

Station Precinct, Rhodes Peninsula - To increase permissible building heights and Floor Space Ratios on land at Walker Street, Marquet Street and Mary Street, Rhodes.

Proposal Title : Station Precinct, Rhodes Peninsula - To increase permissible building heights and Floor Space Ratios on land at Walker Street, Marquet Street and Mary Street, Rhodes.

Proposal Summary : The planning proposal is to increase maximum permissible building heights and floor space ratios as follows:

6-14 Walker Street:
Increase maximum building height from 23m (west portion of the site) and 29m (majority of east portion) to 127m for the site; equivalent to a 36 storey residential building; and increase FSR from 1.76:1 to 9.3:1 for the site;

34 Walker Street:
Increase maximum building height from 23m (west portion) and 29m (east portion) to 125m for the site; equivalent to a 34 storey residential building; and increase FSR from 1.76:1 to 7.5:1 for the site;

1-9 Marquet Street and 4 Mary Street: Increase maximum building height from 23m to 99m for the site; equivalent to a 30 storey residential building; and increase FSR from 1.76:1 to 6.5:1 for the site;

11-21 Marquet Street: Increase maximum building height from 23m to 99m; equivalent to a 25 storey residential/hotel building; and increase FSR from 1.76:1 to 5.6:1 for the site;

23 Marquet Street: Increase in the maximum building height from 23m to 42m for the site; equivalent to a 10 storey residential/hotel building; and increase FSR from 1.76:1 to 4.6:1 for the site.

In amending the above controls, the planning proposal seeks to facilitate:

- approximately 100,000sqm of residential floorspace (equating to approximately 1,300 apartments);
- approximately 5,000sqm of hotel floorspace (equating to approximately 96 rooms);
- 20,270sqm of retail and commercial floorspace;
- a leisure centre, childcare centre and underground car parking for approximately 330 vehicles; and
- additional and upgraded public domain in the form of publicly accessible pedestrian links through the site, upgrade of the bus interchange and of Walker Street; improved cycleway provision and cycle storage facilities at the station; and improved traffic management.

PP Number : PP_2015_CANAD_001_00 **Dop File No :** 15/01661

Proposal Details

Date Planning Proposal Received :	16-Feb-2015	LGA covered :	Canada Bay
Region :	Metro(CBD)	RPA :	City of Canada Bay Council
State Electorate :	DRUMMOYNE	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	6-14 Walker Street		
Suburb :	Rhodes	City :	Sydney
		Postcode :	2138
Land Parcel :			

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Street : **34 Walker Street**

Suburb : **Rhodes** City : **Sydney** Postcode : **2138**

Land Parcel :

Street : **1-9 Marquet Street and 4 Mary Street**

Suburb : **Rhodes** City : **Sydney** Postcode : **2138**

Land Parcel :

Street : **11-21 Marquet Street**

Suburb : **Rhodes** City : **Sydney** Postcode : **2138**

Land Parcel :

Street : **23 Marquet Street**

Suburb : **Rhodes** City : **Sydney** Postcode : **2138**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Andrew Watkins**

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RPA Contact Details

Contact Name : **Marjorie Ferguson**

Contact Number : **0291164090**

Contact Email : **marjorie.ferguson@canadabay.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0257541110**

Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro Inner West subregion**

Consistent with Strategy : **Yes**

MDP Number :

Date of Release :

Area of Release (Ha) :

Type of Release (eg Residential / Employment land) :

No. of Lots : **0**

No. of Dwellings (where relevant) : **1,300**

Gross Floor Area : **0**

No of Jobs Created : **675**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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Have there been meetings or communications with registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

All of the subject land is currently zoned B4 Mixed use under the Canada Bay Local Environmental Plan 2013. This zoning permits a range of business, community, light industrial, office, residential (specifically, boarding houses, residential flat buildings, seniors housing and shop top housing) and retail uses. The proposal does not seek to change the zoning.

At present, the precinct is occupied by a number of uses including single storey dwellings, warehouse/light industrial uses, showrooms and commercial premises, three 8-storey mixed use developments including a childcare facility and outdoor play area.

In early 2010, Master Planning for the Station Precinct (Precinct D) commenced. A concept plan for the precinct was developed which proposed increased density, the introduction of a 'market-style' village centre with laneways, public spaces, retail and commercial premises. In December 2012, Council commenced preparation of a planning proposal, which was submitted to the Department in December 2013.

In March 2013, the Wentworth Point Bridge was announced as part of the Wentworth Point Urban Activation Precinct (UAP). The bridge will enable direct access between Rhodes Peninsula and Wentworth Point and provide a secondary trade area to the Station Precinct.

On 10 December 2013, City of Canada Bay Council endorsed a Master Plan, developed by Conybeare Morrison, which provides for uplift in FSR and building height controls for the sites at 6-16 and 34 Walker Street, 11-21 and 23 Marquet Street, Rhodes.

In December 2013, a Gateway Determination was signed, supporting a planning proposal to provide for increased permissible FSRs and building heights. However, this planning proposal was withdrawn at Council's request in late January 2015 as Council's intentions for the precinct had changed, subsequent to having significantly amended the Master Plan for the precinct; this request was accompanied by the current planning proposal, the subject of this Planning Team Report.

The planning proposal is supported for the following reasons:

- it provides for uplift to height and floor space ratio controls in an appropriate location, in close proximity to Rhodes railway station and bus service infrastructure;
- it will enable the last precinct of the Rhodes West Master Plan to be developed;
- it will make a significant contribution to the provision and variety of residential accommodation and employment opportunities for Sydney's growing population and changing demographics;
- it will facilitate public benefits (childcare centre, leisure centre and an improved public domain).

Project Timeline:

Council has provided a general and indicative timeline. No specific dates have been provided, as these will be dependent on the timing of the Gateway determination. Given that a number of technical studies have already been provided, including a 'SEPP 65 Report'; Economic Viability Study; Traffic Assessment Report; Heliostat System Technical Overview; and a precinct Master Plan, it is considered that a 9-month timeframe is appropriate for the completion of the proposed LEP amendment.

Delegation of plan-making functions:

Canada Bay Council has accepted the Minister's offer to delegate plan-making functions under s.23 of the EP&A Act 1979. Council is seeking delegation to carry out the Minister's functions under s.59 of the Act to progress this planning proposal. Delegation of the

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Minister's plan-making function is considered appropriate.

External Supporting
Notes :

Council supports this planning proposal because it will enable Council's vision for a well-designed mixed use development connecting with Rhodes Station; it will suitably complete the Rhodes West skyline and urban form; and fund public benefits as described above.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The stated objectives of the planning proposal are to:**

- 1. enable Council's Station Precinct vision for a well-designed mixed use development;**
- 2. enable highest and best use of the last significant land parcel to be developed on the Rhodes West peninsula, by permitting uplift in developable floor space in the existing B4 Mixed Use zone;**
- 3. to allow an increase in building height, subject to urban design considerations, to suitably complete the Rhodes West skyline and urban form; and**
- 4. To utilise the value of the uplift in floorspace, through a Voluntary Planning Agreement, to fund a leisure centre, childcare centre and underground car park for approximately 330 vehicles to service the two Centres and to fund public domain improvements including cycleways and bicycle storage facilities, public art and significant and high quality upgrade of the public domain around the bus-rail interchange.**

The statement of objectives is considered generally adequate, however it is noted that objective 4 is not supported as it not appropriate to consider Voluntary Planning Agreements at the planning proposal stage.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal will amend the Height of Buildings and Floor Space Ratio Maps as described under the Proposal Details above.**

The explanation of provisions is considered adequate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 1—Development Standards**
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Major Projects) 2005**

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SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Sydney Region Growth Centres) 2006
SREP (Sydney Harbour Catchment) 2005

e) List any other matters that need to be considered :

S.117 Directions 1.1 Business and Industrial Zones, and 3.1 Residential Zones:
The proposal has the potential for inconsistency with these s117 Directions in that whilst Council has proposed residential, commercial and retail uses, there is no guarantee that all of these uses will actually be developed. Therefore, future development could potentially result in a reduction of employment and residential floorspace.

However, Council has responded to this issue, stating that:

- a draft DCP will be prepared in order to ensure that Council's vision of a mixed use centre is delivered;
- the submitted Retail Viability Study provides a robust evidence base to ensure the future viability of the proposed uses in the precinct.

This is considered adequate, and the proposal is considered generally consistent with the relevant s.117 Directions referred to above.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The proposal is considered generally consistent with the relevant s117 Directions and SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes extracts from the Canada Bay LEP 2013 Height of Buildings and FSR maps, together with indicative (but non-Standard Instrument format) equivalent proposed maps. These are considered inadequate for the purposes of public exhibition.

The non-Standard Instrument maps adequately show the intentions for the subject sites, but do not show the relative height and FSR controls for land adjoining the subject land. This is inadequate for the purposes of public exhibition.

Therefore, Council should ensure that Standard Instrument-format proposed maps to show the site and surrounding land are prepared and exhibited as part of the planning proposal, so that the community has the opportunity to understand the proposal in relation to its surroundings.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A community consultation period of 28 days has been proposed by Council. Given the scale and nature of the proposal, this is considered adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in
relation to Principal
LEP :

Canada Bay LEP 2013 commenced on 2 August 2013.

Assessment Criteria

Need for planning
proposal :

Since 2010, Rhodes Precinct (Precinct D) has been the subject of on-going master planning, against a backdrop of similar master plan-related higher density development taking place elsewhere on the peninsula; apparent growing community support for development that provides public benefits; and approval of a bridge linking the peninsula with Wentworth Point.

Council considers that the current Canada Bay LEP 2013 limits opportunity for development of appropriate scale and density that would contribute to local and State strategic planning objectives and provide benefits to the local community.

The planning proposal is necessary to facilitate the realisation and implementation of the Rhodes Master Plan.

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Consistency with strategic planning framework :

1. The planning proposal is consistent with A Plan for Growing Sydney:

• **Direction 1.3: Establish a new Priority Growth Area and Action 1.3.4: Grow the knowledge economy as part of the extension of the Global Economic Corridor.**

Rhodes is identified as one of the top 10 office markets in Sydney. The existing B4 zone permits commercial premises (business, office and retail) and the proposed increased residential density will support the viability of such uses and therefore jobs closer to homes.

• **Direction 1.6 Expand the Global Economic Corridor and Action 1.6.1 Grow high skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed use activities.**

The proposed increased density and floorspace can facilitate new commercial activity and therefore employment opportunities within the B4 Mixed Use Zone.

• **Direction 1.7 Grow Strategic Centres - providing more jobs closer to home and Action 1.7.1 Invest in Strategic Centres across Sydney to grow jobs and housing and create vibrant hubs of activity.**

The proposal will facilitate significant new housing development and potential investment in commercial floorspace, together with public domain improvements.

• **Direction 2.1: Accelerate housing supply across Sydney; and Action 2.1.1: Accelerate housing supply and local housing choices.**

The proposal directly facilitates housing supply close to jobs and frequent public transport services (Rhodes railway and bus interchange).

• **Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs; Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.**

The proposal facilitates urban infill and lifts housing production around an identified strategic centre, transport corridor and public transport access point.

• **Central Subregion:**

The planning proposal is consistent with the Central Subregional priorities of A Plan for Growing Sydney. It facilitates acceleration of housing supply and affordability, and contributes to housing intensification and urban renewal around the Rhodes Strategic Centre and along a key public transport corridor.

Furthermore, the proposal is consistent with the priority for Rhodes Strategic Centre to provide capacity for additional mixed use development, including offices, retail, services and housing.

The proposal states that it intends to deliver approximately 1,300 apartments and 675 jobs in the precinct.

2. The proposal is consistent with the Canada Bay Local Planning Strategy (2009), which identified that future development of the Rhodes peninsula will focus on providing a lively mixed use retail, residential and commercial district.

3. The proposal is generally consistent with Council's Futures Plan20 (FP20), in particular its themes of "Sustainable Spaces and Places" and "Thriving and Connected", in that it will facilitate attractive public spaces and contribute to housing supply and choice.

Environmental social economic impacts :

1. Environmental impacts:

- **The proposal does not relate to any land that has been identified as containing critical habitats or threatened species, populations or ecological communities or their habitats;**

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and given the urban and developed nature of the site it is considered that no such habitats, species or communities will be adversely affected by the proposal.

- The urban design review process has examined the potential impact on solar access; wind impacts; overshadowing; and impacts upon views.

The planning proposal is consistent with the indicated maximum heights in the Master Plan. Notwithstanding the planning proposal's consistency with the Master Plan, the proposal indicates that the construction of the residential towers at 6-14 Walker Street and 11-21 Marquet Street do not comply with Council's solar access criteria and will result in overshadowing of parts of the precinct. In order to mitigate this, a heliostat is proposed to be constructed at the top of the 6-14 Walker Street tower. The Department supports the mitigation of overshadowing impacts, and further considers that specific impacts can be appropriately dealt with at development application stage, and the proposal states that the Rhodes West DCP can address these issues.

- The proposal is likely to generate additional traffic and pressure on the road network. Rhodes peninsula is constrained in terms of the limited number of access points. GTA Consultants' Traffic Assessment Report concludes that the traffic impacts arising from the proposal would be satisfactory, particularly when considered against traffic impacts arising from approved development on the peninsula. However, given the significant number of proposed dwellings and potential incoming residents, careful consideration should be given to traffic impacts and alternative modes of transport, including active transport and use of public transport such as buses, trains and ferries (which are all in relative proximity to the precinct). The exhibition period will allow transport agencies to provide comments on the submitted traffic assessment and planning proposal.

- It is not clear from the planning proposal whether or not the subject land is contaminated, but the proposal states that SEPP 55 (Remediation of Land) is "not applicable". Given the historical industrial uses of the peninsula, the Department considers that the proponent should demonstrate that the subject land is suitable for the intended development, or that suitable remediation is possible. It is therefore recommended that a condition be added to the Gateway Determination for Council to ensure that the requirements of SEPP 55 can be satisfied.

2. Social impacts:

- The proposal will have positive social impacts by facilitating housing near public transport; public domain improvements and a new community leisure facility.

- The planning proposal will increase the number of residents on the peninsula, which is likely to place an increased demand for new schools, or on existing local schools. A new primary school is scheduled to be opened at Concord West (approximately 2.5km from the precinct) by the Department of Education and Communities in 2015. Whilst this will significantly ease pressure on existing primary schools under existing circumstances, the proposal does not provide an assessment of school capacity requirements that may be affected by the potential additional incoming population resulting from the planning proposal. In these circumstances, Council should be required to consult with the NSW Department of Education and Communities during exhibition of the proposal in order to determine whether, overall, the schools in the local area will be able to cater for the potential increase in student numbers.

- Similarly, a significant increase in resident population is likely to place increased demand on other public services such as health, emergency services and public transport. The planning proposal does not provide an assessment of the capacity requirements of those services. It is therefore recommended that the appropriate agencies are consulted to determine whether those services can cater for potential increased demand.

3. Economic impacts:

- The planning proposal includes the Rhodes Economic Viability Study Update (Hill PDA,

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February 2014) which indicates that there is sufficient demand for the proposed retail component, without having an unacceptable trading impact upon other centres. The study also indicates that there will be demand for shopfront commercial uses, but that the majority of commercial office floorspace would not require a 'shopfront', and that the demand for such uses is unclear. The study will be placed on exhibition with the planning proposal.

The hotel component of the proposal will diversify economic activity and the trade area for local businesses, in addition to supporting employment uses, and provide visitor accommodation close to public transport links.

The Department considers that as a whole, the planning proposal will contribute towards economic growth and diversity in Sydney by providing additional housing and commercial floorspace and by facilitating an increase in population that can help contribute to and help sustain the viability of existing and future businesses.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Delta Electricity
Department of Education and Communities
Energy Australia
Family and Community Services - Ageing Disability and Home Care
Fire and Rescue NSW
Department of Health
NSW Police Force
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra
Adjoining LGAs
Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Rhodes Station Precinct - Updated Planning Proposal 16 Feb 2015.pdf	Proposal	Yes
Rhodes Station Precinct - Updated Planning Proposal 5 February 2015.pdf	Proposal	Yes
Rhodes Station Precinct Planning Proposal - Attachment 1 - Information_checklist.pdf	Proposal	No
Rhodes Station Precinct Planning Proposal - Attachment 4 -Evaluation_criteria for delegation.pdf	Proposal	No
Appendix A - SJB Architects - Site Plans, Shadow diagrams and Level Plans.pdf	Drawing	Yes
Appendix B - SJB Architects - Station Precinct SEPP 65 Report.pdf	Study	Yes
Appendix C - Hill PDA - Rhodes Economic Viability Study Update (Feb 2014) and Chapter 10 update (May 2014).obr	Study	Yes
Appendix D - GTA consultants - Rhodes Station Precinct - Proposed Uplift Traffic Study Assessment Report (May 2014).pdf	Study	Yes
Appendix E - Kennovations - Heliostat Technical Overview June 2014.pdf	Study	Yes
Appendix F - Colin Henson - Rhodes Station Precinct - Transport Assessment and Public Domain Outcomes (August 2014).pdf	Study	Yes
Background Material - Council report and minutes from 2 September 2014.pdf	Proposal	Yes
Background Material - Council report and minutes from 2 September 2014 (2).pdf	Proposal	Yes
Background Material - Master Plan for the Station Precinct.pdf	Study	Yes
Council minutes 2 December 2014.pdf	Proposal	Yes
Background Material - Summary of three Voluntary Planning Proposals.pdf	Study	Yes
Letter from Council (PCU057884) & PLANNING PROPOSAL - 12.01.2015.pdf	Proposal Covering Letter	Yes
Letter from Council (PCU057884) 12.01.2015.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

- 1. Prior to undertaking exhibition, the planning proposal is to be updated to:
 - a) demonstrate that it satisfies the requirements of State Environmental Planning Policy

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55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning, and this is to be included as part of the public exhibition material;

b) include Standard Instrument-format proposed Height of Buildings and Floor Space Ratio maps to be included as part of the public exhibition material;

c) ensure maps are prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Infrastructure 2013); and

d) provide an updated project timeline.

2. The planning proposal should be exhibited for a minimum of 28 days.

3. Consultation is to occur with the following public authorities/agencies:

- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Transport for NSW - State Transit Authority
- Department of Education and Communities
- NSW Family and Community Services - Ageing Disability and Home Care
- NSW Department of Health
- NSW Police Force
- Fire and Rescue NSW
- State Emergency Service
- Delta Electricity
- Energy Australia
- Sydney Water
- Telstra
- Ausgrid
- Adjoining LGAs

The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required under Section 56(2)(e) of the EP&A Act.

5. The planning proposal is to be completed within 9 months.

Supporting Reasons :

The planning proposal is supported for the following reasons:

- it will provide additional uplift which will in turn provide employment and housing opportunities in close proximity to public transport infrastructure and services;
- it will make a significant contribution to the provision and variety of residential accommodation and employment opportunities for Sydney's growing population and changing demographics;
- it will enable the last precinct of the Rhodes West Master Plan to be developed;
- it will facilitate the provision of public benefits, including childcare centre, improved public domain and leisure centre, to the community.

Signature:



Printed Name:

Diane Sarkies

Date:

12/3/15