

MAJOR PROJECT ASSESSMENT:
MP 10_0058
Residential flat development at
Lots 101& 102, PRECINCT C
52 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

Prepared by Canada Bay Council under Instrument
of Delegation dated 26 May 2010

October 2010

ABBREVIATIONS

CIV	Capital Investment Value
Council	Canada Bay Council
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Meriton Apartments Pty Ltd
RtS	Response to Submissions

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*NSW Government
Department of Planning*

EXECUTIVE SUMMARY

This is a report on a Project Application to construct a multi - unit residential development on Lots 101 & 102, Precinct C, 52 Walker Street, Rhodes pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act"). The site is located in the local government area of Canada Bay. The Proponent is Meriton Developments Pty Ltd (the Proponent).

The development is located on part of the former Allied Feeds site, which has recently been remediated to remove contaminants resulting from previous uses.

The Proposal (as exhibited) (Appendix A)

The Project Application originally sought approval for:

- 583 residential dwellings contained within four buildings ranging in height from 6 to 25 storeys;
- A retail tenancy and child care centre at ground level
- Basement car park over three levels containing 694 spaces;
- Provision of landscaping works and shared facilities; and
- Strata subdivision.

The estimated project cost of the development is \$197,184,402.

The proposal was exhibited from 19 July 2010 for 32 days until 20 August 2010 and was published in the Sydney Morning Herald, Daily Telegraph and Inner West Courier. The Environmental Assessment was made available to the public in the Department's Information Centre and at Canada Bay Council. During the exhibition period, the Department received 8 submissions from public authorities and 8 submissions from the general public.

Delegation was granted to Canada Bay Council by the Director General to exhibit and assess the Part 3A Project Application by Instrument of Delegation dated 26 May 2010.

Key issues considered in the Department assessment included:

- Height, bulk and scale of buildings
- Traffic, Parking and Access
- Communal Open Space and Landscape
- Residential Amenity

Preferred Project Report (PPR) (Appendix C)

On 16 September 2010, the Proponent submitted a Preferred Project Report (PPR) to address issues raised by Council and submissions. The following key changes are included in the PPR:

- Change in unit mix and subsequent decrease in numbers to 527
- Reconfiguration of basement parking area
- Revision of the façade treatment of buildings
- Redesign of the communal open space area and landscaping provision

This report has assessed the merits of the project and Council is satisfied that the impacts of the proposed development have been addressed via the Proponent's Statement of Commitments and the recommended conditions of consent, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance.

On these grounds, Council 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. All statutory requirements have been met.

Council recommends that the project be approved, subject to conditions.

The determination of the Project Application is delegated to the Planning Assessment Commission as the Proponent has made a reportable political donation.

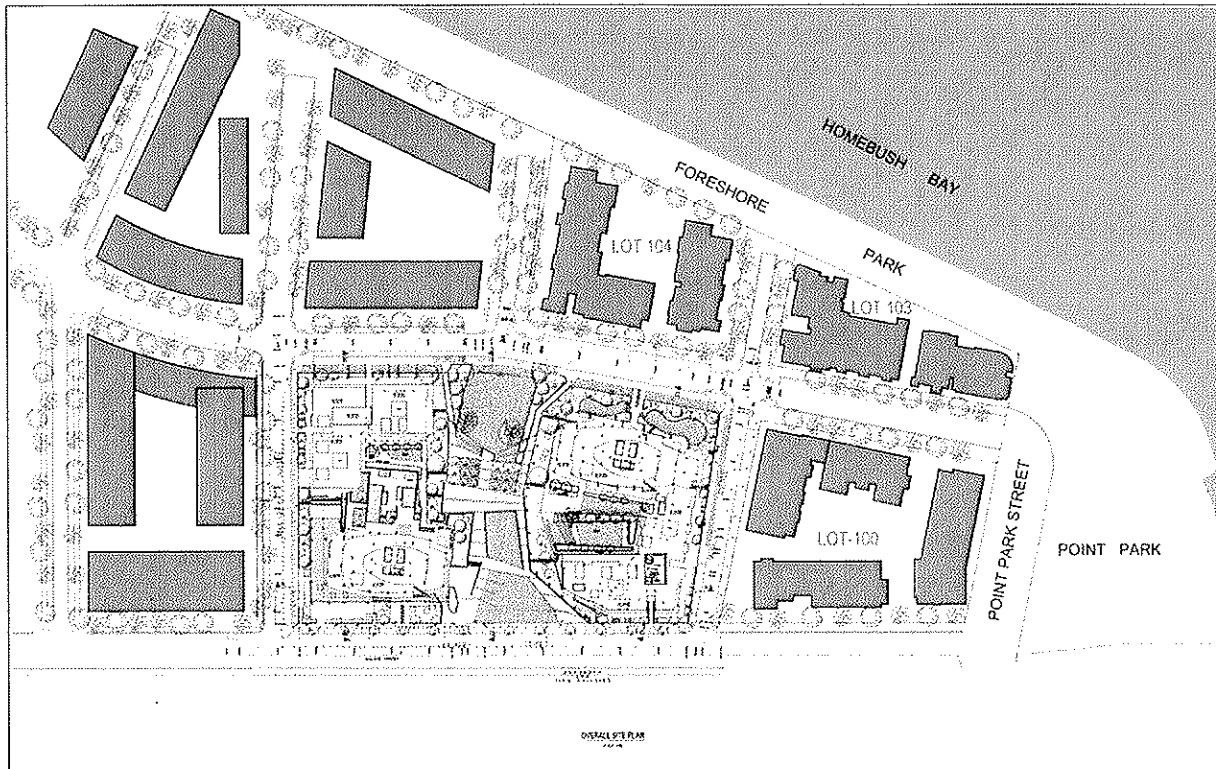
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1. BACKGROUND

The site, comprising lots 101 and 102 in DP 1134195, otherwise known as 52 Walker Street, Rhodes, is located within the local government area of Canada Bay, and owned by Meriton Apartments Pty Ltd.

Figure 1, Site Location



No. 52 Walker Street is situated within 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. Precinct B is located to the South of the site.

The subject site is located on the south-eastern part of Precinct C (Refer to Figure 1).

Previous applications for the site:

- On 27 October 2003, the Minister for Planning approved DA 233-7-2002 for the remediation of the Allied Feeds site (Precinct C) 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 (Precinct C) into seven (7) lots.

Figure 2, Project Layout



2. PROPOSED DEVELOPMENT

2.1 Project Description

Following the lodgement of the Environmental Assessment (EA) the Proponent submitted a Preferred Project Report (PPR) (**Appendix C**) for approval to carry out a project comprising the following:

- 527 residential dwellings contained within four buildings ranging in height from 6 to 25 storeys;
- A retail tenancy and child care centre at ground level;
- Basement car park over three levels containing 604 spaces; and,
- Provision of public open space, landscaping works and shared facilities.

Strata subdivision was also originally proposed in the EA, 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 as required by condition will need to be submitted to Canada Bay Council.

Future applications relating to the fit out and use of both the retail space and child care centre are also required to be submitted to Council for assessment and determination.

Buildings A, B, C and D, along with the common and proposed public open space are built on a podium which extends across the majority of the site. The area beneath the podium contains three basement car parking levels containing 604 parking spaces, with two separate vehicular access points provided, one from Meredith Avenue and one to Nina Grey Avenue. A detailed description of each building is as follows:

- **Building A:** This block is 25 storeys in height and is located to the South East corner of the site. It contains 190 residential units as well as a retail tenancy and child care centre. The ground floor also features a swimming pool and gym for communal use by residents.
- **Building B:** This block is 7 storeys in height and is located to the South West corner of the site. It contains 74 residential units that are either single aspect or corner units with a dual aspect.
- **Building C:** This block is 25 storeys in height and is located to the North West corner of the site. It contains 195 residential units that are either single aspect or corner units with a dual aspect.
- **Building D:** This block is 6 storeys in height and is located to the North East corner of the site. It contains 68 residential units that are either single aspect or corner units with a dual aspect.

A large central area of open space area (which will be dedicated to Council as public open space) traversing the central component of the site from east to west has been incorporated. This area has been appropriately treated with deep soil and podium planting to enable the provision of vegetation, to soften built form and provide desired residential amenity.

Materials consist of painted masonry to the buildings (predominantly utilising a white colour tone), with other colour highlights also apparent. The two x 25 storey towers include a gold tinted glazing to serve as a feature and contrast with the grey tint glazing utilised within the development. Courtyard fencing of a rendered masonry finish with glazed infill panels and aluminium slat gates is characteristic to the street level elevations of the development. Some components of these external finishes and materials can be improved and a condition has been included in the Recommendation requiring changes to be made to some of these elements.

2.2 Project Amendments

The submitted PPR (**Appendix C**) addressed issues raised by the Department and submissions.

The following key changes are included in the PPR:

- Reduction in unit numbers from 583 to 527;
- Redesign of basement parking configuration and reduction of car parking from 694 to 604 spaces;
- Revised façade design of buildings; and,
- Redesign of the public open space area.

3. STATUTORY CONTEXT

3.1 Part 3A Declaration

The proposal is a Major Project under *State Environmental Planning Policy (Major Development) 2005* (as in force at the time of the Ministers decision), being for the purpose of 'residential, commercial or retail projects with a capital investment of more than \$100 million' under clause 13 of Schedule 1. The opinion was formed by the Director General as delegate of the Minister for Planning on the 5 May 2010.

On the 26 May 2010, the Director General delegated authority to Canada Bay Council to exhibit and assess the Part 3A Project Application.

3.2 Permissibility

Under the *Sydney Regional Environmental Plan No. 29 - Rhodes Peninsula*, the site is zoned "Residential Use", permitting residential use and a limited range of non-residential uses which are compatible with residential amenity and primarily service local residents. The Proposal is consistent with objectives of the zone in the SREP and is therefore permissible subject to the approval of the Planning Assessment Commission (PAC).

3.3 Director General's Environmental Assessment Requirements (DGRS)

The DGRs issued on 1 June 2010 required the following issues to be addressed:

- Compliance with EPIs applicable to the site and development;
- Built form and urban design;
- Public domain / open space and accessibility;
- Environmental and residential amenity;
- Transport and accessibility (construction and operational);
- Noise and vibration assessment;
- Ecologically sustainable development;
- Drainage and stormwater management;
- Contamination, human health risk assessment and geotechnical issues;
- Public service and infrastructure.
- Contributions
- Consultation
- Detail on the staging of the development
- Provision of statement of commitments

Council is satisfied that the DGRs have been adequately and satisfactorily addressed by the Proponent's Environmental Assessment and the PPR, as well as the Statement of Commitments.

3.4 Environmental Planning Instruments

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the Environmental Planning Instruments that substantially govern the carrying out of the project and have been taken into consideration in the Environmental Assessment of the project.

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 DGR's and Section 75I(2)(e) of the Environmental Planning and Assessment Act, 1979 require the Proponent to address such standards and provisions and the PAC to duly consider them. Consideration of the relevant standards, provisions and policies are addressed below.

Primary controls guiding the assessment of the proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007

- Sydney Regional Environmental Planning Policy No. 29 – Rhodes Peninsula;
- Canada Bay Local Environmental Plan 2008 (draft Amendment No. 1)
- Rhodes West Masterplan 2009
- draft Rhodes West Development Control Plan
- Contaminated Land Management Act 1997

Plans and Policies:

- NSW State Plan 2010
- Draft Inner West Subregional Strategy
- Metropolitan Transport Plan 2010
- Draft Sea Level Rise Policy Statement (NSW Government, October 2009)
- Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee 1998)

3.5 Primary Controls

3.5.1 State Environmental Planning Policy No. 55 – Remediation of Land;

Clause 7 of State Environmental Planning Policy No 55 (Remediation of Land) requires the consent authority to consider whether land is contaminated, prior to granting of consent to the carrying out of any development on that land.

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.

Remediation works on the subject site have been completed with Site Audit Statements issued.

- Site Audit Statement (BE038-101+102) relates to sites 101 and 102 and found the sites suitable for *'High density residential (i.e. building with basement car park) and recreational open space land uses in the context of the proposed development. The Auditor also considers the site suitable for commercial / industrial land use'*.

Given that the proposal at hand seeks to introduce a more sensitive land use upon the site (being a child care centre) it is recommended that a further Site Audit Report and Statement be issued identifying the suitability of this use.

- Site Audit Statement (BE038-106) relates to lot 106 (Point Park) and part of lot 107 initially intended to be a roadway dissecting lots 101 and 102, though now intended as an area of open space / landscaping. The statement concluded that the site was suitable for *'recreational open space, foreshore zone, area of underground services and land associated with roadways'*. The applicant has attained interim site audit advice which concludes that the proposed changes to the scheme of the development will not affect the conclusions of the site audit.

3.5.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;

SEPP 65 aims to improve the design quality of residential flat development in NSW through the application of a series of 10 design principles, which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. In this regard a Design Verification Statement has been provided by Peter Spira of Meriton Apartments stating that the proposed development has addressed the design quality principles set out in Part 2 of SEPP 65.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled 'Residential Flat Design Code', which contains a number of 'Rules of Thumb' (standards).

Compliance of the proposal against the ten (10) design quality principles and Rules of Thumb contained within the 'Residential Flat Design Code' are discussed within **Appendix D**.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) came into force on 1 July 2004 and has been progressively implemented to various types of residential development. The intent of BASIX is to encourage sustainable residential development by requiring applicants to make commitments to incorporating sustainable design to achieve more water and energy efficient buildings.

BASIX certificates have been submitted for the various components of the proposal. The Certificates indicate that the proposal will satisfactorily meet the BASIX targets.

However in so far as amended plans were submitted in respect of the PPR, which may potentially impact upon commitments required, the need for updated BASIX Certificates has been conditioned.

3.5.5 Sydney Regional Environmental Planning Policy No. 29 – Rhodes Peninsula;

The SREP, gazetted on 19 November 1999, replaced all local environmental planning instruments which otherwise applied to the Rhodes Peninsula at the date of gazettal.

It is noted that the proposal is non compliant with the primary provisions of the SREP, however, the Director General's requirements have allowed the proposal to be designed in accordance with the provisions of the intended / future planning controls for the Rhodes Peninsula.

Canada Bay Council is currently in the process of drafting an amendment to the Canada Bay Local Environmental Plan 2008 (Amendment No. 1) to address issues of additional height and floor space envisaged in the Rhodes West Masterplan 2009. The new amended LEP is intended to supersede the SREP (an assessment against relevant standards is contained within **Appendix D**).

3.5.6 State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires traffic generating developments to be referred to the Roads and Traffic Authority. The Roads and Traffic Authority (RTA), namely the Sydney Regional Development Advisory Committee (SRDAC) provided comment in relation to the proposal as initially submitted. A PPR was submitted and largely addressed issues raised by the RTA.

Detailed discussion in response to the comments raised is provided in **Sections 4 and 5** of this report.

3.5.7 City Canada Bay Local Environmental Plan 2008 (DRAFT Amendment No. 1)

On 31 March 2010, Canada Bay Council lodged a Planning Proposal with the Department of Planning to provide an additional 46,200m² of floor space, increase in height up to 25 storeys and provision for an additional 17,230m² of open space in the form of local parks and civic plazas in undeveloped parts of the Rhodes Peninsula.

The Planning Proposal states as follows:

It is proposed to implement the Master Plan by incorporating the relevant provisions of SREP 29 into the Canada Bay Local Environmental Plan 2008. This will require the provisions of the SREP to be translated into Standard Instrument format, whilst also being amended to capture

the changes proposed by the Rhodes West Master Plan. It is envisaged that the SREP will be repealed when the amendments to the LEP are gazetted.

The proposal passed the Gateway process with conditions and Canada Bay Council is currently in the process of preparing a draft Local Environmental Plan (*Amendment No. 1*).

The draft LEP was placed on public exhibition from the 5 July 2010 to 3 August 2010, with Council currently considering submissions.

The draft LEP absorbs provisions of the SREP 29. Generally, the only provisions that will be changed are those relating to the maximum permitted floor space and height. In this regard it is noted that the proposed development complies with the additional allocated floor space and height provisions.

3.5.8 Rhodes West Masterplan 2009

The Rhodes West Masterplan 2009 was approved by Council on 8 December 2009. The Masterplan sets out the vision for the development of selected sites in the Rhodes Peninsula.

The Masterplan allows for an additional 13,292m² of gross floor area to be allocated to Lots 101 and 102 and allows buildings which vary in height from 6 - 25 storeys which results in a total permissible gross floor area for Lots 101 and 102 of 49,800.3m².

Following adoption of the Masterplan by Council, the '*Draft Rhodes West Development Control Plan*' was prepared, carrying forward the provisions of the Master Plan and generating specific design parameters for the built form intended to guide future development within the Rhodes Peninsula.

In this regard the proposal is consistent with the provisions of the Rhodes West Masterplan 2009 (an assessment against the provisions of the draft DCP is contained within **Appendix D**).

3.5.9 Draft Rhodes West Development Control Plan

As outlined above, the draft Rhodes West DCP follows on from the introduction of the Rhodes West Masterplan 2009 which seeks to upscale and guide future development within Rhodes. It is intended that draft Rhodes West DCP supersede the current Renewing Rhodes DCP which was prepared in 2002 and has guided development of the Peninsula to date.

The draft DCP was placed on public exhibition along with the draft LEP from the 5 July 2010 to 3 August 2010, with Council currently considering submissions.

An assessment against the provisions of the draft DCP is contained within **Appendix D**.

3.5.9 Contaminated Land Management Act 1997

The objects of the Contaminated Land Management Act 1997 are as follows:

- (1) *The general object of this Act is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation under Division 2 of Part 3.*
- (2) *Particular objects of this Act are:*
 - (a) *to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and*
 - (b) *to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and*
 - (c) *to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and*
 - (d) *to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.*

As outlined above in response to the requirements of SEPP 55, remediation of the site has recently been completed in accordance with the Remediation Development Consent 233-07-2002-i issued by the Minister in 2003. However given the nature of the proposal which seeks to introduce a more sensitive land use (child care) and reconfigures the site, the need for additional detail in terms of a revised Site Audit Report and Statement has been conditioned.

3.6 Plans and Policies

3.6.1 NSW State Plan 2010

The NSW State Plan 2010 aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The State Plan is the community's vision for the future of NSW in which:

- *Our transport network is world class - safe, reliable and integrated. Our cities and towns are great places to live, and we experience a high quality of life*
- *Our economy grows stronger - supporting jobs and attracting business investment*
- *Our children are better educated, our people more skilled and we are known for our research and innovation*
- *Our health system provides the highest quality care accessible to all*
- *Our energy is clean, our natural environment is protected and we are leaders in tackling climate change*
- *Our community is strong and the most disadvantaged communities and our most vulnerable citizens are supported*
- *Our police and justice system keep the community safe.*

The plan sets targets, priorities and actions for the delivery of services in NSW.

The following table provides an assessment of the proposed development against the relevant targets contained within the Plan:

Target	Comment
Better Transport and Liveable Cities	
Increase walking and cycling	The site is located within close proximity to the Rhodes railway station with nearby reserves readily accessible and providing opportunities for walking and cycling
Increase the number of jobs closer to home	The proposal will create a number of jobs during construction and in ongoing maintenance. A child care centre and retail component is also provided and these will also create additional employment opportunities.
Grow cities and centres as functional and attractive places to live, work and visit	The proposal has been designed in accordance with the provisions of the Rhodes West Masterplan 2009 which seeks to make the Rhodes Peninsula a more attractive place to live, work and visit.
Improve housing affordability	In terms of affordability the State Plan seeks to increase housing stock available. In this regard the proposal is considered beneficial as an additional 527

residential units of a varied mix will be provided.	
Supporting Business and Jobs	
Maintain and invest in infrastructure	The proposal is subject to a Voluntary Planning Agreement (VPA) with Council and Section 94 payment, which will go towards a new community centre within the Rhodes Peninsula and other infrastructure.
Increase business investment and support jobs	As outlined above the proposal will create a number of business / employment opportunities during both construction and its ongoing maintenance.
Clever State	
Make sure children have the skills for learning by school entry	The proposal incorporates a child care centre which will promote early education of children.
Green State	
Improve air quality	Compliance with the 1 car space per unit provision and close proximity of the site to public transport may discourage car dependency. The achievement of satisfactory BASIX Certificates is also noted.
Reduce waste	The proposal provides appropriate waste storage areas which allow recycling to be undertaken.
Stronger Communities	
Increase the number of people using parks	The proposal will provide a communal open space area and is located within close proximity to Foreshore Reserve and Point Park and hence should encourage the utilisation of these areas by residents.

3.6.2 Draft Inner West Subregional Strategy

The Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level.

The Inner West Subregion is situated between Sydney CBD and Parramatta, a Regional City. It takes in the Local Government Areas of Ashfield, Burwood, Canada Bay, Leichhardt and Strathfield.

With regard to Canada Bay, the Draft Inner West Subregional Strategy states as follows:

Canada Bay is located only 10 km from Sydney CBD, covering an area of approximately 20 km², with over 38 km of foreshore and 130 parks, open spaces and reserve links. In 2004, the population of Canada Bay was approximately 65,800. The area is well known for its cultural diversity, with approximately 30 per cent of the population speaking other than English as a first language. Rhodes has been a major focus for residential and employment development activity in recent years.

The following table provides a brief assessment of the proposed development against the primary objectives of the strategy which relates to housing:

Objective	Comment
C1 Ensure Adequate Supply of Land and	The site is located within the Rhodes Peninsula which

<i>Sites For Residential Development</i>	will provide much of the housing accommodation and population increase for the City of Canada Bay Council
C2 Plan For A Housing Mix Near Jobs, Transport And Services	The site is located towards the northern end of Rhodes Peninsula and is within close proximity to public transport and the Rhodes town centre
C3 Renew Local Centres	The site is within a precinct that is only partially established with development still to be completed.
C4 Improve Housing Affordability	The proposal provides 527 residential dwellings, varying from studio to 3 bedrooms.
C5 Improve The Quality Of New Development And Urban Renewal	The proposal has been designed in response to the various policies applicable.

The Subregional Plan, for the Inner West, also seeks an additional 30,000 new dwellings over the next 20 years. The provision of 527 new units will positively contribute towards this target.

3.6.3 Metropolitan Transport Plan 2010

The Metropolitan Transport Plan 2010 is the NSW State Government's policy document for the delivery of public transport services across the Sydney Metropolitan area. The document:

- examines the likely future composition of the Metropolitan area (including dwelling yields);
- analyses the existing infrastructure and services; and
- makes commitments for future services and infrastructure to meet the expected new demands

The subject site is not located within an area identified within the Plan as having substantial additional growth in the coming years, most likely because the Rhodes Peninsula is largely completed.

It is noted that the subject site is serviced by existing rail and bus services.

3.6.4 Draft Sea Level Rise Policy Statement (NSW Government, October 2009)

This policy statement outlines the Government's objectives and commitments in regards to sea level rise adaptation. It outlines the support that the Government will provide to coastal communities and local councils to prepare and adapt to rising sea levels.

The NSW Government has an objective to see coastal communities adapt to rising sea levels in a manner that minimises the resulting social disruption, economic costs and environmental impacts.

This policy is more relevant to land use planning with the intent being to locate communities / development appropriately so as to avoid and minimise the issue of sea level rise. In this instance the subject development is permissible and located within a Precinct that is largely complete. The positioning of the subject site above and away from the foreshore is noted, however given the extent of excavation involved with the basement parking area, which in sections does extend 2.2m below the sea level, a condition has been incorporated requiring the basement area to be waterproofed.

3.6.5 Acid Sulphate Soil Assessment Guidelines (Acid Sulphate Soil Management Advisory Committee 1998)

The preparation and submission of a detailed acid sulfate soil assessment has been conditioned. This is to be carried out by a suitably qualified person and in accordance with the Acid Sulfate Soils Assessment Guidelines (ASSMAC August 1998).

3.7 Objects of the Environmental Planning & 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 PAC's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, and be 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), (iv), (vi), and (vii), are significant factors informing the determination of the subject application.

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 (discussed below).

Council has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application, and on balance the application is considered acceptable.

3.8 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 intergenerational 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).*

Council 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. The environmental impacts are and will be addressed through the proponent's EA report, PPR and SoC, and recommended conditions of consent. Council's assessment has duly considered issues raised by the community and public authorities. The proposal will not compromise benefits or opportunities to others. The proposal's promotion of public transport use due to minimal on site parking is important and supported.
- **Precautionary Principle** - The EA and PPR is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts are identified subject to remediation being completed, suitable to accommodate the sensitive land use (child care) to be introduced.
- **Inter-Generational Principle** - It is considered that the proposed development represents a sustainable use of a site which provides residential dwellings to accommodate population growth within Sydney. Along. The residential dwellings will also indirectly reduce the rate of development demand at the urban fringe as well as enabling the orderly and timely redevelopment of land no longer required for its original purpose. It is considered that the redevelopment of this site will have positive social, economic and environmental impacts and as a result will maintain the environment for the benefit of future generations.
- **Biodiversity Principle** - There is no natural vegetation on the site due to remediation activities and the site therefore does not contain any threatened or vulnerable species, populations, communities or significant habitats. The preferred project proposes to increase the vegetation on the site, which includes many 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. The proposal will provide a mix of accommodation which will provide varied values. 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.

3.9 Section 75I(2) of the Act and Clause 8b Of the Regulation

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Environmental Assessment report is to include a number of requirements. These matters and Council's response are set out as follows:

Section 75I(2) Criteria	Response
Copy of the proponent's environmental assessment and any preferred project report; and	The Proponent's EA and PPR are located on the assessment file, with the Statement of Commitments.
Any advice provided by public authorities on the project; and	All advice provided by public authorities on the project is set out at Section 4 of this report.
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 governs the carrying out of the project is identified below.

Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division, 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 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 environmental assessment of the project application is this report in its entirety.
Clause 8B Criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director - General considers relevant to the project	Public interest is discussed in Section 4 and 5 of this report.
The suitability of the site for the project	The site is identified in the SREP 29 – Rhodes Peninsula to be redeveloped for medium density residential uses.
Copies of submissions received in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions has been provided within this report.

4. CONSULTATION AND SUBMISSIONS

4.1 Public Exhibition Details

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days.

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

- Made the EA publicly available from the **19 July 2010 until 20 August 2010** (32 days)
 - On the Department of Planning's website;
 - At the Department of Planning's Information Centre; and
 - At Canada Bay Council's Administration offices and at Concord and Five Dock Libraries
- Notified local landowners and residents about the proposal (and the exhibition period);
- Notified relevant State and Local government authorities
- Placed advertisements in the following newspapers:
 - Sydney Morning Herald (21 July 2010)
 - Daily Telegraph (21 July 2010)
 - Inner West Suburbs Courier (20 July 2010)

A total of **16 submissions** were received during the exhibition period (**Appendix B**), comprising **8 public** submissions and **8 public authority** submissions (RTA; NSW Maritime; Sydney Water; NSW Health; RailCorp; NSW Department of Environment, Climate Change and Water; Ryde Council and Transport NSW).

Council also referred the application to an Urban Design Consultant (GMU) for review with independent comments also received from Professor John Toon (involved with the formulation of the Masterplan). The comments and recommendations received have been considered in this assessment.

On 16 September 2010, the Proponent submitted a PPR that incorporated a response to submissions received during the exhibition period and issues raised by the Council. The PPR was not re-exhibited. The PPR was placed on the Department of Planning website and made available to the public as required by the statutory provisions of the Act.

4.2 Submissions from Public Authorities

The following submissions were received from public authorities:

4.2.1 RTA (Sydney Regional Development Advisory Committee)

The RTA provided comments in relation to issues of:

- Parking; that the provision of on site parking be reduced with a rate of one space per unit considered acceptable with an associated reduction in visitor parking.
- Traffic modelling; a revised traffic impact assessment report shall be submitted to the RTA for review and approval. The report shall evaluate the cumulative traffic impact of the proposed 583 development units, the retail component and the associated child care centre together with all other developments within the Rhodes Peninsula area by using Strategic Traffic Modelling.

Proponents Response -

- The proposed development has been amended to comply with the maximum parking rates imposed in the draft Rhodes West DCP.
- Meriton's traffic consultant (TTPA) advise that it is unnecessary to undertake traffic modelling because the proposed development yield is as contained in the Halcrow MWT modelling.

This issue is addressed in more detail within **Section 5** of this report.

4.2.2 RailCorp

Rail Corporation NSW (RailCorp) reviewed the proposal and asked that the Northern Sydney Freight Corridor Program (NSFCP) be taken into consideration. The NSFCP seeks to improve freight and passenger rail services along the Main North Line, resulting in additional movements which in turn may result in noise and vibration increases in the area of the proposal.

Proponents Response -

Concerns raised have been considered by Meriton's acoustic consultant (Acoustic Logic) who concluded that any likely future impacts will remain acceptable.

Council's Response -

Council has considered the response provided and in so far as Railcorp did not provide forecast rates by which travel would increase on the North line it is difficult to ascertain specific compliance. In this regard the response provided by the proponent is considered acceptable.

4.2.3 Transport NSW

Transport NSW noted the high accessibility of the site to public transport and local facilities such as shops. The provision of one space per unit was noted and it was suggested that this be applied to three bedroom units or alternatively some of the studio units be approved without parking. The incorporation of a car share scheme was also suggested.

Proponents Response -

The amended development provides further reduced parking to comply with the draft Rhodes West DCP. Bicycle parking is also provided in accordance with the requirements of the DCP. These measures, combined with the proximity of the development to the railway station, will reduce reliance on private vehicles for transport.

Council's Response -

Council has considered the response provided with PPR considered to address the primary issue raised by Transport NSW relating to parking, with the provision of two car share spaces to be situated upon the street also noted. The proposals proximity to public transport as highlighted by the proponent is favourable with further infrastructure yet to be built i.e. roads, footpaths and bicycle paths all of which will provide better access and connectivity.

4.2.4 NSW Health - Sydney South West Area Health Service

The South West Area Health Service provided comments in relation to issues of:

- Public open space; not clear that the open space area is designed to encourage a range of user groups. It would also be preferable to incorporate a variety of open spaces of different sizes to encourage people to utilise this space.
- Housing affordability; programs need to be introduced that ensure housing units are affordable.
- Transport; impact of the proposal upon the existing network
- Human health; potential impact towards health of residents from remediation activities and parking provision for health care staff undertaking home visits.

Proponents Response -

- Proposed Public open space has been designed to address the issues raised by Council's urban design consultant. Plans show that the park now has three distinct areas being a deep soil with extensive planting, central area more suited to active uses and an area along Walker Street which provides a viewing area between buildings towards Homebush Bay.
- The site is not subject to any Council or State affordable housing programs. It remains Meriton's view that increasing housing supply does in fact assist in easing housing prices.
- The proposed development is consistent with the yields anticipated for the site and is part of an extensive master planning exercise for the Rhodes Peninsula. All cumulative traffic impacts have been previously considered.
- NSW Dept of Climate Change and Water confirms that the subject site has been fully remediated and site audit documentation has been completed that confirms suitability of the proposed use.

Council's Response -

A number of conditions have been recommended in an attempt to stimulate use of the open space area with the Proponents response noted for points 2 and 3.

In relation to remediation, Site Audit documentation has been provided though further detail is required relating to the open space area of the development and the introduction of a child care centre.

4.2.5 Sydney Water

Sydney Water advised that its existing servicing strategy is sufficient to serve the additional demands resulting from the subject proposal. The need for a Section 73 Certificate was also highlighted.

Proponents Response -

Condition of consent requiring application for a Section 73 Certificate is ordinarily imposed.

Council's Response -

Council does confirm that a condition requiring a Section 73 Certificate has been recommended.

4.2.6 NSW Department of Environment, Climate Change and Water (DECCW)

The Contaminated Sites Section of the DECCW considered the application as it relates to remediation and regulation matters under the *Contaminated Land Management (CLM) Act 1997*. It was advised that the development site has been remediated to the satisfaction of DECCW and relevant Site Audit Statements have been issued by the Site Auditor confirming the sites suitability for the proposed use.

Council's Response -

Council does note the need for submission of additional material relating to remediation relating to the introduction of a child care centre and communal open space area (previously designated as a road).

4.2.7 NSW Maritime

No objection from an adjoining landowner's perspective was raised to the proposed development.

4.2.8 City of Ryde Council

The City of Ryde Council, which is located to the North of the site on the opposing side of the Parramatta River, raised no objection to the proposed development.

4.3 Public Submissions

Eight (8) submissions were received from the public.

The key issues raised in public submissions are listed below -

- Traffic & Parking Impacts
- Bulk and Scale / Urban Design
- Inadequate infrastructure i.e. schools
- Insufficient Community Facilities & Open Space
- Overshadowing
- Energy Efficiency
- Lack of Consultation & Planning

An assessment of the key issues from the above list can be found in **Section 5** of this report.

A summary of all public submissions has been outlined below and a copy contained in **Appendix B**:

- *Traffic & Parking Impacts*

Proponents Response -

- Rhodes West Peninsula has been subject of recent master planning to determine the extent of additional development that can be sustained in the area (the masterplan included traffic modelling). The subject development is in accordance with anticipated yields and as such will not create any traffic impacts that exceed those anticipated in the already adopted traffic modelling.
- The proposed development complies with the proposed height and FSR controls of the LEP and the amended proposed development provides for residents and visitor parking that complies with the maximum rates imposed in the draft DCP.

This issue has been addressed and discussed in detail within **Section 5** of this report.

- *Bulk and Scale / Urban Design*

Proponents Response -

- The master planning exercise gave consideration to the capacity of existing infrastructure in the area. It has been considered that facilities in the area generally have the capacity to accommodate the additional development anticipated.
- The proposed development includes a new public park with various landscaped areas that will provide improved recreational facilities for the broader Rhodes area.

An assessment of the proposal against relevant planning controls which prescribe a permissible building envelope has been carried out within **Appendix D** of this report. This issue has also been addressed and discussed in detail within **Section 5** of this report.

- *Inadequate infrastructure i.e. schools*

Proponents Response -

- The Environmental Assessment report submitted with the Major Project Application contains consideration of the potential impacts on other services and facilities in the area and in this regard concluded that the proposed development was generally acceptable in this context.
- The development also provides a child care centre.

In so far as the proposal remains within the foreseen population increase provided within the Rhodes West Masterplan the application is considered acceptable. The provision of a child care centre (subject to a further application) is also noted.

- *Insufficient Community Facilities & Open Space*

Proponents Response -

- The master planning exercise gave consideration to the capacity of existing infrastructure in the area. It has been considered that facilities in the area generally have the capacity to accommodate the additional development anticipated.
- The proposed development includes a new public park with various landscaped areas that will provide improved recreational facilities for the broader Rhodes area.

The provision of increased densities within Rhodes will partly facilitate the construction of a Community Facility within the Peninsula area to serve the needs of the existing and future population. In terms of open space this issue is discussed in detail within **Section 5** of this report.

- *Overshadowing*

Proponents Response -

- The proposal is considered to remain consistent with the building envelope provisions applicable and as such the impact of shadows is not beyond that already anticipated.

- *Energy Efficiency*

Proponents Response -

- The proposal has been designed to meet the standards and requirements set by the State Government requirements under BASIX. The development includes a range of energy efficiency measures to satisfy those requirements.

It is noted that satisfactory BASIX Certificates were submitted with the Project Application however these certificates may need to be updated to reflect changes made within the PPR (conditioned). The reasonable level of compliance of the proposal against the provisions of SEPP 65 also promotes energy efficiency and is considered beneficial.

- *Lack of Consultation & Planning*

Proponents Response -

- The master planning process that was undertaken for the Rhodes West peninsula area involves community consultation. That process made the planning intentions clear for the area. The Council has since moved onto preparing a draft DCP and amendment to the LEP to implement the principles of the approved Masterplan. The LEP and DCP have been publicly notified, are available on Council's website and public comments have been invited.

It is considered that adequate consultation has occurred in relation to adopted master plan which seeks to guide future planning of development within the Rhodes Peninsula. Residents were notified and community meetings / forums undertaken to provide relevant information. A similar process has also occurred with the draft LEP and DCP documents that have resulted from the Masterplan.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

Council considers the key environmental issues for the project to be:

- Built Form and Urban Design
- Communal Public Open Space and Landscaping
- Traffic and Parking
- Residential Amenity

5.1 Built Form and Urban Design

Building Height

In terms of the two tower buildings, indicative heights are specified within the draft Canada Bay LEP 2008 (Amendment No. 1) and draft Rhodes West DCP. The documents provide the following standards:

Building Height	Storeys	Height (m)	Roof RL
<i>Draft Canada Bay LEP (Amendment No. 1)</i>	25 (Max.)	82m	N/A
<i>Draft Rhodes West Development Control Plan</i>	25 (Max.)	N/A	Building A - RL 89.65 Building C - RL 77.5

During assessment of the application it was concluded that the above standards did not correlate, in that the proposal as submitted complied with the storey and maximum height in metres standard, but not the maximum RL's stipulated within the DCP. Accordingly the application remains consistent with the intended heights with variation of the RL standard considered acceptable.

Building Setbacks

Building	Required Setback	Proposed
<i>Building A</i>	Walker Street - 10m Nina Grey Avenue - 5m / 10m	10m 5m / 10m
<i>Building B</i>	Nina Grey Avenue - 5m Shoreline Drive - 5m	5.8m 5.6m
<i>Building C</i>	Shoreline Drive - 10 Meredith Street - 5m / 15m	10m 5m / 13.8m
<i>Building D</i>	Meredith Avenue - 5m Walker Street - 5m	4.2m 5m

As outlined above, the primary setbacks of buildings are consistent with those stipulated.

Section 4.3.5 of the draft Rhodes West DCP permits projecting balconies forward of the maximum building line for a maximum 50% of the length of the building. In this regard areas of non compliance do result to the Shoreline Ave and Meredith Ave elevations of Buildings B and D. The balconies to these elevations protrude beyond the stipulated setback by between 400mm - 700mm and therefore exceed the 50% provision.

In so far as the protrusion of the balconies within the setback area is relatively minor and does not impact upon amenity or unduly add to the bulk and scale of the building, variance of the standard is considered acceptable in this instance.

Building Facades / Finishes

The draft Rhodes West DCP places an emphasis on the establishment of a clear delineation between private and public open space and in this regard encourages the incorporation of raised terraces which form solid podiums with low lying terrace fences above. In this instance a solid podium has not been established with courtyard fencing of rendered and painted masonry a characteristic element fronting the street. To improve the visual appeal of the development from the street level the following conditions have been recommended:

- *The proposed rendered and painted masonry on the podium bases to Buildings A and C and the lower levels of Buildings B and D are to be redesigned to include natural sandstone in the external finishes to the satisfaction of the Department of Planning in consultation with Council to ensure that the appearance of the development from all street frontages at street level is interesting and varied and achieves a high quality finish. All publicly accessible areas of walls shall be coated with a graffiti-proof finish.*
- *The courtyard fences to the ground floor units marked G15 to G19 inclusive in Building B facing Nina Grey Avenue and Shoreline Drive shall be lowered to a maximum height of 1200mm above finished floor level of their terraces. The grass verge between the front boundary to Shoreline Drive shall be landscaped with street trees with the species of tree to be determined in consultation with Council's Landscape Architect and in accordance with the Rhodes West Development Control Plan. The landscaped bed between the front boundary and the outer edge of the terrace area along both street frontages shall be densely landscaped with Australian native shrubs to a maximum mature height of 1.0 metres.*
- *The floor levels and terraces of the ground floor residential units in Building C numbered G02 to G08 inclusive facing Shoreline Drive shall be raised a minimum of 600mm and their courtyard fences reduced to a maximum height of 1200mm above the finished floor level of their terraces.*
- *The floor levels and terraces of the ground floor residential units in Building D numbered G14 - G16 inclusive facing Walker Street shall be raised a minimum of 300mm and their courtyard fences reduced to a maximum height of 1500mm above the finished floor level of their terraces.*

Concern has also been raised in relation to the utilisation of gold and dark tinted glazing to the facades of the buildings and as such the following conditions have also been recommended:

- *The grey glass to be used in the windows of the proposed development shall be installed using a shade lighter grey to ensure that the building do not appear excessively dark, as viewed from the public domain, and from the water.*
- *The gold/yellow-coloured glazing proposed to balustrades shall be replaced with clear glazing and shall not be used in any primary windows to living areas or kitchens. Where this shade of glazing is to be retained except for this condition, care shall be taken to ensure that this type of glazing is installed so that the correct side of the glazing faces outwards to minimise reflectivity.*

5.2 Communal Public Open Space and Landscape

Communal Public Open Space Area

In accordance with the Rhodes West Master Plan, the proposed landscape design provides a through site pedestrian link potentially connecting the site with the landscaped pedestrian area along the foreshore and creating view lines towards Homebush Bay.

The proposal includes open space areas of 4,600m², to be dedicated to Council as required by the Draft Rhodes West DCP and generally follows the site specific requirements set out for the space in the DCP. It is noted that the submitted PPR did also respond to issues raised by Professor John Toon.

Council views this area as integral to the overall development, both at a site specific level and in the broader context. In this regard it is considered imperative that it promote both passive and active uses. Accordingly, given the lack of detail shown on the submitted plans the following is recommended:

- *The larger of the two proposed totem pole areas to the southern side of the proposed public open space area shall be deleted and replaced with a de-constructed natural play space for the use of children residing on the site and the general public. The play space shall also incorporate seating to the perimeter of the playground area to enable passive surveillance of this facility by parents/carers etc. Any shade structure that may be required for the playground under the relevant Australian Standards shall be incorporated into the playground design. All play equipment shall be designed to satisfy relevant Australian Standards.*
- *The proposed public open space area to be dedicated to Council shall incorporate Exercise Stations in appropriate locations adjacent to pathways and cycle paths within the space. The Exercise Stations shall be designed to satisfy relevant Australian Standards.*
- *Bike parking facilities shall be provided in appropriate locations on the street frontages to the public open space and within the space (preferably adjacent to the play space area referred to above) to enable cyclists to dismount and secure bicycles whilst utilising the public open space.*
- *Seating shall be provided in appropriate locations throughout the open space in accordance with the landscaping details provided with the application, and in particular seating shall be provided at the 'dead-end' viewing area centrally located within the park.*
- *All ground level walls facing into the public open space area that are not obscured by proposed earth mounding shall be constructed in sandstone tiling and treated with a graffiti-proof finish.*
- *Bubblers or drinking fountains shall be provided in appropriate locations throughout the park the design of which shall be approved by Council.*

5.3 Traffic & Parking

Traffic Generation / Congestion

In respect to the Rhodes West Masterplan a traffic report by Halcrow MWT concluded that the additional density foreseen for the Rhodes Peninsula could be accommodated within existing traffic flows in Concord Road. This conclusion was verified by an independent traffic report commissioned by Council from consultants Transport and Urban Planning (TUPA). TUPA also made a number of observations that indicate that there are capacity issues on Concord Road regardless of the level of development in Rhodes and that additional development in this area is most appropriate due to its relationship to existing public transport.

In so far as the proposal remains consistent with the adopted Rhodes West Masterplan and within the anticipated yields, it is not considered to result / create any traffic impacts beyond those anticipated in the already adopted traffic modelling.

It is noted that the most recent correspondence from the RTA to the planning proposal, confirms that the RTA does not object to the gazettal of the Canada Bay LEP (Amendment No. 1) or the Rhodes West draft DCP. However it is requested that Council investigate measures to improve road safety at the intersection of Oultan Ave onto Homebush Bay Drive, which it is understood is being investigated.

Parking

Parking incorporated within the development has been allocated as follows:

Parking Allocation	DCP Requirement	Total Required	Proposed	Compliance
Residential Dwelling	1 space per unit (maximum)	527	527	Yes

Visitor Parking	1 space per 10 units (maximum)	53	53	Yes
Service Vehicles (Residential)	1 space per 50 units for first 200 units plus 1 (maximum)	5	10	No
Retail Shop	No parking is required	Nil	Nil	Yes
Service Vehicles (Retail)	1 space per 500m ²	1	1	Yes
Child Care Centre	1 space per 4 children	Subject to separate DA	13	Acceptable
Motorcycle	1 space per 100 spaces	6	6	Yes

The development as initially submitted did incorporate excess parking; however the PPR did reduce residential unit numbers by 56, and now complies with the maximum 1 per unit requirement.

As outlined within the above table, excess parking for residential service vehicles is provided and in this instance, given that a maximum control has been prescribed, it is not considered acceptable. It is further noted that four of the service vehicle spaces (under Building A) are arranged in a stacked configuration, adjacent to the garbage collection point for waste vehicles. Accordingly it is recommended that the four stacked residential service spaces be reduced to two, with one space to be allocated to the retail shop and one as an additional retail service vehicle space, which will serve both the retail shop and future child care centre.

In accordance with Section 4.2.5 of the draft Rhodes West DCP the incorporation of a car share scheme, which will provide two (2) spaces upon the street frontage has been conditioned.

5.4 Environmental and Residential Amenity

Solar Access

Whilst Council has adopted a 2 hours of daylight standard under the draft Development Control Plan for Rhodes West, and the proposal satisfies this requirement, it is also noted that the Residential Flat Design Code requires a minimum of 3 hours of daylight access for at least 70% of units between 9am and 3pm is required and that 2 hours of daylight access to 70% of units is only acceptable for developments in dense urban areas such as the Sydney CBD.

Urban design consultants engaged by Council (GMU) reviewed this component of the proposal and provided the following comment:

- *The proposed development is located on the West Rhodes Peninsula, which is not considered a dense urban area; therefore the proposed 2hours daylight access is not an acceptable outcome for this development. The proposed urban form of the peninsula illustrated in Rhodes West Masterplan 2009 is medium rise residential and mixed use with towers of up to 25 storeys scattered with big separation distances to ensure sufficient solar access.*
- *Two hours of daylight access for 70.3% of the units and 3 hours for only 42.9% of units are not acceptable outcomes for a development of this scale and location.*
- *A number of units on the lower levels of Building C facing the internal communal open space may receive no direct solar access at any point of the day and this is an unacceptable outcome.*
- *Less than 10% of the apartments are south facing, but most units are single aspect.*
- *The corridors also have limited access to daylight: Elevator lobbies for Buildings A and C have access to a common balcony on each floor, but there is no indication of the wall / door material between lobby and the balcony, therefore, it is not sure if there is any daylight access to the towers' corridors on Levels 2-23.*

The proponent has responded with a view that the site is characteristic of a dense development and therefore it is appropriate to apply the 2 hour solar access rule of thumb.

The urban design consultants engaged by Council have indicated that a greater proportion of units could achieve 3 hours of daylight access if the configuration of the internal circulation cores was reconsidered and the layout of some of the units (mainly those to the southern elevation of Building C) were redesigned.

In an attempt to improve the level of daylight access to some units, the following condition is recommended:

- *All one (1) bedroom south-facing residential units numbered 118, 218, 318, 418 and 518 in Building D shall be amended to include a window in the southern elevation to the kitchen areas above the proposed sink location.*

Private Open Space Areas

Balconies

Balconies to the tower Buildings (A and C) do not appear to provide a minimum constant balcony depth of 2m due to their irregular shape. The proponent within the submitted PPR provided details depicting a minimum 2m dimension available in part to balconies; though this dimension is maintained in certain instances for only 1.4m, (not providing a useable space or acceptable outcome).

It is noted that GMU had requested scaled unit plans showing the furniture layouts for each balcony to confirm adequate usable space is provided whenever an alternate balcony depth and unusual shape is proposed (this information was not forthcoming). The location of living areas adjacent to balconies is noted.

There does also appear to be balcony-to-balcony privacy issues for units located to the inner side of the L-shape of Building B, which does not meet separation distances under SEPP 65. The proponent in the PPR did state that screening devices had been incorporated though these are not evident on architectural drawings. Accordingly a condition has been provided requiring provision of such screens.

Terraces

Terraces of apartments have been provided with appropriate dimensions however as outlined above, within response to the issue of 'building facades' conditions have been recommended, which it is considered will improve the aesthetic appeal of the building from the street and provide more effective passive surveillance and amenity to the ground floor units.

A conflict has also been identified to the terrace of a studio unit (G13) within building B. This apartment will be exposed to overlooking from passing pedestrians due to the raised level of the footpath in comparison to the finished floor level of its terrace. The terrace and bedroom window of this unit will also be exposed to noise generated by vehicles entering and leaving the site via the Nina Grey Avenue vehicular access. Accordingly a condition is recommended requiring privacy screening to be fitted which addresses visual and acoustic impacts and considers the sites southerly aspect.

5.5 Section 94 Contributions/Planning Agreement

Council has entered into a Voluntary Planning Agreement with the Proponent for this Part 3A development under Section 93F of the Environmental Planning and Assessment Act 1979. The Section 93F Agreement requires the Proponent to pay the following monetary contributions:-

- (a) \$1,000 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for the purpose of retail premises within the meaning of the Amended LEP, and

- (b) \$588.24 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for business premises within the meaning of the Amended LEP, and
- (c) \$588.24 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for residential accommodation within the meaning of the Amended LEP

The Voluntary Planning Agreement also requires the proponent to dedicate an area of land on the subject site of approximately 4600sqm to Council as public open space.

Monetary contributions have also been levied on the proposed development in accordance with the Renewing Rhodes Contributions Framework and these are detailed in Condition No. 13 of Schedule 2, Appendix E in this report.

6. CONCLUSION

Council has assessed the EA and PPR and considered the public and agency submissions in response to the proposal.

The key issues raised in submissions related to traffic and parking, the bulk and scale of buildings proposed, provision of infrastructure to serve the Rhodes Community and the amenity of residents.

Council is satisfied that the impacts of the proposed development have been addressed in the Proponent's EA and PPR, the Statement of Commitments and the recommended conditions of approval. Furthermore, the proposal adequately addresses the Director-General's Environmental Assessment Requirements for the proposal.

However, Council also notes the concerns raised by the urban designer who reviewed the proposal on Council's behalf with respect to non-compliance with the solar access provisions of SEPP 65.

The proposed development will allow for 527 dwellings in four buildings, a child care centre, retail shop, basement car parking and associated landscaping on the sites known as Lot 101, 102 and Part lot 107, Precinct C, 52 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.

The proposal is recommended for approval subject to conditions of approval

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

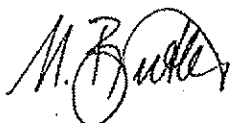
- (A) **Consider** all relevant matters prescribed under Section 75J (2) of the *EP & A Act 1979*, including those relevant matters prescribed by Section 75I (2) as contained in the Director General's Environmental Assessment Report (**TAG 1**);
- (B) **Having considered** all relevant matters under the Act in accordance with (A) above, **approve** Project Application (MP 10_0058) subject to conditions pursuant to Section 75J (1) of *EP&A Act 1979*; and,
- (C) **Sign** the Instrument of Approval at **TAG 2**.

Prepared by:



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Canada Bay Council

Endorsed by:



Narelle Butler
Manager
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Approved by:



Tony McNamara
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