

**ITEM EXHIBITION OUTCOME - CHANGES TO PLANNING
CONTROLS FOR LAND ON WATERVIEW STREET,
FIVE DOCK**

Department Planning and Environment

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EXECUTIVE SUMMARY

Draft planning controls for the land on Waterview Street in the Five Dock Town Centre were exhibited in August/September 2016.

Following the exhibition period, 18 submissions were received. The primary issues raised in submissions related to the height facilitated by the proposed building controls and the impact of the additional development on the established community.

An Exhibition Outcomes Report has been prepared and recommends that the Planning Proposal should proceed subject to the maximum height of development on Waterview Street being limited to three to four storeys and the building height for land with a frontage to Great North Road remaining 5 storeys. This recommendation seeks to strike an appropriate balance between facilitating development whilst reducing impacts on the amenity of existing and future residents.

It is recommended that a Planning Proposal and draft Development Control Plan be prepared to reflect the recommendations of the Exhibition Outcomes Report and that the draft planning documents be submitted to the Department of Planning and Environment for a Gateway Determination.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

We will enhance our local shopping centres, community spaces and residential streets and the infrastructure required to service them.

This report also relates to the Five Dock Urban Design Study.

REPORT

Background

The Five Dock Town Centre Urban Design Study (the Study) was prepared throughout 2013 and adopted by Council in June 2014. One of the key objectives of the Study was to ensure that any potential changes to the existing planning controls such as building scale, density and height were carefully considered.

To implement the recommendations of the Urban Design Study, Council prepared a Planning Proposal, draft Development Control Plan (DCP) and draft Development Contributions Plan. Following the exhibition of the draft plans, certain submissions were received that requested that the boundaries of the centre be extended to include the area of land being rezoned to the northern end of Waterview Street.

The northern part of Waterview Street (between Second Avenue and Barnstaple Road) was not identified for rezoning at that time as it:

- is located outside the central core of the centre;
- contains a few constrained sites, including a heritage item and existing strata development; and
- would necessitate the extension of the proposed Waterview Lane to facilitate improved access.

On 3 November 2015, Council endorsed the draft plans for the Five Dock Town Centre and also resolved that a separate report should be prepared to investigate the zoning, heritage and development controls for the land between Second Avenue and Barnstaple Road on the western side of Waterview Street, Five Dock.

To assist council in its consideration of this matter, an Urban Design Report and Feasibility Analysis were undertaken. The Urban Design report identified various options for the redevelopment of land on Waterview Street with each option being informed by principles associated with heritage integration, interface impacts, solar access, street proportions and street character. The Feasibility Analysis confirmed that much of the land would be unviable for redevelopment in the current market.

At the meeting of 2 August 2016, Council considered the outcome of these investigations and resolved to exhibit draft planning controls for land between Second Avenue and Barnstaple Road on Waterview Street.

Report

Subject site

This area is located at the eastern edge of the Five Dock Town Centre boundary and lies between Second Avenue and Barnstaple Road on the western side of Waterview Street. It comprises nine properties, one of which (39 Waterview Street) is a heritage item.



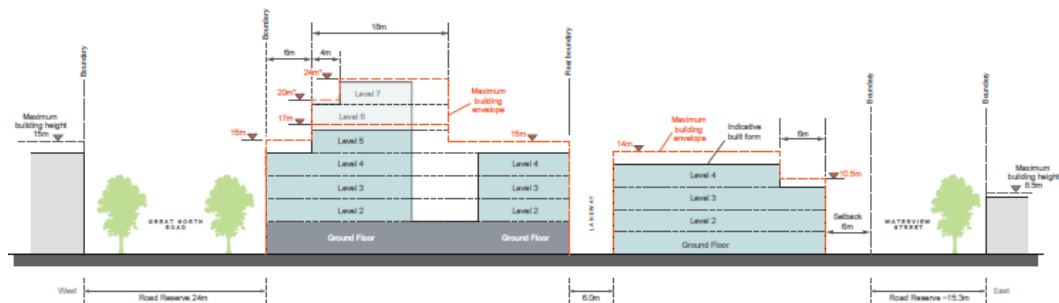
Proposed development controls

The option that council resolved to exhibit comprised three to four storey development on land fronting Waterview Street stepping up to a maximum of 5 storeys (7 storeys on large sites) on Great North Road. A landscape buffer was proposed along Waterview Street that would widen the visual appearance of the street and create an improved interface with the lower density development on the eastern side of Waterview Street. The exhibited proposal also assumed the removal of the heritage item located at 39 Waterview Street, Five Dock to permit redevelopment of the site.

A summary of proposed controls is shown in the table below:

	Current	Draft Proposal
Zoning	R3 Medium Density Residential	R3 Medium Density Residential
Building Height	8.5m (2 storeys)	10.5m (3 storeys) to 14.0m (4 storeys)
Floor Space Ratio	0.5:1	1.0:1
Front Setback	4.5m	6.0m

The proposed envelope is shown in the illustration below:



Public Exhibition

Council wrote to affected and adjoining landowners on 30 August 2016, seeking feedback on the draft planning controls. A total of 18 submissions were received. Of these submissions 12 submissions (66%) did not support changing the controls and 6 submissions (33%) supported changing the controls.

Submissions that did not support changing the controls came from properties on the eastern side of Waterview Street and raised concerns in relation to the height of buildings, local character, traffic and parking. The submissions that supported changing the controls were in favour of a greater intensity of development and suggested changes to the configuration of the proposed laneway.

An Exhibition Outcomes Report has been prepared by Studio GL and is provided as Attachment 1 to this report. A summary of the main issues that are addressed in the Exhibition Outcomes Report is provided below:

Building Heights

The majority of submissions did not support the building heights that were shown in the exhibited report. Submissions not in support of the change requested that building heights remain at the current height (8.5 metres) and were concerned about seven (7) storeys along Great North Road. Submissions in support of the change were in favour of increased heights along Waterview Street higher than the 3 to 4 storeys shown in the exhibited report.

A number of submissions expressed concerns regarding the overshadowing and bulk and scale impact of development above 17m along Great North Road of up to 24m (7 storeys). Shadow studies have shown that this scale of development in this location will not overshadow development on the eastern side of Waterview Street.

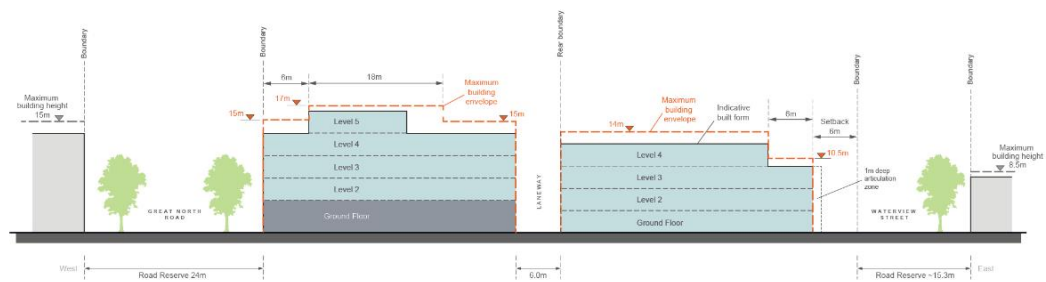
When considering appropriate planning controls for an area it is important to understand how likely it is that development will occur. A number of sites, including the existing townhouse development and lots comprising individual dwelling houses along the western side of Waterview Street are unlikely to redevelop with the exhibited planning controls. Along Great North Road, the opportunities for consolidation and amalgamation of lots are also limited due to

the location of the strata properties. This creates an increased risk of taller development next to lower buildings that can result in a significant visual difference between adjoining building heights and an increased likelihood of blank facades on boundaries. This is an outcome that is likely to exist for a long period of time.

To reduce this risk it is recommended that the adjoining land to the west of the investigation area (along Great North Road) remains at 17m and is not altered to allow the bonus height that is currently provided on a selected few sites within the Five Dock Town Centre.

It is recommended that the proposed heights along Waterview Street and Barnstaple Road remain as proposed at 10.5m (3 storeys), stepping up to a maximum 14m (4 storeys) building height. It is recommended that the 14m is not increased to 15m, as this might encourage developers to try and “fit” a five storey apartment building (approximately 15.5m) onto the site.

The illustration below illustrates the recommended envelope.



Local Character

A number of submissions stated that they considered that this part of Waterview Street, north of Second Avenue, is “identical” to the part of Waterview Street south of Second Avenue and therefore believed that the two areas should be treated the same and have the same height and FSR controls.

It is not recommended that this is the approach taken as there are a number of significant differences between the two blocks:

- The western side of Waterview Street, between Second Avenue and First Avenue, is on higher land and is closer to the area defined as the “core” of the centre.
- A significant portion of the area between Second Avenue and First Avenue, on the western side of the street, had previously been identified as being located within the town centre.
- First Avenue has significantly more traffic, public transport and commercial activity than Barnstaple Rd.
- The block size between Barnstaple Rd and Second Ave is significantly smaller than the area between Second Avenue and First Avenue so that

east/west links (and the incentives required to deliver these links) are not required.

One of the submissions was concerned about the impact on the character of the street created by a 6m wide landscape setback to a “wall” of three storey apartments, especially when contrasted with the neighbourhood character of many front doors and lower building heights along the eastern side of Waterview Street.

To address this issue it is recommended that direct pedestrian street access should be provided to ground floor apartments in accordance with the requirements of the Apartment Design Guide.

In order to reduce the appearance of a three storey “wall” along Waterview Street it is recommended that the maximum length of straight wall without articulation, such as a balcony or return, is 8m and that smaller elements such as balconies and other building articulation elements be allowed to project up to 1m into the 6m setback along Waterview Street.

It is further recommended that a 6m landscape setback is provided along the southern side of Barnstaple Road. This will reduce the “length” of potential buildings along Waterview Street and also follows the principle of stepping down development where it faces a lower scale of built form on the other side of the street.

Floor Space Ratio (FSR)

Submissions received in support of the rezoning suggested that the proposed floor space ratio was insufficient to “maximise benefits to the community or potential to attract developers for the site”.

It is recommended that the proposed FSR for development along the western side of Waterview Street remains at 1.0:1 as shown in the report. This area functions as a transition between the higher development along Great North Road (FSR 2.5:1) and the lower development on the eastern side of Waterview Street (FSR 0.5:1).

Whilst a number of submissions noted that development would not be feasible at this level, development feasibilities are dynamic, influenced by patterns of existing land ownership and fluctuate over time. Given the amount of development that can occur in and around the Five Dock Town Centre it is not recommended that urban design objectives be compromised in this location by increasing FSR to incentivise development.

Heritage

The impact of losing a heritage item was also raised with requests made that council provide specific evidence as to what has changed to allow this to occur.

39 Waterview Street, Five Dock is a local heritage item identified in Canada Bay Local Environmental Plan 2013. The house is described as:

An interesting individual styled house with some good, unusual detailing that indicates the range of housing types used in the early years of the century. It has survived in an area that has been largely redeveloped and is a good representative example of the period.

A report on 39 Waterview Street by Futurespast Heritage Consulting (on behalf of the owners of 120 Great North Road and 2 Second Avenue) states that the existing modifications to 39 Waterview Street are substantial and lessen the heritage values/significance of the dwelling.

Council's Heritage Advisor confirmed that the modifications to the house and the changes to the original setting of the house do not provide sufficient justification for a change in zoning and that the corresponding increase in height that changes the built form and setting of no. 39 Waterview Street would have an adverse impact on the heritage item. In other words, council's heritage advisor does not agree with the report prepared by Futurespast Heritage Consulting.

Traffic

There was concern raised that the redevelopment of the block would increase traffic. Concern was also raised in relation to vehicular access occurring from Waterview Street, thereby impacting upon the pedestrian amenity of the area and exacerbating congestion.

The draft planning controls propose a new laneway between Barnstaple Road and Second Avenue. This laneway would provide secondary road access for properties fronting Great North Road and Waterview Street.

A submission raised the difficulty of ensuring the delivery of the new laneway due to the existence of established strata-titled properties. The submission suggests an alternative laneway design that is slightly offset to enable the laneway to be delivered without the redevelopment of strata titled land. It is accepted that strata titled properties are more difficult to redevelop due to multiple ownership and whilst laws have recently changed, the feasibility of redevelopment of strata titled properties in the block is limited.

It is recommended that new development is not permitted to provide vehicular access and servicing off Waterview Street and that the DCP controls for this area clearly state this requirement. To assist in ensuring that the laneway is delivered, it is recommended that the alignment be revised so that it is less reliant on the redevelopment of strata titled properties.

Should council resolve to proceed with the preparation of a Planning Proposal, it is suggested that council's traffic and transport team provide commentary on traffic and transport related matters with the draft documents placed on public exhibition.

The illustration below illustrates the recommended location of the proposed laneway:



Parking

Various submissions raised concern in relation to the impact on parking should additional development be permitted on Waterview Street.

Car parking is a complex issue as matching the expectations of individuals and businesses with a greater shift towards public transport is a challenge. It is a particular issue in town centre environments where opportunities to increase car parking are limited and can be prohibitively expensive.

New development will be required to provide on-site parking for residents and visitors in accordance with the requirements of the Canada Bay Development Control Plan. Should council resolve to proceed with the preparation of a draft Development Control Plan, basement parking will be possible.

The Five Dock Urban Design Study identified opportunities for the existing Waterview Street car park to be redeveloped. Should this occur, the public car parking that would be displaced could be accommodated on the existing Kings Road car park in a multi-deck facility. Other options to accommodate additional car parking will also be investigated. For example, underground parking on Waterview Street may also be possible as part of the future redevelopment of the site.

Conclusion

Draft planning controls have been exhibited for land on the western side of Waterview Street between Barnstaple Road and Second Avenue in Five Dock.

Submissions received have been reviewed and addressed in the Exhibition Outcomes Report.

Given the constraints to development in the area (high cost of land, strata buildings and small allotments) many of the sites will be unattractive for redevelopment. Proceeding with the rezoning as exhibited is likely to result in some sites developing to the maximum permissible density whilst others remain unchanged.

It is strongly recommended that heights or densities should not be increased further than Urban Design advice in order to facilitate viable outcomes. This would create new impacts on surrounding properties and be contrary to the broad ranging consultation undertaken and the principles of the Urban Design Study adopted by Council.

The review recognises that there is opportunity to increase density in the area subject to appropriate development controls being imposed to protect the amenity of the adjoining lower scale residential areas. It is recommended that buildings on Waterview Street be limited to a maximum of three to four storeys with the existing five storey limit being retained on land with a frontage to Great North Road. The laneway connecting Barnstaple Road and Second Avenue should also be reflected in any future draft Development Control Plan.

RECOMMENDATION

1. THAT a Planning Proposal and associated Development Control Plan be prepared to implement the recommendations of the Exhibition Outcomes Report, prepared by Studio GL, dated 26 November 2016.
2. THAT the Planning Proposal include the removal of heritage item no. I486, being the dwelling the house at 39 Waterview Street, Five Dock from Schedule 5 of the Canada Bay Local Environmental Plan 2013.
3. THAT the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.
4. THAT should the Planning Proposal pass through Gateway, that it be placed on public exhibition, together with the draft Development Control Plan and draft Contributions Plan.
5. THAT authority be granted to the General Manager to make any minor changes to the Planning Proposal and draft Development Control Plan prior to finalisation of the Local Environmental Plan.

Attachments:

Exhibition Outcomes Report - Waterview Street Review of Planning Controls,
prepared by Studio GL

