



Planning &
Infrastructure

MODIFICATION REQUEST:
Mixed Use Development
44-46 Walker Street, Rhodes
MP 10_0105 MOD 1



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

September 2012

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1. BACKGROUND

This report is an assessment of a request to modify Major Project 10_0105 involving a mixed use development at 44–46 Walker Street, Rhodes in the City of Canada Bay local government area, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The project application was granted approval by the Planning Assessment Commission (PAC) under delegation of the Minister for Planning and Infrastructure (the Minister) on 21 April 2011, in accordance with Part 3A of the EP&A Act. Project approval was granted for:

- 735 residential dwellings contained within five buildings ranging in height from six to 25 storeys;
- retail tenancies totalling 1,050m² within the lower levels of buildings A, D and E;
- basement car parking over three levels comprising 773 spaces; and,
- provision of external communal public open space adjacent to buildings C and D.

The subject site is located on the Rhodes Peninsula and is identified as Site 2A and Site 3A within Precinct B under the Sydney Regional Plan No. 29 – Rhodes Peninsula. The site is bound by Walker Street to the east; Shoreline Avenue and Site 3B (an adjoining residential development site) to the west; Trimbol Avenue to the north; and Gauthorpe Street to the south. Mixed use light industrial and residential development as part of Precinct D is located further south. The area has recently undergone significant change from being an industrial area to a mixed use residential, commercial and light industrial precinct. **Figure 1** shows the location of sites 2A and 3A within Precinct B.



Figure 1: Site Location – Walker Street, Rhodes (source: proponent)

Site Layout

Sites 2A and 3A consist of five residential buildings (referred to as Buildings A to E), with communal open space located upon a podium extending across the majority of the site. Beneath the podium level is three basement car parking levels containing 773 spaces, with vehicular access provided from both Trimbol Avenue and Gauthorpe Street. A description of each approved building is provided below.

- **Building A:** 25 storeys in height located to the north-eastern corner of the site. The building contains 249 residential units, three home offices, a retail tenancy, and a communal room for the use of residents on the ground floor.
- **Building B:** Six storeys in height located adjacent to the northern boundary of the site. The building contains 66 residential units. A common open space area is located upon the podium level to the southern elevation of the building.
- **Building C:** 20 storeys in height located to the north-western boundary of the site. The building contains 160 residential units. A common open space area is located above the podium level to the northern elevation of the building.
- **Building D:** 25 storeys in height located to the south-eastern corner of the site. The building contains 208 residential units with several retail tenancies located at podium level.
- **Building E:** Six storeys in height located adjacent to the southern boundary of the site. The building contains 50 residential units. Retail tenancies are also incorporated fronting Gauthorpe Street.

Figure 2 shows the layout of Buildings A to E.

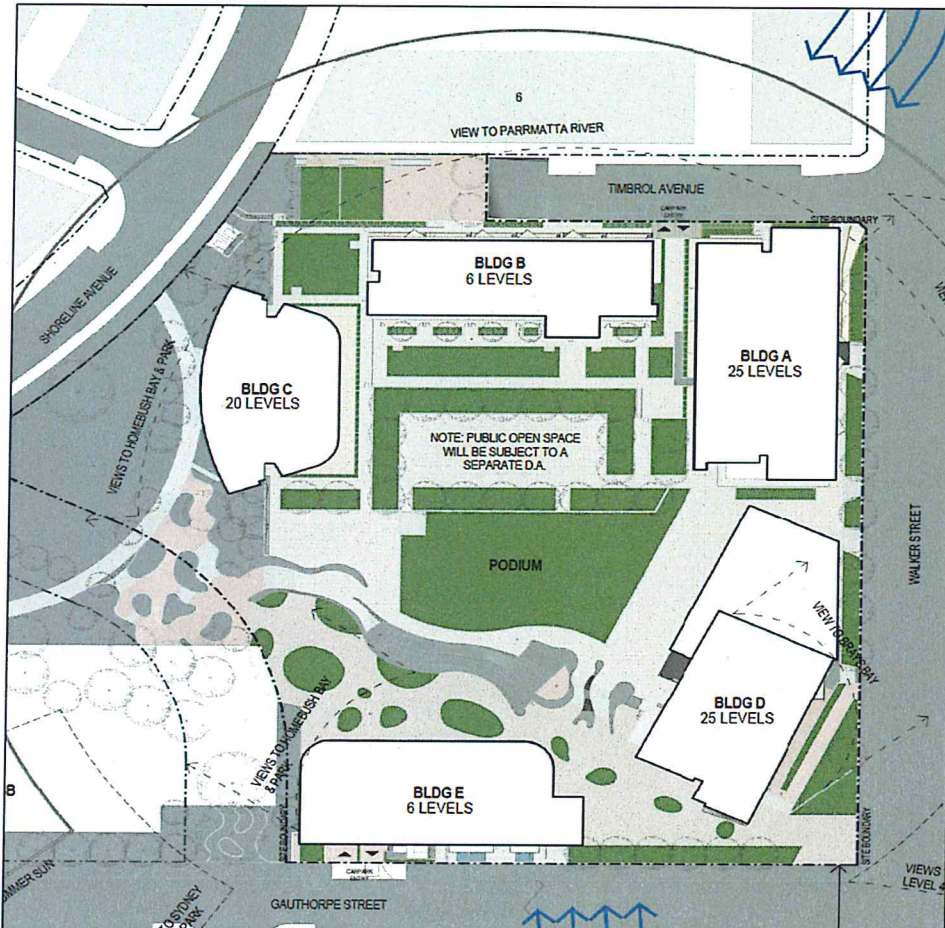


Figure 2: Sites 2A and 3A – Walker Street, Rhodes (source: proponent)

2. PROPOSED MODIFICATION

2.1 Modification Description

On 23 May 2012, Architectus Group Pty Ltd on behalf of Billbergia Developments Pty Ltd (the proponent) submitted a section 75W modification request to MP 10_0105. The proposed modification involves:

- minor amendments to the approved architectural form of Buildings A, B, C and D;
- change of use of two home offices and common room within Building A to retail use;
- a reduction of the number of adaptable car parking spaces;
- an increase in the number of retail car parking spaces; and,
- amendments to the approved conditions of approval.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Approval of MP 10_0105 was granted in accordance with Part 3A under section 75J of the EP&A Act. Section 75W of the EP&A Act provides for the modification of the Minister's approval.

Pursuant to section 75W(2) of the EP&A Act, the proponent may request the Minister to modify approval of a project. Any request is to be lodged with the Director-General. A copy of the proponent's modification request is included at **Appendix B**.

Section 75W(3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification. Following an assessment of the modification request, it was considered that DGRs are not required.

Under section 75W(4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The following report outlines the department's assessment of the modification request.

3.2 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011, the Minister has delegated his functions to determine section 75W modification requests to the Deputy Director-General, Development Assessment & Systems Performance, whereby:

- the relevant local council has not made an objection to the proposal;
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections.

As the proponent made a political donations disclosure under section 147(3) of the EP&A Act in respect to the original project application (MP 10_0105), the Deputy Director-General, Development Assessment & Systems Performance is delegated to determine the modification request. It is noted that the City of Canada Bay Council (council) raised concern, but did not object to the proposed modification; and, as the modification request was not required to be publicly exhibited, no submissions in the nature of objections were received.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on the department's website.

City of Canada Bay Council Referral

The modification request was referred to council inviting any issues or requirements to be provided. Council responded in a letter received by the department on 18 June 2012 advising that the requested amendment is contrary to the Rhodes West Development Control Plan (Rhodes West DCP), specifically in relation to;

- clause 4.3.9 which outlines a minimum of 15% of all residential units be adaptable and designed in accordance with the relevant Australian Standards; and,
- clause 4.3.29 which outlines a maximum of one car parking space per dwelling (average) be provided within new development, requiring the width of car parking associated with adaptable dwellings be at a minimum of 3.8m.

Council is of the view that each adaptable unit should be afforded an appropriately dimensioned parking space in accordance with the provisions of the DCP, however, council advised that it may be amenable to reducing the width of adaptable car parking spaces to be consistent with the width required for disabled car parking.

A copy of council's correspondence is provided at **Appendix C**.

5. ASSESSMENT

The department has considered the key issues associated with the modification request, including:

- increased retail use and amendments to the car parking arrangement;
- amendments to the approved architectural drawings; and
- amendments to the conditions of approval.

5.1 Increased Retail Use and Amendments to the Car Parking Arrangement

5.1.1 Increased Retail Use

The proposed modification involves the conversion of two home offices and a common room approved for the podium level of Building A to be converted to retail tenancies. This will result in an additional 298m² of retail gross floor area (GFA) within Building A, bringing the total retail GFA of the site to 1,348m². **Figure 3** shows the location of existing retail at podium level (as part of Building D), and the location of proposed new retail tenancies at podium level within Building A.

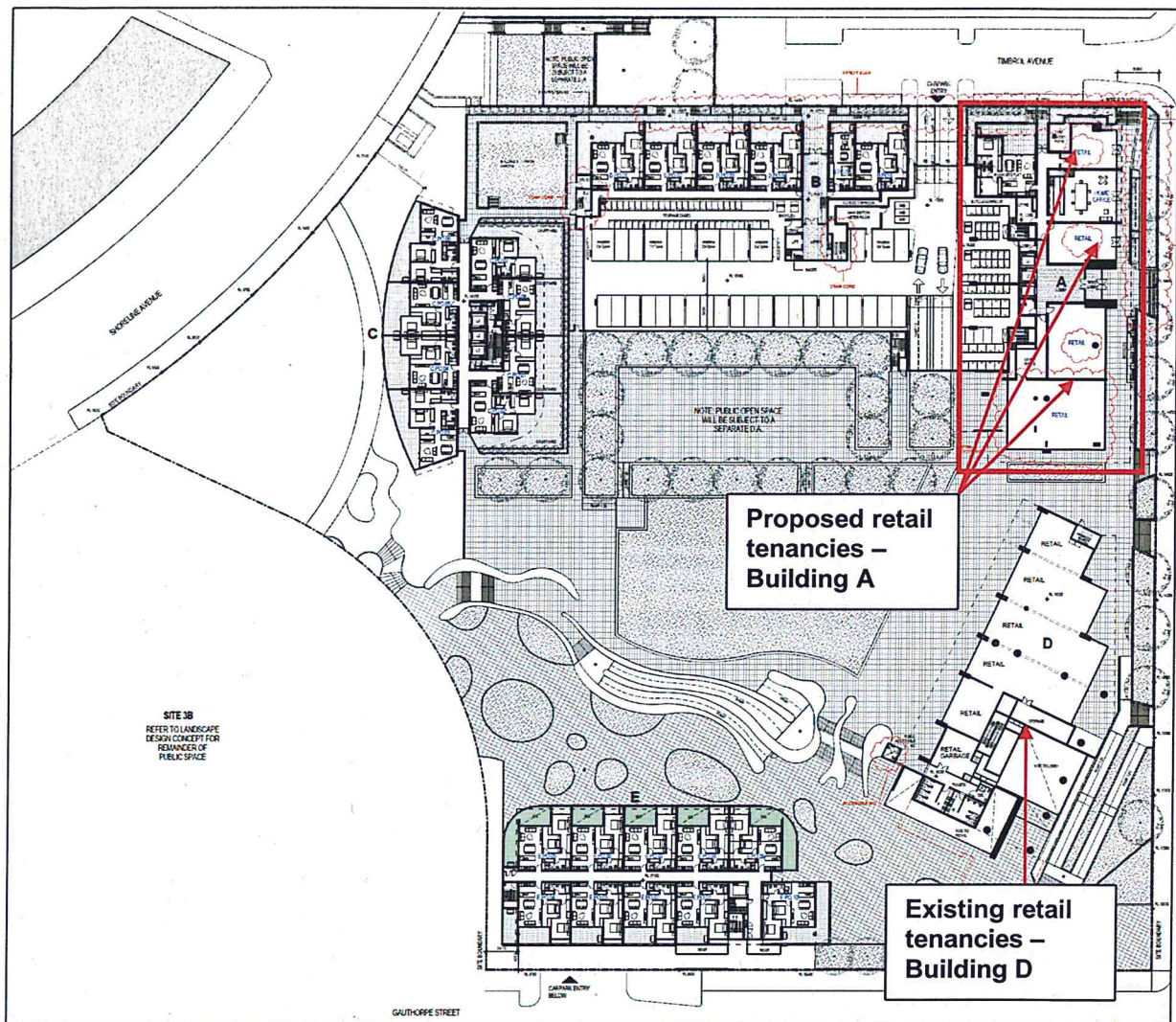


Figure 3: Existing and Proposed Retail Tenancies – Podium Level, Sites 2A & 3A

The change of use is proposed in order to provide additional retail with continual frontage to the site's main thoroughfare of Walker Street. The proponent has advised that the additional common room facilities within Building C, also proposed as part of the modification, will compensate for the loss of common rooms within Building A given these rooms can be made available for occupants of the other buildings for meetings and communal activities.

Council did not raise any concern regarding increased retail use at the site. It is noted that the development controls for Precinct B, as outlined in the Rhodes West DCP, states that the preferred location for non-residential uses including retail and commercial uses is along the Walker Street frontage and fronting onto the diagonal pedestrian plaza from the south-east corner of the site. The department considers that the additional retail tenancies are located in a desirable position along the main street frontage of Walker Street, and therefore raises no concern with the increase in retail use. The additional retail GFA does, however, have implications on the approved car parking arrangement, as discussed further at **Sections 5.1.2 and 5.1.3**.

5.1.2 Adaptable Car Parking

Of the 735 units approved as part of the development, 111 are designated adaptable housing units (AHUs), of which each has been allocated an adaptable car parking space with a required minimum width of 3.8m. The proponent originally sought a

reduction of 36 adaptable car parking spaces (from 111 to 75), whilst increasing the number of retail car parking spaces by 14 (from eight to 22).

Council advised in its submission that in accordance with the Rhodes West DCP, one car parking space per AHU is to be provided within new developments, with adaptable car parking spaces to have a minimum width of 3.8m. Council advised, however, that it would be amenable to reducing the width of adaptable car parking spaces to be consistent with the width required for disabled car parking spaces (from 3.8m to 3.6m).

The proponent considered a reduced number of adaptable car parking was acceptable given the site is adequately serviced by public transport, including Rhodes railway station approximately 200m to the south. Furthermore, the surrounding area provides pedestrian footpaths linking the site with Rhodes railway station, which have been suitably designed for people with disabilities and constructed to the relevant Australian standards. The proponent provided an Accessibility Review prepared by Morris Goding Accessibility Consulting in support of the proposal to reduce adaptable car parking (refer **Appendix B**).

The department acknowledges the site's proximity to public transport services, including Rhodes railway station, however, the proposed reduction of adaptable car parking is not supported given the importance of providing those tenants living in adaptable units with an appropriately dimensioned car parking space. In addition, the Rhodes West DCP stipulates a requirement of one adaptable car parking space per AHU. The department therefore requested the proponent to consider either a revised car parking layout, or a reduction in retail GFA to ensure each AHU is allocated an adaptable car parking space.

The proponent subsequently provided revised car parking plans outlining an allocation of one adaptable car parking space per AHU, with a reduced car parking width from 3.8m to 3.6m – consistent with the width required for disabled car parking spaces. The department is satisfied with the proposed adaptable car parking arrangement. The revised plans, however, only provide for an increase of three retail car parking spaces, as discussed at **Section 5.1.3**.

5.1.3 Retail Car Parking

The modification request originally proposed an increase of 14 retail car parking spaces to cater for the additional 298m² of retail GFA. The additional spaces were to be created at the expense of adaptable car parking, as discussed at **Section 5.1.2** above. As council and the department were not supportive of reduced adaptable car parking, the proponent provided revised car parking plans with an allocation of only three additional retail car parks.

The Rhodes West DCP outlines a requirement of 1 car parking space per 40m² of retail GFA. The site currently provides eight retail car parking spaces for the existing 1,050m² of retail GFA – an allocation of 1 space per 131m². The 298m² increase in retail GFA proposed as part of the modification brings the total retail GFA of the site to 1,348m²; therefore requiring a total of 34 retail car parking spaces to accord with the Rhodes West DCP.

The department in its original assessment of the application considered the number of retail car parking spaces was adequate given the site is readily accessible via

public transport. The proposed increase of three retail spaces to 11 in total will see an average of 1 retail car park per 123m² of retail GFA. The proposed retail car parking allocation is consistent with the department's original approval of 1 space per 131m². The department acknowledges the inconsistency with the Rhodes West DCP, however, it is considered that a substantial number of the retail customers will be residents of the units above who will not require a retail car parking space. The department is satisfied with the proposed increase of three retail car parking spaces.

5.2 Amendments to the Approved Architectural Drawings

The proponent seeks a number minor amendments to the approved architectural drawings for Buildings A, B, C and D. It is noted that construction of the buildings is yet to commence. The proposed amendments to each building are outlined below.

Building A

- Conversion of two home offices and a common room at podium level to retail tenancies, resulting in an additional retail GFA to 298m².
- Revised glazing line to the south-west of the southern retail area.
- Increased awning over the southern retail area.
- Level 1 – the internal layout of apartment A.1.06 is to mirror A.1.07, and apartment A.1.04 is to mirror A.1.09.
- Level 7 – provision of an additional 300mm in height.
- Level 8 – the eastern elevation is to show wintergardens not provided on the approved plans.
- At roof level, an increase in the height of the roof plant by 700mm to match the approved height of the roof plant of adjoining Building D.
- Modification of the glazing elements for the western façade.

The department has assessed the increased retail use within Building A at **Section 5.1.1** above.

The increase in height of the roof plant is proposed to accommodate the structural transition from the lower podium levels of the building to the upper tower levels, and to allow space for drainage associated with the roof terraces at level 7.

The remaining architectural amendments to Building A are considered minor in nature and will not impact on the approved scale or bulk of the approved building. The department therefore raises no issues with the proposed Building A amendments.

Building B

- Levels 2 to 5 – revisions to the southern access balcony.
- Minor changes to the stair core at two locations.
- Modification of glazing elements at apartment 5.01 (level 5 only).

The revisions to the southern access balcony to apartments at levels 2 to 5 are proposed in order to provide additional privacy for building occupants and improved amenity. The department does not raise any concerns with the proposed minor amendments to Building B.

Building C

- Alterations to the residential entry lobby and provision of two additional common rooms at the base of the building.

- Modifications to the glazing treatments of levels 16 to 19 at the northern and southern elevations.

Given the two common rooms approved as part of Building A are proposed to be converted to retail use, the department supports the inclusion of two common rooms within Building C. The common rooms are located in a suitable location with outlook opportunities to the open space area adjacent to Shoreline Avenue.

Building D

- Level 6 – provision of an additional 300mm in height.
- Increase the roof level by 600mm to match the proposed height of Building A (no changes proposed to the height of the roof plant).

The proponent has advised that the additional 300mm in height at level 6 is provided to accommodate the structural transition from the podium levels of the building to the upper tower levels, and allow space for drainage associated with the roof terraces at level 7. The increase in height, however, does not result in an overall increase in height of the building as there has been a reduction in the height of the roof top plant and lift overrun at the top of the building. The department is satisfied the proposed amendments will not significantly alter the approved scale or bulk of the building.

A copy of the revised architectural drawings is provided at **Appendix D**.

5.3 Amendments to the Conditions of Approval

The proposed modification will require amendments to the conditions of project approval. The modified conditions have been described below and are detailed in the attached modifying instrument at **Appendix A**.

Part A – General Conditions

- Condition 1 – *GCP1 Approved Plans and Supporting Documents*: updated to reflect revised architectural drawings.

Part B – Prior to the Issue of Construction Certificate

- Condition 22 – *Renewing Rhodes Contributions*: updated to reflect revised monetary contributions as a result of the proposed 298m² increase in retail GFA.
- Condition 34 – *CCV8 Off Street Car Parking Space Provision*: updated to reflect three additional retail car parking spaces.
- Condition 38 – *CCV14 Vehicular Circulation, Aisles & Ramps*: administrative amendment to remove references to Nina Grey Avenue and Meredith Avenue as the reference is not applicable to Precinct B.

Part D – During Construction

- Condition 82 – *DWS1 Progress Survey – Major Development (greater than two stories)*: amended to allow tolerance of +/- 30mm in the as-built levels and to limit the survey to the roof level of the building only. This is proposed in order to reduce the extent of work required and limit unnecessary doubling up work by the architects and building surveyors.

6. CONCLUSION

The department considers the proposal, as modified, achieves the same objectives as assessed under the original approval. The modifications involving increased retail usage, an increase of three additional retail car parking spaces, and minor modifications to the architectural plans for Buildings A, B, C and D does not alter the overall nature of the approved project, nor does it introduce any detrimental environmental, social or economic impacts upon the site or surrounding locality. The department therefore recommends the modification request be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment & Systems Performance, as delegate for the Minister, under section 75W of the EP&A Act approve the proposed modifications to MP 10_0105, as detailed in **Section 2.0** of this report; and vary the conditions of approval as set out in the modifying instrument included at **Appendix A**.

Prepared by:



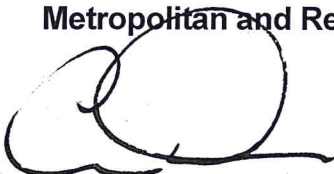
Brent Devine
Environmental Planner
Metropolitan and Regional Projects North

Endorsed by:



12/9/12

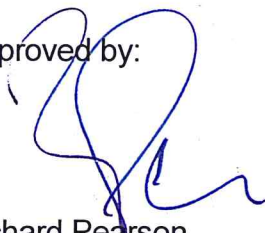
Heather Warton
Director
Metropolitan and Regional Projects North



17.9.12

Chris Wilson
Executive Director
Major Projects Assessment

Approved by:



26/9/12

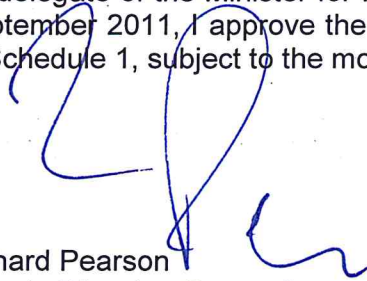
Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A MODIFYING INSTRUMENT – MP 10_0105 MOD 1

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of consent outlined in Schedule 2.


Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney

26

September 2012

SCHEDULE 1

Project Approval:	MP 10_0105 granted by the Planning Assessment Commission on 21 April 2011.
Proponent:	Billbergia Developments Pty Ltd
Land:	Lots 201 DP 1101828 – 44–46 Walker Street, Rhodes, City of Canada Bay local government area.
Project:	Project Application for a development including: • 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys; • Retail tenancies totalling 1050msq within the lower levels of buildings A,D and E; and, • Basement car park over three levels containing 773 spaces; and, provision of external communal open space areas adjacent to Buildings B & C.
Modification:	Amendments involving: • deletion of common rooms and home office use within Building A, to be replaced as retail tenancies involving an overall increase of 298m² of retail gross floor area; • revised architectural drawings for Buildings A, B, C and D; • three additional retail car parking spaces; and, • amendments to conditions 1, 22, 34, 38 and 82.

SCHEDULE 2

The project approval as described in Schedule 1 is modified as follows:

(a) **Schedule 1 is amended as follows:**

SCHEDULE 1

Application No.: MP10_0105

Proponent: Billbergia Developments Pty Ltd

Approval Authority: Planning Assessment Commission

Land: 40 Walker Street, Rhodes (Lot 201 in DP 1101828)

Project: Project Application for a development including:

- 735 residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling 1050msq **1348m²** within the lower levels of buildings A,D and E;
- Basement car park over three levels containing ~~773~~ **783** spaces; and, provision of external communal open space areas adjacent to Buildings B & C.

(b) **Condition 1 is amended as follows:**

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)			
Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44–46 Walker Street Rhodes, prepared by Architectus, dated May 2012 (MOD 1)			
<i>Architectural (or Design) Drawings prepared by SJB Architects</i>			
<i>Drawing</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
A-0101	4A A-2	Locality / Context Plan	22/02/2011 18.04.2012
A-0102	4A A-2	Site Analysis Plan 1	22/02/2011 18.04.2012
A-0201	4A A-4	Level 2 Basement	22/02/2011 06.09.2012
A-0202	4A A-4	Level 1 Basement	22/02/2011 06.09.2012

A-0203	4A A-2	Podium Plan	22/02/2011 18.04.2012
A-0204	4A A-2	Level 01 Plan	22/02/2011 18.04.2012
A-0205	1A	Level 02 Plan	22/02/2011
A-0206	4A A-2	Level 03 Plan	22/02/2011 18.04.2012
A-0207	4A A-2	Level 04 Plan	22/02/2011 18.04.2012
A-0208	4A A-2	Level 05 Plan	22/02/2011 18.04.2012
A-0209	4A A-2	Level 06 Plan	22/02/2011 18.04.2012
A-0210	4A A-2	Level 07 Plan	22/02/2011 18.04.2012
A-0211	4A A-2	Level 09 Plan Level 08 Plan Levels 09-12 similar	22/02/2011 18.04.2012
A-0212	4A A-2	Level 13 Plan Levels 14-15 similar	22/02/2011 18.04.2012
A-0213	4A A-2	Level 16 Plan	22/02/2011 18.04.2012
A-0214	4A A-2	Level 17 Plan Level 18 similar	22/02/2011 18.04.2012
A-0215	4A A-2	Level 19 Plan	22/02/2011 18.04.2012
A-0216	4A A-2	Level 20 Plan	22/02/2011 18.04.2012
A-0217	4A A-2	Level 21 Plan Levels 22-24 similar	22/02/2011 18.04.2012
A-0218	4A A-2	Roof Plan	22/02/2011 18.04.2012
A-0221	4A A-2	Area Calculations - GFA	22/02/2011 18.04.2012
A-0222	4A A-2	Area Calculations - GFA	22/02/2011 18.04.2012
A-0223	1A	Area Calculations - Open Space	22/02/2011
A-0231	4A A-2	Apartment Typologies - Bldg A	22/02/2011 18.04.2012
A-0232	4A A-2	Apartment Typologies - Bldg B & C	22/02/2011 18.04.2012
A-0233	1A	Apartment Typologies - Bldg D & E	22/02/2011
A-0234	1A	Apartment Typologies - Adaptable	22/02/2011
A-0251	1A	Shadows (Winter) - June 21 (9am - 12pm)	22/02/2011
A-0252	1A	Shadows (Winter) - June 21 (1pm - 3pm)	22/02/2011
A-0253	1A	Shadows (Summer) - December 21 (9am - 12pm)	22/02/2011
A-0254	1A	Shadows (Summer) - December 21 (1pm - 3pm)	22/02/2011
A-0255	1A	Shadows - Equinox 9am - 12pm	22/02/2011
A-0256	1A	Shadows - Equinox 1 - 3pm	22/02/2011
A-0501	4A A-2	Elevation - Walker St & Timbrol Avenue Elevation	22/02/2011 18.04.2012
A-0502	4A A-2	Elevation - Shoreline Avenue & Gauthorpe Street Elevation	22/02/2011 18.04.2012
A-0503	4A A-2	Elevations - BLDG A North & East	22/02/2011 18.04.2012
A-0504	4A A-2	Elevations - BLDG A	22/02/2011

		East & West	18.04.2012
A-0505	4A A-2	Elevations - BLDG B North, South, East & West	22/02/2011 18.04.2012
A-0506	4A A-2	Elevations - BLDG C North & South	22/02/2011 18.04.2012
A-0507	4A A-2	Elevations - BLDG C East & West	22/02/2011 18.04.2012
A-0508	4A A-2	Elevations - BLDG D North & East	22/02/2011 18.04.2012
A-0509	4A A-2	Elevations - BLDG D South & West	22/02/2011 18.04.2012
A-0510	4A A-2	Elevations - BLDG E North, South, East & West	22/02/2011 18.04.2012
A-0601	1A	North South Site Section	22/02/2011
A-0602	1A	East West Site Section	22/02/2011
A-0603	1A	External Material Finishes	22/02/2011
A-0901	1A	3D Visualisations	22/02/2011
A-0902	1A	3D Visualisations	22/02/2011
A-0903	1A	3D Visualisations	22/02/2011
Stormwater Concept Plans prepared by Cardno ITC			
Drawing	Revision	Name of Plan	Date
N10957-STW - H00	02	Coversheet	16/02/2011
N10957-STW - H01	02	Basement 2	16/02/2011
N10957-STW - H02	02	Basement 1	16/02/2011
N10957-STW - H03	02	Stormwater Sketch	16/02/2011
N10957-STW - H04	02	Stormwater Details	16/02/2011
N10957-STW - H05	02	Rainwater Tank Details	16/02/2011
N10957-STW - H06	02	Sediment & Erosions Control Plan	16/02/2011

Note 1:

Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 75W of the Environmental Planning and Assessment Act.

Note 2:

A warning to all Accredited Certifiers. You should always insist on sighting the original approved plans/documentation containing the stamp of the approving authority and not rely solely upon the plan reference numbers in this condition. Should the proponent not be able to provide you with original copies, you should request the approving authority to provide you with access to its files so you that may review the original copies of approved documentation.

Note 3:

The approved plans and supporting documentation may be subject to conditions imposed under section 75J of the Act modifying or amending the development (refer to conditions of approval which must be satisfied prior to the issue of any Construction Certificate).

(Reason: To confirm and clarify the terms of consent)

(c) Condition 22 is amended as follows:

22. Renewing Rhodes Contributions:

In accordance with Clause 5.1 of the Voluntary Planning Agreement entered into under Section 93F of the Environmental Planning and Assessment Act 1979, the following monetary contributions shall be paid to Council under the *Renewing Rhodes Contributions Framework*:

Total Amount of Contribution

Residential Component

Category	Rate	Amount
Community Facilities	1 bedroom unit (\$1,176.44) x 292	\$343,520.48
	2 bedroom unit (\$2,138.98) x 413	\$883,398.74
	3 bedroom unit (\$2,780.67) x 30	\$83,420.10
SUB-TOTAL		\$1,310,339.32
Open Space	1 bedroom unit (\$1,196.39) x 292	\$349,345.88
	2 bedroom unit (\$2,175.26) x 413	\$898,382.38
	3 bedroom unit (\$2,827.84) x 30	\$84,832.20
SUB-TOTAL		\$1,332,563.46
Roads	1 bedroom unit (\$630.33) x 292	\$184,056.36
	2 bedroom unit (\$1,146.06) x 413	\$473,322.78
	3 bedroom unit (\$1,489.88) x 30	\$44,696.40
SUB-TOTAL		\$702,075.54
TOTAL		\$3,344,978.32

Retail Component (based on 1050m² **1348m²**)

Category	Rate	Amount
Library	\$72.23 (per100m ²)	\$758.42
		\$973.66
Roads	\$2518.74 (per100m ²)	\$26,446.77
		\$33,952.62
TOTAL		\$27,205.19
		\$34,926.28

OVERALL TOTAL		\$3,372,183.51
		\$3,379,904.60

Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to City of Canada Bay Council. For accounting purposes, please specify the amount for each contribution separately (and DA details) on a cover letter submitted with the payment.

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate for above ground works on each lot.**

Note - Subject to negotiation with the proponent Council may permit the staged payment of the above-mentioned contributions.

Indexing

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently **173.1** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

(Reason: To provide high quality and diverse public amenities and services to meet expectations of existing and new residents of the City of Canada Bay)

(d) **Condition 34 is amended as follows:**

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~~ **783** spaces are required and designated as follows:

<i>Car Parking Allocation</i>	<i>Number</i>
Standard Residential Car Parking Spaces	735
Inclusive Residential Adaptable Car Spaces	111
Visitor Parking	30
Residential Service Vehicles	Nil
Motorcycle Parking	Equiv. to 7
Retail Parking	8 11
Retail Service Vehicles	Nil
Total Spaces Agreed by this Approval	780 783

- All Adaptable Apartments shall be provided with at least one of the allocated adaptable parking spaces provided above

- 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. **Adaptable car parking spaces may have a minimum width of 3600mm (x 5400mm), and may share space with adjacent walkways and other adaptable car parking spaces.**
- 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 to 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)

(e) **Condition 38 is amended as follows:**

38. CCV14 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 Car 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)

(f) **Condition 82 is amended as follows:**

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)

APPENDIX B MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5329

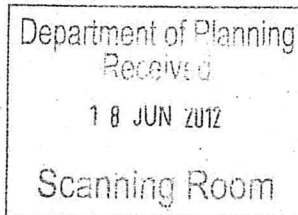
APPENDIX C COUNCIL'S CORRESPONDENCE



PCU034826

14 June 2012

Department of Planning
GPO Box 39
SYDNEY NSW 2001



Attn – Roy Wong

Dear Sir,

RE – Notification of modification request for design changes to Buildings A, B, C and D and subsequent amendment to relevant conditions, 40 Walker Street, Rhodes (MP10_0105 MOD1)

I refer to the above application and advise that a review of the proposed modifications has been undertaken. The following comments are provided.

Reduction in Adaptable Parking Spaces

The development provides 111 adaptable apartments and in this regard the applicant has sought to reduce the number of adaptable spaces from the one per apartment as required by Condition 34 of the Consent to 75 in order to increase retail parking provision.

The requested amendment is contrary to the following clauses of the Rhodes West Development Control Plan:

- Clause 4.3.9 of the DCP, specifically (C7), provides that requires a minimum 15% of all residential units must be Adaptable and designed in accordance with the relevant Australian Standards.
- Clause 4.3.29 of the DCP that requires a maximum 1 space per dwelling (average) be provided within new development with (C6) requiring the width of parking associated with adaptable dwellings be at minimum 3.8m.

The adaptable housing requirements contained within the DCP are based on the requirements of Australian Standard 4299. Adaptable housing is necessary for maximising accommodation choice in the local housing market. Where adaptable housing is required, it is also important the accommodation caters to people with limited mobility, including the provision of adaptable spaces.

For this reason, Council is of the view that each adaptable apartment should be afforded an appropriately dimensioned parking space in accordance with provisions of the DCP.

Council may be amenable to reducing the width of adaptable car parking spaces to be consistent with the width required for disabled car parking spaces.

Should you have any further enquiries please contact Mr S Lettice of Council's Statutory Planning Department on 9911-6449.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'S Lettice', written in a cursive style.

Mr S Lettice
Coordinator (Fast Track) - Statutory Planning