

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2011SYE007
DA Number	656/10
Local Government Area	Canada Bay Council
Proposed Development	Construction of a mixed use development providing 201 residential units, 3 retail tenancies, 214 car parking spaces, landscaping and subdivision of open space area subject to dedication
Street Address	Site 3B - Precinct B, 40 Walker Street, Rhodes (Lot 308 in DP 1163025)
Applicant	Sweetie Developments Pty Ltd
Owner	NSW Maritime
Number of Submissions	Thirteen (13)
Recommendation	Approval subject to Conditions
Report by	Mr Samuel Lettice - Senior Planner Canada Bay Council

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1. BACKGROUND

The site, comprising lot 308 in DP 1163025, otherwise known as 40 Walker Street, Rhodes, is located within the local government area of Canada Bay, and is currently under ownership of NSW Maritime.

In terms of ownership NSW Maritime granted the applicant 'permission to lodge' on the 5 January 2011, therefore meeting the provisions of clause 8F of the Environmental Planning & Assessment Regulation 2000. It is understood that ownership of the site will remain under NSW Maritime until such time as remediation activities are completed and a Site Audit Statement issued.

Figure 1 - Site Location



No. 40 Walker Street is situated within Precinct B under Sydney Regional Plan No. 29 – Rhodes Peninsula (SREP 29), and is located within the central component of the peninsula (Refer to Figure 1).

The subject site is irregular in shape, measuring approximately 115.76m to its eastern boundary, 130.69m to its southern boundary fronting Gauthorpe Street and 101.98m to its western boundary fronting Shoreline Avenue, yielding a total area of 7,368m². Given recent completion of remediation works, the site is currently vacant.

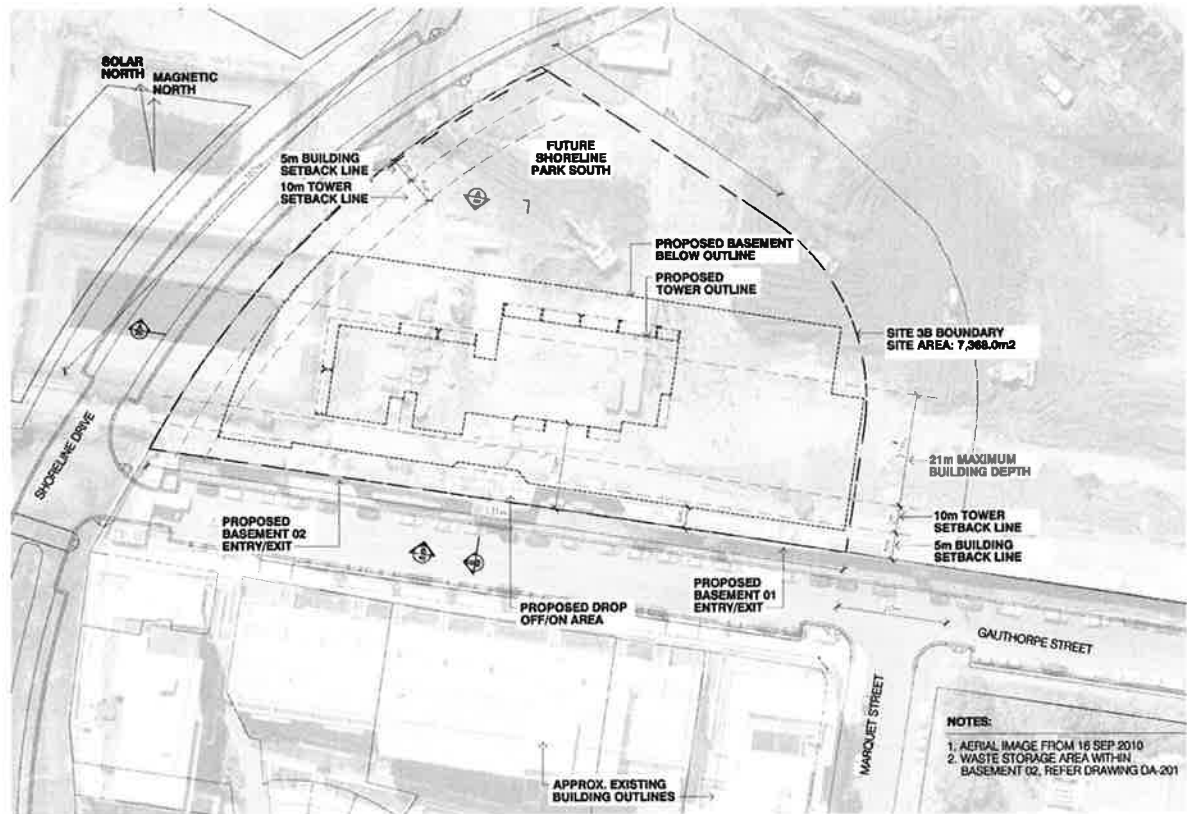
The site is bound by a development lot identified as Site 2A and 3A to the East, upon which a major project was recently approved by the PAC, comprising 735 residential dwellings and retail tenancies at grade within five buildings ranging in height from 6 to 25 storeys. Gauthorpe Street traverses the Southern boundary of the site with a residential development known as 'Sol Rio' located opposite as well as Precinct D (South East) characterised by light industrial buildings and mixed use developments. Shoreline Drive traverses the North and West boundaries of the site with currently vacant development sites located beyond.

The greater Rhodes Peninsula is bound by the Parramatta River to the North, Walker Street to the East, Homebush Bay Drive to the South and Homebush Bay to the West.

Previous applications for the site:

- On 4 May 2004, the Minister approved DA 437-12-2002 for the remediation of the former Union Carbide (Lednez) site (described as lot 10 DP 1007931) and part of the bed of Homebush Bay (part residual lands comprised in Certificate of Title Vol. 5018, Fol. 1);
- On 28 November 2006, the Executive Director approved DA 18-2-2005 for the subdivision of land at 40 Walker Street, Rhodes (Precinct B) to create development lots, open space lots, community use lots and road lots.

Figure 2 - Project Layout



2. PROPOSED DEVELOPMENT

2.1 Project Description

Following lodgement of the subject Development Application the Applicant did submit amended plans, seeking approval to carry out a project comprising the following:

- 201 residential dwellings contained in a singular building ranging in height from 17 to 20 storeys;
- Retail tenancies totalling 223.7m² within the lower levels of the building;
- Car parking provided within two levels of podium containing 214 spaces,
- Communal open space area upon podium to the east of the tower; and
- Provision of public open space and associated subdivision

Future applications relating to the fit out and use of retail space has been conditioned

In terms of materials and finishes, the building does possess significant glazing with a light grey cement render utilised within the tower with darker brown highlight. Masonry blockwork and precast concrete panels are incorporated within the podium levels with 'final textures and configuration to be determined' (conditioned accordingly).

A large open space area (to be dedicated to Council as public open space under a separate application) is located within the Northern component of the site. Specific design details are being finalised and are yet to be formally submitted though this area will provide appropriate deep soil which in turn will enable provision of vegetation to soften built form and provide desired residential amenity.

The estimated cost of the development is \$41,703,789

2.2 Project Amendments

As outlined above the applicant did submit amended plans to address issues raised by Council.

The following key changes were incorporated:

- Realignment of building towards Gauthorpe Street, providing a varied setback of 4m to 5.5m
- Introduction of three retail tenancies to the podium level of the building fronting Gauthorpe Street
- Consolidation of vehicular access points through deletion of a specific waste disposal access
- Reconfiguration of podium levels to accommodate the abovementioned tenancies through deletion of car parking spaces and revision of services, waste storage and lobby area
- Revision of materials and finishes to the podium level of the building

3. STATUTORY CONTEXT

3.1 Permissibility

Under the Canada Bay Local Environmental Plan, the site is zoned R4 'High Density Residential', which permits 'residential flat buildings'. The LEP does also permit additional uses for the purposes of business and retail on the ground floor of residential flat buildings in Rhodes West Precinct.

3.2 Environmental Planning Instruments

To satisfy the requirements of Section 79C(1)(a) of the Act, this report includes references to provisions of the Environmental Planning Instruments that substantially govern the carrying out of the project and have been taken into consideration in the submission of the Development Application.

Legislative Provisions

- Environmental Planning & Assessment Act 1979
- Contaminated Land Management Act 1997

Environmental Planning Instruments

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (Deemed SEPP)
- Sydney Regional Environmental Planning Policy No. 29 – Rhodes Peninsula
- Canada Bay Local Environmental Plan 2008

Development Control Plans

- Rhodes West Development Control Plan

Other Plans and Policies:

- Rhodes West Masterplan 2009
- NSW State Plan 2010
- Draft Inner West Subregional Strategy
- Metropolitan Transport Plan 2010
- Integrating Land Use and Transport Policy package, NSW Dept of Planning 2005

3.3 Primary Controls

3.3.1 Objects of the Environmental Planning & Assessment Act 1979

Section 5 which relates to the objects, 93F 'Planning Agreements' and 94 'Contributions' contained within the EP & A Act 1979 are considered and addressed below with general matters for consideration prescribed within Section 79C broadly addressed within this report:

Objects of the Act

The objects of the Act in Section 5 are as follows:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*

- (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

With respect to ESD, the Act does adopt the definition provided in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

Council has considered the Objects of the Act, including the encouragement of ESD in the assessment of the development application, and on balance the application is considered acceptable.

Section 93F - Planning Agreement

Council has entered into a Voluntary Planning Agreement with the Applicant pursuant to Section 93F of the Environmental Planning and Assessment Act 1979. Primarily under the Agreement with 'Renewing Homebush Bay Pty Ltd' in respect of the site, the applicant is primarily required to dedicate to Council an area of land to be provided as public open space as outlined within Schedule 2 of the document and also defined within the Rhodes West DCP. The proposal at hand is deemed consistent.

A monetary contribution is also required to be paid to Council as follows:

- (a) *\$1,000 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for the purpose of retail premises within the meaning of the Amended LEP, and*
- (b) *\$588.24 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for business premises within the meaning of the Amended LEP, and*
- (c) *\$588.24 for each square metre (or part thereof) of Additional Gross Floor Area in the Development that is to be used for residential accommodation within the meaning of the Amended LEP*

Note - Schedule 5 of the VPA does outline Embellishment work relating to the landscaping works required to be carried out within the Dedication land, the exact value of which is yet to be determined.

In accordance with Schedule 3 of the VPA money will be utilised for the following public purpose:

- Embellishment of public open space including public toilets in Point Park and embellishments and public facilities above the current standard of landscape embellishment and facilities provision considered as acceptable for the Rhodes Peninsula based on the Renewing Rhodes Contribution Framework dated November 2001 (Planning Framework); and the Renewing Rhodes Development Control Plan 2000 adopted in November 2001;
- Upgrading of roads and footpaths in Rhodes (East and West) to improve access and traffic flows; vehicular, cyclist and pedestrian safety and management, in and out of the Peninsula; and to improve amenity and safety generally above and in addition to that required in the Planning Framework and Renewing Rhodes Transport Management Plan dated November 2001;
- Bicycle storage and use facilities in addition to those facilities which would have had to be provided under the current Planning Framework and Transport Management Plan;

- Facilities associated with car share schemes, but only those which are available to general public;
- Construction of a community facilities building.

Section 94 Contributions

Section 94 of the Act states that 'if a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring':

- (a) the dedication of land free of cost, or
- (b) the payment of a monetary contribution, or both.

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

Residential Component

Category	Rate	Amount
Community Facilities	1 bedroom unit (\$1,176.44) x 135	\$158,819.40
	2 bedroom unit (\$2,138.98) x 66	\$141,172.68
SUB-TOTAL		\$299,992.08
Open Space	1 bedroom unit (\$1,196.39) x 135	\$161,512.65
	2 bedroom unit (\$2,175.26) x 66	\$143,567.16
SUB-TOTAL		\$305,079.81
Roads	1 bedroom unit (\$630.33) x 135	\$85,094.55
	2 bedroom unit (\$1,146.06) x 66	\$75,639.96
SUB-TOTAL		\$160,734.51
TOTAL		\$765,806.40

Retail Component (based on 223.7m²) - levied at a rate per 100m²

Category	Rate	Amount
Library	\$59.40	\$132.88
Roads	\$2,070.32	\$4,631.31
TOTAL		\$4,764.19

OVERALL TOTAL		\$770,570.59
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Timing and Method of Payment

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

Evidence of the payment to Council shall be submitted to the Certifying Authority **prior to the issue of a Construction Certificate for works above the podium level of the building.**

Indexing

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework* and the actual amount for payment or calculating offsets **must** be adjusted in accordance with Clause 7 of Part 2 of City of Canada Bay's S94 Contributions Plan for the Concord Area prior to payment, i.e., the amounts shown are subject to the Consumer Price Index applicable at the time of payment of the Contributions. The CPI is currently **175.9** and the CPI that applied at the time the *Renewing Rhodes Contributions Framework* was adopted in 2001 was **135.4**.

3.3.2 Contaminated Land Management Act 1997

The objects of the Contaminated Land Management Act 1997 are as follows:

- (1) *The general object of this Act is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation under Division 2 of Part 3.*
- (2) *Particular objects of this Act are:*
 - (a) *to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and*
 - (b) *to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and*
 - (c) *to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and*
 - (d) *to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.*

As outlined below in response to the requirements of SEPP 55, remediation of the subject site has been recently completed with a Site Audit Statement (BE101-308-OS) issued by AECOM Australia Pty Ltd on the 14 June 2011. Compliance with the SAS and associated Environmental Management Plan referenced by the document has been conditioned accordingly.

3.3.3 State Environmental Planning Policy No. 55 – Remediation of Land;

Clause 7 of State Environmental Planning Policy No 55 (Remediation of Land) requires the consent authority to consider whether land is contaminated, prior to granting of consent to the carrying out of any development on that land.

On 4 May 2004, the Minister approved DA 437-12-2002 for the remediation of the former Union Carbide (Lednez) site (described as lot 10 DP 1007931) and part of the bed of Homebush Bay (part residual lands comprised in Certificate of Title Vol. 5018, Fol. 1). The site was contaminated with hazardous and carcinogenic chemicals as a result of industrial operations since 1919. The development was classified as State Significant Development with the Minister as consent authority, as it required a licence from the EPA and a permit from Waterways.

A Commission of Inquiry was held as part of the assessment process, with the subsequent report recommending approval of the proposal. The issued consent included conditions that an independent site auditor, accredited under the Contaminated Land Management Act 1997, upon completion of remediation of the site, or each part of the site (for a staged DA), prepare a site audit statement and summary site audit report to state that the remediated site does not pose a significant risk of harm to human health and ecological systems.

Upon lodgement of the application remediation of the subject site was being undertaken and hence final remediation levels were not formally confirmed. However for the purposes of preparing the DA the applicant was able to obtain indicative remediated levels from the contractor 'Theiss Services'.

Remediation works on site have recently been completed with a Site Audit Statement issued.

- Site Audit Statement (BE101-308-OS) relates to site 3B and found the site suitable for *'Residential with minimal opportunity for soil access, including units; Park, recreational open space, playing field; Commercial / industrial'*, subject to compliance with the relevant Environmental Management Plan.

Compliance with the SAS and associated Environmental Management Plan is conditioned.

Council's Environmental Health Department reviewed the proposal and raised no objections.

The Department of Environment, Climate Change & Water (DECCW) also provided comments in respect of the notification (addressed within section 4)

3.3.4 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development;

SEPP 65 aims to improve the design quality of residential flat development in NSW through the application of a series of 10 design principles, which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality.

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles in Part 2 of SEPP 65. In this regard a Design Verification Statement has been provided by Robert Nigel Dickson of Dickson Rothschild stating that the proposed development has addressed the design quality principles set out in Part 2 of SEPP 65.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled *'Residential Flat Design Code'*, which contains a number of *'Rules of Thumb'* (standards).

Compliance of the proposal against the ten (10) design quality principles and Rules of Thumb contained within the *'Residential Flat Design Code'* are discussed within Appendix A.

3.3.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) came into force on 1 July 2004 and has been progressively implemented to various types of residential development. The intent of BASIX is to encourage sustainable residential development by requiring applicants to make commitments to incorporating sustainable design to achieve more water and energy efficient buildings.

A BASIX certificate has been submitted for the proposal indicating that it will satisfactorily meet the BASIX targets in respect of Water, Thermal Comfort and Energy.

3.3.6 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 requires projects to be referred to the RTA if involving a residential flat building of more than 300 dwellings or more than 200 car spaces as this is termed *'traffic generating development'*.

Accordingly the proposal was referred to the RTA. No response has been received to date though Issues pertaining to traffic and parking have been addressed within this report.

Clause 87 does also require the consent authority to consider the impact of rail noise or vibration on non-rail development. The applicant did submit a Noise and Vibration Assessment Report prepared by Acoustic Logic, providing an assessment against the Department's publication entitled *'Interim Guidelines for Development near Rail Corridors and Busy Roads'*. It was concluded that provided recommendations are adopted *...impact of rail noise and vibration will be reduced and comply with the Interim Guidelines requirements and therefore the noise and vibration impacts will be satisfactory.*

3.3.7 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005; (Deemed SEPP)

The site falls within the map area shown edged heavy black on the Sydney Harbour Catchment Map and hence is affected by the provisions of SREP (Sydney Harbour Catchment) 2005. The SREP aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. The SREP also provides a set of guiding principles to be taken into consideration in the preparation of environmental planning instruments and / or master plans.

Provisions of the SREP were generally considered in the development of the Master Plan. In so far as the proposal is largely consistent with stipulated building envelope provisions it is generally considered acceptable. Furthermore the separation of the site, some 100m from the foreshore is also noted and hence whilst the building will be visible, it will have no detrimental impact upon the waterway.

3.3.8 Sydney Regional Environmental Planning Policy No. 29 – Rhodes Peninsula;

The SREP, gazetted on 19 November 1999, replaced all local environmental planning instruments which otherwise applied to the Rhodes Peninsula at the date of gazettal.

On the 20 April 2011 Canada Bay Local Environmental Plan 2008 (Amendment No. 1) was gazetted and reflected the additional height and floor space envisaged in the Rhodes West Master Plan 2009.

Clause 1.9 (2A) of the LEP repealed the provisions of SREP 29.

3.3.9 City Canada Bay Local Environmental Plan 2008 (Amendment No. 1)

On 31 March 2010, Canada Bay Council lodged a Planning Proposal with the Department of Planning to provide an additional 46,200m² of floor space, increase in height of up to 25 storeys and provision for an additional 17,230m² of open space in the form of local parks and civic plazas in undeveloped parts of the Rhodes Peninsula.

The Planning Proposal states as follows:

It is proposed to implement the Master Plan by incorporating the relevant provisions of SREP 29 into the Canada Bay Local Environmental Plan 2008. This will require the provisions of the SREP to be translated into Standard Instrument format, whilst also being amended to capture the changes proposed by the Rhodes West Master Plan. It is envisaged that the SREP will be repealed when the amendments to the LEP are gazetted.

The proposal passed the Gateway process with conditions and Canada Bay Council prepared a draft Local Environmental Plan (Amendment No. 1).

The draft LEP was placed on public exhibition from the 5 July 2010 to 3 August 2010.

On the 19 October 2010, following exhibition, the Plan was reported back to Council where it was resolved that it be adopted and forwarded to the Minister for Planning.

The LEP Amendment was gazetted on the 20 April 2011 and on this date effectively repealed previous provisions of SREP 29 (Clause 1.9).

The proposed development, being within an R4 'High Density Residential' zone is permissible. In terms of standards the LEP does also prescribe a height and FSR provision. As indicated within the compliance table to this report the proposal is compliant in terms of height though a variation is sought to the FSR control. In this regard the applicant did submit an objection pursuant to Clause 4.6 of the LEP, which is considered and addressed within section 5 of this report.

3.3.10 Rhodes West Development Control Plan

The Rhodes West DCP follows on from the introduction of the Rhodes West Master Plan which sought to upscale and guide future development within Rhodes. The Rhodes West DCP superseded the previous 'Renewing Rhodes DCP' which was prepared in 2002 and has guided the majority of development within the Peninsula to date.

The DCP was placed on public exhibition with the draft LEP from 5 July 2010 to 3 August 2010.

On the 19 October 2010 the DCP was reported back to Council following public exhibition. A number of changes / edits to the document were recommended and Council subsequently resolved that the document be adopted. The Rhodes West DCP commenced upon gazettal of the Canada Bay LEP (Amendment No. 1) on 20 April 2011.

An assessment against the provisions of the DCP is contained within Appendix A.

3.3.11 Rhodes West Master Plan 2009

The Rhodes West Master Plan 2009 was adopted by Council on 8 December 2009. The Master Plan sets out the vision for the development of selected sites in the Rhodes Peninsula and also sets out urban design and planning principles for the distribution of additional floor space and height.

Following adoption of the Master Plan by Council, the '*Rhodes West Development Control Plan*' was prepared (as outlined above), and was intended to carry forward the provisions of the Master Plan and generate specific design parameters for the built form.

3.4 Plans and Policies

3.4.1 NSW State Plan 2010

The NSW State Plan 2010 aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The State Plan is the community's vision for the future of NSW in which:

- *Our transport network is world class - safe, reliable and integrated. Our cities and towns are great places to live, and we experience a high quality of life*
- *Our economy grows stronger - supporting jobs and attracting business investment*
- *Our children are better educated, our people more skilled and we are known for our research and innovation*
- *Our health system provides the highest quality care accessible to all*
- *Our energy is clean, our natural environment is protected and we are leaders in tackling climate change*
- *Our community is strong and the most disadvantaged communities and our most vulnerable citizens are supported*
- *Our police and justice system keep the community safe.*

The plan sets targets, priorities and actions for the delivery of services in NSW. The following table provides an assessment of the proposed development against the relevant targets within the Plan:

Target	Comment
<i>Better Transport and Liveable Cities</i>	
Increase walking and cycling	The site is located within close proximity to the Rhodes railway station with nearby reserves, noting particularly Bicentennial Park readily accessible and providing opportunities for walking and cycling. The open space area encompassing the northern section of the subject site and that adjacent will be dedicated to Council, accessible and encourage walking.
Increase number of jobs closer to home	The proposal will create a number of jobs during construction and in ongoing maintenance. The incorporation of retail tenancies within the development

	and proximity of the site to established business centres within Rhodes is also considered beneficial.
Grow cities and centres as functional and attractive places to live, work and visit	The proposal has been designed in accordance with the provisions of the Canada Bay LEP and Rhodes West DCP which establishes Council's vision for the Precinct and seeks to make the Rhodes Peninsula a more attractive place to live, work and visit.
Improve housing affordability	In terms of affordability the State Plan seeks to increase available housing stock. In this regard the proposal is considered beneficial as an additional 201 residential units of a varied mix will be provided.
Supporting Business and Jobs	
Maintain and invest in infrastructure	The proposal is subject to a Voluntary Planning Agreement (VPA) with Council. Section 94 contributions are also applicable, which will go towards a new community centre and other infrastructure.
Increase business investment and support jobs	As outlined above the proposal will create a number of business / employment opportunities during construction and its ongoing function and maintenance.
Green State	
Improve air quality	Compliance with the 1 car space per unit provision and close proximity of the site to public transport may discourage car dependency. The incorporation of a car share scheme and development of a travel plan to be distributed to future resident / owners is also of benefit.
Reduce waste	A Waste Management Plan was submitted with the proposal with the development providing appropriate waste storage areas, which facilitate recycling.
Stronger Communities	
Increase the number of people using parks	The proposal will provide a public open space area and is located within close proximity to Foreshore Reserve and Point Park and hence should encourage the utilisation of these areas by residents.

3.4.2 Draft Inner West Subregional Strategy

The Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level.

The Inner West Subregion is situated between Sydney CBD and Parramatta, a Regional City. It takes in the Local Government Areas of Ashfield, Burwood, Canada Bay, Leichhardt and Strathfield.

With regard to Canada Bay, the Draft Inner West Subregional Strategy states as follows:

Canada Bay is located only 10 km from Sydney CBD, covering an area of approximately 20 km², with over 38 km of foreshore and 130 parks, open spaces and reserve links. In 2004, the population of Canada Bay was approximately 65,800. The area is well known for its cultural diversity, with approximately 30 per cent of the population speaking other than English as a first language. Rhodes has been a major focus for residential and employment development activity in recent years.

The following table provides a brief assessment of the proposed development against the primary objectives of the strategy which relates to housing:

Objective	Comment
C1 <i>Ensure Adequate Supply of Land & Sites for Residential Development</i>	The site is located within the Rhodes Peninsula which will provide much of the housing accommodation and population increase for the City of Canada Bay Council
C2 <i>Plan for a Housing Mix near Jobs, Transport and Services</i>	Location of the site within the central component of the Rhodes Peninsula makes it readily accessible to public transport, the Rhodes Business Park and the Rhodes Waterside Shopping Centre.
C3 <i>Renew Local Centres</i>	The site is within a precinct that is only partially established with development still to be completed.
C4 <i>Improve Housing Affordability</i>	The proposal provides 201 residential dwellings, varying from one to two bedrooms.
C5 <i>Improve the Quality of New Development and Urban Renewal</i>	The proposal has been designed in response to the various policies applicable.

The Subregional Plan, for the Inner West, also seeks an additional 30,000 new dwellings over the next 20 years; specifically Canada Bay Council has a dwelling target of 10,000. The provision of 201 new apartments will positively contribute towards this target.

3.4.3 Metropolitan Transport Plan 2010

The Metropolitan Transport Plan 2010 is the NSW State Government's policy document for the delivery of public transport services across the Sydney Metropolitan area. The document:

- examines the likely future composition of the Metropolitan area (including dwelling yields);
- analyses the existing infrastructure and services; and
- makes commitments for future services and infrastructure to meet the expected new demands

The subject site is not located within an area identified within the Plan as having substantial additional growth in the coming years, most likely because the Rhodes Peninsula is nearing completion.

It is noted that the subject site is serviced by existing rail and bus services along Concord Road. Council is intending to enter into negotiations with Sydney Buses to improve services.

3.4.4 Integrating Land Use and Transport Policy package, NSW Dept of Planning 2005

The Integrating Land Use and Transport Policy package (ILUT) was introduced in 2005 and provides a framework for State Government agencies, Councils and developers to integrate land use and transport planning at the regional and local levels.

The aim of the Policy was to ensure that urban structures, building forms, land use locations, development designs, subdivisions and street layouts achieve the following planning objectives:

- improving access to housing, jobs and services by walking, cycling and public transport
- increasing the choice of available transport and reducing dependence on cars
- reducing travel demand including the number of trips generated by development and the distances travelled, especially by car
- supporting the efficient and viable operation of public transport services
- providing for the efficient movement of freight.

In response to the above, the location of the site within close proximity to places of employment, services and public transport is considered desirable. Compliance with the 1 car space per unit provision, incorporation via condition of a car share scheme and development of a travel plan to be distributed to future resident / owners is also of benefit in this regard.

4. CONSULTATION AND SUBMISSIONS

4.1 Public Exhibition Details

Under Section 79A of the EP&A Act, the Development Application must be notified or advertised in accordance with the provisions of a development control plan if the development control plan provides for the notification or advertising of the application.

In accordance with Part 2 of the Canada Bay Development Control Plan 'Notification and Advertising', the application was notified to adjoining and nearby property owners and occupiers.

After accepting the Development Application, Council undertook the following actions:

- Made the Application publicly available from **4 January 2011 until 3 February 2011** (29 days)
 - On Canada Bay Council's website;
 - At Canada Bay Council's Administration office
- Notified local landowners and residents about the proposal (and the exhibition period) with 656 letters sent;
- Notified relevant State and Local Government Authorities

A total of **sixteen (16) submissions** were received in response to the exhibition (**Appendix B**), comprising **thirteen (13) public** submissions and **three (3) public authority** submissions (NSW Department of Environment, Climate Change and Water; Transport NSW and NSW Maritime).

Council also referred the application to an Urban Design Consultant (GMU) for review with resultant comments and recommendations received being considered in the assessment of the application.

On 3 June 2011 the Applicant submitted amended plans that responded to issues raised by Council.

4.2 Submissions from Public Authorities

The following submissions were received from public authorities:

4.2.1 Transport NSW

Transport NSW noted the advice received from Sydney Regional Development Advisory Committee (SRDAC) and in particular the recommendation that TNSW and the State Transit Authority be consulted to determine if additional bus services can be provided to the proposed development to achieve a reasonable mode shift to public transport. TNSW would welcome the opportunity to meet with relevant parties to discuss potential opportunities to improve bus servicing on the Peninsula.

TNSW requested that the following measures be included in final conditions of consent:

- Location and quantum of car share spaces

Comment - In accordance with the Rhodes West DCP a condition requiring the applicant to designate and provide one (1) car space on the public road carriageway adjacent to the kerb line on one of the street frontages to the development site for the purposes of establishing a car share scheme is provided within the recommendation of this report. This car space is required to be suitably line marked and signposted as a car share scheme space only. The details of the line marking and the signposting shall be submitted to Council for approval prior to the issue of an Occupation Certificate.

- Provision of a Travel Access Guide (TAG) consistent with the RTA guidelines

Comment - Importance of a such a Plan is noted and in this regard a condition requiring the Applicant to prepare a Travel Plan has been recommended and is required to be provided to each future resident / owner within the development outlining the following prior to occupation or purchase:

- The limited street parking available in the area detailing reasons why;

- Rail, bus and ferry timetables;
- Details of the car share schemes available in the area;
- Details of the available community facilities in the area; and
- Regional cycleway plan and associated facilities, including details of local cycling groups

4.2.2 NSW Department of Environment, Climate Change and Water (DECCW)

The Contaminated Sites Section of the DECCW considered the application as it relates to remediation and regulation matters under the *Contaminated Land Management (CLM) Act 1997* and the *Protection of the Environment Operations (PEO) Act*.

The following issues were raised:

- Since a Site Audit Report for the site has not been completed as remediation is still underway, we note that final remediation levels are unavailable for inclusion in the proposal. Should the development disturb final remediation levels as designed, the developers would need to gain an additional Site Audit Report from a contaminated land Site Auditor accredited by DECCW. Additionally, there is no acknowledgement of construction and long term management requirements for the site in regards to contamination present at the site.

Comment - Remediation works on site have recently been completed with a Site Audit Statement issued (BE101-308-OS) which found the site suitable for 'Residential with minimal opportunity for soil access, including units; Park, recreational open space, playing field; Commercial / industrial', subject to compliance with the relevant Environmental Management Plan.

- There is no acknowledgement of proposed piling requirements. The proponent will need to determine if the required supporting structures are possible in this reconfigured environment and DECCW would also like to insist that driven piles (piles which result in little or no material extracted during placement) be required across this and any other proposal for the former Union Carbide site.

Comment - The need to utilise driven piles has been conditioned accordingly

- Prior to approval, if material reconfiguration or materials extracted from beneath the maintenance layer is anticipated by the proponent, a detailed waste management plan would be required to determine if any excavated material could safely and legally be disposed of in NSW

Comment - Compliance with Site Audit Statement and Environmental Management Plan conditioned.

4.2.3 NSW Maritime

The Foreshores and Waterways Planning and Development Advisory Committee did respond to the notification though raised no specific objections to the application.

The Committee did recommend that the consent authority take into consideration relevant matters as prescribed in Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP) along with the Sydney Harbour Foreshores & Waterways Area DCP.

The above has been considered within the assessment of the application (see section 3.4.7).

4.3 Public Submissions

Thirteen (13) submissions were received from the public

The key issues raised in public submissions are listed below -

- | | |
|---|--------------------------------|
| • Height, Bulk, Scale and Visual Impact | • Remediation Activity |
| • Traffic Generation, Access and Parking | • Overshadowing |
| • Provision of Infrastructure | • Waste Management & Pollution |
| • Public Transport | • Overdevelopment |
| • Introduction of Retail / Access to Bicycles | • Provision of Open Space |

- Visual Privacy
- Signage
- Consultation & Planning

A summary of all public submissions has been outlined below and a copy of all submissions is contained in **Appendix B**:

- *Height, Bulk, Scale & Visual Impact*

This issue, raised within objections related to the tower building incorporated upon the site and fact that it is inconsistent and 'much taller' than any existing development in the Rhodes Peninsula and will disrupt the skyline. Concern was also raised in relation to the design of the building and its finishes.

Response

The tower building incorporated on site does provide compliance with the height limit adopted under the Rhodes West LEP which stipulates an overall height of 63m. The Rhodes West DCP does also provide a height comprising '*18 storeys above a single level podium stepping down to 15 storeys above a two level podium fronting Shoreline Drive*'. As indicated within section 5 of this report the building is slightly non compliant due to extending the lower podium level though remains acceptable.

In terms of urban design, the building is considered to provide an acceptable massing, has been well articulated and provides general compliance with applicable planning controls.

- *Traffic Generation, Parking and Access*

This issue relates to traffic congestion within the Rhodes Peninsula during peak periods and minimal availability of on street parking, resulting from resident and rail commuters. It was also highlighted that no adequate or specific improvement to roads is provided, despite the population increase.

Response

Traffic Planning was undertaken for the Rhodes West Master Plan. In this regard a report prepared by Masson Wilson Twiney Traffic was prepared, of which the scope of the assessment included the redevelopment of the remaining sites within the Rhodes Peninsula and subject of the Planning Proposal (including the subject site). It was concluded that traffic from the additional proposed development would not create measurable adverse impact when compared with the traffic conditions under the approved development. It is noted that the proposed development complies with density.

It is understood that Council has been involved in ongoing discussions with the RTA and has agreed to partly fund any required upgrades which the Rhodes Peninsula relies upon, such as that of Oulton Ave / Homebush Bay Drive, to better cater for increased demand. At this stage it is understood that the scope of specific works required is being investigated.

The Voluntary Planning Agreement for this site and other remaining development sites at Rhodes West do also include monetary contributions from the various landowners towards the upgrade of local streets, within both the Rhodes West Peninsula and East of the Rail Corridor.

Parking generated by commuters of Rhodes Railway Station is separate to the development at hand.

This issue of traffic generation and parking is discussed in further detail within **Section 5** of this report.

- *Provision of Infrastructure*

Concern has been raised within many of the objections as to the provision of infrastructure such as educational establishments, emergency services, recreational facilities and other services to cater for the needs of the growing population of Rhodes.

Response

In the formulation of the Rhodes West Master Plan and subsequent LEP and DCP documents, Council did consider the proposed development on services and facilities for future residents, with that existing generally considered to have capacity to accommodate additional development anticipated.

Council is in the process of liaising with relevant government authorities, such as the Department of Education and Training with a mind to investigating means by which additional infrastructure can and will be incorporated.

It is noted that the provision of increased densities within Rhodes Peninsula will facilitate additional open space to serve both passive and active uses and provide funding for the construction of a Community Facility within the Peninsula area to serve the needs of the existing and future population.

One submitter suggested that the provision of a pedestrian underpass to the East underneath the railway line would provide a better link to services. This strategy is identified within the Rhodes West DCP as an area of potential investigation though at this stage no formal plans have been developed.

Safety issues pertaining to the cycleway route (going under John Whitton Bridge) resulting in a 'blind corner' was also cited. In this regard Council is in the process of upgrading intersections in the vicinity of this area with a means of provided greater safety for pedestrians and cyclists.

- *Public Transport*

Concern over the crowded nature of trains during peak periods at Rhodes Station was cited as a common problem. Accessibility to rail, bus services and also ferry services was also raised.

Response

Public transport patronage was considered at the time of preparing the Rhodes West Master Plan with the Masson Wilson Twiney Report. It was subsequently concluded that the train timetable enabled adequate services to cater for the future increased demand for rail service.

In terms of accessibility, objection does relate to the number of steps traversed to access the rail platform or reach the opposing Blaxland Road footpath and cited the possibility of an escalator. Given that this directly relates to an upgrade of Rhodes Station, Rail Corp would need to be consulted.

It is understood that the introduction of a ferry service was considered during the development of the Rhodes West Master Plan, though this has not eventuated. Council is intending to enter negotiations with Sydney Buses to potentially re-route services to provide better accessibility and efficiency.

- *Introduction of Retail and access to Bicycles*

Retail podium should be established to provide basic items i.e. bread, milk, newspapers, providing convenience to residents through enabling them to access facilities on foot. Furthermore access to share bikes near front doors could become a workable solution in providing alternative access.

Response

Amended plans submitted by the applicant have introduced ground floor retail within the podium levels of the building (three tenancies are proposed in total) subject to a separate DA for use and occupation.

In terms of a share bicycle scheme one has not been instigated within the Peninsula though may well be a feasible scheme. At this stage bicycle racks accessible for the general public are provided.

- *Remediation Activity*

DA should not be considered for approval before completion of remediation activities.

Response

Remediation works on site have recently been completed with a Site Audit Statement issued

- *Overshadowing*

Concern is raised in relation to the extent of overshadowing resulting from the tower.

Response

Resultant shadow impacts were considered at the time of preparation of the LEP and DCP and found to be acceptable. The tower building is compliant in terms of height and setbacks, most notably to Gauthorpe Street to the South.

- *Waste Management and Pollution*

Concern has been raised in relation to bin collection from the street and subsequent odour. Dumping of garbage and trolleys from the Rhodes Shopping Centre upon the street was also noted.

Response

In terms of waste collection, all servicing is to be conducted off street and within the basement area, such ensuring that there will be no impact upon the street or surrounding residents.

The issue of garbage being dumped on the street is a case by case situation and should be reported to Council. In terms of trolleys from the Rhodes Shopping Centre this does need to be taken up with the management of the centre with options such as increased retrievals investigated.

- *Overdevelopment*

It is suggested that the proposal represents an overdevelopment of the site with a population density that was never intended under the initial planning controls.

Response

Density for the Rhodes Peninsula is controlled directly through the Canada Bay LEP which stipulates a Floor Space Ratio (FSR) of 1.83:1 for the subject site. The proposed development provides a gross floor area of 13,617.1m², equating to an FSR of 1.848:1. The non compliance has been addressed in this report (see section 5) is considered to remain consistent with relevant objectives of the LEP.

- *Provision of Open Space*

The underutilised nature of the public open space within the Rhodes Peninsula is cited

Response

In developing the Rhodes West Master Plan Council did identify the need to provide additional public open space. A total area of 16,000m² is to be provided between site 2A and 3A and the subject site. The issue of open space is discussed in further detail within section 5 of this report.

It should be noted that design of the open space has been recommended to be subject of a separate application, being developed in conjunction with the adjoining Billbergia Site. At this stage Council have engaged consultants who have developed a specific design. A priority in developing this area is its ability to support active and passive uses, such appealing to the wider population demographic.

Given that much development within Rhodes is still under construction, the population will inevitably grow and demand for these areas is likely to only increase.

- *Visual Privacy*

The issue of potential overlooking from the tower building was raised by a resident in Cavell Avenue.

Response

The proposed building does provide adequate separation from adjoining development and exceeds the recommended standards of SEPP 65. In terms of privacy towards Cavell Avenue, the subject site is located approximately 400m away and will be screened by a recent development approval upon site 2A and 3A. Accordingly the proposal will not result in adverse overlooking.

- *Signage*

A resident provided a number of suggestions for signage that could be placed throughout the Rhodes Peninsula, such as local area maps and directional signage for both pedestrians and motorists.

Response

The comments in relation to signage do not relate specifically to the site in question, and are more directed at the Rhodes Peninsula as a whole. Accordingly this is not relevant to the proposal at hand though has been referred to Council's Community Development section for consideration.

- *Lack of Consultation & Planning*

Concern was raised in relation to timing of the consultation period, process and location of display

Response

Under Section 79A of the EP&A Act, a Development Application must be notified or advertised in accordance with the provisions of a development control plan if the development control plan provides for the notification or advertising of the application.

In accordance with Part 2 of the Canada Bay Development Control Plan 'Notification and Advertising', the application was notified to adjoining and nearby property owners and occupiers, with 656 letters sent. Following enquiries certain residents within Cavell Avenue were provided with formal notification.

Given lodgement of the Development Application, just before Christmas the notification period of the application was extended from the ordinarily applicable 14 days and made publicly available from the 4 January 2011 until the 3 February 2011 (29 days).

The proposal was also made available at the following locations

- On the Canada Bay Council website;
- At Canada Bay Council's Administration office

The representation of the development within the notification was questioned with the building referred to as a singular building despite the fact it 'looks like two'. It is confirmed that the building is indeed a singular building (providing a varied height) serviced by one common lift core.

Accordingly it is considered that adequate consultation has occurred in relation to the application at hand. It is also noted that consultation was conducted for the adoption of the Master Plan, LEP and DCP documents with community meetings / forums undertaken to provide relevant information.

Furthermore it is noted that many submissions were accepted following the close of notification period.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

Council considers the key environmental issues for the project to be:

- Floor Space Ratio
- Built Form and Urban Design
- Public Open Space
- Traffic and Parking

5.1 Floor Space Ratio

A maximum floor space ratio (FSR) of 1.83:1 is set for development on the subject site pursuant to clause 4.3 of the Canada Bay LEP 2008. The building as proposed does provide a total gross floor area of 13,617.1m² which equates to an FSR of 1.848:1 (representing approximately 1% departure).

The applicant has submitted an *Exemption to the Development Standard* Objection pursuant to Clause 4.6 of the LEP 2008. The following is a summary of points of objection raised by the applicant:

- *The exceedence of GFA allowance proposed by the amended DA application is extremely minor being an amount of less than 0.5% of the FSR entitlement.*
- *The exceedence has been due to the incorporation of items of public benefit including a restaurant space, a café and public art component which will be beneficial in the locality.*
- *The exceedence is due to the process of review of the application by Council, discussed with Council in meetings dated the 5th May 2011, 13th May 2011, and 25th May 2011, and will be subject to separate review by the Joint Regional Planning Panel.*

Clause 4.6 does allow Council to vary a control where a written request is made by an applicant demonstrating that two criteria are met. The criteria to be satisfied are that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard.

The objectives of the provision that need to be satisfied are:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) *to minimize the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to minimize the adverse impact of the development on heritage conservation areas and heritage items,*
- (d) *to reduce the visual impact of development when viewed from the Parramatta River as well as other public places such as parks, roads and community facilities.*

In consideration of the applicant's written request to vary the standard, the relevant objectives and merits of the case are addressed as follows:

- As submitted it is noted that the proposal did provide compliance with the FSR provision of the Canada Bay LEP, presenting a gross floor area 13,370.5m² (FSR of 1.815:1). In this regard it is also noted that height, bulk and scale was largely compliant with the Rhodes West DCP.

The DCP does depict indicative sites / areas in which retail uses are to be incorporated and in this regard site 3B is not identified. The decision to introduce retail space which subsequently resulted in the proposal exceeding the FSR standard was in direct response to the above ground podium structure. This structure whilst largely predicted by the DCP did provide an unattractive façade, presented significant bulk and scale (both in terms of height and length) with little pedestrian activation. Given the prominence of the site and intent behind the Rhodes West redevelopment which aims to achieve design excellence, this was deemed in appropriate.

A primary objective of clause 4.6 of the LEP is *'to achieve better outcomes for and from development by allowing flexibility in particular circumstances'*. In this instance introduction of retail space has effectively broken up the building façade through incorporation of glazing, provided visual interest and a greater interface with the street and pedestrians. Therefore allowing flexibility to the standard in this instance is considered to achieve a *'better outcome'*.

Furthermore it is noted that incorporation of retail does not directly increase the intensity of use on site in that tenancies were created through the removal of parking, are contained wholly within the podium level, and will more so serve the needs of the local population.

- The residential / tower component of the building is largely compliant with building envelope provisions of the Rhodes West DCP and such issues pertaining to amenity i.e. views, solar access and privacy are considered acceptable and within that foreseen.
- The subject site is not affected by any heritage listing
- The revised podium does reduce the visual impact of the development towards the street front / pedestrian environment. The tower component of the building will be prominent when viewed from the adjacent public open space area and the waterway though given compliance of the proposal with, most notably, depth setback provisions of the Rhodes West DCP, the proposed bulk and scale and visual impact is considered acceptable.

Given the above, requiring strict application of the standard in this instance is considered unreasonable in the absence of any appreciable environmental impacts. As such the request by the applicant to vary the floor space ratio standard of the Canada Bay LEP is accepted and the variation is deemed to remain consistent with, and in the public interest.

5.2 Built Form and Urban Design

Given the history and previous land uses within the Rhodes Peninsula, remediation of the land is required and has been ongoing for a number of years. Accordingly, excavation associated with subsequent development is directly limited by final remediated levels. In this regard whilst many sites are / have been able to contain reasonably sized basement parking areas predominantly below ground, the subject site is restricted in that it has been remediated to a level effectively at grade.

The Rhodes West DCP has acknowledged this and prescribed a *'maximum height of 18 storeys above a single level podium stepping down to 15 storeys above a two level podium fronting Shoreline Drive'*.

In terms of massing, due to the gradient of Gauthorpe Street the applicant has incorporated two levels of podium beneath both the 18 and 15 storey tower components, with a minor section of the lower level podium concealed predominantly below ground to the eastern component of the site.

The proposed configuration is considered reasonable as the proposal complies with the 63m height provision of the LEP with the DCP not accurately considering the gradient of Gauthorpe Street. If a part 1 / part 2 level podium were provided as per the DCP depiction (fig. 79) a blank wall would in effect take the place of the lower level podium to a component of the façade towards the east.

Nevertheless as submitted the podium design failed to uphold the overall vision and objectives for the precinct, providing extensive lengths of inactive and blank walls. This presented a very poor interface with the street and the overall public domain, especially to Gauthorpe Street which seeks, in future, to be an important pedestrian / cycling link connecting the Rhodes Peninsula across the bay.

Urban Designers engaged by Council (GMU) concluded the following in relation to the podium:

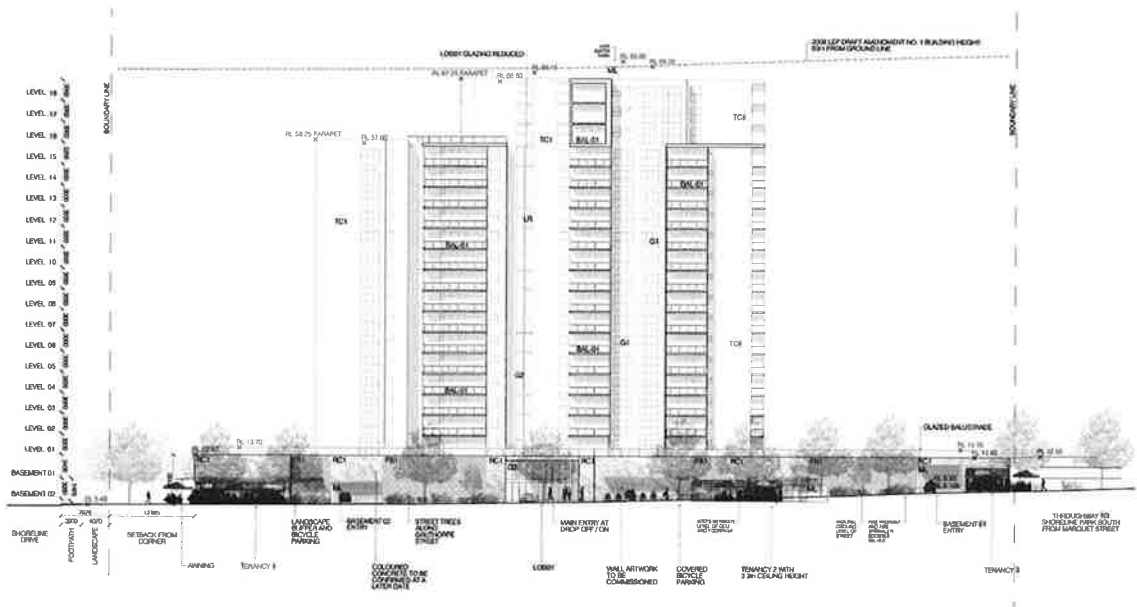
- *The Design does not respond appropriately to proposed role of Gauthorpe Street, the community hub or proposed connection bridge. Active uses and sleeving of the car park needs to be provided to better respond to the context.*
- *The proposal does not relate to the park setting and/or the elevation to Shoreline Drive. Active uses need to be introduced to this corner and to the Gauthorpe Street elevation.*

- *The height and length of blank walls and fences along street frontages especially to Gauthorpe Street need to be sleeved with active uses to improve the interface to the public domain and increase passive natural surveillance.*

Following consultation with the applicant amended plans were received and incorporated significant amendments to the podium as follows:

- Incorporation of three (3) separate retail tenancies;
- Realignment of the building to Gauthorpe Street and provision of a varied setback of 4m to 5.5m;
- Consolidation of vehicular access points through deletion of a specific waste disposal access;
- Replacement of balustrade skirting on the top of the podium from solid to glazed;
- Revised finishes schedule with incorporation of textured precast concrete panels to podium.

Figure 3 - Southern elevation of the building fronting Gauthorpe Street



The amendments are considered to effectively reduce the prominence of the podium, mainly through introduction of additional glazing to break up the built form and provide visual interest. Retail tenancies have also been well incorporated with the tenancy to the west addressing the Gauthorpe Street / Shoreline Avenue corner of the building and providing identity; the central tenancy breaking up what would otherwise be a large relatively blank façade; and that to the east providing an interface with the public open space entry. The retail tenancies achieve the desired street edge activation and in turn also address issues of safety and security through providing casual surveillance.

The setback of the podium in section was reduced to within 4m of Gauthorpe Street, below the 5m standard ordinarily required by the Rhodes West DCP. Given the bulk of the podium it was inevitable that it presented a strong built edge, hence it was deemed appropriate that it be brought forward to try to achieve the desired interface. The setback does still in section incorporate areas of soft landscape in addition to street edge planting. As detailed on landscape and architectural plans, potential seating for the general public and retail tenancies as well as bicycle parking does also exist.

Furthermore in terms of consistency with other built form in the vicinity, recent approval issued by the PAC for adjoining site (2A and 3A) did endorse a 4.3m setback to built form fronting Gauthorpe Street

In terms of the resolution to the northern elevation, landscape architects working on preliminary designs for the public open space area for Council were aware of the likely podium structure on site 3B and subsequently mounded the adjacent area and provided significant 'forest planting', which in turn will screen a large component of the podium and minimise apparent bulk and scale.

Façade treatment of the podium was also modified and now consists of a mixture of concrete blockwork and precast concrete panels, the final textures and configuration of which are yet to be

determined. Given the importance of this detail a condition is recommended requiring Council endorsement prior to the issue of a Construction Certificate.

Figure 5, View Line from Shoreline Avenue towards Building D



In terms of built form above the podium level, the tower has an acceptable massing, has been well articulated and as demonstrated within the compliance tables to this report does provide general compliance with the applicable planning controls. The tower element does incorporate extensive glazing with cement rendered external walls, providing two tones, a light grey and mild brown utilised as a highlight feature to the north and east elevations which is accepted.

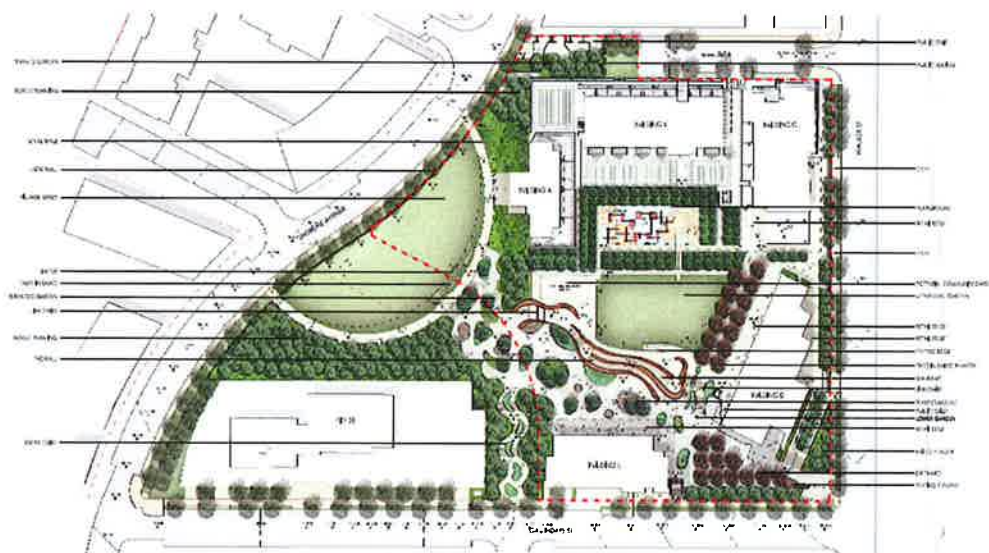
5.3 Public Open Space

In developing the Rhodes West Master Plan Council did identify the need to provide additional public open space to serve the needs of the population within the Rhodes Peninsula.

The Rhodes West DCP does subsequently identify various locations in which public open space is to be provided. In terms of the subject site the DCP does require that combined with Sites 2A + 3A a minimum of 16,000m² of public open space be provided.

As identified within this report, the indicative area subject to dedication is merely depicted upon the submitted plans and will be subject to a separate development application. At this stage Council have engaged consultants who have developed conceptual plans for the area of open space.

Figure 6, Indicative Design of Public Open Space Area (source - Oculus)



Given the location of the open space area spanning across two separate allotments, respective allocation was intended to be reflected within Voluntary Planning Agreements. A specific area and size was identified for site 2A and 3A though only an indicative area (shaded) provided for site 3B.

It should be noted that due to contractual arrangements the area traversing the north and east component of the site depicted in the plan below as 'Marquet Street Pedestrian Throughway' will be subject to separate dedication (having a total area of 2,461m²).

Upon initial lodgement the applicant did provide an indicative area for dedication of 2,792.4m², though this was only achieved through incorporating the setback area of Shoreline Drive. This was deemed inappropriate due to the lack of public benefit in providing any linear open space area with only a consolidated area as depicted in the Voluntary Planning Agreement deemed acceptable.

In the absence of a specific figure to be provided that area shaded within the VPA was calculated at approximately 4,890m², hence the subject site would have to provide an area of at least 2,429m².

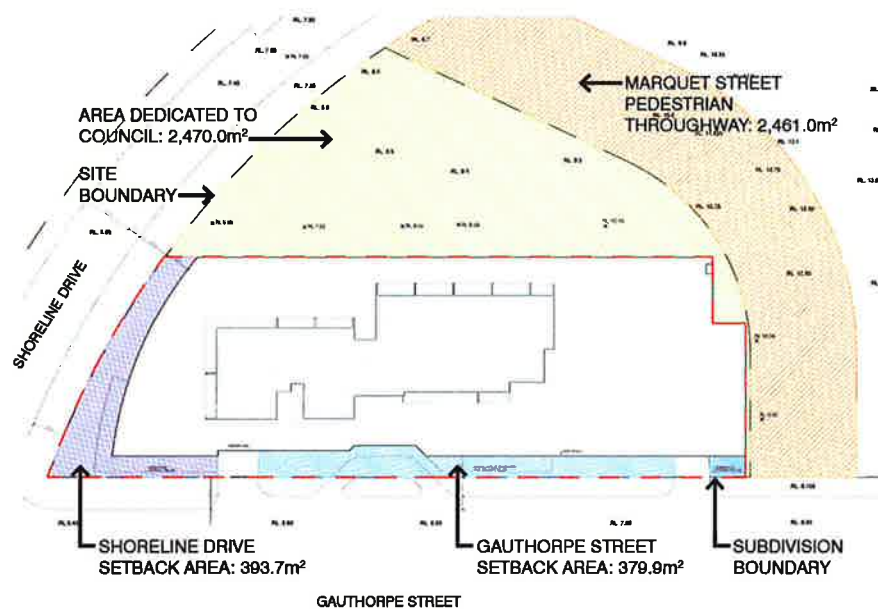
Amended plans submitted did in effect shift the building slightly forward towards Gauthorpe Street and as such a single consolidated area of 2,470m² was achieved.

In respect of the DCP total, the following open space provision is provided:

	Public Open Space
Site 2A and 3A	11,030m ²
Former Marquet Street	2,461m ²
Site 3B (subject site)	2,470m ²
Total	15,961m²

The abovementioned figure does fall slightly short of the 16,000m² provided by the Rhodes West DCP though given the significant size of the area, a shortfall of 39m² is deemed insignificant and will make no difference to the amenity that will be afforded to the general public who will utilise this area.

Figure 7, Indicative Area of the Public Open Space Area



Given that much of the development in Rhodes is yet to be completed, the population will inevitably grow and demand for open space is likely to only increase. Accordingly in respect of the application at hand it is considered integral that built form surrounding open space does not compromise its integrity.

The Rhodes West DCP provides specific provisions such as setbacks to limit bulk with an emphasis also placed upon concentrating built form to the southern part of the site. In this regard the building has been concentrated to the south with the northern elevation of the podium providing an acceptable façade. The interface has also been considered within the indicative design of the park area as detailed above with mounding and 'forest planting' bounding the subject elevation.

Accordingly subject to the preparation of detailed plans in respect of a formal development application, it is considered that this area is well connected, accessible and will provide a high level of amenity, having potential to support both active and passive uses, such appealing to the wider demographic.

Furthermore, whilst it is acknowledged that the public open space area will be the primary area of open space, an adequate area of communal open space has been provided within the development. The area is situated upon the parking podium to the eastern elevation of the building, will provide a high level of amenity due to its northerly exposure and is comprised of both hard and soft landscape.

5.4 Traffic and Parking

Traffic Generation / Congestion

In respect to the Rhodes West Master Plan 2009 a traffic report by Halcrow MWT concluded that the additional density foreseen for the Rhodes Peninsula could be accommodated within existing traffic flows in Concord Road. This conclusion was verified by an independent traffic report commissioned by Council from consultants Transport and Urban Planning (TUPA). TUPA also made a number of observations that indicated capacity issues on Concord Road regardless of the level of development in Rhodes and that additional development in this area is most appropriate due to its relationship to existing public transport.

In so far as the proposal remains consistent with the adopted Rhodes West Master Plan and within the anticipated yields, it is not considered to result in or create any traffic impacts beyond those anticipated in the already adopted traffic modelling.

Furthermore in a letter dated 11 October 2010 from the RTA in response to the public exhibition of the Planning Proposal, it was advised that no objection was raised to the gazettal of the Canada Bay LEP amendment and Rhodes West DCP, subject to improvements being made to the Oulton Ave / Homebush Bay Drive intersection. Council has agreed to partly fund any required upgrades and at this stage it is understood that the scope of specific works required is being investigated.

Parking

In response to the Rhodes West DCP the following parking is incorporated within the development:

<i>Parking Allocation</i>	<i>DCP Requirement</i>	<i>Total Required</i>	<i>Proposed</i>	<i>Compliance</i>
Residential Dwelling	1 space per unit (average) (maximum)	201	201	Yes
Adaptable Spaces (inclusive in above)	1 Space per Adaptable Unit (15% of units)	30	30	Yes
Visitor Parking	1 space per 20 units (minimum) 1 space per 10 units (maximum)	10 (min) 20 (max)	10	Yes
Service Vehicles (Residential)	1 space per 50 units for first 200 units plus 1 (maximum)	0 (min) 4 (max)	0	Yes
Retail Parking	1 space per 40m ²	6	3	No
Service Vehicles (Retail)	1 space per 500m ²	1	0	No

Motorcycle	1 space per 100 spaces	Equiv. to 2	0	No
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As outlined above the proposal is deficient in terms of retail parking. Retail tenancies were introduced following concerns by Council in relation to the activation of the Gauthorpe Street frontage and hence in order to provide these tenancies, visitor parking on site was reduced and three retail tenancies spaces allocated. The lack of available on street parking is noted though the likely demand for such non residential uses is likely to come from the local population who would walk or cycle to them (as would be the case with the adjoining public open space area).

The decision to introduce retail parking into the Rhodes West DCP followed public exhibition of the document as it was considered important to maintain the commercial viability of such uses. It is noted that retail uses intended (subject to separate application) are that of 'neighbourhood shops', designed to cater for the needs more so of local residents. The accessibility of the site by alternate means of transport is noted as well as the small nature of two tenancies (23m² and 58m²). Accordingly strict compliance with the provision is deemed unnecessary with the three retail spaces provided accepted.

In terms of service vehicles, no specific spaces have been provided for either the residential or retail components of the development. However the applicant has provided a specific loading bay adjacent to the waste storage area within the basement, providing a clearance height of 3.5m which will adequately cater for both larger removalist vehicles and smaller delivery vehicles. The provision of a port cochere to the primary street frontage which may be utilised by certain service vehicles is noted as well as potential scope to signpost loading zones adjacent to the street frontage.

Provision of motorcycle parking compliant with above has been conditioned.

In so far as one of the main objectives within the Rhodes Peninsula is to reduce car dependence, a number of initiatives have also been incorporated within the Rhodes West DCP as follows:

Car Share Scheme

Section 4.2.5 of the Rhodes West DCP requires the incorporation of a car share scheme. In this regard the applicant is required to designate and provide one (1) car space on the public road carriageway adjacent to the kerb line on one of the street frontages to the development site for the purposes of establishing a car share scheme. This car space shall be suitably line marked and signposted as a car share scheme space only. Furthermore the proponent shall use its best endeavours to make all arrangements for an established car share operator to run the scheme.

Green Travel Plan

As per previous applications for the Rhodes West redevelopment and in accordance with NSW Transport the need for preparation of a 'Green Travel Plan' for the development has been conditioned. Accordingly the plan is required to be provided to each future resident / owner of the development and outline the following prior to occupation or purchase:

- The limited street parking available in the area detailing reasons why;
- Rail, bus and ferry timetables;
- Details of the car share schemes available in the area;
- Details of the available community facilities in the area; and
- Regional cycleway plan and associated facilities, including details of local cycling groups

Given the development of a specific Cycle Strategy (section 4.2.3 of the Rhodes West DCP), which seeks to provide connections to regional cycleway, provide for recreational opportunities and reduce car dependency by providing alternate means of transport, it is considered integral that adequate provision is made for bicycle storage within the development.

The application will provide a complaint level of bicycle parking as required by the Rhodes West DCP, both within and external to the built form for residential and retail uses (conditioned).

6. CONCLUSION

Council has assessed the submitted plans and documentation and considered the public and agency submissions in response to the proposal.

The key issues raised in submissions relate to built form and urban design, traffic, parking, and provision of public open space to serve the Rhodes Community.

Council is satisfied that the impacts of the proposed development have been adequately addressed within the submitted application and recommended conditions of approval.

The proposed development will allow for 201 dwellings, 3 retail tenancies, 214 car parking spaces, landscaping and subdivision of open space area subject to dedication on land identified as Lot 308 of DP 1163025, 40 Walker Street, Rhodes (Site 3B - Precinct B). Furthermore, the Development Application has provided an appropriate level of compliance with applicable Environmental Planning Instruments.

The proposal is recommended for approval subject to conditions of approval

7. RECOMMENDATION

Pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Joint Regional Planning Panel Sydney East Region, as the determining authority, grant consent to Development Application No. 656/2010 for the construction of a residential flat building providing 201 residential units, 3 retail tenancies, 214 car parking spaces, landscaping and subdivision of open space area subject to dedication on land at 40 Walker Street, Rhodes (Lot 308 in DP 1163025), known as Site 3B - Precinct B, subject to the following site specific conditions. In granting consent the Joint Regional Planning Panel - East has regard to the merit considerations carried out in the assessment report and pursuant to s.79C of the Environmental Planning and Assessment Act. On consideration of merits of the case the Joint Regional Planning Panel - East acknowledges the areas of non-compliance arising from the application but notes that it supports the application based on the particular circumstances of the case and does not consider that the consent gives rise to a precedent.

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APPENDIX A - COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

Residential Flat Design Code

Key Principles of SEPP 65	Response
<i>Principle 1: Context</i>	SEPP 65 requires that development respond to the desired future character of its context as stated in planning and design policies. In this regard the proposal is largely consistent with the Canada Bay LEP and Rhodes West DCP and indicative building envelopes prescribed within.
<i>Principle 2: Scale</i>	<p>In terms of scale the proposal is consistent with that envisaged for the site within the Canada Bay LEP and Rhodes West DCP, most notably complying with height and setback provisions to the tower component of the building. The proposal will complement existing development within the Peninsula and future development of adjoining sites.</p> <p>Provision of a significant public open space area and appropriately designed building which provides effective articulation and visual interest are also noted.</p>
<i>Principle 3: Built Form</i>	<p>The built form of the proposal is generally consistent with the Canada Bay LEP and Rhodes West DCP.</p> <p>As outlined within the report, due to remediation levels on site the building does possess a significant podium level. The specific treatment of this area has been carefully considered so as to avoid excessive bulk, and provide activation and visual interest towards the street frontage.</p> <p>The tower element of the building does have an acceptable massing and has been well articulated.</p>
<i>Principle 4: Density</i>	<p>In terms of density the site is allocated an FSR of 1.83:1. The proposal does seek to vary this standard, proposing 1.848:1, which as stated within the report is considered acceptable.</p> <p>The close proximity and connectivity of the site to public transport, services and community facilities is also noted.</p>
<i>Principle 5: Resource, Energy and Water Efficiency</i>	<p>A BASIX Certificate has been submitted in respect of the proposal and does achieve recommended targets.</p> <p>General location and orientation of the building being east west does endeavour to maximise solar access to apartments with limited glazing to the western façade also noted. Adequate ventilation and circulation provided to the building does also reduce reliance on artificial heating and cooling.</p> <p>Comprehensive stormwater plans have been submitted in respect of the proposal with a significant area of deep soil providing desired infiltration. Efficient waste storage and recycling facilities are also provided.</p>
<i>Principle 6: Landscape</i>	A distinctive feature of the proposal is the integration of a public open space area to the north and east components of the site (subject to a further development application). This

Key Principles of SEPP 65	Response
	<p>area is predominantly deep soil and will enable incorporation of significant vegetation and provide a high amenity to the area for the enjoyment of residents, employees and visitors.</p> <p>A communal open space area is also provided to the eastern component of the building above the podium level parking area. The elevation and orientation of this area along with specific landscape treatment which provides a mix of hard and soft covers will provide effective amenity to users and an attractive outlook when viewed from residential apartments.</p>
<i>Principle 7: Amenity</i>	<p>Units proposed are of sizes consistent with the design code and have all been provided with private open space areas in the form of terraces and / or balconies. Adequate and compliant natural light and ventilation has also been provided to both apartments and the corridor area of the building which does provide a large dual aspect lift lobby upon each level.</p> <p>Residential apartments and the main communal open space area are accessible, being serviced via an internal lift.</p>
<i>Principle 8: Safety and Security</i>	<p>Readily identifiable and safe access points have been provided to the building both for pedestrians and vehicles.</p> <p>In the absence of ground level residential apartments the introduction of retail spaces along the Gauthorpe Street façade will generate activity and pedestrian movement thereby improving security and safety at the street level.</p> <p>A CPTED assessment was also submitted and provides assessment against relevant State guidelines.</p>
<i>Principle 9: Social Dimensions and Housing Affordability</i>	<p>The proposal does increase supply, mix and housing choice in proximity to public transport, employment opportunities and other retail uses supporting housing affordability.</p> <p>A mix of one and two bedroom apartments are proposed to encourage a social mix within the proposal.</p> <p>In addition, 15% of the units are designed to be adaptable.</p>
<i>Principle 10: Aesthetics</i>	<p>In terms of materials and finishes, the building does provide extensive glazing with painted cement render (light grey colour tone with mild brown highlights). Concrete blockwork and precast concrete panels with a textured finish are incorporated to the podium and will provide visual interest.</p>

Residential Flat Design Code (Clause 30 (2) (c) of SEPP 65)

Part 1 – Local Context	Consideration
Primary Development Controls	
<i>Building Height</i>	The building is compliant with the 63m numerical height provision of the Canada Bay LEP.
<i>Building Depth</i>	The Code states the maximum building depth for apartment buildings should be 18m. If greater than this, it should be demonstrated that units still achieve adequate daylight and natural ventilation.

	<p>The Rhodes West DCP stipulates building depths of 18m for < 9 storeys and 23m for > 9 storeys.</p> <p>The proposal provides a building depth to glass / balconies of 18.8m / 22.4m, which is compliant with the DCP and largely consistent with the SEPP. The proposal does also provide complaint solar access and ventilation.</p>
<i>Building Separation</i>	The proposal does only incorporate a singular building, generally rectangular in shape. The site is bound by the proposed park to the North and East, and road frontage to the South and West, providing significant separation, exceeding the standard
Part 2 – Site Design - Primary Development Controls	
<i>Deep Soil Zones</i>	The site possess a large podium parking structure though nevertheless adequate provision has been made for deep soil with the area to be dedicated as public open space to the north and Shoreline Drive setback to the East providing approximately 2,860m ² (39% of the site area).
<i>Fences & Walls</i>	Definition between public / private domain has been established as discussed within the report.
<i>Landscape Design</i>	Landscaping associated with the open space of the development is subject to a separate application.
<i>Open Space</i>	<p>The site does provide both public open space and communal open space which exceeds 30%</p> <p>Ground floor apartments upon the podium have been provided with areas of private open space compliant in terms of area and dimensions which will facilitate their efficient use.</p>
<i>Orientation</i>	Solar access does provide compliance with the 2 hour numerical control applicable.
<i>Planting on structures</i>	Appropriate soil depths have been conditioned to the communal open space area upon the podium, which in turn will enable reasonable amenity.
Site Amenity	
<i>Storm water Management</i>	Suitable conditions have been incorporated to ensure adequate stormwater management.
<i>Safety</i>	<p>A CPTED assessment was submitted and provides assessment against relevant State guidelines.</p> <p>Safety is acceptable with retail uses at grade stimulating activity and casual surveillance. Minimal blind spots and appropriate lighting is also noted.</p>
<i>Visual Privacy</i>	Compliant separation has been provided between the subject building and those upon adjacent sites.
<i>Building Entry</i>	Clear, readily identifiable and accessible entry is provided to the building from the street frontage and does allow clear orientation by visitors.
Site Access	
<i>Parking</i>	Parking provided is largely compliant with the

	<p>provisions of the Rhodes West DCP, with the exception of retail (discussed within report).</p> <p>Proximity of the site to public transport services and promotion of a 'Green Travel Plan' (conditioned) is also considered beneficial.</p> <p>Parking is located above ground within a podium, though the design is considered acceptable.</p>
Pedestrian Access	Development is readily accessible from the Street frontage and podium area. An Access Report demonstrating compliance was also submitted in respect of the proposal.
Vehicle Access	<p>Car parking / access is provided from the 'preferred' street frontage as stipulated within the DCP and has been well integrated within the building design.</p> <p>A port cochere adjoins to the main lobby of the building with main vehicular entry points providing adequate separation from pedestrian entries</p> <p>Width of the driveway crossing to the podium (east) measures 7m with that to the west 7.8m to allow waste service access. Widths are generally considered acceptable and Council Engineers have raised no objection.</p>
PART 03 - BUILDING DESIGN	
Building Configuration	
Apartment Layout	<p>Kitchens within apartments are < 8m from an external opening of the building.</p> <p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p>
Apartment Mix	<p>The proposal incorporates 67.2% (1 bed) and 32.8% (2 bed) apartments with the applicant siting the Metropolitan Strategy Review (discussion paper) which does expect a greater demand for smaller housing with good access to services.</p> <p>General trend in the Rhodes Peninsula to smaller household and primary objective of the Rhodes West DCP that '<i>promotes a dwelling mix that supports demand for housing that is affordable and which recognises the trend towards smaller households whilst providing housing choice for a range of household types</i>' is noted and accordingly the mix incorporated is accepted</p>
Balconies	Balconies have been provided to all above ground apartments and retain dimensions which are appropriate and ensure their useability
Ceiling Height	Minimum ceiling heights do comply with the rules of thumb with minimum 2.7m provided to residential and 3.3m provided to ground level retail.
Flexibility	Considered to achieve the objectives in providing internal flexibility for use by occupants

<i>Ground Floor Apartments</i>	In so far as residential component of the proposal is contained above a podium, no ground floor apartments have been provided. Three separate retail tenancies have been provided and do provide individual access from Gauthorpe Street
<i>Internal Circulation</i>	<p>The following has been provided:</p> <p>Levels 1 - 15 provide 12 Levels 16 - 18 provide 7</p> <p>The proposal does exceed maximum apartments per level (8) recommended though nevertheless a high level of amenity is retained to corridors and apartments in terms of natural light and ventilation.</p> <p>The centrally located lift core with large dual aspect lobby enables access corridors on each level to be in effect split into two separate wings, avoiding long internal corridors.</p>
<i>Mixed Use</i>	A number of retail tenancies are proposed, and given their location, will activate the street frontage with minimal impact upon residential amenity
<i>Storage</i>	Sufficient storage areas have been allocated for each residential apartment, both within the apartment itself and parking level of the building
<i>Building Amenity</i>	
<i>Acoustic Privacy</i>	<p>The siting of the building is generally in accordance with the Rhodes West DCP and in this regard the submitted acoustic report did also demonstrate that the proposal would comply with the BCA.</p> <p>An assessment of acoustic implications from the Northern Railway Line to the east of the site was also submitted and the proposal deemed compliant.</p>
<i>Daylight Access</i>	<p>It is noted that SEPP 65 does ordinarily require 70% of apartments receive 3 hours solar access between 9am and 3pm (in dense urban areas 2 hours may suffice).</p> <p>It is noted that the 2 hours provision has been previously applied in the assessment of applications within the Rhodes Peninsula and incorporated within the Rhodes West DCP.</p> <p>The proposal complies with the 2 hour provision, with 74.6% of apartments provided with this.</p> <p>9% of apartments within the proposal have been provided with singular southerly aspects.</p>
<i>Natural Ventilation</i>	As outlined above the building is considered consistent with building depth provisions with > 60% of apartments provided with cross ventilation
<i>Building Form</i>	
<i>Facades</i>	Building facades are generally considered acceptable with effective articulation provided.

<i>Roof design</i>	Roof form has been integrated within the overall design, though roof features are not incorporated.
Building Performance	
<i>Energy Efficiency</i>	A BASIX certificate was submitted in respect of the application demonstrating target passes
<i>Waste Management</i>	A waste management plan was submitted with appropriate storage and recycling areas provided within the basement level of the development
<i>Water conservation</i>	Satisfactory stormwater plans have been submitted

Rhodes West Development Control Plan

	<i>Shoreline Park</i>	<i>Consideration</i>
C1	Provide a large consolidated public open space with a minimum area of 16,000m ²	The issue of open space has been addressed within section 5 of this report
C2	Allow for upper and lower areas of the park to accommodate the change in level between Walker Street and Shoreline Drive	The public open space area is subject to a separate application, preliminary plans of which do incorporate two separate levels
C3	Provide vertical access by way of a lift and stairs from the lower to the upper levels of the park	Subject to specific design parameters currently being developed by Council, subject to a separate application.
C5	Activate the ground floor level of buildings fronting the diagonal through - site pedestrian way with non residential uses	The subject site relates to the consolidated area of open space to the west of the site.
C7	Ensure accessible paths of travel both within the park, and from all dwellings in private developments surrounding the park, in accordance with the DDA.	Accessible paths of travel will be provided to the open space area from the roadway with an accessible path also provided from Eastern elevation of the subject building.

4.3.3 - Built Form

C1	Maximum height of development to comply with height map contained in the CBLEP 2008 and the maximum heights and storey limits shown in site specific controls of this DCP.	<p>The LEP Amendment introduces a 63m height limit with which the proposal does comply. The DCP also stipulates a storey height limit outlined below</p> <p><i>'18 storeys above a single level podium stepping down to 15 storeys above a two level podium fronting Shoreline Drive'.</i></p> <p>The proposal does provide a slight non compliance in terms of the podium configuration, addressed within the report.</p>
C2	Maximum FSR of development to be consistent with FSR map contained in the CBLEP 2008	The Canada Bay LEP allows an FSR of 1.83:1. The proposal does present a total FSR of 1.848:1. This does represent a non compliance which has been addressed in response to clause 4.6 of the LEP, within the body of the report.

C3	Developments are to be consistent with the maximum building envelope plans contained in the site-specific controls in this DCP.	Development is considered satisfactory in terms of prescribed building envelope controls with a detailed assessment contained within this compliance table.
C4	Minimum ceiling heights; - 2.7m to residential apartments; - 3.8m to all retail and commercial spaces, excluding storage and service areas.	Residential apartments are provided with minimum 2.7m ceiling heights, with the retail tenancies (incorporated within the podium) having heights of between 3.3m and 3.6m which is considered acceptable and consistent with SEPP65
C5	Architectural roof features may extend above the maximum building height limit	Architectural roof features have not been incorporated within the development.
C6	Floor levels to entrances of ground floor retail and commercial uses are to be contiguous with the adjoining footpath level	Floor levels to entrances of retail tenancies are contiguous with the adjoining footpath levels and are readily accessible.
C7	Ground floor level apartments should be elevated above adjacent footpath levels (500mm to 1.5m). To be balanced against access and adaptability.	Given remediation levels on site which restrict excavation, residential dwellings are contained above a two storey podium which provides parking. In this regard no ground floor apartments are provided.

4.3.4 - Building Bulk

C6	Depth of residential buildings > 9 storeys should not exceed 23m from window face to window face, and 26m overall (to balconies)	Depth of the proposed building to glass / balconies are as follows: - 18.8m / 22.4m
C7	Should a building exceed max depths from window face to window face, acceptable natural cross ventilation to be demonstrated	As outlined above building does provide compliance with building depth and in this regard adequate ventilation is provided
C8	Maximum length of a building without a recess or break is 50m. Buildings > 50m are to have a recess in the façade of a minimum 3 x 3 metres to break up overly bulky buildings.	The central lift core and corridor configuration does enable the building to be adequately broken up. In this regard the maximum building length provided without a recess is 36.8m.
C9	To avoid bulky towers the floor plate of residential buildings above 9 storeys should not exceed 800m ² Gross Floor Area.	Floor plates of the development are < 800m ² . That above the 9 th storey are generally 792.4m ² with levels 16 - 18 further reduced, providing 501.9m ²
C10	For ventilation and daylight min 60% of all apartments should have openings in two or more external walls of different orientation. Single orientation apartments should predominantly face north, east or west.	> 60% of apartments are cross ventilated. Given the orientation of the site and length of the building oriented east / west as per the DCP it is inevitable that certain units will be provided with a single southern orientation. Single southerly orientated apartments are limited and represent 9%.
C11	Maximum of 10% of apartments should have a single southern aspect (SW-SE).	< 10% of apartments are provided with a single southerly aspect.
C12	To avoid long internal corridors, the number of apartments served by a common lobby should be no more than 8 per floor, except in buildings with a high proportion of cross-over and two storey apartments where the maximum is 15 apartments per circulation floor.	The following has been provided: Levels 1 - 15 provide 12 Levels 16 - 18 provide 7 In so far as the lift core is centrally located with access corridors on each level in effect split into two separate wings, long

		internal corridors have been avoided.
C13	To achieve high quality living environments, double loaded access corridors are to have outlook, access and sunlight and natural day lighting and preferably naturally ventilated.	As indicated above the development does exceed the maximum no. of apartments per level though given that a high level amenity is retained to corridors and apartments in terms of natural light and ventilation, this is accepted.

4.3.5 - Setbacks

C1	Street setbacks should comply with Section 5	Site specific controls are considered within the later part of this compliance table
C3	Comply with 3m street setback along north - south streets, as nominated in Fig 45.	Shoreline Drive (4.875m - 11.7m)
C4	Consistent 5m street setback (east west streets) is preferred.	Gauthorpe Street (4m - 5.5m) Non compliance, addressed within report.
C5	Buildings greater than 9 storeys in height are to be setback a minimum 10m from the primary street boundaries.	Shoreline Drive - 18.4m Gauthorpe Street - 11m
C9	Projecting balconies are permitted forward of the minimum building setback line for a maximum of 50% of the length of the building	Balconies are predominantly kept within the permitted building setback line with that protruding < 50%.

4.3.6 - Special Edge Conditions

C5	A continuous raised terrace, built to the street alignment, along the eastern side of Shoreline Drive shall be provided.	Built form presented to Gauthorpe Street is that of a two level podium, not specifically in accordance with this clause though consistent with the site specific envelope.
C7	Car parking is permitted within the terrace level, and additional parking may also be provided in a basement level if required.	No parking is provided within the terrace
C8	To optimise legibility and create a safe environment a clear address to all buildings must be provided.	Clear address has been provided to the building, with a readily identifiable entry
C10	Optimise outlook to assist in surveillance	Appropriate outlook is provided.
C11	Private open space elements such as balconies, shall be oriented to streets, parks, rear gardens, Parramatta River and Homebush Bay	Private open space areas are largely oriented towards either the open space areas or street frontage
C12	Articulation elements should be designed to be appropriate to their orientation.	Articulation elements are considered appropriate to their elevation.
C13	Building articulation elements of appropriate scale to their use and context to be utilised.	Building does provide appropriate articulation

4.3.7 - Definition of Streets & Open Spaces

	In accordance with figure 49 to define the commercial / retail strip, important street corners and significant edges to public open space outside the external wall should be built along at least 90% of the street setback line	Appropriate definition has been provided to the Shoreline Drive / Gauthorpe Street intersection as stipulated through strong podium and retail tenancy.
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4.3.8 - Building Articulation & Address

C1	Promote high quality architecturally designed	The mass and façade design of the
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	buildings with highly articulated massing and façade design to enhance character.	building is considered appropriate and consistent with relevant planning controls.
C2	Comply with the building envelopes controls in Section 6: Site-specific controls including building articulation zones.	Proposal generally complies with stipulated building envelope. Full assessment contained within this table.
C3	Residential buildings > 9 storeys in height are to demonstrate a slender and slimline appearance to create interesting skyline.	The tower component of the building is considered acceptable in that floor plates above 9 th storey are limited and < 800m ² .
C4	Residential buildings are to articulate the vertical proportions in their external appearance. Extensive horizontal articulation through use of solid balustrades to be avoided	Vertical proportions have been adequately articulated. Horizontal façade articulation has also been balanced
C5	Buildings > 9 storeys, should demonstrate vertical proportions in the articulation of building facades.	As stated above vertical proportions have been adequately articulated within facades
C6	Excessive use of a single type of sun shading to articulate building facades shall be avoided.	Façade articulation does not rely upon the use of sun shading devices
C7	The landscape potential of front gardens, projecting balconies and ground floor terraces only are permitted forward of the street setback (may occupy up to 50% of the lot frontage within the projecting balcony zone).	Landscape is provided to street setback / front garden area as well as seating for retail uses and ancillary elements such as pedestrian seating with bicycle racks also apparent which is accepted

4.3.9 - Diversity of Apartment Types

C1	All residential and mixed use development should provide a range of dwelling types including 1, 2 and 3+ bedroom dwellings.	<p>The proposal incorporates 67.2% (1 bed) and 32.8% (2 bed) apartments with the applicant siting the Metropolitan Strategy Review (discussion paper) which does expect a greater demand for smaller housing with good access to services.</p> <p>The general trend within the Rhodes Peninsula is to smaller households with a primary objective of the DCP being <i>'promotes a dwelling mix that supports demand for housing that is affordable and which recognises the trend towards smaller households whilst providing housing choice for a range of household types'</i></p> <p>Accordingly the mix proposed is accepted</p>
C2	To achieve environmental amenity, all access corridors should have a daylight component, either at point of vertical circulation or ends of corridors and preferably be naturally ventilated.	The lobby area of each level has been provided with a significant area of glazing to the North and South elevations such providing effective amenity.
C3	Cross ventilated apartments are encouraged, including dual aspect apartments.	Complies with the provisions of SEPP 65 (> 60% of apartments are cross ventilated)
C6	Integration of internal and external living areas	Internal and external areas have been adequately integrated.
C7	Minimum 15% of all residential units must be Adaptable (in accordance with relevant AS).	30 apartments are provided as adaptable, satisfying the 15% provision
C8	A noise attenuation zone should be created between habitable rooms facing the noise	An acoustic report was submitted with the EA and does address all relevant acoustic

	<p>source, particularly bedrooms, by;</p> <ul style="list-style-type: none"> - Locating service areas such as circulation, kitchens, laundries, storage and - bathrooms to create a noise buffer; - Locating screened balconies or wintergardens to create a noise buffer, and; - Selecting sound isolating materials, including acoustic glazing. 	<p>requirements for the development.</p> <p>The proposal does group bedrooms with kitchens generally adjacent to corridors.</p>
C9	Building articulation should be designed to minimise external noise reflectivity.	<p>Noise reflectivity is not foreseen. It is also noted that there are no guidelines or requirements that govern this aspect.</p> <p>Furthermore the placement of buildings is generally consistent with the provisions of the Rhodes West DCP</p>
C10	Buildings adjacent to Northern Railway Line to Consider SEPP (Infrastructure) 2007 and seek acoustic engineering advice.	The acoustic report submitted with the application addresses potential acoustic implications resulting from the Northern Railway Line to the east of the site.
4.3.10 - Flexibility		
C1	Accessibility and adaptability of all buildings should be maximised	An Access Report was submitted with the application and addressed all relevant access requirements of the development.
C2	Housing design that provides for a degree of future adjustment of its configuration is encouraged.	Design of apartments allows a degree of flexibility.
C3	To optimise flexibility for future changing uses, windows or skylights should be provided to all habitable rooms and to the maximum number of non-habitable rooms possible.	Windows provided to all habitable rooms
4.3.11 - Visual Privacy and Building Separation		
C1	<p>To achieve privacy to private internal and external spaces, consider:</p> <ul style="list-style-type: none"> · Building separation distance, · Appropriate internal room layout, · Location/design of windows and balconies; · Appropriate screening devices & landscaping. 	The proposal has incorporated the outlined considerations within its design and in this regard privacy implications are minimal
C2	<p>Separation between openings of habitable and non habitable rooms within dwellings must be provided as follows:</p> <p><u>5 to 8 storeys / up to 25m</u></p> <p>18m between habitable rooms 13m between habitable / non habitable rooms 9m between non habitable rooms</p> <p><u>9 to 20 storeys / up to 63m</u></p> <p>24m between habitable rooms 18m between habitable / non habitable rooms 12m between non habitable rooms</p>	The proposal does only incorporate a singular building, generally rectangular in shape. The site is bound by the proposed park to the North and East, and road frontage to the South and West, providing significant separation, exceeding the DCP
C3	The use of tinted glazing as the sole means of	Proposal does not rely on tinted glazing

achieving privacy is not permitted.

4.3.12 - Acoustic Privacy

C1	Sound insulation requirements between separating floors, ceilings and walls of adjoining dwellings should exceed the BCA	The acoustic report submitted in respect of the application did demonstrate that the proposal would comply with the BCA
C2	The siting and design of buildings should minimise the transmission of noise externally, through careful consideration of the layout of internal rooms and external living spaces, design of openings, screens, blade walls, and the like, and choice of materials.	The siting of the building is generally in accordance with the Rhodes West DCP. Acoustic implications have been given due consideration within the design
C4	At least 25% of double glazed windows to dwellings should be openable	The submitted acoustic report found that acoustic implications were acceptable.

4.3.13 - Solar Access and Glazing

C1	Development should retain solar access to a minimum 50% of the area of neighbourhood open space, urban squares and parks, during lunch time hours (mid winter) June 22	Given the location of the site to the South of the proposed 'Central Park' no adverse overshadowing impact will result.
C2	New buildings should minimise glare with mirror glass not to be used. A maximum 20% reflectivity index is permitted for external glazing elements.	Details have not been provided in this regard though a suitable condition requiring such has been recommended.
C3	Minimum of 2 hours direct sunlight between 9.00am and 3.00pm should be provided to principal living rooms and private open spaces in at least 70% of dwellings, on 22 June.	As indicated within the submitted statement 74.6% of apartments are provided with 2 hours solar access.
C4	Maximise direct sunlight to communal open space in residential developments on 22 June.	The main communal open space area of the proposal will receive adequate solar access, being elevated upon the podium level of the building and positioning to the East of the tower
C7	Balconies appropriate to their orientation.	Balconies are considered acceptable

4.3.14 - Natural Ventilation and Daylight

C1	Buildings should be designed so that living and working environments are substantially naturally lit and ventilated, using ventilation by means such as thin cross section buildings.	Solar access and ventilation of the proposal is considered acceptable and in this regard thin cross section provided within the built form is also noted
C2	To avoid reliance on mechanical ventilation and minimise use of artificial lighting, windows should be provided to all living / working areas	Adequate provision of glazing / windows has been provided to apartments.
C3	Residential buildings up to a height of 9 storeys are to have a max depth of 18m window line to window line. Buildings greater than 9 storeys are to have max depth of 23m.	Building depth does comply with standard
C4	60% of residential apartments should be naturally cross ventilated.	> 60% are naturally cross ventilated
C6	Doors and openable windows should be located in two walls facing different or preferably opposite directions.	Within dual aspect apartments openable doors and / or windows have been provided to opposing elevations

4.3.15 - Building Materials, Finishes and Colours

C1	Bulk and or reflective insulation must be provided in wall, ceiling and roof systems	The development is considered acceptable in terms of energy efficiency and does comply with SEPP BASIX (conditioned).
C4	Use of colour is to provide visual interest to building facades	Extensive glazing has been utilised within the building though in this regard colour is provided, adding further visual interest.

4.3.16 - Public Domain Interface

C1	Active frontage shall be provided.	An active frontage is provided to the street frontage of the development through incorporation of a significant lobby area and three separate retail tenancies
C2	To optimise pedestrian and cyclist safety minimise the number and width of vehicle footpath and cycle path crossings.	Four (4) vehicular crossings are provided to Gauthorpe Street, providing access to parking and building entry via a port cochere. Council's Engineering Dept has provided appropriate conditions to minimise any potential conflict.
C10	To achieve street surveillance, maximise pedestrian entrances to residential buildings.	The main pedestrian entry is provided to Gauthorpe Street, with secondary entries / exits from Shoreline Drive and the open space area to the podium also noted.
C11	To achieve amenity in local neighbourhoods, permissible non-residential uses such as publicly accessible facilities, local shops and cafes are preferred where they will be most accessible and visible such as street level: - Along Walker Street; - Fronting parks at locations identified (Fig 64)	Following preliminary assessment it was identified that the southern elevation of the building to Gauthorpe Street needed greater articulation and activity. In this regard retail uses were introduced along the Gauthorpe Street frontage.

4.3.17 - Awnings and Entrance Canopies

C7	To provide weather protection entrance canopies are required at pedestrian entries of all buildings. Entrance canopies are permitted within building setbacks.	Awning / roof structure is provided to the main pedestrian entry to the lobby with potential retractable awnings adjacent to retail premises also identified on plans
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4.3.19 - Private & Communal Open Space

C1	Deep soil landscape space should be provided wherever possible, and maximised.	An adequate area of deep soil is provided to the northern component of the site which is to be utilised as a public open space area to be dedicated to Council
C2	Development sites in the Residential zone are to contain landscaped areas in the form of private, common and public open space.	The proposal provides private open space in the form of balconies with a landscaped communal area also incorporated. The public open space area will be extensively landscaped and is subject to a separate development application.
C3	Half the area of communal open space should be unpaved and provide soft landscaping.	The communal open space area is situated upon the parking podium though in this regard it provides predominantly soft landscape (soil depths conditioned)
C4	Minimum of one large tree, with a spreading	Canopy trees will be situated within the

	canopy, and mature height of 12m minimum, should be planted in soft landscaping zones, for every 100m ² of landscape space.	open space area to be dedicated and subject to a separate application.
C5	Each apartment at ground level or similar space on a structure, such as on a podium or car park, must have minimum private courtyard open space of 25m ² , the minimum dimension of 3m.	Ground floor apartments (upon podium) are provided with private open space areas having suitable dimensions / area.
C6	Landscape areas should provide some capacity for storage and infiltration of stormwater.	Deep soil zones will permit infiltration.
C7	To create optimum conditions for the establishment / long term viability of planted areas, suitable soil depths are to be provided	Suitable soil depths to planters will be provided (conditioned)
C10	All planters on podium levels must be accessible for maintenance.	All podium planters are accessible.

4.3.20 - Front Gardens

C2	To minimise the visibility of car parking, garages and parking structures are not permitted forward of the building alignment to public streets.	No parking structures are located forward of the building alignment.
C3	To minimise the impact of driveways in front gardens, appropriate design, materials selection and screen planting is encouraged.	Given the extent of the podium, driveways are considered relatively recessive
C4	To minimise impact on the root zone of street trees, driveways, kerb crossings, parking, paved areas and external structures should be located appropriately.	No street trees are apparent adjacent to the site at present though in this regard the infrastructure provided should not compromise their establishment
C5	Front gardens should generally be wide enough to be useable, and should have continuous access to allow maintenance.	A varied setback of between 4m - 5.5m is provided to Gauthorpe Street which is considered acceptable. Shoreline Drive setback is also compliant and acceptable.
C6	To achieve safety, lighting at both pedestrian and vehicular street entry points should be provided to each residential building.	Pedestrian and vehicular access points will be effectively lit
C8	The maximum height of front fences is 1.2 metres from the finished footpath level of the adjoining street. Front fences may be sloping or stepped along sloping streets.	The podium of the building provides the demarcation of the private domain with no front fencing proposed.

4.3.21 - Above Ground Open Space

C1	At least one balcony or deck must be provided to each dwelling where direct access to ground level private open space is not available. Area must be a minimum of 12% of the area of the dwelling floor space.	Each apartment has been provided with at least one balcony, dimensions and sizes of which are considered appropriate.
C2	To optimise use, primary above ground open space element should be accessible from a living area, and be predominantly north, east or west facing. The preferred depth is 2.4m and the minimum permissible depth is 1.5m.	All primary balconies of apartments are directly accessible from living areas.
C3	Smaller secondary above ground open space elements are also encouraged, such as	Apartments have been provided with singular balconies though in this regard

	balconies adjacent bedrooms, screened external clothes drying balconies adjacent laundries and bathrooms	many do provide a wrap around design providing a secondary orientation
C4	Must be designed to provide security and protect privacy of neighbours.	Considered acceptable in terms of security and where appropriate privacy screens have been fitted to side elevation
C5	Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces, provided they do not increase bulk.	No such structures are incorporated

4.3.25 - Waste Minimisation, Storage and Removal

C1	On site storage and waste recycling must be provided in designated areas	Designated area is provided on site
C2	Access and facilities for loading and waste should not be located along Shoreline Drive or Walker Street	Access is provided from Gauthorpe Street
C8	Provision must be made for waste collection vehicles to enter and service bins on site	Basement is provided with appropriate clearance heights so as to enable access by waste service vehicles
C9	Garbage chutes required for all building > 3 storeys in height	Garbage chutes are provided
C18	Residential dwellings adjacent to or above waste collection areas shall be adequately insulated from noise	Waste collection area is located within the basement of the building thus averting any potential acoustic conflicts
C28	Waste handling, storage and collection system for residential and commercial waste are to be completely separate self contained	Conditioned accordingly

4.3.26 - Site Facilities

C3	Either communal or individual laundry facilities shall be provided to every dwelling, and at least one external clothes drying area;	Each unit is provided with a laundry
C4	All apartments are to have a balcony that has a portion of the balustrade which has a minimum height of 1.4m and minimum width of 1.5m wide to screen drying clothes;	Given the depth and setback of balconies they are considered acceptable. VPA does also require provision of indoor clothes lines as a 'sustainability initiative'
C5	Lockable mailboxes should be provided close to the street and be integrated with front fences or building entries;	Mailboxes are likely to be provided within the lobby area of the building.
C7	To facilitate maintenance of communal open space, garden maintenance storage including connections to water and drainage should be provided;	Water and drainage connections have been provided to open space area
C8	Fixed storage is to be provided to every dwelling in accordance with the following: - Studio and 1 bed (6 cubic metres) - 2 Bedrooms (8 Cubic metres) - 3+ Bedrooms (10 cubic metres)	Adequate storage is afforded to dwellings both within each apartment and also within the podium level parking area

4.3.27 - Pedestrian Access, Parking & Servicing

C1	At least one main entry with convenient, barrier free access in all buildings. Access	Main pedestrian entry provides barrier free direct access to the development.
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	should be direct and without barriers.	
C3	Adequate parking should be provided for people with mobility disabilities, and safe, easy and convenient access to the building.	Appropriate parking has been provided for both adaptable units and general disabled (conditioned)
C4	To cater for visitors with mobility impairment, proportion of visitable dwellings maximised.	All apartments provided within the development are accessible.
C5	Assessment of accessibility of developments to accompany all development applications	Access report was submitted

4.3.28 - Vehicular Access

C1	Provide access to parking from rear or side lanes or secondary streets wherever possible.	Vehicular access is provided from Gauthorpe Street as per the DCP
C2	To optimise pedestrian safety, pedestrian and vehicular access clearly differentiated.	Entries are clearly differentiated.
C3	Provide a minimum 6m distance between a vehicle and pedestrian entries	Pedestrian entries have been located > 6m from the main vehicular access points. The port cochere adjacent to the entry lobby is noted though considered acceptable.
C4	Driveways should be consolidated within blocks, particularly those in single body corporate ownership.	Two driveways have been provided to the basement podium which is reasonable given the size of the parking area.
C5	Vehicle access and pathway layouts should be designed to satisfy AS (AS2890.1 1993).	A condition is incorporated requiring compliance with relevant standards.
C6	Vehicular access ramps parallel to the street frontage are not permitted.	Vehicular access ramps do not run parallel to the street frontage.
C8	The maximum permitted width of driveway crossings is generally 6 metres.	Width of the driveway crossing to the podium (east) measures 7m with that to the west measuring 7.8m to also allow waste service access. Council Engineers raised no objection.
C10	Visual intrusion of vehicle access minimised.	Vehicular access not visually intrusive.

4.3.29 - On Site Parking

C1	Parking on site provided as follows: <ul style="list-style-type: none"> - Residential (max 1 space per apartment) (Average) - Visitor (max 1 space per 10 apartments) (min 1 space per 20 apartments) - Residential Service - max 1 space per 50 apartments for first 200 apartments plus 1 - Retail - 1 space per 40m² - Retail Service - 1 space per 500m² for first 2000m² (50% of spaces for trucks) 	Residential - 201 (1 space per unit) Visitor - 10 (compliant) Residential Service - Nil (compliant) Retail - 3 (non compliant) Retail Service - Nil (non compliant) The issue of parking has been discussed in detail within Section 5 of this report.
C2	Stack parking not permitted for residential.	Stacked parking has not been proposed within the submitted scheme
C3	Motorcycle parking equivalent to the area of 1 car parking space per 100 parking spaces.	Equivalent to 2 spaces to be provided (conditioned)

C4	Provide 2% readily accessible parking spaces, designed and appropriately signed for use by people with disabilities.	Compliance conditioned
C5	Parking and service areas are to satisfy AS2890.1 and AS2890.2	Compliance conditioned
C6	Adaptable Dwellings - A minimum 3.8m, but up to 4.4m marked as one space	All adaptable dwellings have been provided with a parking space that is suitably dimensioned
C7	To maximise the area for soft landscaping consolidated parking areas should be concentrated under building footprints	The parking area of the proposal does extend across a significant portion of the site, though nevertheless an adequate area to the north of the site is retained as deep soil to enable adequate landscape.
C8	At grade parking only permitted to the rear of shops, restaurants and the like. Must be located behind the building line and screened from the public domain unless accessed via a lane or private street.	All parking is located within the podium level of the proposal and adequately screened from the street.
C9	Car parking which protrudes > 1.2m above ground level of adjacent public domain must be located behind building line and screened by way of external design from public domain	Parking is provided behind an elevated and enclosed podium structure. Suitable treatment is applied to this elevation with soft landscape forward also apparent
C11	Bicycle parking to be provided as follows; - Residential (1 space per 3 apartments) - Visitor (1 space per 10 apartments) - Retail (cafes) 1 space per 25m ² (employees) Min 2 spaces (clientele)	Provision of bicycle parking has been made both within the street frontage and secure parking area of the proposal A condition ensuring compliance with bicycle parking rates is incorporated.
C12	Dimensions of bicycle parking facilities shall comply with provisions in the 'Guide to Traffic Engineering Practice Part 14: Bicycles', Austroads 1999	Facilities are required to be constructed in accordance with the specified standard.
C13	To encourage cycling resident and employee bicycle parking to be secure.	Secure bicycle parking is provided within the podium parking component
Part 5 - Precinct B Controls (5.5.2 - Site 3B)		
C1	A maximum height of 18 storeys above a single level podium stepping down to 15 storeys above a two level podium fronting Shoreline Drive.	The proposal does provide a minor non compliance as discussed within this report though is considered acceptable.
C2	To break up the bulk and length of the building provide a recess in the façade of a minimum 4 metres in depth and length in the location where the step in height occurs as illustrated in the building envelope plan and design the building as two linked buildings.	The provision of the lift core within the central component of the building does enable the desired recess.
C3	Car park entry from Gauthorpe Street;	Entry provided from Gauthorpe Street
C4	Combined with Sites 2A + 3A provide a minimum of 16,000m ² of public open space.	Open space provision is considered acceptable and consistent with the VPA that dictates specific area for each site. Discussed in detail within report.
C5	One level of basement car parking and one level of above ground car parking;	As outlined within report the proposal does provide a non compliance in this regard

		though is considered acceptable
C6	Above ground parking screened behind street front building line to streets and open spaces;	Parking is provided predominantly above ground within an enclosed podium as per the DCP provision which is acceptable.
C7	The preferred location for the primary pedestrian entry is from Gauthorpe Street.	Primary pedestrian entry is provided from Gauthorpe Street

Canada Bay Local Environmental Plan 2008

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning - R4 (High Density Residential)	Permissible	Yes
Floor Space Ratio (S1) - 1.83:1	1.848	No (see section 3)
Building Height (AA) - 63m	< 63m	Yes

APPENDIX B – SUBMISSIONS

Public Submissions received in respect of notification

Name	Address
B Crawford	15 Dick Street, Henley
[REDACTED]	37/50 Walker Street, Rhodes
Cheeseman	27 Cavell Avenue, Rhodes
P Wijngaarden	77 Consett Street, Concord West
T Barbara	70/2 Nina Gray Avenue, Rhodes
D & D Wallace	305/50 Walker Street, Rhodes
[REDACTED]	25 Cavell Avenue, Rhodes
T Akerboom	25 Cavell Avenue, Rhodes
C & M Lee	19 Cropley Street, Rhodes
[REDACTED]	27 Cavell Avenue, Rhodes
P Dixon	27 Cavell Avenue, Rhodes
K & J LeMarquand	29 Cavell Avenue, Rhodes
Anonymous	-