

**ITEM                      PLANNING PROPOSAL - 1-7 RAMSAY ROAD AND 5  
AND 7 HARRABROOK AVENUE, FIVE DOCK -  
GATEWAY DETERMINATION REQUEST**

**Department        Community and Environmental Planning**

**Author Initials: KJ**

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**EXECUTIVE SUMMARY**

A Planning Proposal has been received for the site known as 1-7 Ramsay Road, 5 and 7 Harrabrook Avenue in Five Dock.

The Planning Proposal seeks to:

- rezone part of the site from R2 Low Density Residential to B1 Neighbourhood Centre;
- increase the maximum building height on part of the site from 8.5m to 15.5m;
- increase the floor space ratio (FSR) on part of the site from 0.5:1 and 1.0:1 to 1.73:1;
- reduce the minimum lot size map for 5 and 7 Harrabrook Ave from 450m<sup>2</sup> to 360m<sup>2</sup>; and
- amend Schedule 1 Additional Permitted uses to allow residential flat buildings on part of the site zoned B1 Neighbourhood Centre.

The Planning Proposal intends to subdivide and amalgamate a number of lots to facilitate the demolition of the existing buildings and construction of a residential flat building and shop top housing. The dwellings on the remainder of the lots fronting Harrabrook Avenue are proposed to be retained.

The Planning Proposal is generally consistent with the objectives of Council's Local Strategic Planning Statement, which encourages growth in and near established centres, however future development on the site needs to have an appropriate interface with the surrounding low density environment.

Prior to being submitted to the Department of Planning, Industry and Environment for a Gateway Determination, it is recommended that the Planning Proposal be updated to reduce the maximum building height, ensure the retention of a significant tree, introduce an Active Street Frontage, include analysis on contamination and address the requirement for affordable housing. Should the Planning Proposal proceed to exhibition, it is also recommended that Council prepare a draft Development Control Plan to guide future development on the site.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

EFF 4.2.1. Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

IIP 1.2.4. Plan for a diversity of housing across the full range of income levels, including Affordable Housing to support people who work in essential services.

This report also relates to:

- Canada Bay Local Strategic Planning Statement assured by the Greater Sydney Commission on 25 March 2020; and
- Canada Bay Local Housing Strategy, adopted by Council on 15 October 2019

## REPORT

### Site details and Context

The site is located on the southern boundary of the Canada Bay Local Government Area and comprises seven lots at 1 and 7 Ramsay Road and 5 and 7 Harrabrook Avenue Five Dock, with a total combined site area of approximately 3,300m<sup>2</sup>. The land has frontages to both Ramsay Road and Henley Marine Drive (see Figure 1).



Figure 1: Subject site shown with red outline.

The site contains the former Roads and Maritime Services building and workshop at 1 Ramsay Road, a neighbourhood shop at 7 Ramsay Road, and two single storey detached dwellings at 5 and 7 Harrabrook Avenue.

To the north of the site are one and two storey residential houses along Harrabrook Avenue and five commercial terraces fronting Ramsay Road. The Five Dock Town Centre is located approximately 500-600m to the north.

To the east, the site is bounded by Ramsay Road, a four lane road connecting the suburbs of Five Dock and Haberfield.

To the south, the site is bounded by Henley Marine Drive and the suburb of Haberfield in the Inner West Council Local Government Area.

To the west, land comprises one and two storey dwelling houses along Henley Marine Drive and Harrabrook Avenue.

## **Background**

Council staff met with the applicant on a number of occasions since 2017 to discuss concept designs for the redevelopment of the site.

Early concepts included scenarios for a larger site incorporating 1 and 3 Harrabrook Avenue, accommodating a mix of shop top housing, a residential flat building and attached terraces between 2.5 and 5 storeys (17m) and an FSR of 2:1 along with a scenario for the redevelopment of 1 Ramsay Road only.

Independent urban design advice from consultant, Studio GL, was obtained in response to the early concept, which concluded that the height of the development was to be reduced in order to provide an improved interface and transition to the residences to the north and west.

On 11 December 2020, the subject Planning Proposal was lodged with Council for the redevelopment of 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue.

In December 2020, Council engaged Studio GL to provide urban design advice on the Planning Proposal submitted. A summary of the advice is provided in the report below.

On 18 February 2021, the Planning Proposal was reviewed by the Local Planning Panel.

## **Planning Proposal**

The Planning Proposal is seeking to amend the Canada Bay Local Environmental Plan 2013 as follows:

- rezoning of part of the site from R2 Low Density Residential to B1 Neighbourhood Centre (see Figure 3);
- an increase to the maximum building height on part of the site from 8.5m to 15.5m (see Figure 4);
- an increase to the floor space ratio (FSR) on part of the site from 0.5:1 and 1.1 to 0.5:1 and 1.73:1 (see Figure 5);
- reduction to the minimum lot size map for 5 and 7 Harrabrook Ave from 450m<sup>2</sup> to 360m<sup>2</sup> (see Figure 6); and
- amendment to Schedule 1 Additional Permitted uses to allow residential flat buildings on part of the site zoned B1 Neighbourhood Centre.

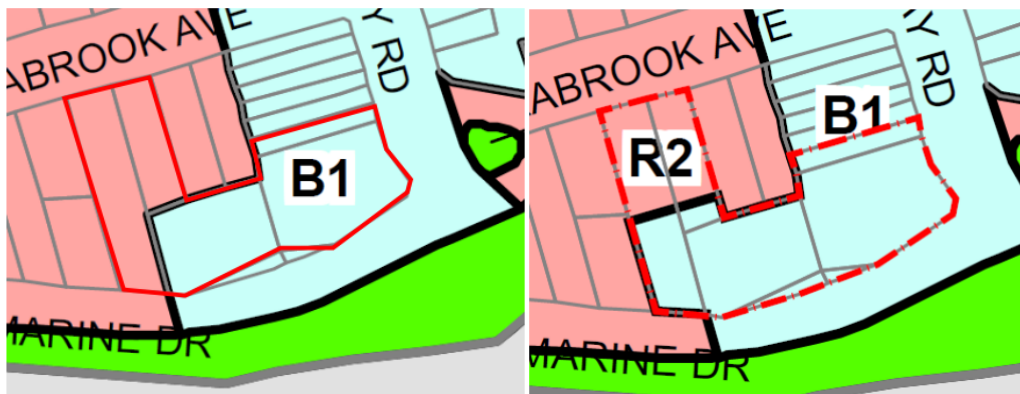


Figure 2 – Existing zoning (left); Proposed zoning (right)

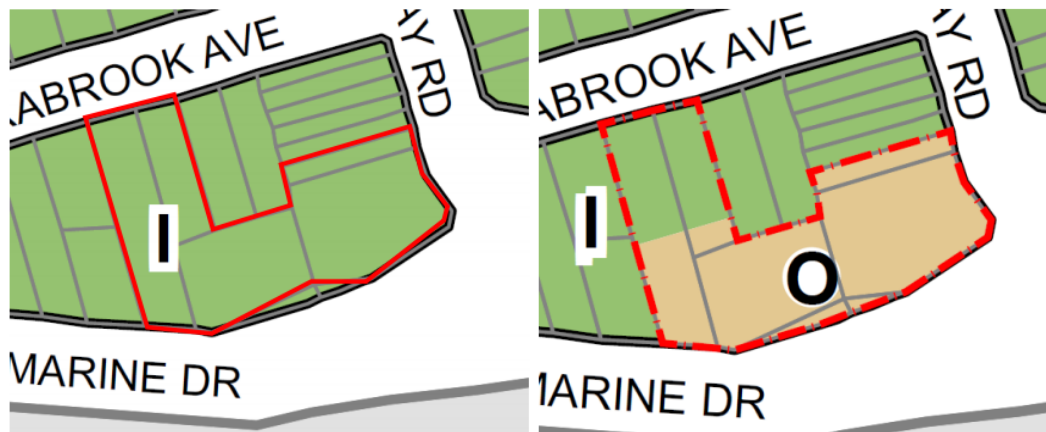


Figure 3: Height of building 8.5m (left); proposed height of building 8.5m and 15.5m (right)

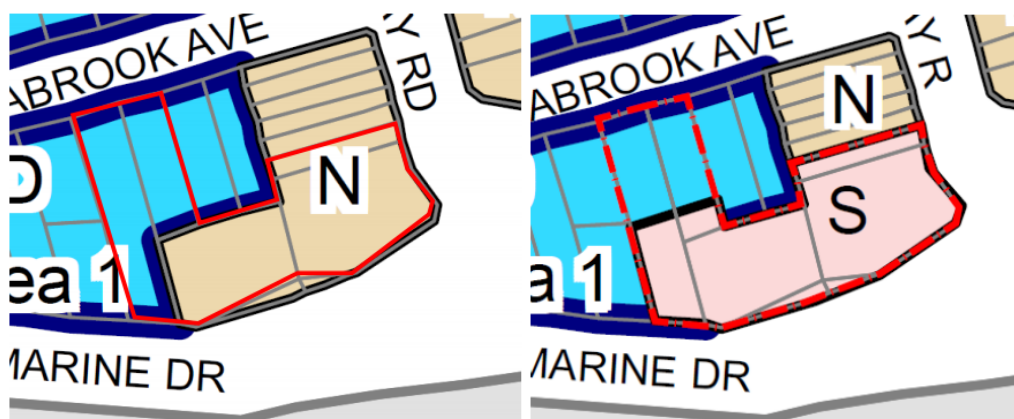


Figure 4: Existing floor space ratio 0.5:1 and 1:1 (left); proposed floor space ratio 0.5:1 and 1.73:1 (right)

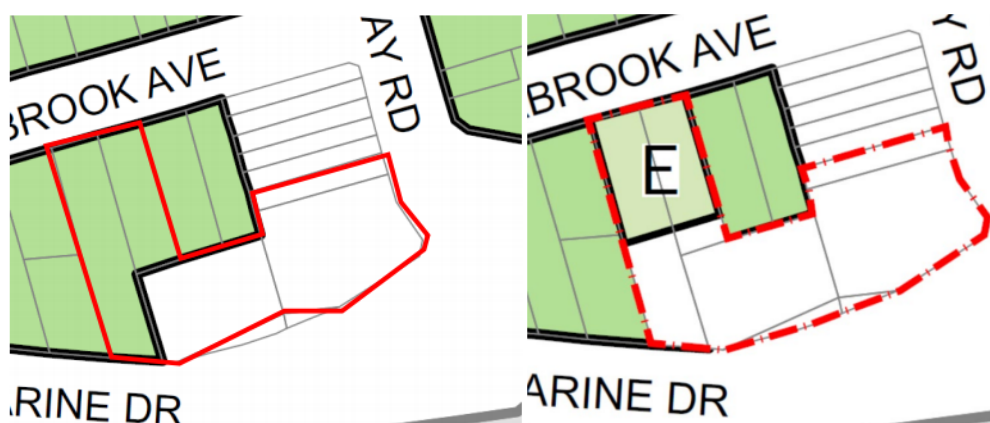


Figure 5: Minimum lot size 450m<sup>2</sup> (left); proposed minimum lot size 360m<sup>2</sup> (right)

A comparison between the current LEP controls and the Planning Proposal is provided in the following table.

	LEP13	Planning Proposal
<b>Zoning</b>		
1 and 7 Ramsay Road	B1 Neighbourhood Centre	B1 Neighbourhood Centre (no change)
5 and 7 Harrabrook Ave	R2 Low Density Residential	R2 Low Density Residential
<b>Maximum building height</b>		
1 and 7 Ramsay Road	8.5m	15.5m
5 and 7 Harrabrook Ave	8.5m	8.5m and part 15.5m
<b>Maximum FSR</b>		



1 and 7 Ramsay Road	1:1	1.73:1
5 and 7 Harrabrook Ave	0.5:1	0.5:1 (no change)
<b>Minimum Lot Size</b>		
5 and 7 Harrabrook Ave	450m <sup>2</sup>	360m <sup>2</sup>
<b>Additional Permitted Use</b>		
1 and 7 Ramsay Road	Not applicable.	Allow residential flat buildings on land zoned B1 Neighbourhood Centre
5 and 7 Harrabrook Ave		

Table 1: Existing and proposed controls

A copy of the Planning Proposal submitted by the applicant is provided at Attachment 1.





VIEW FROM CORNER OF RAMSAY ROAD & HENLEY MARINE DRIVE

*Figure 3: Indicative site plan and photomontage, 2020  
(Source: Squillace Architects 2020)*

### **Local Planning Panel (LPP)**

On 18 February 2021 the Planning Proposal was reviewed by the Local Planning Panel (LPP). The LPP agreed with assessment undertaken by staff and noted that whilst the centre is small, it is well located to accommodate an increase in density that is compatible with the character of the surrounding area. The following advice was provided:

- the Proposal is considered to have merit subject to the following amendments:
  - a) Provide a maximum building height fronting Ramsay Road to 14.0m and a maximum building height to the west of the right of way of 10.0m;
  - b) Ensure the retention and protection of tree identified as Tree 1, Lilly Pilly – *Syzygium* sp in the Aboricultural Impact Assessment prepared by NewLeaf Aboriculture;
  - c) Introduce an Active Street frontage on the land with a frontage to Ramsay Road and extending around the corner along Henley Marine Drive; and
  - d) Include a Detailed Contaminated Site Investigation.
- Council update the draft Canada Bay Affordable Housing contribution Scheme to apply to the subject site and map the land on the Affordable Housing Contribution Scheme Map under the Canada Bay Local Environmental Plan 2013;
- Negotiation with the applicant on the terms of a Planning Agreement prior to submission of the Planning Proposal for a Gateway Determination;

- A draft Development Control Plan be prepared by Council to guide the future development of the site that includes but is not limited to, the following controls:
  - a) Building envelope;
  - b) Ground level setbacks
  - c) Upper level setbacks; and
  - d) Tree retention and landscaping requirements expressed as a percentage;
- The Planning proposal could be submitted to the Department of Planning Industry and Environment for a Gateway Determination, once the above matters have been addressed.

A copy of the advice is provided at Attachment 9.

### Urban Design Review

Council engaged independent urban design consultant, Studio GL to provide advice on the Planning Proposal. A copy of the advice is provided at Attachment 8.

Studio GL advised that the Planning Proposal had merit, subject to amendments. A discussion of the issues and recommended amendments identified by Studio GL is provided as part of the strategic and site specific merit of the Proposal below.

### Strategic Merit

The Canada Bay Local Strategic Planning Statement includes the following “Principles for Growth” of relevance to the Planning Proposal.

Principle	Comment
Proposals must be consistent with the relevant liveability, productivity, infrastructure and sustainability priorities and actions in this Local Strategic Planning Statement.	<p>The Proposal is consistent with the liveability priority by providing additional housing.</p> <p>A revised height and FSR, as recommended in this report would provide a better urban design outcome for the site. The Planning Proposal should be amended to ensure that the site provides affordable housing.</p> <p>The Proposal is consistent with productivity priority as it retains and contributes to a retail/commercial focus for the neighbourhood centre along Ramsay Road.</p>
Planning around future metro stations will be coordinated and precinct-based. In this way, Proposals which seek to respond to	The Planning Proposal has, in part, justified the proposed density on the basis that the site is located in proximity to the



the location of metro stations will be discouraged until such time as a local planning study has been completed. This will enable consideration to be given to infrastructure demand and provision, appropriate distribution of development potential across an area, value capture for public benefit and the orderly sequencing of development.	<p>proposed Five Dock Metro station.</p> <p>The proposal is located within a neighbourhood centre. Despite the relative proximity to the future Five Dock metro station, located approximately 700m to the north, the neighbourhood centre is a distinct locality and is not part of the Five Dock Town Centre or future metro station precinct.</p>
Proposals must locate development near strategic and Local Centres and a reasonable walking distance of high frequency public transport	The proposed site is within a ten minute walk of Five Dock Town Centre and high frequency bus services on Ramsay Road.
Proposals must positively contribute to the built environment and result in good urban design outcomes	<p>The existing motor registry does not contribute to either the built form in the B1 Neighbourhood Centre or the low density uses to the north and west.</p> <p>The proposed planning controls will facilitate a replacement building that provides an improved urban design response, subject to a reduction in scale.</p>
Proposals must complement local character and the heritage significance of nearby items and areas	<p>The site adjoins the proposed Croker Estate Local Character Area, identified within the Canada Bay Local Strategic Planning Statement and the Canada Bay Local Housing Strategy. The desired future character of this particular Local Character Area is to maintain the existing character of the area, that being a low density residential environment, characterised by one to two storey dwelling houses in a landscape setting.</p> <p>The proposal for shop top housing and residential flat building complements the retail character of the neighbourhood centre on Ramsay Road and the transition to residences in the vicinity. It is however, recommended that the maximum height be restricted to 10.0m (three storeys) on the central and western part of the site so as to achieve an appropriate interface with the adjoining low density context.</p> <p>The site is not located near any heritage items or conservation areas.</p>
Proposals must result in high amenity for occupants and not unreasonably impact on the amenity of neighbouring properties and public domain	<p>The development submitted with the Planning Proposal will deliver amenity for the occupants of the building. However, the envelope should be reduced so as to minimise amenity impacts for existing dwelling houses to the north and west of the site.</p> <p>The revised height and FSR, as</p>

	<p>recommended in this report would provide improved amenity in terms of visual and privacy impacts, especially for adjoining single storey detached houses to the north and west on Harrabrook Avenue and Henley Marine Drive.</p> <p>The site benefits from its location being immediately north of Henley Marine Drive and Iron Cove Creek. The proposed building envelope will not adversely impact the public domain including open space along Iron Cove Creek.</p>
A minimum of 5% affordable rental housing is required in Planned Precincts, the Parramatta Road Corridor and wherever a significant increase in density occurs, subject to viability	<p>If approved, the building envelope would provide a significant increase in density providing approximately 40 additional dwellings.</p> <p>A contribution to affordable rental housing should be provided for this site as part of the development. It is recommended that the draft Canada Bay Affordable Housing Contribution Scheme be updated to include the subject site and for the Affordable Housing Contribution Scheme Map under the Canada Bay LEP to include the land.</p>
Proposals must locate development with access to open space. All new residential areas are required to be located within 400m of open space and high-density areas within 200m of open space	The proposed site is located opposite the open space corridor along Iron Cove Creek and is within approximately 300m of Croker Park on Henley Marine Drive to the west and within 100m to the start of Timbrell Park to the east.
Proposals in strategic and Local Centres (Mixed Use and Neighbourhood Business zones) must include an amount and type of non-residential floor space appropriate to the site's location and ensure residential development does not diminish employment or economic opportunities	The site is located within the B1 Neighbourhood Centre zone. It is proposed to retain and include additional retail/commercial floor space fronting Ramsay Road. The addition of the residential development is not considered to diminish the employment or economic function of the B1 Neighbourhood Centre.
Proposals must not intensify urban development in areas where there are unacceptable risks from natural and urban hazards	The site currently contains a mechanical workshop. It is unclear whether the land is contaminated or can be made suitable for development. It is recommended that a contamination report be prepared to support this Planning Proposal.
Proposals must improve resilience to the impacts of climate change	A reduction in energy, water and waste will need to be considered in order to meet BASIX requirements at the Development Application stage.
Proposals must protect and enhance the Parramatta River and the community's	The site is not in the vicinity of Parramatta River or foreshore. Any development is

environmental values and uses for the foreshore and waterways	unlikely to adversely affect the environmental values of Iron Cove Creek to the south and any specific impacts will be assessed with detailed design of the future building.
Proposals must retain native vegetation and maintain and enhance ecological functions in core areas and wildlife corridors	The site is located along a biodiversity corridor. It is recommended that a native remnant Lilly Pilly be retained on site and that new and replacement planting should have a focus on local native species.
Proposals must protect public views of scenic and cultural landscapes	The proposal is not considered to impact public views of the scenic and cultural landscapes.
Proposals must contribute to the local green grid, retain mature trees and provide a minimum of 25% tree canopy in renewal precincts	The site is not located within a renewal precinct. The Planning Proposal is expected to contribute to a 25% tree canopy and the significant Lilly Pilly on site should be retained.
Proposals must reduce the urban heat island effect by increasing the urban tree canopy and green cover, incorporating water sensitive design and improving building design	The proposal is capable of reducing the urban heat island effect. Detailed building and landscape design will be required at the development application stage.

## Site Specific Merit

### *Zoning and Land Use*

The Planning Proposal seeks to rezone the rear portion of 5 and 7 Harrabrook Avenue from R2 Low Density Residential to a B1 Neighbourhood Centre zone to facilitate the construction of shop top housing fronting Ramsay Road and Henley Marine Drive. It is also proposed to list residential flat buildings as an additional permitted use in Schedule 1 for land zoned B1 Neighbourhood Centre on the subject site. This would enable development to be provided along Henley Marine Drive that contains apartments on the ground floor, which would otherwise be prohibited in the B1 Neighbourhood Centre Zone.

The provision of retail/commercial floor space on the corner of Ramsay Road and Henley Marine Drive will contribute to the objective of the Neighbourhood Centre zone and is consistent with Action 9.7 of the Local Strategic Planning Statement, which states:

*Ensure that B4 Mixed Use Zones and B1 Neighbourhood Centres maintain a substantial retail, office and commercial focus.*

Extending the B1 Neighbourhood Centre zone to include part of 5 and 7 Harrabrook Ave is acceptable given this land will form part of a larger development site at 1 Ramsay Road, already zoned B1 Neighbourhood Centre. Retaining the R2 Low Density Residential zone along Harrabrook Avenue is supported as it will retain consistency along the street.

Urban design advice provided to Council also supports the B1 zone as it provides flexibility to allow for a wide range of uses suitable for the location. The additional permitted use to allow residential apartments on the ground floor fronting Henley Marine Drive is acceptable, provided that future development on the land activates Ramsay Road and the corner of Henley Marine Drive through the provision of commercial floor space. The urban design advice also recommends that all ground floor apartments have direct access off Henley Marine Drive and that an active street frontage under the Canada Bay LEP be introduced.

### *Building Height and Envelope*

The Planning Proposal seeks to increase the maximum building height on that part of the site fronting Ramsay Road and Henley Marine Drive from 8.5m to 15.5m. This maximum height limit is proposed to facilitate a four storey building.

An existing two storey substation building on the eastern side of Ramsay Road, opposite the site, presents as an equivalent height of three storeys and provides the basis of the street wall height for the Proposal.

The site sits within an existing neighbourhood centre and established residential setting with surrounding buildings having a prevailing height of 1 to 2 storeys. The site is located at a low point between the low density heritage character of Haberfield to the south and low density to the immediate north.

Urban design advice notes that it is important that the size and scale of this centre does not compete physically or visually with the larger local centres such as Five Dock Town Centre or the historic village of Haberfield. Development on the site needs to respond to the scale of the immediate locality comprising a small neighbourhood centre with terrace shop top houses, surrounded by low density residences.

A four storey building on Ramsay Road is supported due to the size and location of the site and proximity to Five Dock Town Centre and future Metro station. This height is considered appropriate as the site is in a neighbourhood centre opposite an area of open space, so that additional height will have less impact on the amenity of surrounding properties. However, the maximum building height proposed of 15.5m is not supported as it is excessive for a four storey building. A typical neighbourhood centre in Canada Bay LGA has building heights of 8.5m or 11m.

The key area of concern with respect to safety, privacy and setbacks occurs along the western and northern sides of the new boundary of the B1 zone which adjoins low rise detached residential development. This interface is particularly sensitive as it abuts the private open spaces of existing one storey residential houses adjacent to the project site. A maximum height of 3 storeys and 10m along Henley Marine Drive would enable a transition down to low density housing and should be applied to all parts of the site that back onto a low density zone.

The proposed three to four storey scale fronting Ramsay Road is supported, provided:

- the 15.5m height limit is reduced to 14.0m as this height is appropriate to accommodate a 4 storey building comprising shop top housing.
- the 14.0m height limit does not extend beyond the western edge of the right of way off Harrabrook Avenue (the western boundary of Lot D DP 415618).
- the three storey street wall on Ramsay Road, with the fourth floor being setback is reinforced through a Development Control Plan; and
- development to the west of the right of way (the western boundary of Lot D DP 415618) is no taller than 3 storeys (10m). This outcome will provide an improved urban design response and transition of scale for the dwellings to the north on Harrabrook Avenue.

Prior to the Planning Proposal being submitted to Gateway, it is recommended that the document be updated to include a revised development concept to be consistent with the recommendation outlined in this report.

It is anticipated that the maximum Floor Space ratio is likely to be between 1.4:1 to 1.5:1 once detailed testing based on revised concept is applied to the site.



Figure 4: Proposed Building height (as shown in the Planning Proposal)

### *Visual Impact*

The applicant has submitted a visual impact assessment. Generally the visual impact is acceptable, however the recommended reduction of building height to the north adjoining Harrabrook Avenue properties will improve the visual impact as viewed from Great North Road (near the Veterinary) and from Harrabrook Avenue (to the east), see Figure 8.





Figure 8: Existing and Photomontage (Great North Road – left; Harrabrook Ave – right), by applicant.

*Solar Access*

Shadow diagrams were submitted with the Planning Proposal that illustrate future development on the site overshadowing Henley Marine Drive and Iron Cove Creek after 2pm in mid-winter (see Figure 9).

The overshadowing impacts are considered acceptable given the limited impacts to the amenity of surrounding properties and the due to the fact that shadows will primarily be cast over the adjoining public road and associated car parking area.

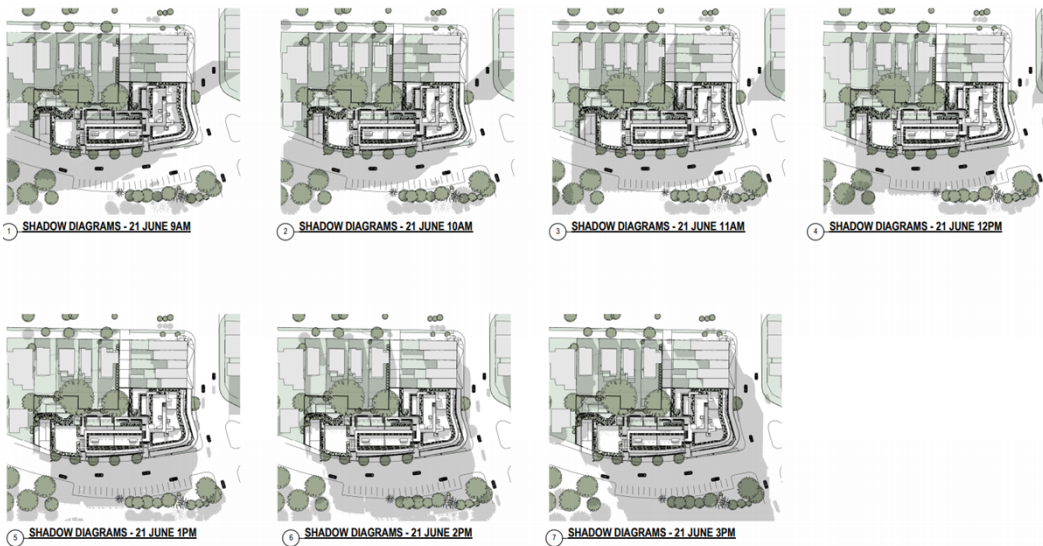


Figure 9: Shadow impacts in mid winter – 21 June  
(Source: Squillance Architects 2020)

### *Impact on Trees*

An Arboricultural Impact Assessment, prepared by New Leaf Arboriculture, identifies 14 trees located within the footprint of the indicative proposed development and recommends that 9 trees be removed, a further 5 trees be considered for transplanting and 11 trees be retained/protected.

A large Lilly Pilly - *Syzygium* sp (Tree 1) is proposed to be removed and transplanted. The Arboricultural Impact Assessment states:

*One (1) large Syzygium sp. (Lilly Pilly) tree (Tree 1) of High Significance is located within the proposed driveway, basement car park and building and cannot be retained in the context of the proposed development layout. This tree is a native species, in good health and good to average condition, and provides amenity in the locality. Major design modifications would be required if this tree were to be retained in its current location, due to the size of its TPZ.*

The Assessment was reviewed by Council's Senior Landscape Architect, who advised that the tree is a significant potentially remnant specimen that provides a number of benefits, including, mitigation of heat, contribution to the ecology and biodiversity of the area and amenity for the surrounding locality. It was recommended that the tree be retained as it was unlikely to survive relocation. It was also suggested that there is an opportunity to make the tree a focus for any common open space provided on the site.

This is also supported by urban design advice which states that it "is a high value tree which provides amenity to the local area and in an appropriate location for deep soil zone/communal open space. It is considered highly desirable that this tree is retained and the design of the access to the commercial basement and any excavation carefully designed."

Given the significance of the tree and its contribution to canopy, ecology and biodiversity, it is recommended that the tree be retained. The retention of the tree will require a reduction to the building footprint on the western part of the site. This will have consequential impacts on the proposed floor space ratio and the proposed driveway location/access and future basement construction. The Planning Proposal should be updated to indicate the retention of the tree and include associated changes to the concept plan and proposed floor space ratio.

### *Contamination*

The site has operated as a motor registry and other ancillary services.

Given the historical nature of the site as a motor vehicle registry and the existence of motor vehicle repair workshop on site, a Detailed Environmental Site Investigation (DESI) should be carried out by a suitably qualified and competent environmental consultant and submitted to Council for review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated land Management Act 1997 and SEPP 55 Remediation of Land.

The DESI is needed to confirm that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated land Management Act 1997 and submitted to Council for approval.

#### *Minimum Lot Size*

The amendment to the minimum lot size requirement for 5 and 7 Harrabrook Avenue is considered to be acceptable given that there are many different sized lots within the locality.

#### *Vehicle Access & Traffic*

Vehicular access to the basement car parking area is to be provided via a single two-way driveway located at the western end of the site from the Henley Marine Drive frontage. Access to the commercial tenancy will be available via the right of way access from Harrabrook Avenue.

The existing vehicular access driveways located in Henley Marine Drive and in Ramsay Road will become redundant and will be closed, with kerb and gutter to be reinstated.

Importantly, the recommendation to retain the significant Lilly Pilly will require the relocation of vehicle access to the site and reconfiguration of any future basement car parking.

Reference to the traffic generation rates nominated in the RMS Guide to Traffic Generating Developments and the updated traffic generation rates in the Technical Direction TDT 2013/04A indicate that the development envisaged by the Planning Proposal could be expected to generate approximately 15 vehicles per hour during peak periods.

The projected level of traffic activity expected to be generated by the Planning Proposal is relatively minor when compared with the previous uses of the site as a Motor Registry.

The projected future traffic flows expected to be generated by the Planning Proposal are minor and will not have any unacceptable traffic implications in terms of road network capacity.

### *Affordable Housing*

Canada Bay has an identified need for affordable housing and has an aspiration for at least 5% of total Gross Floor Area (or equivalent monetary contribution) being provided for the purpose of affordable housing wherever significant development occurs.

It is recommended that Council update the Canada Bay Affordable Housing Contribution Scheme to apply to the subject site and map the land on the Affordable Housing Contribution Scheme Map under the Canada Bay Local Environmental Plan 2013. Feasibility testing will be undertaken to determine the percentage of affordable housing to be provided.

### *Public infrastructure*

The Planning Proposal identifies an opportunity for public benefits to be provided, with specific reference to upgrading the immediate surrounding public domain. Examples provided include a new zebra crossing, shared bike path, street tree planting and a children's playground.

Any planning agreement negotiated with Council would need to provide a public benefit, as opposed to principally contributing to the marketability of the development as well as providing outcomes that are not otherwise required due to the redevelopment of the site.

It is recommended that Council negotiate the terms of a planning agreement prior to submission of the Planning Proposal for a Gateway Determination. Any Planning Agreement would need to be cognisant of contributions being made towards local infrastructure under s. 7.11 and affordable housing contributions under SEPP No. 70 – Affordable Housing (Revised Schemes).

## **Conclusion**

The Planning Proposal for 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue, Five Dock that seeks to facilitate a part residential and part retail development is generally considered to have merit, subject to the following amendments:

- (a) Provide a maximum building height fronting Ramsay Road to 14.0m and a maximum building height to the west of the right of way of 10.0m
- (b) Ensure the retention and protection of tree identified as Tree 1, Lilly Pilly - *Syzygium sp* in the Aboricultural Impact Assessment prepared by NewLeaf Aboriculture.

(c) Introduce an Active Street frontage on the land with a frontage to Ramsay Road and extending around the corner along Henley Marine Drive.

(d) Include a Detailed Environmental Site Investigation.

The above changes should be made before the Planning Proposal is submitted to the Department of Planning, Industry and Environment for a Gateway Determination.

It is recommended that Council update the draft Canada Bay Affordable Housing Contribution Scheme to apply to the subject site and map the land on the Affordable Housing Contribution Scheme Map under the Canada Bay Local Environmental Plan 2013.

Negotiation with the applicant on the terms of a Planning Agreement should also occur prior to submission of the Planning Proposal for a Gateway Determination.

It is also recommended that a draft Development Control Plan be prepared by Council to guide the future development of the site that includes, but is not limited to, the following controls:

- (a) building envelope;
- (b) ground level setbacks;
- (c) upper level setbacks;
- (d) tree retention and landscaping.

Subject to the above matters being addressed, it is recommended that the Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.

## **RECOMMENDATION**

1. THAT the advice of the Local Planning Panel in relation to the Planning Proposal is noted.
2. THAT the Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.
3. THAT prior to the Planning Proposal being submitted to the Department of Planning, Industry and Environment, the Planning Proposal be updated to:
  - (a) provide a maximum building height fronting Ramsay Road of 14.0m and a maximum building height to the west of the right of way of 10.0m.

- (b) revise the maximum floor space ratio to reflect the reduction in building height specified in (a) above.
  - (c) ensure the retention and protection of the tree identified as Tree 1, Lilly Pilly - *Syzygium sp* in the Aboricultural Impact Assessment prepared by NewLeaf Aboriculture.
  - (d) introduce an Active Street frontage on the land with a frontage to Ramsay Road and extending 20.0 metres along Henley Marine Drive.
  - (e) include a Detailed Environmental Site Investigation.
4. THAT draft amendments be prepared to the Canada Bay Affordable Housing Contribution Scheme and Canada Bay LEP 2013 to require an affordable housing contribution with an aspirational target of 5% affordable housing, subject to feasibility.
  5. THAT the draft amendments to the Canada Bay Development Control Plan be prepared by Council to guide the future development of the site that includes, but not be limited to:
    - (a) building envelope;
    - (b) ground and upper level setbacks;
    - (c) tree and landscaping controls.
  6. THAT, should a Gateway Determination be received, the Planning Proposal, draft Development Control Plan and draft Affordable Housing Contribution Scheme be placed on public exhibition.
  7. THAT delegation be requested from the Department of Planning, Industry and Environment to manage the plan making process.
  8. THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt a Gateway Determination.
  9. THAT Council note should the Planning Proposal proceed to exhibition, following consideration of any submissions, the Planning Proposal will be reported back to Council.

Attachments:



1. Planning Proposal – 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue, Five Dock, prepared by Architectus Group Pty Ltd (*provided in Attachment Booklet*)
2. Urban Design Study prepared by Architectus Group Pty Ltd and Squillance Architects (*provided in Attachment Booklet*)
3. Indicative Technical Drawing prepared by Architectus Group Pty Ltd prepared by Squillance Architects (*provided in Attachment Booklet*)
4. Survey Plan prepared by Pronto Services (*provided in Attachment Booklet*)
5. Traffic Assessment Report prepared by Varga Traffic Planning Pty Ltd (*provided in Attachment Booklet*)
6. Aboricultural Impact Assessment prepared by New Leaf Arboriculture (*provided in Attachment Booklet*)
7. Economic Report prepared by HillPDA Consulting (*provided in Attachment Booklet*)
8. Urban Design Report - 1 Ramsay Road, Five Dock prepared by Studio GL on behalf of Canada Bay Council, June 2019 (*provided in Attachment Booklet*)
9. Canada Bay Local Planning Panel – Planning Proposal Advice – 1 Ramsay Road, Five Dock, February 2021 (*provided in Attachment Booklet*).

