

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Development Application: Supplementary Information

File No:	S03/02473 Parts 1 & 2
Application Number:	DA 388-8-2003
Date of lodgement:	13 August 2003
On land comprising:	2-4 Walker Street, Rhodes Lot 22 DP 624240
Application made by:	Walker Group Constructions P/L 1 Mary Street, Rhodes
Application made to:	Minister for Infrastructure and Planning
Local government area:	City of Canada Bay Council
State electorate:	Drummoyne, Angela D'Amore The views of the Member are not known.
Notification:	Advertised in the Sydney Morning Herald on 3 September 2003 and Glebe and Inner Western Weekly on 3 September 2003
Public Exhibition	Start: 4 September 2003 End: 2 October 2003.
For the carrying out of:	Residential building comprising 42 units, local shops and childcare centre.
Estimated cost of works:	\$15,700,000
FTE Jobs created:	130 full time equivalent construction jobs; 30 full time equivalent operational jobs.
Type of development:	Local Development
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	City of Canada Bay Council pursuant to s.138 <i>Roads Act</i> 1993
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that a deferred commencement consent be granted to the development application subject to conditions.
Applicant views on draft conditions:	Draft conditions submitted to Walker on 17 May 2004. Applicant responded on 3 June 2004 with comments (Tagged "E").

Recommendation

It is recommended that the Minister for Infrastructure and Planning:

- (A) pursuant to Clause 14 (3) of *State Environmental Planning Policy No.56 – Sydney Harbour Foreshore and Tributaries* waive the requirement for a masterplan, and
- (B) pursuant to section 80 (3) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 5 of *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula* grant a **deferred commencement consent** to the development application subject to conditions, by signing the Instrument of Consent (Tagged "A"), and
- (C) authorise the Department to carry out post-determination notification.

Approved:

Sam Haddad
Deputy Director General
Office of Sustainable Development Assessment
and Approvals

Jennifer Westacott
Director General
Development of Infrastructure, Planning and
Natural Resources

Craig Knowles
Minister for Infrastructure and Planning
Minister for Natural Resources

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Office of Sustainable Development Assessment
and Approvals

Jennifer Westacott
Director General
Development of Infrastructure, Planning and
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Diane Beamer MP
Minister Assisting the Minister for Infrastructure
(Planning Administration)

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Sam Haddad
Deputy Director General
Office of Sustainable Development Assessment
and Approvals

Jennifer Westacott
Director General
Development of Infrastructure, Planning and
Natural Resources

Michael Egan MLC
Acting Minister for Infrastructure and Planning
Acting Minister for Natural Resources

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Development Application: Supplementary Information

Proposed Development

The proposed development seeks consent for:

- The construction of two (2) buildings comprising a total gross floor area (GFA) of 4271.2 square metres;
- 42 residential units and associated common open space;
- Local shops comprising a total GFA of no more than 345 square metres;
- Childcare centre comprising a total GFA of no more than 406 square metres;
- Basement car parking for fifty six (56) vehicles and twenty (20) bicycle parking spaces;
- Four (4) bicycle parking spaces at ground level;
- Bulk excavations and shoring;
- Removal of trees;
- Strata subdivision of future residential building into 42 allotments; and
- Stratum subdivision of land into 3 allotments.

Summary of Significant Issues

An assessment of all issues is outlined in the Planning Assessment Report (Tagged “B”) and the Compliance Table (tagged “C”).

(1) Proposed childcare centre lay-by (porte cochere) and broader parking/traffic impacts

<i>Issue:</i>	Possible impacts to parking and traffic in the locality
<i>Raised by:</i>	DIPNR Urban Assessments; SHDRP; Canada Bay Traffic Committee
<i>Consideration:</i>	The proximity of the proposed childcare lay-by to the Mary Street/Rider Bouldevarde intersection may create potential local traffic impacts. The applicant was advised by DIPNR that the scheme would need to be referred to the Canada Bay Traffic Committee for comment and ultimately their concurrence. Canada Bay Council’s Traffic Committee provided initial support for the proposed childcare centre lay-by and associated parking and traffic arrangements for the development. Council, however, subsequently advised that due to broader unresolved traffic and transport issues within the area, the proposed childcare centre lay-by, parking and traffic issues associated with the development in there current form would not be supported by Council. However, it was identified during assessment that Council is the integrated approval body for the proposed development under s.138 of the Roads Act. The applicant did not apply for integrated approval and the development application was not advertised as integrated development.
<i>Resolution:</i>	To satisfy Council’s concerns it is, therefore, recommended that deferred commencement consent be granted to the development application to enable the applicant to resolve all outstanding issues raised by Council.

(2) Masterplan 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 masterplan 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 masterplan under SEPP 56 due to the general consistency of the development with SREP 29 and Rhodes DCP 2000.



Department of
Infrastructure, Planning and Natural Resources

Office of Sustainable Development Assessments & Approvals

**Planning Assessment Report
Development Application**

DA 388-8-2003

1 SUMMARY

This report is an assessment of the proposed development associated with Development Application 388-8-2003 lodged by Walker Group Constructions Pty Ltd on 13 August 2003.

The application seeks consent for the construction of a residential building comprising 42 units, local shops and childcare centre at the subject site known as 2-4 Walker Street, Rhodes.

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

It is recommended that the Minister grant a **deferred commencement consent** to the development application subject to conditions.

2 BACKGROUND

2.1 Site Context

The site is located at 2-4 Walker Street, Rhodes within the City of Canada Bay Council (tagged "D").

The subject site has an area of 2,354 square metres and is located within Precinct D.

The land immediately to the north of the subject site comprises the property known as 6-10 Walker Street, Rhodes. This property contains two (2) storey brick industrial building used by Shiseido (Australia) Pty Ltd for office and industrial purposes.

To the west of the subject site comprises a single storey brick residential dwelling known as 2 Mary Street, Rhodes.

The land to the east of the site, on the opposite side of Walker Street is railway land used for the Main Northern Railway Line and the Rhodes Railway Station.

The land to the south comprises the Rhodes Waterside development. This site is under construction and has development applications pending that propose to construct various residential buildings (including apartments directly opposite the subject site), a major retail/commercial centre containing shops, cinemas and restaurants and internal access roads.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- The construction of two (2) buildings comprising a total gross floor area (GFA) of 4271.2 square metres;
- 42 residential units and associated common open space;
- Local shops comprising a total GFA of no more than 345 square metres;
- Childcare centre comprising a total GFA of no more than 406 square metres;

- Basement car parking for fifty six (56) vehicles and twenty (20) bicycle parking spaces;
- Four (4) bicycle parking spaces at ground level;
- Bulk excavations and shoring;
- Removal of trees;
- Strata subdivision of future residential building into 42 allotments; and
- Stratum subdivision of land into 3 allotments.

4 AMENDED PLANS

During assessment, various amendments to the design were sought from the applicant.

The applicant submitted on different occasions all amendments to the plans submitted with the development application. These consolidated amendments incorporate:

- Change to the configuration of apartments on Level 8;
- Changes and redesign of the podium walls on the south-east corner of the site;
- An additional roof terrace courtyard over the Common Area at Level 3;
- Increased width of pedestrian footpaths along Walker and Mary Streets;
- Miscellaneous changes of primary and secondary open spaces for residential apartments; and
- Additional car parking spaces in the basement for childcare centre employees.

These amendments are considered to differ only in minor respects from the original application and not to give rise to any impacts beyond those in the modification application as originally made. Accordingly, these amendments were accepted as a replacement application in accordance with clauses 55 and 90 of the *Environmental Planning & Assessment Regulation 2000* (the Regulations). In accordance with clause 90 of the Regulations further notification of the application was not undertaken.

5 STATUTORY FRAMEWORK

5.1 Statement of permissibility

The development is permissible within the mixed-use zone pursuant to clause 11 of SREP 29.

5.2 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 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).

5.3 Legislative context:

The proposed development is local development pursuant to Section 76A of the Act and SREP 29.

The proposed development is integrated development pursuant to section 91 of the Act as approval is required under the *Roads Act* 1993 (s.138) to enable cross-over into the proposed development. The applicant did not identify the proposed development as integrated development. It is understood that the applicant will seek a separate approval prior to the commencement of this consent.

5.4 Rhodes rail station upgrade

Before granting consent, arrangements need to be made for the provision of roads and other transportation infrastructure agreed to by the relevant authority.

The Section 94 Plan and the Renewing Rhodes Contributions Framework (p.29) requires that the applicant provide a monetary contribution for the upgrade of the Rhodes Railway Station. The Department (dated 15 April 2004) advised the applicant to liaise with RailCorp with respect to this matter.

The applicant advised on 3 May 2004 that a Deed of Agreement would not be required if the process is as follows:

- Confirmation of exact contribution from DIPNR required to be paid to RailCorp;
- Upon receipt of draft conditions a cheque for the required amount to be submitted to RailCorp;
- RailCorp or applicant will then forward confirmation of payment to DIPNR; and
- DIPNR to produce consent knowing that the contributions have been paid.

RailCorp advised (6 June 2004) that the above process as proposed by the applicant had been agreed by RailCorp and that no Deed of Agreement would be entered into for the subject site providing funds were paid upfront.

RailCorp provided written confirmation dated 7 June 2004 that the applicant had paid RailCorp the sum of \$135,131.93 being developer contributions payable in accordance with the Transport Management Plan for Rhodes (tagged "F").

6 CONSULTATION

6.1 Public consultation

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

Notifications - landowners/occupiers	467 adjacent landowners/occupiers were notified by letter using information collated by Urban Assessments.
Newspaper advertisements	Advertised in the Sydney Morning Herald on 3 September 2003 and Glebe and Inner Western Weekly on 3 September 2003.
Site notices	Two (2) site notices installed at the subject site.
Exhibition dates	Start: 4 September 2003. End: 2 October 2003.
Exhibition venues	• Planning Information Centre, DIPNR Head Office, 20 Lee Street, Sydney

	• DIPNR Parramatta Office, Level 8, 2-10 Wentworth Street, Parramatta • Canada Bay Council, Drummoyne Citizen Services Centre, 1A Marlborough Street, Drummoyne, and • Concord West Library, 283 Concord Road, Concord
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7 submissions were received regarding the Development Application. A detailed examination of submissions is located in the compliance table (tagged “C”). Issues are considered in Section 7.2 of this report.

6.2 Referrals

6.2.1 Council

The application was referred to the City of Canada Bay Council on 1 September 2003. Council provided no response to the development application at that time.

6.2.2 Design Review Panel for Residential Flats – SEPP 65

The SEPP 65 Design Review Panel considered the proposed development application on 18 August 2003.

The Panel raised concerns with respect to the following matters.

- (1) Lack of cross ventilation for the single loaded apartment on Level 8. An alternative level 8 plan was submitted which makes optimum use of the east facing terrace walls for natural ventilation.
- (2) If economically feasible consideration should be given to a roof garden over the whole of the lower (west) block. It was deemed economically prohibitive to include a roof terrace in this area which would not be readily accessible to the majority of the apartments and may not be fully utilised and would create a maintenance concern for residents. An additional roof terrace over the common area at Level 3 has been provided which will be economically viable, accessible, easy to maintain and will provide an alternative to the level 2 common area.

These matters have been adequately addressed and are discussed further in the Compliance Table (tagged “C”).

6.2.3 SOPA

SOPA raised no objection. SOPA, did however, express two concerns. Firstly, the protection of the foreshore area south of the site and also the need for the proposal to be designed to enable connection to WRAMS.

The area in question does not form part of the subject site and is part of another development application currently being assessed by the Department.

A condition of consent will require the proposed development to be connected to WRAMS.

6.2.4 Sydney Water

Sydney Water identified three matters that should be considered as part of the development application. These were:

- developer to obtain a Section 73 Compliance Certificate;
- minimising potential contamination of Sydney Water services;
- water conservation measures; and
- to ensure certain tree species are not used on site due to the impact on Sydney Water services.

These matters have been formulated as conditions of consent and advisory notes within Schedule 2 of the Determination.

7 CONSIDERATION

7.1 Section 79C

The development 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 7.2. 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 have been adequately addressed (refer to compliance table tagged "C"). On balance, the proposed development is considered to be in the public interest.

7.2 Issues

7.2.1 Proposed childcare centre lay-by off Mary Street and broader traffic impacts

Issue: Possible impacts to parking and traffic in the locality
Raised by: DIPNR Urban Assessments; SHDRP; Canada Bay Traffic Committee
Consideration: The proximity of the proposed childcare lay-by to the Mary Street/Rider Bouldevarde intersection may create potential local traffic impacts. The applicant was advised by DIPNR that the scheme would need to be referred to the Canada Bay Traffic Committee for comment and ultimately their concurrence.

Canada Bay Council's Traffic Committee provided initial support for the proposed childcare centre lay-by and associated parking and traffic arrangements for the development. Council, however, subsequently advised that due to broader unresolved traffic and transport issues within the area, the proposed childcare centre lay-by, parking and traffic issues associated with the development in their current form would not be supported by Council.

However, it was identified during assessment that Council is the integrated approval body for the proposed development under s.138 of the Roads Act. The applicant did not apply for integrated approval and the development application was not advertised as integrated development.

Resolution: To satisfy Council's concerns it is, therefore, recommended that deferred commencement consent be granted to the development application to enable the applicant to resolve all outstanding issues raised by Council.

7.2.2 Masterplan 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 masterplan for this site is unnecessary as:

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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 masterplan under SEPP 56 due to the general consistency of the development with SREP 29 and Rhodes DCP 2000.

8 CONCLUSION

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 a deferred commencement consent be granted to the development application subject to conditions.

9 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 17 May 2004. The applicant responded on 3 June 2004 confirming acceptance of all conditions with the exception of the following:

- A1 – Deferred development consent;
- B11 – Traffic control devices and entry door;
- B12 – Number of car spaces;
- B17 – NatHERS Rating – Multi-Unit Housing;
- E7 – Visitor Car Parking Spaces; and
- F2 – Local Area Traffic Management.

The applicant advised the above conditions required minor amendment whilst some are requested to be deleted.

The Department provided written correspondence dated 10 June 2004 with respect to the above mentioned conditions. No reply from the applicant was received, therefore, a follow-up email dated 22 June 2004 was sent to ensure resolution of this matter. No reply from the applicant was received at the time of completion of this report (28 June 2004).

10 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning

- (A) pursuant to Clause 14(3) of *State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries* waive the requirement for a masterplan, and
- (B) pursuant to sections 80(3) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 5 of *Sydney Regional Environmental Plan No.29 – Rhodes Peninsula* grant a **deferred commencement consent** to the development application, subject to conditions, by signing the Instrument of Consent (Tagged “**A**”), and
- (C) authorise the Department to carry out post-determination notification.

Prepared by

Endorsed:

Louise Flanagan
Environmental Planning Officer

Mike Brown
Acting Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments