

**ITEM-4 REVISED PLANNING PROPOSAL FOR STATION PRECINCT -
NSW PLANNING GATEWAY SUBMISSION**

Department Planning and Environment

Author Initials: TMc

EXECUTIVE SUMMARY

The Planning Proposal that was granted Gateway Approval from the Department on 23.12.2013 has been the subject of significant changes which have necessitated an amended Planning Proposal being submitted to the Department. The 2013 Planning Proposal was not notified or exhibited.

This amended Planning Proposal includes the following changes:

- the addition of the 'Hossa' site (3-9 Marquet Street and 4 Mary Street);
- the deletion of 16 Walker Street; and
- Council's reconsideration of proposed additional building height in the precinct, additional basement GFA (supermarket) and the introduction of a heliostat on one building to minimise the overshadowing.

The total proposed gross floor area (GFA) under the amended Planning Proposal is estimated at 137,000m². This represents a GFA uplift of approximately 102,000m² with an additional 1,300 dwelling units in Station Precinct in six tower buildings ranging from 10 to 36 storeys in height.

It is recommended that Council resolve to endorse the Planning Proposal proceeding to the NSW Planning Gateway **provided** the VPAs have first been executed. It is also recommended that the amended '*Principles for Voluntary Planning Agreements in Station Precinct Rhodes*' dated August 2014 be endorsed.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

*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 Planning Strategy and the Canada Bay Local Environmental Plan 2013.

REPORT

Background

Master planning of the Station Precinct (formerly known as Precinct D) commenced in 2010 some months after Council's approval of the Rhodes West Stage One Master Plan in 2009. With the assistance of Urban Design Consultant Professor John Toon, a Concept Plan was developed involving changes in urban form and potentially higher densities, as well as a

proposal for a market town-style village centre involving an interconnected series of laneways and public spaces in the southern part of the Precinct, flanked by retail and commercial uses, on the land opposite the station.

With the approval of the Homebush Bay Bridge in 2012 and State Government approvals for increased densities at Wentworth Point generating a future population of 25,000, planning for Rhodes needed to take account of greater levels of activity, particularly around the station than was previously anticipated.

In August 2012, Council resolved to fund the cost of the Station Precinct Master Plan to ensure full ownership and control of the document, and to seek maximum public benefits relating to the development of the Precinct. Conybeare Morrison Consultants were engaged to prepare the Master Plan and Planning Proposal.

Gateway Approval of the Planning Proposal was received on 23 December 2013. It was intended that the Planning Proposal be exhibited in early 2014, however Billbergia requested significant amendments to the Planning Proposal which would require re-submission of the Planning Proposal to the Department.

Billbergia presented the proposed changes to a Councillor workshop on 30 April 2014. No particular objections were raised by Councillors however some concern was expressed as to how the heliostat would be managed and maintained to operate successfully for the life of the building. These and other issues were addressed in a report to Council on 3 June 2014. At this meeting Council resolved as follows:

1. *THAT Council notes the content of this report.*
2. *THAT Council confirms that it is willing to consider the preparation of an amended Planning Proposal for the Station Precinct, inclusive of the "Hossa" site based on the representation from the representatives of B1 Central Pty Ltd that they intend to purchase the "Hossa" site and lodge a development application substantially in accordance with the Tony Owen concept plan submitted to Council in January 2014, and a further report be provided to Council prior to the submission of the Planning Proposal to the Department of Planning and Environment.*
3. *THAT Council endorses the public domain works around Rhodes Station with a high priority to ensure the best possible outcome for the Rhodes community.*
4. *THAT amended draft VPA Principles are prepared which accommodate the proposed heliostat, (including the necessary covenants, consents and obligations to ensure its on-going operation and performance to Council's satisfaction), laneways not being owned by Council and inclusion of public domain works around the Station.*
5. *THAT Council authorise the allocation of \$150,000 for expenditure on the review of the proposed development, preparation of the amended planning proposal and Master Plan and preparation of exhibition material.*

In accordance with this resolution:

- the 'Hossa' site has been included in the revised Planning Proposal;
- the public domain works around the Station have been the subject of a separately commissioned report and incorporated into the amended Planning Proposal, VPA Principles and VPAs; and
- VPA Principles and the VPAs have included the necessary covenants, consents and obligations to ensure the heliostat's on-going operation and performance to Council's satisfaction, laneways not being owned by Council but accessible to the public 24/7 and inclusion of public domain works around the Station.

Master Plan

An amended Master Plan has been prepared by Conybeare Morrison for the Station Precinct to guide future development and includes the whole Precinct including those sites not currently part of the Planning Proposal.

The Station Precinct Master Planning Objectives are to:

1. *Capitalise on the potential offered by Rhodes Station to create a true transit orientated development (TOD) adjacent to the waterfront - a community with a rich and vibrant mix of complementary, residential and hotel accommodation, retail plazas and laneways, and commercial, recreational and social destinations.*
2. *Effectively complete the overall Rhodes West Peninsula built form, the streetscapes that define the Station Precinct, and to organise the built form to support lively street activities and create well-defined and legible public places (place-making). To provide amenity for new and existing residents with access to sunlight and air circulation (SEPP 65).*
3. *Establish a vibrant public domain, comprised of a network of safe, pedestrian scale and prioritised people 'places' that offer a high level of amenity, with the proposed mid-block marketplace plaza and laneways as the 'centrepiece'.*
4. *To develop a public transport and pedestrian prioritised movement network that integrates the precinct within Rhodes Peninsula, allows good interchange between modes, connects the precinct with surrounding communities, and manages vehicles and servicing requirements.*
5. *Integrate landscape and public art within the precinct public domain to enrich the pedestrian experience.*
6. *Develop a public domain palette of lighting, street furniture, materials and finishes, coordinated and integrated with the buildings and public domain of the peninsula.*
7. *Develop an environmentally and socially sustainable precinct, with buildings and public domain that achieve a high level of environmentally sustainable design.*
8. *Develop an urban planning framework that allows some flexibility for developers to provide an optimum market driven solution, including a retail and commercial offering and ongoing management structures that will be financially viable into the future.*

Figures 8A and 9 of the attached Planning Proposal illustrate the main components of the Master Plan in plan and 3D perspective. Figure 8B also shows the public domain works that are an important outcome of the Planning Proposal.

The Master Plan package is being prepared by Conybeare Morrison and will form part of the exhibited Planning Proposal material. The package of information to be exhibited will include proposed amendments to the Rhodes West Development Control Plan. This DCP is currently being finalised and will be reported to Council for endorsement prior to exhibition. The DCP complements the Planning Proposal and provides site specific controls to ensure high quality design outcomes.

Revised Planning Proposal

The revised Planning Proposal provided as attachment 1 covers a larger site area, following Council's resolution of 3 June 2014 to include the Hossa site: at 3-9 Marquet Street and 4 Mary Street in the southwest of the precinct. 16 Walker Street has been excluded from the proposal due to the developer being unable to purchase the site.

The Planning Proposal also reflects Council's reconsideration of additional building height in the precinct, following additional planning studies, physical modelling of proposals and the introduction of a heliostat on one building to minimise the overshadowing impacts.

Essentially the proposed (August 2014) revisions to the Planning Proposal involve:

Billbergia Sites

- Increased height in some of the buildings to a maximum of 36 storeys (6 Walker St 36 storeys (127m), 21 Marquet St 25 storeys (93m), 23 Marquet St 10 storeys (42m) and 34 Walker St 34 storeys (125m);
- Increased floorspace of 5,500m² to accommodate a basement supermarket and related shops;
- Exclusion of 16 Walker Street from the site area, as Billbergia were unable to purchase the property;
- Amendment of proposed FSR Map to accommodate exclusion of 16 Walker St without increasing total residential GFA;
- The introduction of a heliostat on the roof of 6-14 Walker St to reduce the overshadowing impact on the Town Square and child care centre;
- Re-design of the central plaza space including the construction of a pedestrian bridge over Walker Street from the Station;
- Supermarket and retail delivery access required to move one block south due to the exclusion of 16 Walker Street from the site; and
- Main residential and retail parking to be accessed from 23 Marquet Street.

The proposed Gross Floor Area for the Billbergia sites (as per the Area Schedule provided by SJB Architects on 21.7.2014) is 121,932m² of which 88,615m² (73%) is for approximately 1,100 residential units. The remaining GFA accommodates a 96 room hotel (5,000m²), basement supermarket (5,500m²), recreation facility (8,500m²) and associated retail/commercial uses (14,000m²). This total gross floor area is similar to that provided for in the Gateway Determination (117,182m²) with the addition of 5,500m², attributable to the introduction of the basement supermarket. Design changes in the residential towers have resulted in taller and thinner towers which has necessitated the proposed amended heights and re-distribution of GFA between the five towers.

This represents a GFA uplift of approximately 90,700m² over the currently permitted development under CCBC LEP 2013.

Hossa Site

- Incorporation of the Tony Owen development proposal (dated January 2014) which is a 30 storey residential tower with two levels of retail to a maximum FSR of 6.5:1.

The proposed gross floor area is 16,101m², accommodating 221 residential units and approximately 1,600m² of retail/commercial GFA. This represents a GFA uplift of 11,700m² over the currently permitted development under CCBC LEP 2013.

Summary Billbergia and Hossa Sites

In summary, the total proposed GFA under the revised Planning Proposal is estimated at 137,000m². This represents a GFA uplift of approximately 102,000m² with an additional 1,300 dwelling units.

Voluntary Planning Agreement Principles

The VPA Principles which are provided as attachment 2 have been amended, in accordance with Council's resolution of 3 June 2014, to accommodate the proposed heliostat, (including the necessary covenants, consents and obligations to ensure its on-going operation and performance to Council's satisfaction), laneways not being owned by Council and inclusion of public domain works around the Station.

Voluntary Planning Agreements

Parallel to the master planning and Planning Proposal process the developer/ landowners have been negotiating Voluntary Planning Agreements (VPA) whereby the developer/landowners agree to make development contributions towards a public purpose in order to achieve increased densities.

The public benefits that will flow from the increased densities and GFA uplift via VPA (and Renewing Rhodes Contribution) payments are:

- Construction and fit out of community facilities including an indoor leisure centre, child care centre and 250 space public car park;
- Upgrading of roads and footpaths in the area around the Station to improve access and traffic flows, vehicular, cyclist and pedestrian safety and management and to improve safety and amenity generally;
- Provision of bicycle storage and user facilities;
- Facilities associated with car share schemes, but only those made available to the general public;
- Public art; and
- Significant and high quality upgrade of the public domain area around the Station.

The VPAs are currently being finalised by Lindsay Taylor Lawyers. Final VPA rates are still being negotiated. The Planning Proposal will not be forwarded to the Department for a Gateway Determination until the VPAs first have been executed. A recommendation has been included to this effect.

Public Domain Report

In response to Council's endorsement of the importance of public domain works around the Station, Henson Consulting was engaged to undertake an assessment of transport and public domain outcomes for the Station Precinct. This work has produced a Public Domain Works Plan (Figure 8B in the Planning Proposal) which has been costed and will form part of the works proposed to be funded by VPA contributions and Renewing Rhodes contributions.

Public Benefit Report

Council has engaged Maddocks Lawyers to prepare a Public Benefits Report which details the planning background, methodology, public benefits, VPAs and probity management. This is being finalised and will be available during the public exhibition period.

Probity Management

O'Connor Marsden and Associates Pty Ltd Lawyers has been engaged to provide probity services to Council in regard to the Rhodes Peninsula Station Precinct. *The Rhodes West Station Precinct Probity Protocols July 2014* were prepared to provide assurance to Councillors and senior management that the probity management processes were in place to engage with developers and to develop related Planning Agreements, in a transparent, impartial manner without fettering Council's statutory obligations.

The Probity Protocols were circulated for all relevant stakeholders and a register kept of Declarations of Confidentiality and Independence and Agreement to the Probity Protocols. A final probity report will be prepared by O'Connor Marsden following Council's adoption of the Planning Proposal and proposed Amendment No 3 (Revised) –Station Precinct (Precinct D), Rhodes Peninsula dated August 2014.

FINANCIAL IMPACT

Council has provided approximately \$250,000 towards legal, valuation and planning advice to ensure this project is of the highest standard and, meets the needs of the growing Rhodes Community. The public benefits that will be delivered over a period of 5-7 years will cost in the vicinity of \$55m and will be fully funded from VPA payments and the Rhodes Contributions Framework.

CONCLUSION

A revised Planning Proposal has been prepared in line with Council's resolution of 3 June 2014. This Planning Proposal includes additional properties on Marquet and Mary Streets, and the removal of an individual property on Walker Street. It also increases building heights and gross floor area. The Planning Proposal is complemented by Voluntary Planning Agreements to deliver public infrastructure for the growing Rhodes community.

It is recommended that the Planning Proposal be forwarded to the Department of Planning and Environment once the Voluntary Planning Agreements have first been executed.

A Development Control Plan is being finalised by Coneybeare Morrison and will be reported to Council for endorsement prior to public exhibition of the Planning Proposal. The Public Benefits report will also be reported at this time.

RECOMMENDATION

1. THAT the content of the report is noted.
2. THAT the '*Principles for Voluntary Planning Agreements in Station Precinct, Rhodes*' dated August 2014 be endorsed.
3. THAT the Voluntary Planning Agreements are executed before the revised Planning Proposal is forwarded to the Department for Gateway Determination.
4. THAT the revised Planning Proposal be submitted to the Minister for Planning and Environment with a request for a Gateway Determination.
5. THAT authority be delegated to the General Manager to make minor variations to the Planning Proposal following receipt of a Gateway Determination.
6. THAT the revised Planning Proposal be approved for public authority consultation and public exhibition in accordance with a Gateway Determination.