

15 November 2010

**Project Application for residential development
At 52-58 Walker Street Rhodes**

The Project Application

The original application sought approval for

- the development of 583 residential dwellings contained within four buildings ranging in height from 6 to 25 storeys;
- a child care centre;
- a 3 level basement car park for 694 vehicles;
- landscaping and shared facilities; and
- strata subdivision.

Following the exhibition of the application, the applicant submitted a preferred project report (PPR) to address issues raised by Canada Bay Council and submissions. The PPR proposed:

- a reduction in number of units from 583 to 527 by changing the unit mix;
- reconfiguration of the basement car park;
- revised façade treatment of the buildings; and
- redesign of the communal open space area and landscaping provision.

Delegation to Council

On 26 May 2010, the Director General of the Department of Planning issued an Instrument of Delegation to delegate his exhibition and assessment functions of this project application to Canada Bay Council.

The application was exhibited between 19 July and 20 August 2010 and the assessment report was prepared by Canada Bay Council.

Delegation to the Commission

The application was submitted with a Political Donations Disclosure Statement disclosing a reportable political donation. Consequently, the project meets the terms of delegation and the Planning Assessment Commission may determine the Project under a delegation issued by the Minister on 18 November 2008. On 5 November 2010, the Deputy Director General of the Department of Planning referred the project application (MP 10_0058) to the Planning Assessment Commission for determination.

The Commission consisted of Ms Donna Campbell (chair) and Mr Richard Thorp (member of the PAC). They met with Canada Bay Council staff Mr Tony McNamara, Mr Shannon Anderson and Mr Samuel Lettic and Department of Planning staff, Mr Michael Woodland on 11 November 2010 for a briefing.

Key issues

Key issues raised in submission included:

- height, bulk and scale of buildings;
- traffic, parking and access;
- provision of infrastructure to serve the Rhodes community; and
- residential amenity

Sixteen submissions from the public and agencies were received by the Council during the notification period. Council is satisfied that the impacts of the proposed development have been adequately addressed in the EA, PPR, the proponent's Statement of Commitments and the recommended conditions of approval.

The Council has consulted the proponent regarding the recommended conditions of approval. The proponent disagreed with 3 of the conditions concerning:

- the car share scheme;
- water proofing the basement car park; and
- the requirement to have agreement with Energy Australia for the final location of all required substations prior to the issue of a construction certification.

The Department of Planning has reviewed the assessment report and the disagreed conditions of approval and concluded that:

- it is not reasonable to require the proponent to finance the establishment and operation of the scheme as well as providing 2 on-street car share spaces. The condition should be amended to require the provision of 2 on-street car share spaces.
- based on the proponent's advice that the site is in an elevated position and seepage will be minimal, the condition should be amended to allow flexibility for the design based on the proponent's experience from nearby developments.
- it is acknowledged that there is often long delay in getting agreement from Energy Australia. The Department considers it is unreasonable to require the identification of all substation sites before the issue of construction certificate. The condition is recommended to be changed to require the identification be confirmed prior to the issue of the first Occupation Certificate.

Car share scheme

At the briefing meeting, Council advised the Commission that it was not the intention to require the proponent to finance the establishment and operation of the scheme. Hence, it has no objection to the Department's proposed amendment.

Energy Australia substation

The reason for requiring early confirmation of final location of all substations is to ensure they will not be located on the footpath as happened in one of the nearby developments. Having reconsidered the landscaping areas within the site, Council agreed that there is sufficient space within the site to accommodate the extra substations if and when required. Thus, it has no objection to the Department's recommended change to this condition.

Waterproofing basement car park

The Department tabled a letter from Bonacci Group Pty Ltd dated 10 November 2010 on behalf of the proponent responding to the Department's recommended change to the water proofing basement car park condition. Instead of "pumped-out to the stormwater drainage

system", the proponent suggested "pumped-out into the on-site irrigation storage tank as outlined in the letter prepared by Bonacci Group, Engineers dated 10 November 2010".

As the Council has not had a chance to review the proponent's latest comment, the Commission requested the Council's Engineer to provide comment as soon as practicable. A response was received on 11 November 2010 that a geotechnical report is required to substantiate the claims in the letter. Council's view on the requirement of waterproofing the basement car park remains unchanged.

On the same day, the proponent via email advised that it accepts the water proofing condition as recommended by Council.

Commission's Comment

Following a review of the assessment report, the Commission questioned the reason for accepting 2 hours solar access when SEPP 65 requires a 3 hours daylight access. Council explained that the area was covered by the Rhodes West Master plan 2009. Council recently adopted the Rhodes West Development Control Plan to guide future development within Rhodes. The DCP requires a minimum of 2 hours daylight access. Council is of the view that it is reasonable to apply a site specific control that was developed in the local context. The Department agrees. The Commission accepts the explanation as reasonable.

The Commission agrees that the proposed amendments to the car share scheme and Energy Australia substation conditions are reasonable. However, it shares Council's concern about the proposed amendment to the waterproofing basement car park condition. Given the proponent has now accepted Council's recommended condition, the Commission is satisfied that the issue has been adequately addressed.

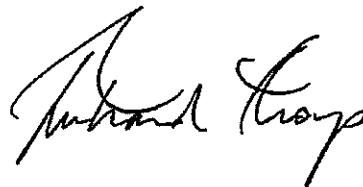
Commission's Determination

The Commission has considered the application and associated documents including the Director General's Report, public submissions to the Environmental Assessment Report, the proponent's PPR and statement of commitments, the Council's recommended conditions of approval, the Department's proposed amendment to the conditions and the follow-up correspondences about the proposed amendments.

The Commission considers the Council has carried out a thorough assessment of key issues raised in submissions and the application should be approved subject to the recommended conditions.



Donna Campbell
PAC Member



Richard Thorp
PAC Member