

PLANNING PROPOSAL

CANADA BAY LOCAL ENVIRONMENTAL PLAN 2008

(AMENDMENT NO. 1 - RHODES WEST)

MARCH 2010



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Introduction

This Planning Proposal explains the intended effect of, and justification for, the proposed *Canada Bay Local Environmental Plan 2008 - Rhodes Peninsula*. It has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

On 8 December 2009, the City of Canada Bay Council endorsed the draft Rhodes West Master Plan. The Master Plan proposes a 12% uplift in the amount of floor space permitted in the Rhodes Peninsula under Sydney Regional Environmental Plan No. 29 (SREP 29).

The uplift will result in changes to the urban form of a number of buildings on sites yet to be developed, additional public open space and consequent amendment to the controls that apply to the peninsula. The adopted Rhodes West Master Plan is provided as Attachment A. A Supplementary Planning Report that provides additional background on the Rhodes West master Plan is provided as Attachment B.

It is proposed to implement the Master Plan by incorporating the relevant provisions of SREP 29 into the Canada Bay Local Environmental Plan 2008. This will require the provisions of the SREP to be translated into Standard Instrument format, whilst also being amended to capture the changes proposed by the Rhodes West Master Plan. It is envisaged that the SREP will be repealed when the amendments to the LEP are gazetted.

This Planning Proposal addresses matters that are intended to be included in the Local Environmental Plan. More detailed planning matters will be guided by a revised Development Control Plan for the precinct.

Site Identification

The subject site is the same 43 hectare area covered by Sydney Regional Environmental Plan No. 29.



Figure 1: Aerial photograph of land affected by Planning Proposal (site outline in red).

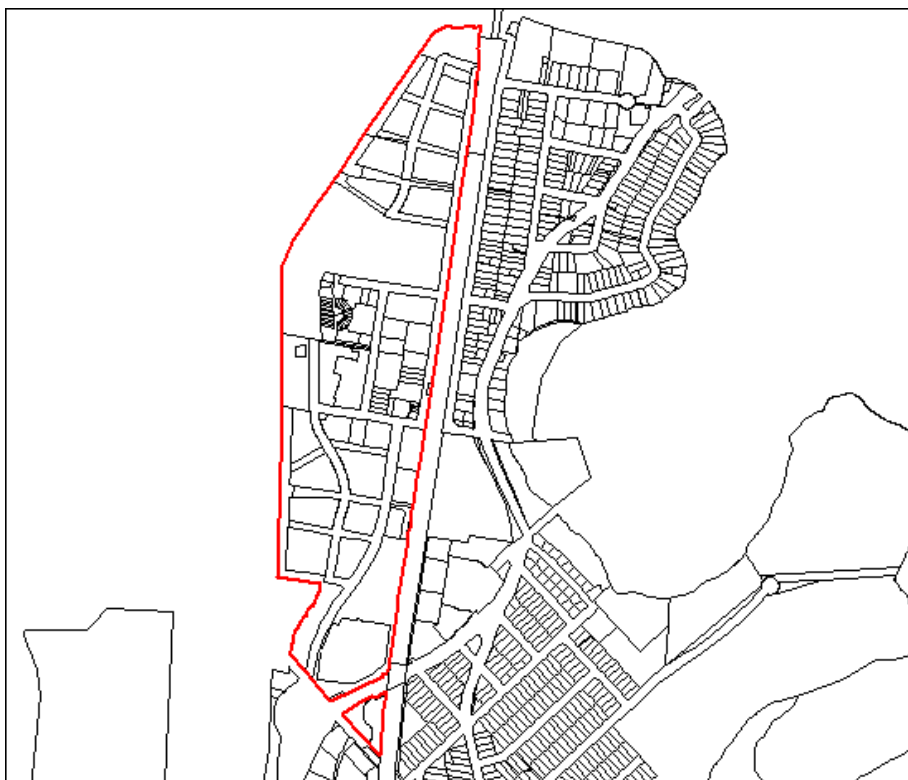


Figure 2: Block plan of land affected by the Planning Proposal (site outline in red).

Part 1 - Objectives & Intended Outcomes

This section will outline the objectives or intended outcomes of the Planning Proposal.

The objectives are:

1. To enable the further redevelopment of the Rhodes Peninsula for:
 - a. Residential development that will deliver approximately 650 extra dwellings which are centre based and close to public transport.
 - b. Additional open space that is publicly accessible.
 - c. An improved urban design outcome.
 - d. The delivery of an enlarged multi purpose community centre to meet the needs of the new Rhodes community and other physical infrastructure to better connect the area to adjoining facilities and services.
2. To integrate Sydney Regional Environmental Plan No. 29 - Rhodes Peninsula into the Canada Bay Local Environmental Plan 2008.

Part 2 - Explanation of Provisions

Current Zoning/Planning Controls in Sydney Regional Environmental Plan No. 29

The key controls in SREP 29 are summarised in Table 1 below.

Table 1 - Key SREP 29 Controls:

SREP 29 Provision	Relevance to LEP
Part 1 - Introduction	
2 Land covered by plan	Rhodes Peninsula to be shown on the LEP Land Application Map.
3 Aims of plan The aims of this plan are: (a) to establish planning principles for development within the Rhodes Peninsula, and (b) to rezone land in the Rhodes Peninsula, and (c) to promote the orderly and ecologically sustainable use and development of land, and (d) to identify appropriate levels of retail and commercial floor space, and (e) to promote the orderly and economic use and development of land within the Rhodes Peninsula.	The general aims of the SREP are similar to the aims of the LEP. The other aims that are specific to Rhodes Peninsula are to be deleted (example: rezone land at Rhodes Peninsula).
4 How environmental planning instruments affect the Rhodes Peninsula	Upon gazettal of the LEP the SREP will cease to apply in accordance with clause 1.8 of the LEP.
5 Consent authority The consent authority for development applications to which this plan applies is the council of the area to which	Council is the consent authority as per the delegations provided by the Minister for Planning dated 25 January 2009. Clause 1.6 of the LEP states that Council is the consent

the application relates, except as provided by the Act.	authority.
6 Definitions	The Standard Instrument definitions are to be applied to the Rhodes Peninsula.
7 Complying and Exempt Development	The Exempt and Complying development provisions in the LEP and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 are to be adopted. The types of development that are listed as exempt are similar to those currently listed in the SREP.
8 Adoption of Model Provisions	The Model Provisions will cease to apply to the Rhodes Peninsula following integration into the LEP.
9 Savings and Transitional Provisions	The LEP savings provision relating to pending development approvals under clause 1.8A will apply to development at Rhodes Peninsula.
Part 2 Planning Principles	
Planning Principals for the Rhodes Peninsula	The majority of the planning principals contained within the SREP will be included in the revised Renewing Rhodes DCP and do not need to be transferred to the LEP.
Part 3 General land Use controls	
11 Land use zones and explanation Land within the Rhodes Peninsula is within one of the following zones as shown on the Zoning Map: • Residential Zone • Mixed Use Zone • Open Space Zone	The LEP will include the following zones from the Standard instrument. • R4 - High Density Residential Zone • B1 - Neighbourhood Centre • B4 - Mixed Use Zone • RE1 - Public Recreation Zone
Zone objectives (Cl. 11 (3)) Residential The objectives of this zone are: <i>(a) to ensure that land within the zone is primarily used for residential purposes, and</i> <i>(b) to allow a limited range and scale of non-residential uses which are compatible with residential amenity and primarily service local residents.</i> Mixed use <i>(a) to accommodate a retail centre to the south of Mary Street with convenient and direct access to the railway station and Homebush Bay Drive, and</i> <i>(b) to accommodate commercial activity with convenient access to the railway station, and</i> <i>(c) to accommodate a mix of uses which generate employment opportunities, and</i> <i>(d) to provide for employment-generating development that is compatible with the traffic capacity of the Rhodes Peninsula and adjoining areas, but does not have a significant impact on the commercial viability or employment growth of Parramatta, and</i>	Residential zone Various non-residential uses are currently permitted in the Residential zone under SREP 29. Restaurants and Medical Centres will be permitted in the R4 zone under Schedule 1 in the LEP, as it is not Council's intention to allow non residential uses within all R4 zones across the LGA. Neighbourhood Centre This zone is contemplated for the area in which the proposed community centre is to be located. The community centre precinct may have the capacity to support some local retail such as cafes/restaurants in this desirable waterfront location. Mixed Use Zone Objectives The uses contemplated under the Mixed Use zone in the SREP are consistent with those uses permitted under the B4 Mixed Use zone of the LEP. Open Space Zone The proposal provides for an additional 17,230sqm of public open space (28% increase). This open space is in the form of local parks and civic plazas.

- (e) to prevent development from having a significant adverse impact on the amenity of the locality, and*
- (f) to provide facilities and services within the zone that enable people to live and work in the same community, and*
- (g) to provide active frontages to major streets within the zone, and*
- (h) to accommodate residential development compatible in form and scale to adjoining business uses, and*
- (i) to encourage sustainable transport modes for journeys to work and other trips, including walking, cycling and all forms of public transport.*

Open space

The objectives of this zone are:

- (a) to provide a continuous open space area along the water's edge, and*
- (b) to establish public recreation areas which serve the needs of residents and workers within the Rhodes Peninsula and the wider community, and*
- (c) to provide public access to waterfront areas, and*
- (d) to provide a variety of public areas and non-commercial recreational opportunities, and*
- (e) to provide for facilities which accommodate or are ancillary to recreational opportunities relating to the use of the public domain.*

Part 4 Special Provisions

12 Subdivision and demolition

- (1) Land within the Rhodes Peninsula may be subdivided, but only with development consent.
- (2) Buildings or works on land within the Rhodes Peninsula may be demolished, but only with development consent.

Clause 2.6 of the Canada Bay LEP will apply.

13 Infrastructure provision

- (1) The consent authority must not grant consent to the development of land to which this plan applies unless arrangements have been made to the satisfaction of the consent authority for:
 - (a) railway and bus infrastructure that will provide an adequate public railway and public bus service for people who will reside or work on, or otherwise use, the land to which this plan applies, and
 - (b) roads and related infrastructure of a standard adequate to provide public and private vehicular transport access to, and egress from, the land to which this plan applies from and to other land within the region.
- (2) In determining the appropriateness of any arrangement for the provision of services to the land to which this plan applies, the consent authority must take into consideration the views of:
 - (a) the Council, the Roads and Traffic Authority and the Department of Transport, and
 - (b) any other public authority that the consent authority considers relevant.

It is not proposed to include this clause in the LEP.

The LEP will be prepared in consultation with relevant public authorities and any comments made in relation to the adequacy of physical and utility infrastructure will be considered.

14 Floor space restrictions for Precincts

(1) Except where subclause (3) applies to the granting of consent for development within the Precinct, consent must not be granted for development within a Floor Space Precinct if it would result in the total gross floor area of all buildings within the Precinct being greater than:

- (a) 205,000 square metres within Floor Space Precinct A, or
- (b) 132,600 square metres within Floor Space Precinct B, or
- (c) 53,300 square metres within Floor Space Precinct C, or
- (d) 50,400 square metres within Floor Space Precinct D.

(2) Subclause (3) applies to the granting of consent for development within Floor Space Precinct A, B or C if:

(a) all land in the Floor Space Precinct concerned that is within the Open Space Zone (including any land in that Precinct taken to be within that zone by clause 18 (6), but excluding any land in that Precinct taken not to be within that zone by that subclause) is dedicated in favour of the corporation free of cost as a public reserve, and

(b) arrangements are or have been made to the satisfaction of the consent authority for the embellishment and ongoing maintenance of all of that dedicated land in that Precinct as a public reserve.

(3) If this subclause applies to the granting of consent for development within the Precinct, consent may be granted for development within Floor Space Precinct A, B or C that would result in the total gross floor area of all buildings within the Precinct being greater than that allowed by subclause (1), but not greater than:

- (a) 266,500 square metres within Floor Space Precinct A, or
- (b) 156,000 square metres within Floor Space Precinct B, or
- (c) 70,850 square metres within Floor Space Precinct C.

(4) State Environmental Planning Policy No 1—Development Standards does not apply to subclause (1) or (3).

The LEP provides for an additional 46,200sqm of floor space area, allocated to each precinct in the following way:

- Precinct A – 11,500sqm
- Precinct B – 21,688sqm
- Precinct C – 13,292sqm
- Precinct D - nil additional

The existing gross floor areas for each precinct will be converted into floor space ratios based on the size of each precinct and shown on the LEP Floor Space Ratio Map.

The floor space bonus that applies to Precincts A, B and C for the dedication of embellished foreshore open space will be removed but the requirement will be included in the Voluntary Planning Agreements accompanying the Planning Proposal to ensure that the foreshore will be publicly owned.

The additional open space proposed under the Rhodes West Master Plan is to be provided in the residential zone and identified in the Voluntary Planning Agreements.

Each Precinct is to be identified on the LEP Floor Space Area Map as Areas 10, 11, 12 and 13 and a new table added in the LEP under clause 4.4E 'Rhodes Peninsula floor space restrictions'.

15 Floor space restrictions for certain uses

(1) Consent must not be granted for development in the Mixed Use Zone that would result in the following:

(a) more than 50,000 square metres of gross floor area within that zone being used exclusively for the purpose of commercial premises (whether or not in the same building),

(b) more than 25,000 square metres of leasable floor space (excluding public access areas such as arcades and amenities, general loading docks and car parking areas) within that zone being used exclusively for the purpose of shops, restaurants and cinemas (whether or not in the same building),

(c) more than 15,000 square metres of leasable floor space (excluding public access areas such as arcades and amenities, general loading docks and car parking areas) within that zone being used exclusively for the purpose of bulky goods retailing.

(2), (3) (Repealed)

This clause will not be included in the LEP. Therefore, there will be no limit on the quantum of retail/business floor space in Rhodes.

Future retail/floor space will be controlled by a combination of zoning, height and floor space ratio controls.

The proposed new B4 Mixed Use zoning and additional permitted uses in the LEP will provide certainty to the location of commercial uses.

(4) State Environmental Planning Policy No 1—Development Standards does not apply to subclause (1).

16 Height of buildings

- (1) The number of storeys in a building on any land in the Rhodes Peninsula is not to exceed the number shown for the land on the Height Map, except as provided by subclauses (2), (3) and (4).
- (2) The following may be located above the 6th storey in buildings with a height of 9 or 10 storeys on land for which the number of storeys shown on the Height Map is 6:
- (a) within Floor Space Precinct A—not more than 5% of the total gross floor area allowed within that Precinct,
 - (b) within Floor Space Precinct C—not more than 5% of the total gross floor area allowed within that Precinct.
- (3) The following may be located above the 6th storey in buildings with a height of 7 or 8 storeys on land for which the number of storeys shown on the Height Map is 6:
- (a) within Floor Space Precinct A—not more than 4% of the total gross floor area allowed within that Precinct,
 - (b) within Floor Space Precinct B—not more than 3% of the total gross floor area allowed within that Precinct,
 - (c) within Floor Space Precinct C—not more than 5% of the total gross floor area allowed within that Precinct.
- (4) The following may be located above the 4th storey in buildings with a height of 5 or 6 storeys on land for which the number of storeys shown on the Height Map is 4:
- (a) within Floor Space Precinct A—not more than 3% of the total gross floor area allowed within that Precinct,
 - (b) within Floor Space Precinct B—not more than 4% of the total gross floor area allowed within that Precinct,
 - (c) within Floor Space Precinct C—not more than 4% of the total gross floor area allowed within that Precinct.

This clause will not be included in the LEP.

Height is to be defined in accordance with the Standard LEP template definition.

Council will allow buildings of up to 25 storeys on certain sites. The storey height limit is to be converted into metres to comply with the standard instrument template and be identified on the LEP Height Map.

The new height map will reflect the desired height proposed by the RWMP which allows additional height to certain sites.

The new DCP will provide the detailed controls for tower building locations including maintaining adequate separation distances.

17 Bulky goods retailing

- (1) After consent has been granted for the use of an amount of floor space within the Mixed Use Zone for bulky goods retailing, none of that floor space may be used for other retailing without a further consent granted in accordance with clause 15 after all relevant matters have been taken into consideration under section 79C of the Act.

Note. This clause prevents the use of floor space for other retailing from being dealt with as exempt or complying development.

It is not proposed to include this clause in the LEP.

Should a change of use be proposed for an existing bulky goods premises, the relevant statutory framework will apply i.e. SEPP (Exempt and Complying Development Code) 2008 or the LEP.

18 Development near zone boundaries

- (1) This clause applies to land that is:
- (a) within the Residential or Mixed Use Zone and within 30 metres of a boundary between those zones, or
 - (b) within the Open Space Zone and within 10 metres of a boundary between that zone and the Residential or Mixed Use Zone, or
 - (c) shown edged heavy black on the map marked "Sydney Regional Environmental Plan No 29 (Amendment No 1)".
- (2) Development may, with consent, be carried out on land to which this clause applies if it may be carried out

Subclause 1, 2 and 3 are covered by clause 5.3 of the LEP which permits development within Residential and Mixed Use zones within 25 metres of a boundary. However, the flexible zone provision of the LEP will not apply to the RE1 zone.

on land within the adjoining zone.

(3) For the purposes of the application of any development standard, development for which any such consent is granted is taken to be carried out on the land in the adjoining zone adjacent to the site on which it is actually carried out.

(4) Before granting consent for development pursuant to this clause, the consent authority must be satisfied that carrying out the development is desirable to achieve a better distribution of built form and land uses than would result if the development were not carried out.

(5) In addition, before granting consent referred to in this clause for carrying out development on an area of land within the Open Space Zone, the consent authority must be satisfied that an equivalent area of land within the same Floor Space Precinct will be made available for public open space purposes so that the total area of public open space within the Rhodes Peninsula will not be reduced.

(6) Any land so made available for public open space purposes is taken to be within the Open Space Zone for the purposes of clause 14, but any land within the Open Space Zone on which development is allowed by a consent granted in accordance with this clause is taken not to be within that zone for the purposes of clauses 14 and 19.

19 Acquisition of land zoned Open Space

(1) The owner of land within the Open Space Zone may, by notice in writing served on the corporation, require the corporation to acquire the land.

(2) On receipt of the notice, the corporation is to acquire the land.

(3) Subclause (2) does not apply if:

(a) the land might reasonably be required to be dedicated as a condition of development consent pursuant to Division 6 of Part 4 of the Act, or

(b) the land is held by a public authority for use for public open space.

This clause will not be included in the LEP.

The additional open space proposed under the Rhodes West Master Plan is to be provided in the residential zone. This open space is to be dedicated to Council free of cost, with the granting of approval for additional floor space under the Voluntary Planning Agreement.

These local parks are not required to be rezoned to allow the public dedication to occur. The dedication process is to occur as part of Voluntary Planning Agreements between the developers/landowners and Council.

20 Unzoned land

(1) A person may, with consent, carry out development on land which is unzoned if the development is allowed with or without consent on land adjoining that land.

(2) Despite subclause (1), development of unzoned land for the purpose of a public utility undertaking may be carried out without consent.

The LEP allows development on unzoned land only with consent under clause 2.4 - Unzoned land.

21 Restriction on use of land near Homebush Bay Drive

and the Great Northern Railway

(1) This clause applies to land adjacent to Homebush Bay Drive and the Great Northern Railway.

(2) Consent must not be granted for development on land to which this clause applies that, in the opinion of the consent authority will be affected by noise from the Drive or Railway unless the development will incorporate noise attenuation measures to the satisfaction of the Roads and Traffic Authority and the State Rail Authority.

This clause will not be included in the LEP.

Clause 87 and 102 of the Infrastructure SEPP and associated guidelines provide adequate guidance in relation to the impact of road and rail noise.

22 Acid sulfate soils

This clause will not be included in the LEP.

(1) Development that is likely to result in the disturbance of more than one tonne of soil or to lower the water table in areas where acid sulfate soils exist may be carried out only with development consent despite the Environmental Planning and Assessment Model Provisions 1980, as adopted by this plan. (2) Before granting a consent required by this clause, the consent authority must consider: (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soils Assessment Guidelines (ASSAG), and (b) the likelihood of the proposed development resulting in the discharge of acid waters, and (c) any comments received from the Department of Land and Water Conservation within 21 days of the consent authority having sent that Department a copy of the development application and of the related acid sulfate soils management plan. (3) This clause requires consent for development to be carried out despite clause 10 of State Environmental Planning Policy No 4—Development Without Consent.	Clause 6.1 of the Canada Bay LEP provides adequate guidance in relation to the assessment of Acid Sulfate Soils.
23 Suspension of covenants	This clause will not be included in the LEP. Clause 1.9A of the Canada Bay LEP is considered sufficient to address the suspension of covenants, agreements and instruments.
Schedule 1 - Definitions	The Planning Proposal will principally adopt the definitions contained within the Canada Bay LEP in lieu of the definitions currently contained within SREP 29. In the majority of cases, there are limited implications arising from the adoption of the Standard Instrument definitions. The primary difference relates to the Gross Floor Area definition, which specifically excludes communal recreation areas and common or public areas. It is proposed to continue to use the Gross Floor definition in SREP 29 and include it in the Canada Bay LEP as the impact of the using the template definition would disadvantage subsequent developments.

Proposed amendment to Canada Bay Local Environmental Plan 2008

Canada Bay LEP 2008	Additional and Amended Clauses
Part 4 - Principal Development Standards	
4.4E Rhodes Peninsula floor space restrictions	(1) Despite clause 4.4 (2) consent must not be granted for development within a Floor Space Precinct if it would result in the total gross floor area of all buildings within the Area being greater than: (a) 216,500 square metres within Floor Space Area 10, or (b) 154,288 square metres within Floor Space Area 11, or (c) 66,542 square metres within Floor Space Area 12, or (d) 50,400 square metres within Floor Space Area 13.
Schedule 1 - Additional Permitted Uses	
13 Use of certain land at Rhodes Peninsula	(1) This clause applies to land zoned R4 High Density Residential. (2) Development for the following purposes is permitted with consent if the use is consistent with the amenity of the immediate residents: (a) Medical Centres; and (b) Restaurants.
Associated Maps	• Zoning map • Height Map • Floor Space Ratio Map

Part 3 - Justification

Section A - Need for a planning proposal

Is the planning proposal a result of any strategic study or report?

This planning proposal is informed by a Recreational Needs Analysis for Rhodes, the Rhodes West Master Plan (RWMP) and the associated supplementary Planning Report.

Recreational Needs Analysis

The RWMP developed out of concern that the community facility and the open space provision which is to be provided by developers under the existing Planning Framework, would be inadequate for a community estimated at the time to be around 9,000 people.

This theory was tested by engaging a company called Simply Great Leisure (SGL) to undertake a Recreational Needs Analysis. The SGL study, recommended a centre more than twice the size of the centre proposed by the Planning Framework, and advised that a centre which met the assessed needs would cost around \$12M.

A review of the planning framework for Rhodes was opportune and following discussions with the main developers in Rhodes who were keen to revisit the framework led to the preparation of the Rhodes West Master Plan. The consideration of proposals from the major landowners indicated that additional density could be provided in Rhodes based on contemporary place making and urban design principles. As a result of the increase in density the landowners were prepared to give considerable public benefit in the form of an enlarged multi-functional community centre, additional public open space, enhanced pedestrian and cycle connections and road improvements

Rhodes West Master Plan

The RWMP (Attachment A) outlines the urban design framework for future development of the remaining development parcels and adjacent public domain. The Master Plan proposes the following built form and public domain framework:

- Creation of larger consolidated open space areas in Precincts B and C achieved through the amalgamation of development lots and the deletion of secondary streets considered to be unnecessary for vehicle access. An additional 16,430m² (1.643 Ha) of public open space is created which equates to a 26.7% increase above the area of land zoned open space under SREP 29.
- With the deletion of some secondary roads, additional pedestrian only links are provided through development sites;
- Buildings of various heights up to a maximum of 25 storeys within Precinct B and C generally along the ridgeline fronting Walker Street with setbacks to create variation in tower building locations.

The figures below highlight the additional open space to be provided through the planning proposal.

The RWMP was exhibited initially for a 28 day period, from 2 to 29 September 2009. The consultation period was further extended until 5 October 2009. Council's report dated 8 December 2009 (Attachment C) outlines the process of community consultation and provided responses to key issues identified in public and government agency submissions.



Figure 1. Existing/approved scenario for Precinct B and C
Public open space areas located on the foreshore



Figure 2. RWMP scenario for Precinct B and C
Additional consolidated areas of public open space areas located along Shoreline Avenue and central to the residential developments (as per exhibition)

Supplementary Planning Report

The supplementary planning report (Attachment B) was commissioned by the City of Canada Bay Council to provide further detailed response to the issues raised by the Department of Planning in their submission on the Rhodes West Master Plan 2009.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objectives for the precinct. The current SREP limits opportunity for further redevelopment that would contribute to local and state strategic planning objectives and provide public benefits to the local community.

Department of Planning Circular No. PS06-005 - Local Environmental Plan Review Panel

The Department of Planning's current position on LEP amendments, such as the type described in this Planning Proposal, requires that the range of matters in the *Department of Planning Circular No. PS06-005 - Local Environmental Plan Review Panel* area be addressed. The Circular requires Council to address "LEP Pro-forma Evaluation Criteria - Category 1: Spot Rezoning LEP" when notifying the Director-General of its decision to prepare an LEP. This is addressed in Table 2 below.

Table 2 - LEP Pro-forma Evaluation Criteria - Category 1: Spot Rezoning LEP.

Department of Planning Criteria	Council Response
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<i>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 800 metres of a transit node)?</i>	Yes. The remaining sites at Rhodes peninsula offer large consolidated landholdings all within 800m of Rhodes Railway Station. High frequency bus services are also available to Rhodes which link the Rhodes community to other Specialised Centres and Town Centres of Burwood, Epping and Macquarie Park.
<i>Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?</i>	Yes. The Planning Proposal will implement the work of Rhodes West Master Plan prepared by Architectus as endorsed by Canada Bay Council. The Planning Proposal is consistent with State and regional policies and Ministerial (section 117) directions (see Table 6).
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</i>	Yes. The Rhodes Specialised Centre is located within the Inner West Subregion and has long been identified as a suitable place for high density residential and mixed use development supporting a suburban business park. It is considered that the strategic importance of Rhodes to the metropolitan area in terms of commercial and retail employment uses as a highly accessible urban centre makes Rhodes a desirable place to live and therefore the additional dwellings sought in the Rhodes West Master Plan will enhance Rhodes as a Specialised Centre and support the planning strategies under the Inner West Subregional Strategy. The LEP supports the Metropolitan Strategy which aims to focus development within existing urban areas on centres and corridors.
<i>Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?</i>	The planning proposal will lead to an increase in permanent employment on the Mirvac site in Precinct A and in the enlarged Community Centre. There will be no loss in employment lands as defined in the <i>draft Inner West Subregional Strategy</i> (Category 1 and 2).
<i>Will the LEP be compatible/complementary with surrounding land uses?</i>	Rhodes has been identified as an urban renewal area and has been under redevelopment for the last 8 years. The planning proposal is not inconsistent with the existing planning framework.
<i>Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?</i>	All the major landowners are included in this planning proposal. Rhodes is a unique urban renewal site.
<i>Will the LEP deal with a deferred matter in an existing LEP?</i>	The LEP is not related to a deferred matter.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered?</i> <i>What was the outcome of these considerations?</i>	No other spot rezonings are currently proposed in the immediate vicinity. Therefore, there will be no adverse cumulative impacts as a result of the LEP amendment.

Is there a net community benefit?

It is intended that the Planning Proposal will deliver a net community benefit.

The community benefits include an enhanced transport orientated development. The following will be provided through the increase in development:

- Enlarged multi-functional community centre
- Increased public open space including embellishments (seating, BBQ areas, lighting)
- Accessible pathway/cycleway connections to the John Whitton Bridge
- Improved access to and from the area via improvements to intersections and roadways and footpaths

- New facilities for bike storage, bike share, and associated amenities in various key locations
- New toilet block in Point Park

Pikes Lawyers prepared a report on the public benefits to be provided (attachment D).

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the aims, objectives and provision of the Metropolitan Strategy (as supported by the *draft Inner West Subregional Strategy*). Table 3 below shows its consistency with the key directions of the *draft Inner West Subregional Strategy*.

Table 3 - Consistency with draft Inner West Subregional Strategy Key Directions:

Key Direction	Statement of Consistency
<i>Support and differentiate the role of strategic centres</i>	Sydney Olympic Park and Rhodes have been identified as a Specialised Centre in the Metropolitan and Inner West Subregional Strategies. They are regarded as one Specialised Centre due to their geographical proximity and the potentially complementary role which the two precincts play. The LEP seeks to reinforce the strategic role of Rhodes as a Specialised Centre.
<i>Protect employment lands and the working harbour</i>	The LEP relates to land identified for residential land use. The proposal will not result in the displacement of industrial employment lands not already contemplated by the existing planning framework.
<i>Promote Parramatta Road as an Enterprise Corridor</i>	The LEP does not relate to the Parramatta Road corridor.
<i>Improve housing choice and create liveable and sustainable communities</i>	The planning proposal will deliver housing close to good public transport and amenities. Council has identified a need for greater consideration of the principles of ecologically sustainable development in Rhodes including social, environmental and economic sustainability.
<i>Manage traffic growth and local travel demand</i>	Halcrow MWT has undertaken an assessment of the increase in residential dwellings provided for in the RWMP. The traffic report concludes that the additional density can be accommodated within the existing traffic flows in Concord Road. Council is reviewing the Transport Management Plan and undertaking new strategies to encourage use of bicycles, to reduce car dependency by encouraging car share schemes as part of the new developments, time restrictions on street parking, and further reducing parking requirements. Developers are also required to provide Transport Management Strategies as part of their marketing strategies.
<i>Protect and promote recreational pursuits and environmental assets</i>	Under the existing planning framework at Rhodes there are five (5) local parks which equates to 2,501 people per local park. In the RWMP for Precinct B and C there are two additional local parks. With the additional population resulting from the RWMP the number of people for each local park at Rhodes is 1,914 people for each local park. Additional opportunities for civic plazas will be available in the planning of Precinct D in appropriate locations fronting Walker Street adjacent to the railway station, and potentially in Precinct A. The proposed multi-functional community centre will also provide a range of activities, including arts and cultural pursuits, indoor sports and meeting

spaces.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

FuturesPlan20

FuturesPlan20 (FP20) outlines the City's vision for the next 20 years. The City of Canada Bay has set targets, objectives and actions to achieve the themes outlined in FP20.

In summary the Planning Proposal is consistent with the following FP20 outcomes:

- 3.2.1 Provide and maintain accessible indoor and outdoor sport and leisure facilities and outdoor recreation spaces;
- 4.2.1 Integrate best practice sustainable design;
- 4.3.1 Encourage diverse housing stock which responds to changing housing needs;
- 4.3.2 Support the location of new higher density development close to services and amenities.
- 5.1.1 Support sustainable transport options within the City;
- 5.3.4 Investigate and support new solutions and alternatives to parking needs as the City's population rises;
- 7.4.2 Identify and support the development of community spaces for arts and culture.

Canada Bay Local Planning Strategy

The City of Canada Bay prepared a Local Planning Strategy in 2009. The purpose of the Local Planning Strategy (LPS) was to provide a framework for future land use planning of the City of Canada Bay to guide the preparation of the new Local Environmental Plan (LEP) and Development Control Plan (DCP).

In relation to Rhodes Peninsula, the LPS identified that future development will focus on providing a lively mixed-use retail, residential and commercial district, playing a complementary role to Sydney Olympic Park and the creation of a well serviced community that supports the Metropolitan Planning objectives of the Department of Planning.

Council's LPS identified a need to build on the planning framework devised and implemented by the Department of Planning via SREP 29, but also a need to address a number of shortcomings which have emerged in the development of the area, via a review of the existing planning controls, and taking into account current market trends and housing scenarios.

To achieve the objective of the Local Planning Strategy, a series of actions are recommended in the LPS. The relevant objectives and actions are discussed as follows below:

Objective S8

- Facilitate planning in Rhodes in recognition of its role as a Specialised Centre.

Action S19: Integrate SREP 29 into Canada Bay LEP

- The existing controls contained within the SREP will be integrated into the LEP using compatible controls contained within the standard instrument for LEPs, including zoning, building height and floor space ratios subject to Department of Planning concurrence.

Action S20: Improve accessibility to the Peninsula

- Improve the accessibility of the Peninsula to other adjoining localities in the City of Canada Bay, especially pedestrian and cycle ways connecting to foreshore reserves and other local and regional open space.

Action S22 Provide a community facility and increased public open space in Rhodes

- Provide for a landmark design, multi-purpose community facility in the centre of the Rhodes Peninsula urban renewal precinct as well as an increase in public open space.

This Planning Proposal identifies the necessary amendments to the SREP 29: Rhodes Peninsula which could be incorporated into Council's Comprehensive LEP. Initiatives to improve access to the Peninsula are investigated and the mechanisms for achieving enhanced community facilities and additional public open spaces are also explored.

Is the planning proposal consistent with the applicable state environmental planning policies?

Table 4 - State Environmental Planning Policies (SEPPs):

Note: SEPPs which have been repealed, or which were never finalised are not included in this Table

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	Consistent The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.
6	Number of Storeys in a Building	Consistent. The Planning Proposal does not propose controls for numbers of storeys.
14	Coastal Wetlands	Not applicable.
15	Rural Landsharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
22	Shops and Commercial Premises	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
26	Littoral Rainforests	Not applicable.
29	Western Sydney Recreational Area	Not applicable.
30	Intensive Agriculture	Not applicable.
32	Urban Consolidation (Redevelopment of Urban Land)	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
39	Spit Island Bird Habitat	Not applicable.
41	Casino Entertainment Complex	Not applicable.
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
52	Farm Dams, Drought relief and Other Works	Not applicable.
53	Metropolitan Residential Development	Not applicable.
55	Remediation of Land	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
59	Central Western Sydney Economic and Employment Area	Not applicable.
60	Exempt and Complying Development	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Not applicable.
65	Design Quality of Residential Flat Development	Not applicable.
70	Affordable Housing (revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Housing for Seniors or People with a Disability) 2004	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Major Development) 2005	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	Not applicable.

	SEPP (Infrastructure) 2007	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Exempt and Complying Development Codes) 2008	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.
	SEPP (Affordable Rental Housing) 2009	Not applicable.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.

Table 5 - Regional Environmental Plans (REPs) - Deemed SEPPs:

Note: Former REPs which have been repealed are not included in this Table

No.	REP Title	Consistency of LEP
5	Chatswood Town Centre	Not applicable.
6	Gosford Coastal Areas	Not applicable.
7	Multi-Unit Housing: Surplus Government Sites	Not applicable.
8	Central Coast Plateau Areas	Not applicable.
9	Extractive Industry (No 2 - 1995)	Not applicable.
10	Blue Mountains Regional Open Space	Not applicable.
11	Penrith Lakes Scheme	Not applicable.
13	Mulgoa Valley	Not applicable.
14	Eastern Beaches	Not applicable.
16	Walsh Bay	Not applicable.

17	Kurnell Peninsula (1989)	Not applicable.
18	Public Transport Corridors	Not applicable.
19	Rose Hill Development Area	Not applicable.
20	Hawkesbury-Nepean River (No. 2-1997)	Not applicable.
21	Warringah Urban Release Area	Not applicable.
24	Homebush Bay Area	Not applicable.
25	Orchard Hills	Not applicable.
26	City West	Not applicable.
27	Wollondilly Regional Open Space	Not applicable.
28	Parramatta	Not applicable.
29	Rhodes Peninsula	Consistent. The Canada Bay LEP 2008 will accommodate the relevant provisions of SREP 29.
30	St Marys	Not applicable.
31	Regional Parklands	Not applicable.
33	Cooks Cove	Not applicable
	Sydney Regional Environmental Plan (Sydney Harbour Catchment)	Consistent

Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

Table 6 - Review of consistency of draft Canada Bay LEP 2008 (Amendment No. 1) with the Ministerial Directions for LEPs under s.117 of the Environmental Planning & Assessment Act 1979:

1. Employment and Resources

No.	Title	Comment
1.1	Business and Industrial Zones	Consistent.
1.2	Rural zones	Not applicable.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
1.5	Rural Lands	Not applicable.

2. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Not applicable.
2.4	Recreation Vehicle Areas	Not applicable.

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	Consistent.
3.2	Caravan parks and Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Consistent.
3.4	Integrating Land Use and Transport	Consistent. The Planning Proposal site is optimally located in terms of access to existing public transport, with major rail services within close walking distance.
3.5	Development Near Licensed Aerodromes	Not applicable.

4. Hazard and Risk

No.	Title	Comment
4.1	Acid Sulfate Soils	Consistent.
4.2	Mine Subsidence and Unstable Land	Not applicable.
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable.

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	Consistent.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable.
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable.

5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.
5.8	Second Sydney Airport - Badgerys Creek	Not applicable.

6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral Requirements	Consistent.
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	Consistent.

7. Metropolitan Planning

No.	Title	Comment
7.1	Implementation of the Metropolitan Strategy	Consistent.

Section C: Environmental, social and economic impact.

Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The urban design review process will consider the following potential impacts during the preparation of controls for the precinct;

- Solar access and overshadowing impacts;
- Wind impacts;
- Reflectivity; and
- Views and view corridors.

Some work has been completed on this already; extensive shadow diagrams have been prepared and placed on public exhibition.

How has the planning proposal adequately addressed any social and economic effects?

Economic effects

Rhodes has been identified as a Specialist Centre along with Sydney Olympic Park under the NSW draft Inner West Subregional Strategy. The latter identifies that Rhodes will make a significant contribution to economic growth in Sydney to 2031.

The planning proposal will contribute to the economic growth of Rhodes through the increase in jobs and housing.

Social effects

The planning proposal will deliver housing close to public transport and amenities. It will also deliver increased public open space, an enlarged multi-purpose community facility, sustainable well designed buildings and well connected active local streets.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

This Planning Proposal involves substantial urban renewal, making the assessment of public infrastructure a relevant matter. At this stage the following infrastructure will be impacted:

Table 6 Availability of public infrastructure

Infrastructure	Availability	Comment
Public Transport	Available	Rail - The northern most point of Rhodes is approximately 800m walking distance along Walker Street to Rhodes Railway Station. The RailCorp submission to the RWMP is supportive of the additional residential densities proposed and suggests that the additional density can be accommodated under the new timetable for the Northern Railway Line. The Metropolitan Transport Plan released in February 2010 announced increased train capacity for Rhodes. Buses - Sydney Buses operates two services along Homebush bay Drive adjacent to Rhodes Peninsula - the 458 and 459 services. The additional population at Rhodes may provide additional demand for bus travel within the western and inner western sub-regions. The need for new services could be investigated as demand arises, which is normal practice for route planning and network expansion in Sydney. Ferry - A ferry wharf is located at Meadowbank, approximately 1km from Rhodes Railway Station. The current Contributions Framework proposes new ramps and stairs from Blaxland Road to the John Whitton Bridge pedestrian/cycleway which will enhance access for Rhodes residents to the ferry wharf at Meadowbank.
Utilities	Available.	All utility providers were notified of the Master Plan and have advised that the additional population can be catered for in terms of services ie Water, Sewer, Electricity
Roads	Available.	The RTA considered the development and does not object to it going ahead providing no more than 393 additional car spaces are being added to the area. This means that existing dwellings which were approved but not built and additional dwellings need to have their car parking limited. The reduced parking forms a part of the Master Plan proposal.
Waste Management and Recycling services	Available.	Waste management and recycling will be available through the City of Canada Bay Council.
Essential Services	Available.	The precinct is approximately 1km from Concord Hospital. The area is generally well served by Police, Ambulance, Fire and other emergency services.
Schools.		The Department of Education and Training advised that there is a problem with the capacity of Concord West Public School and other schools in the area. However, current capacity planning was undertaken by the Department in 2004, <u>prior to</u>

		Metro Plan. The Department needs to update its capacity planning to accommodate the additional children who will need places as part of CCBC's current housing growth scenario (10,000 new dwellings by 2030). The Rhodes West Master Plan provides an opportunity for the Department to consider a new site in Rhodes East to potentially resolve the capacity problem for all children in the catchment, both under Metro Plan <u>and</u> the Master Plan. Ideally, a school could be located within walking distance of the Rhodes area without the need for the children to cross busy Concord Road.
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What are the views of State and Commonwealth public authorities consulted in the gateway determination?

Consultation with the following State public authorities has already occurred and submissions where received, noted.

- a. Sydney Water - Consultation was undertaken, and a submission received
- b. RTA - Consultation was undertaken, and a submission received
- c. Office of the Valuer General - Consultation was undertaken
- d. NSW Department of Education and Training - Consultation was undertaken and a submission received
- e. NSW Department of Housing - Consultation was undertaken
- f. NSW Ambulance Service - Consultation was undertaken
- g. NSW Department of Lands - Consultation was undertaken
- h. NSW Fire Brigades - Consultation was undertaken
- i. Rail Corporation NSW - Consultation was undertaken
- j. NSW Police Service - Consultation was undertaken
- k. NSW Maritime - Consultation was undertaken and a submission received
- l. Department of Defence - Consultation was undertaken
- m. NSW Transport and Infrastructure - Consultation was undertaken and a submission received from the Ministry of Transport
- n. State Transit Authority of NSW - Consultation was undertaken
- o. Department of Environment and Climate Change - Consultation was undertaken
- p. NSW Department of Planning - Consultation was undertaken and submission received
- q. NSW Heritage Council - Consultation was undertaken and submission received.

The following further consultations will be undertaken following the Gateway determination:

- a. Auburn City Council
- b. Ashfield Council
- c. Burwood Council
- d. The City of Ryde
- e. Strathfield Municipal Council
- f. Sydney Olympic Park Authority
- g. State and Federal Members

Part 4 - Community Consultation

Details of the Community Consultation that is to be undertaken on the Planning Proposal

Public consultation will take place in accordance with the Gateway Determination made by the Minister for planning in accordance with Section 56 & 57 of the Environmental Planning and Assessment Act 1979. This will involve notification of the public exhibition of the Planning Proposal for a period of 28 days:

- a. on the City of Canada Bay website;
- b. in newspapers that circulate widely in the City of Canada Bay local government area;
- c. in writing to the owners; the adjoining landowners; relevant community groups; and the surrounding community in the immediate vicinity of the Rhodes Peninsula.