

Proposed Mixed Use
Development, Site 2A & 3A,
40-42 & 44-46 Walker
Street, Rhodes

Section 75W Modification - MP10_0105 MOD 3

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Cover image: 3D perspective view from the corner of Walker Street and Gauthorpe Street, Rhodes

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1 Introduction

1.1 PRELIMINARY

This report has been prepared by Urbis Pty Ltd on behalf of Billbergia Developments Pty Ltd under the provisions of Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

This Section 75W application seeks to modify Project Application MP10_0105, (granted by the NSW Department of Planning and Infrastructure on 21 April 2011) as modified by Modification 1 (granted on 26 September 2012) and Modification 2 (granted on 29 January 2013) 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 and MP10_0105 MOD 1 describing the proposed changes. Table 2 describes the proposed modifications to the conditions of approval. **Section 4** of this report provides a detailed written and graphical description of the proposed modifications. Architectural drawings prepared by SJB Architects are provided at **Appendix A**. Refer to **Figure 1** for building references.

TABLE 1 – TABLE OF MODIFICATIONS

BUILDING	LEVEL BY LEVEL DESCRIPTION OF PROPOSED MODIFICATIONS
Building C	<u>Podium Level</u> • Provide wintergardens for all apartments on the western façade; and • Provide 1 x additional bathroom for apartments 4 & 5. <u>Level 1 – Level 14</u> • Provide wintergardens for all apartments on the western façade; • Provide 1 x additional bathroom for apartments 4 & 5 on each level; and • Revised balcony profile on the eastern façade. <u>Level15 – Level 16</u> • Provide 1 x additional bathroom for apartments 4 & 5 on each level; and • Revised balcony profile on the eastern facade. <u>Level 17 – Level 19</u> • Revised balcony profile on the eastern facade. <u>Facades</u> • There will be consequential modifications to the building elevations resulting from the revised planning of the apartments. There will be a 2m² reduction to the approved GFA of Building C.
Building D	<u>Level 2 Basement</u> • Adjustments to building structure and configuration of car parking spaces.

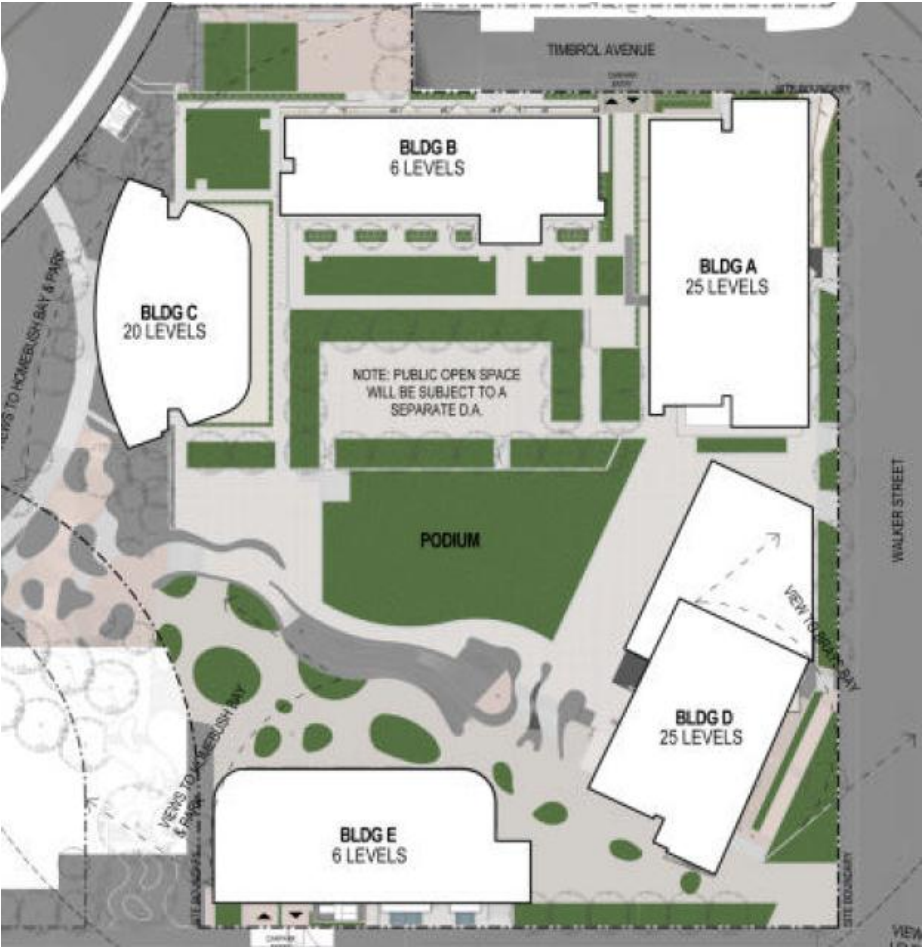
BUILDING	LEVEL BY LEVEL DESCRIPTION OF PROPOSED MODIFICATIONS
	<u>Level 1 Basement</u> - Adjustments to building structure and car parking spaces; and reconfigured retail arrangement to formalise tenancy space to reflect market interest. <u>Podium Level</u> - Reconfigure the retail arrangement to formalise tenancy space to reflect market interest. <u>Level 1 – Level 6</u> - The terrace style apartments have been ‘flipped’; 1 x studio apartment has been added to each floor; - Wintergardens have been added to apartments 9 & 10 on each level and to apartment 11 on Levels 5 & 6; - The adaptable apartments have been relocated on each floor; - Raising the floor to floor height for Levels 4 and 5 by 300mm to accommodate structural transfer for cantilever over diagonal through site link. Note: No change to the overall approved height of Building D. <u>Level 7</u> - Increased communal open space; - Wintergardens have been added to apartments 4, 5 & 7. The apartment 6 wintergarden has been reconfigured; - Revised balcony profiles. <u>Level 8 – Level 18</u> - Revised apartment layouts; - Reconfigured wintergardens; - Wintergardens added to apartments 2 & 7 on each level; - Revised balcony profiles. <u>Level 19 – Level 24</u> - Reconfigured apartment and balcony layouts; 2 x 3 bed apartments deleted from each level; 4 x 1 bed with wintergardens added to each level; <u>Facades</u> - There will be consequential modifications to the building elevations resulting from the revised planning of the apartments. There will be a 717m² increase to the approved GFA for Building D.

BUILDING	LEVEL BY LEVEL DESCRIPTION OF PROPOSED MODIFICATIONS
Building E	<u>Level 1 Basement</u> - Reconfigure the retail arrangement to formalise tenancy space to reflect market interest. <u>Level 1 – Level 4</u> - Minor reconfigurations to internal apartment layouts; and - New wintergardens are provided for all apartments on the southern façade. <u>Roof</u> - Revised roof layout; and - Relocate AC condensers to roof within a screen enclosure. <u>Southern Elevations</u> - There will be consequential modifications to the building's southern elevation as a result of adding wintergardens; - Increase the height of the service vehicle entry from Gauthorpe Street to 4.2m There will be a 167m² increase to the approved GFA for Building E.

TABLE 2 –MODIFICATIONS TO CONDITIONS OF APPROVAL

CHANGES TO CONSENT CONDITIONS	PROPOSED MODIFICATIONS
Schedule 1	Change project description to reflect the proposed modifications.
Condition 1	Changes to the list of drawings to reflect the proposed modifications.
Condition 34	Off Street Car Parking Space Provision – increase adaptable car parking allocation.

FIGURE 1 – THE SUBJECT SITE AND BUILDING REFERENCES



1.2 THE PROJECT TEAM

The project team for the proposed modification comprises the following members

ROLE		ENTITY
Site owner	44-46 Walker Street, Rhodes Buildings A, B and C	Waterpoint Site 1 Lessor Pty Ltd (Lot 403 in DP 1176164)
	40-42 Walker Street, Rhodes Buildings D and E	Waterpoint Site 2 Lessor Pty Ltd (Lot 405 in DP1176164)
Proponent		Billbergia Developments Pty Ltd
Architect		SJB Architects
Urban Planner		Urbis

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. It is noted that under Clause 3 of Section 75R of Part 3A, environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project. Therefore, consideration of environmental planning instruments (other than State environmental planning policies) is not required in relation to a proposed Section 75W modification. We have however provided an environmental assessment of the proposed development at Section 5 of this report, having regard to the, the following EPIs and policies:

- State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development and the NSW Residential Flat Design Code 2002;
- Canada Bay Local Environmental Plan 2008; and
- Rhodes West Development Control Plan

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 MP10_0105, MP10_0105 MOD 1 and MP 10_0105 MOD 2.

Section 4: The proposed modifications

Describes the modifications sought to the approved Major Project MP10_0105, MP 10_0105 MOD 1 and MP10_0105 MOD 2.

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 MP10_015.

1.5 AUTHORSHIP

This report has been prepared by Jim Murray, Urban Planner and Murray Donaldson, Associate Director, Urbis.

2 The Site and Locality

2.1 THE SITE AND SURROUNDS

The subject site is known as 40-42 and 44-46 Walker Street, Rhodes.

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 to 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 with 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.

2.2 LEGAL DESCRIPTION

The site is contained within Lot 405 in DP 1176164 comprising Buildings D and E, part of the public open space and basement car parking on the 40-42 Walker Street site and Lots 403 in DP1176164 comprising Buildings A, B and C part of the public open space and basement car parking on the 44-46 Walker Street site.

2.3 LAND ZONING

Under the Canada Bay Local Environment Plan 2008 (the LEP) 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 Canada Bay Local Environment Plan 2008 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.

It is the intention of the Major Project to provide of a mix of residential dwellings, home businesses, cafes, restaurants and local shops, consistent with the Rhodes West Master Plan.

3 Development Consent History

3.1 INTRODUCTION

This section of the report summarises the development consent history for site, and covers the following:

- Development approval history, including
 - Major Project 10_0105;
 - Major Project 10_0105 MOD 1;
 - Major Project 10_0105 MOD 2;
 - Subdivision DA 6/2012; and
 - Subdivision DA 157/2013
- Planning Framework, including:
 - Canada Bay Local Environmental Plan 2008 (Amendment No 1);
 - Voluntary Planning Agreement; and
 - Rhodes West Development Control Plan

The relevant planning controls that form the planning framework that applies to the subject site, have been considered in **Section 5** of this report.

The development approval history is described below:

3.2 DEVELOPMENT APPROVAL HISTORY

3.2.1 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 1050m² 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 B**. It is this consent which is proposed to be modified under section 75W of the EP&A Act 1979.

3.2.2 MAJOR PROJECT MP 10_0105 MOD 1

Major Project MP 10_0105 MOD 1 was granted consent on 26 September 2012 (refer **Appendix C**) by the Department of Planning and Infrastructure for:

- Increasing the retail tenancies from 1050m² to 1348m²;
- Increasing retail parking spaces by 3, from 8 to 11;

- Providing for adaptable car parking spaces to have a minimum width of 3600mm (x 5400mm) and permitting sharing of space with adjacent walkways and other adaptable car parking spaces;
- Permitting as-built levels to vary +/- 30mm from the levels (SSL's) shown on the drawings.

3.2.3 MAJOR PROJECT MP 10_0105 MOD 2

Major Project MP 10_0105 MOD 2 was granted consent on 29 January 2013 (refer **Appendix D**) by the Department of Planning and Infrastructure for:

- Change 8 x three bedroom apartments to 16 x one bedroom apartments within Building A;
- Increase in residential parking spaces by 6;
- Amendment to the podium level parking to permit Council vehicle access to the central (upper) podium level;
- Amendment to the podium level and level 1 basement to remove the accessible public toilets in the south east corner and provide a storeroom on both levels, also for Council use (public toilets will be provided in Councils preferred location);
- Alter the roof line, east and west facing balconies of Building B; and
- Include revision A-2 of drawing A-0205.

3.2.4 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.

3.2.5 SUBDIVISION DA 157/2013

An application for the stratum and strata subdivision of the site was approved by Council on 28 June 2013.

The proposed subdivision is outlined below.

Stratum Subdivision

- Lot 1 – Stage 1 Building A residential stratum lot.
- Lot 2 – Stage 1 Building B residential stratum lot.
- Lot 3 - Stage 1 Building A retail stratum lot.
- Lot 4 - Stage 1 Building C residential stratum lot,
- Lot 5 - Stage 2 Buildings D & E residue stratum lot

Part of Lot 4 is to be dedicated as open space to Council; this will occur as a part of the Stage 2 stratum subdivision plan.

The staging of the subdivision and dedication of land to Council at a later stage is consistent with the conditions of consent and statement of commitment as well as the VPA, which does not require the immediate dedication of land to Council. Part B of Schedule 4 of the VPA set out the timing for the dedication of land, which must occur with the specified times following the issuance of a construction certificate for each of the stages.

Stratum Lot 5 (stage 2) will be further detailed in future applications including the strata subdivision and allocation of parking for Buildings D and E.

Strata Subdivision

The approval involved the strata subdivision of residential units and allocation of parking for Building A, B and C only, resulting in the subdivision of stratum Lots 1, 2 and 3:

- Lot 1 – 260 strata residential units (including the ‘managers flat’) (Building A)
- Lot 2 - 65 strata residential units (Building B)
- Lot 3 - 7 strata retail lots, including the home office (Building A)
- Lot 4 - 160 strata residential units (Building C)

The dedication of open space to Council within the stratum Lot 4 and the strata subdivision, allocation of parking within Lot 5 (Buildings D & E) will occur at later stages.

4 Proposed Modifications

4.1 INTRODUCTION

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

- Modifications to the approved built form (Section 4.2); and
- Modifications to the approved conditions of consent (Section 0).

The proposed modifications will result in 16 additional units, 853m² additional GFA (comprising 634m² of additional residential floor space and 219m² of additional retail/commercial floor space) and 1 additional adaptable car parking space.

An A3 scaled copy of the architectural drawings prepared by SJB illustrating the proposed modifications are submitted with this report at **Appendix A**.

FIGURE 2 – 3D PERSPECTIVE VIEW FROM CORNER OF WALKER STREET & GAUTHORPE STREET



4.2 PROPOSED MODIFICATIONS TO THE BUILDINGS C, D AND E

The proposed modifications to Buildings C, D and E are outlined in detail below.

4.2.1 BUILDING C

Wintergardens

New wintergardens are to be provided to all 60 apartments on the western façade from the Podium Level – Level 14. Wintergardens are approved for Levels 15 to 19. The wintergardens have been proposed to improve the residential amenity for future residents by providing an enclosed private outdoor area; and increase the acoustic separation between the internal living areas and Shoreline Avenue.

There have been consequential modifications to the western façade resulting from the provision of additional wintergardens. These have resulted in an improvement to the architectural expression by continuing the vertical elements contained to the upper level of the approved building.

Figure 3 and **Figure 4** illustrate the proposed changes in plan and elevation.

New bathrooms

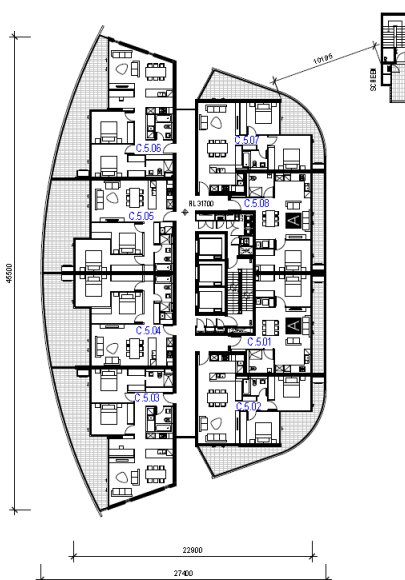
An additional bathroom is proposed for Unit 4 and 5 on each residential level (Podium Level – Level 19). Unit 4 and 5 are two bedroom units that will provide an en-suite to the main bedroom with the proposed modifications. The proposed arrangement has been provided to increase the internal amenity and flexibility of use for future residents.

The internal reconfigurations have resulted in an overall reduction of 2m² GFA within Building C. **Figure 3** illustrates the proposed changes.

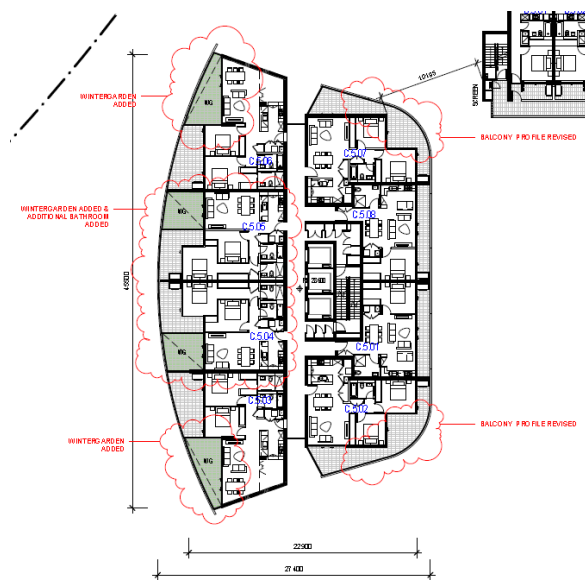
Revised eastern balcony profile

The balconies for Unit 2 and 7 from Level 1 – Level 19 have been slightly enlarged to improve the usability of the balcony by giving better access around the full extent of the balconies. **Figure 3** illustrates the proposed changes.

FIGURE 3 – BUILDING C TYPICAL FLOOR PLAN (LEVEL 5)

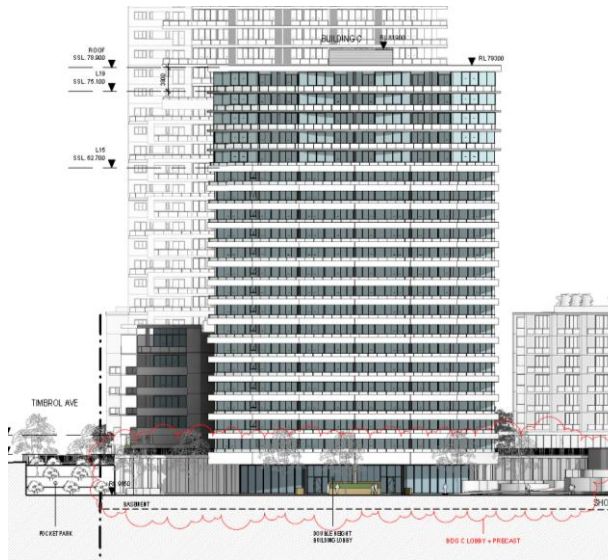


PICTURE 1 – LEVEL 5 APPROVED PLAN

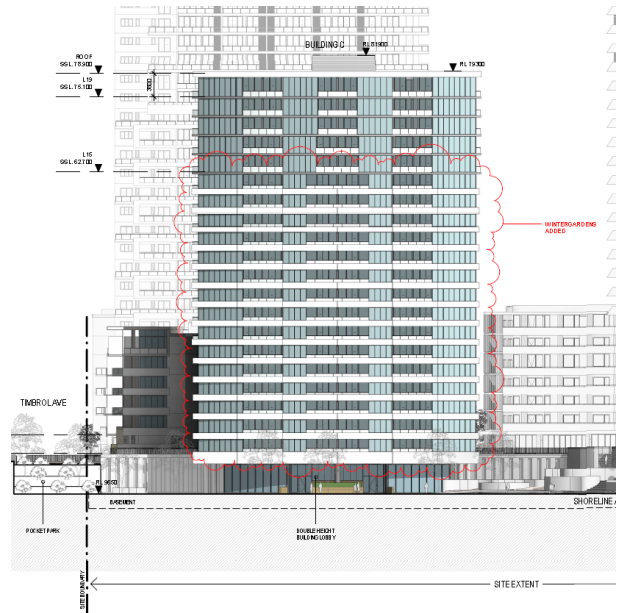


PICTURE 2 – LEVEL 5 PROPOSED PLAN

FIGURE 4 – BUILDING C – SHORELINE AVENUE ELEVATION



PICTURE 3 – APPROVED ELEVATION



PICTURE 4 – PROPOSED ELEVATION

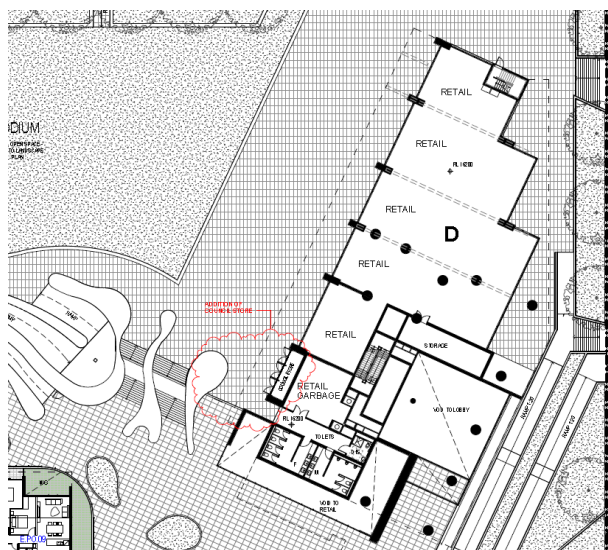
4.2.2 BUILDING D

Retail tenancies

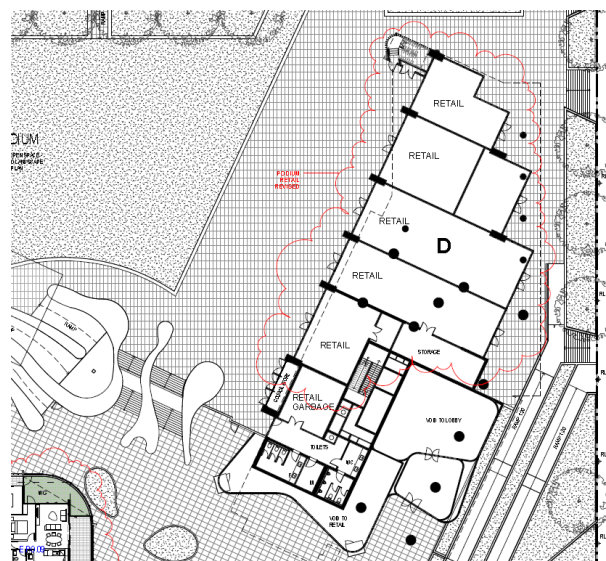
The retail floor space is proposed to be on Basement Level 1 and 2. The retail space within Basement Level 1 has been reconfigured to improve its spatial relationship with the public open space by reflecting the organic and fluid design approved for the public domain area along the northern edge of the diagonal through site pedestrian link/plaza space.

The retail floor space on Basement Level 2 has been formalised to designate tenantable areas. This has been done in response to market interest for specific lease areas. Retail tenancies are proposed to front onto both Walker Street to the east and the public open space to the west. **Figure 5** illustrates the proposed changes.

FIGURE 5 – BUILDING D – RETAIL FLOOR SPACE



PICTURE 5 – BASEMENT LEVEL 2 APPROVED PLAN



PICTURE 6 – BASEMENT LEVEL 2 PROPOSED PLAN

Basement car parking and building structure

There has been some minor reconfiguration of building support columns, as a result of design development, which has resulted in the reconfiguration of the Basement Level 1 storage and car parking arrangement.

The structural column holding up the Levels 9-24, which overhang the diagonal through site link has been design as a twin “V” column structure. The twin columns structure meets at point at ground level, in the same location as the approved single column structure. The new design for the structural column will not impact on the pedestrian movement through the diagonal plaza space, nor will it have a significant effect on the view corridor from the corner of Walker Street and Gauthorpe Street.

The “V” column design is considered an improvement to the approved single column, by enhancing the visual interest of the Walker Street streetscape Refer to **Figure 5**.

FIGURE 6 – SOUTHERN ELEVATION WITH STRUCTURAL COLUMN



PICTURE 7 – APPROVED ELEVATION



PICTURE 8 –PROPOSED ELEVATION

Apartment reconfiguration

Lower Tower Levels 1 - 6

The apartment layout has been reconfigured on Level 1 –6 in the following manner.

- Four dual aspect apartments on Level 1 –6 have been ‘flipped’ and reconfigured.
 - The bedrooms and front entries have been relocated from the eastern to the western façade;
 - The common external walkway has been relocated to the western façade;

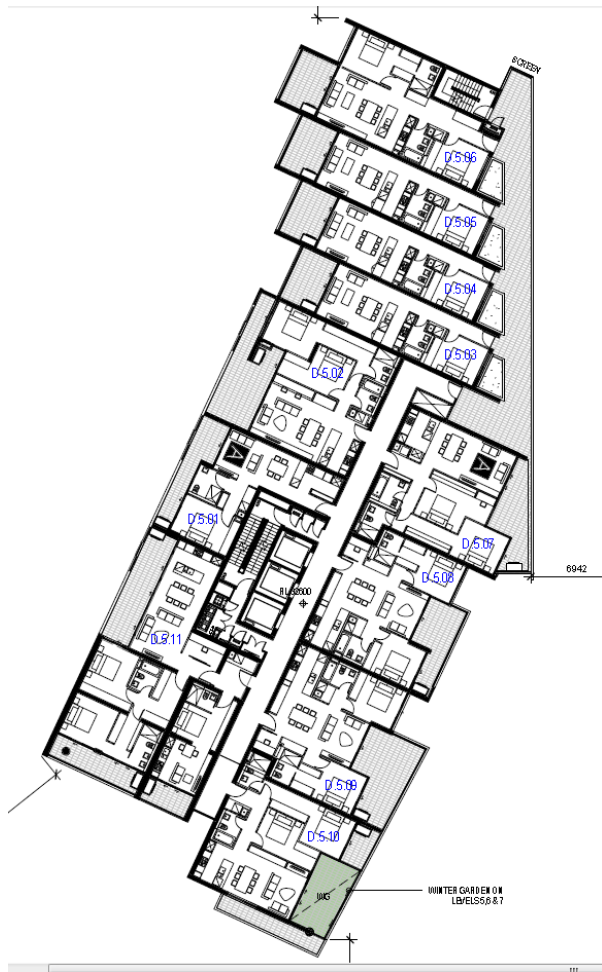
- Living rooms and balconies have been relocated to the eastern façade; and
- An external fire stair has been provided at the northern elevation of the building.

These modifications have been undertaken to provide improved residential amenity by locating the bedrooms away from Walker Street and the Northern Railway Line to reduce the acoustic impact of rail and traffic noise.

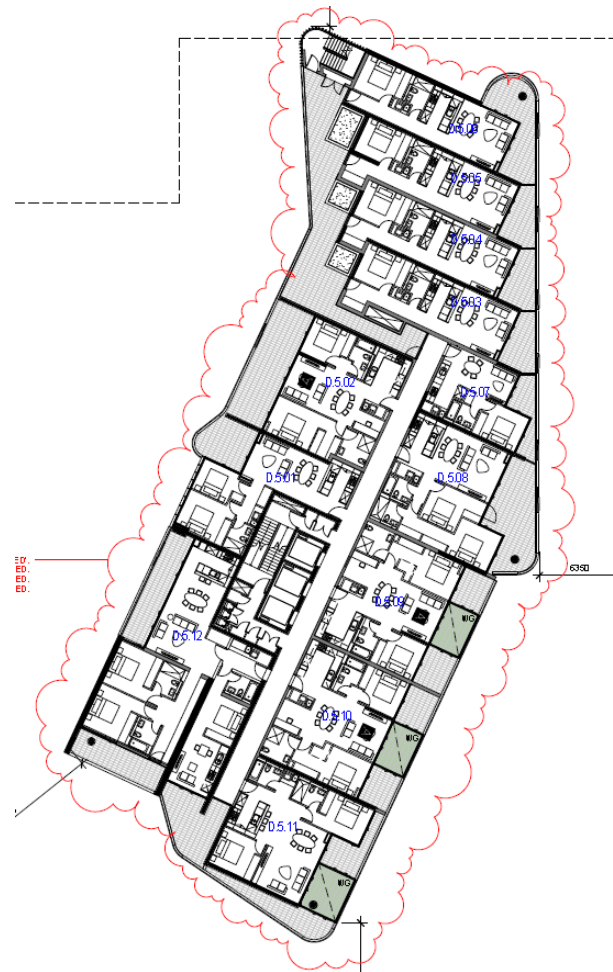
- An additional studio apartment has been provided on each level. This results in six (6) additional apartments.
- The adaptable apartments have been relocated on each level.

Figure 7 illustrates the proposed changes.

FIGURE 7 – BUILDING D – TYPICAL LOWER LEVEL (5)



PICTURE 9 – LEVEL 5 APPROVED PLAN

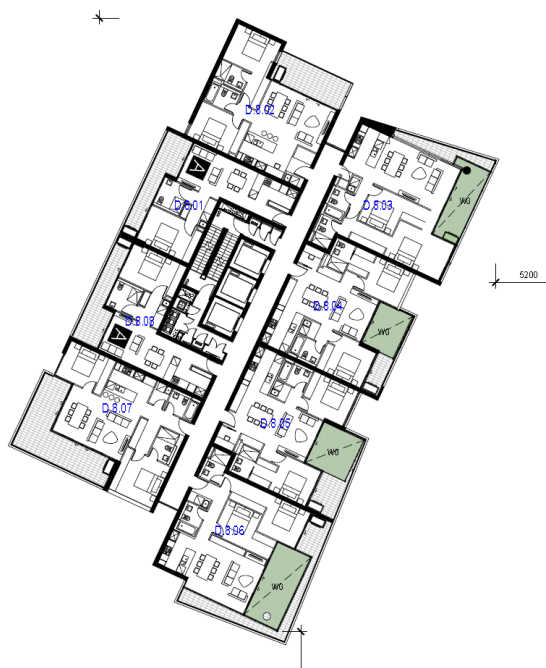


PICTURE 10 – LEVEL 5 PROPOSED PLAN

Mid Tower Levels 8-18

The apartment layouts on Level 8 – Level 18 has been reconfigured. Units 1, 3 and 8 on each level have been changed from 1 bedroom apartments to 2 bedroom apartments. The proposed modification has been undertaken in response to recent sales information and current market interest. **Figure 8** illustrates the proposed changes.

FIGURE 8 – BUILDING D – TYPICAL MID-LEVEL (8)



PICTURE 11 – LEVEL 8 APPROVED PLAN



PICTURE 12 – LEVEL 8 PROPOSED PLAN

Upper Tower Levels 19 – 24

The apartment layouts on Levels 19-24 have been reconfigured. Units 1 and 8 are proposed to change from 1 bedroom units to 2 bedroom units. Units 3, 4, 5 and 6 are proposed to be reconfigured from 2 x 2 bedroom units and 2 x 1 bedroom units to provide 6 x 1 bedroom units (proposed Units 3, 4, 5, 6, 7 and 8).

Changes to the facades of Building D are proposed as a result of the internal reconfiguration of units.

FIGURE 9 – BUILDING D – TYPICAL HIGH RISE LEVEL (19)



PICTURE 13 – LEVEL 19 APPROVED PLAN



PICTURE 14 – LEVEL 19 PROPOSED PLAN

Additional floor-to-floor height to Levels 4 and 5 for structural transfer to cantilever above through site link

An additional 300mm is proposed to be added to the floor to floor height of Levels 4 and 5 to accommodate the structural transfer slab thickness to hold the cantilever over the diagonal through site link. The approved floor to floor is 3.1m, and is proposed to increase to 3.4m. The proposed modifications will not change the overall height of Building D.

Wintergardens

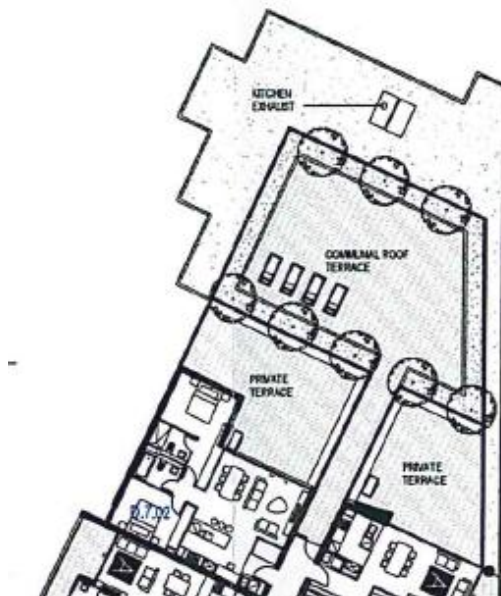
The approved development has wintergardens for units on the south eastern façade (for example units 3, 4, 5 and 6 at Levels 8-24). Additional wintergardens are proposed on the south eastern, north eastern and south western elevations of Building D. All units with additional wintergardens also have open style balconies.

Communal open space

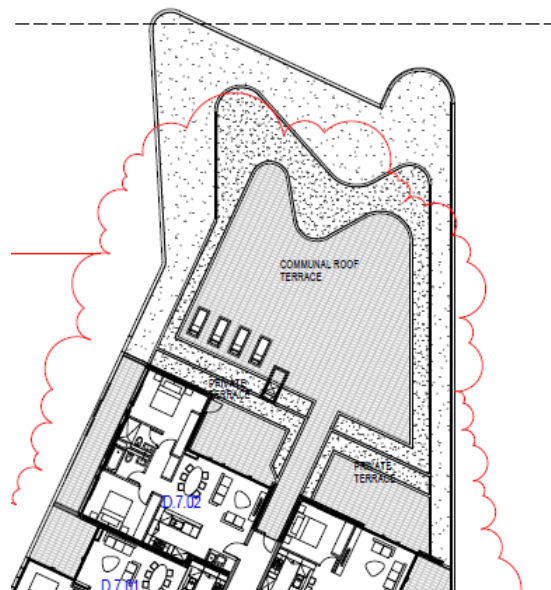
Figure 9 above illustrates the proposed changes to the roof top common open space. The generous approved private open space terraces for Units 2 and 3 at level 7 are proposed to be reduced in area to enhance the communal area. The landscape design of the space is also proposed to be altered to reflect the proposed curvilinear architectural expression that is introduced in this modification application.

Also proposed at Level 7 is a kitchen exhaust from the ground floor level retail tenancies, to make allowances for these tenancies to be used and fitted out for cafes and restaurants.

FIGURE 10 – BUILDING D – LEVEL 7 ROOF TOP COMMON AREA



PICTURE 15 – LEVEL 7 APPROVED PLAN



PICTURE 16 – LEVEL 7 PROPOSED PLAN

Elevations

Changes to the elevations are proposed in response to the reconfiguration of the layouts of units and retail tenancies, additional wintergardens and the introduction of some curved elements to assist in giving the building more of a unique identity and architectural expression. Refer to Building D elevations.

4.2.3 BUILDING E

Retail floor space

The retail tenancies that have been approved fronting the diagonal through site link/plaza space are proposed to be enlarged by deleting the storage spaces approved at the back of the tenancies. Refer to Level 1 Basement Drawing No. A0202. This change is in response to retail tenancy interest and enquires that prefer open retail floor space to separate store rooms.

Wintergardens

The approved development has wintergardens to north facing apartments. Additional wintergardens are proposed on the southern side of the building to units 1, 2, 3 and 4 to enhancing the amenity of the occupants. The wintergardens have operable windows on the outer façade, which enable occupants to provide a greater level of control over the noise intrusion from Gauthorpe Street.

Council's planning and transport strategies for the Station Precinct to the south for Gauthorpe Street

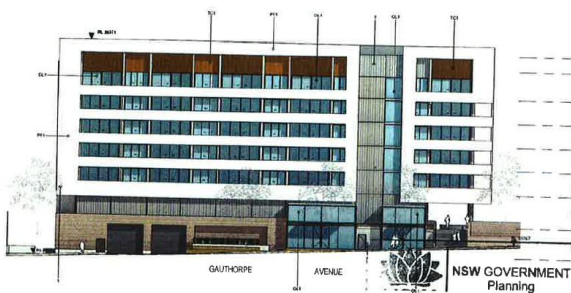
FIGURE 11 – BUILDING E – WINTERGARDENS



PICTURE 17 – APPROVED TYPICAL PLAN (1)



PICTURE 18 – PROPOSED TYPICAL PLAN (2)



PICTURE 19 – APPROVED SOUTHERN ELEVATION



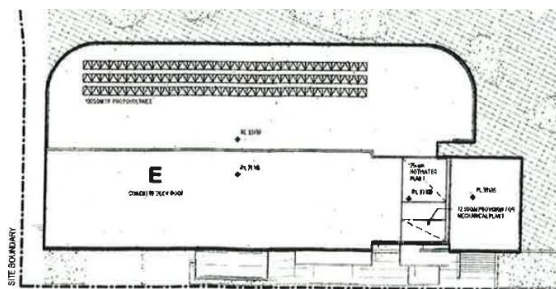
PICTURE 20 – PROPOSED SOUTHERN ELEVATION

Roof

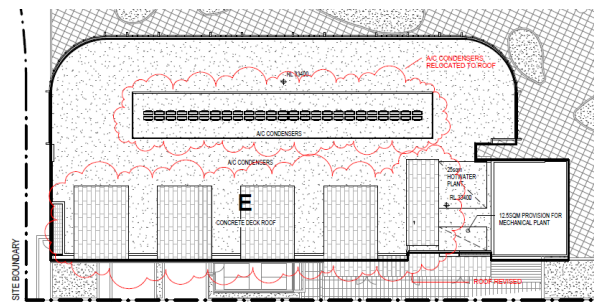
The roof top of Building E is proposed to be reconfigured. Air conditioning condenser units are proposed to be relocated to the roof level, and contained within a screen enclosure, which is setback from the parapet of the building on all sides and will not be readily visible from street level or the level of the diagonal through site link/plaza.

The vertical elements on the southern/northern façade, which contain the wintergardens are proposed to extend above the generally parapet height to add visual interest along the Gauthorpe streetscape. Refer to **Picture 21** and **Picture 22**.

FIGURE 12 – BUILDING E – ROOF LEVEL



PICTURE 21 – APPROVED ROOF PLAN

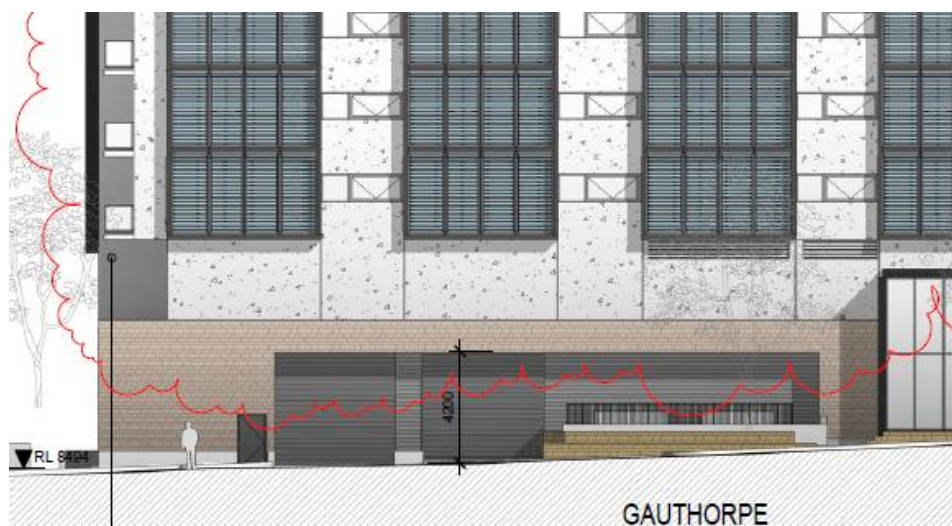


PICTURE 22 – PROPOSED ROOF PLAN

Service vehicle entry

It is proposed to increase the height of the approved vehicle entry from Gauthorpe Street to 4.2m to accommodate the clearance height for service vehicles.

FIGURE 13 – BUILDING E – SERVICE VEHICLE ENTRY



4.3 PROPOSED MODIFICATIONS TO THE APPROVED CONDITIONS OF CONSENT

The following changes are proposed to the approved MP10_0105, and modified by MP10_0105 MOD 1 and MP10_0105 MOD 2.

Project description

Modify the description of the project in Schedule 1 to increase the number of residential dwellings from 743 to 759 and increase the retail floor space from 1,348 m² to 1,566m².

Condition 1

Modify the document schedule to update the list of drawings with the amended drawing details.

Condition 34

Modify Condition 34 to increase the number of adaptable residential car parking spaces from 112 to 114.

The proposed modifications to the conditions of consent are detailed under **Section 5** below.

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.

5.2 SECTION 75W MODIFICATIONS TO MP10_0105, MP10_0105 MOD 1 AND MP10_0105 MOD 2

As set out under Section 1.3 of this report, Part 3A of the Act, as in force immediately before the repeal of that Part of the Act, 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, *Environmental Planning & Assessment 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.*

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 (as modified by MOD 1 and MOD 2) seek to modify the project description, Condition 1 and Condition 34 as shown below. The base text in black is as updated by MP 10_0105 MOD 2. Deletions are struck-through and additions are shown in red text:

“Schedule 1

Project: Project Application for a development including:

- ~~743~~ **759** residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling ~~1348m²~~ **1566m²** within the lower levels of buildings A, D and E;
- Basement car park over three levels containing 789 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 Documentation

*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:***

<i>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)</i>			
<i>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>			
<i>Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44-46 Walker Street Rhodes, prepared by Architectus, dated November 2012 (MOD 2)</i>			
<i>Section 75W Modification Request – Proposed Mixed Use Development Site 2A & 3A, 44-46 Walker Street Rhodes, prepared by Urbis, dated July 2013 (MOD 3)</i>			
<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	A-2 MOD 3	Locality / Context Plan	18.04.2012 28.06.2013

A-0102	A-2 MOD 3	Site Analysis Plan 1	18.04.2012 28.06.2013
A-0201	A-5 MOD 3	Level 2 Basement	22.10.2012 28.06.2013
A-0202	A-5 MOD 3	Level 1 Basement	22.10.2012 28.06.2013
A-0203	A-5 MOD 3	Podium Plan	22.10.2012 28.06.2013
A-0204	A-5 MOD 3	Level 01 Plan	22.10.2012 28.06.2013
A-0205	A-2 MOD 3	Level 02 Plan	18.04.2012 28.06.2013
A-0206	A-2 MOD 3	Level 03 Plan	18.04.2012 28.06.2013
A-0207	A-2 MOD 3	Level 04 Plan	18.04.2012 28.06.2013
A-0208	A-5 MOD 3	Level 05 Plan	22.10.2012 28.06.2013
A-0209	A-5 MOD 3	Level 06 Plan	22.10.2012 28.06.2013
A-0210	A-2 MOD 3	Level 07 Plan	18.04.2012 28.06.2013
A-0211	A-2 MOD 3	Level 08 Plan Levels 09 — 12 similar	18.04.2012 28.06.2013
A-0212	A-2 MOD 3	Level 13 Plan Levels 14 — 15 similar Level 09 Plan	18.04.2012 28.06.2013

A-0213	A-2 MOD 3	Level 16 Plan Level 10 Plan	18.04.2012 28.06.2013
A-0214	A-2 MOD 3	Level 17 Plan Level 18 similar Level 11 Plan	18.04.2012 28.06.2013
A-0215	A-5 MOD 3	Level 19 Plan Level 12 Plan	22.10.2012 28.06.2013
A-0216	A-5 MOD 3	Level 20 Plan Level 13 Plan	22.10.2012 28.06.2013
A-0217	A-5 MOD 3	Level 21 Plan Levels 22 – 24 similar Level 14 Plan	22.10.2012 28.06.2013
A-0218	A-5 MOD 3	Roof Plan Level 15 Plan	22.10.2012 28.06.2013
A-019	MOD 3	Level 16 Plan	28.06.2013
A-020	MOD 3	Level 17 Plan	28.06.2013
A-0221	A-2 MOD 3	Area Calculations – GFA Level 18 Plan	18.04.2012 28.06.2013
A-0222	A-5 MOD 3	Area Calculations – GFA Level 19 Plan	22.10.2012 28.06.2013
A-0223	MOD 3	Level 20 Plan	28.06.2013

A-0224	MOD 3	Level 21 Plan	28.06.2013
A-0225	MOD 3	Level 22 Plan	28.06.2013
A-0226	MOD 3	Level 23 Plan	28.06.2013
A-0227	MOD 3	Level 24 Plan	28.06.2013
A-0228	MOD 3	Roof Plan	28.06.2013
A-0231	A-5	Apartment Typologies— Bldg A	22.10.2012
A-0232	A-2	Apartment Typologies— Bldg B & C	18.04.2012
A-0501	A-5 MOD 3	Elevation – Walker St & Timbrol Avenue Elevation	22.10.2012 28.06.2013
A-0502	A-2 MOD 3	Elevation – Shoreline Ave & Gauthorpe Street Elevation	18.04.2012 28.06.2013
A-0503	A-5	Elevations – BLDG A North & East	22.10.2012
A-0504	A-5	Elevations – BLDG A East & West	22.10.2012
A-0505	A-5	Elevations – BLDG B North, South, East & West	22.10.2012
A-0506	A-2 MOD 3	Elevations – BLDG C North & South	18.04.2012 28.06.2013
A-0507	A-2 MOD 3	Elevations – BLDG C East & West	18.04.2012 28.06.2013
A-0508	A-2	Elevations – BLDG D	18.04.2012

	MOD 3	North & East	28.06.2013
A-0509	A-5 MOD 3	Elevations – BLDG D South & West	22.10.2012 28.06.2013
A-0510	A-2 MOD 3	Elevations – BLDG E North, South, East & West	18.04.2012 28.06.2013
A-0601	A-5 MOD 3	North-South Site Section	22.10.2012 28.06.2013
A-0602	A-5 MOD 3	East-West Site Section	22.10.2012 28.06.2013
A-603	1A	External Material Finishes	22.10.2012 28.06.2013
A-0901	1A	3D Visualisations	22.10.2012
A-0902	1A	3D Visualisations	22.10.2012
A-0903	1A	3D Visualisations	22.10.2012
A-2901	MOD 3	Area Calculations - GFA	28.06.2013
A-2902	MOD 3	Area Calculations - GFA	28.06.2013
A-2903	MOD 3	Area Calculations – Open Space	28.06.2013

Part B – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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 789 spaces are required and designated as follows:

CAR PARKING ALLOCATION	NUMBER
Residential Car Parking Spaces	741
Inclusive Residential Adaptable Car Spaces	112 113
Visitor Parking	30
Motorcycle Parking	Equiv. to 7
Retail Parking	11
Total Spaces Agreed by this Approval	789

- 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 spaces may have a minimum width of 3600mm (x 5400mm), and may share space with adjacent walkways and other adaptable apartment 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 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)”

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:

- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)
- NSW Residential Flat Design Code (RFDC)
- Canada Bay Local Environmental Plan 2008;

- Draft Canada Bay Local Environmental Plan 2012; and
- Rhodes West Development Control Plan 2011.

An assessment of the proposed modifications against the relevant provisions of the above planning instruments and policies is provided in the following sub-sections of this report:

5.3.1 SEPP 65 & THE RFDC

Building Separation

The proposed modifications generally maintain the approved separation distances between buildings. The amended design of northern end of the podium levels in Building D, propose a new fire stair. The fire stair is located at the northern end of the common 'external' corridor. The approved development has a minimum 10.0m separation to Building A. The reconfiguration of the podium levels of Building D will result in a slight reduction in the approved separation distance between Building D and A for Ground Level to Level 6 to 8.57m.

The northern end of the podium levels of Building D will have a new fire stair, which is a non-habitable space. The redesign of these lower levels of the building will not result in habitable rooms being located closer to Building A than currently approved. The space between Buildings A and D opens out to the street, and this aspect of the approved built form and open space arrangement is not proposed to be modified.

Apartment Size

The proposed modifications seek to reconfigure apartments and introduce additional studio and 1 bedroom apartments. The apartment sizes are generally consistent with the minimum rules of thumb standards to encourage affordable living, comprising:

- 1 bedroom unit – 50m²
- 2 bedroom unit – 70m²
- 3 bedroom unit – 90m²

Number of units of a double loaded corridor

The proposed addition of 2 units per floor at Levels 19 to 24 results in a numerical non-compliance with the maximum rule of thumb standard of 8 units accessed off a double loaded corridor in the RFDC. The additional of two units is considered acceptable because the ends of the corridor allow for natural light and ventilation into the ends of the corridor space.

5.3.2 CANADA BAY LOCAL ENVIRONMENTAL PLAN 2008

Land Use Zoning (Land Use Table)

The subject site is zoned R4 High Density Residential. The approved residential, retail and commercial uses are all permissible with consent. No change is proposed to the use of the site.

Height (Cl. 4.3)

The maximum height of development on the site is 84m. No change is proposed to the overall height of the approved buildings. Height of buildings is further controlled in terms of number of storeys in the Rhodes West DCP. Refer to assessment of consistency with the relevant DCP controls below.

Floor space ratio (Cl. 4.4)

The maximum Floor Space Ratio (FSR) of the site is 2.80:1, as provided on the Floor Space Ratio Map referred to under Clause 4.4 of the CBLEP 2008.

The subject site has an area of 20,675m². The proposed modifications will result in a new GFA of 57,390m², comprising 55,824m² of residential GFA and 1,566m² of retail GFA, which equates to an FSR of 2.78:1 therefore complying with the maximum FSR of the LEP.

A comparison of the maximum, approved and proposed FSR is set out in TABLE 3 below.

TABLE 3 – MAXIMUM FSR COMPARISON TABLE

LEP	VPA*	APPROVED FSR	PROPOSED FSR
2.80:1	2.71:1	2.73:1	2.78:1

*VPA = Voluntary Planning Agreement

The maximum GFA/FSR for development on the subject site, was set through the preparation of the Rhodes West Master Plan and the VPA between Billbergia and the City of Canada Bay Council. It is noted that the Planning Assessment Commission in approving MOD 1 and MOD 2 increased the gross floor area above the GFA that had been considered at the time of executing the VPA.

Consideration of the bulk and scale impacts of the increased GFA/FSR is provided in the following sections of this report. The proposed additional residential and retail floor space will not result in additional traffic generation, as no additional car parking spaces are proposed. Refer to commentary on retail and residential car parking control in the Rhodes West DCP below:

5.3.3 DRAFT CANADA BAY LOCAL ENVIRONMENTAL PLAN 2012

The land use, FSR and height provisions that apply to the subject site under the draft Canada Bay LEP 2012, are essentially unchanged, with the exception of a change in the definition of GFA.

Given the historical assessment and determination of the Part 3A Major Project Application using the GFA definition contained in the VPA, and which applied to MOD 1 and MOD 2 it is appropriate to continue to apply the same GFA definition.

5.3.4 RHODES WEST DEVELOPMENT CONTROL PLAN 2011

The Rhodes West DCP provides detailed public domain and private domain controls, to support the Canada Bay LEP 2008 land use provisions and development standards.

Key general and site-specific controls that are relevant to the consideration of the proposed modifications, related to:

- Built form
- Building bulk
- Building articulation and address
- Diversity of apartment types
- Residential car parking
- Retail car parking

The proposed modifications are addressed below having regard to these relevant general controls:

Built Form (Cl. 4.3.3)

The built form controls of the Rhodes West DCP refer to the height of buildings and FSR standards in the Canada Bay LEP 2008, and the site-specific building envelope plans in the DCP. This clause in the DCP also refers floor to ceiling height controls and controls on architectural roof features.

The proposed modifications are consistent with the Rhodes DCP controls. No additional storeys are proposed under Modification No. 3.

Building Bulk (Cl. 4.3.4)

The Rhodes West DCP provided controls on building depth of 18m up to 9 storeys and 23 metres to building greater than 9 storeys in height, measured from window face to window face. Including balconies, terraces and the like, the maximum building depth is 21m and 26m respectively.

The maximum length of a building without a recess or break is 50 metres.

To control the bulk of residential tower buildings, the DCP provides that the floor plate of residential buildings above 9 storeys would not exceed 800m².

The proposed development does not result in a greater degree of non-compliance with the building bulk controls in the Rhodes West DCP. The tower buildings have floor plates, which remain below the maximum 800m² control. No diagonal dimension of Building D above Level 9 exceeds 50m. Building depths remain compliant with the DCP controls.

Building articulation and address (Cl. 4.3.8)

The Rhodes West DCP promotes high quality architecturally designed buildings with highly articulated massing and façade design that enhances the character of Rhodes West. Compliance with the site-specific building envelope controls is required including building articulation zones. Residential towers greater than 9 storeys, are required to articulate vertical proportions.

The proposed modifications to Buildings C, D and E, will enhance the architectural expression of the buildings within the precinct. Each building has a different architectural expression, within the same language of built form. The addition of wintergardens to lower levels of the buildings will accentuate the vertical proportions of the tower and assist to break up the horizontal banding of the solid balustrades.

Building D introduced curved elements in the facades to provide a unique sense of identity within a family of buildings within the precinct.

The proposed design of the southern elevation of Building E will improve the Gauthorpe Street streetscape. The vertical proportions of the building with the addition of wintergardens are carried through to the top of the building.

Diversity of apartment types (Cl. 4.3.9)

Clause 4.3.9 of the Rhodes West DCP also contains controls for noise attenuation for buildings facing the rail line and busy roads. The controls discourage locating habitable rooms particularly bedrooms facing a noise source. The DCP also seeks to locate screened balconies or wintergardens to create a noise buffer.

The proposal to alter Levels 1-6 of Building D by reconfiguring the approved unit layouts flips the bedrooms and living rooms. This change will have an added benefit of enhancing passive surveillance of Walker Street from living rooms and primary private open space.

The additional wintergardens generally along Walker Street and Gauthorpe Street will enhance the acoustic privacy and amenity of building occupants. These street frontages are the focus of retail uses and pedestrian activity, and as noted above the northern railway line is located immediately to the east.

Solar access and glazing (Cl. 4.3.13)

The Rhodes West DCP requires a minimum of 2 hours direct sunlight between 9am and 3pm to principle living rooms and private open spaces in at least 70% of the dwellings in residential development at mid-winter. SJB Architects have advised that with the proposed modifications, 74% of the dwellings across all buildings on Site 2A and 3A will received more than 2 hours of direct sunlight between the nominated times, which complies with the Rhodes West DCP minimum standard.

Natural ventilation (Cl. 4.3.14)

A total of 60% of the dwellings are required to be naturally cross-ventilated. SJB Architects have advised that with the proposed modifications, 66% of the dwellings across all buildings in Site 2A and 3A are to be naturally cross-ventilated, which complies with the Rhodes West DCP minimum standard.

Above ground private open space (Cl. 4.3.21)

The proposed modifications to the apartment layouts in Buildings D and E, the provision of additional units in Building D, and the addition of winter gardens and reconfiguration of the balconies on the north eastern and south eastern corner of Building C comply with the balcony controls in the Rhodes West DCP. All units are provided with at least one balcony and/or wintergarden of adequate depth area and configuration to provide usable space for residents to accommodate a small table and chairs.

The proposed changes to common open space on the roof level of Building D (Level 7 roof) will enhance the amenity and usability of this roof space for all occupants of the building. High quality views from the roof top communal space are to the city to the east and over the parkland and to Homebush Bay to the west.

Residential parking (Cl. 4.3.29)

The Rhodes DCP sets a maximum requirement of 1 car space per residential units. The proposed modifications result in an additional 16 units. The proposed additional units will not be allocated car spaces, which is consistent with the DCP control. The additional units are studio and 1 bedroom units.

Notwithstanding compliance with DCP control additional residential parking has not been provided for the reasons outlined below:

Physical constraints

The environmental condition of the site, documented in the Site Management Plan, submitted with the original MP 10_0105, limited further excavation of the site to create additional car parking spaces.

Car Share Provision

Condition No. 4 of the development approval MP 10_0105 requires the provision of three (3) car share spaces on the public road carriageway adjacent the street frontages of the site.

Green Travel Plan

The Proponent committed to prepare a Green Travel Plan prior to the occupation of the first residential unit and implement this Plan. Refer to MP10_0105 Statement of Commitments. Condition 4 of the development approval also requires the proposal to prepare a Travel Plan to issue future residents and owners, which outlines the following prior to occupation or purchase:

- The limited street parking available in the area detailing reasons why;
- Rail, bus and ferry timetables;
- Detail of the car share scheme available in the area;
- Details of the available community facilities in the area (the proponent shall consult with Council in this regard); and
- Regional cycleway plan and associated facilities, including details of the local cycling groups in the area.

It is noted that the reason for imposing such a condition was *“to reduce reliance on cars by residents of the development and provide an alternative transport scheme”*.

It is also noted that Council's Report on the exhibited Planning Proposal and Draft LEP and DCP controls included consideration of residential car parking, as follows:

“Whilst it was recommended to Council in December 2009, that a rate of one space per residential dwelling be provided for in the DCP, further consultation with the Department of

Planning and developers has been undertaken. Because of the proximity of these Rhodes West sites to 3 modes of public transport, and the focus on reduced car ownership and increased pedestrian and cycling activity, it is considered acceptable for some studio or one-bedroom units to be without a designated car space, provided the overall number of spaces still equates to the number of apartments, irrespective of their size. This approach adds some flexibility to the question of provision of carparking, and encourages diversity in the types of apartments on offer. Therefore the recommended car parking rate is "an average of one space per dwelling";

Having regard to the compliance with the DCP maximum car parking rate, the conditions of approval requiring car share spaces, the green travel plan, and the close proximity of the site to passenger rail and bus services, provide no additional car spaces for the additional residential units is consistent with the land use and transport strategies for Rhodes and is therefore considered acceptable.

Maintaining the existing residential car parking numbers is consistent with the Council's land use and transport strategies for Rhodes and is therefore considered acceptable.

Retail car parking (Cl. 4.3.29)

The proposed reconfiguration of retail spaces in Buildings D and E results in an additional 219m² of retail GFA. The change to the retail floor space is a result of reconfiguring the alignment of the retail frontages in Building D and incorporating the approved store rooms at the back of the retail tenancies in Building E.

A total of 11 car spaces are approved for the development of 1348m² of retail space. This is a rate of 1 space per 123m². The Rhodes West DCP has a rate of 1 space per 40m² of retail GFA.

The size, configuration and location of the retail tenancies suggest they will service the day-to-day needs of local residents. Generally, they are designed to accommodate a finer grain of retail uses, reflecting the multiple frontages, which was envisaged in the Rhodes West Master Plan for this site. The additional retail floor space is unlikely to generate additional demand for car parking from patrons, nor is the additional retail space likely to increase demand for staff parking. The site is located within an easy walking distance of the Rhodes Railway Station. Rhodes is also well served by public bus services and this is likely to improve in the future with the implementation of Council's strategies for the Station Precinct.

Site-Specific Controls (Clause 5.1.1)

Figure 14 replicates the building envelope plan at Figure 80 of the Rhodes West DCP. The proposed modified building envelopes are generally consistent with Figure 80 of the Rhodes West DCP in terms of building footprints, public open space configuration, pedestrian and vehicle access, number of storeys, tower locations, building depth, setbacks and built to lines.

FIGURE 14 – SITE 2A + 3A BUILDING ENVELOPE PLAN (SOURCE: FIGURE 80 OF THE RHODES WEST DCP)

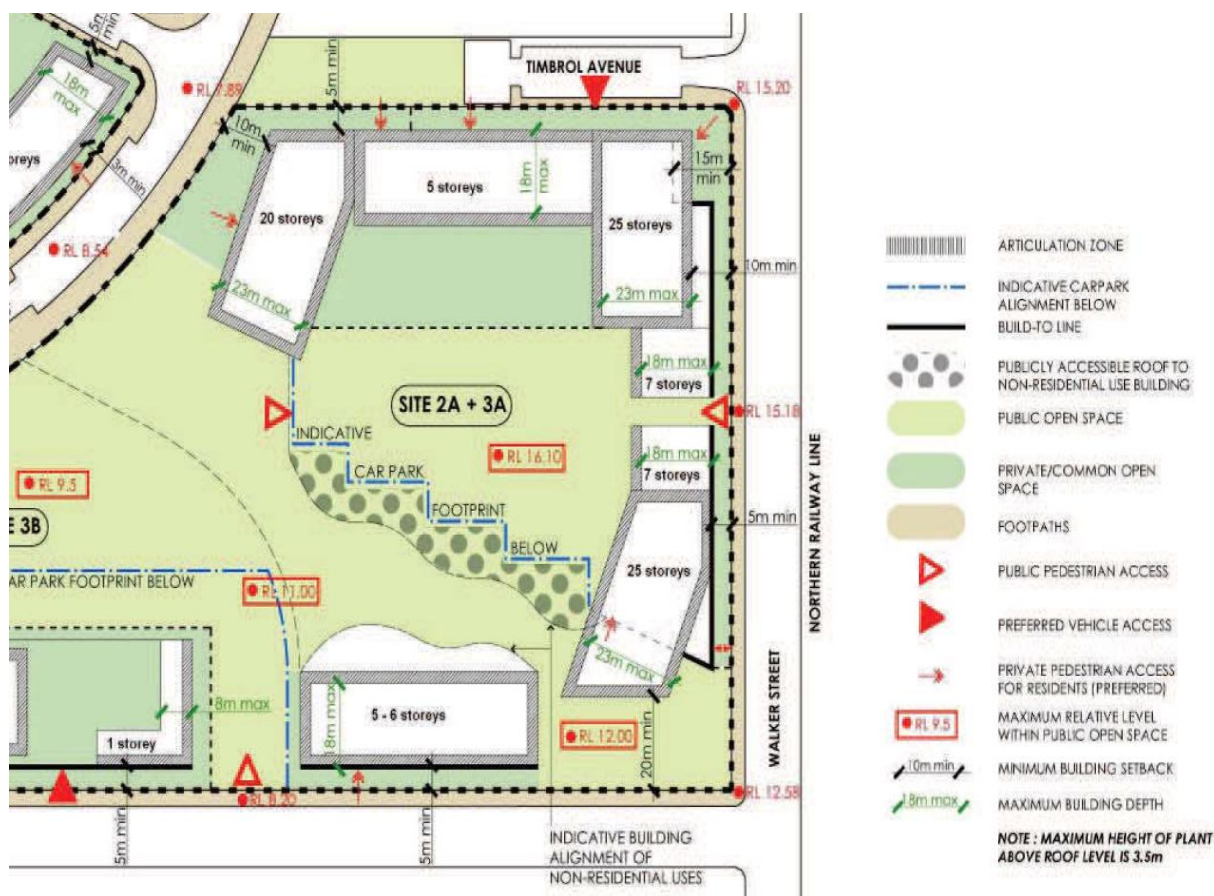


Table 4 provides an assessment of the proposed modifications against site-specific provisions of the Rhodes West DCP.

TABLE 4 – SITE SPECIFIC DCP CONTROLS (SOURCE: RHODES WEST DCP)

RHODES WEST DCP SITE-SPECIFIC CONTROLS (CL. 5.5.1)	COMMENT
C1 Building heights ranging from low-rise buildings of 4-5 storeys which frame the public open space to tower buildings in the north east corner (25 storeys), south east corner (25 storeys) and north west corner (20 storeys).	No changes is proposed to the approved number of storeys in Buildings C, D and E.
C2 A maximum Floor Space Ratio of 2.8:1.	The modifications proposed equate to an FSR of 2.78:1, which complies with the LEP 2008 maximum FSR.
C3 Car park entry from Timbrol Avenue.	No changes are proposed to the approved car park entry from Timbrol Avenue. It is proposed to increase the height of the vehicle entry from Gauthorpe Street to 4.2m to accommodate the clearance height for service vehicles.
C4 Combined with Site 3B a minimum of 16,000m ² of	No change is proposed to the 11,530m ² of public open space on Sites 2A and 3A, provided as part of Shoreline

RHODES WEST DCP SITE-SPECIFIC CONTROLS (CL. 5.5.1)	COMMENT
public open space.	Park South. Refer to Drawing No. A-2903 submitted with this MOD 3 application. The remaining area of open space is provided on the adjoining Site 3B.
C5 One level of basement car parking and one level of partially above-ground car parking.	No change is proposed to the footprint of the basement car parking levels.
C6 Above-ground parking screened behind the street front building line to all streets and open spaces.	No change is proposed to the footprint of the basement car parking levels.
C7 Preferred location for non-residential uses fronting Walker Street and the through-site link open spaces;	There is no change proposed to the location of the approved retail tenancies in Buildings D and E. The configuration has changed slightly in response to tenancy interest and inquiries.
C8 Minimum building setbacks as illustrated in Figure 80.	No change is proposed to the approved building setbacks for Building C, D and E from the site boundaries.
C9 Separate pedestrian entries and lobbies for residential and non-residential uses.	Separate entries for residents and patrons of the retail tenancies are maintained in the modified proposal, consistent with this DCP control.
C10 The preferred location for non-residential uses including retail and commercial uses is along the Walker Street frontage and fronting on the diagonal pedestrian plaza from the south-east corner of the site.	As above (C7).
C11 The indicative alignment of non-residential frontages on the northern and southern sides of the pedestrian plaza are indicated on the building envelope plan. To avoid a 'gun-barrel' effect, it is recommended that the alignment is to be staggered with stepping and recesses to provide pedestrian interest.	The proposed realignment to the retail space on the northern side of the diagonal through site link at Level 1 Basement level is consistent with the objective of the control of providing stepping and recesses in the built form alignment.
C12 Maintain a view corridor along the diagonal alignment of Marquet Street by providing an undercroft space with a minimum height of 15 metres beneath the tower building in the south west corner of the site. Exposed columns are to have a high architectural design quality with a slender form and quality materials integrated into the overall architectural design of the building.	The view corridor along the diagonal alignment of the through site link will be maintained. The design of the exposed column is to be modified as a result of design development. The new "V" structure does not alter the approved height of the undercroft space at SLL 32.600, be the height of the underside of the Level 5 floor slab.
C13 To enhance the forecourt space at Timbrol Avenue / Walker Street provide an undercroft space over two levels of the building.	The proposed modifications do not result in any changes to the building form at the corner of Timbrol Avenue and Walker Street.

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, MP10_0105 MOD 1 and MP10_0105 MOD 2; 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:

- Market readiness with the provision of additional smaller unit types;
- Residential amenity in terms of additional wintergardens and reconfiguring some of the units that had bedrooms facing the railway line; and
- Design quality, architectural expression and building identity through changes to building facades.

It is recommended the Consent Authority consider this Section 75W application favourably and approve the proposed modifications to MP10_0105 as previously modified.

Disclaimer

This report is dated Section 75W Modification - MP10_0105 MOD 3 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity Urbis' opinions in this report. Urbis prepared this report on the instructions, and for the benefit only, of Billbergia Developments Pty Ltd (Instructing Party) for the purpose of Section 75W Modification (Purpose) and not for any other purpose or use. Urbis expressly disclaims any liability to the Instructing Party who relies or purports to rely on this report for any purpose other than the Purpose and to any party other than the Instructing Party who relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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Appendix A

Architectural Drawings prepared by
SJB Architects.

Appendix B

Major Project Approval MP 10_0105

Appendix C

Major Project Approval MP 10_0105 (MOD 1)

Appendix D

Major Project Approval MP 10_0105 (MOD 2)

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