

Local Planning Panel Minutes

MINUTES OF THE CITY OF CANADA BAY LOCAL PLANNING PANEL

Date of Panel meeting	20 th March 2025
Location	Hudson Room, City of Canada Bay Council
Panel members	Jason Perica (Chair) Judy Clark (Expert Member) Stephen Alchin (Expert Member) Anne Potter (Community Member)
Council staff	Paul Dewar, Helen Wilkins, Lucy Langley
Apologies	Nil
Declarations of interest	Nil

A meeting of the Local Planning Panel was held in the Hudson Room, Canada Bay Civic Centre, Drummoyne on Thursday, 20th March 2025 in relation to a Planning Proposal at 78 – 81 Queens Road and 2 – 12 Spencer Street, Five Dock and the Affordable Housing Contribution Scheme. Please note Planning Proposal meetings are not public meetings and therefore are not open to the public.

A site inspection was conducted by Panel members and Council staff from 10:15 – 11:00.

The applicant and their representatives Alan Chen, Michael Rowe and Karla Castellanos addressed the Panel from 1.30 – 2.15pm.

The planning proposal meeting concluded at 2:37pm.

ITEM 1: PLANNING PROPOSAL; PP2025/0001; 79-81 QUEENS ROAD AND 2-12 SPENCER STREET, FIVE DOCK

This proponent-initiated Planning Proposal seeks to amend the Canada Bay Local Environmental Plan 2013 (the LEP) to revise the minimum site area requirements by excluding 10-12 Spencer Street from Area 17 of the Kings Bay Precinct and to prescribe new planning controls for both sites.

The Panel's role is to provide advice to Council for their consideration. In providing advice, the Panel considered the strategic merit and site-specific merit of the Planning Proposal.

The Panel considered the Council staff report (including attachments) and heard from the applicant and their representatives in their address to the Panel, together with matters observed during the site inspection.

RECOMMENDATION

1. The Planning Proposal for land at 79-81 Queens Road and 2-12 Spencer Street, Five Dock (PP2025/0001) be progressed to Gateway determination subject to the following amendments:

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- a) identify 10-12 Spencer Street as 'Key Site 17A' to incentivise the delivery of the 3m wide embellished public domain along Spencer Street;
 - b) retain the PRCUTS recommended maximum Floor Space Ratio of 3.0:1 across both sites, resulting in a maximum Incentive Floor Space Ratios of 3.3:1 to 79-81 Queens Road/2-8 Spencer Street and 1.8:1 to 10-12 Spencer Street;
 - c) apply a maximum Incentive Height of Building of 67m to 79-81 Queens Road / 2-8 Spencer Street and 19m to 10-12 Spencer Street;
 - d) inclusion of a competitive design process; and
 - e) provide the potential for a single vehicle access to allow a consolidated driveway and basement with the future development at 10-12 Spencer Street.
2. The following additional information be provided prior to the Planning Proposal being submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination:
- a) demonstrate the capacity of the site to provide landscaped area and deep soil in accordance with the Apartment Design Guide;
 - b) a flood risk assessment that demonstrates flooding is able to be managed within the subject site and does not adversely impact any other properties.
3. In preparing Development Control Plan controls for the site, the following should be considered:
- a) encouraging all vehicular access off Spencer Street. While this may be inconsistent with urban design advice to Council, the Panel is of the view that such access is preferable to Queens Road, which is a classified road, and William Street, due to both planned urban design enhancements and traffic volumes in that street.
 - b) discouraging above ground parking.

As background to the Panel's deliberations, the key issue is whether it is appropriate to change the amalgamation requirement of "Site 17" into 2 sites. This is not ideal, as the wider strategic vision may be compromised in planning for separate development, while the delivery of key infrastructure (particularly a 3m widening of Spencer Street) may be fragmented, delayed or not achieved. So, retaining the current controls is preferable. At the same time, in principle, if an owner has pursued reasonable endeavors to secure an amalgamated site, including with a commercial offer to purchase a site as part of a wider amalgamated site, reasonably above valuation assuming an uplift, and a reasonable urban design and infrastructure delivery outcome is possible while splitting an amalgamated site in two, then that may be an acceptable outcome, even if not ideal. This is the case here, as the proponent has made reasonable efforts and offers to secure 10-12 Spencer Street, unsuccessfully, and the Panel is satisfied that the two sites may be able to be developed separately.

However, to be clear, if at any point along the process of the Planning Proposal, the owners of No. 10-12 Spencer Street changes their position to sell to the proponent, then the Planning

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Proposal should not proceed, as the current controls are preferable and the Planning Proposal only really arises from unsuccessful negotiations.

Further, the Panel notes there is a timing and practical imperative, along with the development of the Deicorp site to the east, to resolve the timing and design parameters for the road and associated public domain upgrades around the site, particularly to William Street including any required additional traffic lane, but also to Queens Road. It is also apparent that 30% development bonuses available under *SEPP (Housing) 2021* have, or have the potential to, materially change the traffic demands on the road network in an area that is close to Parramatta Road (where plans for effective public transport are not in place), and the ability for pedestrians to move around this area and across Queens Road to the Five Dock Leisure Centre.

It is therefore appropriate to resolve planning, scope and delivery timetables for roads and public domain improvements around the site prior to the finalisation of the Planning Proposal, including potential changes (to required setbacks particularly) accounting for changing and potential changed circumstances in the wider area. The Panel also sees opportunity and benefit to providing and allowing planting of large trees along William Street and Queens Road, and any consequential changes to the setbacks to William Street and Queens Road to facilitate such an outcome.




VOTING

The decision was unanimous.

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ADOPTION OF MINUTES:

We, the undersigned members of the Canada Bay Local Planning Panel, certify that these Minutes are an accurate record of the meeting of 20 March 2025.

PANEL MEMBERS	
Jason Perica 	Stephen Alchin 
Judy Clark 	Anne Potter 