

**ITEM BRIEFING REPORT - 1-9 MARQUET STREET AND 4
MARY STREET, RHODES (IPROSPERITY)**

Department Planning and Environment

Author Initials: KL

EXECUTIVE SUMMARY

Date of Referral	23 August 2018
Planning Proposal Number	PP2018/0002
Applicant/owner	Xiaolu Li (Belinda Li)
Owner	IProsperity Watersider Rhodes Pty Ltd
Street Address	1-9 Marquet Street, Rhodes & 4 Mary Street, Rhodes
Proposal	<ul style="list-style-type: none">• A FSR of 13.06:1 (including wintergardens)• Propose 340 units (Ave 72.7m²)• A maximum building height of 117m (excluding heliostat), comprising a 36 storey tower including a 3 storey podium.• A heliostat above the building to redirect light to Union Square. (Maximum height 151.4m)• Provision of 343m² of public open space at ground level on the corner of Marquet and Mary Streets.• A Letter of Offer to enter into a Planning Agreement

REPORT

The report has been prepared in the following three parts:

- **Part 1 – Background**
 - Introduction
 - Planning Framework – Station Precinct Master Plan
 - Station Precinct Master Plan – 3D Images

- **Part 2 – The Planning Proposal**

- Subject Site
- Planning Proposal submitted by I Prosperity
- Assessment Summary – Key Development Standards
- Assessment Summary – Key Development Controls

- **Part 3 – Discussion**

- Consideration against criteria set out within the Department of Planning's *A Guide to Preparing Planning Proposals*.

PART 1 – Background

Planning History

Sydney Regional Environmental Plan No.29 - Rhodes Peninsula (SREP 29) prescribed maximum heights for Precinct D (now known as the Station Precinct) of six (6) storeys on land fronting Marquet Street and eight (8) storeys on land fronting Walker Street.

Rhodes West Master Plan

Following delegation of planning responsibility for the Rhodes Peninsula to Council in 2007, a new Master Plan was prepared for Precincts B, C and D to permit additional height and density of a number of buildings on sites yet to be developed.

This Master Plan identified one site in the Station precinct (Precinct D) being increased from a maximum of eight (8) storeys to twenty (20) storeys. Following public exhibition, the land was removed from the Master Plan as Council became aware that a number of property owners within the Station Precinct were willing to be involved in a planning review of the controls for the area.

Concept Design

To bring about the orderly development of the Station Precinct, Council and a consortium of landowners within the Station Precinct engaged Urban Design Consultant Professor John Toon, to prepare a Concept Plan. This occurred during 2011 and 2012.

Professor Toon concluded that extra height and GFA was achievable within the Station Precinct and this was reflected in a Concept Plan, which included an increase in the residential and commercial floor space above what was permitted under *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula (SREP 29)*. Professor John Toon's Concept Plan included a network of laneways with a high level of solar penetration and a maximum building height of 14 storeys on

the I-Prosperity site and buildings ranging from 3 to 25 storeys on the balance of land with a frontage to Walker Street.

Community consultation was undertaken between 24 March 2012 and 30 May 2012 via various workshops conducted by Elton Consulting and Chris Stapleton and through an online survey.

Following this period of public exhibition, expert review and consultation, Council resolved to endorse the Concept Plan at its meeting on 6 December 2012.



Figure 1 – Master Plan prepared by Professor John Toon (building heights shown in red)

Negotiation with Landowners and Master Plan by Conybeare Morrison

Following endorsement of the Concept Plan, Council began negotiating with land owners regarding the public benefits they might provide within the Station Precinct in order to meet the increased community need which would arise from proposed changes to the planning controls.

In August 2013, building upon the Concept Plan, Council resolved to fund the preparation of the Station Precinct Master Plan. The Master Plan was prepared by Conybeare Morrison during 2013, through consultation with land owners and workshops with Council. On 3 December 2013, Councillors were briefed on the Master Plan at a Councillor workshop and certain directives in relation to the finalisation of the plan were provided. These directives included:

- a) some additional height up to 30 storeys could be considered for the Station Precinct;
- b) towers to be slim form, with no greater footprint than 950m²;

- c) no overshadowing of the Town Square is to be permitted during the period 12 noon to 2pm winter solstice, and solar access to the Mary Street Child Care Centre and to the mid-block market town laneways is to be maximised;
- d) laneways to have widths of approximately 8-10 metres and layout to be inviting, simple and well-founded; and
- e) quantum of floor space offered to developers needs to be balanced against the need to fund the public benefits on offer. Excessive floor space beyond this level was not supported.

Following this workshop, on 10 December 2013, Council endorsed the Master Plan prepared by Conybeare Morrison as the basis for Council making an application to the NSW Department of Planning and Environment for a Gateway Determination. The Planning Proposal was granted Gateway Approval by the Department on 23 December 2013.

Following receipt of Gateway Approval, Billbergia presented a number of changes to the Planning Proposal applying to their land to a Councillor Workshop on 30 April 2014. A report on the Station Precinct was presented to Council at its meeting on 3 June 2014, where Council resolved to consider changes to the Master Plan.

The Planning Proposal was amended to increase the proposed building heights and Gross Floor Area, representing an additional 1,300 apartments in the Station Precinct in six tower buildings ranging from 10 to 36 storeys in height.

An amended Master Plan commissioned by Council was also prepared by Conybeare Morrison for the whole Station Precinct reflecting the above changes.

A further report was considered by Council at its meeting on 2 September 2014, where Council resolved to submit the revised Planning Proposal to the Department of Planning and Environment for a new Gateway Determination. A revised Gateway Determination was provided on 16 March 2015.

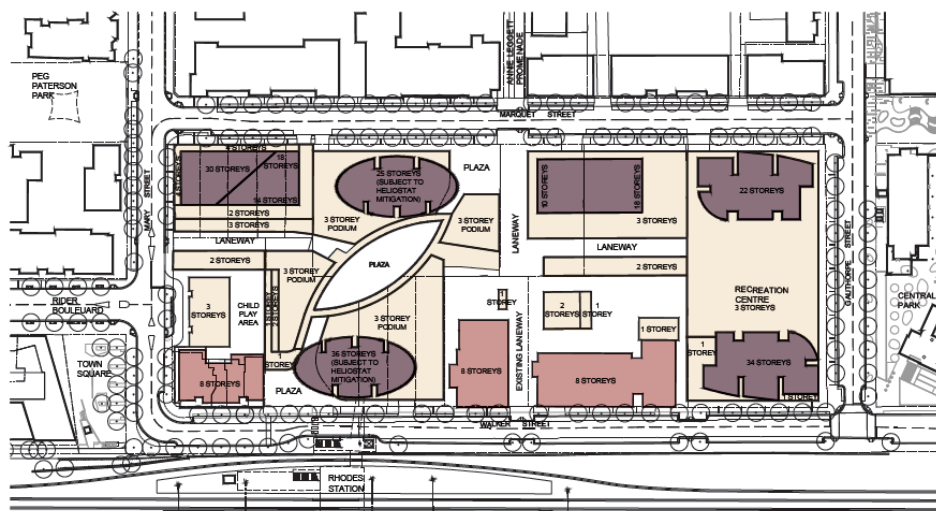


Figure 2 – Extract from adopted Master Plan

Public Exhibition of the Planning Proposal

Council publicly exhibited the Planning Proposal, a draft Development Control Plan, three Voluntary Planning Agreements (i.e. 1. Billbergia; 2. Hossa Group; and 3. B1 Group – Agreements 2 & 3 covering the site now known as the IProsperity site) and supporting documentation during the period from 12 May 2015 to 16 June 2015. In response, Council received 76 submissions. Of the 65 general submissions, 77% objected and 23% supported the Planning Proposal.

At the Council meeting on the 15 September 2015, Council resolved:

1. *THAT the content of this report and the Station Precinct Rhodes – Report on Submissions 2015 are noted;*
2. *THAT the Lots 1, 2, 3, 4, 5 and 6 of DP 17671 (Nos 1, 3, 5, 7, 9 Marquet St and 4 Mary St) be deferred from the Planning Proposal (PP 2015 CANAD 001 00) because of on-going issues in relation to site consolidation and Council's preferred planning outcome for the sites.*
3. *THAT the Planning Proposal excluding the deferred portion of the site (Lots 1, 2, 3, 4, 5 and 6 of DP 17671 (Nos 1, 3, 5, 7, 9 Marquet St and 4 Mary St)) be forwarded to the Department of Planning and Environment to enable drafting of the legal instrument and subsequent gazettal by the Minister, Planning and Environment or his delegate;*
4. *THAT landowners subject to this Planning be advised of Council's recommendation.*

This resolution recognised that a better planning outcome would be achieved where the corner site at 1 Marquet Street, was integrated into the development. The balance of the Planning Proposal was gazetted on 18 December 2015. This

gazettal is reflected in the current LEP/DCP controls currently applying to the Station Precinct.

New Planning Proposal

A Planning Proposal was submitted by I-Prosperity on 26 May 2016. This Planning Proposal did not include consolidation with 1 Marquet Street.

An amended Planning Proposal was subsequently received on 30 January 2017 for a consolidated site, reflecting the current site configuration, including 1-9 Marquet Street and 4 Mary Street, Rhodes. This Planning Proposal sought a maximum FSR of 13.46:1 and maximum HOB of 117.4m (35 storey tower). The Proposal was estimated to deliver 350 residential units based on 96.55m² per dwelling, 1,404m² of retail floor space and 3,861m² of commercial floor space.

The Planning Proposal was reported to Council on 2 May 2017 with a recommendation for refusal due to reasons including, but not limited to, the Planning Proposal not being the result of any strategy or study; inconsistency with the adopted planning framework (the Station Precinct Master Plan); substantial departure from the height of building, floor space ratio & building envelope and overshadowing the Town Square between 1.00pm and 2.00pm in mid-winter.

At the meeting, it was resolved by Council that the item be deferred.

A further two amended Planning Proposals were received for the subject site, the last of which was reported to the Council Meeting of 15 May 2018. A copy of the report is provided as Attachment 1.

At the meeting of 15 May 2018, Council resolved:

1. *THAT a Voluntary Planning Agreement for uplift above the controls in the Canada Bay Local Environmental Plan 2016 that apply to 1 – 9 Marquet Street and 4 Mary Street, Rhodes be agreed in principle prior to resolving to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.*
2. *THAT a probity protocol be developed and implemented to guide the further progress of the IProsperity Planning Proposal.*
3. *THAT the Planning Proposal submitted by I-Prosperity for land at 1 – 9 Marquet Street and 4 Mary Street, Rhodes be endorsed for submission to the Department of Planning and Environment, subject to the requirements in point 4 of this resolution being submitted.*
4. *THAT prior to submission of the Planning Proposal to the Department of Planning and Environment, the applicant is to submit:*
 - a) *an updated Planning Proposal that refers to a Floor Space Ratio of 13.06:1 and a maximum Height of Building of 117m.*
 - b) *concept plans of the proposed building that illustrate the provision of 343m² of land at ground level on the corner of Marquet Street*

and Mary Street be provided as a partly open/partly covered open space that is to be publically accessible.

- c) a Scientific Report providing evidence of like-for-like replacement of solar amenity for any overshadowing of Union Square that also addresses legal, operational, risk and ongoing maintenance and management issues associated with the operation of the heliostat over the life of the building.*
- d) a Traffic and Transport Assessment that addresses the cumulative impact of planned growth on the Rhodes Peninsula (including the traffic generated by the Planning Proposal) on the operation of the road and transport network and the proposed vehicular access arrangements for the site - the report is to assume that no parking is provided for 93 apartments.*
- e) a Wind Assessment to identify the impact of the proposed building envelope on the immediate public and private domain and incorporate any mitigation measures or design changes that should be imposed.*
- f) a SEPP 65 Report that addresses how the design quality principles of SEPP 65 and the Apartment Design Guide will be achieved.*
- g) a Preliminary Site Investigation carried out in accordance with the Contaminated Land Planning Guidelines that identifies any past or present potentially contaminating activities and provides a preliminary assessment of the extent and nature of site contamination if it exists.*

5. THAT the General Manager be granted delegation to make minor modifications to the Planning Proposal following the receipt of a Gateway Determination.

6. THAT the Rhodes West Development Control Plan be amended to:

- a) reflect the building envelope envisaged by the Planning Proposal;*
- b) include development controls that require the following dwelling mix:*
 - Studio (0% - 10%),*
 - 1 bedroom (0% - 20%),*
 - 2 bedroom (50% - 80%) and*
 - 3+ bedroom dwellings (10% – 100%).*
- a) Require a maximum floorplate of 900m² Gross Floor Area (GFA), excluding the area of wintergardens for the purpose of defining the area of floor plates only.*

- b) require a number to be determined of dwellings with zero (0) car parking spaces for 1 – 9 Marquet Street and 4 Mary Street, Rhodes, following review by Council's traffic consultants.*
- 7. THAT should the Planning Proposal receive a Gateway Determination, the draft Rhodes West Development Control Plan and draft Voluntary Planning Agreements be exhibited concurrently with the Planning Proposal.*
- 8. THAT a report be provided to Council advising of the outcome of the public exhibition period for the Planning Proposal, draft Development Control Plan and Voluntary Planning Agreement.*

Following the receipt of the above resolution, a further Planning Proposal (PP2018/0002) was received and is the subject of this report.

The subject Planning Proposal was presented to the Design Review Panel on the 25 July 2018. Advice received from the panel is provided as Attachment 10.

The Station Precinct Master Plan – 3D Images



Figure 3 – 3D Model Station Precinct Masterplan (View from the North West)



Figure 4 – 3D Model Station Precinct Masterplan (View from the South East)



Figure 5 -- 3D Model Station Precinct Masterplan (View from the South West)

PART 2 – The Planning Proposal

The Subject Site

Located in the middle of Rhodes West Peninsula, the Station Precinct adjoins Rhodes Railway Station to the east, established residential apartments to the south and west, including Union Square (the Town Square) and residential apartments to the north.

The Station Precinct is bound by Mary Street to the south, Walker Street to the east, Gauthorpe Street to the north and Marquet Street to the west. The subject sites are located in the south western corner of the Station Precinct and currently used for low density residential purposes. The Planning Proposal relates to the following individual properties:

Table 1: Site Address and Area

Address	Lot/Plan	Area (m ²) by Title
1 Marquet Street, Rhodes	Lot 5 DP 17671	Approx. 455.30
3 Marquet Street, Rhodes	Lot 4 DP 17671	Approx. 474.20
5 Marquet Street, Rhodes	Lot 3 DP 17671	Approx. 474.20
7 Marquet Street, Rhodes	Lot 2 DP 17671	Approx. 474.20
9 Marquet Street, Rhodes	Lot 1 DP 17671	Approx. 480.60
4 Mary Street, Rhodes	Lot 6 DP 17671	Approx. 543.80
TOTAL SITE AREA		Approx. 2,902.30



Figure 6 – Subject Properties within Station Precinct



Figure 7 – Station Precinct

Proposed Development

The Planning Proposal seeks the following amendments to the Canada Bay LEP and related development outcomes:

- A FSR of 13.06:1 (including winter gardens);
- A maximum building height of 117m (excluding heliostat), comprising a 36 storey tower including a 3 storey podium;
- Deliver 340 units (Ave 72.7m²);
- A heliostat above the building to redirect light to Union Square. (Maximum height 151.4m);
- Provision of 343m² of public open space at ground level on the corner of Marquet and Mary Streets.

It is noted that a Letter of Offer has been presented to Council to enter into a Planning Agreement.



Artist impression of proposed development outcome on the site.

Assessment Summary - Key Development Standards

Table 2: Review of Key Development Standards

	Station Precinct Master Plan	Proposed
Floor Space Ratio	6.5:1 (19,093.83) <i>Current FSR (1.76:1)</i>	13.06:1 (37,893m ²)
Height	Split maximum height to reflect solar access plane. 14-18 storeys/ 30 storeys <i>Current HOB 23m</i>	117m (36 storeys) 151.4m (Including Heliostat)

Assessment Summary - Key Development Controls

Table 3: Review of Key Development Controls

	Proposed	Comment
Overshadowing of Town Square between 12-2pm Maximum height plane to protect solar access	Building departs from solar access plane as proposal abandons building envelope in Master Plan.	Proposal overshadows Town Square between 12-2pm, Winter Solstice. Impacts proposed to be mitigated through Heliostat.
Wind Impacts Open laneway / access to plaza	Wind Assessment submitted.	Recommendations made within assessment require consideration.
Building Floorplate DCP recommended to be updated to require maximum 900sqm floorplate.	GFA per residential level 892m ² (Excludes Winter Gardens and Balconies)	-

Tower Setback 3m	Marquet Street – 3.0m Mary Street – <1.0m	Marquet Street compliant / Mary Street non-compliant.
Laneway 6-8m	Not dimensioned.	Dimensions required. Proposed location of stairwell in centre of laneway may impact intended use of laneway.
Podium 4 storeys (14m)	14m	Consistent, though design appears integrated with the tower and does not appear to achieve a solid base to the building.
Point tower strategy Step up in height from west to east (8 storeys)	2 storeys	Less than Master Plan.

PART 3 – Discussion

This section of the report addresses the relevant strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth government agencies, as set out in the Department of Planning's A Guide to Preparing Planning Proposals.

Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study, adopted strategy or report and is inconsistent with the adopted Master Plan for the Station Precinct.

Numerous studies have been prepared to inform the current controls that apply to the land in the Station Precinct as described in the background of this report.

Whilst the Master Plan for the Station Precinct includes a building envelope for the I-Prosperity site, the Canada Bay Local Environmental Plan 2013 was never updated to facilitate this outcome. There is therefore scope to consider whether the Planning Proposal represents a better planning outcome than that envisaged by the Station Precinct Master Plan.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Retaining solar access to the Union Square, located south east of the subject site is a high priority of the Station Precinct Master Plan. For this reason, the building

envelope in the Master Plan was specifically shaped to enable sunlight to reach Union Square (the Town Square).

It would be preferable for sunlight to be provided to Union Square in accordance with the requirements of the adopted Master Plan. A heliostat is proposed to offset this impact and is discussed further in the report below.

Is the Planning Proposal consistent with the objectives and actions contained within the applicable sub-regional strategy?

The Planning Proposal incorrectly refers to historical regional plans and strategies. This information should be updated should the Planning Proposal proceed to public exhibition.

Eastern City District Plan

Delivery and diversity of housing

The Planning Proposal seeks to provide additional dwellings through an increase in height and density. To ensure that objectives of the District Plan in relation to the delivery of a diversity of housing are achieved, it is recommended that the Rhodes West Development Control Plan be updated to stipulate the maximum percentage of studio (0%-10%), 1 bedroom (0%-20%), 2 bedroom (50%-80%) and 3+ bedroom dwellings (10%-100%). These controls will be included within the draft Development Control Plan should the Planning Proposal proceed to public exhibition.

Infrastructure Planning

The subject site is located in close proximity to Rhodes Railway Station and relies on this infrastructure and the road network for access to and from the site. Significant urban renewal and infrastructure delivery has occurred throughout Rhodes in recognition of the available public transport and road capacity in the locality.

The Planning Proposal raises significant issues in relation to the capacity of the existing road and transport infrastructure due to historical dwelling growth, growth envisaged under the adopted Master Plan as well as that planned for Rhodes East. The northern railway line is currently operating beyond its optimum capacity at peak periods of the day and key regional road intersections on the Rhodes Peninsula do not have capacity to accommodate the proposed increase in traffic growth.

Further discussion is provided under the heading “Transport, traffic and access”.

Affordable Housing

The Eastern City District Plan requires council to give consideration to the provision of affordable housing. The City of Canada Bay was recently included

within SEPP 70 – Affordable Rental Housing Schemes and has the ability to require affordable housing through an amendment to the Canada Bay Local Environmental Plan 2013.

The subject application does not propose to provide any affordable housing. Instead, any contribution delivered through a voluntary agreement is proposed to fund improvements to the public domain and regional recreation facilities that would service the needs of the Rhodes community.

Is the Planning Proposal consistent with the local council's community strategic plan or other local strategic plan?

The Canada Bay Local Planning Strategy identifies Rhodes as a Strategic Centre. Council has supported significant redevelopment of the Rhodes West Precinct and more specifically, within the Station Precinct, through a substantial uplift in height and density under the Station Precinct Masterplan.

Draft plans for the renewal of Rhodes East provide for a further 3,600 dwellings directly to the east side of the Rhodes railway station.

Historical development in Rhodes, the existing Station Precinct Master Plan and the Planned Precinct in Rhodes East confirms the importance of the Rhodes Peninsula as a Specialised Centre. The subject Planning Proposal is seeking to proceed outside of this planning framework.

Is the planning proposal consistent with applicable State Environmental Planning Policies and Ministerial Directions?

The planning proposal is generally consistent with relevant State Environmental Planning Policies and Ministerial Directions.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Overshadowing - Solar Access & Daylight

The building envelope in the Master Plan seeks to protect solar access to the Rhodes Town Square through a building height plane. Figures 8 and 9 show the solar height plane used to maximise solar access to Union Square and other important locations in and around the Station Precinct.

Tower Height Strategy

Solar Height Plane Diagrams

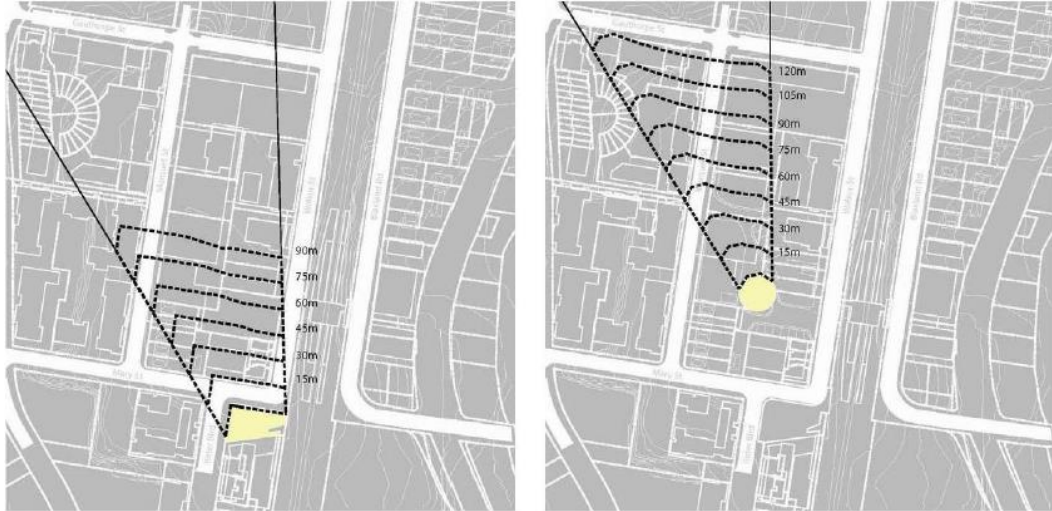


Figure 8: Solar Access Planes (defining potential heights of buildings in relation to areas where solar access must be either fully protected, i.e. Town Square, or maximised i.e. child care centre, mid-block plaza and laneways).



Figure 9: Close up view of subject site

The building envelope contained within the adopted Master Plan for the subject site was informed by both the solar height plan and a Design Statement/Building

envelope prepared by Tony Owen Design. The Design Statement (provided as Attachment 2) was prepared to demonstrate that a tower with a height of 30 storeys could be achieved on the site that protects solar access to the Town Square from 12.00 noon to 2.00pm in the Winter Solstice in accordance with the solar height plane. The Design Statement concluded that the proposed floor plates were both functional and provide for appropriate architectural expression.

An illustrative example of the Tony Owen Design is shown in Figure 10.

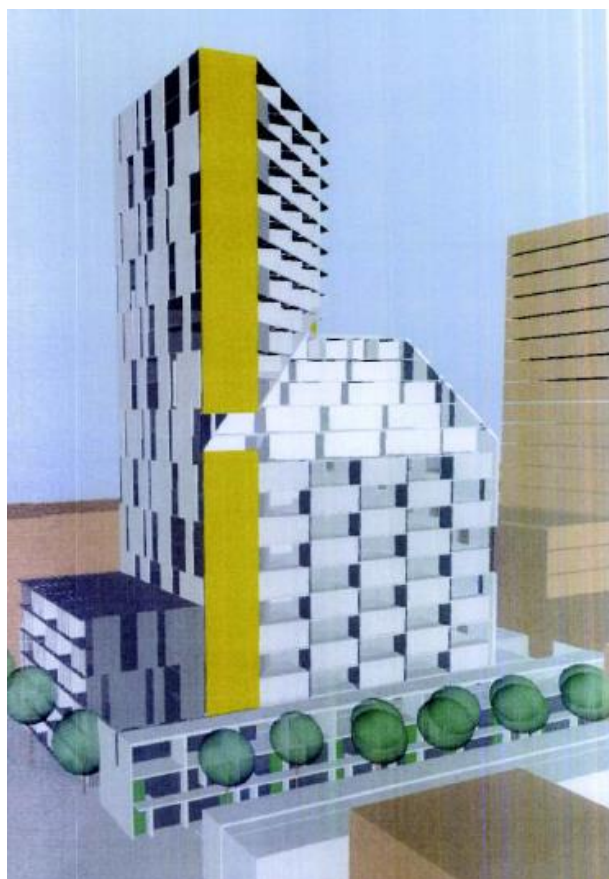


Figure 10 – Town Owen concept

The Rhodes West Development Control Plan includes the following controls under section 3.3.11 ‘Solar Access and Daylight’:

***C1:** To create a useable open space network that can be enjoyed by local residents and workers new development should retain solar access to a minimum of 50% of the area of neighbourhood parks and green spaces during lunchtime hours (noon to 2:00pm) during mid-winter (22 June).*

***C2:** At the Winter Solstice during the hours of noon, 1:00pm and 2:00pm, solar access is to be protected in Rhodes Town Square, and is to be maximised in the Mary Street Child Care Centre outdoor play area, and mid-block oval plaza and the laneways of the Station Precinct.*

If alternative means of providing solar access to the public domain are proposed, e.g. by heliostats or the like, they are to be backed up by a Scientific Report providing evidence of like-for-like replacement of solar amenity and addressing legal, operational and ongoing maintenance and management issues in perpetuity.

The proposed development seeks a maximum building height of 117m across the entire development site, thus blocking the natural sun from reaching the Rhodes Town Square, particularly at the crucial times of Winter Solstice. Specifically, the proposed envelope will overshadow approximately 40% of the area of the town square by 2:00pm in mid winter.

It would be preferable to maintain natural sunlight on the Town Square (Union Square) especially during midday winter months; however the approved tower at 11-21 Marquet Street, DA 2016/0005 (25 Storeys) also throws a shadow over a different part of Union Square during the winter period, with mitigation from a proposed heliostat at 6-14 Walker Street.

The additional overshadowing from the IProsperity site whilst undesirable can be mitigated by the heliostat proposed to be provided on the rooftop of the building. The Masterplan does not preclude the use of heliostats, although at the time the Masterplan was prepared only one heliostat was contemplated on the Billbergia building at 6-14 Walker Street.

The heliostat mirror system will be placed on the roof of the building to redirect sunlight into the Union Square and other areas that are overshadowed. The heliostat will operate daily, be effective during daylight hours only, and would operate as if there is always sun present. i.e. if the sky is heavily clouded the system will operate however the resulting effect is zero as only direct sunlight will cause reflections. There are risks associated with the utilisation of a heliostat to facilitate a public benefit. A report will be required to be submitted that includes risk minimisation strategies in order to reduce the frequency and intensity of these risks.

Where a heliostat is proposed, the developer will be required to register a Public Positive Covenant on the Strata Scheme applying to the building which requires it 'to operate, maintain, repair and replace (as necessary) the heliostat reflector in perpetuity'. The developer will also be required to contribute at least \$50,000 into the Sinking Fund for the building, in two annual instalments, to be applied towards the maintenance of the heliostat. These requirements will be imposed as part of any Voluntary Planning Agreement negotiated for the site.

The estimated annual cost of maintaining the heliostat is \$16,500 (ex. GST). The heliostats have moving parts which may require replacement over the life of the building. The motors may require changing over a 10 year period. There are 2 motors per Heliostat @ approximately \$250/motor, so \$500/Heliostat x 146 = say

\$75,000 over 10yrs. The amortised annual cost = \$7500/ yr. (ex. GST) and the estimated annual total \$24,000 (ex. GST).

The maintenance of the heliostat is envisaged to include:

- (a) reflectors are to be washed and maintenance checked every 6 months. Maintenance procedures include a review of all material coatings, mechanical items, completion of repairs as required;
- (b) heliostats are to be washed every 3 months;
- (c) heliostat maintenance checks are to be carried out every 6 months; and
- (d) heliostat control software checks.

IProsperity also propose to deliver approximately 343m² of land at ground level on the corner of Marquet /Mary Street as a partly open/partly covered public plaza to offset shadow impacts on the Town Square.

A report has been submitted by the Applicant and is provided as *Attachment 1 (pages 356-364)* to support the use of a heliostat. Council staff identified that any report provided to support the Planning Proposal for the use of the heliostat, should provide evidence that like-for-like replacement of solar amenity will be provided to Union Square. In addition, that the report should also address legal, operational, risk and ongoing maintenance and management requirements to ensure that the Heliostat can perform its desired function over the life the building.

The Canada Bay Design Review Panel advised the following in relation to the overshadowing of Union Square:

The Panel considers that additional overshadowing of Union Square is an unacceptable outcome in circumstances where the scale, mass and siting of the proposed building are significantly non-compliant with the planning controls within the Rhodes Station Precinct Masterplan and Rhodes West DCP. The argument that a heliostat is a suitable substitute/offset for natural light and sunlight is questionable. The cumulative impacts of allowing this type of device to proliferate on multiple sites in the precinct is not demonstrated. A more compliant building form could be manipulated and sculpted to achieve a better outcome in terms of preserving reasonable sunlight access to this important central public domain element in an increasingly dense precinct.

In relation to the proposed undercroft, the Design Review Panel advised:

The inclusion of a south facing area of 343 square metres on the corner of Mary and Marquet Streets would provide low amenity as a public space due to its undercroft location, lack of sun (south facing) and unresolved integration with the podium of the building. The Panel considers that this proposed open space is an unacceptable offset for loss of sun to Union

Square on urban design grounds, and that it is extremely unlikely to be successful as a community space.

The Design Review Panel also made the following additional comments in relation to the overshadowing of buildings to the south of the site:

Overshadowing of existing residential buildings to the south and cumulative impacts of the shadows cast by the proposed building together with existing and approved buildings have not been adequately documented. The current shadow diagrams (in plan) are incomplete and inadequate. Any argument that the proposal does not further reduce mid-winter sun between 12noon and 2pm needs to be clearly demonstrated if that is the argument being put forward.

The Panel recommends that parametric solar (sun-eye) viewpoint analysis drawings showing solar access to facades of all affected buildings and open space (Union Square and Peg Paterson Park) at 15 minute intervals between 9am and 3pm mid-winter and equinox are prepared so that Council is able to make a proper assessment.

These drawings should also include a comparison of the planning proposal's solar impact compared with the masterplan envelope. It is the opinion of the Panel that proposed new building forms should not increase solar impacts on the surrounding residential properties as compared to the masterplan envelopes, and that as a minimum ADG solar access is maintained to affected nearby properties.

Transport, Traffic and Access

Jacobs Group Australia Pty Ltd (Jacobs) was engaged by Council to review the traffic, transport and access impacts arising from submitted Planning Proposals (including a proposal submitted by Billbergia also within the Station Precinct). A copy of this report is provided as *Attachment 3*.

The purpose of these reviews was to establish whether there is sufficient capacity in the traffic and transport network having regard to existing infrastructure. The review took into consideration the Planned Precinct for Rhodes East which was publicly exhibited in 2017 and proposes to accommodate approximately 3,600 new dwellings.

A summary of comments provided by Jacobs are outlined below.

Rail - The majority of AM and PM peak rail services reached their loading capacity in 2015. Inbound T1 Northern Line trains via Strathfield have an average load of 135% (or 148% without the express services) of their normal capacity when they reach the city during AM peak hour, with a maximum load of 162%. Similarly, outbound trains have an average load of 100% leaving the city

during the PM peak hour, with a maximum load of 153%. This means that during peak periods, some passengers travelling to or from Rhodes are unable to board trains as they are overloaded.

Bus - Opportunities for bus access to Rhodes have been enhanced by the recently completed Bennelong Bridge. The bridge provides an active transport connection from Rhodes to Wentworth Point. Bus services using the bridge act as feeder services for Wentworth Point residents accessing Rhodes Station, as well as providing connections to other employment centres such as Olympic Park and Ryde, and to local destinations such as the Rhodes Shopping Centre. With improved access by bus from Wentworth Point to Rhodes, this is likely to place additional pressure on Rhodes Train Station.

Ferry - There is currently no ferry wharf at Rhodes; however the NSW Government is proposing a new ferry wharf as part of growth proposed at Rhodes East.

Road - High delays are experienced on the existing road network around Rhodes on the Concord Road / Homebush Bay Drive corridor, which is currently operating close to capacity for vehicles. Through Rhodes, the corridor carries an average of 77,500 vehicles (bi-directional) per weekday.

The assessment must also consider the cumulative increase in density proposed across the whole peninsula (including Rhodes East) given future development will increase the number of trips to, from and through the peninsula.

The Council strategy for achieving density in the strategic centre of Rhodes is through accommodating additional dwellings through the Planned Precinct in Rhodes East that is located on the eastern side of the main northern rail line.

Draft plans for the Rhodes East Planned Precinct have been publicly exhibited. The Planned Precinct is supported by a detailed strategy with supporting studies and relies on the remaining transport capacity of the northern line and surrounding road network to facilitate dwelling growth. Densities proposed for Rhodes East have been prepared based on the assumption that the dwelling yield delivered under the adopted Station Precinct Master Plan would remain unchanged. The additional 3600 homes planned for Rhodes East has not assumed additional dwellings as proposed within the Station Precinct.

To minimise impacts upon the operation of key intersections in the Rhodes Peninsula, it is recommended that 93 apartments be allocated zero (0) car parking spaces. This requirement will ensure that traffic generation is no worse than contemplated by the adopted Master Plan and will be enforced through an amendment to the Rhodes West Development Control Plan.

Any report should assume that 93 apartments in the proposed building will be provided with zero (0) car parking spaces.

A traffic and transport assessment has been submitted as *Attachment 1, pages 302-355*.

Greater Sydney to 2056 / Future Transport Strategy

As Sydney grows, it is expected that further services and improvements to existing infrastructure will be made to accommodate the rapidly growing city. In late November 2017, a new heavy rail timetable came into force, providing a further two (2) services per hour through Rhodes station. It is expected that this timetable will continue for at least two (2) years before being reviewed.

In addition, further infrastructure changes over time including a new Metro line at Rouse Hill to Chatswood, Stage 2 Parramatta Light Rail and a potential pedestrian/green bridge connection between Wentworth Point and Melrose Park may provide some relief to the existing system.

Sydney Metro West was announced in November 2016 for the provision of an underground metro railway connecting Parramatta and Sydney central business districts. The Sydney Metro West is intended to service the key precincts of Greater Parramatta, Sydney Olympic Park, The Bays Precinct and the Sydney CBD, with one station proposed under an existing suburban station on the T1 Northern Line east of Sydney Olympic Park.

Should these regional infrastructure initiatives be implemented, they will make small incremental improvements to movement patterns to and from the Rhodes Peninsula.

Urban design, bulk and scale

The building proposed by the IProsperity Planning Proposal adopts an oval shape tower to 36 storeys, including a 3 storey podium and a heliostat on the rooftop.

The maximum building height and floor space sought by the proposed development is inconsistent with the adopted Master Plan, which identifies the maximum height of the subject building as 30 storeys, with a tapered shape above 14 storeys to allow natural sunlight to reach the Town Square during the critical midday period at Winter Solstice.



Figure 11 – Proposed Development under the Station Precinct Masterplan (IProsperity site marked within yellow outline)

The use of a heliostat is proposed, thus the proposal seeks to ‘fill’ the previously considered tapering of the building, to enable the full building to reach a maximum height of 36 storeys, 6 storeys above that provided by the Masterplan.

The Masterplan specifically identifies a “Point Tower Strategy” to provide relationship to the existing built form, surrounding public spaces and achieve a desired future character. The Tower Strategy seeks to have the highest tower located at 6-14 Walker Street, gradually reducing in height of buildings towards the foreshore. The proposed maximum height of the subject building is 117m and the maximum height of the building at 6-14 Walker Street is 127m. The difference between the two buildings is 10m.

The Design Review Panel stated the following in relation to building height:

The provision within the Rhodes Station Precinct Master Plan for the highest buildings along the ridge adjacent to Walker Street/Rhodes Railway Station stepping down towards the foreshore to the west is already underway and has merit as an appropriate response to topography in this dense urban environment. The height differential between the proposal and the building to the east is 10 metres, which is an insufficient differentiation to be read as a meaningful gradation in the height of urban form at this scale of development.

Wind Impact

Down drafts from buildings or accelerated winds from tunnelling between buildings can negatively affect pedestrian-level comfort. In general, the taller the building, the stronger the potential for wind effects at the base and the greater need for mitigation measures.

A wind assessment has been submitted by the Applicant and is provided as *Attachment 1, pages 120-150*. A number of recommendations are provided within the wind assessment report that require consideration by the proposed development and impact on the outcome of the Planning Proposal.

The Design Review Panel stated the following in relation to wind impacts:

The Wind Study refers to impacts that need to be addressed and these matters need careful consideration in the final design as they will impact on the design and form of the already compromised public spaces below.

Contamination

Pursuant to State Environmental Planning Policy No. 55 – Remediation of Land, Council is required to be satisfied whether land is contaminated prior to the rezoning of land and if it is contaminated that it can be made suitable for the proposed use. Whilst the site currently accommodates dwelling houses, the history of the Rhodes Peninsula for heavy industrial uses raises the potential for contamination given the historical land uses that operated in the locality.

A Preliminary Site Investigation has been prepared by the Applicant and is provided as *Attachment 1, pages 151-171*.

Public Domain

A draft Public Domain Plan (provided as *Attachment 4*) has been prepared by Council to facilitate improvements to the Station Precinct public domain areas and support the additional population being considered by the Station Precinct Master Plan through transport and traffic infrastructure upgrades and improvements to the pedestrian amenity.

A voluntary planning agreement with the developer is intended to contribute towards funding the proposed upgrade to the public domain, consistent with the Public Domain Plan.

Vehicle Access

Council has undertaken a considerable amount of work on the preparation of a Public Domain Plan for the Station Precinct, with particular emphasis on improving the pedestrian experience to and from the station with consideration given to both safety and amenity.

A Traffic and Transport Assessment was required to be provided within the Recommendations of the Report prepared by Council staff. A report prepared by AT&T has since been submitted and is provided as *Attachment 1, pages 302-355*.

It is imperative that arrangements will provide efficient and safe vehicle access to and from the proposed development, giving consideration to Council's draft Public Domain Plan which seeks to prioritise efficient movement of pedestrian movements throughout the precinct.

Capacity of Utility Services

Adequate utility services are considered to exist to service existing and future residents of Rhodes West, as proposed by the Station Precinct Master Plan. Should additional population growth be considered, consultation would occur with utility providers to seek their advice in relation to the capacity of available water, electricity and gas to service future residents.

How has the Planning Proposal adequately addressed any social and economic effects?

The applicant has made an offer to enter into a Voluntary Planning Agreement to fund improvements to the public domain within the vicinity of the Station Precinct and to make a contribution towards regional sports and recreation facilities.

Council will only execute the Voluntary Planning Agreement should the Planning Proposal be found to have strategic and site specific merit, following the receipt of a Gateway Determination and exhibition period.

Is there adequate public infrastructure for the Planning Proposal?

Advice from RMS and Transport for NSW, as well as modelling and testing undertaken by Jacobs Group (Australia) Pty Ltd on behalf of Council confirms that the capacity of the existing rail infrastructure and surrounding traffic network (which also supports bus services) is not sufficient to support the additional density sought above the Station Precinct Masterplan.

The additional density proposed will result in significant impacts on the traffic and transport network.

What are the views of State or Commonwealth Public Authorities consulted in accordance with the gateway determination and have they resulted in any variations to the Planning Proposal?

Initial consultation has been undertaken with Transport for New South Wales (TfNSW) and Roads Maritime Services (RMS). A summary of their comments is provided under '*Consultation with RMS and Transport for NSW*' above.

Further consultation will only occur with Public Authorities should the Planning Proposal receive a Gateway Determination.

Attachments:

1. Planning Proposal (22 June 2018)
2. Tony Owen Design Statement
3. Traffic and Transport Assessment (Jacobs Group (Australia) Pty Ltd)
4. Draft Public Domain Plan (Prepared by Council for the Station Precinct)
5. Council Report & Minutes (Council Meeting - 15 May 2018)
6. Station Precinct Master Plan
7. Rhodes West Development Control Plan
8. IProsperity Shadow Assessment Paper (Conybeare Morrison 2 Nov 2017)
9. Letter of Offer (10 April 2018)
10. Design Review Panel Minutes.

ITEM -2 BRIEFING REPORT - 1-9 MARQUET STREET AND 4 MARY STREET, RHODES (IPROSPERITY)

Helen McCaffrey indicated a conflict of interest and excused herself from the meeting.

David Furlong addressed the Panel on behalf of the Applicant.

RESOLVED

The Panel advised in relation to the Planning Proposal as follows:

1. The Panel acknowledges that Council has formed a position on this planning proposal and the Panel's advice is coming at a point late in the process.
2. The Panel has reviewed the advice from the Canada Bay Design Review Panel and generally endorses their advice.
3. The Panel understands that the Strategic Policy Framework informing the built form outcomes of this site and surrounding sites is the Station Precinct Masterplan. This has informed changes to Local Environmental Plan controls.
4. The Panel has concerns with the Planning Proposal regarding:
 - the departure from the built form outcomes anticipated by the Station Precinct Masterplan; and
 - the interruption of the principle of stepping down of built form to the foreshore; and
 - the quality and utility of 343sqm of public open space; and
 - The capacity of the existing transport network to accommodate increases beyond the Masterplan remain unresolved.
5. The Panel questions the appropriateness generally of relying on heliostats to replace the loss of natural sunlight particularly on planned public spaces and the ongoing cost burden to residents.

VOTING

The voting in respect of this matter was 3/0.

For: McCabe, Savet Ward, Furolo

Against: Nil