

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 268-6-2003

(FILE NO. S03/01781)

**STAGED DEVELOPMENT OF LOT 10 DP 1007931 FOR VARIOUS USES,
INCLUDING RESIDENTIAL BUILDINGS, LOCAL SHOPS, OPEN SPACE, ROADS,
SUBDIVISION & COMMUNITY FACILITIES**

I, the Minister for Infrastructure and Planning, pursuant to Sections 80 (4), 80 (5) and 80A of the *Environmental Planning & Assessment Act, 1979*, and clause 5 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*, determine the development application referred to in the attached Schedule 1, by granting a staged development consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To encourage and ensure future development provides good urban design and a high standard of architecture that is consistent with the vision for the Rhodes Peninsula,
- (2) To promote the orderly and ecologically sustainable use and development of this land,
- (3) To identify opportunities for enhancing the amenity of the local area,
- (4) To identify and ensure a vibrant community and safe public domain with active frontages along main streets, and
- (5) To make a significant contribution to ecological sustainability through reduced energy requirements, particularly those of a non-renewable nature, and
- (6) To provide measures that will assist in managing the scale and intensity of development within Precinct B of Rhodes Peninsula.

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

Sydney,

2004

SCHEDULE 1

PART A—TABLE

Application made by:	Renewing Homebush Bay Pty Ltd 1 Kent Street, Sydney
Application made to:	Minister for Infrastructure and Planning
Development Application:	DA 268-6-2003
Date of lodgement:	12 June 2003
On land comprising:	40 Walker Street, Rhodes Lot 10 DP 1007931
For the carrying out of:	Staged development of Lot 10 DP 1007931 for various uses, including residential buildings, local shops, open space, roads, subdivision & community facilities A detailed description of the development is in Condition A1, Part A, Schedule 2
Estimated cost of works:	\$207,000,000
Type of development:	Local Development (Staged), Integrated Development, Advertised Development
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Approval Body / Bodies:	Department of Infrastructure, Planning and Natural Resources, NSW Maritime Authority
Determination made on:	
Determination:	A staged development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has substantially commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 268-6-2003

Responsibility for other approvals / agreements

The Applicant is solely responsible for ensuring that all consents, approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the Applicant received this notice.

Appeals—Third party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Carrying out of works

Nothing in this development consent permits the Applicant to carry out or commence any work for the purposes described in the Master plan Document. The Applicant may only carry out or commence any work described in the Master plan Document upon the receipt of another development consent pursuant to Section 80 (5) of the Act.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Renewing Homebush Bay P / L or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means Council of the City of Canada Bay.

Corporation has the same meaning as Section 8 of the Act

DA No. 268-6-2003 means the development application and supporting documentation submitted by the Applicant on 12 June 2003 and amended by the Applicant on 15 February 2005.

DCP2000 means the *Renewing Rhodes Development Control Plan* produced by the Department and adopted in 2000.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or his nominees.

Director-General means the Director-General of the Department.

Master plan Document means that document entitled “The Rhodes Peninsula Precinct B Masterplan 2003” prepared by SJB Architects, Architectus Sydney P / L and Jane Irwin Landscape Architects for the Applicant, dated February 2005.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Subject Site and **Master plan Site** have the same meaning as the land identified in Part A of this schedule, namely Lot 10 DP 1007931.

SCHEDULE 2**CONDITIONS OF CONSENT****DEVELOPMENT APPLICATION NO. DA 268-6-2003****PART A—ADMINISTRATIVE CONDITIONS****A1 *Development description***

A **staged development** consent is granted only to carrying out the development described in detail below:

- (1) Masterplan DA for identifying 8 land parcels for residential buildings and local shops,
- (2) Masterplan DA for location and classification of open space within the subject site,
- (3) Masterplan DA for identifying the location of community facilities within the subject site,
- (4) Masterplan DA identifying the road layout throughout the subject site,
- (5) Masterplan DA for the staging of development and preferred subdivision pattern within the subject site,
- (6) Masterplan DA for providing a total maximum non-residential use gross floor area of 2,202 square metres,
- (7) Masterplan DA for providing a total maximum gross floor area for residential buildings across the subject site of 128,425 square metres, and
- (8) Masterplan DA for ensuring the maximum total of residential dwellings across the subject site is consistent with the infrastructure capability of Rhodes Peninsula.

A2 *Development in accordance with plans*

The development shall be generally in accordance with development application number DA 268-6-2003 submitted by the Applicant on 12 June 2003, and in accordance with the following supporting documentation submitted with that application:

Statement of Environmental Effects entitled “Rhodes Peninsula Precinct B Master plan DA” prepared by Architectus Sydney P / L, dated March 2003			
Master plan Document entitled “The Rhodes Peninsula Precinct B Masterplan 2003” produced by SJB Architects, Architectus Sydney P / L and Jane Irwin Landscape Architects for the Applicant, dated February 2005			
Drawing No.	Revision	Name of Plan	Date
Masterplan Plan 1	Revision B	Rhodes Masterplan Precinct B	February 2005
The document entitled “Multiplex \ Trafalgar – 40 Walker Street, Rhodes. Masterplan Areas. Job 4192 Rev 22” identifying the gross floor area and gross building area, dated 18 November 2004.			

A3 *Lapsing of consent*

This consent shall lapse 5 years from the date from which the Minister signed the Instrument of Consent or, as the development consent is granted under Section 80 (5) of the Act, 2 years after the date from which a later or the latest development consent granted in accordance with the condition operates, whichever is the longer.

A4 *Inconsistency between documents*

In the event of any inconsistency between:

- (1) conditions of this consent, and
- (2) the drawings or documents or both referred to in Condition A2,

then the conditions of this consent shall prevail to the extent of the inconsistency.

A5 *Availability of Master plan Document*

- (1) In order that the Master plan Document is available to assist future development of the Subject Site and ensure it is available for public reference, the Applicant is to provide copies of the Master plan Document in the following electronic formats:

- (a) PDF format, and
- (b) Microsoft Word format (version 6 or later),

to the Department within 30 days of the formal notification letter advising of the commencement date of DA 268-6-2003,

- (2) The cost of providing these documents shall be borne solely by the Applicant.

A6 *Development applications for subsequent stages*

- (1) In accordance with Sections 80 (5) of the Act, the following must be the subject of another development consent:

- (a) subdivision of the Subject Site,
- (b) Site 1A,
- (c) Site 1B,
- (d) Site 2A,
- (e) Site 2B,
- (f) Site 3A,
- (g) Site 3B,
- (h) Site 3C,
- (i) Site 3D,
- (j) community facilities,
- (k) the land comprising open space and roads, and
- (l) any remaining land not identified in (b) to (k).

- (2) In order that there is a coordinated and holistic approach to the development of the land comprising open space and roads, any development in Condition A7 (1) (k) must only be the subject of a single development application.
- (3) All applications for development under Section 80 (5) of the Act listed in Condition A7 (1) and (2) must be consistent with the Master plan Document.

A7 Gross floor area available in the Subject Site

- (1) Except where condition (3) applies to the granting of another development consent pursuant to Section 80 (5), the total gross floor area on the Subject Site is 107,227 square metres.
- (2) Condition (3) applies to the granting of another development consent pursuant to Section 80 (5) within the Subject Site if:
 - (a) all land identified within the Master plan Document over the Subject Site as:
 - (i) open space,
 - (ii) roadways, and
 - (iii) if relevant, community buildings,is dedicated in favour of the Corporation or the nominated public authority and at no cost to the Corporation or nominated public authority, and
 - (b) arrangements are or have been made between the Applicant and Corporation for the embellishment and ongoing maintenance of all of the dedicated land identified in Condition (2) (a) above.
- (3) If this subclause applies to the granting of consent for development within the Precinct, consent may be granted for another development consent pursuant to Section 80 (5) that would result in the total gross floor area of all buildings within the Precinct being greater than that allowed by Condition (1), but not greater than 130,627 square metres.

Note: This Condition, in a variant form and as amended by condition in Part B of this Consent, is included in the Master plan Document to ensure that the development is consistent with Clauses 14 and 19 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.

PART B—PRIOR TO ISSUE OF ANOTHER DEVELOPMENT CONSENT

Infrastructure arrangements

B1 Rail station upgrade

- (1) In order to ensure that railway infrastructure will provide an adequate public railway for people who will reside or work within the Subject Site, the Applicant shall enter into an agreement with RailCorp for the upgrade of Rhodes Railway Station and associated works.
- (2) The Applicant shall submit written evidence (including a copy of the agreement, if requested) as proof prior to the issuing of another development consent pursuant to Section 80 (5) of the Act.

Amendments to the Master plan Document

B2 Allocation of gross floor area to non-residential and community uses

In order that there is consistency in the Master plan Document with regards to the allocation of gross floor area to non-residential uses and community uses and that the total gross floor area across the Subject Site does not exceed 130,627 square metres, the Applicant shall

- (1) amend E5.2, Section E (including Figure 093) of the Master plan Document to ensure that the community facility use in Site 3B has a site area of no more than 292 square metres.
- (2) amend the table in Appendix B-3 of the Master plan Document such that the possible community use gross floor area is identified as being 292 square metres.

B3 Staging

In order that the staging reflects the embellishment and dedication of the public domain in the Subject Site, the Applicant shall ensure that E3.7, Section E of the Master plan Document is clear in requiring that open space must be embellished, available for occupation, and available for dedication before the occupation of Site 2A.

Pedestrian Bridge

B4 Homebush Bay West – Rhodes Peninsula pedestrian bridge

Before the finalising of any application relating to works within the vicinity of foreshore reserve, the Applicant is to use best endeavours to facilitate the landing of the Homebush Bay West pedestrian bridge, if such a bridge has approval or consent to be constructed.

ADVISORY NOTES

AN1 Detailed requirements to carry out development

Details on the construction, subdivision, or occupation of a building, structure, work, or land identified in this development consent will form part of another development consent pursuant to Section 80 (5) of the Act.