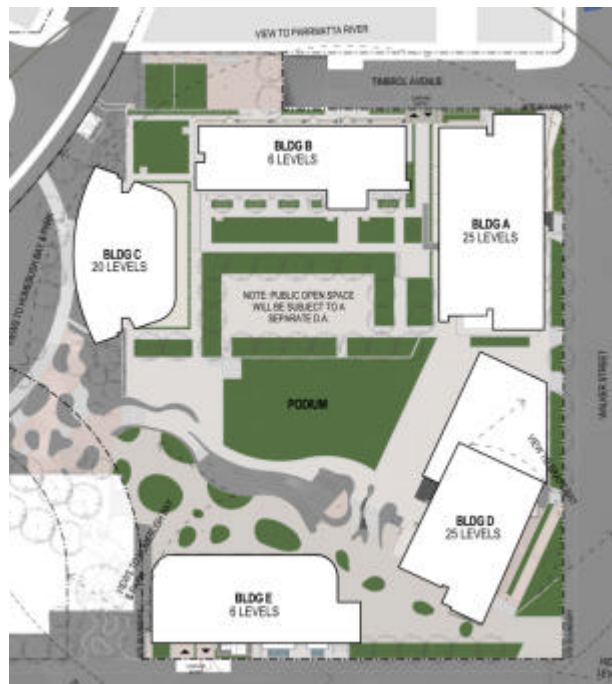


Proposed mixed use development Site 2A & 3A, 44 – 46 Walker Street, Rhodes

November 2012

Prepared for **Billbergia Developments Pty Ltd**



Section 75W Modification
MP 10_0105 MOD 2

Contents

1	Introduction	1
1.1	Preliminary	1
1.2	Project team	2
1.3	Consent authority	3
1.4	Structure of this report	3
1.5	Authorship	4
2	The site and locality	5
2.1	The site and surrounds	5
2.2	Legal description	5
2.3	Zoning	5
3	Development consent history	7
3.1	Introduction	7
3.2	Major Project MP 10_0105	7
3.3	Major Project MP 10_0105 MOD 1	7
3.4	Subdivision DA 6/2012	7
4	Proposed modifications	8
4.1	Introduction	8
4.2	Modifications to proposed buildings	9
4.3	Modifications to approved conditions of consent	10
5	Environmental Assessment	11
5.1	Introduction	11
5.2	Section 75W modifications to MP10_0105 and MP10_0105 MOD 1	11
5.3	Environmental Planning Instruments and Policies	14
5.4	Environmental Assessment Requirements	17
6	Conclusion	19

Quality Assurance

Reviewed by



.....
Michael Harrison

Director
Urban Design and Planning
Architectus Sydney Pty Ltd

9 November 2012

.....
Date

This document is for discussion
purposes only unless signed.

Tables

Table 1. Table of modifications	1
Table 2. Parking Schedule – Basement 02	9
Table 3. Parking Schedule – Basement 01	9
Table 4. Approved off street parking provision	16
Table 5. Proposed parking allocations	17

Appendices

A	Architectural Drawings <i>Prepared by SJB Architects</i>
B	Instrument of Consent for Major Project MP10_0105
C	Instrument of Consent for Major Project MP10_0105 MOD 1
D	Solar access and cross ventilation compliance <i>Prepared by SJB Architects</i>

1 Introduction

1.1 Preliminary

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

This Section 75W application seeks to modify 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) 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. **Section 4** of this report provides a detailed written and graphical description of the proposed modifications.

Architectural drawings are provided at **Appendix A**. Refer to **Figure 1** for building references.

Table 1. Table of modifications

Changes to building levels	Proposed modifications
Building A Levels 19 - 22	Change the two x 3 bedroom apartments at each of levels 19 – 22 to four x 1 bedroom apartments on each level, increasing the total number of apartments by 8. One further adaptable apartment to be provided.
Building B roof and balconies	The roof outline and balconies at the eastern and western ends of Building B will change due to the required position of the crane to serve Building A and B.
Changes to car parking levels Basement 02 and 01	Eight (8) extra potentially adaptable parking spaces will become twelve (12) standard residential spaces, and there are two additional residential spaces. Overall, six (6) additional residential spaces are to be provided.
Basement 01	Change accessible public toilet to Council storeroom.
Podium level	Change accessible public toilet to Council storeroom. Provide for Council vehicle access to the central (upper) podium.

Changes to consent conditions	Proposed modifications
Schedule 1	Change description of development to reflect proposed modifications.
Condition 1	Changes to list of drawings, including updating drawing no. A0205 with revision A-2 (Level 02 Plan), submitted as part of MOD 1 but not included in the approved list of drawings.
Condition 34	Amend condition no. 34 to increase the residential car parking spaces from 735 to 741.

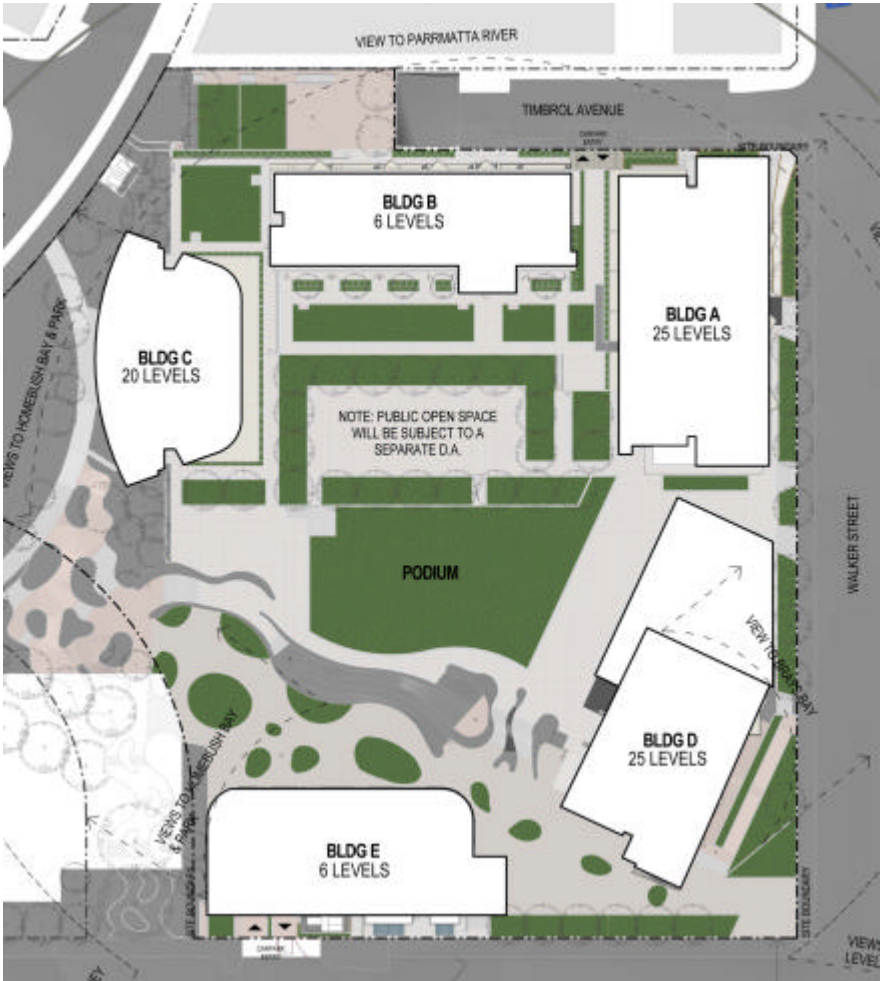


Figure 1. The subject site with building references

+

1.2 Project team

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

Site owner	Billbergia Group
Proponent	Billbergia Developments Pty Ltd
Architect	SJB Architects
Urban Planner	Architectus

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.

1.4 Structure of this report

This report has the following structure:

Section 1: Introduction

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

Section 2: The site and locality

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

Section 3: Development consent history

Describes the relevant development consent history being Major

Project Application MP 10_0105 and MP 10_0105 MOD 1.

Section 4: The proposed modifications

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

Section 5: Environmental assessment

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

Section 6: Conclusion

1.5 Authorship

This report has been prepared by Jayne Klein, Senior Planner.

2 The site and locality

2.1 The site and surrounds

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

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

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

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

2.3 Zoning

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

The following uses are permissible with development consent:

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

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

Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood

mitigation works; Home businesses; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing; Water recycling facilities.

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

3 Development consent history

3.1 Introduction

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

- Major Project 10_0105;
- Major Project 10_0105 MOD 1; and
- Subdivision DA 6/2012.

These planning consents are described in the following sections of this report.

3.2 Major Project MP 10_0105

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

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

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

3.3 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.

3.4 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.

4 Proposed modifications

4.1 Introduction

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

- Modifications to the proposed buildings (**Section 4.2**); and
- Modifications to the approved conditions of consent (**Section 4.3**).

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

On each of Levels 19 – 22 of Building A, the current approval provides for two x 3 bedroom apartments. The proposed modification involves changing these apartments to **four x 1 bedroom apartments** on each of Levels 19 – 22. This will result in **eight (8)** additional apartments overall. The Gross Floor Area of the development will not change.

The increase in total apartments from 735 to **743** requires 111.45 adaptable apartments (being 15% of 743). Therefore, an additional adaptable apartment is being provided, resulting in a total of 112 adaptable apartments. This apartment will be located in Building C.

It is proposed that winter gardens be provided to the north-eastern and south-eastern units of Levels 23 to 24 of Building A in order for winter gardens to align with those of new 1 bedroom apartments at Levels 19-22.

The roof of Building B and balconies including the east end balcony of Building B level 5 will be amended as a result of the position of the crane to serve both Building A and Building B.

Eight (8) extra potentially adaptable car spaces are to become twelve (12) standard residential spaces. There will also be two further additional residential spaces. Overall, an additional six (6) residential spaces will be provided. It is noted that two (2) of the additional eight (8) units will not have designated car parking spaces.

One existing carspace has been increased in width to provide a suitable car space for the additional adaptable apartment.

The provision of visitor parking spaces will not change. The current approval is for 30 visitor spaces, being 4% of 735 apartments (29.4 spaces required). The proposed modification to provide 743 apartments also requires 30 visitor spaces, with 4% of 743 being a requirement for 29.72 spaces.

An amendment to the podium level parking permits Council vehicle access to the central (upper) podium, as shown on drawing A-0203, revision A-5. This is required to provide access specifically for Council maintenance vehicles such as utes.

A further amendment to the podium level and level 1 basement (drawings A-0203 and A-0202) removes the accessible public toilets in the south east corner and provides a storeroom, also specifically for Council use.

Public toilets will be provided at Council's preferred location (also shown on drawing A-0202).

In addition, architectural drawing no. A0205, revision A-2 (Level 02 Plan) was submitted with the previous Section 75W modification for this site

(MOD 1) however the revised plan was inadvertently left out of the list of modifications to Condition 1. It is requested that this latest version of the plan be included in the approval as part of this modification (MOD 2).

The following sections describe each of the above modifications.

4.2 Modifications to proposed buildings

The proposed modifications to the basement levels and to Buildings A and B are as follows:

Basement Levels 1 and 2

Eight (8) extra potentially adaptable car spaces are to become twelve (12) standard residential spaces. There will also be two further additional residential spaces.

The total number of residential car parking spaces will therefore increase by six (6). Refer parking schedules below.

On basement level 1, an accessible public toilet is to become a storeroom specifically for Council use.

Public toilets will be provided at Council's preferred location (also shown on drawing A-0202).

The proposed parking allocations for Basements 02 and 01 will be as follows:

Table 2. Parking Schedule – Basement 02

Parking Type	Number
Residential (non-adaptable)	341
Adaptable residential	53
Standard visitor	28
Accessible visitor	2
Standard retail	8
Motorbike	2
TOTAL	434

Table 3. Parking Schedule – Basement 01

Parking Type	Number
Residential (non-adaptable)	259
Adaptable residential	54
Standard retail	3
Motorbike	2
TOTAL	318

Podium level

At podium level, two changes are proposed, being:

- access for Council maintenance vehicles to the central (upper) podium; and
- replacement of an accessible public toilet with a storeroom specifically for Council use.

Building A

On each of Levels 19 – 22 of Building A, there are two x 3 bedroom apartments which will be changed to four x 1 bedroom apartments. This

results in eight (8) additional apartments overall.

On each of Levels 19 – 22, the one bedroom apartments on the north-east corner are proposed to have north facing wintergardens and the one bedroom apartments on the south-east corner are proposed to have south facing wintergardens.

To align with the modified north and south facing winter gardens referred to above, the wintergardens of the north-east and south-east facing units of Levels 23-24 have been relocated.

These changes are illustrated at **Appendix A**.

Building B

It is proposed that the roof outline/profile and the east and west facing balconies of Building B be reconfigured to accommodate crane requirements for the construction of Building A. Refer Roof Plan and Floor Plans at **Appendix A**.

4.3 Modifications to approved conditions of consent

The following changes are proposed to the approved MP 10_0105, as modified by MP 10_0105 MOD 1:

Project description

Modify description of project in Schedule 1 to increase the number of residential dwellings from 735 to 743 and increase the total number of car parking spaces from 783 to 789.

Condition 1

Alter Schedule 2 to update the list of drawings with the amended drawing details, including A0205, revision A-2, submitted as part of Modification 1, but not included in the corresponding conditions of consent.

Condition 34

Amend Condition no. 34 to alter the number of residential car parking spaces from 735 to 743. The overall total number of spaces will increase from 783 to 789.

These modifications are outlined at **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 as well as the Director General's Environmental Assessment Requirements (DGRs) issued for Major Project MP 10_0105.

5.2 Section 75W modifications to MP10_0105 and MP10_0105 MOD 1

As set out at **Section 1.3** of this report, Part 3A of the EP&A 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, EP&A Act 1979, stated:

(1) In this section:

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

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

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

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 EP&A Act.

The proposed modifications to the approved Major Project MP 10_0105 and MP 10_0105 MOD 1 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 1. Deletions are struck-through and additions are shown in red text:

“SCHEDULE 1

Project: Project Application for a development including:

- ~~735~~ **743** residential dwellings contained within five buildings ranging in height from 6 to 25 storeys;
- Retail tenancies totalling 1348 sqm within the lower levels of buildings A, D and E;
- Basement car park over three levels containing ~~783~~ **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 Documents

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

Environmental Assessment Report, including all appendices, on the land known as Lot 201 in DP 1101828, 40 Walker Street, Rhodes (Sites 2A and 3A – Precinct B), prepared by Architectus, dated December 2010 (as amended by the Preferred Project Report prepared by Architectus, dated February 2011) and MOD 1 (April 2012)			
Architectural (or Design) Drawings prepared by SJB Architects			
Drawing	Revision	Name of Plan	Date
A-0101	A-2	Locality / Context Plan	18.04.2012
A-0102	A-2	Site Analysis Plan 1	18.04.2012
A-0201	A- 4 5	Level 2 Basement	06.09.2012 22.10.2012
A-0202	A- 4 5	Level 1 Basement	06.09.2012 22.10.2012
A-0203	A- 2 5	Podium Plan	18.04.2012 22.10.2012
A-0204	A- 2 5	Level 01 Plan	18.04.2012 22.10.2012
A-0205	A-2 (as requested in previous MOD)	Level 02 Plan	18.04.2012 (as requested in previous MOD)
A-0206	A-2	Level 03 Plan	18.04.2012
A-0207	A-2	Level 04 Plan	18.04.2012
A-0208	A- 2 5	Level 05 Plan	18.04.2012 22.10.2012
A-0209	A- 2 5	Level 06 Plan	18.04.2012 22.10.2012
A-0210	A-2	Level 07 Plan	18.04.2012
A-0211	A-2	Level 08 Plan Levels 09 – 12 similar	18.04.2012
A-0212	A-2	Level 13 Plan Levels 14 – 15 similar	18.04.2012
A-0213	A-2	Level 16 Plan	18.04.2012

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

Architectural (or Design) Drawings prepared by SJB Architects

Drawing	Revision	Name of Plan	Date
A-0214	A-2	Level 17 Plan Level 18 similar	18.04.2012
A-0215	A- 2 5	Level 19 Plan	18.04.2012 22.10.2012
A-0216	A- 2 5	Level 20 Plan	18.04.2012 22.10.2012
A-0217	A- 2 5	Level 21 Plan Levels 22 – 24 similar	18.04.2012 22.10.2012
A-0218	A- 2 5	Roof Plan	18.04.2012 22.10.2012
A-0221	A-2	Area Calculations - GFA	18.04.2012
A-0222	A- 2 5	Area Calculations - GFA	18.04.2012 22.10.2012
A-0231	A- 2 5	Apartment Typologies – Bldg A	18.04.2012 22.10.2012
A-0232	A-2	Apartment Typologies – Bldg B & C	18.04.2012
A-0501	A- 2 5	Elevation – Walker St & Timbrol Avenue Elevation	18.04.2012 22.10.2012
A-0502	A-2	Elevation – Shoreline Ave & Gauthorpe Street Elevation	18.04.2012
A-0503	A- 2 5	Elevations – BLDG A North & East	18.04.2012 22.10.2012
A-0504	A- 2 5	Elevations – BLDG A East & West	18.04.2012 22.10.2012
A-0505	A- 2 5	Elevations – BLDG B North, South, East & West	18.04.2012 22.10.2012
A-0506	A-2	Elevations – BLDG C North & South	18.04.2012
A-0507	A-2	Elevations – BLDG C East & West	18.04.2012
A-0508	A-2	Elevations – BLDG D North & East	18.04.2012
A-0509	A- 2 5	Elevations – BLDG D South & West	18.04.2012 22.10.2012
A-0510	A-2	Elevations – BLDG E North, South, East & West	18.04.2012
A-0601	A-5	North-South Site Section	22.10.2012
A-0602	A-5	East-West Site Section	22.10.2012

“34. CCV8 Off Street Car Parking Space Provision

Car parking spaces shall be provided in accordance with the approved plans for the parking of resident and visitor vehicles on the site. In this regard, no less than ~~783~~ 789 spaces are required and designated as follows:

Car Parking Allocation	Number
Residential Car Parking Spaces	735 741
Inclusive Residential Adaptable Car Spaces	111 112
Visitor Parking	30
Motorcycle Parking	Equiv. to 7
Retail Parking	11
Total Spaces Agreed by this Approval	783 789

- 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 (EPIs) and Policies

The EPIs and policies listed below are considered in relation to the proposed modification. As noted in **section 1.3**, EPIs (except State Environmental Planning Policies) are not applicable to Section 75W modifications. However, an assessment has been provided of all of the following for information purposes:

- NSW State Plan 2010;
- Sydney Metropolitan Strategy;
- Draft Inner West Subregional Strategy;
- State Environmental Planning Policy No 65;
- Canada Bay Local Environmental Plan 2008;
- Draft Canada Bay Local Environmental Plan 2011; and

- Rhodes West Development Control Plan 2011.

NSW State Plan 2010

The State Plan includes targets for key priorities for the NSW State Government. The target of particular relevance to the proposed modification is:

- *Improve housing affordability*

The proposed change from 8 x three bedroom apartments to 16 x one bedroom apartments will improve housing affordability at Rhodes through increasing the availability of smaller apartments.

Sydney Metropolitan Strategy

The Sydney Metropolitan Strategy provides a target of 60-70% of new dwellings to be located within existing centres. The proposed modification increases the number of dwellings within Rhodes.

Draft Inner West Subregional Strategy

The Draft Inner West Subregional Strategy sets a dwelling target of 10,000 for the City of Canada Bay by 2031. The additional 8 apartments proposed by the modifications support the achievement of this target.

The Strategy also identifies the need to locate housing in sustainable locations with good access to public transport. The proposed development is in close proximity to the Rhodes train station.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

SEPP 65 and the accompanying RFDC are applicable to the proposed amendments given the modifications to unit types. The following considerations against SEPP 65 and the RFDC are made:

- The proposed 1 x bedroom apartments will exceed the minimum recommended 50m² in size;
- The proposed 1 x bedroom apartments will not result in additional south facing units, and will be afforded with adequate solar access and ventilation. The development will comply with the minimum solar access and natural ventilation requirements. Refer **Appendix D**.
- Additional units will be afforded appropriate amenity, with good internal flexibility and private open space directly accessible off their respective living areas.

Canada Bay Local Environmental Plan (LEP) 2008

The site is zoned R4 high density residential in the LEP. The maximum Floor Space Ratio of the site is 2.80:1.

MP10_0105 MOD 1 has permitted an FSR of 2.73:1. This proposed modification does not propose any change to the Gross Floor Area.

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

Draft Canada Bay Local Environmental Plan (draft LEP) 2011

The site is zoned R4 high density residential in the draft LEP. The maximum Floor Space Ratio of the site in the Draft LEP is 2.80:1. As noted above, the proposed modifications will continue to comply as the proposal's FSR of 2.73:1 will remain unchanged.

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

Rhodes West Development Control Plan (DCP) 2011

Unit mix:

The site is zoned R4 high density residential in the Rhodes West DCP 2011. Clause 4.3.9, Control C1 of the DCP requires a range of dwelling sizes including 1, 2 and 3+ bedroom dwellings.

The proposed modification will result in removal of 8 x three bedroom units from the proposed development, however market demand has demonstrated a lack of desirability of three bedroom apartments in the area. Refer to **Section 5.4** Other matters, for assessment of this non-compliance.

Control C7 of Clause 4.3.9 requires a minimum of 15% of all residential units must be adaptable and designed in accordance with the relevant Australian Standards. The modification proposes a total of 743 residential units. 15% of 743 is 111.45, therefore one additional adaptable apartment is to be provided (this will be in Building C).

Parking:

The modification proposes 6 additional residential spaces in addition to the 735 currently approved resulting in a total of 741. The number of apartments is increasing from 735 to 743. Clause 4.3.29 of the DCP requires a maximum of 1 space per dwelling for all dwelling types, therefore the proposed modification complies with this control, with two spaces under the maximum being provided.

The number of adaptable residential parking spaces increases by one to facilitate the additional adaptable apartment.

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

Refer to **Section 5.4** for transport and accessibility assessment.

The parking changes are set out in **Table 4** (approved) and **Table 5** (proposed) below:

Table 4. Approved off street parking provision

Source: Condition 34 of MP 10_0105 MOD 1

Level	Total
Standard residential	735
Inclusive Residential Adaptable spaces	111
Visitor (including 2 visitor disabled)	30
Motor cycle parking	Equiv. To 7
Retail Parking	11
Total spaces	783

Table 5. Proposed parking allocations

Level	B2	B1	00	Total
Residential (non-adaptable) Car Spaces	341	259	29	629
Inclusive Adaptable Residential car Spaces	53	54	5	112
Visitor Car Space	30	-	-	30
Retail Car Space	8	3	-	11
Total Car Spaces	432	316	34	782
Motorcycle Spaces	2	2	3	7
Total Parking Spaces	434	318	37	789

5.4 Environmental Assessment Requirements

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

- Built form and urban design impacts;
- Environmental and residential amenity;
- Transport and accessibility; and
- Ecologically Sustainable Development (ESD).

One other matter addressed is the orderly and efficient use of land.

Built form and urban design impacts

Minor changes to the north, east and south elevations of Building A will result from changing three bedroom units to one bedroom units on Levels 19 – 22 (refer Architectural Drawings at **Appendix A**). These will result in a negligible change to the overall built form of the approved development.

There will be no significant modifications to the Building B elevations as a result of the proposed balcony and roof form modifications. The overall built form will remain substantially the same.

Environmental and residential amenity

There will be no change to acoustic and visual privacy in changing from three bedroom to one bedroom apartments. The orientation of the apartments does not change. The development will comply with the minimum solar access and natural ventilation requirements. Refer **Appendix D**.

Transport and accessibility

The proposed modifications provide six additional residential parking spaces, consistent with the rate of a maximum of one space per residential dwelling set out in the Rhodes West DCP. No other changes to the provision of parking are sought through this modification.

Ecologically Sustainable Development (ESD)

An updated BASIX Certificate is to be provided to the Principal Certifying Authority for the project in accordance with condition no. 51 of the Project Approval dated 21 April 2011.

Other matters

Orderly and economic use of land:

The change from 8 x three bedroom apartments to 16 x one bedroom apartments supports the orderly and economic use of land by responding to the market demand for smaller apartments in the Rhodes area. Responding to this demand ensures that dwellings in the development will be sought after and will not remain vacant following completion of the development.

Providing additional apartments supports the objectives of the NSW State Plan 2010, the Sydney Metropolitan Strategy and the Draft Inner West Subregional Strategy, including improving housing affordability and enabling significant growth in the provision of residential dwellings throughout the metropolitan area.

6 Conclusion

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

- Changing 8 x three bedroom apartments to 16 x one bedroom apartments within Building A;
- An 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 Council's preferred location);
- Altering the roof line, east and west facing balconies of Building B; and
- Including revision A-2 of drawing A-0205.

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 and modifications will not result in any 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:

- Increased number of residential apartments in an area well-served by public transport; and
- The orderly and economic use of land.

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