

PLANNING
PROPOSAL
ADDENDUM

ADDENDUM TO PLANNING PROPOSAL

1-9 Marquet Street and 4 Mary Street, Rhodes

Draft Canada Bay Local Environmental Plan 2013 - Amendment No.18

Contents

Introduction	3
Planning Proposal – Requirements of Section 3.33 EP&A Act 1979	4
Council Resolution – Additional Information provided	5
Planning Agreement	6
Design Review Panel	8
Local Planning Panel	9
Project Timeline	11
Attachment A	12
Attachment B	13
Attachment C	14
Attachment D	15

Introduction

Proposed Development

Council received a Planning Proposal for 1-9 Marquet Street and 4 Mary Street, Rhodes on the 15 May 2018.

This Planning Proposal seeks to amend the Canada Bay Local Environmental Plan 2013 increase the Maximum Height of Building from 23m to 117m and the Maximum Floor Space Ratio from 1.76:1 to 13.06:1.

Background

The site is located within a post-industrial renewal area at Rhodes West within a Master Planned precinct known as the Station Precinct. The Master Plan for the Station Precinct was prepared and endorsed by Council at its meeting of 10 December 2013.

The Canada Bay Local Environmental Plan 2013 for a number of sites within the precinct have been processed to reflect the Station Precinct Master Plan through previous LEP Amendments for other sites within the precinct, including rezoning of the subject site from industrial to B4 Mixed Use. Additional height and floor space was not attributed to the subject site/s at this time due to development impacts potentially resulting from the ownership pattern (two separate owners).

The Planning Proposal intends to facilitate redevelopment of the subject site through the demolition of existing residential dwellings and the construction of a mixed use development to a maximum height of 36 storeys.

This Addendum has been prepared to provide additional documentation to support the Planning Proposal and includes the following:

1. **Planning Proposal** – Additional information provided to support submitted Planning Proposal
2. **Council Resolution 15.05.18 – Additional Information:** Council Meeting of 15 May 2018, Council resolved that additional information was required to support Planning Proposal, prior to being submitted to the Department of Planning and Environment for Gateway Determination. Additional information provided is documented within this Addendum for clarity.
3. **Council Resolution 19.02.19 – Consideration of Local Planning Panel Advice:** Council Meeting of 19 February 2019, Council resolved having considered the advice of the Local Planning Panel of 23 August 2018, to 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.
4. **Planning Agreement** – Summary of the public benefit sought through the draft Planning Agreement.
5. **Design Review Panel** - 25th July, 2018 - Advice is provided as an attachment to this Addendum.
6. **Local Planning Panel** - 23rd August, 2018 - The decision is provided as an attachment to this Addendum.

This document constitutes the above mentioned Addendum to the Planning Proposal.

Planning Proposal – Requirements of Section 3.33 EP&A Act 1979

Section 3.33 of the Environmental Planning and Assessment Act requires the following information to be addressed within any submitted Planning Proposal:

(a) a statement of the objectives or intended outcomes of the proposed instrument,

This Planning Proposal seeks to amend the Canada Bay Local Environmental Plan 2013 to enable redevelopment of 1-9 Marquet Street and 4 Mary Street Rhodes, including increased commercial floorspace and high density residential development.

Redevelopment of the site will give consideration of the Station Precinct Master Plan and associated Public Domain Plan and integrate access to the internal plaza area and Rhodes Rail Station.

(b) an explanation of the provisions that are to be included in the proposed instrument,

The proposed outcome will be achieved by:

- Amending the Canada Bay LEP 2013 Height of Building Map by increasing the maximum building height from 23m to 117m in accordance with the draft LEP Map provided;
- Amending the Canada Bay LEP 2013 Floor Space Ratio by increasing the maximum FSR from 1.76:1 to 13.06:1.

(c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),

A Planning Proposal has been submitted by the Applicant to provide the stated justification. The Report to Council also provides a detailed explanation of the proposed development.

(d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,

Draft Canada Bay LEP 2013 HOB and FSR maps have been prepared are provided as **Attachment A** to this Addendum.

(e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Section 3.33 of the Environmental Planning and Assessment Act (1979) requires the provision of details of proposed community consultation. Consultation on the Planning Proposal will take place in accordance with the Gateway Determination made by the Minister for Planning in accordance with Section 3.34 of the Act.

It is proposed to exhibit the Planning Proposal including the Voluntary Planning Agreement for a period of 28 days:

- a. City of Canada Bay website;
- b. Local newspaper (Inner West Courier) that circulates in the City of Canada Bay local government area;
- c. In writing to the landowners and surrounding landowners.

Council Meeting 15 May 2018

Council resolved at the meeting of 15 May 2018 that the Planning Proposal be supported for submission to the Department of Planning and Environment for a Gateway Determination, subject to requirements being met. The following additional documents were provided and are attached to support the Planning Proposal:

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.

- The Planning Proposal has been amended to reflect the above maximum FSR and HOB provisions.

(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.

- Identification of public open space is provided within the concept plans, provided as an attachment to the Planning Proposal.

(c) a Scientific Report providing evidence of like-for-like replacement of solar amenity for any overshadowing of Union Square and also addresses legal, operational, risk and ongoing maintenance and management issues associated with the operation of the heliostat over the life of the building.

- A Heliostat Review, prepared by TILT on the 26 June 2018 is provided as an attachment to the Planning Proposal.

(d) a Traffic and Transport Assessment that addresses the cumulative impact of the 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.

- A Transport Assessment, prepared by Henson Consulting on the 21 June 2018 is provided as an attachment to the Planning Proposal.

(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.

- A Qualitative Wind Assessment, prepared by SLR in June 2018, is provided as an attachment to the Planning Proposal.

(f) a SEPP 65 Report that addresses how the design quality principles of SEPP 65 and the Apartment Design Guide will be achieved.

- A Design Verification Statement, prepared by Koichi Takada Architects dated 15th June 2018 is provided as an attachment to the Planning Proposal.

(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.

- A Preliminary Site Investigation, prepared by Douglas Partners dated June 2018, is provided as an attachment to the Planning Proposal.

Council Meeting 19 February 2019

Response to revised Local Planning Panels Direction – Planning Panels 27.09.19

Two Local Planning Panels Directions for Planning Proposals have been released by the Department of Planning and Environment.

- A Local *Planning Panels Direction - Planning Proposals* was released on 23 February 2018 which required the Planning Proposal to be considered by the Local Planning Panel.

The planning proposal was initially considered at a Council meeting on the 15 May 2018 which required amendments to be undertaken to the planning proposal and additional information provided as an attachment to the planning proposal when submitted to the Department for a Gateway assessment.

Following this meeting, amended planning proposal documentation was provided by the Applicant. The planning proposal was then considered by the Local Planning Panel on the on 23 August 2018 and advice was provided (see **Appendix D**).

Negotiations for the Planning Agreement were taking place over this period, up until November 2018 and within this timeframe, a revised Local Planning Panels Direction was endorsed.

- A revised *Local Planning Panels Direction – Planning Proposals* was released on 27 September 2018 with the requirement that the Local Planning Panel advice be considered by Council before considering whether to forward the Planning Proposal to the Minister for gateway determination.

This provision requires that the advice provided by the Local Planning Panel (the Panel) must be considered by Council before it can resolve to forward the Planning Proposal to the Minister for a Gateway assessment.

To facilitate consistency with the abovementioned requirement of the local planning direction, council reported the Planning Proposal to the council meeting of 19 February 2019, including the advice that was provided by the panel.

The purpose of this report was to enable council to consider the advice of the panel prior to determining whether to forward the Planning Proposal to the Minister for a Gateway assessment.

At the meeting of 19 February 2019, Council resolved:

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.*

The above Council Report and associated minutes are provided as supporting documentation to the Planning Proposal.

Planning Agreement

A draft Planning Agreement has been prepared and intends to achieve a monetary contribution to enable the following public benefits:

- Significant and high quality upgrade of the public domain around Rhodes railway station and in surrounding streets; and
- Upgrading recreation facilities within the City of Canada Bay.
- Approximately 20% of the abovementioned monetary contribution has been allocated to deliver Affordable Housing.

A signed Draft Planning Agreement is intended to be publicly exhibited concurrently with the Planning Proposal and is provided as **Attachment B** to this Addendum.

Design Review Panel

The Design Review Panel considered the Planning Proposal on the 25th July 2018.

Panel members included:

- Tony Caro
- Conrad Johnston
- Peter McGregor

Correspondence from this meeting, including the Development Assessment Overview and the Report and Recommendations are attached as **Attachment C** to this Addendum.

Local Planning Panel

The Design Review Panel considered the Planning Proposal on the 23rd August 2018.

Panel members included:

- Alison McCabe (Chair)
- Robert Furolo
- Julie Stewart

Correspondence from this meeting, including the Agenda and Minutes are attached as **Appendix D** to this Addendum.

Community Consultation

The gateway determination will specify the community consultation that must be undertaken on the planning proposal.

The consultation period is expected to be for a period of 28 days, as the subject Planning Proposal is not considered a 'low impact' proposal.

It is anticipated that Public exhibition of the Planning Proposal will be undertaken in the following manner:

- Notification in the Inner West Courier (weekly newspaper circulating in the Inner West);
- Notification on the Canada Bay Council website, under 'Items on Public Exhibition';
- Notification in writing to affected and adjoining landowners, as considered appropriate.

Any written notice will provide the following:

- A brief description of the objectives or intended outcomes of the planning proposal
- Identify the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Clearly identify the planning authority for the receipt of submissions;
- Indicate the last date for submissions;
- Confirm whether delegation for making the LEP has been issued to Council;

Any public exhibition will provide the following information for inspection:

- The Planning Proposal as approved for community consultation by the Gateway determination;
- The Gateway determination;
- Any information or technical information relied upon by the Planning Proposal.

The community consultation will be complete when the planning authority has considered submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP.

Project Timeline

The following project timeline is proposed to be further detailed upon issue of Gateway Determination:

Milestone	Timeframe and/or date
Anticipated commencement date (date of Gateway determination)	Monday 1 April 2019.
Completion of required technical information	Should any additional information be required to support the Planning Proposal, this should be identified within the Gateway Determination and required to be provided for public exhibition.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	To be specified in Gateway determination. Anticipated timeframe is 28 days and to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	Pending Gateway Determination.
Dates for public hearing (if required)	Pending Gateway determination.
Timeframe for consideration of submissions	Eight weeks following completion of public exhibition, including two-to-three weeks to further consult with Government and servicing authorities.
Timeframe for consideration of a proposal post exhibition	Eight weeks.
Date of submission to the Department to finalise the LEP	To be determined.
Anticipated date the Council will make the plan (if delegated)	To be determined.
Anticipated date Council will forward to the department for notification	To be determined.

Attachment A

Draft Canada Bay LEP 2013 – Maps

- Height of Building
- Floor Space Ratio

Attachment B

Draft Planning Agreement

Attachment C

Design Review Panel - Development Assessment Overview and the Report and Recommendations.

Attachment D

Local Planning Panel - Agenda and Minutes