EXPLANATION OF INTENDED EFFECT (EIE)

AMENDMENTS REQUIRED TO VARIOUS PLANNING INSTRUMENTS TO IMPLEMENT A NEW PRECINCT PLAN FOR RHODES EAST

Background

The Department of Planning and Environment, in collaboration with the City of Canada Bay Council, has prepared a draft Precinct Plan for the Rhodes East Priority Precinct Investigation Area. The draft Precinct Plan identifies the area between the railway line, Concord Road and the Parramatta River as suitable for accommodating growth. The key features of the draft Precinct Plan comprise:

- Around 3,600 new homes including 150-200 affordable homes for key workers
- Mixed use areas providing a range of shops, restaurants and cafes
- A new primary school for 600 students
- Increased foreshore access for all including a new plaza, connections to the proposed ferry wharf and a potential river pool
- A diversity of building types to encourage a variety of architectural styles whilst ensuring the creation of predominantly mid-rise, high density development
- Low rise terrace building forms fronting streets to create a human scale at street level
- Increased density and height closest to the station and focused around the proposed retail area along Leeds Street
- Careful distribution of building height to enable view sharing towards the Parramatta River and the city skyline to the east
- Improvements to Concord Road and local streets including upgraded intersections and new public realm treatments which improve pedestrian amenity
- Reduced parking rates, particularly for development closest to the station, to encourage the use of public transport
- Improved pedestrian connectivity across the Rhodes peninsula via a new pedestrian bridge across the railway, direct overpass into the station and a landbridge over Concord Road, linking to McIlwaine Park.

A draft State Environmental Planning Policy (SEPP) is proposed to be prepared to rezone the land and amend the planning framework which applies to the precinct. The SEPP would amend the Canada Bay Local Environmental Plan 2013 (the LEP) to change the existing zones, height of building and floor space ratio controls as well as to introduce a suite of site specific planning provisions to ensure that future development is consistent with the vision for the precinct.

The draft SEPP would amend a number of existing LEP maps and introduce new maps. Draft maps are provided at Appendix B to the Planning Report.

The draft SEPP would also amend Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, which applies to the waterways and foreshores of the Rhodes East Precinct, and State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes).
Proposed Amendments to Canada Bay Local Environmental Plan (LEP) 2013

Aims of Plan

The draft Precinct Plan for Rhodes East proposes to boost the supply of housing in the precinct, including the provision of affordable housing.

It is therefore proposed to insert a new aim in Clause 1.2 of the LEP as follows:

to encourage the growth and diversity of the residential population of Canada Bay by providing a range of appropriately located housing, including affordable housing.

Land Use Zones

The draft Precinct Plan envisages that Rhodes East would transition from a predominantly low density residential and light industrial area to a mid-rise high density area comprising a range of high quality housing types near public transport, supported by retail and commercial uses, a primary school, community facilities and open space.

To support this, the land use zones which apply to the site are proposed to be amended to include the following zones:

- B4 Mixed Use: in the areas adjacent to Rhodes Train Station and around the Leeds Street foreshore
- R4 High Density Residential: within the central spine of the peninsula
- RE1 Public Recreation: for the proposed 20 metre wide foreshore reserve extending from the Uhrs Point Reserve to the termination of Blaxland Road.

A draft land use zoning map (map sheet LZN_001) has been prepared to reflect these zoning changes.

Land Use Table: Inclusion of ‘Water Supply Systems’ into various Land Use Zones

Dual piping for potable and recycled water is proposed to be provided for development in the precinct and may be supported by a water treatment facility to enable the re-use of grey water.

To ensure that both the private sector and government corporations can develop this utility infrastructure, it is proposed that ‘water supply systems’ be made permissible with consent in the B4 – Mixed Use, RE1 – Public Recreation and R4 – High Density Residential zones.

Minimum and Maximum Lot Size

The LEP currently applies a minimum lot size control of 450 sqm for the existing low and medium density residential areas in the Rhodes East precinct. If the precinct is rezoned for high density residential and mixed use these provisions would no longer be necessary. Accordingly, the Lot Size map is proposed to be amended to remove the minimum lot size control (Map Sheet LSZ_001).

The draft Precinct Plan seeks to encourage efficient use of land and a diversity of building types and architectural styles, and discourage buildings with a large footprint. As a result, it is proposed to introduce a maximum lot size control of 4000 sqm in The High Point and the Concord Road Corridor character areas to discourage buildings with a large footprint.

A draft amended Lot Size Map (map sheet LSZ_001) has been prepared to include a maximum lot size of 4,000 sqm in The High Point and Concord Road Corridor character areas.

The current LEP clause 4.1A establishes minimum lot sizes for multi dwelling housing and dual occupancies in the R4 High Density Residential zone of 1,500 sqm. This is proposed to be reduced to 1,000 sqm to enable residential density to be achieved more readily on smaller lot sizes and support a diversity of building typologies. If made, this amendment would apply across the local government area.
Height of Buildings and Floor Space Ratio

The draft Precinct Plan sets a range of building heights to ensure the creation of predominantly mid-rise, high density development, with taller buildings closest to the station and focused around a proposed retail area along Leeds Street.

The Height of Buildings map (map sheet HOB_001) is proposed to be amended to reflect heights proposed in the draft Precinct Plan. This comprises 20m along Concord Road, 20-30m in the central spine towards Blaxland Road. Spot heights of 35m are proposed along Blaxland Road with up to 79m in the Leeds Street Foreshore Precinct and 119m in the Rhodes East Gateway.

A draft Floor Space Ratio map (map sheet FSR_001) has been prepared to reflect these changes and would work in tandem with the proposed new height of building controls. Floor Space Ratio Controls are proposed to range from 1.18:1 to 9.5:1.

Exceptions to Height of Buildings and Floor Space Ratio

The draft Precinct Plan shows new roads in the preferred positions to create key walking and cycling connections. These roads provide additional connections to Blaxland Road, improving access to Rhodes West, the proposed ferry wharf, foreshore areas and the train station.

It is proposed that the new streets will be delivered via an incentive to developers which will allow additional height and floor space on certain land, in return for the delivery of the adjacent street.

New clauses would be included in the LEP which set out additional height of buildings and alternative floor space ratio controls for certain areas where new roads are identified in the draft Precinct Plan. These heights can be approved for development if the new road reserve is provided and the development exhibits design excellence.

The proposed additional height of buildings and alternative floor space ratio controls are shown in the following table and apply to areas identified on the draft Height of Buildings map (map sheet HOB_001) and draft Floor Space Ratio map (map sheet FSR_001).

<table>
<thead>
<tr>
<th>Area</th>
<th>Additional Permissible Height</th>
<th>Alternative FSR control</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>16m</td>
<td>1.65:1</td>
</tr>
<tr>
<td>B</td>
<td>13m</td>
<td>1.5:1</td>
</tr>
<tr>
<td>C</td>
<td>10m</td>
<td>0.99:1</td>
</tr>
</tbody>
</table>

Land acquisition

The draft Precinct Plan includes upgrades to local and regional roads. A number of these would require minor land acquisitions.

These areas have been identified on a draft amended Land Reservation Acquisition Map (Map Sheet LRA_003). The relevant acquisition authority would be City of Canada Bay for local roads and the NSW Roads and Maritime Services for classified roads as identified on the map.

Flood Planning

The Rhodes East precinct is located adjacent to the Parramatta River. Accordingly, it is important to ensure that future development on land that is subject to flooding is identified and performance requirements considered in the assessment of any development application.

A new draft LEP map has been prepared to identify flood prone land (map sheet FLD_001). Existing flood planning provisions in the Canada Bay LEP would apply to this land.
Development Adjoining Heritage Items
Rhodes East includes a number of local heritage items currently identified in the LEP, which are proposed to be retained and protected under the draft Precinct Plan.

A new clause is proposed to be included in the LEP to protect the significance of these heritage items, including associated settings and views, by requiring appropriate development and built form on adjoining land.

The clause would require the following site specific setbacks.

<table>
<thead>
<tr>
<th>Heritage Item</th>
<th>Setback requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>35 Cavell Ave house</td>
<td>Development adjacent to the northern and southern boundaries of the site must be setback:</td>
</tr>
<tr>
<td></td>
<td>• 2 metres from the boundary for the first 2 storeys</td>
</tr>
<tr>
<td></td>
<td>• 4 metres from the boundary from 3 to 8 storeys</td>
</tr>
<tr>
<td>59 Blaxland Rd house and garden</td>
<td>Development adjacent to the southern boundary of the site must be setback:</td>
</tr>
<tr>
<td></td>
<td>• 2 metres from the boundary for the first 2 storeys; and</td>
</tr>
<tr>
<td></td>
<td>• 4 metres from the boundary from 3 to 8 storeys</td>
</tr>
<tr>
<td>14 Cavell Avenue</td>
<td>Development adjacent to the northern and southern boundaries must apply a front setback consistent with the heritage item.</td>
</tr>
</tbody>
</table>

Active Street Frontages

The draft Precinct Plan for Rhodes East envisages active uses at street level, such as retail or commercial uses, within the Rhodes East Gateway Precinct along Blaxland Road and within the Leeds Street Foreshore Precinct.

To ensure that these uses are provided at street level it is proposed that existing provisions in the LEP relating to active street frontages (clause 6.5) will apply to these parts of the site. A draft amendment to the existing Active Street Frontages map (map sheet ASF_001) in the LEP has been prepared to identify where these provisions apply.

New Local Part

It is proposed to introduce a number of new planning controls specific to Rhodes East in a new Part to the LEP. The proposed clauses to be included in the new Part are set out below.

Foreshore Open Space

The draft Precinct Plan includes the Leeds Street foreshore walkway and Leeds Street Plaza which will provide important open space and public access to the foreshore. A new foreshore open space clause is proposed to be included in the LEP to ensure that this area:

• is accessible to the public 24 hours a day and 7 days a week with no fencing structures;
• facilitates permanent pedestrian and cyclist access along the foreshore; and
• provides a civic square with a minimum area of 4,500sqm with direct foreshore access.

The draft Local Provisions Map 1 (Map Sheet CL1_001) identifies the location of the proposed foreshore open space.

Mixed Use Corners

The draft Rhodes East Precinct Plan encourages active non-residential uses on the ground floors of buildings near key pedestrian routes and co-located with areas of open space. This includes small cafes, wine bars, galleries and bike workshops co-located with public open space.
The proposed new clause seeks to implement this objective by requiring the provision of a minimum of 25m² of non-residential floor space within the ground floor frontage and the provision of at least 100m² of public open space between the road reserve and the building frontage to form an adaptable point of interest in the public domain.

The areas subject to this clause are identified on a new draft Local Provisions Map 1 (map sheet CL1_001).

Adaptable Floor Space

Over time it is expected that the growing population of Rhodes East will create demand for additional commercial opportunities such as live/work spaces for office or retail businesses.

To ensure that the development of Rhodes East provides for these longer-term opportunities, a new adaptable floor space clause is proposed to ensure that the ground floors of buildings can be converted to retail or commercial in the future where there is a market demand for such uses.

This proposed clause requires that residential development fronting Concord Road includes the following:

- independent access/entry to living areas
- all bedrooms are located away from the street frontage
- floor to ceiling height of 3.6m
- meets BCA standards for commercial premises
- has separate toilet facilities.

The areas subject to this clause are identified on a new draft Local Provisions Map 1 (map sheet CL1_001).

Maximum retail floor space

A clause is proposed to be included in the LEP to ensure that future retail development in the Leeds Street Foreshore Precinct is not dominated by a single supermarket use. The clause is proposed to limit the maximum retail floorspace of any supermarket in this area to 1600 sqm.

The areas subject to this clause are identified on a new draft Local Provisions Map 1 (map sheet CL1_001).

Provision of Terrace Housing

The draft Precinct Plan seeks to deliver a range of housing types, including terrace housing, to promote activity on the lower levels of buildings and a human scale at street level.

A new definition for multi dwelling housing (terrace) is proposed to be added to the LEP:

*Multi dwelling housing (terraces) means 3 or more dwellings (whether attached or detached) on one lot of land, each dwelling has a frontage to a public road and no other dwellings are above or below.*

A new clause is proposed to be included in the LEP which requires development in R4 High Density Residential zone to have at least 85% of any primary street frontage and 60% of any secondary street frontage of a development site to be terrace housing with each dwelling having frontage to a public road with no other dwellings above or below. This clause would not apply to land proposed to be subject to a new Mixed Use Corners clause.

Primary and secondary streets are mapped on the Local Provisions Map 2 (map sheet CL2_001).
Car Parking Provision
The draft Precinct Plan seeks to minimise the amount of vehicular traffic generated in the precinct and encourage the use of alternative modes of transport, through the application of reduced parking rates.

A clause is proposed to be included in the LEP identifying the maximum number of private parking spaces as shown in the table below is shown in the following table.

<table>
<thead>
<tr>
<th></th>
<th>Within 400m of station</th>
<th>Outside 400m of station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>0 space per dwelling</td>
<td>0.5 space per dwelling</td>
</tr>
<tr>
<td>Visitor</td>
<td>0 space per dwelling</td>
<td>0.1 spaces per dwelling</td>
</tr>
<tr>
<td>Commercial</td>
<td>1 space per 150 sqm GFA</td>
<td>1 space per 100 sqm GFA</td>
</tr>
<tr>
<td>Retail, Cafes and Restaurants</td>
<td>1 space per 100 sqm GFA</td>
<td>1 space per 70 sqm GFA</td>
</tr>
<tr>
<td>Industrial</td>
<td>1 space per 150 sqm GFA</td>
<td>1 space per 120 sqm GFA</td>
</tr>
</tbody>
</table>

It is also proposed to include parking rates for car share spaces and electric vehicle charging stations as set out in the following table.

<table>
<thead>
<tr>
<th></th>
<th>Within 400m of station</th>
<th>Outside 400m of station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Share</td>
<td>1 space per 20 dwellings</td>
<td>1 space per 40 dwellings</td>
</tr>
<tr>
<td>Electric Vehicle Charging Stations</td>
<td>1 space per 20 dwellings</td>
<td>1 space per 40 dwellings</td>
</tr>
</tbody>
</table>

The areas subject to this clause are identified on a new draft Local Provisions Map 2 (map sheet CL2_002).

Minimum and Maximum Lot Frontage
The draft Precinct Plan seeks to encourage efficient use of land and a diversity of building types and architectural styles, and discourage buildings with a large footprint.

To ensure that development lots can adequately accommodate multi-storey development a minimum lot frontage of 25m is proposed for all development sites within Rhodes East, except where rear lane access is provided.

The land that the minimum lot frontage clause is proposed to apply to is shown on the draft Local Provisions Map 3 (map sheet CL3_001).

At the same time, it is proposed to restrict the street frontage of future development lots to 60m in The High Point Character Area (Area B) and 50m in the Concord Road Corridor Character Area (Area A) to discourage buildings with large footprints.

These areas are also shown on the draft Local Provisions Map 3 (map sheet CL3_001).

Balconies
Balconies which are over 30m high are often wind affected. To improve the amenity of such balconies they are often enclosed with glass walls/windows over 1.4m high. The enclosed area becomes calculated as Gross Floor Area (GFA) under the LEP.

A new clause is proposed which enables balconies over 30m high to be enclosed and not be counted in the development’s total GFA where the balcony:
- does not exceed 15% of the GFA of the apartment to which the balcony is attached
- is used, or designed to be used, as external open space
• has sufficient natural ventilation
• does not increase the apparent bulk of the building.

Sustainable Development

There is an opportunity in Rhodes East to create development that is self-reliant and requires fewer external resources. To enable this, a clause is proposed that will require separate reticulation for potable and non-potable water (dual piping) and provisions for embedded electricity generation and distribution to be delivered for all development.

It is noted that the BASIX Assessment Tool is also proposed to be updated to require properties in Rhodes East to meet increased performance targets for energy and water efficiency.

Affordable Housing

It is proposed to amend State Environmental Planning Policy 70 – Affordable Housing (SEPP 70) to identify that there is a need for affordable housing in the City of Canada Bay and enable Council to impose an affordable housing levy. See below for further detail on proposed amendments to SEPP 70.

It is proposed to introduce a new clause in the LEP enabling Council, when granting development consent, to impose an affordable housing contribution of 5% of the total GFA. The clause would allow for either the dedication of dwellings to Council or payment of a monetary contribution.

Proposed Amendment to State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)

Clause 3 Aim of Policy and Clause 9 Identification of need for affordable housing

The draft Precinct Plan includes the potential for affordable housing to be provided within new residential developments.

Under State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes) (SEPP 70) the City of Canada Bay is not currently identified as an area where affordable housing is needed.

It is therefore proposed to amend Clause 9 of SEPP 70 to identify that there is a need for affordable housing in the City of Canada Bay. This will enable Council to levy an affordable housing contribution. The contribution will be implemented through a clause in the LEP, see above for further details.

Proposed Amendments to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Clause 18 Development Control in the Waterway

The draft Precinct Plan includes potential for a public swimming pool in the harbour at Brays Bay.

Under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the SREP) swimming pools are not currently permitted in the W1 – Maritime Waters zone or W2 Environmental Protection zone which apply at Brays Bay.

It is therefore proposed to amend clause 18 to permit public swimming pools in W1 and W2 zones in Brays Bay to permit public swimming pools in these zones with consent.
Schedule 1 Maps incorporated in Plan

The SREP identifies the Leeds Street Foreshore as a Strategic Foreshore and requires a master plan be prepared for the area.

The future development of the Leeds Street foreshore will be subject to the provisions of the final Precinct Plan and will need to respond to the specific requirements of the Development Control Plan. As a result, it is proposed to delete the requirement to prepare a master plan for the Leeds Street Foreshore.