

**ITEM PLANNING PROPOSAL FOR 1-9 MARQUET STREET,
RHODES & 4 MARY STREET, RHODES (PP2018/0002)**

Department Community and Environmental Planning

Author Initials: KL

EXECUTIVE SUMMARY

The Planning Proposal for 1-9 Marquet Street, Rhodes & 4 Mary Street, Rhodes (PP2018/0002) was submitted to the Department of Planning for a Gateway Determination on 7 January 2019. The Department of Planning have requested that Council consider the advice and recommendations received by the Local Planning Panel prior to the Planning Proposal being progressed.

The request reflects the provisions of the *Local Planning Panels Direction – Planning Proposal*, that requires Council to consider the advice of the Local Planning Panel prior to resolving to submit the Planning Proposal to the Department of Planning & Environment for a Gateway Determination.

It is recommended that Council give consideration to the advice and recommendations from the Local Planning Panel and having regard to the advice, resolve whether the Planning Proposal should be endorsed for exhibition.

Background

Council resolved to progress the IProsperity Planning Proposal to the Department of Planning & Environment for Gateway Determination on the 15th May 2018. The resolution required amendments to be made to the planning proposal to address outstanding matters before being submitted to the Department of Planning & Environment.

Under section 9.1 of the Environmental Planning and Assessment Act 1979, the *Local Planning Panels Direction – Planning Proposals* required that Planning Proposals prepared but not submitted to the Minister before the 1 June 2018 were to be presented to the Local Planning Panel for advice before being forwarded to the Minister.

Amended documentation for the Planning Proposal was not received before the 1st June 2018 and in this regard, the Planning Proposal was referred to the Local Planning Panel for advice on the 23rd August 2018.

On the 29th September 2018, the *Local Planning Panels Direction – Planning Proposals* was revised to require planning proposals to be referred to the Local Planning Panel for advice. However, in addition the Direction also provided that the Local Planning Panel must have given its advice on the planning proposal before council considers whether or not to forward it to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning & Assessment Act 1979.

All documentation for the Planning Proposal was completed on the 6th December 2018 when the draft Planning Agreement was finalised. Council provided the Planning Proposal to the Department of Planning & Environment for Gateway Determination, based on the long history of the preparation planning proposal, including the initial resolution of Council being in May 2018.

The Department of Planning have subsequently requested that the advice of the Local Planning Panel be provided to Council before advice is made on whether or not to forward the Planning Proposal to the Minister, to ensure consistency with the Ministerial Direction. Thus, the purpose of this report.

STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

EFF 4.2.1 Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

REPORT

The IProsperity Planning Proposal was reported to a Council meeting on the 15th May 2018. At this meeting, it was 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%).*

(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.

(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.

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.*

(FOR: Crs Di Pasqua, Little, Megna, Parnaby, Ramondino and Tsirekas)

(AGAINST: Crs Jago and Yap)

The Planning Proposal was revised to address the requirements of the Council resolution and re-submitted to Council.

On the 23rd August 2018 the Planning Proposal was considered by the Local Planning Panel, giving consideration to the Design Review Panel's advice on the 25th July 2018 and the Resolution of Council.

The Local Planning Panel provided the following advice:

- 1. The Panel acknowledges that Council has formed a position on this planning proposal and the Panels advice is coming at a point late in the process.*

2. *The Panel has reviewed the advice from the Design Review Panel and generally endorses their advice.*
3. *The Panel understands that the Strategic Policy Framework informing built form outcomes of this site and surrounding sites is the Station Precinct Masterplan. This has informed changes to LEP controls.*
4. *The Panel has concerns with the Planning Proposal regarding;*
 - *the departure from the built form outcomes anticipated by the Station Precinct Masterplan;*
 - *the interruption of the principle of stepping down of built form to the foreshore*
 - *The quality and utility of 343sqm of public open space.*
 - *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.*

The advice and recommendations received from the Design Review Panel referred to in point 2 above, is provided as Attachment 2.

Conclusion

The Local Planning Panel has considered the Planning Proposal and provided independent advice and recommendations to Council.

Within the advice provided, concerns were raised with respect to (though not limited to) overshadowing of Union Square with use of a heliostat as a substitute for sunlight, building height, building massing, departure from the Station Precinct Masterplan and capacity of the transport network.

It is recommended that Council consider the advice and recommendations of the Local Planning Panel for the Planning Proposal relating to 1-9 Marquet Street, Rhodes & 4 Mary Street, Rhodes (PP2018/0002) and resolve whether the Planning Proposal should be endorsed for progression to the Department of Planning and Environment for Gateway Determination.

RECOMMENDATION

THAT Council confirm how it wishes to proceed with the Planning Proposal PP2018/0002 for 1-9 Marquet Street, Rhodes & 4 Mary Street, Rhodes.

Attachments:

1. Local Planning Panel Advice
2. Local Planning Panels Direction – Planning Proposals
3. Report to Local Planning Panel – Briefing Report
4. Design Review Panel - Advice
5. Planning Proposal for 1-9 Marquet Street and 4 Mary Street, Rhodes (PP2018/0002) (Provided under separate cover)

Attachment 1 - Local Planning Panel Advice

Attachment 2 - Local Planning Panels Direction - Planning Proposals

Attachment 3 - Report to Local Planning Panel - Briefing Report

Attachment 4 - Design Review Panel Advice

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Mr D Furlong, Director of Plan Urban Services, addressed Council.

RESOLVED

(Crs Parnaby/Megna)

1. THAT Council, having considered the advice of the Local Planning Panel of 23 August 2018, confirm its resolution of 15 May 2018 in relation to the iProsperity Planning Proposal for land at 1-9 Marquet Street and 4 Mary Street, Rhodes.
2. THAT Council forward the Planning Proposal to the Minister for a gateway determination.

(FOR: Crs Little, Megna, Parnaby, Ramondino, Tsirekas, and Yap)

(AGAINST: Crs Ferguson and Jago)