

Development Application 2016/0005

Development Assessment Report



6-14 Walker Street and 11-23 Marquet Street, Rhodes

Mixed retail and multi-level residential development

Submitted to City of Canada Bay Council

On Behalf of JBA

November 2016 ■ 16011

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Belinda Thomas

21/11/2016

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21/11/2016

Contents

1.0	Background	2
1.1	The Site	2
1.2	Context	4
1.3	Planning Background	5
1.4	Pre-Development Application	6
1.5	Lodgement of Development Application	6
2.0	Proposed Development	9
2.1	Project Description	9
3.0	Statutory Context	12
3.2	Primary Controls	12
3.3	Environmental Planning Instruments	14
3.4	Plans and Policies	17
4.0	Consultation and Submissions	19
4.1	Public Exhibition Details	19
4.2	External Referrals	21
4.3	Internal Referrals	22
5.0	Assessment of Environmental Impacts	23
5.1	Floor Space Ratio	23
5.2	Height of Buildings	23
5.3	Built Form	23
5.4	Building Depth	24
5.5	Private Open Space	24
5.6	Solar Access	25
5.7	Deep Soil	25
5.8	Floor Plate and Apartment Configuration	26
5.9	Heliostat	26
5.10	Site Isolation	28
5.11	Setbacks for Tower A	28
5.12	Through site link to the north	29
5.13	Traffic	30
5.14	Stratum Subdivision	30
6.0	ENVIRONMENTAL IMPACTS	31
6.1	Environmental Planning and Assessment Regulation	31
6.2	Likely impacts of the Development	31
6.3	Site Suitability	32
6.4	Public Participation	32
6.5	The Public Interest	32
7.0	Conclusion	34

Figures

1	Location Map	2
2	Subject site lots outlined in red	3

Contents

3	Aerial photograph of the site from an easterly perspective	4
4	Site context map	5
5	Station Precinct Masterplan	6
6	Photomontage of proposal	9
7	Proposed Heliostat System Layout	10
8	Heliostat to reflector ratio	27
9	Overshadowing of the Rhodes Town Square (Winter Solstice) with the proposed development	28
10	Figure 56 Station Precinct Cross Section	29

Tables

1	Development Schedule	11
2	Objection letter responses	19

Appendices

A	Conditions of Consent <i>JBA</i>
B	SEPP 65 Principles <i>JBA</i>
C	SEPP 65 ADG Compliance Table <i>JBA</i>
D	Rhodes West Development Control Plan 2015 Compliance table <i>JBA</i>
E	Objection letters <i>General Public</i>
F	Referral Comments <i>City of Canada Bay and external departments</i>

JRPP No	2016SYE014
DA Number	2016/0005
Local Government Area	City of Canada Bay Council
Proposed Development	Construct a mixed-use development comprising basement parking, retail tenancies and two residential towers (Tower A - 37 Storeys + plant with heliostat upon the roof and Tower B – 25 storeys + plant)
Street Address	6-14 Walker Street and 11-23 Marquet Street, Rhodes
Applicant	Walker Street Development Pty Ltd
Owner	Owner - Impresstik Machinery Pty Ltd Owner - Twelve Walker Street Pty Ltd Owner - Twenty Three Marquet Street Pty Ltd Owner - Twenty One Marquet Street Pty Ltd Owner - Bay Tower Pty Ltd
No. of Submissions	Five (5)
Recommendation	Deferred Commencement Approval, subject to Conditions
Report by	Belinda Thomas – Senior Planner JBA

1.0 Background

1.1 The Site

The site is known as 6-14 Walker Street, 11-23 Marquet Street and is legally known as Lot 21 in DP 624240, Lot 1 in DP 15734, Lot 2 in DP 15734, Lot 1 on SP 37320, Lot 4 in SP52278 and Lot 1345 in DP 558798 and is located within the local government area of the City of Canada Bay. Refer to **Figure 1** and **2**.

The owners of the site include Impresstik Machinery Pty Ltd, Twelve Walker Street Pty Ltd, Twenty Three Marquet Street Pty Ltd, Twenty One Marquet Street Pty Ltd and Bay Tower Pty Ltd.



Figure 1 – Location Map
Source: Urbis

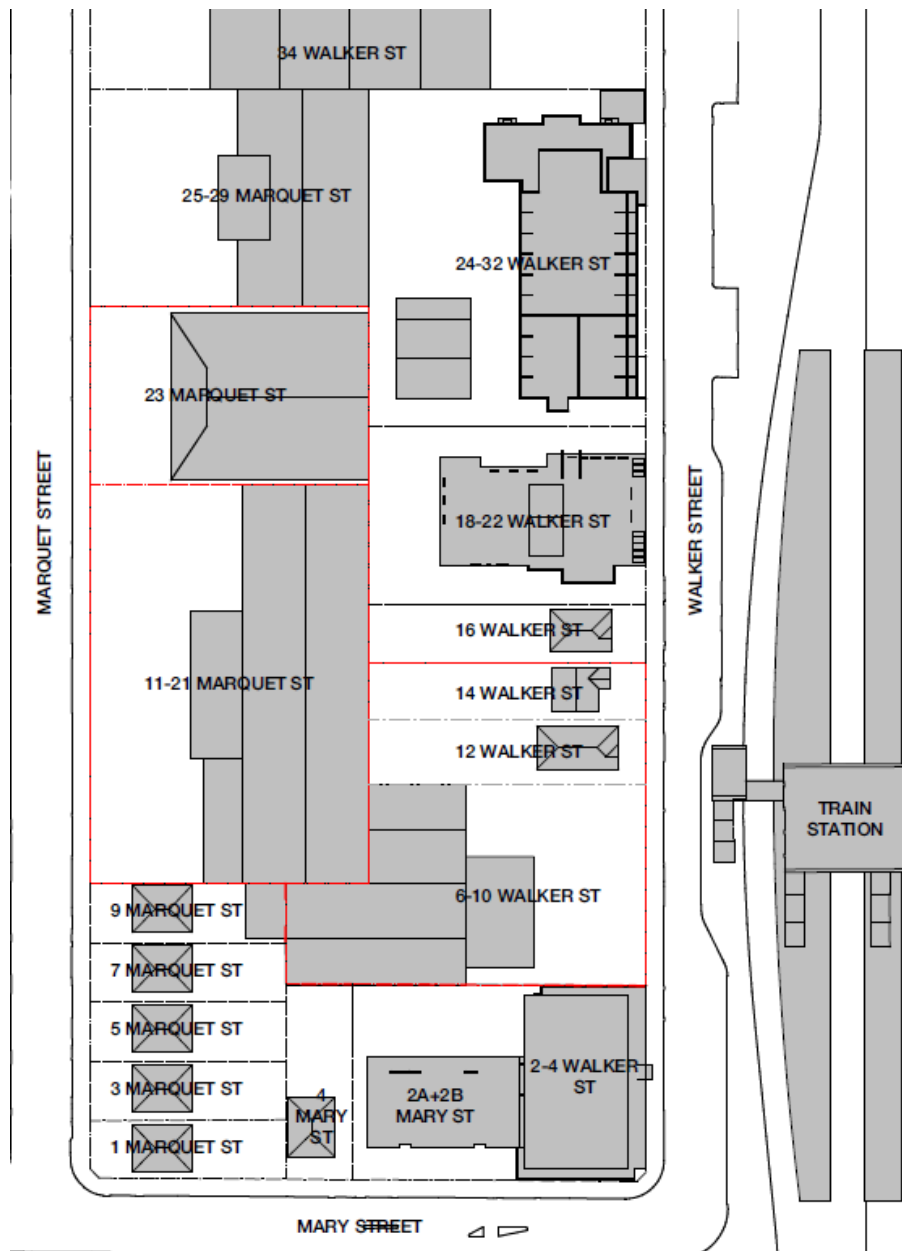


Figure 2 – Subject site lots outlined in red
Source: Urbis

The site is irregular in shape and provides a combined total area of 10,601m² and has a gradual slope from the southern boundary to the north-western boundary. The site consists of several medium scale residential and industrial buildings and does not contain any significant vegetation, refer to **Figure 3**.



Figure 3 – Aerial photograph of the site from an easterly perspective
Source: Urbis

The site has two street frontages, Walker Street to the east and Marquet Street to the west. Rhodes railway station is located opposite the site, to the east.

The northern and southern boundaries are bound by a mix of residential and commercial properties including the following:

- 16 Walker Street (north east) a low rise dwelling which is subject to DA2015/0191 for a 7 storey residential apartment building currently being assessed by Council;
- 29 Marquet Street (north west) a two storey commercial building;
- 2-4 Walker Street (south east) an 8 storey residential apartment building;
- 2 Mary Street (south) a 3 storey childcare centre; and
- 1-9 Marquet Street and No. 4 Mary Street (south west) low rise residential dwellings.

It is important to note that the surrounding properties are identified for future development under the Rhodes Station Precinct Masterplan.

1.2 Context

The site is located within Precinct D in the Station Precinct in the Rhodes West Development Control Plan 2015 (RWDCP). The Station Precinct is defined by Mary Street to the south, Walker Street to the east, Gauthorpe Street to the north and Marquet Street to the west. The precinct adjoins Rhodes Railway Station to the east, established residential apartments (Precinct A and B) to the south and west, including the relatively recently completed Town Square, residential apartments and the more recent Central Park open space to the north (Precinct B). Rider Boulevard connects the precinct to the south, whilst a pedestrian right-of-way, Annie Leggett Promenade, provides an additional midblock connection west to Rhodes Foreshore Park.

The greater Rhodes West 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, refer to **Figure 4**.



Figure 4 – Site context map

Source: SJB

1.3 Planning Background

A timeline of the planning background for the site is listed below:

- In 2010, master planning on the Rhodes Station Precinct commenced with Council consulting with the community, landowners and developers to consider higher density development for the precinct due to the location of Rhodes Train Station.
- A Concept Plan was developed for a mix of land uses (residential and commercial) which included changes to the urban form and higher densities. The Concept Plan envisaged a village centre linked together by pedestrian laneways and public areas in the southern part of the Precinct. The Council resolved to proceed with a Planning Proposal to include the elements of the Concept Plan such as increased building heights and floor space ratios.
- Following the Concept Plan, the Rhodes Station Precinct Masterplan (Masterplan) was prepared by Conybeare Morrison in conjunction with Council, refer to **Figure 5**. The masterplan vision was for the redevelopment of the Station Precinct including two high rise mixed use towers, supporting residential towers, a recreation centre with interconnecting laneways and plaza. The masterplan tested the built form concepts for the site.

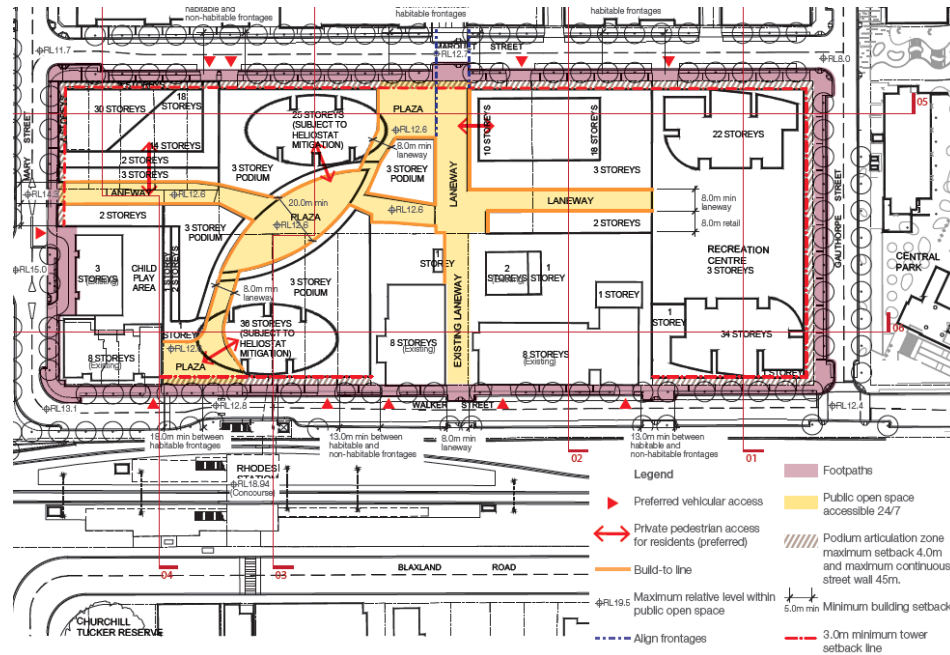


Figure 5 – Station Precinct Masterplan

Source: Rhodes West DCP

- To allow the vision of the masterplan to proceed a Planning Proposal was required.
- Canada Bay Council lodged a Planning Proposal with the Department of Planning in December 2014. The Planning Proposal included the following components:
 - Amend the height and FSR controls in Canada Bay Local Environmental Plan, 2013 (CBLEP 2013);
 - Amend the Rhodes West Development Control Plan (RWDCP): The provisions contained within the RWDCP amendment will guide the future development of the Station Precinct.

The LEP Amendment (No. 6) was gazetted on the 18 December 2015 and Council's adoption of amendments to the RWDCP came into force at the same time.

1.4 Pre-Development Application

No formal Pre-development application meeting was held with Council, however consultation and informal advice with Council occurred prior to the lodgement of the DA. Meetings in November and December 2015, were attended by senior Council planning staff and technical officers, the Applicant and specialist consultants, with additional technical consultants involved as needed.

1.5 Lodgement of Development Application

On 6 January 2016, the development application (DA) for the proposed development was lodged with Council seeking a Clause 4.6 variation for the floor space ratio (FSR) development standard of CBLEP 2013. Following the lodgement of the DA, Council undertook a preliminary review of the DA.

On 3rd and 10th February 2016, Council sent correspondence to the Applicant which raised significant concerns in relation to the non-compliant FSR which was an average across the three parcels of land as opposed to complying with the FSR for the individual sites.

Council also raised significant concerns regarding the process by which the Applicant was seeking to modify the Masterplan for the site by way of Clause 4.6 variations given the substantial consultation that had proceeded lodgement of the DA with the local community, landowners, Council and the NSW Department of Planning and Environment.

On 17 February 2016, amended plans were submitted to Council to achieve compliance with the maximum permitted FSRs for each parcel of land under CBLEP 2013. Substantial areas of floor space were removed or converted to communal open space but the height, bulk and scale of the original building envelope was retained.

On 7 April 2016 Council sent a further letter to the Applicant. Issues raised included:

- Compliance with FSR;
- Use and functionality of private and communal open spaces;
- Acoustic impacts on neighbouring residents;
- Explanation of plant rooms;
- Clarification of revised retail floor areas;
- Clarification regarding balconies/wintergardens and GFA;
- Clarification of the height of Tower A, B and Heliostat; and
- Setback of Tower A and B from southern boundary.

On 21 April 2016, the applicant submitted amended plans in response to the issues raised by Council. The changes that were incorporated into the scheme included the following:

- Level 2: The western portion of retail space fronting Marquet Street was removed to create a double height space. The northern quadrant of the retail space was deleted and converted into double height space;
- Level 3-5: Serviced apartments and plant rooms were deleted and converted into additional common open spaces for residents;
- Level 8-18: Tower A: 44 apartments were deleted from the original DA submission and were replaced with communal open space and double height voids. Following this amendment, the communal open space was deleted and replaced with large private terraces.
- Level 26 and 27: Tower B were deleted to comply with the height in storeys in the RWDCP;
- Tower B was setback an additional 0.9m to comply with the required 9m setback from the south; and
- The original DA common open space was 580m² (8%) and the amended common open space increased to 3555.1m² (33.54%) of the site.

The amended plans complied with the FSR development standard.

On 17th June 2016 Council provided the applicant with a draft development assessment report prepared by JBA recommending the DA for refusal. The report provided 8 reasons for refusal relating to the following issues:

- Unacceptable bulk, scale, built form;
- Impact on residential amenity of future residents;
- Incompatible with the desired future character in the Station Precinct in the Rhodes Peninsular; and
- Non-compliant private open space, solar and daylight access, storey heights of Tower A, building depths, setback to the southern boundary and pedestrian retail laneway connection.

The report was to be submitted to the Joint Regional Planning Panel (JRPP) meeting on 20th July 2016 with a recommendation for refusal, however the applicant advised they were willing to make amendments to the scheme to address the issues raised in the draft report. The report was therefore not sent to the JRPP.

In September and October 2016, the applicant submitted amended plans in response to the issues raised by Council. The changes that were incorporated into the scheme comprised the following:

- **Apartments per floor** - The number of apartments per floor were reduced from 12 apartments to 10 apartments in both Tower A and B;
- **Total apartments** - The number of apartments were reduced from 668 in the original DA to 548 in the amended DA;
- **Setbacks** - The setbacks from the northern and southern boundaries at all residential tower levels were increased. Therefore, the towers were reduced in length. The setback from 2-4 Walker Street was increased at Levels 2 and 3;
- **Terraces** - The large private terraces were deleted at Levels 8-18 in Tower A and residential apartments reinstated;
- **Residential apartments** - Communal Open space at Levels 4 and 5 were replaced with residential apartments Tower A and B;
- **Reconfiguration of apartments** - the balconies in the one bedroom apartments in the centre of the towers, were increased in width to 2m;
- **Wintergardens** - The balcony designs were amended to be open to the elements and wintergardens were maintained at the upper levels and included in the GFA/FSR calculations;
- **Solar Access** - The number of apartments complying with the minimum of 2 hours of solar access increased from 60% to 73%;
- **Number of Storeys** - Tower A has reduced the number of storeys from, plus plant and HelioStat;
- **Tower Depth** - The depth of the towers was reduced from 28m to 26m;
- **Pedestrian Link** - The north south through site link was unblocked and linked to 29 Marquet Street; and
- **Midblock Plaza Roof** - The roof of the midblock plaza was deleted.

These amended plans form part of this assessment.

1.5.1 Memorandum of Understanding

A *Draft* Memorandum of Understanding (MOU) (no date) between City of Canada Bay Council and Billbergia Group was prepared in July 2016 and was submitted with the amended plans in September 2016. This document has not been signed by Billbergia Group or Council.

The MOU aims to provide a commitment from the proponent to satisfactorily fund/construct the infrastructure improvement works required through the DA process. The MOU includes a concept layout of the improvement works at the Concord Road / Averill Street intersection.

The MOU and its details should form part of the documentation submitted for the lodgement of any future DA on the Station Precinct site with the details of the MOU being implemented as Conditions of Consent.

As the MOU remains outstanding a deferred commencement condition has been imposed. Therefore when the MOU is executed by both parties the development consent will become operative.

2.0 Proposed Development

2.1 Project Description

The proposal seeks approval for:

- Construction of a new mixed use retail and residential building (63,128m² GFA) with ancillary retail uses, consisting of two residential towers (Tower A maximum RL156 AHD (including heliostat) (east) and Tower B maximum RL104.1AHD (west)) located above a podium, accommodating:
 - 50,309m² of residential floor space comprising 548 residential apartments;
 - 12,820m² of retail floor space comprising of speciality retail units and a supermarket tenancy;
 - Construction of landscaping/communal open space on top of the podium at level 3;
 - Vehicle access arrangements within the site including seven basement levels for car parking for 910 vehicles;
 - Installation of a heliostat system on the roof of Tower A (consisting of mirrors which are orientated to focus light onto the Rhodes Town Square);
 - Through site links between Walker Street and Marquet Street (east-west) and between 21 Marquet Street and 29 Marquet Street (north-south);
 - A concept design of the surrounding public domain; and
 - Stratum subdivision of the proposal.

Figure 6 is a photomontage of the proposal as viewed from the Town Square to the south.



Figure 6 – Photomontage of proposal
Source: SJB

The proposed development consists of:

- Basement Level 08 - Basement Level 02 (Loading) car, bicycle parking and loading to service all activities on the site;
- Lower Podium Level - supermarket, retail and bicycle centre, pedestrian access via escalators;
- Podium Ground Level - pedestrian plaza, retail, residential lobbies, substation and through site links. Residential and retail car park entrance from Marquet Street, loading and servicing entrance from Walker Street;
- Level 2 (podium) - retail and central atrium that provides natural light to all levels of the podium, a single pedestrian bridge is located across the ground floor plaza;
- Level 3 - residential communal recreation areas and residential lobby, plus carpark plant;
- Level 4 – 37 (plus plant) (Tower A) - 33 storeys of residential apartments (328 apartments). A plant room is located on Level 38. The lift over run and fire stairs are provided on the roof of Level 38 which rises to a maximum height of 139.6m AHD. A heliostat that extends/cantilevers to the south is provided off Level 38, with light reflectors provided off the roof. The heliostat extends to a maximum RL 156AHD).
- Level 4 – 25 (plus plant) (Tower B) – 21 storeys of residential apartments (220 apartments). A plant room is located on Level 26. A plant room including lift over run, and fan rooms are located on Level 26, which rises to a maximum height of 104.1m AHD.
- Heliostat

The proposal seeks to incorporate a heliostat and reflector system onto the roof of Tower A, so that sunlight can be directed onto the Rhodes Town Square, refer to **Figure 7**. The heliostat exceeds the LEP maximum building height by an additional 17.75m resulting in a maximum building height of 143.3 (maximum RL 156AHD). The heliostat is considered an architectural feature and is therefore permitted to extend above the maximum building height development standard.

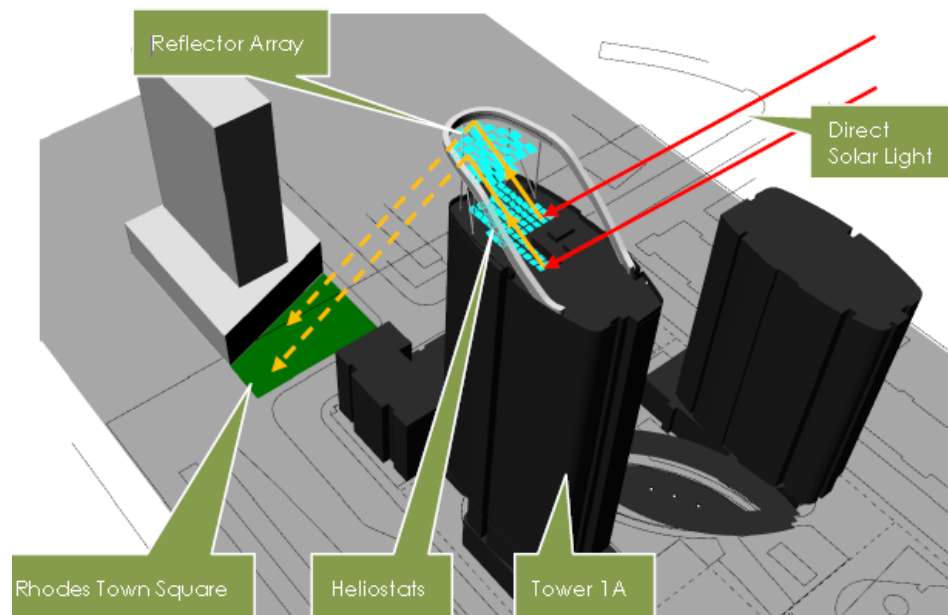


Figure 7 – Proposed Heliostat System Layout

Source: Inhabit Group

- Stratum Subdivision

The Proponent proposes to stratum subdivide the proposal to create separate stratum lots for the different uses within the building.

In terms of materials and finishes, the building includes the following materials:

- **Podium retail** – a mix of glazing, sandstone wall, stone clad columns, timber panels, concrete rendered planter boxes, aluminium awnings and aluminium louvres.
- **Residential towers** – metal clad columns, full height glazing – metal and glass balustrades, decorative metal screening and rendered concrete.
- **Building C** – Sandstone walls and glazing.

The key aspects of the landscape concept include the following:

- Through site connections from Walker Street to Marquet Street;
- The provision of a central pedestrian plaza including retail activation, public seating, outdoor dining and landscaped elements.
- Communal open space areas at Level 03 and the provision of private terraces for apartments; and
- The communal open space area will include landscaping in planter boxes to soften the built form and provide desired residential amenity.

The estimated cost of the development is \$348,346,974.

Refer to **Table 1** for the development schedule of the proposal.

Table 1 –Development Schedule

Details	Proposal		
Site Area	10,601m ²		
	Site 1A	Site 1B	Site 1C
Maximum Allowable Gross Floor Area (GFA)	37,367m ²	25,458m ²	9,370m ²
Maximum Allowable Floor Space Ratio (FSR)	9.3:1	5.6:1	4.6:1
Proposed GFA	37,302m ²	25,387m ²	440m ²
Proposed FSR	9.28:1	5.58:1	0.22:1
Maximum Allowable Building Height	127m	93m	42m
Maximum height Proposed	127m (143.3m heliostat)	91.5m	4.15m
One bedroom apartments	116 (21.2%)		
Two bedroom apartments	220 (40.1%)		
Three bedroom apartments	212 (38.7%)		
Total number of apartments	548		
Tower A (No. of apartments)	328		
Tower B (No. of apartments)	220		
Adaptable apartments	82		
Retail Space Area – Lower Podium	Tower A 3072m ² , Tower B 2963m ²		
Retail Space Area - Ground Podium	Tower A 1871m ² Tower B 1817m ² Building C 301 m ²		
Retail Space Area – Level 2	Tower A 1899m ² Tower B 758m ²		
Car Parking Spaces Retail/Residential	548 resident spaces (37 visitor spaces), 322 retail spaces 3 car share spaces		
Bicycle Parking Spaces	853 residential bicycle cages and 100 retail bike spaces in basement 60 public visitor spaces at ground		
Common Open Space	3556.1m ² (33.54%)		

Future DAs are proposed to be submitted to Council for the following:

- Fitout and use of retail tenancies fitouts; and
- Building signage.

The demolition of all buildings and associated structures across the site and remediation works were removed as part of this DA. These works were submitted under a separate DA (DA2016/0271) to council which was approved under delegated authority on 14/10/2016.

3.0 Statutory Context

Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 (The Act), requires the consideration of “any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations”.

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

3.1.1 Legislative Provisions

- Environmental Planning & Assessment Act 1979;
- Environmental Planning & Assessment Regulation 2000; and
- Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996.

3.1.2 Environmental Planning Instruments

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 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;
- State Environmental Planning Policy 64 – Advertising and Signage; and
- Canada Bay Local Environmental Plan 2013 (as amended).

3.1.3 Development Control Plans

- Rhodes West Development Control Plan 2015.

3.1.4 Other Plans and Policies

- A Plan for Growing Sydney;
- NSW Long Term Transport Plan; and
- NSW State Government: Making it Happen.

3.2 Primary Controls

3.2.1 Environmental Planning & Assessment Act 1979

Within the Act, Section 5 relates to the Objects, Section 93F relates to Planning Agreements and Section 94 relates to Contributions. These sections are considered and addressed below with general matters for consideration prescribed within Section 79C broadly addressed within this report:

Section 5 of the Act - 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.

The proposal has been considered against the Objects of the Act, including the encouragement of ESD in the assessment of the DA and on balance the DA is considered acceptable as detailed in this report.

Section 93F of the Act – Planning Agreement

A Voluntary Planning Agreement (VPA) was executed between the City of Canada Bay Council and Billbergia pursuant to Section 93F of the Environmental Planning and Assessment Act 1979. Primarily under the Agreement Billbergia is required to provide the following:

- Development Contributions in the order of \$33million;
- Roadworks;
- Public Art; Initial public art plan forms part of this DA, final Art plan to be provided;
- Dedication of land and design of a recreation Centre; - to be provided at Stage 2;
- Provisions of CCTV;
- Proposed location of electrical substations;
- Undergrounding of Services;
- Included detailed BCA compliance reports;
- Proposed the establishment and maintenance of laneways;
- Commit to sustainability initiatives;
- Publicly Accessible car parking; and
- A heliostat reflector on top of the building at 6-14 Walker Street, Rhodes.

The provisions of the executed VPA have been taken into consideration in the assessment of the DA. The subject proposal is deemed consistent with what can be delivered at Stage 1.

Section 94 - Contributions

Under Part 1, Section 9 in the VPA it outlines that the deed excludes that DA of s94 and s94A of the Act to the development.

3.2.2 Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996

Pursuant to Part 12 —Protection of airspace around airports of the Airports Act 1996, prescribed airspace is required to be protected if it is in the interests of the safety, efficiency or regularity of air transport operations into or out of an airport.

Bankstown Airport Limited assessed the proposed development based on the information supplied by Council and Thompson GCS.

The proposed building at an overall maximum height of 156.0m above Australian Height Datum (**AHD**) would not penetrate the Obstacle Limitation Surfaces (**OLS**) for Bankstown Aerodrome.

Any such crane activity that exceeds the height of 156.0m AHD will require a separate assessment.

Any future addition to the building's height may impact the OLS and will require a separate assessment.

3.3 Environmental Planning Instruments

3.3.1 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.

Amended BASIX Compliance reports and certificates (676286M_05 issued Friday 2 September 2016) prepared by Inhabit Group, were submitted with the proposal and demonstrate that BASIX targets in respect of Water, Thermal Comfort and Energy will be met.

3.3.2 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.

The demolition of all buildings and associated structures across the site and remediation works were removed from this DA and are subject of a separate DA (DA2016/0271) which was approved on 14th October 2016.

The redevelopment site originally contained residential dwellings until the 1950s and was owned by chemical companies (Trimbol, CSR Chemicals and Union Carbide). It appears the facilities on the redevelopment sites were used as offices and/or storage areas rather than for chemical manufacturing.

A Preliminary Site Investigation Report prepared by Douglas Partners Pty Ltd recommended that further assessment of the filling and soils that will remain on site should be undertaken following demolition of, or the provision of unhindered access to, the current buildings. In addition, any materials deemed unsuitable will need to be removed or remediated as part of the construction process. The removal of asbestos and other hazardous building materials should be undertaken by a suitably licensed contractor and an asbestos clearance certificate provided before waste classification, disposal or site validation is undertaken.

Overall, the results of this preliminary site investigation recommend that the redevelopment sites either are suitable or could be made suitable for high-density residential purposes.

3.3.3 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development

The relevant provisions and design quality principles of SEPP 65 have been considered in the assessment of the DA. The proposed development is considered to perform satisfactorily

having regard to the 9 design principles of the SEPP as well as the core requirements under the Apartment Design Guidelines (ADG).

Appendix A and **B** provide a summary of compliance to demonstrate the overall design of the development proposal's consistency with the relevant planning controls that are applicable to the site with respect to SEPP 65 and the ADG. **Section 5** of this report addresses relevant non-compliances in more detail.

3.3.4 State Environmental Planning Policy (Infrastructure) 2007

The proposal was referred to Sydney Trains. No comments from Sydney Trains have been received.

As per Clause 86 (5) of SEPP (Infrastructure), given that the 21-day period has elapsed with Sydney Trains not providing concurrence, concurrence can be assumed and the JRPP may grant consent to the development.

Clause 104 of SEPP (Infrastructure), also requires that the project be referred to the RMS 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 classified as 'traffic generating development'.

Accordingly, the proposal was referred to the NSW Transport – Roads and Maritime Services (RMS).

Walker Street Developments Pty Ltd wrote to Council on 3 December 2015 to confirm that it was willing to fund the construction of infrastructure improvement works for the Concord Road / Averill Street intersection) through the DA process for 10 Walker Street, Rhodes. This information was also sent to RMS.

No comments have been received from RMS in response to these matters.

Clause 87 of SEPP (Infrastructure) requires 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 Department's publication entitled '*Interim Guidelines for Development near Rail Corridors and Busy Roads*'.

The report concluded that:

'Acoustic treatments have been recommended to ensure that internal noise levels from rail comply with the requirements of the: State Environmental Planning Policy (Infrastructure) 2007; and

Rail vibration will comply with the recommendations of the Department of Planning 'Development Near rail Corridors and Busy Road – Interim Guideline' and the EPA document Assessing Vibration - A technical guideline.'

No comments have been received from the RMS in relation to acoustic treatment.

3.3.5 Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005;

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 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP). 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 Masterplan. 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, 255m to the east, 230m to the west, the development will be visible though is not expected to have adverse impacts upon the waterway.

3.3.6 State Environmental Planning Policy 64-Advertising and Signage

The DA includes areas on the building for the provision of future signage. Consent for the design of signage within the approved signage zones on the building will be lodged as a separate DA.

3.3.7 City of Canada Bay Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of CBLEP 2013.

Zoning of Land and Permissibility

Under CBLEP2013, the subject site is zoned B4 'Mixed Use' Zone, which permits 'shop top housing' and 'commercial premises which includes retail premises.

The objectives of zone include the following:

- *To provide a mixture of compatible land uses.*

The proposed development will provide a mix of commercial and retail uses from lower podium level to level 2 and upper levels of each tower will be residential use. These uses are considered compatible with each other.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The site is located immediately adjacent to Rhodes railway station. The proposed retail and residential uses will be compatible with the station which will maximise patronage of the residents and general the public. The proposed through site links, pedestrian plaza and reduction of vehicular crossings, will help to activate the street and retail frontages at the ground floor level.

The proposal is defined as 'shop top housing' and 'commercial premises' under CBLEP 2013 and is consistent with objectives of the zone and is therefore permissible with consent.

Minimum Subdivision lot size

The site is zoned B4 Mixed Use, subdivision is permitted with consent. There is no minimum lot size for subdivision. The objectives of the B4 Mixed Use zone aim to provide a mixture of compatible land uses and provide opportunities for residential development where appropriate. The proposed subdivision will facilitate the achievement of these objectives by allowing for the individual ownership and leasing of the new lots.

Height of Buildings

Clause 4.3 of CBLEP 2013 provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 127m on Site 1A, 93m on Site 1B and 42m on Site 1C.

The proposed height for development includes the following:

- Tower A on Site 1A is 127m (RL139.6m);
- Tower B on Site 1B is 91.5m (RL104.1m); and
- Site 1C is 4.15m.

On top of Tower A, the proposal incorporates a heliostat which is considered to be an architectural roof feature. The heliostat extends to 143.3m (RL156) and exceeds the height limit.

Clause 5.6 of CBLEP 2013 allows architectural roof features to exceed the building height development standard. The proposed heliostat is not considered to cause an adverse visual impact or adversely impact the amenity of the neighbouring properties. The heliostat is designed to reflect light onto the Rhodes Town Square and improve the amenity for local people. The heliostat is an integral part of the building's design and is a decorative element on top of the building. It is not an advertising structure and does not include floor space and will function to will improve solar access to Rhodes Town Square.

Floor Space Ratio

Clause 4.4 of the CBLEP 2013 provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum permissible FSR for the subject site is 9.3:1 on Site 1A, 5.6:1 on Site 1B and 4.6:1 on Site 1C.

The proposal provides an FSR of 9.28:1, 5.58:1 and 0.22:1 on Site A1, 1B and 1C respectively and is compliant with CBLEP 2013. This is confirmed by the architectural drawings prepared by SJB Architects and Linker Surveying.

Heritage Conservation

Clause 5.10 of the CBLEP 2013 sets out heritage conservation provisions for Canada Bay. The site does not include a heritage item and is not located in a heritage conservation area. There are no heritage items near the subject site. Accordingly, no further assessment regarding heritage is necessary.

Earthworks

Clause 6.2 of CBLEP 2013 states that consent is required for proposed earthworks on site. The earthworks formed part of DA 2016/0271 and was approved under delegated authority on 14th October 2016.

3.3.8 Rhodes West Development Control Plan

The relevant design requirements and objectives of the RWDCP 2015 have been considered in the assessment of the development proposal and are considered to perform satisfactorily with regards to the RWDCP 2015.

A comprehensive assessment of the compliance with respect to RWDCP 2015 is found in **(Appendix C)** of this report and non-compliances are detailed further in Section 5.

3.4 Plans and Policies

3.4.1 A Plan for Growing Sydney

In 2014 the NSW Government released 'A Plan for Growing Sydney' being the metropolitan plan for the Sydney region. Within this plan, Rhodes is identified as a Strategic Centre. Rhodes is listed as a 'major precinct' within the Greater Parramatta to Olympic Park growth area. Rhodes falls within the Central Subregion with the following objectives for the centre:

- Work with Council to protect capacity for long-term employment growth in Rhodes;
- Work with Council to provide capacity for additional mixed-use development in Rhodes including offices, retail, services and housing;
- Support health-related land uses and infrastructure around Concord Hospital;

- Work with Council to improve walking and cycling connections between Rhodes train station and Concord Hospital; and
- Facilitate construction of a public transport, walking and cycling bridge over Homebush Bay to connect Rhodes to Wentworth Point.

The proposed development is considered consistent with 'A Plan for Growing Sydney', by providing mixed use development with additional dwellings and commercial floor space that would contribute to housing and jobs and shopping choice in the locality in close proximity to public transport.

This DA is also consistent with the priorities for the West Subregion identified in the Plan for Rhodes as the proposed redevelopment will:

- Contribute towards housing targets with the provision of 548 new apartments; and
- Provide a site within Rhodes Peninsula that is readily accessible to public transport, the Rhodes Business Park and the Rhodes Waterside Shopping Centre.

3.4.2 NSW Long Term Transport Masterplan

The NSW Long Term Transport Masterplan was published by Transport for NSW in December 2012. The Masterplan focuses on key transport challenges identified during an extensive consultation process, and sets out how the NSW Government aims to respond by integrating transport services, modernising the transport system, growing the network to meet future demand, and maintaining important road and public transport assets.

The proposal is consistent with the Masterplan in the following ways:

- It will assist in unclogging the Sydney CBD transport system by connecting more people to existing Rail Infrastructure and encouraging patronage on an existing network with spare capacity;
- It will encourage walking by extending the surrounding street network into the development, creating a pedestrian link from Walker Street to Marquet Street, and improving the connectivity to Rhodes Station; and
- It will encourage public transport use by providing employment opportunities in close proximity to rail, bus and ferry services.

4.0 Consultation and Submissions

4.1 Public Exhibition Details

Under Section 79A of the EP&A Act, the DA 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 DA.

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

After accepting the DA, Council undertook the following actions:

- Made the DA publicly available from 19th January 2016 until 16th February 2016 (28 days);
 - On Canada Bay Council's website; and
 - At Canada Bay Council's Administration office.
- Notified local landowners and residents about the proposal (and the exhibition period) with 3432 letters sent;
- Notified relevant State and Local Government Authorities; and
- Advertised in the Inner West Courier.

A total of **five (5) submissions** were received in response to the exhibition, see below. One other letter which was sent to former Mayor, Angelo Tsirekas was also taken into consideration.

Following the amended plans received in September 2016, Council renotified the DA from 15th September to 6th October 2016, to the original objectors. No further submissions were received.

4.1.1 Public Submissions

A summary of all public submissions has been outlined below in **Table 2** and a copy of all submissions is contained in **Appendix D**:

Table 2 – Objection letter responses

Objection	Comment
Height and Number of Storeys – The DA proposes 39 and 28 storey towers. The only acceptable height in the area should be 10 storeys, Rhodes is not fit for high rise towers.	<p>The proposal complies with the maximum height control specified in Clause 4.3 of CBLEP 2013.</p> <p>The RWDGP stipulates a maximum building height of 36 storeys for Tower A and 25 Storeys for Tower B.</p> <p>Tower A provides 37 plus plant stories and does not comply with the storeys height control, refer to Section 5 for discussion.</p> <p>The amended plans reduced Tower B from 28 storeys to 25 storeys and is compliant with the RWDGP.</p>
Density of the site - The additional levels will add approx. 60 apartments to the already increased density of this precinct.	<p>In terms of density, the original DA did exceed the overall floor space ratio limit prescribed by CBLEP 2013.</p> <p>The applicant subsequently submitted amended plans which reduced the number of apartments, reduced the length and depth of the towers and altered the FSR of the building to provide compliance.</p>
View loss - Will the tower impact on views from 18 Walker Street, Rhodes.	The towers are consistent with the orientation and axis proposed under the RWDGP, any view loss associated

	with the proposal is consistent with view loss envisaged in the RWDGP.
Traffic and Parking - proposed works will cause traffic congestion and loss of on street parking in the area.	<p>The proposal remains consistent with the RWDGP and within the anticipated yields, it is not considered to result / create any adverse traffic impacts beyond those anticipated in the already adopted traffic modelling.</p> <p>Parking provided on site is considered sufficient to enable viability of uses with the accessibility of the site to public transport, noting particularly Rhodes railway station immediately adjacent to the east of the site providing an encouraged alternate means of transport.</p>
Loss of Privacy - overlooking a balcony/ roof terrace at 4 Marquet Street and 18 Walker Street	The development is considered acceptable from a privacy perspective with adequate separation provided from residential development within the site. Appropriate privacy measures such as privacy screens or frosted glazing will be imposed by condition where required.
Rail Services - Limited train service Rhodes Station at Peak hour, the development will only emphasise this issue for the Rhodes peninsula.	No additional train services will be implemented as part of the development; however, this may be something Sydney Trains review in the future, given Rhodes is a Strategic Centre as part of a Plan for Growing Sydney.
Noise - impact on residential amenity from noise from the proposed construction	The developer will prepare a Demolition and Construction Noise and Vibration Management Assessment Plan (NVMP) for the demolition, excavation and construction phases of the development, this will be recommended as a condition of consent.
Construction Works - will be looking at a construction site for years to come	<p>The site is in a redevelopment area and has undergone significant consultation with the community in relation to the future development of the site.</p> <p>A construction management plan has been submitted with the DA, which outlines the actions and staging of construction deemed necessary to address the concerns of neighbouring properties and authorities, whilst maintaining a safe and productive construction site.</p> <p>The Contractor shall prepare a Traffic Management Plan (TMP) for the demolition, excavation and construction phases of the development. The construction traffic management plan will be subject to conditions of consent.</p>
Air Quality - dirt and dust from the development will impact on the residential amenity and play time for children at 4 Marquet Street.	The Contractor will develop an Air Quality Control Plan in accordance with the relevant standards and regulations.
Loss of Light - Development will completely block out natural light to 4 Marquet Street	Resultant shadow impacts were considered at the time of preparation of CBLEP 2013 and RWDGP. The proposal will undoubtedly impact existing properties though noting the orientation of the site and the compliant height and setback of the towers from the southern boundary, the impacts are considered acceptable.

Loss of value of apartments	The possible loss of apartment value in Rhodes from increased supply is not a relevant matter for consideration. This DA is generally consistent with the Masterplan for the locality and is a key development site in the transformation of Rhodes from a historic industrial and low density residential area into a medium/high density mixed use urban precinct. It will provide much needed housing supply in a locality serviced by good public transport links that is close proximity to employment centres of the Sydney CBD, Parramatta and Macquarie Park.
Removal of Trees - Concerns raised that the trees will completely remove all trees	There are no significant trees located on or adjacent to the site. Landscape plan will include the plantation of street trees such as Eucalyptus, Tuckeroo Trees and Frangipanis.
Provide more gardens and schools instead of developments property	The proposal is generally following the vision outlined in the RWDCP and Masterplan for mixed use development in close proximity to public transport.
No details of the VPA have been provided including a recreation facility and a child care centre-	Details of the VPA were submitted with the Statement of Environmental Effects. The VPA is a public document.
Council should review the proposal and consider different hours for Council meetings.	A full assessment of the DA has been undertaken. The public has opportunity to raise objections online which is available 24hours a day. Times of Council meetings do not form part of this assessment.
Insufficient communal open space	The amended plans deleted the serviced apartments on levels 3 and provided communal open space. The proposal provides 3556.1m ² (33%) communal open space to the site, compliant with Council's controls.

4.2 External Referrals

The following submissions were received from public authorities:

4.2.1 Sydney Trains

As outlined in response to SEPP Infrastructure, the DA was referred to Sydney Trains. Sydney Trains did comment in respect to the requirement of a cheque, which the applicant provided in April 2016.

As per Clause 86 (5) of the SEPP, given that the 21-day period has elapsed with Sydney Trains not providing concurrence, the JRPP may grant consent to the development.

4.2.2 NSW Transport – Roads & Maritime Services (RMS)

As outlined above, the DA was referred to the RMS. No comments have been received in respect of the DA.

4.2.3 Ausgrid

The DA was referred to Ausgrid and comments were provided, refer to **Appendix E**. Ausgrid confirmed that the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development. This will be recommended as a condition of consent.

4.2.4 Bankstown Airport Limited

Bankstown Airport Limited assessed the proposed property development based on the information supplied by Council and Thompson GCS and considered the proposal acceptable. No conditions of consent were requested.

4.3 Internal Referrals

4.3.1 Environmental Comments

The DA was referred to Council's Environmental Health Officer. Comments were provided in relation to Acid Sulphate Soils, refer to **Appendix E**. The Officer was satisfied with the DA and recommended conditions. The proposed conditions would ensure the development will be consistent with the recommendations made in the Geotechnical Report, prepared by Douglas Partners dated December 2015 submitted with the DA.

4.3.2 Development Engineer Comments

Council's Engineering Department reviewed the DA and provided comments in relation to stormwater civil works and vehicular access, refer to **Appendix E**.

Council Officers found that the information was provided in relation to stormwater management, Basix and Geotechnical advice was considered acceptable and recommended conditions of consent.

4.3.3 Waste Comments

The DA was referred to Waste Management Officer who provided comments in relation to the residential and commercial waste for the development, refer to **Appendix E**.

Council's Waste Management Officer reviewed the DA and raised concerns in relation to the current domestic waste collection service being able to service this site. It was also noted that the current service is not designed to deal with the size of this development. Further information is requested in relation to how the commercial waste will be managed.

The applicant met with Council's waste management coordinate on 6 September 2016 and discussed the waste management strategies for commercial and domestic waste streams for the development. The submitted waste management plan has been updated to be consistent with the City of Canada Bay Development Control Plan 2013.

The proposed waste management plan is considered satisfactory.

4.3.4 Traffic Engineer Comments

The DA was referred to Council's Traffic Officer, who provided comments in relation to parking, refer to **Appendix E**.

Council's Traffic Engineers requested confirmation of the revised number of dwellings/retail area and demonstration that the minimum/maximum number of parking spaces is satisfied.

It was also noted that the removal/modification of storage cages to facilitate their use as parking spaces should be expressly prohibited by development conditions and strata by-laws.

Other than these issues, Council's Traffic Engineers were satisfied and provided standard conditions.

5.0 Assessment of Environmental Impacts

The key environmental issues for the proposal are:

- Floor space ratio;
- Building height in storeys;
- Built form;
- Building depth;
- Private Open Space;
- Solar Access;
- Floor plate and apartment configurations;
- Isolated Site;
- Setbacks for Tower A; and
- Through site link to north; and
- Stratum Subdivision.

5.1 Floor Space Ratio

As discussed above, the original DA included a Clause 4.6 variation to the FSR standard. The Clause 4.6 variation incorrectly combined the gross floor area for each site and then applied an average FSR across the site. CBLEP 2013 clearly identifies three separate density controls across the site.

The original DA did not include the winter gardens in the GFA calculations. The amended plans have separated the different FSRs applying to each site and included winter gardens in the calculations. The modification of the depth and length of the towers, reduction in number of apartments /floor, the deletion of serviced apartment ensured that the FSR complies.

The architectural drawing package prepared by SJB Architects and Linker Surveying also confirms that the proposal complies with this provision and no variation request to the maximum building FSR under Clause 4.6 of CBLEP 2013 is required.

5.2 Height of Buildings

The RWDCP recommends 36 storeys plus plant for Tower A. The proposal provides 37 storeys plus plant.

The departure from the height in storeys control is supported due to the following:

- The proposal complies with the CBLEP 2013 maximum height development standard in metres;
- The gross floor area of the additional level does not result in a non-compliance with the FSR control and therefore anticipated density is not increased; and
- The shadow studies demonstrate that there are no additional overshadowing impacts on neighbouring properties or the public domain as a result of the additional storey as it is within the maximum height development standard.

5.3 Built Form

The podium forms the base of the development. It is well detailed and the double height floor to ceiling levels helps create a human scale. There is a clear horizontal element running through the podium level. The facade is broken up by materials such as a mix of glazing,

sandstone wall, stone clad columns, timber panels, concrete rendered planter boxes, aluminium awnings and aluminium louvres.

On the Walker Street elevation, the podium is also broken up by a 6m gap for the pedestrian entrance to the plaza, which separates the northern and southern sections of retail units on the ground floor. Tower A cantilevers over the opening which helps create a gateway into the retail plaza. On the Marquet Street façade the podium also features strong horizontal elements with windows punching through the northern retail buildings to create visual interest.

The variation of materials and building forms also strongly defines the building base as separate to the tower forms above. The towers sit above the podium level and in contrast have clear vertical form. The towers are broken up into sections like bays, which implies a residential use rather than a commercial tower. The towers include a break in the façade in the middle of each side elevation and the tower tapers at the ends which helps the tower appear to be slender formation at the ends.

On top of Tower A is a heliostat. The heliostat is considered an interesting and unique part of the design and will help provide a good level of additional light to Rhodes Town Centre as well as being a prominent architectural feature of the site. It is accepted that a heliostat system can be effective, as both an architectural feature and a method of increasing solar access to overshadowed public domain areas.

The proposed bulk scale, height, form and materials all combine to provide an appropriate development which is considered appropriate in the context of the surrounding locality and is consistent with what was envisaged by the Masterplan and planning controls for the site. The proposal responds to the surrounding urban renewal context, achieves a suitable form and scale and is consistent with achieving design excellence.

5.4 Building Depth

The ADG recommends building depths to be no greater than 18 metres, Control C6 of Part 3.3.3 of the RWDCP specifies that the depth of residential buildings greater than 9 storeys should not exceed 18m from glass to glass and 26m overall including balconies and terraces.

Although the proposal provides building depths ranging between 13-26metres, the towers have been designed to maximise daylight with living areas adjoining windows and balconies to receive available light. The development also achieves natural ventilation to the apartments through the provision of operable windows and maximising the number of external corners to the façade to increase the opportunity to capture winds, the proposal provides 74% cross ventilation for the first 9 storeys.

Despite the noncompliance, it is considered that apartments will be provided with an acceptable level of residential amenity in terms of daylight access, natural ventilation, visual privacy and apartment sizing and layout.

5.5 Private Open Space

Throughout the assessment process the level of private open space, balcony design and layout has been raised as an issue. The amended plans demonstrate that 79% (435/548) of balconies comply with the minimum depth dimension while 34% (186/548) of the balconies comply with the minimum area. Although some of the balconies do not comply, the non-compliances are considered to be minor, with balconies just short of the required minimum depth by 0.25m or minimum size areas by 0.1m² to 1.75m².

The northern end one bedroom apartments on level 4-7 in Tower A and level 4-5 in Tower B, provide two balconies per apartment which are 5.8m² and 6.9m² in Tower A and 6.7m² and 7.7m² in Tower B. Although these balconies are independently undersized, they provide future residents a variety of private amenity spaces and the larger of the two balconies will allow for a table and chairs ensuring that balconies are useable and functional.

The proposal also provides undersized “L”-shape balconies for one, 2 bedroom apartments on level 4-7 and two, 2-bedroom apartments on Levels 8-37 in Tower A and level 4-25 in Tower B. These balconies range in area from 8.3m² to 9m²; a non-compliance of 1.7-1m² and have a maximum depth of 1.75m a non-compliance of 0.25m. These balcony dimensions are not ideal; however, they still provide a reasonable level of functionality as they are located off the living room and bedroom and a small table and chair could be located on them.

Residents will also have access to the communal open space on the podium level as alternative open space for these apartments when required.

The one bedroom apartments in the centre of the floorplate in Tower A and B feature balconies that face longways instead of horizontally which is not what is envisaged by the ADG. The design is considered acceptable as the private open space will act as an extension to the primary living area of the apartment, creating a single indoor-outdoor living environment. Importantly the design will allow for improved light penetration into the main living area and provides a more protected balcony in terms of wind protection.

Overall, it is considered that The balconies are acceptable as they provide areas which have a minimum depth of 1.75m-2.4m. This width is sufficient to accommodate the outdoor recreation desires of the occupants and the dimensions still allows balcony seating. Furthermore, all the balconies are located off living spaces and therefore the balconies and terraces provide an acceptable private amenity space for future residents.

To further support the amenity of the future residents, it is also noted that the size of the apartments will be above the ADG requirements, all the open plan living rooms will have a minimum width of 3.6m or 4m and all the bedrooms range from 9m² to 10m² ensuring good quality habitable space for future residents.

Winter Gardens are provided at the upper levels of the towers. The winter gardens are a practical solution to ensure the balconies can be used in periods of inclement weather or high winds and help to provide a good level of amenity to the apartments.

5.6 Solar Access

The ADG design criteria requires at least 70% of apartments to receive at least 2 hours of direct sunlight between 9am and 3pm in mid-winter in the Sydney Metropolitan Area.

The amended plans increased the provision of solar access for 2 hours, between 9am and 3pm in mid-winter from 60% to a combined total of 72.7% (404 out of 548 apartments).

This includes 80.5% of apartments in Tower A (264/328 apartments) and 63% (140/220 apartments) of apartments in Tower B.

This improvement on the original scheme is due mainly to reducing the number of apartments per floor from 12 to 10 apartments which has helped maximising the northern orientation that is available to the site and superior layout of the floor plate of the apartments on each level.

The communal open space is provided on top of the podium at level 3, underneath the towers. The open space will not receive direct sunlight to at least 50% of the open space for 2 hours in mid-winter to the principal usable space. However, the northern section of the open space will receive reasonable levels of direct sunlight and therefore can be considered acceptable and consistent with the Masterplan. It is important to note future development may impact on the level of solar access achieved in the communal open space.

5.7 Deep Soil

The ADG advises that 25% of the site should be a deep soil zone. The proposal is located above a basement car parking area and is therefore unable to comply. The site is a high density urban renewal site and therefore it is challenging to provide deep soil landscaping. However,

landscaping is provided in other forms on the building through proposed planter boxes and the landscaped areas. Stormwater management measures are proposed to collect the water for reuse on the site. Furthermore, Peg Patterson Park and Foreshore Park is provided to the south of the site and west of the site, for the enjoyment of the residents, employees and the local community.

5.8 Floor Plate and Apartment Configuration

The proposed tower floor plates range in area from 593.2m² to 947.1m² and are consistent with the maximum GFA floor plan area of 1250m² as outlined in Control 6 of Section 4.7.1 of the RWDCP.

The proposal provides a maximum of 10 apartments per level which exceeds the maximum requirement of 8 apartments off a circulation core. However, the circulation corridors are articulated such that no corridor has more than 5 apartments in one direction from the lift core accommodating four lifts.

A window is provided off the lift core which aims to provide a level of natural light into the corridor, however a door is located between the lift lobby and the window. This door and surrounds shall be fully glazed to allow a maximum amount of natural light into the lift lobby area, refer to **Condition 21**.

It is noted that a few of the bedrooms include a “snorkel” window that is not visible from all sections of the room which does not strictly comply with the provisions of the ADG. To ensure adequate light is provided into these bedrooms the window/door shall be full height glazing from floor level to ceiling height and shall be the full width of the opening, refer to Condition 21.

It is considered on balance the proposal provides good overall apartment sizes meeting the ADG criteria for all apartments. The proposed towers incorporate a mix of single aspect and corner apartments comprising of one, two and three bedroom apartments. The proposed apartments provide open plan living/dining rooms that have a minimum width of 3.6m for one bedroom apartments and 4m for two and three bedroom apartments which will provide good amenity for future residents. Glazed areas in the habitable rooms are greater than 10% of the rooms and all the bedrooms range in size from 9m² to 10m² consistent with the ADG.

The proposal provides ceiling heights greater than 2.7m which helps to achieve good daylight access and natural ventilation to the apartments. The apartment layouts provide good access to the private open space and easily accessible storage compliant with the ADG controls.

Given the high density of the site, the proposal still accommodates excellent separation between Tower A and B. with a distance of 52.6m is double the minimum outlined in the ADG, which contributes to providing high amenity in terms of visual and acoustic privacy.

The separation between the buildings assists in providing residential amenity including visual and acoustic privacy, natural ventilation and sunlight, daylight access and maximising outlook from apartments.

On balance, the proposal is considered to provide reasonable residential amenity which can be supported in this case.

5.9 Heliostat

The RWDCP contains two main controls in relation to overshadowing for the Station Precinct. Control C13 of Section 4.7.1 specifies that solar access to the Town Square is to be protected during lunchtime on the Winter Solstice. It outlines that alternative means of providing solar access are permitted. Whilst C14 of Section 4.7.1 outlines that solar access to the May Street Childcare outdoor play area, the midblock plaza and laneways is to be provided.

Considering Council's newly introduced LEP controls, the height and density proposed reflects the scale of built form anticipated and encouraged by Council, and therefore the expectation that the existing solar access would be fully protected is unrealistic.

To provide additional solar access to the Town Square, the proposal incorporates a Heliostat on the roof of Tower A

Heliostats are mirrors that can rotate within two-degrees of freedom to track the sun to redirect light reflections at a specific target. In the proposed design, the heliostat will be used to redirect sunlight up to a second array of static mirrors which are elevated above Tower A. This reflector array of mirrors is orientated so that they redirect sunlight into the Rhodes Town Square, refer to **Figure 8**.

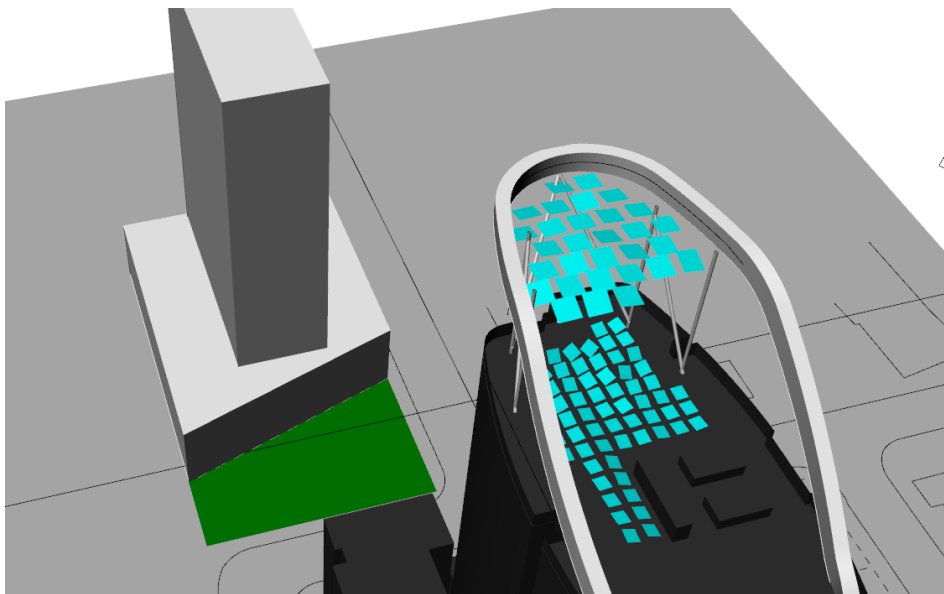


Figure 8 – Heliostat to reflector ratio
Source: Inhabit Group

A report prepared by Inhabit Australia in August 2016, analysed a detailed simulation of the development and surrounding area.

The report found that the existing overshadowing of the town square on the winter solstice at 12pm, 1pm and 2pm is 43%, 39% and 20% respectively.

To test the concept of the heliostat, a prototype single heliostat and reflector system was erected on the roof of building on the corner of Gauthorpe Street and Walker street to replicate the proposed configuration of Tower A. The prototype verified the heliostat system performance.

The simulation results of the heliostat, provided by Inhabit indicate that the introduction of the heliostat system resulted in a significant increase in the light levels within the overshadowed regions of the Rhodes Town Square, with the illumination level within the development's shadow increased by 37% at 12, 25% at 1pm and 22% at 2pm on June 21 due the heliostat, refer to **Figure 9**.

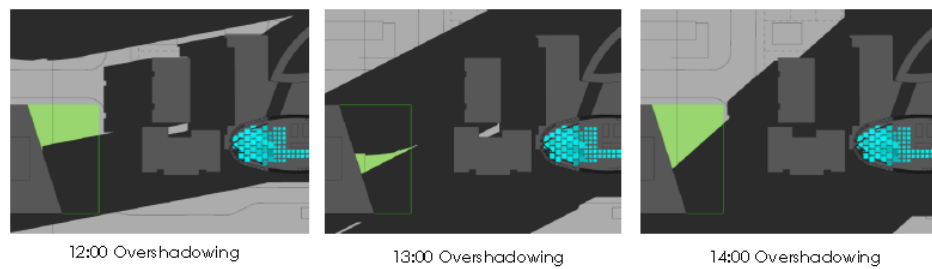


Figure 9 – Overshadowing of the Rhodes Town Square (Winter Solstice) with the proposed development
Source: Inhabit Group

The proposal is considered acceptable as there will be some level of solar access provided to the Town Square between the hours of 12pm and 2pm on the Winter Solstice. The Heliostat will contribute to these solar access levels. Furthermore, most shadow falling on the Town Square is from 2-4 Walker Street which was built before the town square.

Condition 3 is imposed to ensure that the heliostat will be inspected annually and certified that it is maintained and operating in an effective manner.

The proposal encountered difficulty in providing high levels of solar access to the retail plaza and Mary Street Childcare open space, due to the orientation of the site and nature of the design. The amended plans removed the roof over the plaza, which will provide more opportunity for sunlight to penetrate the ground floor level in the retail plaza. The built form and resulting overshadowing is consistent with the Masterplan and RWDCP and in this case can be considered acceptable given the desired and emerging dense urban character of the locality.

5.10 Site Isolation

In the masterplan and RWDCP it was envisaged that No. 16 Walker Street would be part of the development site. The developers were unable to purchase No. 16 Walker Street and it now forms part of the northern boundary to the site.

Investigations were undertaken into the potential amalgamation of the site with 16 Walker Street. We understand negotiations with the owners of this site were undertaken and documented, with several reasonable offers declined.

Following these negative responses, the adjoining property No. 16 Walker Street submitted a DA to Council for a 7-storey residential apartment building, for DA2015/0191. This DA is currently being assessed by Council and demonstrates that the site has the potential to be appropriately developed in line with the relevant standards and provisions of CBLEP 2013.

5.11 Setbacks for Tower A

The Station Precinct Cross Section 5 in the RWDCP, (see **Figure 10**) depicts that the built form on level 2 and 3 of the podium adjacent to the southern boundary should transition in a stepping formation and be setback approximately 2m at second floor level and 4m at third floor level from the boundary.

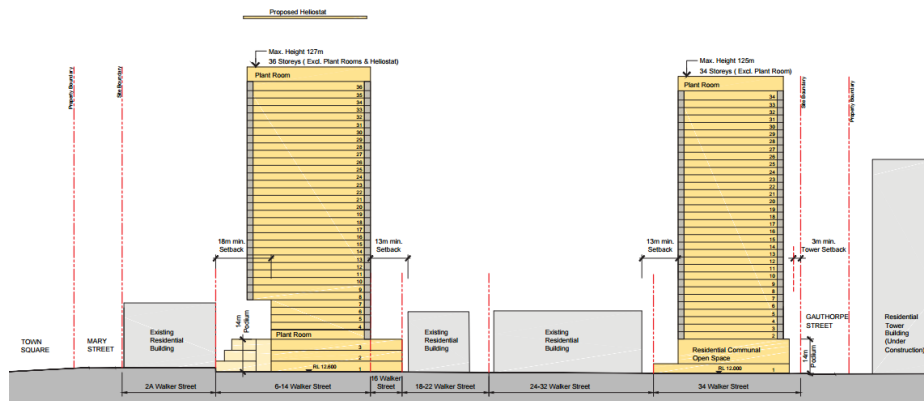


Figure 10 – Figure 56 Station Precinct Cross Section

Source: RWDCP 2015

The amended plans setback the podium on level 2 and 3 from the southern boundary from zero setback to 3.6m and 5m respectively to create a stepping formation consistent with the figure 56 in the RWDCP. The roof of the air riser is built to the southern boundary at Level 2

To ensure acoustic and visual privacy is maintained to residents at 2-4 Walker Street **Condition 21** is imposed to ensure the roof is non-trafficable and does not become a roof terrace.

The amended plans also increased the setback from the southern boundary from 6.6m to 10.3m for Apartment A10.08 at Level 8. This level of separation is considered to provide an appropriate level of privacy to both sites.

The Station Precinct Cross Section depicts that there should be a nil setback for the podium level and 13m setback for the tower between the northern boundary of the subject site and the southern boundary at 18 Walker Street, refer to **Figure 10**.

The proposed podium is built to the northern boundary and the amended plans setback the tower 5.2m at levels 4-7 (compliant with ADG) and 3m for levels 8 – 37 (a non-compliance of 3m with the ADG).

The DA of 16 Walker street places blank walls on the southern boundary which face the subject site.

Given there are no habitable room windows on the northern end of level 4-7, and that the proposed balconies will predominantly face east and west, which is the similar layout for the proposed development at 16 Walker Street, it is considered the proposed northern setback will provide residents of 16 Walker Street with a reasonable level of privacy. Furthermore, requesting privacy screens on the northern edge of the balconies of the proposal would limit solar access into the apartments.

The proposed northern setback for Tower A is considered acceptable as it is consistent with the Masterplan, it is orientated to maximise northern aspect and provides a compliant setback at levels 4-7 which will have the main level of impact on the proposed development at 16 Walker Street.

5.12 Through site link to the north

Control 4 of Section 4.7.1 of the RWDCP specifies *that pedestrian connections, through a series of new urban places and plazas between Rhodes Station, to Marquet Street, Mary Street and Annie Leggett Promenade to the waterfront are required. Additional north-south retail laneway connections between Town Square and the new Recreation Centre are also required.*

The amended plans reconfigured the built form on the northern boundary to ensure that a 6m gap was implemented to create the northern pedestrian link from the site through to 29 Marquet Street and 34 Walker Street. With the removal of this built form the proposal will

provide pedestrian connectivity across the whole site in a north south, and east to west direction, through the retail plaza and public domain. The pedestrian permeability of the site will help activate laneways throughout the site. The pedestrian links are generally 6m wide which helps enhance the pedestrian experience. Also, the variety of choices through the site helps activate the street fronts and ensure there is a mix of activity on the site creating a vibrant and active place.

Furthermore, the pedestrian links help to provide improved amenity, security and public access. The provision of lighting and security measures will also assist in activating the space and create a safe area that will attract people to the area at night. The proposal is considered to have appropriate regard to the crime prevention through environmental design.

5.13 Traffic

A traffic and parking assessment, prepared by Thompson Stanbury Associates, was submitted with the amended proposal. The proposal has accommodated the required car, motorcycle and bicycle parking requirements of the *RWDCP*. The design is considered to achieve a satisfactory provision and allocation of resident, visitor, accessible, bicycle and motorbike parking within the development, which will be suitable in the context of the site's location in proximity to the Rhodes West Train Station and associated transport services.

Council's engineering assessment of the traffic impacts of the development concluded that the development is suitable for approval on traffic and parking grounds, subject to the imposition of certain conditions.

5.14 Stratum Subdivision

The proposed stages stratum and strata subdivision of the Stage 1 development comprises of two sub stages being:

Stage 1 A- Building A, Building B and Retail A; and
Stage 1B- Building C, Retail B and the Club.

The proposed stratum subdivision will subdivide the lots into 6 stratum lots being:

- Lot 21- Building A Residential levels 4-36
- Lot 22- Building B Residential
- Lot 23- Community Garden Area
- Lot 24- Residue stratum lot for future Building C Residential, Retail B and the Club
- Lot 25- Retail A
- Lot 26- Building A residential level 37 and plant room level above

The proposed subdivision will divide the site into the proposed uses, including the residential buildings, retail and landscaped areas. The proposed subdivision is not anticipated to have an adverse impacts and proposed conditions include requirements for compliance with certain matters in any future strata subdivision of the residential lots.

6.0 ENVIRONMENTAL IMPACTS

6.1 Environmental Planning and Assessment Regulation

Unless elsewhere identified as an issue, applicable regulation considerations including fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection may be addressed by appropriate consent conditions in the event of an approval.

6.2 Likely impacts of the Development

Section 79C(1)(b) of the Act requires Council to consider “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.

The proposal is generally consistent with the relevant environmental planning instruments and development control plans, and does not result in any significant adverse impacts upon adjoining properties or the locality.

Natural Environment

Tree and Vegetation Preservation

The proposed development does not require the removal of any significant trees or vegetation as part of this application.

Stormwater Management

A stormwater management plan, prepared by WSP Structures, was submitted as part of the application. The stormwater management plan has been prepared to satisfy the stormwater and drainage objectives outlined in the *RWDCP*.

Council has assessed the engineering provisions which, subject to conditions, satisfy Council’s requirements.

It is considered that the proposed development will have no significant adverse environmental impacts in the locality.

Built Environment

The site is within an area identified and zoned for high density mixed use development.

The development will be of a high quality and responds in a positive fashion to the emerging higher density urban environment in this locality in terms of its scale, built form and public domain. It is generally consistent with CBLEP, SEPP65, Masterplan, RWDCP and principles for the Rhodes West Station Precinct.

Subject to appropriate conditions of consent the remaining minor non-compliances are considered acceptable in this instance and unlikely to result in significant adverse visual bulk, visual or acoustic privacy or shadow impacts on surrounding properties. The proposal is considered satisfactory in terms of built form impacts.

Social Impacts

The proposal will replace the three existing dwellings and commercial buildings with a large retail centre (12,802m²) and 548 apartments within a high-density development thereby providing additional jobs and housing supply in the locality, near public transport, employment opportunities and local retail services.

The proposal is a key contributor to the creation of a new urbanised environment and community in Rhodes. The provision of retail and pedestrian through-site links to future community uses such as the, Rhodes Town Square, community centre and leisure centre will help activate the site and create a sense of community for the residents providing a positive social impact.

Economic Impacts

The proposal will provide 12,819 m² of retail floor area and an additional 548 apartments. These elements of the development will have a positive impact on the local economy by providing and generating an increase in demand for local services and by increased employment opportunities within the commercial element of the development. This will result in increased the economic activity within Rhodes and the wider locality. The proposal is considered to have a positive economic impact on the local and wider community.

6.3 Site Suitability

Section 79C(1)(c) of the Act requires Council to consider “the suitability of the site for the development”.

The subject site is known to contain reclaimed land and imported fill. Investigations into site conditions identify that ground material contains contamination arising from several past industrial uses and acid sulphate soils. Further details on the site history are provided in the SEPP 55 assessment above. Suitable investigations and documentation has been provided to demonstrate that the site is or can be made suitable for the proposed development in terms of contamination and acid sulphate soils.

There are no other natural hazards or site constraints likely to have a significant adverse impact on the proposed development.

The proposal will create a vibrant neighbourhood through the provision of a mix of complementary land uses and new and improved public domain. It is considered that the proposal will result in only minor environmental impacts that can be appropriately managed and mitigated. The proposal will facilitate the renewal of the site with considerable benefits to the local community.

The scale of the proposed development is consistent with the Masterplan and relevant planning controls and is consistent with the desired and emerging high density urban environment of Rhodes.

Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed regarding its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

6.4 Public Participation

Section 79C(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act”.

All submissions received were taken into consideration during the assessment of the DA. Refer to Section 4 above.

6.5 The Public Interest

Section 79C(1)(e) of the Act requires Council to consider “the public interest”.

The proposal provides an additional 50,308.8m² of residential floor area catering for 548 apartments and an additional 12,819 m² of retail floor area within the City of Canada Bay LGA. This increase in residential density in turn increases the supply and choice of apartments within

the locality. The proposal provides a new retail / residential interface for the revitalisation of Rhodes. The provision of retail plaza with pedestrian through site links assists in the linking the site to residential buildings and future community and leisure centres to open space areas to the north, south and west of the proposal to the retail areas providing on site. In addition, the proposal will also increase investment in the order of \$348 million and provide new construction jobs and ongoing retail jobs once completed in an accessible location. The proposal is within the public interest.

7.0 Conclusion

The proposed development seeks consent for the construction of basement parking, a three-level podium providing retail tenancies, and two residential towers containing 548 apartments with Tower A providing 37 storeys plus plant with a heliostat upon the roof and Tower B providing 25 storeys plus plant at 6-14 Walker Street and 11-24 Marquet Street, Rhodes.

The proposal has been assessed against the provisions of Canada Bay Local Environmental Plan 2013, the Rhodes West Development Control Plan 2015, and SEPP 65 as the primary environmental planning instruments. The proposed development has also been assessed against other relevant environmental planning instruments as outlined in this report.

The assessment of the proposed development has found that it predominately complies with several key controls relating to the height, bulk and scale and density, and thus the proposal is considered to result in an appropriate scale of development of the site. The proposed development is generally consistent with the planning objectives for the Rhodes West station precinct locality. Floor space ratio, height, boundary setbacks and building separation will generally result in buildings with a scale appropriate to the desired and emerging character of the locality.

The design of individual dwellings, has been improved in relation to the future residential amenity and the design of the retail components and pedestrian permeability through the site has also been improved. Thus, the proposed dwellings will offer good amenity in terms of solar access, natural ventilation, visual and acoustic privacy.

The site will result in major urban renewal of an under used residential/commercial site, creating a gateway into the Rhodes Town Centre and increasing housing supply close to public transport and job opportunities. On these grounds, it is considered that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

Accordingly, it is recommended that development consent for the proposed development be approved.