

PLANNING
PROPOSAL

PROPOSED AMENDMENT TO THE CANADA BAY LOCAL ENVIRONMENTAL PLAN 2013

AMENDMENT NO.3 (Revised) – STATION PRECINCT (PRECINCT D), RHODES
PENINSULA

NOVEMBER 2014

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Introduction

This Planning Proposal explains the intended effect of, and justification for, a proposed amendment to the Canada Bay Local Environmental Plan 2013 - 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 Planning Proposals.

On 2 September 2014, the City of Canada Bay Council endorsed an amended Master Plan developed by Conybeare Morrison as the basis for Council's submission to the NSW Planning Gateway, for a rezoning in relation to the Station Precinct, Rhodes (Precinct D). The Master Plan proposes uplift in the amount of floor space and an increase in building height permitted for a series of sites within the Station Precinct of Rhodes Peninsula that form part of a Voluntary Planning Agreement.

This Planning Proposal supersedes the previously lodged Amendment 3 that related to the Rhodes Station Precinct and was approved for Gateway by the Department in December 2013. This CBLEP 2013 Amendment 3 (Revised) covers a larger site area, following Council's resolution of 3 June 2014 to include the Hossa site: at 3-9 Marquet St and 4 Mary St in the southwest of the precinct, the inclusion of 1 Marquet Street. 16 Walker Street has been excluded from the proposal due to the developer being unable to purchase the site. The Planning Proposal also reflects Council's reconsideration of additional building height in the precinct, following additional planning studies, physical modelling of proposals and the introduction of a heliostat on one building to minimise the overshadowing impacts.

The uplift will result in changes to the urban form and the height of a number of buildings on sites yet to be developed, additional public domain space (including Marketplace Laneways), and the consequent amendment to the controls that apply to the peninsula. The adopted Station Precinct Master Plan and associated Public Domain Plan are illustrated in Figures 8A and 8B.

The attached supplementary planning reports provide additional background on the Station Precinct:

Attachment A – SJB Architects - *Site Plans, Shadow Diagrams, and Level Plans*

Attachment B – SJB Architects - *Station Precinct SEPP 65 Report (July 2014)*

Attachment C – Hill PDA - *Rhodes Economic Viability Study Update (Feb 2014) and Chapter 10 Update (May 2014)*

Attachment D – GTA Consultants - *Rhodes Station Precinct – Proposed Uplift Traffic Study Traffic Assessment Report (May 2014)*

Attachment E – Kennovations - *Heliostat Technical Overview (June 2014)*

Attachment F – Colin Henson - *Rhodes Station Precinct – Transport Assessment and Public Domain Outcomes (August 2014)*

Attachment G – *Proposal for Hossa Site (Proposal as of January 2014)*

It is proposed to implement the Master Plan by incorporating the relevant provisions into the Canada Bay Local Environmental Plan 2013 to capture the proposed changes. This Planning Proposal addresses matters that are intended to be included in the Local Environmental Plan. More detailed planning matters will be guided by revised Site Specific Controls within the Rhodes West Development Control Plan 2010 which applies to the precinct.

Site Identification

The subject sites within the Rhodes Peninsula - Station Precinct are:

1. 6-14 Walker Street
2. 34 Walker Street
3. 1-9 Marquet Street and 4 Mary Street
4. 11-21 Marquet Street and 23 Marquet Street

The subject sites are illustrated in Figures 1, 2 and 3 following.



Figure 1: Aerial photograph of the location of the subject sites (outlined in red).



Figure 2: Block plan of land affected by the Planning Proposal (Station Precinct outlined in black, subject sites outlined in red).

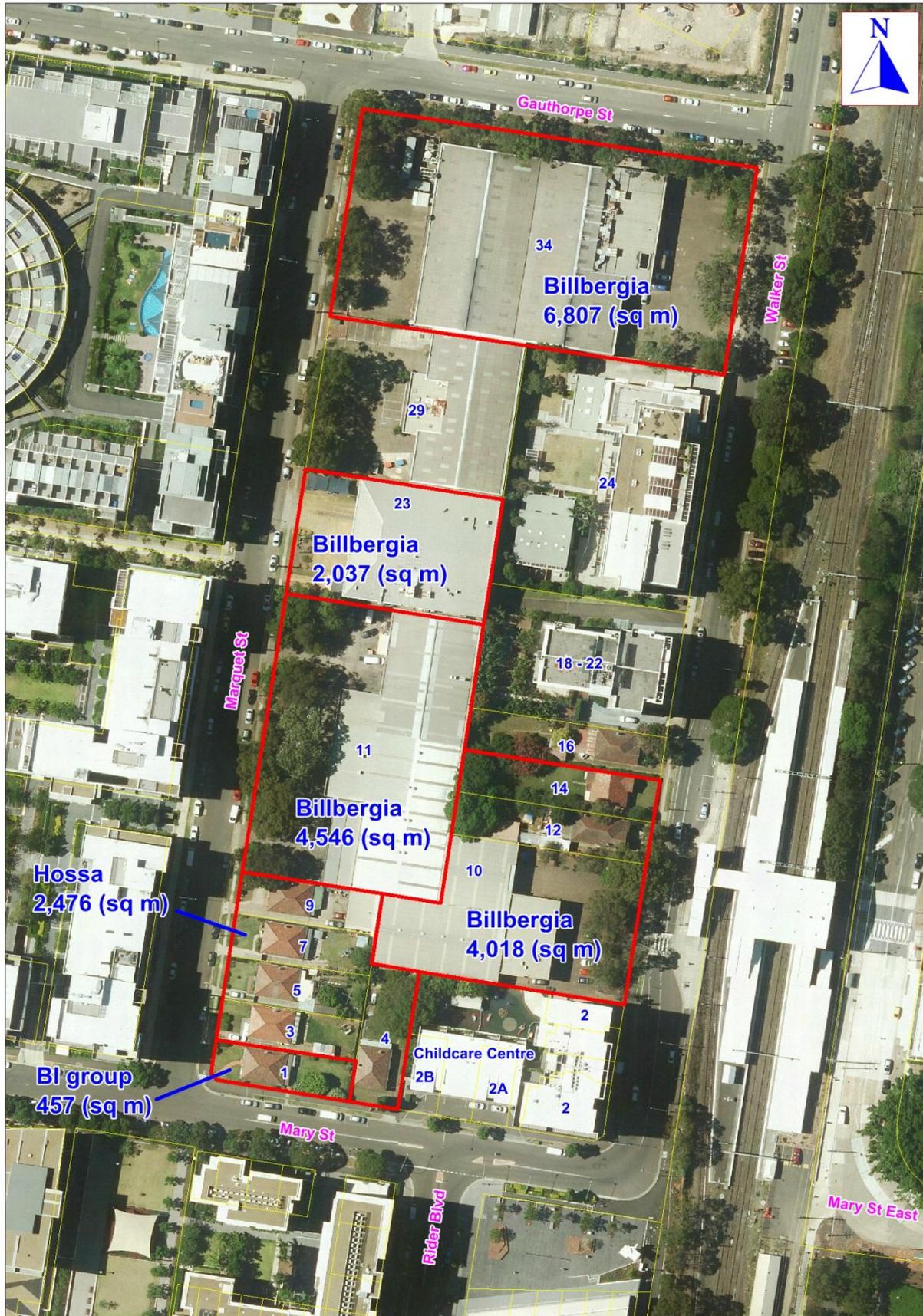


Figure 3: Aerial photograph of the location of the subject sites within the Station Precinct and their respective site areas (outlined in red).

Existing Planning Controls

The key planning controls in Canada Bay Local Environmental Plan 2013 that affect development on the site are included in the following table.

Control	Comment
Part 2 Permitted or prohibited development 2.1 Land use zones	No change to B4 Mixed Use zone.
Part 4 Principal development standards 4.3 Height of buildings	This Planning Proposal seeks an increase in permissible height on the subject sites from 23m and 29m, up to a maximum of 127m (36 storeys) in height.
Part 4 Principal development standards 4.4 Floor space ratio	This Planning Proposal seeks an increase in permissible floor space ratio on the subject sites from FSR 1.76:1, to between 4.6:1 and 9.3:1.

Part 1 – Objectives and Intended Outcomes

Objectives

This section outlines the objectives of the Planning Proposal.

The objectives are:

1. To enable Council's Station Precinct vision for a well-designed mixed use development with: *"...quality residential buildings of varying heights and a market-town style of village centre based on intimate laneways flanked by retail uses, great landscaped public spaces, attractive entrances to buildings, public art, and seamless public domain connecting with Rhodes Railway Station."*
2. To enable highest and best use of the last significant land parcel to be developed on the Rhodes West Peninsula, by permitting uplift in developable floor space (site density) in the existing B4 Mixed Use zoning, located immediately adjoining an important public transport node - Rhodes Railway Station.
3. To allow an increase in building height, subject to urban design considerations, to suitably complete the Rhodes West skyline and urban form.
4. To utilise the value of the uplift in floor space, negotiated through Voluntary Planning Agreement, for public benefit, to fund a Leisure Centre, Child Care Centre and underground car park for approximately 330 vehicles to service the two Centres and to fund public domain improvements including cycleways and bicycle storage facilities, public art and significant and high quality upgrade of the public domain around the bus-rail interchange.

Intended Outcomes

The intended outcomes are to deliver:

1. Over 100,000m² of residential floor space (GFA). This represents an addition of approximately 1,300 apartments to the Station Precinct.
2. The addition of a hotel of 5,000m² floor space (GFA) and of approximately 96 rooms to the Station Precinct.
3. An additional 20,270m² of retail and commercial floor space within the precinct, representing a potential increase in working population (employment) of 675 jobs within Rhodes West.
4. A Leisure Centre, Child Care Centre and underground car park for approximately 330 vehicles.
5. Additional and upgraded public domain in the form of publicly accessible pedestrian links through the site, upgrade of the Bus Interchange and of Walker Street and improved cycleway provision from the new Homebush Bay Bridge to Rhodes Station, bicycle storage facilities at the Station and improved traffic management.

Part 2 – Explanation of Provisions

This section outlines the proposed amendments to CBLEP 2013.

Canada Bay Local Environmental Plan 2013	Amendments
<p>Part 4 Principal development standards</p> <p>4.3 Height of buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The current Height of Building Map is illustrated in Figure 4.</p>	<p>It is proposed that the Height of Buildings Map is modified for the subject sites:</p> <p>6-14 Walker Street - An increase in maximum building height from the current 23m (west portion) and 29m (majority east portion) to 127m for the site. Equivalent to a 36 storey residential building, including a 14m high, three storey podium, and two plant rooms.</p> <p>34 Walker Street - An increase in maximum building height from the current 23m (west portion) and 29m (east portion) to 125m for the whole site. Equivalent to a 34 storey residential building, including a 14m high, three storey podium, and residential communal open space and a plant room.</p> <p>1-9 Marquet Street and 4 Mary Street - An increase in maximum building height from the current 23m to 99m for the site. Equivalent to a 30 storey residential building, including a 14m high, four storey podium and a plant room.</p> <p>11-21 Marquet Street - An increase in maximum building height from the current 23m to 93m for the site. Equivalent to a 25 storey residential/hotel building, including a 14m high, three storey podium, and two plant rooms.</p> <p>23 Marquet Street - An increase in maximum building height from the current 23m to 42m for the site. Equivalent to a 10 storey residential building, including a 14m high, three storey podium, and plant room.</p> <p>The proposed Height of Building Map is illustrated in Figure 5.</p>
<p>Part 4 Principal development standards</p> <p>4.4 Floor space ratio</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The current Floor Space Ratio Map is illustrated in Figure 6.</p>	<p>It is proposed that the Floor Space Ratio Map is modified for the subject sites:</p> <p>6-14 Walker Street - An increase in floor space ratio from the current FSR 1.76:1, to FSR 9.3:1 for the site.</p> <p>34 Walker Street - An increase in floor space ratio from the current FSR 1.76:1, to FSR 7.5:1 for the site.</p> <p>1-9 Marquet Street and 4 Mary Street - An increase in floor space ratio from the current FSR 1.76:1 to FSR 6.5:1 for the site.</p> <p>11-21 Marquet Street - An increase in floor space ratio from the current FSR 1.76:1 to FSR 5.6:1 for the site.</p> <p>23 Marquet Street - An increase in floor space ratio from the current FSR 1.76:1 to FSR 4.6:1 for the site.</p> <p>The proposed Floor Space Ratio Map is illustrated in Figure 7.</p>

Canada Bay Local Environmental Plan 2013

Current Height of Buildings Map

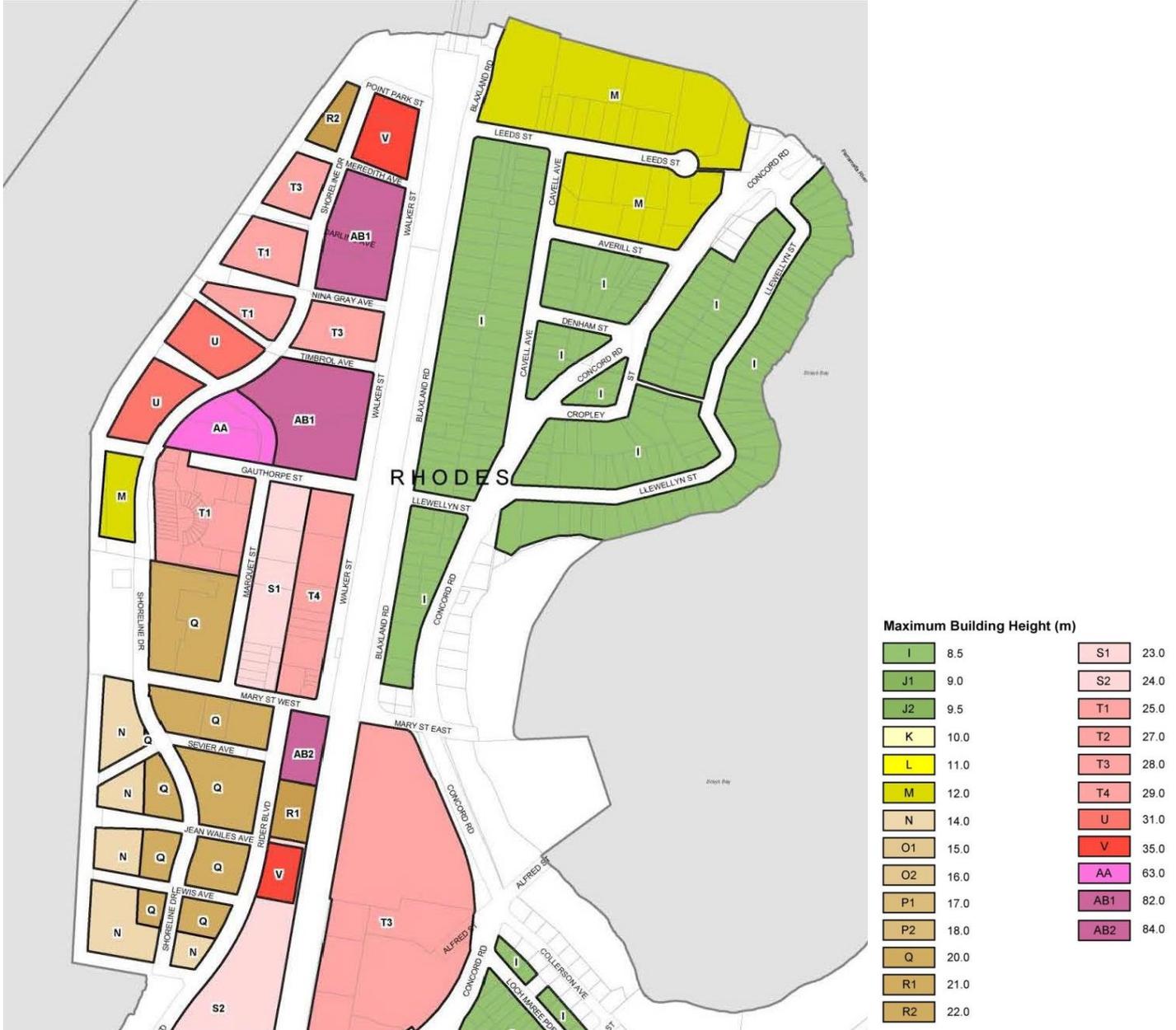


Figure 4: Canada Bay LEP 2013 Current Height of Buildings Map

Canada Bay Local Environmental Plan 2013

Proposed Height of Buildings Map

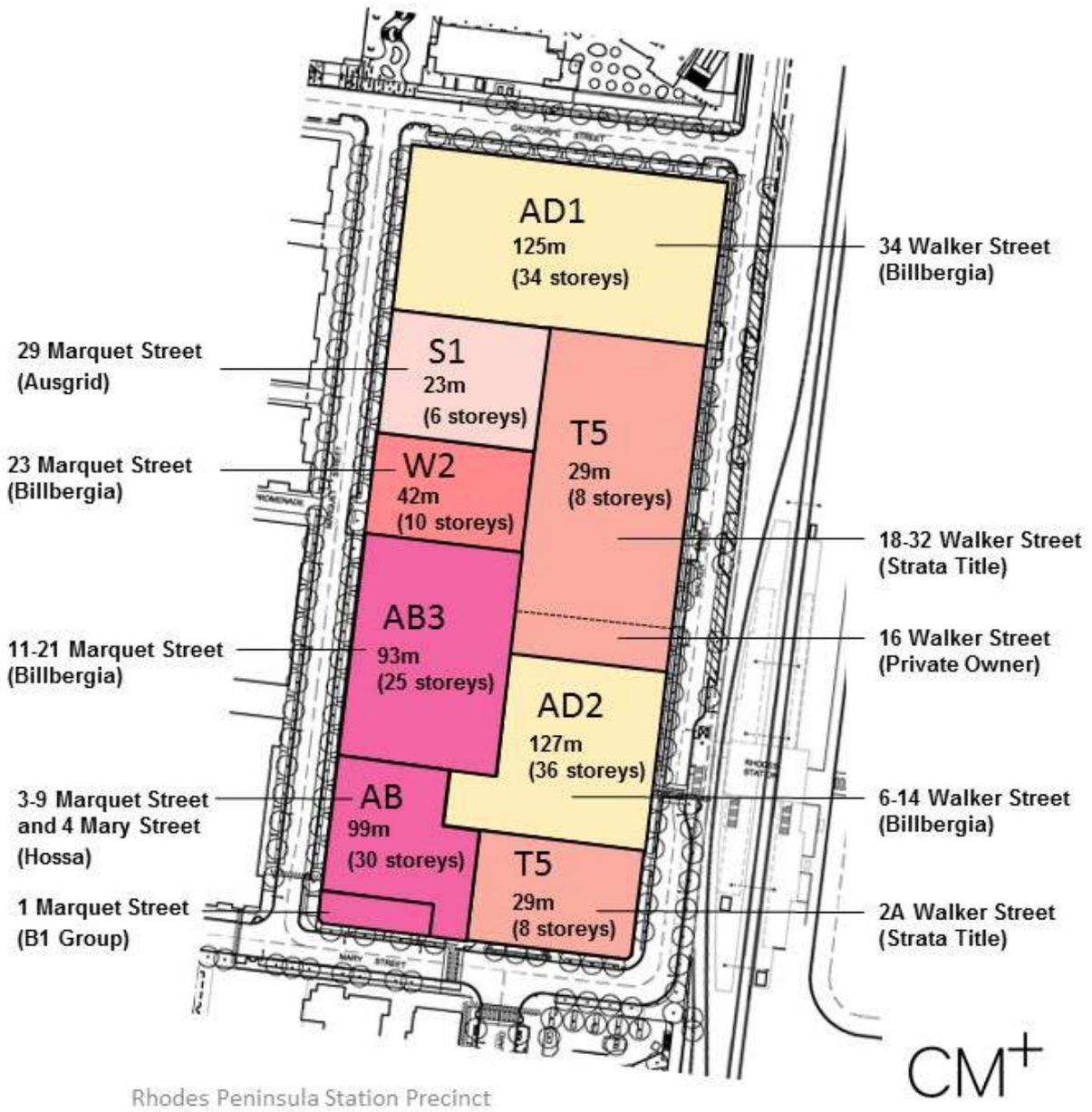


Figure 5: Canada Bay LEP 2013 Proposed Height of Buildings Map

Canada Bay Local Environmental Plan 2013

Current Floor Space Ratio Map

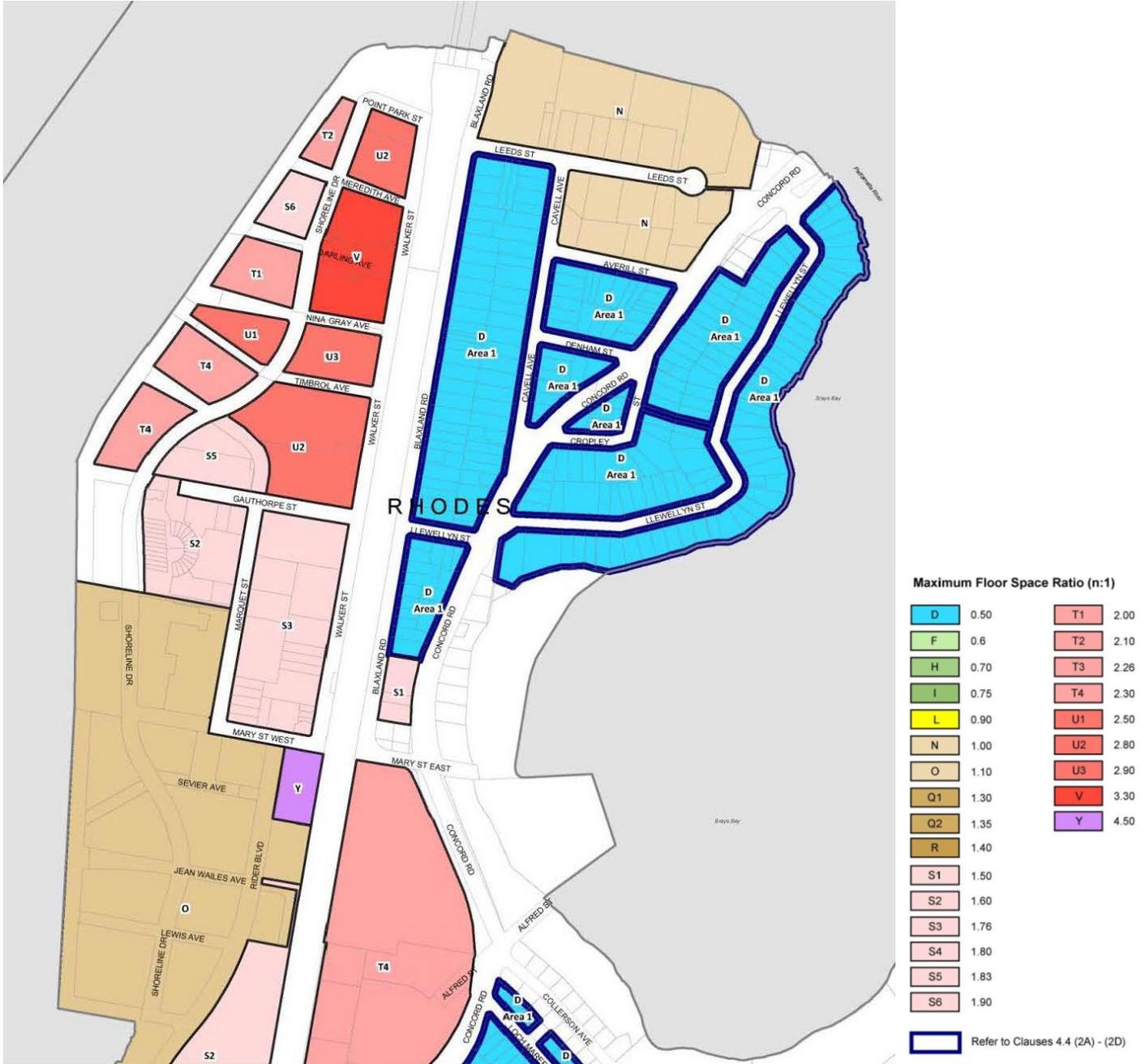


Figure 6: Canada Bay LEP 2013 Current Floor Space Ratio Map

Canada Bay Local Environmental Plan 2013

Proposed Floor Space Ratio Map

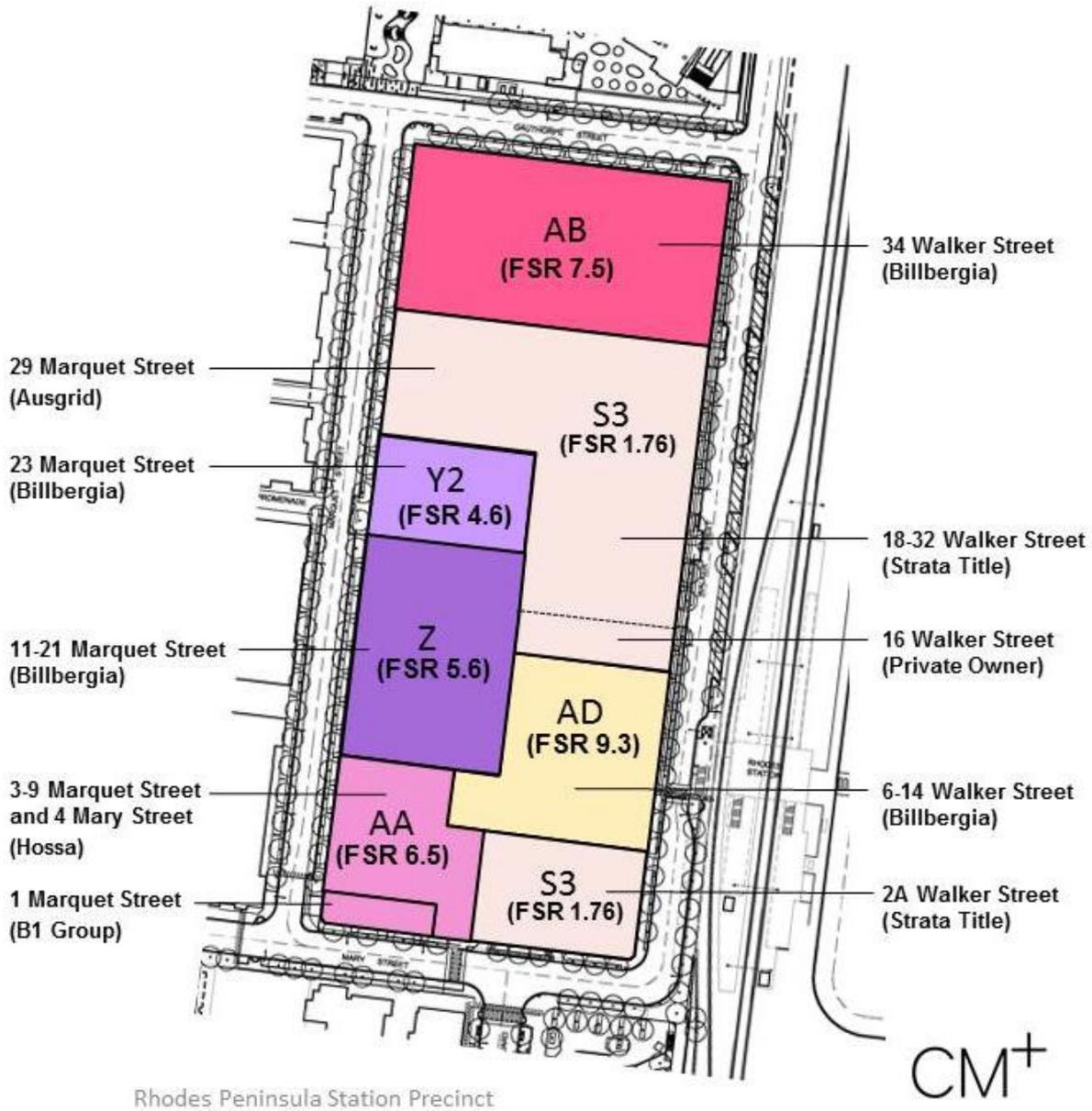


Figure 7: Canada Bay LEP 2013 Proposed Floor Space Ratio Map

Development Control Plan Provisions

More detailed planning matters will be guided by the preparation of Site Specific development controls for the Station Precinct. Conybeare Morrison is commissioned to prepare this update that will be integrated within the Rhodes West Development Control Plan 2010 (RWDCP 2010). The proposed amendment to the RWDCP will go on exhibition with the Planning Proposal.

Part 3 – Justification

Section A - Need for a planning proposal

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

Masterplanning of the Station Precinct (Precinct D) commenced in 2010 some months after City of Canada Bay Council's approval of the Rhodes West Stage One Master Plan in December 2009. Associated with this was Council's consideration of submissions from various stakeholders and landowners including those with an interest in the redevelopment of the Station Precinct and requesting that they be included in planning of the whole Precinct in which a higher density could be considered, given its ideal location next to the Rhodes train station. Council then proceeded to work with a Consortium of landowners and interested developers. This Consortium met throughout the years 2010 to 2014.

With the assistance and guidance of Urban Design Consultant Professor John Toon, a Concept Plan was developed involving changes in urban form and potentially higher densities, as well as a proposal for a market town-style village centre involving an interconnected series of laneways and public spaces in the southern half of the Precinct, flanked by retail and commercial uses, on land opposite the railway station. The Concept Plan was placed on preliminary public exhibition in April/May 2012, and generally received public support. The community was keen to know what public benefits could be provided through the proposed development uplift.

With the latter stages of the Rhodes West Master Plan substantially under construction, and higher tower forms being built (i.e. Meriton, Mirvac, and more recently Billbergia), there seems to be a growing acceptance within the community that the tower forms are acceptable because they are being delivered in tandem with adjacent public space being upgraded i.e. Shoreline Park North, area under John Whitton/Meadowbank Bridge, Town Square, sections of the new Central Park and the proposed recreation facility at 34 Walker Street.

The approval of the Homebush Bay Bridge in 2013 and State Government approvals for increased densities at Wentworth Point, resulting in a future population of 25,000 on the western side of the Bay, has also meant that planning for Rhodes needs to take into account higher numbers of commuters and shoppers patronising the Rhodes station and retail and other facilities in Rhodes. Planning for a bus-rail interchange and a higher quality of public domain is an important priority. In December 2012, Council considered the results of the April/May 2012 community consultation and endorsed the preparation of a Planning Proposal based generally on the Concept Plan.

Much of 2013 was allocated to working out the details of the leisure and child care centre, commissioning preliminary designs for the public domain, and working through various developer proposals associated with the Precinct. A number of properties have changed hands and Billbergia now controls the majority of development landholdings in the Precinct, with Hossa as the smaller developer.

Council is funding the cost of the Station Precinct Master Plan, the preparation of the Planning Proposal, and Transport Assessment and Public Domain Outcomes Report, to ensure full ownership, transparency and control of the built form outcomes, and to seek maximum delivery of public benefits relating to the development of the Precinct.

The figures below illustrate the main components of the Conybeare Morrison Master Plan work and form the main basis of the Planning Proposal documentation. This includes a ground level laneway design, building footprints, estimated tower heights (and 3D perspectives from various viewpoints).

This amended Planning Proposal is required due to:

- Inclusion of the Hossa site (3-9 Marquet Street and 4 Mary Street), and B1 Group site (1 Marquet Street);
- Exclusion of 16 Walker Street;

- Additional basement GFA of 5,500m²;
- Amended height and floor space plans; and
- Proposed mitigation of solar access to Town Square and Mary Street child care centre play area utilising a heliostat.

Master Plan Vision

Rhodes is a unique place in Sydney. It is one of the few places to have both waterfront and rail access. This aspect of the precinct means that place-making possibilities are greatly enhanced and the opportunity for creating a real, people-centered community is more readily achievable. The aim is to leverage these possibilities as much as possible in the planning and urban design of the precinct and capture this value for future development in the planning instruments.

Council's 'vision' for the Station Precinct, the Peninsula's 'centrepiece', is to realise a Station Precinct that comprises well-designed mixed use development, with:

"...quality residential buildings of varying heights and a vibrant market-town style of village centre based on intimate laneways flanked by retail uses, great landscaped public spaces, attractive entrances to buildings, public art, and seamless public domain connecting with Rhodes railway station."

Master Plan Objectives

The Station Precinct Masterplanning Objectives are to:

Objective 1 - Capitalise on the potential offered by Rhodes Station to create a true transit orientated development (TOD) adjacent to the waterfront - a community with a rich and vibrant mix of complementary, residential and hotel accommodation, retail plazas and laneways, and commercial, recreational and social destinations.

Objective 2 - Effectively complete the overall Rhodes West Peninsula built form, the streetscapes that define the Station Precinct, and to organise the built form to support lively street activities and create well-defined and legible public places (place-making). To provide amenity for new and existing residents with access to sunlight and air circulation (SEPP 65).

Objective 3 - Establish a vibrant public domain, comprised of a network of safe, pedestrian scale and prioritised people 'places' that offer a high level of amenity, with the proposed mid-block marketplace plaza and laneways as the 'centrepiece'.

Objective 4 - To develop a public transport and pedestrian prioritised movement network that integrates the precinct within Rhodes Peninsula, allows good interchange between modes, connects the precinct with surrounding communities, and manages vehicles and servicing requirements.

Objective 5 - Integrate landscape and public art within the precinct public domain to enrich the pedestrian experience.

Objective 6 - Develop a public domain palette of lighting, street furniture, materials and finishes, coordinated and integrated with the buildings and public domain of the peninsula.

Objective 7 - Develop an environmentally and socially sustainable precinct, with buildings and public domain that achieve a high level of environmentally sustainable design.

Objective 8 - Develop a urban planning framework that allows some flexibility for developers to provide an optimum market driven solution, including a retail and commercial offering and ongoing management structures that will be financially viable into the future.

This Planning Proposal sets in place the planning legislation necessary to realise Council's 'vision' and Objectives for the Station Precinct, on Rhodes Peninsula.

Figure 8A: Station Precinct Master Plan (including laneway locations, building footprints and proposed building heights).

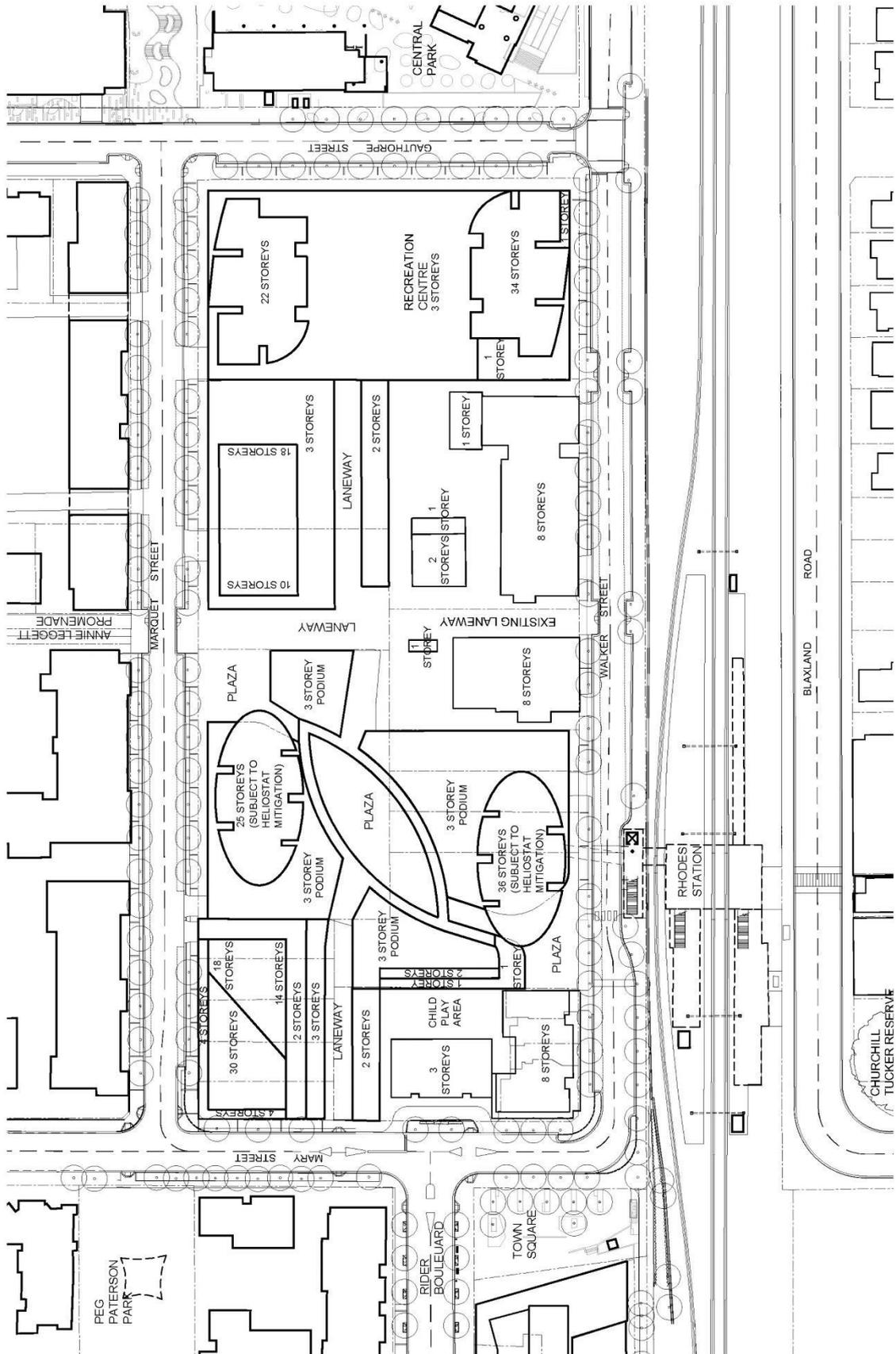


Figure 8B: Public Domain Plan





Figure 9: Station Precinct Master Plan - perspective based on 3D computer modelling (showing built form, including laneways, podium shapes, tower locations, heights and indicative heliostat structure).

Tower Height Strategy

Solar Height Plane Diagrams

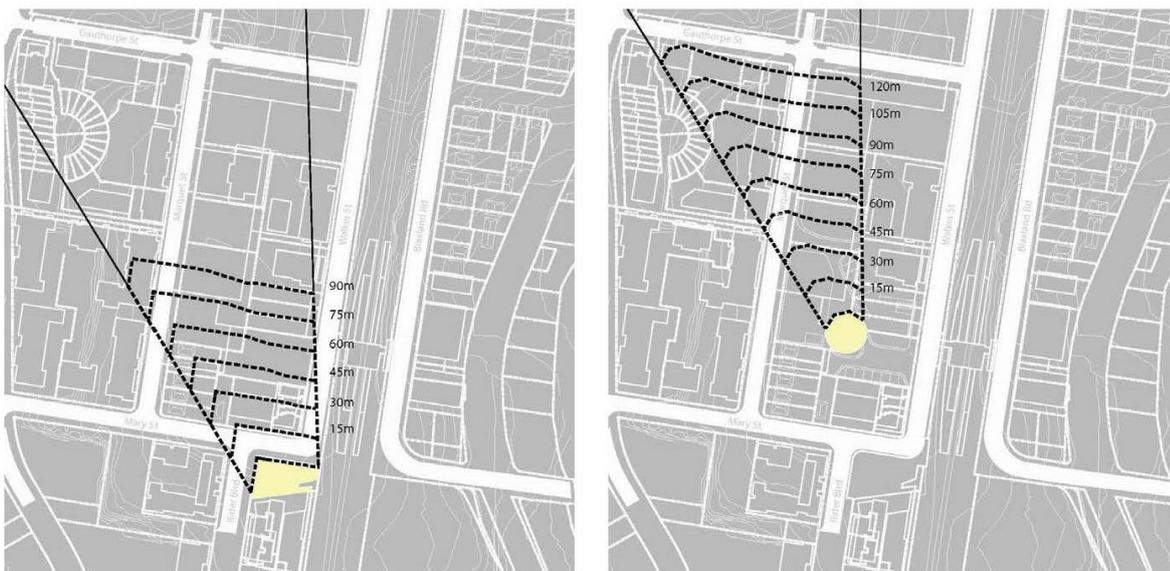


Figure 10: Solar Access Planes (defining potential heights of buildings in relation to areas where solar access must be either fully protected, i.e. Town Square, or maximised i.e. child care centre, mid-block plaza and laneways).

Unmitigated, the proposed heights for the 6-14 Walker Street and the 11-21 Marquet Street residential towers, at 36 and 25 storeys respectively, exceed the solar access plane maximum height criteria, set by Council (refer to Figure 10). The developer proposes to mitigate the potential overshadowing of the Town Square and Mary Street child care facility play area, with the construction of a heliostat at the top of the 6-14 Walker Street residential tower. The proposed method of meeting Council’s overshadowing objectives is described in Attachment E – Kennovations - *Heliostat Technical Overview (June 2014)*.

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 CBLEP 2013 limits opportunity for development of appropriate density and scale that would contribute to local and state strategic planning objectives and provide public benefits to the local community. This Precinct is the last area of land to be developed in the Rhodes area, west of the railway line, and is a key site in promoting the area as Transit Oriented Development.

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Sydney’s population is expected to grow to 6 million people by 2036. Sydney will need additional homes and employment to meet the needs of new residents. The *Plan for Growing Sydney 2014* identifies Rhodes as a Strategic Centre – these are places that contain of mixed-use activity, higher density housing, employment, retail and are located near public transport.

The Planning Proposal will contribute 1,300 additional apartments to the precinct, and includes approximately 20,000m² of retail and commercial floor space within the precinct.

The following table illustrates how the Planning Proposal is consistent with the aims, objectives and provisions of A *Plan for Growing Sydney 2014*.

Goal	Direction	Action	Planning Proposal in relation to the objectives direction and actions of the Plan for Growing Sydney
<p>Goal 1: A competitive economy with world-class services and transport.</p>	<p>Direction 1.3: Establish a new Priority Growth Area – Greater Parramatta to the Olympic Peninsula</p>	<p>Action 1.3.4: Grow the knowledge economy as part of the extension of the Global Economic Corridor – Rhodes is part of Sydney’s top 10 office markets.</p>	<p>The proposal will expand the economy and support more jobs closer to where people live.</p> <p>The proposal will attract investment, access to skilled labour, and create a liveable city with high standards of living.</p>
	<p>Direction 1.6: Expand the Global Economic Corridor.</p>	<p>Action 1.6.1: Grow high-skilled jobs in the global</p>	<p>The proposal will update planning controls to</p>

		economic corridor by expanding employment opportunities and mixed-use activities.	facilitate the construction of a shopping centre to encourage the establishment of a new retail and leisure services in a mixed use environment.
	Direction 1.7: Grow Strategic centres – providing more jobs closer to home	Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.	Rhodes falls within a strategic centre. The Planning Proposal prioritises Rhodes as a centre that provides a large number of jobs that attract significant investment and is an attractive place to live and work.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	Direction 2.1: Accelerate housing supply across Sydney	Action 2.1.1: Accelerate Housing supply and local housing choices	The proposal accelerates the delivery of new housing in Sydney to meet the needs of a growing population and to satisfy a growing demand for apartments close to transport.
	Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs	Action 2.2.2: Undertake Urban Renewal in transport corridors which are being transformed by investment, and around strategic centres	The proposal will connect new residential dwellings to the job-rich areas of the Sydney CBD and provide access to public transport.

Furthermore, the Planning Proposal is consistent with the following priorities for Central Subregion:

- Protect the capacity for long-term employment growth in Rhodes.
- Provide capacity for additional mixed-use development in Rhodes including offices, retail, services and housing.
- Improve walking and cycling connections between Rhodes train station and other centres.

The Planning Proposal will deliver housing and jobs close to transport. Planning for the precinct will also deliver amenities and an improved public domain to support a growing population. The Station Precinct will make a significant contribution to economic growth in Sydney.

[Is the planning proposal consistent with Council’s local strategy 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. This Planning Proposal supports FuturesPlan20 outcomes, as it

satisfies Theme 2 – Sustainable Spaces and Places, by meeting the goal of our City having attractive streets, village centres and public spaces, and Theme 4 – Thriving and Connected, in meeting the goal of providing a range of housing options.

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 and Environment (DPE).

Council's LPS identified a need to build on the planning framework devised and implemented by the DPE 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. The Planning Proposal for the Station Precinct is the further and final stage of implementing the changes which fund new public spaces and community infrastructure in return for additional density and changes to built form.

[Is the planning proposal consistent with applicable State Environmental Planning Policies?](#)

Table 4 below summarises the Planning Proposal's consistency with State Environmental Planning Policies (SEPPs) plus relevant deemed SEPPs.

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.
14	Coastal Wetlands	Not applicable.
15	Rural Land sharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
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.

No.	SEPP Title	Consistency of Planning Proposal
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
52	Farm Dams and other works in Land and Water Management Plan Areas	Not applicable.
55	Remediation of Land	Not applicable.
59	Central Western Sydney Regional Open Space and Residential	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Not applicable.
65	Design Quality of Residential Flat Development	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Affordable Rental Housing) 2009	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Not applicable.
	SEPP (Exempt and Complying Development Codes) 2008	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
	SEPP (Infrastructure) 2007	Not applicable.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.
	SEPP (Kurnell Peninsula) 1989	Not applicable.
	SEPP (Major Development) 2005	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Miscellaneous Consent Provisions) 2007	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Penrith Lakes Scheme) 1989	Not applicable.

No.	SEPP Title	Consistency of Planning Proposal
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP 53 (Transitional Provisions) 2011	Not applicable.
	SEPP (State and Regional Development) 2011	Consistent.
	SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	Consistent. The draft LEP does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Three Ports) 2013	Not applicable.
	SEPP (Urban Renewal) 2010	Consistent.
	SEPP (Western Sydney Employment Area) 2009	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.

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

No.	REP Title	Consistency of LEP
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Consistent

Detailed discussion of key applicable SEPPs

SEPP 32 – Urban Consolidation (Redevelopment of Urban Land) 1991

This SEPP aims to ensure the NSW Government's urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned as used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

This Planning Proposal is consistent with the urban consolidation objectives of this SEPP as it seeks to provide the opportunity for urban development in areas where there is existing infrastructure, transport and community facilities close to employment and public transport services.

SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with EP&A Amendment (Building Sustainability Index: BASIX) Regulation 2004 to implement consistent building sustainability provisions across NSW.

The Planning Proposal will need to demonstrate design principles and objectives consistent with BASIX requirements at the time of making a development application.

SEPP (Housing for Seniors or People with a Disability) 2004

This SEPP encourages the development of quality accommodation for the ageing population and for people who have disabilities, in keeping with the local neighbourhood.

This planning proposal does not anticipate housing for seniors or people with disability. The Planning Proposal does not contain provisions that would the application of the SEPP.

[SEPP \(Infrastructure\) 2007](#)

This SEPP aims to facilitate the effective delivery of infrastructure across the State. It is intended to provide greater flexibility in the location of infrastructure and services facilities along with improved regulatory certainty and efficiency.

None of the matters in this planning proposal raise an issue in relation to this SEPP and Council has concluded that overall, the proposed amendments are consistent with this SEPP.

[SEPP \(Exempt and Complying Development Codes 2008\)](#)

This SEPP simplifies assessment processes for development that complies with specified development standards. It identifies types of minor development that maybe be carried out within development consent, or carried out in accordance with a complying development certificate.

The Planning Proposal does not include clauses or controls in relation to exempt or complying development. The Planning Proposal is consistent with this SEPP.

[SEPP \(Affordable Rental Housing\) 2009](#)

This SEPP provides a consistent planning regime for the provision of affordable rental housing and facilitates the effective delivery of affordable housing.

The Planning Proposal does not include any provisions that would compete with the SEPP. The Planning Proposal is consistent with the SEPP.

[SEPP \(Urban Renewal\) 2010](#)

This SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation.

This Planning Proposal is consistent with the urban renewal objectives of this SEPP as it seeks to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and a broader range of housing and employment areas.

[SEPP \(Miscellaneous Consent Provisions\) 2007](#)

This SEPP provides for the erection of temporary structures and facilitates subdivision, demolition, change of use and fire alarm communication links.

The Planning Proposal does not include any provisions that would compete with the SEPP. The Planning Proposal is consistent with the SEPP.

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

This SEPP raises the design quality of residential flat development across the state through the application of a series of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to Councils on merit of residential flat development.

The proposed urban development envelopes are generally consistent with the design quality objectives of SEPP 65, maximising access to natural light and ventilation, protecting resident amenity through providing adequate floor to floor height and provision for outdoor balcony space (see Attachment B).

Sydney Regional Environmental Plan – Sydney Harbour Catchment

This SEPP ensures that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained.

The Planning Proposal is consistent with the urban planning and environmental objectives of this SEPP.

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

The Planning Proposal has been assessed against all relevant s 117 Directions. From this assessment, Council has concluded that overall, the proposed amendments are consistent with all applicable (or potentially applicable) Ministerial (s 117) Directions.

An assessment of the Planning Proposal has been undertaken in respect to the relevant s117 directions as follows:

Table 6 – Summary of relevant section 117 Directions:

Direction		Comments	Consistency
1. Employment & Resources	1.1 Business & Industrial Zones	<p>The proposal will increase employment generating uses, including commercial and retail.</p> <p>The Rhodes Peninsula Retail Viability Study has identified options that are most appropriate for retail and commercial land uses. The study establishes a robust evidence base to ensure the future viability of the uses in the precinct. The study found that there was strong retail demand growth in the area from ongoing development. As a result, additional employment will be generated through the provision of additional retail and commercial floor space.</p>	Y
2. Environment & Heritage	2.3 Heritage Conservation	No listed heritage items are impacted by this proposal.	Y
3. Housing, Infrastructure & Urban Development	3.1 Residential Zones	The proposal meets the objectives of this direction as it seeks to provide higher density residential development. The proposed increased density of the precinct will maximise the efficient use of existing public transport and services infrastructure, realising a more sustainable outcome.	Y
	3.3 Home Occupations	The proposed mix of resident and employment (retail, commercial and community) land uses will support work at home employment opportunities.	Y
	3.4 Integrating Land Use & Transport	The Planning Proposal seeks to increase development through higher density residential development. The Station Precinct is optimally	Y

		located in terms of access to existing public transport, with major rail and bus services within close walking distance. This would result in reduced travel demand and increased accessibility to housing, job and services.	
4. Hazard and Risk	4.1 Acid Sulfate Soils	<p>Consistent.</p> <p>The proposal will result in a significant redevelopment, raising the need to consider acid Sulfate soils. The site is classified as class 5 Acid Sulfate soils under the Canada Bay LEP 2013 and is therefore on land with low risk of Acid Sulfate Soil.</p> <p>As the Canada Bay LEP 2013 adopts the standard instrument acid Sulfate Soils clause, future development applications will be considered in accordance with the requirements of the clause.</p> <p>Specific responses to the presence of Acid Sulfate soils can be addressed site by site through the development application process.</p>	Y
5. Regional Planning	5.1 Implementation of Regional Strategies	<p>Consistent.</p> <p>The Planning Proposal will address the priorities for Central Subregion. The proposal seeks to protect long term employment growth in Rhodes. In addition, provide mixed-use development including offices, retail, services and housing. The proposed increase in density for the Station Precinct within walking distance of an important transport node supports regional policies in this regard.</p>	Y
6. Local Plan Making	6.1 Approval and Referral Requirements	<p>Consistent.</p> <p>The Planning Proposal does not include any concurrence, consultation or referral of development applications to a Minister or public authority.</p>	Y
	6.2 Reserving Land for Public Purposes	The proposal increases the available public land within Rhodes West, in the form of quality additions to the existing public domain network. The proposed Leisure Centre and Child Care Centre will be public facilities contributing to the community infrastructure of Rhodes.	Y
	6.3 Site Specific Provisions	<p>Consistent.</p> <p>The Planning Proposal does not propose any additional site-specific provisions related to allowing</p>	Y

		a particular development.	
7. Metropolitan Planning	7.1 Implementation of Metropolitan Strategy	<p>Consistent.</p> <p>The Planning Proposal is identified in a Strategic Centre, which will enable mixed use, higher density housing and employment. The proposed increase in density for the Station Precinct within walking distance of an important transport node supports regional policies in this regard.</p>	Y

Section C: Environmental, social and economic impact.

Is there any likelihood that critical habitat or threatened species, populations 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 has considered, and will continue to assess, the following potential impacts during the preparation of development controls for the precinct;

- Solar access and overshadowing impacts;
- Views and view corridors; and
- Integration of ESD/WSUD initiatives.

Environmental Impacts	
Solar access and overshadowing impacts	The draft Rhodes West DCP will facilitate solar access to internal and external areas by achieving a minimum of 2 hours direct sunlight between 9.00am and 3.00pm should be provided to principal living rooms and private open spaces in at least 70% of dwellings within a residential development. This will require future development applications to provide detailed overshadowing studies for individual developments.
Views and view corridors	The draft Rhodes West DCP can ensure that views are maximised from all dwellings without compromising the visual privacy of the residents or their neighbours. This will require future development applications to provide detailed elevation drawings.
Integration of ESD/WSUD	The draft Rhodes West DCP will address the need for water conservation through water saving devices, installation of appliances and plumbing hardware should have an “AAA Australian Standards Conservation Rating” and water conserving landscape practices. This will require future development applications to provide a BASIX certificate.

Heliostat Proposal

The proposed heights for the 6 – 14 Walker Street and the 11 – 21 Marquet Street residential towers, at 36 and 25 storeys respectively, exceed the solar access plane maximum height criteria, set by Council. It is proposed to mitigate the potential overshadowing of the Town Square and Mary Street child care facility play area, is through the construction of a heliostat at the top of the 6 – 14 Walker Street residential towers.

Kennovations were engaged by the main developer to undertake a technical overview and come up with a design concept to install a heliostat mirror system on the roof of the tallest building to redirect sunlight into the park, thus minimising the solar shading impact of this structure.

There are two sets of mirrors are proposed, one fixed and the other constantly moving by tracking motors to reflect sunlight to public domain areas.

Extensive shadow diagram and heliostat technical studies and have been prepared that have informed the built form massing studies, including building tower footprint and height. Refer to:

Attachment A – SJB Architects - *Site Plans, Shadow Diagrams, and Level Plans*

Attachment B – SJB Architects - *Station Precinct SEPP 65 Report (July 2014)*

Attachment E – Kennovations - *Heliostat Technical Overview (June 2014)*

Traffic Report (Attachment D)

GTA Consultants were engaged by the main developer to document the investigation of traffic impact due to proposed development uplift within the Station Precinct. Intersection capacity analysis was conducted for three Scenarios:

Scenario 1 (S1) – existing base conditions

Scenario 2 (S2) – S1 above plus current approved development, and

Scenario 3 (S3) – S2 above plus proposed uplift development at Precinct D

Note: RMS uses level of service to determine how well an intersection is performing. It ranges from Level of Service (LoS) A to LoS F, and is based on intersection delays. LoS A indicates an intersection is operating efficiently, while LoS F indicates the intersection is experiencing congestion. LoS D is the long-term desirable intersection performance. It is noted that some major intersections around Sydney in particular those closer to Sydney CBD are operating with LoS F.

The traffic modelling results indicated that assessed intersections in Scenario 1 are currently operating satisfactorily during both peak periods with the exception of the Homebush Bay Drive intersection with Concord Road. These intersections currently operate with good level of service at Level of Service B or better with minimal delays, while the Homebush Bay Drive and Concord Road intersection currently operates with Level of Service F with extensive northbound queues on Concord Road (south of Homebush Bay Drive). The extensive queues on Concord Road are a result of downstream congestion located outside of the study area on Church Street near Top Ryde. It was further noted that the intersection analysis results for the intersections along Homebush Bay Drive/Concord Road are generally consistent with the results from the 2008/2009 traffic study.

Traffic operating conditions in Scenario 2 are similar to that found in Scenario 1. That is, all assessed intersections continue to operate satisfactorily with the exception of the Homebush Bay Drive intersection with Concord Road.

Similarly, traffic conditions in Scenario 3 (i.e. with the traffic arising from the proposed uplift added) would continue to be satisfactory (with the exception of Homebush Bay Drive intersection with Concord Road). The Shoreline Drive-Rider Boulevard is expected to have its level of service deteriorate from LoS A to LoS C, which is still considered to be satisfactory.

The Consultants concluded that the traffic arising from the proposed uplift would not result in any noticeable adverse traffic impacts when compared with traffic conditions under the approved development. Following a request by Council a supplementary report was also prepared which resulted in a number of internal traffic management measures which should be implemented.

The main and supplementary reports of the Consultants will go on public exhibition with the Planning Proposal.

ESD, WSUD and Sustainability

The WSP Engineering and Sustainability Group are commissioned as part of the Conybeare Morrison Consultant Team to prepare an assessment of services infrastructure and sustainability/ESD opportunities and legislative standards to be met by potential developers of the Precinct sites.

[Has the planning proposal adequately addressed any social and economic effects?](#)

Social Effects

The planning proposal will deliver housing close to public transport and amenities, and improved public domain at the bus-rail interchange. It will also deliver increased active public domain space, a new community leisure facility, sustainable well-designed buildings and well-connected active local laneways.

Refer to Attachment F – Colin Henson - Rhodes Station Precinct – Transport Assessment and Public Domain Outcomes (August 2014).

Economic Effects

Rhodes has been identified as a Specialist Centre along with Sydney Olympic Park under the NSW 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.

Retail and Commercial Viability Report (Attachment C)

Hill PDA was commissioned by Billbergia to undertake a supplementary Retail and Commercial Viability Study. Hill PDA undertook the initial study in early 2012, but because of Billbergia's proposal to double the amount of retail and commercial space, including the provision of a hotel and conference centre facility, additional work was required.

The most recent Study (May 2014) found the following:

- Demand for the proposed level of retail floor space in the Station Precinct is fully justified;
- There will be no unacceptable level of trading impact on other centres in trade area;
- Retail floor space provided in the centre should respond to the demographics of the residential and worker catchment which it would serve. This includes a high component of young, well educational, affluent residents of Asian ethnicity and in the future shift towards families with young children. This will equate to demand for a high quality retail offer focused on convenience and eating out. Workers in the area will also desire comparable retail provision and the advantage of this is that the successful retail pitch of the Station Precinct will ensure activation during the day (serving workers and non-working local residents) and in evenings/weekends (local residents);
- Planning for retail facilities in Wentworth Point may evolve over time in response to the greater quantum of population growth planned for the area. This may have implications for the Station Precinct, but would need to be assessed at such time as any proposals are published;
- A relatively sizeable quantum of commercial office floor space is proposed as part of the development. Given the size of the residential catchment that the centre will serve, there will be demand for shopfront commercial uses that are expected to occupy some of this floor space. However the majority of commercial office floor space would require non-shopfront commercial tenants, the demand for which is unclear, particularly in the context of the split level nature of the proposal. In this context it may be a better outcome for the centre if much of this floor space were planned to incorporate community uses that could provide further anchors for the precinct and more closely align the mix with the other successful retail centres examined. Our preference in this regard is for a primary care focused medical centre, a private gym or health and fitness tenant or an educational node alluding to the high educational level of local residents;
- The provision of a hotel in this location would be a strong asset to the Station Precinct. Amongst the benefits it would provide are included:
 - Diversifying the trade area for local businesses;
 - Activating upper levels of the centre;

- Encouraging more pedestrian movement through the precinct;
- Supporting employment uses in the locality and providing a further support service for local residents who may have a disproportionately greater need for temporary accommodation due to a high proportion of overseas born residents;
- Broadening the potential employment offer in this location;
- Further differentiating the role and function of the Precinct from existing and planned centres in the surrounding area;
- Capitalising on the rail transport node adjacent to the Station Precinct.
- The centre should include a number of anchors. This will include a supermarket, a strong dining out offer, a hotel and a leisure centre and could also include a community use such as a medical centre, educational node or private gym. An Asian-themed precinct in itself could become an anchor for the centre. The provision of a range of anchors broadens the appeal of the centre, supports vitality and urban activation throughout the day and evening and ensures that it can better serve the needs of local residents.
- The split-level nature of the centre provides both a challenge and an opportunity. Ensuring activation of the upper levels will be critical to the performance of the centre but if successfully achieved would deliver a niche and unique shopping experience. The laneway nature of the retail offer is individual and would be more akin to the offer provided in Europe and Asian rather than existing provision in the wider Rhodes area. This has strong commercial potential provided that urban activation and inter-relation throughout all levels of the scheme is ensured.

A full and final copy of the Retail and Commercial Viability Report by Hill PDA will be made available during the public exhibition of the Planning Proposal.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

This Planning Proposal involves uplift in precinct density, making the assessment of public infrastructure a relevant matter. At this stage the following infrastructure will require consideration:

Infrastructure	Availability	Comment
Public Transport	Available	<p>Rail - The Station Precinct is in close walking distance to Rhodes Railway Station.</p> <p>Buses - Sydney Buses currently operates services along Homebush Bay Drive adjacent to Rhodes Peninsula. The approval of the Homebush Bay Bridge in 2012 and State Government approvals for increased densities at Wentworth Point, resulting in a future population of 25,000 on the opposite side of the Bay, has also meant that planning for Rhodes needs to take into account higher numbers of commuters and shoppers patronising the Rhodes station and retail and other facilities in Rhodes. Planning for a bus-rail interchange and a higher quality of public domain is an important priority.</p> <p>The proposed Homebush Bay Bridge will enable new bus service routes from/to Wentworth Point an additional population catchment for Rhodes Station of 25,000 people, providing additional demand for bus travel within the western and inner western sub-regions. The need for new services will be investigated as demand arises, which is normal practice for route planning and network expansion in Sydney.</p> <p>Ferry - A ferry wharf is located at Meadowbank, approximately 1km from Rhodes Railway Station.</p>
Utilities	Available.	All utility providers will be notified of the proposed Station Precinct Master Plan and be advised of the additional population to be catered for in terms of services i.e.

		Water, Sewer, Electricity. WSP Group has undertaken an initial Services Infrastructure Assessment and their report will be available at exhibition.
Roads	Available.	A preliminary Traffic Report by GTA Consultants indicates that the current road system is adequate to cater for the proposed increase in Precinct density.
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		A new Primary School is currently being constructed in Concord West to cater for the existing and future demand in Rhodes and adjoining suburbs.

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.

- a. NSW Department of Planning & Environment – A pre-gateway consultation for CBLEP 2013 Amendment 3 (the previous Planning Proposal) was held with the Department on Monday 9 December 2013, to confirm essential submission requirements and to brief the Department on the nature of the Proposal. Refer to Gateway Approval Department reference: PP.2013.CANAD.004.00 dated 23 December 2013.
- b. This amended Planning Proposal, Amendment 3 (Revised), is required due to:
 - Inclusion of the Hossa site (3-9 Marquet Street and 4 Mary Street), and B1 Group (1 Marquet Street);
 - Exclusion of 16 Walker Street
 - Additional basement GFA of 5,500m2
 - Amended height and floor space plans
 - Proposed mitigation of solar access to Town Square and Mary Street child care centre play area utilising a heliostat.

If further clarifications regarding the proposed amendments to the previous proposal are required, Council and their Urban Designers, Conybeare Morrison, would be happy to provide a further Briefing for Planning officers.

Part 4 – Mapping

The following LEP Maps have been prepared and are included in previous sections of this report:

- Canada Bay LEP 2013 - Current Height of Buildings Map (Figure 4)
- Canada Bay LEP 2013 - Proposed Height of Buildings Map (Figure 5)
- Canada Bay LEP 2013 - Current Floor Space Ratio Map (Figure 6)
- Canada Bay LEP 2013 - Proposed Floor Space Ratio Map (Figure 7)

Part 5 – Community Consultation

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.

Stakeholder Consultation

Between 2010 and 2014 Council worked with a Consortium of landowners and interested developers and extensive stakeholder consultation has taken place over this period. Conybeare Morrison was commissioned to prepare the Station Precinct Masterplan, and there has been extensive consultation with the developers (Billbergia, Hossa and B1 Group) that have interests within the Station Precinct.

Part 6 – Property Excluded from the Planning Proposal

Four properties are excluded from the Planning Proposal:

2A Walker Street and 18-32 Walker Street

These properties are existing eight storey Mixed Use strata title properties within the precinct.

16 Walker Street

This property has been excluded from the Planning Proposal due to the developer being unable to purchase the site. Billbergia is continuing to negotiate with the owner and if successful, 16 Walker Street will be combined with the 6-14 Walker Street site, to form a future Planning Proposal.

29 Marquet Street

The Ausgrid site (29 Marquet Street) is also excluded, as this is the proposed site of an electricity substation. Billbergia is currently negotiating with Ausgrid to relocate this infrastructure to a more appropriate location, and if successful, 29 Marquet Street will be combined with the 23 Marquet Street and 6-14 Walker Street site, and also form a further Planning Proposal.

Part 7 – Project Timeline

Milestone	Timeframe and/or date
Anticipated Commencement Date	Date of Gateway determination.
Anticipated timeframe for the completion of required technical information	Not Applicable. Technical studies have already been completed to support the Planning Proposal.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in Gateway determination. Anticipated timeframe is 28 days and to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Dates for public hearing (if required)	Not applicable at this stage.
Timeframe for consideration of submissions	Six weeks following completion of public exhibition including two-to-three weeks to further consult with Government and Servicing Authorities.
Timeframe for consideration of a proposal post exhibition	Nine weeks.
Date of submission to the Department to finalise the LEP	To be determined.
Anticipated date the Council make the plan if delegated	Not applicable.
Anticipated date Council will forward to the department for notification	To be determined.