



Planning

Mr Bill McGarry  
Development Director  
Billbergia Developments  
Locked Bag 1400  
**MEADOWBANK** NSW 2114

Our ref: MP10\_0105  
File: 10/14672

RECEIVED  
16 OCT 2010

Dear Mr McGarry,

**Director-General's Environmental Assessment Requirements for proposed development – Sites 2A and 3A, 40 Walker Street, Rhodes (MP10\_0105)**

Thank you for your request for Director-General's environmental assessment requirements (DGRs) for the above project. The DGRs were prepared with reference to the information provided within your application and in consultation with relevant Government agencies, including Canada Bay Council.

Under Section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the Proponent seeking approval for the project.

Prior to exhibiting the Environmental Assessment, the Council in consultation with the Department will review the document to determine if it adequately addresses the DGRs. If the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. Please contact the Department at least two weeks before you propose to submit the Environmental Assessment to determine the fees applicable to the application.

Please also find attached copies of submissions from other agencies providing their key issues for the proposal. Please note that these responses have been provided to you for information and should be considered in your Environmental Assessment, however they do not form part of the DGRs for the Environmental Assessment.

If you have any enquiries about these requirements, please contact Mr Andrew Smith on 02 9228 6369 or via e-mail at [andrew.smith@planning.nsw.gov.au](mailto:andrew.smith@planning.nsw.gov.au).

Yours sincerely

Michael Woodland  
**Director**  
**Metropolitan Projects**  
As delegate for the Director-General

20/10/2010



# Planning

## Director General Environmental Assessment Requirements Section 75F of the *Environmental Planning and Assessment Act 1979*

<b>Application number</b>	MP 10_0105
<b>Project</b>	<b>Project Application</b> for a mixed use development and associated landscaping including a new public park
<b>Location</b>	Sites 2A and 3A, 40 Walker Street, Rhodes (Lot 1, DP 1101828)
<b>Proponent</b>	Billbergia Developments Pty Ltd
<b>Date issued</b>	<b>20 OCTOBER 2010</b>
<b>Expiry date</b>	If the Environmental Assessment (EA) is not exhibited within 2 years after the date of issue, the applicant must consult further with the Director-General in relation to the preparation of the EA.
<b>Key issues</b>	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none"> <li><b>1. Relevant EPI's policies and Guidelines to be Addressed</b> Planning provisions applying to the site, including permissibility and the provisions of all plans and policies are contained in <b>Appendix A</b>.</li> <li><b>2. Built Form and Urban Design Impacts</b> <ul style="list-style-type: none"> <li>• The EA shall address the height, bulk, scale and visual impact of the proposed development within the context of the locality, and the desired future character contemplated by the <i>Draft Canada Bay Local Environmental Plan (Rhodes West)</i>, and the <i>Draft Rhodes West Development Control Plan</i>. In particular, a detailed consideration should be given to envelope/ height and contextual studies to ensure the proposal integrates with the local environment.</li> <li>• The EA shall provide a visual analysis to and from the site from key vantage points, including photomontages and 3D modelling with physical and computer images of the proposed development.</li> <li>• The EA shall address the design quality of the development with specific consideration of the façades, massing, setbacks, building articulation, use of appropriate colours, materials/finishes, landscaping, overshadowing and public domain, including an assessment against CPTED Principles.</li> </ul> </li> <li><b>3. Public Domain/ Open Space and Accessibility</b> <ul style="list-style-type: none"> <li>• The EA must outline the function, landscape character, access rights and accessibility for able and disabled persons in respect of the areas of proposed public open space, including a plan clearly identifying and describing the area of open space to be dedicated to public use as part of 'Shoreline Park South'.</li> <li>• The EA must detail the type, function and landscape character of the various private, communal and public areas on site. Pedestrian circulation and linkages between various open areas should be demonstrated in a schematic form.</li> <li>• The EA must include a public art strategy for the development.</li> </ul> </li> </ol>

#### **4. Environmental and Residential Amenity**

The EA must address solar access, acoustic privacy, visual privacy, view loss and microclimate issues such as wind speeds and impacts generated around tall buildings and identify mitigation measures necessary to achieve a high level of environmental and residential amenity, and any other relevant environmental provisions.

#### **5. Transport and Accessibility (Construction and Operational)**

- The EA shall address the following matters:
  - Review and update where necessary, the traffic impacts for the site that were addressed in the following reports prepared by Masson Wilson Twiney; "*Transport Management Plan (2001)*" and the "*Traffic Report Rhodes Peninsula – Traffic and Transport Analysis for Additional Development (13 March 2009)*". The review should consider traffic generation, on-street parking demand and provision, any required road/intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage, need for additional bus services, and pedestrian and bicycle links;
  - Provide an estimate of the trips generated by the development and identify any required road or intersection upgrades;
  - Provide an assessment of the implications of the proposed development for non-car travel modes (including public transport, walking and cycling), and a 'Green Travel Plan', including consideration of a car share scheme;
  - Identify measures to mitigate potential impacts for pedestrians and cyclists, and on bus operations and passengers during the construction stage of the project;
  - Demonstrate the provision of appropriate on-site car parking and vehicle access for the proposal having regard to local planning controls and RTA guidelines, and in light of the proximity of the site to Rhodes Railway Station.
  - Prepare a Construction Traffic Management Plan to mitigate any potential impacts on accessibility and public safety during the construction phase(s) of the development.

#### **6. Noise and Vibration Assessment**

The EA should address the issue of noise and vibration impact from the railway corridor and provide detail of how this will be managed and ameliorated through the design of the building, in compliance with relevant Australian Standards and the Department's *Interim Guidelines for Development near Rail Corridors and Busy Roads*.

#### **7. Ecologically Sustainable Development (ESD)**

- The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development;
- The EA must demonstrate that the development has been assessed against a suitably accredited rating scheme such as BASIX and other relevant criteria to meet industry best practice.

#### **8. Drainage and Stormwater Management**

The EA shall address drainage and groundwater issues associated with the development/ site, including stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.

	<p><b>9. Contamination, Human Health Risk Assessment and Geotechnical Issues</b>  The EA shall address any relevant contamination and geotechnical issues associated with the proposal in accordance with SEPP 55 and other relevant legislation and guidance, and, should consider the impact on human health having regards to the surrounding construction and remediation activities on the Rhodes Peninsula.</p> <p><b>10. Utilities</b></p> <ul style="list-style-type: none"> <li>• The EA shall demonstrate consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</li> </ul> <p><b>11. Contributions</b></p> <ul style="list-style-type: none"> <li>• The EA shall address the provision of public benefit, services and infrastructure having regard to Council's Section 94 and 94A Contribution Plans, and provide details of any Planning Agreement or other legally binding instrument proposed to facilitate this development;</li> <li>• The EA should give consideration to the impact on the capacity of existing services and facilities, including emergency services, upgrading of local roads, increased bus services, funding for schools and hospitals, and new medical and health facilities.</li> </ul> <p><b>12. Consultation</b>  The EA shall demonstrate that an adequate and appropriate level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p> <p><b>13. Staging</b>  The EA must include details regarding the staging of the proposed development including the provision and timing of all required infrastructure works and any staging of the delivery of public domain works.</p> <p><b>14. Statement of Commitments</b>  The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and ongoing monitoring for the project.</p>
<b>Deemed refusal period</b>	60 days

## Appendix A

### Relevant EPI's and Policies to be addressed:

- Objects of the NSW *Environmental Planning & Assessment Act 1979*.
- NSW State Plan 2010;
- Draft Inner North Subregional Strategy;
- Metropolitan Transport Plan 2010;
- Integrating Land Use and Transport policy package, NSW Department of Planning, 2005;
- NSW Planning Guidelines for Walking & Cycling and the NSW Bike Plan;
- Sydney Regional Environmental Plan No. 29 - Rhodes Peninsula;
- Draft City of Canada Bay Local Environmental Plan (Rhodes West), Draft Rhodes West Development Control Plan, Rhodes West Master Plan 2010 and other relevant Development Control Plans;
- SEPP 65 - Design Quality of Residential Flat Development (SEPP 65) and the Residential Flat Design Code (RFDC);
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP 55 - Remediation of Land;
- Contaminated Land Management Act 1997;
- SEPP (Infrastructure) 2007; and,
- Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.

## Appendix B

### Plans and Documents to accompany the Application:

<p><b>General</b></p>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment;</li> <li>3. A thorough description of the proposed development;</li> <li>4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed;</li> <li>5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>6. The plans and documents outlined below;</li> <li>7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP); and</li> <li>9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.</li> </ol>
<p><b>Plans and Documents</b></p>	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> <li>1. <b>An existing site survey plan</b> drawn at an appropriate scale illustrating; <ul style="list-style-type: none"> <li>• the location of the land, boundary measurements, area (sq.m) and north point;</li> <li>• the existing finished levels of the land;</li> <li>• location and height of any existing structures on the site;</li> <li>• location of and height of any existing trees;</li> <li>• location, height and layout of adjacent buildings and private open space;</li> <li>• location and levels of adjacent roads, footpaths and public domain; and,</li> <li>• all levels to be to Australian Height Datum.</li> </ul> </li> <li>2. <b>A Site Analysis Plan</b> must be provided which identifies existing natural elements of the site (including all hazards and constraints including those related to previous remediation works), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). Adjoining land uses and activities, sources of nuisances and heritage features of the surrounding locality and landscape shall also be shown.</li> <li>3. <b>A locality/context plan</b> drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space and heritage items;</li> </ul> </li> </ol>

- the location and uses of existing buildings, shopping and employment areas; and,
- traffic and road patterns, pedestrian routes & public transport nodes.

**4. Architectural drawings** at an appropriate scale illustrating:

- the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;
- detailed floor plans, sections and elevations of the proposed buildings, including basement and roof levels, and a plan showing the proximity of any basements and footings/piers in relation to the rail corridor;
- elevation plans providing details of external building materials and colours proposed;
- fenestrations, balconies and other features;
- accessibility requirements of the Building Code of Australia and the Disability Discrimination Act;
- the height (AHD) of the proposed development in relation to the land;
- the level of the lowest floor, the level of any unbuilt area and the level of the ground;
- any changes that will be made to the level of the land by excavation, filling or otherwise; and,
- two (2) additional sets of **key** plans shall be submitted mounted on Corbalite for exhibition purposes (Proponent to consult with Council).

**5. A Design Compliance Statement** addressing the provisions underlying the environmental planning instruments, SEPP 65 and the associated Residential Flat Design Code; and an **Architectural Design Statement** prepared by the Architect outlining the appropriateness of the architectural design, including the selection of materials and finishes, having regard to the site context and any ESD initiative proposed.

**6. A Schedule of Materials and Finishes** and detailed **Sample Board**, detailing all proposed materials and finishes.

**7. Visual and View Analysis** demonstrated through visual aids, such as a photomontage or 3D model, to demonstrate visual impacts of the proposed building envelopes. In particular the view analysis must consider siting, bulk and scale relationships from key areas.

**8. A Physical Model** of the proposed development for the entire site and surrounding developments in Precinct B.

**9. Shadow diagrams** showing detailed "on the hour" (at minimum) solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9am, 12 midday and 3pm (at minimum, and for more frequent intervals where appropriate). Diagrams should be superimposed onto aerial photographs with allotment boundaries detailed.

**10. Landscape plan** illustrating treatment of open space areas on the site, screen planting, retaining walls and fencing along common boundaries and tree protection measures both on and off the site. Details of any trees to be removed, existing and proposed planting (including documentation on the type of species and size at maturity). Landscape plans should be on a cadastral map, with detailed site levels, contours and a number of cross sections to aid assessment and understanding

	<p>of the specific detail of the planned public park identified in Council's draft LEP and DCP as 'Shoreline Park South'. The Landscape plan should address the report by Professor John Toon in relation to the design of public space and the layout of buildings in Precinct B.</p> <p><b>11. Accessibility</b> - a Plan showing accessible and suitably appointed paths of travel to the public open space from other public domain areas (all streets, including Timbrol Avenue), and from new residential developments, prepared by a suitably qualified Access Consultant.</p> <p><b>12. Stormwater/Drainage Concept Plan</b> - illustrating the concept for stormwater management and designed in accordance with Council's Stormwater guidelines.</p> <p><b>13. Site Contamination Assessment/ Human Health Risk Assessment</b> - to demonstrate that the land is or can be made suitable for the intended purpose within the project delivery timeframe.</p> <p><b>14. Geotechnical Report</b> – prepared by a suitably qualified professional which assesses the risk of geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons. The report should address RailCorp's 'standard brief' should there be any excavation or ground penetration within 25m of the rail corridor.</p> <p><b>15. Groundwater Assessment</b> – identifying any groundwater issues and potential degradation to groundwater that may be encountered during excavation and/or piling. The assessment should identify contingency measures to manage any potential impacts.</p> <p><b>16. Transport Management Plan</b> - which addresses the provision of advice to prospective unit purchasers and tenants about the reduced level of car parking in the area and the public transport options which are available, including the provision of a publicly accessible car share scheme. This plan should be developed in full, and be included with the Statement of Commitments.</p> <p><b>17. Waste Management/Garbage and recycling Management Plan</b> – which provides detail of the proposed design to garbage and recycling bin/ storage facilities and collection arrangements in accordance with Council's (new) requirements.</p>
<p><b>Documents to be submitted</b></p>	<ul style="list-style-type: none"> <li>• 2 copies of the EA, plans and documentation for the <b>Test of Adequacy (TOA)</b> (one to be submitted to the Department and one to be submitted to the Council);</li> <li>• <b>Once the EA has been determined adequate</b> and all outstanding issues adequately addressed, 7 copies of the EA for exhibition;</li> <li>• 7 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>• 7 copies of the Environmental Assessment and plans on CD-ROM (PDF format), each file not exceeding 5Mb in size.</li> </ul>
<p><b>NOTE:</b> All files must be titled and saved in such a way that it is clearly recognisable without the file being opened. If multiple PDF's make up one document/report each must be titled in sequential order.</p>	