

# Clause 4.6 Variation Request | Building Separation

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*Amending SSDA - 25-27 Leeds  
Street, Rhodes  
SSD-101317213*

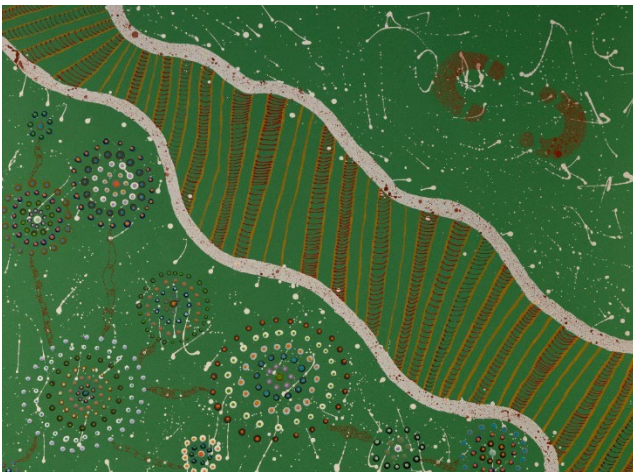
**Urbis staff responsible for this report were:**

Director Murray Donaldson  
Associate Director Edward Green  
Senior Consultant Sarah Noone  
Project Code P64567  
Report Number Final – 23.02.2026

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*The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.*

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# Request to vary a development standard

## Request to Vary CI 7.5(1)(a) in Canada Bay Local Environmental Plan 2013

**Address:** 25–27 Leeds Street, Rhodes

**Date:** 23 February 2026

### 1. Site and Proposed Development

#### Site Description

The site is known as 25–27 Leeds Street, Rhodes and is located in the City of Canada Bay local government area (LGA) and is situated on the peninsula of East Rhodes.

The site is legally described as Lot 2 in DP1192949, Lot A in DP329241 and Lot C in DP367132. The site has a 75m frontage to the Parramatta River, a 144m frontage to Blaxland Road, an 88m frontage to Leeds Street and a 133m frontage to the adjoining site to the east. Overall, the site has an area of 11,692sqm and slopes approximately 6m down towards the Parramatta River.

Leeds Street is a light industrial area, and the site is in a landmark waterfront location along the Parramatta River. It is surrounded by public open spaces such as John Whitton Reserve, Mill Park and Uhr's Reserve. Rhodes Boat Ramp is also located adjacent to the site at the end of Blaxland Road.

Construction works have been commenced for demolition, tree removal, bulk earthworks and remediation under the existing consent. An aerial photograph is provided below.

Figure 1 Aerial Photo



Source: Nearmap

## Proposed Development

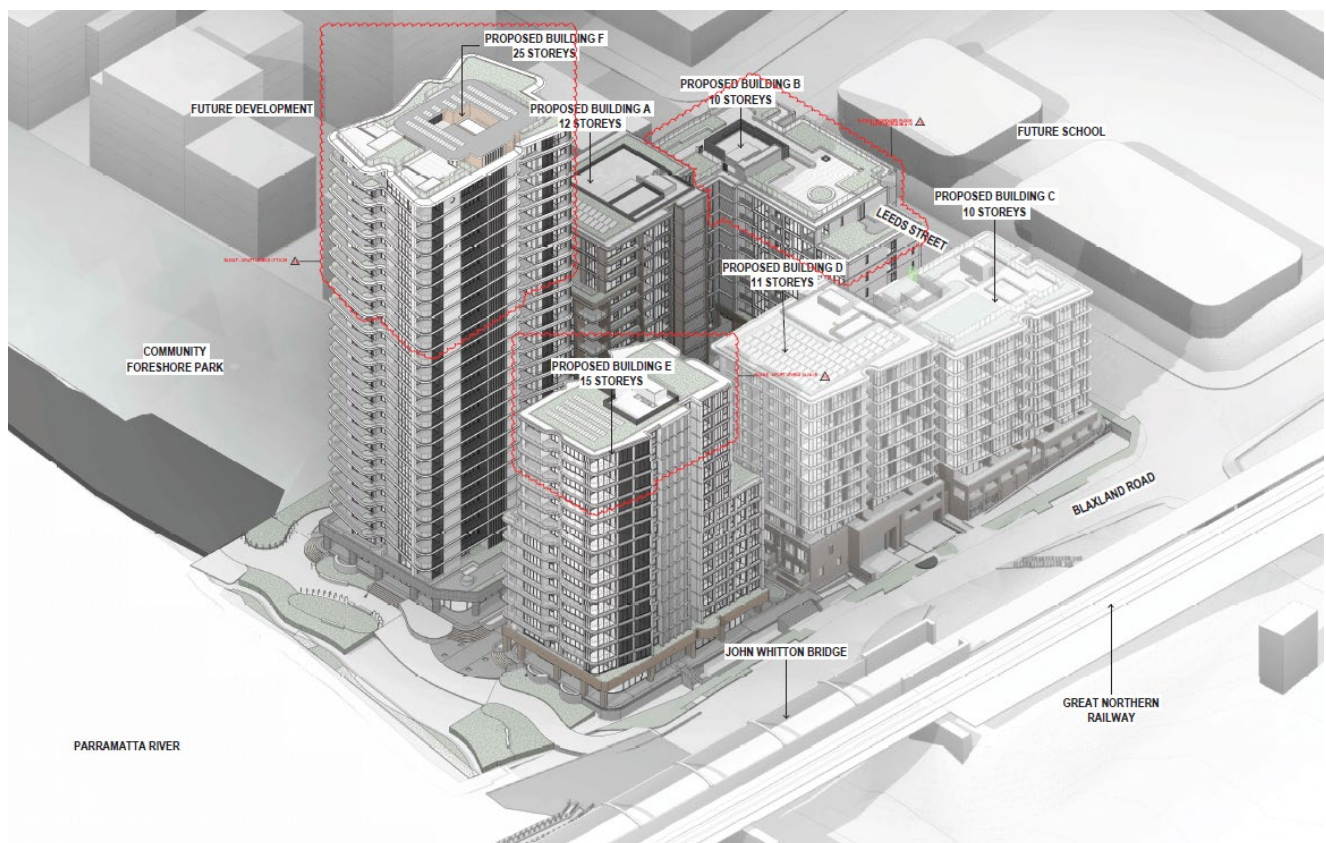
The Amending SSDA seeks approval for the following changes to the approved mixed-use development (SSD-67419241):

- Infill of the upper levels of Building B, maintaining the approved 10-storey height and replacing the previously approved part 8 and part 10 storey articulation.
- Provision of three additional levels (9.78m) to Building E.
- Provision of eight additional levels (26.3m) to Building F.
- Minor miscellaneous amendments, including the introduction of concrete awnings to the eastern elevation of Building E, minor reconfiguration of bicycle parking at ground level, minor adjustments to basement layout, including to structural walls and car parking bays, and minor amendments to rooftop services screen height on Building A, C and D.

The proposed amendments will result in a total of 59 additional dwellings (49 market dwellings and 10 affordable dwellings).

All other aspects of the approved development, including early works, parking, public domain and landscaping, stormwater management, waste management, access arrangements, staging, associated works (including the seawall and substation arrangements) and Buildings A, C or D, remain unchanged.

Figure 2 Axonometric Site Plan



Source: SJB

## 2. Planning Instrument, Development Standard and Proposed Variation

### What is the planning instrument you are seeking to vary?

The application seeks to vary the Canada Bay Local Environmental Plan 2013 (CBLEP).

### What is the site's zoning?

The site is zoned MU1 (Mixed Use) under the Canada Bay LEP 2013 (CBLEP).

### What is the development standard to be varied?

The standard proposed to be varied is the Clause 7.5(1)(a), which relates to the minimum building separation for buildings higher than 14 storeys in the Rhodes Precinct, as follows:

#### **7.5 Minimum building separation and maximum floor areas above building podiums in Rhodes Precinct**

**(1) Development consent must not be granted to development that results in a building in the Rhodes Precinct being separated from another building by less than—**

**(a) for a building higher than 14 storeys but not higher than 20 storeys—24 metres, or**

**(b) for a building higher than 20 storeys—40 metres.**

*(2) Development consent must not be granted to development that results in the gross floor area of a floor of a building in the Rhodes Precinct exceeding 750 square metres.*

*(3) This clause does not apply in relation to the podium of a building in the Rhodes Precinct.*

*(4) Subclause (2) does not apply in relation to a building on Lot 101, DP 624798, 34 Walker Street, Rhodes.*

This development standard is not excluded from the operation of Clause 4.6 of the CBLEP.

### Type of development standard?

The request is seeking to vary the development standard relating to the minimum building separation of towers in the Rhodes Precinct.

### What is the numeric value of the development standard in the environmental planning instrument?

The development standard sets a minimum separation distance of **24m** for towers higher than 14 storeys in the Rhodes Precinct.

#### **Explanation of Non-Compliance**

The minimum building separation requirements do not apply to Buildings A, B, C, and D, as their heights are equal to or less than 14 storeys.

A minimum separation of 24m applies to Building E (15 storeys), as its height exceeds 14 storeys. A non-compliance occurs at the top storey (Level 15), where Building E interfaces with Building F. The minimum separation achieved at this location is 20.3m.

Solid wall elements, façade offsets, upper-level setbacks, privacy screens and the orientation of windows and balconies have been included to minimise direct overlooking, in accordance with the design criteria of the NSW Apartment Design Guide (ADG).

A minimum building separation of 40m applies to Building F (25 storeys), as its height exceeds 20 storeys. The development complies with Clause 7.5(1)(b) specifically, as there are no existing or proposed buildings exceeding 20 storeys within close proximity to Building F.

**What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?**

The variation to the 24m development standard is 3.7m (the proposed separation on the 15th floor between Buildings E and F is 20.3m).

**Visual representation of the proposed variation**

The figure below provides a visual representation of the separation distance between Buildings E and F.

Figure 3 Setbacks and Visual Privacy



Source: SJB

### 3. Justification for the Proposed Variation

**How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?**

Key Questions	Response
<p><b>(a) Are the objectives of the development standard achieved notwithstanding the non-compliance?</b></p>	<p>Clause 7.5 of the CB LEP does not specify any objectives. However, the assessment below considers and addresses the objectives of Part 7 Rhodes Precinct, Clause 7.1 Objectives of Part.</p> <p><b>(a) to achieve the highest standard of architectural and urban design in the Rhodes Precinct by ensuring that new development exhibits design excellence, including excellence in sustainably managing the environmental impact of the development on existing and future populations,</b></p> <p>The proposal has been subject to a design excellence process (and previous SSD approval) and retains the approved tower locations, podium form and site planning structure. This variation relates to a single interface at the top level of Building E (Level 15), and does not alter the overall precinct structure, permeability outcomes or public domain interface established under the approved scheme.</p> <p>The development achieves appropriate visual privacy outcomes consistent with the NSW Apartment Design Guide. This is achieved through either numeric compliance with separation distances or through alternative design responses that satisfy the objectives of the ADG, including the use of solid wall elements, façade offsets, upper-level setbacks, privacy screens and the orientation of windows and balconies to minimise direct overlooking.</p> <p>Importantly, the separation arrangement at this interface has been previously assessed by DPHI. DPHI’s assessment report for SSD-67419241 concluded (in relation to this interface) that the proposed privacy measures were satisfactory. The current Amending SSDA seeks to retain that approved planning outcome and privacy approach, notwithstanding the minor technical non-compliance introduced because the tower heights have increased.</p> <p>The proposal continues to demonstrate strong environmental performance and amenity outcomes, including compliance with relevant overshadowing controls, adoption of wind mitigation measures, and delivery of high-quality residential amenity, without any material increase in adverse impacts arising from the minor separation variation.</p> <p><b>(b) to allow for a mix of land uses that will—</b></p> <p><b>(i) provide an appropriate balance between residential, retail, commercial and other land uses within the Rhodes Precinct, and</b></p> <p>The proposal delivers a balanced mix of residential, retail and public land uses consistent with the strategic planning framework for the Rhodes Precinct.</p> <p>The development comprises 401 apartments, with approximately 15% of total gross floor area dedicated to affordable housing, making a meaningful contribution to housing supply and affordability objectives. Ground level retail and commercial tenancies activate the public domain, support local employment and reinforce the mixed-use character envisaged for the precinct, particularly in proximity to the foreshore park and promenade.</p>

Key Questions	Response
	<p>The proposal also delivers substantial public realm outcomes, including approximately 5,000 square metres of publicly accessible foreshore open space and a continuous waterfront promenade, together with through-site links connecting Leeds Street to the Parramatta River. These elements collectively support a balanced and integrated land use outcome.</p> <p>The proposed variation to the building separation control does not compromise the delivery or functionality of this land use mix.</p>
	<p><b>(ii) encourage the provision of a range of services and facilities to help meet the needs of the population and users of the Rhodes Precinct, and</b></p> <p>The proposal supports the provision of services and facilities through its mixed-use composition, combining residential accommodation, retail tenancies and publicly accessible open space within a highly accessible waterfront location.</p> <p>The residential component provides housing diversity, including affordable housing, while the 1,451 square metres of ground floor retail space will accommodate services that meet the day to day needs of residents, workers and visitors to the precinct. These uses will activate key pedestrian routes and enhance the usability of the public domain.</p> <p>The inclusion of a foreshore park, promenade and through-site pedestrian connections further contributes to the provision of recreational and community infrastructure within the precinct. The proposed the building separation control variation does not impede the achievement of these outcomes.</p>
	<p><b>(iii) generate employment in the Rhodes Precinct, and</b></p> <p>Construction activities will support a range of jobs across the building and supply chain sectors, providing short-term economic benefits to the local and regional economy. Ongoing employment will be generated through the operation of retail tenancies and the management and maintenance of the development and public domain areas.</p> <p>The proposed variation to the building separation control does not adversely affect the delivery of these employment outcomes.</p>
	<p><b>(iv) establish a significant new people-oriented public domain and foreshore area and other vibrant public plazas and public spaces,</b></p> <p>The proposal delivers a substantial and high quality public domain outcome, including approximately 5,000 square metres of publicly accessible foreshore open space, a waterfront promenade and a network of through-site links that improve permeability and pedestrian access between Leeds Street and the Parramatta River.</p> <p>Active frontages along these pedestrian routes, together with extensive landscaping (including deep soil zones and significant tree canopy coverage), will enhance the amenity, usability and visual quality of the public domain.</p> <p>The non-compliance with the building separation control does not affect the ability of the proposal to deliver a people-oriented, accessible and vibrant public realm consistent with the objectives of the Rhodes Place Strategy.</p>

Key Questions	Response
	<p><b>(c) to support growth in the Rhodes Precinct by ensuring the provision of appropriate infrastructure that is sensitive to environmental impacts.</b></p> <p>The proposed variation to the building separation requirement does not affect the provision or performance of infrastructure servicing the development.</p>
<p><b>(b) Are the underlying objectives or purpose of the development standard not relevant to the development?</b></p>	<p><i>N/A – see above</i></p>
<p><b>(c) Would the underlying objective or purpose be defeated or thwarted if compliance was required?</b></p>	<p><i>N/A – see above</i></p>
<p><b>(d) Has the development standard been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard?</b></p>	<p><i>N/A – see above</i></p>
<p><b>(e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?</b></p>	<p><i>N/A – see above</i></p>

As demonstrated above, the objectives of the development standard are achieved notwithstanding the proposed contravention.

## **Are there sufficient environmental planning grounds to justify contravening the development standard?**

There are sufficient environmental planning grounds to justify contravening the development standard:

- The non-compliance is minor and localised, limited to the top storey (Level 15) interface between Building E and Building F, with a shortfall of 3.7m from the 24m standard (20.3m provided).
- The separation arrangement and built form framework have been previously approved under SSD-67419241 and DA2023/0235, with DPHI having previously accepted the privacy treatment approach for this interface.
- The proposal incorporates targeted privacy mitigation measures consistent with the ADG objectives, including the use of solid wall elements, façade offsets, upper-level setbacks, privacy screens and the orientation of windows and balconies, ensuring that the numerical shortfall does not translate into unacceptable overlooking or amenity impacts.
- The variation does not result in material adverse impacts in terms of overshadowing, visual bulk, view sharing or wind comfort.
- The variation supports an efficient and coordinated built form outcome that retains the approved site planning structure established through the DCP structure plan and carried forward through the design competition and subsequent design excellence and planning approval processes.

For these reasons it is deemed there are sufficient environmental planning grounds to justify the contravention of the development standard.

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