



3 March 2025

City of Canada Bay

1a Marlborough Street,
Drummoyne NSW 2047

Att: Helen Wilkins

helen.wilkins@canadabay.nsw.gov.au

RE: Urban design review of Planning Proposal for 79-81 Queens Road and 2-12 Spencer Street, Five Dock

Dear Helen

Please find below a high level Urban Design Review of a Planning Proposal for 79-81 Queens Road and 2-12 Spencer Street, Five Dock

Background

The City of Canada Bay received a Planning Proposal for 79-81 Queens Road and 2-12 Spencer Street, Five Dock. The site is approximately 3,151m² in size and is located within Area 17 of the Kings Bay Precinct on the Key Sites Map. The site currently is zoned MU1 (Mixed Use) and has a maximum building height of 12m and a maximum FSR of 1:1.

The site is within the Kings Bay Precinct, as identified in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). The site is also within the Stage 1 precinct (adopted in Part K of the City of Canada Bay Development Control Plan (CBDPC) 2022).

If development meets specific requirements specified in clauses 8.4-8.8 of the CCBLEP the site may be able to access an increased maximum building height of 67m and a maximum FSR of 3:1. The specific requirements include a requirement for Area 17 to have a minimum site area of 4,096m² and provide setbacks along streets and a through site link along the western boundary of the site.

Proposed Development

The Planning Proposal seeks to amend the Canada Bay Local Environmental Plan (CBLEP) to allow the development of three residential apartment buildings, with two buildings proposed on the site and one building located on the adjoining site.

- ▶ Retain the existing MU1 (Mixed Use) zone
- ▶ Retain the current maximum Height of Building (67m) and maximum FSR (3:1) that are permissible under Clause 8.3 of the LEP which allows additional floor space and building heights for Area 17 if certain conditions are met Including an 8m wide setback on land fronting William Street, a 3m wide setback on land fronting Queens Road and Spencer Street and a contribution to a new through site link between Queens Rd and Spencer Street.
- ▶ The Planning Proposal seeks to reduce the minimum site area required to achieve the bonus heights and FSR from 4,096m² to 3,151m².

- ▶ The Planning Proposal also seeks to alter the site-specific provision that would provide an uplift in FSR and height including changes to the built form outcomes outlined in the DCP.
- ▶ The Planning Proposal also recommends removing the bonus uplift on 10-12 Spencer Street but increasing the maximum permissible Height of Buildings on this site from 12m to 19m and the maximum permissible FSR from 1:1 to 2.17:1. This site would also be required to provide for setbacks and the through site link.

Documents Reviewed

A review of the existing controls for the location (DCP and LEP) and the Planning Proposal documents paying particular attention to:

- ▶ The Planning Proposal by Beam Planning
- ▶ Appendix A - Indicative Design Concept by Projected Design Management Pty Ltd
- ▶ Appendix B - ADG Assessment by Projected Design Management Pty Ltd
- ▶ Appendix C - Urban Design Analysis by Audax Urban
- ▶ Appendix E - Valuation Statement - Titan Advisory Group
- ▶ Appendix F - Evidence of Negotiation - Bell Property Commercial
- ▶ Appendix G - Amendments to the CBDPCP by Beam Planners.

Urban Design Advice

The following commentary is a high-level Urban Design review by Studio GL (SGL) that assesses the design in the Planning Proposal, which is outlined in the Planning Proposal document prepared by Beam Planning, the Urban Design Analysis prepared by Audax Urban Design and the Indicative Design Concept by Projected Design Management Pty Ltd

The commentary is structured under three key categories:

- ▶ Context and Desired Future Character
- ▶ Built Form and Heights (including building depth, separation and setbacks)
- ▶ Density and FSR

Context and Desired Future Character

The desired future character of the Kings Bay Precinct is set out in Part K of the CBDPCP. It includes the following:

- ▶ "Spencer Street will form the main street of local shops and services. A new fine grain will be introduced along Spencer Street to reinforce the local nature of the centre, and provide a pedestrian focus with high amenity and low traffic.
- ▶ "Kings Bay offers the opportunity to be a new address for medium and high density residential development. Taller residential buildings will mark the centre of the precinct at the corner of Parramatta Road, William Street and Spencer Street."

Urban Design Principles for the Desired Future Character of King Bay include:

- ▶ Create an active and permeable public realm

- ▶ Define a building height strategy which is further explained by the statement “Create a dynamic skyline by spreading higher built form”
- ▶ Maximise solar access and amenity
- ▶ Promote fine grain and active frontages

Amalgamation and minimum site area have been identified to achieve the desired future character identified in the DCP however if this is not possible the key question to ask is if *“both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.”*

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.” (Source: NSW Case Law: Planning Principle; amalgamation of sites and isolation of sites through redevelopment).

As this review predominantly focuses on proposed changes to the built form the assessment against the desired future character is limited however the impact of the proposal on the future character of Spencer Street is critical. The Indicative Design Concept proposes that vehicular access will be provided off Spencer Street. This is inconsistent with the vision that Spencer Street will become a main street with a pedestrian focus with high amenity and low traffic and a fine grain of local shops. It is recommended that access is provided off William Street but if this is not possible access to loading and carparking will need to be very carefully designed to minimise the width and visual impact of the access and maximise pedestrian amenity and safety.

The Indicative Design Concept proposes that vehicular access to 10-12 Spencer Street will be accommodated through 79-81 Queens Road and 2-8 Spencer Street, so it does not require another access from Spencer Street. This approach is strongly supported and is needed to ensure the desired future character of Spencer Street is delivered. To ensure this right of access a legal easement is required that ensures future development of 79-81 Queens Road and 2-8 Spencer Street safeguards, facilitates and guarantees vehicular access at Ground Level and all basement levels to 10-12 Spencer Street.

Built Form and Heights

One of the Urban Design Principles for King Bay includes the principle which is to “Define a building height strategy”. This is further explained by the statement “Create a dynamic skyline by spreading higher built form”. This is a deliberate and intentional strategy which, rather than assuming all buildings have the same maximum height, encourages a range of building heights with most buildings creating a lower height datum and well-spaced taller buildings encouraged in key locations including William Street and Spencer Street.

Area 17 is one of the locations where a taller built form is encouraged and where the taller height has been identified where it will not create excessive overshadowing of open spaces. To provide fairness between neighbouring sites and to ensure all sites benefit equally from the potential increased heights the taller built form is only possible if sites are amalgamated.

The Planning Proposal seeks to modify the amalgamation boundary of Area 17 of the Kings Bay Precinct, and the minimum site area required under Clause 8.4 because of the inability to acquire the adjoining land at 10-12 Spencer Street. The impact of the revised boundary is that Area 17 would then need to be considered as two separate sites, Area 17A which would have an area of 3151m² and 17B which would have an area of 962m².

The development potential of Area 17, a large regularly shaped site, would be expected to have a different built form and heights if it is split into two smaller sites, the two sites are developed separately, and one has an irregular shape. As two different sites are anticipated by the Planning Proposal the proposed development on 79-81 Queens Road and 2-8 Spencer Street and 10-12 Spencer Street will both need to meet the requirements of the National Construction Code and the ADG.

Part 2 of the Apartment Design Guide (ADG) provides detailed guidance on Developing Controls for sites. The ADG notes that “The controls must be carefully tested to ensure they are co-ordinated and that the desired built form outcome is achievable. They should ensure the desired density and massing can be accommodated within the building height and setback controls.” Part 2F Building Separation addresses minimum distances between apartments within the site, between apartments and non-residential uses and with boundaries to neighbours. It notes that “Within apartments, building separation assists with visual and acoustic privacy, outlook, natural ventilation and daylight access.” The diagrams below (see Figure 1) show the minimum distances required for habitable uses if Area 17 is developed as one site or two sites. The diagram clearly shows the benefits gained by all sites within Area 17 if they are amalgamated.

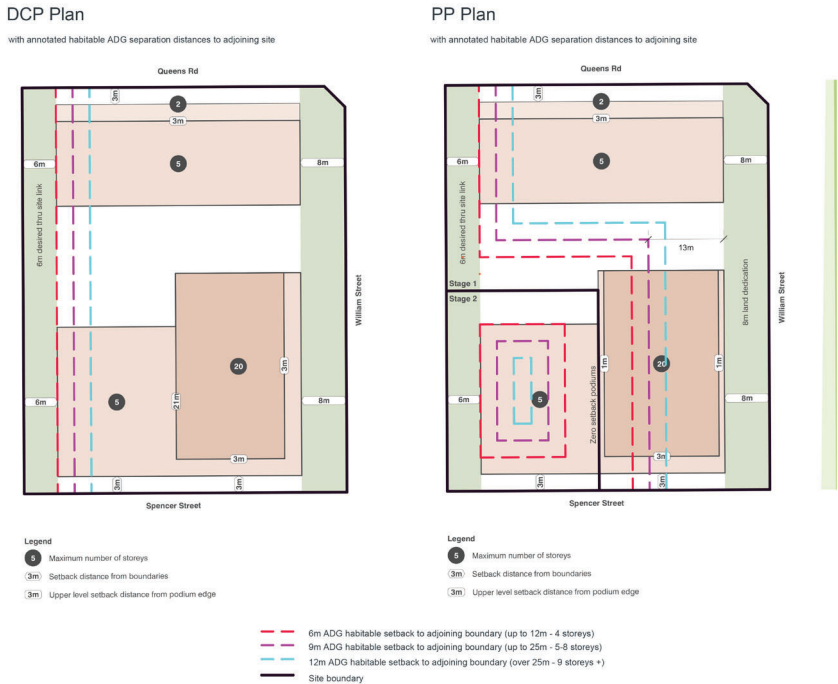


Figure 1, DCP and Planning Proposal plans (by Projected Design Management) with ADG setbacks for habitable uses overlaid by SGL

The Indicative Design Concept shown in the Planning Proposal uses a built form identified in the DCP which was created assuming ADG setbacks for an amalgamated site not for two separate sites. The plans refer to development on 10-12 Spencer Street as Stage 2 however there is no evidence provided in the Planning Proposal that there is agreement from the owner of this site to Stage 2 or to this Planning Proposal and therefore it must be treated as a future development on a separate site.



Figure 2, Blank facade to an approximately 35 storey building, Cunningham St, Haymarket

The western wall of the proposed tower shown in the Indicative Design Concept is less than 3m from the boundary with 10-12 Spencer Street and therefore habitable or non-habitable uses cannot be located along this side elevation. This would also mean that this long wall of the proposed tower would provide limited outlook, natural ventilation and daylight access and amenity.

In addition, to meet the requirements of the National Construction Code the majority of this side of the 20-storey tower could not have windows or openings facing the boundary and therefore the western elevation would be predominantly blank.

This type of design outcome is not unknown in the centre of Sydney Central (see Figure 2) but it is more common as an interim state, before all the sites are developed rather than a preferred long-term outcome. The approach in the Planning Proposal would also undermine the intended desired future character of separate, high amenity, well designed towers with lower buildings between.

The Planning Proposal provides an Indicative Design Concept for 10-12 Spencer Street that complies with the DCP controls with a five-storey mixed use building. The Indicative Design Concept indicates that development of 10-12 Spencer Street, while possible would result in a very small and inefficient carpark layout and rely on vehicular access from the larger site both at Ground Level and at Basement 1. As the site is small and narrow it also appears to require the relocation of a large 750rc Stormwater Pipe. It is noted that 79-81 Queens Road and 2-8 Spencer Street is also burdened by the same Stormwater Pipe but does not need to be relocated as it can be avoided as it is a larger site.

The Indicative Design Concept for 79-81 Queens Road and 2-8 Spencer Street shows an arch shaped cutout along the western boundary of the site for up to five storeys. This cutout creates a very poor design outcome as it will be almost fully enclosed on all sides once 10-12 Spencer Street is developed and it is also almost fully covered by the Lower Tower located above. The Indicative Design Concept implies that apartments to the north and south of this cutout will be cross ventilated but it is difficult to see how this will occur.

The Indicative Design Concept for 79-81 Queens Road and 2-8 Spencer Street has also relocated the tower closer to William Street and the Urban Design Analysis states that “This independent urban design analysis has concluded that the difference in the visual impact between a 3m and 1m setback above podium is negligible for the scale of a 20-storey tower or more” and *“The alternative 1m setback has a similar visual impact as the CBDCP envelope, and it achieves a similar contextual fit with the evolving surrounding context. The built form testing has also demonstrated that the pattern of overshadowing has similar, if not less, impacts than that of the envelope predicated by the Kings Bay Precinct Master Plan.”*

It would be preferable that the setback remain at 3m and independent testing by SGL has indicated that a reduction in this setback is not required to achieve the maximum bonus FSR.

A potential building envelope that considers the ADG setbacks has been developed and tested by SGL. To achieve an appropriate urban form with a reasonable level of amenity it is recommended that development is setback from shared boundaries by 6m where possible, however if the uses facing this boundary are non-habitable this setback may be able to be reduced to 3m.

The potential building envelope also seeks to minimise the extent of blank façade on the western elevation of the tower by locating the tower further away from Spencer Street and towards the centre of the site. The design tested would allow approximately half of the western façade to be habitable with the remainder if the tower at least 3m off the boundary, allowing for some windows and articulation to the built form. This potential building envelope would increase overshadowing of the William Street Park, but the overshadowing impacts could be minimised by the architects during detailed design.

Density and FSR

If Area 17 is developed as outlined in the LEP and DCP the maximum FSR is 3:1.

The area schedules submitted with the Indicative Design Concept include figures that show the proposed concept on 79-81 Queens Road and 2-8 Spencer Street achieves a FSR of 3.15:1. The area figures show that above the 14 storey (Level 13) a reduced floor area that is about one third smaller than the levels below. This reduction in floor area is not shown in the 3D model or sections and floor plans for levels above the Level 13 are not provided. Increased setbacks and/or reduced upper levels are not a requirement of the City of Canada Bay LEP or DCP and so it is assumed that this is an error. When the total floor area shown in the Indicative Design Concept 3D model is included in the calculations the Indicative Design Concept currently achieves a FSR of approximately 3.7:1.

The area schedules submitted with the Indicative Design Concept also suggest that 10-12 Spencer Street on its own can achieve a FSR of 2.17:1. Currently this site could also benefit from the bonus Height of Building (67m) and maximum FSR (3:1) permissible under Clause 8.3 of the LEP. The lower heights and FSR proposed are the result of applying the current DCP controls for Area 17 onto this site. The Valuation Statement by the Titan Advisory Group indicates that 10-12 Spencer Street was valued based on an FSR of 2.17:1. SGL’s independent testing of the envelope proposed in the Indicative Design Concept indicate that the current concept proposed for 10-12 Spencer Street would only achieve a FSR of 2:1.

Ideally to create the dynamic skyline envisaged in the design principles and to ensure all sites benefit equally from the potential uplift from 1:1 to 3:1 the uplift should only be allowed if sites are amalgamated as per the amalgamation plan. The approach outlined in the Planning Proposal appears to assume that the dynamic skyline approach proposed for King

Bay was intended to create high value and low value sites and sites which are identified with towers can be developed at higher heights and much higher FSR's than their adjoining neighbours.

To accommodate setbacks along the shared boundary between 10-12 Spencer Street and 79-81 Queens Road and 2-8 Spencer Street it is recommended that, if the sites are developed separately, each site has maximum height and FSR controls that are realistic and the potential building envelopes tested can deliver a reasonable design outcome. Building envelopes work best if they have a slightly 'loose fit' as this provides for design flexibility and building articulation and modulation. However, if this 'loose fit' is too great, development that complies with the building envelopes may generate a much higher FSR than anticipated.

SGL's independent testing of a potential 5 storey building envelope on 10-12 Spencer Street show this site could achieve a FSR of 1.8:1. The SGL testing also shows that, by separating the sites, reducing the FSR on 10-12 Spencer Street and maximising development with the building envelopes, a much higher FSR is occurring on 79-81 Queens Road and 2-8 Spencer Street. For example, using the current maximum building envelopes, the Indicative Design Concept is achieving a FSR of around 3.7:1. SGL's independent testing of a potential building envelope at 79-81 Queens Road and 2-8 Spencer Street show that development with a 5 storey podium, but with a lower 17 storey tower, would achieve a FSR of 3.3:1.

It is therefore recommended that if the two sites are split, and the overall FSR for both sites within Area 17 remains at 3:1, the maximum building envelopes for the tower and possibly the Queens Road podium of 79-81 Queens Road and 2-8 Spencer Street are lowered in height and/or have smaller ground floor footprints to ensure the required landscape and deep soils areas can be delivered, and the overshadowing of William Street Park is minimised.

Other

- ▶ The Indicative Design Concept is consistent with the required 8m setback William Street, the required 3m setbacks to Spencer Street and Queens Road and the required 6m desired through site link along the western boundary.
- ▶ The Indicative Design Concept proposes that vehicular access will be provided off Spencer Street. This is inconsistent with the vision for Spencer Street and vehicular access should preferably be provided off William Street. If this is not possible very careful design will be required to achieve a safe and attractive outcome for pedestrians along Spencer Street.
- ▶ The Indicative Design Concept provided indicates a that the Ground Floor takes up the majority of the two sites. It is not clear with this design how 30% of the site will be delivered as landscape area with 50% of this landscape area as deep soil.

Recommendations

The current minimum site area for Area 17 was established to achieve the desired future character identified in the Master Plan, DCP and LEP and this remains the preferred option. If this not possible there should be an expectation that non amalgamation may reduce the development potential and increase the costs and design complexity for both sites.

Some of the issues identified can be addressed by Architects during Design Competition and DA Design however the critical requirement is that building heights and setbacks established

during the Planning Proposal stage are realistic and are able to deliver an appropriate urban form and an acceptable level of amenity for all sites and the adjacent public domain.

- ▶ If the minimum site area for Area 17 to achieve the bonus heights and FSR is reduced from 4,096m² to 3,151m² this should be conditional on a legal right of access being granted to 10-12 Spenser Street that ensures access across 79-81 Queens Road and 2-8 Spencer Street for trucks at Ground Level and access for vehicles at all basement levels.
- ▶ If Area 17 split into two sites, alternate built forms will need to be developed as the current DCP envelopes are based on an amalgamated site. This will require setbacks from the shared boundary between the sites of at least 3m for all built form that is over 5 storeys in height.
- ▶ A potential building envelope that considers the impact of ADG setbacks has been tested by SGL This testing suggests that the larger site, Area 17A which is 3,151m² should be able to accommodate a development with a FSR of 3.3:1 and Area 17B which is 962m² should be able to accommodate a development with a FSR of 1.8:1. The two sites combined would then have a FSR of 3:1.
- ▶ Both the Indicative Design Concept and the SGL testing show that a twenty-storey building is not needed to achieve the maximum FSR on Area 17A. This means the building could be lower in height (approximately 17 storeys) and/or have a lower podium along Queens Road and smaller ground floor footprint to minimise overshadowing and ensure landscape and deep soils areas can be delivered.
- ▶ It is noted that removing the bonus Height and FSR permissible from 10-12 Spenser Street may reduce the possibility of amalgamation of the two sites in the future.
- ▶ It is recommended that an additional clause is added to the LEP for Area 17 which identifies the alternate minimum site area, heights and FSRs if the sites cannot be amalgamated. Alternate detailed DCP building envelopes should also be created.

Sincerely yours,



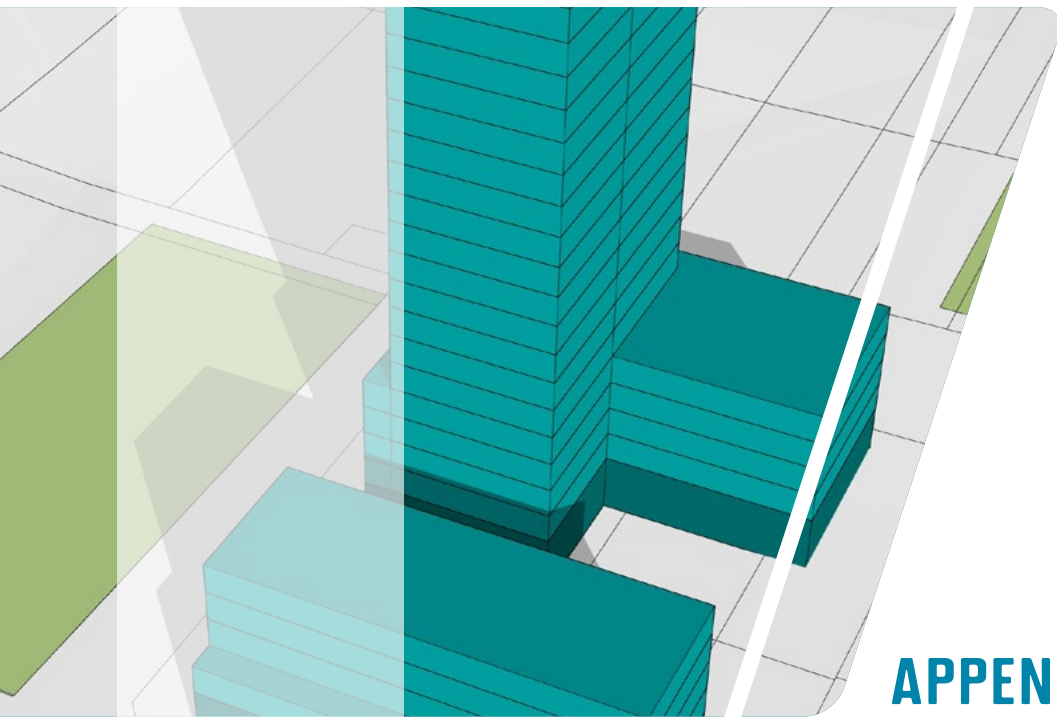
Diana Griffiths

B. Arch, MURP (Hons), RPIA (Fellow),
RUDA, Recognised Practitioner in Urban Design (UK)
Director of Urban Design
Studio GL Pty Ltd

Attachments

Studio GL testing of the following

- ▶ Current DCP Building Envelopes,
- ▶ Proposed Building Envelopes and
- ▶ Potential Building Envelope.



APPENDIX

DCP Scheme

The DCP PRCUTS Stage 2 Scheme is shown in the figures below.

Total GROSS Site Area	4,118 m ²
Site 17A Area	3,153 m ²
Site 17B Area	964 m ²

Site 17A Total GFA	11,281 m ²
Site 17A Total FSR	3.6 : 1
Site 17B Total GFA	1,454 m ²
Site 17B Total FSR	1.5 : 1

Total GROSS FSR	3.1 : 1
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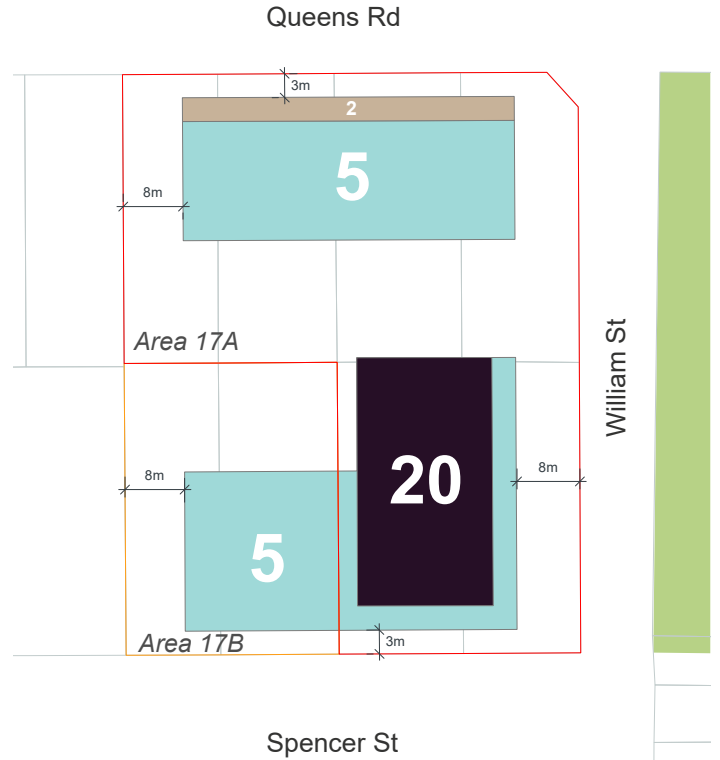


Figure 3 DCP Plan

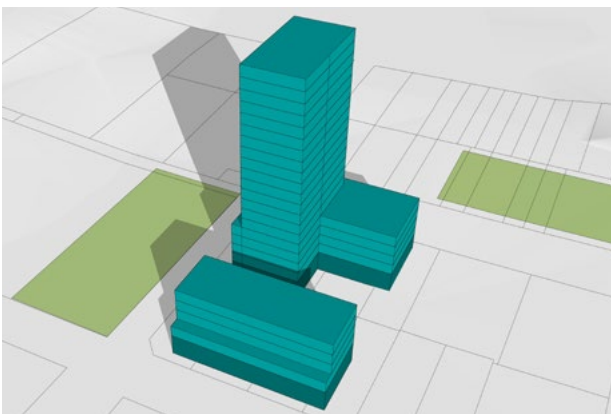


Figure 4 South-western View: DCP

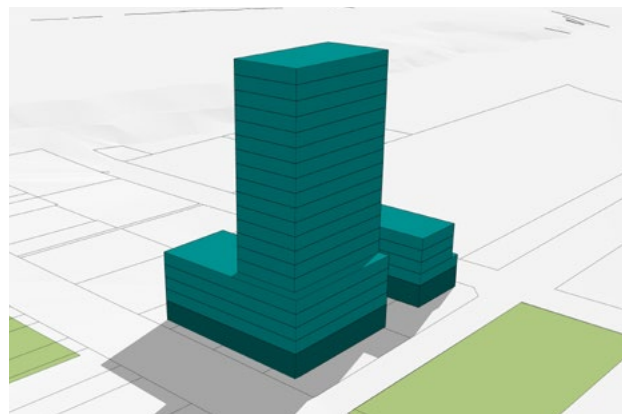


Figure 2 North-eastern: DCP

PP Reference Scheme

Key information about the Planning Proposal Reference Design is shown below, including building heights, FSR and building envelopes based on modelling prepared by Studio GL.

Total GROSS Site Area	4,118 m ²
Site 17A Area	3,153 m ²
Site 17B Area	964 m ²
Site 17A Total GFA	11,616 m²
Site 17A Total FSR	3.7 : 1
Site 17B Total GFA	1,887 m²
Site 17B Total FSR	2.0 : 1
Total GROSS FSR	3.3 : 1

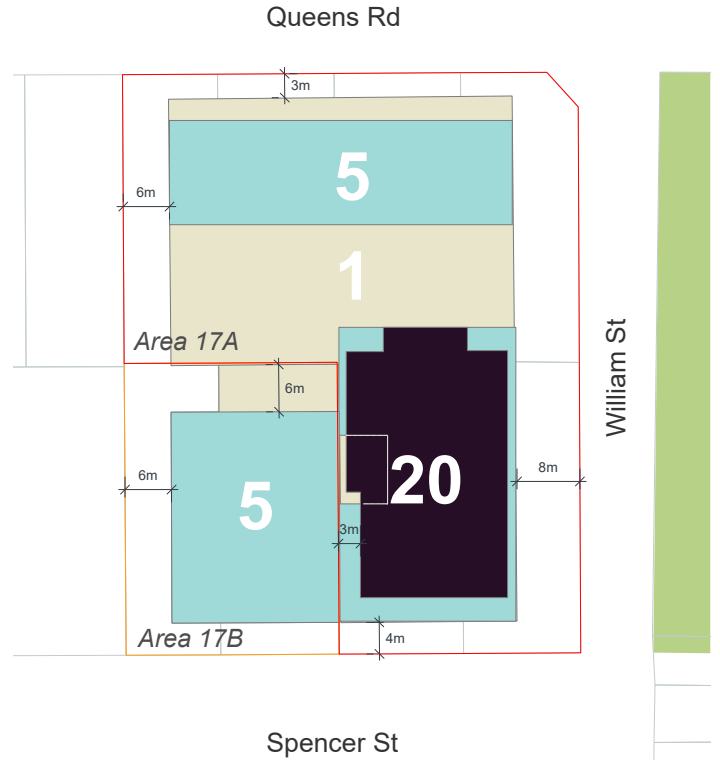


Figure 7 Planning Proposal Plan

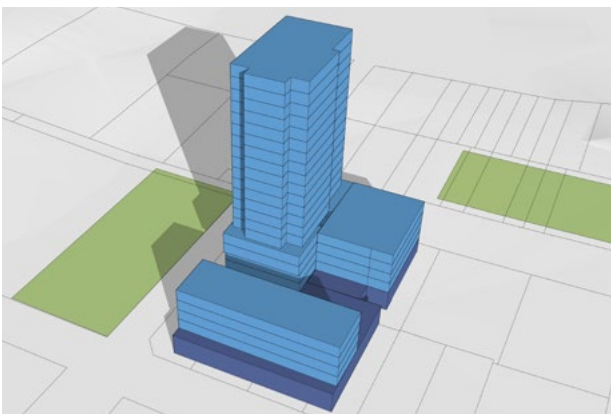


Figure 5 South-western View: Planning Proposal



Figure 6 North-eastern View: Planning Proposal

SGL Potential Alternate Scheme

Key information reflecting a potential alternate SGL scheme is shown below, including building heights, FSR and building envelopes.

Total GROSS Site Area	4,118 m ²
Site 17A Area	3,153 m ²
Site 17B Area	964 m ²

Site 17A Total GFA	10,430 m²
Site 17A Total FSR	3.3 : 1
Site 17B Total GFA	1,762 m²
Site 17B Total FSR	1.8 : 1

Total GROSS FSR	3.0 : 1
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Figure 10 SGL Potential Alternate Scheme Plan

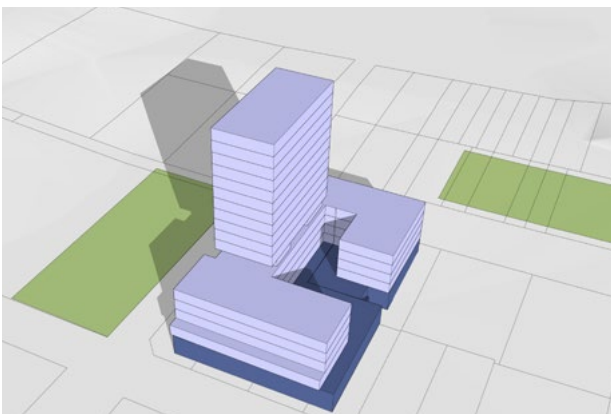


Figure 8 South-western View: SGL Potential Alternate



Figure 9 North-eastern View: SGL Potential Alternate

