

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/02858
Application Number:	DA 403-8-2003
Date of lodgement:	22 August 2003
On land comprising:	Lot 2 DP 270320 19-25 Bennelong Road Homebush Bay NSW
Application made by:	Barclay Mowlem Construction Limited
Application made to:	Minister for Infrastructure and Planning
Local government area:	Auburn
State electorate:	Barbara Perry MP The views of the Member are not known.
Notification:	The DA was not advertised.
For the carrying out of:	Strata subdivision of Stratum Lot 101 to create 72 lots and common property.
Estimated cost of works:	nil
FTE Jobs created:	NA
Type of development:	State Significant Development
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Not Integrated Development
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. 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 pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of State Environmental Planning Policy No.56:

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Robert Black
**Director,
Urban Assessments**

Diane Beamer MP
**Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for
Infrastructure and Planning
(Planning Administration)**



Planning Assessment Report Development Application

DA 403-8-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number 403-8-2003.

The application seeks consent for the strata subdivision of stratum Lot 101 to create 72 lots and common property. This application is to enable the strata subdivision of one of the buildings (known as "Positano") in a 3 building residential development with podium car parking that is nearing completion. This application is directly related to 3 other strata subdivision applications and a stratum subdivision application for the same site being:

- DA401-8-2003 – stratum subdivision of Lot 2 DP 270320 to create 5 stratum lots known as Lot 100, Lot 101, Lot 102, Lot 103 and Lot 104;
- DA402-8-2003 – strata subdivision of building known as "Monte Carlo" to create 5 lots (within proposed stratum lot 102);
- DA404-8-2003 – strata subdivision of car park podium (within proposed stratum lot 100);
- DA405-8-2003 – strata subdivision of building known as "Monaco" to create 24 lots (within proposed stratum lot 103).

The Minister for Infrastructure and Planning is consent authority under clause 10 of State Environmental Planning Policy No.56 (SEPP 56).

It is recommended that the development application be granted **consent**.

2 BACKGROUND

2.1 Site Context

The site is located on the northern side of Bennelong Road and is known as 19-25 Bennelong Road, Homebush Bay in the Auburn local Government area. A location plan is at **Tag B**.

The site is known as Lot 2 DP 270320 (approved under DA225-08-01) and is located on the northern side of Bennelong Road, between Homebush Bay and Bennelong Road. The western boundary of the site is located approximately 200 metres from the Bennelong Road/Hill Road intersection and immediately adjoins the Mariners Cove development to the east.

The development application was lodged with the Department on 22 August 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

2.2 Relevant approvals

A Master Plan consent (DA 114/98) was approved for the whole site known as 19-25 Bennelong Road, Homebush Bay which established lots, apartment numbers, footprints and various other matters. The subsequent DA (DA 286-10-01) for the development of Lot 2 within the area of the Master Plan consent was approved by the Minister on 28 June 2002 and this stratum application directly relates to this approval.

DA 286-10-01 is for the erection of a residential apartment complex comprising 3 apartment buildings above 2 levels of podium car parking. The approval was for 101 apartments and 170 car parking spaces. The development is now nearing completion and the developer wishes to strata subdivide for sale purposes.

3 THE PROPOSED DEVELOPMENT

The development application seeks consent for the strata subdivision of Lot 101 created under DA 401-8-2003 to create 72 strata lots and common property. The strata application seeks to subdivide the 8-storey residential building component (known as "Positano") of the development currently under construction. The proposed plans subdivision is at **Tag C**.

4 STATUTORY FRAMEWORK

The proposed subdivision is permissible with development consent. The Minister is consent authority subject to the provisions of SEPP 56. Sydney Regional Environmental Plan No.24 – Homebush Bay applies to the site and the proposal is generally consistent with the planning objectives for the Homebush Bay Area.

5 CONSULTATION

5.1 Public consultation

The application was not required to be notified.

5.1.1 Integrated Approval Bodies

The application was not integrated.

5.1.2 Council

The application was referred to the Auburn Council on 10 October 2003 in accordance with the Act. Council responded on 6 November 2003. Council advised that it was not going to make any submission on this application.

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. The proposed strata subdivision generally accords with the approved development application for the site and a subsequent modification application. The proposed strata subdivision is generally consistent with the approved building forms on the site.

On balance, the proposed development is considered to be in the public interest and should be approved subject to the recommended conditions.

7 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. On balance, it is considered that the proposed strata subdivision conforms with approvals and is acceptable. Conditions have been included to ensure appropriate service and access easements are in place. Subject to the conditions proposed, it is recommended that the strata subdivision should be approved.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 20 November 2003. The applicant responded on 28 November 2003 and accepted the conditions. The applicant questioned the need for a compliance report condition and it was agreed that the condition was unnecessary and has been removed.

9 RECOMMENDATION

It is recommended that the Minister pursuant to section 80 (1) and 80A of *the Environmental Planning and Assessment Act, 1979 (as amended)* and clause 10 of State Environmental Planning Policy No.56:

grant consent to the application subject to conditions (Tagged “A”), **and**
authorise the Department to carry out post-determination notification.

For Ministerial Approval

Prepared by

Endorsed:

Alan Bright
Planner, Urban Assessments

Robert Black
Director, Urban Assessments