



## // FINAL REPORT

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# Exhibition Outcomes

Waterview Street Review of Planning Controls  
Review of Responses

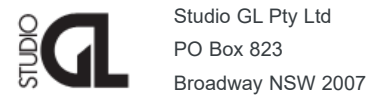
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## // INTRODUCTION

### 1.1 Scope and document structure

#### Background

In 2013, the Five Dock Town Centre Urban Design Study was developed by the City of Canada Bay. It identified a strategy for the future development of the town centre including new pedestrian links and public open spaces.

The Five Dock Urban Design Study was adopted by Council in June 2014 and following adoption of the study, the City of Canada Bay prepared a Planning Proposal, a draft Development Control Plan (DCP), revised Local Environmental Plan (LEP) maps and a Development Contributions Plan for the centre.

The Planning Proposal was submitted to the NSW Department of Planning & Environment for gateway approval and publicly exhibited at the end of 2014.

Following feedback received during the public exhibition a revised draft Development Control Plan (DCP), revised Local Environmental Plan (LEP) maps and a Development Contributions Plan for the centre was exhibited between 30 June to 31 July 2015.

The new Development Control Plan (DCP) and revised Local Environmental Plan (LEP) for the Five Dock Town Centre came into force in August 2016.

At the end of 2015 Council resolved to undertake a study to investigate the existing planning controls for a number of sites adjoining the Five Dock Town Centre. As part of this review Council indicated that it intended to review the controls for the area identified as the Waterview Street investigation area, which relates to land to the west of Waterview Street between Barnstaple Road and Second Avenue.

In July 2016 Council resolved that an option to change the controls be endorsed and public notification to affected and adjoining residents occurred in August 2016.



Figure 1 Pages from the exhibited report

#### Scope of this report

Following the exhibition of the Waterview Street investigation area, Studio GL were commissioned by the City of Canada Bay to provide comment on the submissions received, with a focus on urban design issues, namely building heights, site specific matters and rezoning of land.

This report details the findings of this review, identifies common themes within the submissions and provides recommended responses to key issues raised from an urban design perspective.

#### Document structure

The report is divided into three parts:

Chapter 1 - Introduction

Chapter 2 - Review of Submissions

Chapter 3 - Conclusions

## // INTRODUCTION

### 1.2 Investigation Area

This investigation area is located at the eastern edge of the current 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 (No.39 Waterview Street) is currently heritage listed in Council's LEP.

To enable development, this review assumes removal of the heritage status of No.39 Waterview Street is possible. This allows for increased development potential and enables the creation of a laneway to provide rear access to lots including those facing Great North Road.



Figure 2 Aerial view of properties located in and around the site

#### Location and interfaces



Corner of Barnstaple Road and Waterview Street looking north



Corner of Second Avenue and Waterview Street looking west



No.39 Waterview Street



Western side of Waterview Street looking south



Figure 3 Investigation area in the context of the Five Dock Town Centre



Figure 4 Current DCP Height Zones diagram

### Maximum building height zones

The recommended maximum heights exhibited for comment showed up to four storeys (14m). A landscape buffer along Waterview Street was also recommended to visually widen the street and to create a more sensitive interface with lower development on the eastern side of Waterview Street.

It was recommended that building heights step down to a maximum building height of 8.5m on Barnstable Road and 10.5m on Waterview Street. Adjoining development along Great North Road may also be able to access the height bonus (allowing development up to 7 storeys in particular locations). A new 6m wide laneway from Barnstable Road to Waterview Street was recommended.



Figure 5 Proposed changes to Height Zones diagram exhibited for comment

## Building envelopes

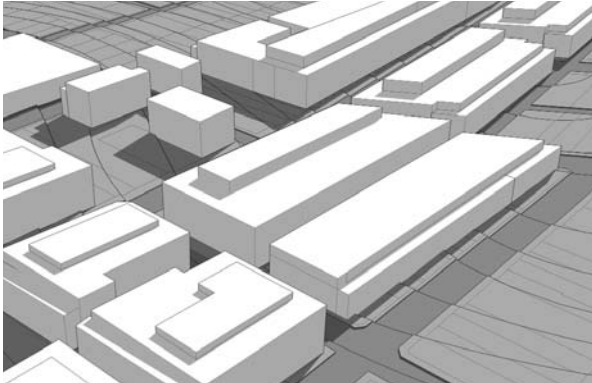


Figure 6 Building envelope - 3D model views as exhibited for comment

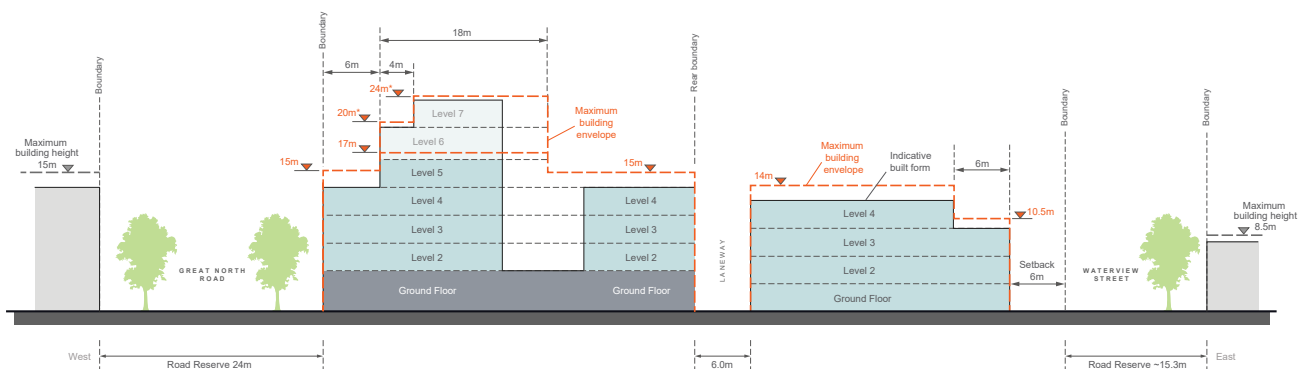


Figure 7 Section C - Proposed building envelopes for Waterview Street site exhibited for comment

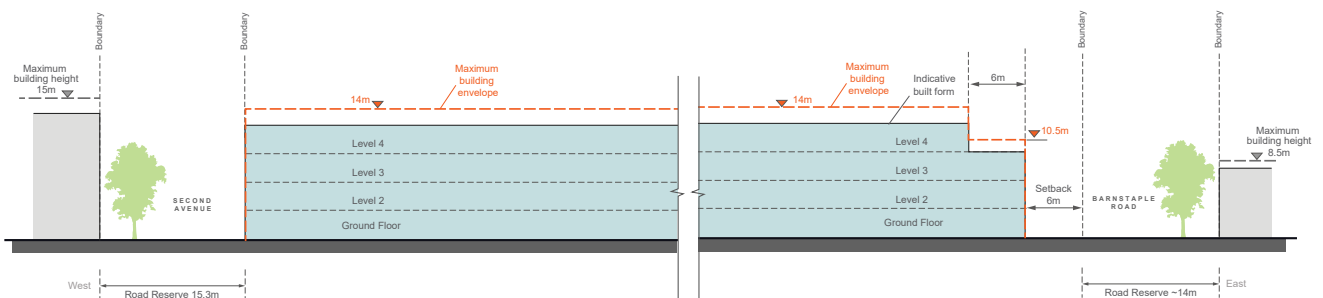
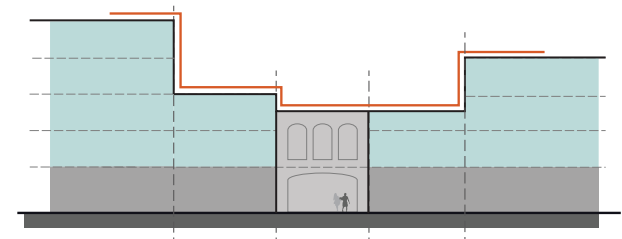
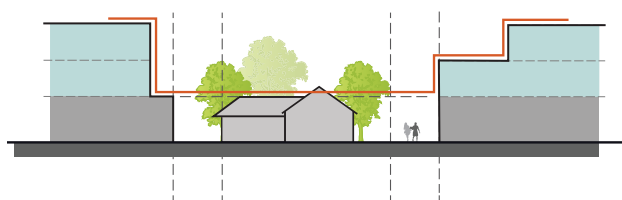


Figure 8 Section D - Proposed building envelopes for Waterview Street site exhibited for comment

### 1.3 Key considerations

The role of development controls is to provide guidance on how the LEP controls will be implemented. Effective development controls create a clear understanding of the desired three dimensional scale of future built form with an focus on minimising impacts (solar access, overshadowing, visual, heritage integration, interface with neighbours).

A key concern is the streetscape character of a place and the creation of DCP controls that support, not damage, this character.



#### ◀ Heritage Integration

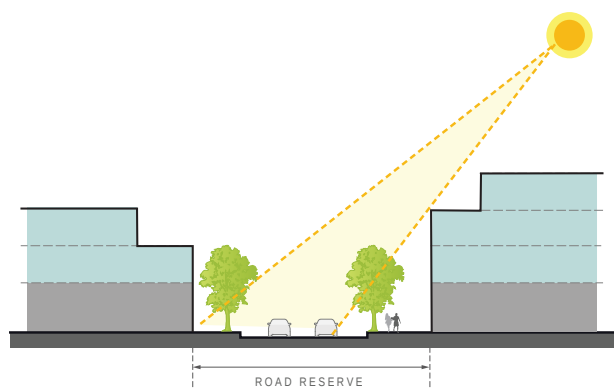
Heritage buildings make a substantial contribution to the local character and the “look and feel” of a place. Successful development controls protect heritage items and buildings and their visual curtilage and encourages new development that is sympathetic to these key features of the existing urban fabric.

To achieve successful integration of new development with existing heritage the built form adjacent needs to be sympathetic to the height and massing of the heritage item. As the existing heritage item is a detached single storey development it will be difficult to achieve a reasonable development potential and retain the heritage item.



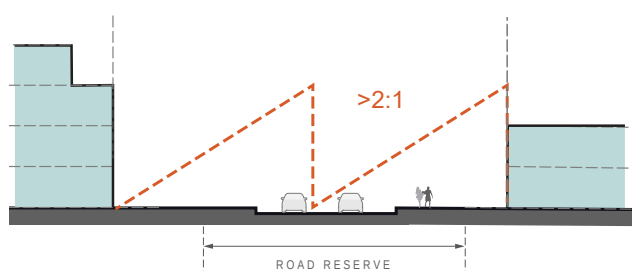
#### ◀ Interface issues

Development in a centre is often of greater scale than that of the surrounding area. Development controls need to consider the interface between these different development types and how the taller buildings step down to create well proportioned streets in the areas surrounding the centre. The area under consideration is at the edge of the Five Dock Centre and faces a relatively low rise suburban street. Hence the interface with the existing one and two storey residences needs to be taken into consideration.



### ◀ Solar Access

A key consideration for urban development is the impact it can have on the solar access of surrounding properties, streets and public spaces. Effective development controls shape the design of taller development to ensure adequate sun access to areas that would be affected by the development. For this area consideration needs to be given to the street wall height and setback along Waterview Street and Second Avenue to ensure solar access to residential properties across the street is not compromised.



### ◀ Street Proportions

The proportions of a street are generally set by comparing the width of the street against the street wall height. The site is located along Waterview Road which is narrower than the main street of Great North Road and currently accommodates one and two storey residential dwellings giving an existing proportion of street to building wall height greater than 2:1. To maintain this street proportion, taller buildings on the western side of the street require an additional landscape setback and a reduced street wall height.



### ◀ Street Character

The character of a street is established by a range of factors including front setbacks, street wall heights, active frontages and building details. A front setback can make trees or landscaping possible, while street wall heights define the spatial enclosure of the street. Development on the western side of Waterview Street currently has a front setback of between 4m-7m while the eastern side has a front setback of between 2m-4m.



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## 2.1 Common issues and themes

*66% of the submissions did not support changing the controls while 33% did support a change*

### Overview

During the exhibition period a total of 18 submissions were received. Of these submissions 12 (66%) did not support changing the controls and 6 (33%) supported changing the controls.

The majority of the submissions that did not support changing the controls came from properties on the eastern side of Waterview Street.

Of the submissions that supported changing the controls a number were substantially the same with only minor adjustments to the text. The submissions supportive of changing the controls were in favour of a greater intensity of development and one also provided alternative planning controls drafted by a urban planning consultancy.



Figure 9 The location of submissions from properties in Waterview Street is shown over an aerial view of the investigation area. Submissions supportive of change are shown in green while submissions not supportive are shown in red. This diagram does not show all submissions as a number had an address outside the area shown in this image.

### Submissions not in support of change

Twelve (12) submissions were received that were not in support of changing the planning controls for this area and/or raised concerns with specific issues. These submissions were received from:

- 28 Waterview Street, Five Dock
- 30 Waterview Street, Five Dock
- 32 Waterview Street, Five Dock
- 34 Waterview Street, Five Dock
- 36 Waterview Street, Five Dock
- 38 Waterview Street, Five Dock
- 1/42 Waterview Street, Five Dock
- 3/42 Waterview Street, Five Dock
- 5/24 Waterview Street, Five Dock
- 44 Waterview Street, Five Dock
- 21/78 Hampden Road, Russell Lea
- 24 Rodd Road Five Dock (two submissions)

Common issues raised in these submissions related to:

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| 1. Traffic, parking and public transport,                                                             |
| 2. Height of buildings (and related issues of congestion, overshadowing and impact on 'village feel') |
| 3. Heritage                                                                                           |
| 4. Other (i.e. laneway access, staged development, future character)                                  |

### Traffic and parking

Concerns regarding carparking and increased traffic were raised in ten (10) submissions. There were also concerns that Waterview Street is a narrow street and is currently used as a 'rat run' by vehicles accessing Great North Road. Existing public transport was also considered limited with existing bus routes identified as at capacity during peak times. Questions were also raised regarding traffic flow and street parking and one submission suggested a residential parking scheme.

A few submissions recommended underground carparking to minimise impact on the streetscape.

### Height of buildings

Concerns regarding building heights were raised in eight (8) submissions. Seven storeys along Great North Road was seen as excessive and the increase to four storeys stepping down to three storeys along Waterview Street was not supported. Height was linked with the loss of sunlight and the detrimental effect on the existing character with four (4) submissions commenting on the loss of the existing "village" character of the town centre. Overshadowing was frequently mentioned within the submissions and examples given of the direct impact this will have on residents, particularly in the late afternoon.

### Heritage

The impact of losing a heritage item was mentioned in three (3) submissions with a request that Council provide specific evidence as to what has changed to allow this to occur.

### Other issues

Two (2) submissions raised the issue of the proposed laneway and questioned why it was proposed, how it would be created, how it will be delivered if only some of the sites are developed and what impact it would have on existing residents.

Other issues raised included the quality of the existing street, with homes on both sides of the street currently facing their neighbours creating a community feel and the potential negative impact on property values on the eastern side of Waterview Street.

### Clarifications

A few submissions noted inconsistencies between the text and diagrams in the report. For clarification:

- The proposed laneway is to be as shown in the diagrams, linking Barnstable Road and Second Avenue.
- Proposed building heights along Waterview Street are a 10.5m street wall stepping up to 14m.
- The proposal retained the existing land use zone but increased the maximum height to 14m and maximum FSR to 1:1.

### Submissions in support of change

Six (6) submissions were received in support of changing the planning controls for this area. These submission were received from:

- 21 York Avenue, Five Dock
- Unit 1/41 Waterview Street, Five Dock
- Unit 2/41 Waterview Street, Five Dock
- 39 Howley Street, Five Dock (two submissions)
- Pacific Planning (on behalf of 37 Waterview Street, 120 and 122 Great North Road; 2 Second Avenue)
- Durkin Construction (on behalf of 39 Waterview Street)

Common issues raised in these submissions related to:

|                                                                              |
|------------------------------------------------------------------------------|
| 1. Insufficient building heights                                             |
| 2. Inclusion of pedestrian laneways                                          |
| 3. Removal of vehicle laneway                                                |
| 4. Other (i.e. Basement parking, additional loading docks, FSR not adequate) |

### Building Height

All six (6) submissions considered that the height proposed was insufficient. Building heights of 5, 6 and 7 storeys were suggested as long as they didn't impact on overshadowing or the line of sight from Waterview Street.

The submission by Pacific Planning stated additional building height could be achieved with little overshadowing impact on neighbouring properties.

### FSR

All six (6) submissions considered that the FSR or density proposed was insufficient to "maximise benefits to the community or potential to attract developers for the site". The submission by Pacific Planning recommended that given an FSR of 1:1 was generally not found to be feasible, further development testing and feasibility analysis should be undertaken in order to consider the development potential of the block. An FSR of 2:1 and building heights up to 17m for properties on the western side of Waterview Street was indicated on the plan (Figure 3) which was included in the submission.

### Local Character

Five (5) submissions noted that this site was being considered differently to the western side of Waterview Street south of Second Avenue. A number stated that the sites were "identical" and therefore controls should be increased to match the changes recently made for the southern end of Waterview Street (between First and Second Street) which have been adopted.

### Laneway

Four (4) submission were not in favour of the laneway stating that it takes a large area of land, reduces development potential and would be unattractive. These submissions were in favour of encouraging amalgamation of sites so that access to carparks and loading could be provided off Barnstaple Road and Second Avenue without the need for the laneway.

One submission considered that development of the laneway would have significant benefits to this part of the town centre where access to commercial properties is a major problem and requested that the incentive of greater FSR and height should be considered to achieve this benefit to the community. One submission also noted basement parking accessed via a laneway would alleviate the parking concerns of Waterview Street residents.

### Pedestrian Link

Four (4) submissions recommended an east west pedestrian link from Great North Road to Waterview Street to increase access from Waterview Street and "open space".

### Basement Parking

No submissions were in favour of ground level parking and all were supportive of basement parking.



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### 3.1 Response to key issues

#### Traffic and parking

The submissions reinforced the need to ensure that development of the western side of Waterview Street and along Great North Road is not accessed off Waterview Street. Within this block, the lots along Great North Road are one of the few places within the town centre without laneway or secondary road access and the submissions noted both the need for the laneway and challenges in developing this key piece of infrastructure.

A number of submissions raised the difficulty of ensuring delivery of the new laneway linking Barnstable Road and Second Avenue and the impact that it would have on particular properties. The submission from Pacific Planning also proposed an alternative “dog leg” laneway alignment which avoids the proposed laneway requiring redevelopment of a number of strata titled properties, including the townhouse development on Waterview Street (see Figure 10).

It has been generally accepted that strata titled properties are more difficult to redevelop due to multiple ownership and while the laws have recently changed, the feasibility of redevelopment of strata titled properties in the block (see Figure 11), and particularly the townhouse development on Waterview Street, is limited.

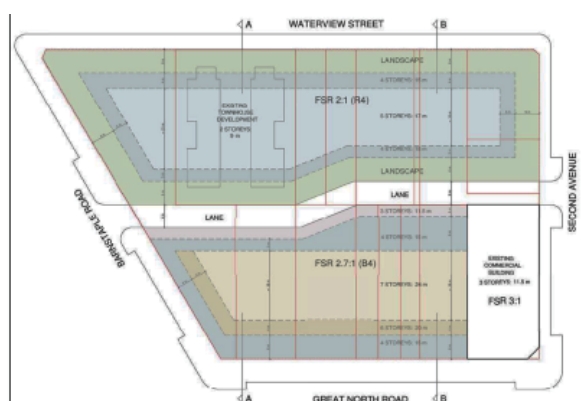


Figure 1: Potential Building Envelope - Plans

Figure 10 Excerpt from submission by Pacific Planning showing an alternate laneway alignment.



Figure 11 Diagram showing the proposed alignment of the laneway and existing strata properties within the study area

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 to be similar to the alignment proposed by Pacific so that it is less reliant on the redevelopment of strata titled properties. The land required for the 6m laneway alignment is generally in a similar location to the 6m landscape setback required in the current DCP.

It is recommended that a pedestrian link from Great North Road to Waterview Street is not required as the block is already relatively small. It is recommended that basement parking be permitted.

This report focuses on urban design issues, but given the number of detailed submissions relating to traffic, public transport and parking issues, it is recommended that these are reviewed by Council's traffic and transport staff.

### 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 Barnstable Rd.
- The block size between Barnstable 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.



Figure 12 Diagram showing the size of the two urban blocks between Great North Road and Waterview Street



Example of windows and balconies permissible within an articulation zone

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 (see Apartment Design Guide Objective 4L-1).

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 Barnstable 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.

### Building heights

The majority of the submissions for this Planning Proposal do 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 (8.5m) 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 undertaken during previous exhibitions of the Five Dock Town Centre have shown that between Second Avenue and Barnstaple Road development up to eight storeys along Great North Road, located in the area identified for taller height, 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. As has been raised in the submissions a number of sites, particularly the existing townhouse development and the two adjoining narrow lots 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 in this area of taller development next to lower built form which can result in a significant visual difference between adjoining building heights and an increased likelihood of blank facades on boundaries over 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 increase in height that is currently provided on selected few sites within the Five Dock Town Centre.

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



Example of blank facade of a taller building seen behind a lower level development.

## // CONCLUSIONS

### Floor Space Ratio (FSR)

It is recommended that the proposed FSR for development along the western side of Waterview Street remains at 1:1 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).

While 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 are compromised in this location to incentivise development.

*"A building envelope should be 25-30% greater than the achievable floor area ... to allow for building components that do not count as floor space but contribute to building design and articulation such as balconies, lifts, stairs and open circulation space."*

Apartment Design Guide p.29

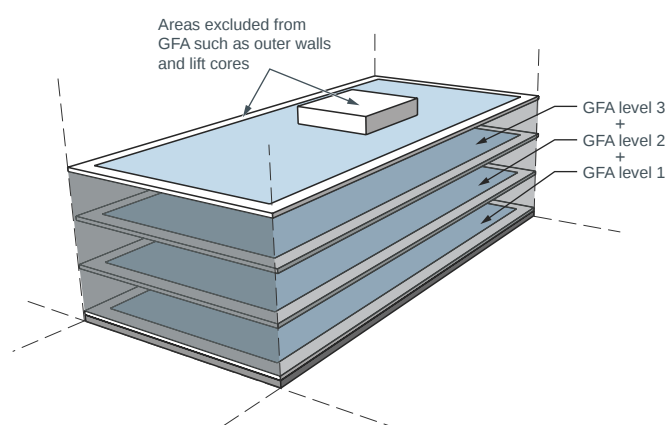


Figure 13 Diagram showing some of the areas excluded from an FSR calculation

The recommended FSR and building envelope controls have been designed with an important Planning Principle for building envelopes established by the Land and Environment Court (PDE Investments No 8 Pty Ltd v Manly Council [2004] NSWLEC 355) in mind. This Planning Principle is as follows:

48 The question of whether a building envelope can be filled when the FSR control would produce a smaller building is one that arises from time to time in Court proceedings. The following planning principles are therefore of assistance:

- i. FSR and building envelope controls should work together and both controls and/or their objectives should be met.
- ii. A building envelope is determined by compliance with controls such as setback, landscaped area and height. Its purpose is to provide an envelope within which development may occur but not one which the development should necessarily fill.
- iii. Where maximum FSR results in a building that is smaller than the building envelope, it produces a building of lesser bulk and allows for articulation of the building through setbacks of the envelope and variation in building heights.
- iv. The fact that the building envelope is larger than the FSR is not a reason to exceed the FSR. If it were, the FSR control would be unnecessary.

Given developments tend to seek the maximum FSR allowable it is recommended that the FSR is 1:1 so that it is possible to produce a building of lesser bulk and allow for articulation of the building through variations to the setbacks and in building heights.

The recommended FSR also recognises that development along Waterview Street would be required to meet the requirements of the Apartment Design Guide with regard to setbacks and overshadowing of adjoining properties and this is likely to further reduce the maximum achievable FSR on any given site.

### 3.2 Summary of Recommendations

The maximum building height of development recommended is up to 14m (four storeys) along the western side of Waterview Street. It is recommended that buildings step down to a maximum building height of 10.5m (three storeys) along Barnstable Road and Waterview Street.

A 6m wide laneway from Barnstable Road to Waterview Street is recommended. A landscape buffer of 6m along Waterview Street and Barnstable Road is also recommended to visually widen the street and to create a more sensitive interface with the lower scale development on the opposite side of the street.

A 1m “articulation zone” is recommended within the 6m setback to Waterview Street and Barnstable Road to allow the introduction of smaller elements and to increase variety into the elevations. It is also recommended that along these streets the maximum length of straight wall, without articulation such as a balcony or return, is 8m.

It is recommended that the Planning Proposal provides additional information on issues not related to urban design such as the existing heritage item and the traffic impacts.



Figure 14 Current DCP Height Zones diagram

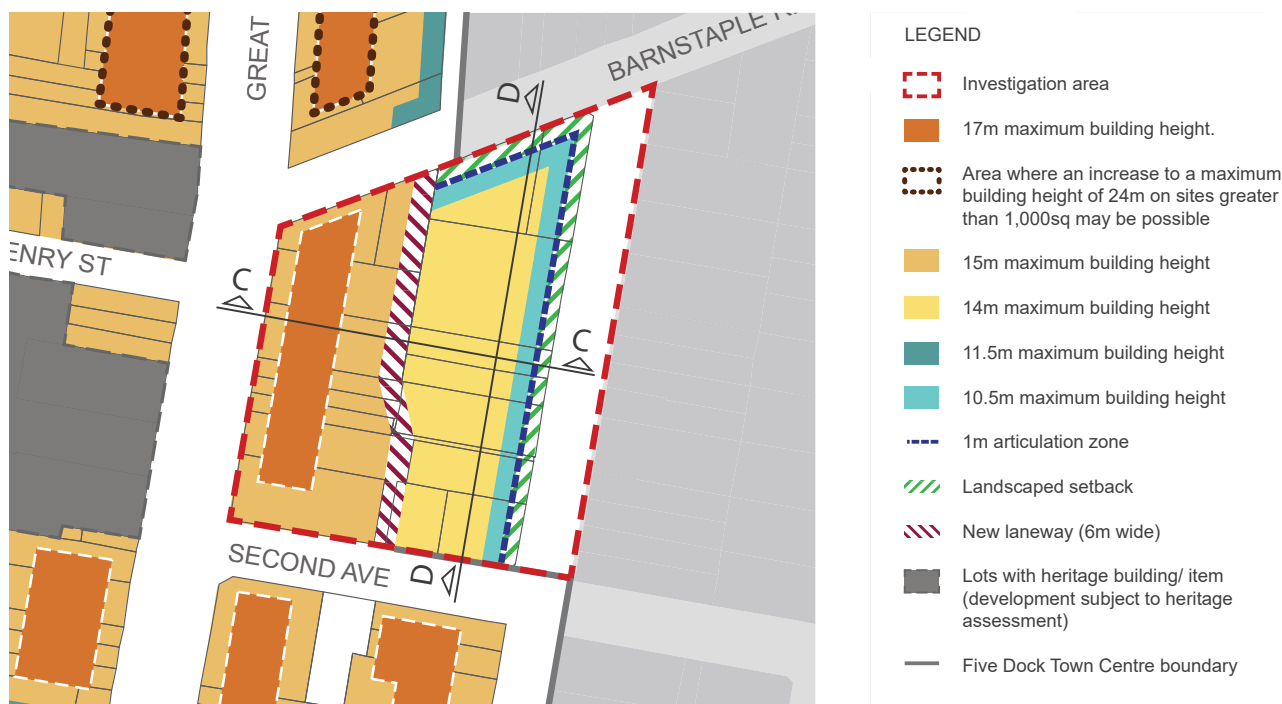


Figure 15 Recommended changes to Height Zones diagram

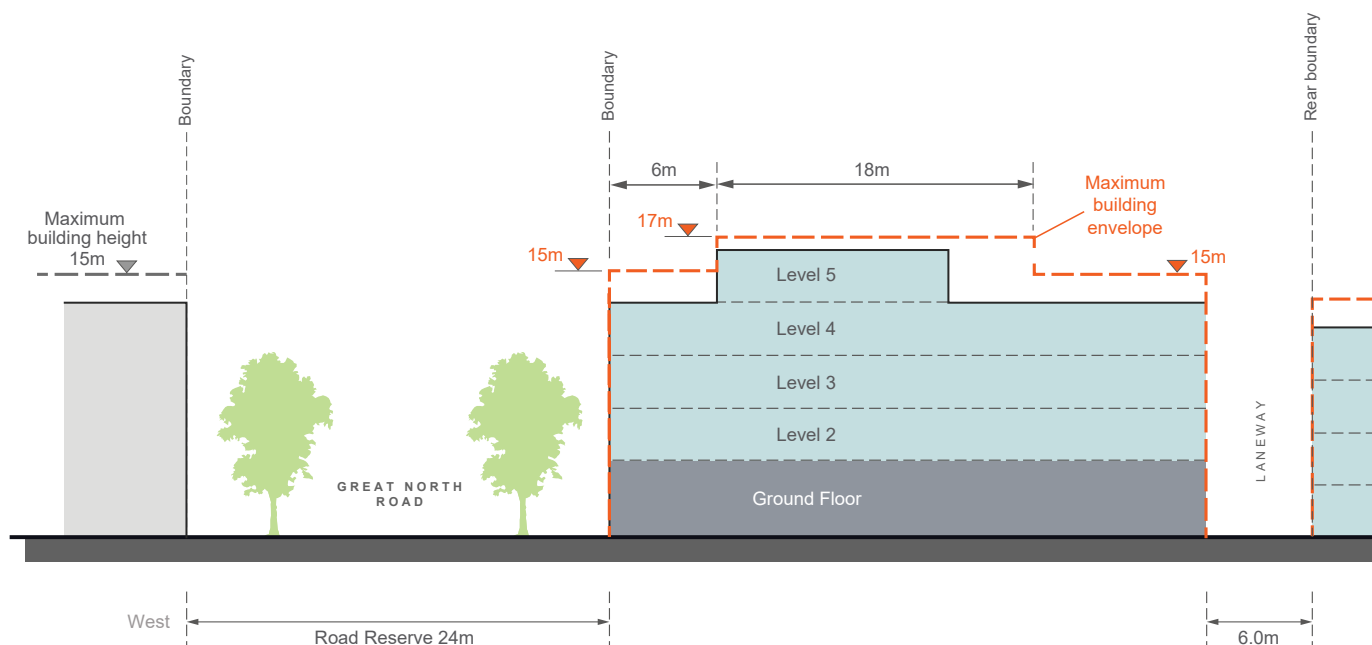


Figure 16 Section C - Recommended building envelopes for Waterview Street Investigation Area

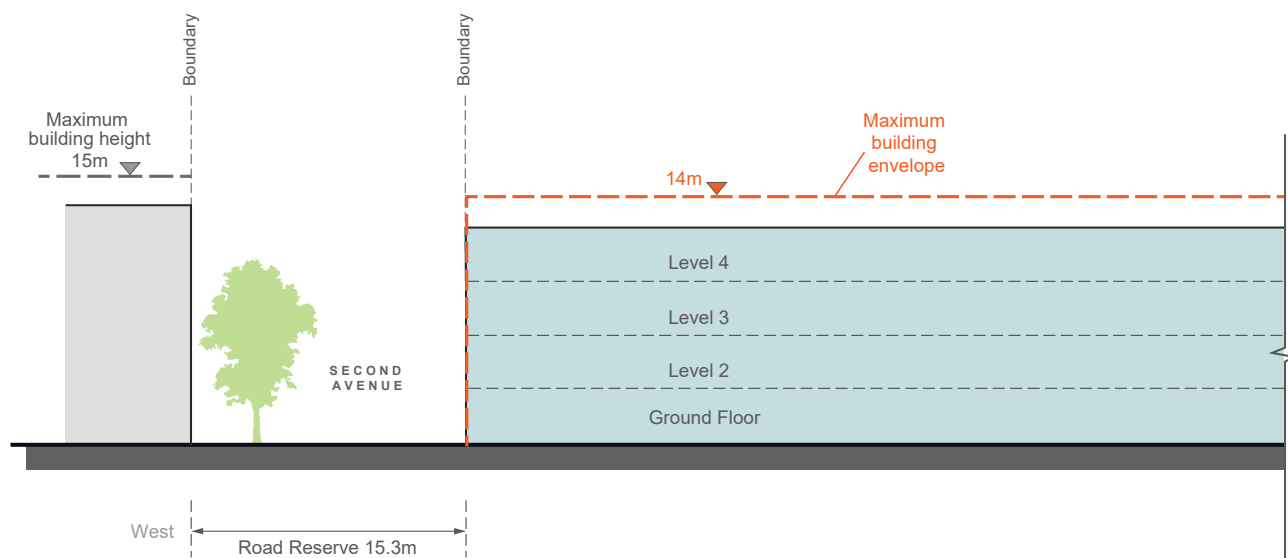


Figure 17 Section D - Recommended building envelopes for Waterview Street Investigation Area

