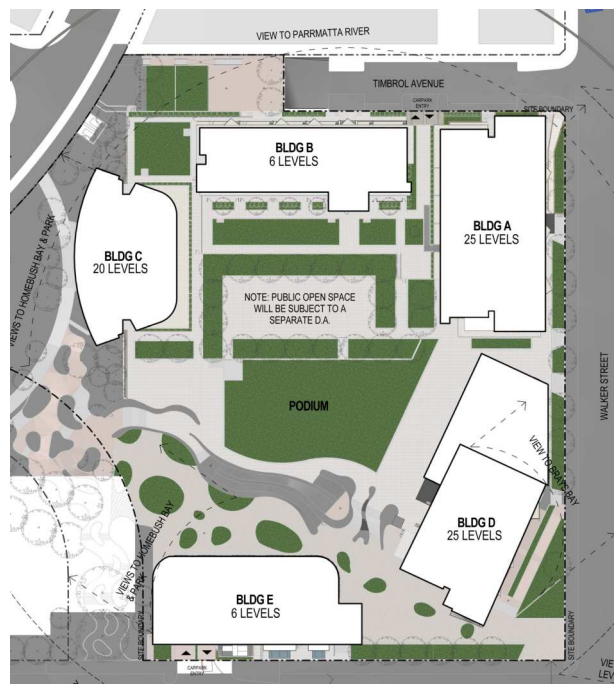


Proposed mixed use development Site 2A & 3A, 44 – 46 Walker Street Rhodes

May 2012

Prepared for Billbergia Developments Pty Ltd



Section 75W Modification MP 10_0105 MOD 1

Architectus Group Pty Ltd
ABN 90 131 245 684
Level 3 341 George Street
Sydney NSW 2060
Australia
T 61 2 8252 8400
F 61 2 8252 8600
sydney@architectus.com.au
www.architectus.com.au

Contents

1	Introduction	1
1.1	Preliminary	1
1.2	Project team	3
1.3	Consent authority	4
1.4	Structure of this report	5
1.5	Authorship	5
2	The site and locality	6
2.1	The site and locality	6
2.2	Legal description	7
2.3	Zoning	7
3	Development consent history	8
3.1	Introduction	8
3.2	Major Project MP 10_0105	8
3.3	Subdivision DA 6/2012	8
4	Proposed modifications	9
4.1	Introduction	9
4.2	Modifications to proposed buildings	9
4.3	Modifications to approved conditions of consent	11
4.4	Consequential modifications to plans and elevations	12
5	Environmental Assessment	14
5.1	Introduction	14
5.2	Section 75W modifications to MP 10_0105	14
5.3	Environmental Planning Instruments and Policies	19
5.4	Environmental Assessment Requirements	23
6	Conclusion	24

Quality Assurance

Reviewed by

.....
Murray Donaldson
 Associate Director
 Urban Design and Planning
 Architectus Sydney Pty Ltd

.....
 Date
 This document is for discussion
 purposes only unless signed.

Tables

Table 1. Table of modifications	1
Table 2. Maximum FSR comparison table	19
Table 3. Building A approved and proposed GFA	20
Table 4. Building D approved and proposed GFA	21
Table 5. Approved off street parking provision	22
Table 6. Proposed off street parking provision	22

Appendices

A	Architectural Drawings <i>Prepared by SJB Architects</i>
B	Instrument of Delegation, under Section 23(1)(d) of the <i>Environmental Planning and Assessment Act 1979</i>
C	Instrument of Consent for Major Project MP10_0105
D	Accessibility Review <i>Prepared by MGAC</i>

1 Introduction

1.1 Preliminary

This report has been prepared by Architectus Group Pty Ltd on behalf of Billbergia Group Pty Ltd under the provisions of Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This Section 75W application seeks to modify consent no. MP10_0105, granted by the NSW Department of Planning and Infrastructure (delegated to the Planning Assessment Commission) on 21 April 2011 for Sites 2A and 3A, Walker Street, Rhodes.

Table 1 provides a summary description of the proposed modifications to the approved Project Application MP 10_0105 describing the proposed changes. **Section 4** of this report provides a detailed written and graphical description of the proposed modifications.

Architectural drawings are provided at **Appendix A**.

Table 1. Table of modifications

Changes to building levels	Proposed modifications
Basement 2 (lower basement)	• Five (5) additional retail parking spaces. • Changes to site landscape as per Oculus design March 2011. • Note added "It is possible that the main lifts of Tower A and B will not access this level. If that is the case, a lift transferring to the upper carpark will be added." • Note added "3.6m clear height to loading dock area." • Minor changes to site services, fire services rooms, • Introduction of two common rooms and modifications to the residential lobby
Basement 1 (upper basement)	• Nine (9) additional retail parking spaces. • Change to site landscape as per Oculus design March 2011. • Minor changes to accessible WC adjacent Building D • Modifications to the Building C lobby voids.
Podium level	Building A : • Change common room to retail tenancy. • North and south home offices changed to retail tenancies. • Revised glazing line to south west of southern retail area. • Revised awning over southern retail. • Change to site landscape as per Oculus design March 2011. Building B: • Minor changes to stair core in two locations. Building D: • Minor change to accessible WC.

Changes to building levels	Proposed modifications
Level 01	Building A: - Apartment A.1.06 to mirror A.1.07; - Apartment A.1.04 to mirror A.1.09; - Revised awning over southern retail; Building B: - Minor changes to stair core in two locations.
Levels 02, 03 and 04	Building B: Revision to southern access balcony (Apartments B.2.08 – B.2.10 southern glazing to B1, all others approximately 1500mm deep entry courtyard).
Level 05	Building B: - Revision to southern access balcony (Apartments B.5.08 – B.5.10 southern glazing to B1, all others approximately 1500mm deep entry courtyard). Building D: - Note identifying wintergardens shown on Part 3A Project Approval drawings added.
Level 06	Building D: Note identifying wintergardens shown on Part 3A Project Approval drawings added.
Level 07	Building A: - Provide 300mm additional height. Building D: - Note identifying wintergardens shown on Part 3A Project Approval drawings added. - Provide 300mm additional height.
Level 08	Building A: East elevation corrected to show wintergardens “missing” from Part 3A Project Approval.
Levels 14 – 15	Building A: Winter gardens added on east elevation as per elevation drawings of Part 3A Approval.
Roof level	Note added “Roof level RL’s are SSL at low point in roof typically.” Building A: - Increase the height of the roof level of Building A by 300mm on account of the change to the additional height at Level 07. - Increase the height top of the roof plant by 700mm to match the approved height of the roof plant of Building D. Building D: - Increase the roof level by 600mm to match the proposed roof height of Building A. No change is proposed to the height of the top of the roof plant of Building D.

Other changes to plans and elevations	Proposed modifications
As shown on architectural drawings at Appendix A .	- All “FFL” on plans and elevations clarified as “SSL” (structural slab level). - Note added to each elevation stating “As built levels may vary +/- 30mm from nominated SSL’s.” - Modification of glazing elements to: - Building A – West façade: Apt. Lv.03 - Building B – West façade [Lv.05 only]: Apt.5.01
As shown on architectural drawings at Appendix A .	Further consequential amendments to building elevations as a result of the changes above are also shown.

Changes to consent conditions	Proposed modifications
Schedule 1	Change description of development to reflect proposed modifications.
Condition 34	Amend condition no. 34 to alter the no. of adaptable residential car parking spaces from 111 to 75 and the no. of retail parking spaces from 8 to 22 and increase the total spaces from 780 to 794. Accordingly, amend the first bullet point.
Condition 38	Remove note in this condition as not applicable to the project.
Condition 82	Amend condition no. 82 to allow tolerance of +/- 30mm and limit the measurement of floor levels to the roof level only.

1.2 Project team

The project team for the proposed modification comprises the following members:

Site owner	Billbergia Group
Proponent	Billbergia Developments Pty Ltd
Architect	SJB Architects
Urban Planner	Architectus
Accessibility Consultant	Morris-Goding Accessibility Consulting

1.3 Consent authority

The effect of Clause 2(1) of Schedule 6A of the EP&A Act 1979 is that the approved MP10_0105 and any changes to it are dealt with as a transitional Part 3A project, as follows:

“2 Transitional Part 3A projects

*(1) The following are, subject to this Schedule, **transitional Part 3A projects**:*

(a) an approved project (whether approved before or after the repeal of Part 3A),

...

(5) A transitional Part 3A project extends to the project as varied by changes to the Part 3A project or concept plan application, to the concept plan approval or to the project approval, whether made before or after the repeal of Part 3A.”

Clause 3 of Schedule 6A of the EP&A Act (below) states that Part 3A provisions and any State Environmental Planning Policies made under Part 3A will continue to apply to transitional Part 3A projects.

“3 Continuation of Part 3A—transitional Part 3A projects

(1) Part 3A of this Act (as in force immediately before the repeal of that Part and as modified under this Schedule after that repeal) continues to apply to and in respect of a transitional Part 3A project.

(2) For that purpose:

(a) any State environmental planning policy or other instrument made under or for the purposes of Part 3A, as in force on the repeal of that Part and as amended after that repeal, continues to apply to and in respect of a transitional Part 3A project,”

Part 3A, as in force immediately before the repeal of that Part of the Act, required the Minister's approval for the carrying out of these projects. However, on 27 August 2010, the Minister for Planning delegated the planning assessment functions of the EP&A Act 1979 to the City of Canada Bay Council. Specifically, the delegation relates to a number of functions including Section 75W of the Act. Therefore, the City of Canada Bay Council is the consent authority for this Section 75W modification to Major Project approval MP10_0105.

A copy of the Instrument of Delegation, under Section 23(1)(d) of the *Environmental Planning and Assessment Act 1979* is provided at **Appendix B**.

1.4 Structure of this report

This report has the following structure:

Section 1: Introduction

Includes a summary of proposed modifications, project team, consent authority, structure of the report and authorship.

Section 2: The site and locality

Provides a description of the site and locality of the development which is proposed to be modified.

Section 3: Development consent history

Describes the relevant development consent history being Major Project Application MP 10_0105.

Section 4: The proposed modifications

Describes the modifications sought to the approved Major Project MP 10_0105.

Section 5: Environmental assessment

Provides an assessment of the proposed modifications against the relevant EPIs and policies and the DGRs issued by the Department of Planning and Infrastructure for MP 10_0105.

Section 6: Conclusion

1.5 Authorship

This report has been prepared by Jayne Klein, Senior Urban Planner and Murray Donaldson, Associate Director, Architectus.

2 The site and locality

2.1 The site and locality

The subject site is known as 44-46 Walker Street, Rhodes, and is identified as Site 2A and Site 3A within the Stage 1 Master Plan DA 268-6-2003.

The site is bounded by Shoreline Avenue and Site 3B, a residential development site within Precinct B to the east, Walker Street to the east, Timbrol Avenue to the north and Gauthorpe Street to the South. Further south is the mixed use light industrial and residential precinct D.

The Rhodes Corporate Park to the south along Homebush Bay Drive, on the eastern side of the railway line, is nearly complete and comprises six commercial office buildings.

Rhodes West is located adjacent the existing Rhodes residential suburb of predominantly single-storey detached houses. An industrial precinct centred on Leeds Street is located at the northern end of the peninsula. The area has undergone significant change from an industrial suburb to a new mixed use residential and high tech commercial area.

The Rhodes Waterside Shopping Centre is popular both to local residents as well as destination shoppers. The centre has several major shops including Target, Harris Farms, Coles and Ikea, as well as approximately 100 specialty shops.

The foreshore of Rhodes West is to be maintained as a public reserve and will link approximately 1.4 km of foreshore land with cycleways, parks and pedestrian pathways. Refer to **Figure 1**.

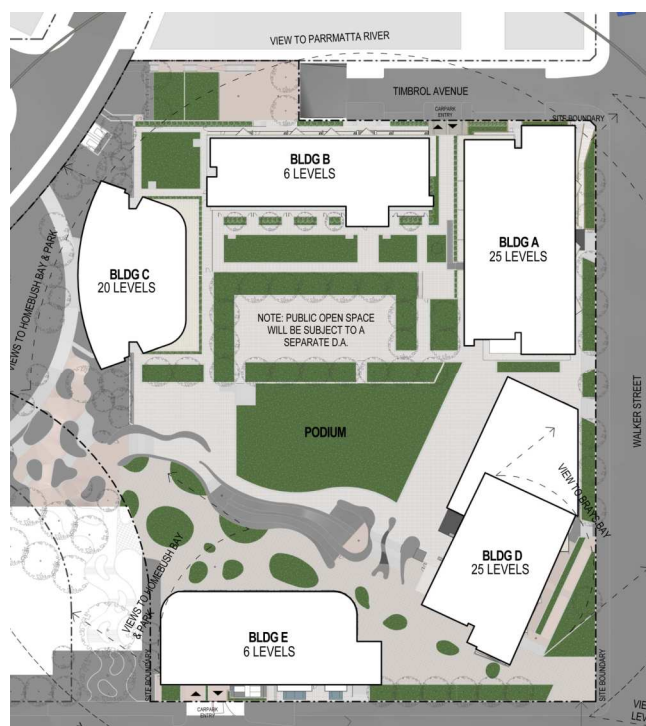


Figure 1. The subject site with building references

2.2 Legal description

The site is contained within Lots 305, 307 and 311 in DP 1163025. A draft subdivision plan which has been approved by Council is not yet certified by the Department of Land and Property Management. This will update the lot and deposited plan numbers for the site.

2.3 Zoning

Under the Canada Bay Local Environment Plan 2008 the subject site is zoned R4 – High Density Residential Development.

The following uses are permissible with development consent:

Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Exhibition homes; Exhibition villages; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing; Water recycling facilities.

The subject site is also zoned R4 – High Density Residential Development in the Draft Canada Bay Local Environment Plan 2011 and the following uses are permissible with consent:

Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing; Water recycling facilities.

All of the proposed uses contained within the Major Project and proposed modification are permissible with consent under both the Canada Bay Local Environment Plan 2008 and the Draft Canada Bay Local Environment Plan 2011.

3 Development consent history

3.1 Introduction

This section of the report describes the development consent history comprising the following developments:

- Major Project 10_0105; and
- Subdivision DA 6/2012.

This planning consent is described in the following sections of this report.

3.2 Major Project MP 10_0105

Major Project MP 10_0105 was granted consent on 21 April 2011 by the Planning Assessment Commission for a development as described at Schedule 1 of the Project Approval as follows:

- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling 1050sqm within the lower levels of buildings A, D and E;
- Basement car park over three levels containing 773 spaces; and
- Provision of external communal open space areas adjacent to Buildings B and C.

A copy of the Instrument of Consent for Major Project MP10_0105 is provided at **Appendix C**. It is this consent which is proposed to be modified under section 75W of the EP&A Act 1979.

3.3 Subdivision DA 6/2012

A development consent was approved on 6 March 2012 for the subdivision of four existing lots into five to facilitate the current land ownership arrangements.

4 Proposed modifications

4.1 Introduction

This section describes the modifications proposed under Section 75W of the EP&A Act 1979 in terms of the following headings:

- Modifications to the proposed buildings (**Section 4.2**);
- Modifications to the approved conditions of consent for MP10_0105 (**Section 4.3**); and
- Consequential modifications to plans and elevations (**Section 4.4**).

A3 copies of the architectural drawings prepared by Bates Smart illustrating the proposed modifications are submitted with this Environmental Assessment at **Appendix A**.

The following sections describe each of the above modifications.

4.2 Modifications to proposed buildings

The proposed modifications to the basements and podium levels and to Buildings A, B, C and D are as follows:

Basements and podium

- At basement level 02, five (5) additional retail car parking spaces with a reduction in adaptable spaces;
- At basement level 01, nine (9) additional retail car parking spaces with a reduction in adaptable spaces; and
- Revision of podium landscape to current scheme at levels 00 and 01.

To accommodate additional retail car parking demand consistent with the Rhodes West DCP rates of 1 space per 40sqm. The reduction in dedicated adaptable car spaces is on account of therefore being a railway station which is fully accessible, which on balance is an appropriate solution for the development having regard to the objectives of the Canada Bay LEP and Rhodes West DCP.

The landscape design for the podium has been amended to reflect the landscape concept commissioned by Council from Oculus Landscape Architects.

Building A

- Change the common room at podium level to retail use; the retail tenancy will better activate Walker Street consistent with the Master Plan / DCP objectives;
- Change two home offices and common room at podium level to retail tenancies;
These changes result in an additional 263.7m² retail GFA at podium level in Building A;
- Revised glazing line to south west of southern retail area;
- Revised awning over southern retail;

- At level 01, Apartment A.1.06 to be mirror of A.1.07 and Apartment A.1.04 to be mirror of A.1.09 and revised awning over southern retail.
- Provide 300mm additional height at level 06;
- At level 08, the east elevation of Building A to be corrected to show “missing” wintergardens; and
- At roof level increase the height of the roof level of Building A by 300mm on account of the change to the additional height at Level 07.
- At roof level increase the height top of the roof plant by 700mm to match the approved height of the roof plant of Building D. Note that the roof SSL is the low point of the roof.
- Modification of glazing elements west façade: Apt's. Lv.03.

The deletion of the common room and home offices fronting Walker Street has resulted from a desire to provide more retail tenancies along the main street frontage, which will assist to active the street and provide a near continuous retail frontage. The common room facilities in Building C have been retained, and these can be made available for occupants of other buildings on the site for meetings and other communal functions. The additional floor space will not add to the bulk and scale of the approved development and is only additional on account of the change of use of the space, as the common room was not previously included in the GFA.

Building B

- At levels 02 to 05, revision to southern access balcony.
- Minor changes to stair core in two locations.
- Modification of glazing elements [Lv.05 only]: Apt.5.01.

The southern accessway to the apartments at each level of the Building B has been modified to provide additional privacy for building occupants and to improve the sense of address and arrive with the inclusion of private courtyards.

Building C

- Altering the residential entry lobby and providing additional common rooms in the base of the building; and
- Modifying the glazing treatments to Levels 16-19 on the northern and southern elevations;

The additional common rooms and subsequent changes to the residential lobby in Building C will provide facilities for use by occupants of all buildings across the site in a central and accessible location, with outlook/breakout opportunity to the open space on Shoreline Ave.

Building D

- Provide 300mm additional height at level 06;
- At roof level increase the roof level by 600mm to match the proposed roof height of Building A. No change is proposed to the height of the top of the roof plant.

The additional 300mm height at Level 6 of Buildings A and D is provided to accommodate the structural transition from the lower podium levels of the building to the upper tower levels of these buildings and space for

drainage associated with the roof terraces at Level 7. The change in height will not result in an increase to the overall height of the development, as there has been a reduction in the height of the roof top plant and lift overrun at the top of the buildings.

The wintergardens at Level 8 of building A were missing from the plans that were approved. These have been reinstated in the design to provide a consistent Walker Street (east) elevation to the building.

The changes are illustrated in the architectural drawings submitted in full scale under separate cover and with a reduced copy at **Appendix A**.

4.3 Modifications to approved conditions of consent

Project description

Modify description of project in Schedule 1 to include 298sqm of additional retail floor space, resulting in a total of 1348sqm and increasing car spaces from 773 to 787, on account of changes to retail parking and parking for adaptable units.

Existing home office and common room floor space will be converted to retail tenancies to the proposed development to provide better activation of the streetscape.

The project description is amended to include staging of construction.

The proposed development will be constructed in 5 stages as illustrated in the figure below, and described as follows:

- **Stage 1** – An areas of 6100m² of the site comprising Building A and a portion of public open space;
- **Stage 2** - An areas of 2305m² of the site comprising Building B;
- **Stage 3** - An areas of 3612m² of the site comprising Building C and a portion of public open space;
- **Stage 4** - An areas of 6312m² of the site comprising Building D, the communal facilities building and a portion of public open space; and
- **Stage 5** - An areas of 2440m² of the site comprising Building A and the final portion of public open space.

It is noted that a significant proportion of the public open space, that will be dedicated to Council is to be achieved in the first three stages of the development.

Public access between Walker Street and Shoreline Avenue will be achieved in the first stage of construction.



Staging plan

The proposed development is to be constructed in 5 stages. The design and embellishment of public open space is subject to a separate Part 4 Development Application.

Condition 34

An amendment is proposed to Condition no. 34 to alter the number of adaptable residential car parking spaces from 111 to 75 and alter the number of retail parking spaces from 8 to 22. The total number of parking spaces will increase from 780 to 794, including 7 motorbike spaces.

In addition, the first bullet point in the condition is proposed to be amended from:

- *“All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above”*
- to
- *“All Adaptable car spaces shall be allocated to the adaptable apartments.”*

The increase to retail car parking spaces will accommodate the parking demand for retail operators in accordance with the maximum retail parking rate under the Rhodes West DCP of 1 space per 40sqm of retail floor space.

Given the demand for retail parking has increased it is considered reasonable and appropriate to accommodate additional car parking. The proposed modification to adaptable car parking spaces will result in less than 1 adaptable space being allocated to each adaptable dwelling. The proposed modification means that 67% of 75 out of 111 adaptable dwellings will be provided with accessible car parking spaces.

Consideration is sought due to the close proximity of the Rhodes railway station which provides a convenient and direct alternative means of travel for people including those with a disability, without car availability.

Rhodes Railway Station is within 200 metres of the subject site via Walker Street. This area has an existing pedestrian footpath that provides an appropriate pathway suitable for people with disabilities including those using wheelchairs with 1:20 approximate gradient compliant with AS1428.1 and AS4299.

The station provides a passenger lift facility, portable boarding ramp, tactile tiles, audio announcements, accessible toilet facility, accessible telephone, ticket office hearing loop and bus connection to enhance access for people with disabilities to this key public transport facility.

This approach is in line with the Rhodes transport strategy and the Rhodes DCP which seek to promote public transport use and decrease car dependency by minimising car parking requirements through the inclusion of maximum car parking rates for residential units.

The proposed reduction in adaptable car parking spaces has been endorsed by Morris Goding Accessibility Consultants as an appropriate response to the local context to promote transport sustainability for Rhodes. Refer to Accessibility Assessment by Morris Goding Accessibility Consultants at **Appendix D**.

Condition 38

Remove the "Note" as references to Nina Grey Avenue and Meredith Avenue are not applicable to this project.

Condition 82

An amendment is proposed to Condition no. 82 to allow tolerance of +/- 30mm in the as-built levels and to limit the survey to the roof level of the building only.

This will reduce the extent of work required and limit unnecessary doubling up work by the architects and building surveyors.

4.4 Consequential modifications to plans and elevations

All notations of "FFL" on plans and elevations are to be amended to "SSL" (structural slab level). A note to be added to each elevation stating that "As-built levels may vary +/- 30mm from the levels (SSL's) shown on the drawings". The reason for the proposed modification is to accommodate tolerances for floor finishes.

Further consequential amendments to building elevations will be required as a result of the changes set out in **Section 4.2** above. These changes are illustrated in the architectural drawings at **Appendix A**.

5 Environmental Assessment

5.1 Introduction

This section of the report provides an Environmental Assessment of the proposed modifications against the relevant planning instruments and policies as well as the Director General's Environmental Assessment Requirements (DGRs) issued for Major Project MP 10_0105.

5.2 Section 75W modifications to MP 10_0105

As set out at **Section 1.3** of this report, Part 3A of the EP&A Act was in force immediately before the repeal of that Part of the Act and continues to apply to transitional Part 3A projects. Major Project MP10_0105 is a transitional Part 3A project. Part 3A required the Minister's approval for the carrying out of these projects – refer Section 75W below:

Section 75W Modification of Minister's approval, EP&A Act 1979, stated:

(1) *In this section:*

"Minister's approval" means an approval to carry out a project under this Part, and includes an approval of a concept plan.

"modification of approval" means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
 - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*
- (5) *The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.*

The Proponent, Billbergia Group Pty Ltd, requests that the City of Canada Bay Council, as the delegated consent authority, approve the proposed modifications to the project application under Section 75W of the EP&A Act 1979.

No provisions of Section 75W impose any prohibition or limitation on the proposed modifications. Therefore it is considered that the proposed modifications satisfy the provisions of this Section of the Act.

The proposed modifications to the approved Major Project MP 10_0105 seek to modify the project description, list of plans, and conditions 34 and 82 as shown below. Deletions are struck-through and additions are shown in red text:

“SCHEDULE 1

Project: Project Application for a development *in five construction stages*, including:

- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling ~~1050~~ 1348sqm within the lower levels of buildings A, D and E;
- Basement car park over three levels containing ~~773~~ 787 spaces; and, provision of external communal open space areas adjacent to Buildings B & C.”

“SCHEDULE 2

PART A – GENERAL CONDITIONS

1. GCP1 Approved Plans and Supporting Documents

The development shall be carried out substantially in accordance with the approved stamped and signed plans and /or documentation listed below **except where modified by any following conditions:**

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A – Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011) and MOD 1 (April 2012)			
Architectural (or Design) Drawings prepared by SJB Architects			
Drawing	Revision	Name of Plan	Date
A-0101	1A A-2	Locality / Context Plan	22/02/2011 18.04.2012
A-0102	1A A-2	Site Analysis Plan 1	22/02/2011 18.04.2012
A-0201	1A A-2	Level 2 Basement	22/02/2011 18.04.2012
A-0202	1A A-2	Level 1 Basement	22/02/2011 18.04.2012
A-0203	1A A-2	Podium Plan	22/02/2011 18.04.2012
A-0204	1A A-2	Level 01 Plan	22/02/2011 18.04.2012
A-0205	1A A-2	Level 02 Plan	22/02/2011 18.04.2012
A-0206	1A A-2	Level 03 Plan	22/02/2011 18.04.2012
A-0207	1A A-2	Level 04 Plan	22/02/2011 18.04.2012
A-0208	1A A-2	Level 05 Plan	22/02/2011 18.04.2012

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A – Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011) and MOD 1 (April 2012)

Architectural (or Design) Drawings prepared by SJB Architects

Drawing	Revision	Name of Plan	Date
			18.04.2012
A-0209	1A A-2	Level 06 Plan	22/02/2011 18.04.2012
A-0210	1A A-2	Level 07 Plan	22/02/2011 18.04.2012
A-0211	1A A-2	Level 09 Plan Level 08 Plan Levels 09 – 12 similar	22/02/2011 18.04.2012
A-0212	1A A-2	Level 13 Plan Levels 14 – 15 similar	22/02/2011 18.04.2012
A-0213	1A A-2	Level 16 Plan	22/02/2011 18.04.2012
A-0214	1A A-2	Level 17 Plan Level 18 similar	22/02/2011 18.04.2012
A-0215	1A A-2	Level 19 Plan	22/02/2011 18.04.2012
A-0216	1A A-2	Level 20 Plan	22/02/2011 18.04.2012
A-0217	1A A-2	Level 21 Plan Levels 22 – 24 similar	22/02/2011 18.04.2012
A-0218	1A A-2	Roof Plan	22/02/2011 18.04.2012
A-0221	1A A-2	Area Calculations - GFA	22/02/2011 18.04.2012
A-0222	1A A-2	Area Calculations - GFA	22/02/2011 18.04.2012
A-0231	1A A-2	Apartment Typologies – Bldg A	22/02/2011 18.04.2012
A-0232	1A A-2	Apartment Typologies – Bldg B & C	22/02/2011 18.04.2012
A-0501	1A A-2	Elevation – Walker St & Timbrol Ave	22/02/2011 18.04.2012
A-0502	1A A-2	Elevation – Shoreline Ave & Gauthorpe	22/02/2011 18.04.2012
A-0503	1A A-2	Elevations – BLDG A North & East	22/02/2011 18.04.2012
A-0504	1A A-2	Elevations – BLDG A East & West	22/02/2011 18.04.2012
A-0505	1A A-2	Elevations – BLDG B North, South, East & West	22/02/2011 18.04.2012
A-0506	1A A-2	Elevations – BLDG C North & South	22/02/2011 18.04.2012
A-0507	1A A-2	Elevations – BLDG C East & West	22/02/2011 18.04.2012
A-0508	1A A-2	Elevations – BLDG D North & East	22/02/2011 18.04.2012
A-0509	1A A-2	Elevations – BLDG D South & West	22/02/2011 18.04.2012
A-0510	1A A-2	Elevations – BLDG E North,	22/02/2011

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A – Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011) and MOD 1 (April 2012)			
Architectural (or Design) Drawings prepared by SJB Architects			
Drawing	Revision	Name of Plan	Date
		South, East & West	18.04.2012

“34. CCV8 Off Street Car Parking Space Provision

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than 780 spaces are required and designated as follows:

Car Parking Allocation	Number
Standard Residential Car Parking Spaces	735
Inclusive Residential Adaptable Car Spaces	111 (75)
Visitor Parking	30
Residential Service Vehicles Retail Car Spaces	Nil 22
Motorcycle Parking Total Car Spaces	Equiv. to 7 787
Retail Parking Motorcycle spaces	8 7
Retail Service Vehicles Total Parking Spaces	Nil 794
Total Spaces Agreed by this Approval	780

- ~~All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above.~~
- **All Adaptable carspaces shall be allocated to the adaptable apartments.**
- All car spaces shall be allocated and marked accordingly. If the development is to be strata subdivided, the car park layout must respect the above allocation and thereafter regarded as part of the entitlement of that unit.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- Under no circumstances shall parking spaces be sold, let or otherwise disposed of for use other than in accordance with this condition.
- Visitor spaces shall only be used by persons visiting residents of the property or persons with legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Accredited Certifier **prior to the issue of a Construction Certificate** showing compliance with this condition.

(Reason: Parking and access)

“38. CCV1 Vehicular Circulation, Aisles & Ramps

The aisle widths, internal circulation, ramp widths and grades of the car park shall comply with the Roads and Traffic Authority Guidelines and

ASNZS 2890.1:2004 – Off-Street Parking Code.

~~*Note: Any security gates to be provided at both entrances to the proposed carpark off Nina Grey Avenue and Meredith Avenue to the ground level areas of each carpark shall be located and/or designed to ensure that full and unrestricted access to the child care centre and retail spaces is available during all hours that these uses are in operation. Arrangements shall be made through Council prior to occupation of the building to enable access for garbage trucks.*~~

(Reason: Parking and access)

“82. DWS1 Progress Survey – Major Development (greater than two stories)”

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) Prior to placement of concrete, the ground floor level, showing the level of the form work;
- (c) Post placement of concrete at ~~each second floor~~ **roof** level showing the principal level of the formwork;
- (d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (e) At completion, works showing the relationship of the building to the boundary.

As-built levels may vary +/- 30mm from the levels (SSL's) shown on the drawings.

Progress certificates in response to points (a) through to (e) shall be produced to the Council or the Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

End of Part D”

Amend condition no. 82 to allow tolerance of +/- 30mm and limit the measurement of floor levels to the roof level only.

5.3 Environmental Planning Instruments and Policies

The relevant Environmental Planning Instruments and Policies that apply to the development of the subject site include the following:

- Canada Bay Local Environmental Plan 2008;
- Draft Canada Bay Local Environmental Plan 2011; and
- Rhodes West Development Control Plan 2011.

Canada Bay Local Environmental Plan (LEP) 2008

The maximum Floor Space Ratio of the site is 2.80:1.

The subject site has an area of 20,675m². The proposed modifications will result in a new GFA of 56,537m², equating to an FSR of 2.73:1 therefore complying with the maximum FSR of the LEP.

A comparison of the maximum, approved and proposed FSR is set out at **Table 2** below.

The proposed modifications are not affected by any other LEP controls.

Table 2. Maximum FSR comparison table

Max allowed FSR in LEP	Max. allowed FSR in VPA*	Approved FSR	Proposed FSR
2.80:1	2.71:1	2.71:1	2.73:1

* VPA = Voluntary Planning Agreement

Draft Canada Bay Local Environmental Plan (draft LEP) 2011

The maximum Floor Space Ratio of the site in the Draft LEP is 2.80:1. As noted above, the proposed modifications will comply as an FSR of 2.73:1 will result.

The proposed modifications are not affected by any other draft LEP controls.

Rhodes West Development Control Plan (DCP) 2011

Controls relevant to the proposed modifications from the DCP are discussed in this section. The DCP sets a maximum FSR of 2.8:1, which the proposed modifications will comply with.

Building envelopes:

The Rhodes West DCP sets a maximum floor plate size of 800m² for tower buildings. The intent of the maximum 800m² GFA floor plate is to control tower bulk.

Table 3 below shows the approved and proposed GFA for each level of Building A. Only levels 01- 06 are in excess of the 800m² maximum. The proposed modifications result in an increase in the degree of non-compliance of 2.1% for Level 01 and an increase in the degree of non-compliance of 0.75% for Levels 02 – 06. The modification will not alter the perceived bulk of the towers with increase in GFA only proposed to the lower levels (“podium” and levels 01 to 06) not the tower levels.

While there is a slight increase to each of the levels above Level 06, the proposed GFA for each of those levels remains less than 800m². The increase in the floor plates at these levels is minimal and therefore will not have adverse impacts upon the bulk and scale of the tower.

The proposed GFA across the site is above the maximum allowed, by 554m². This is resultant of:

- Increase to retail area – 297m²
- Increase to Buildings A, B & C through design development process – 101m²
- Area within Building D undercroft structural transfer zone – 156m²

Table 3. Building A approved and proposed GFA

	Total GFA Approved	Total GFA proposed
Basement 02	-	-
Basement 01	-	-
Ground “Podium”	328	581
Level 01	826	843
Level 02	905	911
Level 03	905	911
Level 04	905	911
Level 05	905	911
Level 06	905	911
Level 07	742	752
Level 08	742	752
Level 09	742	752
Level 10	742	752
Level 11	742	752
Level 12	742	752
Level 13	742	750
Level 14	743	750
Level 15	743	750
Level 16	743	748
Level 17	743	748
Level 18	743	748
Level 19	744	747

Level 20	744	747
Level 21	744	747
Level 22	744	747
Level 23	744	747
Level 24	744	747

The change to the schedule of GFA for levels 05 and 06 is to correct an error in the approved schedule which did not correctly account for the GFA reflected in the approved floor plans

Table 4. Building D approved and proposed GFA

	Total GFA Approved	Total GFA proposed
Basement 02	-	-
Basement 01	90	385
Ground "Podium"	440	478
Level 01	783	783
Level 02	783	783
Level 03	783	783
Level 04	783	783
Level 05	824	902
Level 06	824	902
Level 07	644	646
Level 08	644	646
Level 09	635	646
Level 10	635	632
Level 11	635	632
Level 12	635	632
Level 13	635	632
Level 14	635	632
Level 15	635	632
Level 16	635	632
Level 17	635	632
Level 18	635	632
Level 19	629	629
Level 20	629	629
Level 21	629	626
Level 22	629	626
Level 23	629	626
Level 24	629	626

Retail parking:

For retail parking requirements of the DCP, refer **section 5.4**.

To provide for the additional retail parking spaces, the adaptable units that are to be allocated accessible car spaces is to be decreased from 111 spaces (1 for each adaptable unit) to 75 spaces (thereby 67% of the adaptable units will be allocated an adaptable car space. Refer to **Section 4.3** of this report for justification for the proposed modification to adaptable car parking. The total number of residential parking spaces will remain at 735 spaces.

No change is proposed the number of visitor or motorcycling parking spaces.

These changes are set out in **Table 5** (approved) and Error! Reference source not found. (proposed) below:

Table 5. Approved off street parking provision

Source: Condition 34 of MP 10_0105

Level	Total
Standard residential	735
Inclusive Residential Adaptable spaces	111
Visitor (including 2 visitor disabled)	30
Motor cycle parking	Equiv. To 7
Retail service vehicles	Nil
Retail	8
Total spaces	780

Table 6. Proposed off street parking provision

Level	Total
Residential Car Spaces	735
Inclusive Adaptable Residential car Spaces	(75)
Visitor Car Space	30
Retail Car Space	22
Total Car Spaces	787
Motorcycle Spaces	7
Total Parking Spaces	794

5.4 Environmental Assessment Requirements

The following key issues of relevance to the proposed modifications from the DGRs for the original Part 3A Project Approval are addressed below:

- Built form and urban design impacts
- Public domain / open space and accessibility
- Transport and accessibility (construction and operational)

Built form and urban design impacts

The proposed minor modifications to the elevations of some buildings will result in very little change to the built form of the approved development. The small increase in floor plate size of six levels of Building A will have negligible impacts upon the approved built form. The percentage increase in the bulk of the buildings is a maximum of 2.25% for Building A over the lower six levels.

The proposed additional 300mm height to Building A and 600mm to Building D (measured to the top roof level) will have a negligible impact on terms of bulk and scale, overshadowing and visual impact, having regard to the scale of buildings approved in the desired future character, established by the new planning framework for Rhodes and the scale of buildings approved on the site and surrounding context.

Public domain / open space and accessibility

The modifications include removal of the common room and replacement with retail shops. The landscape design has been amended to reflect the Oculus concept design commissioned by the City of Canada Bay Council.

Transport and accessibility (construction and operational)

Retail parking:

The proposed modifications result in an additional 14 retail car parking spaces, resulting in a total of 22 retail spaces. The total retail GFA proposed is 1347m², from 1050m² approved. Retail parking is required in the Rhodes West DCP at the rate of:

- 1 space per 40m²

Based on the GFA of the proposed retail tenancies the retail car parking required equates to 34 spaces. Although the number of retail spaces does not strictly comply with the rate in the DCP, it is consistent with the objectives of the transport strategy for Rhodes West to reduce car dependence and promote the use of walking, cycling for local trips and the railway station for longer trips.

The retail car parking provision considered acceptable as many retail customers will be residents of the apartments above and there are good public transport connections to the area.

6 Conclusion

The proposed modifications under Section 75W of the EP&A Act 1979 include the following:

- Alterations to the proposed buildings;
- Alterations to the approved conditions of consent for MP10_0105; and
- Consequential alterations to plans and elevations.

Having regard to this Environmental Assessment, the proposed modifications are consistent with the intent of the original approval and generally consistent with the relevant Environmental Planning Instruments and policies. The proposed development will not result in any significant adverse impacts on the surrounding environment in terms of traffic generation, bulk and scale, overshadowing or loss of privacy.

The proposed modifications will result in improvements to the original approved development in terms of:

- Transport sustainability;
- Design quality and residential amenity;
- Activation of the Walker Street public domain with additional retail tenancies;
- Provision of high quality landscape design by integrating with Council's design for the public open space; and
- Responds to demand for indoor/outdoor spaces in the form of wintergardens.

It is recommended the Consent Authority consider this Section 75W application favourably in approving the application.