

DEVELOPMENT ASSESSMENT OVERVIEW

PP number	PP2018/0002
Date of lodgment	22/6/18
Proposed development	<ul style="list-style-type: none"> • A FSR of 13.06:1 (including wintergardens) • Deliver 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.
Street address	<p>1-9 Marquet Street & 4 Mary Street, Rhodes</p> <p>(Site comprises 6 sites, with a total site area of 2,902.30sqm)</p>
Applicant/owner	Applicant / Owner - I-Prosperity Waterside Rhodes Pty Ltd
Background	<ul style="list-style-type: none"> • Station Precinct Master Plan was prepared in November 2014; • An amendment to the Canada Bay Local Environmental Plan 2013 was gazetted on 16 March 2015 to facilitate an increase in planning controls for many sites within the Station Precinct Masterplan, though did not include the IProsperity site as Council was concerned with the isolation and land locking of 1 Marquet Street, which at that time, was not part of the combined subject land being 3-9 Marquet Street and 4 Mary Street. • A Planning Proposal was originally submitted by I-Prosperity on 26 May 2016. This PP did not include consolidation with 1 Marquet Street. • An amended PP was 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 PP 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 the 2nd May 2017 recommending refusal for reasons including but not limited to: the Planning Proposal not being the result of any strategy or study; inconsistency with the adopted planning framework being the Station Precinct Master Plan; substantially departing from the recommended height of building, floor space ratio & building envelope; 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.

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
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	<p>Planning Proposal;</p> <p>(b) include development controls that require the following dwelling mix:</p> <ul style="list-style-type: none"> • Studio (0% - 10%), • 1 bedroom (0% - 20%), • 2 bedroom (50% - 80%) and • 3+ bedroom dwellings (10% – 100%). <p>(c) 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.</p> <p>(d) 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.</p> <p>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.</p> <p>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.</p> <ul style="list-style-type: none"> • Following the Resolution of Council for PP2016/0005 including the recommendation to proceed to Gateway Determination, a further Planning Proposal was received, which reflected the Council Resolution and is the subject of this Urban Design Review. <p>The Current Proposal</p> <ul style="list-style-type: none"> • The current Planning Proposal being assessed is that referenced PP2018/0002, lodged on the 26 June 2018
Council Officer	Paul Dewar / Karen Lettice
Date	13/7/18

Assessment summary
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 (37,893m2) Non-compliant
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) Non-compliant

Key Development Controls

	Proposed	Assessment
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.	Non-compliant
Wind Impacts Open laneway / access to plaza.	Wind Assessment submitted with Application requires closure of plaza.	Non-compliant

	Roof over part of laneway and doors into plaza.	
Building Floorplate DCP to updated to require maximum 900sqm floor plate.	GFA per residential level 892m ² (Excludes Winter Gardens and Balconies)	Compliant with Building Floorplate as defined in the Council Resolution.
Tower setback 3m	Marquet Street – 3.0m Mary Street – < 1.0m	Part compliant, Part non-compliant
Laneway 6-8m	Not dimensioned Stairwell in middle of lane.	Appears compliant
Podium 4 storeys (14m)	14m, however podium appears integrated with the tower and does not appear to achieve a solid base to the building.	Inconsistent
Point tower Strategy Step up in height from west to east (8 storeys)	Nominal step up (2 storeys)	Non-compliant

DESIGN REVIEW PANEL MEETING

Meeting Report and Recommendations

Meeting Date: 25 July 2018

Location: Council Chambers, City of Canada Bay Council

Panel members	Conrad Johnston (Chairperson)
	Tony Caro
	Peter McGregor
Apologies	Nil
Council staff	Judy Clark (Planning Consultant assisting Council) Paul Dewar
Guests	N/A
Declaration of interest	Nil

Business Item and Meeting Report

Item number	1
Planning Proposal	PP2018/0002
Property address	1-9 Marquet Street and 4 Mary Street, Rhodes
Proposal	Demolition of existing dwellings and construction of a mixed use development comprising a 36 storey tower including a 3 storey podium to deliver 340 units and 343 square metres of public open space on the corner of Marquet and Mary Streets.
Applicant or applicant's representative in attendance to address to the Design Review Panel	Koichi Takada (Architect) Andrew Chung (Architect) Alan Zhang (Architect) David Furlong (Town Planner) I Prosperity Representatives (Owner) Belinda, Charles, and Lynne
Background	The site was inspected by the Panel on 25 July 2018

Background

The Panel was provided with the documentation and plans lodged to support the Planning Proposal including a report by Plan Urban that outlined the background planning history, and that was further elaborated on by the applicant's town planner at the meeting. The Panel was also briefed by Council staff about the planning history of the site which the Panel understands is quite extensive and complex, including the modelling of several different building design options.

Notwithstanding this background and history, the Panel is an independent group whose role is to provide design advice to Council which is unfettered by other Council applicant negotiations and processes.

The Panel notes the architect's comments at the meeting that certain detailed design issues are not fully resolved as this is a Planning Proposal (not a DA) and are still "a work in progress".

The Panel also acknowledges the fact this is a Planning Proposal, and in this context it is not within the scope of this report to provide detailed comments about internal unit planning, as would be the case if this were a DA.

Key Issues and Recommendations

Whilst the Panel understands that the applicant has put forward a Planning Proposal to achieve a significantly higher height and FSR than would be available through the current LEP planning controls or by applying the more generous controls in the Rhodes Station Precinct Master Plan, the urban design and residential/public amenity impacts associated with the height, massing and setbacks are significant. In the Panel's opinion, this suggests that the building envelope envisaged by the Planning Proposal represents an overdevelopment of the site.

More specifically, the Panel notes the following concerns and issues with the Planning Proposal:

1. Overshadowing

1.1 Adjacent and Nearby Residential Properties

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.

1.2 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.

2. New Public Open Space Proposal

2.1 Undercroft

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.

3. Building Separation and Setbacks

3.1 Separation

The Panel notes that the residential tower does not comply with ADG boundary setbacks (8 metres in lieu of 12 metres) or building separation (18 metres in lieu of 24 metres). Further, the argument put forward to reduce the ADG minimum setbacks because the objectives of the setback are met by inclusion of north facing plant rooms and privacy devices is unconvincing.

The Panel further notes that the ADG sets standards for building separation based on the capacity to achieve meaningful landscaping and access to natural light between buildings, as well as visual privacy. In addition to this it is noted that the guideline metrics are *minimum* recommendations, and in the broader Rhodes environment there is precedent and hence an arguable case for tower separation distances that exceed these minimums.

The Panel is of the opinion that the reduced northern setback of the tower also contributes to further overshadowing of Union Square when compared to a master plan compliant setback. It is therefore recommended that the northern setback be considered in relation to its additional solar impacts to Union Square, to ensure that acceptable sunlight access (particularly between March and October) is achieved in this significant public space.

3.2 Street Setback

With this scale of development, the Panel considers the minimum setback of 1 metre to Mary Street is insufficient, (especially for a building of this unforeseen height, without a podium) and that 3 metres requirement under the Masterplan should be provided as a minimum.

4. Building Height and Design

4.1 Architectural Expression

The Panel notes that the tower design is based on a symmetrical lozenge plan-form and queries whether this is the best response to views, over-shadowing and building siting constraints.

Due to the extensive inclusion of wintergardens rather than balconies the building expression appears more commercial than residential in character. The extensive use of glass will result in a high solar load for the building's long east and west facades.

4.2 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.

4.3 Wind

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.

5. Other Matters

The Panel notes that expert reports accompanying the Planning Proposal indicate that additional development over and above original modelling for the Rhodes Station Precinct will contribute to a developing problem of road and rail capacity.