



**PLANNING PROPOSAL**  
**CANADA BAY LOCAL ENVIRONMENTAL PLAN**  
**2013**

**Submission for Gateway Determination**

**1-9 Marquet and 4 Mary Streets, Rhodes**

**25 February, 2019**

## TABLE OF CONTENTS

|                                               |    |
|-----------------------------------------------|----|
| 1. INTRODUCTION .....                         | 1  |
| 2. SITE LOCATION & HISTORY .....              | 1  |
| 3. INTENDED OUTCOMES .....                    | 3  |
| 4. EXPLANATION OF PROVISIOS .....             | 3  |
| 5. PLANNING JUSTIFICATION .....               | 3  |
| 6. STRATEGIC PLANNING DOCUMENTS & PLANS ..... | 12 |
| 7. CONCLUSION .....                           | 29 |

## LIST OF ILLUSTRATIONS

*Figure 1 – Site Survey*

*Figure 2 – Location Map*

*Figure 3 – Aerial Photo*

*Figure 4 – Current Zoning Map*

*Figure 5 –Master Plan Diagrams*

*Figure 6 – Current Height & FSR Controls*

*Figure 7 – Height Comparison*

*Figure 8 - Proposed Height Map*

*Figure 9 – Proposed FSR Map*

*Figure 10 – Three City Vision*

## 1. INTRODUCTION

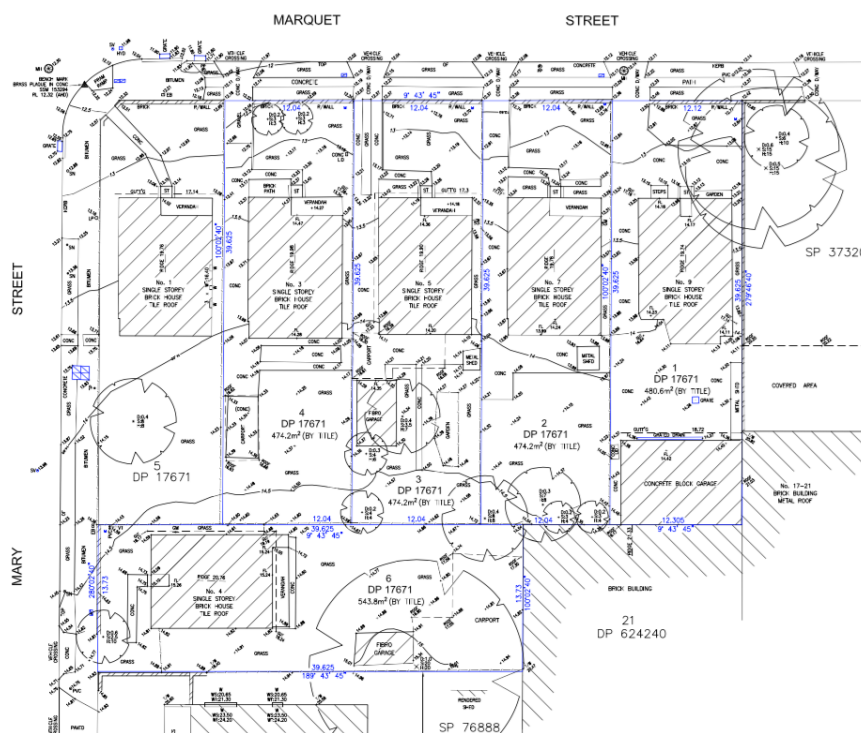
This report has been prepared on behalf of the owners of 1-9 Marquet and 4 Mary Streets, Rhodes (the site) who seek to increase the development potential of the site. The Current work seeks to show the opportunity for the proposed building height and FSR **only** and although issues such as shadow impact and compliance with the **ADG** have been considered as part of the current strategic review, they have not been determined to the degree necessary for the submission of a Development Application (DA).

## 2. SITE LOCATION & HISTORY

The site that is the subject of this report comprises Lots 1 - 4 and 6 in DP 17671. It is known as 1-9 Marquet and 4 Mary Streets, Rhodes and has an area of 2447m .

The site is shaped as a parallelogram, with a frontage of 48.24 metres (m) to Marquet Street and 13.73m to Mary Street. The land generally has a north / south orientation, with an east west cross fall of approximately 2m. **Figure 1** below provides a copy of the site survey.

**Figure 1 – Site Survey**



The site is occupied by a series of single storey dwellings and is surrounded by a number of high - rise residential and mixed - use developments. Train services are available to the City from Rhodes Station located less than 100m from the site. The general location of the site and the surrounding built form are shown in *figures 2 and 3* below.

**Figure 2 – Location Map**



Map reproduced with permission of UBD. Copyright Universal Publishers Pty Ltd. DG 05/05

**Figure 3 – Aerial Photo**



Source: © DEPARTMENT OF LANDS SIX Portal [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)

### 3. INTENDED OUTCOMES

The objective of this draft Planning Proposal is to amend the *Canada Bay Local Environmental Plan (LEP) 2013* to increase the current controls for the Height of Buildings and floor space ratio (FSR) applicable to the site. The **B4** zoning of the site is to be retained.

### 4. EXPLANATION OF PROVISIONS

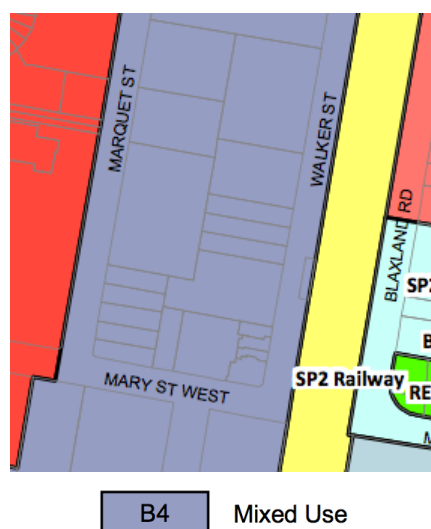
The proposed outcome will be achieved by:

- Amending the Canada Bay LEP 2013 Height of Building Map in accordance with the proposed height map, shown in *figure 8* on page 10 of this report, which indicates a maximum permissible height of 117 metres on the site; and
- Amending the Canada Bay LEP 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio map, shown *figure 9* on page 11 of this report, which indicates a maximum permissible floor space ratio of 13.06:1 on the site.

### 3. PLANNING JUSTIFICATION

The site is subject to the provisions of *Canada Bay Local Environmental Plan (LEP) 2013* with the land zoned **B4 Mixed**. The relevant zoning is shown in *figure 4* below.

**Figure 4 – Current Zoning Map**



Source: Canada Bay LEP 2013 – Zoning Map

The relevant zone objectives within the LEP are as follows:

***Zone B4 Mixed Use***

***1 Objectives of zone***

- ***To provide a mixture of compatible land uses.***
- ***To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.***

The objectives of the **B4** zoning are founded on achieving a mixture of commercial, retail and residential uses in accessible locations and centres such as Rhodes. The current Planning Proposal (PP) does not seek to vary the zoning of the site.

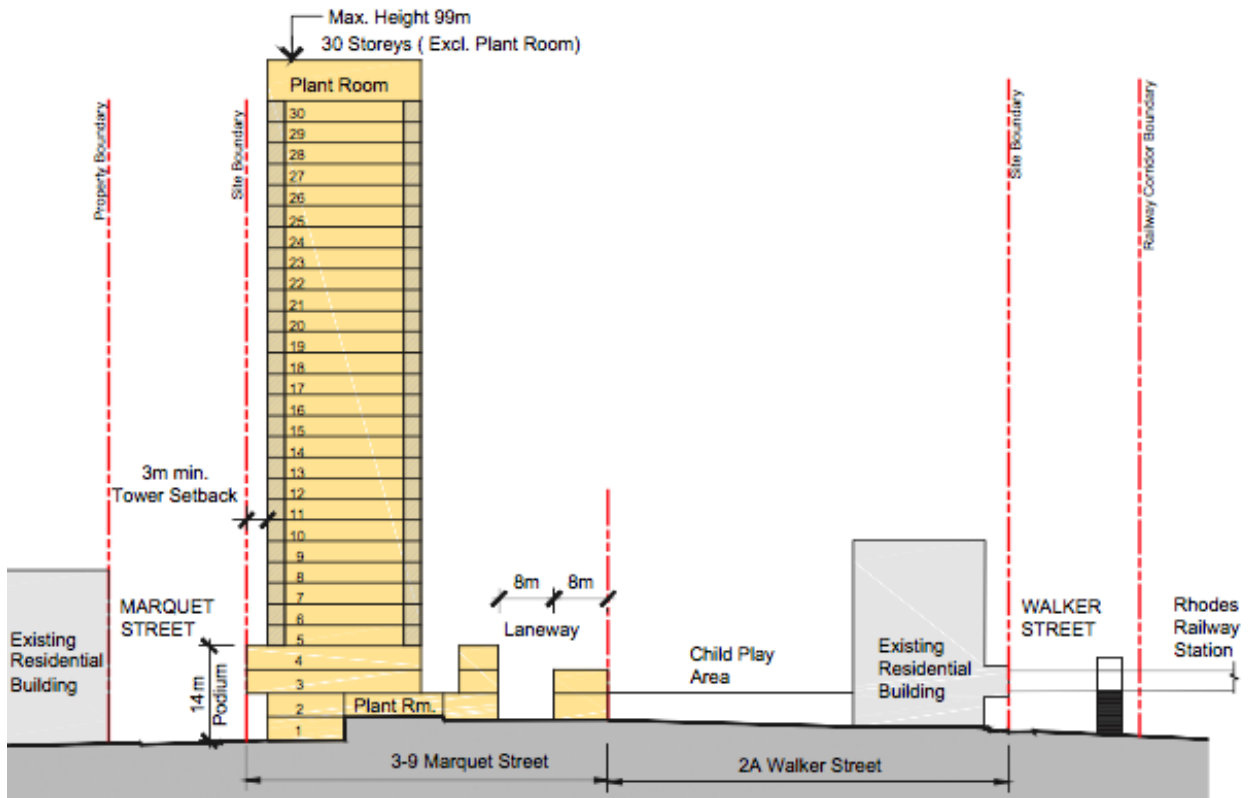
Over the last 5 years Council has undertaken considerable Strategic Planning work in relation to the Rhodes Peninsula, which has seen a substantial uplift in the area's development opportunities. Development has occurred in recent years in alignment with this program.

Originally, the Rhodes Peninsula was subject to ***Sydney Regional Environmental Plan (SREP) 29 – Rhodes Peninsula***, gazetted in 1999. However, Planning control for the area diverted to Council not long after 2010. Council then embarked on the preparation of a concept plan, which subsequently morphed into the Station Precinct Master Plan and associated DCP. A Planning Proposal, based largely on the recommendations of the Master Plan came into force on 18 December, 2015.

Under the Station Precinct it was proposed that the site would be granted a substantial uplift in potential building height (99m - 30 storeys) and floor space ratio (6.5:1). However, that uplift was based on an amalgamation of the 3 -9 Marquet Street and the adjoining No.4 Mary Street with no. 1 Marquet Street and when this became unlikely, the land was excised from the Planning Proposal, denying the opportunity for enhanced development opportunities. **Figure 5** on the following page provides copies of diagrams from the master plan showing the anticipated growth in development potential for the site.



**Figure 5 – Master Plan Diagrams**



Source: Station Precinct Master Plan – Part 5.0 (Section 4)



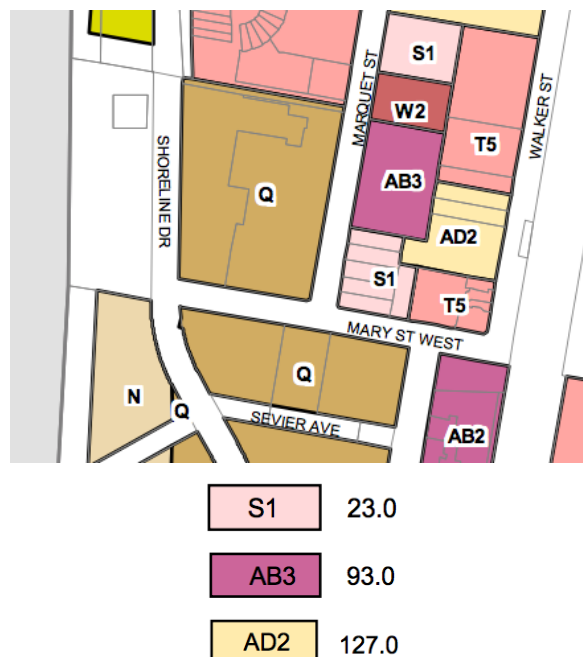
Source: Station Precinct Master Plan – Part 5.0 (Figure 35)

These outcomes were supported by associated urban design and solar analysis to ensure any impacts on the Town Square and Peg Patterson Park were minimised. However, Council at its meeting on 15 September, 2015 resolved in part as follows:

- A. ....
- B. *THAT the Lots 1, 2, 3, 4, 5 and 6 of DP17671 (No's 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.*
- C. *THAT the Planning Proposal excluding the deferred portion of the site (Lots 1, 2, 3, 4, 5 and 6 of DP 17671 (No's 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;...*

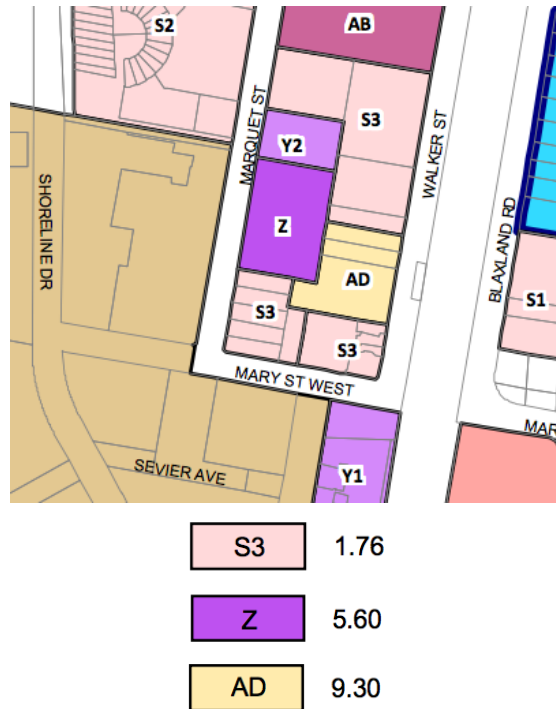
Following the gazettal of the amendment to the LEP, the maximum building height and floor space ratio were restricted as shown in the extracts of the LEP maps in [figure 6](#) below.

**Figure 6 – Current Height & FSR Controls**



Source: Canada Bay LEP 2013 – Height of Buildings Map





Source: Canada Bay LEP 2013 – Floor Space Ratio (FSR) Map

The current Planning Proposal retains the *B4 Mixed Use* zoning applicable to the site and is seeking an uplift in the applicable “*height of building*” and “*FSR*” controls.

There is no doubt (based on the Council’s strategic planning work) that the site is capable of sustaining a much greater building height and FSR than that currently provided in the LEP. It is not unreasonable to suggest that the recently approved and / built envelopes provide some guidance on what may be an appropriate uplift, subject to impacts on the public domain, solar access, traffic and ultimate building design.

Over the last 2.5 years the proponent has attempted to address these matters while No. 1 Marquet Street was purchased and incorporated into the site. This work culminated in the Council resolution on 15 May, 2018 to send the PP to Gateway.

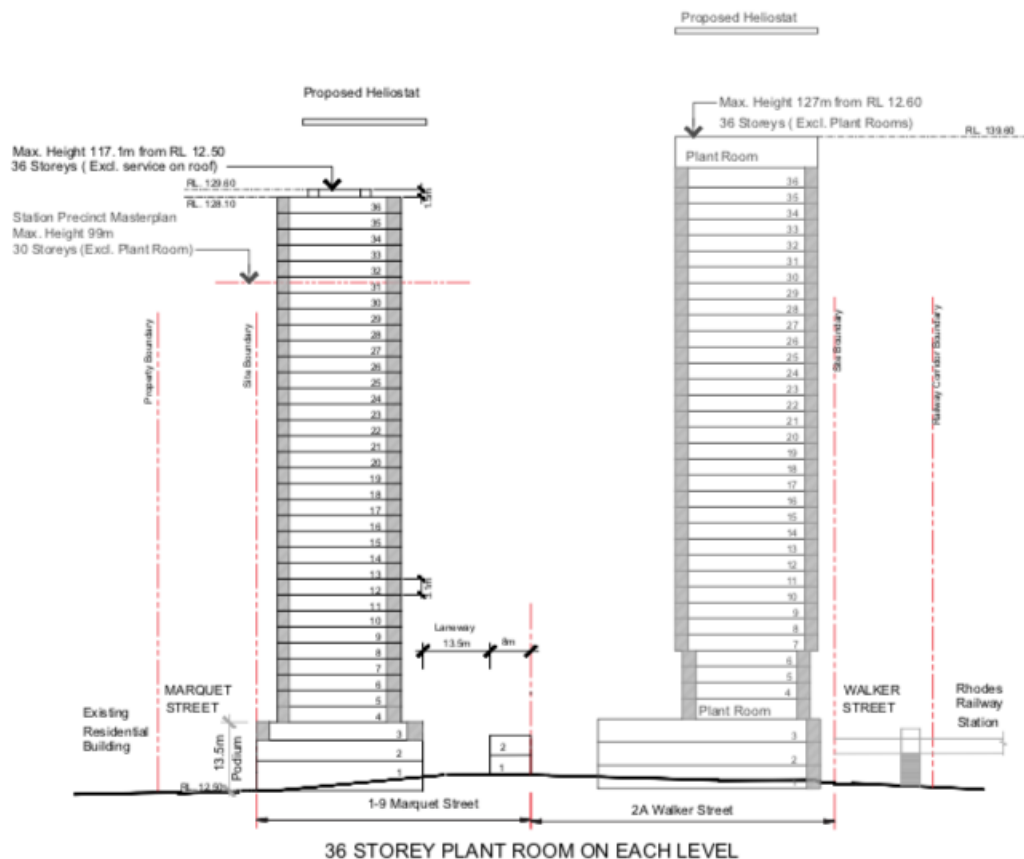
On Tuesday 19 February, 2019 Council considered a further report from staff outlining the considerations and recommendations of its Design Review pane and local planning Panel and re confirmed its decision to forward the PP to Gateway.

The detailed outcome is discussed below:

## **Building Height**

In relation to the Rhodes Station Precinct, the relevant Council strategic framework (DCP & Masterplan) have sought to ensure that in terms of height, the tallest structure is closest to the railway station, with buildings cascading down towards the waterfront. In working through the potential for the subject site, the proponent has respected this objective, with [figure 7](#) below showing the proposed building envelope as considered and agreed to by Council on 15 May, 2018.

**Figure 7 – Height Comparison**



The above diagram clearly shows the relationship in height terms between the approved and proposed towers as sought by Council. Further detailing and design work is being undertaken by the project Architect. This design work will eventually lead to a DA scheme.

In terms of solar impact on the Town Square or Peg Patterson Park, there is only limited impact from the current proposal in the middle of the day in mid - Winter. The solar diagrams submitted to Council and forming part of the PP, show that the building will impact on the Town (Union) Square, between 1.30pm – 2pm. It is not the overall height of the building that causes this impact, but the angle of the sun hitting the middle portion of the proposed building.

In order to overcome this impact the proposal incorporates a “heliostat” similar to the approved building in Walker Street. The heliostat will provide a similar luxe level within the square to the approved heliostat and will follow (track) that facility, to ensure that any shadows cast over the whole square are eradicated between 12 noon and 2pm mid winter.

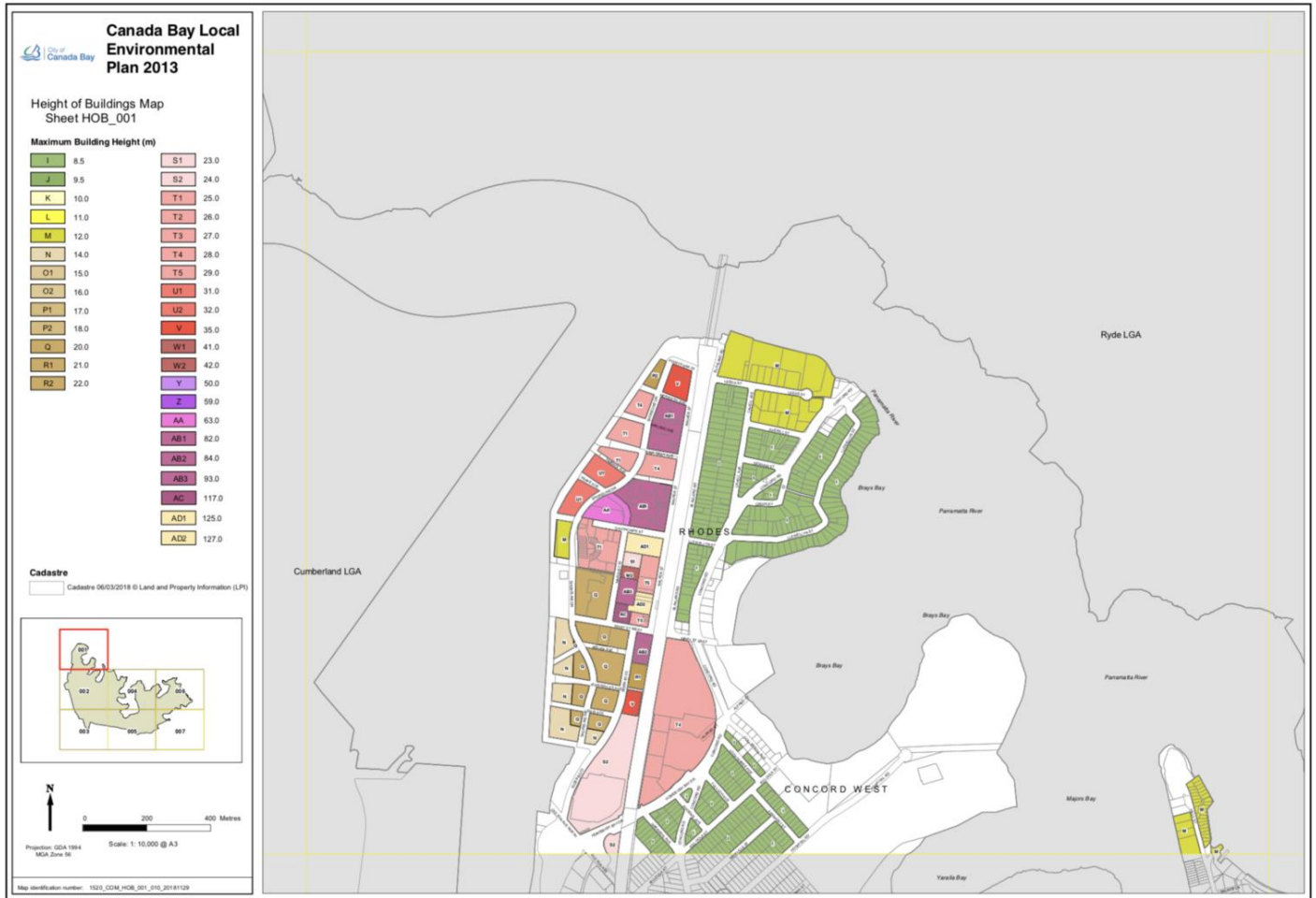
Secondly, the proponent has agreed to provide an area of 343m<sup>2</sup> at the ground level of the site at the corner of Marquet and Mary Streets for use by the public. This space is both open and covered, is at least 6m in height and provides an alternate area of public domain, to offset that part of the Union Square that will be shadowed by the proposal.

Under the current LEP, the properties to the north east of the site (6 – 14 Walker Street) enjoy a maximum building height of 127m (RL 139.6) not including the proposed heliostat. The concept building under this PP contains 36 levels, has a top height of RL 129.6, not including the proposed heliostat, allowing for a 10m clear height variation between the two towers. That level of “gap” will be clearly evident from the public domain and surrounding buildings. The top height proposed also allows for compliance with the floor to floor height requirements (33 residential levels @ 3.1m) contained within the *Apartment Design Guideline (ADG)* with a 13.5m commercial podium.

The proponent has formed the view that the site is the last remaining “key site” within Rhodes West and together with 6 – 14 Walker Street has the potential to provide a strong northern entry point to the Rhodes Town Centre with direct joint covered access to and from the Station. There are also opportunities for substantial views from such a building particularly from the upper levels whilst the two towers would provide a focal point for Rhodes in the round.

An amended LEP Height of Buildings Map for the site has been prepared and is shown in *figure 8* on the following page.

**Figure 8 – Proposed Height Map**



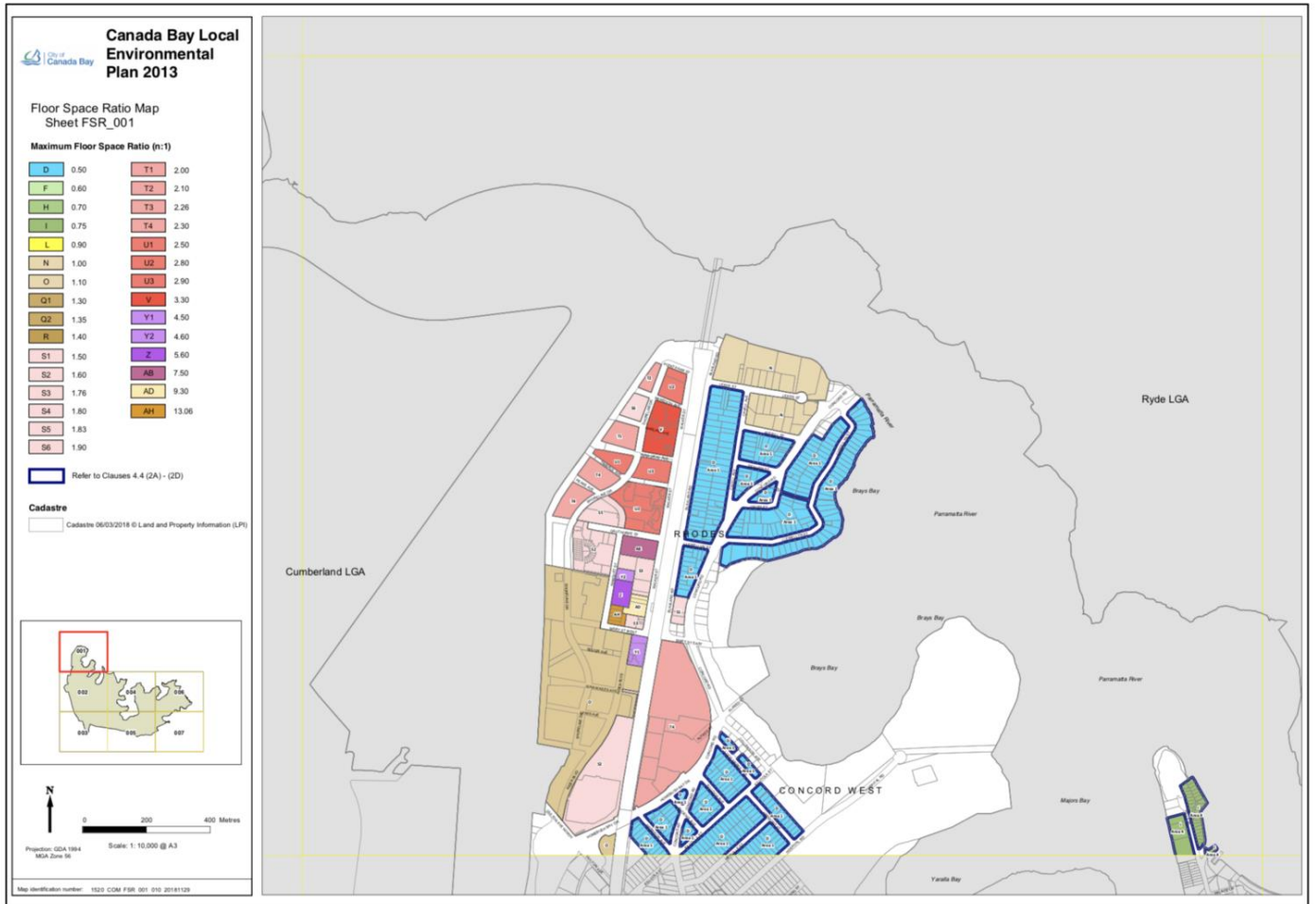
**AC** 117.0

Source: Proposed Draft Canada Bay LEP 2013 – Height of Buildings Map

### **Floor Space Ratio (FSR)**

The current FSR of 1.76:1 is clearly insufficient for the proposed new building height. Any structure would need to be compliant with the ADG and DCP in terms of building depth and setbacks etc., with the resultant FSR likely representing a simple by product of that envelope and the number of floors. As currently proposed and accepted by Council the FSR of the concept design is 13.06:1 including the winter gardens. An amended LEP floor space ratio (FSR) Map for the site has been prepared and is shown in [figure 9](#) on the following page.

**Figure 9 – Proposed FSR Map**



**AH 13.06**

Source: Proposed Draft Canada Bay LEP 2013 – Floor Space Ratio (FSR) Map



## 6. STRATEGIC PLANNING DOCUMENTS & PLANS

This section of the report reviews a number of recent Strategic planning Initiatives and resultant Plans that have guided the Council's strategic planning programmes and will continue to do so in the coming years. It also provides clarification of the proposal's consistency with a number of Strategic planning requirements including Section 9.1 Directions and State Environmental Planning Policies etc. These matters are discussed further in the *Tables 1 - 2* below.

| <b>Table 1. State Environmental Planning Policies</b>                                              |                   |                                                                                             |
|----------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------|
| <b>SEPP</b>                                                                                        | <b>CONSISTENT</b> | <b>COMMENT</b>                                                                              |
| <b>SEPP No. 1- Development Standards</b>                                                           | Not Applicable    | The Canada Bay LEP is a standard Instrument LEP & incorporates the provisions of Clause 4.6 |
| <b>SEPP No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development</b> | Not Applicable    |                                                                                             |
| <b>SREP No. 5 – Chatswood Town Centre)</b>                                                         | Not Applicable    |                                                                                             |
| <b>SEPP No. 14 – Coastal Wetlands</b>                                                              | Not Applicable    |                                                                                             |
| <b>SEPP No. 15 – Rural Land sharing Communities</b>                                                | Not Applicable    |                                                                                             |
| <b>SEPP No. 19 – Bushland in Urban Areas</b>                                                       | Not Applicable    |                                                                                             |
| <b>SEPP No 21 – Caravan Parks</b>                                                                  | Not Applicable    |                                                                                             |
| <b>SEPP No. 26 – Littoral Rainforests</b>                                                          | Not Applicable    |                                                                                             |
| <b>SEPP No. 29 – Western Sydney Recreation Area</b>                                                | Not Applicable    |                                                                                             |
| <b>SEPP No. 30 – Intensive Agriculture</b>                                                         | Not Applicable    |                                                                                             |

| SEPP                                                                                   | CONSISTENT     | COMMENT                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)</b>                 | Consistent     | The current and proposed land use of the site incorporates residential activities in an increased density. The proposed mixed use of the site will be compatible with surrounding land uses and meets the aims and objectives of the SEPP |
| <b>SEPP No. 36 – Manufactured Home Estates</b>                                         | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP No. 39 Spit Island Bird Habitat</b>                                            | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP No. 41 – Casino Entertainment Complex</b>                                      | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP No. 44 – Koala Habitat Protection</b>                                          | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP no. 50 – Canal Estate Development</b>                                          | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas</b> | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP No. 55 – Remediation of Land</b>                                               | Consistent     | It is unlikely that previous uses of the land, would have rendered it contaminated, however appropriate testing could be undertaken as part of a future development application process if required, should the site be re zoned.         |
| <b>SEPP No. 59 – Central Western Sydney Regional Open Space and Residential</b>        | Not Applicable |                                                                                                                                                                                                                                           |
| <b>SEPP No. 60 – Exempt and Complying Development</b>                                  | Consistent     | The proposed use of the land for mixed use purposes would require the consideration / assessment of a Development Application                                                                                                             |

| SEPP                                                         | CONSISTENT     | COMMENT                                                                                                                                           |
|--------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 62 – Sustainable Aquaculture                        | Not Applicable |                                                                                                                                                   |
| SEPP No. 64 – Advertising and Signage                        | Not Applicable | The proposed use of the land is for mixed use, with any likely signage related to the use and occupation of parts of the building only.           |
| SEPP NO. 65 – Design Quality of Residential Flat Development | Consistent     | Any future residential component would be subject to the provisions of SEPP 65.<br><br>The initial concept envelopes achieve ADG separations etc. |
| SEPP No. 70 – Affordable Housing (Revised Schemes)           |                | Applies to the City of Canada Bay, but relates to Development Applications.                                                                       |
| SEPP No. 71 – Coastal Protection                             | Not Applicable |                                                                                                                                                   |
| SEPP (Affordable Rental Housing) 2009                        | Consistent     | Affordable housing is unlikely to form part of a future development.                                                                              |
| SEPP (Building Sustainability Index: BASIX) 2004             | Consistent     |                                                                                                                                                   |
| SEPP (Exempt and Complying Development Codes 2008            | Consistent     |                                                                                                                                                   |
| SEPP (Housing for Seniors or People with a Disability) 2004  | Consistent     |                                                                                                                                                   |
| SEPP (Infrastructure) 2007                                   | Not Applicable |                                                                                                                                                   |
| SEPP (Kosciuszko National Park – Alpine Resorts) 2007        | Not Applicable |                                                                                                                                                   |
| SEPP (Kurnell Peninsula) 1989                                | Not Applicable |                                                                                                                                                   |
| SEPP (Major Development) 2005                                | Not Applicable |                                                                                                                                                   |
| SEPP (Rural Lands) 2008                                      | Not Applicable |                                                                                                                                                   |

| SEPP                                                  | CONSISTENT     | COMMENT                                                                                                                                                                             |
|-------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Sydney Region Growth Centres) 2006              | Not Applicable |                                                                                                                                                                                     |
| SEPP (Western Sydney Employment Area) 2009            | Not Applicable |                                                                                                                                                                                     |
| SREP No. 8 – Central Coast Plateau Areas              | Not Applicable |                                                                                                                                                                                     |
| SREP No. 9 – Extractive Industry (No 2 – 1995)        | Not Applicable |                                                                                                                                                                                     |
| SREP No. 16 – Walsh Bay                               | Not Applicable |                                                                                                                                                                                     |
| SREP No. 18 – Public Transport Corridors              | Not Applicable |                                                                                                                                                                                     |
| SREPP No. 19 – Rouse Hill Development Area            | Not Applicable |                                                                                                                                                                                     |
| SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997) | Not Applicable |                                                                                                                                                                                     |
| SREP No. 24 – Homebush Bay Area                       | Not Applicable |                                                                                                                                                                                     |
| SREP No. 25 – Orchard Hills                           | Not Applicable |                                                                                                                                                                                     |
| SREP No. 26 – City West                               | Not Applicable |                                                                                                                                                                                     |
| SREP No. 28 – Parramatta                              | Not Applicable |                                                                                                                                                                                     |
| SREP No. 30 – St Marys                                | Not Applicable |                                                                                                                                                                                     |
| SREP No. 33 – Cooks Cove                              | Not Applicable |                                                                                                                                                                                     |
| SREP (Sydney Harbour Catchment) 2005                  | Not Applicable | The site is within the area covered by the SREP but its requirements are not immediately applicable to the Planning Proposal. Any future DA would need to give consideration to it. |

| <b>TABLE 2. Section 9.1 Ministerial Directions</b> |                                                        |                   |                                                                                                                                                             |
|----------------------------------------------------|--------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Clause</b>                                      | <b>Direction</b>                                       | <b>Consistent</b> | <b>Comments</b>                                                                                                                                             |
| <b>1 Employment and Resources</b>                  |                                                        |                   |                                                                                                                                                             |
| 1.1                                                | Business and Industrial Zones                          | Not Applicable    | The proposal seeks to retain the site's B4 – Mixed Use zoning, maintaining the potential for commercial / retail uses on site.                              |
| 1.2                                                | Rural Zones                                            | Not Applicable    | The subject land is not zoned for rural purposes.                                                                                                           |
| 1.3                                                | Mining, Petroleum Production and Extractive Industries | Not Applicable    | The land is not zoned for mining activities.                                                                                                                |
| 1.4                                                | Oyster Aquaculture                                     | Not Applicable    | The subject land is not zoned for aquatic activities.                                                                                                       |
| 1.5                                                | Rural Lands                                            | Not Applicable    | This Proposal will not affect any land zoned for rural purposes or for environmental protection.                                                            |
| <b>2 Environment and Heritage</b>                  |                                                        |                   |                                                                                                                                                             |
| 2.1                                                | Environment Protection Zones                           | Not Applicable    | The subject land is not in such a zone.                                                                                                                     |
| 2.2                                                | Coastal Protection                                     | Not Applicable    | The subject land is not zoned for Coastal protection.                                                                                                       |
| 2.3                                                | Heritage Conservation                                  | Not Applicable    | The site is not listed as an Item of Environmental heritage, nor is it located within a Heritage Conservation Area                                          |
| 2.4                                                | Recreation Vehicle Areas                               | Not Applicable    | This Proposal will not enable any land to be developed for the purpose of a recreation vehicle area(within the meaning of the Recreation Vehicles Act 1983) |
| 2.5                                                | E2 & E3 Zones                                          | Not Applicable    | The subject land is not located on the NSW Far North Coast.                                                                                                 |



| Clause                                                 | Direction                                   | Consistent     | Comments                                                                                                                                                                                                          |
|--------------------------------------------------------|---------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3 Housing, Infrastructure and Urban Development</b> |                                             |                |                                                                                                                                                                                                                   |
| 3.1                                                    | Residential Zones                           | Consistent     | The proposed rezoning will retain the opportunity for residential uses on the site in an increased density. This will assist in the provision for identified housing needs within the Eastern City District Plan. |
| 3.2                                                    | Caravan Parks and Manufactured Home Estates | Not Applicable | This Proposal does not seek to allow the subject land to be used for either a Caravan Park or Mobile Home Estate.                                                                                                 |
| 3.3                                                    | Home Occupations                            | Consistent     | Such land uses will remain permissible without Development Consent.                                                                                                                                               |
| 3.4                                                    | Integrating Land Use and Transport          | Consistent     | The site is located on within Rhodes West with direct access to multiple forms of public and private transport infrastructure                                                                                     |
| 3.5                                                    | Development near Licensed Aerodromes        | Not Applicable | The subject land is not so zoned nor does the Proposal seek to do so.                                                                                                                                             |
| 3.6                                                    | Development near Shooting Ranges            | Not Applicable | The subject land is not located adjacent or nearby to any Shooting Range.                                                                                                                                         |
| <b>4 Hazard and Risk</b>                               |                                             |                |                                                                                                                                                                                                                   |
| 4.1                                                    | Acid Sulfate Soils                          | Consistent     | The site is s not nominated as containing Acid Sulfate Soils on the relevant Canada Bay LEP 2013 map.                                                                                                             |
| 4.2                                                    | Mine Subsidence and Unstable Land           | Not Applicable | The site is not within a Mine Subsidence District.                                                                                                                                                                |
| 4.3                                                    | Flood Prone Land                            | Not Applicable | The subject land is not flood prone.                                                                                                                                                                              |
| 4.4                                                    | Planning for Bushfire Protection            | Not Applicable | The subject land is not Bush Fire prone.                                                                                                                                                                          |
| <b>5 Regional Planning</b>                             |                                             |                |                                                                                                                                                                                                                   |
| 5.1                                                    | Implementation of Regional Strategies       | Consistent     | Discussed in later Sub Sections of this report                                                                                                                                                                    |

| Clause              | Direction                                                                      | Consistent     | Comments                                                             |
|---------------------|--------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------|
| 5.2                 | Sydney Drinking Water Catchments                                               | Not Applicable | This Direction is not applicable to the City of Canada Bay           |
| 5.2                 | Sydney Drinking Water Catchments                                               | Not Applicable | This Direction is not applicable to the City of Canada Bay           |
| 5.2                 | Sydney Drinking Water Catchments                                               | Not Applicable | This Direction is not applicable to the City of Canada Bay           |
| 5.3                 | Farmland of State and Regional Significance on the NSW Far North Coast         | Not Applicable | This Direction is not applicable to the City of Canada Bay           |
| 5.4                 | Commercial and Retail Development along the Pacific Highway, North Coast       | Not Applicable | The subject site is not located on the North Coast of NSW.           |
| 5.6                 | Sydney to Canberra Corridor (Revoked 10 July 2008. See Amended Directions 5.1) | Not Applicable |                                                                      |
| 5.7                 | Central Coast (Revoked 10 July 2008. See amended Direction 5.1)                | Not Applicable |                                                                      |
| 5.8                 | Second Sydney Airport: Badgerys Creek (Revoked 20 August, 2018)                | Not Applicable |                                                                      |
| 5.9                 | North West Rail Link Corridor                                                  | Not Applicable | This Direction is not applicable to the City of Canada Bay           |
| 5.10                | Implementation of Regional Plans                                               | Consistent     | See Sub Sections 5.3 – 5.11 of this report                           |
| 3.3                 | Home Occupations                                                               | Consistent     | Such land uses will remain permissible without Development Consent.  |
| 6 Local Plan Making |                                                                                |                |                                                                      |
| 6.1                 | Approval and Referral Requirements                                             | Consistent     | This is an administrative matter for the relevant Planning Authority |

|                                 |                                                                |                |                                                                                                                       |
|---------------------------------|----------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------|
| 6.2                             | Reserving Land for Public Purposes                             | Not Applicable | This Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. |
| 6.2                             | Reserving Land for Public Purposes                             | Not Applicable | This Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. |
| 6.3                             | Site Specific Provisions                                       | Consistent     | This Planning Proposal does not seek to alter the existing zoning or permissible uses of the subject land             |
| <b>7. Metropolitan Planning</b> |                                                                |                |                                                                                                                       |
| 7.1                             | Implementation of “A Plan for Growing Sydney”                  | Consistent     | See <a href="#">Section 5.6</a> of this report                                                                        |
| 7.2                             | Implementation of Greater Macarthur Land Release Investigation | Not Applicable | This Direction is not applicable to the City of Canada Bay                                                            |
| 7.3                             | Parramatta Road Corridor Urban Transformation Strategy         | Not Applicable | The subject land is not located within the Parramatta Road Corridor.                                                  |
| 7.4 – 7.10                      | Various location Specific Directions                           | Not Applicable | These Directions are not applicable to the City of Canada Bay                                                         |

### **Greater Sydney Region Plan - A Metropolis for Three Cities**

In March 2018 the Greater Sydney Commission released the ***Greater Sydney Region Plan - A Metropolis for Three Cities.***

The plan is built on a vision of three cities where most people reside within 30 minutes of their jobs, education and health facilities, services and great places. This position is derived from and consistent with the 10 Directions in *Directions for a Greater Sydney*, which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan’s performance.

The Plan seeks to create three new Cities within the Sydney Metropolitan Area to best address the needs of a growing and changing population. The three new Cities are:

- *The Western Parkland City;*
- *The Central River City; and*
- *The Eastern Harbour City.*

The Plan seeks to integrate land Use and Transport Planning to improve liveability, productivity and sustainability by spreading the benefits of growth. It is projected that the population of Greater Sydney will grow to 8 million over the next 40 years, with almost half of that population residing west of Parramatta. It is hoped that having three cities, each with supporting metropolitan and strategic centres, will put workers closer to knowledge- intensive jobs, city-scale infrastructure and services, entertainment and cultural facilities.

*Figure 10* on the following page provides a spatial representation of the three City Vision.

**Figure 10 – Three City Vision**



The Plan looks at each of the three cities in respect to the interplay between the Following four issues:

- *Infrastructure and Collaboration;*
- *Liveability;*
- *Productivity; and*
- *Sustainability*

The Plan then sets out 10 Directions to achieve the desired goals with each Direction divided into a series of Indicators with each of those made up of a number of objectives and measures of attainment. The Plan has been prepared concurrently with *Future Transport 2056* and *State Infrastructure Strategy 2018–2038* to align land use, transport and infrastructure outcomes for Greater Sydney for the first time in a generation. The transport initiatives in this Plan are sourced from *Future Transport 2056*.

The Plan does not deal with specific locations within the three cities, although the City of Canada bay falls within the Eastern Harbour City. To give effect to the plan the Commission has also developed and delivered regional and district plans which will achieve legislative effect through local plans.

### **Eastern City District Plan**

The Commission has now (March 2018) finalised five District Plans, which are designed to guide the implementation of the Greater Sydney Plan at a District level. These 20-year plans form the link between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals. The District Plans will also help Councils to plan and deliver for growth and change, and to align their local planning strategies to place-based outcomes.

The Eastern City District Plan has been prepared in accordance with section 3.4 of the *Environmental Planning and Assessment Act 1979*. As such, it must include or identify the basis for strategic planning in the district, with respect to Infrastructure and Collaboration, Liveability, Productivity and Sustainability and the actions for achieving them.



The Eastern City District Plan nominates 10 “Directions” for the three City Metropolis and sets specific Priorities for the District. Part 3 of the District Plan looks at **“Liveability”** in the District and considers four *Planning Priorities* being *E3 – E6* which together with the Proposal’s conformity with them are set out below:

***Planning Priority E3 - Providing services and social infrastructure to meet people’s changing needs***

**Comment:** The Rhodes Town Centre has been undergoing change for many years. Under the district Plan it is nominated as a **Strategic Centre** and has been developing as retail, commercial and residential place. The working and residential populations have been and will continue to grow, with the supporting facilities and services also increasing. Community facilities and services are being provided including the recently completed “Connection” Community Centre and “Bennelong” bridge to Wentworth Point.

The proposal will fit well within this environment and Priority providing both residential and retail / commercial facilities for the current and future community.

***Planning Priority E4 - Fostering healthy, creative, culturally rich and socially connected communities***

**Comment:** The provision of new and additional housing and associated service facilities can only help to achieve these goals. The site is located close to the railway station and commercial hub of Rhodes, ensuring ready access to the cultural and social opportunities of the Centre and wider District and the opportunity for walking and cycling.

***Planning Priority E5 - Providing housing supply, choice and affordability with access to jobs, services and public transport***

**Comment:** The District Plan has an expectation that the Eastern District will require an additional 325,000 new residents in 157,000 homes by 20136 and that those dwellings need to cater for a wide demographic including an ageing population. The projected 5 year (2016 – 2021) housing supply target for the City of Canada Bay is 2150 with the subject proposal (if approved) able to supple approximately 330 of those dwellings.

The site's location, central to the Town Centre and Railway Station fits this Priority well, in that access is readily available locally and within a 30 minute travel radius to other employment centres. The proposal if approved would contain a mix of dwelling sizes and through a VPA with Council, will also contain a number of affordable dwellings.

***Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage***

**Comment:** The suburb of Rhodes continues to develop and renew with both private development and public infrastructure to be provided in the coming years. What was once primarily an industrial area is being replaced by a vibrant mixed – use precinct with facilities, services and spaces for its residential and employment populations. This transformation is not disharmonious with the District's heritage and the current proposal will not alter this alignment.

The remaining Priorities within the District plan relating to Infrastructure and Collaboration, Productivity and Sustainability are determined at a Government level and not in association with the current Planning proposal.

**Revised Draft Rhodes Precinct Plan**

In 2017, a draft Precinct Plan was released and was exhibited and subsequently the Department of planning & Environment determined that there was value in considering both the eastern and western sides of the station and plan for the station area in a complete way. It also provided an opportunity to respond to recent changes in the context of Rhodes, adapting to and incorporating the Greater Sydney Commission job targets (additional 1200), designing for future train station capacity and identifying a school site within the precinct.

The revised draft plan (currently on exhibition) expands the precinct boundary to the west, to integrate key undeveloped land adjacent to Rhodes train station. Including the subject land (the site). The revised draft Plan picks up on the Priorities within the Eastern City District Plan and provides more detailed comments at a local level

The current draft Plan proposes a number of **“Character Areas”** with the site located within the **“Station Gateway West”** area with the current **B4** zoning being retained. Table 1 of the draft Plan sets out the distribution of dwellings and GFA in the character areas and nominates

the following for the **Station Gateway West**:

***600 dwellings\****

***(\*above the 1,300 dwellings envisaged by Council's Master Plan and the 150 dwellings proposed by Council's recently supported Planning Proposal at 1-9 Marquet and 4 Mary Street)***

***Maximum 60,000m<sup>2</sup> residential GFA***

Instead of 150 dwellings the current PP proposes approximately 300 dwellings, meaning that only half are part of the proposed additional 600 dwellings. The draft also considers reduced car parking requirements due to the precinct providing a Transit Oriented opportunity, and Design Excellence considerations, all of which the subject proposal can accommodate.

#### **Canada Bay Local Planning Strategy 2010**

Council prepared its local Planning Strategy for exhibition with its draft LEP in 2010. The purpose of the strategy was to provide a framework within which the future LEP and DCP could be developed, so as to achieve the relevant regional planning objectives.

In relation to Rhodes the Strategy seeks to ensure the provision of a viable mixed use centre with commercial, retail and residential opportunities that complements the major facilities at Sydney Olympic Park. It also acknowledges the opportunities available in and nearby to the Council's traditional centres including Drummoyne and Five Dock.

The Strategy further developed the concepts and planning principles espoused in SREP 29 and identified a need for a number of improvements to the planning framework particularly in terms of improved public domain and increased built form and density. A number of the recommendations of the Strategy were taken on board in the Stage 1 Master Plan and continued under the Station Precinct Master Plan.

While earmarked for higher density development under that plan, the subject site was denied that opportunity within the final Strategic Planning work (LEP). This Planning proposal seeks to build on that strategic exercise and finalise an appropriate development outcome for the site.

### **Council's Draft Rezoning Discussion Paper**

In undertaking the strategic studies required to prepare the exhibited draft of *LEP 2013*, the *Rhodes Masterplan* and *Station Precinct DCP*, Council looked at a number of specific sites and small precincts in terms of re zonings and / or alterations to the applicable development controls. These considerations are documented within various discussion papers and exhibited draft LEPs.

The assessment undertaken by Council was based on the criteria contained within the Department of Planning & Infrastructure Circular for Spot Re zonings (*PS 06-015*). *These remain* appropriate for application to the subject PP. The eight criteria and comment thereon relative to this submission are as follows.

*1. Will the LEP be compatible with agreed State and Regional strategic direction for development in the area (e.g., land release, strategic corridors, development within 800m of a transit node)*

**Comment:**

This matter was discussed in the relevant sections above, with the proposal considered to be compatible with agreed State and Regional strategic directions for the area. The Planning proposal also seeks to build on the strategic studies previously undertaken for the Station Precinct Master Plan and while proposing greater height and FSR, sits within the objectives set out within those studies.

*2. Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (Section 9.1) directions*

**Comment:**

As indicated above the proposal is consistent with the Sydney Metro Strategy, the Inner West Sub regional Strategy A Plan for Growing Sydney and the Ministerial (Section 9.1) directions.

*3. Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?*

**Comment:**

The Rhodes Town Centre has been identified in the *Eastern City District Plan* as a Strategic Centre providing greater opportunities for people to work closer to home, with job creation development being fostered in local centres and communities. The capacity of the surrounding area for this form and intensity of development has been acknowledged over a number of years through the Strategic planning work undertaken for the centre.

***4. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?***

**Comment:**

The proposal will retain the opportunity for commercial / retail space within the site and provides for an increase in floor space. Based on a retail / commercial space of 5,500m<sup>2</sup> it is anticipated that the project would generate 275 – 300 full time jobs.

***5. Will the LEP be compatible/complementary with surrounding land uses?***

**Comment:**

The surrounding area provides a mix of residential, commercial and retail uses in a high density setting and a major shopping centre. The proposal would continue this form of development and will sit well in that context and be compatible in land use terms.

***6. Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?***

**Comment:**

The proposal will not create a precedent, as it does not seek to change the applicable zoning, with the Station Precinct previously being earmarked for development of higher density and scale. The proposed height and FSR can be facilitated within the site, with the proposed built form envelope capable of meeting the criteria contained within *SEPP 65* and the *Apartment Design Guide (ADG)*. It will not alter the expectation of the site's owner or other landowners as to the site's likely re development for mixed - use purposes.

***7. Will the LEP deal with a deferred matter in an existing LEP?***



**Comment:**

The land is not deferred under the current Canada Bay LEP being zoned *B4 Mixed Use* and providing for a reduced level of development in terms of Building height and floor space ratio.

However, Council removed the opportunity for increased development potential outlined in the *Station Precinct Master Plan* in resolving to proceed with the relevant LEP. That decision was based on land amalgamation issues and not strategic planning matters and effectively deferred the site from the opportunities offered to nearby sites for development uplift.

***8. Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?***

**Comment:**

At the same time as submitting this Planning Proposal another Planning proposal for similar development uplift on an adjacent site, was before Council. It is understood that Planning proposal has been withdrawn.

**Further Justification - A Guide to Preparing Planning Proposals**

Recently, the Department of Planning & Environment's "*A Guide to Preparing Planning Proposals*" has been updated and includes the following strategic tests for a new PP. While similar to the above questions they are separately addressed here for completeness.

***Is the Planning Proposal a result of any strategic study or report?***

**Comment:** The Master Plan for the Station Precinct included a building envelope for the site, however in resolving to amend the LEP, Council excluded the site and therefore additional development controls were not applied to it in the same manner as surrounding land. Therefore, technically the proposal is not the result of a strategic study.

However, its exclusion from the amending LEP provides reasonable strategic scope to consider whether the Planning Proposal represents a better planning outcome than that envisaged by the Master Plan. That work has been proceeding with Council in recent years and has led to the current resolution to proceed to Gateway.

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

**Comment:** As the site was excluded from the previous LEP Amendment there is no other means of achieving increased building height and FSR on the site.

*Is the Planning Proposal consistent with the objectives and actions contained within the applicable sub-regional strategy?*

**Comment:** This matter is discussed above, in terms of the Eastern City District plan and other recent Strategic Regional Plans.

*Is the Planning Proposal consistent with the local council's community strategic plan or other local strategic plan?*

**Comment:** The Canada Bay Local Planning Strategy identifies Rhodes as a Strategic Centre. Significant redevelopment of the Rhodes West Precinct and particularly the Station Precinct, has occurred in recent years with substantial uplift in height and density, in accordance with the previous amendment to the Canada Bay LEP 2013

The existing commercial centre at Rhodes West accommodates large floor plate retail shops, restaurants and cafes, supermarkets and IKEA. Substantial office facilities are located in the Office park, while a large community centre “The Connection” is now open.

The revised draft Rhodes Precinct Plan provides for a further 3,600 dwellings directly to the east side of the Rhodes railway station. It further suggests an additional 600 dwellings on the western side, above that which the Master Plan proposed. The current PP includes 150 of those additional 600 dwellings, leaving further opportunities within the precinct.

In that context this Planning Proposal is consistent with Council’s community strategic plan and other draft and finalised strategic plans

*Is the planning proposal consistent with applicable State Environmental Planning Policies and Ministerial Directions?*

**Comment:** This question has been addressed positively in **Tables 1** and **2** earlier in this report.

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

**Comment:** The proposed building height will result in some overshadowing of the nearby Union Square. However the provision of a heliostat has been proposed and agreed to by Council to alleviate this issue.

There are no other criteria under which site - specific re zonings need to be considered

## 7. CONCLUSION

This submission is provided to assist the Department of Planning & Environment in its Gateway considerations. This PP seeks to ensure that the future development of the site is undertaken in an economically viable manner and within the site's environmental capacity.

At this stage the proponent is seeking support in principle to the proposition, with a view to moving forward and entering the costly stage of further design development as part of a subsequent Development Application. A concept design has been derived in conjunction with Council and is reflective of the Council resolution at its meeting on 15 May, 2018

The information provided in this report confirms that the proposal is **consistent** with the relevant *S9.1 Directions, State Environmental Planning Policies*, the *Greater Sydney Plan Metropolis of Three Cities (2018)*, the *Eastern City District Plan (2018)* and the *draft Revised Rhodes Precinct Plan (currently on exhibition)* as well as Council's various strategic studies. All of these plans and strategies note the value of increasing residential facilities close to existing centres and transport nodes, on land such as this.

It is considered that the subject PP provides an appropriate vehicle for the variation to the relevant Planning Framework. Such a change will facilitate a viable mixed - use redevelopment of the land, providing additional housing choice and an increase in commercial / retail opportunities within the Rhodes Centre and close proximity to the Railway station.

*David Furlong – BTP, MPIA*

*Director*