

DATE OF DETERMINATION	15 May 2024
DATE OF PANEL DECISION	15 May 2024
DATE OF PANEL MEETING	9 May 2024
PANEL MEMBERS	Carl Scully (Chair), Amelia Thorpe, Alice Spizzo, Joseph Cordaro and Anthony Bazouni
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 9 May 2024, opened at 2.32pm and closed at 3.04pm

MATTER DETERMINED

PPSSEC-289 – Canada Bay – DA2023/0181 – 1-9 Marquet Street, Rhodes – The project comprises demolishing, excavating for basements, and constructing a 32-storey mixed-use building with open spaces and landscaping including Stratum and Strata Subdivision (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and agreed that the development supports an increase in housing in the area.

The Panel also noted that the proposal was subjected to a design competition and satisfies the requirements of the Canada Bay Local Environmental Plan for a well-designed building.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 9 Accessible Car Parking Spaces - to delete the number 51 and replace 36
- Amend Condition 14 – Section 7.11 Contributions (Rhodes Peninsula) section below the table, by deleting ‘any’ and inserting ‘a’ in the sentence commencing with “Contributions must be receipted”, to read as follows:
‘Contributions must be receipted by Council and submitted to the Accredited Certifier prior to the issue of a Construction Certificate.’
- Amend Condition 26(a) to read as follows:
26. Electric vehicle circuitry and electric vehicle charging point requirements
An accurate electrical plan and specifications for all off-street car parking must be prepared by a suitably qualified person, demonstrating the following;

a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a Level 2 electric vehicle charger point. The construction certificate plans are to:

- Identify the power capacity to each car parking space.
- Identify the load management system on each level of parking such as a distribution board.
- Install the electrical cabling necessary to enable the provision of an electrical vehicle charging point for each designated parking space. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).

b) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) prior to the issue of the construction certificate.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are: a) Privately available spaces including visitor spaces: 'Level 2' slow – single phase 7kW power; and b) Publicly available spaces: 'Level 2' fast – three-phase 11-22kW power

Condition reason: Access to EV charger infrastructure

- Insert new Condition 38 and renumber remaining conditions accordingly:

38. Amendments to Approved Plans - Council

The following amendments and details shall be submitted to Council for written approval prior to the issue of a Construction Certificate:

Revised basement plans to reduce the maximum number of accessible car parking spaces to 36, while reallocating the additional disabled car parking spaces and shared zones to caged storage or alternative storage configurations.

This involves a change to the Development Application plans as submitted to and approved by Council. Any changes in this regard shall be reflected as amended plans to be submitted to the Council for written approval prior to the issue of a Construction Certificate for the proposed development.

Condition Reason: To confirm and clarify the terms of Council's approval

- Amend now Condition 66 (former Condition 65) to delete the first dot point and replace with the following:
 - Design of Basement in accordance with requirements of WaterNSW

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Inconsistency with the context area
- Lack of social, educational and transport infrastructure in the locality
- Overshadowing of the adjoining private properties and public area
- Traffic generation and adverse impacts on the local network (insufficient on-street parking spaces and pedestrian safety)
- Insufficient building separation and loss of privacy
- Construction impacts

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS



Carl Scully (Chair)



Amelia Thorpe



Alice Spizzo



Joseph Cordaro



Anthony Bazouni

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-289 – Canada Bay – DA2023/0181
2	PROPOSED DEVELOPMENT	The project comprises demolishing, excavating for basements, and constructing a 32-storey mixed-use building with open spaces and landscaping including Stratum and Strata Subdivision
3	STREET ADDRESS	1-9 Marquet Street, Rhodes
4	APPLICANT/OWNER	Deicorp Pty Ltd The Genesis Capital Holding Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> City of Canada Bay Development Control Plan 2023 Planning agreements: Secretary's Certificate Satisfactory Arrangements for designated State public infrastructure – SVPA2023-100 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 26 April 2024 and amended on 09 May 2024 Written submissions during public exhibition: 19 Total number of unique submissions received by way of objection: 19 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Mina Maged Shokry Gugis Council assessment officer – Shannon Anderson On behalf of the applicant – Stephen Kerr, Greg Colbran, Rob Furolo, Craig Baudin
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 24 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair) <u>Council assessment staff</u>: Shannon Anderson and Nima Salek <u>Applicant representatives</u>: Greg Colbran, Craig Baudin, Stephen Kerr and Carlo Di Guilio <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis

		<ul style="list-style-type: none"> • Council Briefing: 18 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe and Anthony Bazouni ○ <u>Council assessment staff</u>: Shannon Anderson and Nima Salek ○ <u>Department staff</u>: Carolyn Hunt • Site inspection: 9 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Anthony Bazouni and Joseph Cordaro ○ <u>Council assessment staff</u>: Shannon Anderson and Nima Salek • Final briefing to discuss Council's recommendation: 9 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Anthony Bazouni and Joseph Cordaro ○ <u>Council assessment staff</u>: Shannon Anderson and Nima Salek ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report