

23 April 2026

Keno Deng
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Meadowbank NSW, 2114

Via email: keno.deng@billbergia.com.au

Dear Keno,

Site Area Clarification | In-fill Affordable Housing | Marquet Street, Rhodes (Ref: SSD-67636458)

We write in response to your request for Planning advice relating to the following properties forming the site of the Rhodes Central Stage 3 development proposal Development Application for State Significant Development SSD-67636458:

- 23 Marquet Street, Rhodes, legally described as Lot 40 in DP1275410
- 29 Marquet Street, Rhodes, legally described as Lot 102 in DP 624798
- 6 Marquet Street, Rhodes, legally described as part Lot 25 in DP 1264076

Lot 40 and part Lot 25 are stratum lots limited in height and depth.

Twenty Three Marquet Street Pty Ltd has specifically sought advice to clarify the site area for the Stage 3 Rhodes Central development. This Planning advice sets out the site area and also confirms the maximum permitted FSR and Gross Floor Area (GFA) under clauses 4.4 and 7.15 of the *Canada Bay Local Environmental Plan 2013* and Section 16 of the *State Environmental Planning Policy (Housing) 2021*.

1 The Site

The site is located at 23-29 Marquet Street, Rhodes, which is within the City of Canada Bay Local Government Area (LGA). The site is legally described as Lot 40 DP1275410 (Stratum Lot), Lot 102 DP 624798 and part Lot 25 DP 1264076 (Stratum Lot).

Works proposed at basement, ground level and up to Level 2 on part of Stratum Lot 25 DP 1264076. The EIS describes these works as being located on a southern adjoining lot, which may have led to some confusion with the site area.

The site also encompasses 34 Walker Street, Rhodes known as Lot 36 DP 1294145 (Stratum Lot) and 35 Marquet Street, Rhodes known as Strata Plan 108635. Works proposed to connect Stage 3 basement with Stage 2 basement at SP108635 and Stratum Lots 36 DP 1294145 (northern adjoining site). Works are also proposed to connect Stage 3 podium bridge to Stage 2 podium communal open space at SP 108635 (northern adjoining site).

Clause 4.5 of the CBLEP 2013 sets out the method of calculating site area for the purpose of calculating the maximum permitted FSR for development. Clause 4.5(3) provides that:

(3) Site area

*In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—*

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or*
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.*

The site area for the purpose of determining the maximum permitted FSR for the development includes Lot 40 in DP1275410, Lot 102 in DP 624798 and part Lot 25 in DP 1264076, as these lots share common boundaries on which the development is being carried out.

The boundary between Lot 40 and part Lot 25 varies on different levels, as illustrated on the Lot and DP Plans and replicated on the architectural drawings lodged with SSD-67636458. The lots included in the site area calculation do not overlap one another.

Table 1 provides a summary of the site description, area and ownership.

Table 1 Site description, area and ownership

Site Address	Legal Description	Landowner	Site Area
23 Marquet Street	Part lot 25 DP1264076 Lot 40 DP1275410	Twenty Three Marquet Street Pty Ltd	2037m ²
29 Marquet Street	Lot 102 DP624798	Twenty Three Marquet Street Pty Ltd	2497m ²
Total site area			4534m²

The following section of this advice sets out some background to the current planning framework which established the maximum permitted floor space ratio/gross floor area for the site.

2 Maximum Floor Space Ratio / Gross Floor Area

This section of the advice provides a summary of the Planning framework that is relevant to the determination of the maximum floor space ratio/gross floor area permitted on the site. This background

information demonstrates the site area for the proposed stage 3 of the Rhodes Central development is aligned with the statutory controls.

The Rhodes Precinct was rezoned on 30 October 2021 following the finalisation of the Rhodes Place Strategy. The Rhodes Place Strategy is a plan for the development of the Rhodes Precinct over the next 20 years. It provides for up to 4,200 new homes and 1,100 jobs supported by a new primary school, upgrades to the train station, a new ferry wharf, new open space and improved walking and cycling paths.

The following key documents are relevant to the determination of development applications in the Rhodes Precinct, including the subject site:

- Rhodes Place Strategy
- Urban Design Report
- CBLEP 2013

The key provisions and other information in the Rhodes Place Strategy, Urban Design Report and CBLEP 2013 in relation to maximum floor space of the properties are summarised below.

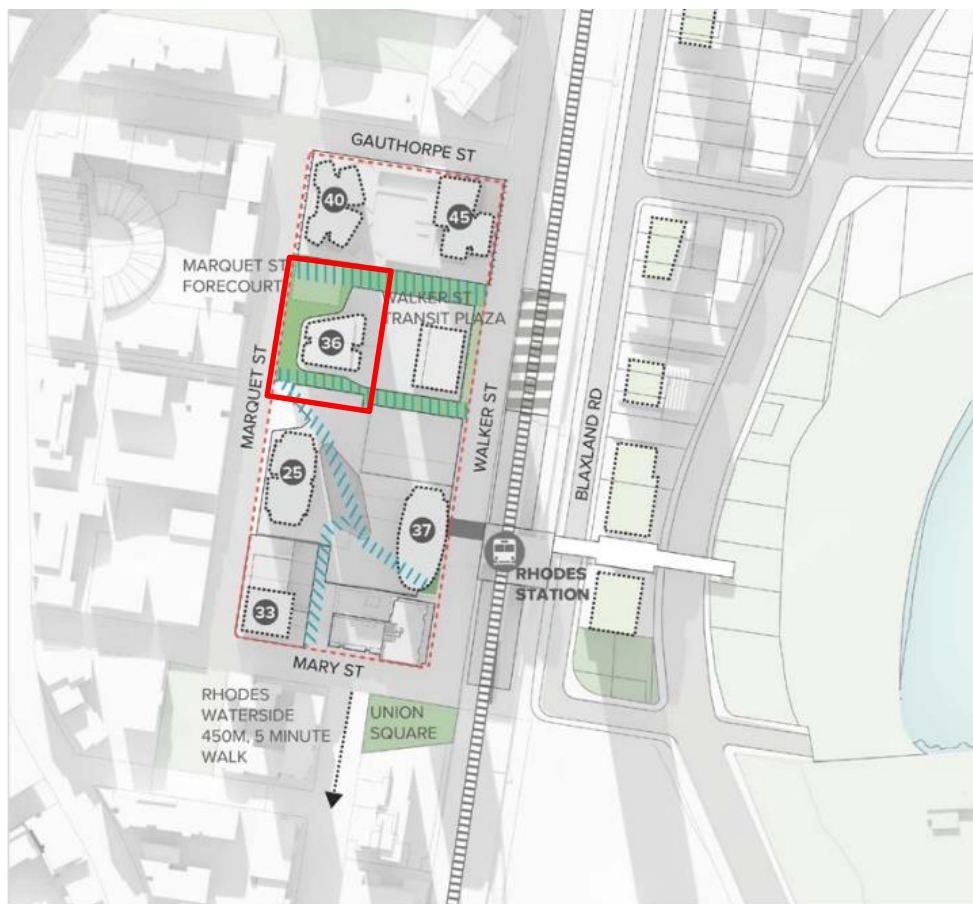
2.1 Rhodes Place Strategy

The Rhodes Place Strategy creates a 20-year vision, and a planning and infrastructure delivery framework. It establishes a design-led approach, with guiding principles that will inform the future design and development in four 'character areas'. The site is located within the Station Gateway West Character Area.

The Rhodes Place Strategy states that the Station West Character Area could accommodate an additional 900 dwellings, 1700 residents and 370 jobs by 2041. Figure 1 provides the Station Gateway West Character Area Master Plan from the Rhodes Place Strategy with a 36 storey tower shown. The subject site is outlined in a thick red line.

Key elements of the Place Strategy have been implemented through changes to the planning controls contained in CBLEP 2013. Minor changes to *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP Sydney Harbour Catchment) address master planning requirements and an amendment to the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) are to ensure that development applications demonstrate consistency with the Place Strategy.

Figure 1 Station Gateway West Character Area



Legend:

 	Station Gateway West Character area boundary	 	Open space	 	Tower location
 	Existing streets	 	Forecourt/Plaza	 	Through-site link
	Height of buildings (in storeys)				

Source: Rhodes Place Strategy, Figure 11.

2.2 Urban Design Report

The Urban Design Report presents Master Plans for the following four Character Areas of the Rhodes precinct:

- Station Gateway West
- Station Gateway East
- Leeds Street

- Cavell Avenue

The Master Plan for each character area establishes a framework for future development and identify building footprints, heights of individual buildings, open space and landscaping.

Figure 2 illustrates Development Summary Plan and Schedule in the Urban Design Report, which identifies the subject site as Site 2 inclusive of land described as Lot 40 DP1275410 (Stratum Lot), Lot 102 DP 624798 and part Lot 25 DP 1264076 (Stratum Lot) and includes a summary of development statistics for the site, which are extracted in Table 2 below.

Table 2 Site 2 Development Statistics

Land Use	Existing / Approved		Proposed						
	Gross Floor Area	Floor Space Ratio	Residential GFA	Yield	Commercial GFA	Total	Ultimate Scenario FSR **	Base Scenario FSR **	Base Scenario + BASIX Bonus FSR **
Site 2	13,766 *	3.03:1 *	20,640	229	6298	26,938	5.9:1	5.1:1	5.4:1

Source: Urban Design Report

Notes:

* Existing/Approved GFA and FSR were a blend of the maximum permitted FSR of 1.76:1 over 29 Marquet Street and 4.6:1 FSR over 23 Marquet Street under the previous maximum FSR standard prior to gazettal of *State Environmental Planning Policy Amendment (Rhodes Precinct) 2021*.

** Ultimate, Base and Base Scenario + BASIX Bonus FSR in Urban Design Report differ slightly from the statutory CBLEP 2013 standards. The maximum FSR for the site under Clause 4.4 of the CBLEP 2013 is 5.4:1. The Development Standards in the Statutory Instrument prevail over any inconsistency. Refer to section 2.3.

Figure 2 Development Summary Plan and Schedule



Figure 048. Station Gateway West - Land Use Plan

LEGEND	
 	Station Gateway West Boundary
 	Proposed Built Form
 	Indicative Location of Future Built Form - Long Term Proposition
 	Open Space
 	Site 1
 	Site 2
 	Site 3A
 	Site 3B
 	Site 4
 	Site 5

LAND USE	EXISTING / APPROVED		PROPOSED			TOTAL	ULTIMATE SCENARIO**	BASE SCENARIO	BASE SCENARIO + BASIX BONUS
	Gross Floor Area	Floor Space Ratio	Gross Floor Area	Yield	Gross Floor Area				
SITE 1	51,053	7.5:1	23,144	257	-	74,197	10.9:1	10.7:1	10.9:1
SITE 2	13,766	3.03:1	20,640	229	6,298	26,938	5.9:1	5.1:1	5.4:1
SITE 3A	25,463	5.6:1	-	-	-	25,463	5.6:1	-	-
SITE 3B	37,377	9.3:1	-	-	-	37,377	9.3:1	-	-
SITE 4	5,136	1.76:1	19,268	214	3,784	23,052	7.9:1	7.5:1	7.9:1
SITE 5*	-	-	-	-	-	-	-	-	-
TOTAL	127,659		63,052	701	10,082	187,027			

Figure 049. Development Summary Table

*Site 5 - Long Term Proposition. Subject to future development viability.

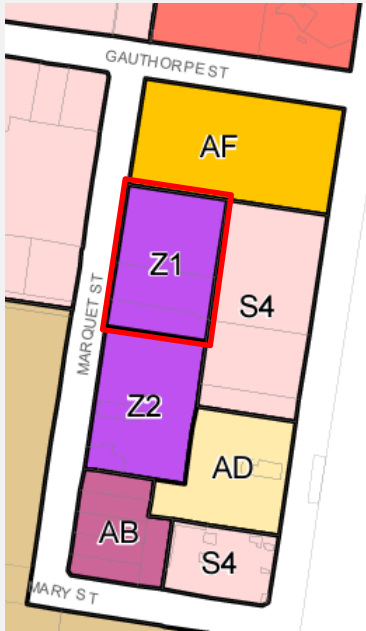
**The Scenario is inclusive of Basix bonus. Realisation of maximum height and FSR are reliant upon Basix bonus. The ultimate scenario represents the maximum development potential for a site, subject to meeting specific requirements for development.

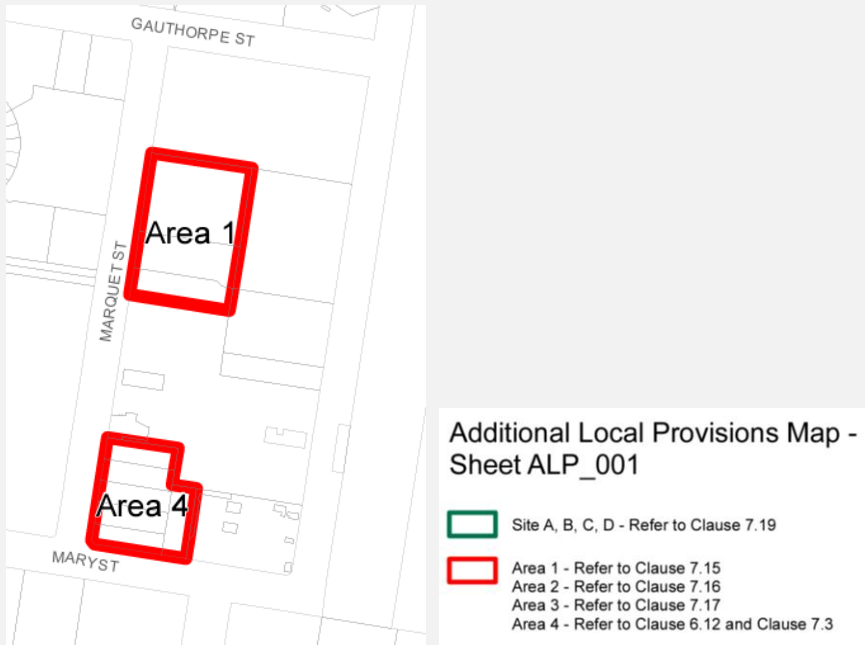
Source: Urban Design Report

2.3 Canada Bay Local Environmental Plan 2013

Canada Bay Local Environmental Plan 2013 (CBLEP 2013) was gazetted on Friday, 19 July 2013 and consists of a written document and a series of maps including land zoning, heritage, floor space ratio, height of buildings and acid sulfate soils. The gazettal of *State Environmental Planning Policy Amendment (Rhodes Precinct) 2021* included amendments to the CBLEP 2013 for the Rhodes Precinct. Key controls related to the maximum permitted FSR are provided in Table 3.

Table 3 CBLEP 2013 Controls

Planning Controls	Details																																																																																		
Maximum Floor Space Ratio (Cl. 4.4)	23 Marquet Street - Part Lot 25: Z1 – 5.4:1 FSR - Lot 40: Z1 – 5.4:1 FSR 29 Marquet Street - Lot 102: Z1 – 5.4:1 FSR  Floor Space Ratio Map Sheet FSR_001 Maximum Floor Space Ratio (n:1) <table><tr><td>A</td><td>0.00</td><td>T2</td><td>2.10</td></tr><tr><td>D</td><td>0.50</td><td>T3</td><td>2.20</td></tr><tr><td>F</td><td>0.60</td><td>T4</td><td>2.26</td></tr><tr><td>H</td><td>0.70</td><td>T5</td><td>2.30</td></tr><tr><td>I</td><td>0.75</td><td>U1</td><td>2.50</td></tr><tr><td>L</td><td>0.90</td><td>U2</td><td>2.60</td></tr><tr><td>N</td><td>1.00</td><td>U3</td><td>2.80</td></tr><tr><td>O</td><td>1.10</td><td>U4</td><td>2.90</td></tr><tr><td>P</td><td>1.20</td><td>V</td><td>3.30</td></tr><tr><td>Q1</td><td>1.30</td><td>W</td><td>3.60</td></tr><tr><td>Q2</td><td>1.35</td><td>Y</td><td>4.50</td></tr><tr><td>R</td><td>1.40</td><td>Z1</td><td>5.40</td></tr><tr><td>S1</td><td>1.50</td><td>Z2</td><td>5.60</td></tr><tr><td>S2</td><td>1.60</td><td>Z3</td><td>5.70</td></tr><tr><td>S3</td><td>1.70</td><td>AA</td><td>6.00</td></tr><tr><td>S4</td><td>1.76</td><td>AB</td><td>7.90</td></tr><tr><td>S5</td><td>1.80</td><td>AD</td><td>9.30</td></tr><tr><td>S6</td><td>1.86</td><td>AF</td><td>11.60</td></tr><tr><td>S7</td><td>1.90</td><td>AI</td><td>15.30</td></tr><tr><td>T1</td><td>2.00</td><td></td><td></td></tr></table> Refer to Clauses 4.4 (2A - 2F) Note: Cl 7.15 allows an additional 10% floor space for provision of at least 2,000 square metres of publicly accessible open space on the site. <tr><td>Additional building height and floor space (Cl. 7.15)</td><td>If development in connection with the erection of a building on land in Area 1 results in the provision of at least 2,000 square metres of publicly accessible open space—</td></tr>	A	0.00	T2	2.10	D	0.50	T3	2.20	F	0.60	T4	2.26	H	0.70	T5	2.30	I	0.75	U1	2.50	L	0.90	U2	2.60	N	1.00	U3	2.80	O	1.10	U4	2.90	P	1.20	V	3.30	Q1	1.30	W	3.60	Q2	1.35	Y	4.50	R	1.40	Z1	5.40	S1	1.50	Z2	5.60	S2	1.60	Z3	5.70	S3	1.70	AA	6.00	S4	1.76	AB	7.90	S5	1.80	AD	9.30	S6	1.86	AF	11.60	S7	1.90	AI	15.30	T1	2.00			Additional building height and floor space (Cl. 7.15)	If development in connection with the erection of a building on land in Area 1 results in the provision of at least 2,000 square metres of publicly accessible open space—
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Planning Controls	Details
	(a) the building may exceed the maximum building height shown for the land on the Height of Buildings Map by 10.5 metres, and (b) the building may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by 10%. Area 1 is mapped as the subject site.  Area 1 is inclusive of land described as Lot 40 DP1275410 (Stratum Lot), Lot 102 DP 624798 and part Lot 25 DP 1264076 (Stratum Lot). The maximum FSR under Clause 4.4 and 7.15 of the CBLEP 2013 is 5.94:1.

2.4 State Environmental Planning Policy (Housing) 2021

Section 16 of the Housing SEPP provides that Shop Top Housing that includes at least 15% of total residential GFA as affordable housing for a minimum of 15 years will be eligible for 130% of the permitted FSR control for residential accommodation. The 130% calculation is based on the maximum permitted FSR on the land (including any other bonus).

The proposed development includes an affordable housing component that equates to over 15% of the total GFA and is located within an 'Accessible Area' (being less than 800 metres walking distance from Rhodes Train Station) as defined in the Housing SEPP. Accordingly, the proposal is also eligible for an FSR bonus of 30% in addition to the local bonuses available under the Canada Bay LEP 2013.

2.5 Maximum permitted FSR/GFA

In summary, based on the above Plannign controls, the following calculation has been made for this site:

- Base Allowable FSR (including local bonuses): 5.94:1 (on a site area of 4,535sqm).
- Maximum Allowable GFA: 26,938 sqm

By applying the 30% bonus under the Housing SEPP to the maximum residential floor space permitted under the CBLEP 2023, the following results:

- 26,938sqm GFA x 130% = 35,019 sqm

The total maximum permitted GFA for the proposed development is 35,019sqm.

We trust this Planning advice satisfies your request, and if you require any further information, please contact Belinda Thomas, Associate Director (bthomas@urbis.com.au) or myself (mdonaldson@urbis.com.au).

Yours sincerely,



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