

**URBIS**

# SCOPING REPORT

Billbergia - Llewellyn Street,  
Roads

Prepared for  
**BILLBERGIA**

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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Report Number	Addendum

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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
DPIE	NSW Department of Planning, Industry and Environment
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

<b>Reference</b>	<b>Description</b>
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	See Table 2 – Site Details.
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 Scoping Report has been prepared on behalf of Leeds Investment Pty Ltd in support of a proposed residential apartment development (including affordable housing) at Llewellyn Street, Rhodes. The project comprises four buildings of varying heights, ranging from 12 to 26 storeys.

The report seeks project specific Secretary's Environmental Assessment Requirements (**SEARs**) for the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**SSDA**).

The site is located within the City of Canada Bay Local Government Area (LGA) and is zoned R4 (High Density Residential) under the provisions of the Canada Bay Local Environmental Plan 2013 (CB LEP 2013). Development for the purpose of 'residential flat buildings' is permissible with consent within the R4 (High Density Residential) zone.

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

- Is not prohibited under an EPI applying to the land.
- Has a residential component that exceeds \$75 Million.
- Meets the locational requirements of the Housing SEPP; and
- Will provide at least 10% of the residential component as affordable housing for at least 15 years.

The Minister is the consent authority for the proposal in accordance with section 4.5 of the *Environmental Planning and Assessment Act 1979* ('**EP&A Act**'). Accordingly, this DA is being lodged with the DPE as an SSDA seeking development consent for the proposed residential flat building development.

This Scoping Report provides a brief overview of the proposed development and the relevant planning framework that applies to enable the issuance of the SEARs, which will guide the preparation of a formal EIS for future development of the land. The Scoping Report should be read in conjunction with the Scoping Summary Table provided at **Appendix B**.

This section of the report identifies the applicant for the project and describes the site and proposed development. It outlines the site history and feasible alternatives explored in the development of the proposed concept, including key strategies to avoid or minimise potential impacts.

## 1.1. APPLICANT DETAILS

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

Table 1 – Applicant Details

Descriptor	Proponent Details
Full Name(s)	Leeds Investment Pty Ltd c/o Urbis
Postal Address	101/25 Angas Street, Meadowbank NSW 2114
ABN	40 601 966 036
Nominated Contact	Edward Green – Associate Director (Urbis)
Contact Details	P: (02) 8424 5153 E: egreen@urbis.com.au

## 1.2. PROJECT DESCRIPTION

Billbergia are proposing to construct a new multi-residential development at Lewellyn Street, Rhodes. Billbergia are one of Australia’s leading property groups, developing and delivering transformative residential commercial, retail and hospitality sites across Australia. They have a substantial network of residential development across Sydney and in particular, in Rhodes. Billbergia have acquired the site for the intent to deliver high quality apartments and affordable housing in a strategic location.

The objectives of the proposed development are described as follows:

- Facilitate the delivery of high-quality and high-amenity housing (including affordable housing), at a strategically located site.
- Deliver a built form outcome that is consistent with the desired future character of the ‘Station Gateway East Precinct’.
- Deliver affordable housing to help meet the State Governments targets. Notably, the Applicant has an existing relationship with Evolve Housing, who are a registered CHP.

A Cost Estimate Report has been prepared and is available at Appendix C. The CIV of the residential component is greater than \$75,000,000, which triggers SSD under the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*.

Recent legislation gazetted by the NSW Government introduces a State significant development pathway for large scale residential developments over \$75 million, provided at least 10% of the residential component of the development will be used for affordable housing for a minimum of 15 years. These provisions allow a 30% uplift in the maximum permitted height and FSR controls that apply to the land.

The site information relevant to the project is provided in the following table. A detailed description of the key features of the site and locality is provided in Section 2.5 of this report.

Table 2 – Site Details

Descriptor	Site Details
Street Address	43B – 57 Blaxland Road, Rhodes 2A, 2B and 2D Cavell Avenue, Rhodes 448-458 Concord Road, Rhodes 2A Lewellyn Street, Rhodes
Legal Description	<u>Blaxland Road</u> Lot A in DP 348494 Lot A in DP 350757 Lot B in DP 350757 Lot C in DP 350757 Lot 29 in DP 5923 Lot 1 in DP 874487 Lot 2 in DP 874487 Lot 2 in DP 218467 Lot 1 in DP 218467 Lot A in DP 339030

Descriptor	Site Details	
	Lot 25 in DP 5923	
	<u>Cavell Ave</u> Lot 3 in DP 310311 Lot 480 in DP 816840 Lot 481 in DP 816840	
	<u>Concord Road</u> Lot 3 in DP 805684 Lot 2 in DP 805684 Lot 12 in DP 792101 Lot 13 in DP 792101 Lot 14 in DP 792101 Lot 15 in DP 792101 Lot 16 in DP 792101 Lot 2 in DP 310311	
	<u>Lewellyn Street</u> Lot B in DP 348494	
	Site Area	14,424sqm

An Aerial Photograph has been provided at Figure 1 below.

Figure 1 – Aerial Photograph



Source: Urbis GIS, 2023

### 1.3. PROJECT BACKGROUND

The NSW Government has recognised the need to build more homes for the State’s growing population, boosting housing supply and improving affordability.

Under the National Housing Accord, NSW is tasked with delivering approximately 376,000 new well-located dwellings, including approximately 15,800 social and affordable dwellings by 2029.

In November 2023, the NSW DPE released a policy initiative to incentivise and support the delivery of affordable housing under the Housing SEPP. This brings together all levels of government, investors, and the private sector to unlock quality affordable housing supply over the medium term.

Billbergia is a leading property developer based in Australia who specialise in delivering high quality residential developments which can transform communities. As one of the leading residential property developers in the Australian market, and given their existing working relationship with Evolve Housing (a registered CHP), Billbergia are uniquely positioned to deliver much needed housing, including affordable housing, at the site.

Billbergia owns several sites across Rhodes that are strategically positioned proximate to transport corridors and services, and have ease of access to employment centres and recreational facilities – including:

- Concord Road / Homebush Bay Drive.
- Bennelong Bridge providing pedestrian, cycle and bus connectivity to Wentworth Point.
- The rail bridge across Parramatta River, which has parallel pedestrian and cycle connection that connects the Rhodes Peninsula with Meadowbank.
- Pedestrian bridges providing east-west connectivity across the rail line; and
- Potential new Ferry stop as part of Rhodes Planned Precinct redevelopment.

Accordingly, these sites are readily able to deliver affordable and market housing in accordance with the recent NSW Government policy direction. Figure 2 and Figure 3 provide an overview of the site's locational amenity.

Figure 2 – Site Location



Source: SJB

Figure 3 – Immediate Context



Source: SJB

## 2. STRATEGIC CONTEXT

This section describes the way in which the 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 which will be explored in further detail within the future EIS.

### 2.1. PROJECT JUSTIFICATION

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined below.

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

The Greater Sydney Region Plan provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the proposed development:

- **Objective 5** – Benefits of growth realised by collaboration of governments, community and business.
  - The proposed redevelopment of the site (including 30% uplift) unlocks its full potential to accommodate several residential flat buildings. Renewal of this site will provide a meaningful contribution towards housing targets for the Precinct, together with providing funding to support local and regional infrastructure investment.
- **Objective 10** – Greater housing supply.
  - This proposal has the potential to deliver over 61,921sqm of residential floor space that would directly contribute to the dwelling supply needed to meet the dwelling targets for the district.
- **Objective 11** – Housing is more diverse and affordable.
  - The use of 15% of the residential floor space to affordable housing is a key driver for this project. The proposal will greatly help in delivering diverse and affordable housing in a highly strategic location.
- **Objective 14 – A Metropolis of Three Cities** – integrates land use and transport creates walkable and 30-minute cities.
  - The project provides residential uses in an accessible location that is connected to public transport, employment, and services, contributing to a 30-minute city.

The site is identified in the Region Plan as a 'Planned Precinct' and 'Strategic Centre'. The Region Plan supports residential growth in the area, especially for diverse and affordable housing. This proposal is seeking the orderly development of additional residential floorspace on an underutilised site which is close to the existing train station and other public transport.

#### 2.1.2. Our Greater Sydney 2056: Eastern City District Plan

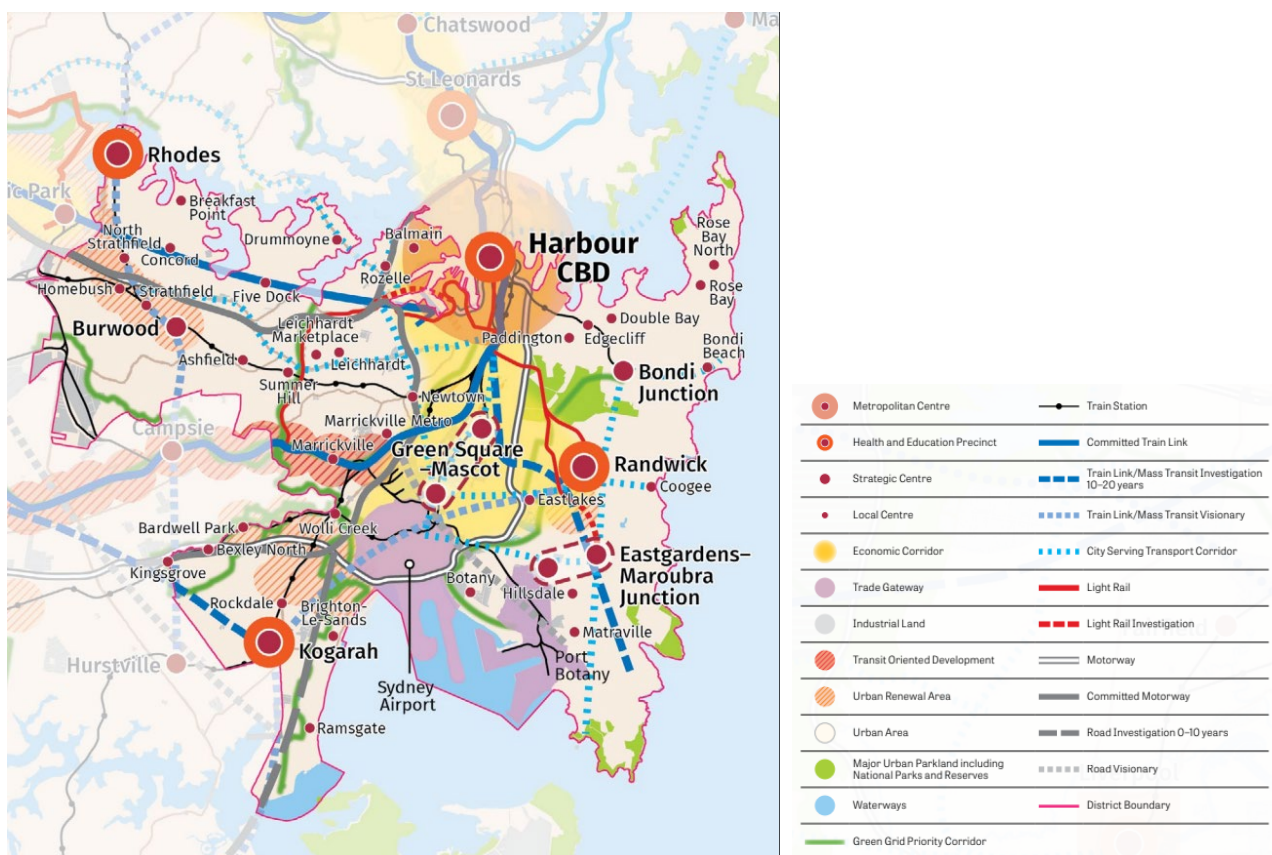
The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The Eastern City District Plan sets out strategic priorities for Rhodes to:

- *Protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre.*
- *Protect employment generating capacity at Rhodes Business Park.*
- *Improve links to the GPOP area.*
- *Enhance links with the Concord Health Precinct.*
- *Promote place-making initiatives to improve the quality of public spaces.*
- *Develop opportunities to provide sustainable utility infrastructure.*
- *Create a connected walking and cycling network within the precinct, to regional links and where possible along river foreshores.*
- *Plan for growth that is supported by public transport.*

Figure 4 – Structure Plan for the Eastern City District



Source: Eastern City District Plan, March 2018

The proposed development would contribute to the objectives set out in the district plan by promoting growth in residential development which is strategically located. The proposal aligns with the following key planning priorities of the District Plan:

- **Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities.**
  - The proposal will incorporate high-amenity communal open spaces, which all residents will be able to access, helping to foster a connected community.

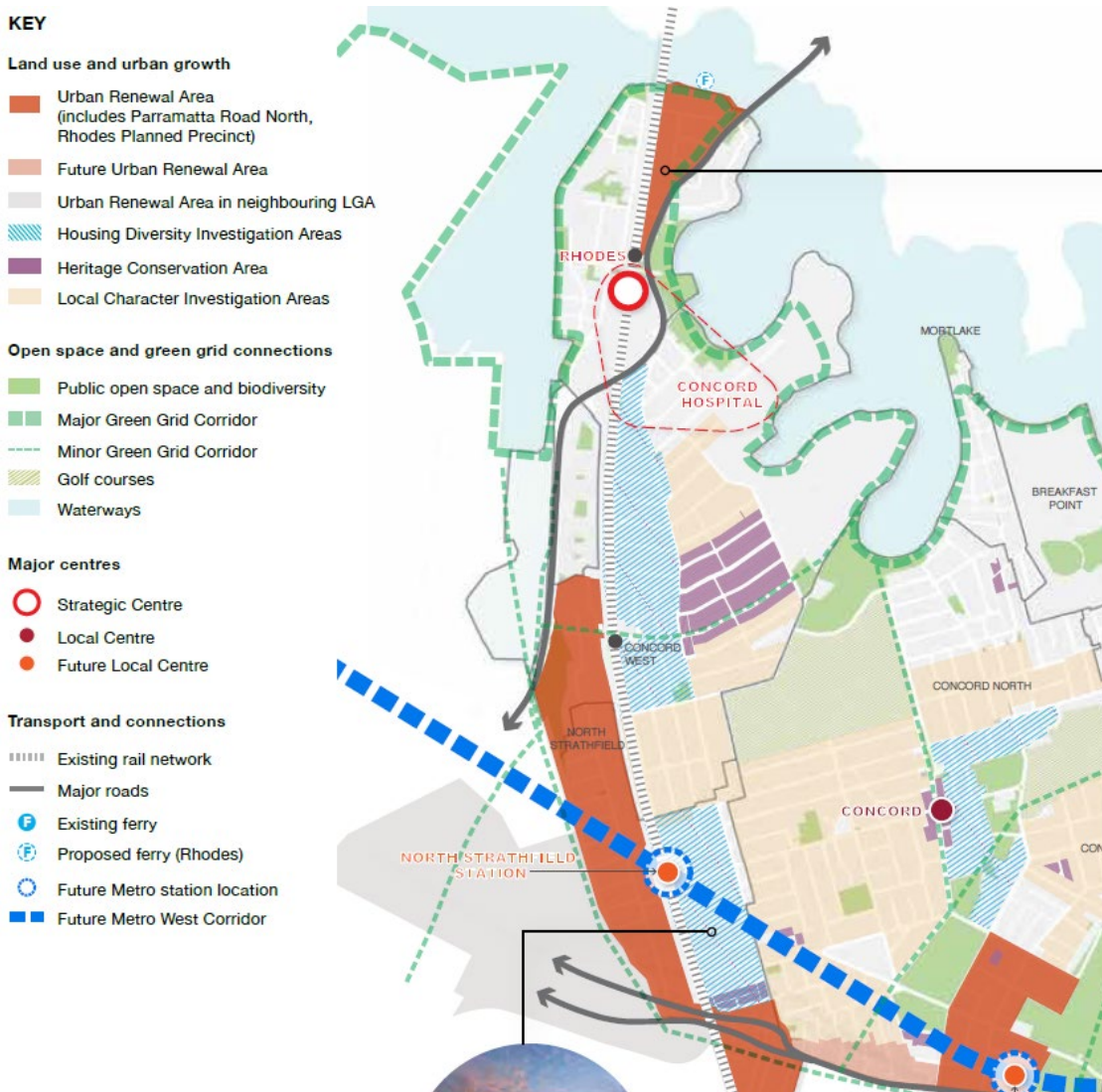
- **Planning Priority E5** – Providing housing supply, choice and affordability, with access to jobs, services and public transport.
  - Rhodes is identified as a strategic centre for housing growth and employment. The development will facilitate the delivery of new dwellings with access to public transport and employment opportunities. The Proposal can assist City of Canada Bay Council in meeting the mandated housing targets.
- **Planning Priority E10** – Delivering integrated land use and transport planning on a 30-minute city.
  - The proposal supports the goal for a 30-minute city by providing homes close to existing public transport (with links to employment centres).

The District Plan identifies the site as being within a ‘Strategic Centre’. The site is adjacent to Concord Road and close to the M4. It is well placed to deliver housing and services as indicated in Planning Priority E4 and E5. The proposed development would contribute to much needed housing supply and affordable housing and is therefore, aligned with the Eastern City District Plan.

### 2.1.3. City of Canada Bay Local Strategic Planning Statement

The City of Canada Bay Local Strategic Planning Statement (LSPS) gives effect to the broader Greater Sydney and Eastern City District Plan down to the local level and provides the strategic framework for the LGA. The LSPS sets out a 20-year plan to 2036 which supports the growth and changes across the LGA. The LSPS provides several strategic directions and planning priorities which will have implications for the Rhodes precinct. The LSPS Structure Plan is shown in Figure 5 below.

Figure 5 – Canada Bay Structure Plan



Source: Canada Bay Council LSPS March 2020

Within the LSPS, Rhodes is identified as a “Strategic Centre’ for both housing and employment within the City of Canada Bay. The LSPS also identifies several planning priorities which align with the proposal. These are identified below:

- **Planning Priority 5** – Provide housing supply, choice and affordability in key locations.
  - This proposal responds to the LSPS’ desire to consolidate housing growth around the ‘Strategic Centre’ of Rhodes, which is serviced and zoned for high density housing. The proposal also includes a proportion (15%) of affordable housing, which will help achieve Council’s affordable housing targets.
- **Planning Priority 6** – Provide high quality planning and urban design outcomes for key sites and precincts.
  - The proposal will undergo design excellence process, in accordance with the CB LEP, which will ensure a high-quality design outcome that responds to various key drivers. Initial assessments undertaken by SJB illustrate that the building can comply with key ADG amenity criteria and solar access planes.

## 2.2. RHODES PLACE STRATEGY

The Rhodes Place Strategy (the ‘Place Strategy’) was finalised in September 2021 by the Department of Planning and Environment (DPE) 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 from a lower density residential area 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 ‘Station Gateway East’ precinct. An extract of the proposed structure plan for the precincts is provided in **Figure 3** below. Within the place strategy, the site is identified as being in a residential precinct. The proposal seeks to establish a high-quality multi-residential development, which can deliver on the vision for the Rhodes precinct.

In accordance with the requirements of the *Environmental Planning and Assessment Regulations 2021* (‘Regulation’), the EIS will include a statement of consistency against the Rhodes Precinct Place Strategy.

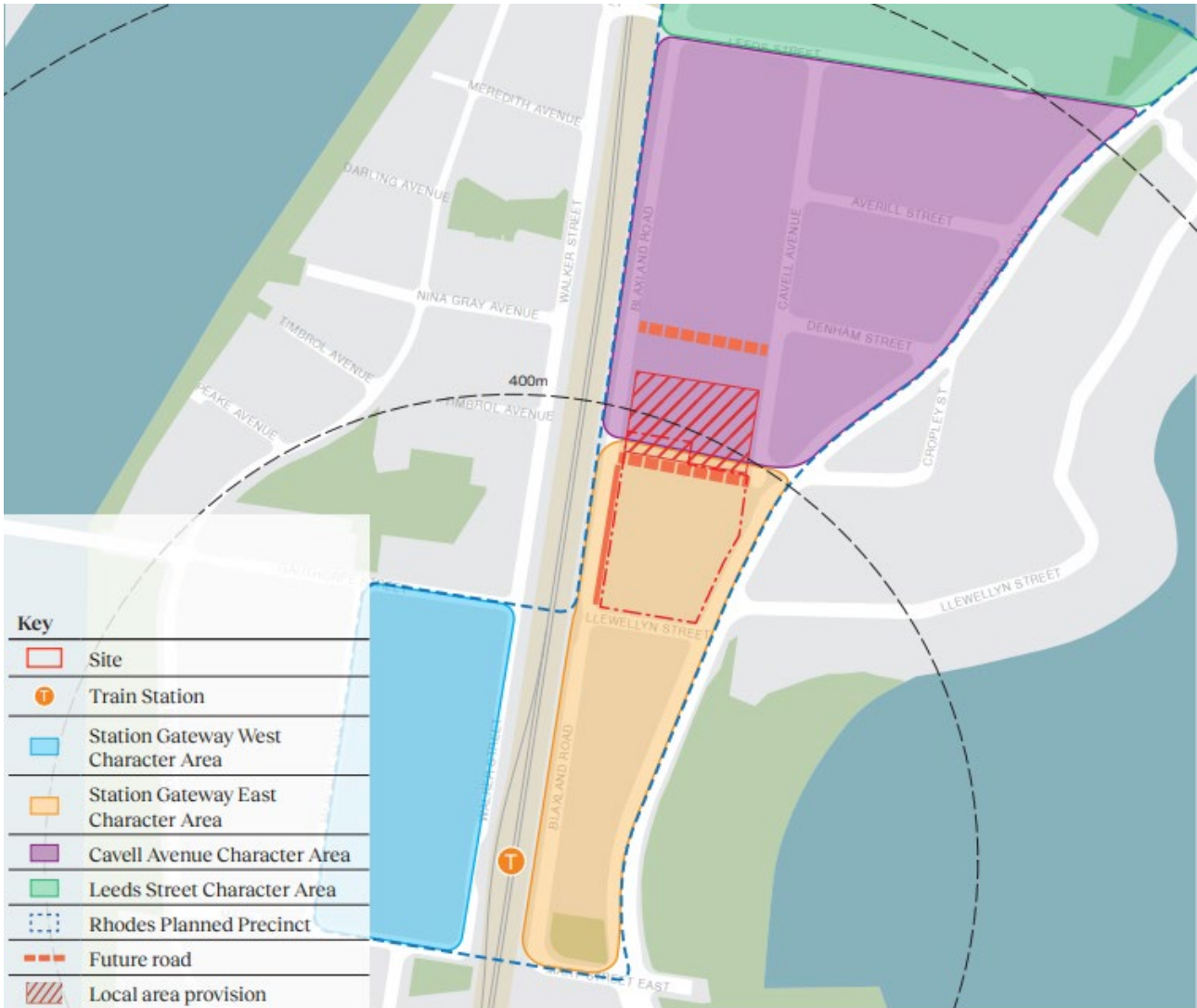
The proposed development is consistent with vision of the Place Strategy because it:

- Delivers a residential development close to public transport.
- Protects solar access to McIlwaine Park.
- Provides affordable housing.
- Delivers a new road between Blaxland and Concord Roads, in line with the Place Strategy.
- Accommodates an open-air through site link, improving pedestrian connectivity.

### 2.2.1. Local Character Statements

The site falls within the Station Gateway East Character Area, as well as a small area that sits within the Cavell Avenue Character Area. This is illustrated on page 18 of the Design Report provided at Appendix A and in **Figure 6** and **Figure 7** below.

Figure 6 –Character Area Map



Source: SJB, 2023

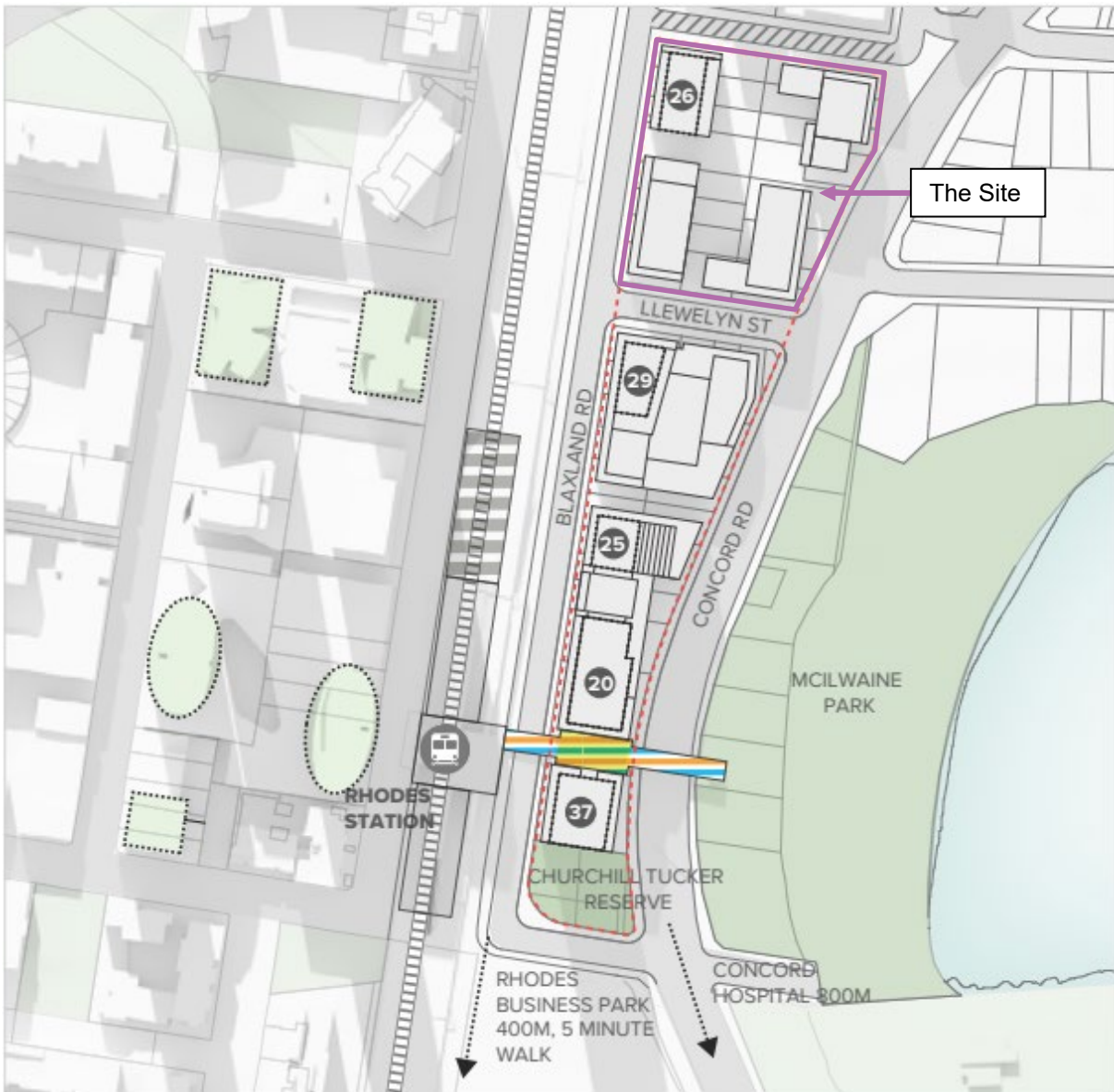
The Station Gateway East has the following provisions but is not limited to:

- *Design along Concord Road must respond to, and prioritise the provision of, future public transport improvements and provide high quality infrastructure for customers incorporated into the built form and public domain design.*
- *The proposed development must comply with 3m ground floor setback and minimum 4m upper podium setback facing Concord Road.*
- *A minimum podium height of approximately 14-16m building height is required facing Concord Road.*
- *Maximum gross floor area of 750m<sup>2</sup> excluding balconies and cores.*
- *Design of new buildings must also protect sun access to McIlwaine Park to the East.*

The proposal is capable of meeting these provisions (which are reflected in Part 7 of the Canada Bay LEP) for the Station Gateway East area as outlined in **Table 10** below. The proposal will incorporate a road at the northern end of the site to connect Blaxland Road and Cavell Avenue/Concord/Road which is included in the Precinct Plan. This will help pedestrian and vehicular connectivity across Rhodes.

Additionally, the site will include extensive open space in a central location with through site links which will be an attractive place to spend time. No built form is proposed within the Cavell Avenue Character Area, therefore the building controls and character area provisions do not apply.

Figure 7 – Station Gateway East Character Area



**Legend:**

- |  |                                      |                      |
|--|--------------------------------------|----------------------|
| Station Gateway East Character area boundary | New streets                          | Station Bridge Plaza |
| Existing streets                             | Station Gateway West tower locations | Tower location       |
| Open space                                   | Station platform extension           |                      |
| Height of buildings (in storeys)             | Bridge                               |                      |

Source: Rhodes Place Strategy

## 2.3. NSW HOUSING STRATEGY: HOUSING 2041

In March 2021, the *NSW Housing Strategy: Housing 2021* was released. It sets out a long-term (20 year) strategy for better housing outcomes across NSW. High density housing and affordable housing was identified as an important housing typology to expand housing choice across the state.

This proposal is positioned well to deliver both housing choice and affordability in one line through the varied apartment types and the allocation of 15% of residential GFA as affordable housing.

## 2.4. CANADA BAY LOCAL HOUSING STRATEGY 2019

The Canada Bay Local Housing Strategy was release in 2019. It outlines the demographics and growth within the LGA and the plan to deliver the best residential outcomes for the community. The Strategy noted that 92% of dwelling demand between 2018 and 2036 will be for apartments in key centres.

Rhodes is identified in the Strategy as a key area that can deliver the housing needs of Canada Bay. Housing affordability was also a key item within the Strategy where Rhodes East was pinned as a suitable area to deliver this. This project is uniquely positioned to deliver affordable housing and apartments to meet the housing needs of Canda Bay.

## 2.5. KEY FEATURES OF SITE AND SURROUNDS

The site is located at Llewellyn Street, Rhodes within the City of Canada Bay local government area (**LGA**). A legal description of each Lot and DP is provided in Table 2 above. All lots are owned by Billbergia.

The site is in a highly accessible area, with an entry portal to the Rhodes Train Station approximately 275m to the south on Blaxland Road. Bus services are also available from stops which are immediately adjoining the site from Concord Road to the east.

The key features of the site which have the potential to impact or be impacted by the proposed development are summarised in the table below.

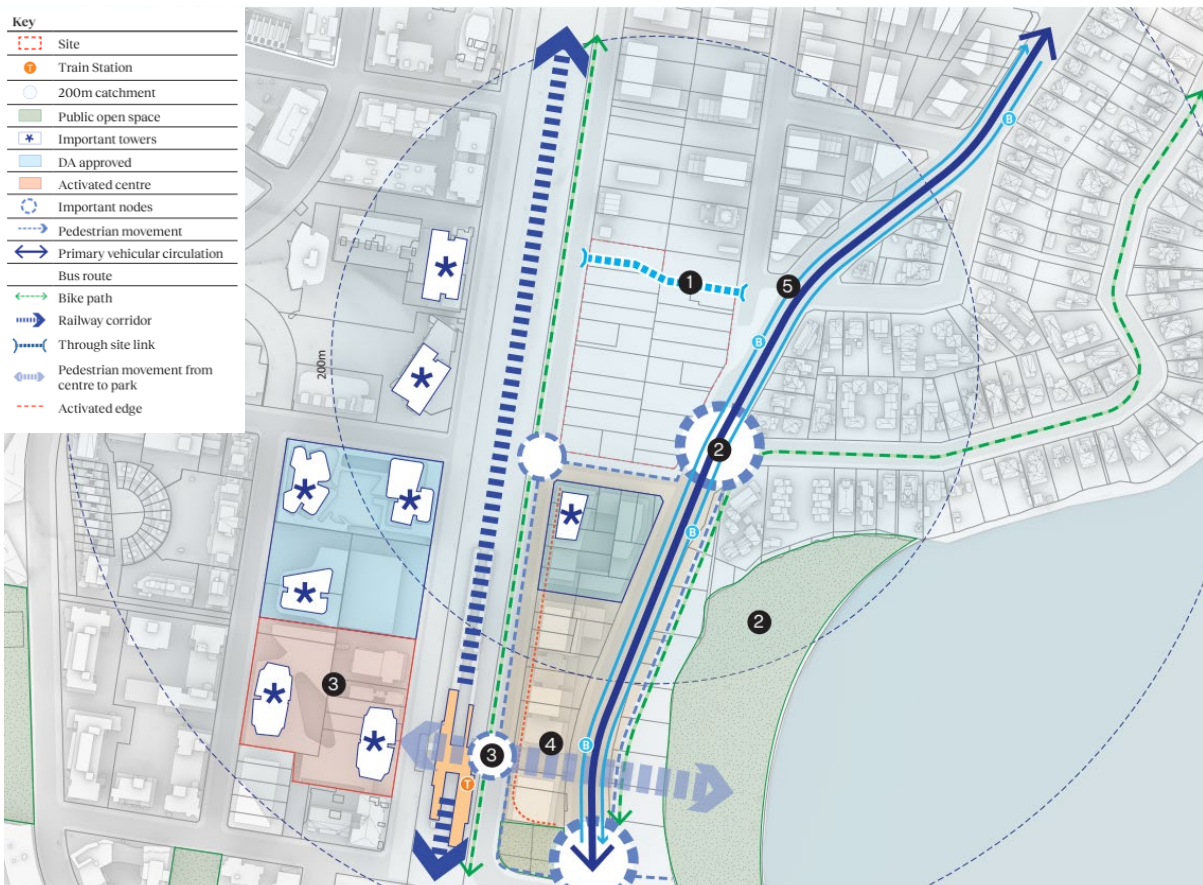
Table 3 – Key Features of Site and Locality

Descriptor	Site Details
Land Configuration	<p>The site comprises multiple lots with a total site area of approximately 1.44ha. It has the following approximate dimensions:</p> <ul style="list-style-type: none"> <li>• North: 107m.</li> <li>• South: 82m.</li> <li>• East: 139m.</li> <li>• West: 153m.</li> </ul> <p>The site falls approximately 8m from north to south</p>
Land Ownership	The landholding is currently owned by Leeds Investment Pty Ltd.
Existing Development	The existing development consists of low density detached dwellings, each with individual vehicle crossings. Photographs of the existing development can be found at <b>Figure 9</b> below.
Local Context	<p>The surrounding locality is described below:</p> <ul style="list-style-type: none"> <li>▪ <b>North:</b> Directly north of the site is the St. Mary &amp; St. Merkorious Coptic Orthodox Church and Rhodes Community Centre, together with more low density / detached residential buildings.</li> </ul>

Descriptor	Site Details
	<ul style="list-style-type: none"> <li>▪ <b>East:</b> To the east of the site is Concord Road. Further the east is residential development consisting of detached dwellings and townhouses.</li> <li>▪ <b>South:</b> Directly to the south is a recently demolished site. The site has an active DA with Canada Bay Council for a mixed-use development.</li> <li>▪ <b>West:</b> To the west of the site is the T9 rail line. Further to the west (across the railway line) is the Rhodes West mixed-use precinct.</li> </ul> <p>Photographs of the surrounding land uses are provided as Figure 10.</p> <p>It is noteworthy that Rhodes is locality that has been undergoing transition for the past 20 or so years. This started with planning controls introduced in Rhodes West at the turn of the century. More recently, new planning controls were gazetted by NSW DPE for Rhodes East in 2021. This proposal is generally consistent with those controls. Its position within the emerging character/future massing of Rhodes has been modelled in Figure 8.</p>
Regional Context	<p>The site sits slightly north of the Rhodes Train Station. Rhodes has been identified as an important Strategic Centre in the Eastern City District Plan, with significant opportunities to create additional jobs and homes.</p> <p>Rhodes is approximately 12km north-west of Sydney Central Business District (CBD) and approximately 7.5km east of Parramatta CBD.</p> <p>To the south of Rhodes is Concord Health district which comprises of a Public Teaching Hospital and various other health services.</p>
Infrastructure	<p>The site benefits from excellent access to Concord Road which provides a north / south regional connection between the M4 and Victoria Road.</p> <p>Further to this, the site is also near Rhodes Train Station which runs on the T9 (Northern) rail line. This line runs from Hornsby through Rhodes to Sydney CBD and north to Gordon.</p>
Site Access	<p>As the site currently contains multiple allotments, each with detached dwellings, each lot has its own vehicle access. The proposal seeks to establish consolidated vehicular / basement access points via Llewelyn Street and the proposed new road in the northern portion of the site.</p>
Easements and Covenants	<p>A detailed survey will be prepared for the site at the SSDA stage to identify and easements and covenants across all lots on the site. The survey will be prepared by a qualified land surveyor.</p>
Services	<p>The site is currently serviced and will be assessed further in the EIS.</p>
Acid Sulfate Soils	<p>The site is identified as Class 5 Acid Sulfate Soils</p>

Descriptor	Site Details
Contamination	A Preliminary Site Investigation (PSI) will be undertaken as part of the SSDA to determine if there are any areas affected by contamination. A Detailed Site Investigation and Remediation Action Plan will be prepared if required by the PSI
Stormwater and Flooding	The site is not mapped as Flood Prone Land or within the Flood Planning Area
Bushfire Prone Land	The site is not considered Bush Fire Prone Land.
Natural Environment	Several established trees are present across each of the lots. These will be assessed as part of the EIS.
Aboriginal Heritage	The site is not identified as containing any items of Aboriginal heritage.
European Heritage	The site is not mapped as a heritage item, nor is it within a heritage conservation zone. However, there are several heritage items in the vicinity of the site. These are listed below: <ul style="list-style-type: none"> <li>▪ Street trees along Cavill Ave (Local) Item 79.</li> <li>▪ House and Garden at 59 Blaxland Rd (Local) Item 26.</li> <li>▪ Rhodes Public School at 63 Blaxland Rd (Local) Item 27.</li> </ul>

Figure 8 – Site Analysis



Source: SJB

Figure 9 – Emerging Character of Rhodes



Source: SJB

Figure 10 – Existing Development



Picture 1 – View from north-west (site on left)



Picture 2 – South-west corner of the site



Picture 3 – South-east View across Concord Road

Source: SJB



Picture 4 – North-east corner of the site

Figure 11 – Surrounding Development



Picture 5 – Rhodes Train Station



Picture 6 – Skyline View of Rhodes



Picture 7 – Site adjoining to the South

Source: SJB



Picture 8 – Concord Road intersection

Figure 12 – Rhodes Movement Network



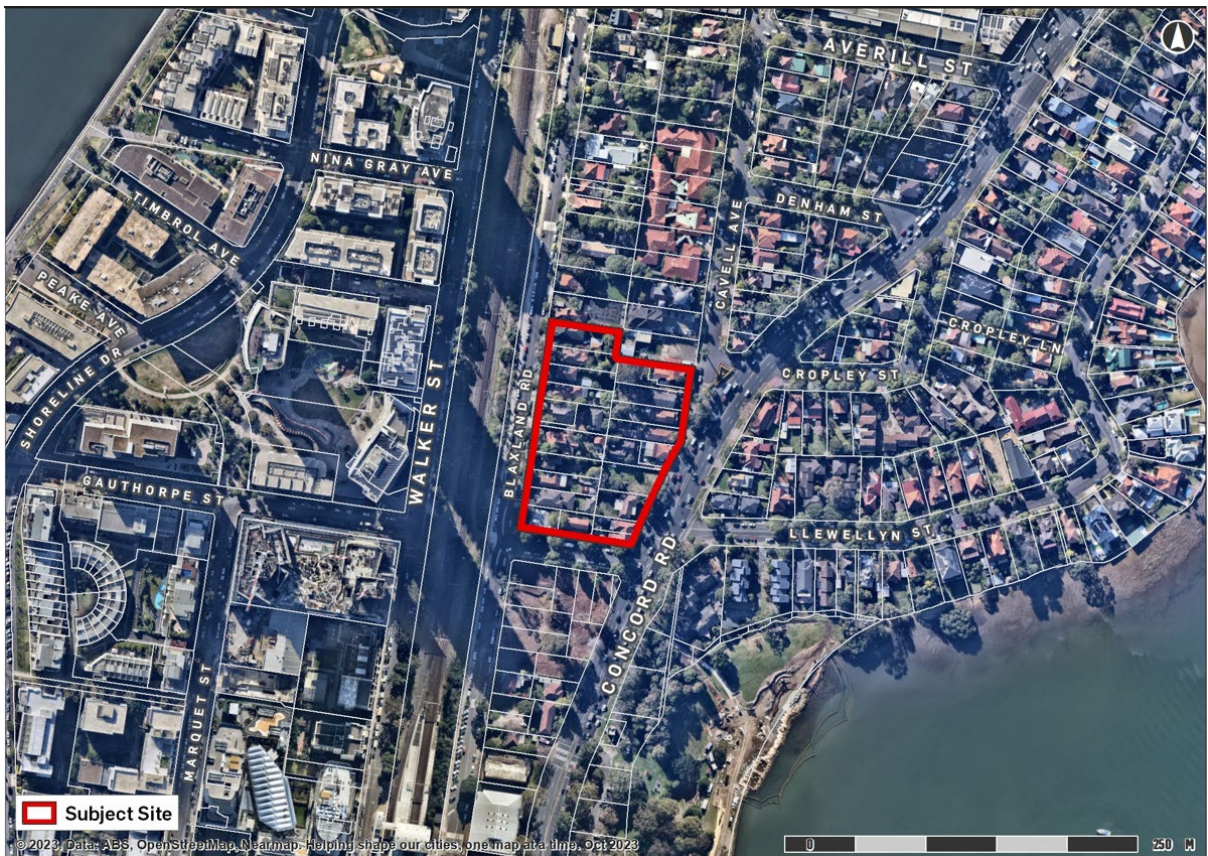
Source: SJB

Figure 13 – Local Context Map



Source: Urbis GIS, 2023

Figure 14 – Aerial Photograph



Source: Urbis GIS, 2023

## 2.6. CUMULATIVE IMPACTS WITH FUTURE PROJECTS

Given the recent introduction of new planning controls, several landowners are progressing with plans to redevelop sites in Rhodes. Desktop research was undertaken using the NSW LEP Tracker, the NSW Major Projects Portal and Sydney Planning Panels websites to identify approved and likely future developments within the locality which may be relevant in the cumulative impact assessment of the proposal.

Table 4 – Relevant Surrounding Approved/Lodged Projects

DA Reference	Development Description	Current Status
DA2023/181 1-9 Maquet Street, Rhodes	Integrated development including demolition of the existing buildings, construction of a 32 storey mixed use development comprising 214 apartments. Application also includes associated basement carparking, landscaping, stratum and residential strata subdivision (Submitted: 30/08/2023)	Under Assessment
DA/2023/0158 33-41 Blaxland Road	Development of two building of 28 and nine storeys consisting of 285 apartments, medical centre, childcare centre and commercial and retail floorspace. Application also includes 5 levels of basement and 1,500sqm of communal open space.	Under Assessment

The potential cumulative impacts of the project will be addressed in the EIS in accordance with the DPIE *Assessing Cumulative Impacts* guidelines.

## 2.7. AGREEMENTS WITH OTHER PARTIES

The Applicant will discuss the opportunity for a public benefit offer with the City of Canada Bay Council / DPE as part of the SSDA process. There are no existing Planning Agreements relevant to the site / project.

## 2.8. RHODES PRECINCT DWELLING CAP

In finalising the Rhodes Place Strategy in late 2021, DPE gazetted a 'dwelling cap' control into the Canada Bay LEP 2013 (Clause 7.7). The control effectively caps new development in the precinct at 3,000 new dwellings until transport upgrades are completed by local and state agencies. This cap does not include dwellings either existing or approved before 30 October 2021.

Billbergia and SJB have undertaken analysis of dwellings:

- Under construction.
- Under assessment.
- Yet to be realised; and
- Those sites which are undevelopable under the existing planning controls.

The analysis (below and at Appendix E) demonstrates there is latent capacity under the 3,000-dwelling cap (of around 756 dwellings), once all planned developments have been completed, including the four projects being progressed by Billbergia under the DPE Affordable Housing Bonus Scheme. These projects include:

1. 9-13 Blaxland Road.
2. Llewellyn Street (comprising 43B – 57 Blaxland Road, Rhodes, 2A, 2B and 2D Cavell Avenue, Rhodes 448-458 Concord Road, Rhodes and 2A Lewellyn Street, Rhodes).
3. 25-27 Leeds Street.
4. Rhodes Central, Tower C – 23-29 Marquet Street.

Figure 15 – Development Map

The map categorises sites within the Rhodes precinct following 4 distinct criteria. This involves:

- Under construction
- Under assessment
- Yet to be realised
- Undevelopable under current zoning

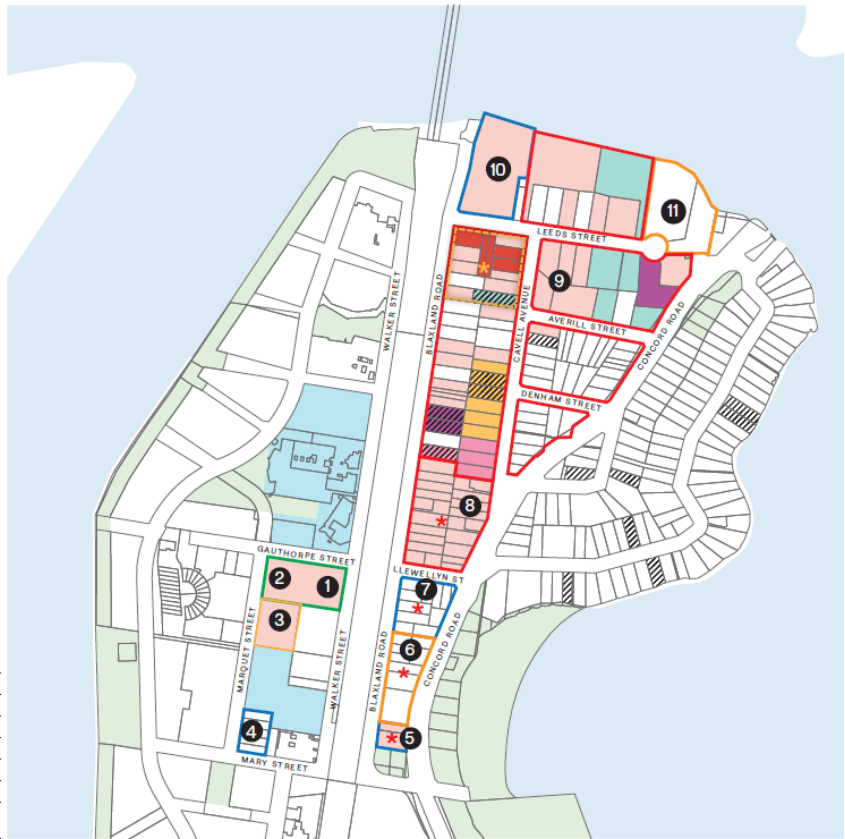
Its important to note that sites under assessment to the south of the precinct have a strict height limit due to the McIlwaine park solar clipping plane.

Dwelling numbers are compared from Pre Place strategy and Post Place strategy to understand the development impact within the precinct.

	Pre Place	Post Place	Unit Increase
1 Rhodes Central Tower D (34 Walker St)	126	304	178
2 Rhodes Central Tower E (34 Walker St)	274	369	95
3 Rhodes Central Tower C (Marquet St)	153	229	76
4 Delcorp 1-9 Marquet St	165	214	49
5 9-13 Blaxland Rd	12	244	232
6 Ecove SGW	101	404	303
7 Meriton 33-41 Blaxland Rd / 1-5 Llewellyn St	14	285	271
8 Billbergia Llewellyn St	23	476	453
9 Billbergia Cavell St	-	-	-
10 Billbergia Leeds St	12	249	237
11 Mirvac/Ikea Leeds St	0	350	350
<b>TOTAL</b>	<b>880</b>	<b>3,124</b>	<b>2,244</b>
<b>Gap from 3,000 target</b>		<b>756</b>	
<b>Gap from 4,200 target</b>		<b>1,956</b>	

**Key**

Under construction	Council
Under assessment	Coptic Church
Yet to be realised	Aged care
Undevelopable under current zoning	Public housing
Site completed by Billbergia	Heritage item
Site owned by Billbergia	Proposed school
Site owned by Billbergia with options	Shadow impacts for further uplift



Source: SJB

## 3. PROJECT

This section outlines the key features of the proposed development, including the project area, the conceptual physical layout and design (including likely mitigation measures), the main land use activities and the likely timing for delivery of the project.

### 3.1. PROPOSED DEVELOPMENT

The project involves the construction of four (4) residential flat buildings. The project will include site preparation works, bulk excavation and infrastructure, construction of the building and ancillary landscaping works.

The key components of the proposed development are listed in the following table. A copy of the architectural concept drawings is attached as Appendix A.

Table 5 – Project Details

Descriptor	Project Details
Project Area	The site has a total area of 14,424sqm. The entire site is expected to be physically disturbed by the project.
Project Description	<p>The Project includes the demolition of existing buildings and hardstand areas, site preparation works, removal of trees and construction comprising:</p> <ul style="list-style-type: none"> <li>▪ Demolition of existing buildings and structures.</li> <li>▪ Earthworks and excavation.</li> <li>▪ Construction of four (4) residential buildings with the tallest building having a maximum building height of 26 storeys (84m).</li> <li>▪ New Road located in the northern portion of the site.</li> <li>▪ On-site car parking and loading within Basement Level, with vehicle access via Llewelyn Street and the proposed new road.</li> <li>▪ Through site link between Blaxland Road and Cavell Avenue.</li> </ul>
Gross Floor Area	<p>Total GFA of 61,921sqm broken down as follows:</p> <ul style="list-style-type: none"> <li>▪ Market Housing: 52,633sqm.</li> <li>▪ Affordable Housing: 9,228sqm.</li> </ul> <p><b>Site A GFA: 53,906sqm</b></p> <p><b>Site B: GFA: 8,015sqm</b></p>
Building Height	<p>The proposed maximum building heights are as follows:</p> <ul style="list-style-type: none"> <li>▪ Building A – 60.8m over 19 Storeys (RL 71.4m).</li> <li>▪ Building B – 83.2m over 26 Storeys (RL 99.2m).</li> <li>▪ Building C – 41.6m over 12 Storeys (RL 50.7m).</li> <li>▪ Building D – 38.4m over 13 Storeys (RL 49.2m).</li> </ul>
Floor Space Ratio	Site A: 4.91:1; Site B: 2.32:1

<b>Descriptor</b>	<b>Project Details</b>
Car Parking	Car parking will be provided via a consolidated basement structure that will sit beneath the four buildings. The car parking will be designed to comply with the applicable Canada Bay LEP 2013 rates.
Expected Capital Investment Value	Greater than \$75,000,000 for residential component (excluding GST). Refer to Appendix C for details
Staging/Phasing	The project is proposed to be staged as follows: <ul style="list-style-type: none"> <li>• Stage 1: Demolition: removal of existing buildings and structures.</li> <li>• Stage 2: Remediation (If required).</li> <li>• Stage 3: Site Preparation.</li> <li>• Stage 4: Construction.</li> <li>• Stage 5: Operation.</li> </ul>
Design Competition	As the proposal is greater than 28m in height Clause 7.2(4) of the Canda Bay LEP 2013 applies. Therefore, a design competition is required. A design competition will be held in accordance with the NSW GA competition guidelines. A Design Competition Report will be submitted with this EIS.

## 3.2. DETAILED DEVELOPMENT DESCRIPTION

The proposal seeks to deliver a residential development across four buildings. A detailed description of the proposal is provided below.

### 3.2.1. Site Layout and Urban Design

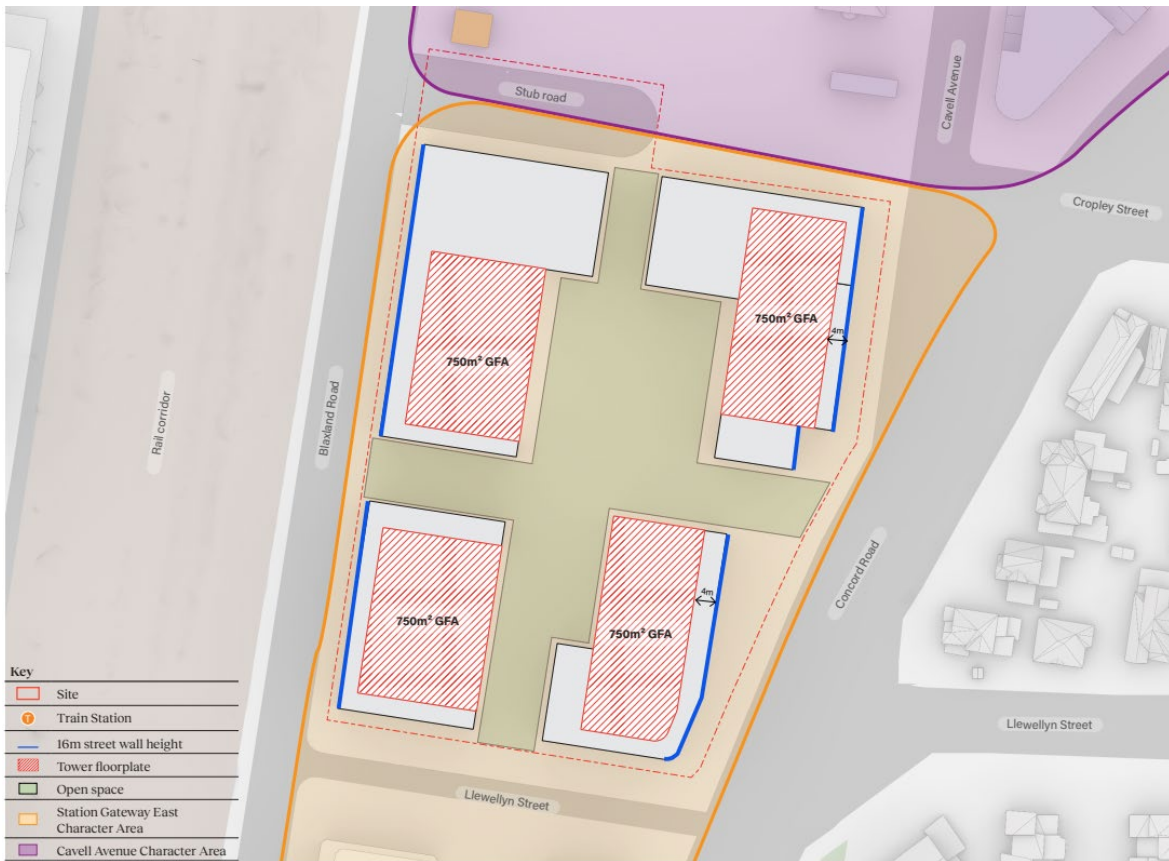
The subject site is located to the north of Llewellyn Street, within the Station Precinct East part of the Rhodes Place Strategy. The proposal seeks to maximise the additional 30% height and floor space bonus and will require a design competition in accordance with the CB LEP 2013.

In accordance with the desired future character of this area, the proposal is a fully residential scheme. The proposed site layout consists of four buildings surrounding a large open landscaped area. The building envelopes comply with the sun access plane for McIlwaine Park. Consistent with the Precinct Plan, the proposal will provide a through site link and new road connection – connecting Blaxland and Concord Roads.

In summary, the project will include:

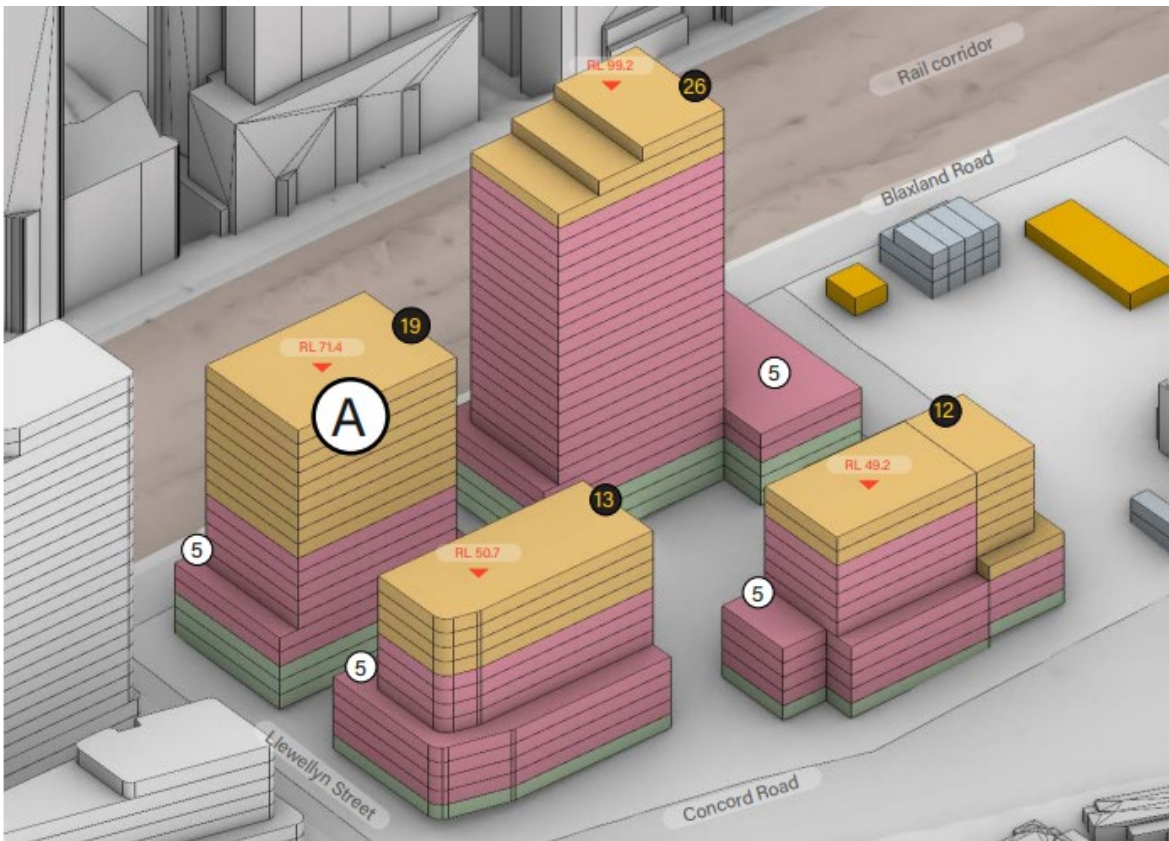
- Site preparation works including demolition and removal of existing structures on the site and earthworks.
- Bulk excavation to accommodate the proposed consolidated basement structure. Remediation (if required).
- Construction of four residential flat buildings (of varying heights), comprising:
  - 61,921sqm of GFA (including 9,288sqm of affordable housing).
  - Two levels of basement for parking, loading, servicing and storage – with vehicular access from Llewellyn Street and the proposed new road in the northern portion of the site.
  - Communal open spaces, storage areas and services.
- Construction of a new stub Road located in the northern portion of the site.

Figure 16 – Indicative Built Form/Layout Plan (numbers indicate floor plate size and setbacks)



Source: SJB

Figure 17 – Building Envelope (numbers indicate base and bonus height in storeys)



Source: SJB

### 3.2.2. Bonus Floor Space Ratio and Height

The proposed GFA and Height have been established through the incentives provided by the new affordable housing provisions within the State Environmental Planning Policy (Housing) 2021. The following outlines the methodology for calculating the proposed floor space and provision of affordable housing units.

#### Calculating the Floor Space Ratio Bonus

“Residential flat buildings” that provides at least 15% of the total residential GFA as affordable housing (in addition to any other required affordable housing under another planning instrument) for a minimum of 15 years are eligible for 130% of the permitted FSR control (in addition to the Height bonus described below). The base allowable FSR and GFA before you add any bonuses are as following:

- Site A FSR: 3.6:1
- Site A GFA: 39,492sqm
- Site B FSR: 1.7:1
- Site B GFA: 5,871.8sqm

The 130% calculation is based on the maximum permitted FSR on the land (including any other bonus, such as design excellence etc.). The calculation of bonus FSR is based on the maximum total FSR for the development.

The proposal seeks to obtain a 5% FSR bonus under Clause 7.11 of the CB LEP. This bonus is available if the proposed development exceeds the ‘base’ water and energy BASIX targets by at least 20 points and 15 points respectively.

Therefore, based on the above methodology, the following calculation has been made for this site:

- Base Allowable FSR (including local bonuses): 3.78:1 (Site A) and 1.79:1 (Site B).
- Maximum Allowable GFA: 47,632sqm.

By applying the ‘30% bonus’ to the maximum floor space above, the following results:

- FSR =
  - Site A:  $3.78 \times 130\% = 4.91:1$
  - Site B:  $1.79:1 \times 130\% = 2.32:1$
- GFA =
  - Site A:  $41,467\text{sqm} \times 130\% = 53,906\text{sqm}$
  - Site B:  $6,183\text{sqm} \times 130\% = 8,015\text{sqm}$

Therefore, the maximum GFA is **61,921sqm**.

#### Calculating the Height

“Residential flat buildings” that provide at least 15% of total residential GFA as affordable housing (in addition to any other required affordable housing) for a minimum of 15 years will be eligible for 130% of the Height of Building control for residential accommodation (in addition to the FSR bonus described above).

The 130% height is calculated on the maximum permissible building height for the land (including any other bonus, such as design excellence etc.).

Therefore, based on the above methodology, the following calculation has been made for the site’s various height controls:

- Maximum allowable Height  $31\text{m} \times 130\% = \mathbf{40.3\text{m}}$
- Maximum allowable Height  $32\text{m} \times 130\% = \mathbf{41.6\text{m}}$
- Maximum allowable Height  $80\text{m} \times 130\% = \mathbf{104\text{m}}$

### 3.2.3. Solar Access

The Rhodes Planned Precinct prescribes a series of solar access controls for public open spaces within Rhodes. Of these controls, one impacts the development site. This applies to McIlwaine Park. The control prescribes the following:

*“No net increase of overshadowing 9am-2pm”*

Because of this, the proposed building envelope does not achieve the full (130%) height control.

Figure 18 – Solar Access Plane



Source: SJB

### 3.2.4. Landscaping and Public Domain

The proposed site is large and has the capacity to deliver a high-quality landscape outcome, for both the public and private domains. The scheme also includes provision for an open-air through site link. As mentioned above, the proposal will undergo a design competition which will enable further resolution of these aspects of the design.

### 3.2.5. Demolition, Excavation and Site Preparation

Demolition of the existing building will be undertaken as part of this proposal. Excavation to allow for the basement levels will be in accordance with the demolition plans to be submitted with the EIS. Site preparation works will include the installation of site services and earthworks. Required excavation and earthworks will be detailed in cut and fill plans which form part of the Civil Plans. All demolition and excavation works will be undertaken in accordance with a Waste Management Plan.

### 3.2.6. Car Parking

The project will provide a consolidated basement carpark over two (2) levels, which will be designed to comply with the (maximum) LEP parking rate. The number of car parking spaces is subject to change as design development occurs, additional basement level/s may be considered based on an analysis of parking needs. Bicycle parking and motorbike parking will also be provided within the basement parking area. Further assessment of parking requirements is provided at section 6.1.3 below.

### 3.2.7. Public Road

A road is proposed at the northern end of the site, connecting Blaxland Road to the planned underground basement structure. This 'stub road' will extend halfway through the street block bound by Blaxland Road and Cavill Avenue – refer to Figure 16.

This has been redesigned in response to feedback received from DPHI during the Scoping Meeting on Tuesday, 13 February – where the previous 'dog-leg' design which extended through to Cavill Avenue, was not supported. The proposed arrangement is considered to be the most orderly development outcome for the site at this time.

## 3.3. FEASIBLE ALTERNATIVES

Clause 7 in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development. Billbergia identified three project alternatives which were considered in respect to the identified need for the residential development. Each of these options is listed and discussed in the following table.

Table 6 – Analysis of Feasible Alternatives

Option	Comments
Option 1 – Do Nothing	<p>The existing development is inconsistent with the desired future character identified by the Rhodes Place Strategy and does not maximise its locational amenity / proximity to Rhodes Train Station.</p> <p>Given the Precinct Plan has identified the site for high density residential, leaving the site as is (Do nothing) would not represent an appropriate long-term use of the site.</p> <p>Therefore, it is evident that a 'do nothing' approach is wholly inconsistent with the site's key features and strategic context and would lead to the site being underutilised.</p>
Option 2 – Market Housing (without 30% bonus)	<p>Progressing with a scheme for market housing, while viable for Billbergia, would not capitalise on the bonus scheme introduced by the NSW Government and therefore not provide much needed affordable housing in an accessible location.</p>

Option	Comments
Option 3 – The Proposal	<p>The NSW Government has recently gazetted new planning controls which incentivise the delivery of affordable housing. The site qualifies for the locational criteria nominated under the Housing SEPP.</p> <p>Billbergia has sought to accommodate the additional 30% height and FSR on the site.</p> <p>Accordingly, this option was selected as the most appropriate pathway forward as it delivers the most orderly development outcome, that is both viable for the Applicant and delivers significant public benefit through the provision of 15% affordable housing.</p>

The proposal has emerged as the preferred option for the site because it represents the best outcome in respect of urban design, environmental, economic and social considerations. The proposal respects the principles and will deliver the vision identified in the Precinct Plan, Strategic Framework and accompanying documents, whilst balancing the various site-specific considerations including solar access and view sharing (as appropriate) and achieving a vibrant ground plane.

## 4. STATUTORY CONTEXT

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

- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999.*
- *NSW Biodiversity Act 2016.*
- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning Assessment Regulation 2021.*
- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- *State Environmental Planning Policy (Sustainable Buildings) 2022.*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Development.*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*
- *State Environmental Planning Policy (Housing) 2021.*
- *City of Canada Bay Local Environmental Plan 2013.*
- *City of Canada Bay Development Control Plan 2013.*

### 4.1. STATUTORY REQUIREMENTS

The following table categorises and summarises the relevant requirements in accordance with the DPE *State Significant Development Guidelines*.

Table 7 – Identification of Statutory Requirements for the Project

<b>Statutory Relevance</b>	<b>Action</b>
<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"> <li>• Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and</li> <li>• Has a CIV of \$75M+ (for the residential components); and</li> <li>• Is not prohibited under an EPI applying to the land.</li> <li>• Will provide at least 10% of the residential component as affordable housing for at least 15 years.</li> </ul> <p>Is classified as SSD.</p> <p><b>26A In-fill affordable housing</b></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>...</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 have an estimated CIV greater than \$75,000,000 (refer Appendix C) and accordingly, the proposal is SSD for the purposes of the SRD SEPP.</p> <p>In addition to CIV, 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	The site is zoned R4 (High Density Residential) in accordance with the Canada Bay LEP. Residential Flat Buildings are permitted with consent in the R4 (High Density Residential) Zone.

## 4.2. PRE-CONDITIONS

Table 8 below 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 Scoping Report.

Table 8 – Pre-Conditions

Statutory Reference	Pre-condition	Relevance	Section
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<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>	A Preliminary Site Investigation ( <b>PSI</b> ) will be prepared to understand whether the previous or current land use activities associated with the operations at the site require further assessment and/or remediation in accordance with the contaminated land planning guidelines. If required, a Detailed Site Investigation ( <b>DSI</b> ) and Remediation Action Plan ( <b>RAP</b> ) will be prepared to accompany the EIS.	<b>Section 6.1.6</b>

Statutory Reference	Pre-condition	Relevance	Section
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></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. Therefore, the SSDA will be referred to the relevant rail authority</p>	<p><b>Section 6.1.3</b></p>
	<p>Section 2.119: Development with a frontage to a classified road requires the consent authority to be satisfied the matters listed in clause 101 have been addressed</p>	<p>The site is adjacent to Concord Road which is a classified road. The proposal will be assessed having regard to the classified road, including access arrangements and the impacts of the proposed development on safety and efficiency of vehicle movements.</p>	
	<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 (<b>TfNSW</b>) 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 more than 200 parking spaces. The proposed development is therefore considered traffic-generating under the Traffic and Infrastructure SEPP. The application will be required to be referred to TfNSW for a response.</p>	
<p><i>Canada Bay LEP 2013</i></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 clauses states that any development greater then 28mor 8 storeys must also run a design competition.</p>	<p>As part of the planning process, Billbergia will run an architectural design competition following receipt of SEARs and before lodgement of the SSDA.</p>	<p><b>Section 6.1.2</b></p>

Statutory Reference	Pre-condition	Relevance	Section
	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.	Clause 7.7 requires that development for residential purposes is supported by adequate transport infrastructure in the Rhodes Precinct. Refer to Section 6.1.3 for further explanation of how this is 'cap' is proposed to be assessed and managed. <b>Appendix E</b> confirms the dwelling cap will not be breached by this proposal when considered cumulatively amongst other development approvals / projects in the planning phase.	<b>Appendix E</b>

### 4.3. MANDATORY CONSIDERATIONS

Table 9 outlines the relevant pre-conditions to exercising the power to grant approval and the section where these matters are addressed within the EIS.

Table 9 – Mandatory Considerations

Statutory Reference	Mandatory Consideration
<b>Consideration under the EP&amp;A Act and Regulation</b>	
Section 1.3	Relevant objects of the EP&A Act
Section 4.15	<p>In determining a development application, a consent authority is to take into consideration such matters that are of relevance to the development subject of the development application, as stipulated in section 4.15. These include:</p> <ul style="list-style-type: none"> <li>▪ Relevant environmental planning instruments</li> <li>▪ Relevant draft environmental planning instruments</li> <li>▪ Relevant planning agreement or draft planning agreement</li> <li>▪ Development control plans</li> <li>▪ The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</li> <li>▪ The suitability of the site for the development</li> <li>▪ The public interest</li> </ul>

<b>Statutory Reference</b>	<b>Mandatory Consideration</b>
Section 4.38	Section 4.38 contains the provisions for determining a State significant development.
<b>Mandatory relevant considerations under EPIs</b>	
Resilience and Hazards SEPP	Section 4.6 – Contamination and remediation to be considered in determining development application
Transport and Infrastructure SEPP	Section 2.98 – Development adjacent to rail corridors Section 2.119 – Development with frontage to classified road Section 2.122 – Traffic-generating development
BASIX SEPP	Section 6 – Buildings to which policy applies
Sustainable Buildings SEPP	Section 2.1 – Standards for BASIX development and BASIX optional development.
Housing SEPP	Chapter 2, Part 2, Division 1 – In-fill affordable housing
Canada Bay LEP 2013	Objectives and land uses for MU1 Zone <ul style="list-style-type: none"> <li>▪ Part 4 – Principal development standards.</li> <li>▪ Part 5 – Miscellaneous provisions.</li> <li>▪ Part 6 – Additional Local Provisions.</li> <li>▪ Part 7 – Rhodes Precinct.</li> </ul>
<b>Considerations under other legislation</b>	
<i>Biodiversity Conservation Act 2016</i> (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 (<b>BDAR</b>), 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>The likely impacts of the proposed development on biodiversity values will be assessed in a BDAR which will accompany the EIS unless a BDAR waiver is sought and granted for the proposal.</p>
<b>Development Control Plans</b>	
Canada Bay DCP 2013	Clause 2.10 of the Planning Systems SEPP states that development control plans (whether made before or after the commencement of this Policy) do not apply to SSD. As such, there is no requirement for assessment of the proposal against the RDCP 2014 for this SSDA. Notwithstanding this, consideration has been given to the following provisions:

Statutory Reference	Mandatory Consideration
	<ul style="list-style-type: none"> <li>• Part B – General Controls.</li> <li>• Part C – Heritage.</li> <li>• Part K – Special Precincts.</li> </ul>
<b>Development Contributions Plan</b>	
City of Canada Bay Local Infrastructure Contributions Plan (2022)	<p>Clause 6.12(10)(e) of the CB LEP outlines than an affordable housing contribution applies to the land (as it is within the Rhodes East affordable housing contribution area).</p> <p>The recent NSW DPE policy applies ‘on top of’ any local affordable housing contribution scheme.</p> <p>The rate that is applied to Rhodes East is 5% of total residential GFA. This is outlined in the <i>City of Canada Bay Affordable Housing Contribution Scheme 2021</i>. 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.</p>
HPC (regional) development contributions	<p>The Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023 was assented on 13 July 2023, which changed how contributions for regional infrastructure are levied, by establishing a Housing and Productivity Contribution (HPC). Regional infrastructure includes public amenities or public services, affordable housing, transport infrastructure, regional or State roads and measures to conserve or enhance the natural environment.</p> <p>The contribution rate for residential flat buildings in the Greater Sydney Region is \$10,000 per dwelling or lot.</p> <p>The contribution rate for commercial/ retail land uses is \$30 per square metre of new gross floor area.</p> <p>A 50 per cent discount will apply to HPC due on or before 30 June 2024. That discount will then be reduced to 25 per cent for HPC due between 1 July 2024 to 30 June 2025. A full contribution will come into effect for HPC due on or after 1 July 2025.</p>

### Connecting with Country (GA NSW 2023)

In July 2023, the NSW Government released the Connecting with Country Framework, building on the draft framework released in 2020. This is a framework for developing connections with Country that can inform the planning, design, and delivery of built environment projects in NSW. This framework applies to State Significant Development and will need to be implemented in the design of the proposal.

Given Billbergia are progressing several projects across Rhodes, it could be looked at across all projects, to avoid duplication of engagement with First Nations Knowledge Holders and Traditional Owners.

## 4.4. CITY OF CANADA BAY LOCAL ENVIRONMENTAL PLAN 2013

A compliance assessment of the preliminary scheme against the Canada Bay LEP is provided below.

Table 10 – Canada Bay LEP Compliance Summary

Clause	Control	Comment	Compliance
4.3 Height of Buildings	Site A – 80m and 32m Site B – 31m	Site A – 83.2m Site B – 38.4m	The proposal exceeds LEP height control, but complies with the base + Housing SEPP 30% bonus.
4.4 Floor Space Ratio	Site A - 3.6:1 Site B - 1.7:1	Site A – 4.91:1 Site B – 2.32:1	The proposal exceeds the LEP FSR control, but complies with the base + Housing SEPP 30% bonus on a per site basis.
5.6 Architectural roof features	(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.	At this stage, no architectural roof features are proposed.	N/A
5.10 Heritage conservation	The consent authority must consider any impacts to heritage items.	The site is not a heritage item, is not located in a heritage conservation area and does not adjoin heritage items. However, the site is located in the vicinity of a number local and state listed heritage items. A Heritage Impact Statement will be prepared as part of the SSDA package.	Yes
6.1 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class	The site is identified as class 5 acid sulfate soils. It is also located within approximately 100m of class 2 acid sulfate soils. A detailed site investigation will be completed during the	Yes

Clause	Control	Comment	Compliance
	specified for those works.	preparation stage to determine of an acid sulfate soil management plan is required	
6.2 Earthworks	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	Consent is sought to for earthworks to accommodate a 2-storey basement parking area. A geotechnical investigation report will be prepared as part of the SSDA which will address geotechnical and groundwater impacts and mitigation measures.	Yes
6.5 Active street frontages	<p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p> <p>(a) entrances and lobbies (including as part of mixed use development),</p>	The site does not contain any area that is mapped as active street frontages under the LEP. Therefore, this clause is not applicable.	N/A

Clause	Control	Comment	Compliance
	(b) access for fire services,  (c) vehicular access.		
6.10 Public utility infrastructure	(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	The current site has access to all utility services including potable water, sewerage, gas, electricity, communications. An assessment of the proposed buildings needs will be undertaken to determine if any upgrades are required.	Yes
6.11 Mix of dwelling sizes in residential flat buildings and mixed use development	(3) Development consent must not be granted to development to which this clause applies unless—  (a) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will be studio or 1 bedroom dwellings, and  (b) at least 20% of the dwellings, to the nearest whole number of dwellings, in the development will have at least 3 bedrooms.	204 (or 30%) of the proposed dwellings are one bed dwellings.  204 (or 30%) of the dwelling will be 3 bed dwellings.	Yes
6.12 Affordable housing	(6) The affordable housing levy contribution for development in the following affordable housing contribution areas is 5% of the relevant floor area—	Billbergia will comply with clause 6.12 through the provision of a monetary contribution, which will be formalised as a condition of SSDA consent.	Yes

Clause	Control	Comment	Compliance
	(a) the Rhodes East affordable housing contribution area,		
7.2 Design excellence in Rhodes Precinct	<p>(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(4) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) a competitive design process is held in relation to the development, and</p> <p>(b) the consent authority takes into account the results of the competitive design process.</p>	Billbergia intends to undertake a competitive design process as part of the proposed development.	Yes

Clause	Control	Comment	Compliance
7.3 Overshadowing of public places in Rhodes Precinct	<p>(1) Development consent must not be granted to development that results in a building causing additional overshadowing of a public place identified on the Sun Access Protection Map during the time specified for the public place in the following table—</p> <ul style="list-style-type: none"> <li>▪ Mcllwaine Park Primary Zone - 8:30am–2pm</li> <li>▪ Mcllwaine Park Secondary Zone - 8:30am–12:30pm</li> </ul>	<p>Overshadowing analysis has been undertaken for the concept massing.</p> <p>The proposal does not impact the sun access plane to Mcllwaine Park primary or secondary zone.</p>	Yes
7.5 Minimum building separation and maximum floor areas above building podiums in Rhodes Precinct	<p>(1) Development consent must not be granted to development that results in a building in the Rhodes Precinct being separated from another building by less than—</p> <p>(a) for a building higher than 14 storeys but not higher than 20 storeys—24 metres, or</p> <p>(b) for a building higher than 20 storeys—40 metres.</p> <p>(2) Development consent must not be granted to development that results in the gross floor area of a floor of a building in the Rhodes Precinct exceeding 750 square metres.</p> <p>(3) This clause does not apply in relation to</p>	<p>The proposal has two buildings greater than 14 storeys, which have a separation of at least 24m – compliant with this control. This is demonstrated on page 35 of the Design Report.</p> <p>Only one proposed building is above 20 stories, therefore a 40m building separation is not required.</p> <p>In addition, the maximum floor plate above podium level for each of the four (4) towers is 750sqm, compliant with this control. Page 24 of the Design Report demonstrates the tower floorplate breakdown per building. It is also shown in <b>Figure 16</b> above.</p>	Yes

Clause	Control	Comment	Compliance
	the podium of a building in the Rhodes Precinct.		
7.6 Maximum height of building podiums in Rhodes Precinct	Development consent must not be granted to development that results in the podium of a building in the Rhodes Precinct being higher than 16 metres.	Page 24 of the Design Report shows the maximum podium height for each of the four buildings is 16m (or less).	Yes
7.7 Maximum number of dwellings in Rhodes Precinct	<p>(1) Development consent must not be granted to development that results in more than 3,000 dwellings in the Rhodes Precinct.</p> <p>(2) The following dwellings are to be disregarded for subclause (1)—</p> <p>(a) dwellings that existed before 30 October 2021,</p> <p>(b) dwellings permitted by a development consent granted before 30 October 2021.</p>	<p>Billbergia and SJB has undertaken analysis of dwellings under construction, assessment and yet to be realised.</p> <p>The analysis demonstrates there is latent capacity under the 3,000-dwelling cap (of around 756 dwellings), once all planned developments have been completed, including the four projects being progressed by Billbergia under the DPE Affordable Housing Bonus Scheme.</p>	Yes
7.8 Maximum number of car parking spaces for uses of land in Rhodes Precinct	<p>(2) The maximum number of car parking spaces is as follows—</p> <p>(d) for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing—</p> <p>(i) 0.6 spaces per studio dwelling, and</p> <p>(ii) 0.6 spaces per dwelling with 1 bedroom, and</p>	Based on the number of apartments, the maximum allowable car parking spaces is 750. As the proposal is still undergoing design refinement, the final number of parking spaces is subject to change, but will be designed to comply with the LEP maximums.	Yes

Clause	Control	Comment	Compliance
	<p>(iii) 0.9 spaces per dwelling with 2 bedrooms, and</p> <p>(iv) 1.4 spaces per dwelling with 3 or more bedrooms, and</p> <p>(v) 1 visitor car parking space per 7 dwellings.</p> <p>(3) If the total number of car parking spaces under this clause is not a whole number, the total is to be rounded down to the next whole number.</p>		
<p>7.10 Site area of proposed development in Rhodes Precinct includes dedicated land</p>	<p>The site area of proposed development on land in the Rhodes Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that—</p> <p>(a) is dedicated to the Council for a public purpose or otherwise set aside as publicly accessible open space or as a pedestrian link, and</p> <p>(b) would have been part of the site area if it had not been dedicated or set aside.</p>	<p>Noted.</p>	<p>Yes</p>
<p>7.11 Additional floor space for certain BASIX affected buildings in Rhodes Precinct</p>	<p>(1) A BASIX affected building on land in the Cavell Avenue Character Area, Leeds Street Character Area or Station Gateway East Character Area may exceed the maximum floor space ratio shown for the land on the Floor</p>	<p>The proposal seeks to utilise this clause to obtain a 5% Floor Space ratio Bonus.</p> <p>The proposal will be designed to exceed the BASIX commitments by the requisite amounts (15 points for energy</p>	<p>Yes</p>

Clause	Control	Comment	Compliance
	<p>Space Ratio Map by 5% if the building—</p> <p>(a) exceeds the BASIX commitment for energy for the building by at least 15 points, and</p> <p>(b) exceeds the BASIX commitment for water for the building by at least 20 points.</p>	<p>saving and 20 points for water savings).</p>	
<p>7.12 Building frontages in Cavell Avenue Character Area</p>	<p>(1) This clause applies to a part of a building in the Cavell Avenue Character Area that is within 4 metres of the building's frontage to a road (the front part of the building).</p> <p>(2) Development consent must not be granted to development that results in the front part of the building exceeding a building height of 10 metres.</p> <p>(3) Development consent must not be granted to development for the purposes of a dwelling in the front part of the building unless the dwelling has an individual entrance from the road.</p>	<p>No built form falls within the Cavell Avenue Character Area. Therefore, this clause is not applicable.</p>	<p>N/A</p>
<p>7.13 Additional building height for certain land in Cavell Avenue Character Area</p>	<p>A building on land in the Cavell Avenue Character Area that is between Blaxland Avenue and Cavell Avenue may exceed the maximum building height shown for the land on the Height of Buildings Map by 5 metres if development</p>	<p>As above.</p>	<p>N/A</p>

Clause	Control	Comment	Compliance
	<p>in connection with the building results in the opening of a public road that connects Blaxland Avenue and Cavell Avenue.</p>		
<p>7.17 Building height and floor space in Area 3</p>	<p>(2) The maximum building height for a building in Area 3 is 36 metres.</p> <p>(3) The maximum floor space ratio for a building in Area 3 is 2.3:1.</p> <p>(4) Development consent must not be granted to development that results in a building on land in Area 3 exceeding the maximum building height shown for the land on the Height of Buildings Map, or exceeding the maximum floor space ratio shown for the land on the Floor Space Ratio Map, unless—</p> <p>(a) the site area of the development is at least 6,000 square metres, and</p> <p>(b) at least 26% of the gross floor area of all buildings in Area 3 is used for the following purposes—</p> <p>(i) centre-based child care facilities,</p> <p>(ii) community facilities,</p> <p>(iii) health services facilities,</p> <p>(iv) office premises,</p>	<p>As above</p>	<p>N/A</p>

Clause	Control	Comment	Compliance
	(v) respite day care centres,  (vi) seniors housing.		

## 5. COMMUNITY ENGAGEMENT

The following sections of the report describe the engagement activities that have already been carried out for the project, including preliminary community views, and the engagement to be carried out during the preparation of the EIS.

The following sections of the report describe the engagement activities that have been undertaken during the preparation of the EIS and the community engagement which will be carried out if the project is approved.

### 5.1. ENGAGEMENT CARRIED OUT

The project is still at a conceptual phase, with no formal consultation having occurred yet. It is expected that the Applicant will conduct a scoping meeting with key Departmental staff before the issuance of SEARs. Once the SEARs are received, the Applicant will proceed with the formal consultation process as part of preparing the Environmental Impact Statement (EIS), as detailed in Section 5.2 below.

### 5.2. ENGAGEMENT TO BE CARRIED OUT BY THE APPLICANT

Further community and stakeholder consultation will be undertaken in the preparation and assessment of the EIS including:

- **Key Stakeholders:** it is proposed to consult with the following stakeholders during the preparation of the EIS:
  - City of Canada Bay Council.
  - Agencies, including TfNSW.
  - Department of Planning and Environment.
  - Surrounding residents, businesses and local community groups.
- **Other Interested Stakeholders:** additional stakeholders may be identified during the preparation of the EIS.
- **Key Actions:** the following actions will be undertaken to keep the community informed regarding the project, obtain feedback from the community on the project and engaged with stakeholders on the detailed assessment of key matters:
  - A dedicated engagement strategy will be prepared following the issue of SEARs.
  - Additional consultation actions may be identified following further engagement with key stakeholders and DPE.
  - The EIS and supporting documentation will be placed on public exhibition, providing stakeholders with an additional opportunity to review the Project, including the final development plans and the detailed specialist studies and assessment reports accompanying the final EIS.

The proposed actions are consistent with the community participation objectives in the *Undertaking Engagement Guidelines for State Significant Projects*. An engagement consultant will be responsible for monitoring, reviewing and adapting the effectiveness of the engagement strategy to encourage community participation in the Project.

## 6. PROPOSED ASSESSMENT OF IMPACTS

This section identifies the key impacts which will be further investigated and assessed within the EIS, including the proposed approach to assessing each of these matters. It also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

### 6.1. MATTERS REQUIRING FURTHER ASSESSMENT IN THE EIS

The following section of the report provide a comprehensive description of the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders. It includes each of Key Issues and Other Issues as identified in the Scoping Summary Table (refer Appendix A).

#### 6.1.1. Compliance with Strategic and Statutory Plans

The proposed development is consistent with the surrounding land uses and character of the broader precinct. The EIS will include a detailed assessment of the proposed development against the relevant strategic and statutory provisions previously identified.

#### 6.1.2. Built Form, Urban Design and Public Domain

Concept Architectural Plans are provided in the Design Report at Appendix A. These plans provide a preliminary indication of the proposed building footprints and envelopes that form this SSDA. The built form is consistent with the desired future character of the area and will comprise a building heights ranging from 38.4m to 84m and a gross floor area of 61,921sqm (inclusive of the 30% bonuses).

As noted above, the intended sequencing of planning stages of this project are as follows:

1. Request for SEARs (receive SEARs).
2. Undertake Architectural Design Competition in accordance with CB LEP requirements.
3. Prepare and lodge SSDA with DPE, following completion of the competition and associated design integrity process.

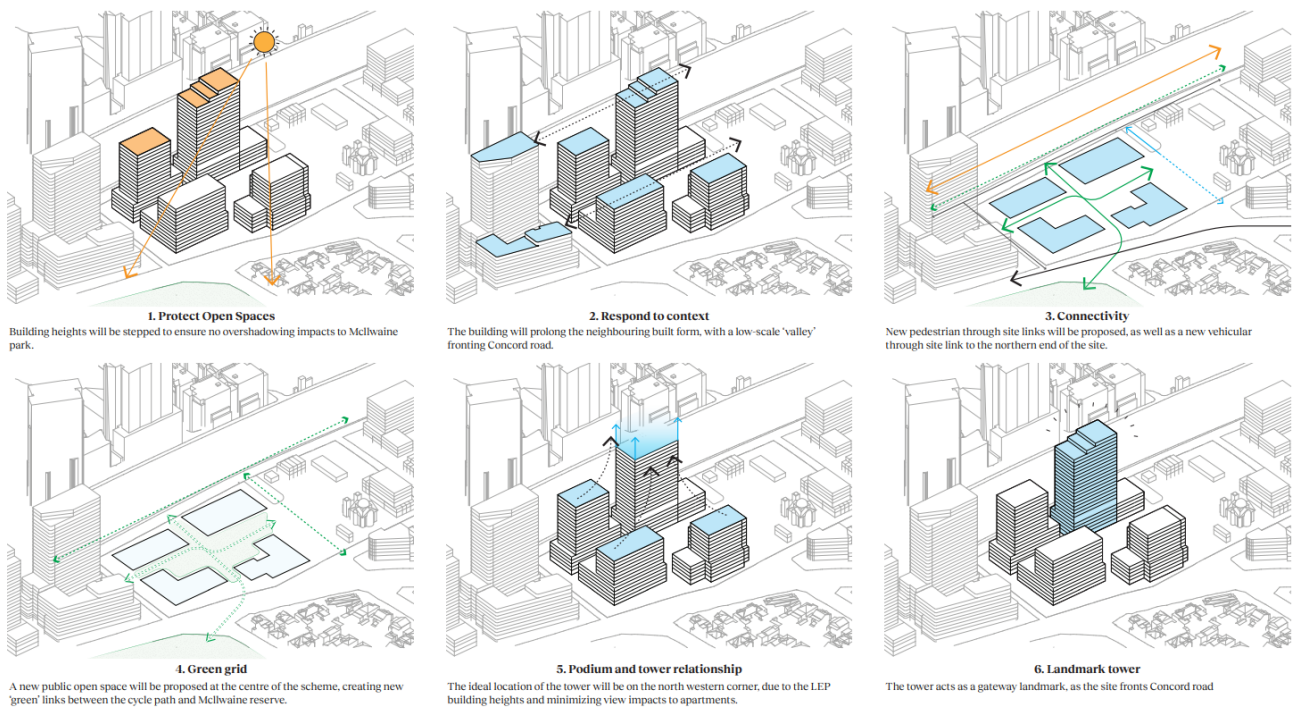
The design (which will undergo a competition) will consider architectural appearance, including façade articulation strategies and landscape treatments, to deliver a high-quality built form outcome. The final architectural package will also detail the rationale for the siting and layout of the proposed development, including loading and access arrangements.

These considerations extend to the ground plane and how the through site link / central landscaped area can be designed as an attractive place for people to gather and move through. Access arrangements to/from the new road will also be considered to ensure appropriate vehicular and pedestrian access strategies, reducing conflicts and/or resulting impacts on the existing road network.

Principles established as part of initial design development of the envelope / programming of land uses includes:

- Protecting solar to open spaces, including Mcllwaine Park.
- Providing a contextual response to the emerging built context, with a low scale 'valley' fronting Concord Road.
- Activation of the ground plane, including a new open-air pedestrian though site link plus road. This will improve connectivity between Blaxland and Concord Roads.
- Delivering new public open space (embellished by landscaping) at the centre of the site, strengthening the 'green grid' in accordance with the Rhodes Place Strategy.
- Providing positive podium and tower relationships, with the tallest 'landmark' tower at the north-western corner of the site, acting as a 'gateway'.

Figure 19 – Design Principles



Source: SJB

Given the location of the site, consideration will be given to the visual impact of the proposed development when viewed from the surrounding area. A visual impact consultant will be engaged to provide strategic advice regarding the key sightlines to the site, including recommended mitigation measures to off-set, minimise or manage potential visual impacts.

The Apartment Design Guidelines (ADG) will also be a consideration as design development continues. The scheme currently meets key ADG amenity criteria relating to: solar access, cross ventilation, and overshadowing. A complete assessment against the ADG will occur at the EIS stage of the development.

The Canda Bay DCP provides a range on built form controls for development within the Rhodes East Precinct. This includes key development parameters, design principles, setbacks landscape treatment and urban elements etc. It will be important that the design of the tower demonstrates compatibility with the scale, siting and character of the existing and future character of the vicinity.

The EIS will outline the proposed development in detail, including analysis of the height, bulk and scale with respect to the surrounding local context. This will include a comprehensive response in relation to:

- The interface with surrounding development and adjoining development proposed and the public domain.
- Consideration of the building layout, massing and setbacks; and
- Visual impact when viewed from the public domain and key vantage points around the site.

The EIS will be accompanied by a detailed set of Architectural Plans and Design Report. The EIS will also be accompanied by a BCA Compliance Report and Accessibility Report to ensure the proposed design is capable of achieving compliance with the *Building Code of Australia 2022 and Disability (Access to Premises – Buildings) Standards 2010*.

### 6.1.3. Traffic, Parking and Access

#### Traffic

It is anticipated that during construction and operation there will be an increase in traffic movements. The construction traffic movements will be temporary. During operation, the proposed development will likely increase traffic movements. Consideration of peak traffic movements will need to be considered and the impact this will have on the surrounding road networks.

The predicted vehicle movements will also be important to inform the proposed acoustic impacts, including potential for on-site noise generation within the car parks and across the site, including acceleration/ deceleration.

### **Parking**

Clause 7.8 of the CB LEP outlines the maximum number of car parking spaces for land within the Rhodes Precinct. These are outlined below:

- 0.6 spaces per studio or 1 bedroom dwelling.
- 0.9 spaces per 2 bedroom dwelling.
- 1.4 spaces per 3 or more bedroom dwelling.
- 1 visitor car parking space per 7 dwellings.

The proposed development will seek to provide car parking, bicycle parking and motorbike parking in accordance with the LEP provisions.

The proposal will provide two levels of basement parking, and be designed to comply with the LEP maximum rates (750 spaces). A detailed assessment on the needs of the proposed development will be included in the Transport Impact Assessment which will be prepared as part of the EIS.

In addition, the Housing SEPP outlines non-discretionary development standards in relation to car parking rates, these are outlined below.

- (e) the following number of parking spaces for dwellings used for affordable housing—
- (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,
  - (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,
  - (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,
- (f) the following number of parking spaces for dwellings not used for affordable housing—
- (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,
  - (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,
  - (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,

Table 11 – Housing SEPP Car Parking Requirements

<b>Apartment Typology</b>	<b>Affordable Housing Mix</b>	<b>Non-Affordable Housing Mix</b>	<b>SEPP Car Parking Requirements</b>
1 Bed	31 units	173 units	98.2 spaces
2 Bed	41 units	231 units	251.4 spaces
3 Bed	31 units	173 units	291 spaces
<b>Total</b>	102 units	578 units	<b>641 spaces</b>

### **Access**

The site is currently access via various individual driveways associated with the existing detached dwellings. There are vehicle crossovers on all frontages.

The site fronts Concord Road, which is a major arterial road, running through Rhodes north / south. It provides a link from Macquarie Park and the M2 to Strathfield and the M4. The DCP states that secondary streets should be used for vehicle access points and shared residential lobbies. Therefore, Llewellyn Street and the proposed (new) road to the north of the site will be used for the vehicle access. Pedestrian access will be available from all frontages and the through site link.

The EIS will be supported by a Traffic and Transport Impact Assessment prepared by a qualified traffic consultant. A Green Travel Plan will also accompany the EIS. A Construction Traffic Management Plan will be developed to assess impacts during the construction phase of the Project.

In addition to traffic impacts/Transport and Traffic Impact Assessment, the impacts on the public transport network for increased patronage will need to be assessed as part of the SSDA. The FSR and Height controls applying to the site were partly decided from a detailed transport assessment to determine the capacity of the existing transport network.

Pentelic Advisory has prepared a High-Level Transport Capacity Review in support of four high-density mixed-use residential developments (including 15% affordable housing) at:

- 9 Blaxland Road, Rhodes.
- 424 Concord Road, Rhodes.
- Llewellyn Street, Rhodes (comprising 43B – 57 Blaxland Road, Rhodes, 2A, 2B and 2D Cavell Avenue, Rhodes 448-458 Concord Road, Rhodes and 2A Llewellyn Street, Rhodes).
- 23-29 Marquet Street, Rhodes.

The letter summarises the future capacity of the transport network for the Rhodes Precinct and the T9 Northern Line. It draws on analysis from several deliverables previously presented to TfNSW and DPE, including:

- Rhodes Station Rail Demand Report – Dr Neil Prosser (September 2018).
- Wentworth Point Block H Transport Study – PwC (February 2022).
- Rhodes Precinct Rhodes West Trip Generation and Capacity Assessment – PwC (December 2022).
- Hannover Review of Rail Capacity Assessment of T9 Northern Line – Hannover (October 2023).

The letter provides evidence and support for additional development within the Rhodes Precinct beyond the current cap of 3,000 dwellings. Key conclusions of the letter are as follows:

- Trip generation surveys were undertaken in November 2022 which reflect the most recent (post-COVID) travel patterns for the Rhodes Precinct. In both the AM and PM peak hours – the trip per apartment rate was 32% and 36% lower (respectively) than the rate adopted by DPE in implementing the planning controls for the Rhodes Place Strategy (including 3,000 dwelling cap).
- The latest trip generation rates (0.15 trips per apartment in the AM peak and 0.14 trips per apartment in the PM peak) align with the intent to achieve non-car mode shares significantly better than the 0.22 vehicle trips per apartment rate adopted in the DPE study.
- Research undertaken by PwC indicates there is capacity for approximately 2,000 dwellings on top of the existing cap of 4,200 dwellings for both the Rhodes East (3,000 dwellings) and Rhodes West (1,200 dwellings). This is based on the reduced trip generation rate and strong evidence of sustainable travel behaviours in Rhodes to support additional residential development, including affordable housing.
- The various Sydney Metro projects underway will reduce pressure on the T9 Northern Line. Current NSW Government projects such as the Parramatta Light Rail (Stage 2) will further encourage sustainable transport usage and reduce passenger demand on the T9 Northern Line.
- The most recent Opal data shows a clear reduction in rail patronage at Rhodes Station post COVID due to residents WFH, relieving passenger demand on the T9 Northern line. While some COVID behaviours may rebound over time, the WFH trend is unlikely to return to pre-COVID levels.
- Rail capacity analysis undertaken by Hannover Consulting (taking into account the NSW Government transport projects currently afoot) shows acceptable levels of train crowding in the year 2036, thereby not triggering the need for quadruplication of the T9 Northern Line (between Epping and Strathfield).

This high-level review has been prepared to assist in the issuance of SEARs for each of the four projects (refer to Appendix D). A detailed assessment of cumulative impacts (and the 30% increase in floorspace) will be undertaken and provided in the EIS.

## 6.1.4. Amenity

### 6.1.4.1. Overshadowing and Solar Access

The site has several sensitive receivers in the surrounding area, including Mcllwaine Park and other residential developments. Given the tower nature of the proposal, an analysis and assessment of the overshadowing impacts and solar impacts will be undertaken. Preliminary assessments undertaken for the Design Report have noted that the proposal meets the overshadowing requirements for surrounding public spaces in accordance with clause 7.3 of the CB LEP. A detailed overshadowing assessment/mapping will be prepared as part of the EIS.

### 6.1.4.2. Noise and Vibration

The site is adjacent to a number of different land uses within the Rhodes Precinct. No existing background noise information for the Site is available, however it is anticipated that the ambient acoustic environment would be influenced by existing activities from the Train Station and traffic on local road networks.

Noise and vibration impacts will need to be carefully assessed considering the potential impacts to surrounding land uses. Detailed consideration will need to be given to the potential cumulative impacts during both the construction and operational phases of the development considering the approved and likely future development within the locality.

A Noise and Vibration Impact Assessment will be prepared in accordance with EPA guidelines and Australian/International standards in accordance with the SEARs. This assessment will be undertaken in accordance with applicable legislative requirements, policies and guidelines. The assessment will detail the following:

- Construction and operational noise and vibration impacts on nearby sensitive receivers and structures.
- Noise generation from fixed sources associated with the development will need to be effectively insulated or otherwise minimised.
- Mitigation measures and design solutions will likely be required to ensure that the development operates within the relevant criteria required.

### 6.1.4.3. Views and Visual Impact

#### Views Analysis

The site is located along Concord Road adjacent to Mcllwaine Park with other areas of significant form to the west. This includes other residential developments that are within the visual catchment of the site.

The SSDA will be accompanied by a Visual Impact Assessment ('VIA'), which will assess the visual effects of the proposed built form on nearby sensitive receivers and public domain views from key locations surrounding the site. The VIA will assess the cumulative impacts of the proposal alongside the other developments proposed in the surrounding area. The nature of the impact is both direct and cumulative and as such consideration will be assessed utilising a detailed level of assessment within the EIS.

The VIA assessment will consider the proposed building and its potential visual impacts when viewed from the surrounding area. The assessment will consider the proposed architectural and landscape treatments of the building and its immediate surrounds, which would include an assessment of the proposed layout and design in accordance with the following principles and best-practice approaches identified within the following documents (but not limited to):

- *Guidelines for Landscape and Visual Impact Assessment (GLVIA) – Third Edition (LI/IEMA, 2013); and*
- *The Landscape Institute Advice Note 01 (2011) – Photography and Photomontage in Landscape and Visual Assessment.*

## 6.1.5. Design Quality and Residential Amenity

Preliminary assessments against ADG show that the proposal meets the requirements for solar access, cross ventilation (on a whole of site basis) and building separation. A detailed assessment against all relevant ADG requirements will be prepared as part of the EIS.

## 6.1.6. Hazards and Risks

### Land contamination

A Preliminary Site Investigation ('PSI') will be undertaken and will advise on the geotechnical and contamination site conditions. A search of the NSW EPA contaminated land register identified that the site is not a registered contaminated site, and no registered contaminated sites were located nearby. The existing uses of the site are primarily office and business use. As such the site is unlikely to contain any hazardous material or material that would pose a risk to people or the environment.

The site is also identified as having potential Class 5 Acid Sulfate Soils. In addition, the site is located within 20m of Class 2 Acid Sulfate Soils. Given the extent of excavation for the basement levels, Acid sulfate soils will be a consideration. If the proposal is likely to impact acid sulfate soils, an Acid Sulfate Soils Management Plan will be prepared.

A Detailed Site Investigation ('DSI') will be prepared if required by the PSI.

## 6.1.7. Heritage

### Non-Aboriginal Heritage

As noted above, the site is not listed as a heritage item, nor is it located within a heritage conservation area. However, due to the proximity of a number of heritage items, a Heritage Impact Statement will be prepared to accompany the EIS. Consideration will be given to the impacts of the proposal on nearby heritage items, notably, McIlwaine Park which is adjacent to the site.

### Aboriginal Heritage

In accordance with the standard requirement of SSDs, an Aboriginal Cultural Heritage Assessment Report ('ACHAR') will be prepared. The ACHAR will document the process of investigation, Aboriginal community consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology. The assessment will be prepared in accordance with the following guidelines:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Department of Environment, Climate Change and Water).*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (Office of Environment and Heritage 2011)*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW)*
- *The Australia ICOMOS Charter for Places of Cultural Significance.*

No Aboriginal objects or Aboriginal places are registered within the subject area.

## 6.1.8. Waste Management

The proposal will generate several waste streams that will require management in accordance with relevant legislation and guidelines. It is expected that during demolition and construction, the primary waste generated would consist of excess building products and onsite material.

Operational waste is likely to be constrained to waste associated with human use such as general solid waste and sewerage. A Waste Management Plan will be prepared as part of the EIS. The plan will address both the construction and operation phases of the development and will indicate the collection points and method of removal from the site.

## 6.1.9. Infrastructure Servicing

The site is within an area which has established infrastructure and services. The site would be cleared of all existing buildings prior to the commencement of the earthworks. Remaining infrastructure at the site would primarily consist of utility infrastructure connections including water and electricity. The EIS will detail the infrastructure requirements and will include information about anticipated supply of utility services including:

- Electricity
- Water

- Sewer

A Dial Before You Dig assessment would also be carried out as part of the EIS, to determine the locations of other utility supplies. The need for utility works to support the proposal would be identified during the design development and in consultation with relevant providers. The need for any works to adjust utilities will be assessed as required within the EIS. The EIS will be accompanied by a Utility Services and Staging Plan.

### **6.1.10. Economic and Social Impacts**

The site is surrounded primarily by residential uses. It is anticipated that the project will deliver social and economic benefits associated with the delivery of key site in the Rhodes Planned Precinct. The EIS will be accompanied by a Social Impact Assessment which will include an analysis and assessment of the potential social and economic impacts of the proposal.

This would include an estimation of the employment generation associated with the construction phase, as well as broader economic benefits of this specific development. Other social amenity impacts would be assessed with the relevant amenity impact section of the EIS including noise, landscape and visual impact.

### **6.1.11. Environmentally Sustainable Design**

An Ecologically Sustainable Development ('ESD') Report will be provided as part of the EIS and include details on how ESD principles will be incorporated within the design and ongoing operational phases of the proposed development.

This assessment will identify potential measures to be implemented into the building design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water and electricity. The EIS will be accompanied by an ESD report.

### **6.1.12. Biodiversity**

A desktop review shows existing vegetation on the site. This vegetation will be removed to accommodate the proposal. An Arboricultural Impact Assessment and Tree Protection Plan for the proposed development will accompany the EIS.

In addition, there are several significant trees on Cavill Ave which are heritage listed. The heritage trees will also be addressed in the Heritage Impact Assessment as mentioned above in **Section 6.1.7**.

As part of the SSDA process, an ecologist will be engaged to undertake an assessment of the significance of this vegetation to determine whether a BDAR is required, or alternatively whether a BDAR waiver should be pursued and submitted.

### **6.1.13. Aviation**

The proposal will be assessed against the OLS / PANS-OPS for both Bankstown Airport and Sydney Kingsford Smith Airport. Any temporary or permanent structures that protrude into the OLS / PANS-OPS will require approval from the Civil Aviation Safety Authority (CASA).

## **6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT IN THE EIS**

This section of the report identifies the matters that do not require further assessment in the EIS. Each of these matters was considered within the scoping phase but considered unlikely to result in significant impacts that warrant further assessment.

### **6.2.1. Bushfire**

The site is not mapped within a bushfire prone area of a buffer zone to a bushfire prone area. As such a bushfire assessment is not considered necessary for this Project due to its setting in a highly urbanised and developed area, devoid of remnant bushland and not within a mapped 'bushfire prone area'.

### **6.2.2. Flooding**

The site is not mapped as flood prone land. As such a flood assessment is not considered necessary for this project. Stormwater management will be addressed within the civil plans and will be in accordance with relevant policies.

### **6.2.3. Air Quality and Odour**

The project (for 'residential flat building') will not generate any consequential air quality impacts related to atmospheric emissions, gases or particulate matter; or any ongoing odour sources.

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