

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/03712 Pt 1
Application Number:	DA 522-12-2003
Date of lodgement:	23 December 2003
On land comprising:	Lot 102 DP 624798 29-33 Marquet Street, Rhodes, NSW 2138
Application made by:	Lakeshine Pty Limited 1 Mary Street, Rhodes NSW 2138
Application made to:	Minister for Infrastructure and Planning
Local government area:	Canada Bay Council
State electorate:	Drummoyne, Angela D'Amore The views of the Member are not known.
Notification:	Advertised in Sydney Morning Herald on 13 April 2004 and the Inner Western Suburbs Courier on 12 April 2004.
Public Exhibition	Start: 13 April 2004. End: 14 May 2004
For the carrying out of:	One residential building comprising a total of 38 units and 48 basement car spaces, excavation and bulk earthworks, ancillary Infrastructure, and subdivision
Estimated cost of works:	\$8,320,000
FTE Jobs created:	54 full time equivalent jobs
Type of development:	Integrated Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Roads and Traffic Authority
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 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

- (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 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 5 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula* **grant 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,
OSDAA

Craig Knowles
Minister for Infrastructure and Planning
Minister for Natural Resources

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/03712 Pt 1
Application Number:	DA 522-12-2003
Date of lodgement:	23 December 2003
On land comprising:	Lot 102 DP 624798 29-33 Marquet Street, Rhodes, NSW 2138
Application made by:	Lakeshine Pty Limited 1 Mary Street, Rhodes NSW 2138
Application made to:	Minister for Infrastructure and Planning
Local government area:	Canada Bay Council
State electorate:	Drummoyne, Angela D'Amore The views of the Member are not known.
Notification:	Advertised in Sydney Morning Herald on 13 April 2004 and the Inner Western Suburbs Courier on 12 April 2004.
Public Exhibition	Start: 13 April 2004. End: 14 May 2004
For the carrying out of:	One residential building comprising a total of 38 units and 48 basement car spaces, excavation and bulk earthworks, ancillary Infrastructure, and subdivision
Estimated cost of works:	\$8,320,000
FTE Jobs created:	54 full time equivalent jobs
Type of development:	Integrated Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Roads and Traffic Authority
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 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

- (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 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 5 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula* **grant 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,
OSDAA

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

Development Application: Supplementary Information

(1) Proposed Development in detail

The proposed development seeks consent for:

- (1) Development comprising one residential building with a total of 38 units and a gross floor area no more than 3042 square metres;
- (2) Bulk earthworks;
- (3) Associated basement car parking for 48 vehicles and vehicular access, swimming pool and landscaping;
- (4) All ancillary services and infrastructure (drainage, hydraulics, waste, power);
- (5) Strata subdivision.

(2) Summary of Significant Issues

a. Entry to the northern lobby for persons with a disability

Issue: The northern lobby of the development as proposed is not directly accessible from the street for persons with a disability

Raised by: Urban Assessments

Consideration: The development proposes street access via two separate lobbies – with the ‘northern’ and ‘southern’ parts of the building separated by a party wall running for the entire floorplate on every level. Direct street access by persons with a disability is available to the southern lobby via a ramped walkway. However, access to the northern lobby from the street cannot be provided for persons with a disability because of the narrow frontage and the location of the required Energy Australia substation.

Persons with a disability wishing to access the northern portion of the building have travel through the southern lobby, exit and traverse a pathway across the landscaped area and enter the northern lobby via the rear door.

In order to ameliorate any negative aspects of the current design such as inequitable access, a condition has been imposed that the applicant provides a written statement from an accredited member of *The Association of Consultants in Access, Australia*, certifying that the construction plans are consistent with the requirements of the BCA and the Disability Discrimination Act 1992.

Resolution: The proposed amended design of this aspect of the development is considered to be acceptable.



Planning Assessment Report

Development Application DA 522-12-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application No. DA 522-12-2003

The application seeks consent for one residential buildings comprising a total of 38 units and 48 basement car spaces, excavation and bulk earthworks, ancillary Infrastructure, and Subdivision.

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

It is recommended that the Minister grant consent to the development application, subject to conditions.

2 BACKGROUND

2.1 Site Context

The site is located at 29-33, Marquet Street, Rhodes in the Canada Bay Council Local Government Area.

The development application was lodged with the Department on 23 December 2003 in accordance with the Environmental Planning and Assessment Act, 1979 (the Act).

The site is located within the Rhodes Peninsula and is part of the land known as Precinct D under SREP 29. Precinct D forms the North eastern part of the Peninsula.

The Precinct is bound by the Great Northern Railway Line to the east, Precincts A and B and Marquet St to the west, Gaulthorpe St to the North and Mary St to the south. The Rhodes Railway Station is located close to the eastern side of the subject site.

The subject site is known as Lot 29-33 Marquet Street.

2.2 Relevant consents

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- (1) Development comprising one residential buildings with a total of 38 units and a gross floor area no more than 3403 square metres;
- (2) Bulk earthworks;
- (3) Associated basement car parking for 48 vehicles and vehicular access, swimming pool and landscaping;
- (4) All ancillary services and infrastructure (drainage, hydraulics, waste, power);
- (5) Strata subdivision.

4 AMENDED PLANS

N/A

5 STATUTORY FRAMEWORK

5.1 *Statement of permissibility*

The development is permissible within the Mixed Use zones under cl 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 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),
- Sydney Harbour and Parramatta River Development Control Plan for SREP No.22 and SREP No.23 (Sydney Harbour and Parramatta River DCP),
- Renewing Rhodes Development Control Plan (Rhodes DCP), and
- Concord Section 94 Plan.

The matters for consideration under s79c and the various instruments and are set out in the compliance tables [tag C]

5.3 *Legislative context*

The proposed development is Integrated Development pursuant to Section 91 of the Act as approval is also required under s138 of the Roads Act 1933

6 CONSULTATION

6.1 *Public consultation*

The application was notified, in accordance with the Regulations including:

Notifications –	land owners and or occupiers were notified by letter
Newspaper advertisements	Advertised in The Sydney Morning Herald on 13 April 2004 and the Inner Western Suburbs Courier 12 April 2004
Site notices	Date site notice placed on site – 14 April 2004.
Exhibition dates	Start: 13 April 2004 End: 14 May 2004
Exhibition venues	▪ Planning Information Centre, 20 Lee Street Sydney. ▪ Drummoyne Citizen Services Centre, 1A Marlborough St, Drummoyne. ▪ Concord West Library, 283 Concord Road, Concord.

	▪ DIPNR Sydney Region West Office, Level 8, Signature Tower, 10 Wentworth Street, Parramatta.
--	--

Nil submissions were received regarding the Application.

6.2 Referrals

6.2.1 Integrated Approval Bodies

The proposed development is integrated under Section 91 of the Environmental Planning and Assessment Act 1979. However, Canada Bay Council has not general terms of approval for the development in this instance.

6.2.2 Council

The application was referred to the Canada Bay Council on 12 January 2004 in accordance with the Regulations. Council did not respond to the referral and made no submission in regard to the subject application.

6.2.3 The Sydney Harbour Design Review Panel.

The matter was not referred to the Sydney Harbour DRP as:

- The site is located further than 150m from the foreshore;
- Development in Precinct B between the subject site and the waterfront will generally be of a higher scale (8 storeys) thus impeding views of the site from the foreshore;
- The matter was considered by the Canada Bay SEPP65 Design Review Panel, which considers similar matters of design and context.

6.2.4 The Canada Bay/Strathfield/Burwood Design Review Panel

The Canada Bay/Strathfield/Burwood Design Review Panel (CDRP) met on 27 Jan 2004 and considered the development.

The CDRP assessment is **Tag D** and the comments are discussed in detail at item 4.4 of the Compliance table. In general, the proposal was supported.

6.2.5 SOPA

SOPA raised no objection to the proposal, subject to the proposal being in accordance with SREP 29 and DCP 2000 for Rhodes Peninsula and, further, the imposition of conditions of development consent to ensure that the proposed development is able to connect to the SOPA Water Reclamation and Management Scheme.

6.2.6 RTA

The RTA advises that the Committee raised no objection to the proposal.

The RTA further advised that, in order to implement infrastructure works in the locality, as outlined in the Rhodes Peninsula Transport management Plan (TMP), the development should make appropriate contributions, in accordance with the Rhodes Peninsula Contributions Framework.

It is advised that a condition of consent has been imposed requiring such a contribution.

6.2.7 Sydney Water

Sydney Water raised no objection to the proposal. More detailed comments are held at a later section of this report.

7 CONSIDERATION

7.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act (**Tag C**). Significant issues are discussed below in Section 6.2.

The subject site is considered suitable for the proposed development. There were no submissions raised.

On balance, the proposed development is considered to be in the public interest.

7.2 Issues

(1) Lack of focal prominence of entryways

- Issue:* The two entry ways to the building lack visual prominence
- Raised by:* Urban Assessments.
- Consideration:* The proposed entryways do not feature any architectural design device that allows for quick recognition of the doorways as entries to the building. Design detailing is required to make the building entry read more legibly from the street. Each entry has an adjacent fin wall which could be utilised to add visual prominence. On this basis, the applicant has indicated that they will colour each fin wall adjacent to the entries as a highlight to focus attention on the entryway doors.
- Resolution:* The redesign of the entry ways by the use of a coloured fin wall is considered acceptable.

(2) Entry to the northern lobby for persons with a disability

- Issue:* The northern lobby of the development as proposed is not directly accessible from the street for persons with a disability
- Raised by:* Urban Assessments
- Consideration:* The development proposes street access via two separate lobbies – with the ‘northern’ and ‘southern’ parts of the building separated by a party wall running for the entire floor plate on every level. Direct street access by persons with a disability is available to the southern lobby via a ramped walkway. However, access to the northern lobby from the street cannot be provided for persons with a disability because of the narrow frontage and the location of the required Energy Australia substation.
- Persons with a disability wishing to access the northern portion of the building have travel through the southern lobby, exit and traverse a pathway across the landscaped area and enter the northern lobby via the rear door.
- In order to ameliorate any negative aspects of the current design such as inequitable access, a condition has been imposed that the applicant provides a written statement from an accredited member of *The Association of Consultants in Access, Australia*, certifying that the construction plans are consistent with the requirements of the BCA and the Disability Discrimination Act 1992.
- Resolution:* The imposition of the condition requiring a written statement from an Access consultant has been imposed.

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 Canada Bay Council was consulted.

The application has been notified in accordance with the Regulations. No submissions were received in the period prescribed by the Regulations.

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

9 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent in October 2004. The applicant responded on 11 November 2004 and offered comments for further negotiation. These comments, regarding the following matters, were assessed.

It was considered by DIPNR that the response from the applicant was acceptable with regard to the following conditions:

Energy ratings: The applicant submits that the energy rating standards which currently apply are relevant to this application and that new energy rating requirement, which do not come into force until October 2004, are not applicable.

DIPNR Response: This is considered acceptable.

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 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* and clause 5 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula* **grant 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:

Penny Day
Planner, Urban Assessments

Michael Brown
AI Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments