASTE MINISATION

It is considered that one of the impacts of a building is the garbage that is produced. It is considered that the applicant has not adequately addressed the method of dealing with garbage from the construction of the building to that generated during the occupancy of the buildings. Of particular concern is the original design of the underground car park did not meet the Ryburn Industries Pty Ltd recommendation. As such negotiations were held with the applicant which resulted in the reconfiguration of the basement car park. However, it is still considered that the methods for handling wastes are unclear. It is recommended that the applicant produce a waste management plan to deal with all aspects of waste management from service vehicle spaces to recycling measures. A condition is proposed to require the applicant to provide a waste management plan.

6.10 ACCESSIBILITY TO PUBLIC TRANSPORT

It is considered that the residential component benefits from close proximity to public transport, for example W3B is within 500m of Rhodes Railway Station and complies with Section 3.12 of the DCP. In addition, the mixed nature and high density of the redevelopment site will boost public transport use and cut out traffic congestion. The larger DA site has access to nearby arterial roads, including Homebush Bay Drive and Concord Road, which connects with Victoria Road to the north and Parramatta Road and the M4 to the south. In addition, Rhodes is located near the intersection of Sydney's two regional, mostly off road cycleways; Parramatta Valley Cycleway and Botany to Ryde Cycleway.

As requirements under the TMP separate matters are to be addressed in a Public Transport Strategy defined by conditions in Part E.

7.0 Conclusion

It is considered that the current residential development proposed on Lot 1 by the applicant continues to raise a number of concerns which the applicant has been asked to address during the assessment process, in particular the number of non-compliances with the DCP. A number of amendments have been made to the residential development to date. Improvements have been made to the internal layout (eg through reduction in single aspect apartments and number of apartments serviced by double loaded corridors); introduction of more individual entries to ground floor apartments in Building 5 and 6; redesign of the garbage rooms layout and redesign of the basement car park as well as a number of facade changes.

The amendments undertaken by the applicant have significantly improved the residential development in terms of addressing some of the issues of concern. Notwithstanding this there are still a number of changes that would further enhance the residential development and these are a response to the concerns highlighted in matters for consideration above. Further changes are required to the visual appearance of all buildings through use of different materials and on the facades. In addition it is considered that the setback portion of Building 5 should be redesigned to differentiate it from the remainder of the building. It is considered however that the changes proposed are not substantial but will greatly improve not just the residential amenity but also the visual amenity.

Issues raised by the Department of Health regarding health risks associated with lead contamination in sediment in Homebush Bay (ie, mangroves adjoining and to the south of W3B site) are proposed to be addressed through an Environmental Management Plan (EMP). A proposed condition requires the applicant to prepare the EMP in consultation with the Department of Health and is to be submitted to the Director-General (PNSW) for approval prior to issue of any Occupation Certificate for adjoining works.

The proposed residential development has been assessed in accordance with the requirements of SREP 29, SEPP 56 and section 79C of the Act and is considered. It is recommended that the Minister approve the development application subject to a deferred commencement.

It is **RECOMMENDED** that the Minister:

- (i) Grant conditional consent to DA 310-11-2001 for the residential component of the site in accordance with section 80(1)(a) of the Environmental Planning and Assessment Act, 1979.

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