

APPENDIX C - STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal seeks to repurpose the site which is currently underutilised. The proposal will enable the effective management and development of the State's resources through the undertaking of thorough environmental, economic and social assessments to inform the design of the proposal and its suitability for the site. Where appropriate, mitigation measures are provided to better manage the social and economic welfare of the community during construction and operation of the development.	Section 6 & 7
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal addresses the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021. In addition, ESD and BASIX Reports have been prepared to accompany the EIS which identifies how ESD principles are incorporated into the design and ongoing operation of the	

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		proposed development, how the development will meet or exceed the relevant industry-recognised building sustainability and environmental performance standards, and how the development minimises greenhouse gas emissions and consumption of resources.	
	<i>To promote the orderly and economic use and development of land</i>	The proposed redevelopment of the site responds to the State's growing population and the need to build more homes in accessible locations to boost housing supply and improve affordability. The redevelopment of the site has been informed by a thorough site and local context analysis, environmental assessments and assessment against State and local strategic and statutory policy to promote the orderly and economic use and development of the land.	
	<i>To promote the delivery and maintenance of affordable housing,</i>	The proposal includes the delivery of 57 affordable housing units (15% of the total proposed GFA) which will be managed by a Community Housing Provider for at least 15 years.	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	A biodiversity assessment has been undertaken for the site. The assessment concluded the site is not considered to hold any biodiversity value. As such, a BDAR	

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		Waiver has been issued by DPHI in respect of the proposed development.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	An Aboriginal Cultural Heritage Assessment Report (ACHAR) and Heritage Impact Assessment (HIS) have been prepared to assess the impacts of the proposal on built and cultural heritage. Both reports have concluded that the proposed development will not have a detrimental impact on any matters of built and cultural heritage. The ACHAR has found that no known Aboriginal objects, or Aboriginal places have been identified within the curtilage of the subject site. The HIS has found that the proposed development would have an acceptable impact on the heritage significance of heritage items in the vicinity of the site.	
	<i>To promote good design and amenity of the built environment,</i>	The proposed development has gone through various design excellence stages including an architectural design competition undertaken in accordance with Canada Bay LEP in 2022, and the reconvening of the competition Jury as a Design Integrity Panel to review the SSDA proposal and confirm that the proposal	

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		maintains design excellence. The design excellence strategy is detailed in the accompanying (GA NSW endorsed) Bridging Design Excellence Strategy. The DIP has reviewed the proposal twice before SSDA lodgement and have agreed to the proposal progressing to formal lodgement.	
	<i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	Community and stakeholder engagement has been undertaken by the Project Team in preparation of the SSDA, as detailed in Section 5 of the EIS. Through the assessment period, there will be another opportunity for community and stakeholders to respond to the proposed development. The Applicant will respond to any concerns raised during the notification of the SSDA.	
Section 4.15	<u>Relevant environmental planning instruments:</u> ▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i> ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> ▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ▪ <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	See detail below under State Environmental Planning Policies (SEPPs).	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	▪ <i>State Environmental Planning Policy (Housing) 2021</i> ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ▪ <i>City of Canada Bay Local Environmental Plan (LEP) 2013</i>		
	Draft environmental planning instruments	None are relevant to the proposal.	N/A
	Relevant planning agreement or draft planning agreement	None are relevant to the proposal.	N/A
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	N/A
	Development control plans: <i>City of Canada Bay Development Control Plan 2013</i>	See detail below under Development Control Plan.	Appendix C
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS	Section 7
	Any submissions made	Submissions will be considered following exhibition of the application.	N/A
	The public interest	The proposed development satisfactorily responds to the relevant planning instruments and controls applying to the site. The proposal	Section 7

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		will not create any adverse social, economic or environmental impacts that cannot be mitigated by the proposed mitigation measures provided at Appendix D. On balance, the benefits of the development outweigh any adverse impacts, and the development is deemed to be in the public interest.	
Environmental Planning and Assessment Regulation 2021			
Section 26	Section 26 of the Regulations outlines the information required about affordable housing development. It states that an Applicant must specify the name of the registered Community Housing Provider (CHP) who will manage the affordable housing component of the development.	The Applicant has provided a letter outlining their strong track record of delivering affordable housing in Sydney. They have also shortlisted two possible CHPs, who they have a strong relationship with, and who may be able to take carriage of the affordable housing component of this development. Given the status of the project (pre-approval) it is too early to agree on commercial terms with a registered CHP. Given the large number of affordable apartments the Applicant is seeking to deliver, the appointment of a CHP will occur following a tender process, which would happen post SSD approval and the CHP will be appointed prior to any Occupation Certificate for the development.	Appendix UU

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Section 35	Section 35 of the Regulations requires an assessment of consistency of the development with the relevant plan, being the Rhodes Place Strategy (published on 30 October 2021).	An assessment of consistency is provided below (in this document) and within Section 2.1.5 of the EIS. These documents confirm strong strategic alignment with the Place Strategy.	Section 2.1.5, Appendix C
Section 173	Section 173 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Clause 173 of the EP&A Regulation and SEARs.	Section 1, Appendix A
Section 193	Section 193 of the Regulations requires an assessment against the principles of ESD.	The EIS has addressed the principles of ESD including the precautionary principle, intergenerational equity, conservation of biological and ecological integrity and improved valuation, pricing and incentive mechanisms.	Section 6.1.7
Biodiversity Conservation Act 2016			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver has been issued for the proposed development confirming that the development is unlikely to have any significant impact on biodiversity values of the site and surroundings.	Appendix BB
State Environmental Planning Policies			
<i>State Environmental Planning Policy</i>	In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, development to which:	The residential component of the proposed works has an estimated EDC greater than	Appendix G

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<i>(Planning Systems) 2021</i>	- Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and - Has a CIV of \$75M+ (for the residential components); and - Is not prohibited under an EPI applying to the land. - Will provide at least 10% of the residential component as affordable housing for at least 15 years. Is classified as SSD.	\$75,000,000 and accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP. The proposed uses 'shop top housing' and 'retail premises' are permitted with development consent in the MU1 (Mixed Use) zone under the CB LEP. The proposal also provides 15% affordable housing and meets the locational criteria of the Housing SEPP. Therefore, the proposal qualifies as SSD.	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	A Detailed Site Investigation (DSI) was prepared for the site which found that the site is suitable for the proposed development and that the required considerations of Clause 4.6 of the SEPP are satisfied. An Acid Sulfate Soils Management Plan has also been prepared for the site.	Appendix FF and JJ
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Section 2.48: development likely to affect an electricity transmission or distribution network.	The application will be referred to Ausgrid for comments. No issues are anticipated, given Ausgrid raised no objections to the (approved) Regional DA.	Appendix B
	Section 2.98: A consent authority must take into consideration any response from the rail authority for the rail corridor received within 21 days after the notice is given.	The site is adjacent to the rail corridor. Therefore, the SSDA will be referred to the relevant rail authority.	Section 6.1.8.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Section 2.100: Impact of rail noise on non-rail development	The proposal is accompanied by a Noise and Vibration Impact Assessment (NVIA) which concludes that compliance with the ground-borne noise criteria set out in the Transport and Infrastructure SEPP will be achieved.	Section 6.1.9.
	Section 2.122: Traffic-generating development: A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.	The proposal is seeking consent for more than 200 parking spaces. The proposal is therefore considered 'traffic-generating development' under the Transport and Infrastructure SEPP. The application will be required to be referred to TfNSW for a response.	Section 6.1.8.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Chapter 2 Vegetation in non-rural areas aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The accompanying Arboricultural Impact Assessment demonstrates how the proposal seeks to minimise tree removal as much as possible. While 48 trees are proposed to be removed, approximately 150 trees are proposed to be planted on the site (and within the foreshore area) representing a tree replacement ratio of more than 1:1 and achieving a canopy coverage of approximately 30%. A BDAR Waiver has been granted for the proposed development which confirms that the proposed development is unlikely to have	Appendix S, Appendix BB

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		any significant impact on biodiversity values of the site and surroundings.	
	Chapter 6: Water Catchment Section 6.28: The site is mapped within the 'foreshore and waterway area' under the Biodiversity and Conservation SEPP. The consent authority must be satisfied that the development will protect the natural assets of Sydney Harbour and ensure the public use of the area is protected.	The proposed redevelopment of the foreshore area for public use ensures the foreshore and waterways area will be protected for the public good (and not privatised). The proposal promotes the equitable use of the foreshore through the provision of a public promenade and public open spaces that can be accessed through the site and from Blaxland Road.	Appendix B
	Section 6.32: A small portion of the site is mapped as containing Rocky Foreshores and Significant Seagrasses (RFSS) under the Biodiversity and Conservation SEPP. The consent authority must be satisfied that the development will not adversely impact on aquatic ecology prior to the granting of development consent.	A BDAR Waiver has been granted for the proposed development which confirms that the proposed development is unlikely to have any significant impact on biodiversity values of the site and surroundings. Furthermore, erosion and sediment control measures documented in the civil plans will ensure the proposal will not adversely impact aquatic ecology.	Appendix BB
	Section 6.45: The site is mapped as a 'Strategic Foreshore Site' under the Biodiversity and Conservation SEPP. Strategic foreshore sites are to be master planned prior to the granting of development consent.	The Leeds Street Precinct has been master planned as a part of the Rhodes Place Strategy, developed by DPHI, in partnership with City of Canada Bay Council, State agencies, industry and the community. The vision for the Leeds Street precinct is to deliver a new foreshore area anchored by a	Appendix L

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		mix of uses. The proposal has been developed in accordance with the vision of the Rhodes Places Strategy and the Rhodes Precinct Structure Plan, satisfying this provision of the Biodiversity and Conservation SEPP.	
<i>State Environmental Planning Policy (Housing) 2021</i>	Chapter 2 Affordable Housing Section 15C The in-fill affordable housing provisions of the Housing SEPP apply to development that includes residential development if – - The development is permitted with consent under an EPI - The affordable housing component is at least 10% - The development is carried out in an accessible area	The proposed shop top housing development is permitted with consent under the City of Canada Bay LEP 2013. As above, 'retail premises' are also permitted with consent. At least 10% of the total GFA is proposed to be affordable housing. The site is located within 400m of bus stops on Walker Street and Cavell Avenue used by a regular bus service and therefore meets the 'accessible area' requirements of the Housing SEPP.	Appendix B
	<u>Section 16 Affordable housing requirements for additional floor space ratio</u> The minimum affordable housing component is 10%. 30% additional FSR is permitted for proposals delivering up to 15% affordable housing, based on the maximum permissible FSR for the land, in accordance with Section 16 (1) and (2).	15% of the total GFA proposed is provided as affordable housing. Therefore, the proposal seeks to utilise the full 30% FSR bonus available. As the full 30% bonus FSR is permitted under Section 16 (1) and the development comprises shop top housing, a 30% height	Appendix B

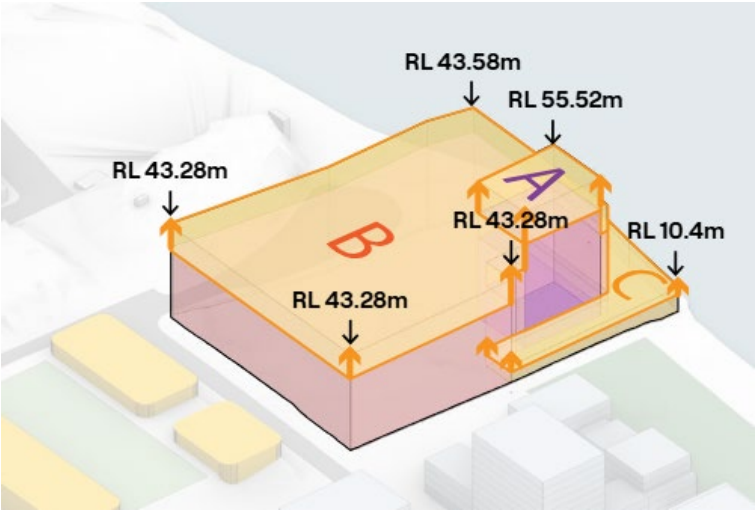
Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	In accordance with Section 16 (3), the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	bonus is also applicable to the proposed development.	
	<u>Non-discretionary development standards</u> 19(2)(a) Minimum site area of 450m ²	The site has an area of approximately 11,692sqm.	Appendix M
	19(2)(b) minimum landscaped area that is the lesser of: - 35m ² - 30% of the site area	A total landscaped area of 11,704sqm is proposed on the site, representing more than 100% of the site area. This is achieved through deep soil and soft landscaping throughout the ground plane, as well as on slab planting throughout the podium and rooftop communal spaces.	Appendix B
	19(2)(c) 15% deep soil zone, with: - Minimum dimensions of 3m 65% located at the rear of the site	As stated in clause 19(3), Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As such this control is not relevant.	Appendix T
	19(2)(d) living rooms and POS in at least 70% of dwelling receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter.	As stated in clause 19(3), Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. As such this control is not relevant.	Appendix L
	19(2)(e) car parking for affordable housing dwellings:		Appendix Y

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	- 1 bedroom: 0.4 parking spaces - 2 bedroom: 0.5 parking spaces - 3 bedroom: 1 parking space 19(2)(f) car parking for non-affordable housing dwellings: - 1 bedroom: 0.5 parking spaces - 2 bedroom: 1 parking spaces - 3 bedroom: 1.5 parking space	The proposal complies with both the maximum parking rates prescribed by Clause 7.8 of the Canada Bay LEP, and the minimum Housing SEPP parking rates, noting that the parking rates set out in the Housing SEPP are non-discretionary development standards, meaning they do not prevent a consent authority from granting consent, even though a non-discretionary development standard is not complied with. The proposal generates a minimum residential parking requirement of 351 spaces under the Housing SEPP. The proposal provides 397 car spaces including 372 residential spaces, thereby complying with the Housing SEPP rates.	Appendix Y
	<u>Section 20 Design Requirements</u> Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with the desirable elements of the character of the local area, or for precincts undergoing transition—the desired future character of the precinct.	As demonstrated in the accompanying Design Report, the proposed development has been designed in response to the desired future character of the Rhodes peninsula. The site is located within an evolving precinct, proximate to the Parramatta River, Rhodes train station and significant networks of open space. The design references the existing local character, connecting with the immediate natural context through the foreshore park.	Appendix L

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		North-south and east-west through site links facilitate public connections to the redeveloped foreshore park and views to the Parramatta River. The proposed siting of buildings, mix of uses, built form design and materiality all contribute to a desirable outcome for this part of the Leeds Street precinct. The abundance of trees and landscaping on the site will soften the appearance of the built form when viewed from its surrounding context.	
	<u>Section 21 Must be used for affordable housing for at least 15 years</u> The consent authority is to be satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development, the development will include the affordable housing component specified above, and the affordable housing component will be managed by a registered community housing provider.	The proponent is committed to providing 15% of the total proposed GFA as affordable housing to be managed by a Community Housing Provider for a period of 15 years.	Appendix UU
	Chapter 4 Design of Residential Apartment Development Under Chapter 4 of the Housing SEPP, the consent authority must consider:	A detailed assessment of the proposal against the design principles for residential apartment development and the Apartment Design Guide (ADG) is provided in the accompanying Design Report. The assessment demonstrates that the proposal achieves full	Appendix L

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide.	compliance with the key numerical requirements of the ADG including: ▪ Solar and daylight access. ▪ Natural ventilation. ▪ Apartment size and layout. ▪ Ceiling heights. ▪ Private open space and balconies. ▪ Communal Open Space. ▪ Visual Privacy. ▪ Deep soil area. ▪ Storage.	
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.	An ESD and BASIX Report accompanies the proposal which demonstrates how a high level of energy efficiency and environmental sustainability are achieved in the proposed development, with a strong emphasis placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation. The proposal meets the relevant BASIX targets, achieving an energy score of 69/60 and a water score of 54/40.	Appendix V

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		An Embodied Emissions Report also accompanies the ESD and BASIX Report which quantifies the amounts of key materials used in the construction of the proposed development.	
Draft Environmental Planning Instruments			
N/A			
Canada Bay Local Environmental Plan 2013			
Zoning and Land Use	The proposed development involves “Shop top housing” and “retail premises” which are a permissible uses with consent in the MU1 (Mixed Use) zone. The MU1 (Mixed Use) zone objectives are: <i>To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.</i> <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Complies The proposal is entirely consistent with the objectives of the zone given: • The development offers a diverse mix of retail and residential uses, creating employment opportunities. • It locates housing and employment in an accessible area close to multiple public transport options. • Ground floor non-residential uses and through site links will help activate the precinct.	Section 4

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>	• The proposal aligns with the future character of the area, featuring buildings of varying heights and scales. • The built form and massing contribute positively to the evolving identity and quality of the locality. • The development is compatible with existing redeveloped parts of Rhodes and future neighbouring sites zoned for mixed-use under the CBLEP and DCP.	
4.3 Height of Buildings	Three building heights apply to different parts of the site under clause 4.3 of the LEP, as shown below: 	Variation Sought The proposed development seeks to utilise the bonus height and FSR established through the incentives provided by the Infill affordable housing provisions within the Housing SEPP. With the additional 30% height uplift, the permissible height ranges (due to the varying existing ground levels across the site) for the site are as follows: ▪ Zone A: 51.87m to 52.52m (RL 55.37m to RL 55.52m). ▪ Zone B: 27.1m to 31.6m x 130% = 36.13m to 41.08m (RL 43.13m to RL 43.58m).	Section 3.3.2 and Appendix F

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		▪ Zone C: No development proposed within this portion of the site. The proposed maximum height of each of the towers is: ▪ Building A: RL47.30 ▪ Building B: RL 38.25 ▪ Building C: RL 38 ▪ Building D: RL41.2 ▪ Building E: RL46 ▪ Building F: RL60.45 Buildings A, D, E and F breach the permissible height limit for the site. A Clause 4.6 variation request accompanies this EIS which comprehensively justifies the height non-compliance. In summary, the proposed height is considered suitable for the subject site as the proposal is broadly consistent with the height control aside from isolated structures on the rooftops of Building A, D, E and F as well as minor portions of the upper levels of Building A and F. The non-compliant elements are not in a location or of a scale that would result in the development being incompatible with the	

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		built form vision established under the Place Strategy. Further, the proposal satisfies and objectives of the height development standards and the MU1 (Mixed Use) zone. Importantly, the non-compliant built form does not result in any adverse environmental impacts and instead provides a built form that achieves the desired future character of the area. The non-compliance is further justified in the accompanying Clause 4.6 Variation Request.	
4.4 Floor Space Ratio	The maximum FSR for the site prescribed by the LEP is 2.3:1. Inclusive of the 5% bonus FSR provided under Clause 7.11, the site has a permissible maximum FSR of 2.415:1. With the addition of the 30% FSR uplift available under the Housing SEPP, the site has a total permissible FSR of 3.14:1 (36,708.1sqm of GFA).	Complies The proposed development will have an FSR of 3.13:1 (36,636.6sqm of GFA).	Section 3.2.2
5.10 Heritage Conservation	(2) Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item,	Complies The site at 25-27 Leeds Street, Rhodes does not contain a heritage item, nor is the site located in a heritage conservation area. However, the site is located in close proximity to State Heritage Item 'Meadowbank rail bridge over Parramatta River'. Local heritage items nearby include 'Warehouse' at 14 Cavell	Appendix MM, Appendix NN

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	Avenue, Rhodes which is separated from the site. A Heritage Impact Statement has been prepared to support the proposed development which concludes that the proposal would have an acceptable impact on the heritage significance of heritage items in the vicinity of the site. In addition, a Preliminary Historical Archaeological Assessment (PHAA) and an Aboriginal Cultural Heritage Assessment Report (ACHAR) have been prepared in relation to the proposed development. These reports have assessed that there is low potential for any aboriginal resources or objects to occur within the site. These reports recommended an Unexpected Finds Procedure to be implemented and followed should any archaeological finds be uncovered or suspected during the works.	

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5.21 Flood Planning	5.21 Flood planning (1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing	Complies The site is located within a 'flood planning area' as identified in the Rhodes East priority Investigation Area Hydrology and Flooding Report. The site is subject to shallow ponding of overland flows on the western side of the existing warehouse in the 1% Annual Exceedance Probability (AEP) and Peak Mean Flood (PMF) storm events. There are also localised stormwater flows on Leeds Street that occur during the PMF. The accompanying Flood Risk Report confirms the proposed development will satisfy the relevant flood related development controls and will result in an improved flood outcome for the site.	Appendix II

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	evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.		

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6.1 Acid sulphate soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class of land 2: Works below the natural ground surface. Works by which the watertable is likely to be lowered. 5: Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if— (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the	Complies The site is mapped as comprising Class 2 and Class 5 acid sulfate soil. The results of the Detailed Site Investigation (DSI) confirm that acid sulfate soils were present in 10 samples from around the site which were taken from a range of depths. An Acid Sulfate Soils Management Plan has been prepared in accordance with the recommendations of the DSI, and details how the soil can be appropriately managed during construction works.	Appendix FF

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	assessment by notice in writing to the person proposing to carry out the works.		
6.2 Earthworks	(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. (2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both,	Complies Consent is sought for earthworks to accommodate a 2-storey basement parking structure. A Geotechnical Investigation and Dewatering Management Plan have been prepared in support of the proposed development. These reports provide recommendations on excavation, retention, hydrogeological considerations, footings, subgrade preparation and basement slabs; together with dewatering strategies for the proposed 'tanked' basement.	Appendix EE, Appendix YY

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
6.3 Environmentally Sensitive Land	(1) The objective of this clause is to protect environmentally sensitive land by— (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. (2) This clause applies to the following land— (a) land in Zone C2 Environmental Conservation, (b) land identified as “Environmentally Sensitive Land” on the Environmentally Sensitive Land Map.	Complies The site is partially mapped as ‘environmentally sensitive land’ under the Canada Bay LEP. A BDAR Waiver has been granted by DPHI confirming that the proposed development is unlikely to have any significant impact on the biodiversity values of the site and surroundings.	Appendix BB

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider— (a) whether the development is likely to have— (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or		

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		
6.4 Limited development on foreshore area	(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area. (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes— (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors). (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that— (a) the development will contribute to achieving the objectives for the zone in which the land is located, and (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and	Complies The northern portion of the site is mapped as ‘foreshore area’ under Clause 6.4 of the Canada Bay LEP. Clause 6.4 restricts the type of development that can occur in this area to ensure an appropriate provision of open space. There are no buildings proposed within the ‘foreshore area’. Development within the foreshore area is limited to the future foreshore open space and the foreshore promenade, including the pedestrian walkway and landscaping. The dedication of this land to Council will contribute to the delivery of a new Foreshore Open Space and promenade, in line with the vision established under the Rhodes Place Strategy.	Appendix L

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(c) the development will not cause environmental harm such as— (i) pollution or siltation of the waterway, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or (iii) an adverse effect on drainage patterns, and (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and (h) sea level rise or change of flooding patterns as a result of climate change has been considered. (4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether		

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	and to what extent the development would encourage the following— (a) continuous public access to and along the foreshore through or adjacent to the proposed development, (b) public access to link with existing or proposed open space, (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land, (d) public access to be located above mean high water mark, (e) the reinforcing of the foreshore character and respect for existing environmental conditions.		
6.5 Active Street frontages	(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	Complies The site is mapped on the LEP 'active street frontages' map. Specifically, the map requires an active frontage to the future foreshore park. Retail uses are proposed on the ground level of Building E and F which have a frontage to the foreshore park and will create a vibrant public domain at this interface.	Appendix L
6.10 Public utility infrastructure	(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that	Complies The site currently has access to all utility services including potable water, sewerage, gas, electricity, communications.	Appendix QQ

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	adequate arrangements have been made to make that infrastructure available when required.	The accompanying Infrastructure Delivery, Management and Staging Plan confirms that the existing authority's infrastructure have adequate capacity to support the proposed redevelopment.	
6.11 Mix of dwelling sizes in residential flat buildings and mixed use development	(3) Development consent must not be granted to development to which this clause applies unless— (a) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will be studio or 1 bedroom dwellings, and (b) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will have at least 3 bedrooms.	Complies The proposal will deliver 340 dwellings in the following mix: ▪ Studio: 1 (0.3%) ▪ 1 bedroom: 57 (17%) ▪ 1 bedroom + study: 9 (3%) ▪ 2 bedrooms: 114 (34%) ▪ 2 bedrooms + studio: 18 (5%) ▪ 3 bedroom town house: 7 (2%) ▪ 3 bedrooms: 127 (37%) ▪ 4 bedrooms: 7 (2%)	Appendix L
6.12 Affordable housing	(6) The affordable housing levy contribution for development in the following affordable housing contribution areas is 5% of the relevant floor area— (a) the Rhodes East affordable housing contribution area,	Complies The Applicant will comply with clause 6.12 through the payment of a monetary contribution, which can be stipulated through an appropriate condition of consent.	Appendix C

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(b) the 1 Ramsay Road Five Dock affordable housing contribution area. (7) A condition imposed under this clause must provide for the affordable housing levy contribution to be satisfied— (a) by dedication in favour of the Council of land comprising— (i) 1 or more dwellings, each having a gross floor area of not less than 50 square metres, with any remainder paid as a monetary contribution to the Council, or (ii) other land approved by the Council in accordance with the Affordable Housing Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or (b) if the person chooses, by monetary contribution paid to the Council. (8) The rate at which a dedication of land or monetary contribution is taken to be equivalent to the relevant floor area for the purposes of the affordable housing levy contribution is to be calculated in accordance with the Affordable Housing Contributions Scheme. (9) To avoid doubt— (a) it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether the floor area concerned replaces an existing area, and		

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(b) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of an affordable housing contribution.		
7.2 Design excellence in Rhodes Precinct	(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) the requirements of a development control plan made by the Council and applying to the land on the commencement of this clause, (ii) the suitability of the land for development, (iii) existing and proposed uses and use mix, (iv) heritage issues and streetscape constraints,	Complies Billbergia has undertaken a competitive design process, which concluded in September 2022. A ‘design integrity’ process was subsequently undertaken culminating in the DIP (formerly the competition jury) determining that the scheme exhibited ‘design excellence’. Design development has occurred during the preparation of the SSDA – in accordance with a GA NSW endorsed “Bridging Design Excellence Strategy”. The SSDA scheme was presented to the jury prior to the lodgement of the EIS who confirmed that the current proposal exhibits ‘design excellence’.	Appendix H, I and J.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	(v) the relationship of the development with other development, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (vi) bulk, massing and modulation of buildings, (vii) street frontage heights, (viii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (ix) the achievement of the principles of ecologically sustainable development, (x) pedestrian, cycle, vehicular and service access, circulation and requirements, (xi) the impact on, and any proposed improvements to, the public domain, (xii) achieving appropriate interfaces at ground level between the building and the public domain, (xiii) excellence and integration of landscape design.		
7.3 Overshadowing of public places in Rhodes Precinct	(1) Development consent must not be granted to development that results in a building causing additional overshadowing of a public place identified on the Sun Access Protection Map during the time specified for the public place in the following table— ▪ Brays Bay Reserve: 8:30am–12:30pm	Complies The site is proximate to the Leeds Street Open Space which is identified as a public place on the Sun Access Protection Map. Under Clause 7.3 of the LEP there shall be no additional overshadowing to Leeds Street	Appendix L

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	▪ King George V Park: 8:30am–12:30pm ▪ Leeds Street Open Space: 8:30am–12:30pm ▪ Mcllwaine Park Primary Zone: 8:30am–2pm ▪ Mcllwaine Park Secondary Zone: 8:30am–12:30pm ▪ Peg Patterson Park: Midday–2pm ▪ Uhrs Reserve: 8:30am–12:30pm ▪ Union Square: 9am–2pm	Open Space between the hours of 8:30am and 12:30am. The accompanying shadow diagrams demonstrate compliance with this requirement.	
7.4 Minimum non-residential floor space in the Rhodes Precinct	(1) The minimum percentage of the gross floor area of a building on land in the Rhodes Precinct that must be used for non-residential purposes for development consent to be granted to development in relation to the building is specified on the Non-residential Floor Space Map. (2) In this clause— non-residential purposes means purposes other than the following— (a) residential accommodation, excluding seniors housing, (b) serviced apartments, but only if there are, or as a result of the development will be, fewer than 50 serviced apartments on the land, (c) car parks, (d) telecommunications facilities.	Complies The site is not mapped on the non-residential floorspace map of the CBLEP. Therefore, this clause does not apply. Nevertheless, 1,430.87sqm of retail floorspace will be provided for the development.	Appendix B

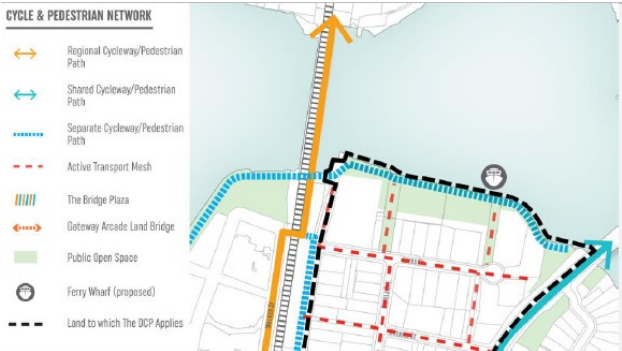
Statutory Reference	Relevant Considerations	Relevance	Section in EIS
7.5 Minimum building separation and maximum floor areas above building podiums in Rhodes Precinct	(1) Development consent must not be granted to development that results in a building in the Rhodes Precinct being separated from another 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.	Complies Only Tower F is proposed to be above 14 storeys tall, while all other buildings are less than 14 storeys in height. Therefore, as no two buildings above 14 storeys interface on the site, this clause does not apply. The proposed GFA of each floor plate (above the podium), will not exceed 750sqm, as demonstrated in the Architectural Design Report.	Appendix L
7.6 Maximum height of building podiums in Rhodes Precinct	Development consent must not be granted to development that results in the podium of a building in the Rhodes Precinct being higher than 16 metres.	Complies As demonstrated in the Design Report, the proposed podiums do not exceed 16m.	Appendix L
7.7 Maximum number of dwellings in Rhodes Precinct	(1) Development consent must not be granted to development that results in more than 3,000 dwellings in the Rhodes Precinct. (2) The following dwellings are to be disregarded for subclause (1)— (a) dwellings that existed before 30 October 2021, (b) dwellings permitted by a development consent granted before 30 October 2021.	Complies Billbergia has undertaken analysis of dwellings under construction, under assessment, and yet to be realised. The analysis demonstrates there is latent capacity under the 3,000-dwelling cap (of around 756 dwellings), once all planned developments have been completed, including the four projects being progressed by	Appendix XX

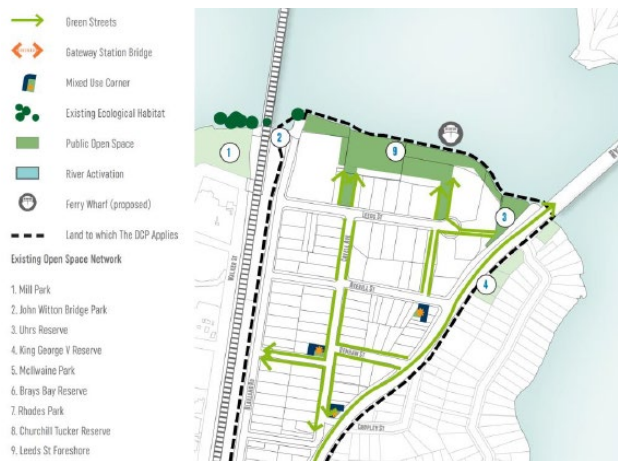
Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		Billbergia under the DPHI Affordable Housing Bonus Scheme.	
7.8 Maximum number of car parking spaces for uses of land in Rhodes Precinct	(2) The maximum number of car parking spaces is as follows— (a) for commercial premises other than retail premises—1 space per 150 square metres of gross floor area used for that purpose, (b) for retail premises other than restaurants or cafes—1 space per 100 square metres of gross floor area used for that purpose, (c) for restaurants or cafes—1 space per 150 square metres of gross floor area used for that purpose, (d) for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing— (i) 0.6 spaces per studio dwelling, and (ii) 0.6 spaces per dwelling with 1 bedroom, and (iii) 0.9 spaces per dwelling with 2 bedrooms, and (iv) 1.4 spaces per dwelling with 3 or more bedrooms, and (v) 1 visitor car parking space per 7 dwellings. (3) If the total number of car parking spaces under this clause is not a whole number, the total is to be rounded down to the next whole number.	Complies The proposed development generates a maximum parking requirement of 388 spaces (excluding car wash bays and car share spaces. The proposed development includes 397 parking spaces comprising 386 residential/visitor/retail car spaces, 9 car share spaces and 2 car wash bays. The proposed parking provision therefore complies with the maximum LEP rates	Appendix Y

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
7.9 Water reticulation systems for buildings in Rhodes Precinct	Development consent must not be granted to the erection of a building in the Rhodes Precinct unless the building utilises a dual water reticulation system containing pipes for potable water and recycled water for all internal and external water uses.	The Applicant will accept a condition of consent in relation to dual water reticulation (consistent with the Regional DA approval).	
7.10 Site area of proposed development in Rhodes Precinct includes dedicated land	The site area of proposed development on land in the Rhodes Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that— (a) is dedicated to the Council for a public purpose or otherwise set aside as publicly accessible open space or as a pedestrian link, and (b) would have been part of the site area if it had not been dedicated or set aside.	The site area includes land that is to be dedicated to Council, being the foreshore area at the northern side of the site. This has been included in the site area / FSR calculation, in accordance with this control.	Appendix M
7.11 Additional floor space for certain BASIX affected buildings in Rhodes Precinct	(1) A BASIX affected building on land in the Cavell Avenue Character Area, Leeds Street Character Area or Station Gateway East Character Area may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by 5% if the building— (a) exceeds the BASIX commitment for energy for the building by at least 15 points, and (b) exceeds the BASIX commitment for water for the building by at least 20 points.	Complies The proposal seeks to utilise this clause to obtain the 5% FSR bonus. - Notably, this LEP clause was drafted while the previous BASIX tool was in place. This tool was recently revised, with BASIX target scores increased on 1 October 2023. On this basis and because: - The gazettal of Canada Bay LEP Clause 7.11 pre-dates the updates to BASIX scores; and	Appendix V

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		▪ The Applicant has incorporated all feasible ESD measures (i.e., achieving the bonuses using the new BASIX tool is 'virtually impossible'); and ▪ The BASIX scores could be further improved by Council supplied treated wastewater infrastructure in the future. The Applicant is seeking credit for the proposed BASIX score, which would qualify for the local GFA bonus at the time the LEP clause was gazetted. The ESD and BASIX Report further supports this, stating that the water scores demonstrate how far the project has gone beyond the targets.	
7.19 Minimum site area in Leeds Street Character Area	The minimum site area for development in Site A in accordance with Clause 7.19 is 11,675sqm.	Complies The site is mapped as Site A on the additional permitted uses map, therefore the minimum site area clause of the LEP applies. The total site area is 11,692.4 sqm, which is over the minimum requirement of the LEP.	Appendix M

K.16.3 Key Development Parameters		
Maximum Lot Size	C1. All new development is to comply with maximum lot size.	The site is not located within the Cavell Avenue Character Area, therefore this clause does not apply.
Maximum lot frontage length	C2. All new development is to comply with maximum and minimum frontage length: Maximum 60m	The site is not located within the Cavell Avenue Character Area, therefore this clause does not apply.
Maximum Building Height	C3. All new development is to comply with maximum building height: 8 and 11 storeys as per Figure K16-6.	The proposal comprises a part 10-17 storey mixed use development. The development utilises the 30% additional height bonus afforded by the In-fill Affordable housing provisions of the housing SEPP.
Maximum Floor Space Ratio	C6. All new development is to comply with the maximum floor space ratio: Refer to LEP.	The proposed development will have an FSR of 3.13:1. The proposal complies with the maximum FSR permitted under the LEP plus local (BASIX) and Housing SEPP bonuses which equates to a maximum FSR of 3.14:1.
	C7. In selected locations, an increase in permissible FSR may be possible linked to the provision and delivery of new streets and delivery of BASIX targets.	As above.
Transfer of Floorspace and FSR	C8. Additional heights and FSR apply to selected locations as per Figure K16-8 and are linked to the delivery of new streets as outlined above.	No new streets are required to be delivered as part of the proposal.
	C9. Across the precinct, an increase in permissible FSR is possible linked to delivery of BASIX targets.	As above.
K16.4 Public Domain		

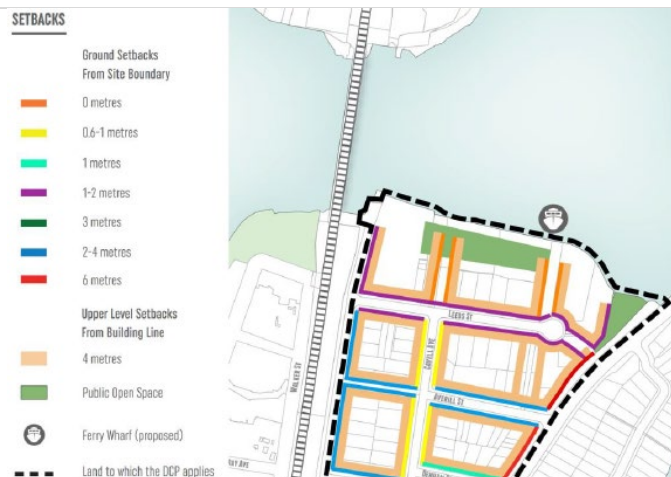
Street Network and Access	C1. The existing street pattern is to be retained and new streets are to be provided as per Figure K16-10.	The proposal is not delivering any new roads.
	C2. Street design including the upgrade of existing and the delivery of new streets are as per Figure K16-9 and Figure K16-11 to Figure K16-14.	The proposal is not delivering any new roads.
Pedestrian and Cycle Network	C3. The pedestrian and cycle network is as per Figure K16-15 and designed as per the Canada Bay Rhodes East Public Domain Plan. 	The proposal includes the delivery of a new foreshore promenade and through-site links. These will provide improved connections to the station precinct, and along the Parramatta River foreshore. The through site links act as the primary connectivity spines with finer grain permeability promoted throughout the ground plane maximising access and circulation. The proposal will deliver a well-connected and high-quality public domain and activated ground plane. New through site links are proposed which will improve pedestrian connectivity and sight lines to the Parramatta River. The public domain design is consistent with the vision identified in the Rhodes Place Strategy.
	C4. Provide spaces on private property that enable pedestrian access and use (e.g. Connections within a site, lobbies and the like) that are accessible and at-grade.	The proposal is accessible, with at grade universal access (maximum 1:21) provided at all entrances.
	C5. Bicycle facilities, such as parking, secure storage and end-of-trip facilities are required to be easily accessible from the public domain and conveniently located near entrances and/or lifts of new development.	The proposal generates a bicycle parking requirement of 458 spaces. 614 bicycle parking spaces are proposed, as follows: 340 resident storage cages each capable of storing at least one bicycle. 12 retail staff bicycle spaces.

		156 residential / visitor bike spaces in two separate ground floor bike storage rooms. 70 visitors/customers bicycle spaces in a bike parking hub on the corner of Blaxland Road, proposed to be shared between residential visitors and retail customers; and 36 residential bicycle parking within basement floors.
	C6. The location of the building entrances must be clearly visible from the public open space network to support surveillance and safety of the pedestrian and cycle network.	Main building entrances have been designed to be clearly identifiable, well-lit and allow for passive surveillance.
Open Space Network	C7. The open space network is as per Figure K16-16 and designed as per the Canada Bay Rhodes East Public Domain Plan. 	The proposal is to include the delivery of a new public foreshore promenade which will contribute to the creation of the Leeds St Foreshore identified in the Rhodes East Open Space Network Plan.
	C8. Private spaces that are visible but physically inaccessible to the general public (i.e. front setbacks, communal open space and the like) are designed so that	All private and communal open spaces are located away from public open space.

	they integrate with the treatment of the open space network.	Principles have been established for the interfaces between the public and private domain to ensure that safe and equitable spaces are supported. The central communal space provided at the ground floor of Buildings A and B have been separated from the public domain using extensive native planting. Communal open space at Level 1 of Building F will be accessed via lift/ lobby to ensure the general public cannot access this area.
	C9. The selection of furniture, pavement and lighting for private space visible from the public domain is to demonstrate a similar style and treatment as outlined in the Canada Bay Rhodes East Public Domain Plan	The public domain design is consistent with the draft Rhodes East Public Domain Plan.
	C10. Public domain in Green Streets are to be configured and designed to prioritise walking and cycling along both footpaths and carriageways.	The site is not mapped as containing Green Streets on the Open Space Network Plan. There is a future park proposed to the east of the site which will provide a new "Green Street". The proposed design has considered the future interface with this park.
	C12 Open Space of the School Site must not receive any additional overshadowing from new development between 10.00am and 2.00pm on the Winter Solstice. Location of school's open space is to be determined through a detailed architectural design process.	Overshadowing analysis was completed by SJB Architects, which confirms the proposed development complies with all overshadowing controls to the planned open space within the future school site to the south.
	C13 The Foreshore Park in Leeds Street Character Area must not receive any overshadowing from new development between 8.30am and 12.30pm in the Primary Zone on the Winter Solstice. The Foreshore Park must not receive more than 50% overshadowing from new development after 12.30pm on the Winter Solstice.	The proposal has been designed to ensure there is no additional overshadowing of the foreshore park between 8:30 and 12:30 in the primary zone on the Winter Solstice. No more than 50% of the foreshore park will be overshadowed by the development after 12:30pm on the winter solstice.

Landscape Treatment and Urban Elements	The design of the public domain is to adhere to plans prepared by City of Canada Bay. Landscape design on private land needs to integrate with the design intention and treatment outlined in this document.	Detailed landscape plans and a landscape design report have been prepared to support the application. The proposed landscaping strategy has been designed to complement the surrounding environmental context. The retention of existing trees and proposed new planting will contribute to the creation of a site wide canopy coverage of approximately 30%. The proposed canopy coverage exceeds the 25% nominated under the DCP. <i>Angophora costata</i> trees are currently proposed along the foreshore promenade to supplement the existing species retained. The smooth barked apple tree is native to the Rhodes peninsula and is a suggested species in Council's Indigenous species list. 1,102sqm of deep soil is proposed which equates to 9.5% of the site area, more than the minimum 7% required under the ADG. The proposal will deliver a revitalised foreshore promenade that will contribute to the creation of a destination precinct in accordance with the DCP and Place Strategy. Under the DCP, sites in the Rhodes East Precinct are required to provide a minimum 1:1 landscape replacement area equivalent to the site area. The proposal exceeds the minimum requirement of 1:1 landscape replacement area as per the site specific DCP by approximately 103sqm equalling a total of 11,801sqm of landscape site coverage. the 1.01:1 Landscape site coverage is a result of the combination of non-trafficable green roofs, landscaped podiums, rooftop greening, public open space, through site links and laneway works within the project site boundary
Heritage Landscape	C43. New development must not threaten the retention and impact on the heritage value of the following items: i) heritage listed reserves	The proposal is not located near any heritage trees or Indigenous plantings. A Heritage Impact Statement was prepared by Weir Phillips, which confirmed that the proposal will not impact on any nearby heritage items.

	ii) indigenous planting in McIlwaine Park iii) heritage listed street trees on Cavell Avenue	
Integration of Art	C46. New artwork should be integrated throughout the Precinct and on both public and private land, e.g. corner plazas, parks, reserves, the foreshore, built form facades, and within setbacks and foyers.	The public art approach is based around two key landscape design elements. The first is an interpretive paving design around the River Precinct and Retail Square, resembling forms that celebrate the fluid nature of the Parramatta River, together with the use of limestone, referencing Design with Country principles. The other element is a catenary lighting structure which runs through Leeds Lane and interfaces with the future park. This element is functional, assists with CPTED and adds vibrancy / activation.
	C47. New artwork reflects the principles, themes and opportunities as outlined in the City of Canada Bay Rhodes Peninsula Art Plan.	The proposed public art celebrates the site's location along the Parramatta River and will provide improved vibrancy and activation, in accordance with the principles, themes and opportunities presented in the City of Canada Bay Rhodes Peninsula Art Plan.
	C48. New development above 4 storeys are to allocate 0.5% of the capital cost of development towards artwork. This art can either be provided/ integrated on the site of the development or paid as contribution to Council's public art fund. Art integrated on site must be visible from the public domain and be permanent with a lifespan of 30+ years.	Proposed public art will be visible from the public domain and will be permanent for at least 30+ years.
K16.5 Public-Private Interface		
Street and Upper Level Setbacks	C1. Street setbacks and upper level setbacks are as per Figure K16-22 and Figure K16-23.	While setbacks have largely not been provided in accordance with the DCP, the proposed design is a result of a thorough design excellence process, and has been designed to ensure a high level of pedestrian amenity and activation at the ground plane.



The DCP requires a 1-2m street ground level setback to Blaxland Road and Leeds St and a 0m setback to the proposed new public park to the east of the site. The proposed development largely provides ground level setbacks in excess of these requirements. These extended setbacks improve pedestrian amenity at the ground plane and offer increased opportunity for landscaping. The proposed (approximate) ground floor setbacks are detailed below.

Ground floor setback (Interface with the future park):

- Building A: The ground floor of Building A provides 6m setback to the proposed future park. This is to provide access to the proposed ground floor retail at Buildings A, B and F and to improve activation along the interface with the future park.
- Building B: The ground floor of Building B provides a 0m setback to the proposed future park in accordance with the DCP.
- Building F: A 15m ground floor setback has been provided to the future park. This is to ensure an appropriate interface with the new public park.

Ground floor setback to Leeds Street:

- Building B: Building B provides a setback to Leeds St of 4m which is in excess of the DCP requirement of 1-2m. The increased setback provides increased opportunity for landscaping, and improves the pedestrian experience along Leeds Street.
- Building C: Building C provides a 5m setback to Leeds St. The exception to this is the protrusion of a corner apartments balcony. The inclusion of the balcony will provide improved amenity for residents and

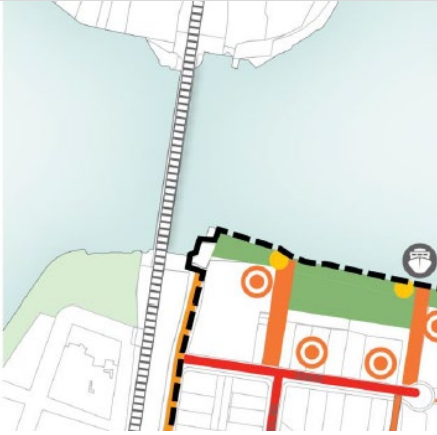
Ground floor setback to Blaxland Road:

- Building C: Building C has a maximum setback to Blaxland Road of approximately 7m, and a minimum setback of approximately 3.5m.

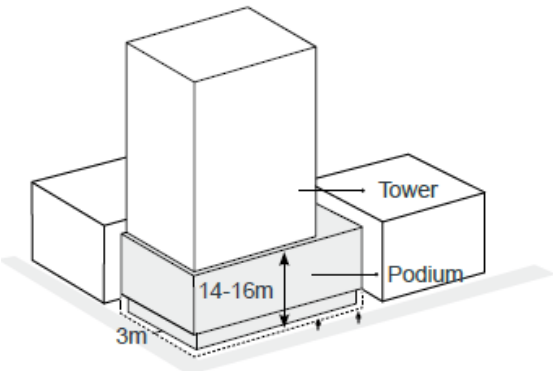
	▪ Building D: Building D has a ground floor setback of 5m to Blaxland Road. ▪ Building E: The setback to Blaxland Road is approximately 5.5m. The DCP requires upper-level setbacks of 4m from the building line at Blaxland Road and Leeds Street. These setback distances have not been delivered in accordance with the DCP, with the tower forms in most cases extending from the podium building line. This variation is considered acceptable on merit, given the high degree of articulation that has been used to distinguish the towers and podium forms. At the podium level warm toned, textured materials create a fine grain. The tower levels have incorporated lighter coloured concrete forms. Design elements such as awnings and overhangs further separate the tower and podium forms. Despite the variation to the setback controls the proposal aligns with the key objectives of the DCP control: <i>O1 To respect and enhance the existing streetscape presence and character of the Precinct:</i> The proposed setbacks to Leeds Street and Blaxland Road will provide opportunities to improve the streetscape by facilitating increased landscaping and activation at the ground plane. <i>O2 To facilitate a sensitive transition from existing built form to future development:</i> The proposed setbacks provide an appropriate interface to the adjoining areas, including the future park and neighbouring school site. The setbacks minimise the bulk and scale of the development and will provide an improved pedestrian experience. <i>O3 To enhance development and its relationship with adjoining sites and the public domain, particularly access to sunlight, outlook, view sharing, ventilation and privacy:</i> The proposal will not result in any unreasonable amenity impacts to adjoining sites and/or the public domain. <i>O4 To provide a sense of enclosure to the street and contribute to the Precinct's desired human-scale character:</i> As discussed in the Design Report prepared by
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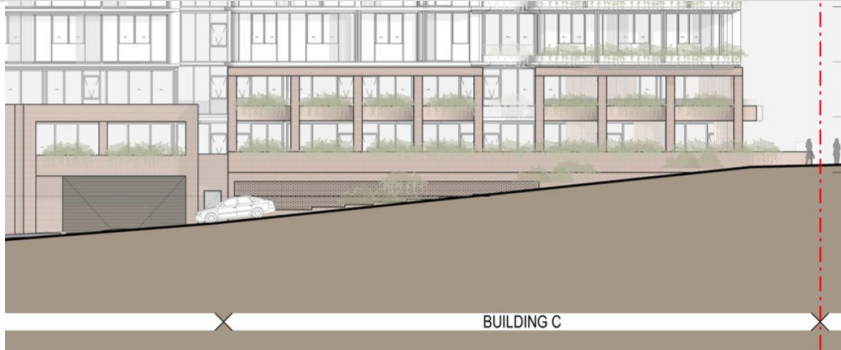
		SJB, the buildings have been articulated to create a hospitable environment for residents and visitors. Activation of the ground plane has been encouraged through the placement of retail tenancies along key frontages and residential uses with private terraces will overlook the public domain increasing opportunities for passive surveillance, improving pedestrian safety.
	C2. The setback between the property boundary and the building line is to be landscaped, with a minimum 50% of the setback area to be deep soil.	Deep soil planting has been maximised across the site, achieving an area off 11.4%. Deep soil will be provided along the setback to Blaxland Road, at the interface of the future park and within the foreshore promenade.
	C3. Fencing is a maximum of 1.2m in height and at least 50% transparent.	Fencing is proposed to screen the ground floor terraces at Building A. The fencing is proposed to consist of masonry and brick to a height of 2.25m. This fencing solution is considered acceptable to provide a level of privacy to the terraces.
	C4. Ground floors with 'vibrant' uses such as retail, commercial or cafes/ restaurants address the public space, are occupied by uses that contribute to pedestrian activity and are easily accessible at grade.	This proposal will create vibrant public space at the foreshore. There are a mix of retail options proposed that will connect to the public domain and ensure an activated ground plane. Retail uses are proposed on the ground level of Buildings E and F (which have a frontage to the foreshore park) which will create a vibrant public domain at the northern side of the site.
Primary and Secondary Streets	C5. Primary and Secondary Streets are to be delivered as per Figure K16-25.	The proposal does not include new roads.
	C7. Vehicular access points are not permitted along Primary Streets unless a development has no Secondary Street frontage.	Vehicular access to the ground level and basement parking will be via two separate two-way driveways, co-located on Blaxland Road. Blaxland Road is a

		primary street. The development does not front a secondary street, therefore this is acceptable.
	C8. 'Undesirable' elements along Primary Streets such as vents, electric substations, or plant and equipment spaces should not be located within the setback area.	Some services and mechanical plant have been provided along the Leeds St frontage. These have however been integrated within the built form and are not located within the setback area. These services will be appropriately screened so they are not visible from the street.
Façade Design	C10. The maximum length of a straight wall, without articulation such as a balcony or return, is 8m.	No straight walls are proposed which exceed 8m.
	C11. 'Vibrant' facades are to deliver: • Small (narrow) units with a minimum of 15 front doors per 100m facade length • Ability to cater for a wide variety of uses such as shops, cafes, restaurants, bars, fruit/ vegetable markets, community uses and live-work units • A high degree of visual richness in façade details and architectural expression with a focus on vertical facade articulation, 'ins and outs' (recesses and projections to create shadows) • Vehicle access and servicing zones are not permitted • Signage is integrated into the overall architectural design.	The Public Domain Interface Plan shows the Leeds Street Frontage as requiring a Vibrant Facade. The Leeds Street façade provides a residential lobby (Building B), a retail premises and the through site link. This does not strictly comply with the 15 front doors per 100m control, but will still achieve the desired pedestrian activation, consistent with the objectives of the control. The areas of glazing on the façade will create visual interest and pedestrian activity. A high degree of visual richness has been achieved for the facades of the development along Leeds Street through the considered use of articulation and materiality. The retail component of the development has largely been concentrated towards the foreshore, where the greatest activation is expected. Vehicular access is proposed off Blaxland Road. No signage is proposed as part of this development. Any future signage will be subject to a future DA.

	CONTROL PLAN - Vibrant Facade - Friendly Facade - Mixed Facade - Landmark Heights - Public Art/Landscape Feature - Public Open Space - Pedestrian Link - Station Bridge Location - Ferry Wharf (proposed) - Land to which the DCP applies 	
	C12. 'Friendly' Facades are to Deliver: - Relatively small (narrow) units with a minimum of 10 front doors per 100m facade length - Ability to cater for some variety of uses such as shops and live-work units, including residential lobbies - Some degree of visual richness in façade details and architectural expression - Limited vehicle access and servicing via tight, recessed openings is permitted - Signage is integrated into the overall architectural design.	Friendly facades are to be delivered along the Blaxland Road frontage. The Blaxland Road façade includes the Building E lobby, two retail premises and the basement (vehicular) entrance. While this does not strictly comply with the 10 doors per 100m control, it will still result in pedestrian activation through the glazed retail frontages, together with the residential levels (above) overlooking the street. Friendly facades have been achieved through the use of visual richness. The use of brickwork on the base establishes a fine grain material at the lower levels providing human scale. The selection of brick also links the building to the railway vernacular that exists along Blaxland Road. Vehicle access has been provided off Blaxland Road in an integrated driveway. This location has been extensively workshopped with Council in view of tree retention, traffic movement and utility servicing considerations. No signage is proposed as part of this development. Any future signage will be subject to a future DA.
K16.6 Built Form, Diversity and Use		

Tower and Podium Design	C1. building-to building setbacks within the Precinct are to achieve the following separation controls: • 15 - 20 storeys - 24m • Above 20 storeys - 40m	Separation between buildings is provided in accordance with the LEP to ensure visual privacy is achieved. The proposal does not create any non-compliance with clause 7.5 of the CB LEP which requires that new buildings in the Rhodes Precinct are separated by 24m between 14 and 20 storeys. While Building F has a height of 17 storeys, all other buildings on the site are lower than 14 storeys. Therefore, this clause is not applicable.
	C2. Residential towers above podium level shall have a maximum gross floor area of 750 square metres.	All residential towers comply with the 750sqm floorplate control.
	C3. Towers above 20 storeys are to provide a 5 storey differential in building height from all adjacent towers.	The tallest tower is 17 storeys.
	C4. A minimum podium height of approximately 14-16m building height is required. C5. A tower and podium building typology is required, subject to the following outcomes: a) A ground floor setback of 3m is to be provided. b) A Podium to Tower setback of 4m is to be provided. c) Maximum 1/3 of a tower frontage along a street or public space can be extended down to the ground. d) Public gathering areas must be associated with the 2/3 of the façade that is grounded by a podium.	The proposed podium does not exceed 16m in accordance with the LEP. To balance the bulk and scale and the natural topography of the site a lower podium form has been designed. This is considered acceptable give the slope of the site and the desire to provide human scale address to the active frontages. The design rationale for the proposed podiums is discussed in detail in the Design Report.

		
Floor to Ceiling Heights	C6. Development is to be consistent with the following minimum floor to ceiling heights: • Retail/commercial – 3.6m • Community – 3.3m • Residential/terraces – 3.1 • Above ground parking – not permitted.	The residential floor to ceiling height is less than 3.1m however the ADG overrides the DCP control and has been addressed in the ADG compliance table prepared by SJB. The majority of retail/ commercial floor to ceiling heights have been provided in accordance with the DCP. Majority of the car parking has been provided in basement structures. Whilst majority of the basement will not protrude above 1m, as the topography falls along Blaxland Road there will be a partial non-compliance with above ground parking provided at the western elevation of Building C. This is due to the natural slop of the site. The parking will not be visible from the public domain.

		
	C7. The minimum floor to ceiling height of all ground floors is to comply with the category of “Retail/commercial” in the above table.	The floor to ceiling height of the ground floor level exceeds 3.6m site wide.
	C8. The finished floor level of the ground floor above the footpath level is to be no greater than 1.0 metres for residential uses and 0.4 metres for retail and commercial uses.	The ground plane offers full universal accessibility to all reception, lobby and retail areas at maximum 1:21 grades have been implemented to ensure access for all is achieved. The proposal achieves compliance with the relevant standards as confirmed in the Access Report.
Affordable Housing	C16. A minimum of 5% total gross floor area is dedicated as affordable housing.	The proposal will provide 15% affordable housing under the Affordable Housing provisions of the Housing SEPP. Noting that the 5% affordable housing requirement under the LEP/DCP is additional. However, the proponent seeks to provide a monetary contribution in lieu of in-kind works.
	C17. Dwellings dedicated to affordable housing are to be of equivalent design quality, diversity and mix as all other dwellings.	The Architectural Design Report outlines that all buildings are designed to a quality worthy of Design Excellence. This approach ensures blind tenure between market and affordable units and the democratic access to amenity throughout the buildings. The affordable housing will be delivered in a variety of typologies which range from studio apartments to three bedroom apartments.

	C18. Affordable housing is to be consistent with the requirements of the Canada Bay Affordable Housing Contribution Scheme.	The Applicant will pay a monetary contribution in lieu of in-kind works. This is in accordance with the Canada Bay Affordable Housing Contribution Scheme.
Materials, Finishes and Colours	C19. The composition of facades balances solid and void elements and does not display large areas of a single material, including reflective glass.	The proposal uses a variety of materials and finishes mixed with glazing to provide visual interest across the site.
	C20. External walls are constructed of high quality and durable materials and finished with low maintenance attributes such as face brickwork, rendered brickwork, stone, concrete and/or glass.	The proposal seeks to use high quality, durable materials as demonstrated in the Design Report. A mix of materials including; glass, metal cladding, concrete and brick are proposed.
	C21. Sidewalls are designed as an architecturally finished surface that complements the main building facade.	No side walls are proposed.
	C22. Visually prominent elements such as balconies, overhangs, awnings, and roof tops are to be of high design quality.	All elements of the design have been thoughtfully considered and exhibit a high design quality.
	C23. Roof plant, lift overruns, utilities, vents and other service related elements are to be integrated into the built form design and complementary to the architecture of the building.	Mechanical plant and services are proposed to be integrated into the built form design. This will ensure these elements are complementary to the architecture of the building and do not detract from its design excellence. The vertical element on the Building F rooftop curves above the roof to conceal the lift overruns and provide a shading structure to the roof gardens.
	C24. Facades reinforce the vertical proportions and support a vertical rhythm along the street.	The façade design of each building is well articulated. A mix of materials and finishes, including off-form concrete, vertical blades and fine metal balustrades as well as the inclusion of recesses, planters and glazed elements provide vertical rhythm.

	C25. Adjoining buildings are considered in terms of setbacks, awnings, parapets, cornice lines, selection of materials and finishes, and facade proportions.	The surrounding developments and public open space have all been considered as part of this development. The proposal does not stymie the development potential of the land to east and will tie into the future foreshore promenade and open space.
Heritage Items	C27. All development of and in the vicinity of a heritage item is to address the requirements of the Heritage controls in the Canada Bay DCP.	A Heritage Impact Statement has been prepared and concludes that the proposed development will not have any negative impacts on surrounding heritage items.
	C28. New development provides appropriate transitions to existing buildings, structures and streetscapes of heritage value.	The adjacent heritage item, John Whitton bridge has been considered in the design of the development. The bridge is a reference point for the design and the regularity and rhythm of its structure, has been incorporated into the design and contrasted by use of contemporary construction techniques and materiality such as concrete and glass.
	C29. New development uses sympathetic materials, colours and finishes that reflect and harmonise with original materials to maintain the character of heritage items and contributory buildings.	The bridge and the industrial heritage of Rhodes have been referenced in the façade articulation and materiality of the development. Ensuring that the development is sympathetic to its surrounding context and respectful of the past history of the site.
	C30. Whilst not formally heritage listed, the Coptic Church on Cavell Avenue has a strong historical association with the Community. If it is to be retained in situ then the setting and orientation of the building is to be respected.	The site is not located near the Coptic Church.
	C31. The Canada Bay Local Environmental Plan sets out building setback controls for sites adjacent to Heritage Items.	The site is not directly adjacent to any heritage items. Blaxland Road separates John Whitton Railway Bridge from the site.
K16.7 Access and Parking		

Bicycle Parking and Facilities	C1. Secure, conveniently located bicycle parking is to be incorporated in all new development at the rates specified in K16-3.	The proposal generates a bicycle parking requirement of 434 spaces. A total of 614 bicycle spaces are proposed for the development, consisting of: ▪ 340 residential bicycle spaces are provided in the form of storage cages. ▪ 12 retail staff bicycle spaces are proposed ▪ 156 residential visitor bike spaces are to be provided in two separate ground floor bike storage rooms. ▪ 70 visitor/ customer bicycle spaces are to be provided on the corner of Blaxland Road. ▪ 36 residential bicycle parking spaces will be provided within the basement floors.
	C3. Secure bike parking facilities are to be provided in accordance with the following: a) Class 1 bike lockers for occupants of residential buildings; b) Class 2 bike facilities for staff employees of any land use; and c) Class 3 bike rails for visitors of any land use	As discussed above.
	C4. Where bike parking for residents is provided in a basement, it is to be located: a) on the uppermost level of the basement; b) close to entry/exit points; and c) subject to security camera surveillance where such security systems exist.	The bicycle storage areas are located within the uppermost level of the basement under Building A. The storage areas are located close to entry and exit points and adequate security and camera surveillance will be incorporated into the basement levels.

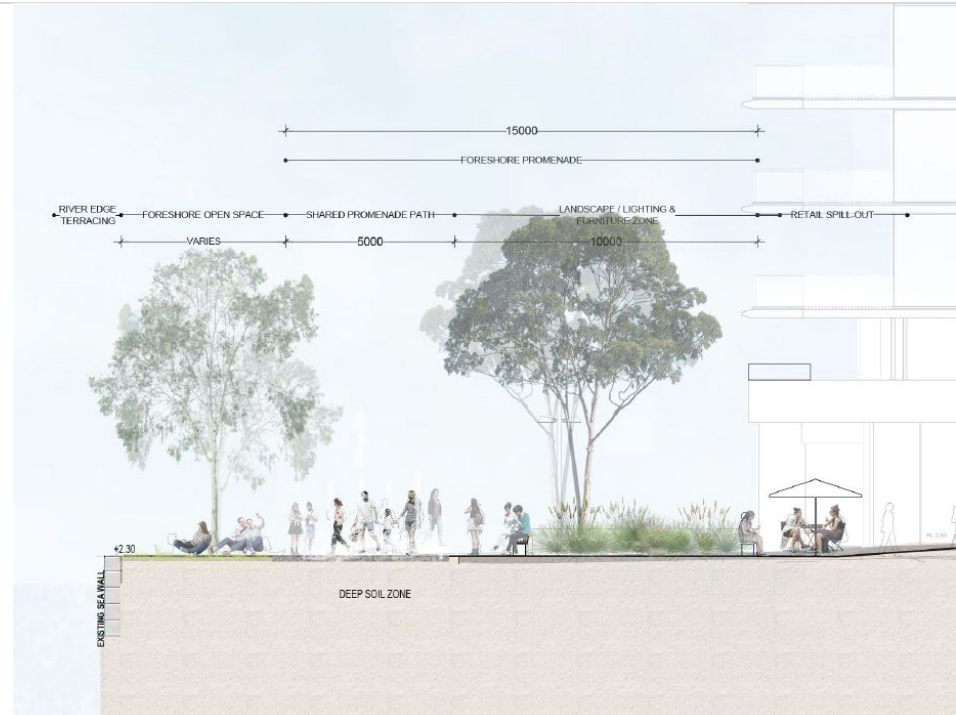
	C5. A safe path of travel from bike parking areas to entry/exit points is to be marked.	The basement bicycle parking is accessible via the uppermost basement level and via the tower A residential lobby and a car park lift accessed off the Blaxland Lane through site link.
	C6. Bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.	Bicycle parking has been provided at-grade on the corner of Blaxland Road and the foreshore promenade.
Car Parking Design	C7. Car parking is to be located at the rear of buildings or within a basement car parking structure.	All car parking is located within the basement parking structure.
	C8. The outer perimeter of the basement is to be behind the setback.	The basement is to be built to the southern and eastern site boundary. This is to ensure adequate parking can be provided on site without extruding into the foreshore area.
	C9. Garages and parking structures are not to project forward of the building line and are to be screened from the public domain by active uses.	N/A
	C10. Vehicular access ways are designed to be integrated with the building and preferably with single entry/ exit lane. The width and number of vehicle access points should be limited to the minimum.	The entrances to the basement parking area have been incorporated into the building façade. Access to the basement parking will be via two separate driveways on Blaxland Road: ▪ A 6.8m wide two-way access to the ground level parking area comprising parking for visitors, car share and retail parking, and ▪ A 7.7m wide two-way access to the basement car parking levels comprising the loading dock and residential parking. Due to the scale of the site this is deemed an acceptable outcome and will provide separation between the commercial and residential use of the building.

	C11. All residential car parking is to be decoupled through separate titles. The transfer of car space ownership is encouraged within the precinct.	This is a post-consent matter.
	C12. Car parking spaces are to be provided at the rates specified in Table K16-4.	The proposed parking rate is compliant with the LEP rate.
Car Share	C18. Car share spaces are encouraged within all new developments. Car share spaces are to be for the exclusive use of car share scheme vehicles and provided as per the standings in Table K16-5.	9 car share spaces have been provided in the ground floor car park.
	C19. Car share parking spaces are to be: ▪ Provided as set out in Table K16-5 ▪ Exclusive of visitor car parking • Retained as common property of the Owners Corporation of the site and not sold or leased to an individual owner/ occupier at any time • Made available for use by operators of car share schemes. • Grouped together in the most convenient locations relative to car parking entrances and pedestrian lifts or access points. • Located in well-lit places that allow for casual surveillance. Signposted for use only by car share vehicles; and made known to building occupants and car share members through appropriate signage which indicate the	Car share bays have been provided in accordance with the DCP as discussed in the TIA and Green Travel Plan. The DCP requires 8.5 carshare spaces based on the number of dwellings proposed.

	availability of the scheme and promotes its use as an alternate mode of transport.	
	C20. Development Applications are to demonstrate how the car share parking space(s) is to be accessed, including where access is through a security gate.	The car share will be for the exclusive use for car share schemes on common property. All of the car share spaces are all located together on the first basement level. The basement will have security surveillance and lighting for casual surveillance. Adequate signage will be provided in the car share spots.
K16.9 Special Projects		
Leeds Street Character Area	C25. Potential specialty destination uses may include: micro-brewery, wine, cheese, olives, wine bars, cafés, small gourmet supermarket.	The typology of the retail components of the development are to be established post approval. The tenancies have been designed to offer flexibility and will create a 'destination' that leverages the sites waterfront location.
	C26. Areas identified for specialty retail must: - Adhere to the requirements of the 'Vibrant Facade'. - Not exceed a 10m shop frontage. - Utilise either the Retail Shopfront and Awning or Posted Veranda frontage type. - Provide adequate pedestrian scale lighting and integrated into bollards and street furniture wherever possible.	The specifications of the retail tenancies will be determined post consent. The foundations of creating and activated and vibrant ground plane have been established through the creation of human scaled buildings, 'vibrant' facades and the sizing of the tenancies.
	C27. Where retail uses, such as tables and chairs, spill out into the plaza, these activities must ensure public	This matter will be resolved post consent in accordance with a separate approval obtained with Council associated with the fit out and use of each tenancy (as and if relevant).

	access is unhindered by fencing or other structural barriers.	
	C28. Development along frontages identified as 'Promenade Frontages' must utilise the frontage types provided for 'Vibrant Facades' – see Section K16.5 (Façade design subheading) of this DCP.	As previously noted, the development will provide Vibrant Facades in accordance with the objectives of Section 16.5 of the DCP.
	C29. Ground floor residential units must have individual unit access.	Ground floor terraces and apartments positively address the public domain and are provided with access to the public domain.
	C30. Pedestrian links must be activated on all sides for a minimum of two storeys with vibrant retail at ground floor and residential surveillance and balconies above unless upper level retail is specified on the plan opposite.	The through site pedestrian links will be activated with ground floor retail. Design initiatives which have been incorporated into the design to improve vibrancy and surveillance include: ▪ Passive surveillance is provided along the northern through site link with the inclusion of ground floor apartments on Buildings C and D; and the retail component opposite. ▪ Passive surveillance and activation are provided at the new Leeds Lane with the inclusion of 'stoop' style apartments at Ground Level and retail tenancies at the ground level of Buildings E and F opposite.
	C31. Residential towers above podium level shall have a maximum total floor area of 875sqm.	The residential towers floorplates do not exceed 750sqm.
	C32. A minimum podium height of approximately 14-16m building height is required.	As confirmed above.
	C33. A variety of open spaces should be provided within the Character Area, including; ▪ Foreshore Promenade	The proposal will deliver the foreshore promenade and part of the Foreshore Park in accordance with the DCP.

	▪ Foreshore Park ▪ Multi use paved space for sports and events ▪ Pedestrian connection to the new Ferry Wharf ▪ Access to the existing boat ramp and jetty ▪ Terracing to the water edge.	
	C34. The Foreshore Promenade must be 15m wide and should be designed in accordance with Figure K16-33.	The foreshore has been designed in accordance with Figure K16-33 of the DCP. The promenade will provide a 15m wide zone of clear travel paths, landscape & furniture zones and spill out spaces from the retail quarter creating a vibrant destination at the river's edge.
	C35. The promenade must provide a continuous path of travel along the foreshore edge, minimum 5m in width, consistent with the existing Rhodes West foreshore, and with alignments that connect seamlessly with the existing and future promenade to the west and east, respectively. Large trees with a minimum mature canopy diameter of 10m should be incorporated into the Foreshore Promenade and spaced to achieve a continuous canopy in maturity. Utilising deep soil available, these trees will grow to provide shade and amenity to the promenade walk and active water edge and make a significant contribution the sense of place.	Complies The promenade will provide a continuous path of travel along the foreshore edge. This new foreshore will create a destinational precinct at Leeds Street for locals and visitors of Rhodes. The proposal will deliver a total tree canopy of 4,411sqm or 37.7%. A cluster of high value trees will be retained at the northwestern corner of the foreshore promenade. The retention of these trees will be supplemented by replanting to create a continuous canopy along the foreshore to provide shade and amenity along the waters edge. The canopy diameter of these foreshore trees can reach 10m as shown in the figure below. Deep soil has been provided across the site and the foreshore promenade to support the growth of these trees.



Landscape Plans – Land and Form

C36. A minimum 50% of foreshore edge must step down into the river, and minimum of one equal access location provided to mean high tide level. The remainder of edge may consist of elevated terraces (with appropriate fall protection) or 'natural' edges (such as rip rap walling, mangrove planting, etc.).

Open views to the water at eye level must be retained for at least 50% of the park interface.

Terracing to the water's edge has been provided. However, the stepping down of 50% of the foreshore edge has not been implemented. Rather, the foreshore edge is to provide a level and unobstructed area to maintain available deep soil areas as well as to ensure universal access throughout the public space. Open views to the water have been maintained.

	C37. The Foreshore Park should be designed in accordance with Figure K16-32 and comprise a total of 7,500m2.	The proposal includes part of the Foreshore Park (where it is planned within the site boundary).
	C38. The Foreshore Interface with the park is required to have a minimum 50% of its area free of obstructions. The remaining 50% may contain obstructions such as fixed and moveable seating, plantings and trees, light poles, public space signage, litter bins or other design elements that are permitted within public parks.	The foreshore park and promenade will be publicly accessible 24 hours a day, 7 days a week and allow unobstructed access. The foreshore promenade will include a pedestrian walkway which will remain free of obstructions. Permanent seating and trees have been provided in a considered way, off the pedestrian walkways. The nature of moveable seating, bins and other park elements will be determined post approval.
	C39. A minimum clear zone of 3m offset from the façade interfacing with The Foreshore Park is required. The remaining 5m of Built Form Interface with the park is required to have a minimum 50% of its area free of obstructions. The remaining 50% may contain obstructions such as fixed and moveable seating, plantings and trees, light poles, public space signage, litter bins or other design elements that are permitted within public parks.	The site has been planned generally in accordance with the dimensions, setbacks and envelopes shown in the Rhodes Place Strategy and DCP. Council reviewed the location of the built form relative to the park as part of the (approved) Regional DA. This design has been retained in this SSDA.
	C40. A large level open lawn space must be provided in the park, with minimum dimensions of 20 x 60m, and grades in all directions of 1-2.5%. This space must be framed with seating and shade amenity.	N/A
	C41. An inclusive play space should be incorporated into the park. The play space must be minimum 600sqm. The range of play elements must cater for all abilities and ages, including young children, adults, and the elderly.	N/A

	The play experience must include bespoke elements that connect with the natural landscape and local context, contributing to a unique sense of place and creating an iconic destination.	
	C42. An amenities building must be provided within the park, with accessible toilet/s and change facilities (babies, children, adults). Its location shall prioritise convenience from the ferry wharf and play space. The building shall be integrated into the park's design aesthetic and minimise disruption of water views from the park.	N/A
	C43. The Blaxland Road terminus area (northern end) will be resurfaced, provide a multi-use paved space for sports, recreation facilities and events. Landscape treatment must include new planting and on-site rainwater detention / retention facilities.	N/A
	C44. All areas of open space, including the Foreshore Promenade and Foreshore Plaza, must; ▪ Be publicly accessible 24 hours a day, 7 days a week. ▪ Be designed as an extension to the public domain. ▪ Not be privatised through walls, fencing or the like. ▪ Allow unobstructed pedestrian access at all times (with the exception of approved events and activities).	The foreshore promenade will be publicly accessible 24 hours a day, 7 days a week. The promenade will act as a natural extension to the public domain, providing a space for the community to enjoy.

	C45. Uhrs Point Reserve will be upgraded with new planting, on-site rainwater detention/ retention facilities and the provision of a launch ramp. (Note: any upgrades to the existing building facilities are the responsibility of the Sea Scouts and Crown Lands).	N/A
	C46. The Foreshore Park must not receive any overshadowing from new development between 8.30 and 12.30pm in the Primary Zone on the Winter Solstice. The Foreshore Park must not receive more than 50% overshadowing from new development after 12.30pm on the Winter Solstice.	The shadow diagrams demonstrate that the proposed development does not result in any additional overshadowing of the following planned open spaces during the specified times: ▪ Foreshore Park in Leeds Character Area between 8.30am and 12.30pm in the winter solstice. ▪ The proposal also meets the control that the Foreshore Park cannot be more than 50% overshadowed by new development after 12:30 pm in the winter solstice.
	C47. King George Reserve must not receive any additional overshadowing from new development between 8.30am and 12.30pm on the Winter Solstice. Uhrs Reserve must not receive any additional overshadowing from new development between 8.30am and 12.30pm on the Winter Solstice.	N/A
	C48. The proposed development within Leeds Street Character Area must not overshadow the open space of the school site between 10.00am and 2.00pm on the Winter Solstice. Location of school's open space is to be determined through detailed architectural design process.	The shadow diagrams demonstrate that the proposed development does not result in any additional overshadowing of the following planned open spaces between 10am and 2pm at midwinter.

	C49. Development must demonstrate a response to areas identified as a Sculpture / Landscape / Public Art Feature.	The site does not include an area identified as a Sculpture/ Landscape/ Public Art Feature.
	C50. View sheds and visual axis must be protected and terminated by Architecture / Landscape / Public Art Feature.	
	C51. Primary vehicular access and servicing is to be provided via Blaxland Road.	The vehicular access point is from Blaxland Road.
	C52. Pedestrian links and facilities for non-car modes of transport must be provided.	Extensive new through site links have been provided that will promote active transport modes.
	C53. The pedestrian links from Leeds Street to the northern foreshore are to be as follows: ▪ Ferry Wharf pedestrian link 18m minimum width. ▪ Cavell Avenue extension pedestrian link to be 20m minimum width. ▪ Fronted by active, retail uses. ▪ Open to the sky and unroofed.	The development will contribute to the creation of a new pedestrianised precinct with connections from Leeds Street through to the foreshore. Active retail uses are proposed to encourage vibrancy and passive surveillance along the planned through site links.
	C54. Leeds Street Precinct basement carpark access/ servicing is to be: Shared amongst all developments irrespective of land ownership and/ or land use in a super basement or shared basement configuration in order to maximize deep soil potential underneath the Leeds Street Foreshore Park.	The basement structure has been designed so that it can connect to future development. It has also been consolidated into a 'super basement', servicing all buildings – thereby enabling deep soil planting zones underneath the Leeds Street Foreshore Park.

	C55. Access to the new Ferry Wharf must be designed in accordance with the appropriate Transport for NSW standards and requirements. This could include disabled parking, vehicle turning heads, kiss-n-ride facilities and bus interchange opportunities.	N/A
	C56. A wind impact assessment is required as part of any Development Applications relating to the Leeds Street Character Area. The assessment must demonstrate the mitigation of any wind impact through the design and architectural treatment of new buildings, without relying on the enclosure of laneways and through site links.	A Wind Impact Assessment has been prepared for the application which confirms that with the incorporation of the proposed windbreak mitigation treatments mentioned within the report, all amenity locations within the proposed development, including ground and all terrace level locations are expected to achieve the target Lawson Comfort Criteria and Melbourne Safety Criterion established for the project. The architectural plans were updated to incorporate wind mitigation measures recommended by the Wind Tunnel Study

Rhodes Place Strategy

Objectives

1. Plan for a sustainable future:

Build sustainability and longevity into planning, design and commercial capability from the start.

An ESD consultant was engaged to ensure sustainability and longevity are built into the proposed development.

A high level of energy efficiency and environmental sustainability are achieved in the proposed development. A strong emphasis has been placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation.

Design measures such as building siting, articulation and orientation have been thoughtfully considered to enhance natural lighting, passive heating and cross ventilation.

Rhodes Place Strategy	
2. Prioritise active transport: Design integrated transport services and experiences that prioritise walking, cycling and the use of public transport.	The site's proximity to public transport options such as Rhodes Train Station and multiple bus services will facilitate public transport use. The proposal includes a compliant level of bicycle parking spaces to encourage bicycle use. The provision of multiple through site links and the proposed foreshore park and promenade provide experiences that support walking and cycling.
3. Provide public access to the waterfront: Provide new public access to the Parramatta River foreshore, including housing and public open space with views to the water.	The proposed foreshore park and promenade which will be dedicated to Canada Bay Council provides public access to this previously privatised section of the Parramatta River foreshore. Multiple through site links through the site further facilitate public access to the waterfront. The proposal includes the delivery of 340 new homes, all of which have easy access to the foreshore, and many with direct views to Parramatta River.
4. Plan for affordable housing: Provide affordable housing options for lower income residents, including those working in teaching, child care, policing or nursing.	The proposed development provides 15% of its total GFA as affordable housing, equating to 57 affordable apartments in a mix of typologies including studios, one bedroom, two bedroom, three bedroom, four bedroom apartments and town houses.
5. Create opportunities for new jobs: Encourage commercial floor space near the station for future employment.	The proposal includes provision of 1,430.87sqm of retail floor space on the ground level of Building A, B, E and F for employment-generating uses.
6. Improve east-to-west connections: Improve accessibility around the rail station and between east and west Rhodes so that people can easily move between homes, jobs, shopping, recreation and entertainment areas.	The proposal includes multiple new through site links including two east-west connections via the new foreshore park and promenade at the Parramatta River frontage of the site, and Leeds Lane which connects Blaxland Road in the west to the future public open space to the east of the site.

Rhodes Place Strategy	
7. Integrate infrastructure and land use: Plan to have the necessary infrastructure (including social facilities) in place as the number of residents and workers increase.	The provision of non-residential uses on the ground level of Building A, B, E and F will serve the needs of residents and workers in the area. Communal facilities throughout the development including swimming pools, rooftop terraces and BBQ equipment will provide social facilities for residents. The foreshore park and promenade will provide new public open space for the wider Leeds Street and Rhodes precincts.
8. Plan for a mix of building densities and street-level activity: Design a range of buildings, from terraces to apartment buildings, that bring activity and interest to lower levels of buildings, helping to create more open space, more sunlight and a closer connection to the street, other people and amenities.	The proposed mixed use development includes six buildings ranging from 10-storeys to 17-storeys in height which include a mix of residential typologies. The proposed height of the development allows for a compliant level of sunlight to access all surrounding residential and open space areas. The proposal includes ground level activation in the form of retail uses and through site links for public access through the site to the proposed foreshore park and promenade. The proposed building design and landscape strategy will enhance the surrounding open space.
Five Big Moves	
Create a vibrant, integrated precinct This big move aims to extend the current mix of uses to include the new primary school, aged care services and more shops, restaurants and potential for 4,000sqm of new public space west of the station, bringing services and facilities closer to the community. A new pedestrian bridge and plaza on the eastern side of the station over Concord Road will make it easy for people to connect to McIlwaine Park and Brays Bay.	The proposal will deliver a high-quality mixed-use development in proximate to existing and future services. The delivery of the new, embellished foreshore promenade and open space will revitalise the area and create a landmark destination for the community to enjoy.

Rhodes Place Strategy	
Liberate the Parramatta River foreshore and green space This big move opens public access to the Parramatta River foreshore, with a new 7,500sqm park, a 15m wide promenade between John Whitton Reserve and Uhrs Point Reserve, additional public pedestrian connections form Leeds Street to the foreshore and a new ferry wharf.	The proposal will deliver a 5,000sqm publicly accessible foreshore promenade, contributing to the renewal of the Parramatta River foreshore. It will also provide a network of through site links, allowing permeability from Leeds Street to the waterfront.
Connect places, promote walking and cycling This big move recognises that shifting from private car use requires safe and interesting walking and cycling connections to the key places people need to travel to, supported by greater public transport capacity. In addition to the connections along the foreshore and across to McIlwaine Park, people will benefit from upgrades to walking and cycling paths across the precinct, and to the station; a shared connection between Averill Street and Leeds Street; and three new roads and active transport routes between Blaxland Road and Cavell Avenue.	The proposal will provide a public domain that encourages pedestrian and cycling networks. The proposal will provide an improved pedestrian experience along Blaxland Road and Leeds Street and will deliver improved connections to the foreshore.
Better designed buildings, for more people This big move ensures new development is designed for people, protecting views and sunny spots and creating variety in the skyline. New apartments will meet the highest standards of architectural design and sustainability, and the mix of new housing will cater for a diversity of people, with more one and three (or more) bedroom apartments, and affordable housing.	The proposal has been designed to maximise solar access, cross ventilation and views. The design of the apartments will use high quality materials and fixtures throughout. The apartment mix of studio to 4-bedroom apartments will cater for a variety of needs. In addition, 15% of the proposed apartments will be affordable housing. The affordable housing will be the same quality and mix of apartment sizes to cater for a diverse population.
An exemplar of sustainable development This big move focuses on incentives for energy and water efficiency, sustainable travel, enriching the tree canopy, protecting waterways, and building in adaptability and resilience. This includes precinct-wide utility	The proposal has been designed to incorporate sustainable materials. In addition, the building will exceed to minimum BASIX requirements for water and energy.

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infrastructure such as on-site electricity generation and distribution and recycled water and private sewer network, including an on-site recycled water plant.	
Urban Design Principles	
Design space for amenity Existing and proposed open space should be designed for amenity rather than relying on interventions, improvements and/or retrofits that compromise the intent or quality of the space.	The proposal will significantly improve the condition of the site. The proposal has been designed to provide the highest quality public and private spaces.
Prioritise pedestrians The pedestrian experience must be prioritised to improve transport outcomes.	The development has considered how to maximise active transport modes through the delivery of active street frontages, through site links and embellished landscaped spaces (park and promenade).
Minimise overshadowing of open space An overall height strategy must minimise overshadowing of existing and future open space, as well as existing and future residential.	A detailed overshadowing analysis has been undertaken by SJB, which confirms that the development will not adversely impact existing or planned / future open spaces. It also confirms the site adjoining to the east can redevelop in compliance with NSW ADG solar access criteria.
Plan for density near public transport The highest concentration of new residents and development will be nearest to public transport.	The proposal is within walking distance of Rhodes Train Station and several high frequency bus stops. Eventually, there is planned to be a ferry wharf at the end of the promenade (adjoining the site). The development will include through site links that will encourage active transport between the waterfront along Blaxland Road to the station. The future residential tenants will benefit from being proximate to multiple modes of public transport.

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Balance of density and public benefit Deliver neighbourhoods where the public realm is greatly improved, and density is matched with amenity.	The public domain of the proposed development will improve the overall feel of the precinct with lush landscaping and active frontages. The proposal will adopt the public domain principles in the draft Rhodes East Public Domain Plan.
Celebrate new open space on Parramatta River New open space should celebrate the peninsula location and amenity of Parramatta River by emphasising view lines and proximity to the waterfront.	The proposal will deliver a key component of the new foreshore promenade. The promenade will provide the community with a new high quality open space that provides a link along the Parramatta River. The landscaping strategy successfully integrates the foreshore with the development, creating a strong synergy between the natural and built forms.
Create a varied and permeable skyline People will see a varied skyline and blue sky between buildings when looking from McIlwaine Park, Rhodes West Park, Brays Bay, Bennelong Bridge, Concord Road south and Parramatta River.	The proposal will contribute to the creation of a diverse and varied skyline along the Parramatta River. The massing of the buildings has been designed to address its context and provide opportunities to increase sight lines through the site and create a 'village' scale. The design concept of the "Conductor and the Orchestra" is successful in providing both variation and a strong design language throughout the development. The main tower (Building F), like the conductor of an orchestra, sits on a pedestal, interacting with the foreshore park and river, while lower forms provide regularity and formality, with podium forms engaging with the ground plane through changes in materiality.
Share views across the precinct Planning and design will prioritise views of the water, destinations and wayfinding while acknowledging the historic and holistic redevelopment intent and protecting privacy.	The proposed site layout has been designed to maximise views to the Parramatta River from both the public domain and private dwellings. At least 85% of apartments have desirable outlooks to parks and/or to the river. The precinct will become a landmark destination on the foreshore of the Parramatta River. The proposal is in accordance with the intent for

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	redevelopment in the area and has appropriately considered how the development will fit within the broader context.
Design streets and public areas for human comfort People walking in or using public areas should feel a sense of openness and activity with taller buildings set back from active podiums.	The proposed public areas have designed with a view to creating a safe and pleasant experience for people. The proposed through site links are bound by fine grain architecture, active non-residential uses and landscaping, which increase passive surveillance and activation. The arrangement of towers, including the use of podiums has been developed through a detailed design excellence process. The taller buildings have been appropriately setback from the public domain to ensure a 'human scaled' experience of pedestrian areas.
Create a sense of variety and uniqueness in character areas Each of the character areas will be designed to have their own sense of charm and personality, while being developed in a way that is consistent with the overall vision for Rhodes.	The proposed design is aligned with the future character of the Leeds Street Character Area. The development will revitalise the foreshore and deliver a high quality mixed use development in accordance with the vision outlined in the Place Strategy. Leeds Street will provide a unique space, where the natural form of the Parramatta River integrates with a high-quality public domain, creating a welcoming and open space for the community to enjoy.
Character Areas	
Leeds Street A place to enjoy the Parramatta River and Vibrant, waterfront living	As demonstrated above, the proposal will deliver a vibrant mixed-use development that will redefine this area of Rhodes. The development will provide high amenity residential accommodation in an accessible area, with great access to open space and communal facilities. This will be supported by a diverse retail offering that will provide activation and draw both residents and visitors to the precinct. The proposed new foreshore promenade will enhance the waterfront area and promote recreation and active transport through the site.

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Priorities	
Link John Whitton Reserve and Uhrs Point Reserve to create a public foreshore promenade as a continuation of the Green Grid from Rhodes West that meets the following minimum requirements: ▪ a 15m wide shared pathway ▪ a continuous row of mature trees while enabling eye-level water views.	The proposal includes a 5,000sqm foreshore park and promenade along the entire Parramatta River frontage of the site which will contribute to the link between John Whitton Reserve and Uhrs Point Reserve. The foreshore park includes a 15m wide shared east-west path as well as tree planting and soft landscaping.
Investigate a foreshore public art trail, including opportunities to celebrate and interpret Aboriginal and intercultural heritage, as well as water and environmental values.	The proposed development does not hinder the site's ability of accommodating a public art trail along the foreshore park and promenade.
Facilitate active, safe north–south connections from Leeds Street to the foreshore park and promenade.	The proposal provides a north-south connection through the site, Blaxland Lane. The proposal will also suitably address the interface with the planned through site link to the east of the site, through the provision of active uses at ground level addressing the future connection.
Facilitate amalgamation into four development sites to enable public space, staged development and an appropriate mix of buildings and space.	The site at 25-27 Leeds Street represents the first of four amalgamated sites along this part of the foreshore to facilitate staged development and an appropriate mix of buildings and open space.
Create a mix of buildings and public spaces that: ▪ exhibit high quality architectural design, commensurate with the foreshore location ▪ bring a human-scale to development and its interface with the foreshore ▪ physically and visually connect the Precinct to the Parramatta River ▪ enhance the view of the foreshore from the river	The proposal seeks to deliver a high-quality built form outcome that is consistent with the desired future character of the Leeds Street Precinct. The proposal has undergone an architectural design competition in accordance with the requirements of the Canada Bay LEP. The competition jury / Design Integrity Panel (DIP) confirm the scheme exhibits “design excellence”. The siting of the proposed buildings, the provision of through site links and landscaped open space, as well as active uses on ground level, all

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▪ celebrate and enhance Blaxland Road and Cavell Avenue as 'people streets', which provide strong axial, spatial structuring elements ▪ introduce a wayfinding vista along the new Averill Street to Leeds Street through to the ferry wharf ▪ consider views to the peninsula when arriving via the road and rail bridge ▪ locate taller building elements close to the rail and road bridges, and to a new road to the south, to minimise the impact of their bulk, scale and overshadowing, transitioning down to the water ▪ ensure open space and through site links are clearly defined public spaces ▪ provide active frontages to the public domain, including shops, restaurants and cafes, and community uses, meeting a target of 10–15 doors per 100m, which will contribute to diversity and a sense of place.	contribute to providing a human-scale to the development and physically and visually connect the Precinct to the Parramatta River. The proposed redevelopment of the site will drastically improve the view of the foreshore from the river, through the creation of a publicly accessible connection to the river, landscaped parkland, and activated frontage to the foreshore park and public domain, and high-quality architectural design.
Consider innovative responses to site topography and groundwater constraints in basement design and construction, for example, no more than a single level of underground parking or decoupled parking.	The proposed basement has been designed to accommodate the provision of a basement connection to future developments to the east at 7-13 Leeds Street and 15-21 Leeds Street.
Investigate and respond to environmental constraints related to previous uses and waterside location, such as flooding, site and groundwater contamination, acid sulphate soils and water quality.	The SSDA is accompanied by a site of environmental investigations including flooding, contamination, water quality and acid sulphate soils management. All investigations confirm that the site is suitable for the proposed use.