

URBIS

25-27 LEEDS STREET, RHODES | SSD-67419241

Amendment Report

Prepared for
BILLBERGIA
30 June 2025

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GLOSSARY AND ABBREVIATIONS

Reference	Description
ACHAR	Aboriginal Cultural Heritage Assessment Report
AQIA	Air Quality Impact Assessment
ARI	Average Recurrence Interval
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
CEEC	Critically Endangered Ecological Community
CDA	Concept Development Application
CEMP	Construction Environmental Management Plan
CMP	Construction Management Plan
CTMP	Construction Traffic Environmental Plan
DCP	Development Control Plan
DPHI	NSW Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
HIPAP	Hazardous Industry Planning Advisory Paper
LEP	Local Environmental Plan
MNES	Matters of National Environmental Significance
NRAR	Natural Resource Access Regulator
OEMP	Operational Environmental Management Plan
PBP	Planning for Bushfire Protection
PCT	Plant Community Type
POM	Plan of Management

Reference	Description
PSI	Preliminary Site Investigation
SAIL	Serious and Irreversible Impacts
SARs	Commonwealth Supplementary Assessment Requirements
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	25-27 Leeds Street, Rhodes
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2009</i>
SSD	State Significant Development
SSDA	State Significant Development Application
TIA	Traffic Impact Assessment
UXO	Unexploded Ordnance
VIS	Vegetation Integrity Score
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
WWTP	Wastewater Treatment Plant

1. INTRODUCTION

This Amendment Report is submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of Billbergia Pty Ltd (Billbergia) (**the Applicant**) in support of a State Significant Development Application (SSDA) (SSD-67419241) for the proposed mixed use (with infill affordable housing) development at 25-27 Leeds Street, Rhodes.

The proposal is State Significant Development (SSD) pursuant to Schedule 1, Section 26A of the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*, as it is development to which Chapter 2, Part 2, Division 1 of *State Environmental Planning Policy (Housing) 2021, (Housing SEPP)* applies that:

- Is not prohibited under an Environmental Planning Instrument (EPI) applying to the land.
- Has an Estimated Cost of Development (EDC) that exceeds \$75 Million for the residential components.
- Meets the locational requirements of the Housing SEPP; and
- Will provide at least 10% of the total floor space as affordable housing for at least 15 years.

In accordance with Section 4.5 of the *Environmental Planning and Assessment Act 1979 ('EP&A Act')*, the Minister is the consent authority for the proposal.

It is sought to amend the scope and description of the proposed development to allow for demolition and early works to commence on site under the approved Regional Development Application DA2023/0235, with the remainder of works to be carried out under the SSDA.

The SSDA was placed on public exhibition for 28 days between 13 November 2024 and 10 December 2024. Several changes are proposed to the development in response to the submissions received and DPHI's issues letter dated 20 December 2024. Most significantly, the development has been amended in response to the requirement to raise the sea wall at the site's interface with the Parramatta River. These changes are addressed in this report, and a full response to all submissions is provided in **Appendix A** of this report.

This Amendment Report has been prepared in accordance with section 37 of the *Environmental Planning & Assessment Regulation 2021 (EP&A Regulation)* to comprehensively outline the proposed changes and provide a consolidated assessment of the amended scheme for consideration by DPHI.

This report includes assessment of compliance with the statutory and strategic planning framework, and all other potential environmental impacts identified through the preparation of this amended SSDA. Further, this report has been prepared in accordance with *State Significant Development Guidelines – Preparing an Amendment Report* (October 2022).

This Amendment Report also provides an assessment of the proposal against the relevant considerations under Section 4.15 of the *Environmental Planning and Assessment Act (EP&A Act)*.

This Amendment Report should be read in conjunction with all supporting documentation appended to this report.

1.1. APPLICANT DETAILS

The applicant details for the proposed development are listed in the following table.

Table 1 Proponent Details

Descriptor	Proponent Details
Full Name(s)	Billbergia Pty Ltd c/o Urbis
Postal Address	101/25 Angas Street, Meadowbank NSW 2114
ABN	18 641 122 072
Nominated Contact	Edward Green – Associate Director (Urbis)

1.2. PROJECT OVERVIEW

The lodged SSDA sought consent for the following:

- Site preparation works including demolition and removal of existing structures on the site, tree and vegetation removal.
- Bulk excavation to accommodate the proposed consolidated basement structure.
- Construction of six (6) mixed-use buildings (ranging from 10 to 17 storeys).
- On-site car parking and loading within two basement levels, accessed from Blaxland Road.
- Construction of through site links and foreshore promenade.

The lodged SSDA scheme was a result of an architectural design competition which was held in 2022. Following the competition, the scheme underwent a 'design integrity' process as part of a Regional Development Application (DA) and was ultimately deemed to exhibit 'design excellence' by the competition jury and was subsequently approved by the Sydney Eastern Planning Panel on 7 August 2024.

The 'design excellence' scheme was used as the basis for the SSDA, with an additional 30% height and FSR incorporated under the infill affordable housing provisions of the Housing SEPP. This has been managed through a GANSW endorsed "Bridging Design Excellence Strategy".

The proposal has also been subject to two Design Integrity Panel (DIP) meetings (on 3 June 2024 and 2 July 2024) to ensure it continues to achieve design excellence. The DIP confirmed prior to SSDA lodgement that the SSD scheme retains and/or enhances the elements of design excellence which won the initial competition.

The intent of the amended proposal remains the same, however some design and project description changes have been made in response to issues raised by DPHI, agencies and public submissions after exhibition of the proposal.

One of the main items raised in the submissions is the requirement to provide a fit-for-purpose seawall to Parramatta River. This includes raising the height of the seawall to RL 3m. The proposed raising of the seawall has resulted in a raised ground plane across the site and the proposed removal of additional existing trees along the foreshore. Building heights have been adjusted to accommodate the level changes.

Additional design changes broadly include the following:

- Whole development – levels updated to allow for raised seawall.
- Updates to waste storage areas on Basement Level 01.
- Deletion of turntable on Basement Level 01.
- Basement levels amended to allow for single level parking and improved accessibility.
- Parking spaces amended and numbered.
- Residential lobby design updates.
- Minor updates to some apartments.
- Podium façade updates including changes in materiality and precast curves rationalised.
- Penthouse roof garden design developed.
- General structural design development.
- General services design development.

A detailed list of all design changes is provided in Section 3 and the accompanying RFI Architectural Design Report (**Appendix E**).

It is also sought to amend the description of the proposed development to allow for demolition and early works to commence on site under the approved Regional DA (DA2023/0235), with the remainder of works to be carried out under the SSDA.

Specifically, this amended SSDA now seeks consent for the following works:

- Removal of 17 additional trees, that were not approved under the Regional DA consent.
- Construction of six (6) mixed use residential towers, ranging in height from 10 to 17 storeys.
- Through site links, foreshore park and promenade.
- Seawall and foreshore works.
- On-site car parking and loading within a consolidated basement, accessed from Blaxland Road.

The following works are proposed to be undertaken under the approved Regional DA consent:

- Site preparation works including demolition and removal of existing structures on the site, tree and vegetation removal.
- Bulk excavation to accommodate a 2-level consolidated basement structure.

The mechanism to do this is to utilise the provisions of clause 4.17 of the EP&A Act such that, at the issuance of a development consent for the subject SSDA, the Regional DA consent will be amended to ensure the two consents are consistent with each other and may therefore operate simultaneously.

This is discussed in further detail in **Section 3** and **Appendix I** of this report.

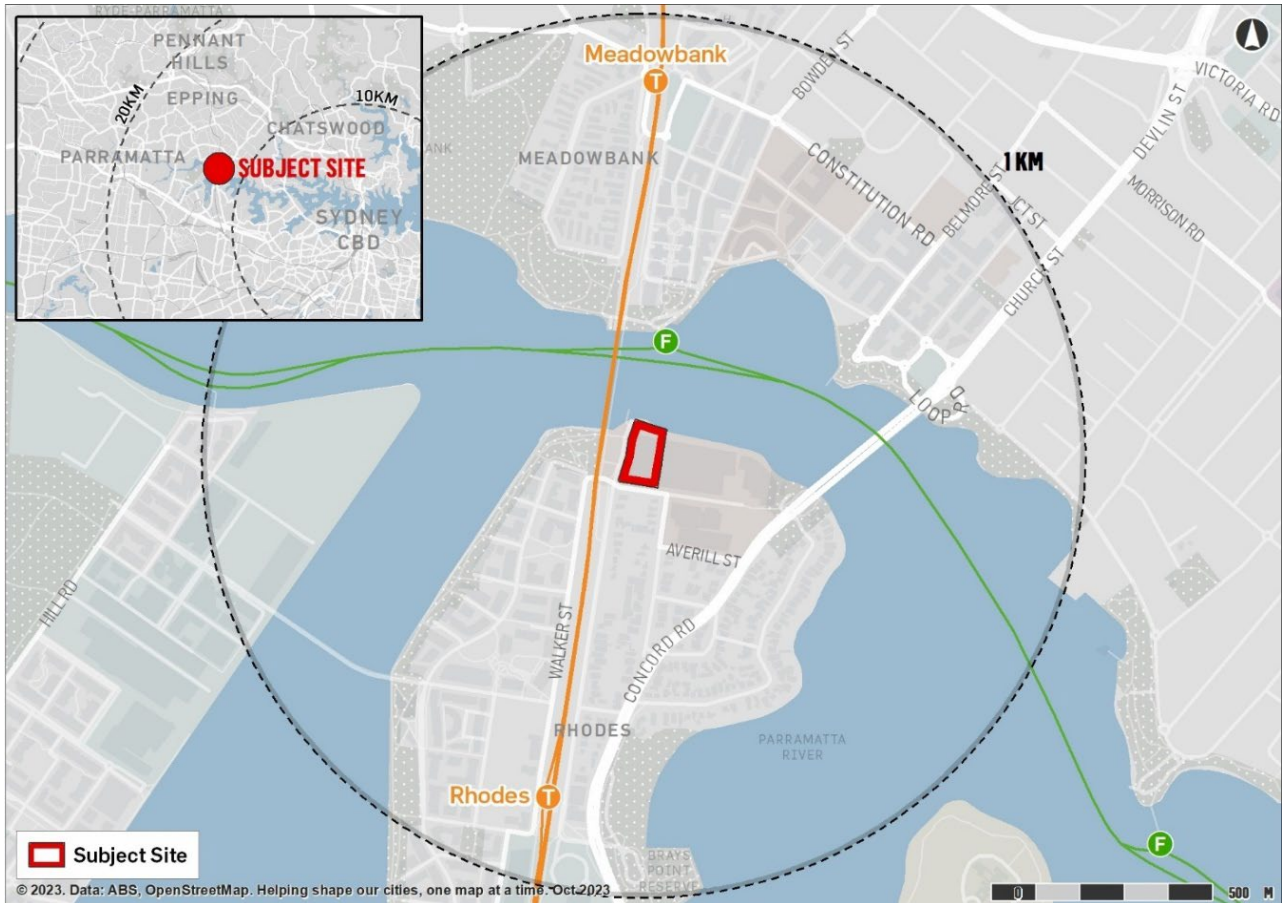
Maps of the site in its regional setting are provided below.

Figure 1 Aerial Photograph



Source: Urbis GIS, 2023

Figure 2 Regional Context



Source: Urbis, 2023

1.3. PROJECT BACKGROUND

Regional DA Approval

Billbergia lodged a DA with the City of Canada Bay Council on 31 October 2023 for the original design competition scheme (Council Ref: DA2023/0235). The application sought consent for the:

“Demolition of the existing structures on the site and site preparation and Construction of a mixed-use development containing six (6) buildings ranging from 9 to 13 storeys and comprising 8 retail premises and 249 apartments.”

The application was approved by the Sydney Eastern Planning Panel on the 7 August 2024.

Subsequently, a modification application (MOD2024/0142) was lodged with Canada Bay Council on 13th November 2024 to amend certain conditions of consent to reflect minor errors and reflect the intended construction staging, with conditions being ‘triggered’ for satisfaction at the appropriate time.

The application was approved on 2nd December 2024.

A further modification application (MOD2024/0156) was lodged with Council on 27 November 2024 which sought consent for reconfiguration of the car parking layout and the addition of a second basement level to ensure the basement configuration is entirely consistent with that proposed under the subject SSDA.

The modification application was approved on 24 January 2025.

Assessment History

A scoping meeting was held on 13 February 2024 with DPHI and the project team. A high-level review of the SSDA proposal was undertaken and SEARs were issued on the 14 February 2024.

SSD-67419241 was lodged with DPHI in November 2024 with public notification undertaken between 13 November 2024 to 10 December 2024.

A number of submissions were received from government agencies and the public.

Submissions from the following Agencies were received:

- NSW Department of Planning, Housing and Infrastructure (DPHI).
- City of Canada Bay Council
- NSW DCCEEW Biodiversity, Conservation and Science Group
- NSW DCCEEW Water Group
- Heritage NSW – Aboriginal Cultural Heritage
- Crown Lands
- Transport for NSW – Sydney Trains
- Transport for NSW
- Water NSW
- NSW Environmental Protection Agency
- Department of Primary Industries and Regional Development – Fisheries
- Ausgrid

In addition, two public submissions were received, one objection and one in support.

These submissions have been addressed within this Amendment Report and the Response to Submissions Matrix attached as **Appendix A**.

2. STRATEGIC CONTEXT

This section describes the way in which the amended proposal addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project.

2.1. PROJECT JUSTIFICATION

The development as amended remains consistent with the State, district and local strategic plans and policies applying to the site. This is outlined below.

2.1.1. Greater Sydney Region Plan: A Metropolis of Three Cities

The amended development retains alignment with the Greater Sydney Region Plan's objectives, ensuring it contributes effectively to the strategic vision for Sydney's growth and transformation. This is outlined below:

- **Objective 5 – Benefits of growth realised by collaboration of governments, community, and business:** The redevelopment, including a 30% uplift, unlocks the site's full potential as a landmark waterfront development. This mixed-use residential project will significantly contribute to housing and employment targets for the Precinct, while also providing funding to support local and regional infrastructure investment. This demonstrates strong collaboration among governments, community, and business.
- **Objective 10 – Greater housing supply:** The proposal has the potential to deliver over 35,000 sqm of residential floor space, directly contributing to the district's dwelling supply targets. This translates to over 300 new dwellings, including almost 15% affordable housing, thereby addressing the need for increased housing supply.
- **Objective 11 – Housing is more diverse and affordable:** A key driver of the project is the provision of almost 15% affordable housing. This commitment remains unchanged from the original submission, ensuring the development significantly contributes to delivering diverse and affordable housing in a highly accessible location.
- **Objective 12 – Great places that bring people together:** The mixed-use nature of the proposal, along with high-quality publicly accessible spaces, aims to create a vibrant community hub. This will bring together residents, workers, visitors, enterprises, and investors, fostering a shared and enjoyable space.
- **Objective 14 – A Metropolis of Three Cities – integrates land use and transport creates walkable and 30-minute cities:** The project supports the '30-minute city' concept by providing residential uses in an accessible location connected to transport corridors, services, employment centres, and recreational facilities. This integration of land use and transport enhances walkability and accessibility.

The site is identified in the Region Plan as a 'Planned Precinct' and 'Strategic Centre', supporting residential growth, especially for diverse and affordable housing. The proposal seeks the orderly development of additional residential and retail floor space on an underutilised site near an existing train station, maintaining strong alignment with the Region Plan's objectives.

2.1.2. Our Greater Sydney 2056: Eastern City District Plan

The amended proposal aligns strongly with the objectives and strategic context of the Eastern City District Plan, a 20-year strategy designed to manage growth while addressing economic, social, and environmental considerations. The District Plan guides local strategic planning statements and local environmental plans, facilitating growth and change across the district.

For Rhodes, the Eastern City District Plan sets strategic priorities to:

- Preserve job capacity and a diverse mix of uses to strengthen the economic role of the centre.
- Maintain employment capacity at Rhodes Business Park.
- Enhance connections to the Greater Parramatta Olympic Peninsula area.
- Improve links with the Concord Health Precinct.
- Promote place-making initiatives to enhance public spaces.

- Develop sustainable utility infrastructure.
- Create a connected walking and cycling network within the precinct and to regional links, including river foreshores where possible.
- Plan for growth supported by public transport.

The amended proposal retains alignment with these objectives by promoting residential growth and providing additional employment opportunities through a mixed-use development. It supports the following key planning priorities of the District Plan:

- **Planning Priority E4 – Fostering healthy, creative, culturally rich, and socially connected communities:** The proposal includes high-amenity communal open spaces and an activated ground plane with retail amenities, fostering a healthy and connected community. These spaces will offer various amenities to enhance social connectivity.
- **Planning Priority E5 – Providing housing supply, choice, and affordability, with access to jobs, services, and public transport:** Rhodes is identified as a strategic centre for housing and employment growth. The development will deliver new dwellings and employment opportunities with access to public transport, helping the City of Canada Bay Council meet housing and job targets.
- **Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city:** The proposal supports the 30-minute city goal by providing jobs and employment opportunities close to existing public transport.

The District Plan identifies the site as being within a ‘Strategic Centre’. The site is well-placed to deliver housing and services, as identified in the Planning Priorities. The proposal will contribute to much-needed housing supply, including diverse and affordable housing, together with employment opportunities, and is therefore aligned with the Eastern City District Plan.

2.1.3. Better Placed

The proposal, as amended, continues to align with the key objectives of the Government Architect for NSW's "Better Placed" initiative, which aims to create well-designed built environments. The alignment with each objective is detailed below:

Table 2 Assessment Against Better Placed

Objective	Response
1. Better Fit	<p>The amended proposal will provide an appropriate contextual fit through its incorporation of greening and the use of architectural forms / materiality that are synergetic with the neighbouring river, foreshore area and adjacent John Witton Bridge.</p> <p>No significant changes are proposed to the design of the amended proposal and the built form remains consistent with the desired future character envisaged under the Rhodes Place Strategy. The general level changes to accommodate the updated sea wall design result in increased building heights, however as this is a direct result of increased ground levels, the relative building height remains the same as originally proposed. The additional density available under the Housing SEPP has been carefully accommodated and independently reviewed and endorsed by the DIP. Where variations are proposed to the LEP controls, these have been supported by Clause 4.6 variation requests that are appended to this report.</p> <p>The ground plane will provide enhanced connections to the foreshore and back towards the station, linking the development to its broader context. The provision of high quality publicly accessible open space will ensure that the site becomes a landmark location for people to gather and enjoy.</p>

Objective	Response
2. Better Performance	<p>The proposal will achieve a high level of amenity for each apartment, consistent with contemporary ADG standards. Due consideration has been given to solar access, cross-ventilation, indoor and outdoor spaces, visual and acoustic privacy, efficient apartment layouts and outlook.</p> <p>The design maximises solar access to apartments through considered massing and orientation. Moreover, the development will meet and exceed several ESD targets, representing a significant sustainability initiative.</p>
3. Better for Community	<p>The proposal is an integrated affordable and market housing development, which also includes commercial spaces in the podium areas. Significantly, access to all communal areas of the building will be democratic. This will foster an inclusive social outcome and build a sense of community within the development.</p>
4. Better for People	<p>The design has had due regard to CPTED matters, including physical and passive surveillance, accessibility, and the design of interfaces to the public realm and the foreshore. Built form strategies have been implemented to ensure the building provides a safe and comfortable presentation at public domain interfaces.</p> <p>Communal open spaces within the development have also been designed to ensure comfort, safety and liveability – ensuring they will be well used once the building is occupied. These communal open spaces include areas for dining, entertaining and passive recreation.</p>
5. Better Working	<p>The residential and non-residential floor plates (and spatial arrangements) have been designed so that they are fit for purpose, enabling the spaces to fulfil their desired program, and in turn, the activation of the lower levels of the building.</p>
6. Better Value	<p>The proposed non-residential floor space in the podium will generate economic and social benefits for the Rhodes Community, consistent with the desired future character of the area as expressed through the Rhodes Place Strategy.</p> <p>The benefits of locating additional housing, including affordable housing, in an accessible location (nearby to Rhodes Train Station) will deliver a significant return on infrastructure investment and play a role in addressing the housing affordability crisis, identified as a key policy mandate of the NSW Government.</p>
7. Better Look and Feel	<p>All external materials and finishes have been selected based on their appropriateness to context, quality, longevity and constructability. The scheme comprises a mixed-use development consisting of six towers and will provide:</p> <ul style="list-style-type: none"> • An activated ground floor plane with clear sightlines, together with active podium interfaces to the public domain / adjoining green spaces. • A unique “conductor and orchestra” design concept, which will contribute to the establishment of a landmark waterfront destination. • Variations in materials and building recesses, which will emphasise separate vertical forms, creating a village-like feel and scale.

Objective	Response
	<p>Amendments are proposed to the podium materiality including substituting brick for concrete with travertine accents and changing the non-structural concrete columns in front of glazing to aluminium which will be integrated into the glazing system.</p> <p>These changes have been made to accelerate the construction programme and to improve structural performance.</p> <p>The buildings have been subject of a design excellence competition and ongoing DIP review, who have confirmed the scheme exhibits “design excellence”. The design amendments are considered to maintain the same high quality architectural presentation as supported by the DIP. On this basis, the proposal achieves the principles of Better Placed.</p>

2.1.4. City of Canada Bay Local Strategic Planning Statement

The City of Canada Bay Local Strategic Planning Statement (LSPS) aligns with the broader Greater Sydney and Eastern City District Plan, providing a strategic framework for the LGA to 2036. Formally assured by the Greater Sydney Commission on 25 March 2020, the LSPS outlines strategic directions and planning priorities that impact the Rhodes precinct.

Within the LSPS, Rhodes is identified as a ‘Strategic Centre’ for both housing and employment. The amended proposal aligns with several key planning priorities of the LSPS:

- **Planning Priority 5** – Provide housing supply, choice, and affordability in key locations:
 - The proposal supports the LSPS’s goal to consolidate housing growth around the ‘Strategic Centre’ of Rhodes, which is zoned for high-density housing. It includes 14.49% affordable housing, helping to achieve Council’s objectives for more affordable housing in accessible locations.
- **Planning Priority 6** – Provide high-quality planning and urban design outcomes for key sites and precincts.
 - The proposal has undergone an architectural design competition, resulting in a high-quality design that exhibits ‘design excellence’. The amended scheme has been endorsed by the Design Integrity Panel (DIP).

The design provides a thoughtful response to its context and delivers high-amenity apartments that meet or exceed the key performance criteria outlined in the NSW Apartment Design Guide (NSW ADG). Overall, the amended proposal aligns well with the strategic context of the City of Canada Bay LSPS, supporting its goals for housing supply, affordability, and high-quality urban design in the Rhodes precinct.

2.1.5. Rhodes Place Strategy 2021

The Rhodes Place Strategy (the ‘Place Strategy’) was finalised in September 2021 by the Department of Planning, Industry and Environment (DPIE) in conjunction with the rezoning of the land.

The Place Strategy sets out the long-term vision for the area and will guide the eastern and central area of Rhodes as it transitions to a vibrant residential and commercial centre that supports housing growth and job creation. This includes up to approximately 4,200 new homes, commercial space for an additional 1,100 jobs and 23,000sqm of public open space.

The site forms part of the ‘Leeds Street’ character area. Within the Place Strategy, the site is identified as being in a mixed-use area. The proposal seeks to establish a mixed-use development which can deliver on the vision for the Rhodes precinct.

In accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021* (EPA Regulation), the ADR includes an assessment of consistency against the Rhodes Place Strategy in **Appendix C**.

In summary, the proposed development as amended remains consistent with the vision of the Place Strategy because it:

- Delivers a high-amenity mixed-use development, supported by access to public transport, the waterfront and public open space.
- Proposes building heights generally in accordance with the Place Strategy and which respond to environmental constraints such as overshadowing. The arrangement of buildings on site also provides physical and visual links between Leeds Street and the waterfront.
- Makes allowance for the foreshore park and promenade – in line with the Place Strategy structure plan.
- Provides affordable housing.
- Provides active frontages to the public domain, encouraging retail and community activity at ground level.
- Provides a fit-for-purpose seawall to Parramatta River.

3. DESCRIPTIONS OF AMENDMENTS

This section of the report describes the proposed amendments and provides a comparative analysis of the original development and amended proposal. It also includes an updated detailed description of the various components of the proposal, including the proposed amendments.

3.1. OVERVIEW AND COMPARATIVE ANALYSIS

The original proposal was for a mixed use development comprising 6 tower forms and two basement levels for onsite parking and servicing.

The proposed design amendments to the original development lodged with DPHI are detailed in the table below. The amendments have been separated into amendments required to address RFI issues, and amendments proposed as part of general design development.

Table 3 Schedule of Updates

Level	Response to RFI	Design Development
Architectural Plans		
Basement 02	<ul style="list-style-type: none"> ▪ Tandem parking deleted. ▪ Parking spaces numbered. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Level amended to allow for single level parking and improved accessibility.
Basement 01	<ul style="list-style-type: none"> ▪ Tandem parking deleted. ▪ Parking spaces numbered. ▪ Bin store size increased to allow for one collection per week. ▪ Residential waste room modified. ▪ Commercial waste room modified. ▪ Additional waste room to serve terraces added. ▪ Door dimensions to waste rooms increased. ▪ Turntable deleted. 	<ul style="list-style-type: none"> ▪ Level amended to allow for single level parking and improved accessibility.
Ground (Level 01)	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. ▪ Landscape design of public domain updated to allow for raised sea wall. ▪ Parking spaces numbered. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added.) ▪ Entry ramp amended to provide access for revised basement levels. ▪ Corridor access to Building B terraces deleted to allow for revised ramp. (GFA reduced.) ▪ Location of car wash bays updated. ▪ Residential lobby design developed. ▪ Podium materiality amended for ease of buildability reasons and to limit trades on site.
Level 02	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Residential lobby design developed. ▪ Substation design developed following advice from the Level 3 Engineer. ▪ Podium materiality amended for ease of buildability reasons and to limit trades on site. ▪ Non-structural concrete columns changed to aluminium following structural advice.

Level	Response to RFI	Design Development
Level 03	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> Structural design developed. Services design developed (service risers added and updated.) Slab edges and planting amended following structural and buildability advice. Precast curves rationalised to ensure that radiuses are consistent. Non-structural concrete columns changed to aluminium following structural advice. Change in landscape finished floor level omitted for improved accessibility. Apartment added to Building F.
Level 04	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> Structural design developed. Services design developed (service risers added and updated.) Slab edges and planting amended following structural and buildability advice. Non-structural concrete columns changed to aluminium following structural advice. Precast curves rationalised to ensure that radius's are consistent.
Level 04 – 08	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> Structural design developed. Services design developed (service risers added and updated.) Slab edges and planting amended following structural and buildability advice. Non-structural concrete columns changed to aluminium following structural advice. Precast curves rationalised to ensure that radius's are consistent.
Level 09	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 3 bedroom apartment B9.02 changed to two 1 bedroom apartments to comply with the DCP. 	<ul style="list-style-type: none"> Structural design developed. Services design developed (service risers added and updated.) Slab edges and planting amended following structural and buildability advice. Non-structural concrete columns changed to aluminium following structural advice. Precast curves rationalised to ensure that radius's are consistent. Four-bedroom apartment in Building E changed to E.901. Allocated platinum apartment in Building E changed from E.902 to E.903.
Level 10	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> Structural design developed. Services design developed (service risers added and updated.) Slab edges and planting amended following structural and buildability advice. Non-structural concrete columns changed to aluminium following structural advice.

Level	Response to RFI	Design Development
		<ul style="list-style-type: none"> ▪ Precast curves rationalised to ensure that radius's are consistent. ▪ Four-bedroom apartment in Building E changed to E.1001. ▪ Allocated platinum apartment in Building E changed from E.1002 to E.1003.
Level 11	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. ▪ Egress stair added to roof gardens (A & D) following BCA and fire engineering advice. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Slab edges and planting amended following structural and buildability advice. ▪ Non-structural concrete columns changed to aluminium following structural advice. ▪ Precast curves rationalised to ensure that radius's are consistent. ▪ Four-bedroom apartment in Building E changed to E.1101. ▪ Allocated platinum apartment in Building E changed from E.1102 to E.1103.
Level 12	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Slab edges and planting amended following structural and buildability advice. ▪ Non-structural concrete columns changed to aluminium following structural advice. ▪ Precast curves rationalised to ensure that radius's are consistent. ▪ Four-bedroom apartment in Building E changed to E.1201. ▪ Allocated platinum apartment in Building E changed from E.1202 to E.1203.
Level 13	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Slab edges and planting amended following structural and buildability advice. ▪ Non-structural concrete columns changed to aluminium following structural advice. ▪ Precast curves rationalised to ensure that radius's are consistent.
Level 14 – 16	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Precast curves rationalised to ensure that radius's are consistent.
Level 17	<ul style="list-style-type: none"> ▪ Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> ▪ Structural design developed. ▪ Services design developed (service risers added and updated.) ▪ Precast curves rationalised to ensure that radius's are consistent.

Level	Response to RFI	Design Development
Level 18	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 	<ul style="list-style-type: none"> Penthouse roof garden design developed.
Roof	<ul style="list-style-type: none"> Levels updated to allow for raised sea wall. 	
Landscape Plans		
Ground Floor and Public Domain	<ul style="list-style-type: none"> Potential extent of seawall shown (subject to future testing/design) Updates as required by Condition 48 of Regional Consent: <ul style="list-style-type: none"> Proposed sea wall design and materiality shown Seawall height extended to 3m AHD Electropolished sandstone balustrade Shows 5m wide pedestrian pathway, including accessible entry ramp from Blaxland Rd Denotes street lighting within Foreshore Park Shows proposed erection of any structures Raising the sea wall to RL 3.0 has resulted in a raised ground plane and proposed removal of existing trees along the foreshore based on arborist advice regarding the impact of the raised levels on these trees. Amendment to the 1:21 walkway to connect the foreshore promenade to the existing boat ramp at Blaxland Rd due to the raise in seawall and adjacent levels. Increased tree replacement with Australian natives as per Rhodes East Public Domain Plan and Regional DA consent (DA2025/0233). Increased soil volume provided for raised planters along Leeds Lane to support long term tree growth. Amended site sections to reflect the raised levels along the foreshore and ground plane. Reduction in paved area and increase in softworks areas to reduce urban heat, improve site permeability, landscape amenity and biodiversity. 	
Rooftops and Communal Podiums	<ul style="list-style-type: none"> Rationalisation of rooftop designs to incorporate more usable communal open space. Embellishment and further design resolution provided to private rooftop terraces on Building F. 	

The above amendments are incorporated into the updated architectural drawings are attached as **Appendix B** and are included in the RFI Architectural Design Report at **Appendix E**.

A comparative analysis has been undertaken of the proposed changes to the original development in accordance with the DPHI Guidelines and as shown in the following table.

Table 4 Comparative Table

Element	Original Development	Amended Development
Demolition, excavation and early works	<ul style="list-style-type: none"> Demolition of existing buildings and structures. Earthworks, excavation to facilitate 2-level basement structure and retaining walls. Tree removal Remediation 	<ul style="list-style-type: none"> Removal of 17 remaining trees not approved for removal under DA2023/0235: <ul style="list-style-type: none"> 12 on Foreshore directly impacted by raised seawall works <i>Trees – 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 65, 67</i> 2 impacted by diversion of the existing sewer line <i>Trees – 40 & 42</i> 2 impacted by shoring wall and rock anchors during excavation <i>Trees – 33 & 34</i> 1 at request of Ausgrid for access to Chamber Substation compliance <i>Tree 5</i>
Land Use Activity	<ul style="list-style-type: none"> Residential (affordable and market) Commercial 	<ul style="list-style-type: none"> Residential (affordable and market) Commercial

Element	Original Development	Amended Development
Height of Building	<ul style="list-style-type: none"> ▪ Building A: RL47.30m ▪ Building B: RL 38.25m ▪ Building C: RL 38m ▪ Building D: RL41.2m ▪ Building E: RL46m ▪ Building F: RL60.45m 	<ul style="list-style-type: none"> ▪ Building A: RL 47.80m ▪ Building B: RL 41m ▪ Building C: RL 40.77m ▪ Building D: RL 44.35m ▪ Building E: RL 47.50m ▪ Building F: RL 62.30m
Number of storeys	Six (6) mixed use residential towers, ranging in height from 10 to 17 storeys.	Six (6) mixed use residential towers, ranging in height from 10 to 17 storeys.
FSR / GFA	3.133:1 / 36,636.6sqm <ul style="list-style-type: none"> ▪ Residential: 35,205.73sqm ▪ Non-residential: 1,430.87sqm 	3.22:1 / 37,708sqm <ul style="list-style-type: none"> ▪ Residential (incl W/G): 36,257.1sqm ▪ Non-residential: 1,450.9sqm
Affordable Housing GFA	5,506.2sqm (15% of total GFA)	5,463.9sqm (14.49% of total GFA)
Number of apartments	340	342 (reconfiguration of a 3-bed to two 1-beds)
Car Parking	399	400

3.2. RELATIONSHIP TO EXISTING DEVELOPMENT CONSENT

The amended application seeks to utilise the provisions of section 4.17 of the EP&A Act such that, at the issuance of a development consent for the subject SSDA application, DA2023/0235 will be amended to ensure that the consents are consistent with each other and may operate simultaneously over the site.

Section 4.17(1)(b) of the EP&A Act provides that a condition of development consent may be imposed requiring the modification (or surrender) of another development consent relating to the same land as indicated below.

4.17 Imposition of conditions

(1) Conditions—generally

A condition of development consent may be imposed if—

(a) it relates to any matter referred to in section 4.15(1) of relevance to the development the subject of the consent, or

(b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates, or

(c) it requires the modification or cessation of development (including the removal of buildings and works used in connection with that development) carried out on land (whether or not being land to which the development application relates), or

(d) it limits the period during which development may be carried out in accordance with the consent so granted, or

(e) it requires the removal of buildings and works (or any part of them) at the expiration of the period referred to in paragraph (d), or

(f) it requires the carrying out of works (whether or not being works on land to which the application relates) relating to any matter referred to in section 4.15(1) applicable to the development the subject of the consent, or

(g) it modifies details of the development the subject of the development application, or

(h) it is authorised to be imposed under section 4.16(3) or (5), subsections (5)–(9) of this section or section 7.11, 7.12, 7.24 or 7.32.

In practice, this clause allows a condition of one development consent to require the modification of an existing consent, through the over-writing of specific conditions in that original consent so they are consistent with the new consent. In order to affect this modification, clause 97 of the *Environment Planning and Assessment Regulation 2000 (EP&A Regulation)*, requires, under section 4.17(5) of the Act, that the proponent issue a notice of modification to the consent authority for the pre-existing DA. Section 4.14(5) states:

(5) Modification or surrender of consents or existing use rights

If a consent authority imposes (as referred to in subsection (1)(b)) a condition requiring the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11, the consent or right may be modified or surrendered subject to and in accordance with the regulations.

The notice of modification effectively modifies the pre-existing DA so that it must be read to be in accordance with the ‘Amending’ DA. This requirement removes any inconsistencies between the original consent and the new DA consent. The notice of modification is utilised to resolve any inconsistencies between the two consents, so that the two consents can sit concurrently on the site and continue to operate. The ‘Amending’ DA consent supersedes any inconsistency in the pre-existing DA. Further details on this mechanism as well as the required consent condition mark-ups are detailed in **Appendix I**.

3.3. DETAILED DESCRIPTION

The project involves the construction of six mixed-use residential buildings. The project will include construction of the buildings and ancillary landscaping works. Site preparation works including demolition bulk earthworks and some tree removal will be carried out under an existing development consent.

The key components of the proposed development are listed in the table below.

The amended Architectural Drawings are provided at **Appendix B**.

Table 5 Project Details

Descriptor	Project Details
Project Area	The site has a total area of 11,692sqm. The entire site area will be physically disturbed by the project.
Site Description	The site includes the following lots: <ul style="list-style-type: none"> ▪ Lot 2 in DP1192949. ▪ Lot A in DP329241, and ▪ Lot C in DP367132.
Project Description	<ul style="list-style-type: none"> ▪ Removal of 17 additional trees, that were not approved under the Regional DA consent. ▪ Construction of six (6) mixed use residential towers, ranging in height from 10 to 17 storeys. ▪ Through site links, foreshore park and promenade. ▪ Seawall and foreshore works. ▪ On-site car parking and loading within a consolidated basement, accessed from Blaxland Road.
GFA	Total GFA of 37,708sqm broken down as follows: <ul style="list-style-type: none"> ▪ Residential: 36,257.1sqm (with 5,463.9sqm affordable housing, equating to 14.49% of the overall development GFA). ▪ Non-residential: 1,450.90sqm.

Descriptor	Project Details
Residential Apartments	<p>The proposal will deliver 342 dwellings in the following LEP CI 6.11 compliant mix:</p> <ul style="list-style-type: none"> ▪ Studio: 1 (0.3%) ▪ 1 bedroom: 59 (17.3%) ▪ 1 bedroom + study: 9 (2.6%) ▪ 2 bedrooms: 114 (33.3%) ▪ 2 bedrooms + study: 17 (2%) ▪ 3 bedroom town house: 7 (2%) ▪ 3 bedrooms: 128 (37.4%) ▪ 4 bedrooms: 7 (2%) <p>284 of these apartments will be market housing and 58 apartments will be affordable housing (14.49% of overall residential GFA). All affordable housing units will be located in Building B.</p>
Maximum Height	<ul style="list-style-type: none"> ▪ Building A: RL 47.80m ▪ Building B: RL 41m ▪ Building C: RL 40.77m ▪ Building D: RL 44.35m ▪ Building E: RL 47.50m ▪ Building F: RL 62.30m
Parking Spaces	<p>400 car parking spaces will be provided via a consolidated basement structure that will sit beneath the six buildings and includes:</p> <ul style="list-style-type: none"> ▪ 14 retail parking spaces. ▪ 358 residential spaces. ▪ 17 visitor spaces. ▪ 9 car share spaces ▪ 2 car wash bays.
Bicycle Parking	636 bicycle parking spaces
Communal Open Space	2,983sqm
Deep Soil	1,333sqm (11.4%)
Tree Canopy	37.7%

3.4. SEAWALL AND FORESHORE WORKS

Tonkin has investigated a number of design options to enable the seawall to be raised to RL3m and has assessed the ‘worst case’ design option in their advice letter at Appendix O.

The ‘worst case’ scenario is defined as having the largest footprint and therefore the largest potential impacts. Other arrangements may be possible subject to further investigations and design development.

The proposed arrangement shown on the plans in Appendix O involve a rock rubble revetment up to a raised crest level of +3.0mAHD. The crest of the seawall has been maintained on the current alignment, which results in the toe of the batter extending further seaward than the current revetment and beyond the existing property boundary. Maintaining the current alignment was selected to maintain the current area of public space behind the seawall.

In order to add stability and height to the existing revetment seawall for the new loads and levels, Tonkin proposes to add mass in the form of additional armour stone on a 1:2 batter slope. This may involve a large

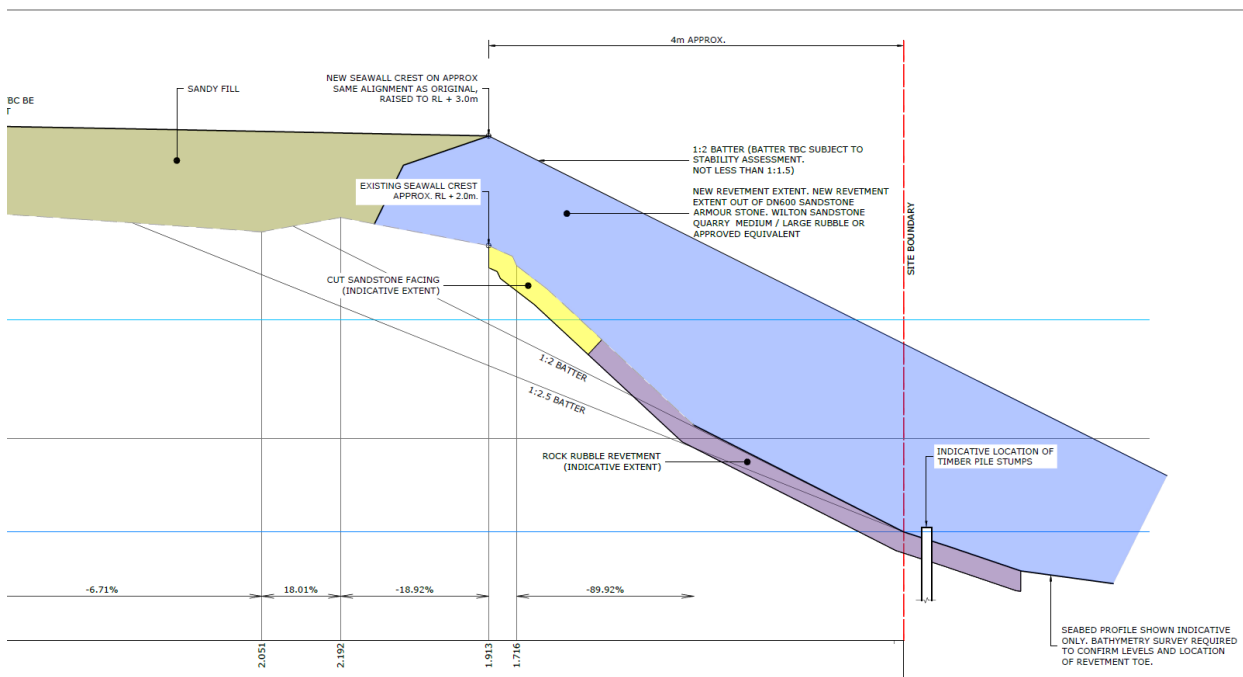
amount of stone however is not expected to require significant disturbance of the seabed beyond placing the stones.

A slope stability assessment is required to determine the extent of new revetment. A favourable stability assessment of the existing seawall could minimise the revetment extent and allow other options to be considered such as retaining walls just behind the crest. As such the final seawall and foreshore design requires additional investigations to confirm and minimise the scope and extent of works.

The above proposal which achieves the required seawall height represents a like-for-like response with the existing condition and results in minimal disturbance of the foreshore environment. In this regard, it is proposed to not include foreshore steps which would result in a greater impact on the foreshore environment.

The existing timber pile stumps are proposed to be retained as they offer benefits to the seawall stability and retention would minimise disturbance.

Figure 3 Proposed seawall works



Source: Tonkin

The Applicant is willing to have the requirements of Regional DA Condition 48 'transferred' to the SSDA (excluding the foreshore steps) – noting that it requires further detailed specifications to be worked through with Council (post-consent) and reflected on the construction drawings.

4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the amended proposal, including:

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).*
- *NSW Biodiversity Act 2016 (BC Act).*
- *Environmental Planning and Assessment Act 1979 (EP&A Act).*
- *Environmental Planning Assessment Regulation 2021 (the EPA Regulations).*
- *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP).*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP).*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP).*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP).*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP).*
- *City of Canada Bay Local Environmental Plan (LEP) 2013.*
- *City of Canada Bay Development Control Plan (DCP) 2013.*

It identifies the key statutory matters which are addressed in detail within the Amendment Report, including the power to grant consent, permissibility, other approvals, pre-conditions and mandatory considerations.

4.1. STATUTORY REQUIREMENTS

Table 6 categorises and summarises the relevant requirements in accordance with the DPIE *State Significant Development Guidelines*. A statutory compliance table is attached as **Appendix C**.

Table 6 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
<i>Power to grant approval</i>	<p>In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, development to which:</p> <ul style="list-style-type: none"> ▪ 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. <p>Is classified as SSD.</p> <p>26A In-fill affordable housing</p> <p><i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i></p> <p><i>(a) the part of the development that is residential development has a capital investment value of—</i></p>

Statutory Relevance	Action
	<p><i>(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or ...</i></p> <p><i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i></p> <p>The residential component of the proposed works has an estimated CIV greater than \$75,000,000 (refer to EDC Report) and accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP.</p> <p>In addition to EDC, to qualify for the SSDA pathway, the proposal must not be prohibited development. The proposal is permitted with development consent and therefore qualifies as SSD.</p>
Permissibility	<p>The development as amended remains permissible. The site is zoned MU1 (Mixed Use) in accordance with the CB LEP 2013. 'Shop top housing' is permitted with development consent in the MU1 zone.</p> <p>Notably Schedule 1, Section 27 of the CB LEP permits 'residential flat buildings' as an additional permitted use on the land. 'Retail premises' and 'shop top housing' are both permitted uses in the MU1 (Mixed Use) zone.</p>

4.2. PRE-CONDITIONS

Table 4 outlines the pre-conditions to exercising the power to grant approval which are relevant to the project and the section where these matters are addressed within the EIS.

Table 7 Pre-Conditions

Statutory Reference	Pre-condition	Relevance	Section
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>A consent authority must be satisfied that the land is suitable in its contaminated state – or will be suitable, after remediation – for the purpose for which the development is proposed to be carried out.</p> <p>Section 4.6 of the SEPP provides a State-wide approach to the remediation of contaminated land. It requires a consent authority to assess the potential for land to be contaminated and the works required to remediate the land to ensure it is suitable for its intended use.</p>	<p>Site preparation works, including demolition and removal of existing structures on site and bulk excavation to accommodate the proposed consolidated basement structure are to be undertaken in accordance with the approved regional DA – DA2023/0235.</p> <p>The regional DA noted that further studies are required to confirm the site can be made suitable for the proposed development. These additional studies have been provided within the SSDA package.</p>	<p>Appendix I</p>

Statutory Reference	Pre-condition	Relevance	Section
		<p>The Detailed Site Investigation (DSI) that was prepared for the SSDA was based on a review of the site history, previous contamination investigations, observations made during fieldwork, and results of laboratory testing. No changes are proposed to the amended proposal that will impact the findings of this DSI.</p> <p>The DSI concluded that the site can be made suitable for the proposed development subject to the preparation of an ASSMP and Dewatering Management Plan. Therefore, the considerations of Clause 4.6 of the Resilience and Hazards SEPP are satisfied.</p> <p>It is noted that an ASSMP has been prepared and provided to the PCA as part of the NOC and CC1 to enable demolition and bulk excavation to commence on site.</p>	
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p>Section 2.48: development likely to affect an electricity transmission or distribution network.</p>	<p>The application was referred to Ausgrid for comments. No objection was raised. Ausgrid has approved the concepts for the chamber substation via written (email) correspondence.</p>	<p>Appendix A</p>
	<p>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.</p>	<p>The site is adjacent to the rail corridor. SSDA was referred to the relevant rail authority.</p> <p>The Proponent accepts the proposed conditions of consent put forward by TfNSW.</p>	<p>Appendix A</p>
	<p>Section 2.100: Impact of rail noise on non-rail development</p>	<p>The proposal is accompanied by an updated Noise and Vibration Impact Assessment (NVIA) which concludes that compliance with the ground-borne noise criteria set out in the T&I will be achieved.</p>	<p>Appendix U</p>

Statutory Reference	Pre-condition	Relevance	Section
	<p>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.</p>	<p>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.</p> <p>The SSD was referred to TfNSW for a response during the public exhibition of the EIS package. TfNSW advised that the relevant traffic, transport, and accessibility requirements set out in the Secretary's Environmental Assessment Requirements (SEARs) has been satisfied. As such, TfNSW had no further comment.</p> <p>As the amended proposal will not significantly alter the proposed traffic/ parking arrangements at the site it is expected that there will be no further response from TfNSW on the amended application.</p>	<p>Appendix A</p>
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>	<p>Chapter 6: Water Catchment</p> <p>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.</p>	<p>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.</p> <p>The amended proposal includes works to the seawall in response to a regional DA condition of consent, and in addition to submissions from Canada Bay Council, DPHI and NSW DCCEEWS BCS. The proposed works, including raising its height</p>	<p>Appendix O</p>

Statutory Reference	Pre-condition	Relevance	Section
		<p>to RL 3m, will provide a fit-for-purpose seawall and ensure its longevity.</p> <p>The accompanying Seawall Advice Letter (Appendix O) includes geotechnical and construction considerations for further investigation.</p>	
	<p>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.</p>	<p>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.</p> <p>Furthermore, erosion and sediment control measures documented in the civil plans will ensure the proposal will not adversely impact aquatic ecology.</p> <p>The amended proposal includes removal of 17 additional trees in the foreshore area in response to raising the seawall height and the ground levels in the foreshore area.</p> <p>An updated BDAR waiver request was submitted to DPHI which includes consideration of these additional trees. The BDAR waiver request concludes that the additional tree removal does not result in any significant impact on biodiversity values of the site and surroundings.</p> <p>An updated BDAR waiver has been issued.</p>	<p>Appendix AA</p>
	<p>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</p>	<p>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,</p>	<p>Appendix B</p>

Statutory Reference	Pre-condition	Relevance	Section
	planned prior to the granting of development consent.	State agencies, industry and the community. The vision for the Leeds Street precinct is to deliver a new foreshore area anchored by a 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>Canada Bay LEP 2013</i>	Clause 4.6: Exceptions to Development Standards	The proposal will breach the Height of Buildings development standard. Accordingly, a Clause 4.6 variation request has been prepared which demonstrates the breach is acceptable in the circumstances of the case.	Appendix H
	Clause 6.3: Environmentally sensitive land – The consent authority must be satisfied that the proposed development will not have any adverse impacts on the ecological value or vegetation of the flora and fauna on the land.	<p>The site is partially mapped as ‘environmentally sensitive land’ under the Canada Bay LEP.</p> <p>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.</p> <p>The amended proposal includes removal of additional trees in the foreshore area in response to raising the seawall height and the ground levels in the foreshore area.</p> <p>An updated BDAR waiver request was submitted to DPHI which includes consideration of these additional trees. The BDAR waiver request concludes that the additional tree removal does not result in any significant impact on biodiversity values of the site and surroundings.</p>	Appendix AA

Statutory Reference	Pre-condition	Relevance	Section
	<p>Clause 6.4: Limited development on foreshore area – the objective of clause 6.4 is to ensure that development on land mapped in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p>	<p>An updated BDAR waiver has been issued.</p> <p>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.</p> <p>Under the amended proposal 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, as well as works to the seawall. 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.</p>	<p>Appendix B</p>
	<p>Clause 7.2: Design excellence in the Rhodes Precinct – outlines that any development within the Rhodes Precinct that is greater than 12m or 3 storeys must achieve Design Excellence. In addition to this, the clause also states that any development greater than 28m or 8 storeys must also run a design competition.</p>	<p>Billbergia have completed a design competition in accordance with the LEP. A ‘design integrity’ process was subsequently undertaken culminating in the DIP (formerly the competition jury) determining that the scheme exhibited ‘design excellence’.</p> <p>Design development occurred during the preparation of the SSDA and the SSDA scheme was presented to the jury prior to the lodgement of the EIS, who confirmed the current proposal exhibits ‘design excellence’.</p> <p>Further amendments have been made to the proposal post-exhibition in response to</p>	<p>Appendix E</p>

Statutory Reference	Pre-condition	Relevance	Section
		<p>submissions and as part of further design development.</p> <p>Broadly, proposed design amendments to the SSDA include:</p> <ul style="list-style-type: none"> ▪ Raising the overall development by between 500mm to 1,800mm to account for the required level changes across the site to accommodate the seawall works. ▪ Amendments to the GFA calculations to include wintergarden GFA. ▪ Minor basement waste storage and parking amendments ▪ Podium materiality changes including substituting brick for concrete with travertine accents. ▪ Some internal reconfiguration of units and numbering. ▪ General structural and services design development. ▪ Penthouse roof garden design developed. <p>The overall design and layout of the proposal remains substantially the same as the SSDA lodged scheme, and importantly retains the key aspects that demonstrate design excellence.</p>	
	<p>Clause 7.7 of the Canada Bay LEP states that development consent must not be granted for development that results in more than 3,000 dwellings in the Rhodes Precinct.</p>	<p>Clause 7.7 requires that development for residential purposes is supported by adequate transport infrastructure in the Rhodes Precinct. Refer to Section 6.1.8 for further explanation of how this is 'cap' is</p>	<p>EIS</p>

Statutory Reference	Pre-condition	Relevance	Section
		<p>proposed to be assessed and managed.</p> <p>The analysis in Section 2.4 above confirms the dwelling cap will not be breached by this proposal when considered cumulatively amongst other development approvals / projects in the planning phase.</p>	

4.3. MANDATORY CONSIDERATIONS

Table 8 outlines the relevant mandatory considerations to exercising the power to grant approval and the section where these matters are addressed within the EIS

Table 8 Mandatory Consideration

Statutory Reference	Mandatory Consideration	Section in Report
Consideration under the EP&A Act and Regulation		
Section 1.3	Relevant objects of the EP&A Act	Appendix C
Section 4.15	Relevant environmental planning instruments:	Appendix C
	<i>SEPP (Planning Systems) 2021</i>	Appendix C
	<i>SEPP (Biodiversity and Conservation) 2021</i>	Appendix C
	<i>SEPP (Resilience and Hazards) 2021</i>	Appendix C
	<i>SEPP (Transport and Infrastructure) 2021</i>	Appendix C
	<i>SEPP (Housing) 2021</i>	Appendix C
	<i>SEPP (Sustainable Buildings) 2022</i>	Appendix C
	<i>Canada Bay Local Environmental Plan 2013</i>	Appendix C
	Relevant draft environmental planning instruments	Appendix C
	Relevant planning agreement or draft planning agreement	Appendix C
Development control plans	Appendix C	
<p>Clause 2.10 of the Planning Systems SEPP provides that DCPs do not apply to SSDAs. Notwithstanding this, consideration has been given to the following provisions of the Canada Bay DCP:</p> <ul style="list-style-type: none"> • Part B – General Controls. 		

Statutory Reference	Mandatory Consideration	Section in Report
	<ul style="list-style-type: none"> • Part C – Heritage. • Part K – Special Precincts. • Rhodes East DCP. 	
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Section 6
	The suitability of the site for the development	Section 6
	The public interest	Section 6
Mandatory relevant considerations under EPIs		
R&H SEPP	<p>Section 4.6 – Contamination and remediation to be considered in determining development application.</p> <p>Section 2.10 – Development on land within coastal environment area.</p> <p>Section 2.11 – Development on land within the coastal use area.</p>	Appendix C
T&I SEPP	<p>Section 2.48 – Development likely to affect an electricity transmission or distribution network.</p> <p>Section 2.98 – Development adjacent to rail corridors.</p> <p>Section 2.100 – Impact of rail noise on non-rail development.</p> <p>Section 2.122 – Traffic-generating development.</p>	Appendix C
B&C SEPP	<p>Chapter 2 – Vegetation in non-rural area.</p> <p>Division 3 – Development in Foreshores and Waterways Area.</p> <p>Chapter 6 – Water Catchments.</p>	Appendix C
Sustainable Buildings SEPP	Section 2.1 – Standards for BASIX development and BASIX optional development.	
Housing SEPP	<p>Chapter 2, Part 2, Division 1 – In-fill affordable housing</p> <p>Chapter 4 – Design of residential apartment development</p>	Appendix C,
Canada Bay LEP 2013	<p>Objectives and land uses for MU1 (Mixed Use) Zone.</p> <ul style="list-style-type: none"> • Part 4 – Principal development standards. • Part 5 – Miscellaneous provisions. • Part 6 – Additional Local Provisions. • Part 7 – Rhodes Precinct. 	Appendix C

Statutory Reference	Mandatory Consideration	Section in Report
Considerations under other legislation		
BC Act – section 7.14	<p>The BC Act protects native vegetation, species of threatened flora and fauna, endangered populations and endangered ecological communities and their habitats in NSW. Section 7.9 requires a development application for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>A BDAR Waiver has been granted by DPHI for SSD-67419241 which confirms that the proposed development is unlikely to have any significant impact on biodiversity values of the site and surroundings. The amended proposal includes removal of additional trees in the foreshore area in response to raising the seawall height and the ground levels in the foreshore area.</p> <p>An updated BDAR waiver request was submitted to DPHI which includes consideration of these additional trees. The BDAR waiver request concludes that the additional tree removal does not result in any significant impact on biodiversity values of the site and surroundings.</p> <p>An updated BDAR waiver has been issued.</p>	Appendix AA

4.4. CONTRIBUTIONS

4.4.1. Local Contributions (s7.11 Plan and Affordable Housing Contributions)

The City of Canada Bay Local Infrastructure Contributions Plan (2022) applies to the Rhodes peninsula. The Applicant expects a condition of consent to be imposed requiring a nexus based payment (accounting for offsets and credits) to be made before the first construction certificate, in accordance with the Contributions Plan (Section 7.11 Plan).

Clause 6.12 of the CB LEP outlines the local affordable housing contribution which applies to the land.

The rate that is applied to Rhodes East is 5% of total residential GFA. This is outlined in the City of Canada Bay Affordable Housing Contribution Scheme 2021. This contribution can either be made in kind with the dedication of 5% of the residential GFA as affordable housing, or the equivalent monetary contribution.

The Applicant intends to fulfill this requirement via a monetary contribution, to satisfy the relevant condition of development consent.

Notably, local contributions payments were made as part of obtaining a Construction Certificate for the Regional DA. This equated to a total yield of 249 units, broken down as follows:

- -Studio/1 Beds = 56
- -2 Bed = 99
- -3/4 Beds = 94

The Applicant requests that further 'top up' payments for the SSDA simply reflect the additional yield obtained under the SSDA, to avoid 'double dipping' of local contributions payments.

4.4.2. Regional Contributions (Housing and Productivity Contributions)

We understand from discussions with DPHI, that as the Housing and Productivity Contribution (HPC) was not in affect at the time of the Regional DA's approval, it will not apply to that component of the proposal.

It is understood therefore that the HPC will apply to the additional yield sought under the SSDA.

The Regional DA approval included a total yield of 249 residential dwellings.

The SSDA scheme proposes a total of 342 residential apartments. It is noted that 58 of the additional apartments will be affordable housing dwellings which are exempt from the HPC.

Therefore the HPC will be calculated on a total of 35 residential apartments (93 additional dwellings minus 58 affordable housing dwellings).

It is anticipated that a condition of consent will be imposed in this regard.

5. ASSESSMENT OF IMPACTS

This section provides a comprehensive description of the updated specialist technical studies undertaken to assess the potential impacts of the proposed design amendments and as required in response to issued raised in submissions and from DPHI's preliminary assessment. Updated mitigation, minimisation and management measures recommended to avoid unacceptable impacts are also included where relevant.

The detailed technical reports and plans prepared by specialists and appended to this Amendment Report are individually referenced in the following table. A summary of the updated mitigation measures is provided as **Appendix D**.

Table 9 Assessment of Impacts

Impact	Assessment
Built Form and Urban Design	<p>The key built form and urban design principles adopted for the SSDA proposal remain the same for the amended proposal.</p> <p>Bulk and Scale</p> <p>Additional floor space associated with the amended proposal is a result of the inclusion of wintergarden GFA that was previously excluded. The 5% BASIX bonus has also been excluded from the GFA calculation. Therefore, the overall bulk and scale of the development remains the same as previously proposed. A clause 4.6 variation request is submitted to justify the technical non-compliance with the allowable FSR for the site.</p> <p>The amended proposal includes raising the Parramatta River seawall to RL 3m which has resulted in a raised ground plane across the site. Building heights have been adjusted accordingly to accommodate the level changes which has resulted in the following building height increases:</p> <ul style="list-style-type: none"> ▪ Building A, B, C and D: 500mm ▪ Building E: 1500mm ▪ Building F: 1800mm <p>As the building height increases are due to increased level changes across the site, the actual height of the buildings in meters and storeys remains the same as previously proposed. An updated clause 4.6 variation for height is submitted which reflects the amended building heights.</p> <p>Façade Design Development</p> <p>The following façade design development has also been included in the amended proposal:</p> <p><u>Podium Materiality</u></p> <p>The brick podium has been substituted for concrete with travertine accents. This was preferred by the construction team as it reduces the number of trades required on site and can accelerate the construction programme. It also considers the supply challenges of bricks and bricklayers in Sydney.</p> <p>The proposed materiality has been selected to maintain and exceed the design excellence of the previous materiality.</p> <p><u>Non-structural columns</u></p> <p>Non-structural concrete columns in front of glazing have been changed to aluminium and will be integrated into the glazing system. This update was made following design development workshops with the Structural Engineer and construction team to reduce the structural load to the slab edges. It was also considered to be a more robust approach in term of water proofing by the construction team because it reduces joints between concrete and glazing.</p>

Precast curves

Curves to precast panels and balustrades have been rationalised to ensure that curves are consistent to minimise the number of concrete moulds that need to be manufactured.

The images in the accompanying RFI Architectural Design Report (**Appendix E**) demonstrate that the proposed façade changes maintain the same high-quality architectural presentation as previously proposed.

Figure 4 Materiality changes to podium



Source: SJB

Overall, the proposed built form is considered to remain appropriate for the site because:

- It is consistent with the envelopes and massing envisaged in the Rhodes Place Strategy, which were the result of several years of master planning work undertaken by the NSW Government. Accordingly, the building form is consistent with the desired future character of the area, as expressed through the planning framework, which envisages a multi tower development, featuring buildings of differing heights that connect and engage with the waterfront.
- The built form and massing are also consistent with the principles of the Rhodes Place Strategy in that the proposal delivers:
 - The future “Foreshore Park” and promenade.
 - Active ground floor uses to frame the future public open space / ground plane; and
 - The creation of view corridors between buildings, to allow public appreciation of the water.
- The proposal has undergone an architectural design competition in accordance with the Canada Bay LEP. The competition jury / Design Integrity Panel (DIP) confirm the scheme exhibits “design excellence”.
- The additional density available under the SSD pathway has been carefully applied to the competition winning scheme via a GANSW endorsed “Bridging Design Excellence Strategy”. The DIP has reviewed the scheme and confirms the design excellence qualities (which won the competition) have been retained and improved in the SSD scheme.
- The Applicant has a strong working relationship with registered CHPs. The affordable housing component has been carefully designed to ensure high levels of amenity and a variety of housing typologies that will meet the expected needs / profile of the affordable housing tenants. The amended proposal is accompanied by a letter of support from Evolve Housing (CHP).

Environmental Amenity

The accompanying amended architectural plans (**Appendix B**), RFI Architectural Design Report (**Appendix E**) and Environmental Wind Tunnel Study (**Appendix T**) demonstrates

that the amended proposal continues to comply with key NSW Apartment Design Guide (ADG) criteria, which will ensure a high standard of internal amenity for occupants:

- Minimum apartment areas, dimensions and ceiling heights are achieved.
- 62% of apartments across applicable levels achieve natural ventilation. This is greater than the 60% ADG design criteria.
- 77% of apartments achieve at least 2 hours solar access, exceeding the minimum 70% ADG design criteria. Only 6% of apartments receive no solar access, complying with the maximum 15% ADG design criteria.
- All (largely minor) wind mitigation measures suggested by SLR have been incorporated into the architectural plans. Therefore, the wind conditions within the various accessible outdoor spaces within and surrounding the development will align with their intended use.
- Communal open spaces are proposed on Level 2 (Building F), Level 3 (Building A), Level 9 (Building B), Level 11 (Building B & C), together with communal indoor space. These areas, once combined, represent 27% of the site area, exceeding the ADG requirement of 25%. As well as communal open space, each apartment is provided with private open space (balconies) that meet or exceed the minimum areas required by the ADG.
- In addition to the communal open space, the scheme proposes 5,000sqm of new public open space via the new foreshore park and promenade; and the 2,000sqm of through-site links, which will be embellished by landscape plantings and activated by retail tenancies.
- 11.4% of the site area provided as deep soil planting, exceeding the ADG design criteria.
- Windows and balconies are located to minimise overlooking and increase privacy. Where ADG separation distances are not achieved, solid walls or privacy screens (to habitable rooms) are proposed to mitigate privacy impacts.
- The proposed development continues to comply with all overshadowing controls as required by Canada Bay LEP at midwinter. Amended shadow diagrams demonstrate that the amended proposal does not result in any additional overshadowing of the following planned open spaces during the specified times:
 - Open space of the school site to the south between 10am and 2pm.
 - Foreshore Park in Leeds Character Area between 8.30am and 12.30pm.
 - The proposal also meets the control that the Foreshore Park cannot be more than 50% overshadowed by new development after 12:30 pm.

Trees and Landscaping

The proposal has been amended to include raising the seawall at the Parramatta River interface to RL 3.0m as required by Canada Bay Council in Condition 48 of the Regional DA (DA2023/0235).

The consent condition also requires that the cross-fall grade of the foreshore promenade be designed and constructed to be 2.5% to the top of the seawall from the subject property boundary line.

The proposed raising of the seawall which requires additional fill has resulted in a raised ground plane and the proposed removal of additional existing trees along the foreshore, based on arborist advice regarding the impact of the raised levels on these trees.

Amended architectural plans (**Appendix B**), landscape plans (**Appendix W**) and an Arboricultural Impact Assessment Report (**Appendix V**) are provided which reflect the proposed seawall works and the associated level changes across the site.

The landscape design remains substantially the same as previously proposed.

A total of 65 trees are proposed to be removed, 17 in addition to the 48 previously proposed. The additional 17 trees for removal are described below:

- 12 on Foreshore directly impacted by raised seawall works
 - Trees – 45, 46, 47, 48, 49, 50, 51, 55, 56, 57, 65, 67
- 2 impacted by diversion of the existing sewer line
 - Trees – 40 & 42
- 2 impacted by shoring wall and rock anchors during excavation
 - Trees – 33 & 34
- 1 at request of Ausgrid for access to Chamber Substation compliance

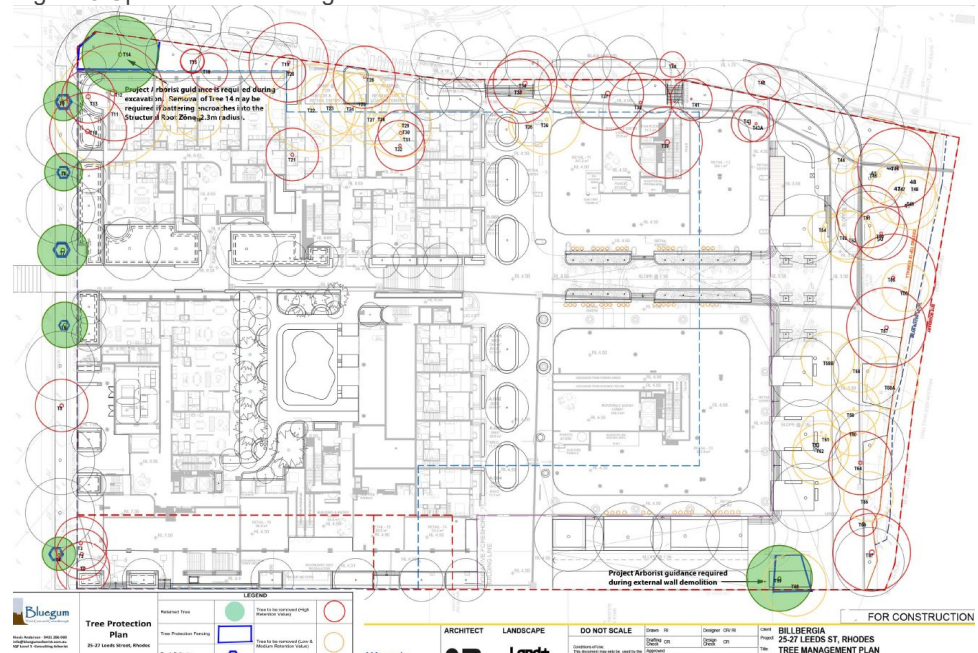
- Tree 5

The amended AIA confirms all trees adjoining the site can be viably protected and retained during the construction phase.

The proposed tree removal will be offset by 150 replacement plantings. This strategy will ensure:

- Retention of key existing trees and the provision of new landscaped spaces that will enable the site to have a canopy coverage (at maturity) of approximately 37.7%.
- Achievement of a landscaped site coverage greater than the 1:1 requirement set out in the Canada Bay DCP.
- Provision of deep soil planting, equating to 11.4% of the site area (and exceeding ADG criteria).

Figure 5 Updated Tree Management Plan



Source: Bluegum

Amended mitigation measures that account for the additional tree removal are included in **Appendix D**.

Ecological Impacts

In regard to ecological impacts, the project ecologist (Water Technology) provides the following assessment:

Site Conditions (At seawall/Parramatta River)

The nearest Mangrove patch which is the approximate size of 230m² (PCT 4091 - Grey Mangrove-River Mangrove Forest) which is not listed as a TEC and is found approximately 22m to the west of the proposed seawall upgrade along Parramatta River which is classified as a Class 1 waterway and important key fish habitat (KFH) within the Sydney Metro area. This mangrove patch is further separated by a fishing wharf in between the mangrove patch and the proposed works. The vegetation assessment conducted on site of the 75m riverfront found that the majority of the shrub layer along the top of the riparian zone is of exotic shrub species with a few native canopy trees such as *Casuarina* sp and *Eucalyptus* sp that the majority has been marked for removal with plans to revegetate afterwards to offset this damage.

No in-depth assessment was conducted for any vegetation found in the water during this assessment but looked dominant of rubbish pollution and rocks from the edge. PCT mapping has also found on a broader scale that there is a more diverse and larger foraging habitat for birds etc. on the opposite bank of the Parramatta River. There is

Impact	Assessment
	<p>potential for this area to support intertidal habitat for the diversity of intertidal biota such as Molluscs, small crustaceans and Macro algae and fish typically found in muddy estuaries of Parramatta River.</p> <p><u>Potential Impacts</u> This will primarily be to the vegetation found above the sea wall in the riparian zone as the shrub layer along the top of the riparian zone is predominantly exotic shrub species interspersed with a few native canopy trees such as <i>Casuarina</i> sp. and <i>Eucalyptus</i> sp. that the majority has been marked for removal. However, there are plans for revegetation afterwards to offset this damage. There will also be temporary loss of rock-wall habitat and disturbance to the muddy sub-tidal area which could cause a small amount of sedimentation deposits to be shifted to the mangrove patch 20m away. However, the rock wall intertidal habitat will be recreated following the restoration of the seawall.</p> <p><u>Recommended Control Measures</u> As long as the mitigation measures such as following the conditions of the Erosion and Sediment Control Plan (ESCP) are followed then the ecological impacts to the nearby mangrove will be minimised. It is not expected that a permit to harm would be necessary from DPHI as no mangrove trees were found during the ecology assessment.</p> <p>Other impacts have been addressed in Tonkin's advice letter at Appendix O, including the following:</p> <p>Construction Impacts</p> <p>Impacts on the boat ramp to the west of the site would be minimised or avoided. Initial assessment suggests minimal impact is likely but a detailed assessment of ramp usage and further revetment design development is required to confirm. Further reduction of impacts could potentially be achieved by moving the seawall crest landward (away from boat ramp) if required. If moving the crest is not possible then a detailed management strategy may be required.</p> <p>The proposed concept of building up the revetment minimises disturbance of the seabed compared to other options involving excavation within the tidal zone. Other options also require more substantial testing and investigation. Standard silt curtains would be used on the site to contain any disturbed sediment.</p> <p>The proposed revetment generally considers the recommendations of the Environmentally Friendly Seawalls Guide in conjunction with the constraints of the site. Rock revetments (as proposed) and rocky platforms are generally preferred in lieu of vertical seawalls and structures that shade the seabed.</p> <p>Navigation Impacts</p> <p>The current concept proposes a seaward extension of the revetment by a few metres into shallow water on the waterfront. This is expected to have minimal impact on navigation in the river noting that the width of the river in this location is approximately 200m and the proposed works would not create any additional obstructions to navigation.</p> <p>The maritime approach to the adjacent Blaxland Rd Boat Ramp may be slightly altered however this is also considered unlikely at this point based on the existing distance of the ramp from the seawall crest. Initial assessment suggests that the functionality of the boat ramp would only be affected in the case of simultaneous use of the ramp by 2 vessels side by side and only if the proposed revetment were to encroach on the existing footprint. Based on the above impacts on navigation are expected to be minimal.</p>
<p>Traffic, Parking and Access</p>	<p>An updated Traffic Impact Assessment has been prepared by Traffix and is provided at Appendix N.</p> <p>Amendments have been made to the previous TIA submitted with the SSDA to reflect the design changes to the proposal.</p> <p>The amended proposal includes 400 car spaces (previously 399 spaces) including 9 car share spaces and 2 car wash bays.</p>

Impact	Assessment
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In summary, the amended TIA finds that:

- The proposed parking provision remains compliant with both the maximum Rhodes LEP requirement of 389 spaces (which excludes car share and car wash spaces), and the minimum Housing SEPP parking requirement of 354 car spaces. In this regard, 389 car spaces excluding car share and car wash bays are proposed.
- The proposal remains compliant with bicycle and motorcycle parking requirements.
- The proposed development has made adequate provision for all servicing, and refuse collection undertaken by a 12.5m HRV will be readily accommodated onsite which is considered acceptable and appropriate.
- Surrounding intersections operate satisfactorily at LoS 'C' or better when taking into account the proposed development.
- The cumulative traffic impacts of the proposal with surrounding approved development would result in minimal and acceptable impacts on the surrounding road network.
- The internal configuration of the car park and loading areas has been designed in accordance with AS 2890.1 (2004), AS 2890.2 (2018), AS 2890.3 (2015) and AS 2890.6 (2022).

No new or updated mitigation measures are required.

Noise and Vibration

An updated Noise and Vibration Impact Assessment (NVIA) has been prepared by E-Lab and is provided at **Appendix U**.

As requested by DPHI, the amended NVIA:

- Includes an assessment against Interim Guidelines for Developments Near Rail Corridors and Busy Roads.
- Outlines in the Executive Summary the acoustic mitigation measures to ensure that the internal acoustic amenity criteria can be maintained for all residents.
- Identifies the units facing the rail corridor to the west and Leeds Street to the south that will require alternative methods of ventilation (as required by the NCC) when internal acoustic amenity criteria will not be met in a 'windows/doors open' scenario. The design of the ventilation for these areas should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the NCC.
- Confirms that the requirement for alternative means of ventilation does not impact the architectural natural cross ventilation calculations.
- Confirms that all other units within the development will achieve the internal acoustic amenity criteria without alternative methods of ventilation.

Amended mitigation measures that are included in **Appendix D**. The NVIA confirms that following their implementation, the remaining noise and vibration impacts are acceptable and the proposed development warrants approval.

Water Management

An amended Stormwater Management Report and Stormwater Plans are provided which have been updated to reflect the amended proposal. The stormwater drainage design remains substantially the same as previously proposed.

In summary, the stormwater drainage design features the following:

- The proposed stormwater on site will discharge directly into Parramatta River.
- Water treatment is required to meet Council's pollutant reduction targets. This has been achieved through the use of proprietary stormwater treatment products. The following products are required to meet council objectives:
 - 6 Oceanguard baskets (or equivalent).
 - 15 Psorb 690mm (or equivalent).
- OSD is not required for the site based on Council's Engineering Specifications.
- The existing site is minimally flood impacted, however the proposed development is unlikely to be affected by flooding.
- The high point of the site runs along the southern boundary before falling to Parramatta River.

Impact	Assessment
	<ul style="list-style-type: none"> ▪ There is an existing stormwater drainage network on site that discharges to Parramatta River. ▪ There is an existing stormwater drainage pipe running along Blaxland Road that also discharges to Parramatta River. <p>No new or updated mitigation measures are required.</p>
Aboriginal Cultural Heritage	<p>An updated Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared, making minor corrections to the number of Registered Aboriginal Parties (RAPs), and includes evidence that the draft ACHAR was sent to all RAPs.</p> <p>The conclusions of the ACHAR remain as previously documented. Minor wording updates have been made to the mitigation measures at Appendix D.</p>
Biodiversity	<p>An updated Biodiversity Development Assessment Report (BDAR) Waiver request report has been prepared that takes into account the additional trees required to be removed as part of the site works associated with raising the Parramatta River seawall.</p> <p>A total of 65 trees are now proposed to be removed from the site.</p> <p>The updated BDAR waiver request draws the same conclusions of the previous request, concluding that the site does not hold any biodiversity value and that a BDAR waiver should be granted.</p> <p>An updated BDAR waiver has been issued.</p>
Flood Risk	<p>The amended proposal has been reviewed by the Flood Engineer and an updated Flood Assessment is provided (Appendix Z).</p> <p>The Flood Assessment confirms that:</p> <ul style="list-style-type: none"> ▪ The proposed buildings are compliant with floor level flood controls. Buildings are not affected by the 1% AEP event overland flows or river flooding. In addition, the habitable floor levels are equal to or greater than the nearest 1% AEP flood level plus freeboard (300 mm for overland flows, 500 mm for mainstream (Parramatta River) flooding). The finished floor levels comply with the requirements of the Canada Bay DCP. ▪ The driveway providing access to the carpark is located on the west side of Building C and D providing access from Blaxland Road. No 1% AEP flood occurs nearby. ▪ There is no direct access to the basement from areas affected by the PMF. The maximum PMF flood depth on Blaxland Road at the car park entry location is a maximum of 250 mm and contained in the road corridor. ▪ To provide additional risk mitigation, the basement carpark access driveways will rise to up from the low point of the road before entering the basement to minimise risk of any overland flows from entering the basement. ▪ Evacuation is not required as the buildings are not affected in PMF event. In the case of PMF overland flows on Blaxland Street, high hazard flows are expected to be of short duration with flow depths remaining typically below 250 mm at the access to the site. Occupants of the site will be able to remain safe within the site for this short duration. Vehicles would be required to remain in the basement which is protected to the PMF. ▪ The Mean High Water Level (MHWL) for the Parramatta River at the site location is 0.6 m AHD. This is below the surveyed top of wall at the riverfront. As such the development complies with the objectives of clause 6.4 of the Canada Bay LEP 2013; "to ensure development in the foreshore area will not impact on natural foreshore processes". <p>No new or updated mitigation measures are required.</p>
Waste Management	<p>An updated Operational Waste Management Plan (Appendix M) has been prepared in response to Canada Bay Council's submission. The following amendments have been made</p> <ul style="list-style-type: none"> ▪ Plans and OWNPs have been updated to reflect one Council waste collection per week. The residential waste room has been modified accordingly. Refer to drawing DA-1000A. ▪ The residential waste room has been modified on drawing DA-1000A.

Impact	Assessment
	<ul style="list-style-type: none"> ▪ An additional waste room to serve the terrace houses has been provided on Basement 1. Refer to drawing DA-1000A. ▪ The commercial waste bin transfer has been reviewed by the waste consultant and the architectural plan has been modified. Refer to drawing DA-1000A. ▪ Residential waste room details have been added to drawings DA-1000A and DA-1001. ▪ Door dimensions have been added to drawings DA-1000A and DA-1002. ▪ The residential FOGO disposal procedures are included in Section 4.4.2 of the updated OWMP, ▪ The turntable has been omitted from the project. Refer to drawing DA-1000A. The updated Traffic Impact Assessment (Appendix M) confirms that waste collection can be undertaken by a 12.5m HRV which can be readily accommodated on site and can enter and exit the site in a forward direction. <p>The amendments to the OWMP and architectural plans allow for satisfactory waste management on the site and comply with Council's requirements.</p> <p>No new or updated mitigation measures are required.</p>

6. JUSTIFICATION OF AMENDED PROJECT

This section of the report provides a comprehensive evaluation of the amended proposal having regard to its economic, environmental and social impacts, including the principles of ecologically sustainable development.

It assesses the potential benefits and impacts of the proposed amendments, considering the interaction between the findings in the detailed assessments and the compliance of the proposal within the relevant controls and policies.

6.1. PROJECT DESIGN

The design of the buildings generally remains unchanged from the lodged scheme, which was carefully considered to ensure any potential impacts are mitigated or minimised. The development will capitalise on the site's interface with the Parramatta River, capturing waterfront views and providing quality publicly accessible space at the foreshore. More broadly, the development will help address the increasing demand for housing, including affordable housing, in Sydney.

The design and layout of the buildings is generally consistent with the desired future character of the area, as expressed through the Rhodes Place Strategy. The additional 28.98% density available under the Housing SEPP has been carefully incorporated into the proposal via the GANSW endorsed "Bridging Design Excellence Strategy", which has ensured design excellence qualities (which won the competition) have been retained and improved in the SSD scheme.

The building also provides through site links and an active public domain, in accordance with Canada Bay Council's planning controls. The Applicant has engaged with Council to ensure the design levels (and general arrangement) of the future Leeds Street Open Space has been co-ordinated to ensure a superior public domain outcome that adjoining development sites can easily match into.

The amended proposal includes raising the seawall in accordance with Council requirements. Ongoing engagement with Council is being undertaken on the final design aspects of the seawall works.

6.2. STRATEGIC CONTEXT

The amended proposal remains consistent with the strategic framework when considered against key Government and Council documents including the following:

- Greater Sydney Region Plan – A Metropolis of Three Cities.
- Our Greater Sydney 2056: Eastern City District Plan.
- NSW Better Placed.
- City of Canada Bay Local Strategic Planning Statement.
- Rhodes Place Strategy.
- NSW Housing Strategy: Housing 2041.
- Canada Bay Local Housing Strategy.

All levels of strategic planning seek to facilitate additional housing (including affordable housing) and 'transit oriented development' through the '30 minute city' concept. The amended proposal meets these objectives, given it:

- Proposes high amenity residential accommodation in an accessible area. The site is proximate to Rhodes Train Station and several bus stops. These transport services provide access to Greater Sydney, including key employment centres.
- Will help bolster housing in the Rhodes area while providing a significant number of affordable housing dwellings, equating to 14.49% of the overall development yield. This directly addresses the NSW Government mandate to boost housing supply and tackle housing affordability.
- Provides employment generating, non-residential floor space at ground levels to activate the ground plane and provide a balanced mix of land uses, as envisaged by the Rhodes Place Strategy.

In conclusion, the proposal seeks the orderly and economic redevelopment of a currently underutilised site. The Applicant has invested in a (GA NSW endorsed) design excellence process to ensure the built form outcome will achieve the vision set out in the Rhodes Place Strategy. The proposed development complements significant government investment in Rhodes, achieving strong alignment with the prevailing strategic planning framework.

6.3. STATUTORY CONTEXT

The relevant State and local environmental planning instruments are listed in Section 4 and assessed in **Appendix C**. The assessment concludes that the amended proposal complies with the relevant provisions within the relevant instruments as summarised below:

- The proposed development has been assessed and designed in respect to the relevant objects of the EP&A Act as defined in Section 1.3 the Act and addressed in **Appendix C**.
- A BDAR Waiver has already been granted by DPHI in consideration of any potential biodiversity impacts.
- This SSDA pathway has been undertaken in accordance with the Planning Systems SEPP, as the proposed development is classified as SSD.
- The proposal generally complies with the relevant provisions of the Canada Bay LEP 2013 as detailed in **Appendix C**. A clause 4.6 variation request has been prepared to demonstrate that a non-compliance in relation to building height can be supported on a 'merits' basis, with the proposal remaining consistent with the objectives of the MU1 (Mixed Use) zone.
- In addition, clause 4.6 variation requests have been prepared to demonstrate that non-compliances with the FSR and floorplate development standards are satisfactory.
- The proposal has been assessed in accordance with the Resilience & Hazards SEPP and complies with the relevant clauses.
- The proposal generally accords with the relevant provisions of the Canada Bay DCP and objectives of the Rhodes Place Strategy, as outlined in **Appendix C**.
- The application is supported by a Bridging Design Excellence Strategy. A waiver to the completion of a new design competition has been granted by GANSW – updated waiver attached.

6.4. LIKELY IMPACTS OF THE PROPOSAL

The amended proposal has been assessed considering the potential environmental, economic and social impacts. The assessment of impacts carried out in Section 7 confirms a satisfactory outcome and compliance with key criteria in regard to the following:

- Built Form and Urban Design.
- Amenity impacts and ADG compliance.
- Trees and Landscaping.
- Traffic, Parking and Access.
- Noise and Vibration.
- Water Management.
- Aboriginal Cultural Heritage.
- Biodiversity.
- Flood Risk.
- Waste Management.

No new or additional adverse impacts have been identified as a result of the amended proposal.

All other impacts remain unchanged from those assessed in the EIS and therefore their mitigation measures remain unchanged.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail within **Section 5** and as summarised in **Appendix D** to this EIS.

6.5. SUITABILITY OF THE SITE

The site remains highly suitable for the proposed development for the following reasons:

- The Proposal is consistent with the MU1 (Mixed Use) zone objectives, is permitted with consent and satisfactorily addresses the relevant provisions in the Canada Bay LEP and DCP.
- The site is currently underutilised, and its existing condition does not align with the vision established by the Rhodes Place Strategy. It presents an opportunity to capitalise on the site's interface with the Parramatta River, capturing waterfront views and providing quality publicly accessible space at the foreshore.
- The proposal is highly compliant with the statutory controls with only a minor variation to the building height control sought. This variation is supported by a Clause 4.6 variation request.
- The site is not affected by critical constraints which cannot be successfully abated through skilful design or the implementation of mitigation measures.
- The character and scale of the development is compatible with its existing and desired future context.
- The proposal will co-locate housing and employment generating floorspace in an accessible area, contributing to the role of Rhodes as a 'strategic centre' and supporting the '30-minute city' vision.

6.6. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal delivers affordable housing in an accessible location, directly responding to the NSW Government's policy mandate to improve housing choice and affordability. The site's location allows easy access to employment centres, retail, open space, and social infrastructure (schools, hospitals etc).
- The proposal has been through a competitive design process to ensure it achieves 'design excellence'. This includes compliance with key NSW ADG design criteria, ensuring high standards of amenity for future occupants.
- The proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant planning controls. Accordingly, it delivers a development outcome consistent with the vision established by the NSW Government's Rhodes Place Strategy.
- Subject to the implementation of the recommended mitigation measures, no adverse social or environmental impacts result from the proposal during construction and operation of the development.
- The proposal will deliver approximately 765 direct and 1,034 indirect jobs during the construction phase and 60 ongoing jobs during the operational phase of the development. This will create short and long term benefits for the local economy.
- No major issues were raised during the pre-lodgement consultation with the local community, Council, Government and agency stakeholders.
- The site will facilitate the orderly and economic use and development of the land.

Having considered all relevant matters, we conclude that the proposed amended development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

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