



MAJOR PROJECT ASSESSMENT
179 Residential Units and Retail Facility at
Lot 100, Precinct C
42 Walker Street, Rhodes
Proposed by Meriton Apartments Pty Ltd

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

May 2007



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1 EXECUTIVE SUMMARY

1.1 The Proposal

This is a report on a project application to construct a residential flat building pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act").

Meriton Apartments Pty Ltd (the Proponent) is proposing to construct 179 residential units and a retail facility at Lot 100, Precinct C, 42 Walker Street, Rhodes ("the proposal").

The development is located on part of the former Allied Feeds site, on the northern part of the Rhodes Peninsula. Remediation works are currently taking place on the site to remove contaminants remaining on site from previous uses.

The proposed development comprises:

- 179 residential dwellings contained within three buildings ranging in height from 5 to 10 storeys. One building is divided into two 'Blocks', referred to as Blocks C and D;
- A retail facility at ground level;
- Basement car park over two levels containing a total of 201 spaces; and
- Provision of landscaping works and shared facilities including pool and gym.

Strata subdivision was also proposed however this is required to be considered under a separate application as insufficient information was provided.

The estimated project cost of the development is \$51,027,929. The proposal will create at least 100 full time equivalent construction jobs and 10 to 30 full time equivalent operational jobs.

The application was exhibited from 11 October 2006 for 45 days (extended from the original 30 days due to additional information received after the exhibition period had commenced). During this period, the Department received a total of 4 submissions from public authorities and 1 submission from the public. Key issues considered in the Department's assessment included:

- Compliance with height and setback controls;
- Compliance with amenity controls;
- Compliance with ESD principles; and
- Construction and occupation before remediation works are completed.

The applicant made some design changes via the Preferred Project Report received in March 2007 to address issues raised by the Department and submissions. The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Preferred Project Report, Statement of Commitments and the Department's recommended conditions of consent, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. The proposal has met the statutory requirements and is consistent with the Concept Plan DA 125-5-2005 approved by the Minister on 1 March 2006.

The Department recommends that the project be approved, subject to conditions.

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2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

The site is located at 42 Walker Street, Rhodes, within the local government area of Canada Bay, and is owned by Meriton Apartments Pty Ltd.

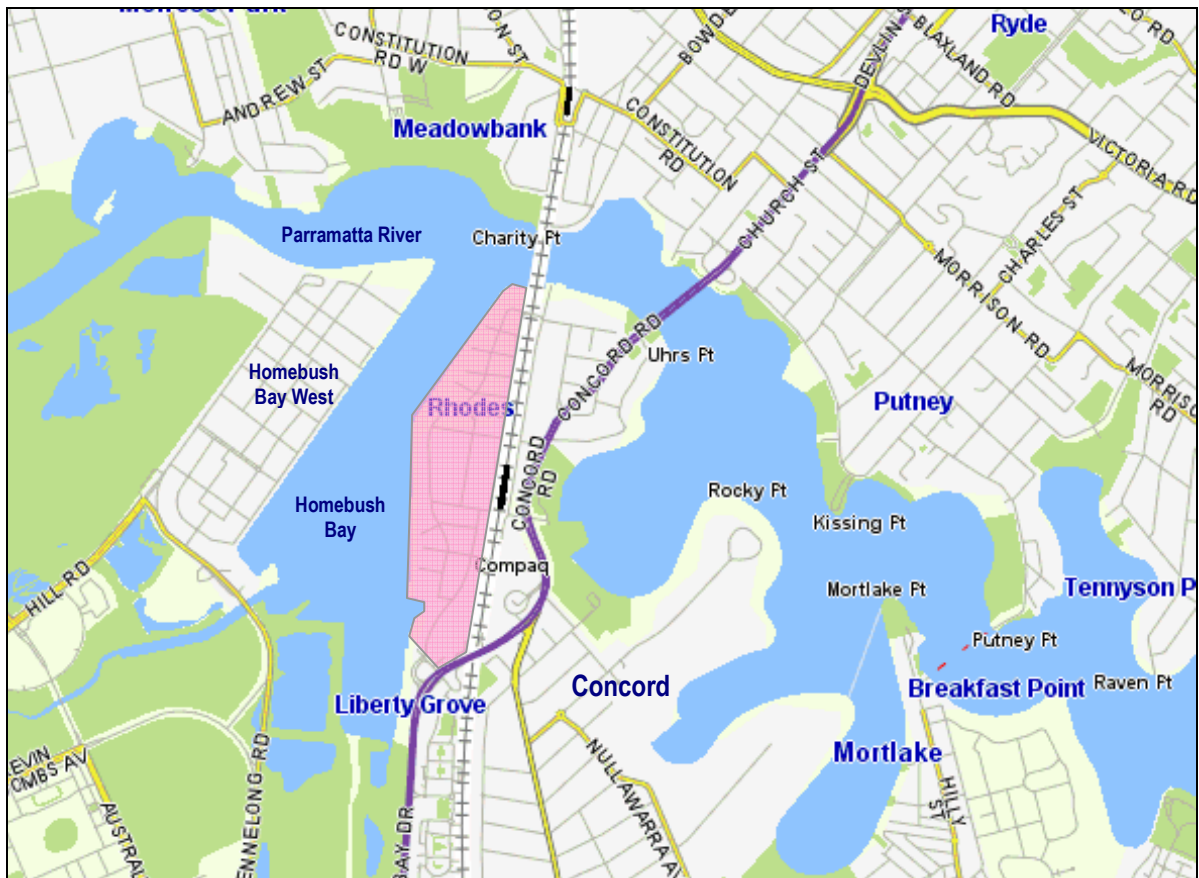


Figure 1. Location of Rhodes Peninsula (shaded pink)

No. 42 Walker Street is also known as Precinct C under Sydney Regional Plan No. 29 – Rhodes Peninsula (SREP 29), and is located on the northernmost part of the peninsula. It is bounded by the Parramatta River to the north, Homebush Bay to the west and Walker Street and the main northern rail line to the east. To the south is Precinct B, also known as the Lednez site. Lot 100 is located on the north-eastern part of Precinct C (Refer to Figure 2).

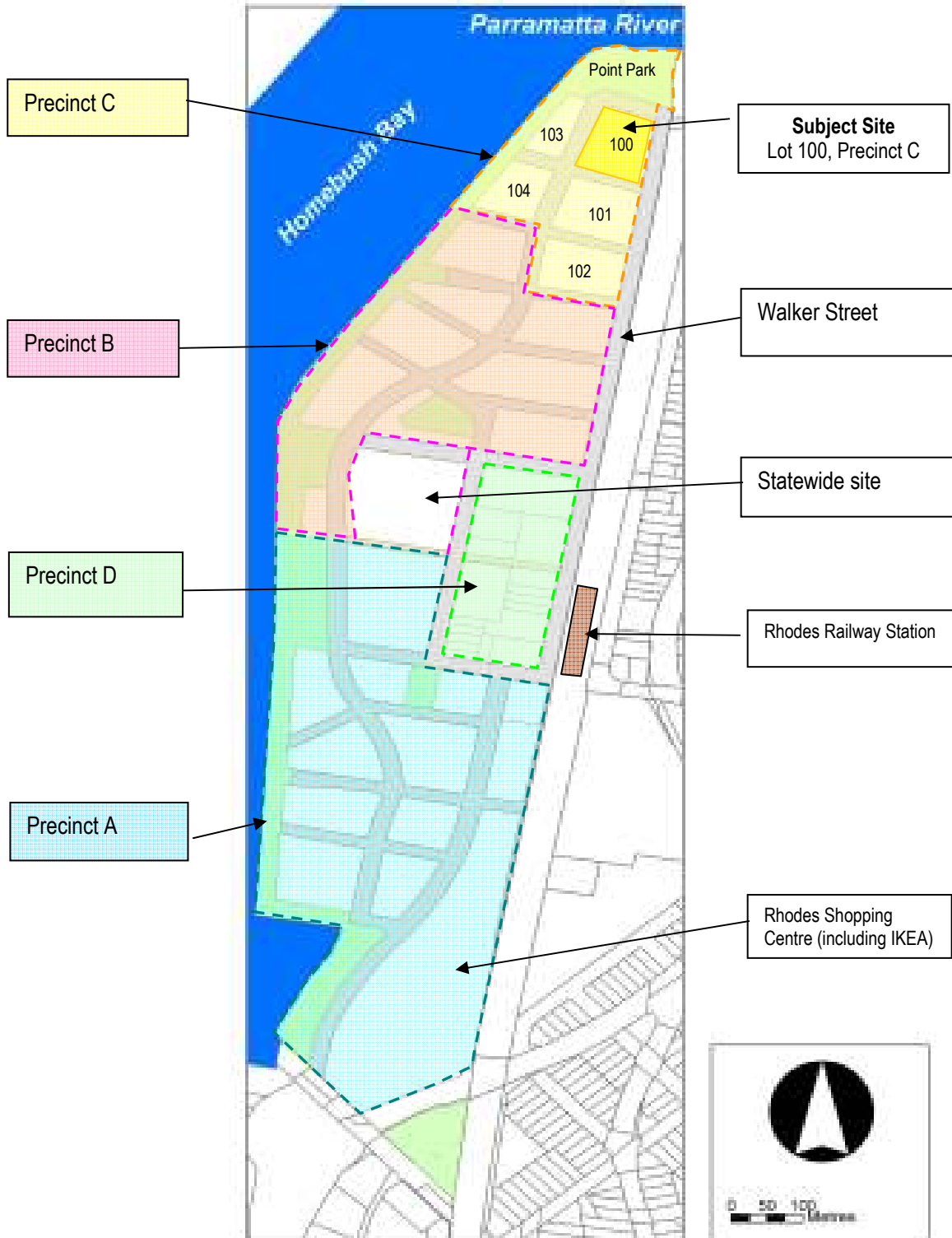


Figure 2. Site location

2.1.2 Existing site features

Precinct C is currently undergoing extensive remediation works due to contaminants remaining on the site as a result of previous uses, the most recent being Allied Feeds. As a result, there are no built structures on the site other than temporary structures for the remediation works, and no vegetation. The site generally falls from southeast to northwest. A sea wall is located on the Homebush Bay waterfront, which is in the process of being rebuilt.

2.1.3 Surrounding development

Precinct C does not adjoin any other built structures, as the main northern rail line separates the site from existing buildings to the east, and remediation works are also still being carried out on Precinct B to the south. Residential flat buildings have been built, or are under construction further south in Precinct A on the Rhodes Peninsula. The Rhodes Waterside Shopping Centre and commercial office buildings are also located in Precinct A. Redevelopment is also occurring on the opposite side of Homebush Bay (refer to Figure 1).

2.2 SITE HISTORY

2.2.1 Previous applications for the site

- On 27 October 2003, the Minister for Planning approved DA 233-7-2002 for remediation works at 42 Walker Street, Rhodes.
- On 30 March 2004, the Minister for Planning approved DA 333-10-2002 for the subdivision of land at 42 Walker Street into 7 lots. Each lot is defined with lot numbers corresponding to the approved DA (Refer to Figure 2). The development lots in Precinct C, including Lot 100 have not been formally subdivided as no Subdivision Certificate has been issued.
- On 1 March 2006, the Minister for Planning approved DA 125-5-2005 for a Concept Plan for 42 Walker Street. The Concept Plan established indicative building envelopes and maximum number of storeys for each building and indicative road layout with private and public open space (refer to Figure 3).

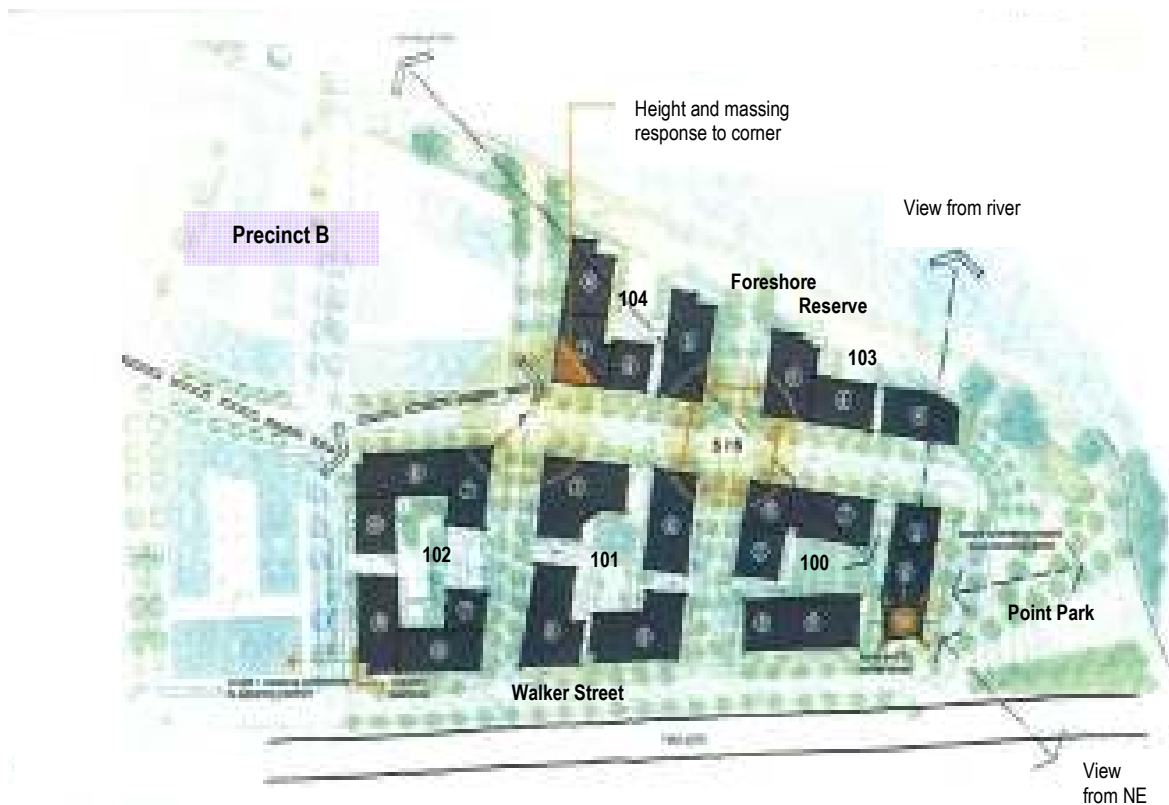


Figure 3. Approved Concept Plan for Precinct C with Lot Numbers

2.2.2 Applications under assessment in Precinct C

Precinct C consists of 5 proposed lots for residential development, numbered Lots 100 to 104. Director General Requirements (DGRs) have been issued for each lot. The status of each lot is as follows:

- Lot 100: The development is the subject of this report.
- Lot 101: No Environmental Assessment (EA) has been received to date
- Lot 102: No EA has been received to date
- Lot 103: On 13 March 2007, the Environmental Assessment for MP 05_0042 was submitted under Part 3A of the Act for the construction of two residential flat buildings varying in height from 4 to 5 storeys and containing 47 apartments, basement car parking and strata subdivision. The application was under assessment when this planning report was bring prepared.
- Lot 104: On 18 March 2007, the Environmental Assessment for MP 05_0043 was submitted for the construction of two residential flat buildings varying in height from 4 to 7 storeys and containing 75 apartments, basement car parking and strata subdivision. The application was under assessment when this planning report was bring prepared.

Public domain works are also required for Precinct C, including construction and embellishment of all roads and public open space. On 19 May 2006, the DGRs were issued for Major Project Applications MP 06_0065 Construction and Landscaping of Foreshore Park and Point Park and MP 06_0066 Construction of Public Roadways and Footpaths for Precinct C. To date, EAs have not been submitted for these projects.

3 PROPOSED DEVELOPMENT

3.1 THE PROPOSED DEVELOPMENT

This is an application for approval to carry out a project comprising of:

- 179 residential dwellings contained within three buildings (divided into 4 "Blocks") ranging in height from 5 to 10 storeys;
- A retail facility at ground level;
- Basement car park over two levels containing a total of 202 spaces; and
- Provision of landscaping works and shared facilities.

Strata subdivision was also proposed, however as no plan of strata subdivision or Strata Management Plan was submitted, this does not form part of the consent. A separate application for Strata Subdivision will need to be submitted to Canada Bay Council.



Figure 4. Ground floor building layout with block references

All buildings feature internal, double loaded corridors, with units either facing the street and/or the central courtyard. Blocks C and D are contained within a single building with a shared slab and party walls on levels 2-6, however they have separate entry foyers and internal corridors, and have no party walls on the ground floor and level 7. A detailed description of each block is as follows:

- **Block A:** This block ranges in height from 5 storeys, to 10 storeys on the northeastern corner of the site. It contains 41 units including 14 cross-over units to provide greater cross ventilation. The ground floor of the 10 storey portion includes a retail facility adjoining a large paved area facing Point Park Street, which could enable a café to operate with outdoor seating.
- **Block B:** This block ranges in height from 8 to 9 storeys and contains 59 units. It contains 6 cross over units on level 6. The ground floor features a pool, jacuzzi and gym proposed for communal use by residents. The entrance to the basement car park is below this building, accessed from Meredith Avenue.
- **Block C:** This block ranges in height from 6 to 7 storeys and contains 47 units. All units are single aspect or corner unit with dual aspects, and either face the street or the internal courtyard.
- **Block D:** This block is 7 storeys in height and contains 33 units. All units are single aspect or corner units with dual aspects, and face either the street or the internal courtyard.

Landscaping, including canopy trees are also proposed around and within the site to soften the built form and provide shade to the internal courtyard.

The applicant has chosen an understated design with extensive balconies and glazing, in particular for units facing the Parramatta River and Homebush Bay. Their reasoning for the overall design is to provide a better fit within a diverse range of building designs already existing in Rhodes.

Development Data

	Proposed	Required/Permissible	Relevant Development Standard	Compliance
Height	Block A: 5-10 Block B: 8-9 Block C: 6-7 Block D: 7	4-10 8-9 6-7 7	Concept Plan	No ¹ Yes Yes Yes
GFA	Res: 19,014m ² Retail: 139m ² Total: 19,153m ²	70,850m ² in Precinct C	SREP 29	Yes
Setbacks	East: 5m North: 1m-3.8m South: 3m West: 3m	min 3m lower 4 floors, 5m upper floors 3m 3m 3m	RR DCP*	Yes No ² Yes Yes
Balcony setbacks	67% of the street setback line	50% of street setback line	RR DCP	No ³
Deep soil landscaping	26%	20%	RR DCP	Yes
Car parking	Residential : 182 18 Visitor, 1 retail	179 - 227 Max 18 visitor, no retail	RR DCP	Yes ⁴

* Renewing Rhodes Development Control Plan

The issues as notated in the table are as follows:

1. There is a minor variation to the height of Block A. The Concept Plan approved 4 to 6 storey portions with a 10 storey tower. The proposal provides 5 storeys instead of the 4 to 6 storeys and has maintained the 10 storey tower. The variation is considered acceptable, as it will not result in a significant overall change to the level of solar access to the central courtyard and will not impact on the solar access to roadways and reserves which are to the north of the site. It is also not considered to result in a significant change to the appearance of the overall bulk and scale of the development (refer to Figure 3 – Approved Concept Plan).
2. The variation to the setback is for part of the 10 storey tower of Block A and is a result of accommodating a building that addresses 2 streets that are not perpendicular to each other. The reduced setback is compensated by the increased setback of the tower element from Walker Street, which is 7.5m, greater than the 5m setback required by the RR DCP.

No significant amenity issues are considered to result from the variation, including no overshadowing to Point Park to the north, and a minimal increase in overshadowing to Walker Street and the rail line.
3. Only the northern side balconies on Block A, facing Point Park, do not comply with the control. As a public road and a public park is opposite, the impact of the appearance of bulk and scale resulting from the variation is not considered to be significant.
4. The RR DCP does not require any off street parking for the retail premises. A single space for the retail tenant is supported as it is considered that this would replace one on street parking space that is likely to occur from this use.

Four pairs of stacked spaces are proposed in the basement, however as each stacked space should only be used by a single unit, a condition of consent is recommended for car parking spaces to be rearranged so that one visitor space is allocated as a residential space while still ensuring that the parking arrangements still meet the requirements of the RR DCP.

A detailed discussion of these issues is contained within Section 5 of this report.

3.3 PROJECT AMENDMENTS

Following exhibition and a subsequent meeting held on 15 February 2007, a Preferred Project Report (PPR) was submitted on 15 March 2007 incorporating the following amendments:

- changes to the external appearance of the buildings, including additional louvred screens on all balconies and reduced height of the lift overrun on Block C;
- provision of 19 visitor spaces in the basement car park including 1 space for the retail facility;
- additional privacy screening on balconies between Block A and B; and
- reduced glazing on some facades
- BASIX certificates for the four blocks were received on 27 April 2007.

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* being on land within Rhodes Peninsula and having a Capital Investment Value (CIV) exceeding \$5 million. The Minister formed the opinion under Clause 6 of the Major Projects SEPP on 15 October 2005.

4.2 PERMISSIBILITY

Under the Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula, the site is zoned Residential Use, permitting residential purposes and a limited range of non-residential uses which are compatible with residential amenity and primarily service local residents. The Proposal is consistent with the objectives of the Residential Zone in the SREP is therefore permissible subject to the Minister's approval.

4.3 DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

The DGRs issued on 6 December 2005 required the following issues to be addressed:

- Relevant EPIs and guidelines to be addressed;
- Consistency of approvals with other consents issued in Precinct C;
- Construction or occupation during remediation;
- Rail impacts;
- Built form, bulk and urban design;
- Public services and infrastructure;
- Provision of a Statement of Commitments; and
- General environmental risk analysis regarding construction and occupation.

The Department is satisfied that the DGRs have been adequately addressed by the Proponents EA and PPR.

On 12 April 2007 the DGRs were revised to include the requirement for a BASIX Certificate in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX), Ecologically Sustainable Development (ESD) principles to be addressed and revised fee details. It is noted that the same revised DGRs have been issued for the four other development lots within Precinct C.

4.4 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

4.4.1 Application of EPIs to Part 3A projects

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs is in **Appendix B**.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- Sydney Regional Environmental Planning Policy No. 29 – Rhodes Peninsula;
- Renewing Rhodes Development Control Plan (RR DCP);
- Concept Plan for Precinct C;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development; and
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

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

- State Environmental Planning Policy No. 11 – Traffic Generating Development;
- State Environmental Planning Policy No. 32 – Redevelopment of Urban Land; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions. Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment as follows:

4.5 PRIMARY CONTROLS

4.5.1 State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land

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

Background

On 27 October 2003, the Minister for Planning approved DA 233-7-2002 for the remediation of the Allied Feeds site (Precinct C). The site was contaminated with hazardous and carcinogenic chemicals as a result of industrial operations since 1919. The development was classified as State Significant Development with the Minister as consent authority, as it required a licence from the EPA and a permit from Waterways.

A Commission of Inquiry was held as part of the assessment process, with the subsequent report recommending approval of the proposal. The issued consent included conditions that an independent site auditor, accredited under the Contaminated Land Management Act 1997, upon completion of remediation of the site, or each part of the site (for a staged DA), prepares a site audit statement and summary site audit report to state that the remediated site does not pose a significant risk of harm to human health and ecological systems.

Construction

The remediation of Precinct C is proposed to be completed in mid 2008. Precinct B, adjoining the southern boundary of Precinct C, is proposed to be completed in mid 2009. The Statement of Commitments (SoC) states that construction of Lot 100 may start prior to the completion of remediation works on Precinct C. WorkCover has expressed concerns for the safety of construction workers from contamination on adjoining sites, and therefore a condition is recommended requiring approval from WorkCover of the necessary reports to address the management of health and safety of workers, prior to the release of any construction certificate.

A Site Audit Statement has not been provided for Lot 100 to demonstrate that the site is suitable for the proposed development. A condition of consent is recommended requiring the Site Audit Statement to be

provided before any construction certificate is issued on the site to ensure that compliance with SEPP 55 is achieved.

Contamination and remediation of the remainder of Precinct C as well as Precinct B further south is a relevant consideration as the remediation works in these areas may affect the suitability of the site for construction workers and occupants of Lot 100. This is due to the potential impacts of remediation processes including excavation and stockpiling of contaminated soil and operation of thermal treatment plants.

Occupation

The SoC states that occupation of the development at Lot 100 will not occur until the completion of remediation activities on Precinct C. However the SoC also states that occupation may occur whilst remediation works are still being carried out on Precinct B. To be satisfied that occupants will be informed of remediation works to be completed on the Rhodes Peninsula, a condition is recommended for a covenant to be created on the single lot forming Precinct C so that a notation is placed on title to inform all potential purchasers of the possible ongoing remediation works on the Rhodes Peninsula. A condition is also recommended for a human health risk report to be submitted by the proponent should occupation occur prior to completion of remediation activities on Precinct B, to demonstrate that there will be no significant health risks to occupants, which is reflected in the SoC.

4.5.2 Sydney Regional Environmental Plan No. 29 (SREP 20) – Rhodes Peninsula

SREP 29 applies to the site. SREP 29 was gazetted in 2001 and provides the statutory planning framework for the Rhodes Peninsula including controls relating to permissibility, floor space controls, height of buildings, acid sulphate soils as well as planning principles for land use, built form, public domain, accessibility, movement and parking, and ecological issues.

Planning Principles

The planning principles in the SREP are objectives for the developments on the Rhodes Peninsula. The 5 principles are:

- Role and land use activities
- Built form
- Public domain
- Accessibility, movement and parking
- Ecological issues

A detail discussion of compliance with these principles is located in the compliance table (**Appendix B**). In summary, the proposed development significantly increases the population of the Rhodes peninsula with limited retail use, in a built form that provides for satisfactory levels of amenity for residents and those using adjoining areas in the public domain. Access within the site is addressed by conditions to ensure compliance with relevant standards, and is not considered to impact on access for those using the public domain. Ecological issues, including energy and water use is, also considered to be achieved.

Total GFA for Precinct C

Clause 14 of the SREP specifies a gross floor area (GFA) cap for Precinct C of 53,300m², and up to 70,850m² if the land zoned open space is embellished, and dedicated as a public reserve free of cost. The proponent has stated in the EA that they are proposing to utilise the upper cap. The dedication of the land zoned open space will be addressed when the application for public domain works is assessed.

The proposed GFA for this site is 19,153m². As this is one of the larger development sites in this precinct, and that the EAs lodged for Lots 103 and 104 proposed GFAs of 6,079m² and 9,046m² respectively, it is considered that the cap of 70,850m² is achievable. A condition of consent is recommended to place a covenant on title limiting the remaining GFA for the rest of the site.

Height

The SREP provides height controls (as in number of storeys) across the Peninsula, including provisions under Clause 16 to vary these height controls by between 3% and 5% of the total GFA for each precinct (by up to 2 to 4 storeys in parts). The applicant has chosen to utilise these variations for the development. These include:

- Part of the 5th floor of Block A is in the 4 storey area under the SREP, however, the variation complies with the SREP as the extra floor does not exceed 4% of total GFA for Precinct C.
- Part of the 7th storey of Block B is within the 6 storey area of the SREP, and complies with the SREP as the extra floor does not exceed 5% of the GFA for Precinct C.
- The 9th and 10th storeys in Block A and the 9th storey in Block B are within the 8 storey area of the SREP, and complies with the SREP as the extra floors do not exceed 5% of the total GFA for Precinct C.

Refer to the compliance table in **Appendix B** for detailed figures.

The Concept Plan, as discussed in Section 4.5.4 below, approved all of the additional heights above the SREP requirements, with the exception of the 5th storey portion of Block A that is within the 4 storey maximum area. The impacts of altering the 4 and 6 storey portion to a consistent 5 storey height is discussed in detail in Section 4.5.4 later in the report. This change is not considered to result in an overall detrimental impact to the amenity of residents within the development, or people using the public domain.

Acid Sulphate Soils

The proponent has indicated that the development may be affected by acid sulphate soils, and as some excavation work may be required, such as piles and footings below the finished levels of the site as a result of the remediation works, a condition of consent is recommended for an acid sulphate soil management report to be submitted prior to issue of a construction certificate for below ground works.

Ecologically Sustainable Design (ESD)

A BASIX certificate was submitted on 26 April 2007 which demonstrates that the 4 blocks at a minimum achieve targets for water, thermal comfort and energy. It is considered that this demonstrates that the building design satisfies the criteria for ESD, and achieves the ESD principles in the SREP.

The ESD principles including integration, precautionary, inter-generational, biodiversity and valuation principles are considered to be achieved, and are discussed in detail in section 5 of this report.

4.5.3 Renewing Rhodes Development Control Plan (RR DCP)

The RR DCP sets out the vision for the future development of the Rhodes Peninsula, and provides more detailed provisions than are contained in SREP 29, to guide redevelopment of the Rhodes Peninsula.

The controls include use, built form, public domain interface, private and communal spaces, services and pedestrian access, parking and servicing. The DCP includes controls for public domain works including public streets and public open spaces.

An assessment of the controls is detailed in the compliance table (**Appendix B**). The proposal has generally complied with the DCP controls, however the noted areas of non-compliance are:

- Street setbacks to Block A as well as the balconies on Block A;
- Number of units with openings in two or more walls;
- Number of units served by a single corridor;
- Building depth;
- Building separation/privacy;
- Unit mix; and
- Car parking layout.

The non-compliances are discussed in more detail under Section 5 of this report. The variations are not considered to be significant as they are minor numerical non-compliances that are not considered to result in significant impacts to the appearance of bulk and scale or the amenity of residents, or can be resolved by recommended conditions of consent.

4.5.4 Precinct C Concept Plan

On 1 March 2006, the Minister approved DA 125-5-2005 for the Concept Plan for Precinct C. It was lodged under Part 4 of the Act for a Stage 1 'Masterplan' for Precinct C of Rhodes Peninsula, identifying the building

mass, indicative envelopes and setbacks, heights, deep soil landscaping, public open space and road network. It was designed to provide additional details and certainty to the site than the RR DCP would otherwise provide on its own.

On 15 October 2005, the Minister declared pursuant to the transitional arrangements of Section 75ZA, Part 3A that the development application under Part 4 described above was a Major Project to which Part 3A of the Act applies. The Proponent was advised that the Project was required to be a concept plan under Division 3 of Part 3A.

The Concept Plan provides for overall street layout, location of public open space, location of development lots, and the building footprints, heights, envelopes and overall built form (refer to Figure 3 detailing the concept plan approval).

The Sydney Harbour Design Review Panel (SHDRP) is a non-statutory panel providing advice to the Department on development occurring on Sydney Harbour and its tributaries. The SHDRP supported the final concept plan design including the distribution of building heights and massing in both the Concept Plan. The revised strategy shown in the amended concept plans was considered to provide greater certainty and that the building heights across the site would achieve a good urban design outcome and meet aims and objectives of SEPP 65, SREP 29, and the RR DCP.

The proposed development is consistent with the location of development lots and building footprints and the overall built form. There is a minor variation to the maximum height of Block A, discussed below. Although the street layout and public open space will be the subject of a separate application, the proposed development is consistent with the location and design of these areas in the Concept Plan.

Height

The proposed application complies with the maximum heights in the Concept Plan, with the exception of Block A as it has amended the 4 and 6 storey component of this building to a consistent 5 storey height.

The change to the height is a response to comments from SHDRP who promoted a simplification of the roof form and height of this building due to concerns that the roof forms were too complicated, resulting in a poor architectural appearance. It is considered that the proposed change in height has better design outcomes as the section of the building to the north of the central courtyard is lower and allows more sunlight into this area. The change to height will also not have any impact on sunlight to the public open space to the north of the site.

In addition, the design satisfies Clause 16 of SREP 29 which permits additional storey height above 4 storeys as long as it is no more than 4% of the GFA of Precinct C. The impact is therefore considered to be satisfactory.

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

SEPP 65 provides criteria for the assessment of residential flat buildings over three storeys in height. The SEPP aims to improve the design quality of residential flat development in New South Wales by including design quality principles. Many of the controls are incorporated into the Renewing Rhodes DCP, however there are some minor inconsistencies with the numerical controls.

The variations to the 'Rules of Thumb' contained within the Residential Flat Design Code, as discussed in the compliance table (**Appendix B**), and are also non-compliances with the RR DCP discussed above, and are listed as follows:

- Number of units with openings in more than one wall;
- Number of units served by corridors;
- Building Depth; and
- Unit mix

The variations are considered to be minor and are considered to still achieve intent of the Rules of Thumb, including the design principles. They are discussed in detail under Section 5 of this report.

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

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

On 26 April 2007, 4 BASIX certificates were submitted for each of the four blocks demonstrating that each building meets the targets for water, energy and thermal comfort, thereby satisfying the requirements of the SEPP.

4.6 OTHER CONTROLS

4.6.1 State Environmental Planning Policy No. 11 (SEPP 11) – Traffic Generating Development

SEPP 11 applies to the proposal as it is a residential flat building comprising 75 or more dwellings, pursuant to Schedule 2(a) of the SEPP. As a result, the application required referral to the RTA which occurred on 6 October 2006.

In response, the RTA supports the proposal subject to recommendations, including requiring contributions under the Rhodes Contribution Framework Plan, design details to be included in the basement car park, and a Transport Management Plan to be provided for the activities associated with construction. The RTA also wants Council to consider the street parking arrangement and a loading zone for the retail facility, however as these relate to the public domain works and fitout and use of the retail facility that will be considered under future applications, it is appropriate that these issues are dealt with at that time. These recommendations have been incorporated as recommended conditions of consent.

4.6.2 State Environmental Planning Policy No. 32 (SEPP 32) – Urban Consolidation (Redevelopment of Urban Land

SEPP 32 applies to this site as it has been rezoned for the purpose of multi unit residential development. The SEPP aims to promote the orderly and economic use of land redeveloped for multi unit housing, to ensure that urban land is suitable for multi-unit housing and that housing availability is increased and meets the needs of a changing population.

These issues are discussed in the compliance table (**Appendix B**) and the application is considered to comply with aims and objectives of the SEPP by providing an additional 179 diverse dwellings with shared facilities within the site and public open space, transport and other facilities elsewhere on the Rhodes Peninsula to provide a satisfactory level of amenity for residents.

4.6.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) applies to this site. The plan aims to ensure the catchment, foreshore and waterways of Sydney Harbour are recognised, protected, enhanced and maintained, and sets planning principles for land within the Sydney Harbour Catchment.

The proposed development is considered to be consistent with the SREP, as it provides for the redevelopment of industrial land on the Rhodes Peninsula, which in the context of the overall redevelopment of Rhodes provides for remediation of contaminated land foreshores, revegetation of foreshore land, improved use and access to the foreshore for residents and visitors.

4.7 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (vi), and (vii), are significant factors informing the determination of the application. The project does not raise significant issues with regards to (iii), (iv), (v), and (viii).

With respect to ESD, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application.

4.8 ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

There are five accepted ESD principles:

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

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

following conclusions:

- **Integration Principle** - the social and economic benefits of the proposal are demonstrated in the documentation submitted for the assessment of this application. The environmental impacts are and will be addressed through the proponent's EA report including the SoC, and recommended conditions of consent. The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal as recommended for approval does not compromise a particular stakeholder or hinder the opportunities of others. The proposal's promotion of good public transport due to minimal on site parking is very important and supported.
- **Precautionary Principle** – the EA is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The recommended conditions require additional information to ensure the proposal's extent and nature is fully documented and opportunities are provided for proposed mitigation and management measures to incorporate best practices.
- **Inter-Generational Principle** – the site's redevelopment for residential use, along with the future applications for public open space and roadways is considered to meet this principle. Through implementation of the Site Audit Statement and remediation action plan, environmental and management practices currently employed on the site will be enhanced or introduced to ensure the environment is protected for future generations.
- **Biodiversity Principle** – There is no natural vegetation on the site due to remediation activities and the site does therefore not contain any threatened or vulnerable species, populations, communities or significant habitats. The preferred project proposes to increase the vegetation on the site including canopy trees, and a condition requires at least 20% locally native species further satisfying the biodiversity principle.
- **Valuation Principle** – the proposal seeks to promote new residential development in existing urban areas by maximising reliance on existing infrastructure, and enabling residents to live near work, leisure and other opportunities. This means that the proposal will provide relatively affordable residential properties in an existing urban area. The infrastructure will be paid for and built by the developer.

The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including mechanical, electrical and hydraulic systems as well as architectural designs to ensure high environmental performance is delivered.

4.9 SECTION 75I CRITERIA

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

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report; and	The Proponent's EA is included in Appendix G while the Proponent's Preferred Project Report is set out for the Minister's consideration at Appendix F along with the Statement of Commitments at Appendix E.
Any advice provided by public authorities on the project; and	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix C

Copy of any report of a panel constituted under Section 75G in respect of the project; and	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project; and	Each relevant SEPP that substantially govern the carrying out of the project is identified in Appendix B, including a brief assessment of the impact of the SEPP on the development proposal.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division, and	An assessment of the development relative to the prevailing environmental planning instrument is provided in Sections 4 and 5 of this report
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate; and	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proponents EA addressed the DGR requirements (Appendix H) and the EA is considered to have satisfied those requirements as addressed in this report. Refer to the Conclusion in Section 7 of this report for a statement relating to this requirement.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

In addition to the EPIs and planning policies addressed above, the key issues considered in the Department's assessment (as indicated in the DGRs) of the EA and PPR includes the following:

- Built form and urban design;
- Public services and infrastructure; and
- Rail Impacts.

Other impacts that have been considered are:

- Public domain; and
- Traffic/parking.

5.1 BUILT FORM, BULK AND URBAN DESIGN

The design issues identified in the assessment of the application are as follows:

Compliance with SEPP 65 and the RR DCP

The application has generally complied with SEPP 65 and the RRs DCP, as detailed in the compliance table (**Appendix B**). The non compliances are summarised below:

Setbacks

The RR DCP requires building walls to be setback 3m from the street boundary. The ten storey portion of Block A is as close as 1m to Point Park Street. The encroachment represents 7m of the total length of Block A, or 13% of the total length of this building. The building has been skewed from the rest of Block A to address Walker Street, which is not perpendicular to Point Park Street. The 10 storey portion provides a 'bookend' effect for Walker Street, and reduces building mass along the northern street frontage. As there are no structures on the opposite side of the street, and only Walker Street and the rail line on the eastern side, the impact of the

bulk of the building is not considered to be significant, nor is there any impact on overshadowing of the park or Point Park Street.

The retail facility has a nil setback to Walker St. This setback is considered to be satisfactory as it is single storey in height, and can provide also provide a 'bookend' to Walker Street to signify the northernmost point of the built form on the Rhodes Peninsula. To reduce the visual impact of this encroachment, and so as to result in a more 'open' feel of this structure, a condition is recommended requiring walls of the retail facility encroaching the 3m setback be of glass.

The RR DCP allows for a maximum of 50% of the balcony areas to encroach the 3m setback area to the street boundary. Blocks B, C and D comply with this requirement, however the northern façade of Building A, which faces Point Park Street, proposes 67% of the balcony areas to encroach the setback area. As there are no structures opposite this part of the development, with Point Park Street and Point Park between Block A and the Parramatta River, it is considered that the street and park will not be adversely affected by overshadowing or a significant impact on the appearance of bulk and scale subject to the wintergarden design balconies to be deleted, and only louvre screen on these balconies remaining (refer to Condition **B1**).

Internal Unit Design

RR DCP requires two-thirds of units to have openings in 2 or more external walls. SEPP 65 however only requires 60% of units to meet this requirement. The application proposes 62% of units to have openings in two or more external walls. It is considered that the variation to the RR DCP is not significant, and given that the design satisfies the requirements of SEPP 65, the outcomes are considered to be satisfactory.

Corridors

Blocks C and D comply with the maximum of 6 units to be served by a single corridor under the RR DCP. Block A has every second floor serving a high number of cross over units with up to 7 units served by the single corridor, and every other floor has a long corridor serving up to 11 units as a result. The design of this building is considered to be acceptable due to the high level of cross over units.

Block B proposes a single corridor to serve up to 9 units, and although this does not strictly comply with the control, as the variation is only for one unit, and as there is natural light to these corridors, the design of this building is considered to be acceptable.

Unit mix

The RR DCP requires 15-30% of units to be 1 bedroom. Only 3% of units are proposed to be 1 bedroom. The applicant has provided documentation to state that the spread of 1 bedroom units across the Precinct will be 16%. This is considered to be acceptable, subject to a covenant to be placed on title to ensure that the required minimum of 1 bedroom units are to be built in Precinct C (refer to Condition **B3**).

Building Separation

Blocks A and B are as close as 5m apart on Level 2. A condition is recommended for part of the proposed balcony serving the north-western unit on Level 2 of Block B to be non-trafficable, and the living room window on the northern elevation to be either deleted or changed to a highlight window so there is a 12m between habitable rooms.

Parking

The RR DCP requires at least one parking space per unit, with optional additional parking spaces available for 2 bedroom units (at a rate of 1.2 spaces per unit) and 3 bedroom units (at a rate of 1.5 spaces per unit).

The minimum total number of resident car parking spaces have been provided, however 8 of the spaces are in staked formation. As only one pair of stacked spaces should be allocated to a single unit, one of the 18 visitor spaces is recommended to be reallocated as a resident space so that each unit has at least one space, and the maximum number of spaces for each unit type is not exceeded. This leaves 17 visitor spaces, and a retail space which although is not required, is considered to reduce the demand for on street parking that is likely to occur as a result of this use.

The following allocation of car parking spaces is recommended:

- 183 resident spaces
- 17 visitor spaces

- 1 retail space

Appearance of the development from Homebush Bay and the Parramatta River

The western and northern elevations are the most prominent and significant as they are highly visible from Homebush Bay and the Parramatta River.

The design on the western side of the site is articulated, with varying setbacks and heights. There is a distinct separation of the southern side of Block A and the northern side of Block D, providing access to the central courtyard. The separation, and reduced floor plate size of the upper level of Blocks C and D also reduce the walled appearance of these buildings.

Roof design

The SHDRP required the applicant to address the design of the roofs of the proposed development. The flat roof design is simple and consistent across the site. Combining the staggered heights on the northern building approved in the Concept Plan into a consistent 5 storey height simplifies the roof form for this part of the building. Lift overruns are located on the roof and set back from the street to reduce the visual appearance of these structures. The roof heights of the other buildings are generally consistent and considered to satisfy this component of the DGRs.

Provision of Open Space

The majority of the communal open space has been provided in the centre of the site, consistent with the Concept Plan. This also represents the majority of the deep soil area. Balcony areas comply with the minimum of 12% of the unit floor area.

It is considered that along with the landscaping proposed, the appearance of the bulk of the development is considered to be a satisfactory, and is sympathetic to the existing development in Precinct A on the Rhodes Peninsula.

Amended Plans

Amended plans were submitted in response to concerns raised by the Department regarding the lack of articulation on the northern façade, and to address both the RR DCP and SEPP 65. The amended plans increased the number of louvres on the balconies which result in a greater appearance of articulation and design interest of the facades.

The applicant also proposed enclosable balconies, however these are not supported due to the additional floor space and increased perception of bulk and scale when viewed from adjoining public areas. There has also been a reduction in some of the glazing to increase the appearance of the range of materials used in the overall design, which also increases the design interest of the building. The offset design of the 10 storey portion of Block A breaks up the appearance of a single wall on the northern elevation.

5.2 PUBLIC SERVICES AND INFRASTRUCTURE

S94 contributions

The proponent was required to present calculations of relevant contributions having regard to the Rhodes Section 94 Contributions Framework. These have been provided. It is recommended that the required cash contribution be payable to Canada Bay Council.

Traffic Management Plan works

In addition to the S94 monetary contributions, the TMP also requires works in kind to be carried out. The works required to be carried out by the developer of Precinct C include roadworks outside of the Rhodes Peninsula such as Leeds Ave to Cavill Ave, and stairs to John Whitton bridge.

It is considered that it is appropriate for the works to be required for the future applications for public domain works/roads.

5.3 RAIL IMPACTS

The proponent submitted reports by Acoustic Logic Consultancy addressing train noise and vibration, and a report was also submitted by Savcor to address stray currents. Both reports were referred to RailCorp for consideration. RailCorp provided recommendations including that the noise mitigation techniques recommended in the acoustic report and the electrolysis risk amelioration measures recommended in the Savcor report are incorporated in the approved plans. Conditions of consent are recommended to ensure that the recommendations of the reports are incorporated in the plans.

RailCorp also states that the contributions for Precinct C under the Infrastructure Deed signed in June between RailCorp and Rhodes Peninsula Developments Pty Ltd (now Meriton) were based on a maximum GFA of 53,300m², which is the lower GFA cap permissible under SREP 29. As the proponent has stated in the EA for this development that the upper cap will be utilised, RailCorp wants the Department to ensure that the calculations under the Transport Management Plan for Rhodes Peninsula for the Rhodes station upgrade are recalculated to reflect the TMP. TMP works related to the station upgrade will be calculated for the public domain applications which will be lodged at a future date.

5.4 OTHER ISSUES RELATING TO THE IMPACT OF THE DEVELOPMENT:

Traffic and parking

The applications for roadworks and public open space in Precinct C have not been lodged. The overall design has been approved in the Concept plan, which shows the roads reflecting the road layout in the RR DCP as well linking up to the road design proposed for Precinct B. As the roads application has not been received, the levels cannot be confirmed, however the proponent has advised that the road plans are being drawn up and will be consistent with the levels shown on the footpaths on the current plans adjoining the development. This is considered to be satisfactory.

Vehicle access to the site is from a single driveway from Meredith Avenue to the basement level, which runs along the southern side of the site. This is in accordance with the RR DCP which states that no driveways be accessed from Walker Street.

Public open space

The public open space consists Point Park Street opposite the northern side of the subject development site and Foreshore Reserve adjoining the Homebush Bay Waterfront. These open space areas will be considered in detail in the application for public domain works when they are lodged. The reserves will increase the residential amenity of the developments in Lot 100 by providing additional open space for residents and visitors.

6 CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The major project application was exhibited from 11 October 2006 for 45 days (extended from the original 30 days due to additional information being received after the exhibition period had commenced) and was published in the Inner Western Suburbs Courier and Sydney Morning Herald. The EA was made available to the public in the Department's Information Centre and at the offices of Canada Bay Council.

6.2 SUBMISSIONS RECEIVED ON ENVIRONMENTAL ASSESSMENT

The Department received a total of 4 submissions comprising 1 submission from in response to the public and 4 submissions from public authorities being Canada Bay Council, Rail Corp, DEC and NSW Health.

The submission from the public comprised a letters of objection from residents association. None of the public authority submissions raised objections to the development, however did recommended conditions.

6.3 PUBLIC SUBMISSIONS

6.3.1 Summary of issues raised in public submissions

The following issues were raised in the public submissions:

- Inadequate resident parking, and no parking for visitors and service vehicles
- Building size
- Steps to John Whitton bridge
- Only one retail facility opposite the park
- No provision for waste minimisation
- Building work whilst remediation continuing
- Inadequate light to central open space

Discussion on the key issues which include those raised in submissions is in **Section 5** of this report.

A summary of all submissions received can be found in **Appendix D**. The proponent responded to these submissions on 2 January 2007 and the proponent's response to submission is in **Appendix E**.

6.3.2 Other issues raised in public submissions

Comments on other issues raised which are not addressed earlier in this report of in attachments, are as follows:

Steps to John Whitton bridge

The TMP includes a requirement for steps to John Whitton bridge to be funded as a percentage of the cost allocation of the floorspace of Precincts B and C. The construction of this work will be required as part of approval for the application for roadworks in Precinct C which will be lodged at a future date.

Only one retail facility along Point Park Street

Lot 100 is within the residential Zone under the provisions of SREP 29, which permits local shops in the zone. Under Section 5.3 – Public Domain Interface in the Renewing Rhodes DCP, the frontage to Point Park Street is designated as an active street frontage, which includes uses such as a café or restaurant if accompanied by an entry and/or outdoor seating to this street.

It is considered that more shops may reduce the residential amenity of residents in Lot 100, and not achieve the intent of either the SREP or Renewing Rhodes DCP for this part of the Rhodes Peninsula.

6.4 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities:

6.4.1 Department of Environment and Conservation

- Risk for construction workers & residents from nearby remediation activities;
- Recommends no construction work within 100m of any remediation activities; and
- No occupancy until all remediation works finished on both Precinct C and Precinct B.

These issues are addressed in Sections 4 and 5 of this report. A number of conditions are recommended in order to address these specific issues raised including WorkCover approval of details to address workers risk of contamination, and a report to demonstrate that any occupation that is proposed before all remediation works in Rhodes are completed will not significantly affect the health and amenity of residents.

6.4.2 Canada Bay Council

- Safety of construction workers and occupants due to remediation activities;
- Visibility problem at intersection of Point Park Street and Walker Street;
- Landscaping – lack of species diversity, not used indigenous species;
- Inadequate natural lighting, cross ventilation and poor natural heating and cooling;
- Additional storm water and civil engineering works required;
- Additional detail of access ramps and storage areas for waste management; and
- Address the RTA's Bicycle Plan 2010.

These issues are addressed in Section 4 and 5 of this report. A number of conditions are recommended in order to address these issues including remediation, landscaping, as discussed in section 5 of the report. Stormwater issues are recommended to be addressed by conditions. The issues relating to intersection visibility, additional engineering works and the RTAs bicycle plan will be addressed in more detail in the application for public domain works.

6.4.3 NSW Health

- Timing of occupation of apartments; and
- Risks to construction workers.

These issues have been addressed by conditions for WorkCover to approve of details of the management of risk for construction workers and for the developer to demonstrate that occupants will not be significantly affected by other remediation works to be completed on the Rhodes Peninsula.

6.4.4 RailCorp

- Noise and Vibration;
- Stray currents and electrolysis from rail operations; and
- Contributions under the Traffic Management Plan (TMP).

These issues have been addressed through conditions for the applicant to satisfy the recommendations in the reports submitted with the application. TMP works and/or contributions required will be addressed in the application for public domain works.

6.4.5 Roads and Traffic Authority/SRDAC

- Financial requirements to deliver on TMP studies;
- Compliance with relevant Australian Standards;
- May result in the need for some restricted parking;
- One stacked parking space per unit;
- Provide visitor parking on site and providing for queuing on site;
- Height clearance for garbage trucks;
- Transport Management Plan to be prepared for construction activities; and
- Signposting to be of no cost to RTA.

These issues have been addressed by conditions, as discussed earlier in the report. Parking in the street is to be addressed in the public domain application for the road design and the loading zone for the retail facility is to be addressed in the separate approval required for the fitout and use of the retail facility.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to bulk and scale of the development, amenity of residents, and management and mitigation of impacts resulting from the previous contamination of the site. The Department has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues and minimal impacts as a result of the proposal.

The proposed development will allow for 179 dwelling in three buildings, a retail facility, basement carparking and associated landscaping on the site known as Lot 100, Precinct C, 42 Walker Street, Rhodes. Furthermore, the project application has complied with the environmental assessment requirements, generally complied with the existing environmental planning instruments and meets the intent of the existing approved Concept Plan.

On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to the conditions of approval.

8 RECOMMENDATION

For project application:

It is recommended that the Minister:

- (A) consider the findings and recommendations of this Report; and
- (B) approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to modifications of the project and conditions and sign the Determination of the Major Project (**tag A**).

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APPENDIX A. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Projects	<p>42 Walker Street, Rhodes Project Applications</p> <ul style="list-style-type: none"> • Lot 100 (Major Project Application 05_0039) • Lot 101 (Major Project Application 05_0040) • Lot 102 (Major Project Application 05_0041) • Lot 103 (Major Project Application 05_0042) • Lot 104 (Major Project Application 05_0043)
Site	Precinct C (also known as Former Allied Feeds Site, Rhodes – 42 Walker Street, Rhodes (Canada Bay LGA)
Proponent	Meriton Apartments Pty Ltd
Date of Issue	2 December 2005
Date of Expiration	2 December 2007 (2 years from date of issue)
Special Provision	<p>The Minister for Planning formed the opinion pursuant to Clause 6 of <i>State Environmental Planning Policy (Major Projects) 2005</i> (MP SEPP) that the projects are a Major Project under Part 3A of the <i>Environmental Planning and Assessment Act</i> on 15 October 2005.</p> <p>Pursuant to section 75F(3) of the Act, the Environmental Assessment Requirements have been amended by the delegate of the Director-General on March 2006.</p> <p>An Environmental Assessment for each project must include:</p>
General Requirements	<ul style="list-style-type: none"> • an executive summary; • a description of the proposal including: <ul style="list-style-type: none"> ○ description of the site, including cadastre and title details; ○ design, construction, operation, maintenance, rehabilitation and staging as applicable; and ○ project objectives and need (if relevant); • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; • draft Statement of Commitments for each project (see below); and • a statement on the validity of the environmental assessment, the qualifications of person(s) preparing the assessment and that the information contained in the environmental assessment is neither false nor misleading.
Key Assessment Requirements	<p>Part A – Heads of Consideration</p> <ul style="list-style-type: none"> • Suitability of the Site; • Likely environmental, social and economic impacts; • Justification for undertaking the project; and • The public interest. <p>Part B – Relevant EPIs and Guidelines to be addressed</p> <ul style="list-style-type: none"> • Planning provisions applying to the site, including permissibility and the provisions of all plans and policies; • Compliance with the requirements specified by BASIX and lodgement of a BASIX Certificate; • Nature and extent of non-compliance with specified EPIs; and • Consideration of alternatives to the proposal. <p>Part C – Key Issues to be addressed</p> <ul style="list-style-type: none"> • Requirements of the Department and other agencies in Schedule 1 (see

**Consultation
Requirements**

attached);

Part D – Statement of Commitments

- Proposed mitigation and management of residual impacts; and
- A draft Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of stormwater management, construction impacts (including soil and sediment run-off and noise), waste generation and collection, the use of cranes, staging of development and occupation, and mitigation of amenity impacts from construction activities.

Test of adequacy

If the Director General considers that the Environmental Assessment for each Project does not adequately address the Environmental Assessment Requirements, the Director General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent. The Director General may modify these requirements by further notice to the proponent.

General Environmental Risk Analysis (in relation to all component of the project)

Notwithstanding the above key assessment requirements, the Environmental Assessment for each Project must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and occupation), proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impacts must be included in the Assessment.

Ecologically Sustainable Development

The environmental assessment shall detail how the development will incorporated ESD principles in the design, construction and ongoing operation phases. You should undertake an appropriate and justified level of consultation with relevant following parties during the preparation of the Environmental Assessment:

(a) Agencies

- NSW Department of Environment and Conservation;
- NSW Department of Health;
- Sydney Water Corporation;
- NSW Roads and Traffic Authority;
- RailCorp

(b) Public

- Rhodes Community Consultative Committee; and
- Any additional meetings proposed by the local member or other relevant group.

(c) Peer Review Requirements

The Built Form, Bulk and Urban Design components referred to in the schedule are to be reviewed by the Sydney Harbour Design Review Panel prior to submission

Exhibition requirements	<p>The proponent must set up a website before any exhibition commences that:</p> <ul style="list-style-type: none"> • displays the Environmental Assessment for each Project (including any other accompanying documents and materials), and • has the Environmental Assessment for each Project (including any other accompanying documents and materials) available in a size suitable for downloading for the public to access. <p>The proponent may not alter or remove the information without the prior consent of the Director General.</p>
Deemed refusal period	60 days
Panels constituted under s75G	No Panels are required at this stage
Application Fee Information	Fees payable are prescribed in the Environmental Planning and Assessment Regulation
Landowners Information	<p>Landowners information is to be provided in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>For notification both inside and outside of the Site, the Department will seek landowners' and occupiers' details from the City of Canada Bay Council</p>
Documents to be submitted	<p>10 copies of the Environmental Assessment</p> <p>1 copy of the Environmental Assessment and plans on CD-ROM (PDF format)</p> <p>10 sets of architectural and landscape plans to scale, including set one (1) set at A3 size (to scale)</p> <p>One Model (scale 1:500) showing all Projects and a context of no less than 100 metres around the site</p>

SCHEDULE 1

Key Issues to be addressed in the Environmental Assessment for each project

Consistency of Approvals

- The Environmental Assessment must demonstrate that it is consistent with the:
 - Concept Plan – Stage 1 Masterplan for Precinct C of Rhodes Peninsula (Project No. 125-5-2005) as amended (including any draft amendments)
 - development consent with respect to remediation of the site (DA 233-7-2002)

Construction or Occupation during Remediation

- If before completing remediation of the adjacent Lednez site (40 Walker Street) or any of part of Subject Site the proponent proposes to **(i)** perform construction work or **(ii)** have development completed and capable of occupation, then the Environmental Assessment must:
 - provide a comprehensive risk assessment on the acute and chronic health implications for construction workers or occupants (as applicable) of any development parcel within the Subject Site as a result of the noise, dust, volatilised contaminants and odour from the remediation activities occurring within the Rhodes Peninsula concurrently with the expected occupation of the Subject Site. Assessment must be completed in accordance with the DEC's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW;

- detail the additional occupational health and safety (OH&S) requirements as advised and required by WorkCover NSW and the NSW Department of Health;
- in the event of **(ii)** above, provide a human health risk assessment for occupants of the development, having regard to the cumulative health implications of impacts from the Subject Site and surrounding construction and remediation activities within the Rhodes Peninsula;
- in the event of **(ii)** above, identify measures to address the risk of exposure to retained contaminants for children at the childcare centre proposed for Lot 101 as clean-up criteria for the site was developed using soil access scenarios for high-density residential and open space, not childcare centres. A new specific health risk assessment must be undertaken in consultation with NSW Department of Health ensuring that the location proposed for the childcare centre is suitable for this level of use, or requiring that the design changes to the childcare centre demonstrates that an appropriate and adequate barrier is created and maintained preventing access to contaminants; and
- demonstrate compliance with any recommendations resulting from the abovementioned consultation and assessments.

Rail Impacts

- The Environmental Assessment must present an assessment of noise and vibration effects from nearby rail activities, including mitigation and monitoring measures where appropriate, consistent with any guidance (including draft or interim guidelines) published by Rail Corp, including both *Interim Guidelines for Applicants – Consideration of Rail Noise and Vibration in the Planning Process* and *Interim Guidelines for Councils – Consideration of rail noise and vibration in the planning process*.

Built Form, Bulk and Urban Design

- The Environmental Assessment for each project must provide details of the built form and/or a massing strategy for the Subject Site, addressing the appearance of the proposed development in totality from Homebush Bay and from land surrounding the site.
- The particular matters the Environmental Assessment must address include, but are not limited to:
 - concerns that the building mass of the Subject Site will appear to the public as a wall from the north-west and west directions;
 - a strategy for the design of roof forms and roof treatments to ensure that the overall form of the Subject Site does not appear disorganised and fractured;
 - a landscaping design for the Subject Site that ensures a strong overall link for the precinct when viewed from Homebush Bay;
 - a clear design strategy for the treatment of Shoreline Avenue, consistent with that identified in the Rhodes DCP;
 - the need to address the provision of pedestrian desire lines between each development parcel (and the Subject Site) and the railway station, with particular focus on way-finding measures, additional lighting, landscaping and other measures to improve these desire lines;
 - design of each development parcel that demonstrates strict compliance with SEPP 65 and the Rhodes DCP; and
 - a clear strategy for addressing open space for each development parcel (and the Subject Site).

Public Services and Infrastructure

- The Environmental Assessment must present calculations of relevant contributions to public services and infrastructure, having regard to *Rhodes Section 94 Contributions Framework* and *Concord Section 94 Plan*.

APPENDIX B. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS INCLUDING STATE ENVIRONMENTAL PLANNING POLICIES, AND PLANNING GUIDELINES THAT SUBSTANTIALLY GOVERN THE CARRYING OUT OF THE PROJECT

Environmental Planning Instrument	Consideration
SEPP 11- Traffic Generating Development	
This SEPP requires that the RTA have been advised of the proposal and given the opportunity to comment on the proposal.	The application was forwarded to the RTA and comments received from the Sydney Regional Development Advisory Service on 12 January 2007. Conditions have been recommended to address the concerns raised that relate to this application. Other concerns relate to the public domain and roadways which will be subject to a future applications.
SEPP 32 – Urban Consolidation (Redevelopment of Land)	
<p>Clause 11 Determining Development Applications</p> <p>(a) the assessment is to consider the effect of the development on:</p> <p>(i) the existing streetscape</p> <p>(i) the privacy of adjoining landowners, and</p> <p>(iii) the availability of sunlight to adjoining owners</p> <p>(b) the noise likely to be generated by the development</p> <p>(c) whether adequate provision can be made for car parking on, access to and servicing of the site</p>	<p>(a) The only existing street is Walker Street, with RailCorp land to the east, and development sites being remediated further south. The proposed development is not considered to have a significant impact on the streetscape or amenity of adjoining landholders.</p> <p>(b) As the development is primarily for residential use, it is not considered that there will be significant noise generated from the site as a result. It is considered that the retail facility could function sympathetically with the residential use. To address hours of operation and other details that could affect noise for adjoining residents, a separate development application for the use of the retail facility is required.</p> <p>(c) The development will meet the minimum car parking requirement for residents and visitors and is discussed in further detail below. Access to the site considered satisfactory, subject to conditions.</p>
SEPP 55	
Clause 7 Contamination and remediation to be considered in determining development application	Contamination of the site was addressed by DA 233-7-2002 approved by the Minister on 27/10/2003 for the remediation of the Allied Feeds site, also known as Precinct C. Site Audit Statements are required to be provided by the Site Auditor to state that the site is suitable for the intended use prior to the commencement of any construction work by the proponent. This will be conditioned on the consent.
SEPP 65	
Table 1: Design Quality Principles	
Clause	
Principle 1: Context	<p>1. The development is located at northern end of redeveloped Rhodes Peninsula and is considered to fit into the desired future character of this area.</p> <p>2. There are no other existing buildings in the vicinity of the development. Other buildings within Rhodes are also similar scale. The 10 storey portion is to create a 'Bookend' and this height is approved in the Concept Plan.</p> <p>3. The development reflects the building footprint</p>
Principle 2: Scale	
Principle 3: Built Form	
Principle 4: Density	
Principle 5: Resource, energy, and water efficiency	
Principle 6: Landscape	
Principle 7: Amenity	
Principle 8: Safety and Security	

Principle 9: Social Dimensions Principle 10: Aesthetics	<p>approved in the concept plan. Articulated elements including the use of screens to add design interest</p> <ol style="list-style-type: none"> 4. The development complies with the GFA requirements for this precinct. 5. Details have been provided, along with conditions of consent to achieve satisfactory levels of ESD. This includes the requirements to satisfy the BASIX certificates issued for the development. 6. Minimum areas of 20% of the site for deep soil. 26% proposed. Conditions will be included for more locally native species. 7. It is considered that the amenity of the occupants, including solar access, protection from heat and cold, noise and vibration have been addressed in the design including external louvres, awning, balcony size, orientation, and materials. 8. Dwellings overlook public and private space, and units can also be accessed directly from the street. 9. Flexibility of design is considered to be achieved. Unit mix across the Precinct is considered to achieve a good social mix. 10. With the changes required for screening devices, plus materials and landscaping, it is considered to meet the aesthetic requirements.
Table 2: Residential Flat Design Code (Clause 30 (2) (c) of SEPP 65)	(Discussed below)
Part 1 – Local Context – Primary Development Controls	
Building Depth	The Code states the maximum building depth for apartment buildings should be 18m. If greater than this, it should be demonstrated units still achieve adequate daylight and natural ventilation. The maximum building depth proposed is 20m, at a depth that serves two units. The depth of individual units is considered to be satisfactory in regards to natural ventilation and daylight.
Building Separation	Satisfactory. Is consistent with the Concept Plan. Where habitable areas are closer than 12 metres, measures are to be put in place to protect residential amenity. This includes restricting trafficable areas and highlight windows.
Site Analysis	The information submitted with the application is considered to satisfactorily meet this requirement.
Deep Soil Zones	Provides 26% of the site as deep soil planting, greater than the 20% required. Satisfactory.
Fences + Walls	Satisfactory. In particular, fences will be conditioned to ensure compliance with the maximum height of 1.2m
Landscape Design	The design is considered to be satisfactory, subject to a condition requiring a higher level of native plants
Open Space	Satisfactory. Communal open space located in the centre of the site as approved under the Concept Plan. Balcony location and size considered to be satisfactory. Ground floor courtyards range in size from 22m ² to 30m ² , compared to the minimum 25% required. The variation of 3m ² is not considered to be significant and still allows for good usable open space.
Orientation	Satisfactory. Complies with the building layout for the

	concept plan. 76% of units comply with solar access requirements.
Planting on Structures	Satisfactory, details provided on the Landscape Plan provided by Guy Sturt and Associates.
Site Amenity	
Safety	Satisfactory. Passive surveillance provided to streets and internal areas. Minimal blind spots.
Visual Privacy	Satisfactory. Condition required for reduced trafficable area on Block B.
Building Entry	Satisfactory. Building entries are clearly identifiable
Site Access	
Parking Access	Satisfactory. RTA conditions to be included to address this issue.
Pedestrian Access	Satisfactory, subject to conditions
Vehicle Access	Satisfactory, subject to RTA and Council conditions
Building Configuration	
Apartment Layout	Satisfactory. Reflects the Concept plan. Single aspect apartments should be maximum 8m to a window. The proposed units are generally a maximum 8m. The maximum depth is 9m which is not considered to be significant. Cross over units are at least 4m wide to comply with this control.
Apartment mix	The SEPP requires a mix of units however only 3% of units have 1 bedroom. The applicant states there will be a more even spread across the site. Details have been provided to demonstrate that Lots 101 and 102 will have much higher levels of 1 bedroom units to achieve the 15%-30% of 1 bedroom units required by the Renewing Rhodes DCP.
Balconies	Satisfactory. Generally meets minimum depth of 2m, however some balconies are only 1.8m deep, however these are large and are still considered to function satisfactorily for occupants especially as they meet the minimum balcony size of 12% of the unit floor area.
Ceiling Heights	Satisfactory. Min ceiling height 2.7m
Flexibility	Satisfactory. Considered to achieve the objectives in providing internal flexibility for use by occupants.
Ground floor apartments	Satisfactory. The majority of ground floor units have individual entry and have access to terrace style open space
Internal circulation	Satisfactory. Long internal corridors are proposed – up to 12 units served in Block A. This is due to the approved building form in the concept plan, and the cross over units which are located on every second floor. Block B has 7 units per corridor which is not considered to be a significant variation of the maximum 6 units per corridor.
Mixed use	Satisfactory. One retail component is proposed, considered to be satisfactory
Storage	Satisfactory. Will be conditioned to ensure compliance with the storage requirements for each unit.
Building amenity	
Acoustic privacy	Satisfactory. Recommendations in the Acoustic report are considered to be satisfactory.
Daylight access	Considered satisfactory, meets minimum requirements for units.

Natural ventilation	Satisfactory. 62% of units have openings in more than one wall, exceeding SEPP minimum of 60%. High number of cross over units proposed.
Building form	
Awnings and signage	To be conditioned.
Facades	Satisfactory
Roof design	Roof design considered satisfactory.
Building performance	
Energy efficiency	Satisfactory. BASIX certificates provided for each block that meet at least the minimum targets
Maintenance	Satisfactory, subject to conditions
Waste Management	Satisfactory, subject to conditions
Water conservation	Satisfactory, subject to conditions
SREP (Sydney Harbour Catchment)	
PART 2 PLANNING PRINCIPLES	Planning principles satisfactorily achieved
Part 3 Foreshore and Waterways Area	Satisfactory. Proposed development not considered to negatively affect the foreshore or waterways area

SREP 29 – Rhodes Peninsula

<p>Clause 10 Planning Principles for Rhodes: Role and land use activities</p>	<p>Meets the aims of increasing the residential population, open space and limited retail facilities, and encouraging a vibrant community along street frontages by units overlooking the street, and design of the retail facility.</p>
<p>Built form</p> <p>Building heights are to reflect and emphasise the topography and other natural attributes of the Rhodes Peninsula. Building heights should allow a reasonable sharing of views from buildings by their occupants, with lower buildings at the foreshore and the greatest building height and density adjacent to the railway line.</p> <p>The predominant height of buildings adjacent to the foreshore is not to exceed 4 storeys.</p> <p>The height, form and orientation of buildings are to take into account visual impact, both land and water based, solar access, ventilation, wind impact and the amenity and privacy of residences.</p> <p>Design should promote a public domain and residential areas with a high quality of amenity and follow design practices which encourage energy conservation and the promotion of public transport.</p> <p>Development is to provide for a high quality of landscaping and plantings.</p> <p>The history of the site should be interpreted through continuity of existing features such as street layout and plantings.</p>	<p>Considered satisfactory. Buildings are lower closer to Homebush Bay, with a large number of units obtaining water views</p> <p>The height of the northern building (Block A) is 5-10 stories facing the Parramatta River. This is generally consistent with the approved Concept Plan, however combines the 4-6 storey portion into a consistent height of 5 storeys to simplify the building form. No significant issues are considered to result from this design change. The five storey portion is no more than 4% of the total floor space for the precinct, complying with Clause 16 of the SREP</p> <p>The development is considered to provide for dwellings with a high quality of amenity including solar access, views, access to public open space and public transport.</p> <p>The landscape design for the site is generally considered satisfactory, subject to increased native planting to address ESD principles and Council concerns.</p> <p>No existing features due to remediation measures. Walker Street only remains, and the development will address this street</p>
<p>Public domain</p>	<p>The matters in this part of the SREP are to be addressed in the assessment of the public domain applications. It is considered that the proposed development does not</p>

		prevent compliance with this Section.
	Accessibility, movement and parking	Access directly to the site, and within the site is generally considered to be satisfactory, subject to conditions to ensure compliance with Australian Standards as required by the RTA and Canada Bay Council. Parking numbers comply with the DCP requirements discussed below.
	Ecological issues Development within the Rhodes Peninsula is to make a significant contribution to ecological sustainability through reduced energy requirements, particularly those of a non-renewable nature, and to waste reduction. Water and energy efficient design criteria are to be promoted and soil erosion and sedimentation control measures implemented during remediation and construction phases. Development should not have adverse impacts on the water quality of Homebush Bay or the Parramatta River. Appropriate re-vegetation of the foreshores is to be encouraged.	BASIX certificates have been issued for the four blocks, each at a minimum meeting requirements for water, energy and thermal comfort. Considered satisfactory, subject to conditions for water and soil control measures. These issues have also been addressed in the consent for remediation of the site. No significant impact on the water quality of these waterways is envisaged, subject to the conditions recommended for soil and water control measures. Revegetation the foreshore areas will be addressed in the public domain applications.
Clause 11	Land use Zone and explanation	Complies with land use for the zone
Clause 13	Infrastructure provision	Addressed by TMP. Will be addressed in applications for public domain works.
Clause 14	Floor Space restrictions for Precincts	Development is consistent with the GFA for the Precinct
Clause 16	Height of Buildings	This has been addressed by the Concept Plan which approved heights for the building footprints. The proposed development is considered to be generally consistent with this requirement.
Clause 18	Development near zone boundaries	N/A
Renewing Rhodes DCP		
3.1.1	Create a specific identify for Rhodes Peninsula	This addresses the overall subdivision pattern and public domain. This has either been addressed in the Concept Plan approval, or will be addressed for the public domain application for Precinct C.
3.1.2	Provide a street layout that maximise connections to all surrounding areas and creates a high quality public domain that is permeable and safe	This has been addressed in the Concept Plan. A separate application for the road design is forthcoming.
3.1.3	Create a range of public open spaces that complement and supplement the existing local and regional park network, and that maximise connections to all surrounding areas	This issue will be mainly addressed in the public domain application.
	Integrate best practice ESD Principles into the design and management of the public domain	This will be addressed in the application(s) for the public domain to be submitted at a later date.
	Optimise the use of public transport and reduce travel demand	Parking spaces have been limited and are discussed below. This, along with public domain works for access to the rail station are considered to satisfy this condition at this stage.
	Enliven the public domain and encourage walking by distributing active uses, including retail and communal facilities, at street level, particularly along major streets in the mixed use zone	This will be addressed in the public domain application.

Embody ESD principles into the design of buildings and external spaces	A condition of consent is recommended for the BASIX certificates to be achieved to demonstrate compliance with this control.
Create a model suburb characterised by high quality architecture, landscape architecture, and urban and environmental design which enhances the locality	It is considered the design of Lot 100, along with the proposed landscaping, (subject to conditions) will achieve compliance with this requirement.
Provide workplace and housing choice through a variety of building types to cater for a diverse community	A range of unit sizes have been provided. Although only 3% of the units are three bedroom, higher levels of three bedroom units are proposed on other lots within the Precinct. The retail component is not considered to detract from the residential amenity of the development. The use of the retail facility will be subject of a separate application
Provide well considered private external spaces that are well integrated with the buildings	There is a common central courtyard in accordance with the Concept Plan, and includes canopy tree planting. and unit balconies are considered to be of a sufficient size. Courtyards on the ground floor units are raised about street level to provide privacy
Clause 4.0 Public Domain provisions in Renewing Rhodes DCP	This will be addressed in future application for the public domain works
Clause 5.0 Private Domain provisions in Renewing Rhodes DCP	(see below)
5.1 Use	The development complies with the residential zone. The retail facility is a local facility and complies
5.2 Built form	The application complies with the storey height as per the concept Plan. And definition in the DCP. Ceiling heights comply with the minimum 2.7m
5.2.1 Number of storeys and floorspace	
5.2.2 Building Bulk	<p>Deeper building footprints are permitted for retail uses. The proposed retail facility is single storey and has a nil setback to Walker Street. Walls within 3m of the boundary are to be glass to reduce the visual impact.</p> <p>The depth of units is generally compliance with the 18m window to window maximum, however some units are up to 20 m in depth. The variations are only for a small number of units with the non-compliant areas usually serving bedrooms, or units with openings in more than one wall to provide additional light and ventilation. The variation is considered to be satisfactory.</p> <p>The floor plate above 6 storeys does not exceed 750sqm. Block C and D are considered to be separate buildings at this level due to their separation.</p> <p>Corridors exceed 6m in Block A due to the high number of cross over units on every second floor. Block B has up to 7 units per corridor which is not considered to be a significant variation. These corridors also have some level of natural light.</p>
5.2.3 Setbacks	<p>The podium design proposed for Walker Street has not been created, however the maximum setback of 5 m has been utilised for the entire height of the building, which still achieves definition of the street.</p> <p>The retail facility fronting Walker Street is considered to be satisfactory as defining the end of Walker Street and being only single storey in height. Glass walls are required in the setback area to reduce the visual impact.</p> <p>Other setbacks to walls comply with the minimum setback of 3m from the street boundary.</p> <p>The control permits 50% of balcony areas to encroach the</p>

		3m setback area from the street boundary. The balconies are generally compliant with the control, however the northern façade of Block A does not comply. There are no structures north of Block A, and it is considered that the impact on the streetscape or amenity of these public areas to the north will not be significantly affected as a result.
5.2.4	Special edge conditions	The required continuous edge treatment to Shoreline Avenue has been complied with
5.2.5	Definition of streets and open spaces	Units are orientated to the street, with 13 units obtaining direct from the street, and each street has at least 2 units directly accessed from them. The retail facility also increases the definition of the street.
5.2.6	Building articulation + address	<p>The control states at least 50% of ground floor units should have individual entry. Of the 27 ground floor units proposed, 23 have individual entries, either from the street or internal areas.</p> <p>Balcony setbacks were discussed previously under Section 5.2.3 of the DCP and is considered to be satisfactory.</p> <p>Units are orientated to address the street, and provide for casual surveillance of public places.</p> <p>Building articulation elements are considered appropriate to their orientation, and not at the expense of solar control and privacy.</p>
5.2.7	Diversity of apartment types	<p>Only 3% of one bedroom units are proposed, whereas 15-30% is required. This is addressed by higher levels of one bedroom units proposed on other sites</p> <p>24% of units are three bedroom, exceeding the minimum 10% required by the control.</p> <p>Corridors do have a component of daylight and therefore satisfactory.</p> <p>62% of the units are cross ventilated to satisfy the control</p> <p>12 units have direct access to the street, which is satisfactory.</p>
5.2.8	Flexibility	Satisfactory. A variety of unit sizes are proposed, open style living areas.
5.2.9	Visual privacy	Satisfactory. Separation generally considered satisfactory, although reduced trafficable areas are required in Block B where separation is only 5m to the adjoining unit to protect privacy
5.2.10	Acoustic privacy	Satisfactory. Conditions recommended by RailCorp are included as conditions for those residents potentially affected by rail noise.
5.2.11	Solar access and glazing	<p>Complies with solar access requirements.</p> <p>Solar access to the communal open space is limited, although the location of this space is restricted by the approved Concept Plan.</p>
5.2.12	Natural ventilation and daylight	62% of the units are cross over to provide for cross ventilation. Windows are provided to all living and working environments.
5.2.13	Building materials	Satisfactory
5.3	Public domain interface	12 units have direct access from the street. Units are also able to overlook adjoining public areas
5.3.2	Awnings and entrance canopies	No street awnings are required for this site.

5.3.3	Signage + advertising	No signage is proposed.
5.4	Private + communal open space	
5.4.1	Garden spaces	Front gardens comply.
5.4.2	Front gardens	Condition maximum height of front fences.
5.4.3	Above ground open space	Balconies achieve minimum 12% of unit floor area and accessible from living rooms. Amenity of design considered satisfactory.
5.5	Services	
5.5.1	Low energy services	Satisfactory. The BASIX certificates meet the energy targets.
5.5.2	Water conservation	Satisfactory. The BASIX certificates meet the water targets
5.5.3	Stormwater management	Greywater is proposed for landscaping watering. Conditions are required for the system to meet the current guidelines. A condition is recommended.
5.5.4	Waste minimisation, storage + removal	Conditions recommended by Council have been included in the consent.
5.5.5	Site facilities	Conditions recommended for garbage areas to comply with Council controls Laundries provided in all dwellings Storage areas will be conditioned to meet the DCP requirements
5.6	Pedestrian Access, Parking + Servicing	
5.6.1	Pedestrian access + mobility	Considered satisfactory. Conditions regarding compliance with Australian Standards for access have been included
5.6.2	Vehicular access	Conditions recommend by the RTA and Concord have been included to ensure compliance with relevant Australian Standards.
5.6.3	On-site parking: Min. 1 space for dwelling 1 bed (6 proposed) : max 1 space per dwelling 2 bed (130 proposed): max 1.2 spaces per dwelling 3+ bed (43 proposed): max 1.5 spaces per dwelling visitors: max 1 space per 10 units No retail spaces	The application provided 182 spaces for the 179 units, which satisfies the maximum rate contained with the DCP. Due to the 8 stacked spaces provided, 1 visitor space will be transferred to a resident space so all units have access to at least 1 parking space. This leaves 17 visitor spaces. A retail space is supported although the DCP does not permit any. This is because it is likely to keep a tenants vehicle off the street so as not to conflict with visitors to the area.

Concept Plan

Height: Block A: 4, 6 and 10 (at east) Block B: 8 & 9 (at north) Block C/D: 7 and 6 (in SE corner)	Combines 4 and 6 storeys into 5 for simplification due to Sydney Harbour Design Review Panel comments. No significant impacts as a result. Other blocks comply with the maximum heights.
Green edge between built form and water	Point Park will achieve compliance with this requirements, as will Foreshore Reserve, with details to be submitted with the public domain applications
Gap between eastern and western building for visually interconnecting courtyard spaces	Satisfactory. The proposed development achieves this requirement.
GFA lot 100 – 20,470sqm	Satisfactory. GFA 19153sqm
Viewed from across the water the precinct would	Considered satisfactory

demonstrate legibility with regards to scale	
<p>Condition B2 – Building Heights</p> <p>No more than 5% of GFA in above the 6th floor in buildings with a height of 9+ storeys of the 6 storey height zone:</p> <p>No more than 5% of the GFA above 6th storeys in buildings 7 or 8 storeys in the 6 storey zone</p> <p>No more than 4% of the GFA above 4th floor in buildings with a height of 5 or 6 storeys in the 4 storey zone</p>	<p>Block A has 1.7%% of the GFA above 6 storeys Block B has 4.8% of the GFA above 6 storeys</p> <p>Block C has 0.82% of the GFA above 6 storeys</p> <p>Block A has 0.41% of the GFA above 4 storeys Block C has 0.20% of the GFA above 4 storeys Block D has 1.9% of the GFA above 4 storeys</p>
Condition B3 – Polyline drawings	Details provided are satisfactory
Condition B4 - Photomontage	Satisfactory. Photomontage has been provided
Condition B5 – Bulk and built form	This has been addressed above
Condition B6 – Building separation distances	Comply with the exception of building A and B due to balcony design. This will be addressed by a condition requiring a privacy screen to protect privacy.
Condition B7 – Articulation zones	Articulation, including from within the site, is considered to be satisfactory.
Condition B8 – Max building length	No building exceeds 60m. The longest building is the single frontage of Block C & D to Shoreline Ave, which is 56.97m.
Condition B9 – Sydney Harbour Design Review Panel	Recommendations of the Panel have been incorporated in the design, in particular to simplification of roof forms on the northern building
Condition B10 - Transport	Complies with maximum parking numbers and does not undermine the TMP
Condition B11 – Vehicular entries	Vehicle entry to Lot 100 is from Meredith Ave, complying with this condition
Condition B12 – Acoustic report	Report was prepared by Acoustic Logic Consultancy, and was referred to RailCorp for comments. RailCorp supports the recommendations in the report.
Condition B13 – Electrolysis risks	A report was prepared by Savcor and was referred to RailCorp for comment. RailCorp supports the recommendations in the report.
Condition B14 – Public Domain Landscaping	This will be addressed in the application for public domain works to be lodged at a future date
Condition B15 – Private domain landscaping	The proposal meets the minimum 20% deep soil landscape requirement
Condition B16 – BASIX Certificate	BASIX certificates have been issued for all 4 blocks.
Condition B17 – Scheduling of works	This is addressed in the statement of commitments.

APPENDIX C. SUMMARY OF SUBMISSIONS

Lot 100, Precinct C, 42 Walker Street, Rhodes MP05_0039

Summary of all submissions received for this application

ISSUES RAISED IN AGENCY SUBMISSIONS

Date	Stage of process	Agency comment
RailCorp		
28/11/2007	Exhibition	RailCorp acknowledges the findings of the noise and vibration report submitted with the application, and looks to the Department to ensure that the rail noise mitigation techniques recommended in the acoustic report are incorporated in the approved plans.
		RailCorp notes that the development application is accompanied by an electrolysis risk report, is satisfied with the results of the report. RailCorp looks to the Department to ensure that that electrolysis risk amelioration measures recommended in the report are incorporated in the approved plans.
		As the cap under Clause 14 (1) is to be breached, with the upper cap under Clause 14 (3) is to be used, additional contributions under the Infrastructure Deed signed on June 2003 will need to be reviewed. Contributions under the TMP should be recalculated as a result and this needs to be conditioned.
NSW Health		
2/11/2007	Exhibition	There may be significant risks for residents of this development should occupation occur while remediation is continuing either in Precinct C or adjoining Precinct C. It is preferable to delay occupation of this site until all remaining remediation is completed. If this is not possible, then a human health risk assessment is to be undertaken for residents of this development.
		Occupational risks for the remediation process has been assessed and an OH&S plan is in place for these workers. Should construction proceed during the remediation process, then additional OH&S requirements may be needed for construction workers. Work cover should be consulted.
		Roof water collection for irrigating landscaped areas is fully supported, although a condition is recommended to refer to NSW health's website for details, and to obtain new guidelines for use of grey water for landscaping.
DEC		
7/12/2006	Exhibition	Based on the documentation submitted with the application, including the Human Health Risk Assessment for On-site Construction Workers, there are concerns that there is a potential for contamination for construction workers if they are in close proximity to the remediation and thermal treatment works on the Meriton Site, and potential residents on Lot 100 by odours, dust and emissions from the remediation and thermal treatment activities on the adjacent Lednez site.
Canada bay Council		
5/12/2006	Exhibition	Council is concerned remediation is managed so workers in development sites within the precinct and occupants of the buildings within the precinct are not exposed to smoke from burning of contaminants. Concerns are also raised on the impacts on adjoining properties
		Intersection of Walker Street and Point Park Street is a potential traffic hazard because of reduced visibility. Also raises issues with the cycleway paving. These issues are related to the roadwork and public domain application that will be lodged at a future date
		The Landscape Plan does not comply with the Rhodes DCP and should comply with REP (Sydney Harbour Catchment) including use of native plants. Conditions of consent are recommended for increased numbers of native plants. Planting in the road reserve and parks will be addressed in the application to be lodged for public domain works.

		The development does not comply with SEPP 65 including the Residential Flat Design Code. These issues are addressed in detail in the compliance tables under appendix B
		Concerns are raised with regard to sediment controls for the internal drainage system. This can be addressed by recommended condition of consent.
		Access into the site shall be designed to comply with the off-street car parking code and on-street parking AS codes. A condition of consent is recommended to address these issues.
		Road design – details will be provided in the public domain applications,

ISSUES RAISED IN PUBLIC SUBMISSIONS

Issue	Detail
Parking	Having the majority of units, including 2 and 3 bedroom units with only 1 car space appears to be inconceivable. Due to the price of the units, it is likely residents of units will have more than one car, resulting in parked cars clogging the streets. It is made worse by having no visitor parking and no provision for service vehicles.
Density	Buildings appear very dense and overpowering. Building depths of 20m is too deep
Steps to John Whitton Bridge	Access to the ferry is important and steps are needed to facilitate access. The developer should pay for this otherwise the purchase may have to
Retail facility	One small shop which doesn't appear to face the park does not seem to comply with the spirit of the Masterplan
Waste minimisation	There is no provision for composting
Remediation	Construction work should not occur until the remediation of the Merton site itself is complete
Shadow diagrams	There does not seem to be much light into the central courtyard

APPENDIX D. PREFERRED PROJECT REPORT – RESPONSE TO ISSUES

A copy of the proponent's report is tagged "**App. E**".

APPENDIX E. RESPONSE TO SUBMISSIONS

A copy of the proponent's response is tagged "App. D".

APPENDIX F. ENVIRONMENTAL ASSESSMENT

The proponents EA is located on the file Parts 3 and 4 of this assessment.

APPENDIX G. STATEMENT OF COMMITMENTS

A copy of the proponent's Statement of Commitments is tagged "**App. G**".

APPENDIX H. DGR'S – TEST OF ADEQUACY

A copy of the adequacy test is tagged "App. H"