



IRF22/312

Gateway determination report – PP-2021-6291

1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue,
Five Dock

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans	
A1	Urban Design Study
A2	Survey Plan
A3	Traffic Assessment Report
A4	Arboriculture Impact Assessment
A5	Supplementary Arboriculture Assessment
A6	Independent Justification for Tree Removal Letter
A7	Economic Report
A8	Detailed Site Investigation Report

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Canada Bay
PPA	City of Canada Bay Council
NAME	Ramsay Road, Five Dock (37 homes, 18 jobs)
NUMBER	PP-2021-6291
LEP TO BE AMENDED	Canada Bay Local Environmental Plan 2013
ADDRESS	1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue, Five Dock
DESCRIPTION	<ul style="list-style-type: none"> • Lot 5 DP 310522 • Lots A, B and D DP 415618 • Lot 1 DP 241337 • Lots 1 and 2 DP 310552
RECEIVED	19/10/2021
FILE NO.	IRF21/312
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Description of Proposal

The planning proposal seeks to amend the Canada Bay Local Environmental Plan (LEP) 2013, in relation to land at 1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue to facilitate a mixed use development. Specifically, the proposal seeks to make the following amendments:

- rezone part of the site from R2 Low Density Residential to B1 Neighbourhood Centre;
- increase the maximum building height from 8.5m to part 10m and 14m;
- increase the maximum floor space ratio from 0.5:1 and 1:1 to part 0.5:1 and 1.71:1;
- amend the Active Street Frontages Map to introduce an active street frontage requirement for Ramsay Road and part of Henley Marine Drive;
- introduce a new clause under Schedule 1 Additional Permitted Uses to include residential flat buildings as an additional permitted use on part of the site;
- introduce a 5% affordable housing requirement for the site; and
- amend the Minimum Lot Size Map to reduce the minimum lot size from 450m² to 360m² for 5 and 7 Harrabrook Avenue.

The planning proposal is also supported by a concept design prepared by Architectus . The concept scheme depicts a mixed use redevelopment comprising of:

- a 4 storey mixed use building fronting Ramsay Road and part of Henley Marine Drive;
- a residential flat building of 3 storeys to the remaining frontage of Henley Marine Drive;
- approximately 37 residential apartments;
- approximately 580m² of ground floor retail floorspace; and
- 54 carparking spaces.

1.3 Site description

The site has a total site area of approximately 3,300m² and is located at the corner of Ramsay Road and Henley Marine Drive, Five Dock. The site includes seven separate allotments at 1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue (**Figure 1**).

The site contains a variety of existing uses including two single storey detached dwellings at 5 and 7 Harrabrook Avenue, a former RMS building and carpark at the corner of Ramsay Road and Henley Marine Drive and a two storey terrace containing retail uses at 7 Ramsay Road.

Site photos are depicted in **Figures 2-4**.

Table 4 below provides a description of the individual sites below:



Figure 1: Site Map (Source: Planning Proposal)

Table 4 Individual Site Descriptions

Address	Property Description	Existing Use
1 Ramsay Road	Lot 5 DP 310522 Lots A, B and D DP 415618	Former RMS building and carpark
7 Ramsay Road	Lot 1 DP 241337	2 storey terrace containing retail premises
5 Harrabrook Avenue	Lot 2 DP 310552	Single storey detached dwelling
7 Harrabrook Avenue	Lot 1 DP 310552	Single storey detached dwelling

**Figure 2: Site from Ramsay Road (Source: Department)**



Figure 3: 5 Harrabrook Avenue (left) and 7 Harrabrook Avenue (right) (Source: Department)



Figure 4: Site from corner of Ramsay Road and Henley Marine Drive (Source: Department)

1.4 Surrounding Area

The site is bound by Ramsay Road to the east, with Timbrell Park and the Bays Run located further to the east. Immediately to the North the surrounding area is characterised by low density residential dwellings and to the south the site is bound by Henley Marine Drive, with Iron Cove Creek located further to the south. To the west are a series of 1-2 storey dwellings with Croker Park located 350m to the west, the park includes a playground and tennis courts.

The site is located 500m south of the Five Dock local centre which includes a variety of commercial, civic and community uses and services. The site is also located approximately 650m south of the future Five Dock Metro station which is anticipated to begin operation in 2030.



Figure 5 Site Context Map (source: Nearmap)

1.5 Objectives of planning proposal

The planning proposal states that its intended outcome is to respond to the need to renew the site by delivering a new mixed-use development that will revitalise Ramsay Road neighbourhood centre, as well as provide a built form scale that supports its gateway location to the suburb of Five Dock.

The planning proposal sets the following objectives:

- to introduce new planning controls for the site under the CBLEP 2013;
- to deliver increased housing, shops and services in a highly accessible location that maximise the NSW Government's investment in infrastructure;
- to deliver a high-quality, mixed-use development with a range of housing and retail uses, that will renew the existing neighbourhood centre and contribute to local character;
- to facilitate development that responds to its context, including appropriate scale and achieves a high level of amenity to neighbouring properties and open space; and

- to deliver streetscape and public domain improvements that will reconnect the site to the neighbourhood and celebrate the site's location adjacent to significant open space and recreation areas.

The planning proposal is considered to contain objectives and intended outcomes that adequately explain the intent of the proposal. The intended outcomes and objectives are not required to be updated prior to exhibition.

1.6 Explanation of provisions

The planning proposal seeks to amend the Canada Bay LEP 2013, in relation to land at 1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue to facilitate a mixed use development. Specifically, the proposal seeks to make the following amendments:

- amend the Land Use Zoning map to rezone the rear portion of 5 and 7 Harrabrook Avenue from R2 Low Density Residential to B1 Neighbourhood Centre.
- amend the Height of Buildings Map across the site to increase the maximum building height from 8.5m to 10m and 14m.
- amend the Floor Space Ratio Map to increase the maximum permitted FSR from 0.5:1 and 1:1 to 0.5:1 and 1.71:1.
- amend the Minimum Lot Size Map pertaining to 5 and 7 Harrabrook Avenue to decrease the minimum lot size from 450m² to 360m².
- amend the Active Street Frontages Map to introduce an active street frontage requirement for land fronting Ramsay Road and for 20m along the Henley Marine Drive frontage.
- amend Clause 6.12 to introduce a minimum affordable housing contribution of 5% and reflecting this change by identifying the site on the Affordable Housing Contribution Scheme Map.
- amend Schedule 1 Additional Permitted Uses to allow residential flat buildings as an additional permitted use at 1 Ramsay Road and 7 Harrabrook Avenue.
 - a subclause is proposed to limit residential flat buildings to land adjacent to Henley Marine Drive.

A summary of the proposed amendments is provided below in Table 3:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	Part R2 Low Density Residential and Part B1 Neighbourhood Centre	Part R2 Low Density Residential and Part B1 Neighbourhood Centre
Maximum height of the building	8.5m	10m and 14m
Floor space ratio	Part 0.5:1 and Part 1.0:1	1.71:1
Minimum lot size	Part N/A and Part 450m ²	Part N/A and Part 360m ²
Number of dwellings	2	37
Number of jobs	N/A	18 (FTE equivalent)
Additional Permitted Uses	N/A	Residential flat buildings

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.7 Mapping

The planning proposal seeks to amend Sheet_005 of the following maps under the Canada Bay LEP 2013:

- Land Zoning Map;
- Floor Space Ratio Map;
- Height of Buildings Map;
- Minimum Lot Size Map;
- Active Street Frontages Map; and
- Affordable Housing Contribution Map.

The planning proposal includes mapping showing the proposed changes to the relevant maps, which are suitable for community consultation. Mapping extracts are provided in **Figures 6-15** below, comparing the existing and proposed controls.

A Gateway condition is recommended to require a map be introduced for community consultation purposes to identify the land sought to be subject to an Additional Permitted Use for 'residential flat buildings'. The condition requires the planning proposal to clarify whether it requires the introduction of an Additional Permitted Uses Map in the LEP.

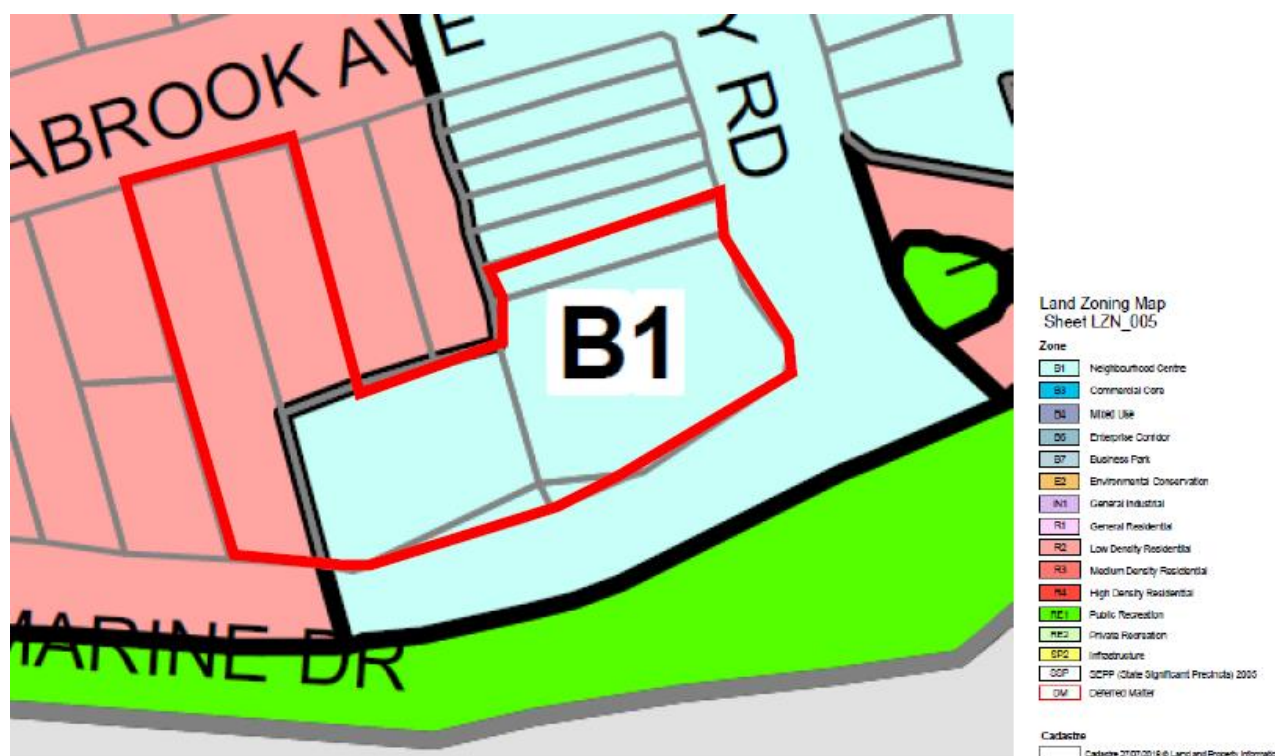


Figure 6 Existing Land Zoning Map

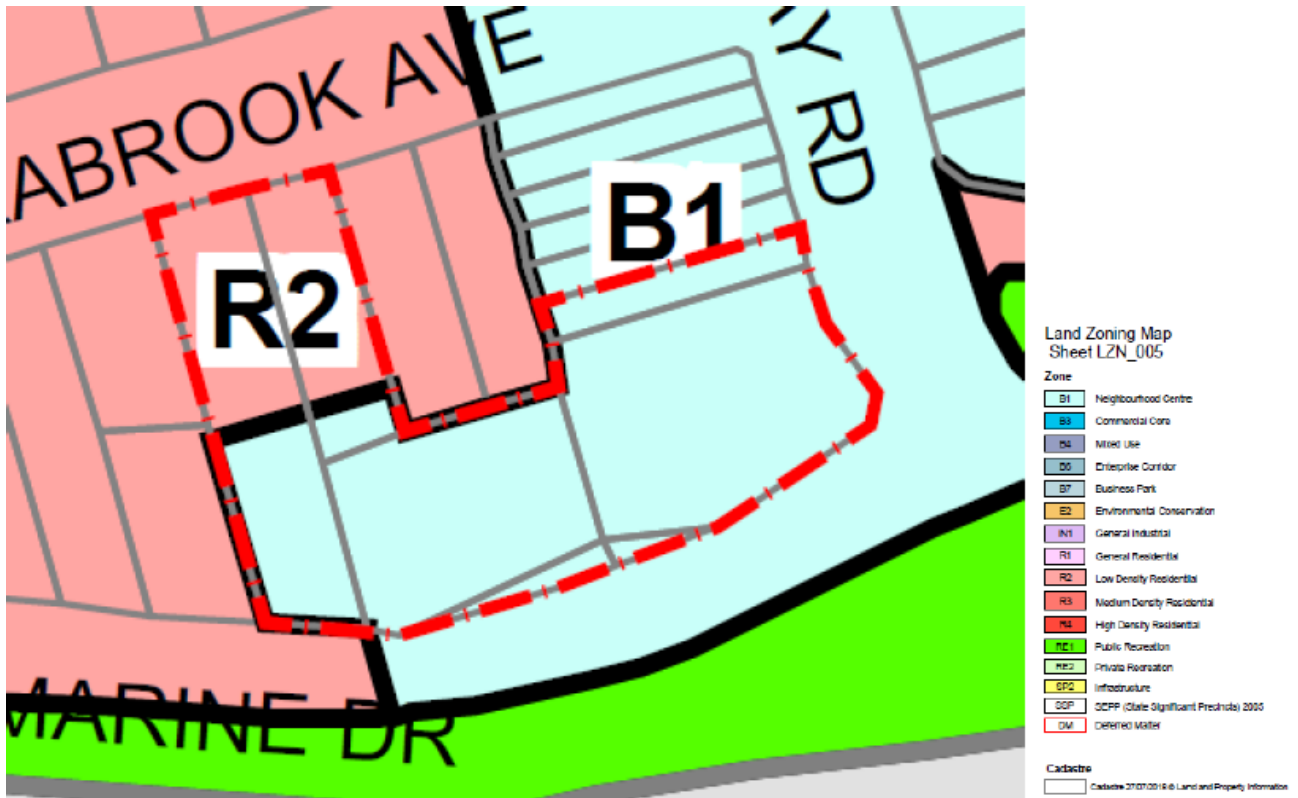


Figure 7 Proposed Land Zoning Map

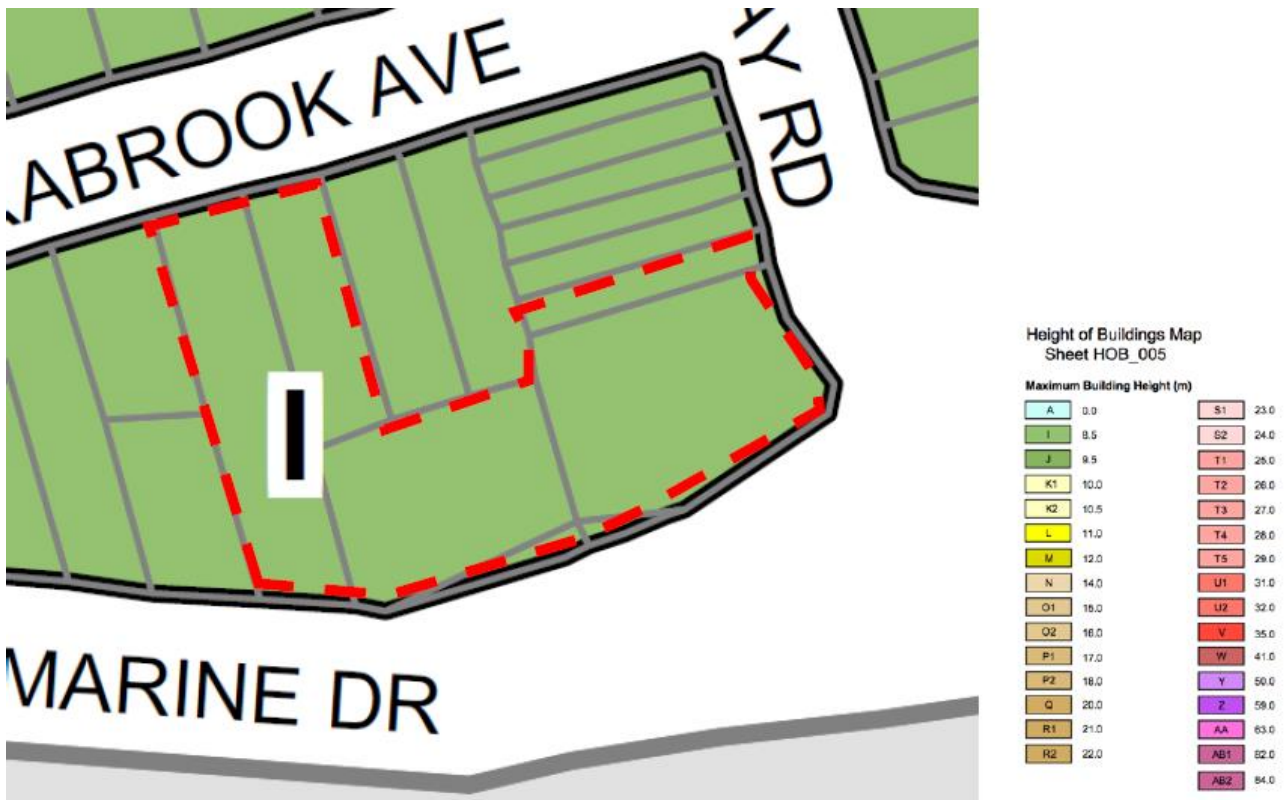


Figure 8 Existing Height of Buildings Map

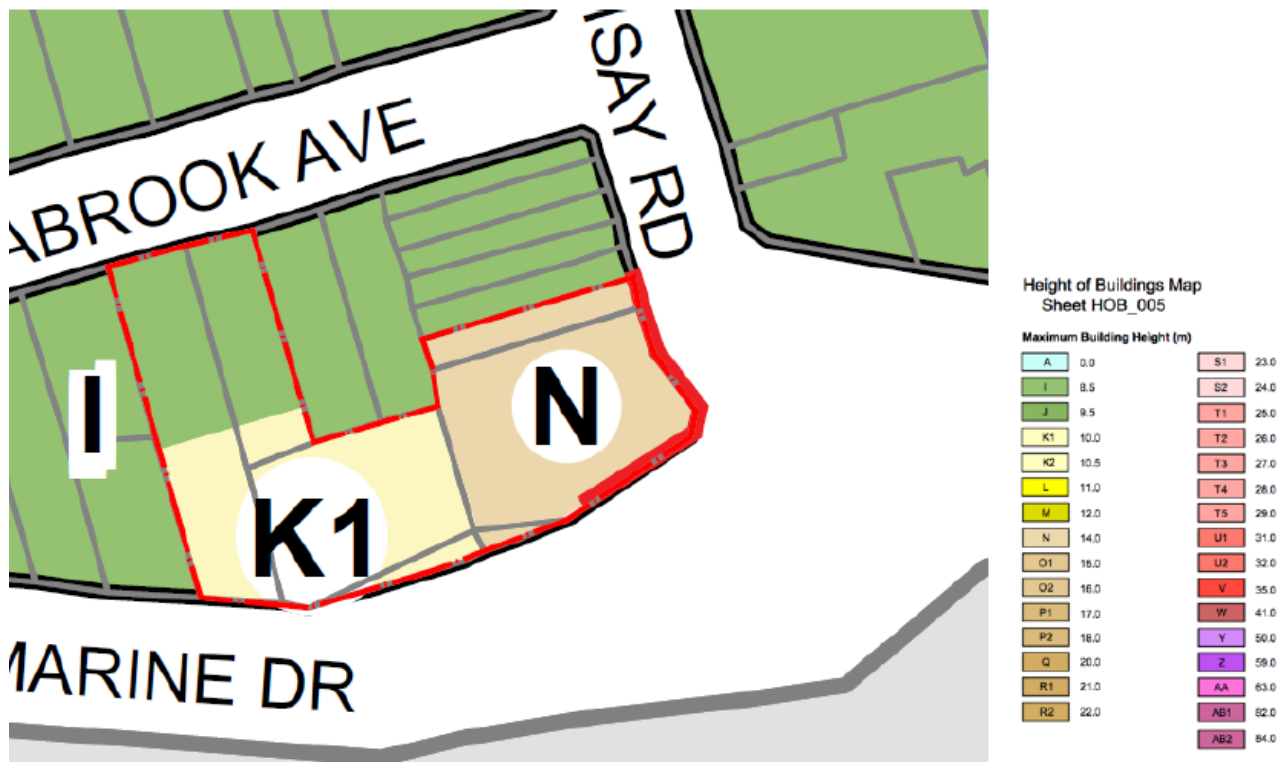


Figure 9 Proposed Height of Buildings Map

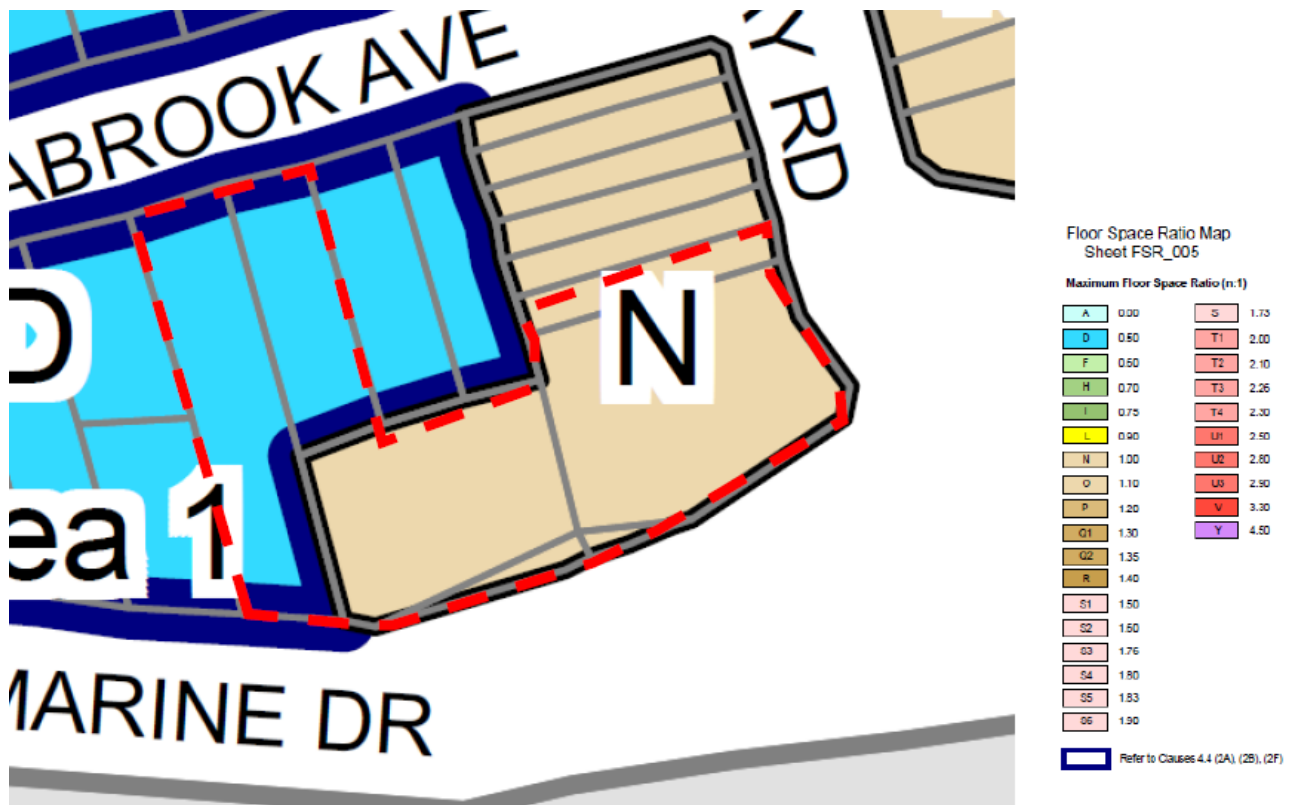


Figure 10 Existing Floor Space Ratio Map

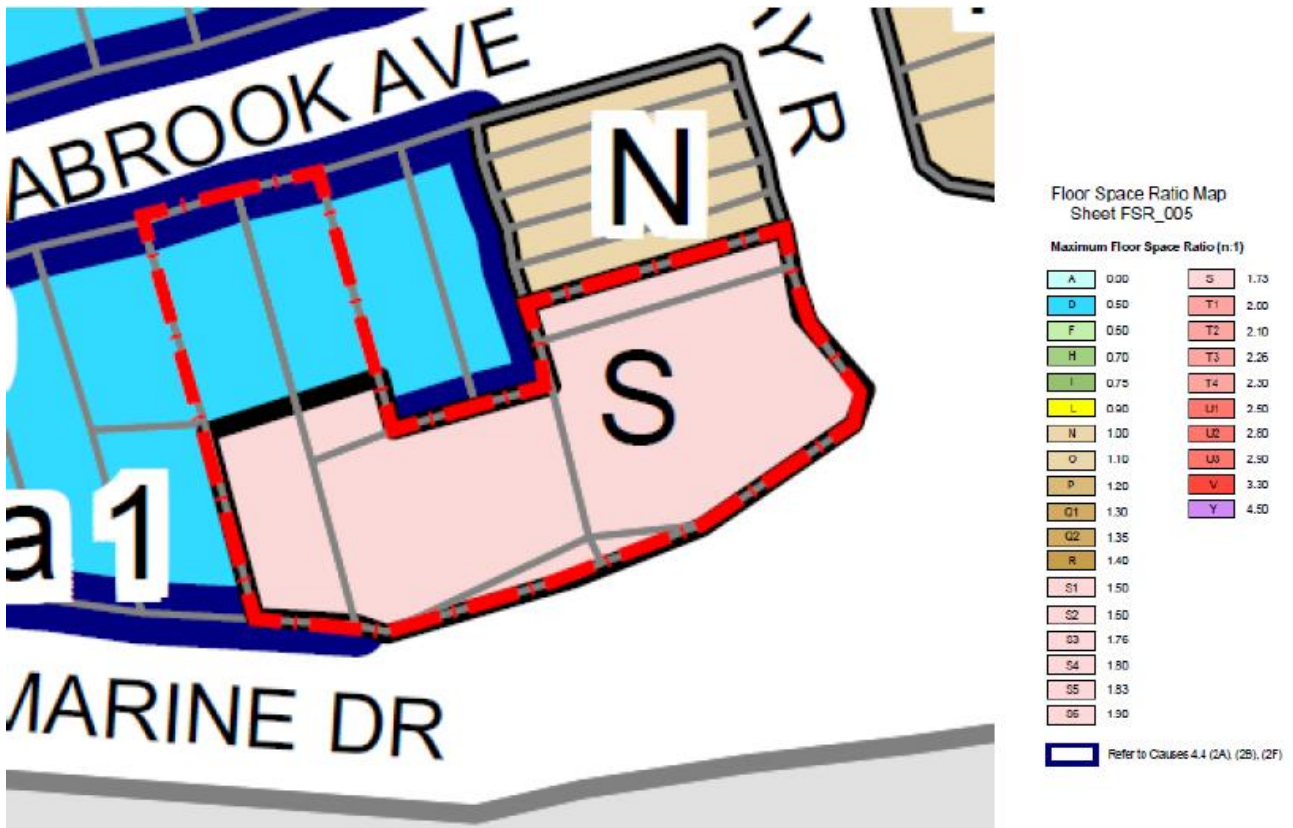


Figure 11 Proposed Floor Space Ratio Map

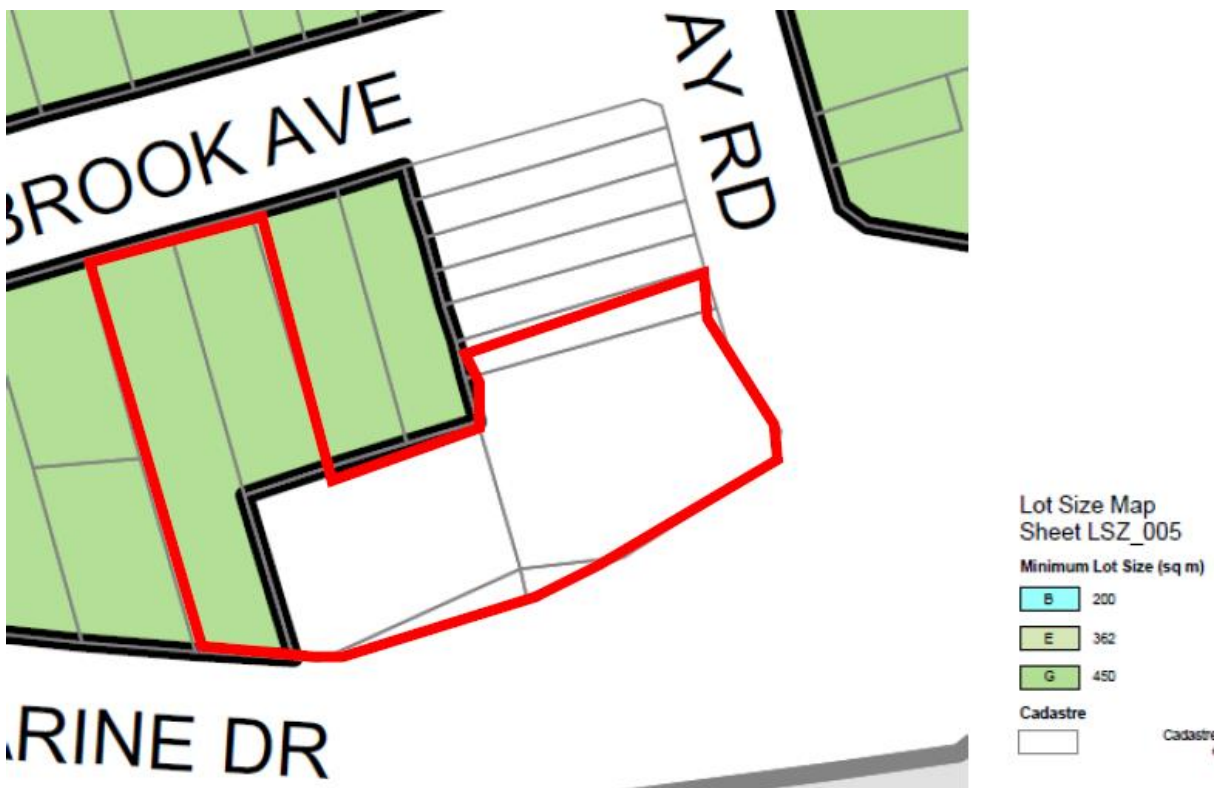


Figure 12 Existing Minimum Lot Size Map

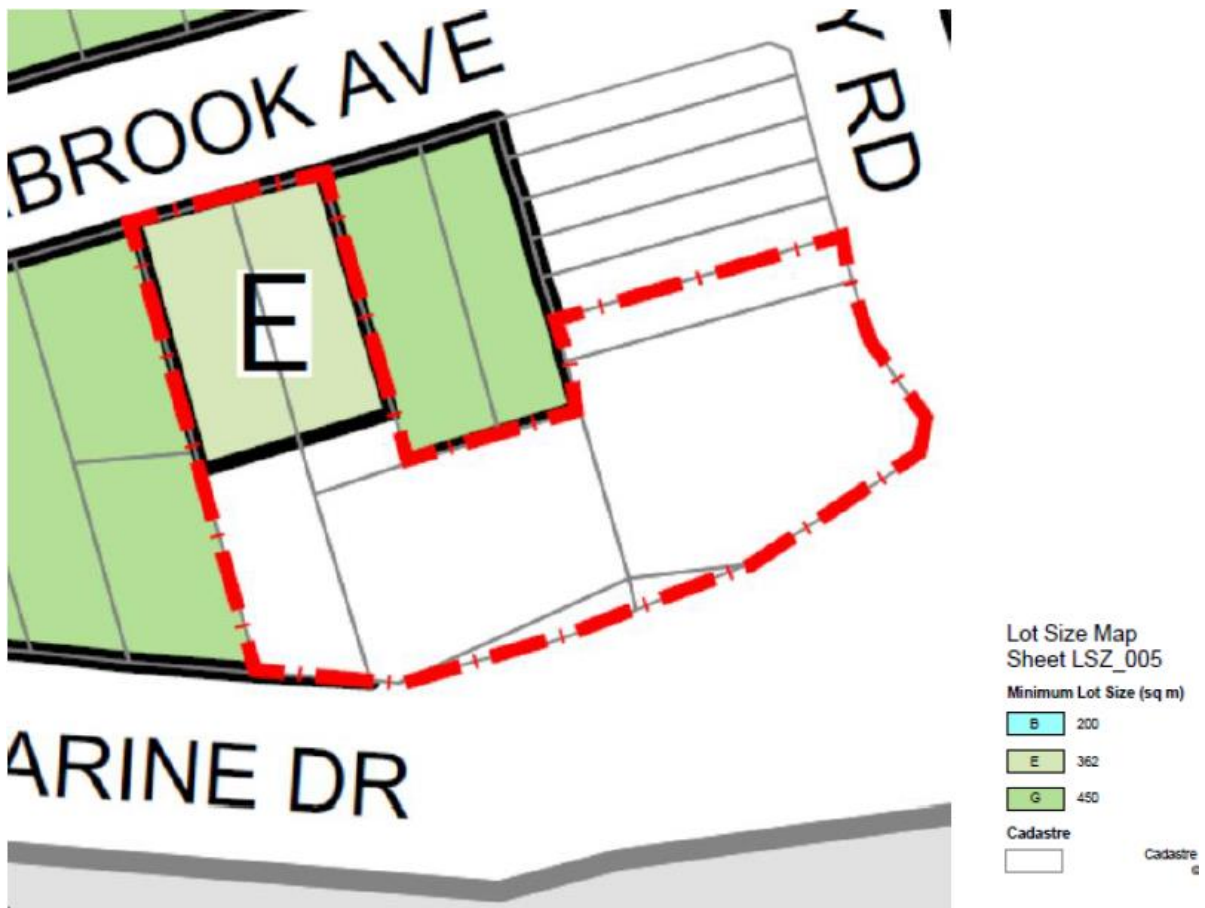


Figure 13 Proposed Minimum Lot Size Map

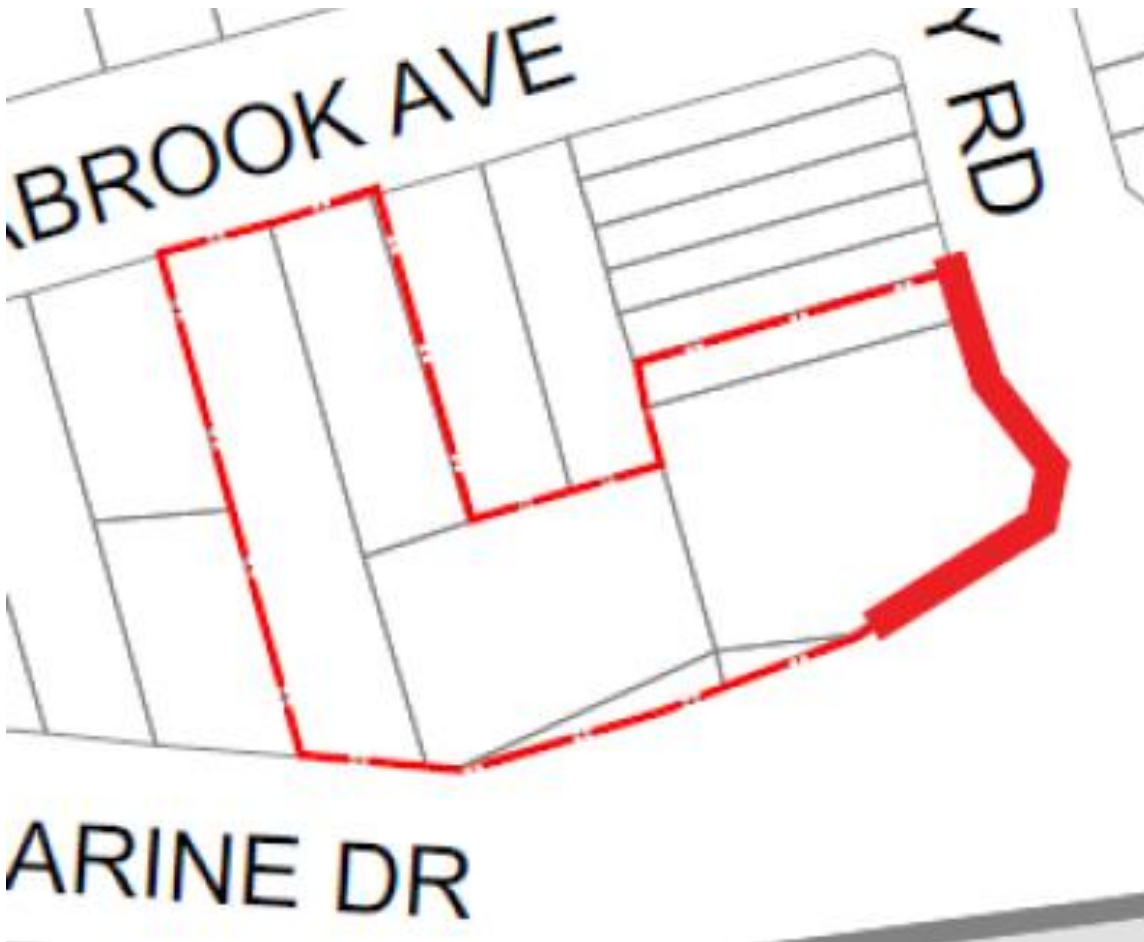


Figure 14 Proposed Active Street Frontages Map

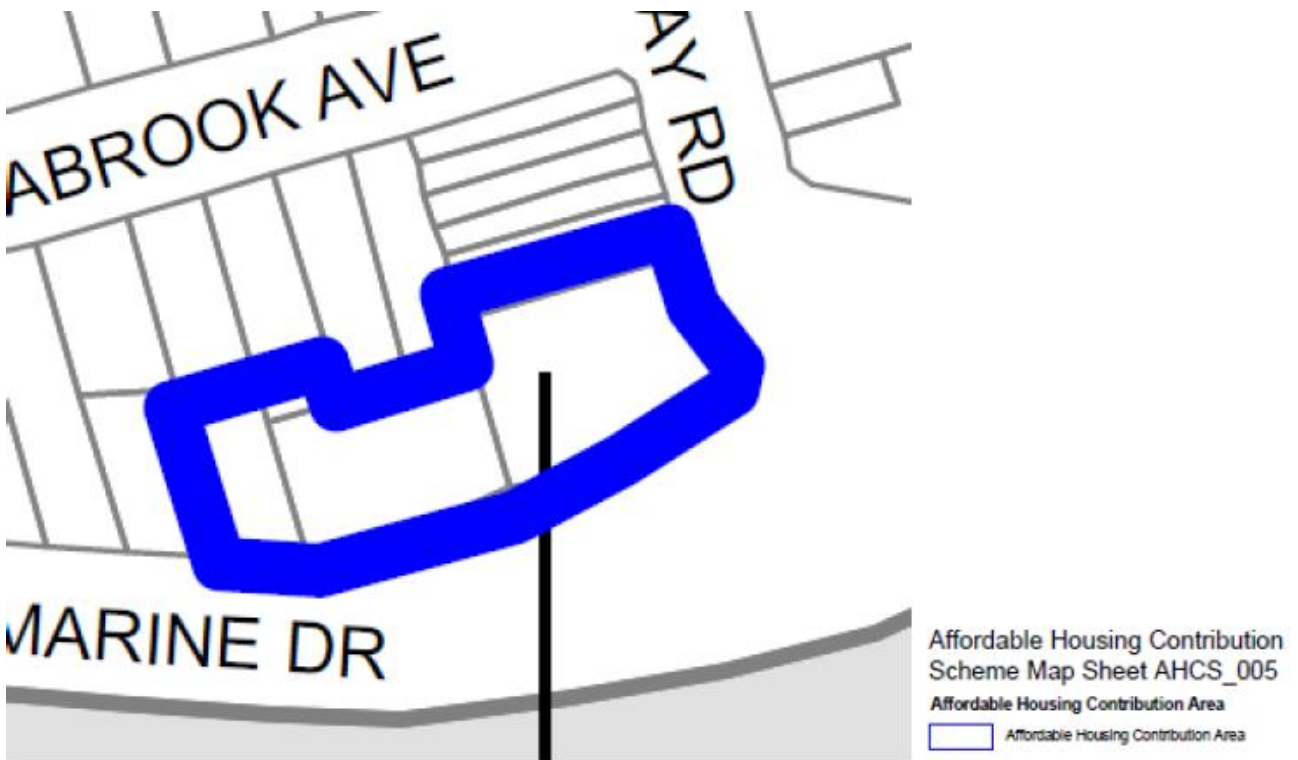


Figure 15 Proposed Affordable Housing Contribution Scheme Map

The concept scheme seeks to undertake an approach which includes the amalgamation and re-subdivision of the site. On one site, the two existing single storey residential dwellings at 5 and 7 Harrabrook Avenue will be retained with minor improvements and their lots reduced to 360m² each. The remaining site of 2579m², will be redeveloped to form the proposed development.

- a 4 storey mixed use building fronting Ramsay Road and part of Henley Marine Drive;
- a residential flat building of 3 storeys to the remaining frontage of Henley Marine Drive;
- approximately 37 residential apartments;
- approximately 580m² of ground floor retail floorspace; and
- 54 basement carparking spaces, with vehicular access provided from the western portion of the site from the Henley Marine Drive frontage.

The site plan illustrates the proposed new site boundary, which is outlined in a thick black line. The plan includes several key features and labels:

- Streets:** Harrabrook Avenue runs along the top and left sides. Ramsay Road runs along the right side. Henley Marine Drive runs along the bottom side.
- Existing Buildings:** Several existing buildings are shown, including a large building on the right labeled "EXISTING 10,000 SQ. FT. BUILDING" and a smaller building on the left labeled "EXISTING 1,000 SQ. FT. BUILDING".
- Parking Areas:** A large parking area is shown on the left, labeled "EXISTING 10,000 SQ. FT. PARKING AREA". A smaller parking area is shown on the right, labeled "EXISTING 1,000 SQ. FT. PARKING AREA".
- Proposed New Site Boundary:** The boundary is outlined in a thick black line, enclosing the existing buildings and parking areas.
- Other Labels:** The plan includes various other labels such as "PROPOSED NEW SITE BOUNDARY", "EXISTING 10,000 SQ. FT. BUILDING", "EXISTING 1,000 SQ. FT. BUILDING", "EXISTING 10,000 SQ. FT. PARKING AREA", "EXISTING 1,000 SQ. FT. PARKING AREA", "PROPOSED NEW SITE BOUNDARY", "EXISTING 10,000 SQ. FT. BUILDING", "EXISTING 1,000 SQ. FT. BUILDING", "EXISTING 10,000 SQ. FT. PARKING AREA", "EXISTING 1,000 SQ. FT. PARKING AREA", "PROPOSED NEW SITE BOUNDARY", "EXISTING 10,000 SQ. FT. BUILDING", "EXISTING 1,000 SQ. FT. BUILDING", "EXISTING 10,000 SQ. FT. PARKING AREA", "EXISTING 1,000 SQ. FT. PARKING AREA".

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Figure 17 – Concept Scheme Montage from corner of Ramsay Road and Henley Marine Drive (Source: Architectus)



Figure 18 – Concept Scheme Montage from Henley Marine Drive (Source: Architectus)

2 Need for the planning proposal

The planning proposal states that it is the most appropriate means to achieve the intended outcomes for the site, noting that the existing controls restrict and provide limited opportunities for development. The proposal states that it seeks to align the planning controls for the site with the state and local government's strategic planning outcomes.

The planning proposal seeks to promote the objectives of the Eastern City District Plan and Canada Bay Local Strategic Planning Statement and Local Housing Strategy. An assessment of the proposals consistency with the relevant state and local strategic plans is provided in section 3 of this report.

The planning proposal is considered to be the best means of achieving the intended outcomes of the proposal as the existing controls are considered to be overly restrictive and the site offers an opportunity to revitalise an under underutilised neighbourhood centre. The planning proposal will also allow for a series of amendments that also seek to protect employment uses at the site and ensure the provision of affordable housing.

3 Strategic assessment

3.1 Eastern City District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal seeks to increase housing choice in a location with access to jobs and services in walking distance to the Five Dock Town Centre</p> <p>The proposal also seeks to deliver a 5% affordable housing contribution, in the form of a monetary contribution to Council which is to be utilised for affordable housing within the LGA.</p>
E6 – Creating and renewing great places and local centres	<p>The planning proposal offers an opportunity to renew the existing B1 Neighbourhood Centre through the delivery of additional residential dwellings and 580m² of ground floor retail uses.</p> <p>The proposed development will assist in renewing the neighbourhood centre and providing a more attractive Gateway into Five Dock and the Canada Bay local government area.</p>
E7 – Growing a stronger and more competitive Harbour CBD	<p>The planning proposal is anticipated to generate a range of economic benefits to the local economy. The proposal seeks to revitalise the underutilised site to improve employment outcomes. It is anticipated that the intended development outcome will generate approximately 58 temporary job opportunities through the construction phase and a further 18 full time equivalent permanent jobs upon completion.</p> <p>The provision of 580m² of non-residential floor space at the site will ensure the protection of the sites historical employment generating uses, whilst also revitalising the existing B1 Neighbourhood Centre. This will have positive flow on economic effects to adjacent businesses uses within the B1 zone area.</p>
E10 - Delivering and integrating land use and transport planning and a 30-minute city	<p>The planning proposal is considered to give effect to the Priority as it seeks to co-locate residential and employment uses with access to frequent public transport services. The site is serviced by frequent bus routes on Ramsay Road and a short walk to Parramatta Road. Additionally, the site is situated approximately 650m walk from the future Sydney Metro West Station, which is to be located in the Five Dock Town Centre.</p>

3.2 Local Strategic Planning Statement 2020 (LSPS)

The City of Canada Bay Local Strategic Planning Statement (LSPS) was adopted by Council on 15 October 2019 and endorsed on 25 March 2020.

The LSPS is a Council led strategic plan which seeks to give effect to the actions and priorities of the Eastern City District Plan at the local level. The Plan seeks to provide a guide land use planning to achieve Council's vision for the area over the next 20 years.

Council has prepared its LSPS to contain a series of principles for growth to consider in the preparation of a planning proposal. The relevant growth principles are discussed in the table below.

Table 6 LSPS Principles for Growth Assessment -

Principle	Justification
Planning around future metro stations will be coordinated and precinct-based. In this way, proposals which seek to respond to the location of metro stations will be discouraged until such time as a local planning study has been completed.	Despite the relative proximity of the site to the future Five Dock Metro site, it forms part of an established neighbourhood centre which is separate from the Five Dock Town Centre and will not form part of any future metro station precinct.
Proposals must locate development near strategic and local centres and within walking distance of high frequency public transport.	The subject site is located within a 10-minute walk of the Five Dock Town Centre with excellent access to its services and facilities. Additionally, the proposal is located adjacent to frequent bus services on Ramsay Road and additional bus services a short walk to the west from Parramatta Road.
A minimum of 5% affordable housing is required wherever a significant increase in density occurs.	<p>The planning proposal seeks to facilitate a development of approximately 37 new residential apartments, providing an uplift in development potential.</p> <p>The planning proposal seeks to identify the site on the Affordable Housing Contributions Scheme Map, which will ensure that clause 6.12 of the Canada Bay LEP 2013 applies. These measures will ensure that a minimum 5% affordable housing contribution is made.</p>
Proposals must locate new development with access to open space. New residential areas are to be located within 400m of open space and high density is to be within 200m.	The subject site is well located in regard to open space provision. The site is located adjacent to the Iron Cove Creek and its surrounding open space and reserves. Additionally, the site is located approximately 170m west of Croker Park and 360m east from the beginning of Timbrell Park.

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 subject site is located in an established B1 Neighbourhood Centre zone. The planning proposal has been designed to retain and introduce additional retail floor space at the corner of Ramsay Road and Henley Marine Drive. The proposal also seeks to amend the Active Street Frontages Map to ensure the retention of employment generating uses at the site.

3.3 Canada Bay Local Housing Strategy 2019 (LHS)

The Canada Bay Local Housing Strategy analyses the population, demographic and supply associated with the delivery of housing within the Canada Bay LGA. The strategy, prepared by Council and SGS Economics and Planning, identifies that 14,300 additional dwellings will be required in the Canada Bay LGA by 2036 and provides a series of recommended actions in order to guide the delivery of this housing supply. Table 7 below provides a discussion of the proposal's consistency against the relevant actions of the LHS.

LHS Action	Compliance
Ensure that apartment dwelling yields are comprised of sufficient dwelling diversity	<p>The indicative concept design seeks to provide an appropriate mix of apartment types as follows:</p> <ul style="list-style-type: none"> • 8x 1 bedroom apartments (22%) • 15x 2 bedroom apartments (41%) • 14x 3 bedroom apartments (38%). <p>The final dwelling sizes will be subject to any future development assessment.</p>
Local centres are planned to provide opportunities for alternative low and moderate scale housing, within walking distance of services and access to public transport	<p>The proposal seeks to provide additional housing supply in an established neighbourhood centre at a moderate scale, being 3-4 storeys in height. The subject site is well located with access to services in the Five Dock Town Centre and bus services from Ramsay Road.</p>
Housing diversity and choice to be further addressed by infill development around centres, based on planning controls that are feasible, to provide a wider range of housing forms whilst being respectful of local neighbourhood character	<p>The proposal has been developed to provide additional housing potential whilst preserving the existing local neighbourhood character through appropriate built form potential.</p>
Ensure that housing in the LGA provides opportunities for key workers, low income households and other groups through the requirement the private sector provide affordable housing as part of larger redevelopment	<p>The planning proposal seeks to ensure the delivery of a 5% affordable housing contribution. This is anticipated to be in the form of an equivalent monetary contribution to be paid to Council.</p>

3.4 Council and Local planning panel (LPP) recommendation

Canada Bay Local Planning Panel

On 18 February 2021, the proposal was considered by the Canada Bay Local Planning Panel (LPP). The LPP noted that although the centre is small, that it is well located to accommodate increased density and that the proposed development was compatible with its surrounds.

The LPP provided the following recommendations for Council to consider prior to endorsing the planning proposal:

- *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;*
- *ensure the retention and protection of tree identified as Tree 1, Lilly Pilly – Syzgiumsp in the Arboriculture Impact Assessment prepared by NewLeaf Arboriculture;*
- *introduce an Active Street frontage on the land with a frontage to Ramsay Road and extending around the corner along Henley Marine Drive;*
- *include a Detailed Contaminated Site Investigation.*
- *Council update its Affordable Housing Contribution Scheme to apply to the subject site.*
- *Council negotiate the terms of a Voluntary Planning Agreement with the applicant prior to submission for a Gateway determination.*
- *Council prepare a draft DCP to guide future development at the site, with particular reference to:*
 - *Building envelope*
 - *Ground level setbacks*
 - *Upper level setbacks; and*
 - *Tree retention and landscaping requirements.*

Council Meeting

On 16 March 2021, Council considered a report from Council officers and resolved:

- *the advice of the Local Planning Panel is noted;*
- *that prior to the planning proposal being submitted to the Department of Planning, Industry and Environment for a Gateway determination, the applicant be invited to negotiate a planning agreement with Council;*
- *that the planning proposal be submitted to the Department of Planning, Industry and Environment for a Gateway determination.*
- *that prior to the planning proposal being submitted for Gateway determination, that it be updated to:*
 - *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;*
 - *revise the maximum floor space ratio to reflect the reduction in building height specified in (a) above;*
 - *ensure, subject to further investigation, the retention and protection of the tree identified as Tree 1, Lilly Pilly – Syzgium sp in the Arboricultural Impact Assessment prepared by NewLeaf Arboriculture;*
 - *introduce an Active Street frontage on the land with a frontage to Ramsay Road and extending 20.0 metres along Henley Marine Drive;*
 - *include a Detailed Environmental Site Investigation.*
- *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 a target of 5% affordable housing, subject to feasibility;*

- *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 limited to:*
 - *building envelope;*
 - *ground and upper level setbacks;*
 - *tree and landscape controls.*
- *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.*
- *that delegation be requested from the Department of Planning, Industry and Environment to manage the plan making process.*
- *That authority be delegated to the General Manager to make any minor modifications to the planning proposal following receipt a Gateway determination;*
- *That Council note should the planning proposal proceed to exhibition, following consideration of any submissions, the planning proposal will be reported back to Council.*

In response, the planning proposal package has undergone the following updates:

- the planning proposal has been updated in accordance with the recommendations regarding building height and FSR;
- the planning proposal has been updated to identify the site on the Active Street Frontages Map;
- a Detailed Site Investigation has been prepared and provided;
- additional arboriculture assessment was undertaken in regard to the retention of the *Lilly Pilly – Syzygium sp tree at the site;*
- the proponent has indicated its intent to negotiate a Voluntary Planning Agreement with Council;

Where relevant the required updates to the planning proposal have been discussed in sections 3.5 and 4 of this report.


3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Consistent. However, the planning proposal has not addressed the direction.	<p>This Direction aims to encourage employment growth in suitable locations, protect employment land in business zones, and support the viability of identified centres.</p> <p>The planning proposal states that the 9.1 direction is not applicable. However, the direction is applicable as the proposal pertains to land that is zoned B1 Neighbourhood Centre.</p> <p>Although the proposal seeks to introduce residential uses across the entirety of the site, it also includes measures to ensure that commercial uses are protected at the site.</p>

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The proposal introduces a subclause under Schedule 1 Additional Permitted Uses that ensures that residential flat buildings are only permitted to land fronting Henley Marine Drive.</p> <p>The proposal also seeks to identify the site on the Active Street Frontages Map to ensure that business uses are retained at the corner of Ramsay Road and Henley Marine Drive.</p> <p>The two abovementioned controls ensure that business uses are adequately protected on Ramsay Road and for a suitable amount on Henley Marine Drive.</p> <p>The planning proposal is therefore considered to be consistent with the direction as it does not reduce the potential employment density of the land and seeks to ensure employment generating uses are protected at the site. However, as the proposal has not addressed the direction this will be required to be updated prior to public exhibition. This is reflected in the conditions of the Gateway determination.</p>
2.3 Heritage Conservation	Consistent	<p>The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The planning proposal has clearly been designed in a manner that does not result in any impacts on heritage items in the locality. South of the site beyond Iron Cove Creek and associated open space, is the Haberfield Heritage Conservation Area (HCA) (Figure 19). The proposal has been designed with appropriate building heights which ensure that potential visual impacts are minimal and there is no overshadowing to the Haberfield HCA which is separated by a 40m vegetative buffer.</p> <p>It is considered that the proposal has adequately considered its surrounding heritage context and that sufficient heritage protections exist under the Canada Bay LEP 2013. Therefore, the planning proposal is considered to be consistent with the Direction.</p>

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p>Figure 19 – Heritage Context Map (Source: Architectus)</p>
2.6 Remediation of Contaminated Land	Consistent.	<p>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>As discussed in section 3.4 of this report, the Canada Bay LPP requested that a Detailed Site Investigation be prepared, prior to the proposal being forwarded to the Department requesting a Gateway determination.</p> <p>The applicant commissioned Aragus Pty Ltd to prepare a Detailed Site Investigation which accompanies the proposal.</p> <p>The Investigation notes the sites historical use as a motor vehicle registry and motor vehicle repair shop.</p> <p>The investigation concludes that it is considered that the site can be rendered suitable for the proposed uses subject to the following requirements:</p> <ul style="list-style-type: none"> • an appropriate remedial/management strategy be developed, culminating in the preparation of a Remedial Action Plan in accordance with EPA guidelines. The strategy should have regard to the three identified hotspots as well as addressing data gaps. • any soils that require removal from the site be classified in accordance with the EPA's <i>Waste Classification Guidelines Part 1: Classifying Waste</i>. <p>It is considered that suitable site investigations have been undertaken at this stage of the planning process. The Department is also satisfied that</p>

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>subject to the aforementioned recommendations that the land can be made suitable for the proposed uses.</p> <p>As such, the planning proposal is considered to have adequately addressed the Direction.</p>
3.1 Residential Zones	Consistent.	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services and minimise the impact of residential development on environment and resource lands.</p> <p>The proposal seeks to broaden housing choice and supply in the area by increasing the permissible residential density of the site. This is anticipated to culminate in the delivery of approximately 37 new apartments.</p> <p>The proposal also seeks to leverage off planned and existing infrastructure in the area, including established bus routes and the future Five Dock Metro Station.</p> <p>With consideration of the above, the planning proposal appropriately addresses the requirements of the Direction.</p>
3.4 Integrating Land Use and Transport	Consistent.	<p>Under this Direction, a planning proposal must consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The planning proposal is located approximately 700m or a 10-minute walk from the Five Dock Town Centre and has excellent access to high frequency bus services from Ramsay Road.</p> <p>The planning proposal seeks to leverage off the confirmed future Five Dock Metro Station which forms part of the Sydney Metro West project. The Sydney Metro West project commenced preliminary construction works in 2020.</p> <p>The proposal is therefore considered to be consistent with the Direction as it seeks to increase residential supply and employment generating uses in proximity to existing and planned public transport infrastructure.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with and does not hinder the application of any relevant SEPPs. A discussion of the proposals consistency with SEPP 65 is provided below.

SEPP No. 65 – Design Quality of Residential Apartment Development (ADG):

The Urban Design Study that accompanies the planning proposal includes an assessment against the key criteria of the ADG. The assessment which is summarised in the table below demonstrates that the proposed development is capable of meeting the key requirements under the ADG.

Table 8 – SEPP 65 Compliance

Criteria	Compliance
Building Separation	The ADG requires a separation of 6-12m up to 4 storeys. The indicative concept has demonstrated that the proposed building envelopes can meet the minimum separation requirements, including a 9m setback which is to be provided to the western boundary of the site.
Cross Ventilation	The ADG requires that 60% of apartments be natural cross ventilated. The indicative concept has demonstrated that the proposal is capable of achieving the requirement with 25 of 37 (67%) apartments being capable of natural cross ventilation.
Solar Access	<p>The ADG requires that a minimum of 70% of apartments receive 2 hours of direct sunlight between 9am-3pm during mid-winter. The ADG also requires that a maximum of 15% of apartments receive no direct sunlight between 9am-3pm during mid-winter.</p> <p>The indicative concept design has demonstrated that 27 of 37 (73%) of apartments will achieve at least 2 hours of direct sunlight. Additionally, the proposal notes that 5 of 37 (13.5%) of apartments will receive no sunlight.</p> <p>The ADG also requires that more than 50% of communal open space can receive direct sunlight for a minimum of 2 hours during mid-winter. The proposal confirms that the concept design is capable of achieving this requirement.</p>
Communal Open Space	The ADG requires that an area of at least 25% of the total site area be provided as communal open space. The proposal confirms that an area of 645m ² can be provided as communal open space based on the indicative concept design.
Deep Soil Planting	The ADG requires a minimum of 7% of the site to be capable of deep soil planting. The proposal confirms that an area of 181m ² can be utilised for deep soil at the site under the indicative concept scheme.

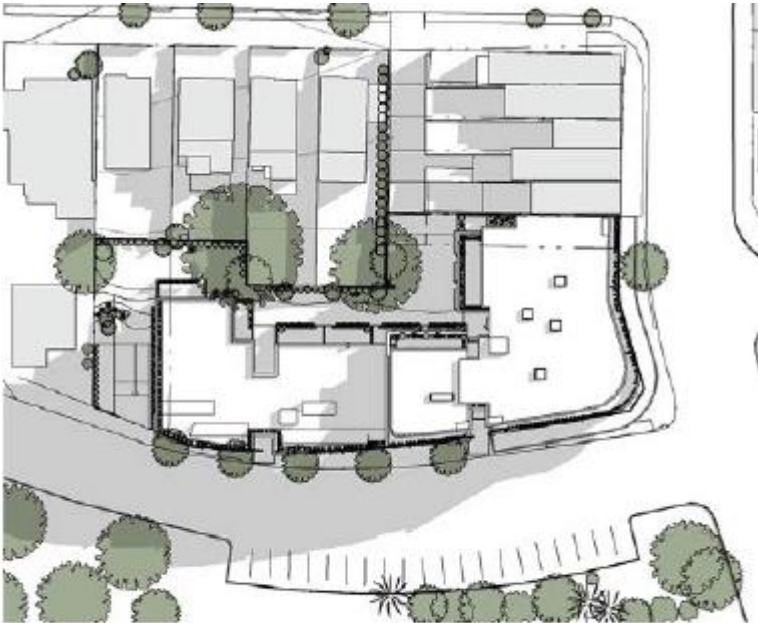
4 Site-specific assessment

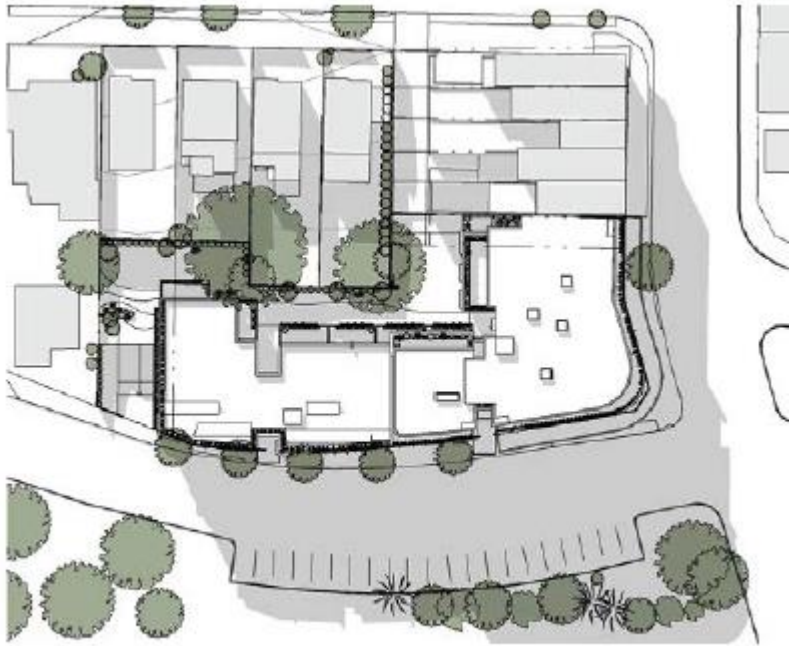
4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Bulk and Scale	<p>As discussed, the planning proposal has been refined during its preparation to respond to built form matters and ensure a sympathetic transition is maintained and achieved to surrounding properties. This includes the reduction in height to 14m at the corner of Ramsay Road and Henley Marine Drive, and a more appropriate transitional height of 10m to the western portion of the site fronting Henley Marine Drive.</p> <p>This reduction in height responds to the context of the adjoining low density residential property at 1F Henley Marine Drive. Additionally, the concept has also been designed to create a setback from the 3-storey built form and the adjoining 1F Henley Marine Drive.</p> <p>The intended built form outcome is well considered and provides opportunities for a sympathetic design response to be achieved for the site. This will be subject to resolution of detailed design matters as part of any future development assessment. The draft DCP will provide a framework for considering these matters further during the development application process.</p>
Vegetation Management	<p>The proposal is supported by an Arboriculture Impact Assessment (AIA) which has regard to the intended concept development.</p> <p>The AIA identified 14 trees within the footprint of the intended future development and recommended that 9 trees would need to be removed, and 5 trees be considered for transplanting elsewhere. The AIA recommended that the remaining 11 trees within the subject site be retained.</p> <p>Council's Senior Landscape Architect reviewed the AIA and noted concern with one tree which was recommended to be transplanted. The tree is identified as a <i>Syzygium</i> sp. Lilly Pilly and is located at the boundary of 7 Harrabrook Avenue and 1 Ramsay Road.</p> <p>Council staff note noted that the tree is a significant remnant specimen that provides a number of benefits in the locality. As such, Council recommended that the tree be retained given its significance and contribution to canopy, ecology and biodiversity and noted that the tree was unlikely to survive transplantation.</p> <p>A Supplementary AIA was also prepared which saw an amended tree retention value for the tree from "high" to "low", noting that the structural condition of the tree and limited growing room due to the proximity of the neighbouring building. The Supplementary AIA therefore recommended that the tree be removed.</p> <p>Subsequently, Council commissioned an Independent AIA to be prepared. The Independent AIA also recommended that the tree be removed in the event that the subject site be redeveloped, as with increased occupancy at the site, the risks of</p>

Environmental Impact	Assessment
	<p>retaining the tree would be unacceptable. The Independent AIA also recommends that replacement plantings be installed to replace the lost canopy.</p> <p>Further consideration of this matter can be further considered as part of any future development assessment.</p>
Solar Access	<p>The planning proposal states that it will achieve a built form outcome that has acceptable solar access impacts to neighbouring properties and open space. The planning proposal is supported by a detailed solar analysis that can be found in the Urban Design Study, prepared by Architectus.</p> <p>Neighbouring properties are primarily located north and west of the site which will minimise the potential for adverse overshadowing impacts. It is noted that there will be minimal overshadowing to the front yard of the property adjacent to the west being 1F Henley Marine Drive. This overshadowing occurs between 9am-10am during the winter solstice and is considered acceptable as it does not impact private open space (Figure 20).</p>  <p>9am-June 21st</p> <p>Figure 20 Solar Access Diagram 9am (Source: Architectus)</p> <p>The solar access diagrams provided under the Urban Design Study also demonstrate that there will be no overshadowing to residential properties located within the HCA south of Iron Cove Creek.</p> <p>However, the proposal does note that it will result in some level of overshadowing to public spaces. It is noted that this overshadowing primarily effects the public road and carparking area located to the south on Henley Marine Drive. There is minimal overshadowing in the morning to northern edge of the Iron Cove Creek area with most of this overshadowing impacting the road carriageway and carparking area (Figure 21).</p>

Environmental Impact	Assessment
	 <p data-bbox="443 952 662 990">3pm-June 21st</p> <p data-bbox="443 1025 1109 1057">Figure 21 Solar Access Diagram 3pm (Source: Architectus)</p> <p data-bbox="443 1075 1396 1209">The overshadowing impacts on open space are considered to be negligible, impacting remnant vegetation adjoining the creek and roadway, the primary open space areas surrounding the creek will retain suitable levels of solar access throughout the day.</p>
Contamination	<p data-bbox="443 1249 1372 1348">As discussed above in Section 3.5 of this report, the proposal is supported by a Detailed Site Investigation, which was commissioned by the proponent at the request of the Canada Bay LPP.</p> <p data-bbox="443 1366 1404 1464">The Investigation noted several exceedances of environmental concern. However, notes that the risks to human health and the environment due to sources of soil contamination at the site are low.</p> <p data-bbox="443 1482 1372 1581">The investigation recommends that the site can be rendered suitable for the proposed introduction of residential uses and intensification of retail uses at the subject to the following requirements:</p> <ul data-bbox="478 1599 1428 1818" style="list-style-type: none"> <li data-bbox="478 1599 1428 1742">• An appropriate remedial/management strategy be developed, culminating in the preparation of a Remedial Action Plan in accordance with EPA guidelines. The strategy should have regard to the three identified hotspots as well as addressing data gaps. <li data-bbox="478 1747 1428 1818">• Any soils that require removal from the site be classified in accordance with the EPA's <i>Waste Classification Guidelines Part 1: Classifying Waste</i>. <p data-bbox="443 1836 1404 1935">The Department considers that sufficient site investigations have been undertaken at this stage of the planning process and is satisfied that the site can be made suitable for the proposed uses subject to the above recommendations.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Affordable Housing	<p>The planning proposal seeks to amend clause 6.12(6) and clause 6.12(10) of the Bayside LEP 2013, to identify the site as an 'Affordable Housing Contribution Area' and establish an affordable housing contribution rate of 5%. It is intended that these amendments will also be reflected by identifying the site on the Affordable Housing Contribution Scheme Map.</p> <p>A draft Affordable Housing Contribution Scheme which identifies the subject site has been prepared supported by feasibility analysis. This information has been reviewed and is considered satisfactory and it is recommended be included as part of the planning proposal exhibition material which is specified as a condition of Gateway.</p>
Economic	<p>The planning proposal is supported by an Economic Assessment prepared by Hill PDA Consulting.</p> <p>The planning proposal is anticipated to generate a range of economic benefits to the local economy including:</p> <ul style="list-style-type: none"> • provision of approximately 58 temporary job opportunities through construction; • provision of approximately 18 full time equivalent jobs upon completion; • provision of 580m² of non-residential floor space; and • revitalisation of the existing site and positive flow on economic effects to adjacent businesses within the B1 zone area.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic and Parking	<p>The proponent has commissioned Varga Traffic Planning Pty Ltd to prepare a Preliminary Traffic and Parking Assessment Report (TPA) in support of the proposal.</p> <p>The Preliminary TPA confirms that the proposal intends to provide 54 car parking spaces for the residential component of the site, which will be accommodated within on site basement parking. Vehicular access will be provided via a driveway to a basement car parking area from the western end of the site fronting Henley Marine Drive. Commercial parking will be adequately</p>

	<p>accommodated with on street parking adjacent to the site along Henley Marine Drive.</p> <p>In relation to parking, the proposal is considered acceptable as it will exceed the minimum car parking requirements imposed under the Canada Bay DCP 2020 and the Apartment Design Guidelines.</p> <p>The Preliminary TPA projects that the proposed development would generate approximately 15 vehicles per hour during peak AM and PM periods and concludes that the proposal will not have any unacceptable traffic implications.</p> <p>The projected traffic generation deriving from the proposal is not anticipated to have any major impact on the surrounding road network. Additionally, as noted in Council's assessment the proposed uses when compared to the previous use as a motor registry are anticipated to generate comparatively minor traffic impacts.</p> <p>A condition of Gateway is recommended to require consultation with Transport for NSW (TfNSW).</p>
Public Benefits/Local Infrastructure	<p>In addition to the 5% affordable housing and mandatory section 7.11 contributions, the applicant has indicated its intent to negotiate a Voluntary Planning Agreement (VPA) with Council. To the Department's knowledge there has been no formal letter of offer to enter into a VPA at this stage.</p> <p>The proponent has noted its willingness to consider contributing to the following local infrastructure initiatives, subject to negotiation with Council:</p> <ul style="list-style-type: none"> • extending the Sydney Water Preliminary Concept Design for Iron Cove Creek; • installing a pedestrian crossing to enhance access to the subject site and neighbourhood centre; • installation of a shared bike path; • street tree planting, • additional Parking Bays; • recreation opportunities such as outdoor gyms and a children's playground.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The Department consider the proposal as 'standard' under the new planning proposal categories identified in the *Local Environmental Plan Making Guideline* released by the Department in December 2021.

The Department recommends a community consultation period of a maximum of 20 days, with the public notification arrangements to accord with the requirements of the new Guideline.

5.2 Agencies.

Council did not nominate to consult with any government agencies in relation to the proposal. Having regard to the intent and scope of the planning proposal, it is recommended the following agencies be consulted and given 30 days to comment:

- Transport for NSW

6 Timeframe

Council proposes a seven (7) month time frame to complete the LEP.

The Department recommends a time frame of nine (9) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered to be a matter of local planning significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is generally consistent with the relevant objectives and directions of the Greater Sydney Region Plan, Eastern City District Plan, applicable State Environmental Planning Policies, section 9.1 Ministerial Directions, and local strategic plans;
- it will assist in facilitating the supply and diversity of housing and jobs supply;
- it has been prepared to provide an appropriate built form response to its context; and
- the site is well located with access to open space, frequent bus services and the Five Dock Town Centre.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Address consistency with Section 9.1 Direction 1.1 Business and Industrial Zones; and
 - Provide a map to clearly identify the land sought to be subject to an Additional Permitted Use for 'residential flat buildings'. The planning proposal should clarify whether it requires the introduction of an Additional Permitted Uses Map in the LEP.
2. The exhibition material must include the draft Affordable Housing Contribution Scheme and supporting Affordable Housing Feasibility Analysis provided on 1 March 2022.
3. Consultation is required with the following public authorities:
 - Transport for NSW (TfNSW)
4. The planning proposal should be made available for community consultation for a minimum of 20 days.
5. The planning proposal must be exhibited within 3 months from the date of the Gateway determination.
6. The planning proposal must be reported to Council for a final recommendation 7 months from the date of the Gateway determination.

7. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



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3 March 2022

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