

FILE:

**REFERENCE: DEVELOPMENT APPLICATION DA 375-12-2001
COMMERCIAL DEVELOPMENT, PRECINCT 'A'
RHODES PENINSULA, RHODES**

DATE: 27 May 2002

INTRODUCTION

A development application (DA) was lodged by McRoss Developments Pty Ltd for two commercial office buildings on land within the Rhodes Peninsula. They are referred to as Buildings 3 and 4, are 8 and 10 storeys respectively, and have a total gross floor area (GFA) of 39,640m². The subject site is part of land generally known as the former Orica site.

A separate DA (No.310-11-2001) was lodged by the same applicant for "Stage 1" and the "Remainder" of the land and development thereon. It is referred to as the "Staged DA" in this report, and it was subsequently amended in respect of matters that are not relevant to DA No.375-12-01 ("this DA"). The retail/commercial component of the Staged DA is the subject of a separate planning report.

This DA is subject to Sydney Regional Environmental Plan No.29 (SREP29) - Rhodes Peninsula, under which the Minister is the consent authority.

BACKGROUND

On 8.9.98 Concord Council granted conditional consent to a DA for remediation works at the Orica site. DA No.375-12-01 (this DA) states that remediation of the subject site to a standard suitable for the proposed use of Buildings 3 and 4 has been completed in accordance with that consent.

SREP29 replaces all LEPs and deemed environmental planning instruments to the extent that they applied to the Rhodes Peninsula. It also establishes land use controls and development standards for total and commercial floor space, and building heights. The Rhodes Peninsula Development Control Plan 2001 ("the DCP") establishes a Framework Plan and development controls for the site and public domain.

SITE AND SURROUNDING AREA

The site is on the W side of the Northern Railway line in an area known as the Rhodes Peninsula development area. It is within Precinct A, as delineated in SREP29, and the development area bounded to the N by Mary St, to the W by Urban Sts, to the S by Oulton Avenue and Homebush Bay Drive and to the E by the railway line (tag 'A'). The site comprises lots that are created by the Staged DA and this DA.

STAGED DEVELOPMENT APPLICATION

The Staged DA seeks approval for land subdivision, commercial use of Building No.3 on super Lot 2, the envelope of Building No.4 and its commercial use with local shops at Ground level on the proposed super Lot 6. Both super lots will be created by the proposed land subdivision.

PROPOSED COMMERCIAL DEVELOPMENT

This DA comprises:

- i) subdivision of two separate Lots 3 and 4 on which Buildings 3 and 4 are each located and the associated public right of way, easement for light and air and right of access over ramps and driveways;
- ii) Buildings 3 and 4;
- iii) use of stratum in the adjoining retail development (Staged DA) for car parking;
- iv) vehicle access comprising separate ingress and egress connections to South St;
- v) pedestrian/cycleway connection to/from the railway station and along South St connecting to Urban St/Mangrove St.
- vi) completion of all road infrastructure shown on Fig.22 of the Statement of Environmental Effects (SEE).

This report deals with the above components (i) to (iv), as shown on the diagram at tag 'B'. It does not deal with (v) and (vi), which are assessed in a separate planning report on the "Remainder" of the Staged DA development.

The SEE indicates that the buildings have a total 39,640m² GFA commercial and retail space and three basements that will be used mainly for 557 car parking spaces. The 8-storey Building 3 is said to have a GFA of 15,421m², (including local shops on Level 1) and basement parking for 272 cars. The 10-storey Building 4 is said to have 24,219m² of commercial space and basement parking for 285 cars. In the amended Staged DA Building's 3 and 4 are 10 and 8 storeys, respectively, and have 41,748m² GFA. This DA reverses their heights and reduces the GFA, as below

<u>Building and uses</u>	<u>GFA Staged DA</u>	<u>GFA This DA</u>	<u>GFA Change</u>
Building 3 commercial	21,141m ²	14,838m ²	-6,303m ²
local shops	480m ²	583m ²	+ 103m ²
Total	21,621m ²	15,421m ²	-6,200m ²
Building 4 commercial	19,397m ²	24,219m ²	+4,822m ²
local shops	730m ²	nil	- 730m ²
Total	20,127m ²	24,219m ²	+4,092m ²
Total Buildings 3 and 4	41,748m ²	39,640m ²	-2,108m ²

External materials include stone cladding, horizontal aluminium sunhoods/louvres, aluminium vertical fins and column cladding, aluminium framed performance glazing with colourback or composite aluminium spandrels, metal roofing and awnings.

Revised drawings for this DA were received by Planning NSW on 16 April 2002. The main revisions relate to building height and floor space, which are discussed in the relevant sections of this report.

STATUTORY PLANNING FRAMEWORK

The Rhodes Peninsula is a site of strategic significance (Schedule 2) under State Environmental Planning Policy No.56 – Sydney Harbour Foreshores and Tributaries (SEPP56). This DA has been assessed against SEPP56's Guiding Principles (tag 'C'). It is subject to SREP 29 and the Rhodes Peninsula DCP 2001 ("the DCP") and has been assessed against them at tags 'D' and 'E' respectively.

NOTIFICATION

On 4.12.01 Planning NSW notified several public bodies, community groups and owners and occupants of 117 nearby properties about this DA and its exhibition, and invited submissions until 18.1.02. It was advertised in the SMH and exhibited at Planning NSW's Sydney and Parramatta offices from 5.12.01 to 18.1.02. That exhibition/submission period was extended to 8.2.02 following a request from Canada Bay Council for an extension.

A total of 141 public submissions were received. They included submissions from the Rhodes Residents Group, Canada Bay Bicycle Group and Westfield. Comments were received from Sydney Water, NSW Health, RTA, State Rail, EPA, National Parks and Wildlife Service, Department of Education and Training, Department of Transport, Waterways Authority and Canada Bay Council. The main issues raised in the submissions relate to:

- i) provision of community facilities;
- ii) distribution of the allowable commercial floor space;
- iii) non-compliance with draft SEPP No.66;
- iv) architectural design quality;
- v) building heights;
- vi) public transport promotion, pedestrian and bicycle pathways and linkages;
- vii) parking for service vehicles and bicycles, and the provision of cyclists' facilities;
- viii) roadwork infrastructure details, traffic impacts and traffic management;
- ix) stormwater drainage and treatment;

These and other matters raised in the submissions are discussed below and at tag 'C' to the Ministers submission in respect of DA 310-11-02 on file S02/00911/part 2.

SYDNEY HARBOUR DESIGN REVIEW PANEL

The proposal was presented to the Panel on 15. 2.02 The Panel's advice is at tag 'G'. The Panel considers that the location of the two buildings adjacent to the railway station is a positive aspect of this DA. Because of the buildings' horizontal forms it raised no concerns about their large floor plate sizes and bulk. Concerns raised by the Panel include, inter alia, the following:

- i) the arbitrary nature of the facade designs;
- ii) whilst supporting the need to generate interest in the building form, it appeared illogical to only provide sun louvres to small sections of the western facade;
- iii) the inadequate extent of active uses on the ground level;
- iv) the car parking ramp appeared to be "over obvious" between the two buildings;
- v) the roof profile will be very prominent; as designed it appears uninteresting; a more lively articulated solution would be an improvement;
- vi) the extent of W- and E-facing unshaded glass compromises energy efficiency.

The Panel recommended major changes such as modification of the facades so that their expression evolves from functional issues rather than the current seemingly wilful expression; articulation of both buildings and modification of the roof profiles to give an interesting culmination to the buildings.

Revised drawings have modified the roof treatment in an attempt to introduce visual interest, but the facade expression remains much the same as previously submitted.

CONSIDERATION

The proposal is assessed against the matters referred to in s.79C of the EP&A Act at Tag 'H'. The main issues raised by the DA are discussed in detail below.

SEPP No.6 Number of Storeys in a Building

SEPP6 sets out a method for determining the number of storeys in a building to avoid confusion arising from interpretation of various planning instruments. SREP29 adopts a different method and it prevails over SEPP6.

SEPP No.11 - Traffic generating development

The DA was referred to the Sydney Region Development Advisory Committee (SRDAC), which raised concerns about:

- i) approaches from the development car parking area to Alfred St/Oulton Avenue;
- ii) the intersection of Oulton Avenue/Mangrove St;
- iii) potential pedestrian and traffic conflict at the Urban St/service road intersection and proposed signalisation of the intersection.

Points (i) and (ii) are relevant to the Staged DA. Point (iii) is relevant to this DA, and the applicant has indicated that the RTA will be consulted on the positioning of the traffic signals. However SRDAC requires submission of a traffic analysis confirming that the signals are needed. That and other conditions suggested by SRDAC are incorporated in this report's recommended conditions.

SEPP No.55 - Remediation of Land

The Staged DA sought "Deferred commencement" pending an Audit Report on the remediation before construction commences. SEPP55's requirements for this DA will be met if consent for the Staged DA is granted ahead of this DA (because this DA's site and proposed uses are covered by the Staged DA).

A Site Audit Report for the Orica site remediation, prepared in December 2001 by CH2M Hill for Concord Council (see "Background" above), was based on EPA guidelines and has now been received. The Report's Site Audit Statement concludes that the Alfred St site, including proposed Lots 3 and 4, is suitable for residential uses and hence also for other uses (which would include commercial retail) considered by the EPA as less sensitive.

SEPP56 – Sydney Harbour Foreshore and Tributaries

Before granting consent to this DA the Minister must take into consideration SEPP56's Guiding Principles. This DA's consistency with those principles is discussed at tag 'C'. The main issues raised by the proposal relate to:

- i) public access to and use of the foreshores;
- ii) protection of the visual qualities of the foreshores;

- iii) the development's character viewed from the foreshores; and
- iv) its application of ESD principles.

Subject to this report's recommended conditions requiring improved roof design treatments and related to ESD issues the proposal will be satisfactory.

Draft SEPP No.66 – Integration of Land Use and Transport

Under cls.9 and 10 of draft SEPP66 the Minister must consider the following before granting consent to this DA:

- a) if the DA will further SEPP66's aims and planning objectives;
- b) if it consistent with the policy on location of specific land uses and general policies in the Integrated Land Use and Transport Policy Package or complies with cl.10;
- c) if there has been adequate consultation [such as referred to in cl.9(c)];
- d) if its transport implications have been considered in accordance with cl.12;
- e) if it incorporates travel demand management mechanisms/features to minimise demand for travel and use of cars, including features referred to in cl.9(e).

The submission received from Westfield states that the proposal does not comply with Draft SEPP66 on the grounds that it is inconsistent with "The Right Place for Business and Services- Planning Policy, which is one of the documents that makes up Draft SEPP66's Integrated Land Use and Transport Policy Package. That assertion relates primarily to the proposal's impact on the established hierarchy of centres in metropolitan Sydney and the likely damage to the viability of existing centres, including Westfield's Burwood Shoppingtown.

Point (a): For reasons outlined below, and subject to recommended conditions requiring the provision of additional bicycle parking and co-ordination of bus stops and taxi zones with relevant authorities (and an improved pedestrian link in the Staged DA) the proposal is considered to be consistent with draft SEPP66's aims and objectives related to improving access to jobs and services by walking cycling and public transport, improving transport choice, reducing dependence solely on cars for travel, moderating growth in demand for travel by car and supporting public transport services.

Point (b): Clause 10 indicates that a development need not be consistent with a policy referred to in (b) if it is justified by a detailed strategy or plan that supports the inconsistency because of local or regional circumstances and that will further the above-mentioned aims and objectives. In that respect SREP29 has been prepared with the specific purpose of rezoning land in Rhodes Peninsula (being a location with high accessibility to public transport services) for the types of land uses and levels of commercial and retail GFA included in the proposal (see "Floor space restrictions on total commercial GFA" below) and is supported by detailed background documents, referred to below.

Point (c): Public bodies that were notified include Sydney Regional Development Advisory Committee, State Rail Authority, Roads and Traffic Authority, Department of Transport, Canada Bay Council, Strathfield Council, Auburn Council and Ryde Council. Community groups that were notified include Bicycle NSW and Bike North

Bicycle Users Group. Their comments are discussed in relevant sections of this report and at Tag 'C' to Ministers submission in relation to DA 310-11-2001 on file S02/00911/part 2, and have been taken into consideration.

Points (d) and (e): SREP29 is supported by an integrated package of planning documents including a detailed DCP, Transport Management Plan and Community Development Plan which, inter alia, provide for public and private transport infrastructure, transport other than by private motor vehicle, restrictive limits on car parking, development pedestrian linkages with the Northern Railway, a local cycle network linked to the regional network, facilities for cyclists, including a high level of cycle parking and provision for bus stops and taxis. The DCP specifies 8 objectives aimed at optimising the use of public transport and reducing travel demand. The proposal is consistent with the relevant 7 objectives. Therefore, subject to recommended conditions referred to above, the proposal is consistent with draft SEPP66.

Sydney Regional Environmental Plan No. 22 - Parramatta River

Before granting consent to this DA the Minister must consider matters identified in SREP22. They are discussed at Tag 'I'. Main issues raised by the proposal relate to:

- i) its appearance from the waterway and foreshores;
- ii) its effects on wetlands and flora and fauna habitats;
- iii) its effects on drainage patterns and potential for shoreline erosion; and
- iv) the provision of pedestrian access in the locality.

Modifications to the proposal are needed in respect of (i). It is satisfactory in other respects. The Sydney Harbour and Foreshores Committee stated that the stormwater system should minimise adverse impacts on the Harbour, and the proposed amount of floor space should be reconsidered to improve amenity. The stormwater system design is subject to recommended conditions. The proposed floor space will not have significant impacts on amenity, the waterway and foreshores.

Sydney Regional Environmental Plan No.29 – Rhodes Peninsula

In the site's Mixed Use zone commercial and retail uses are permissible, with consent. Land subdivision is also permissible, with consent. This DA is assessed against SREP29's planning principles, zone objectives and other relevant provisions at tag 'D'. Main issues raised by the proposal are discussed below.

Subdivision

This DA seeks approval for subdivision of two lots (Lots 3 and 4) that allow Buildings 3 and 4 to be on separate allotments, and of residue allotments, all as shown on the subdivision plan at tag 'J' and described below:

- Lot 1: residue land making up "super lots" 1, 3 to 5 and 7 to 12 together with proposed roads and the open space (see Staged DA Annexure 'A');
- Lot 2: the consolidated lot of lots 2 and 3 (see Staged DA Annexure 'B');
- Lot 3: coincides with lot 1 (see Staged DA Annexure 'B');
- Lots 4 and 5: subdivision of super lot 6 (see Staged DA Annexure 'A').

This report deals only with the creation of Lots 3 and 4, public right-of-way, easement for light/air and right-of-access over ramps and driveways.

The public right-of way along Walker Lane/South St acts as a service road for both buildings' vehicular ingress/egress, an E-W pedestrian/cycle way, a view corridor, and a vehicle connection with Urban St. The easement for light/air coincides with the public right-of-way between Lots 3 and 4. Except as indicated below, the proposed subdivision is generally consistent with cl.13 of SREP29 and the Rhodes DCP Framework Plan regarding the provision of infrastructure for private vehicular transport access to and egress from land within the peninsula, and for service access.

The Framework Plan's secondary access runs along the E side of the retail site and terminates at the S secondary street (see Fig.3.4.1.ii at tag 'K'). The Staged DA's subdivision proposal deletes that secondary street and extends the secondary access (service road) further N as a public right-of-way behind Building 3 and along South St. The deletion of the secondary street is discussed in the planning report on the Staged DA.

This DA's subdivision proposal is needed to separate the development into its component parts and provide access for parking/servicing in Buildings 3 and 4. It is not a relevant matter in respect of cl.18 (Development near zone boundaries) of SREP29.

This DA includes the use of stratum in the adjoining retail development (Staged DA) for commercial car parking. As discussed below (see "On-site parking") a recommended condition prohibits the night time/weekend use of the stratum for commercial car parking for retail parking. It requires that a restriction be placed on the stratum title to that effect.

Infrastructure provision

Under cl.13(1) of SREP29 the Minister must consider if arrangements have been made for rail/bus infrastructure providing adequate transport services for residents and workers in the peninsula, and for road infrastructure providing an adequate standard of public and private vehicle access/egress from the peninsula. Relevant authorities' views must also be considered.

The Transport Management Plan (TMP) is the framework for ensuring satisfactory transport and roadwork arrangements are implemented. A recommended condition requires the Applicant to prepare of a Plan of Action to implement the various policies and works of the TMP, including design, implementation, staging and timing of the works. Concerns about the Staged DA and this DA were raised by State Rail, SRDAC and Council in respect of the adequacy and/or lack of details of infrastructure works, associated traffic/transport issues. The concern of relevance to this DA is the proposed signalisation of the service road/Urban St intersection. A recommended condition requires submission to the RTA of a traffic analysis/details of the signals.

Floor space restrictions (total GFA)

Clause 14(1) limits the total GFA of all buildings in Precinct A to 205,000sq.m, and cl.14(3) increases that limit to a maximum total GFA of 266,500sq.m. if pursuant to cl.14(2) any land within Precinct A that is in the Open Space zone is dedicated as a public reserve. These provisions are more relevant to the Staged DA that refers to the GFA of the total development in Precinct A. This DA's total retail/commercial GFA for the Buildings 3 and 4 is 2,108m² less than that proposed in the Staged DA. It is not inconsistent with the provisions of cl.14(1), as discussed below.

Floor space restrictions (total commercial GFA)

Clause 15 restricts the granting of consent for development in the Mixed Use Zone if it would result in more than a max. 20,000m² GFA of commercial space. Under cl.15 that amount can be increased to 50,000m² prior to November 2003 if the Minister is satisfied that use of GFA in excess of 20,000m² would not have a significant adverse impact on the Parramatta Centre. The Staged DA proposes a commercial GFA of 45,863m² of which this DA contains 39,057m². It seeks the Minister's approval, under cl.15(2)(b), to permit this variation. It was the subject of the applicant's submission and NSW Planning's Ministerial Order Report (in respect of the Staged DA) dealing with the proposed GFA's impact on the Parramatta Centre. Planning NSW has advised that the Minister has agreed to permit the Applicant a total of 45,000m² commercial GFA.

Distribution of commercial floor space

SREP29 and the DCP do not distribute the permitted commercial floor space between various precincts. The Mixed Use Zone includes all of Precinct D and part of Precinct A viz., part of the Staged DA site which includes the site of this DA and the land triangle S of Homebush Bay Drive. The Staged DA proposes no commercial GFA in the land triangle.

Of the max. 50,000m² commercial GFA available for the Mixed Use Zone this DA proposes 39,057m².

The PPM Consultants' report *Rhodes Peninsula Commercial Floorspace – Precinct A and D* suggests that in determining the distribution of the 50,000m² the primary considerations are the equitable distribution of the right to commercial floor space development between landowners whose land falls within the Mixed Use zone, the need to encourage timely and efficient development in accordance with SREP29 and the DCP and the need to ensure that the requisite development can be undertaken by those with a willingness and capacity to do so.

PPM suggest that those objectives could best be met by an allocation system comprising:

- an equal as-of-right allocation of the max. permissible amount of commercial floor space between all land holdings in the Mixed Use zone where such floor space is permitted, based on the area of land falling within that zone;
- a "bonus" to be allocated to the first land owner(s) willing to undertake substantial development in accordance with SREP29 and the DCP; and

- the right to transfer a proportion of the commercial floor space allocation between landholdings in the two precincts (though not within one precinct) by mutual consent (for a consideration if so agreed), subject to a maximum percentage.

PPM also suggests that:

- the as-of-right allocation should apply in the first instance to 90% of the permitted maximum amount of development;
- the maximum “bonus” should be limited to 10% of the permitted amount of development;
- a “bonus” should be conditional upon the overall development (for which the “bonus” has been granted) being undertaken within two years of approval;
- the proportion of the right to develop commercial floor space allocated to each landowner in 1 of the 2 affected precincts that could be transferred to a landowner or developer in the other precinct should be limited to 25% in the first instance.

The PPM report includes an example of a possible system for allocating the commercial floor space between Precincts A and D. It is summarised below:

	Total (m ²)	Precinct A (m ²) Mixed Use zone only	Precinct D (m ²)
Max. permissible floor space	50,000		
As of right shares	45,000	34,414	10,586
Early development bonus (10%)	5,000	5,000	
Initial allocation		39,414	10,586
Available for transfer (25%)	12,500	9,853	2,646
<u>If max. transfer from Precinct D to A:</u>			
Amount transferred	0	2,646	-2,646
Total development rights	50,000	42,060	7,940

Assuming that PPM’s suggested max. development rights transfer of 2,646m² GFA from Precinct D to Precinct A takes place, the maximum commercial GFA that would be available within the Mixed Use zone of Precinct A (which includes the triangular land parcel) would be 42,060m².

The total commercial GFA proposed in this DA for Buildings 3 and 4 is 39,057m². Based on the PPM example, it could be achieved if the “bonus” is applied, but would leave only 357m² commercial GFA for Building 1. If the maximum transfer of development rights is achieved it would leave only 3,003m² for Building 1. This is less than the Staged DA’s proposed 5,325m² commercial GFA within Building 1

The above comments assume that no commercial floor space will be available for the triangular land parcel. That parcel is part of the site for the Staged DA but is not proposed for commercial use. The planning report on the Staged DA recommends a restriction on that parcel’s future use for commercial premises.

PPM suggest an as-of-right allocation of 10,586m² commercial floor space for Precinct D. This DA alone accounts for all but 10,943m² of the maximum permissible commercial GFA in the Mixed Use zone. The Staged DA accounts for all but 4,137m² of the maximum permissible commercial GFA in the Mixed Use zone.

Based on the PPM findings and, in view of the Staged DA's commercial GFA, this DA represents an inequitable distribution of commercial floor space potential in the Mixed Use zone. As indicated above, the Minister has agreed to permit the Applicant a total of 45,000m² commercial GFA. This DA does not exceed that GFA limit.

Calculation of Gross floor areas

SREP29 excludes from its definition of GLA certain building elements such as, inter alia, lift towers, machinery, associated plant rooms, ancillary storage space, vertical air conditioning ducts, space for loading/unloading and waste management, and common or public areas, including arcades and circulation space.

The Applicant's view is that because cl.15 adopts GFA to regulate only commercial floor space the term "common or public areas, including arcades and circulation space" is intended to apply only to commercial floor space. That interpretation is not borne out by cl.14's use of GFA to regulate the total floor space of all types of development regardless of the use, or by the GFA definition's reference in paras (e) and (g) to residential buildings. The Applicant's view that the meaning of "common or public" is not limited to arcades and circulation space is accepted.

Among this DA's exclusions from each commercial floor's GFA calculations are the core, lift lobby and the corridor around the core. The core area includes:

- | | | | |
|--------------------|-----------------|----------------|-------------|
| a) services ducts; | c) fire stairs; | e) lift lobby; | g) toilets; |
| b) waste area; | d) lift shafts; | f) corridor; | |

Items (a) and (b) are valid GFA exclusions. The Applicant seeks to exclude (c) to (f) because they permit circulation around each floor or between floors and/or fire egress by tenants, customers and the public, and they are common or public areas and circulation space. They seek to exclude (g) because those areas are common to and used by office tenants and others. The Macquarie Dictionary defines the word "common" as, inter alia:

- i) "belonging equally to, or shared alike by, two or more or all in question"; and
- ii) "pertaining or belonging to the whole community; public".

The GFA definition's use of the words "common or public" rather than "common and public" and (i) above suggest that the GFA exclusion need not be solely for areas that are limited to public use, and "circulation space" can be similarly interpreted. Although the GFA exclusion of some of the above elements is not usual, SREP29's definition is broad enough to allow an interpretation that they should be excluded.

Building heights

Clause 16(1) of SREP29 limits Buildings 3 and 4 to 6 storeys, but cl.16(2) allows additional height up to 10 storeys, subject to floor space limitations above the 6th storey. The SEE states that Buildings 3 and 4 are 8 and 10 storeys respectively. Based on SREP29's "storey" definition and the revised plans Building 3 is part 8/part 9/part 10 storeys and Building 4 is part 10/part 11 storeys as discussed below.

As defined in SREP29 a "storey" means, inter alia:

building foundations, garages, workshops, storerooms and the like, where the height between finished ground level and the top of the floor above is 1.5m or more.
and

A storey which exceeds 3.8m is counted as two storeys.

On the revised drawings Building 4 exceeds the 10-storey height limit. It is 11 storeys along most of the Walker Lane and South St frontages. Along the Walker Lane frontage the height of most of the basement B1 is 1.5m above the finished ground level. This non-compliance is insignificant. Along South St the non-compliance is more significant as the basement height above finished ground level is 2.7m for about half of the frontage and reduces gradually to 1.25m at Urban St.

On the revised drawings Building 3 is part 8-/part 9-/ and part 10-storeys along Walker Lane. Scaled measurement suggests it is 8-storeys between grids 1 and 3, 9-storeys between grid 3 and a mid-point between grids 8 and 9, and 10-storeys from that point to grid 9. Because Building 3 abuts Building 2 there is technically no “finished ground level” from which to measure its height along the S elevation. Using the DCP’s height control (section 5.2.1) and drawing a line between the finished ground levels at the building’s S-E and S-W corners, Building 3 could also be regarded as also being part 8-/part 9-/ and part 10-storeys along that elevation.

Gross floor area above 6th storey

Under cl.16(2)(a) a 9- or 10-storey building in Precinct A can have a max. 5% of the permitted GFA above the 6th storey. The SEE states that all 10-storey buildings in Precinct A have a total 13,317m² GFA (4.99% of the permitted GFA) above that storey. It states that of that amount Building 4’s 7th - 10th storeys have 9,388m² GFA (3.52%). Under cl.16(3)(a) 8-storey buildings in Precinct A can have a max. 4% of the permitted GFA above the 6th storey. The SEE states that all 8-storey buildings in Precinct A have 9,811m² GFA (3.68%) above that storey, and that of that amount Building 3’s 7th and 8th storeys have 4,041m² GFA (1.52%).

The SEE’s calculations above, respect of cl.16(2)(a) and cl.16(3)(a) are no longer valid due to revised building heights. They are discussed below

State Environmental Planning Policy No.1 Objection

As the revised drawings altered buildings’ heights a SEPP No.1 objection was lodged on 24.4.02. The objection and associated GFA calculations treat Building 3 as being 9 storeys and Building 4 as being 11 storeys. The former is not strictly correct, but is acceptable as the extent of 10-storey height is relatively minor. The Objection stated:

Variation is sought to the development standard for building height --- to permit consent being granted for Building 3 at nine storeys and Building 4 at eleven storeys. This requires flexibility in the application of absolute 10 storey height limit for Building 4 and as a consequence flexibility in the application of the 5 percentage maximum standard of the total GFA (above 6 storeys) allowed within buildings over 9 storeys within Precinct A (Clause 16(2)(a)). As a consequence the amount of GFA above 6 storeys in 7 or 8 storey buildings is substantially reduced and the percentage maximum standard is commensurately less.

It also stated that the total floor space above the 6th storey in buildings of 9 or 10 storeys in Precinct A will increase from 5% to 6.5%, and in buildings of 7 and 8 storeys will reduce from 3.7% to 2.2%. The 6.5% figure is incorrect and the Applicant was advised of the discrepancy. The Applicant verbally advised (but it is not mentioned in the Objection) that whilst the buildings were deemed to be 9 and 11 storeys, the additional storey height (created by Basement 1) was disregarded because it contains no GFA uses. This was considered unacceptable given that the purpose of cl.16 is to impose a 10-storey height limit and limit GFA (and thereby control building bulk) above the 6th storey. The Applicant later acknowledged the error and submitted corrected calculations on 6.5.02.

For Buildings 3, 4 and 32 the total floor space above the 6th storey is 21.871m². This is 8.2% of the total GFA allowed within Precinct A, and represents a 64% variation above the 5% standard. The GFA above the 6th storeys of all buildings on the Staged DA site will represent 10.4% (not 8.7% as claimed in the Objection) of total GFA in Precinct A, which exceeds the SREP29 limit of 9%.

As summarised below, the Applicant's justification for varying the development standards relates to:

- a) the purpose of cl.16 which is said to control the height of buildings;
- b) the combined maximum 9% GFA (above the 6th storey) provision of subclauses 16 (2)(a) and (3)(a) is not breached and being 8.7% is less than allowed;
- c) the relevant planning objectives to be addressed are:
 - (i) to ensure that building height relates to the topography and allows view sharing, with the highest buildings being adjacent to the railway line;
 - (ii) to ensure that development accords with an orderly/ecologically sustainable development of land;
 - (iii) to minimise adverse environmental effects on the amenity of the locality and neighbouring residential properties.

Point (a): is only partly correct for the reason indicated below. The Objection states that the overall height of both buildings as related to Urban St and elsewhere on the elevations to the N, S, E and W comply with the 10-storey height limit. This is substantially correct (largely because SREP29 adopts finished ground levels as the basis for determining building height) and the visual impact of additional heights created by their basements will not be significant when viewed from the majority of the surrounding areas because of finished ground level relationships.

Point (b): the Applicant acknowledges that this is incorrect. Buildings 3, 4 and 32 have a combined 21.871m² GFA above the 6th storey, of which Buildings 3 and 4 have 17,942m² GFA. These GFA amounts are, respectively, 8.2% and 6.7% of the permitted GFA and represent variations of 64% and 34% above the 5% development standard. As indicated above the visual impact of the combined 34% variation in Buildings 3 and 4 is not considered significant.

Point (c): this should refer to a planning principle that building height and form should take into account, inter alia, visual impact. For the most part, the visual impacts of the proposed additional height and GFA distribution above the 6th storey is not significant, and in respect of points (c)(i), (ii) and (iii) the proposal is considered to be generally satisfactory. Thus the SEPP No.1 objection could be supported.

Development near zone boundaries

This matter is not relevant to Buildings 3 and 4 or to the Staged DA's retail and commercial component.

Restriction on land use adjacent to Homebush Bay Drive and Northern Railway

Clause 21 requires that before granting consent the Minister must be satisfied that development on land affected by noise from the Drive or the railway will incorporate attenuation measures satisfactory to the RTA and SRA.

While State Rail's submission reinforces the conclusions of the Staged DA's Railway Noise Impacts Assessment, that document does not deal with commercial uses. The submission also recommends that the SRA publication *Rail Related Noise and Vibration Issues to Consider in LEPs, DAs and BAs* be reviewed during assessment of the proposal. That publication generally emphasises noise impacts on residential uses. It refers to EPA noise and vibration criteria. The noise criteria relate to residential receivers only, but the vibration criteria covers office uses.

This DA's Acoustic Report adopts the SRA-recommended AS 2107 and AS 2670 as noise and vibration guidelines. It deals only with railway noise impacts because the railway is the main noise source. This is reasonable as Building 3 is 325m from the Drive whereas Buildings 3 and 4 are 11.4m and 6.8m, respectively, from the railway.

The proposal incorporates noise attenuation measures such as double-glazing to the buildings' E facades that face the railway and to the return sections of their N and S facades. To reduce internal noise levels to within nominated noise level criteria, the Report recommends glazing types/thicknesses and seals for all offices, that door/window mullions, perimeter seals and installations should not reduce the glazing assembly's STC ratings below specified minimum values, and that window/door suppliers provide evidence that their systems have been tested and comply with those values.

Railway-induced ground vibration levels were monitored near corners of the proposed buildings nearest the railway. They were found to be below the criterion level for all measured passenger and freight train pass-bys. It was assessed that no additional treatment is required to comply with the tactile vibration limits stipulated in AS 2670.

Recommended conditions require that the Acoustic Report's recommended measures be incorporated in the development, and that the Applicant consult with the SRA and RTA prior to the submission of documentary evidence, for the Director General's approval, that proposed noise attenuation measures for Buildings 3 and 4 are satisfactory to those bodies.

Long commercial leases are proposed for both buildings. Their adaptation for residential uses is therefore unlikely in the foreseeable future. Provision will need to be made at a later stage for appropriate noise attenuation if those buildings are to be adapted for residential use. An advisory note along those lines is incorporated in the recommended conditions.

Acid sulphate soils

Clause 22 requires the Minister to consider the adequacy of an acid sulphate soils management plan (ASMP), the likelihood it will lead to discharge of acid waters, and any comments from the Department of Land and Water Conservation. These matters have been assessed in the separate planning report on the Staged DA's retail/commercial component. It concludes that, given the site soil type and RLs for Buildings 3 and 4, the occurrence of potential acid sulphate soils on those sites appears unlikely. However a recommended condition requires the submission of an ASMP in accordance with the guidelines, referred to in cl.22(2)(a), for approval prior to the application for a Construction Certificate.

Rhodes Peninsula Development Control Plan 2001

This DA is assessed against the Rhodes DCP at Tag 'E'. Main issues raised relate to the active frontages of Building 4, building heights and setbacks, bicycle and service vehicle parking and vehicular access.

Framework Plan

The main elements of the Framework Plan that are relevant to this DA are:

- a) views from the ridge to Brays Bay and Homebush Bay;
- b) a sky-view corridor along South St between the buildings;
- c) a S secondary street between Urban St and Walker Lane that provides unobstructed views from the ridge to Homebush Bay, vehicle and pedestrian access;
- d) the provision of unobstructed views from Walker Lane;
- e) the secondary access way along Walker Lane, S of South St, to Homebush Bay Drive and Oulton Avenue.

This DA will not affect the views (see DCP Figure 3.2.ii) that are referred to in (a). It provides for the views referred to in (b) and (d) by extending South St from Urban St to Walker Lane.

The Staged DA and this DA depart from the Framework Plan (Fig.3.4.1.ii) in respect of (c) and (e). The Staged DA does not extend the S secondary street (that runs along the S side of Building 3) between Urban St and Walker Lane as part of the main vehicle circulation route. Both DAs extend the service road further N to Urban St via South St. This DA's subdivision plan provides the service road in the form of a public right-of-way within Lot 3, behind Building 3.

No objection is raised to extending the service road. It will direct traffic away from residential and activity frontages along Urban St and provide vehicle ingress/egress from the buildings.

Public domain

Pedestrian network: As originally submitted this DA's entry ramp off South St to the basement car park was parallel to the street. To improve the pedestrian environment, amended plans reconfigured the ramp at right angles to the street. Subject to adequate

vehicle queuing space being provided in the basement the amended ramp is an improvement.

A recommended condition requires that the vehicle queuing lengths on both the car park entries and exits be provided fully within the confinement of the relevant parking floors without obstructing public/service roads or traffic on the internal circulating aisles. Another requires the operation of the entries and exits to be reviewed when the buildings have been operating for a year so that, if necessary, additional queuing space can be provided within the car park in an approved manner.

The entrance to Building 4's loading area is at street level where the service road turns to the W from Walker Lane. Service vehicles entering the area will reverse-manoeuve across the pedestrian/cycle way along South St. This arrangement is unsatisfactory in terms of the pedestrian environment and road safety. The Applicant has advised that an alternative loading area location is not possible.

A recommended condition requires that except for vehicles such as small vans, the use of the loading dock be limited to nominated periods (outside peak pedestrian movement periods), that at all times the reversing of service vehicles be attended by building management personnel responsible for ensuring pedestrian and traffic safety, and that warning signs be placed in appropriate locations.

The DCP requires streets to separate pedestrian and vehicular traffic by a formed vertical kerb. This is not provided adjacent to the loading area. The treatment of the adjacent footpath will not comply with the DCP's requirement that ambiguity in the design of secondary streets be avoided. A recommended condition requires the design of the vehicle entries/exits and loading areas to incorporate contrasting paving treatments to clearly delineate the pedestrian footways within the areas traversed by vehicles.

Cycle network: Connection to the main regional and recreational cycle ways and the railway station is proposed by the pedestrian/cycle way along Walker Lane. Cycle path connections to that cycle way are proposed along the N side of Building 4 and South St. Submission of design details of these connections and their provision of disabled persons' access are addressed in the recommended condition referred to in "Framework Plan" above. Publicly accessible cycle racks are proposed on South St.

Vehicle circulation: Extension of the secondary accessway (service road) to connect with South St is acceptable subject to the additional information referred to above.

Views: The sky view nominated on Fig.4.1.5 is provided via the extension of South St between Urban St and Walker Lane.

Landscape: The existing trees are required to be retained wherever possible along Walker Lane. The SEE indicates that because of remediation works it will not be possible to retain all trees along the lane, and that where they must be removed replacement trees of appropriate species will be planted.

Urban Street: This is the primary pedestrian street. The DCP requires street definition and creation of a strong urban quality by a 2- to 4-storey podium built to the street

edge on both sides of the street. The edge is required to be continuous along the E side of the street with continuous awning shelter for pedestrians.

South Street: The proposal provides the required clear sky-view at the E end of the street and the required 16m street width. Strong spatial definition is required by consistent building alignment, with a 5m preferred (3m minimum) street setback.

Walker Lane: The proposal does not include the required street wall, podium and upper street setback from the lane. The SEE states that the buildings are set back from the boundary to establish a buffer zone to ameliorate the noise impact of the railway. The proposal's non-compliance with setback and awning requirements along the streets is discussed below (see "Setbacks and street edge conditions" and "Awnings")

Private Domain

Mixed use zone: A mix of retail and commercial uses is proposed. The DCP encourages publicly accessible through-block connections to Urban St via double-fronted commercial lobbies. They are not proposed. A connection through Building 3 is limited by the service road, and the proposed tenant for Building 4 (and potentially most of Building 3) has high security requirements that discourage pedestrian connections through the buildings. There will be several E-W connections between the railway/main N-S pedestrian-cycleway and Urban St via Mary St, a through block link on the N side of Building 4, South St and a pedestrian link via the retail development. Subject to satisfactory additional information (see "Framework Plan"), the non-provision of connections through the buildings could be accepted.

Storey heights and floor levels

The retail/commercial floor-to-floor heights (3.8m) exceed the min.3.3m height requirement. The main entrances to the buildings are contiguous with the adjoining footpath levels along Urban St. In respect of the consolidation of lift tower machinery plant rooms, stacks, vents, exhausts etc, the roof plans only show cooling towers. A recommended condition requires the submission of detailed roof plans illustrating how those rooftop elements will be consolidated in accordance with cl.5.2.1(5).

Building bulk

For natural lighting of work spaces the DCP requires that no point on an office floor (except the core) above 4 storeys should exceed 12m distance from a window. The SEE states that the distance from the commercial building core varies from 15m to 22m. The plans indicate that on all floors above Level 4 the distances from external walls to the corridors around the core are 13.5m to 21.3m (Building 3) and 13.2m to 23m (Building 4). In Building 3 the 5th to 8th floors each have 210m² (10%) of office area exceeding 12m. In Building 4, 260m² (7.4%) of the 10th floor, 260m² (10%) of the 5th floor and 311m² (12.7%) of each of the 6th to 9th floors exceed 12m. The Applicant's justification for not complying is that:

- i) it has no unacceptable impact on urban form, the user and public amenity;
- ii) the particular commercial use requires large floor areas;
- iii) there will be adequate levels of light penetration complemented by artificial light;

- iv) work areas are adjacent to the external walls, and areas used for conferences, production, storage etc. are located around the core;
- v) a higher SEDA rating (4.5) than the rating (3) referred to in the DCP is achieved.

Point (i): the increased distances from external walls are due to the large floor plates, which reduce solar access to the public domain. Loss of solar access is not significant due to the building's main N-S alignment; and the proposed view corridor width (16m to 21m) is reasonable.

Point: (iii): the SEE states that penetration of large amounts of sunlight to office buildings is undesirable because of extra air conditioning costs and energy consumption; and that while natural lighting reduces the need for artificial lighting the energy required for air conditioning/cooling will outweigh the energy consumed for lighting. It refers to proposed measures to reduce energy consumption (internal wall colouring, time-switch controls optimising natural lighting use, light shelves in the shading devices and use of compact fluorescent rather than incandescent lighting).

Point (iv): the SEE states that fit-out plans show a depth of only 12m measured from external windows will be designed for work space, the inner internal space being for uses such as information technology, computers, security devices, data processing, filing, printing, storage etc. A recommended condition requires that floor areas exceeding 12m from external windows be allocated only for those types of activities.

Point (v): On the basis of a recommended condition that requires the Applicant to demonstrate that every effort has been taken to achieve a 4.5 SEDA rating, plus the condition referred to under point (iv), the non-compliance with the 12m distance control could be accepted.

To avoid bulky towers the DCP requires floor plates of commercial buildings to be a max. 1400m². The SEE indicates the floor plates for Building 3 vary from 1,949m² to 2,029m², and for Building 4 from 2,005m² to 2,414m². These figure differ from 1500m² to 3500m² indicated (Fig 20) in the SEE (and a scaled sample measurement of Building 4's Level 5 suggests it is about 2,762m²). The SEE's justification for not complying is that the floor plates are needed to achieve a diversity of form appropriate to the nature of the commercial activity; and that they will have minimal impact on the urban form, user and public amenity

The DCP's reason for the floor plate control is to avoid bulky towers. The Sydney Harbour Design Review Panel raised no concerns about the proposed floor plates because of the buildings' strong horizontal form along the ridge line. Also, the buildings' facades' vertical and horizontal articulation will moderate visual impacts of the building bulk. Thus, if the condition on office area distances is imposed the proposed floor plate sizes could be accepted.

Setbacks, edge conditions, definition of streets and open space

The DCP establishes street and upper level street setback requirements as follows:

- a) both buildings are to have a nil street setback along the Urban St activity strip, and a 2- to 4-storey street wall fronting that street;

- b) they are to have an upper street setback of 5m from the street edge, and within that setback a 1.2m to 2.4m articulation zone applies;
- c) they are to have a nil street setback along South St, and the outside face of external walls to South St are to be built along at least 90% of the street setback line (i.e. nil setback) for the full height of the building;
- d) Building 3 is to have 3m to 5m upper street setback from the N side of the S secondary street;
- e) both buildings are to have a 5m upper street setback along Walker Lane above a podium level.

Point (a): The articulated and mostly orthogonal footprint of Building 3 does not strictly follow the proposed curvilinear street edge, along Urban St. At Levels 3 and 4 a splayed section of the footprint projects forward, close to that street edge. Along Urban St, Building 3 has 41% of its Levels 1 and 2 footprint, and 82.5% of its Levels 3 and 4 footprint, built close to the street edge. Building 4 has 60% of its Levels 1 to 4 footprint built to the street edge.

Point (b): Building 3's Level 5 to 8 footprints are setback 4.8m to 10m from the Urban St edge; and the facade articulations within that setback do not extend beyond the nominated articulation zone.

Building 4 has 75% of its Level 5 footprint setback about 5m (4.85m) from the street edge. The remaining 25% extends beyond the articulation zone. It has only 32% of its Levels 6 to 9 footprints setback about 5m from the street edge; and much (about 40%) of the remainder extends beyond the articulation zone. About 75% of its Level 10 footprint is setback between 4.85m and 12m from the street edge and the remainder extends beyond the articulation zone.

Point (c): At each level the majority of the N facade of Building 3 is built to the South St alignment. However only at level 3 does that facade comply with the 90% minimum requirement. The other levels range from 57% (Level 8) to 70% (Levels 1 and 2) to 80% (Levels 4 to 7).

At levels 1 to 3 the majority of the S facade of Building 4 is built to the South St alignment, but they do not comply with the 90% requirement. Levels 4 to 10 are all setback from the alignment.

Point (d): The S facade of Building 3 is not setback probably because the extension of the S secondary street has not been complied with. Building 3's facade (Levels 4 to 8) extend beyond the E-W view corridor formed by proposed residential buildings lining the S secondary street. To provide continuity of building frontage and better open space definition along that corridor (as viewed from the Bay towards the ridge and from the railway line to the W) Levels 5 to 8 of Building 3 should be setback at least 3m, but preferably to match the residential setbacks along the S secondary street.

Point (e): The two buildings are not built to the Walker Lane alignment so as to provide a buffer zone to ameliorate railway noise impacts and to accommodate the N extension of the service road. Nor have they podiums with upper level street setbacks.

Neither building fully complies with the setbacks requirements of (a) (c) and (e). Building 4 does not comply with (b). The multiple non-compliance with the DCP's setback requirements, but particularly the requirement for strong street definition along Urban St, is unsatisfactory. The introduction of a colonnade that is not continuous over a longer length of Urban St is of dubious merit, and its termination at a blank wall of the retail development is unsatisfactory. An alternative solution would be to delete the colonnade and bring the retail uses out to the street edge, and aligned them with the curvilinear street alignment. Realigning sections of Building 3's facade to follow the street alignment provides an opportunity for a more visually interesting street-edge treatment than the current proposal.

The urban design relationships of Building 3's splayed colonnade to the street edge-aligned lower levels (to the N), the main entrance and adjacent retail development are poorly resolved. The colonnade's height relationship to Levels 3 and 4 above is visually uncomfortable. Resolution of these should aim to achieve better street edge definition of the S section of Building 3's Levels 1 and 2, and it may require modifying the retail development junction with Building 3. Recommended conditions require modification of the building design to provide:

- i) stronger street edge definition along Urban St as per setback, podium/articulation zone requirements of the DCP, to include deletion/redesign of the colonnade and/or other treatments such as realigning facades to the curved street boundary;
- ii) realignment of the S facade of Building 3 consistent with the corresponding alignment of the proposed residential buildings along the S secondary street;
- iii) submission of detailed drawings of Building 3's Urban St facade relationships to Building 4, to the retail development, and of the awning and colonnade overlap.

Building articulation and address

The proposal complies with the DCP's requirement for surveillance of Urban St. It provides poor surveillance of the N-S pedestrian/cycleway and service road. Facing those public areas, at Level 1, Building 3 has no glazed walling and Building 4's commercial floor has extensive blank walling. A recommended condition requires that both Level 1 frontages include full height glazing and active uses overlooking those areas. Both buildings' main entrances are satisfactory in respect of requirements for legibility of the building address.

Flexibility

In terms of creating flexibility for future changing uses, the proposal does not comply with the requirement that mixed-use buildings have thin cross sections that are equally suitable for residential and commercial buildings. The DCP encourages the design of commercial space to provide for a degree of future adjustment of its configuration to accommodate variable lettable areas, multiple service cores areas and residential uses.

It is understood that Building 4 will be let on a long-term lease basis to a single major tenant who may also lease most of Building 3, and has special tenancy requirements. Conversion to non-commercial uses in the foreseeable future is unlikely. The proposal generally provides for future adjustment. Its large floor plates provide flexibility in use and ease of adaptation to changes in technology and they will accommodate variable lettable areas.

Visual and acoustic privacy

Along Urban St there will be an adequate separation distance (24m) between the two buildings and the residential buildings opposite (Staged DA). Potential acoustic impacts of the proposal's Level 1 uses along that street frontage and its mechanical plant/equipment are addressed by recommended conditions on the achievement of acceptable noise levels at all residential receivers.

Solar access, glazing and glare

The buildings' overshadowing of neighbourhood open space, urban squares, and residential areas to the E and W will not be significant. The June 22 overshadowing diagrams show that they comply with the DCP's solar access requirements. Open space on the retail development's roof will be overshadowed from 10am - 2pm.

The building facades use large areas of glazing as well as precast concrete and aluminium, and alpolic panels. The glass reflectivity coefficient is less than 20%, and the facades have extensive sunshades, louvres, recessed glazing and awnings.

The SEE's Reflectivity Report considered the reflectivity values of the glazing and cladding, incident angles of solar rays relative to the walls, the sun's altitude angles, roads, pedestrian routes and residential buildings around the site. Routes examined for disability/discomfort glare include Urban, Mangrove, South and Mary Sts, and Walker Lane. The Report's findings are summarised below.

Urban St: Winter reflections onto the street are caused by late a.m./noon sun striking the W facades from the N. Reflections will be too high to adversely affect motorists. The facades' vertical fins will intercept incoming/outgoing solar rays of high incidence and avoid impacts on pedestrians. W facade glazing not protected by fins incorporate horizontal shading/louvres that will block high incident angle reflections. To minimise the impacts of reflections onto residential buildings opposite the Report recommends glazing of a reflective coefficient less than 10% for the W facades.

South St: Reflections are caused by early a.m. sun striking the N facades from the E and reflecting westward onto the street and residential buildings. They strike the two buildings with a low altitude angle (less than the cut-off angle for a driver's sight) and a high incidence angle. Most reflections impacting at ground level occur from the buildings' mid-to-low levels. The Report recommends that the N facades' glazing mullions protrude 100mm to intercept incoming/outgoing solar rays of high incidence angles before reflecting westward. Reflections from upper levels can impact on residential buildings on South & Urban Sts. Horizontal elements on those levels will block high incident angle reflections before impacting on residential buildings.

Walker Lane: Reflections onto the lane and to the S of the site are caused by mid a.m. winter sun striking the E facades of both buildings from the N; and from late p.m. sun striking the S facade of Building 4 from the W. Most mid a.m. incoming/outgoing solar rays of high incidence angle will be intercepted by elements on the buildings' E facades (vertical fins, horizontal louvres) before impacting on N-bound motorists and

pedestrians. The Report recommends that lower level glazing on the S facade of Building 4 also incorporate protruding mullions.

The Report states that its recommended measures will result in Threshold Increment values below acceptable limits for traffic/pedestrian glare conditions. Recommended conditions require implementation of those measures and a subsequent on-site review of them that recommends other measures, if found necessary.

Natural ventilation and daylight

The DCP requires work areas to be substantially naturally lit and ventilated with windows to avoid reliance on mechanical ventilation or air conditioning, and doors and operable windows in two walls facing different directions to achieve natural ventilation. The SEE states that the proposal has, where practicable, ensured natural ventilation and lighting for a high % of the commercial space but, due to market demands, large areas within the buildings will not be substantially naturally lit and ventilated. It refers to building design measures such as:

- i) louvres, sun shades, blade walls and double skins to the facades aimed at minimising the heating/cooling load demands; and
- ii) an increased % of operable windows and doors positioned on walls in opposite directions with minimal obstruction to allow effective cross ventilation.

Level 4 of both buildings and Level 10 of Building 4 have external terraces that would support (ii). Only Level 10 has them on two elevations to assist good cross ventilation. The elevation drawings do not indicate the proposed operable windows and doors. A recommended condition requires the submission of details of the measures, referred to in (ii), for approval. A condition recommended previously, in respect of natural lighting and the proposed large floor plates, requires floor areas not receiving good natural lighting to be used for data processing, filing, storage areas etc.

Building materials

Insulation will be provided in walls, ceilings and roofs. The SEE's Environmental Management Framework (EMF) assesses the materials against the DCP's criteria [s.5.2.13(3)]. Except for aluminium and steel, most of the cladding materials (concrete, stone, glass, plasterboard) have moderate embodied energy. Most are moderately-highly durable, highly reusable/recyclable, are low-moderately polluting, and have low toxicity. None are sourced from renewable resources. The EMF indicates that where timber is used it will be sourced from plantations or regrowth.

Active street frontages and other Level 1 facade treatments

The DCP nominates an activity strip and requires active uses to Urban St frontages of both buildings. At Level 1 Building 3 includes shops and a commercial entrance lobby, and Building 4 includes commercial space and an entrance lobby. Commercial space is not an active frontage, as defined in the DCP.

The SEE states that Building 4's commercial frontages will include commercial activities that will be directly used by the public. No such uses are shown. There is no guarantee that they will occur or contribute to an active street frontage. The DCP

requires outdoor eating at Level 1 along street frontages of the Mixed Use Zone. Outdoor eating would be appropriate along Urban St, but is not proposed for either building. Provision should be made for it along one or both of those frontages.

A recommended condition requires active frontage uses, as defined, in lieu of the Building 4's commercial space on Level 1, that construction details provide for such uses and that they should provide for outdoor eating uses. Since imposition of non-viable uses is inappropriate and may not ensure an active frontage, a condition enables the Director-General to defer inclusion of outdoor eating uses for an initial period.

The DCP requires predominantly clear glazing to be used on street frontages of retail and commercial windows, and that Level 1 shops with frontages to a public street and pedestrian spine have entrances off both frontages. Recommended conditions reinforce those requirements.

Building 4's Level 1 facade to Urban St has a series of "punched" windows to the commercial frontage. They are unsatisfactory, will discourage active uses and reduce transparency and surveillance. They should be substituted with full height glazing. Recommended conditions address this and, to ensure visual interest at pedestrian level, also require detailed elevations of both buildings' Level 1 facades to that street to be submitted for approval before the Construction Certificate application.

Walker Lane, South St and the N side of Building 4 are not major pedestrian routes, but they incorporate pedestrian/cycleways and are visible from the railway. The Level 1 facade treatments along those routes should be pedestrian-friendly and provide for surveillance of public spaces. Where glazed they should not be used for storage, staff amenities and other "back-of-house" uses or be obscured.

The louvred E wall of Building 3 and design treatment of its basement/ vehicle egress need more explanation, and should reduce the extent of continuous louvred wall treatment. The service enclosures to Building 3's Level 1 should be rationalised to increase Urban St's active frontage. Direct fire egress to the Urban St frontage is now proposed. An excessive amount of Building 3's Level 1 facade to South St is for plant/fire egress. These issues are addressed in recommended conditions, which also require increased glazed walling/commercial type uses along Walker Lane frontages.

Awnings

The proposal generally complies with the requirement for continuous, horizontal awnings along the frontage of both buildings. Other requirements include:

- a) min. and max. soffit heights of 3.2m and 4.2m, respectively;
- b) min. 2m awning width;
- c) max. 0.75m awning steps;
- d) max. 50% glazed area, and provision of recessed under-awning lighting;
- e) integration of awning with adjoining properties;

Both buildings have continuous awning or colonnade cover along Urban St. Awnings are provided along other frontages. Neither building complies fully with (a) to (e).

Point (a): Main entrance awnings to both building are 7.25m high, and the colonnade to Building 3 is 6.2m high. Weather protection effectiveness at those heights is

questionable. The entrance awnings' height is acceptable as they emphasise the street address. At the S-W corner of Building 4 the awnings to Urban and South Sts are 5.1m high and are acceptable, not being greatly higher than the permitted 4.2m maximum. Along South St that building's awning height ranges from 5.1m to 6.2m at the S-E corner near the vehicle entries. The latter height at the entries is acceptable.

Point (b): Main entrance awnings to the buildings are 5.7m wide and are acceptable at those locations. The entrance awnings' junctions with adjacent awnings and the colonnade provide 0.8m and 1.8m cover, respectively.

Those reductions below the 2m min. width at entrances are unsatisfactory and should be modified to comply. Midway along the N side of Building 4 the awning sets back 2.4m providing only 0.3m cover. This is unsatisfactory along a pedestrian route to the railway station. It should be modified to provide a min. 2m cover.

Point (c): The step-down height from the entrance awnings and the adjacent awnings is about 3.5m. However the recessed main entrance will provide weather protection.

Point (d): Most of the awnings have less than 50% of glazed area. The main entrance awnings are fully glazed, and are acceptable in those locations for design emphasis. To avoid accumulation of dirt and wind-blown leaves etc., a recommended condition requires the submission of a maintenance plan for the glazed awnings.

Point (e): where Building 3 abuts the retail building the retail awning overlap under the colonnade is poorly resolved. It is addressed in a recommended condition about building setbacks along Urban St. As noted above, some awnings need modifying for pedestrian amenity reasons. A recommended condition addresses these.

Signage and advertising

Signage or advertising is not proposed in this DA. A recommended condition requires the submission of a separate DA for any future signage or advertising.

Low energy services

This SEE's Energy Assessment Report suggests that for the proposed GFA, the buildings' non-complying large floor plates reduce facade areas and thus reduce construction materials and embodied energy needed to produce them, which in turn reduces solar and heat gains, heating requirements and CO₂ emissions.

The DCP requires buildings to incorporate passive solar design principles and, (including service installations/appliances) be energy efficient. The Report states that the base buildings will achieve a SEDA 4.5 star rating. A recommended condition requires an independent energy assessment, based on the Sustainable Energy Authority's guidelines, prior to the issue of a Construction Certificate and a performance rating assessment to be submitted after an initial period of occupation.

The Report identifies a wide range of solar design and energy saving features that will be incorporated in the buildings. They relate to building finishes, day lighting, heat-gain reduction, artificial lighting and control, air conditioning and heating systems. In respect of materials, finishes, lighting and air conditioning the Report identifies

performance “enhancements” to be considered to achieve the 4.5 star-rating. A recommended condition requires that they be incorporated.

Water conservation

The DCP requires use of water saving devices, AAA rated appliances/plumbing, water-conserving landscape practices and fit-for-purpose substitution by matching water quality with its intended use. The proposal includes the reuse of rainwater and grey water, AAA rated plumbing fittings and dual flush cisterns. The SEE’s Environmental Management Framework states that due to tank storage limitations it is not proposed to use rainwater for toilet flushing and that for health reasons the recycling of grey water for toilet flushing is not proposed. It is claimed that such recycling requires water treatment in an EPA-licensed treatment plant to remove bacteria, which will be costly and burden Council with ongoing maintenance and running costs. It is not proposed to use grey water in sprinkler/spray irrigation system. Its use for irrigation will be limited to drip irrigation.

Stormwater management

The DCP requires stormwater systems to minimise the water volume entering the system, minimise runoff by reducing/reusing site stormwater, protect the quality of the Bay by minimising nutrients/pollutants and minimise soil erosion and siltation during construction and after the development is completed.

Stormwater issues associated with this DA are covered in the Staged DA Stormwater Management Report and assessed in the relevant planning report. A preliminary design for the piped network has been prepared, which the Report states is conceptual only, not a detail design and subject to change as developed. All stormwater drainage will be located in road reserves or easements under Council’s control. The stormwater drainage assets will ultimately be owned/maintained by Council. Points of discharge into the Bay will be subject to the Waterways Authority’s approval and requirements.

The system design is based on relevant national guidelines, Australian Standard Codes of Practice, Canada Bay Council’s standards and accepted engineering practice. Collection of runoff from buildings and overall site runoff and stormwater management will be in accordance with AS 3500.3 National Plumbing and Drainage Code Part 3 – Stormwater Drainage and the Institution of Engineers publication “Australian Rainfall and Runoff”.

Areas adjacent to the buildings are substantially hard-paved and there is minimal opportunity for soft landscaping. The Report deals with the stormwater system serving the total Staged DA development including the control of nutrients and pollutants to prevent adverse effects on the Bay and mangroves. It does not address stormwater management, erosion and siltation control during construction.

Changes to finished ground levels are currently being considered, and may affect the stormwater system. A recommended condition requires submission of an updated Stormwater Management Report with final details of the stormwater system, erosion and sediment control measures during and after construction, stormwater pollution control measures downstream of loading docks and their maintenance/management,

and oil/litter capture systems to prevent car park waste water or contaminants entering the stormwater system.

Waste minimisation, storage and removal

The DCP requires that:

- a) provision should be made for designated, suitable on-site storage areas for waste and recycling facilities located to avoid offence to adjoining properties;
- b) on-site access and loading facilities should not be located along Urban St;
- c) source separation facilities are to be provided;
- d) source separation facilities are to be provided on building sites to enable different waste streams to be easily separated during construction;
- e) building design should minimise waste in its selection of materials, use of recycled materials, selection of materials that can be reused/recycled in the future and use of components that may be easily replaced.

A Waste Management Plan (WMP) for the buildings' operation has been submitted. It identifies the types of waste/recyclable materials likely to be generated and estimates the generation rates. Main types are high and low quality recyclable papers and cardboards, recyclable glass and aluminium, and food and other waste.

Waste separation at source will be encouraged by providing floor storage space, basement level waste/recyclables storage rooms, cardboard balers, and compactors. Colour-coded bins will be in the storage space on each floor, the bins having a capacity for one day's garbage/recyclable materials. A cardboard baler in each building's basement storage area will compact packaging material for recycling. Provision of a compactor in each building for compacting waste for disposal or paper for recycling will depend on availability of space.

Occupants will transfer bins (waste/recyclables) to receptacles in the floor storage space, from where wheely bins will be transferred to basement storage rooms by a building supervisor. The supervisor will transfer bins to the dock where waste contractors will remove them for disposal to a waste or recycling depot, as appropriate. The supervisor will maintain and clean the facilities, load and transfer materials, and operate and service the compactors. A protocol for recording waste generation, recycling and disposal is proposed.

The WMP is satisfactory and generally complies with (a) to (c). The plans do not reflect the WMP in that all of the facilities are not shown. The Applicant has stated that the WMP's "general principles" will be applied to the development.

The revised drawings no longer show connections between the Level 1 retail areas and the core's goods lift for waste management purpose. A recommended condition requires that waste facilities be provided/managed strictly as per the WMP, and that drawings for the Construction Certificate clearly illustrate the facilities and their compliance. Because the plans do not show active uses in Building 4 a condition requires active frontage uses to have separate, direct access to waste facilities.

The submitted Environmental Management Framework (EMF) outlines building design measures to minimise waste (pre-cast materials, standardised building

components). The EMF deals largely with “desired performance outcomes” and “objectives” and much less with commitments. The EMF deals briefly with construction waste avoidance/minimisation. Recommended conditions require submission of an Environmental Management Plan implementing the performance outcomes/objectives and a Construction Waste Minimisation and Management Plan.

Site facilities

Proposed access to Building 4’s loading dock via the rear service road is consistent with the DCP’s access requirement. However the loading area is adjacent to a pedestrian/cycle way and requires vehicles to reverse when entering the dock. This is unsatisfactory for pedestrian amenity and road safety reasons. The Applicant has been unable to provide an alternative to that arrangement. As discussed previously, recommended conditions address the treatment and use of that loading facility.

Requested drawings of service vehicle turning paths have not been provided. A recommended condition requires the designs of the loading area to meet AS2890.2 requirements. Subject to the submission of detail drawings of waste facilities as per the WMP, the garbage/recycling facilities would be satisfactory.

Pedestrian access and mobility

The SEE states that the buildings are accessible by all people including the disabled, and that where a pedestrian path is not accessible by disabled people due to topography, alternate paths have been provided. It also states that:

- street surfaces, gutters and open spaces will facilitate disabled persons’ access;
- access to the towers will be via ramps from Urban St to Level 1;
- access to car parking will be by lifts car spaces located near lifts;
- direct street level entry to the buildings will be provided;
- all surfaces, paths, ramps, doorways and corridors will comply with AS 1428;
- all public domain design will be based on AS 1428 and Council’s Access Code;
- seating and facilities will be provided in accordance with AS 1428;
- 1% of car parking spaces will be provided for the mobility impaired.

Those measures are satisfactory. Recommended conditions require compliance with Australian Standards, Disability Discrimination Act and Council’s Code. Prior to the revised drawings the proposal included a disabled persons’ ramp linking the footway at the S-E corner of Building 4 with the N-S pedestrian/cycleway. It is no longer shown on revised drawings. A recommended condition requires that it be provided.

Vehicle access

The proposed access complies with the DCP’s restrictions along Urban St. The car park egress/ingress points are satisfactory. Building 4’s loading access will be visually intrusive along the pedestrian/cycleway. A recommended condition requires that its design details minimise adverse impacts by the use of high quality detailing and finishes that complement surrounding materials and finishes.

On-site parking

The DCP's car parking rate for commercial uses is based on leasable floor space (LFS) measurement. Commercial parking calculations in the SEE's Traffic Impact Assessment Report for this DA (and the Staged DA) are confusing in that the floor area figures quoted refer to LFS figures, but are actually GFA.

The Applicant states that there is no difference between the GFA and LFS. However there is a difference in that the SREP29's definition for GFA includes the external wall thickness and the DCP's definition of LFS does not. Although the LFS calculations for the two buildings have been requested several times, none have been provided.

The DCP's on-site parking requirements for this DA based on GFA would be:

- Commercial offices cars	: 39,057m ² GFA @ 1.75 spaces/100m ² LFS	= 673 spaces
service vehicles	: 5 spaces/20,000m ² GFA then 1 space/8,000m ² GFA	= 7 spaces
bicycles employee:	39,057m ² GFA @ minimum 1 space/200m ² GFA	= 195 spaces
bicycles visitors	: 39,057 m ² GFA @ minimum 1 space/750m ² GFA	= 52 spaces
disabled parking	: 1% of total parking spaces	= 7 spaces
- Retail at street level		= 0
service vehicles	: 583m ² GFA @ 1 space/500m ² GFA for 1 st 2,000 GFA	= 1 space
bicycles	435m ² GLA @ 1 space/300m ² sales floor for employees	= 1 spaces
	435m ² GLA @ 1 space/500m ² sales floor for shoppers	= 1 space
Motorcycles:	equivalent of 1 car space/100 car spaces provided	= 7 car space

Those requirements and this DA's parking provision are as follows:

	<u>DCP Requirement</u>	<u>DA provision</u>
Car spaces	673*	684
Service vehicle spaces	8	6
Bicycles	249	65
Motorcycles	7 car spaces	7 car spaces

* includes the required 1% of total spaces for disabled persons' parking

The external walls of both buildings are mostly curtain walling. It is estimated that deducting the wall thickness and applying the DCP's parking rate would reduce the maximum parking provision by about 11 car spaces below that calculated using GFA. In the absence of the Applicant's LFS calculations a nominal reduction of 11 spaces could be applied. A recommended condition requires that reduction.

The proposed 683 car spaces comprise 557 in basement car parks and 126 in the basement of Buildings 2). Service vehicle provision will be for 3 medium rigid and 3 large vehicles in loading docks. The proposed 7 car space equivalent for motorcycles is provided in Basement Level 1 under South St between the two buildings. Cyclists' facilities are located in Basement Level 1 of Building 4, near the vehicle entry and under South St, and outside the S and E sides of Building 4 at footpath level.

The 126 car spaces are provided at the N end of retail development with 2-way gate-separated vehicle access between those spaces and the retail development's car park. Subject to more information explaining traffic/parking separation between retail customers and visitors to the commercial buildings, the proposed use of stratum for the additional car spaces is acceptable. This is addressed in a recommended condition.

The proposed night-time/weekend use of unused commercial car spaces for retail parking is contrary to the DCP's aim of encouraging use of other forms of transport to

the retail centre, as evidenced by its setting of a maximum car parking rate for retail parking. A recommended condition prohibits that night time/weekend use and requires that a restriction be placed on the lot and stratum titles to that effect.

The SEE considers the DCP's bicycle parking rate is too high. The SEE proposes 65 spaces. The Applicant proposes 47 spaces based on Sydney City Council's parking rate. The DCP's criteria reflect the objectives of encouraging sustainable transport modes for work journeys/other trips and reducing dependence on car travel, its requirement for 249 bicycle spaces is considered appropriate in this case.

In respect of service vehicle parking the 12.04.02 submission compares the DCP's requirement (7 spaces) with Brisbane City Council's (9) and RTA Victoria's (8). It concludes there is little difference in the requirement for commercial uses. A recommended condition requires 7 spaces to be provided for specified vehicle types. A recommended condition requires submission of the parking layouts that comply with all the required parking adjusted to reflect any relevant modifications arising from the consent. A condition also requires the preparation of a Vehicle Parking Plan of Management dealing with issues such as the separation of commercial building visitor parking and retail customer parking, vehicle queuing and the management of stacked parking spaces.

Transport Management Plan (TMP): This is a supporting document for SREP29 and reflects the DCP's road system. It adopted an ultimate maximum development intensity as follows:

3,026 residential units;	*(1,160 residential units)
50,000m ² NLA commercial offices;	*(49,997m ² GFA offices**/med. centre/ recreat'n facility)
25,000m ² NLA retail;	*(25,000m ² NLA retail centre)
15,000m ² NLA showroom;	*(15,000m ² NLA bulk goods retailing)
	*(2,945m ² GFA local shops)

12,000m ² GFA high tech	* high tech deleted
------------------------------------	---------------------

* The figures in brackets represent the Staged DA. It is likely that a significant % of the traffic generated by the proposed local shops would not involve private car use.

** In the "Office DA" Buildings 3 and 4 contain 2,108m² less GFA than in the Staged DA.

The TMP's traffic assessment considered a range of assumptions/outcomes, identified certain traffic/transport demands due to the development, considered 7 scenarios for traffic modelling and took into account identified intersection/road improvements associated with the development and other proposed developments in the area. It states that:

- SCATES traffic modelling indicates that in the short term, the proposed intersection improvements can produce enough extra traffic capacity to serve additional traffic generated by the development and the Australand project with similar levels of intersection operation to the existing situation.
- in the longer term, continued growth in arterial traffic flows is likely to lead to reductions in levels of operating service, particularly at the Concord Rd/Homebush Bay Drive intersection.
- this phenomenon is not peculiar to Rhodes and will require metropolitan wide transport management strategies to resolve this situation.
- redevelopment of sites, such as Rhodes, that are close to public transport routes aid in reducing traffic activity throughout the City.

The TMP's strategy to guide development in line with SREP29's objectives, includes a wide range of development-specific elements and public transport enhancements.

SEE's Traffic and Transport Impact Assessment: The Report refers to two changes that have occurred since the TMP traffic modelling. One is the Staged DA's deletion of the high tech element assumed by the TMP. The 12,000m² high tech floor space has been substituted by additional residential units (77 units) that would generate 84 peak vehicle trips per hour, compared to 170 pvtph for the high tech use, thereby reducing traffic generation. The second is that the Rhodes Corporate Park development has been enlarged. The traffic impact assessment for the enlarged development adopted the TMP traffic model in analysing the traffic implications of the additional floor space.

The Report compares the results of the operational performance assessment for the enlarged RCP + the SREP29 development with the existing and TMP intersection performance outcomes as follows:

- operation of the Concord Rd/Homebush Bay Drive intersection will essentially remain the same as at present although slightly better in the a.m. peak;
- operation of the Concord Rd/Averill St intersection will remain unchanged;
- operation of the Alfred St/Concord Rd intersection will be better than predicted in the TMP assessment;
- operation of the Mary St/Llewellyn intersection will remain satisfactory and unchanged from the TMP assessment;
- operation of the Homebush bay Drive/Oulton Ave and the new RCP access intersection will be satisfactory.

Wind impacts

The SEE's Wind Assessment report states that open terraces on the upper office levels of the buildings will experience the strongest local winds from the S, S-E, W and N-W because of the site's open exposure. It recommends that small trees and shrubs be added along open terraces to assist in breaking up those winds, and careful attention be given to wind loading design of the S and W facade claddings especially near upper level building corners and facade areas fronting the gap between the buildings.

Upper level wind flows will be dragged vertically downward by the facades and will in turn impact on Urban St. The report states that profiles of the most exposed W facades and the horizontal shades will assist dispersion and deflection of downwash winds. Awnings will protect pedestrians entering and leaving the buildings.

The buildings' mass will increase the wind channelling effect along Urban St due to the buildings' canyon effect on wind flow along the street. Residential buildings lining South St will channel winds at ground level through the gap between the two buildings. The report recommends tree planting along the South St footpath and between the buildings to break up channelling winds. The latter is only possible at the E end of South St, but the trees should not obscure views from the ridge to H. Bay.

The report predicts that with the above measures, wind conditions along public areas around the site will remain below the accepted 16m/sec walking comfort criterion, or

remain at or below present levels where that is exceeded. Recommended conditions require implementation of those measures, and a subsequent on-site review/report on them that also recommends additional measures, if necessary.

Building design

Council considers that the building design lacks articulation and visual interest. The design strongly articulates the facades, horizontally and vertically, but as suggested by the Design Review Panel, the facade treatments are not well resolved. The Panel's concerns about the roof profiles and the facade expression are generally endorsed.

The colonnade and street edge treatment of Building 3, its junction with the retail development and both buildings' roofscape treatment are poorly resolved. The latter is an important consideration in long distance views to the development from the Harbour and foreshores. Recommended conditions require the submission of detail design drawings that address those design deficiencies.

The Applicant has not responded to the Panel's comments. To a limited extent the recommended conditions will achieve some improvement in the buildings' facade and roof treatments.

Heritage impacts

There are no heritage issues associated with this DA. The main heritage issues relate to the existing sea wall, the need to retain the strong edge to Homebush Bay and the existing landform. These are relevant to the bulk earthworks DA and the Staged DA.

Views and vistas

The proposal is consistent with the DCP's objective to retain/enhance views from the public domain. Nominated views (DCP Fig.3.2) from the ridge to H. Bay and Brays Bay looking E and W along Mary St, to the W along Parramatta River from the point and to Millennium markers and Olympic Park will generally not be affected by the buildings. The proposal also provides the view corridor from the ridge along South St. Council's submission states that the buildings' wide floor plates do not provide view corridors for residents in Liberty Grove and Rhodes. Most view corridors to N, N-W, N-E and S will be unaffected by the buildings. Some views to the N affected by the two buildings would also be affected by the buildings proposed immediately N of Building 4.

Social impacts

The proposal's impacts relate to developer contributions to public amenities, infrastructure, services and facilities that will meet the needs of residents and workers. The SEE and the PPM report indicate that this DA could generate and accommodate about 1,900 permanent office jobs. Its creation of jobs will have positive social benefits as they will support urban consolidation policies and the viability of public transport and community services in the area. Implementation of proposed upgrading of road/rail infrastructure and open space dedication will represent significant public benefits. Recommended conditions include the setting up of a community liaison

committee to assist community consultation and provide a complaints mechanism during construction impacts.

Economic impacts

The proposal's job creation (construction and full-time commercial jobs) will have significant economic benefits. Together with the town centre development it will increase the range of jobs in the Peninsula for future and existing residents in the areas. The SEE and the PPM report estimate they will generate 150-250 construction jobs in addition to the 1,900 permanent office jobs created by the two buildings.

Provision of community facilities

The Community Development Plan's (CDP) recommended strategies/actions refer to the implementation of Council's s.94 Contributions Plan to provide for a new branch library, children's centre and neighbourhood centre. Elsewhere it indicates that these facilities should be central to the whole of Rhodes peninsula and easily accessed. Planning NSW has advised that Council favours the location of such facilities within Precinct "D", in close proximity to the railway station.

Contributions

S94 contributions for this DA are to be dealt with by Planning NSW.

Construction Management

The SEE's Construction Traffic Management Plan (TMP) deals with truck arrival and departure routes, road and traffic works, worker access/parking, restrictions on trucks standing/parking on public roads, truck load covering, wheel washing, removal of spillages, remediation and construction vehicle access. Construction access will be largely orientated to the S and W along Homebush Bay Drive and the M4. It will be facilitated by new traffic signals at the H.Bay Drive/Oulton Avenue intersection and formation of the Mangrove St access road. The TMP considers those signals will be critical to safe and controlled access for trucks and workers.

Truck routes are designated (tag 'L'). The TMP states that truck movements will not present a capacity issue on the external access road system particularly with the abovementioned traffic signals. However no estimate of truck movements during various construction stages are given. It notes that because all truck waiting/standing can be easily accommodated on-site the obstruction of, or standing on, public roads is unlikely to be an issue. A dedicated worker parking area will be provided on the triangle site S of H. Bay Drive. The pedestrian tunnel under the Drive will link the car park to the work site.

Trucks will not be permitted to stand or park on public roadways, and all truck loads will be covered. A truck wheel wash facility will be installed and used by all trucks leaving the site. Spillages or spoil accumulation on public roads will be removed promptly. The SEE cites its Environmental Management Framework's objectives/desired performance outcomes for the construction phase. They deal with energy use, water consumption, renewable/recyclable materials use, minimisation of

waste, protection of air, water and soil quality and occupational health/safety. The range of topics is not comprehensive and is more like a checklist for an environmental management plan.

There is no information about noise, vibration and dust control criteria/monitoring, duration of major construction activities, hours of operation of noisy plant/equipment, estimates of truck movements and their hours of operation, co-ordination with other construction sites and the safety of pedestrians on adjoining public roads. A recommended condition requires the preparation of a comprehensive construction management plan that addresses the above matters.

CONCLUSION

This DA has been assessed against s.79C of the EP&A Act, relevant planning instruments and submissions received. The main issue relates to the distribution of commercial GFA between Precincts A and D. Other significant issues are the architectural design quality, roofscape design, non-compliance with the DCP's requirements for setbacks, street edge definition (particularly along Urban St) and active frontages. Recommended conditions address these issues. Having regard to matters referred to above, including the Minister's determination of the commercial GFA issue, it is considered that this DA should be approved, subject to conditions.

RECOMMENDATION

It is RECOMMENDED that the Minister:

- i) agree that, pursuant to State Environmental Planning Policy No.1 – Development Standards, compliance with the development standard contained in clause 16 (Height of buildings) of Sydney Regional Environmental Plan No.29 – Rhodes Peninsula is unreasonable or unnecessary in the circumstances.
- ii) pursuant to s.80(1)(a) of the EP&A Act grant consent to DA No.375-12-2001 to subdivide land, erect two commercial office buildings with associated shops, car parking, vehicular access, pedestrian and cycle access and landscaping works, and to use stratum in the adjoining development for car parking, at land known as No.1 Mary Street, Rhodes subject to the conditions contained in the attached Schedule 1.
- i) authorise the advice at Tags – and – being forwarded to the Applicant and Canada Bay Council;
- ii) authorise the Director, Urban Assessments to advise and notify under section 81(1)(c) of the Environmental Planning and Assessment Act 1979, each person who made a submission in respect of the application.

Albert Bonanno
Consultant Planner

ENDORSED:

Robert Black
Director, Urban Assessments