



Planning Assessment Report Development Application

DA382-8-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 382-8-2003.

The application seeks consent for land subdivision of 10-16 Marquet Street into 2 lots:

- Lot 20: 1.628ha to accommodate future development pursuant to DA 298-09-02; and
- Lot 21: 500m² (4.5 metres in width) to accommodate the public pedestrian cycleway to be dedicated to the Corporation.

The Minister for Infrastructure Planning and Natural Resources is consent authority under clause 5 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.

It is recommended that the development application be granted **consent** subject to conditions (tag 'A')

2 BACKGROUND

2.1 Site Context

The site is located at 10-16 Marquet Street, Rhodes in the City of Canada Bay local Government area.

The development application was lodged with the Department on 13 August 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The site (tag 'D') is bounded by Marquet St, Gauthorpe St and Shoreline Ave. Its S boundary separates Precincts 'A' and 'B', as defined by SREP29. It has an area of 1.68 hectares and frontages of 134m and 132m to Marquet St and Gauthorpe St, respectively. It falls about 7.8m from Marquet St to Shoreline Ave.

North of the site is the vacant, former UC Chemicals (Lednez) site. To the S is the former Orica chemical manufacturing site for which residential redevelopment is proposed. To the W is part of the former Lednez site, including reclaimed land. Further W is Homebush Bay. To the E are Marquet St and a mix of light industrial and residential properties.

A Commission of Inquiry is currently underway into a separate development application for the remediation of the adjacent Lednez land.

A site visit was conducted on 30 October 2003.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for land subdivision of 10-16 Marquet Street into 2 lots:

- Lot 20: 1.628ha to accommodate future development pursuant to DA 298-09-02; and
- Lot 21: 500m² (4.5 metres in width) to accommodate the public pedestrian cycleway to be dedicated to the Corporation.

The proposed DA does not involve the remediation of land, but is dealt with by a separate development application 298-09-02. That development application is yet to be determined.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The proposed development is permissible within the Residential Zones of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.

4.2 *Instrument of consent and other relevant planning instruments*

The minister is the consent authority for development in *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.

The environmental planning instruments applicable to this land and proposed development are as follows:

- *State Environmental Planning Policy No.55—Remediation of Land* (SEPP 55)
- *State Environmental Planning Policy No.56—Sydney Harbour Foreshores and Tributaries* (SEPP 56)
- *Sydney Regional Environmental Plan No.29—Rhodes Peninsula* (SREP 29)
- *Renewing Rhodes Development Control Plan* (Rhodes DCP)

4.3 *Legislative context*

The development is local development under the Act. The development application was not integrated.

5 CONSULTATION

5.1 *Public consultation*

The application was notified, in accordance with the Regulations and Draft Urban Assessment Notification Policy including:

Notifications – landowners/occupiers	Agencies and private organisations listed in the table below under 5.2.3
Newspaper advertisements	Advertised in Glebe and Inner Western Weekly on 3 September 2003
Site notices	3 September 2003

Exhibition dates	
Exhibition venues	<ul style="list-style-type: none"> ▪ Planning Information Centre, 20 Lee Street Sydney ▪ DIPNR, Sydney Region West Office, Level 8 Signature Tower, 10 Wentworth St, Parramatta ▪ Drummoyne Citizens Services, 1A Marlborough St, Drummoyne ▪ Concord West Library, 283 Concord Road, Concord

Two submissions were received regarding the Application. A summary of submissions is at Attachment 1. Issues are considered in Section 6.2 of this report.

5.2 Referrals

5.2.1 Integrated Approval Bodies

The application was not integrated.

5.2.2 Council

The application was referred to the City of Canada Bay Council on 9 September 2003. Council provided no response to the development application.

5.2.3 Other Agencies

The following other agencies and private organisations were notified. Excluding Canada Bay Council, comments were received from these organisations and agencies

Agencies (including corporatised former public authorities and NGOs)	Private Organisations
<ul style="list-style-type: none"> ▪ Sydney Olympic Park Authority 	<ul style="list-style-type: none"> ▪ Rhodes Resident Action Group ▪ McRoss Developments ▪ Rhodes Peninsula Group ▪ Liberty Grove Pty Ltd ▪ Payce Properties

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act, 1979

6.1.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act. Significant issues are discussed below in Section 6.2 and a detailed assessment is provided in Compliance Table (tag '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 and in the Compliance Table (tag 'C'). On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 Remediation

Issue: Existence of heavily contaminated land within the subject site.

Raised by: DIPNR Urban Assessments

Consideration: During the 1950s the site was redeveloped for industrial use. Union Carbide (UC) was granted consent to use it for manufacturing polyethylene film ('Glad wrap'), and it was extended in 1972. Site operations included storage and sale of imported chemicals. The site's industrial use ended in the mid 1990's during which time the land became heavily contaminated. A separate development application by the Applicant (DA No. 298-09-02) proposes to remediate the subject site. The application is yet to be determined.

Granting an unconditional consent to the proposed subdivision of the subject site might impede the orderly development of land in accordance with the objectives of SREP 29 and pre-empt any decision of the Minister on the remediation of this land. This is not consistent with the orderly development principle underpinning the *Environmental Planning and Assessment Act, 1979* and similarly reflected in the aim and requirements of SEPP 55.

Resolution: Conditions of consent require the Applicant to submit or complete prior to issuing a subdivision certificate:

- a site audit statement and any conditions prepared by an accredited site auditor;
- ensure that any conditions or requirements identified by the accredited site auditor within a Site Audit Statement are duly noted on the title of the future proposed land parcels;
- separate application to be submitted for the consent for remediation of site.
- any relevant easements and covenants, particularly those relating to public access to the pedestrian/cycleway to be completed.

7 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The Applicant was asked to comment on the draft conditions of consent on 28 October 2003. The Applicant responded on 7 November 2003 and requested the amendment to three (3) of the conditions.

Condition E1

This condition refers to the embellishment of the pedestrian/cycleway to be completed prior to the release of any related Occupation Certificate for development on the adjacent Lot 20.

The Applicant has indicated it will not embellish the pedestrian/cycleway in any way unless directed to do so by the consent authority. The Applicant seeks details of any such requirements. Urban Assessments has directed the Applicant to the Rhodes DCP which outlines the requirements for the pedestrian/cycleway embellishment.

Condition E3

This condition refers to the remediation of the site and related reports to be submit with an application for subdivision certificate.

The Applicant has requested a redrafting to this conditions which in effect removes the requirement to remediate the whole of the site and confines the remediation process to Lot 21, the 4.5m strip of the proposed pedestrian/cycleway.

Urban Assessments have informed the applicant that Condition E3 not be edited and the site in its entirety - Lot 20 and 21 - shall be remediated and related reports to be submit with an application for subdivision certificate.

Advisory Note AN2

The Applicant request the deletion or further clarification of this advisory note as it appeared grammatically incorrect. Urban Assessments has corrected the grammatical error and this Advisory note will remain.

8 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The application has been considered with regard to the matters raised in s79C of the Act and are not integrated.

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, subject to the conditions (tag 'A').

9 RECOMMENDATION

For Ministerial Approval
Prepared by

Endorsed:

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