

21 October 2020

Malcolm McDonald
Executive Director, Infrastructure, Housing and Employment
Department of Planning and Environment
GPO BOX 39
Sydney NSW 2001

By email: malcolm.mcdonald@planning.nsw.gov.au
cc: brendan.metcalfe@planning.nsw.gov.au

Dear Malcolm,

City of Canada Bay Submission to the draft Rhodes Precinct Place Strategy

The City of Canada Bay commends the Department of Planning, Industry and Environment (DPIE) on the release of the draft Rhodes Precinct Place Strategy (Place Strategy).

Council thanks the DPIE for extending the exhibition period, so as to enable this submission to be considered at a Council meeting.

The Place Strategy represents a significant improvement over the previously exhibited Precinct Plan for Rhodes. The evolution from the previous Precinct Plan that contemplated developer led master plans to the new Place Strategy, which now comprises a government led planning framework is supported by the City of Canada Bay.

Given the significant density proposed, Council seeks assurance from DPIE that the key planning and urban design benefits outlined in the draft planning package will not be reduced or lessened as the draft Place Strategy moves forward to finalisation.

The attached submission summarises Council's feedback and provides comments and recommendations to the DPIE for consideration.

Should you require further information in relation to this submission, please contact Tina Kao, Coordinator Strategic Planning on 02 9911 6412 or tina.kao@canadabay.nsw.gov.au.

Yours sincerely,



Paul Dewar
A/Director, Community and Environmental Planning

City of Canada Bay Council submission to draft Rhodes Precinct Place Strategy

Executive Summary

Council has prepared this submission to the Department of Planning, Industry and Environment in response to the exhibition of the draft Rhodes Precinct Place Strategy (Place Strategy).

The Place Strategy includes a number of positive elements in relation to; the delivery of a new school, planning for new open space adjacent to the foreshore, introduction of Design Excellence requirements, delivery of affordable housing through SEPP 70 and a renewed commitment to the delivery of a Ferry Wharf.

We have considered the Place Strategy, Explanation of Intended Effects (EIE) and the Urban Design Report (UDR) placed on exhibition. It is requested that the matters raised in this submission be considered by DPIE for inclusion in the plan and any subsequent satisfactory arrangements and business cases to Government.

The submission is organised into the following themes:

1. Introduction
2. Affordable Housing
3. Density & Design Excellence
4. Visual Impact – Parramatta River
5. Resilient Development
6. Traffic & Transport
7. Canopy Cover & Green View Index
8. Uhrs Point Launch facility
9. Community (Social) Infrastructure
10. New School
11. Council owned land

Council thanks DPIE for the consultative approach taken to include CCBC staff in progressing the Place Strategy. This has resulted in CCBC having a better understanding of the intent set out in the exhibited documents.

Council appreciates the opportunities DPIE has provided to CCBC as an important stakeholder in the planning process. It is critical that CCBC continues to be engaged as part of any further work and/or the finalisation of the precinct plan. Council looks forward to a continued working relationship with the DPIE to ensure that issues raised by the Council and the community are addressed in the plan making process and to deliver the identified public benefits identified within the exhibited Place Strategy.

Introduction

The Rhodes Peninsula is wholly within the City of Canada Bay Local Government Area, with Council being the Local Planning Authority. Council nominated, and the Department of Planning identified Rhodes as a Planned Precinct in 2015 to achieve objectives in relation to sustainability, the encouragement of active transport, the delivery of affordable housing, achieving density with a human scale, providing enhanced waterfront access and providing a range of high quality public spaces.

The Greater Sydney Region and Eastern City District Plan, released in March 2018, recognise the importance of the peninsula, with it being nominated as a Strategic Centre and a Collaboration Area – focusing on fostering sustainable water and energy infrastructure.

The City of Canada Bay (CCBC) commends the Department of Planning, Industry and Environment (DPIE) on the release of the draft Rhodes Precinct Place Strategy (Place Strategy). In particular, CCBC strongly supports the advancement of the 2018 structure plan into a masterplan. The 'planning by design' approach pursued by DPIE has provided an improved level of transparency for the community.

Council's submission on the Revised Draft is provided in detail under the following themes reflecting key considerations for the DPIE as the Place Strategy moves forward to finalisation.

Affordable Housing

The EIE sets out an affordable housing contribution under the *State Environmental Planning Policy No.70 Affordable Housing (Revised Schemes)* for all development in Rhodes Planned Precinct. For land east of Rhodes railway line, the contribution rate is 5% of total gross floor area (GFA), whilst in Rhodes Gateway West, the rate is 5% of total GFA above the allowable GFA under the Canada Bay LEP, except for the sites at 4 Mary Street and 1-9 Marquet Street where 3.5% is to apply.

Council has worked cooperatively with DPIE to establish a transparent and robust affordable housing program for implementation in Rhodes over many years.

CCBC is now included within State Environmental Planning Policy No. 70 (SEPP 70) and Council has adopted an Affordable Housing Policy, an Affordable Housing Contribution Plan and has prepared a Local Environmental Plan to give effect to these policies. Only through the accepted state and local government planning framework will the principles of SEPP 70 be capable of being implemented in a consistent and equitable manner.

Given the extensive strategic and statutory framework in place, the delivery of Affordable Housing should be a mandatory outcome in the Rhodes Planned Precinct.

Affordable housing should be provided in accordance with the accepted statutory mechanism in NSW, i.e. in accordance with SEPP 70, LEP provisions and an Affordable Housing Contribution Scheme that is prepared in a manner consistent with the Guidelines released by DPIE.

Specifically, Council is of the view that affordable housing should be provided in perpetuity, be owned by Council and be managed by Council or Council's nominated Community Housing Provider. It is Council's position that this outcome is non-negotiable and individual

developers should not be permitted to negotiate alternative arrangements for affordable housing that undermine or are directly inconsistent with the core principles of SEPP 70.

Density & Design Excellence

Density

The Place Strategy includes an indicative dwelling yield of 4,260 dwellings. Should the Place Strategy be implemented as proposed, the ultimate dwelling density within the Rhodes Precinct boundary will be higher than any existing suburb in Australia and higher than any SA2 (a comparable statistical area) in inner Melbourne or inner Sydney. The density proposed equates to 202 dwellings per hectare when the existing approved development in Station Gateway West is taken into consideration. This amount is almost double the highest density in Sydney (Potts Point/Woolloomooloo), where the maximum density is between 108-110 dwellings per hectare.

Many of the issues raised in this submission relate to the impacts arising as a consequence of the density proposed. The capacity of the road and transport network, open space requirements for the school, pressures on community (social) infrastructure, overshadowing and other impacts can all be addressed through a reduction in overall dwelling yield.

The Rhodes planning process commenced in 2016 to review the land use opportunities in Rhodes east (between the railway line and Concord Road). It was never required nor contemplated that land to the west of the railway, would be the subject of additional density given the recently adopted Council Master Plan for the Station Precinct. Where density is to be staged due to transport and traffic network constraints and other planning considerations, development in Rhodes West should not be prioritised at the expense of a coordinated development in Rhodes East.

DPIE to consider an overall reduction in the number of dwellings proposed for the Rhodes Peninsula (Rhodes West) following public exhibition of the Place Strategy.

Wind Mitigation

Wind tunnels and high speed wind at ground level have been an ongoing issue for residents and visitors to Rhodes. A number of public spaces are already impacted by wind effects created through the clustering of towers.

Impacts of wind need to be resolved and addressed at the plan making stage when building heights and envelopes are locked in. The resolution of wind relates impacts cannot be left to justification at development applications stage as Council has limited ability to respond to wind relates impacts through architectural treatments.

It is requested that wind analysis be undertaken prior to the finalisation of the Rhodes Place Strategy. Any such analysis must be undertaken done by an independent expert unrelated to any landowner. This is to ensure outcomes of wind impact testing are robust and impartial to all stakeholders. Where analysis reveals there would be significant new or additional wind related impacts, building heights and envelopes need to be further refined before progressing the draft Place Strategy.

Design Excellence Requirements

In circumstances where this high level of density continues to be pursued, the plan must include the minimum design excellence requirements as set out in the exhibited Urban Design Report and the Explanation of Intended Effect. These include, but are not limited to maximum floor plate size, minimum tower separation distances and retention of solar access to public squares and green open spaces.

Assurance is also sought from DPIE that no relaxation or reduction in design quality outcomes will be considered that will enable any further increases in density or dwelling yield than contemplated by the draft Place Strategy.

CCBC requests that no reduction in design quality requirements be contemplated that would result in any further increase in density or dwelling yield. This includes any increase to the exhibited building footprints, floor space ratios or building heights and any reduction to the exhibited tower separation or solar access requirements.

CCBC requests that the exhibited design quality requirements be retained as development standards or Local Environmental Plan provisions in any planning instrument that moves forward to finalisation.

Visual Impact – Parramatta River

The Leeds Street precinct is a strategic foreshore site listed in SEPP - Sydney Harbour Catchment. It is strategic, not because of its ability to accommodate density but rather due to its sensitive location on the foreshore of the Parramatta River.

With the exception of the CBD, both State and local government have consistently sought to minimise tall buildings immediately adjacent to the foreshore on the peninsulas of Sydney Harbour and the Parramatta River. It is a commonly accepted planning principle/objective to minimise the visual impact of development in these locations. This is reflected in the Eastern City District Plan that set out to enhance and protect views of scenic and cultural landscapes from the public realm and Council's LSPS which seeks to "Ensure that land use change in foreshore and peninsula localities does not have a significant adverse impact upon views to and from Parramatta River and Sydney Harbour, from within and outside the LGA".

Concern is specifically raised with regard to the scale of the two towers proposed adjacent to the foreshore on the eastern edge of the Leeds Street precinct. The height of the buildings, combined with the peninsula location and proximity to the foreshore creates an outcome where the scale of the two towers is too high.

CCBC requests that the two towers adjacent to the foreshore at the eastern edge of the Leeds Street precinct be reduced in height and scale.

Resilient Development

The EIE proposes a bonus gross floor space area of 5% for land to the east of the railway line where developments are able to achieve a BASIX target of 40% for Energy (increased from 25%) and 60% for Water (increased from 40%).

Initiatives such as increased BASIX targets, the installation of separated reticulation systems for potable and non-potable water, as well as the requirement for solar energy distribution networks are all outcomes that achieve the objectives of both State and Local Government as outlined in the Eastern City District Plan and the CCBC Local Strategic Planning Statement.

CCBC strongly supports the inclusion of precinct-wide sustainability outcomes in localities such as Rhodes where broad scale renewal is proposed. As the floor space incentive proposed exceeds the cost for developers to deliver the identified sustainability outcomes, it is requested that these requirements be retained in any amendment to the Canada Bay Local Environmental Plan 2013 arising from the finalisation of the Place Strategy.

Traffic and Transport

A key constraint to development in Rhodes is the limitation of existing transport networks. In particular, congestion of the Concord Road/Homebush Bay Drive intersection, the intersection to the north of the Ryde Bridge and the capacity of the T1 Northern Train line are all constraints that need to be understood to determine whether the projected dwelling growth can be supported.

Evidence-based planning is essential to identify infrastructure needs to service planned growth and to ensure effective outcomes are delivered to support growing communities. For this reason, CCBC supports the continued use of detailed studies, testing and modelling to inform land use decisions.

The road improvements proposed in the infrastructure schedule exhibited in 2020 were based on traffic studies and recommendations made by consultants in 2017. The Place Strategy was accompanied by an Infrastructure Schedule that included recommended upgrades to local and regional roads. However, at the time of exhibition, the Traffic and Transport Study for the Rhodes Planned Precinct had not been completed to confirm the impact of the increased dwelling projections on the traffic and transport network.

Therefore, it has not yet been determined whether the range of road improvements proposed on local and state roads will continue to ensure that an acceptable level of performance will be maintained for key intersections on the local and regional road network.

A report commissioned by Council, Rhodes Station Precinct Traffic and Transport Review (Jacobs 2016) noted that rail journeys at Rhodes Station increased from 122,000 journeys per year in 2004 to over 1.8 million journeys per year in 2014, and that the majority of AM and PM peak rail services reached loading capacity in 2015. Inbound T1 Northern line trains via Strathfield have a load of between 135% and 148% of their nominal capacity when they reach the city during AM peak, and 100% leaving the city during the PM peak.

It is also important to acknowledge that the construction of a Metro station at North Strathfield is likely to increase patronage of the T1 Northern line and reduce the capacity of trains for residents in Rhodes.

It is requested that the traffic and transport report that models the capacity of the road and rail system to accommodate the projected 4,260 dwellings be made publicly available.

DPIE and TfNSW confirm the traffic and transport improvements that will be needed to ensure that an appropriate level of access and service will be afforded for existing and future residents of Rhodes. More specifically, clarification is sought from Transport for NSW as to which infrastructure improvements need to be carried out immediately for development to commence, and which infrastructure improvements are required for the dwelling approvals to exceed 3,000.

DPIE and TfNSW confirm the funding mechanism and timing for the delivery of upgrades to the road and rail network and how these arrangements inform the maximum density for the precinct.

Should DPIE form the view that car parking rates would get increased beyond what has been exhibited, this should only proceed with a commensurate decrease in density to maintain the number of vehicle trips generated from development.

Canopy Cover and Green View Index

The City of Canada Bay has set a local government area target to achieve at least 25% tree canopy cover by 2040. This increase in canopy cover is intended to occur on both public land and private land.

The difficulty of highly urbanised environments to increase tree canopy and create greening of the environment is well recognised. For this reason, CCBC commends DPIE in setting out to achieve 25% green view index and 25% canopy cover.

To ensure there is no ambiguity as to how and how much of the percentage of green canopy planting and green outlook is to be achieved by new development, the Place Strategy needs to go one step further and explain the minimum target that must get accommodated and planted on private property. CCBC request that the green view index and canopy cover requirements be incorporated into the proposed Local Environmental Plan (LEP) clause for Resilient Development.

Uhrs Point Launch Pad

CCBC has received funding under round three of the NSW Boating Now Program from the NSW Government to construct a passive craft launch facility adjacent to Uhrs Point Reserve, Rhodes. The launch facility is intended to be used by the Sea Scouts and the Dragon Boat Club and will also be available to the general public for passive craft.

The consultant team at Royal Haskoning Australia (RHA) is currently designing the improved passive craft launch facilities at Uhrs Point. CCBC requests Transport for NSW meet RHA to discuss the proposed ferry wharf in light of the improved passive craft launch facilities to be constructed within close proximity of Leeds St Foreshore where the ferry wharf is proposed to be sited.

Community (Social) infrastructure

In 2017, Elton Consulting was engaged to undertake a social infrastructure study in line with the density proposed at that time. The community infrastructure items exhibited were based on the dwelling yield of 2,800 dwellings. However, higher dwelling yields have since been proposed in the 2018 and 2020 plans. Therefore, the social infrastructure identified within the exhibited Place Strategy is no longer proportionate to the growth anticipated.

DPIE review the Social Infrastructure Assessment prepared by Elton Consulting to align with the revised growth projections for the Rhodes Planned Precinct. Where necessary, infrastructure delivery mechanisms may need to be revised to address social infrastructure needs identified as part of the review.

New School

New Road

The Place Strategy identifies the opportunity to deliver a new public primary school in the precinct. CCBC is supportive of a new primary school in Rhodes.

Schools Infrastructure (SI) has nominated 10sqm of open space be allocated for every student enrolled in the school. For a population of 4,260 dwellings, SI estimates they will require a school with capacity for 1,000 students. Therefore, SI seeks 1 hectare of open space, which is proving to be a significant expectation given the cost of land in the precinct.

Schools Infrastructure has proposed that the northern most new local road be removed from the Place Strategy so as to enable a larger playground to be provided. In lieu of a new road, it has been suggested that a pedestrian and cyclist pathway may be provided outside the school fence in that location.

Cavell Ave, Averill Street and the western end of Leeds Street provide the main traffic routes in and out of the precinct. The new road would provide an additional street frontage for the school with capacity for pick up and drop off space in the immediate vicinity to a school entrance. The new road would also facilitate alternate traffic movements and enable service vehicles and driveways to access adjoining properties away from congested streets. It needs to be demonstrated at the Place Strategy phase of the plan making process that the removal of the road in this location will not have any adverse safety or access outcomes.

CCBC requests that further studies be undertaken to demonstrate that the removal of a new road between Cavell Avenue and Blaxland Road will not generate impacts in relation to vehicle circulation, school and pick-up and drop offs or other safety considerations arising from the operation of a 1,000-pupil capacity primary school.

Where it is able to be demonstrated that the removal of a new road in this location will not give rise to impacts in relation to safety or access once operational, then a publicly accessible through-site pedestrian/cyclist link should be provided at the southern boundary of the new school.

Shared Facilities

SI also proposes co-location of shared facilities with CCBC. The suggestion by SI is for the school hall and open space to be accessed by the community after school hours. SI also proposes that the co-located facilities could offset council's infrastructure requirements and therefore any 'released' funding would be made available to SI.

CCBC appreciates SI's suggestion for shared facilities. Specifically, given the shortage of active open space within the precinct, it is important that any space shared does not limit the ability for Council to fund the delivery of social infrastructure elsewhere in the precinct through conventional methods, such as local infrastructure contribution plans or voluntary planning agreements.

Where shared facilities are provided, there needs to be a genuine directive, commitment and operational support by DET to ensure the long-term commitment to this outcome. There are otherwise myriad problems at the school administration and operational level as to why sharing of facilities are unlikely to eventuate.

Council land

There are several land parcels in the Rhodes Planned Precinct that are under Council ownership. We are aware that certain proponents have suggested the use of Council land without any consultation or agreement from CCBC. Council intends to determine the most appropriate outcomes for these sites in the interest of the community and with particular consideration given to the Place Strategy as exhibited. These outcomes include the provision of social infrastructure, affordable housing and/or the delivery of land uses as contemplated by the draft Place Strategy. CCBC requests that these sites continue to be subject to land use decisions based on good urban design outcomes.

DPIE to notify Council of any unsolicited proposals received which impact upon Council land; and that DPIE agrees such proposals will not be progressed by the NSW Government unless CCBC has responded formally to proceed with discussions relating to the proposal.

Closure of Blaxland Road at Leeds Street

CCBC has plans in place to close Blaxland Road north of Leeds Street and create a public reserve adjacent to the foreshore. This public reserve would continue to serve as boat trailer access to the boat ramp.

It is requested that the Urban Design Report and associated plans for the Leeds Street precinct clearly articulate that all future vehicular access to Leeds Character Area must be via Leeds Street and not rely on access via the northern most section of Blaxland Road.

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