

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Modification of Development Consent

File No:	<<X00/00000/0>>
Application Number:	MOD 110-11-2003 modifying DA 99-3-2003
Date of lodgement:	18 November 2003
On land comprising:	1 Mary Street, Rhodes Lots 3 and 8 in DP 1047108 and Part Lot 7 in DP 1047108
Application made by:	Walker Group Constructions 1 Mary Street, Rhodes
Application made to:	Minister for Infrastructure & Planning
Local government area:	Canada Bay Council
State electorate:	Drummoyne, Angela D'Amore. The views of the Member are not known.
Notification:	Not notified, in accordance with Draft Urban Assessments Notification Policy
Public Exhibition	None.
For the carrying out of:	Correction to Section 94 Contributions
Estimated cost of works:	\$45,000,000
Type of development:	Local Development, Integrated Development
Was a public inquiry held:	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Waterways Authority
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered in accordance with section 96 (1) of the Act and is considered to be substantially the same development. The application has been considered with regard to the matters raised in section 79C of the Act. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Minister for Infrastructure and Planning pursuant to sections 81 and 96(1) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) **approve** the application subject to conditions (tagged "A"), and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

Approved:

Sam Haddad
**Executive Director,
Sustainable Development**

Craig Knowles
**Minister for Infrastructure and Planning
Minister for Natural Resources**

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Modification of Development Consent

File No:	<<X00/00000/0>>
Application Number:	MOD <<000-00-0000>> modifying DA 99-3-2003
Date of lodgement:	18 November 2003
On land comprising:	1 Mary Street, Rhodes Lots 3 and 8 in DP 1047108 and Part Lot 7 in DP 1047108
Application made by:	Walker Group Constructions 1 Mary Street, Rhodes
Application made to:	Minister for Infrastructure & Planning
Local government area:	Canada Bay Council
State electorate:	Drummoyne, Angela D'Amore. The views of the Member are not known.
Notification:	Not notified, in accordance with Draft Urban Assessments Notification Policy
Public Exhibition	None.
For the carrying out of:	Correction to Section 94 Contributions
Estimated cost of works:	\$45,000,000
Type of development:	Local Development, Integrated Development
Was a public inquiry held:	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Waterways Authority
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered in accordance with section 96 (1) of the Act and is considered to be substantially the same development. The application has been considered with regard to the matters raised in section 79C of the Act. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) pursuant to sections 81 and 96(1) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) **approve** the application subject to conditions (tagged "A"), and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

Approved:

Sam Haddad
**Executive Director,
Sustainable Development**

Diane Beamer
**Minister Assisting Minister for Infrastructure
and Planning (Planning Administration)**

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Modification of Development Consent: Supplementary Information

Proposed Modification-in-detail

The proposed modification of the development consent for:

- Correct Section 94 Contributions,

Summary of Significant Issues – Modification Application

(1) Section 94 Contributions

Issue: Amount of Section 94 Contributions greater than necessary

Raised by: The applicant

Consideration: A review of the section 94 contributions indicate that an error was made in the figures identified in the development consent for DA 99-3-2003 of approximately \$200,000. A review indicates that this resulted from a typographical error as part of the development assessment

Resolution: Modify the consent to insert the correction Section 94 Contributions.

Summary of Issues – Original Consent

Significant issues arising out of the original consent are below. These matters are not affected by the proposed modification.

(1) Breach of SREP 29 Height Standard

Issue: Building 3/1 is proposed as a part 11, part 12 storey

Raised by: DIPNR Urban Assessments

Consideration: The proposed building height of Building 3/1 exceeds the permissible height of 10 storeys in SREP 29. The applicant has lodged a variation to the standard pursuant to SEPP 1. The applicant argues that the proposal will (i) enhance urban design outcomes and provide a “gateway” building to the southern entry of Rhodes, (ii) improve the amenity of the private and public domain areas, (iii) improve view sharing opportunities, (iv) will achieve good ecological sustainable development outcomes.

Resolution: The height impact of the part 11, part 12 storey building has also been assessed in relation to its impact on the existing skyline of Concord Hospital and Liberty Grove, as well as the skyline approved by the development consent for the commercial offices within Rhodes (DA 310-11-2001) and in the Australand Business park east of Rhodes Railway Station. The proposed height of the building tower is acceptable, as it will not result in undermining the objectives of the height standards within SREP 29 or raise matters of state or regional significance.

(2) Design of Lewis Avenue

Issue: Consistency of Lewis Avenue open space and broader public domain

Raised by: DIPNR Urban Assessments

Consideration: Urban Assessments is considering a development application for the broader public domain, including landscaping. Assessment of this Public Domain DA raises concerns that conflicts may occur in the design and treatment for open space at Lewis Avenue

Resolution: A condition will limit the consent so that it does not include the landscape design of Lewis Avenue.

(3) Disabled Access / Equitable Access

Issue: Disabled access within the development and equitable accessible facilities

Raised by: DIPNR Urban Assessments

Consideration: The plans for the development show that the provision of disabled access

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Modification of Development Consent: Supplementary Information

and equitable accessible facilities is generally poor. This is particularly in providing access from the public domain to lift lobbies, providing unimpeded access between internal and external spaces of each unit, and ensuring access to disabled car parking spaces.

The applicant provided amended plans showing improved access to lift lobbies and solutions to improve access within units between internal and external spaces. However, car-parking allocation remains a concern.

Resolution: Conditions will require that disabled car space be available within the strata lot for lease by residents who are eligible for a Mobility Parking Scheme and that disabled capable parking spaces are allocated to equitable accessible units.

(4) Masterplanning requirements under SEPP 56

Issue: Rhodes Peninsula is a Schedule 2 (Site of Strategic Significance) in SEPP 56

Raised by: DIPNR Urban Assessments

Consideration: Schedule 2 of SEPP 56 identifies Rhodes Peninsula as a site of strategic significance. Pursuant to clause 14 of SEPP 56, the Minister may waive the requirement for a masterplan on part of a site of strategic significance. The requirement for a master plan for this site is unnecessary as:

- the proposed development involves only part of Rhodes Peninsula,
- the site is subject to SREP 29, and
- the site is subject to the Rhodes DCP, which accompanies SREP 29.

An assessment of the proposed development concludes that, subject to conditions, the development complies with the relevant environmental planning instruments.

Resolution: The Minister, therefore, should waive the requirement for a master plan under SEPP 56 due to the general consistency of the development with SREP 29 and the Rhodes DCP.

(5) Stormwater reuse

Issue: Reuse of stormwater within the development

Raised by: Public Submission, Sydney Water

Consideration: The applicant indicates that the use of grey-water on site means the reuse of stormwater is unnecessary and the poor infiltration capabilities of the soil limits stormwater reuse on site. It is generally agreed that the Water Reclamation and Management Scheme (WRAMs) does preclude the need for storing rainwater captured from hard surfaces within the development and that soil condition precludes water infiltration. However, the development includes courtyard ponds that will require their being filled from the town water supply only. This is not appropriate as rainwater could be used to fill these ponds. The applicant generally agrees with this and suggests that any topping up of the ponds be reliant on reclaimed water.

Resolution: A condition will require the courtyard ponds to collect rainwater with only a small proportion of the pond to rely on reclaimed water for filling.

(6) Traffic impacts

Issue: Increased traffic will impact on surrounding residential properties and on traffic circulation in the area

Raised by: Public Submission

Consideration: The total number of cars generated by the proposed development is below the maximum numbers permitted by the Renewing Rhodes DCP

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Modification of Development Consent: Supplementary Information

and is within the expected car numbers predicted in the Transport Framework Plan developed for the Rhodes Peninsula

Resolution: The issue is unlikely to result in significant impacts.

(7) Traffic conflicts – Lewis Avenue

Issue: Possible vehicular conflicts at Shoreline Drive and Lewis Avenue and the need for traffic control devices.

Raised by: RTA

Consideration: A condition of consent notes this issue and the matter is considered a local traffic committee issue.

Resolution: A condition will impose a requirement that the applicant seek the views of the local traffic committee and that the redesign be to the satisfaction of the Director.



Planning Assessment Report Application to Modify Development Consent

MOD 110-11-2003 modifying DA 99-3-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application Modification number MOD 110-11-2003 modifying DA99-3-2003 under section 96(2) of the Act lodged by Walker Corporation on 18 November 2003.

The application seeks to modify Development Application DA 99-3-2003 approved by the Minister on 9 September 2003.

The application seeks to modify the consent by correcting the Section 94 Contributions. The Minister for Infrastructure and Planning is the consent authority for modifications to consents the Minister has granted.

It is recommended that the modification application be **approved**.

2 BACKGROUND

2.1 Site Context

The site is located at 1 Mary Street, Rhodes in the Canada Bay Council local government area.

The development application was lodged with the Department on 18 November 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The subject site comprises a total of 9.991 hectares and is within a portion of Rhodes Peninsula known as Precinct A. Figure 1 shows the location of the site within the Precinct.

To the east of 1 Mary Street, Rhodes and on the eastern side of the Great Northern Rail line is a commercial office park. South of the site is Bicentennial Parklands and Liberty Grove.

The existing site is currently under going bulk earthworks and remediation from previous consents issued by Concord Council and the Minister.

2.2 Relevant approvals

Prior to the gazettal of SREP 29, Concord Council granted consent to the remediation of land at 1 Mary Street, Rhodes in DA 98/99.

After the gazettal of SREP 29, the Minister granted consent to:

- DA 310-11-2001 for a 130 residential apartments, a bulky goods warehouse facility, commercial offices, a retail shopping centre with cinemas, and land subdivision, and
- DA 375-12-2001 for bulk earthworks.
- DA 99-3-2003 for a residential development comprising 223 residential units.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

The proposed development seeks consent for:

- Residential development comprising 109 units over 13,049 square metres on Part Lot 7 DP 1047108,
- Residential development comprising 114 units over 13,480 square metres on Lot 3 DP 1047108,
- Bulk earthworks,
- Development on Lot 8 DP 1047108 for vehicular access to the proposed developments,
- Basement car parking for 157 vehicles on Part Lot 7 DP 1047108,
- Basement car parking for 137 vehicles in Lot 3 DP 1047108,
- Associated swimming pool and landscaping,
- All ancillary services and infrastructure, and
- Strata subdivision.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The development is permissible within the Residential and Mixed Use zones under clause 11 of SREP 29.

4.2 *Instrument of consent and other relevant planning instruments.*

Pursuant to clause 5 of SREP 29, the Minister is the consent authority for development on land within Rhodes Peninsula.

The environmental planning instruments, draft environmental planning instruments, development control plans, and regulations applicable to the land to which the development application relate are as follows:

- *State Environmental Planning Policy No.1—Development Standards (SEPP 1),*
- *State Environmental Planning Policy No.11—Traffic Generating Development (SEPP 11),*
- *State Environmental Planning Policy No.32—Urban Consolidation (Redevelopment of Urban Land) (SEPP 32),*
- *State Environmental Planning Policy No.55—Remediation of Land (SEPP 55),*
- *State Environmental Planning Policy No.56—Sydney Harbour Foreshores and Tributaries (SEPP 56),*
- *State Environmental Planning Policy No.65—Design Quality of Residential Flat Buildings (SEPP 65),*
- *Sydney Regional Environmental Plan No.22—Parramatta River (SREP 22),*
- *Sydney Regional Environmental Plan No.29—Rhodes Peninsula (SREP 29),*
- *Renewing Rhodes Development Control Plan (Rhodes DCP),*

- *Sydney Harbour and Parramatta River Development Control Plan for SREP No.22 and SREP No.23 (Sydney Harbour and Parramatta River DCP), and*
- *Renewing Rhodes S94 Contribution Framework Plan (Rhodes S94 Plan).*

4.3 Legislative context:

The development is local development pursuant to Section 79 of the Act and SREP 29.

The development was integrated and advertised development pursuant to section 91 of the Act. Approval was sought for the development under the *Rivers and Foreshores Improvement Act, 1948* for excavations within 40 metres of Sydney Harbour and its tributaries.

Approval is not deemed necessary for this modification under Section 96 of the Act.

5 CONSULTATION

5.1 Public consultation

The application was not notified to the public.

5.2 Referrals

5.1.2 Integrated Approval Bodies

The parent development application was integrated under Part 3A of the Rivers and Foreshores Improvement Act, 1979 and the Waterways Authority issued general terms of approval for the development. The Waterways Authority were not advised of the modification as the extent of the modification did not involve general terms of approval they issued.

5.3 Internal consultations

Given the extent of the modification, internal consultations with Sydney Region East were not conducted. The reason for this was that alteration in the modification did not affect those matters concerning height that Sydney Region East advised on previously

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 96

The application is considered to meet the prerequisites of section 96 (1) of the Act in that the proposed modifications are considered to be of minimal environmental impact, and that the development as modified is considered to be substantially the same development as that to which consent was originally granted.

6.2.1 Section 79C

The application has been considered in accordance with s79C of the Act. The likely impacts of proposed development have been considered. Significant issues are discussed below in Section 6.2. A detailed assessment is provided in the compliance table (tagged "C").

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 6.2. On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.1.2 Section 94 Contributions

Issue: Amount of Section 94 Contributions greater than necessary

Raised by: The applicant

Consideration: The applicant indicates that the total Section 94 fees for open space community facilities and roads should be \$1,266,243.86. The development consent for DA 99-3-2003 identifies the contributions as \$1,486,020.99.

A review of the section 94 contributions indicate that an error was made in the figures identified in the development consent for DA 99-3-2003 of approximately \$200,000. A review indicates that this resulted from a typographical error as part of the development assessment

Resolution: Modify the consent to insert the correction Section 94 Contributions.

7 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The Minister for Infrastructure and Planning is consent authority for modifications to consents he has granted.

The proposed development as modified is considered to be substantially the same development as that originally approved.

The application has been considered with regard to the matters raised in section 79C of the Act.

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 DELEGATION

Under the instrument of delegation dated 4 August 2003, the Minister has delegated to Team Leaders and officers holding a higher position his functions under s96(1) of the Act relating to modifying development consents except where they relate to designated development or development that is declared to be State Significant development (other than under SEPP 56).

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Team Leader.

9 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning pursuant to sections 81 and 96(1) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (C) **approve** the application subject to conditions (tagged "A"), and
- (D) authorise the Department to carry out notification of determination of the application to modify the consent.

Prepared by

Endorsed:

Antony Pedroza
Planner, Urban Assessments

Michael Brown
**Team Leader, Urban Assessments
As Delegate of the Minister for
Infrastructure, Planning and Natural
Resources**