

JOINT REGIONAL PLANNING PANEL
(Sydney Region East)

JRPP No	2011SYE040
DA Number	104/11
Local Government Area	Canada Bay Council
Proposed Development	Construction of a 25 storey mixed use development, providing 228 residential apartments, retail tenancies, 257 car parking spaces within 3 levels of basement, public and communal open space areas and stratum subdivision
Street Address	7 Rider Boulevard, Rhodes (Lot 62 in DP 1048445)
Applicant	Mirvac Projects Pty Ltd
Owner	Mirvac Pty Ltd
Number of Submissions	Sixteen (16)
Recommendation	Approval subject to Conditions
Report by	Mr Samuel Lettice - Senior Planner Canada Bay Council

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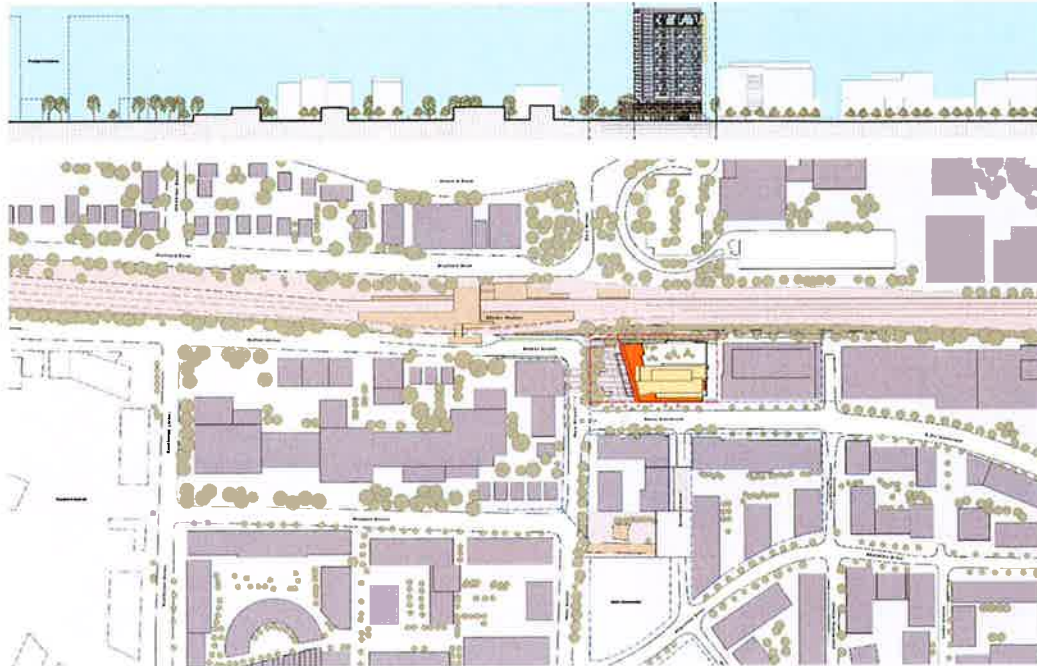
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1. BACKGROUND

The site, comprising lot 62 in DP 1048445, otherwise known as 7 Rider Boulevard, Rhodes, is located within the local government area of Canada Bay and is currently under ownership of Mirvac Pty Ltd.

No.7 Rider Boulevard is situated within Precinct A as identified in the Rhodes West Development Control Plan, and is located within the south east component of the peninsula.

Figure 1 - Site Location



In terms of dimensions the site is largely rectangular in shape, with a primary street frontage of 95m, depth to the north and south boundaries measuring 51m and rear boundary width of 95.29m, yielding a total area of 4853m². The site does appear to be currently utilised in association with nearby construction sites with site offices, equipment storage and vehicular parking apparent.

The site is bound by Mary Street to the North which provides mixed use residential development as well as the Rhodes Railway Station (North East). The Northern Railway Line traverses the Eastern elevation of the site with a commercial office building to the south (11 to 12 storeys in height) with the Rhodes Waterside Shopping centre located beyond. Mixed use residential development is located on the opposing side of Rider Boulevard, providing a varied height of between 7 to 9 storeys.

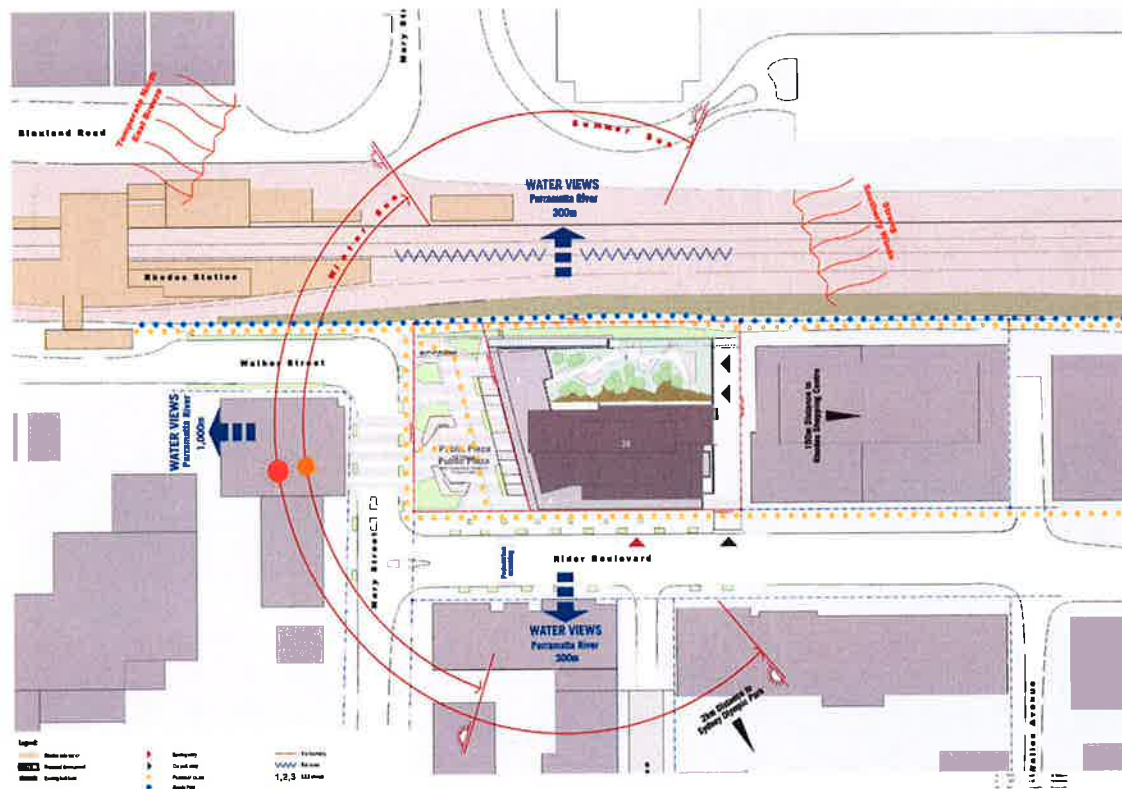
The greater Rhodes Peninsula is bound by the Parramatta River to the North, Walker Street to the East, Homebush Bay Drive to the South and Homebush Bay to the West.

Previous applications for the site:

- On the 8 August 1998 (prior to the gazettal of SREP 29) Concord Council granted conditional consent to a development application (DA 98/99) for remediation works at the former 'Orica' site, of which the formed part of.
- On the 12 September 2001, the Executive Director Major Project Assessments, as delegate of the Minister for Planning approved DA 310-11-2001 which provided for the subdivision, road layout, bulk earthworks, shops, bulky goods retailing, commercial offices, residential staged development for the "remainder of the site", landscaping and associated development

- Bulk earthworks / excavations, basement car parking and strata subdivision of 145 apartments with 15,954m² of GFA from initial stratum subdivision of 4 lots that are a hotel / function facility; 7 local shops, residential apartments and residential serviced apartments*

Figure 2 - Site Analysis / 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:

- 228 residential dwellings contained in a singular building achieving a height of 25 storeys;
- Basement car park provided within three levels containing 257 spaces;
- Retail tenancies totalling 1,375m² within the ground floor level of the building;
- Provision of a communal open space area upon podium east of the tower;
- A public square providing an area of 1,375m² to be dedicated to Council.

Future application relating to the fit out and use of retail space will be required and is conditioned.

In terms of materials and finishes, the building possesses significant glazing with painted masonry, comprising white and grey tones with colour highlights to various facades. The podium component does also provide a granosite texture coating with the utilisation of metal framed balustrades with perforated infill panels incorporated within the balcony design also noted.

Note - In terms of the public open space to be dedicated to Council, given the need for additional consultation in relation to its specific design, a condition has been incorporated requiring the consultation and final endorsement by Council.

The estimated cost of the development is \$94,820,000

2.2 Project Amendments

On the 22 June 2011, the applicant did submit amended plans in response to specific issues raised by Council and responded to submissions.

The following key changes were incorporated:

- Tower element of the building shifted 2m east to achieve a 5m setback from Rider Boulevard;
- Overall height of the building reduced to provide compliance with the Canada Bay LEP;
- Colonnade element to both the north and west elevations deleted, built form brought forward to the street / open space edge and cantilevered awnings over pedestrian paths incorporated;
- Reconfiguration of the basement area and introduction of a secondary lift core servicing all basement levels and podium of the building;
- Design of main pedestrian entry amended and layout of lobby area revised;
- Screen walls provided adjacent to southerly oriented units of podium to address privacy;
- More efficient and secondary access provided to communal open space area.

3. STATUTORY CONTEXT

3.1 Permissibility

Under the Canada Bay Local Environmental Plan, the site is zoned B4 'Mixed Use', which permits 'shop top housing'. The Proposal is consistent with objectives of the zone and is therefore permissible subject to approval of the Joint Regional Planning Panel (JRPP).

3.2 Regulatory Context

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 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 any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The JRPP's consideration and determination of a development application under Part 4 must be informed by the relevant provisions of the Act, and be consistent with the backdrops of the 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 Mirvac is required to dedicate to Council an area of land (1375m²) to be provided as public open space as defined within the Rhodes West DCP. The subject proposal 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 - Development 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.

Clause 5.1 of the Voluntary Planning Agreement does also permit the following monetary contributions to be paid to Council under the *Renewing Rhodes Contributions Framework*:

Residential Component

Category	Rate	Amount
Community Facilities	1 bedroom unit (\$1,176.44) x 48	\$56,469.12
	2 bedroom unit (\$2,138.98) x 156	\$333,680.88
	3 bedroom unit (\$2,780.67) x 24	\$66,736.08
SUB-TOTAL		\$456,886.08
Open Space	1 bedroom unit (\$1,196.39) x 48	\$57,426.72
	2 bedroom unit (\$2,175.26) x 156	\$339,340.56
	3 bedroom unit (\$2,827.84) x 24	\$67,868.16
SUB-TOTAL		\$464,635.44
Roads	1 bedroom unit (\$630.33) x 48	\$30,255.84
	2 bedroom unit (\$1,146.06) x 156	\$178,785.36
	3 bedroom unit (\$1,489.88) x 24	\$35,757.12
SUB-TOTAL		\$244,798.32
TOTAL		\$1,166,319.84

Retail Component (based on 1375m²) - levied at a rate per 100m²

Category	Rate	Amount
Library	\$59.40	\$816.75
Roads	\$2,070.32	\$28,466.90
TOTAL		\$29,283.65
OVERALL TOTAL		\$1,195,603.49

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 aboveground works.**

Indexing

All monetary amounts referred to in this condition are based on the *Renewing Rhodes Contributions Framework*. 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 in response to the provisions of SEPP 55 remediation of the subject site has been previously undertaken and completed with a Site Audit Statement and Summary Site Audit Report issued by CH2M HILL in December 2001 (SAS/SSAR 98003B).

In support of the subject application JBS Environmental also outlined that a review of the NSW Department of Environment, Climate Change and Water (DECCW) on line contaminated land records indicated that there are no current records or EPA Notices relating to the site with respect to the Contaminated Land Management Act 1997.

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.

Information on the prior history of the site has been summarised within the (SAS/SSAR 98003B). In this regard the following is outlined:

Prior to site audit certification in December 2001 the site formed the northwest corner of what was referred to as the Mary Street Site within the former Orica Rhodes Remediation Site. Prior to development, the Rhodes Peninsula was used for small scale farming from the late 1700's to the late 1800's. From 1913 the Mary Street site contained a cast iron foundry which was subsequently

purchased by CSR Chemicals in 1943, and the Mary Street Site was expanded to include chemical production. The plant was decommissioned in 1992 and closed in 1997

Following decommissioning and demolition of plant and buildings on the Mary Street Site, a series of investigations were undertaken and Remedial Action Plan (RAP) prepared in 1997. Following remediation the Mary Street Site was validated in 2001, at which point the NSW EPA accredited site auditor certified the site suitable for a range of land uses. These included the following:

- Residential with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake) excluding poultry;
- Residential with minimal opportunity for soil access, including units;
- Day care centre, preschool, primary school;
- Park and recreational open space, playing field
- Commercial / industrial use.

Certification was not subject to any site audit conditions or management plan.

The CH2M HILL SAS/SSAR 98003B stated during the final audit site inspection subsequent to completion of remediation and validation works, *'At the time of the last inspection all areas were compacted and levelled to pre existing grade, or as directed by the developer (McRoss). Ground surface was generally bare compacted earth with little grass cover'*.

In respect of the application at hand JBS Environmental have assessed the condition of the site following Audit Certification and concluded that *'based on information reviewed and site inspection and interviews, there is no requirement for further investigation of contamination as there is little risk of contamination impacting the site since the site audit certification in 2001.'*

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

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 Turner and Associates providing address of the proposal against 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 of this report.

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 Compliance report prepared by Vipac, accompanied by Certificates was submitted for the proposal and indicates that BASIX targets in respect of Water, Thermal Comfort and Energy are met.

3.3.6 State Environmental Planning Policy (Infrastructure) 2007

Clause 86 of the SEPP requires applications to be referred to Railcorp if excavation greater than 2m below ground level (existing) is proposed within the following areas:

- (a) Within or above a rail corridor, or
- (b) Within 25m (measured horizontally) of a rail corridor, or
- (c) Within 25m (measured horizontally) of the ground directly above an underground rail corridor.

The proposal was referred to Railcorp. On the 5 April Railcorp did provide comments, effectively 'stopping the clock' to enable submission of additional detail for their review and assessment. The applicant (Mirvac) provided the requested information directly to Railcorp on the 26 May, and in response to a further verbal request, additional geotechnical information on the 15 June. Further information was again requested on the 1 July 2011.

Clause 86 (5) of the SEPP provides that:

The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:

- (a) the consent authority has given the chief executive officer notice of the development application*
- (b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

Given that the 21 day period has elapsed with Railcorp not providing concurrence, the JRPP may grant consent to the development. Whilst Council is of the opinion that the detail requested could be dealt with at Construction Certificate stage, the positioning of the site to the railway is noted and in this regard it is desirable that Railcorp concurrence be obtained. Accordingly the following condition is recommended:

Railcorp Concurrence

Prior to the issue of any Construction Certificate concurrence shall be obtained from Railcorp along with any associated terms of approval.

Clause 104 of the SEPP also requires that the project be referred to the RTA if it involves development of a residential flat building of more than 300 dwellings as well as more than 200 car spaces as this is termed 'traffic generating development'.

A response has been received from RTA, namely Sydney Regional Development Advisory Committee (SRDAC) with detailed discussion in response provided in Sections 4 of this report.

Clause 87 of the SEPP does also require the consent authority to consider the impact of rail noise or vibration on non-rail development. In this regard the applicant has submitted an Acoustic Vibration and Assessment Report prepared by Acoustic Logic, providing an assessment against the Departments publication entitled '*Interim Guidelines for Development near Rail Corridors and Busy Roads*'.

The report concluded as follows:

Potential environmental noise impacts on the proposed residential / commercial mixed use development of Alkira, Rhodes Waterside has been assessed. Provided acoustic treatments in Section 5 of this report the internal noise levels shall fully comply with the requirements of Department of Planning's document entitled 'Development Near Rail Corridors and Busy Roads - Interim Guidelines'

Trains induce ground borne vibration was found fully comply with the requirements of British Standard BS 6472:1992 which is recommended by NSW Department of Planning's document titled 'Development Near Rail Corridors and Busy Roads - Interim Guidelines' without any additional treatments'

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 acceptable. Furthermore given the significant separation of the subject site from the foreshore, 250m to the east, 280m to the west, it will be visible though 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 did subsequently repeal the provisions of SREP 29.

3.3.9 City Canada Bay Local Environmental Plan 2008

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.

As outlined above the LEP Amendment was gazetted on the 20 April 2011 and on this date did effectively repeal previous provisions of SREP 29 (Clause 1.9).

The proposed development is permissible within zone B4 'Mixed Use'. In terms of standards the LEP does prescribe height and floor space ratio (FSR) provisions which as demonstrated within the compliance tables of this report, the proposal complies with.

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 DCP commenced upon gazettal of the Canada Bay LEP (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 contained within the Plan:

Target	Comment
<i>Better Transport and Liveable Cities</i>	
Increase walking and cycling	The site is located < 100m from the Rhodes railway station with nearby reserves, noting particularly Foreshore Reserve and Bicentennial Park readily accessible and providing opportunities for walking and cycling. The plaza space which will be incorporated to the northern section of the site (subject to dedication), does also encourage pedestrian activity and 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, providing an additional 228 residential units of a varied mix.
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 and will help fund 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 number of people using parks	The proposal will provide an open space area designed to be a central 'Town Square' for Rhodes. Combined with ground floor retail within the built form this area will stimulate pedestrian activity. The proximity of the site to larger park areas such as Foreshore Reserve and future Central Park is considered to only 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 a component of the Rhodes Peninsula that is readily accessible to public transport, the Rhodes Business Park and the Rhodes Waterside Shopping Centre is also noted.
C3 <i>Renew Local Centres</i>	Rhodes Peninsula is a new precinct that is only partially established with much development still to be approved and / or constructed.
C4 <i>Improve Housing Affordability</i>	The proposal provides 228 residential dwellings, of one, two and three 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 228 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 much development within Rhodes is completed.

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 April 2011 until 2 May 2011** (29 days)
 - On the Canada Bay Council website
 - At Canada Bay Council's Administration office
- Notified local landowners and residents about the proposal (and the exhibition period) with 1223 letters sent;
- Notified relevant State and Local Government Authorities

A total of **twenty one (21)** submissions were received in response to the exhibition (Appendix B), comprising **sixteen (16) public** submissions and **five (5)** submissions from public authorities (Railcorp, RTA, Sydney Water, Transport NSW and NSW Maritime)

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

On 23 June 2011 the Applicant submitted amended plans that responded to issues raised by Council within a preliminary assessment of the application and addressed issues contained within submissions

4.2 Submissions from Public Authorities

The following submissions were received from public authorities:

4.2.1 Railcorp

As outlined in response to SEPP Infrastructure Railcorp did comment in respect of the application outlining the need for additional information of which the applicant did provide. Latest comments were received on 1 July were as follows:

The results of FE analysis have been provided for end of bulk excavation only. The results of stress-strain analysis must be provided for end of construction as well.

The geotechnical consultant must assess possibility of ground up-heaving adjacent to rail tracks due to application of the building loads.

No design drawings have been provided regarding retaining wall anchor and/or rock bolt position and corrosion protection measures

Council is of the opinion that detail requested could be dealt with at Construction Certificate stage, though nevertheless the positioning of the site to the railway is noted and in this regard it is desirable that Railcorp concurrence be obtained. Accordingly the following condition is recommended:

Railcorp Concurrence

Prior to the issue of any Construction Certificate concurrence shall be obtained from Railcorp along with any associated terms of approval.

4.2.2 RTA (Sydney Regional Development Advisory Committee)

The RTA raised the following issues:

- The submitted traffic report doesn't include any empirical data analysis to assess the traffic impact for the additional 240 and 258 vehicle trips from the proposed development in both AM and PM peak hours on the surrounding road network.

The RTA reinstated its concern in the letter dated 22 June 2009 that previous SCATES models in Rhodes Peninsula - traffic and transport analysis for additional development report dated 13 March 2009 may have underestimated the real demand and the performance measures of the intersections (copy is attached). The previous traffic survey data used in SCATES models is out of date and might not reflect the current performance level of service of these intersections

In this regard traffic modelling for the following intersections shall be undertaken to assess the cumulative traffic impact of previous increases in Rhodes and additional vehicle trips generated by this development in both existing and future scenarios.

- Concord Road / Averill Street
- Concord Road / Mary Street
- Homebush Bay Drive / Oulton Avenue
- Homebush Bay Drive / Concord Road

The models should use the latest traffic survey data (2011) for the existing scenario analysis and with 10 year traffic background growth for the future year scenario analysis.

The transport impact assessment report should be updated with the revised model results and identify any required countermeasures to improve the performance of the intersections identified. The revised report and the electronic copy of the traffic model should be submitted to the RTA for review and comment prior to the determination of the development application

Comment - The Applicant's traffic consultant (Colston Budd Hunt & Kafes) responded and considered the request by the RTA to undertake extensive and costly traffic modelling unnecessary because:

- *this modelling has previously been undertaken by MWT;*
- *developments have been previously approved based upon the MWT modelling;*
- *the proposed Mirvac residential mixed use development would have a modest traffic generation similar to the approved development on the site;*
- *it's traffic would not have noticeable effects on the operation of the intersections along Concord Road and Homebush Drive.*

The modelling referred to and contained within the submitted Transport Report prepared by Colston Budd Hunt & Kafes was sourced from a Traffic Report from Masson Wilson Twiney (MWT) prepared for the Rhodes West Master Plan 2009. The scope of the assessment included the redevelopment of the remaining sites within the Rhodes Peninsula and subject of the Planning Proposal. It is noted that Council had the MWT report reviewed by Transport Planning & Associates, and as a result Council formed the view that the modelling contained within the MWT report was adequate.

Given that the development is compliant in terms of density, traffic generation is not considered to increase beyond that previously considered by the above report for the Rhodes West Master Plan.

Furthermore in a letter dated 11 October 2010 in response to the public exhibition of the Planning Proposal, the RTA advised that no objection was raised to 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.

- As stated in previous meetings with Council with regard to the Master Plan for Rhodes West, Council is committed to further investigation solutions to improve the intersection of Oulton Avenue and Homebush Bay Drive. The proposed roadworks to reconfigure the intersection could be funded through a Voluntary Planning Agreement. The RTA has provided a number of

options for Council for further investigation and would like them to be updated with the latest progress and outcomes derived from the investigation.

Comment - As outlined above 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.

- It is strongly recommended the Department and State Transit Authority (STA) be consulted to determine if additional bus services can be provided or rerouted to this development to achieve a reasonable mode shift to public transport.

Comment - 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.

Secondly the provision of a 'Green Travel Plan' to be provided to each future resident / owner which amongst other things will outline minimal availability of on street parking and provide details of ferry, rail and bus timetables is conditioned with intent of encouraging / promoting use of public transport.

- Swept paths of longest vehicle (including garbage trucks) entering and exiting the site as well as manoeuvrability within, access gradients and sight lines shall comply with AS 2890.1

Comment - Compliance with Australian Standards 2890.1 has been conditioned accordingly.

- All vehicles are to enter and leave the site in a forward direction and be contained wholly within the site before being required to stop. All loading and unloading to occur within the site.

Comment - Access configuration of the proposal will enable forward travel to and from the site. Access barriers 'roller doors' are provided at respective entries to the loading dock and basement access, which are setback significantly within the site, enabling vehicles to get off the roadway before stopping.

The development does provide a significant loading dock with a number of large bays, having the ability to service both retail and residential components of the development.

- A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to issue of a Construction Certificate. Furthermore all demolition and construction vehicles are to be contained wholly within site and must enter the site before stopping.

Comment - Need for preparation and submission of a detailed Traffic Management Plan is conditioned

- The developer shall be responsible for all public utility adjustments / relocation works, necessitated by the above work and as required by the various public utility authorities and / or their agents. The RTA shall not bear any cost for works / regulatory signposting.

Comment - The applicant will be responsible for all public utility adjustment / relocation works with the RTA bearing no cost for works and regulatory signposting for the 'local' roads bounding the site.

4.2.3 Transport NSW

- Department of Transport (DoT) 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 regarding bus services to the proposed development in order to achieve a mode shift to public transport. DoT would welcome the opportunity to meet with relevant parties to discuss potential opportunities to improve bus servicing on the Peninsula.

Comment - As outlined above Council does intend to enter into negotiations to improve services.

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

Comment - The importance of such a Plan is noted and in this regard a condition of consent requiring the Applicant to prepare a 'Green Travel Plan' has been recommended. The plan is to be provided to

each future resident / owner within the development outlining the following prior to occupation or purchase, providing detail in relation to the following:

- 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
- DoT notes that whilst residential parking rates fall within the maximum under the Rhodes West DCP, the number represents the absolute highest rate allowable and it is requested that the proponent consider reducing this rate further in order to support alternative transport methods. Car share spaces should be considered and reflected in final conditions of consent.

Comment - As outlined within section 5 of this report the proposal provides residential parking compliant with the Rhodes West DCP. It is noted that the rate of 1 space per apartment may be implemented as an average and as such certain units may be provided with no parking, hence promoting the utilisation of public transport. The current parking provision was specifically endorsed by Council and did reflect a reduced rate from that within the previous Renewing Rhodes DCP, and hence requiring the developer to further reduce this rate is considered unreasonable.

As discussed within section 5 of this report retail and visitor parking is below that ordinarily required.

- DoT requests that all resident bicycle parking be provided in basement level 1 to provide ease of access to users. Direct path of travel should be made available for cyclists between the cycleway at the rear of the site and the entrance to the car park. An increase in number of bicycle parking spaces to a rate above minimum allowable under DCP would be supported.

Comment - Amended plans submitted did move all resident bicycle parking to basement level 1. It is also noted that provision of bicycle racks will be made within the public domain to further promote use and accessibility. A parking rate compliant with the Rhodes West DCP has been provided.

In accordance with the VPA it is noted that additional bicycle parking above DCP provision is provided in the form of lockers for use by rail commuters to the eastern elevation of the building.

Given the configuration of the proposal, provision of direct access to cyclists from the rear of the site would likely result in the vehicular access way being used as a shortcut for pedestrian accessing Rider Boulevard and as such create potential conflict between pedestrians and vehicles within the site, utilising both the loading and parking areas which is not desirable.

4.2.4 Sydney Water

Sydney Water provided the following comments:

- Existing drinking water network has sufficient capacity to service the proposed development. The developer will need to connect to the 300mm main available on the southern side of Mary Street. Connection will need to be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002)
- Existing wastewater network has sufficient capacity to service the proposed development. Developer will need to connect to the available 225mm main in Rider Boulevard. Connection will need to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of compliance should be attached with the extension design.
- Existing recycled water network has capacity to service the proposed development. The developer will need to connect to the 150mm main available on the western side of Rider Boulevard. The connection will need to be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002). Evidence of compliance should be attached with the extension design.

- All customers discharging trade waste into Sydney Water's wastewater system must have written permission from Sydney Water. A trade waste permit must be obtained before any discharge can be made into the sewer system.
- Further assessment of the impact of the development will be undertaken when the proponent applies for a Section 73 Certificate.

The above comments have been forwarded to the applicant for their information.

The above is noted though considered an issue for resolution between the applicant and Sydney Water. Accordingly a condition requiring application for a Section 73 Certificate is recommended.

4.2.5 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 recommend the consent authority take into consideration relevant matters prescribed in Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP) and Sydney Harbour Foreshores & Waterways Area DCP for SREP (Sydney Harbour Catchment) 2005.

As outlined within this report provisions of SREP (Sydney Harbour Catchment) 2005 were considered and in this regard it was concluded that due to significant separation of the site from the foreshore, 250m to the east, 280m to the west, the proposal would have no detrimental impact on the waterway.

4.3 Public Submissions

Sixteen (16) submissions were received from the public

The key issues raised in public submissions are listed below -

- | | |
|------------------------------------------|-----------------------------------|
| • Height, Bulk, Scale and Visual Impact | • Town Square / Green Space |
| • Traffic Generation, Access and Parking | • Light spill and reflectivity |
| • Provision of Infrastructure | • Location of Adaptable units |
| • Public Transport | • Electrolysis and Stray Currents |
| • Overshadowing | • Crime and Safety |
| • Visual Privacy | • Discrepancies in Statement |
| • Acoustic Privacy | • Road Safety during Construction |
| • Waste Management & Pollution | • Disclosure of Future Planning |
| • Retail Component | |

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

- *Height, Bulk, Scale & Visual Impact*

This issue, raised within objections related to the height of the building incorporated upon the site, potentially non compliant with the LEP height and fact that it is inconsistent 'much taller', than any existing development within the Rhodes Peninsula and will disrupt the skyline. Concern was also raised in relation to the design of the building being 'box like and stodgy'.

Response

As submitted and subsequently notified the building did provide a breach of the overall height limit prescribed by the Canada Bay LEP. In response to concerns raised by Council amended plans submitted subsequently lowered the height of the building to provide compliance. The height of the building does also provide compliance with the Rhodes West DCP which stipulates a '*maximum building height ranging up to 25 storeys including a 4 storey podium*'.

The development will achieve a height comparative to previous applications approved by the Planning Assessment Commission (PAC), noting 52 Walker Street (Meriton) and 40 Walker Street (Billbergia) which are located within the central and northern component of the Rhodes Peninsula.

In terms of urban design, the building is considered to provide an acceptable massing, has been well articulated and provides general compliance with the 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. The proposal does comply with maximum density controls.

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 was raised as to the provision of infrastructure such as educational establishments, emergency services, recreational facilities and other services to cater for the population of Rhodes.

Response

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

Council is liaising with relevant government authorities, such as the Department of Education and Training with a view to investigating means by which additional infrastructure can 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.

Safety issues pertaining to the cycleway route (going under John Whitton Bridge) resulting in a 'blind corner' were cited though is considered a separate issue to the application at hand.

- *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 by 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.

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.

- *Overshadowing*

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

Response

Resultant shadow impacts were considered at the time of preparation of the LEP and DCP. The proposal will undoubtedly impact existing properties though noting the orientation of the site, bound by a commercial office building to the south as well as the compliant height and setback of the tower element from most notably Rider Boulevard, impacts are considered acceptable.

- *Visual Privacy*

The issue of potential overlooking resulting from the building towards existing built form was raised

Response

The development is considered acceptable from a privacy perspective with adequate separation provided from residential development opposite the site to the north and west.

- *Acoustic Privacy*

Concern is raised from residents on the eastern side of the railway line that the building will create a sound wall, bouncing the noise of trains towards their properties.

Response

An Acoustic Assessment Report was submitted with the application, which, amongst other things, assessed the impact of rail noise towards the subject building. In terms of noise reflectivity there is no specific standard governing this; though given the location, separation and angle of the tower from residential development on the opposing side of the railway (situated to the north east) of the subject site no adverse impacts are foreseen.

- *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 raised.

Response

In terms of waste collection, all servicing will be conducted off street and within the loading area of the development, 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.

- *Retail Component*

The generally small component of retail in the scheme of the development was cited as well as potential benefit and/or disadvantages of the proposed 'tavern' as indicated on plans identified.

Response

The site specific provisions of the Rhodes West DCP identify the preferred location of non residential uses for the subject site 'at ground floor to activate Rider Boulevard and new public open space'. The proposal does allocate the majority of the ground floor as retail which is a relatively minor component in the scheme of the development though consistent with that desired by the DCP.

The applicant has provided a notation on plans identifying the north east ground floor tenancy fronting the open space area as a 'bar / restaurant'. In this regard it is advised that this assessment report has not contemplated a specific use of the tenancy. A future application as conditioned will need to be lodged for its occupation and fit out (outlining specific parameters).

- *Town Square / Green Space*

Issue was raised in relation to the form of the town square not contained as was the initial directive with it not providing much 'green space', needed within the Rhodes Peninsula

Response

As outlined within section 5 of this report the configuration of the open space area to be dedicated does depart from that prescribed within the Rhodes West DCP, though nevertheless on merit the form proposed is considered acceptable and does provide the required area (1375m²).

In terms of open space the Rhodes West DCP does provide an area of 21,975m². The subject town square has been designed to provide a focal point and accommodate extensive pedestrian movement; such it does not contain significant green space. Areas such as central park (adjacent to Gauthorpe Street) provide a larger open space area, supporting both active and passive uses and appealing to a wider population demographic and as such provide significant soft landscape area.

It should be noted that the specific design of the open space / town square area is to be further developed and in this regard a suitable condition has been incorporated.

- *Light Spill & Reflectivity*

This issue relates to additional light spill and solar reflectivity from the building

Response

Lighting of the building, noting specifically that from residential apartments, is not considered to result in adverse light spill towards surrounding development.

The applicant in support of the application did submit a Solar Light Reflectivity Assessment prepared by WINDTECH Consultants Pty Ltd. The following conclusions / recommendation were made:

...to avoid any adverse glare to drivers and pedestrians on the surrounding streets and for occupants of the neighbouring buildings, it is recommended that all glazing on the façade of the development should have a maximum normal specular reflectivity of visible light of 20%, with the exception of the glazing from ground level to eight level of the 280° aspect of the development, which should have a maximum normal reflectance of visible light of 8%. The use of other highly reflective materials on the façade of the development should also be minimised to avoid adverse glare to the occupants of neighbouring buildings.

The above is accepted and compliance with the report is incorporated within recommended conditions

- *Location of adaptable units*

The location of adaptable units within the development being from the 13th level up was identified and in this regard affordability and potential of provision within the lower levels suggested.

Response

In terms of adaptable housing, this does differ from affordable. In so far as these units are spread over a number of levels with varied two and three bedroom form, they will provide for varied affordability.

- *Electrolysis and Stray Currents*

Given the location of the site adjacent to the rail corridor concern was raised in relation to the risk of Electrolysis and Stray Currents

Response

The applicant did submit an Electrolysis and Stray Current Assessment prepared by Cathodic Protection Services in support of the application. The report did make a number of recommendations to mitigate any potential impacts; compliance with which is incorporated in recommended conditions

- *Crime and Safety*

Proposal will increase occurrence of crime and threat of pedestrian injury

Response

In so far as the development will provide activation of the street and provide effective casual surveillance from units above, it is considered beneficial in terms of discouraging crime.

- *Discrepancies in Submitted Statement*

Discrepancies were raised in relation to the submitted statement which accompanied the development application, identifying the site as 1 Rider Boulevard with reference made to '24 storeys'. Outline of previous approval issued for the site as primarily residential was also questioned.

Response

Upon lodgement of the application Council did identify the discrepancy in terms of street numbering and notified the applicant who subsequently acknowledged this. The statement did also outline the proposal as containing '228 residential units within 24 levels' with separate reference to retail at grade.

Council did notify the application with reference to the correct address and description as follows:

...construction of a 25 storey mixed use development with three basement parking levels, ground floor commercial, 228 residential units

In terms of describing the previous approval on site the submitted statement does refer to it as 'residential' though also provides its actual description being, *...145 apartments with 15,954m² of GFA from initial stratum subdivision of 4 lots that are a hotel / function facility; 7 local shops, retail apartments and residential serviced apartments*, clearly demonstrating the non residential uses.

- *Road Safety during Construction*

Specific reference was made to the Meriton construction site on Walker Street and the subsequent deteriorating condition of the roadway utilised by the public.

Response

The issue of the Meriton development is considered separate to the application at hand. Conditions are recommended requiring a damage deposit, damage report and protection of public places. Construction traffic may cause damage to the roadway, however all such damage is required to be addressed or Council can repair the damage using the deposit for this purpose if necessary.

- *Disclosure of Future Planning*

This related to the need to inform residents as to the detail of infrastructure such as the proposed community centre and future redevelopment of Precinct D (located to the north of the subject site)

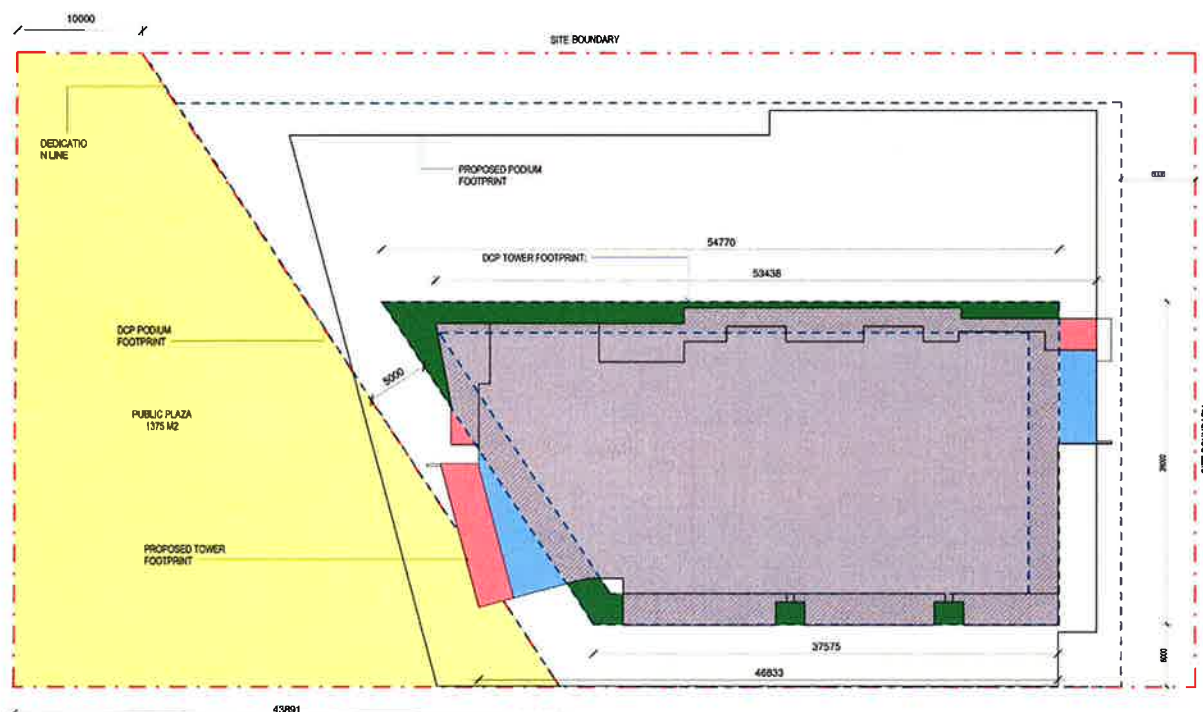
Response

At this stage it is understood that concepts for the two projects are being undertaken. Once designs are finalised relevant approval process will need to be followed and in this regard community consultation will occur with residents and / or the general public given opportunity to comment.

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

- ## 5.1 Design of Public Open Space Area

Figure 3 - Comparison of DCP setback and that provided by subject application



In terms of the Town Square and revised alignment, the Applicant did have preliminary meetings with Council, documented within section 1.9 of the submitted Statement of Environmental Effects. Council did not confirm a position but rather outlined the need to provide justification. Subsequently the suitability of the revised town square alignment has been considered in assessment of the application.

The underlying objectives for the 'Rhodes Town Square' in section 4.2.20 of the DCP are:

- *To create a sizable urban space - A Town Square for Rhodes;*
- *To create a well defined and memorable space that will confer on Rhodes a distinctive image;*
- *To create an urban space that the community will use as a part of their daily lives;*

- *To create an urban space that will be the place to go in Rhodes that the residential and working communities will gravitate toward at lunch time, in the evenings and at weekends; and*
- *To create a Town Square capable of being a public gathering point and outdoor meeting spot*

The applicant in support of the proposal and in response to the revised alignment submits that:

- *The Town Square has been designed for multiple uses not simply defined by peak commuter pedestrian flows cutting the Mary / Rider Boulevard corner;*
- *Intent of angled podium form of the building and alignment to square achieved;*
- *Design achieves appropriate balance between pedestrian flows across the site and the existing pedestrian pathway / cycleway; and*
- *Design of square optimises sunlight access and maximum northern exposure*

Given the importance of the town square, GMU, (Urban Designers) engaged by Council to review the application were asked to provide feedback. It was subsequently concluded that the shape of the square as proposed '*...seems more appropriate as opposed to the triangle which can be seen as a mere shortcut line between the station and Rider Boulevard*'.

The open space area is located in the desired location (northern component of the site) and provides the stipulated area; hence the alignment is the singular non compliance. In this regard comments received by GMU are noted and it is considered that the proposed alignment does enable a greater interface to be established between the private and public domain, transitioning from retail, potential outdoor dining to open space. Realignment of the podium does reduce its northerly setback such improving solar access and amenity to the area. The greater connection and acknowledgement of the pedestrian path traversing the eastern boundary of the site with built form wrapping around acknowledging the north east corner is also considered key from a safety and security perspective.

Accordingly Council considers the varied alignment consistent with DCP objectives and in this regard, subject to further consultation and endorsement relating to specific design, raises no objections. A suitable condition outlining the following amendments to submitted plan at a minimum is provided:

- Removal of retaining walls to the planters that define the legal boundary.
- Tree planting in a grid pattern in tree pits not in planters.
- Removal of the walls at the edge of the outdoor dining area.
- Street furniture layout that is seasonal.

In acceptance of the revised alignment the relevance of the colonnade prescribed within section 5.4.2 (C9) of the DCP is subsequently questioned. The proposal as initially submitted did incorporate this element along the north and west facades of the building fronting Town Square and Rider Boulevard. In conjunction with GMU it was concluded that this design solution was not the best urban design response for the site given that it has not been introduced elsewhere in the overall master plan for the Rhodes Peninsula. In terms of functionality, the structure would be discontinuous with the rest of the streetscape with the revised alignment of the building outlined above providing further fragmentation.

Accordingly the colonnade has been deleted with built form / retail frontage built to the street edge and open space, in turn providing a more defined base to the building and greater pedestrian interface. Cantilevered awnings are incorporated over the pedestrian path and open space area.

5.2 Built Form and Urban Design

Bulk and Scale

Following on from the revised alignment of the podium and as indicated by figure 3 above, the subsequent tower element of the building is somewhat elongated towards Rider Boulevard.

The following provisions in relation to building bulk are provided within section 4.3.4 of the DCP:

- *Maximum length of a building without a recess or break is 50m. Buildings longer than 50m are to have a recess in the façade of a minimum 3 x 3m to break up overly bulky buildings;*
- *To avoid bulky towers the floor plate of residential buildings above 9 storeys should not exceed 800m² Gross Floor Area*

The development provides an overall length of approximately 46m to the western facade fronting Gauthorpe Street, broken down into 34.8m & 11.2m sections through the orientation of units and subsequent balconies to the northwest corner of the building, which provides the desired recess. The eastern elevation of the building measures approximately 53m, which does exceed the abovementioned standard though is less than that otherwise envisaged within the site specific envelope depicted in figure 78 of the DCP. Furthermore as outlined by the applicant levels 5 to 13 do provide the desired recess, which in turn does address and limit issues pertaining to bulk.

In terms of building depth the DCP does provide that for residential buildings > 9 storeys depth should not exceed 23m from window face to window face, and 26m overall (to balconies). All residential levels above the podium do provide compliance with floor plates limited to < 800m².

The podium level of the building which consists of 4 storeys does exceed the maximum permitted depth provision outlined above, providing up to 26m to glass and 28.6m to balconies. Whilst not expressing a specific figure the DCP does depict additional depth to the podium levels of the building apart from the open space alignment. The DCP does require the podium be constructed to the boundaries of the site fronting Rider Boulevard and the public open space area and in so far as it provides the desired solid and defined base to the tower element (setback beyond) it is accepted. An acceptable level of amenity to residential apartments within is also noted.

In general it is considered that effective articulation has been provided within the design of the built form with materials and finishes adding further visual interest and appeal to the building.

Views and Vistas

The Rhodes West DCP does require the proposal to consider certain vistas as follows:

Vistas into the site from Walker St and Sevier Ave must be acknowledged in the overall design of the project and given architectural recognition in the composition of the building façade. The vistas from Mary Street and Rider Blvd into the Town Square also requires consideration

Walker Street

As submitted it was concluded that the built form did not provide adequate address of the Walker Street Vista which was viewed as most significant due to its prominence within the Rhodes Peninsula. This was mainly due to the revised open space alignment and subsequent alignment of the tower above which adopted an increased setback from the eastern boundary, setting it out of the line of site.

In consultation with GMU it was initially suggested that the tower's north eastern corner be elongated towards the south eastern corner of the plaza, crossing slightly into the alignment with the Walker Street building line. However in response to bulk and scale issues of the tower to Rider Boulevard amended plans received did subsequently shift the tower element 2m east to provide compliance with the setback provision of the DCP. In turn this did introduce this element to within the vista and provide a greater prominence as it now approximately aligns with existing built form fronting Walker Street.

The distinction provided between the podium and tower does also provide orientation from a closer perspective and from a pedestrian level. Initiatives are also being investigated such as the introduction of a feature within the town square (indicatively shown on perspectives below).

Sevier Avenue

As outlined by the applicant the prominence of this vista is considered to be overstated within the DCP. The short termination and fall of the land away from the site down Sevier Avenue is noted and in this regard orientation / alignment of elements of the building with this axis have limited significance. In this regard when viewed from a far, the tower element will be the most apparent and in this regard balconies have been designed to provide alignment. Furthermore amended plans submitted did

reconfigure and expand the main pedestrian entry to the building and whilst this area is offset it will still be readily apparent and provide a visual connection which is considered acceptable.

Figure 4 - View of building from Walker Street



Figure 5 - View of building from Rider Blvd/ Mary St Intersection



5.3 Traffic & 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 / 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 Avenue / 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

Parking incorporated within the development has been allocated as follows:

<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)	228	228	Yes
Adaptable Spaces (inclusive in above)	1 Space per Adaptable Unit (15% of units)	34	34	Yes
Visitor Parking	1 space per 20 units (minimum)	11 (min)	11	Yes

	1 space per 10 units (maximum)	23 (max)		
Service Vehicles (Residential)	1 space per 50 units for first 200 units plus 1 (maximum)	4 (max)	Access to 3 spaces	Yes
Retail Parking	1 space per 40m ²	34	16	No
Service Vehicles (Retail)	1 space per 500m ²	3	Access to 3 spaces	Yes
Motorcycle	1 space per 100 spaces	Equiv. to 2	Consistent	Yes

In relation to retail parking, as outlined above the subject development is deficient and in this regard the potential availability of on street parking spaces located immediately adjacent to the subject site, which can be used for retail shoppers was noted within the submitted statement with type of retail uses proposed likely to be local shops, which cater for local residents who can walk or cycle to the site.

The decision to introduce retail parking within the Rhodes West DCP followed public exhibition of the document as it was considered important to maintain the commercial viability of such uses. In this regard it is noted that future uses of the incorporated retail tenancies will likely service the needs more so of local residents and activate the public space area. Parking provided on site is considered sufficient to enable viability of future uses with the accessibility of the site to public transport, noting particularly Rhodes railway station just to the North providing alternate means of transport.

In relation to the above the Department of Transport in their submission did request that the proponent consider reducing the parking rate further in order to support alternative transport methods.

In terms of service vehicles it is noted that three exclusive spaces as outlined in the compliance table above are situated in the loading dock and serve both retail and residential tenancies. In addition the applicant has also proposed to double up two visitor spaces for servicing needs which is acceptable.

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

In accordance with Section 4.2.5 of the Rhodes West DCP 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 and will be provided to the resident / owner prior to occupation or purchase. The plans will be required to outline limited street parking availability; details of rail, bus and ferry timetables; car share schemes available in the area; 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 compliant level of bicycle parking as required by the Rhodes West DCP, readily accessible and located both within and external to built form for residential and retail uses (conditioned). Furthermore in response to the VPA Agreement additional parking in the form of bicycle lockers for use by rail commuters has been provided within the eastern elevation of the building.

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 related to built form and urban design, traffic and 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 228 residential units, retail tenancies, 257 parking spaces, public and communal open space areas and stratum subdivision on land identified as Lot 62 of DP 1048445, 7 Rider Boulevard, Rhodes. 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. 104/2011 for the construction of a mixed use development providing 228 residential units, retail tenancies, 257 parking spaces, public and communal open space areas and stratum subdivision on land at 7 Rider Boulevard, Rhodes (Lot 62, DP 1048445), 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 the 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 APPLICABLE 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 considered 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 primary height and setback provisions to the tower component of the building.</p> <p>The four storey podium does form a distinctive base to the building and relates well to the pedestrian environment. The tower has been appropriately setback beyond the podium with limited floor plates and design which provides effective articulation helping to reduce visual bulk / dominance.</p>
<i>Principle 3: Built Form</i>	<p>As outlined above the built form of the proposal is generally consistent with the Canada Bay LEP and Rhodes West DCP.</p> <p>Parking and services associated with the development have been concentrated away from the street frontage and within basement levels.</p> <p>The public plaza and street frontage has been well acknowledged by the proposal which does provide a strong / distinctive edge, with the incorporation of retail tenancies at ground providing further interface and activation.</p> <p>Vistas identified to the site, most notably that from Walker Street and Sevier Avenue have also been acknowledged through the alignment of the building and detail within. Scope for an artwork within the town square (as indicatively shown on plans) may also provide an identity.</p>
<i>Principle 4: Density</i>	<p>In terms of density the site is allocated an FSR of 4.5:1. The proposal does comply with this standard, proposing 4.496:1</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>BASIX Certificates have been submitted in respect of the proposal and do achieve recommended targets.</p> <p>Compliant solar access and natural ventilation is provided to residential apartments of the building such reducing reliance on artificial heating and cooling. Sliding louvre panels are also incorporated on the western façade for solar control</p> <p>Waste storage and recycling facilities are also provided with sustainability initiatives are also encouraged and prescribed within Schedule 8 of the VPA Agreement</p>

Key Principles of SEPP 65	Response
<i>Principle 6: Landscape</i>	<p>A distinctive feature of the proposal is the integration of a public open space area which is intended to be utilised as a town square. This area is located to the northern component of the site and provides a total area of 1,375m². This area is intended to provide a focal point given its central location, connectivity with transport and adjacent retail tenancies. Specific treatment of this area is yet to be developed though deep soil areas on its outskirts will enable provision of canopy and general planting, providing effective amenity.</p> <p>A communal open space area is also provided to the eastern component of the building above the ground level podium. This area is provided with efficient access and provides a mix of hard and soft covers providing effective amenity to users and an attractive outlook 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.</p> <p>In terms of visual and acoustic privacy the layout of the building, placement of privacy screens and containment of loading facilities within the built form is considered desirable.</p> <p>Accessibility has been provided throughout the development</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>Provision of a predominantly flush façade to the boundaries of the site minimises blind spots. Introduction of ground floor retail tenancies (acknowledging the rear cycle way) will also stimulate pedestrian movement and activity. Residential apartments most notably within podium levels will also provide casual surveillance of street and open space.</p> <p>Secure access will be provided to the residential component of the building with roller shutters also securing and limiting access to car parking and loading areas</p> <p>An assessment of the proposal against CPTED principles was also provided in respect of the application</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, two and three bedroom apartments are proposed which will encourage a diverse social mix</p> <p>In addition, 15% of the units are designed to be adaptable.</p> <p>Provision of the town square subject to dedication and an effective communal open space area are also noted</p>
<i>Principle 10: Aesthetics</i>	<p>In terms aesthetics the podium of the building built to the street edge and setback of the tower beyond which aligns on a north south axis will give the built form a relatively slender appearance when viewed from the two primary vantage points being Rider Blvd and the town square.</p>

Key Principles of SEPP 65	Response
	The building will also provide visual interest in that it has been well articulated and in terms of materials has utilised a painted masonry finish of white and grey tones with other colour highlights, metal cladding and extensive glazing.

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 84m numerical height provision of the Canada Bay LEP and storey provision provided within the Rhodes West DCP.
<i>Building Depth</i>	<p>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> <p>The Rhodes West DCP stipulates building depths of residential buildings > 9 storeys should not exceed 23m from window face to window face, and 26m overall (to balconies)</p> <p>The podium level of the building which provides 4 storeys does exceed depths provisions, though as outlined within the report this is envisaged by the DCP with an appropriate level of amenity facilitated to residential apartments within</p> <p>Residential levels of the building above the podium do provide compliance and floor plates < 800m².</p>
<i>Building Separation</i>	Building separation is considered acceptable. Privacy implications were identified to the three apartments within the podium oriented to the south (facing the adjacent office building) and in this regard privacy screens have been incorporated.
Part 2 – Site Design - Primary Development Controls	
<i>Deep Soil Zones</i>	<p>Deep soil as outlined by the architect is compliant with approximately 1,130m² equating to 23% of the site area; 33% of the open space area.</p> <p>Areas of deep soil have been provided to the north and east elevations of the building. It is noted that the basement structure does extend under the town square area subject to dedication, though given the intent of this area deep soil that bounds it is considered sufficient in this instance.</p>
<i>Fences & Walls</i>	Definition between public / private domain has been established as discussed within the report.
<i>Landscape Design</i>	Landscaping provided to the communal open space area is considered acceptable with that to the town square to be further developed (conditioned)

<i>Open Space</i>	<p>The site inclusive of public open space to be dedicated and communal open space exceeds 30%</p> <p>Ground floor apartments upon the podium adjacent to the communal open space are provided with areas of private open space compliant in terms of area and dimensions, facilitating 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 provide reasonable amenity.
Site Amenity	
<i>Storm water Management</i>	Suitable conditions have been incorporated to ensure adequate stormwater management.
<i>Safety</i>	<p>An assessment was provided in respect of the CPTED principles of relevant State guidelines.</p> <p>Safety is acceptable with minimal blind spots, retail uses at grade stimulating activity, appropriate lighting and casual surveillance from apartments.</p>
<i>Visual Privacy</i>	Separation from built form surrounding the site is considered acceptable. Initial assessment did identify potential impacts towards the three apartments within the podium oriented to the south (facing the adjacent office building) though privacy screens have now been incorporated.
<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>	<p>Parking provided is largely compliant with the Rhodes West DCP, with the exception of retail and visitor (discussed within report).</p> <p>Proximity of the site to public transport and services and promotion of a 'Green Travel Plan' (conditioned) is also considered beneficial.</p> <p>Car parking is provided within a secure basement level and also provides a component of bicycle parking which is readily accessible.</p>
<i>Pedestrian Access</i>	Development is readily accessible from the Street frontage and basement area. An access report demonstrating compliance was also submitted
<i>Vehicle Access</i>	<p>Car parking / access is provided from the 'preferred' location as stipulated within the DCP and has been well integrated within the building design.</p> <p>Vehicular access is located away from pedestrian entry points though it is noted that the width of the driveway crossing does measure 8m to allow access to loading dock and waste service. In so far as only one crossing is proposed with no objections</p>

	raised by Council Engineers it is accepted
	A specific condition relating to construction of the crossing for pedestrian safety is incorporated.
PART 03 - BUILDING DESIGN	
Building Configuration	
<i>Apartment Layout</i>	<p>Kitchens of apartments are generally compliant with the exception of some within the podium. Main non compliance is to those oriented to north (measuring 9.4m to the workspace / wall of the kitchen). Given orientation of these apartments and extensive glazing to facades they will still be provided with adequate solar access.</p> <p>A variety of unit sizes, compliant with the minimum stipulated within the code are provided.</p>
<i>Apartment Mix</i>	The proposal incorporates an appropriate mix of dwelling types with 3 Studio (1%), 45 1 Bed (20%), 156 2 Bed (68%) and 24 3 Bed (11%)
<i>Balconies</i>	Balconies have been provided to all above ground apartments and retain dimensions which are appropriate and ensure their useability
<i>Ceiling Height</i>	Minimum ceiling heights do comply with the rules of thumb with minimum 2.7m provided to residential and approximately 5m to ground level retail.
<i>Flexibility</i>	Considered to achieve the objectives in providing internal flexibility for use by occupants
<i>Internal Circulation</i>	<p>The following has been provided:</p> <ul style="list-style-type: none"> Level 2 (6 & 10) Levels 3 to 4 (6 & 10) Level 5 (10) Level 6 to 13 (10) Levels 14 to 22 (8) Levels 23 to 25 (6) <p>As outlined above the proposal does slightly exceed the standard to level 13 though appropriate amenity i.e. light has been provided to corridors</p> <p>Amended plans submitted did incorporate a secondary lift core to reduce the number of units serviced by a single lobby within the podium levels.</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 levels of the building
Building Amenity	
<i>Acoustic Privacy</i>	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.

	An acoustic and vibration assessment was also submitted in respect of the Northern Railway Line located to the east of the site.
<i>Daylight Access</i>	Results by Windtech indicate that 160 of 228 (70%) of apartments will receive 2 hours direct solar access to glass line of windows during mid winter. 3 (1%) of apartments within the proposal have been provided with a singular southerly aspect.
<i>Natural Ventilation</i>	The building does depart from building depth provisions though nevertheless the Natural Ventilation Compliance Report prepared by Steve King provides that 42% of apartments by virtue of their corner location receive cross ventilation with 174 of 228 (76.3%) described as complying with performance objectives for natural ventilation.
Building Form	
<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>	BASIX certificates were submitted in respect of the proposal demonstrating compliance with targets Sustainability initiatives are also encouraged and prescribed in Schedule 8 of the VPA Agreement
<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

4.2.20 - Rhodes Town Square		Consideration
C1	Create a well defined space with a strong built edge. This is to be achieved by adopting a mandatory build-to building lines as shown on the building envelope control plan in Section 5.3 of this DCP;	Proposal does depart from build to line depicted adjacent to the town square though as detailed within section 5 of the report built form is considered acceptable
C2	Micro-climate and comfort conditions of areas suitable for outdoor seating / eating must be considered in the detailed design of the site;	Outdoor dining is provided to the southern component of the town square as prescribed with micro climate conditions considered acceptable. Relevant reports submitted such as 'pedestrian wind environment study' concluded as such
C3	Suitable seating to be provided in the square	Outdoor seating is indicated upon plans though subject to further design

C4	The surface of the town square should be designed to be simple, comfortable and elegant. Any patterning should be orthogonal to the edge of the building.	Specific treatment of the town square is subject to further consultation between relevant parties and in this regard an appropriate condition is recommended
C5	Alignment of eastern, western and southern side of the Town Square are to be consistent with the preferred alignments in the Building Envelope Plan for Area 10 in Section 5.3 of this DCP	The alignment of the building does differ from that prescribed within the DCP though nevertheless as detailed within section 5 of the report built form is considered acceptable
C6	Building forms on the site of the Town Square are to be consistent with the building envelope controls plan Section 5.3 of this DCP	As detailed within section 5 of the report built form is considered acceptable

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.	The proposed building does comply with numerical standard of the LEP and storey limit contained within Rhodes West DCP
C2	Maximum FSR of development to be consistent with FSR map contained in the CBLEP 2008	Compliant FSR provided (4.496:1)
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 have been fitted with minimum 2.7m ceiling heights, with ground level retail tenancies having overall heights of approximately 5m.
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.

4.3.4 - Building Bulk

C2	For retail and commercial uses in mixed-use zone only deeper building footprints are permitted up to 4 storeys in height;	Podium component up to 4 storeys does provide a deeper footprint as prescribed within the Rhodes West DCP
C6	Depth of residential buildings > 9 storeys should not exceed 23m from window face to window face, and 26m overall (to balconies)	The podium level of the building which provides 4 storeys does exceed depth provisions, though as outlined within the report this is envisaged by the DCP with an appropriate level of amenity facilitated to residential apartments within. Built form above podium does comply
C7	Should a building exceed max depths from window face to window face, acceptable natural cross ventilation to be demonstrated	Building does exceed depth provisions of the DCP to level 9 though the Natural Ventilation Compliance Report prepared by Steve King provides that 42% of apartments by virtue of their corner location receive cross ventilation with 174

		of 228 (76.3%) described as complying with performance objectives for natural ventilation, such providing compliance.
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.	Building is compliant in this regard with appropriate recess / articulation provided to the East and West elevations.
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 above the 4 th storey provide a GFA < 800m 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.	42% of apartments have a dual aspect though nevertheless complaint ventilation and solar access is provided. 3 apartments (1%) have been provided with a single southerly orientation.
C11	Maximum of 10% of apartments should have a single southern aspect (SW-SE).	3 apartments (1%) have been provided with a single southerly orientation.
C12	To avoid long internal corridors, the number of apartments served by a common lobby should be no more that 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: Level 2 (6 & 10) Levels 3 to 4 (6 & 10) Level 5 (10) Level 6 to 13 (10) Levels 14 to 22 (8) Levels 23 to 25 (6) As outlined above the proposal does slightly exceed the standard to level 13 though nevertheless length of corridors is considered acceptable with appropriate amenity i.e. natural light provided It is noted that amended plans submitted did incorporate a secondary lift core to reduce the number of units serviced by a single lobby within the podium levels.
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.	Amenity within corridors is acceptable with access to natural light provided
4.3.5 - Setbacks		
C1	Street setbacks should comply with Section 5	As outlined within report, alignment of the town square is altered through variation of setbacks prescribed within DCP
C2	To create urban character, provide strong street definition, enhance retail activity, and define prominent corners, build to the street edge along and opposite the activity strip in the mixed use zone on important corners as highlighted in Fig 45;	Building is constructed to both the street edge and boundary with the town square
C6	To create an urban character, provide strong street definition, and achieve a modified building form that allows direct sun to streets and reduces apparent scale of taller buildings, create a 2 to 4 storey street wall fronting Rider	A strong street edge is provided to Rider Blvd by the four storey podium built to the street frontage. Development above the podium is setback 5m as prescribed

Blvd. Development above the street wall level should be setback 5m from the street edge;		
4.3.6 - Special Edge Conditions		
C1	Provide clear definition between private and public spaces along the foreshore and to local parks and neighbourhood open spaces, except where ground floor has a publicly accessible use, communal area or a communal walkway in which case access must be provided;	Clear definition has been provided between public and private spaces with retail provided at ground level and the adjacent open space area accessible.
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	External wall has been built to boundaries of the site and clearly defines the alignment of the town square space subject of dedication.
4.3.8 - Building Articulation & Address		
C1	Promote high quality architecturally designed buildings with highly articulated massing and façade design to enhance character.	The mass and façade design of the 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 in respect of alignment to town square and tower element does depart from standard as outlined within report
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 the 4 th storey are limited to < 800m².
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 with horizontal façade articulation also 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. These are only apparent on western façade and have been effectively integrated within design.
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).	4 storey podium is built to street edge with balconies above not projecting to within the setback prescribed by the DCP
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.	The proposal incorporate an appropriate mix of dwelling types as follows - 3 Studio (1%) - 45 1 Bed (20%) - 156 2 Bed (68%) - 24 3 Bed (11%)
C2	To achieve environmental amenity, all access corridors should have a daylight component.	Daylight access has been provided to

	either at point of vertical circulation or ends of corridors and preferably be naturally ventilated.	corridors on each level of the building
C3	Cross ventilated apartments are encouraged, including dual aspect apartments.	As previously outlined 42% of apartments have a dual aspect with 76.3% deemed to be provided with natural ventilation.
C6	Integration of internal and external living areas	Areas have been adequately integrated.
C7	Minimum 15% of all residential units must be Adaptable (in accordance with relevant AS).	15% of apartments are adaptable
C8	<p>A noise attenuation zone should be created between habitable rooms facing the noise 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. 	An acoustic report was submitted and does address all relevant acoustic requirements for the development.
C9	Building articulation should be designed to minimise external noise reflectivity.	The placement of building is generally consistent with the provisions of the Rhodes West DCP and has been well articulated. Given that development to the East (opposing the rail corridor) consists of a road and car park associated with commercial business park noise reflectivity is not considered an issue.
C10	Buildings adjacent to Northern Railway Line to Consider SEPP (Infrastructure) 2007 and seek acoustic engineering advice.	An acoustic report was submitted with the application addressing 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 addresses all relevant access requirements.
C2	Housing design that provides for a degree of future adjustment of its configuration is encouraged.	Design of the apartments does allow 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 & landscaping. 	The proposal has incorporated the outlined considerations within its design and in this regard privacy implications are minimal
C3	The use of tinted glazing as the sole means of achieving privacy is not permitted.	Proposal does not rely on tinted glazing

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	Submitted acoustic report found that acoustic implications were acceptable.

4.3.13 - Solar Access & 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	The open space area subject to dedication is situated to the north of the built form with a commercial office building adjacent to the southern boundary of the site
C2	New buildings should minimise glare with mirror glass not to be used. A maximum 20% reflectivity index is permitted for external glazing elements.	A solar light reflectivity assessment was provided and provided recommendations in order to minimise glare (conditioned)
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 solar access analysis 70% of apartments are provided with 2 hours solar access.
C4	Maximise direct sunlight to communal open space in residential developments on 22 June.	Communal open space area of the proposal will receive adequate solar access, being slightly elevated and positioned to the east of the tower
C6	Appropriate sun protection should be provided to glazed areas facing north, west and east in residential and commercial developments.	Building is acceptable in terms of sun protection with louver screens effectively incorporated to the western elevation
C7	Balconies appropriate to their orientation.	Balconies are considered acceptable

4.3.14 - Natural Ventilation & 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 acceptable and in this regard limitation of floor plates < 800m ² is noted
C2	To avoid reliance on mechanical ventilation and minimise use of artificial lighting, windows should be provided to all living / working areas	Adequate glazing / windows has been provided to apartments.
C4	60% of residential apartments should be naturally cross ventilated.	As previously outlined 42% of apartments have a dual aspect (providing cross ventilation) with 76.3% deemed to be provided with natural ventilation.
C5	Building which seek to vary from maximum building depth and minimum percentage of naturally cross ventilated apartments must demonstrate how natural ventilation can be satisfactory achieved	Building depth does in section exceed that ordinarily permitted though in this regard natural ventilation has been retained to > 60% of apartments of the building

C6	Doors and openable windows should be located in two walls facing different or preferably opposite directions.	Openable doors and / or windows on opposing elevations are provided to dual aspect apartments.
4.3.15 - Building Materials, Finishes and Colours		
C1	Bulk and or reflective insulation must be provided in wall, ceiling and roof systems	Proposal 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 is utilised to the building though in this regard colour is also provided, adding further visual interest.
4.3.16 - Public Domain Interface		
C1	Active frontage shall be provided.	Active frontage has been provided
C2	To optimise pedestrian and cyclist safety minimise the number and width of vehicle footpath and cycle path crossings.	A singular vehicular crossing is proposed and its width is considered appropriate subject to conditions.
C3	To create a lively centre, active frontages must be established along the activity strip identified in Figure 64, with ground level retail and commercial development above.	Proposal is consistent with site specific provisions of the DCP that prescribe retail at grade with residential above
C4	To create an interesting pedestrian environment, predominantly clear glazing should be provided to the street frontage of retail and commercial windows at ground level	Extensive glazing has been incorporated to the ground floor retail tenancies
C5	To create a friendly pedestrian environment, roller shutters to ground floor retail street frontages are prohibited;	Roller shutters have not been depicted
C6	Retail frontage for individual tenancies is limited to 20 metres, except on street corners where 30 metre frontages are permitted.	Frontage of retail tenancies is considered acceptable and may still change as future use is subject to a further application
C7	To create a safe and lively retail complex, active frontages must be provided along pedestrian spines of the retail centre. Ground level shops with frontage to both a public street and a pedestrian spine should have public entrances on both frontages;	Active frontages have been provided to both the town square and street frontage
C8	Outdoor eating should be located at ground and first floor level along street frontages and adjacent parks, with minimal disturbance to pedestrian circulation and residential amenity	Potential outdoor dining will be provided to the southern component of the town square associated with retail tenancies, and will not impact upon amenity
C10	To achieve street surveillance, maximise pedestrian entrances to residential buildings.	A number of pedestrian entries are provided to the north and west elevation
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: - At locations identified (Fig 64)	Retail tenancies have been incorporated within the desired locations
4.3.17 - Awnings and Entrance Canopies		
C1	To achieve weather protection in major pedestrian areas, continuous awnings must	A continuous awning is proposed along the Rider Boulevard with retractable

	be provided to the activity strip and discontinuous awnings in the transition areas opposite and adjoining the activity strip;	awnings provided to the town square component in conjunction with retail uses
C2	<p>Design Provisions:</p> <ul style="list-style-type: none"> - Height minimum 3.2m / maximum 4.5m and integrated with adjoining sites - Horizontal with steps for articulation or to accommodate slope of site limited to 0.75m - Minimum width 2m, setback 800mm from the face of the kerb and to suit adjoining - Where street tree required, entire length of awning is to be setback from the inside edge of the tree hole (cut out not accepted) - Awnings wider than 3.66m require approval from Director General of Local Government 	Design of the permanent awning adjacent to the street frontage is considered consistent with stipulated provisions
C3	To achieve sun protection awnings should have no more than 50% of their area glazed	Awnings will provide sun protection
C5	To assist in sun shading, retractable or fixed canvas awnings / shade clothes are permitted;	These will be incorporated to the northern elevation bounding the town square
C7	To provide weather protection entrance canopies are required at pedestrian entries of all buildings. Where there is no building setback, entrance canopies can extend 2m beyond the property line over the footpath or further to align with any adjoining awning.	Weather protection is provided to the main pedestrian entrance of the building
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 within the town square area to be dedicated to Council
C3	Half the area of communal open space should be unpaved and provide soft landscaping.	The communal open space area is situated upon a podium though in this regard does provide predominantly soft landscape (soil depths conditioned)
C4	Minimum of one large tree, with a spreading canopy, and mature height of 12m minimum, should be planted in soft landscaping zones, for every 100m ² of landscape space.	Canopy trees are likely to be situated within the open space area to be dedicated and subject to final design
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 podium planting 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.	Location and design of vehicular access point will make it a recessive element
C4	To minimise impact on the root zone of street trees, driveways, kerb crossings, parking, paved areas and external structures should be located appropriately.	Placement of built form is 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

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 and do provide designated depths
C3	Smaller secondary above ground open space elements are also encouraged, such as balconies adjacent bedrooms	Secondary balconies are provided to select apartments
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
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

A comprehensive waste management plan prepared by JD McDonald was submitted in respect of the application, reviewed by Council's Waste Management Officer and is subsequently considered acceptable

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 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. Presence of horizontal sliding screens upon the west elevation of the building is also noted
C5	Lockable mailboxes should be provided close to the street and be integrated with front fences or building entries;	Mailboxes have been 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 are provided to common open space area
C8	Fixed storage is to be provided to every	Adequate storage is afforded to dwellings

	dwelling in accordance with the following: - Studio and 1 bed (6 cubic metres) - 2 Bedrooms (8 Cubic metres) - 3+ Bedrooms (10 cubic metres)	both within each apartment and basement parking levels of the building
4.3.27 - Pedestrian Access, Parking & Servicing		
C1	At least one main entry with convenient, barrier free access in all buildings. Access should be direct and without barriers.	Building entries are directly accessible
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 people with mobility disabilities
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 in support of the application
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 Rider Boulevard as designated by 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	Retail tenancy adjacent to the vehicular access has a separation > 6m.
C4	Driveways should be consolidated within blocks, particularly those in single body corporate ownership.	Singular vehicular access point provided
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.	The width of the vehicular crossing does measure 8m, above the standard Council Engineers raised no objection subject to a condition in relation to construction to ensure pedestrian safety.
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: - 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 40m ² - Retail Service - 1 space per 500m ² for first 2000m ² (50% of spaces for trucks)	Residential - 228 (1 space per unit) Visitor - 11 (non compliant) Residential Service - loading dock Retail - 16 (non compliant) Retail Service - loading dock 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.	Conditioned to provide compliance
C5	Parking and service areas are to satisfy AS2890.1 and AS2890.2	A condition is incorporated requiring compliance with applicable standards.
C6	Adaptable Dwellings - A minimum 3.8m, but up to 4.4m marked as one space	Adaptable dwellings have been provided with suitably dimensioned parking spaces. The submitted Access Review did address this component of the proposal.
C7	To maximise the area for soft landscaping consolidated parking areas should be concentrated under building footprints	Given constraints of the site, parking does extend under a component of the town square, though nevertheless appropriate deep soil is provided for its intended use
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 provided within a basement level with loading dock to the rear, not visible from the street frontage
C11	Bicycle parking to be provided as follows; - Residential (1 space per 3 apartments) - Visitor (1 space per 10 apartments) - Retail (Employee - 1 space per 300m ²) (Visitor - 1 space per 750m ² GFA)	Provision of bicycle parking has been made both within the street front and secure basement area of the proposal. 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	Such 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 parking component of building
PART 5 - Site Specific Controls (5.4 - Precinct A)		
C1	Maximum building height ranging up to 25 storeys including a four storey podium;	Proposal has provided 25 Storeys inclusive of a 4 storey podium
C2	Maximum FSR of 4.5:1	Complies - Total GFA of 21,818m ² provided which equates to FSR 4.496:1
C3	An area of 1375m ² of public open space provided as a town square and located at the northern side of the site;	Area of 1375m ² provided to northern side of site. As outlined within report alignment does vary from DCP depiction.
C4	Vehicle access located off laneway between commercial building to the south and proposed building on Lot 62;	Vehicular access is provided off Rider Boulevard and traverses the southern boundary of the site
C5	Preferred location for non residential uses at ground floor to activate Rider Blvd and new public open space;	Retail uses have been provided at grade adjacent to public open space area and Rider Boulevard frontage
C6	Preferred separate entries for residential and non residential uses;	Residential entry provided via a central lobby with retail having direct street access

C7	Edge building is to be designed to address the Town Square. The façade of the edge building must be a minimum of 3 storeys in height and not exceed 4 storeys before setbacks;	Edge of building does address town square and as detailed above the 4 storey podium prescribed is incorporated
C8	Min. building setback for the tower building of 5m from Rider Blvd and 5m from the podium alignment to the Rhodes Town Square;	Amended plans submitted have setback the tower component of the building 5m from detailed alignments
C9	Edge building should incorporate a continuous colonnade along its entire length and the Rider Blvd frontage to accommodate the significant diagonal pedestrian flows traversing site generated by railway station;	As detailed in the report, in conjunction with the revised alignment removal of the colonnade structure initially incorporated was deemed appropriate. The lack of such structures within the area was also noted
C10	Consideration should also be given to incorporating an arcade linking the town square to the footpath cycleway;	The desired arcade has not been incorporated though revised angle of building and wrap around seating of the retail tenancy to the eastern elevation does provide an effective connection.
C11	Ground floor of the edge building fronting the town square must have active uses such as retail, cafes and taverns;	As depicted upon plans, a bar / restaurant and retail tenancy fronting the open space. These are however subject to separate application and conditioned as such.
C12	Tower building form and design is to reinforce and not detract from the civic quality of the Town Square. Generally, this is to be achieved by observing a 5m minimum setback above the 3 - 4 storey street wall;	Tower built form is considered to reinforce the civic quality of the town square with the prescribed 5m minimum setback employed
C13	Vistas into the site from Walker Street and Sevier Avenue must be acknowledged in the overall design of the project and given architectural recognition in the composition of the building façade. The vistas from Mary Street and Rider Blvd into the Town Square also requires consideration	<p>The tower element will largely align with built form within Walker Street with the podium and a potential feature within the town square providing orientation.</p> <p>The fall of the land within Sevier Avenue and limited view of the development is noted though nevertheless balconies of the tower do align with the building entry readily apparent from closer proximity</p> <p>The setbacks and alignment of the building are considered to effectively address / acknowledge other vistas from street front</p>

Canada Bay Local Environmental Plan 2008

<i>Provision</i>	<i>Provided</i>	<i>Compliance</i>
Zoning - B4 (Mixed Use)	Permissible	Yes
Floor Space Ratio (S1) - 4.5:1	4.496:1	Yes
Building Height (AA) - 84m	84m	Yes

APPENDIX B – SUBMISSIONS

Public Submissions received in respect of notification

<i>Name</i>	<i>Address</i>
B & R Sargent	61/24 Walker Street, Rhodes
	506/19 Shoreline Drive, Rhodes
	312/2B Mary Street, Rhodes
R Holmes	308/6 Mary Street, Rhodes
	314/2A Mary Street, Rhodes
H Sha	314/2A Mary Street, Rhodes
K, G & H LeMarquand	29 Cavell Avenue, Rhodes
D Zhang	402/2 Walker Street, Rhodes
S & R Falk	703/1 Jean Walles Avenue, Rhodes
Akerboom & L Dowd	25 Cavell Avenue, Rhodes
E Dowd	Cavell Avenue, Rhodes
J Cheeseman	27 Cavell Avenue, Rhodes
P Dixon	27 Cavell Avenue, Rhodes
J Dixon	27 Cavell Avenue, Rhodes
A Prashant & N Malik	401/88 Rider Boulevard, Rhodes
S Zhu	847/2 Marguel Street, Rhodes