

21 April 2011

**Project Application for Mixed Use Development  
Sites 2A and 3A, 40 Walker St Rhodes**

**The Project Application**

The original application sought approval for:

- ~735 residential dwellings contained within 5 buildings 6 to 25 storeys high;
- 1050m<sup>2</sup> of retail space at ground level;
- a 3 level basement car park, accommodating 773 car parking spaces.

Following the exhibition of the application, the proponent submitted a preferred project report (PPR) to address the issues raised in submissions. The PPR proposes:

- some changes to the retail space, particularly relating to buildings D and E;
- moving building A 1-1.5m east and increasing balcony depths to level 7;
- introducing 3 split level home office units within building A; and
- providing privacy screens for some units in buildings A, B and D, to address building separation issues.

**Delegation to Council**

On 27 August 2010, the Director-General of the Department of Planning delegated his exhibition and assessment functions for this project to Canada Bay Council (Council).

The application was exhibited between 15 December 2010 and 11 February 2011 and Council prepared the Director-General's Environmental Assessment Report.

**Delegation to the Commission**

As a result of the Proponent having declared a reportable political donation, the Director-General of the Department of Planning referred the project application (MP10\_0105) to the Commission for determination under a delegation issued by the Minister on 18 November 2008.

The Commission consisted of Mr Richard Thorp, as chair, and Ms Donna Campbell.

**Meeting with the Department and Council staff**

The Commission met with staff from the Department and Council on 22 March 2011 for a briefing on the project. In particular, Council and the Department provided information on:

- the status of the Draft Canada Bay Local Environmental Plan (2008) (Amendment 1) Rhodes Peninsula (the Draft LEP);
- the status of the remediation works on the site;
- solar access; and
- traffic and parking.

**Key issues considered**

The Director-General's Environmental Assessment Report (the DG's report) provided a detailed assessment of the following key issues:

- Built form and urban design;
- Communal public open space and landscaping;
- Traffic and parking;
- Residential amenity; and

- Section 94 Contributions/Planning Agreement.

The DG's Report concludes that Council is satisfied the impacts of proposal have been addressed and recommends the project for approval, subject to conditions.

The Department has advised the Commission that it is satisfied that the DG's Report has adequately addressed the key issues outlined in the DG's requirements and that the Preferred Project Report adequately responds to the issues raised in the submissions.

### **Commission's Comments**

The Commission considers that the proposal is consistent with the state and regional strategies for the area, particularly the NSW Governments *Metropolitan Plan for Sydney 2036*. It is within the Rhodes specialised centre and close to Rhodes railway station, consequently it is consistent with the strategic direction to locate at least 80% of all new homes within existing and planned centres of all sizes with good public transport.

The Commission notes that remediation of the site is being carried out under the *Contaminated Land Management Act 1997* and that an accredited contaminated site auditor must certify that the site has been remediated to a standard suitable for the proposed uses. This is reflected in recommended condition 5 of the approval. On-going management and maintenance of the remediation during construction and after occupancy will be the subject of an environmental management plan required under that Act.

While the Roads and Traffic Authority (RTA) raised concerns about the accuracy and level of detail provided in proponent's traffic modelling, Council has considered the proposal in the context of the broader modelling undertaken for the Rhodes West Master Plan. This modelling undertaken concluded that the additional density proposed for the Rhodes Peninsula could be accommodated. The Commission understands that as part of this broader rezoning, the RTA has required improvement at the intersection of Oulton Avenue and Homebush Bay Drive and that the Council is working with the RTA to provide these improvements.

Council advised that the proposal is consistent with the yields anticipated in the Rhodes West Master Plan and consequently is not expected to create any impacts beyond those already anticipated in the master plan traffic modelling. Consequently the Commission is satisfied traffic impacts could be appropriately managed.

Council engaged an urban designer to review the application and the Proponent subsequently amended the proposal in response to the urban designer's comments. The Commission is satisfied that a reasonable design outcome has now been achieved. While the Commission expressed concerns that less than half the dwellings (42.9%) would receive 3 hours solar access between 9 am and 3 pm, it acknowledged that other developments in the area have only been required to provide 2 hours of solar access. The Commission notes that a substantial area of land (11,530m<sup>2</sup>) would be dedicated to Council as public open space and that this would provide a high level of amenity for the area. In the context of this quality open space to be provided, the Commission is satisfied that the general bulk and scale of the proposal can be adequately accommodated.

The Commission sought clarification from the Department on 23 March 2011 about the application of the *Sydney Regional Environmental Plan No 29 – Rhodes Peninsula* to the proposal. This regional plan has now been repealed by the gazettal of the *Canada Bay LEP 2008 (Amendment No 1)* on 20 April 2011.

**Commission's Determination**

The Commission has considered the application and associated documents, including the DG's Report, public submissions, the proponents preferred project report and statement of commitments and the Council's recommended conditions of approval.

The Commission considers the Council have undertaken a thorough assessment of the key issues and that the proposal should be approved subject to the recommended conditions.

A handwritten signature in black ink, appearing to read 'Richard Thorp'.

Richard Thorp  
PAC Member

A handwritten signature in black ink, appearing to read 'Donna Campbell'.

Donna Campbell  
PAC Member