

PREFERRED PROJECT REPORT

**LOT 104, 42 WALKER STREET, RHODES
(PRECINCT C)**

SEPTEMBER 2007

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1.0 INTRODUCTION

A Project Application under Part 3A of the Environmental Planning and Assessment Act was lodged with the Department of Planning on 18 March 2007 for the construction of 2 residential flat buildings. The Project Application (MP 05_0043) was publicly exhibited for 30 days from 28 March 2007 to 27 April 2007.

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

On 13 June 2007, the Department of Planning forwarded a letter detailing the issues raised in its preliminary assessment of the Project Application.

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

This report:

- Outlines the submissions received from each party during the notification period;
- Details the issues raised by the Department of Planning in its letter dated 13 June 2007;
- Identifies and describes the response to the submissions received and issues raised and details the proposed improvements to the project;
- Examines the need for any changes to the Draft Statement of Commitments; and
- Provides a conclusion to the report.

2.0 SUBMISSIONS RECEIVED

The Project Application (MP 05_0043) was publicly exhibited for 30 days from 28 March 2007 to 27 April 2007. Submissions were received from the following organisations:

- Canada Bay Council;
- Ministry of Transport;
- NSW Health;
- Department of Environment and Conservation NSW;
- Nature Conservation Council of NSW;
- Railcorp;
- City of Ryde Council; and
- NSW Maritime.

A copy of the submissions is at **Annexure 1**. The issues raised in the submissions are addressed under the relevant headings of section 4 of this Preferred Project Report.

3.0 DEPARTMENT OF PLANNING COMMENTS

On 13 June 2007, the Department of Planning forwarded a letter detailing the issues raised in its preliminary assessment of the Project Application. Further, an email was received from the Department on 26 June 2007, which sought submission of a SEPP 65 Design Verification Statement. Copies of the Department's letter and email are at **Annexure 2**.

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

a) Issue: Height

Height – the proposal appears to breach the height control of the Concept Plan. A portion of Building 2 appears to be 6 stories in height and located within the 5-storey maximum height zone. A Section through this part of the building is required to be provided to accurately demonstrate the height of the building. All non-compliances with the Concept Plan are required to be addressed.

Response

Building 2 has been amended to comply with the 5-storey height limit imposed by the concept plan. **Figure 1** is a Section of the amended Building 2 that shows compliance with the height limit, in that no section of the basement level rises more than 1.5 metres above finished ground level. The Section diagram is located on drawing No. 19 DA.



Figure 1: Section through Building 2 showing the building as no more than 5-storeys at any point

The amendments have resulted in minor changes to the GFA of the building. The amended height bonus tables in accordance with Clause 16 of SREP 29 are as follows:

4 storey height limit (buildings with 5 storeys)

Block 1

Level 5	379.2 sqm GFA
Level 6	379.2 sqm GFA
Precinct C	70,850 sqm GFA
Percentage	1.07%

Block 2

Level 5	479.2 sqm GFA
Precinct C	70,850 sqm GFA
Percentage	1.75 %

Total 1.75% Complies with clause 16(4) Max of 4%

The table above demonstrates that the proposed development complies with the requirements of clause 16 height bonuses. The table below shows that the running total also complies with the maximum 4% height bonus.

Accumulation

Lot 100 (approved):	1.9%
Lot 103 (proposed):	0.0296%
Lot 104 (proposed):	1.75%
Total	3.7%

b) Issue: Gross Floor Area

Gross Floor Area – this project represents a progression of development of Precinct C and the Department requests that you provide the anticipated allocation of GFA across the remaining parts of the Precinct.

Response

The table below shows the GFA distribution between the development lots in Precinct C. The table shows that the proposed distribution of GFA complies with the maximum permitted under the REP, including the bonuses allocated for Precinct C.

	Lot 100	Lot 101	Lot 102	Lot 103	Lot 104	Total	REP Max
Residential	19014	20323	15763	6232	9000	70332	
Commercial	139	0	0	0	0	139	
Childcare	0	0	379	0	0	379	
Total	19153	20323	16142	6232	9000	70850	70850

Application approved

Application lodged

c) Issue: Solar Access

Solar Access – The number of units which are south facing and single aspect exceed the 10% maximum of SEPP 65.

Response

The development proposes a total of 75 apartments, which means that SEPP 65 requires 8 or less apartments to the single-aspect and south facing.

The originally submitted proposal had a total of 11 single-aspect, south-facing apartments. The introduction of an additional core to Building 1 has allowed for the introduction of some dual aspect, cross-through apartments, which reduces the total number of single-aspect south-facing apartments to 9.

The Residential Flat Design Code allows for variations to the minimum requirement where it can be demonstrated that site orientation and constraints prohibit achievement of the requirement, and where the development provides good energy efficient design overall.

The site is relatively constrained in terms of its orientation and dictates the building design. The design of the proposal is also consistent with the Masterplan for the site. The changes that have been made have reduced the number of single-aspect, south-facing apartments to the lowest number possible given the circumstances.

All single-aspect apartments in the development, including those facing south, have been designed with a high degree of articulation and varying setbacks, which allows for capture of breezes that assist in 'flushing' out apartments by means of natural ventilation. This provides for better energy efficiency, which is one of the objectives of the SEPP 65 control.

The proposed development exceeds the solar access requirements of the Rhodes Peninsula DCP and achieves compliance with BASIX, both of which are detailed further in this report.

On the basis of these justifications, the proposed number of south facing apartments is considered acceptable meets the requirements of SEPP 65.

d) Issue: Number Units From Core

Number of Units Accessed From a Single Lift Core – the number of units accessed from a single lift core exceed the requirements of SEPP 65.

Response

The proposal has been amended to address the number of apartments served by a single corridor/core. An additional lift core has been provided to Building 1 to ensure that all corridors/cores serve no more than 8 apartments as required by the RFDC.

The ground level of Building 1 has an 'L' shaped corridor, each part of which serves no more than 6 apartments. This part of the development also contains cross-over units and has a high level of natural light and amenity.

The corridor at the eastern part of Level 3 of Building 1 serves 9 apartments. 3 of those 9 apartments are crossover units, which are allowed for as a variation in the RFDC. This corridor has also been designed to ensure a high level of natural light and amenity.

On the basis of the above, the proposal is considered acceptable and meets the requirements of SEPP 65.

e) Issue: Deep Soil

Deep Soil – the proposal does not achieve a minimum of 20% of the site as deep soil landscaping with a minimum dimension of 2 metres.

Response

The deep soil area of the site has been recalculated in accordance with the definition of the DCP, which specifically includes 'unimpeded' deep soil. Drawing A-34 DA shows the areas of the site that have been included in the deep soil calculations. The drawing shows that the site has a total deep soil area of 25% (1,1180 sqm) with a minimum dimension of 2 metres at the most narrow points.

An amended landscape plan has been prepared that is consistent with the amended deep soil areas. The landscape plans shows that 13% of the total deep soil area is to be permeable paving and 87% (1,027 sqm) of the site is to be soft landscaping including turf and gardens, which is 70 sqm more than the total minimum deep soil area required for the site (957 sqm).

f) Issue: Car Parking

Carparking – all units have not been provided with a car parking space. The 6 stacked car parking spaces (Nos. 53-58) result in 3 units not being provided with a car parking space.

Response

The basement parking area has been redesigned to better comply with the DCP. All units will be provided with a carspace to comply with the DCP.

Section 5.6.3 of the DCP provides rates for car parking provision on the site. The provisions allow for minimum and maximum numbers of car parking spaces on the site. The table below presents the proposed number of parking spaces against the maximum parking requirements of the development.

DCP Maximum parking rate	Proposed Unit Mix	Maximum DCP parking*	Proposed parking
1 space/1-bedroom	5 x 1-bedroom	5	98
1.2 spaces/2-bedroom	40 x 2-bedroom	48	
1.5 spaces/3-bedroom	30 x 3-bedroom	45	
1 visitor space/10 units	75 units	8	8
1 space per 50 units	75 units	2	2
TOTAL		108	108

* Figures rounded up to whole number

The above table demonstrates that the proposed car parking provision is fully compliant with the maximum parking rates imposed under the DCP.

All stacked parking spaces will be allocated so that the two spaces are provided to the one unit.

g) Issue: Street Access

Ground Floor Units – There are no ground floor units with direct access to the street. The Renewing Rhodes DCP requires 50% of units to have direct access to the street.

Response

All apartments on the lower ground level (drawing 06 DA) have individual access from the street. The proposal has been amended so that all units facing Shoreline Drive are directly accessible from the street. **Figure 2** below shows the access to Shoreline Avenue from street level apartments.

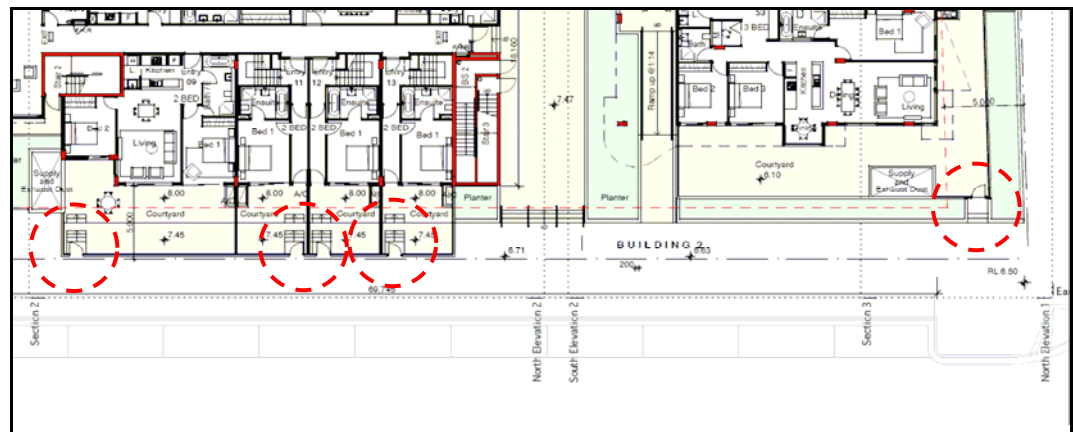


Figure 2: Amended Level 1 of the development showing (circled) apartment access to Shoreline Avenue

h) Issue: RLs

The elevations and sections do not illustrate RLs for the ground levels or levels for the building.

Response

The elevations and sections have been amended to include the illustrated RLs for all levels of the buildings.

i) Issue: Floorplate Size

The size of the floorplate above 6 stories is required to be specified.

Response

The size of the floorplate above 6-storeys is 379.2 sqm.

j) Issue: Colours and Materials

A Materials and Finishes board.

Response

The architectural plans have been amended to denote proposed materials. A board containing colours and samples accompanies this Project report.

k) Issue: BASIX

A BASIX Certificate and the corresponding BASIX Commitments illustrated on the plans.

Response

A BASIX Certificate has been prepared that ensures that the development achieves compliance. The Certificate is to be submitted under separate cover.

l) Issue: Photomontages

Photomontages of street elevations (the submitted photomontage of the building as viewed from the water is insufficient to allow a comprehensive assessment).

Response

Two additional photomontages have been prepared. One photomontage view is of the development as it presents to Shoreline Drive, and the other montage is of the development's presentation towards Foreshore Reserve and Homebush Bay. The photomontages accompany this Preferred Project Report. The montages are at **Annexure 3**.

m) Issue: Building Separation

The proposed building separation between Buildings 1 and 2 do not meet the requirements of SEPP 65. Specific details regarding the treatment of windows in the southern elevation of Building 2 and the northern elevation of Building 1 is required to ensure that direct views are not available from one unit to another.

Response

SEPP 65 Residential Flat Design Code requires separation (for 4 storey buildings) to be 6 metres between non-habitable rooms; 9 metres between habitable rooms/balconies and non-habitable rooms; and 12 metres between habitable rooms/balconies.

The two buildings are separated by 7 metres in accordance with the Masterplan (DA 125-5-2005) approved by the Department of Planning on 1 March 2006 and as sought by the Sydney Harbour Design Review Panel. This separation exceeds the required 6 metres for non-habitable rooms, which is acceptable given that the floor plans have been designed to ensure that where windows are located opposite each other one of them is a highlight. The floor plans and elevations indicate where highlight windows are to be placed. On this basis, the proposal is compliant with the SEPP 65 building separation requirements.

n) Issue: Storage

Storage areas are not provided for all 75 units in accordance with the requirements of SEPP 65. Storage areas for every unit are to be clearly illustrated on the plans.

Response

The cover sheet of the submitted amended drawings contains a schedule of proposed storage to the units of the development.

SEPP 65 requires that the development provide a total of 650m³ of storage and the DCP requires that a total of 812.5 m³ be provided. The table identifies that 1502 m³ of storage is proposed, most of which is to be located within the units.

The proposed storage complies with both SEPP 65 and the DCP.

All apartments have a media room, which provides flexible opportunities for apartment storage space. These spaces, as well as broom and linen cupboards, have been identified in the calculation of the storage space schedule on the cover sheet of the submitted plans.

For example, 2 x 3-bedroom apartments are located on Ground Level of the development. The schedule on the cover sheet of the submitted plans shows that those apartments have 32 sqm of internal storage space. The breakdown is as follows:

Building	Level	Unit	Media Room	Hall cupboard	Total
1	Ground	3-bed	(1.9 x 1.8) x 2.7 = 9.2	(0.8 x 1.0) x 2.7 = 2.2	11.4 sqm
2	Ground	3-bed	(2.0 x 2.8) x 2.7 = 15.1	(0.7 x 1.8) x 2.7 = 3.4 (0.8 x 1.0) x 2.7 = 2.2	20.7 sqm
					32 sqm

This allocation ensures that more than 50% of the total storage requirement is located within the apartment.

The approval of Meriton's development at 2 Mary Street, Rhodes, allowed for Media rooms to be included in the internal storage calculations for the development.

o) Issue: Solar Access

A Solar access assessment against the requirements of SEPP 65 is required to be submitted (i.e the solar access period between the hours of 9am to 3pm which demonstrate that 70% of units receive 3 hours sunlight during this period). The solar access assessment provided with the application is between 8am and 4pm and is not in accordance with SEPP 65.

Response

An amended Solar Access Report has been prepared and is at **Annexure 4**. With respect to SEPP 65, a total of 72% of apartments will comply with at least 2 hours of direct solar access to the private open space and 61% to living areas, which partially complies with the minimum requirement of 70%.

Notwithstanding, the report also concludes that, with respect to the Rhodes Peninsula DCP, a total of 77% of apartments will comply with at least 2 hours of direct solar access to the private open space and 79% to living areas. This well exceeds the minimum requirement of 70%.

Given the orientation of the site and the design difficulties, the proposal will achieve good solar access to living areas and private open space in accordance with the DCP, which should be given greater consideration in respect to this particular site given that it was prepared with specific relevance to development on the Rhodes Peninsula.

p) Issue: Fences

Section 5.4.2 of the RR DCP requires a maximum front fence height of 1.2 metres along Shoreline Avenue to allow visibility to entrances and allow for outlook and passive surveillance of Shoreline Avenue. The proposed fence height of 1.8 metres does not achieve the objectives of this requirement and the proposal is required to be amended to comply.

Response

The fences along Shoreline Avenue have been amended to contain a solid, sandstone-clad base, 1.0 metre in height, with the upper part of the fence having louvres that will ensure passive surveillance and adequate privacy to the residents. Drawing 18 DA shows the amended fences.

A 1.2-metre high fence does not provide adequate privacy to residents. Experience with ground floor units with inadequate fencing has seen residents putting up semi-temporary structures to provide needed privacy to their units. It is therefore appropriate to provide sustainable, architectural integrated fencing rather to provide temporary structures that cannot be regulated.

The amended design meets the DCP objectives of front gardens by defining the entrances to the courtyards and providing street surveillance combined with adequate privacy to residents.

q) Issue: Solar Protection

The solar protection to the east and west elevations has not been demonstrated to be sufficient. Details regarding the proposed design elements, materials and proposed solar protection measures to address this issue are to be provided.

Response

Solar protection devices have been added to relevant parts of all north, east and west elevations of the buildings. Details are shown on the elevations and floorplans.

r) Issue: Design Verification Statement

The submitted Environmental Assessment does not contain a design verification statement in accordance with the requirements of Section 50 of the Environmental Planning and Assessment Regulation 2000.

Response

A Design Verification Statement has been prepared and is at **Annexure 5** to this Preferred Project Report.

4.0 RESPONSE TO ISSUES AND IMPROVEMENTS TO PROJECT

4.1 Height

The height of the proposal has been amended to fully comply with the approved Concept Plan for Precinct C and also to comply with Clause 16 of the SREP. Drawing 36 DA shows how the amended proposal complies with the Masterplan height. There are no outstanding issues with height.

4.2 Gross Floor Area

The proposed gross floor area fully complies with the maximum permitted under SREP 29 and the relevant bonuses to Precinct C. The cover sheet of the amended plans provides confirmation of the gross floor area calculations. The remainder of the lots in Precinct C will be designed to comply with the maximum FSR for the Precinct.

4.3 Deep Soil

The deep soil diagram has been amended to clearly show the calculated areas of deep soil and the required minimum 2-metre depths. The proposed deep soil area of 21.7% fully complies with the minimum requirement of the DCP.

4.4 Colours and Materials

The architectural drawings have been amended to include the proposed colours and materials. A colours and samples board also accompanies this Report.

4.5 Environmental Sustainability

The original application was accompanied by a NatHERS report, at the time when BASIX did not apply. A BASIX assessment has been undertaken and a Certificate accompanies this Report. The BASIX Certificate demonstrates how the building will achieve the required energy efficiency requirements of the policy.

4.6 Human Health Risk

The Human Health Risk Assessment report at Annexure 21 of the Environmental Assessment Report submitted with the application examines the worse case scenario, being the effect of workers on Lot 100 as remediation works occur concurrently on the remainder of Precinct C. The submitted report demonstrates that this worse case scenario would provide acceptable impacts on workers.

The approval for Lot 100 (MP 05_0039) contains condition No.B5 states as follows:

Relevant documentation is to be provided to the Certifying Authority prior to the issue of any Construction Certificate to demonstrate that WorkCover is satisfied with the risk for workers exposure to contaminants.

The imposition of this condition to the subject application for Lot 103 would adequately address any concerns in respect of the issue relating to health and safety of workers on the site.

4.7 Contamination

On 27 October 2003, the Minister of Planning granted consent to DA 233-07-2002-I for *remediation of the former Allied Feeds site using direct heated thermal desorption technology and associated processes and infrastructure.*

The remediation of the site is currently underway in accordance with the development consent.

4.8 Landscaping

The submitted amended landscape plan shows all hard and soft landscaped areas on the site. A full species list of proposed plantings is provided with common and botanical names.

The plan for Lot 100 was approved and a condition of consent was imposed that requires 20% of plants to be species that are locally native and listed in Canada Bay Council's "Native Plants Endemic to the City of Canada Bay". Imposition of the same condition will address any relevant concerns raised in respect of landscaping on the site.

4.9 Transport and Parking

The basement parking area has been redesigned to provide additional parking, compliant with the DCP. Details are provided in section 3.0(f) of this report.

The proposed development is not subject to contribution for the purpose of funding public transport infrastructure. Existing public transport is accessible in the form of bus, rail and ferry services in close proximity to the site.

The site is subject to payment of contributions in accordance with the Rhodes Peninsula Contributions Framework, which contains a schedule of works to provide for public domain improvements to the area.

4.10 Site Management

The Draft Statement of Commitments in section 9 of the Environmental Assessment report addresses and describes site management details in respect of stormwater management, construction impacts, waste generation and collection, use of cranes and staging of development and occupation. All relevant site management issues can be adequately addressed by imposing conditions on the approval of the application.

4.11 SEPP 65 RFDC and Rhodes DCP

A number of changes have been made to the proposal as detailed in section 3 of this Report. The amendments have been made to directly respond to issues raised by the Department of Planning and submissions received from the notification period. The changes make for a development that is compliant with the provisions of the DCP and the SEPP 65 Residential Flat Design Code.

4.12 Submission Deficiencies

The following deficiencies have been corrected on the drawings:

- All plans and sections contain RL information to provide accurate information about the proposed building heights; and
- A materials and colours sample board has been prepared that accurately shows the proposed finishes. The additional photomontages provide further visual understanding of the proposed final building presentation.

5.0 AMENDED DRAFT STATEMENT OF COMMITMENTS

The changes that have been made to the proposed development have been a direct response to the issues raised by the Department of Planning and as a result of issues raised in submissions received. Although there have been numerous changes made to the drawings, the changes are relatively minor and do not necessitate the need to amend the Draft Statement of Commitments.

The Draft Statement of Commitments is to remain unchanged from those contained in the Environmental Assessment Report.

6.0 CONCLUSION

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

ANNEXURE 1

Public Submissions

ANNEXURE 2

Department of Planning Letter and Email

ANNEXURE 3

Photomontages

ANNEXURE 4

Solar Access Report

ANNEXURE 5

SEPP 65 Design Verification Statement

