

## **ITEM                      STATION PRECINCT PLANNING PROPOSAL**

**Department      Planning & Environment**

**Author Initials: TM**

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### **EXECUTIVE SUMMARY**

A Planning Proposal has been received for land in the Station Precinct in Rhodes located at 1 – 9 Marquet Street and 4 Mary Street, Rhodes submitted by I-Prosperity Waterside Rhodes Pty Ltd.

The Planning Proposal seeks to increase the maximum Height of Building and Floor Space Ratio applying to the site in excess of that contemplated by the adopted Station Precinct Master Plan (Master Plan).

The Master Plan was prepared and endorsed by Council at its meeting of 10 December 2013 following expert advice from urban design consultants and extensive consultation with the Rhodes community.

The subject Planning Proposal seeks to significantly increase the density envisaged by the Master Plan. The Planning Proposal will facilitate a tower building with a maximum of 36 storeys. The increase in the scale of the building causes the overshadowing of Union Square (Rhodes Town Square).

The additional density will also potentially result in impacts on the traffic and transport network.

This report recommends that:

- the Planning Proposal submitted by I-Prosperity be endorsed subject to modification for submission to the Department of Planning & Environment for Gateway Determination, subject to appropriate supporting documentation being provided and the Voluntary Planning Agreement being finalised; and
- the Rhodes West Development Control Plan be amended to improve the design quality of residential apartment buildings by reducing the maximum building footprint permitted, requiring a diversity of apartment sizes and ensuring that all dwellings in excess of those anticipated in the Master Plan are provided with zero (0) car parking spaces.

### **STRATEGIC CONNECTION**

This report supports FuturesPlan20 Outcome areas:

*My City has attractive streets, village centres and public spaces.*  
*My City has a range of housing options*

This report also relates to the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) and the Station Precinct Master Plan

## **REPORT**

The report has been prepared in the following three parts:

- **Part 1** – Background;
- **Part 2** – Planning Proposal submitted by I Prosperity; and
- **Part 3** – Conclusion and Recommendations.

## **PART 1 - BACKGROUND**

In order to understand the discussion in this report, it is important to be aware of the history of planning for the Station Precinct, Rhodes.

### *Sydney Regional Environmental Plan No. 29 Rhodes Peninsula (SREP 29)*

Planning for the Rhodes Peninsula was initially undertaken by the NSW Department of Planning in the late 1990's, with the gazettal of Sydney Regional Environmental Plan No. 29 in 1999 accompanied by an associated set of documents forming "The Planning Framework" for Rhodes.

The maximum height limits in Precinct D (now known as the Station precinct) were 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 on the Peninsula.

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 design, 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 the Walker Street Developments land.

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 950m<sup>2</sup>;
- 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 Station Precinct Report 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 and which included certain sites in the Station Precinct not part of the Planning Proposal.

A 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.

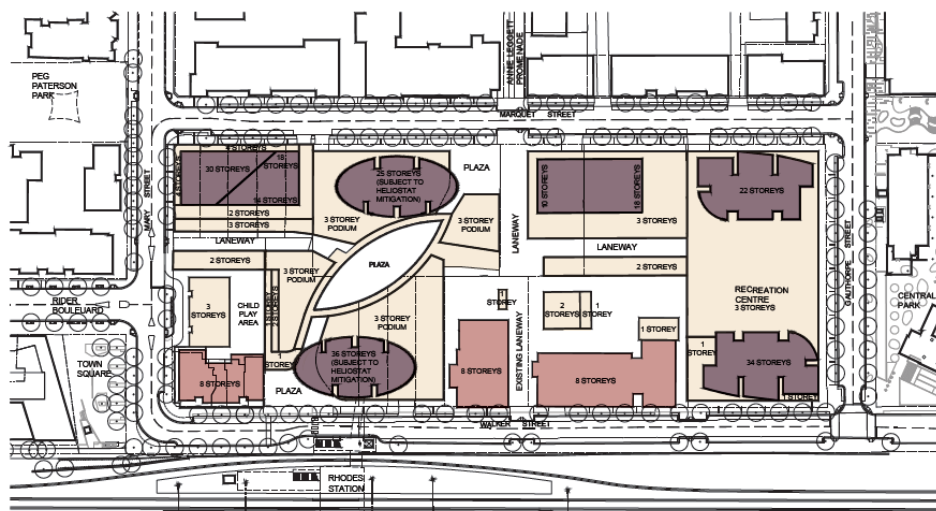


Figure 2 – Extract from adopted Master Plan

#### *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 applying to the Station Precinct.

A VPA was negotiated with Billbergia during the planning processes detailed above. The VPA levies a dollar (\$) rate on the uplift in floorspace with the purpose ultimately of providing a recreation facility to Council at no cost to Council. The offer to Council was in the form of a draft VPA, signed by Billbergia on 19 December 2014. The offer was accepted by Council when the VPA was executed by the Mayor and General Manager on 8 February 2016 following the gazettal of the LEP amendments, which allowed the Billbergia developments to proceed. The draft VPAs with Hossa Group and B1 Group were not progressed as the draft Planning Proposal for that site did not proceed.

### **The Station Precinct Master Plan**



*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 – PLANNING PROPOSAL SUBMITTED BY I-PROSPERITY**

### **The 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 <sup>2</sup> ) 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                  |
| <b>TOTAL SITE AREA</b>   |                | <b>Approx. 2,902.30</b>         |



*Figure 6 – Subject Properties within Station Precinct*





*Figure 7 – Station Precinct*

### **Planning Proposal – Original submission**

A Planning Proposal was submitted by I-Prosperity on 26 May 2016 for land at 3-9 Marquet Street and 4 Mary Street, Rhodes. The Planning Proposal sought to:

- Increase the Floor Space Ratio (FSR) from 1.76:1 under the Canada Bay Local Environmental Plan 2013 (CBLEP 2013) to 13.78:1;
- Increase the maximum Height of Building (HOB) from 23m under the CBLEP 2013 to 127m (Approx. 40 storey tower); and
- Deliver approximately 399 apartments.

### **Planning Proposal - Amendment No.1**

On 30 January 2017, documentation for a Revised Planning Proposal was received by Council. A second revision of the Planning Proposal sought:

- Consolidation of the site to include 1 Marquet Street, Rhodes to include land that was previously isolated by the Planning Proposal;
- FSR of 13.46:1;
- Maximum Height of Building of 117.4 (118m);
- A 35 storey tower located on 1 – 9 Marquet Street, with a 3 storey perimeter podium; and
- A 2 storey development east of the laneway on 4 Mary Street.

The Proposal was estimated to deliver 350 residential units based on 96.55m<sup>2</sup> per dwelling, 1,404m<sup>2</sup> of retail floor space and 3,861m<sup>2</sup> of commercial floor space.

## **Planning Proposal - Amendment No.2**

In May 2017, a further revised Planning Proposal was lodged with Council.

The revised Planning Proposal lodged with Council sought to:

- Increase the FSR from 1.76:1 to 13.08:1 (including wintergardens);
- Increase the maximum Height of Building from 23.0m to 119.9 (120m);
- A 37 storey tower including podium located on 1-9 Marquet Street; and
- A 3 storey development east of the laneway to 4 Mary Street.

## **Planning Proposal - Amendment No.3 (current proposal)**

In April 2018, further revised documentation was provided to Council and is the basis of this assessment. Documentation relied upon in this report includes:

- Height comparison concept and typical floorplan;
- GFA & FSR calculation table; and
- Letter of offer outlining agreed methodology to share value uplift from the proposed development with Council.

The Planning Proposal seeks:

- A FSR of 13.06:1 (including wintergardens), representing an increase to the Gross Floor Area from 5,162m<sup>2</sup> (under the current LEP) to 37,893m<sup>2</sup>.
- 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.
- Provision of 343m<sup>2</sup> of public open space at ground level on the corner of Marquet and Mary Streets.

# **RHODES GFA&FSR CALCULATION TABLE**

PROVIDE 343m<sup>2</sup> PUBLIC OPEN SPACE ON LOWER GROUND AS LIKE FOR LIKE

**A 33 LEVEL TOWER AND 3 LEVEL PODIUM WITH HELIOSTAT AND 340 UNITS**

| GROSS FLOOR AREA & FLOOR SPACE RATIO CALCULATION                                  |                       |                       |                   |
|---|-----------------------|-----------------------|-------------------|
|   | GROSS FLOOR AREA      | NETT FLOOR AREA       | FLOOR SPACE RATIO |
| SITE AREA   | 2,902 m <sup>2</sup>  | -                     | -                 |
| RETAIL AREA   | 1,764 m <sup>2</sup>  | 1,499 m <sup>2</sup>  | 0.60:1            |
| COMMERCIAL AREA   | 3,092 m <sup>2</sup>  | 2,628 m <sup>2</sup>  | 1.06:1            |
| RESIDENTIAL FLOOR AREA<br>(INC LOBBY, COMMUNAL FACILITIES - 740( m <sup>2</sup> ) | 29,797 m <sup>2</sup> | 25,327 m <sup>2</sup> | 10.267:1          |
| WINTER GARDEN   | 3,240 m <sup>2</sup>  | 2,754 m <sup>2</sup>  | 1.116:1           |
| TOTAL INC. WINTER GARDEN  | 37,893 m <sup>2</sup> | 32,209 m <sup>2</sup> | 13.06:1           |

|                                |                    |
|--------------------------------|--------------------|
| HOB (plant room to each floor) | 117.1m + HELIOSTAT |
|--------------------------------|--------------------|

| UNIT MIX SCHEDULE   |                     |                 |
|---|---------------------|-----------------|
| UNIT TYPE   | AVERAGE NETT AREA   | NUMBER OF UNITS |
| - 3B @ 100 m <sup>2</sup><br>- 2B @ 75 m <sup>2</sup><br>- 1B @ 50 m <sup>2</sup><br>- STUDIO @ 35 m <sup>2</sup> | 72.7 m <sup>2</sup> | 340             |

The revised Proposal would require the following amendment to the Canada Bay Local Environmental Plan 2013:

- Increase in the FSR from 1.76:1 to 13.06:1
- Increase the Maximum Height of Building from 23m to 117m

A Letter of Offer was submitted with the application to provide monetary contribution calculated on an agreed value per square meter of proposed development, multiplied by the quantum of additional floor space achieved through the Planning Proposal (above that currently permissible under the LEP), less the land purchase cost. This methodology is advised by council's valuation consultant to be acceptable. This offer would fund improvements to the public domain in and around the Rhodes Station Precinct as well as regional open space facilities.

## **Comparison with Master Plan**

The Master Plan provides a maximum Gross Floor Area (GFA) and Floor Space Ratio (FSR) for the subject property within the Station Precinct as shown in Table 2 below:

*Table 2: Proposed under the CLEP (2013), Master Plan and Revised Proposal.*

|                             | CLEP (2013)               |         |            | Master Plan               |         |            | Planning Proposal         |         |            |
|-----------------------------|---------------------------|---------|------------|---------------------------|---------|------------|---------------------------|---------|------------|
| Site Area (m <sup>2</sup> ) | Max GFA (m <sup>2</sup> ) | Max FSR | Max Height | Max GFA (m <sup>2</sup> ) | Max FSR | Max Height | Max GFA (m <sup>2</sup> ) | Max FSR | Max Height |
| <b>2,902.3</b>              | 5,161                     | 1.76:1  | 23m        | 19,071                    | 6.5:1   | 99m        | 37,893                    | 13.06:1 | 117        |

*Note: The figures identified for the Master Plan above assumed inclusion of the 'Tony Owen' designed building over 1 Marquet Street.*

A review of the above comparison of the Planning Proposal with development contemplated by the Master Plan is provided below:

- Maximum Height of Building – Increase of between 18m to 69m. (Noting the portion of the site intended for 14 storeys (Approx. 48m) also seeks the maximum height of 36 storeys and/or 117.1m)
- Maximum Floor Space Ratio – Additional 6.56:1
- Maximum Gross Floor Area (m<sup>2</sup>) – Additional 18,822m<sup>2</sup>

## **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 for council to consider whether the Planning Proposal represents a better planning outcome than that envisaged by the Master Plan.

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

Details of the most recent amendment to the Planning Proposal have not provided details of objectives or intended planning outcomes.

Retaining solar access to the Union Square, located south east of the subject site is a high priority of the Station Precinct Master Plan. In this regard, the proposed tower building envelope 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?***

***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%).

***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, the Station Precinct, with substantial uplift in height and density proposed under the Station Precinct Masterplan.

The existing commercial centre at Rhodes West accommodates large floorplate anchor tenants such as supermarkets and IKEA. In addition, a large community centre 'The Connection' has been completed and the latest increase in development controls, the subject of the gazetted LEP made in December 2015 and Development Application for 34 Walker Street, Rhodes, (under assessment) will enable the delivery of a Council owned and operated Leisure/Recreation Centre.

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 Priority Precinct for 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?***

Further documentation would be required to be submitted to state how the planning proposal is consistent with applicable State Environmental Planning Policies and Ministerial Directions should the proposal be supported for submission for Gateway Determination.

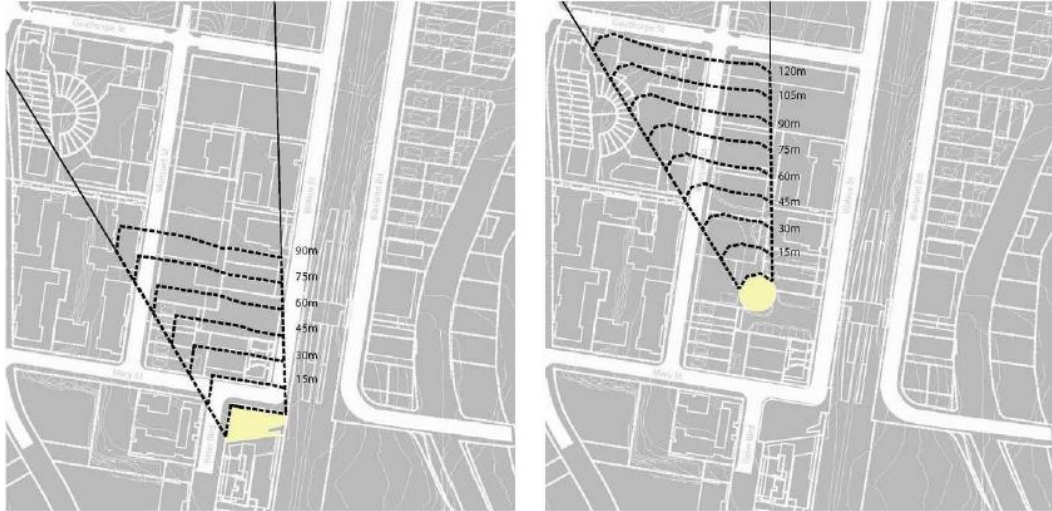
***Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

***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 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’:

*CI: 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 117.1m across the entire development site, thus blocking the natural sun from reaching the Rhodes Town Square, particularly at the crucial times of Winter Solstice (mid-winter, 22 June) during the hours of noon, 1:00pm and 2:00pm.

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 343m<sup>2</sup> 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.

It is recommended that prior to the Planning Proposal being provided to the Department of Planning for Gateway Determination, a Scientific Report be provided to support the use of a heliostat. The report should provide evidence that like-for-like replacement of solar amenity will be provided to Union Square. In addition, 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.

### **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).

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.

No traffic and transport assessment was submitted with the Planning Proposal. Should the Planning Proposal be endorsed for submission to the Department of Planning and Environment for a Gateway Determination, it is recommended that the applicant be required to prepare a Traffic and Transport assessment that considers the cumulative impact of the proposal on the road and transport network.

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 Priority Precinct in Rhodes East that is located on the eastern side of the main northern rail line.

Draft plans for the Rhodes East Priority Precinct have been publicly exhibited. The Priority 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.

#### *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. Therefore, the difference between the two buildings is 10m, thus maintaining the intent of the strategy to slowly graduate from the highest point at Rhodes Station to the lowest point on the western foreshore.

Should Council be of a mind to support the Planning Proposal for submission to the Department of Planning and Environment for a Gateway Determination, it is recommended that the Rhodes West Development Control Plan be amended to proscribe a maximum floorplate of 900m<sup>2</sup> to ensure that the bulk of future tower buildings is minimised.

The applicant will also be required to submit a SEPP 65 Report to demonstrate the proposed building envelope will achieve design excellence in accordance with the requirements of the Apartment Design Guide.

It should be noted that the Planning Proposal will be referred to the Canada Bay Design Review Panel who will provide advice to Council on the merits of the design quality of the proposal and the appropriateness of any development controls proposed for the site. Similarly, a Local Planning Direction issued by the Minister for Planning requires Planning Proposals to be referred to the Local Planning Panel (IHAP) for advice. Advice received from the Design Review Panel and the Local Planning Panel on the application will be reported to Council for consideration.

#### *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.

Should Council be of a mind to endorse the Planning Proposal for submission to the Department of Planning and Environment, it is recommended that the applicant be required to prepare a Wind Impact Assessment to identify the impact of the proposed building envelope on the immediate public and private domain and any mitigation measures or design changes that should be imposed.

#### *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. The recommendation to this report requires the submission of a Preliminary Site Investigation that identifies any past or present potentially contaminating activities and provides a preliminary assessment of the extent and nature of contamination if it exists.

#### *Public Domain*

A draft Public Domain Plan (provided as Attachment 2) 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 will 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 will be required to be provided, specifically indicating proposed access arrangements to the subject site should the planning proposal be supported for progress to Gateway Determination. Any assessment will need to identify how 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?***

Further documentation will be required to be provided to address how social and economic effects of the proposed development have been considered, should the planning proposal be supported for progression to Gateway Determination.

Council's policy on Planning Agreements adopted 5 December 2006 states:

*“development that is unacceptable on planning grounds (including, without limitation, environmental grounds) will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms”*

If Council resolves to accept the applicant's submission and forward it to Gateway for approval, it becomes Council's proposal. If the proposal passes Gateway, it is Council's role and obligation to justify the proposal in the Community Consultation process. This may be untenable if elements of the proposal cannot be supported on technical grounds.



***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.

Further documentation will be required to be provided to address the need for public infrastructure should the planning proposal be supported for progression to Gateway Determination.

***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.

***Probity***

When the Masterplan for Station Precinct was in preparation and during negotiations with landowners leading to the LEP gazetted of 2015, a probity protocol was developed and implemented by Council. Given the nature of the Planning Proposal which modifies the MasterPlan, it is recommended that an independent probity procedure be implemented as a risk management initiative.

***Voluntary Planning Agreement***

Extensive consultation has been undertaken with the proponents regarding the methodology and actual value generated to the community from a Voluntary Planning Agreement. It has been Council’s practice not to resolve to support Planning Proposals at Rhodes until details of VPAs have been agreed in principle. If agreement cannot be reached to Council’s satisfaction this Planning Proposal should be deferred until agreement is achieved.

## **Conclusion**

Significant development is proposed for the subject site in addition to that contemplated by the Station Precinct Master Plan. Key impacts of the proposed development include impacts to the traffic and transport not yet considered, additional strain on existing infrastructure and services capacity and solar access particularly to Union Square.

The planning proposal submitted by I-Prosperity requires further documentation to be submitted by the Applicant to ensure sufficient detail is provided supporting the amended proposal and confirming a better outcome can be achieved.

It is recommended that the Planning Proposal submitted by I-Prosperity be endorsed for submission to the Department of Planning & Environment for Gateway Determination, subject to appropriate supporting documentation being provided to the satisfaction of Council as outlined in Part A of the Recommendation.

## **PART 4 – CONCLUSION AND RECOMMENDATION**

### **Conclusion**

Council has worked with land owners and the community over a number of years to prepare planning instruments for the Station Precinct in Rhodes. The outcome of this work is reflected in the adopted Station Precinct Master Plan.

The current planning framework facilitates a significant increase in density above that originally contemplated by *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula* and delivers a form of development that limits impacts on public spaces and the broader community.

The Planning Proposal submitted by I-Prosperity proposes a built form outcome that is different to that contemplated by the Station Precinct Master Plan. Whilst the proposed building will overshadow Union Square contrary to the requirements of the Master Plan, a heliostat has been proposed to offset this impact.

In addition an extra 343m<sup>2</sup> of publicly accessible open space is to be provided. The submission of additional information (updated Planning Proposal, traffic report, heliostat report, wind analysis etc.), will be required to support the proposal to proceed to public exhibition for community feedback.

It is recommended that the Planning Proposal be amended to adhere to the criteria outlined in the recommendation of this report, prior to submission to the Department of Planning and Environment for Gateway Determination.

## RECOMMENDATION

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 343m<sup>2</sup> 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 900m<sup>2</sup>.
  - (d) require 93 dwellings to be provided with zero (0) car parking spaces for 1 – 9 Marquet Street and 4 Mary Street, Rhodes.
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.

Attachments:

**Station Precinct Planning Proposal - I-Prosperity**

1. Station Precinct Masterplan
2. Draft Station Precinct Public Domain Plan
3. IProsperity Letter of Offer – Dated 10 April 2017
4. Jacobs Peer Review - Traffic and Transport Report (06.12.16)
5. Consultation Advice from Transport for NSW and Roads Maritime NSW

*Attachments 1, 4 & 5 have been circulated under separate cover.*

[Draft Station Precinct Public Domain Plan.pdf](#)  
[IProsperity PP Letter of Offer.pdf](#)



## **ITEM-2                    STATION PRECINCT PLANNING PROPOSAL**

Mr D Furlong, representing Plan Urban Services Pty Ltd, addressed Council.

### **M- 1                    RESOLVED**

(Crs Parnaby/Ramondino)

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 343m<sup>2</sup> 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 900m<sup>2</sup> 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)