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URBIS

SCOPING REPORT

Billbergia – 11-21 Marquet
Street, Rhodes

Prepared for
BILLBERGIA

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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
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
PSI	Preliminary Site Investigation
SEARs	Secretary's Environmental Assessment Requirements

Reference	Description
SEPP	State Environmental Planning Policy
Site	Lot 40 DP 1275410 & Lot 102 DP624798
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
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
WWTP	Wastewater Treatment Plant

1. INTRODUCTION

This Scoping Report has been prepared on behalf of Twenty Three Marquet Street Pty Ltd in support of a proposed mixed-use development (including affordable housing) at 23-29 Marquet Street, Rhodes. The project comprises a 42-storey building which will include ground level retail, a commercial podium with residential apartments above in a tower form.

This report seeks project specific Secretary's Environmental Assessment Requirement (**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 MU1 (Mixed Use) under the provisions of the Canada Bay Local Environmental Plan 2013 (**CB LEP 2013**). Development for the purpose of a 'shop top housing' is permissible with consent within the MU1 (Mixed Use) 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 shop top housing 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 proponent details for the proposal are listed in the following table.

Table 1 – Applicant Details

Descriptor	Proponent Details
Full Name(s)	Twenty Three Marquet Street Pty Ltd c/o Urbis
Postal Address	101/25 Angas Street, Meadowbank NSW 2114
ABN	81 601 336 887
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 mixed-use development at 23-29 Marquet Street, Rhodes. Billbergia is one of Australia's leading property groups, developing and delivering transformative residential commercial, retail and hospitality projects across Australia. They have a substantial network of residential development across Sydney and in particular, Rhodes. Billbergia have acquired the site for the intent to deliver a high-quality, mixed-use project in a strategic location.

The objectives of the project are as follows:

- Facilitate the delivery of a high-quality development (including affordable housing), at a strategically located site.
- Deliver a built form outcome that is consistent with the desired future character of Rhodes.
- Provide additional employment-generating floor space through ground floor retail and podium commercial uses, which respond to the employment targets of Rhodes (and the Canada Bay LGA more broadly).
- Deliver active retail and publicly accessible open space, which can help create a vibrant, lively community.
- 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 for 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	23-29 Marquet Street, Rhodes
Legal Description	Lot 40 DP 1275410 & Lot 102 DP624798
Site Area	4,535sqm

An aerial Photograph has been provided at Figure 1 below.

Figure 1 – Aerial Photograph



Source: SJB

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 a tall tower form. Renewal of this site for a mixed-use residential development will provide a meaningful contribution towards housing and employment 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 28,000sqm 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 and accessible location.
- **Objective 12** – Great places that bring people together.
 - The mixed-use nature of the building, together with the provision of a publicly accessible space in front of it, has the potential to bring people (residents, workers, visitors, enterprise and investment) together by creating a space that people can share and enjoy.
- **Objective 14** – 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 located within a 'Planned Precinct' and 'Strategic Centre'. The Region Plan supports the area as a residential growth area, especially for diverse and affordable housing. This proposal is seeking the orderly development of additional residential and employment generating floorspace on an underutilised site, which is proximate to an existing train station.

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.

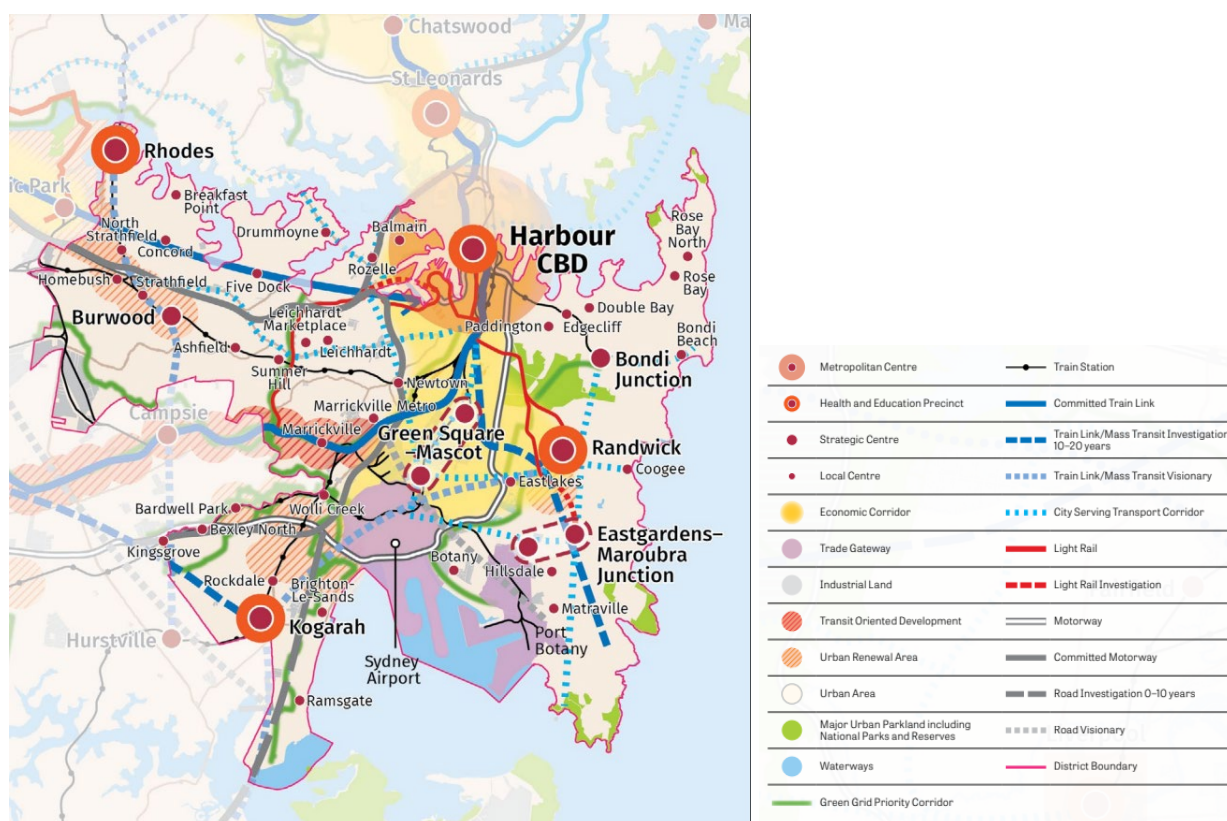
The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key

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 proposal will contribute to the objectives set out in the District Plan by promoting growth in residential development and providing additional employment opportunities. The mixed-use nature of the scheme will assist in providing a diverse mix of uses to strengthen and reinforce the economic role of Rhodes; while the ground floor retail will assist in promoting place-making initiatives to improve the quality of public spaces.

The proposal aligns with the following key 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, together with an activated ground plane (including amenity retail), helping to foster a connected community.

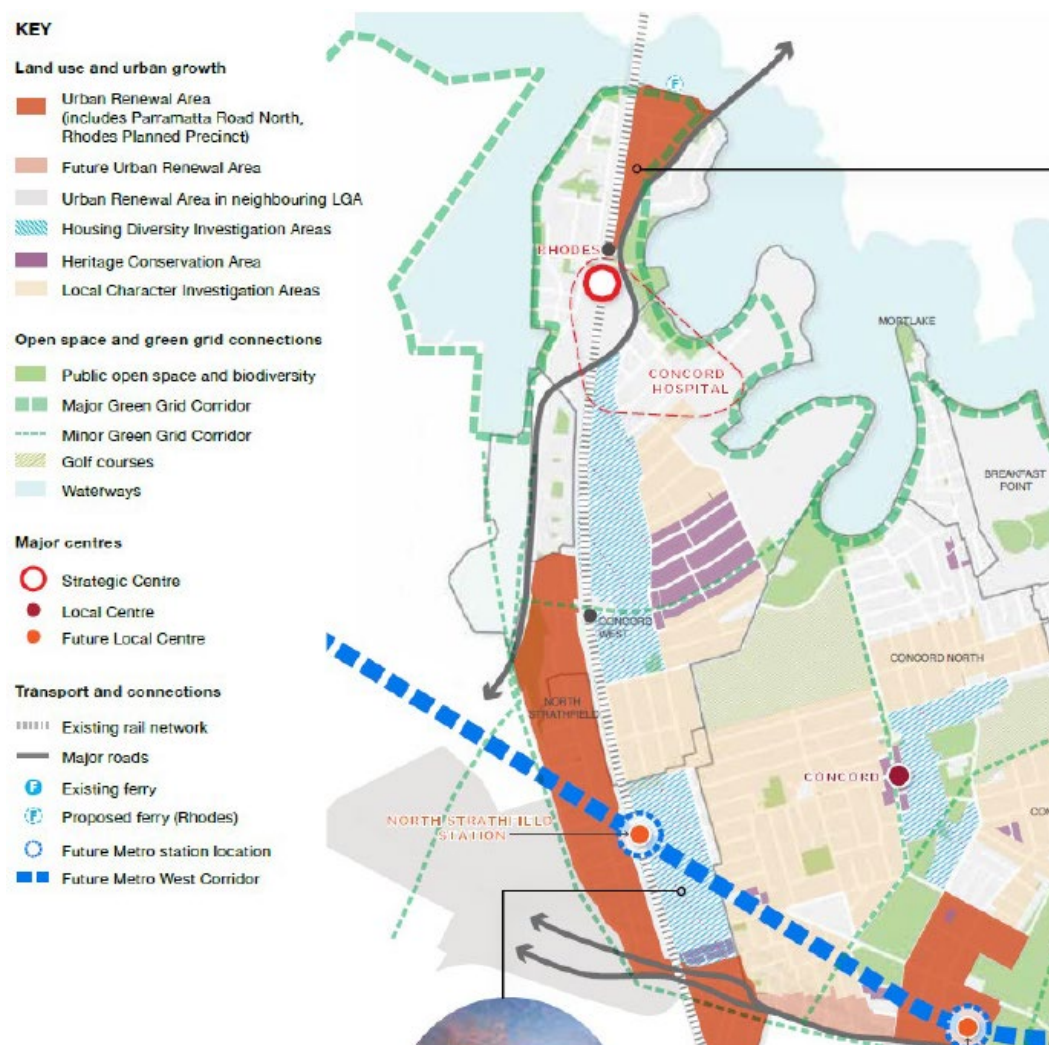
- **Planning Priority E5** - Providing housing supply, choice and affordability, with access to jobs, services and public transport.
 - Rhodes is identified as a strategic centre for housing growth and employment. The development will facilitate the delivery of new dwellings and employment opportunities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

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

2.1.3. 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 LSPS March 2020

Within the LSPS, the Rhodes area is identified as a strategic centre for both housing and employment for the City of Canada Bay. The LSPS also identifies a number of 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 services 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 design 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 2021

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.

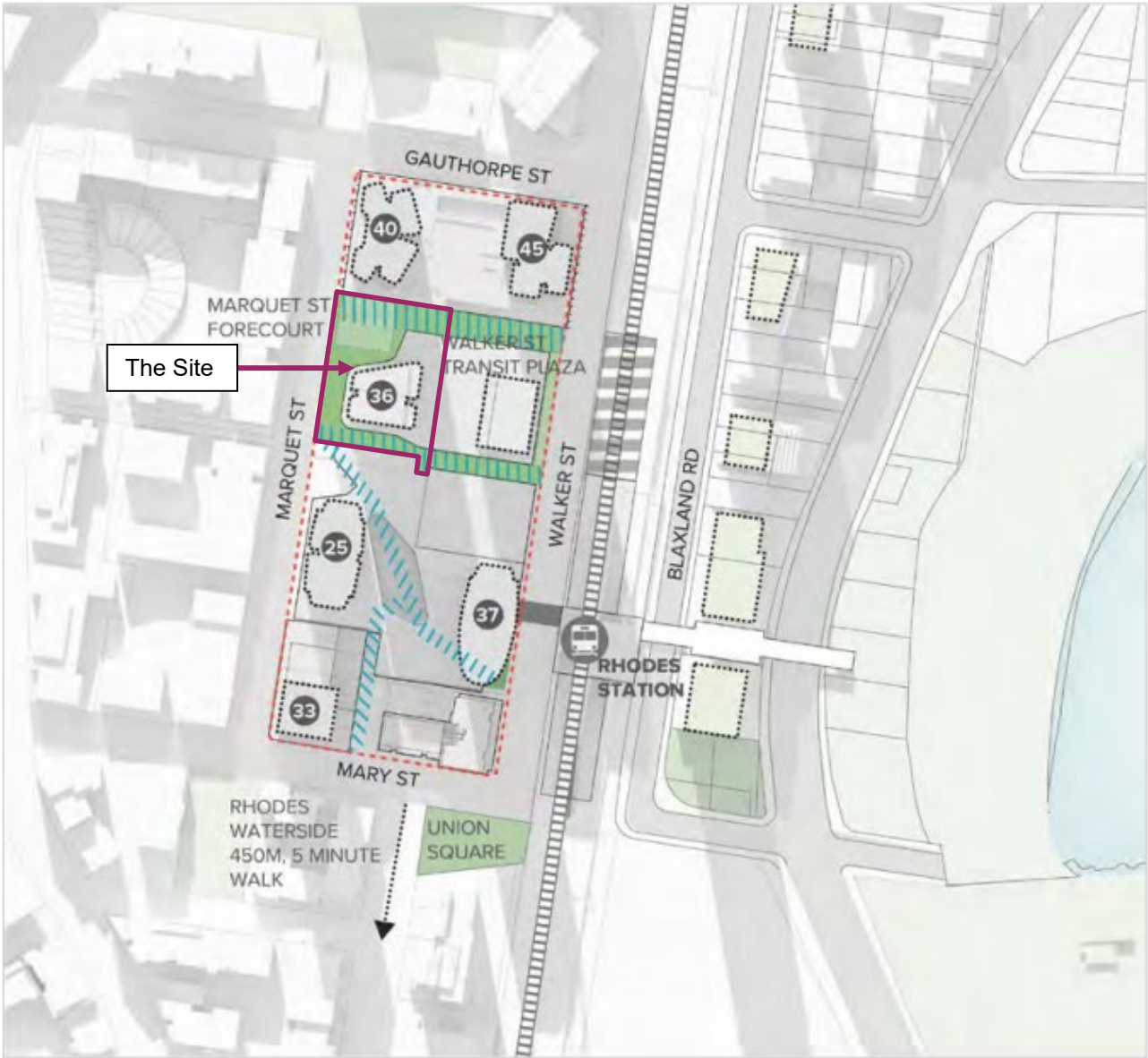
The site forms part of the ‘Station Gateway West’ precinct. An extract of the proposed structure plan for the precincts is provided in Figure 3 below. Within the place strategy the site is identified as being in the mixed use core area. The proposal seeks to establish a mixed-use development which can deliver on the vision for the Rhodes precinct.

In accordance with the requirements of the *Environmental Planning and Assessment 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 mixed use development close to public transport and priorities active transport.
- Protects solar access to Peg Paterson Park and Union Square.
- Provides affordable housing.
- Locates a taller building around the Train Station / activity hub.
- Will deliver 2,000sqm of publicly accessible open space along Marquet Street.
- Will provide 2,240sqm of retail at the ground floor level, activating the edges of the forecourt.

Figure 6 – Rhodes Precinct Structure Plan (Station Gateway West Character Area)



Legend:

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

Source: Rhodes Place Strategy 2021

2.3. NSW HOUSING STRATEGY: HOUSING 2021

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 use of 15% of residential GFA as affordable housing.

2.4. CANADA BAY LOCAL HOUSING STRATEGY 2019

The Canada Bay Local Housing Strategy was released 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 Canada Bay.

2.5. KEY FEATURES OF SITE AND SURROUNDS

The site is located at 23-29 Marquet Street, Rhodes which is within the City of Canada Bay Local Government Area (**LGA**). The site is legally described as Lot 40 DP1275410 and Lot 102 DP 624798 and is currently owned by Twenty Three Marquet Street Pty Ltd.

The site has predominant frontage and vehicle access via Marquet Street and is also highly accessible by public transport with the Rhodes Train Station and bus services being situated on Walker Street, behind the site.

The key features of the site are summarised in Table 3 outlined below. An aerial photograph of the site is provided at Figure 6 below.

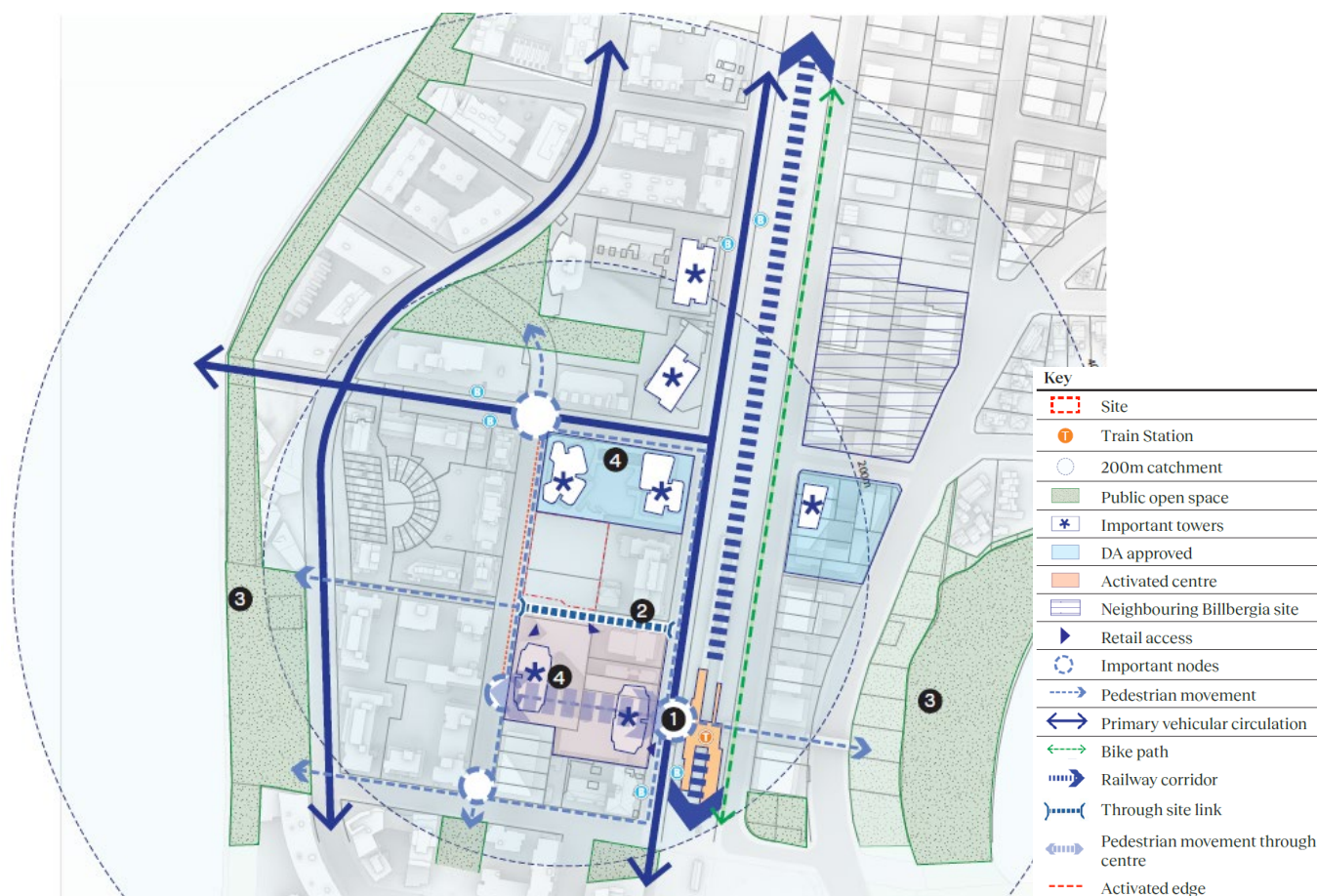
Table 3 – Key Features of Site and Locality

Descriptor	Site Details
Land Configuration	The site has a total area of 4,535sqm and has the following dimensions: ▪ North: 58.95 metres ▪ West: 70.94 metres to Marquet Street ▪ South: 60.62 metres ▪ East: 68.8 metres The site slopes approximately 2.5m from south-west to north-west.
Land Ownership	The land is currently owned by Twenty Three Marquet Street Pty Ltd
Existing Development	The site currently accommodates a two-storey building (in the eastern portion) which will require demolition in order to allow for the construction of the proposed mixed-use building. Otherwise, the site is cleared and provides space for construction access / equipment in association with the development of 34 Walker Street (which is located directly to the north).

Descriptor	Site Details
Local Context	The surrounding locality is described below: ▪ North: To the north of the site, beyond 34 Walker Street, is Phoenix Park, which is a regional open space that accommodates a range of active and passive recreational uses and is flanked by a series of retail premises. ▪ East: Directly to the east of the site is a mid-rise (8-level) residential apartment building. Further afar is Rhodes Train Station, which is a local heritage item. Further to the east of the site (across the railway line) is the Rhodes East mixed-use precinct. ▪ South: South to the site is the completed 'Rhodes Central' development, which includes two residential towers and a shopping centre component. These two towers, along with the proposed tower, will share basement parking which is discussed further in this report. ▪ West: Directly west of the site are a series of mid-rise residential apartment buildings, extending to Rhodes Foreshore Park which adjoins the Parramatta River (and includes 'The Connection' Rhodes Community Precinct. Photographs of the surrounding land uses are provided as Figure 10. 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 of Rhodes has been modelled in Figure 8.
Regional Context	The site sits within the central area of Rhodes. Rhodes has been identified as an important Strategic Centre in the Eastern City District Plan, with significant opportunities to create additional jobs and homes. Rhodes is approximately 12km north-west of Sydney Central Business District (CBD) and approximately 7.5km east of Parramatta CBD. To the South of Rhodes is the Concord Health district which comprises a Public Teaching Hospital and various other health services.
Infrastructure	The site benefits from excellent access to the arterial road network (via Concord Road, which provides connections to key centres in Greater Sydney. Further to this, the site is also in close proximity to 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.
Site Access	The site is accessed from Marquet Street.
Easements and Covenants	Detailed land surveying will be undertaken at the EIS stage which will confirm if any easements and covenants burden the site.

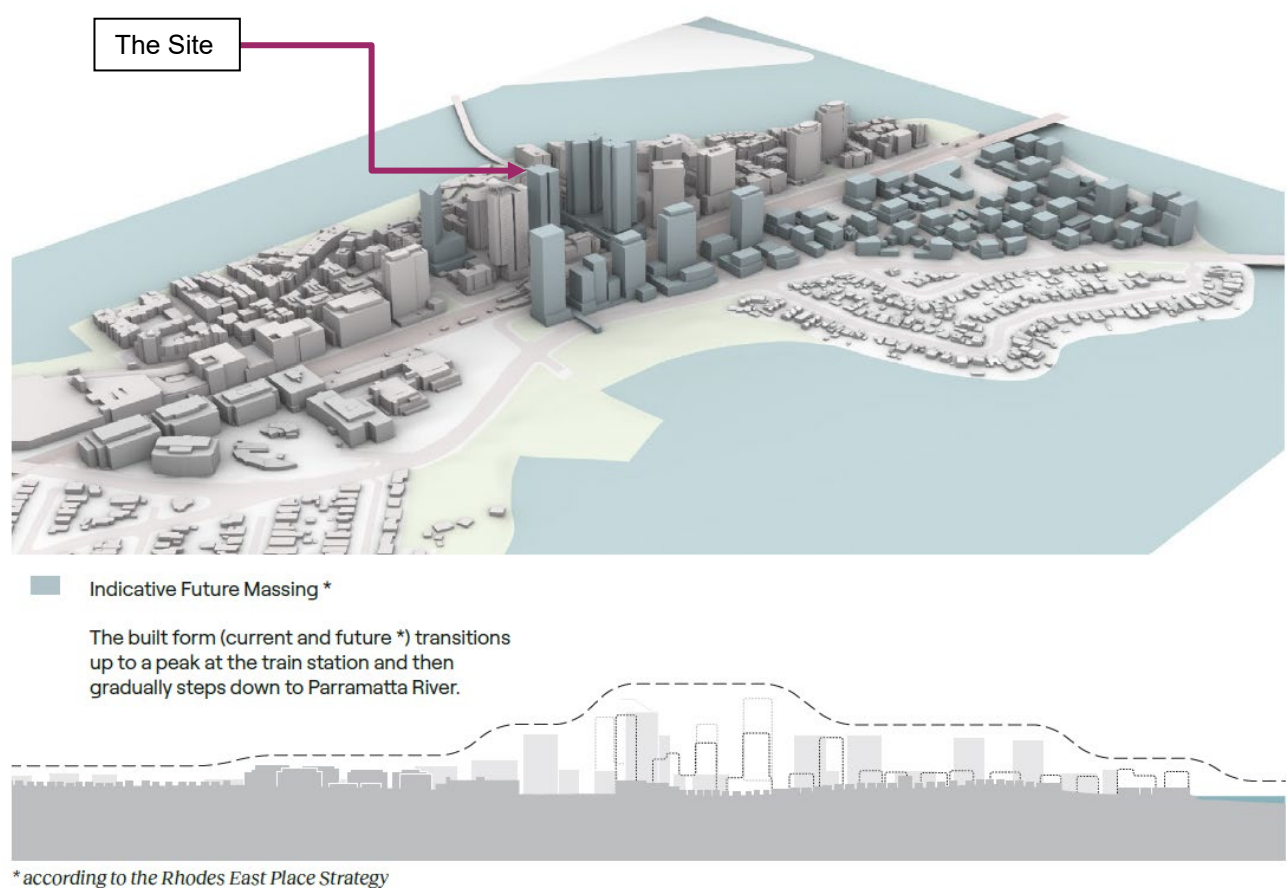
Descriptor	Site Details
Services	The site is currently serviced and will be assessed further in the EIS.
Acid Sulfate Soils	The site is identified as Class 5 Acid Sulfate Soils
Contamination	Remediation will be undertaken if required.
Stormwater and Flooding	The site is not mapped as Flood Prone Land or within the Flood Planning Area.
Bushfire Prone Land	The site is not considered Bush Fire Prone Land.
Natural Environment	There is no remnant vegetation on or near the site. However, it is situated 500m from the Pheonix Park which contains a children's playground and holds larger amounts of greenery
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 area. However, the site is located close to Rhodes Train Station, which is locally and State listed.

Figure 7 – Site Analysis



Source: SJB

Figure 8 – Emerging Character of Rhodes



Source: SJB

Figure 9 – Existing Development



Picture 1 – South-west corner of site



Picture 2 – TSL to Walker Street (site on left)



Picture 3 – North-west corner of site



Picture 4 – Rhodes Shopping Centre Entry

Source: SJB

Figure 10 – Surrounding Development



Picture 5 – Rhodes Station on Walker street



Picture 6 – Rhodes shopping centre main entrance



Picture 7 – Rhodes Station entry



Picture 8 – Rhodes Foreshore Park

Source: SJB

Figure 11 – Rhodes Movement Network



Key	
	Site
	Train Station
	Train Station Buffers
	Open Space
	Water
	Primary Road
	Secondary Road
	Rail
	Rail Crossing
	Bus Stop
	Cycle Route

Source: SJB

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)	Request for Information issued (As of 27/09/2023)
DA/2023/0158	Development of two buildings 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
DA2017/0544 34 Walker Street, Rhodes	Demolition of existing structures and construction of a mixed use development comprising two buildings of 19 and 34 levels containing 400 residential apartments, retail space, a leisure centre, childcare centre, basement parking and stratum subdivision.	Determined

The potential cumulative impacts of the project will be addressed in the EIS in accordance with the DPE *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 as part of the SSDA process.

There is an existing State Planning Agreement associated with the site, executed on 2 November 2022. According to this agreement, a \$10,000 contribution per dwelling (adjusted for CPI) is required to be paid to the State Government before an occupation certificate is issued for each dwelling. This agreement was established to enable the Department of Planning and Environment (DPE) to accumulate funds for critical State infrastructure upgrades related to the Rhodes West precinct.

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 Llewellyn Street, Rhodes)
3. 25-27 Leeds Street.
4. Rhodes Central, Tower C – 23-29 Marquet Street.

Figure 12 – Development Map

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

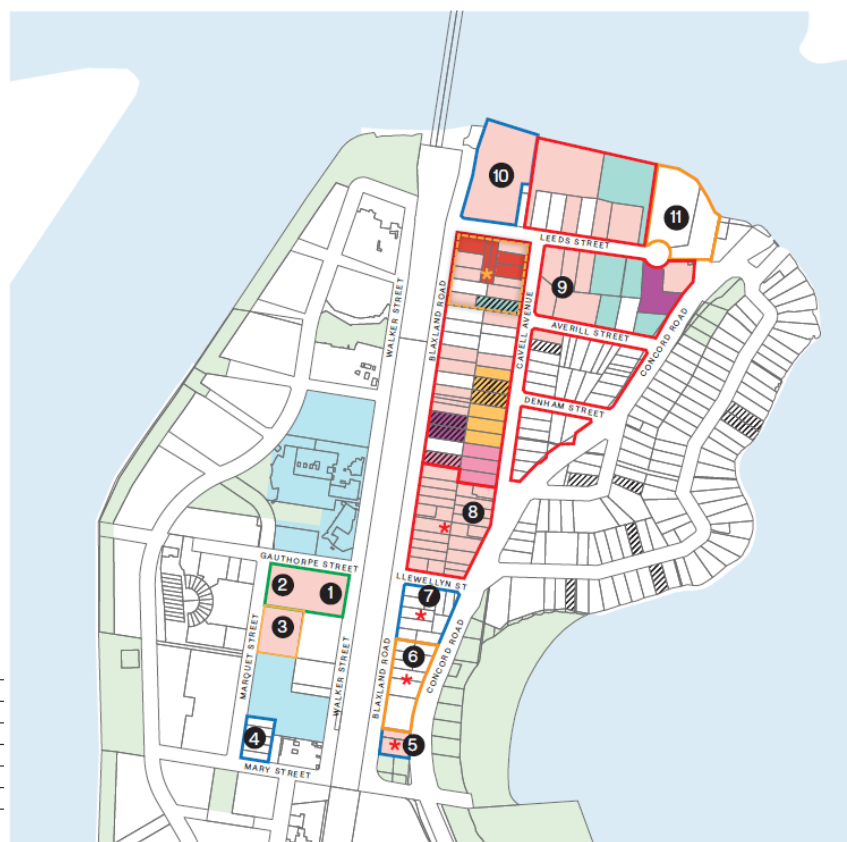
- Under construction
- Under assessment
- Yet to be realised
- Undevelopable under current zoning

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 Deicorp 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
TOTAL	880	3,124	2,244
Gap from 3,000 target		756	
Gap from 4,200 target		1,956	

Key	
Under construction	
Under assessment	
Yet to be realised	
Undevelopable under current zoning	
Site completed by Billbergia	
Site owned by Billbergia	
Site owned by Billbergia with options	
Council	
Coptic Church	
Aged care	
Public housing	
Heritage item	
Proposed school	
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. PROJECT OVERVIEW

The project involves the construction of a mixed-use residential tower. 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 Detail

Descriptor	Project Details
Project Area	The site has a total area of 4,535sqm. The entire site is expected to be physically disturbed by the project.
Project Description	The project will include demolition of the existing building on site and any other hardstand areas, site preparation works, and construction which will comprising: ▪ Demolition of existing buildings and structures. ▪ Earthworks and excavation. ▪ Construction of one (1) 42 storey mixed-use development with a maximum building height of 136.4m. ▪ Provision of a 2,060sqm publicly accessible space (forecourt) in front of the building. ▪ Vehicle access will be from Marquet Street. ▪ On-site car parking and loading, connected with the north and south building both located along Walker Street, Rhodes.
Gross Floor Area	The total GFA of the proposed development is 35,019sqm (inclusive of 30% bonus) and is broken down as follows: ▪ Residential: 28,716sqm - Affordable housing: 5,252sqm - Market housing: 23,464sqm ▪ Non-residential: 6,303sqm
Building Height	136.4m across 42 storeys
Floor Space Ratio	7.72:1 inclusive of bonus FSR discussed in Section 3.2.2 below.
Dwelling Mix	The proposal will deliver 270 dwellings in the following mix: ▪ 1 bedroom: 65 dwellings.

Descriptor	Project Details
	2 bedroom: 78 dwellings. 3 bedroom: 127 dwellings.
Car Parking	The proposed carpark is classified as 'Stage 3C' on the appended Architectural Plans. Altogether, the proposal will provide 713 parking spaces, all of which adjoin the existing and in-construction basement carpark that is part of the developments at 6 Walker Street and 34 Walker Street, Rhodes.
Expected Capital Investment Value	Greater than \$75,000,000 (excluding GST) for the residential component of the development. Refer to Appendix C for details.
Staging/Phasing	The project is proposed to be staged as follows: - Stage 1: Demolition: removal of existing buildings and structures. - Stage 2: Remediation (If required). - Stage 3: Site Preparation. - Stage 4: Construction. - Stage 5: Operation.
Design Competition	As the proposal is greater than 28m in height Clause 7.2(4) of the Canada 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 project seeks to deliver a mixed-use residential tower. A detailed description of the proposal is provided below.

3.2.1. Site Layout and Urban Design

The subject site is located at 23-29 Marquet Street, Rhodes which adjoins other Billbergia sites at 6 Walker and 34 Walker Street, Rhodes.

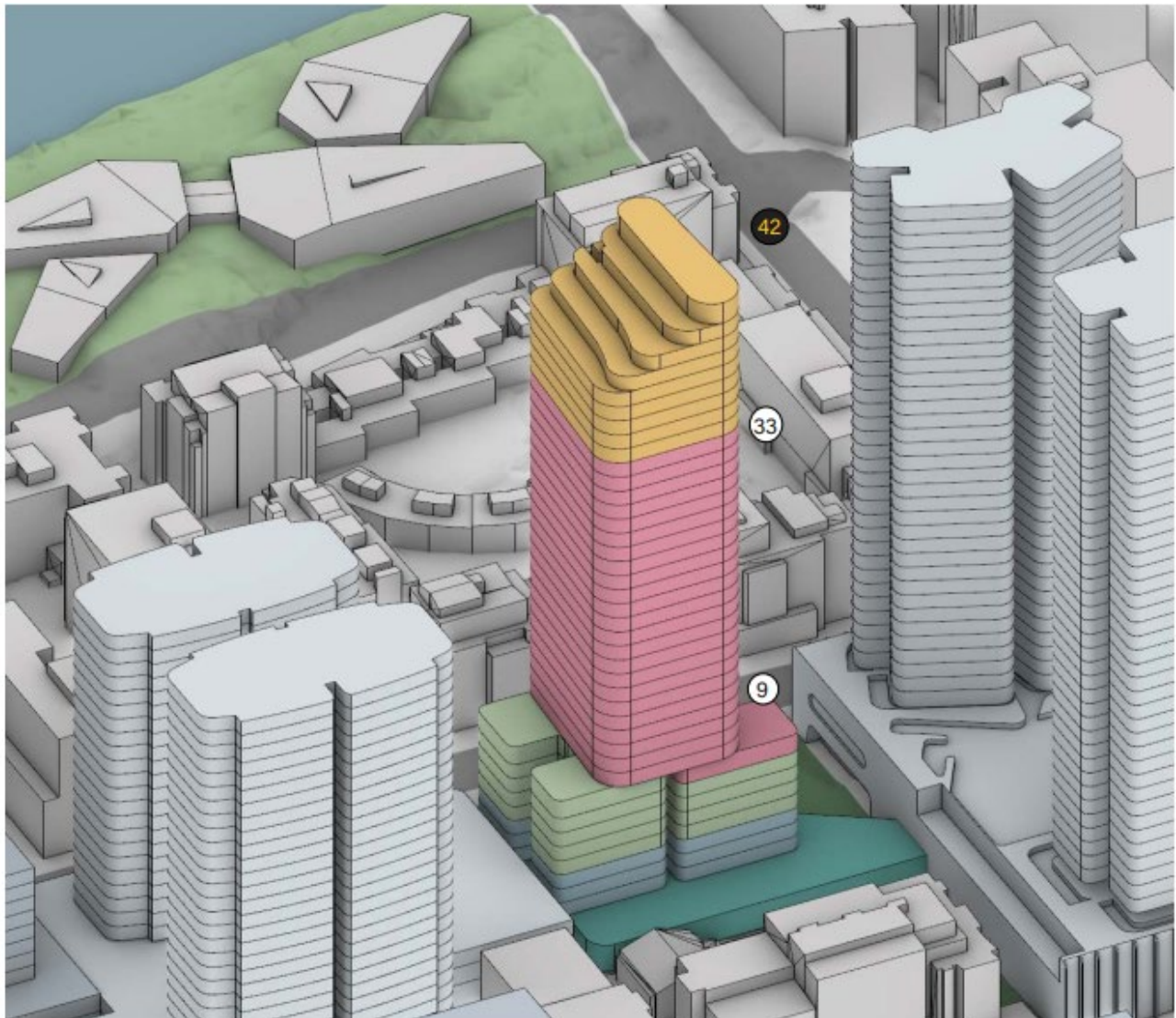
The proposal seeks to maximise the additional 30% height and floor space bonus and will require a design competition in accordance with the CB LEP 2013. However, the site is impacted by a solar access plane to Union Square, meaning the top four levels will need to be chamfered to maintain compliance.

The project will include:

- Site preparation works including demolition and removal of existing structures on the site and earthworks.
- Bulk excavation to a depth of approximately RL -21.8m to accommodate the proposed 10 level basement structure.
- Remediation (if required).
- Construction of a 42-storey mixed-use tower (achieving a maximum height of 136.4m), comprising:
 - 2,060sqm of publicly accessible space in front of the building as shown in Figure 14 below.
 - 2,240sqm of retail at ground level.
 - 4,603sqm of commercial in the podium (across four levels).

- 270 apartments (comprising 28,716sqm of residential floor space, of which 5,252sqm will be affordable housing).
- 10 levels of basement for 713 car parking spaces, interconnected with existing basement structures (with vehicular access from Marquet Street).
- Storage areas and services.
- Communal open spaces.

Figure 13 – Indicative Massing



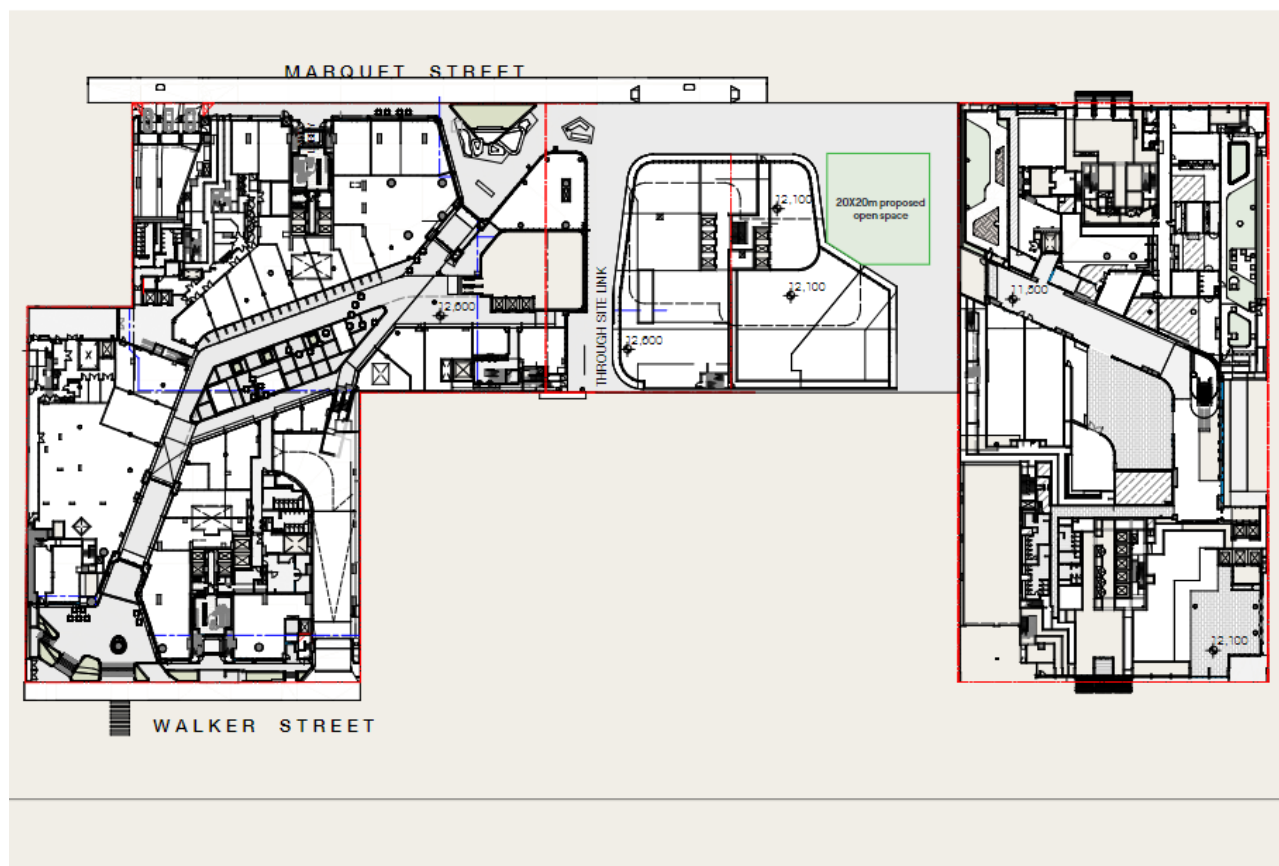
Key

■	Residential Upper Floor
■	Retail Ground Floor
■	+30% control
■	Commercial
■	Affordable Housing
■	Surrounding Context



Source: SJB

Figure 14 – Location of Proposed Public Space



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

“Shop top housing” that provides at least 15% of total residential GFA as affordable housing (in addition to any other required affordable housing under another planning instrument) for a minimum of 15 years will be eligible for 130% of the permitted FSR control for residential accommodation (in addition to the Height bonus described below).

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 FSR of the development.

The proposal seeks to obtain a 10% FSR bonus under Clause 7.15 of the CB LEP 2013. This bonus is available if the proposed development provides an area of publicly accessible open spaces (of at least 2,000sqm) in connection with the erection of a building.

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

- Base Allowable FSR (including local bonuses): 5.94:1 (on a site area of 4,535sqm).
- Maximum Allowable GFA: 26,938 sqm (Residential + Non-residential).
- Minimum Non-residential Floor Space is 23.4% of total GFA (per clause 7.4 of CB LEP) which equates to 6,303sqm of GFA.

That means the ‘base case’ maximum allowable residential FSR before the affordable housing bonus is 5.94:1, which equates to a maximum residential GFA of 26,938sqm.

By applying the '30% bonus' to the maximum residential floor space above, the following results:

- GFA – 26,938sqm x 130% = 35,019sqm.

Therefore, the maximum non-residential and residential GFA is **35,019sqm**. Affordable housing (15% of 35,019sqm) = 5,252.85sqm

By removing the minimum non-residential floor space from the allowable GFA, the maximum resultant residential GFA is 28,716sqm.

Calculating the Height

"Shop top housing" that provides 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:

- Maximum allowable Height 115m (inclusive of local bonuses) x 130% = **149.5m**

3.2.3. Solar Access

The Rhodes Planned Precinct prescribes a series of solar access controls for public open spaces. Of these controls, two impact the site. These applies to Union Square, a small plaza south of the site, and Peg Paterson Park. The control prescribes the following:

Union Square

"no net increase of overshadowing between 9am-2pm"

Peg Paterson Park

"No net increase of overshadowing between 12pm-2pm"

Because of this, the proposed building envelope includes a chamfered design and does not achieve the full height control, inclusive of the height of building bonus.

Figure 15 – Solar Access Planes



Source: SJB

3.2.4. 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.

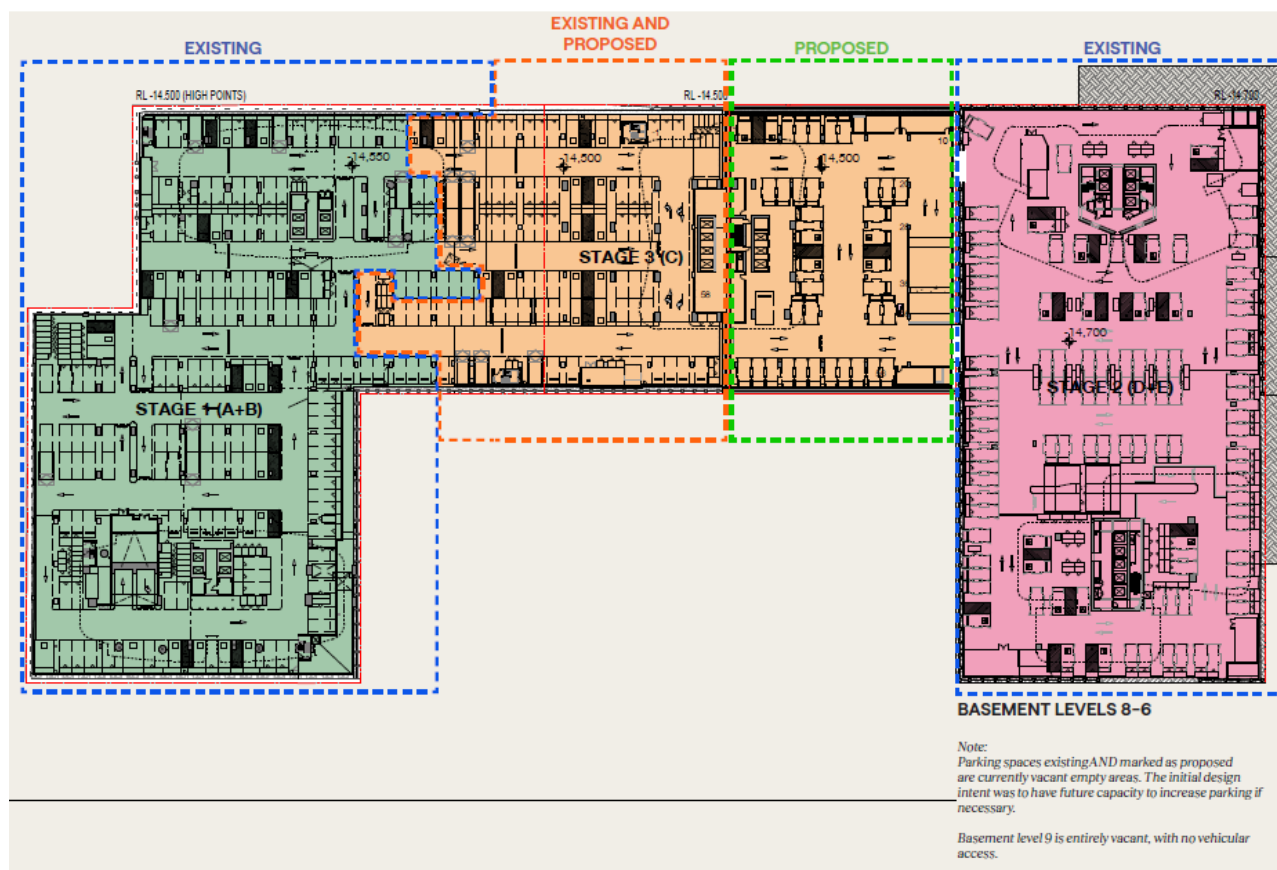
All demolition and excavation works will be undertaken in accordance with a Waste Management Plan.

3.2.5. Car Parking

Both pedestrian and vehicle access to the site will be via Marquet Street. A total 713 parking spaces are proposed in a shared basement configuration, joining the basements constructed in association with the developments at 6 Walker and 34 Walker Street, Rhodes.

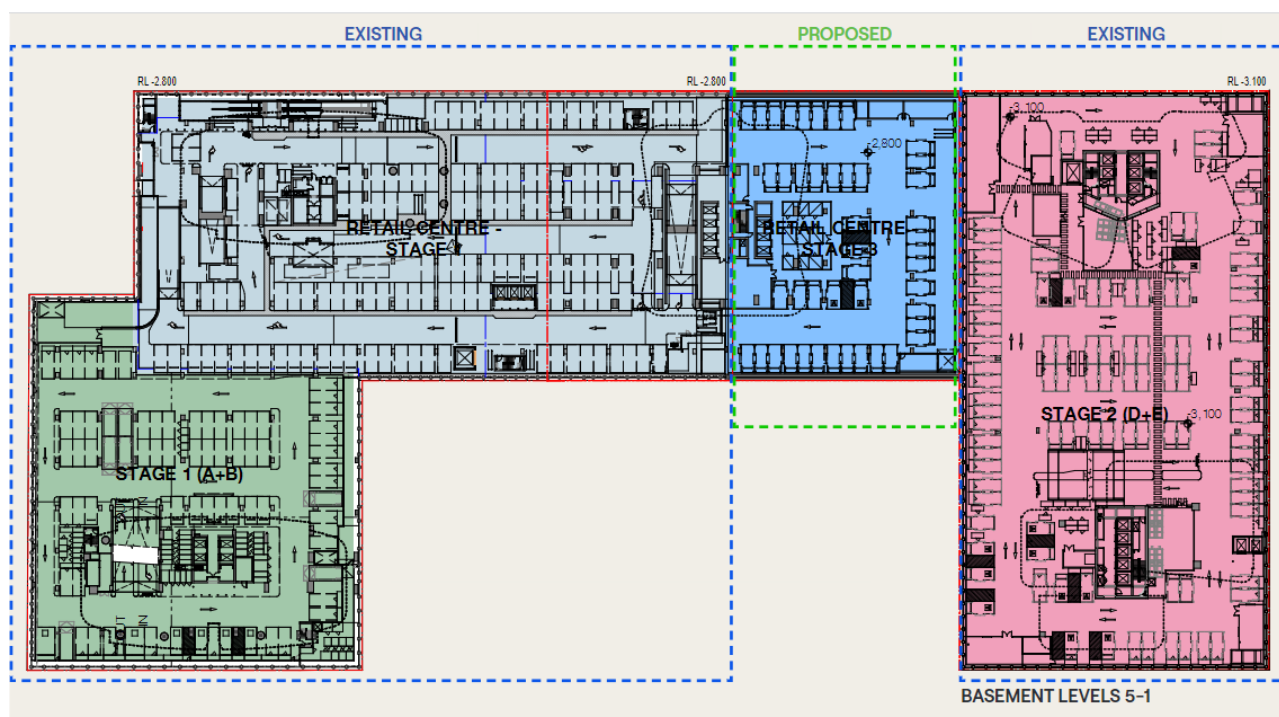
The proposed structure of the shared basement is shown below in Figure 16.

Figure 16 – Existing and Proposed Basement



Picture 9 – Basement Plan – Residential (Levels 6-8)

Source: SJB



Picture 10 – Basement Plan – Commercial (Levels 1-5)

Source: SJB

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.

Twenty Three Marquet Pty Ltd 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	The existing development relates poorly to the surrounding public domain (and has largely been levelled), 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. Given the Precinct Plan has identified the site for high density mixed-use, leaving the site as is (Do nothing) would not represent an appropriate long-term use of the site. 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.
Option 2 – Market Housing (without 30% bonus)	Progressing with a scheme for market housing, while viable for Twenty Three Marquet Pty Ltd, would not capitalise on the bonus scheme introduced by the NSW Government and therefore not provide much needed affordable housing in an accessible location.

Option	Comments
Option 3 – The Proposal	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. Twenty Three Marquet Street Pty Ltd has sought to accommodate the additional 30% height and FSR on the site. 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.

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 (Biodiversity and Conservation) 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

Statutory Relevance	Action
<i>Power to grant approval</i>	In accordance with Schedule 1, Section 26A of the Planning Systems SEPP, development to which: • Chapter 2, Part 2, Division 1 of the Housing SEPP applies; and • Has a CIV of \$75M+ (for the residential components); and • Is not prohibited under an EPI applying to the land. • Will provide at least 10% of the residential component as affordable housing for at least 15 years. Is classified as SSD. 26A In-fill affordable housing <i>(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i>

Statutory Relevance	Action
	<i>(a) the part of the development that is residential development has a capital investment value of—</i> <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> ... <i>(b) the development does not involve development prohibited under an environmental planning instrument applying to the land.</i> The residential component of the proposed works has an estimated CIV greater than \$75,000,000 (refer Appendix C) and accordingly, the proposal is SSD for the purposes of the SRD SEPP. 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.
Permissibility	The site is zoned MU1 (Mixed Use) in accordance with the Canada Bay LEP 2013. 'Shop top housing' is permitted with consent within the MU1 (Mixed Use) 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
Resilience and Hazards SEPP	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. 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.	A Preliminary Site Investigation (PSI) 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 (DSI) and Remediation Action Plan (RAP) will be prepared to accompany the EIS.	Section 6.1.6

Statutory Reference	Pre-Condition	Relevance	Section
Transport and Infrastructure SEPP	Section 2.98: A consent authority must take into consideration any response from the rail authority for the rail corridor received within 21 days after the notice is given.	The Rhodes Train Station ad rail corridor sits directly behind the site and therefore, the SSDA will be referred to the relevant rail authority	Section 6.1.3
	Section 2.122: Traffic-generating development: A public authority, or person acting on behalf of a public authority, must not approve traffic-generating development without written notice of the intention to carry out the development to Transport for NSW (TfNSW) in relation to the development, and taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.	The proposal is seeking to extend the existing carpark approved for the sites 6 and 34 Walker Street, Rhodes will adjoin the proposed mixed-use building at 23-29 Marquet Street, Rhodes. There will be an additional 713 parking spaces, which is greater than the nominated 200 under schedule 3 of the SEPP. 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.	
<i>Canada Bay LEP 2013</i>	Clause 7.2: Design excellence in the Rhodes Precinct – outlines that any development within the Rhodes Precinct that is greater than 12m or 3 storeys must achieve Design Excellence. In addition to this, the clause also states that any development greater then 28m or 8 storeys must also run a design competition.	As part of the planning process, Twenty Three Marquet Pty Ltd will run an architectural design competition following receipt of SEARs and before lodgement of the SSDA.	N/A

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
Consideration under the EP&A Act and Regulation	
Section 1.3	Relevant objects of the EP&A Act
Section 4.15	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: • Relevant environmental planning instruments • Relevant draft environmental planning instruments • Relevant planning agreement or draft planning agreement • Development control plans • The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. • The suitability of the site for the development • The public interest
Section 4.38	Section 4.38 contains the provisions for determining a State significant development.
Mandatory relevant consideration under EPIs	
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 2.122 – 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 (Mixed Use) Zone • Part 4 – Principal development standards. • Part 5 – Miscellaneous provisions. • Part 6 – Additional Local Provisions. • Part 7 – Rhodes Precinct.

Statutory Reference	Mandatory Consideration
	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. Appendix E confirms the dwelling cap will not be breached by this proposal when considered cumulatively amongst other development approvals / projects in the planning phase.
Considerations under other legislation	
Biodiversity Conservation Act 2016 (BC ACT) – Section 7.14	The BC Act protects native vegetation, species of threatened flora and fauna, endangered populations and endangered ecological communities and their habitats in NSW. Section 7.9 requires a development application for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR), unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. 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.
Development Control Plans	
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: ▪ Part B – General Controls ▪ Part K – Special Precincts
Development Contributions Plan	
City of Canada Bay Local Infrastructure Contributions Plan (2022)	Clause 6.12 of the C B LEP outlines the affordable housing contribution which applies to the land. The rate that is applied to Rhodes East is 5% of total residential GFA. This is outlined in the City of Canada Bay Affordable Housing Contribution Scheme 2021. This contribution can either be made in kind with the dedication of 5% of the residential GFA as affordable housing or the equivalent monetary contribution.
HPC (regional) development contributions	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.

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 Twenty Three Marquet Pty Ltd 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 COUNCIL LOCAL ENVIRONMENTAL PLAN

The City of Canada Bay Local Environmental Plan is the relevant LEP pertaining to the site. The concept scheme has been assessed against the relevant provisions of the Canada Bay LEP 20143 as outlined in Table 10. The proposed development complies with the relevant provisions of CLEP 2013.

Table 10 – CLEP Compliance Table

Clause	Control	Comment	Compliance
Clause 4.3 Height of Buildings	The site has a maximum height of building control of 104.5m under the CLEP.	The proposed development seeks to utilise the bonus height and FSR established through the incentives provided by the new affordable housing provisions within the State Environmental Planning Policy (Housing) 2021. This is discussed in Section 3.2.2 of this report.	No – complies with Housing SEPP
Clause 4.4 Floor Space Ratio	The site has a prescribed FSR of 5.4:1	As above.	No – complies with Housing SEPP
Clause 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. (3) Development consent must not be granted to any such development unless the consent authority is satisfied that— (a) the architectural roof feature— (i) comprises a decorative element on the uppermost portion of a building, and	A cause 4.6 variation request will be sought for any structures (if any) not considered as an architectural roof feature	Yes

Clause	Control	Comment	Compliance
	(ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.		
Clause 5.10 Heritage Conservation	(2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance,	The site is not identified as a heritage item, nor is it within a Heritage Conservation Area. No impacts to heritage are expected or occur as a result of the development, as discussed in Section 6.2.1.	Yes

Clause	Control	Comment	Compliance
	(e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.		
Clause 6.1 Acid Sulphate Soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 5: Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The site is mapped as containing class 5 acid sulphate soils. The impact of the ASS will be investigated as part of the SSD process.	Yes
Clause 6.2 Earthworks	(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. (2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or	Earthworks are proposed for the development. The impacts of the earthworks will be investigated at the EIS stage to ensure that any adverse impacts are mitigated.	Yes

Clause	Control	Comment	Compliance
	(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
Clause 6.5 Active Street frontages	(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	The site is mapped on the active street frontages map of the LEP. The Concept design prepared by SJB indicates active uses will be provided along the ground floor,	Yes

Clause	Control	Comment	Compliance
	(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— (a) entrances and lobbies (including as part of mixed-use development), (b) access for fire services, (c) vehicular access.	creating a new active edge along Marquet Street. This will be further resolved at the EIS stage.	
Clause 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 site is within an area that has established infrastructure and services. Further information about the anticipated supply of utility services will be provided in the EIS.	Yes
Clause 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.	The proposal will deliver 270 dwellings in the following mix: ▪ 1 bedroom: 65 of 270 (24.1%). ▪ 2 bedroom: 78 of 270 (28.9%) ▪ 3 bedroom: 127 of 270 (47%) The proposal achieves compliance with this clause	Yes
Clause 6.12 Affordable housing	(6) The affordable housing levy contribution for development in the following affordable housing contribution areas is 5% of the relevant floor area— (a) the Rhodes East affordable housing contribution area, (b) the 1 Ramsay Road Five Dock affordable housing contribution area. (7) A condition imposed under this clause must provide for the affordable	The site is mapped on the Affordable Housing Contribution Scheme Map as an Affordable Housing Contribution Area. The site is located within the Rhodes East affordable housing contribution area. The rate that is applied to Rhodes East is 5% of total residential GFA. This is outlined in the City of Canada Bay Affordable Housing Contribution Scheme 2021.	Yes

Clause	Control	Comment	Compliance
	housing levy contribution to be satisfied— (a) by dedication in favour of the Council of land comprising— (i) 1 or more dwellings, each having a gross floor area of not less than 50 square metres, with any remainder paid as a monetary contribution to the Council, or (ii) other land approved by the Council in accordance with the Affordable Housing Contributions Scheme, with any remainder paid as a monetary contribution to the Council, or (b) if the person chooses, by monetary contribution paid to the Council. (8) The rate at which a dedication of land or monetary contribution is taken to be equivalent to the relevant floor area for the purposes of the affordable housing levy contribution is to be calculated in accordance with the Affordable Housing Contributions Scheme. (9) To avoid doubt— (a) it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether the floor area concerned replaces an existing area, and (b) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of an affordable housing contribution.	This contribution can either be made in kind with the dedication of 5% of the residential GFA as affordable housing or the equivalent monetary contribution. The Applicant proposes to make a cash contribution in lieu of providing the 5% (local) affordable housing contribution on site.	
Clause 7.2 Design excellence in Rhodes Precinct	(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and	A Design Excellence Competition will be held for the site following the receipt of SEARs and prior to the lodgement of the SSDA.	Yes

Clause	Control	Comment	Compliance
	detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) the requirements of a development control plan made by the Council and applying to the land on the commencement of this clause, (ii) the suitability of the land for development, (iii) existing and proposed uses and use mix, (iv) heritage issues and streetscape constraints, (v) the relationship of the development with other development, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (vi) bulk, massing and modulation of buildings, (vii) street frontage heights, (viii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (ix) the achievement of the principles of ecologically sustainable development, (x) pedestrian, cycle, vehicular and service access, circulation and requirements,		

Clause	Control	Comment	Compliance
	(xi) the impact on, and any proposed improvements to, the public domain, (xii) achieving appropriate interfaces at ground level between the building and the public domain, (xiii) excellence and integration of landscape design.		
Clause 7.3 Overshadowing of public places in Rhodes Precinct	(1) Development consent must not be granted to development that results in a building causing additional overshadowing of a public place identified on the Sun Access Protection Map during the time specified for the public place in the following table— ▪ Union Square 9am–2pm ▪ Peg Patterson Park Midday–2pm	The site is in proximity to two public places identified under clause 7.3 being Union Square and Peg Paterson Park. The control prescribes the following: ▪ Union Square: no net increase of overshadowing 9am-2pm ▪ Peg Paterson Park: no net increase of overshadowing between 12pm and 2pm Overshadowing analysis has been undertaken for the concept massing which confirms that there will be no additional overshadowing impact to these public spaces during the prescribed times.	Yes
Clause 7.4 Minimum non-residential floor space in Rhodes Precinct	(1) The minimum percentage of the gross floor area of a building on land in the Rhodes Precinct that must be used for non-residential purposes for development consent to be granted to development in relation to the building is specified on the Non-residential Floor Space Map. (2) In this clause— non-residential purposes means purposes other than the following— (a) residential accommodation, excluding seniors housing,	The LEP requires 23.4% of the overall GFA to be non-residential on this site. 6,303sqm of non-residential floor space is proposed, which equals 23.3% of the 'base' gross floor area, compliant with this control (before the Housing SEPP bonus is applied).	No – But justified on 'merits' as the scheme complies based on the 'base' LEP controls. A Clause 4.6 variation request will be provided with the EIS.

Clause	Control	Comment	Compliance
	(b) serviced apartments, but only if there are, or as a result of the development will be, fewer than 50 serviced apartments on the land, (c) car parks, (d) telecommunications facilities.		
Clause 7.5 Minimum building separation and maximum floor areas above building podiums in Rhodes Precinct	(1) Development consent must not be granted to development that results in a building in the Rhodes Precinct being separated from another building by less than— (a) for a building higher than 14 storeys but not higher than 20 storeys—24 metres, or (b) for a building higher than 20 storeys—40 metres. (2) Development consent must not be granted to development that results in the gross floor area of a floor of a building in the Rhodes Precinct exceeding 750 square metres. (3) This clause does not apply in relation to the podium of a building in the Rhodes Precinct.	The proposed scheme achieves a 40m building separation to the building to the north and a 41m building separation to the building to the south. The proposed GFA of each floor plate (above the podium), will not exceed 750m².	Yes
Clause 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.	The proposal seeks consent for a four-storey podium with that will have a maximum building height of 12.2m, compliant with the 16m control. Some parts of the building will have a taller podium (above the retail levels), however this will be articulated, well setback in most areas, and match the adjoining podium height to the north.	Yes
Clause 7.7 Maximum number of dwellings in	(1) Development consent must not be granted to 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	Yes

Clause	Control	Comment	Compliance
Rhodes Precinct	(2) The following dwellings are to be disregarded for subclause (1)— (a) dwellings that existed before 30 October 2021, (b) dwellings permitted by a development consent granted before 30 October 2021.	infrastructure in the Rhodes Precinct. Refer to Section 2.8 of the Scoping Report for further explanation of how this is 'cap' is proposed to be assessed and managed.	
Clause 7.8 Maximum number of car parking spaces for uses of land in Rhodes Precinct	(2) The maximum number of car parking spaces is as follows— (a) for commercial premises other than retail premises—1 space per 150 square metres of gross floor area used for that purpose, (b) for retail premises other than restaurants or cafes—1 space per 100 square metres of gross floor area used for that purpose, (c) for restaurants or cafes—1 space per 150 square metres of gross floor area used for that purpose, (d) for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing— (i) 0.6 spaces per studio dwelling, and (ii) 0.6 spaces per dwelling with 1 bedroom, and (iii) 0.9 spaces per dwelling with 2 bedrooms, and (iv) 1.4 spaces per dwelling with 3 or more bedrooms, and (v) 1 visitor car parking space per 7 dwellings. (3) If the total number of car parking spaces under this clause is not a whole number, the total is to be rounded down to the next whole number.	The proposal will provide 713 car parking spaces which exceeds the maximum car parking requirement of 375 spaces under the LEP – however will comply with the Housing SEPP rates – see section 6.1.3 below.	No

Clause	Control	Comment	Compliance
Clause 7.10 Site area of proposed development in Rhodes Precinct includes dedicated land	The site area of proposed development on land in the Rhodes Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that— (a) is dedicated to the Council for a public purpose or otherwise set aside as publicly accessible open space or as a pedestrian link, and (b) would have been part of the site area if it had not been dedicated or set aside.	The proposal will deliver 2,060m² of publicly accessible open space. This land has been included in FSR calculations.	Yes
Clause 7.15 Additional Building Height and Floorspace for Area 1	(1) If development in connection with the erection of a building on land in Area 1 results in the provision of at least 2,000 square metres of publicly accessible open space— (a) the building may exceed the maximum building height shown for the land on the Height of Buildings Map by 10.5 metres, and (b) the building may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by 10%. (2) In this clause— Area 1 means the land identified as “Area 1” on the Additional Local Provisions Map.	The site is located within Area 1 of the Additional Local Provisions Map and the proposed development will deliver 2,060m² of publicly accessible open space. Therefore, the development may exceed the maximum building height shown for the land on the Height of Buildings Map by 10.5m and may exceed the maximum FSR on the land by 10%. These local bonuses have been factored into the height and FSR calculations for the development before the additional 30% Housing SEPP bonuses have been applied, in accordance with DPHI guidance.	Yes

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, including GA NSW.
 - 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 and Urban Design

The built form across the Rhodes Peninsula is in flux and constantly evolving. Areas along the waterfront to the west have already developed with varied heights, including some podium and tower typologies. The proposed development is consistent with these built forms and the desired future character of the area as envisaged by the Rhodes Place Strategy.

The concept Architectural Plans have been provided at Appendix A. These plans provide a preliminary indication of the proposed building footprint and envelope that forms this SSDA. The proposed building will compromise a maximum height of 136.4m and a maximum GFA of 35,019sqm (inclusive of the 30% bonuses). However, the top four levels will be chamfered to ensure compliance with the LEP sun access plane controls, which seek to protect solar access to key public open spaces within the Rhodes Peninsula.

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

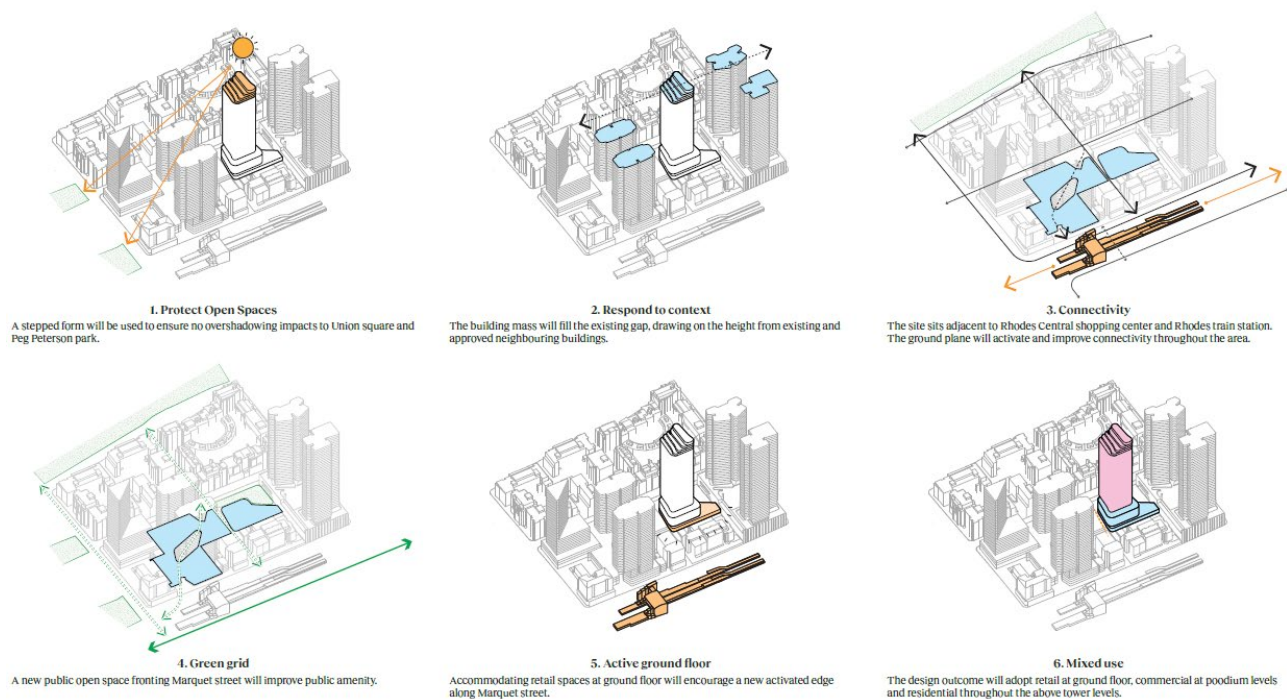
1. Request for SEARs (receive SEARs).
2. Undertake Architectural Design Competition in accordance with CB LEP requirements.
3. Prepare and lodge SSDA with DPE, following completion of the competition and associated design integrity process.

The design (which will undergo a competitive process) 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.

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

- Protecting solar to open spaces.
- Providing a contextual response to the surrounding built context, which includes four surrounding tower forms.
- Activation of the ground plane to improve connectivity between the Parramatta River and Rhodes Station.
- Delivering new public open space (embellished by landscaping) fronting Marquet Street, strengthening the 'green grid' in accordance with the Rhodes Place Strategy.
- Providing a range of land uses to encourage activation and meet the desired future character of the area, which is nominated as a mixed-use precinct.

Figure 17 – Design Principles



Source: SJB

Given the location of the site and its nomination as one of the tallest buildings on the Rhodes peninsula, 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 of 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.
- Visual impact when viewed from the public domain and key vantage points around the site; and
- Consideration of the chamfered roof design and whether it achieves 'design excellence'.

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 network.

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.
- 1 space per 150sqm of commercial GFA.
- 1 space per 100sqm of retail GFA (other than cafes and restaurants).
- 1 space per 150sqm of café or restaurant GFA.

The proposed development provides a total of 713 parking spaces which will form part of a consolidated basement (to be constructed and owned by Twenty Three Marquet Pty Ltd). This basement carpark will connect with the two towers located at 6 Walker Street and 34 Walker Street, Rhodes.

The proposed car parking is greater than the 'maximum' permitted spaces of 375 under the LEP.

The proposed development will seek to provide car parking for the development in accordance with the Housing SEPP which includes 'non-discretionary' development standards at clauses 19(2)(e) and (f) – which are extracted below.

(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—

(e) 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 contains a summary of the required car parking rates based on the Housing SEPPs minimum car parking rates for non-discretionary standards.

Table 11 – Housing SEPP car parking requirements

SEPP AFFORDABLE		SEPP UNIT	
Rate	Parking spaces	Rate	Parking spaces
0.4	8	0.5	23
0.5	10	1	58
1	10	1.5	176
	0		0
	28		256
		284	

The minimum car parking rate prescribed by the SEPP for the Housing component of the development is 284 car parking spaces. The proposal seeks to use clause 19(2)(e) as the development control for parking rates at the site. Therefore, the proposal seeks to provide 713 car parking spaces which complies with the minimum parking requirement of 284 car parking spaces under the Housing SEPP.

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.

Access

The site is currently accessed via Marquet Street. 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 Lewellyn 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

Overshadowing and Solar Access

The site has a number of sensitive receivers in the surrounding area, including Union Square, Peg Paterson 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 2013.

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 railway line and Rhodes 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.

Views and Visual Impact

The subject site is located at Marquet Street adjacent to Foreshore Park with other areas of significance. There are also 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.*

Wind

Given the height of the proposed tower, its impact on the pedestrian wind environment needs to be considered. A Wind Assessment will be prepared as part of the EIS to assess the impact of the proposal on pedestrians and surrounding areas. If required, mitigation measures will be incorporated within the detailed design of the building to ameliorate impacts. The proposal will be assessed against the Australasian Wind Engineering Society Quality Assurance Manual (AWES_QAM-2019).

6.1.5. Design Quality and Residential Amenity

Preliminary assessments against ADG show that the proposal meets the requirements for solar access, cross ventilation 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.

Although, the site is identified as having potential Class 5 Acid Sulfate Soils. Given the extent of excavation for the proposed additional parking spaces to form part of the existing basement, 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 the PSI recommends so.

6.1.7. 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, include the various waste streams from the different uses proposed.

6.1.9. Infrastructure Servicing

The site is within an area which has established infrastructure and services. 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 retail, commercial and residential uses. It is anticipated that the mixed-use development would deliver social and economic benefits associated with the delivery of key site in the planned precinct, in addition to the creation of job opportunities. 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 and operational phases, 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

Given the lack of any biodiversity values at (or surrounding) the site and the highly urbanised nature of the surrounding area, a BDAR waiver application is considered appropriate for this assessment and will be submitted following issue of the SEARs.

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

6.2.1. Non-Aboriginal Heritage

The site is not listed as a heritage item, nor is it located within a heritage conservation area. The closest heritage item is the Rhodes Train Station, however it is not expected that the delivery of a tower form of a scale and typology consistent with the planning controls will have any impact on the heritage significance of this item. Accordingly, no further assessment of built heritage values is considered necessary for this project.

6.2.2. 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.'

6.2.3. 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.

6.2.4. Air Quality and Odour

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

DISCLAIMER

This report is dated 9 April 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Twenty Three Marquet Pty Ltd Pty Ltd (**Instructing Party**) for the purpose of a SEARs Request (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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