



Planning Proposal

79-81 Queens Road and 2-12 Spencer Street, Five Dock

Prepared for DPG Project 37 Pty Ltd
Submitted to City of Canada Bay Council

Beam Planning acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we work with.

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Appendices

Title	Prepared by
A. Indicative Design Concept	<i>Projected Design Management Pty Ltd</i>
B. High Level ADG Assessment	<i>Projected Design Management Pty Ltd</i>
C. Independent Urban Design Analysis	<i>Audax Urban</i>
D. BCA Statement	<i>Phillip Chun Building Compliance</i>
E. Valuation Statement for 10-12 Spencer Street	<i>Titan Advisory Group</i>
F. Evidence of Negotiation	<i>Develotek</i>
G. Amendments to the Canada Bay DCP	<i>Beam Planning</i>

Executive Summary

Where is the site?	79-81 Queens Road and 2-12 Spencer Street, Five Dock
What are the existing planning controls?	<p>The site is located within Area 17 of the Kings Bay Precinct and is therefore, subject to Part 8 of the <i>Canada Bay Local Environmental Plan 2013 (CBLEP 2013)</i>, which prescribes the following planning controls for the site:</p> <ul style="list-style-type: none"> • Zoning: Part MU1 Mixed Use and part RE1 Public Recreation (along William Street). • Floor Space Ratio (FSR): An incentive FSR of up to 3:1 (Note: Clause 8.9 of the CBLEP 2013 provides for an additional 5% FSR if the proposal achieves certain sustainability requirements and the development will not adversely impact adjoining land or the amenity of the neighbourhood, considering visual bulk and overshadowing). • Height: An incentive height of up to 67m over the MU1 part of the site and 2.5m over the RE1 zoned land. <p>In order to achieve the incentive height and FSR, the consent authority must be satisfied that the requirements in Clauses 8.4-8.8 are met. These clauses require a minimum site area of 4,096m² for Area 17 as well as the following setbacks:</p> <ul style="list-style-type: none"> • An 8m wide setback on land that fronts William Street, Five Dock, and • A 3m wide setback on land that fronts Queens Road and Spencer Street, Five Dock.
What are the proposed amendments and why?	<p>The Planning Proposal seeks to amend the CBLEP 2013 to modify the amalgamation boundary of Area 17 of the Kings Bay Precinct. This is because the proposed development cannot achieve the minimum site area of 4,096m² required under Clause 8.4 because of the inability to acquire the adjoining land at 10-12 Spencer Street even after multiple attempts of negotiation as documented in Appendix F.</p> <p>As such, to avoid the site from remaining undeveloped, the Planning Proposal is lodged to allow for the staged redevelopment of the site, entirely in line with the provisions of the CBLEP 2013 and site-specific Development Control Plan (DCP).</p>
Why does the proposal have strategic and site-specific merit?	<p>The Planning Proposal has strategic and site-specific merit for the following reasons:</p> <ul style="list-style-type: none"> • It is directly aligned with regional and local planning policies and strategies in that it facilitates the timely delivery of additional housing, which will assist in alleviating the current housing supply, realising the vision of the Kings Bay Precinct. • It is a direct response to unforeseen circumstances prohibiting the ability to consolidate the land pertaining to the existing Area 17, which is due to the inability to acquire the adjoining land. • It has been designed accordingly with regard to the natural environment and amenity. • It is located on a site within a well-served area that has access to existing and future public transport, as well as an abundance of social infrastructure.
What are the technical studies that have been relied upon?	<p>The Indicative Design Concept has been guided off the recommended built form outlined within the site-specific DCP and therefore, the proposal is not anticipated to give rise to any adverse environmental impacts that have not already been considered under the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) Planning Proposal. Notwithstanding, in response to the inability to acquire the adjoining land, additional environmental assessment has been undertaken to ensure that the proposed development will not compromise the vision for the site and its ability to achieve a positive built form and amenity outcome, and that the adjoining land can still be redeveloped in the future. As such, this Planning Proposal is accompanied by the following key technical reports:</p> <ul style="list-style-type: none"> • Independent Urban Design Assessment • Building Code of Australia (BCA) Statement • Valuation Report
Why should it be approved?	<p>The Planning Proposal should be approved because it will support the redevelopment of Area 17 in a coordinated and staged manner, whilst preventing fragmentation or isolation of the adjoining land. It will also realise the full development potential on the site and ensure that the built form outcome and vision for Area 17 will be delivered as originally anticipated under the DCP despite the proposal to amend the amalgamation boundary. Most importantly, it will facilitate the timely delivery of critical housing and community infrastructure on a site that is ready to be redeveloped, which is directly aligned with several Federal and State government planning priorities.</p>

1.0 Introduction

This Planning Proposal has been prepared by Beam Planning on behalf of DPG Project 37 Pty Ltd (Develotek, the **Proponent**) and is submitted to the City of Canada Bay Council (**Council**) in support of a proposed amendment to the Canada Bay Local Environmental Plan 2013 (**CBLEP 2013**) with respect to land controlled by Develotek at 79-81 Queens Road and 2-8 Spencer Street, Five Dock, as well as adjoining land at 10-12 Spencer Street, Five Dock.

1.1 Proposed Amendment

The objective of the Planning Proposal is to exclude 10-12 Spencer Street from Area 17 of the Kings Bay Precinct and prescribe new planning controls for both sites, to allow the land controlled by Develotek to be redeveloped as a standalone development without the requirement to consolidate the site, whilst ensuring that any future development on both sites will still meet and achieve the desired built form and public domain outcome identified for the site under Section K20 Kings Bay (PRCUTS) of the Canada Bay Development Control Plan (**CBDCP**).

This means that the Develotek site will continue to be subject to Part 8 of the CBLEP 2013, which prescribes incentive development standards for development within the Kings Bay Precinct that meet certain requirements, whilst the adjoining land at 10-12 Spencer Street will be subject to a new site-specific provision under Part 6 of the CBLEP 2013, which is proposed to reflect the built form and massing outcome of the CBDCP.

The Planning Proposal is supported by a proposed amendment to the CBDCP to insert a site-specific control under Section K20.6 'Block Configuration'. The objective of the DCP amendment is to provide additional certainty that future redevelopment of Area 17 will achieve the desired built form and public domain outcomes identified within Section K20 Kings Bay (PRCUTS) of the CBDCP, without consolidation of the site and 10-12 Spencer Street.

1.2 Background and Rationale

The Kings Bay Precinct is located between the established activity centres of Burwood (located approximately 1km to the southwest) and Five Dock (1km to the east). It spans both sides of Parramatta Road to the north and south, bounded by Queens Road and Kings Road to the north, and Dalmar Street, Grogan Street, and Wychbury Avenue to the south. The precinct is characterised by industrial, residential, educational, and recreational land uses.

The Kings Bay Precinct is undergoing significant transformation, guided by the *Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)* (2016), a NSW Government initiative aimed at revitalising the Parramatta Road Corridor. The precinct is envisioned as a new residential and mixed-use urban village, with an active main street, strong links to the open space network along Sydney Harbour, and a focus on sustainability. The population of the Kings Bay Precinct is projected to increase to 5,170 people by 2050, from 2,740 people in 2023, with the number of dwellings also expected to increase from 1,410 in 2023, to 2,947 in 2050. Following the release of the PRCUTS, comprehensive master planning was undertaken to guide the future development of the Kings Bay Precinct. Subsequently, amendments to the CBLEP 2013, and CBDCP, and a contributions plan was gazetted to align with the vision for the precinct.

The CBLEP 2013 and Section K20 of the CBDCP provide specific controls for land within the Kings Bay Precinct. The subject site is located within Area 17, which forms part of the Spencer Street Centre. The land controlled by Develotek comprises most of Area 17 (3,151m² or 76.6%). In accordance with Clause 8.3 of the CBLEP 2013, subject to meeting the requirements in Clauses 8.4-8.8 (where applicable), redevelopment of the site could achieve a maximum height of 67m and a maximum floor space ratio (**FSR**) of 3:1 (excluding additional uplift under the CBLEP 2013 or other planning policy). However, per Clause 8.4, achieving the maximum height and FSR requires a minimum site area of 4,096m². Achieving the minimum site area requires amalgamation of the Develotek site with the adjoining land at 10-12 Spencer Street, Five Dock. The amalgamation aims to facilitate the orderly redevelopment of Area 17 in accordance with the CBLEP 2013 and CBDCP controls.

Notwithstanding, the owner of the adjoining land, 10-12 Spencer Street, does not wish to sell or redevelop their land in the near future as evidenced within **Appendix F** and noting that they recently signed a 10-year lease extension to the major tenant of the building. Therefore, the Planning Proposal has resulted from the need to facilitate the redevelopment of the site without the complete consolidation of Area 17. As such, this Planning Proposal is intended to facilitate the timely redevelopment of the site for mixed-use retail and residential uses in line with the State Government and Council's vision for the Kings Bay Precinct, however, independently from 10-12 Spencer Street. The Planning Proposal, as demonstrated by the indicative development concept (refer to **Appendix A**), will support the coordinated, however,

staged redevelopment of Area 17, preventing future fragmentation or isolation of 10-12 Spencer Street and ensuring Council's objectives in preparing the site isolation clauses are still achieved.

1.3 Report Structure

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and includes the requirements as set out in the '*Local environmental Plan Making Guideline*' (August 2023) published by the NSW Department of Planning and Environment (DPE). This report addresses the following specific matters in the guideline:

- Part 1 – Objectives and intended outcomes.
- Part 2 – Explanation of provisions.
- Part 3 – Justification of strategic and site-specific merit.
 - Need for the Planning Proposal.
 - Relationship to strategic planning framework.
 - Environmental, social and economic impact.
 - State and Commonwealth interests.
- Part 4 – Mapping.
- Part 5 – Community consultation.
- Part 6 – Project timeline.

This report describes the site, outlines the proposed amendments to the CBLEP 2013, sets out the justification for the Planning Proposal and provides an assessment of relevant matters, including relevant strategic plans, state environmental planning policies, ministerial directions, and the environmental, social and economic impacts of the proposed amendment. This report should be read in conjunction with the Indicative Development Concept (Architectural Plans) prepared by Projected Design Management (refer to **Appendix A**).

2.0 Site Identification

This section of the report describes the site and the surrounding land. It identifies the key site features and the opportunities and constraints relevant to the proposed amendment.

2.1 Site Description


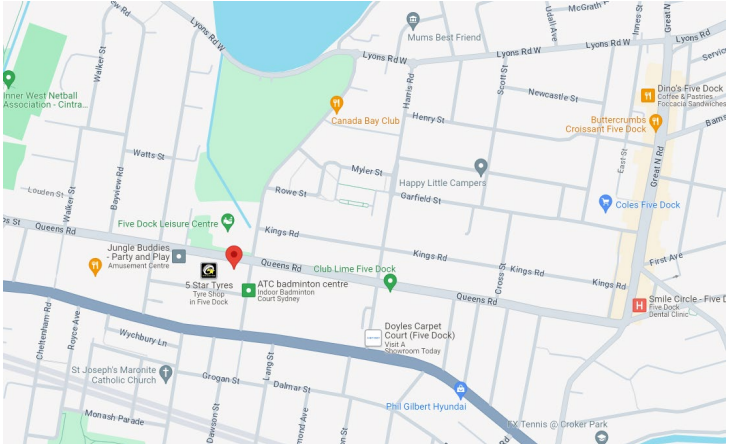



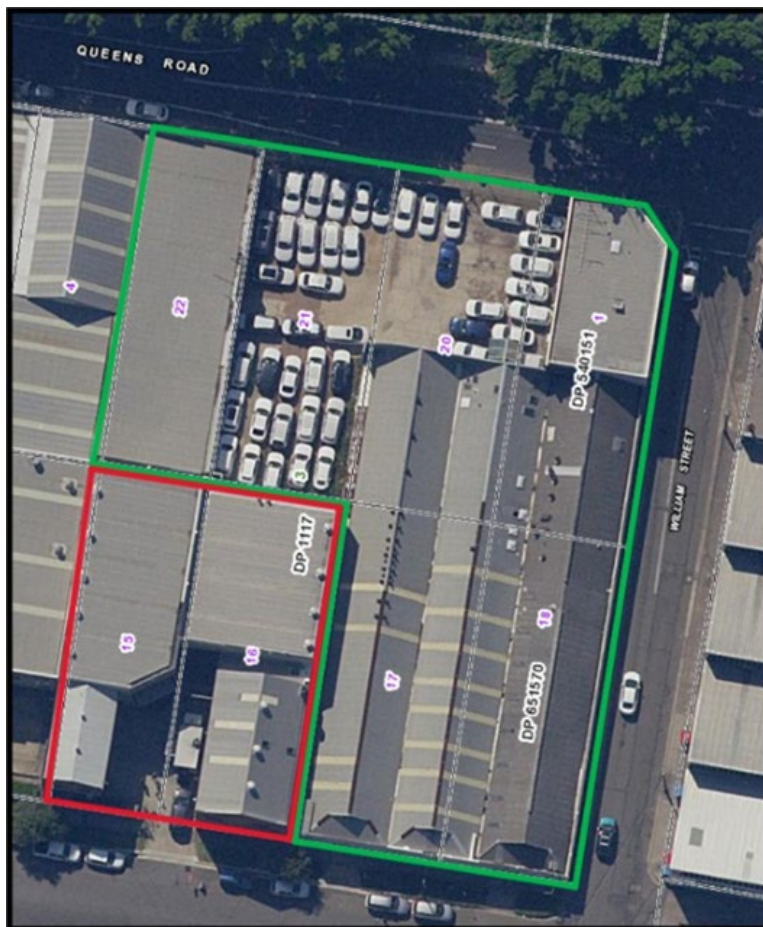
	Develotek Site	Adjoining Land	
 Address	79-81 Queens Road and 208 Spencer Street, Five Dock	10-12 Spencer Street, Five Dock	
 Legal Description	Lots 17, 20, 21, and 22, Section 3, DP1117, Lot 18, DP651570 Lot 1, DP540151	Lot 15 and 16, Section 3, DP1117	
 Site Area	3,151m ²	962m ²	
 Owner	Antonio Purazzo Nancy Purazzo	Roy Sachetti Charles Sachetti	

Figure 1 Location Plan



Green: 79-85 Queens Road and 2-8 Spencer Street

Red: 10-12 Spencer Street

Figure 2 Aerial Photo

The Develotek site is currently occupied by light industrial uses including vehicle workshops and warehouses. 10-12 Spencer Street is occupied by light industrial uses including vehicle workshops and a microbrewery.



Figure 3 View of the Develotek site from Queens Road (looking south)



Figure 4 View of the Develotek site from the corner of Queens Road and Williams Street (looking south-west)



Figure 5 View of 10-12 Spencer Street from Spencer Street (looking north)



Vegetation



There is no existing vegetation on the site.



Site Access

The site's closest train station is Burwood Station, approximately 1.5km from the site, and accessible via bus. The site has access to an existing bus stop located approximately 150m south of the site on Parramatta Road at Alfred Street, which services bus routes 415 (Campsie to Chiswick), 530 (Burwood to Chatswood, 461N, and 461NX (burwood to Sydney CBD).

The site is also located approximately 1.3km to Burwood North Metro Station and 1.4km from the future Five Dock Metro Station, which will offer fast and direct trips to Sydney CBD and North Sydney.





 Heritage	The site does not contain, or directly adjoin to, any heritage items (Aboriginal and non-Aboriginal) or conservation areas listed under CBLEP 2013 or the State Heritage Register.
 Topography	The site's topography is relatively flat with a slight slope of 0.4m across the site from the south to the north.

2.2 Surrounding Development Context

The surrounding area is characterised by industrial, residential, educational, and recreational land uses, including car dealerships, Rosebank College, the Five Dock Leisure Centre, and Bardwell Park Golf Course, which forms part of a network of green spaces connecting the area to the Parramatta River. Parramatta Road and Queens Road are the two primary east-west vehicular links. Both are heavily congested with vehicle traffic.

A description of surrounding development is provided in **Table 1** below.

Table 1 Surrounding Development

 North	Directly to the north of the site is state road, Queens Road. To the north of the site is RE1 Public Recreation zoned land, including Charles Heath Reserve, Five Dock Leisure Centre and Barnwell Park Golf Course. Kings Bay is also located to the north of the site. To the north-east, is a high proportion of R3 (medium density) housing.
 South	The site is bound by Spencer Street, which comprises of similar light industrial uses along the street. Further south of the site is Parramatta Road, a state road running 23km east-west, connecting the Sydney CBD with Parramatta. Zoning along Parramatta Road is predominantly E3 (productivity support) and R3 (medium density residential), with R2 (low density residential) zones located behind.
 East	Immediately east of the site is the Deicorp site, which currently comprises light industrial uses, however, has plans to be redeveloped into a new mixed use development. Further east of the site is the Rosebank College, a local heritage item.
 West	To the immediate west of the site is similar scale light industrial uses, with mixed use and residential uses located beyond. Further west of the site is RE1 (public recreation) zoned land, Concord Oval, St Lukes Park, and Cintra Park, consisting of tennis and netball courts, cricket ground, oval, bowling green, and open space.

2.3 Strategic Context

2.3.1 Future Kings Bay Precinct

The site is in the Kings Bay Precinct. The precinct is located between the established activity centres of Burwood (located approximately 1km to the southwest) and Five Dock (1km to the east). It spans both sides of Parramatta Road to the north and south, bounded by Queens Road and Kings Road to the north, and Dalmar Street, Grogan Street, and Wychbury Avenue to the south.

The Kings Bay Precinct is undergoing significant transformation, guided by the PRCUTS, a NSW Government initiative aimed at revitalising the Parramatta Road Corridor. The precinct is envisioned as:

"... a new residential and mixed-use urban village on Parramatta Road, with an active main street and strong links to the open space network along Sydney Harbour" (City of Canada Bay Development Control Plan, K20.3, p.K-304).

The precinct will feature a commercial mixed-use centre along Spencer Street (to which the site fronts). The centre will provide fine-grained ground floor retail and commercial uses, to support and service the local community. New high-rise residential tower development will step down towards the existing low-scale low-density residential areas adjoining the precinct. The public domain will be characterised by a network of inter-connecting parks, wide footpaths, laneways and cycle ways. This includes a new north-south park along William Street, adjoining the site to the east and connecting Queens Road and Spencer Street. The population of the Kings Bay Precinct is projected to increase to 5,170 people by 2050, from 2,740 people in 2023, with the number of dwellings also expected to increase from 1,410 in 2023, to 2,947 in 2050. The site, as part of Area 17, is identified as Lot B5 in the Kings Bay Precinct Master Plan, prepared by Group GSA.

3.0 Existing Planning Controls

3.1 Canada Bay Local Environmental Plan 2013

The CBLEP 2013 is the principal planning instrument applying to the site. The key provisions relating to the site, and of relevance to this Planning Proposal are outlined in **Table 2** below.

Table 2 Key provisions of the Canada Bay Local Environmental Plan 2013

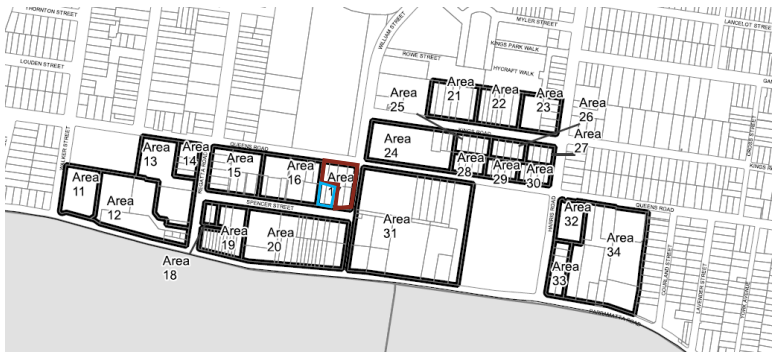
Clause	Provision
2.1 Land use zones	The site is zoned part MU1 Mixed Use, part RE1 Public Recreation (frontage to William Street). Shop-top housing is permissible with consent in the MU1 zone.
4.3 Height of buildings	The site has a base maximum height of buildings (HOB) of 12m.
4.4 Floor space ratio	The site has a base floor space ratio (FSR) of 1:1.
6.1 Acid sulfate soils	The site is identified as containing Class 2 and Class 5 land on the Acid Sulfate Soils Map.
6.11 Mix of dwelling sizes in residential flat buildings and mixed-use development	<p>This clause applies to development that will result in at least 10 dwellings. Development consent must not be granted unless:</p> <ul style="list-style-type: none"> At least 20% of the dwellings, to the nearest whole number of dwellings, in the development will be studio or 1-bedroom dwellings, and At least 20% of the dwellings, to the nearest whole number of dwellings, in the development will have at least 3 bedrooms.
6.12 Affordable housing	The site is in the Kings Bay affordable housing contribution area. This clause applies to development on land in an affordable housing contribution area that meets the provisions of clause 6.12(1), including the erection of a new building with a gross floor area (GFA) more than 200m ² . The affordable housing contribution for development in the Kings Bay area is 4% of the relevant floor area. The contribution by dedication of dwellings, or monetary contribution.
6.14 Design excellence	<p>The site is in the "Design Excellence Area". Development within this area, involving a building higher than 28m or 8 storeys, or both, must not be granted development consent unless –</p> <ul style="list-style-type: none"> (2)(b)(i) a competitive design process is held in relation to the development, and (2)(b)(ii) the consent authority takes into account the results of the competitive design process. <p>Accordingly, future redevelopment of the site will be the subject of a competitive design process.</p>
8.3 Additional floor space ratio and building heights for Areas 1-35	<p>The site is in Area 17 of the Kings Bay Precinct on the Key Sites Map (see Figure 6). Subject to meeting the requirements specified in clauses 8.4-8.8:</p> <ul style="list-style-type: none"> The maximum HOB is part 67m and part 2.5m (street frontages), and The maximum FSR is 3:1. 
8.4 Minimum site area requirements	The minimum site area for Area 17 is 4,096m ² .
8.6 Setback requirements	<p>For Area 17:</p> <ul style="list-style-type: none"> An 8m wide setback on land that fronts William Street, and A 3m wide setback on land that fronts Queens Road and Spencer Street.
8.9 Additional floor space for BASIX buildings	<p>A BASIX building at the site may exceed the permissible FSR by up to 5% if the building:</p> <ul style="list-style-type: none"> Exceeds the BASIX commitment for energy for the building by at least 15 points, and Exceeds the BASIX commitment for water for the building by at least 20 points. <p>With the additional 5% added to the Incentive FSR under Clause 8.3, Area 17 has a maximum FSR of 3.15:1.</p>

Figure 6 Key Sites Map – Sheet -KYS_005 (Develotek site outlined in red and adjoining land in blue).


Source: Canada Bay Local Environmental Plan 2013

3.2 Canada Bay Development Control Plan

The CBDP provides additional detailed design guidance which builds on the provisions of the CBLEP 2013. The key provisions relating to the site, and of relevance to this Planning Proposal are outlined in **Table 3** below.

Section K20 of the CBDP was prepared to deliver the desired future character envisaged in the Kings Bay Precinct under the PRCUTS (with some refinements to achieve better urban design and community outcomes). The provisions in Section K20 describe the planning controls permitted when a development achieves the minimum lot size and/or identified community infrastructure is delivered (pursuant to Part 8 of the CBLEP 2013).

Table 3 Key provisions of the City of Canada Bay Development Control Plan

Section	Controls
K20 Kings Bay (PRCUTS)	
K20.6 Block Configuration	<p>C1. New development is to consider future development on adjoining sites by providing sufficient separation and setbacks, and void creating isolated sites. New development is to follow the desired Site Amalgamation Plan (see Figure 7). The site is in Area 17.</p>  <p>Figure 7 Figure K20-7 Site Amalgamation Plan (Develotek site outlined in red and adjoining land in blue). Source: <i>The City of Canada Bay Development Control Plan</i> (p.K-312)</p>
	<p>C2. The delivery of identified amalgamation and community infrastructure is a prerequisite for the heights and densities identified in the LEP. If this is achieved new development is to conform to the maximum number of storeys and the permissible building envelope (see below).</p>
	<p>C3. The maximum length of any building above 5 storeys is 60m.</p>
	<p>C4. Residential towers above podium level shall have a maximum enclosed area of 750sqm (including circulation and excluding balconies) and a maximum total floor area of 875sqm (including and assuming 15% for balconies).</p>
K20.7 Access Network	<p>C1. The existing access network is retained, and new streets, through-site links and cycle routes are provided in accordance with the Public Domain Plan (see Figure 8).</p> <p>The site is identified as having:</p> <ul style="list-style-type: none"> • Future public domain adjacent Queens Road (3m setback), William Street (8m setback) and Spencer Street (3m setback), and • A desired through-site link (on the western boundary) connecting Queens Road and Spencer Street (6m setback).

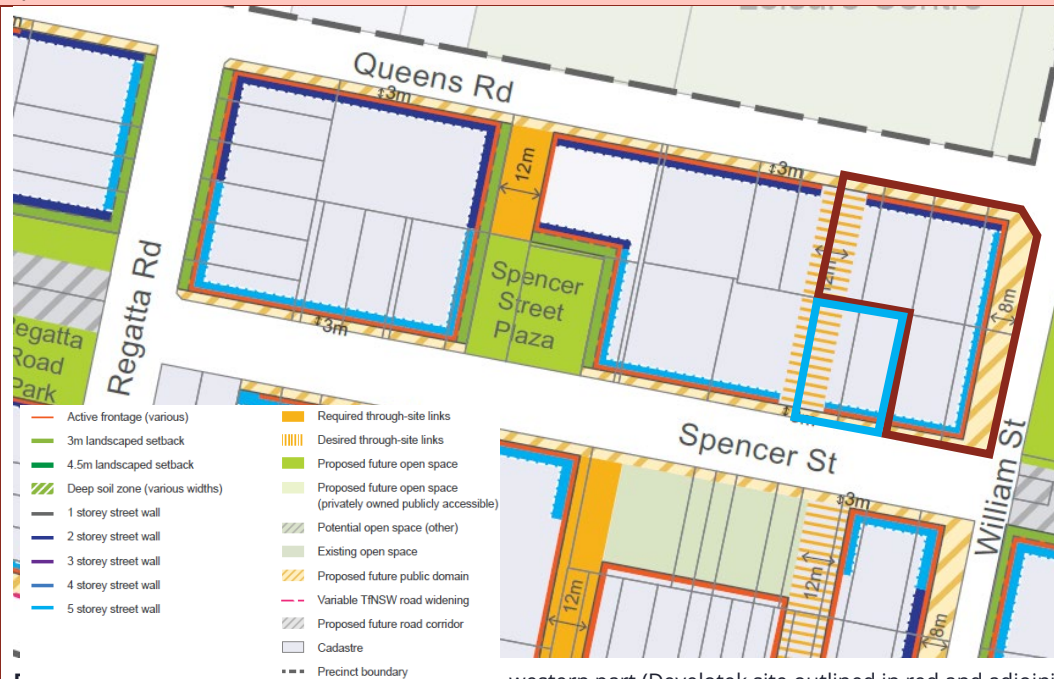


Figure 8 Figure K20-8 Public Domain Plan - western part (Develotek site outlined in red and adjoining land in blue).

Source: The City of Canada Bay Development Control Plan (p.K-315)

K20.9 Active Frontages

C1. Active frontages are to be provided as identified in the Future Active Frontages plan (see **Figure 9**). The William Street and Spencer Street frontages are identified as 'Vibrant façade'. The Queens Road frontage is identified as a 'Mixed façade'



Figure 9 Figure K20-10 Future Active Frontages (Develotek site outlined in red and adjoining land in blue).

Source: The City of Canada Bay Development Control Plan (p.K-318)

C3. Vibrant Facades:

- d) Vehicle access and servicing zones are not permitted along Vibrant Façade.

K20. 10 Street Wall Heights and Setbacks

C1. All development is to comply with the setbacks shown on the Building Envelopes Plan (see **Figure 10**). A setback of 3m applies from the street frontages, and a setback of 21m applies from the western boundary to the proposed tower form.

C5. The following maximum street wall heights apply to the site (see **Figure 10**):

- Queens Road frontage – 2 storeys.
- William Street frontage – 5 storeys.

- Spencer Street frontage – 5 storeys.

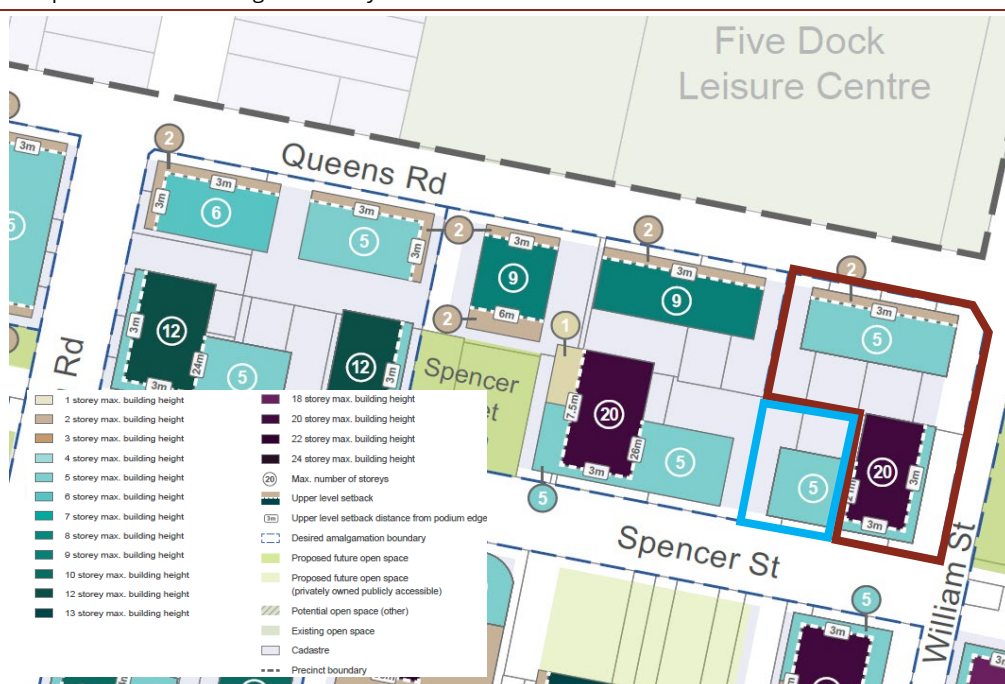


Figure 10 Figure K20-12 Building Envelopes Plan – western part (Develotek site in red outline and adjoining land in blue).

Source: The City of Canada Bay Development Control Plan (p.K-321)

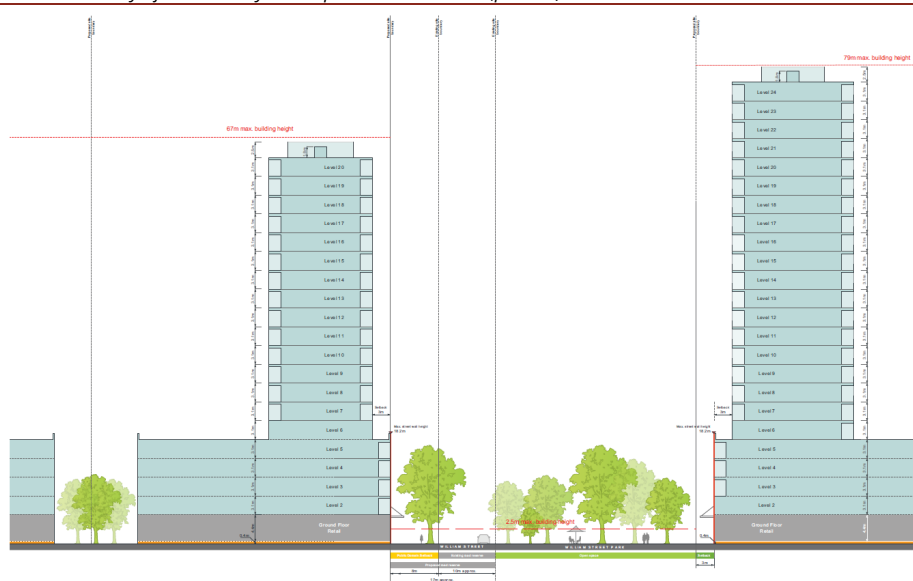


Figure 11 Figure K20-21 Built Form Envelope – Section G (east)

Source: The City of Canada Bay Development Control Plan (p.K-329)

K20.20 Access and Parking

C4. Vehicle access points are not permitted along active frontages that are identified as Vibrant and are to be minimised on Friendly and Mixed Facades. As outlined above, William Street and Spencer Street are identified as Vibrant Façade and Queens Road is identified as a Mixed Façade.

C6. Parking is designed to be 'adaptable' and able to be converted to other uses in the future. Underground car parking and basement spaces are to have a minimum floor to floor height of 3.7m to be able to be converted to commercial uses.

C9. Development sites are encouraged to provide below-ground car parking that is interconnected to and shared with or is able to be interconnected in the future to, the below-ground car parking on adjoining sites and developments in order to facilitate rationalisation of vehicle entry points and to increase future planning flexibility.

C25. Commercial and medium/ high density residential developments are to have common loading docks and facilities for freight and service vehicles, including trades, home deliveries etc.

4.0 Indicative Development Concept

This section of the report describes the indicative development concept prepared by Projected Design Management Pty Ltd (refer to **Appendix A**). The indicative development concept demonstrates the way in which the site can be developed, generally in accordance with the CBLEP 2013 and relevant DCP controls, without the complete consolidation of Area 17, and whilst still enabling the future intended redevelopment of the adjoining land at 10-12 Spencer Street.

It is noted that Develotek intends on lodging an application under the Infill Affordable Housing Division of the Housing SEPP to take advantage of the 30% height and FSR bonus for the provision of an additional 15% affordable housing within the site. The indicative development concept does not reflect this additional height and FSR which will be the subject of the detailed State Significant Development Application at the relevant time.

4.1 Key Numbers

The key numeric details of the indicative development concept are provided in **Table 3** below.

Table 4 Key numeric details of the indicative development concept

Component	Indicative Development Concept		
	The Develotek Site (79-81 Queens Road & 2-8 Spencer Street)	Adjoining land (10-12 Spencer Street)	Combined site
Site Area	3,151m ²	962m ²	4,113m ²
Land use	Mixed-use – residential, retail, open space		
GFA	9,918m ² (Note: max. GFA for the site alone is 9,925.7m ²)	2,090m ² (Note: max. GFA for 10-12 Spencer Street alone is 3030.3m ²)	12,008m ² (Note: the max. GFA for the consolidated site is 12,956m ² , however, relies on future development meeting the provisions of clauses 8.3, 8.4, 8.6 and 8.9 of the CBLEP 2013).
FSR	3.15:1 (Note: max. FSR for the site alone is 3.15:1)	2.17:1 (Note: max FSR for 10-12 Spencer Street alone is 3.15:1)	3.15 (Note: the max. FSR for the consolidated site is 3.15:1, however, relies on future development meeting the provisions of clauses 8.3, 8.4, 8.6 and 8.9 of the CBLEP 2013).
Height	67m	19m	Max. 67m
Storeys	Min. 2-storeys (fronting Queens Road) – max. 20 storeys (tower component)	Max. 5-storeys	Min. 2-storeys (fronting Queens Road) – max. 20 storeys (tower component)
Ground Level Setbacks:	<ul style="list-style-type: none"> North South East West 	<ul style="list-style-type: none"> North: 0m (nil boundary setback) South: 3m East: 0m (nil boundary setback) West: 6m 	<ul style="list-style-type: none"> North: min. 3m South: 3m East: 8m West: min. 6m
Min. Above Podium Setbacks:	<ul style="list-style-type: none"> North South East West 	<ul style="list-style-type: none"> North: 11.5m (from Level 2) South: 0m East: 0m West: 0m 	-

Component	Indicative Development Concept		
Residential units	82 Note: The number of dwellings will increase to 116 once SSDA is lodged with 30% infill affordable housing bonus.	16	98 Note: The number of dwellings will increase to 134 once SSDA is lodged with 30% infill affordable housing bonus. The urban design analysis and environmental assessment has assessed the proposal on the basis of a 30% uplift scheme and therefore, it has assessed the worst-case scenario.
Retail units	4	2	6

4.2 Development Staging

The indicative development concept demonstrates the way in which Area 17 can be developed in a coordinated, however, staged manner (see **Figure 12**). The first stage (Stage 1) comprises the redevelopment of the Develotek site for mixed-use development, including a shared basement, ground floor retail, with residential towers above (from 5-20 storeys), communal open space, and public open space. This will include the primary frontages, and public domain to Queens Road and William Street.

The potential second stage (Stage 2) comprises the redevelopment of the adjoining land at 10-12 Spencer Street, also for mixed-use development, including a shaded basement, ground floor retail with residential above. This will complete the frontage, and public domain to Spencer Street, as well as the through site link between Queens Road and Spencer Street. It is noted that shared vehicle access will be provided as part of Stage 1, with future ground-floor and basement connections provided to Stage 2 (refer to **Section 4.4** for further details).

The indicative development concept demonstrates that development can occur, generally in accordance with the CBLEP 2014 and CBDPC controls, without future fragmentation or isolation of 10-12 Spencer Street (refer to **Section 5.3.3** for further discussion).

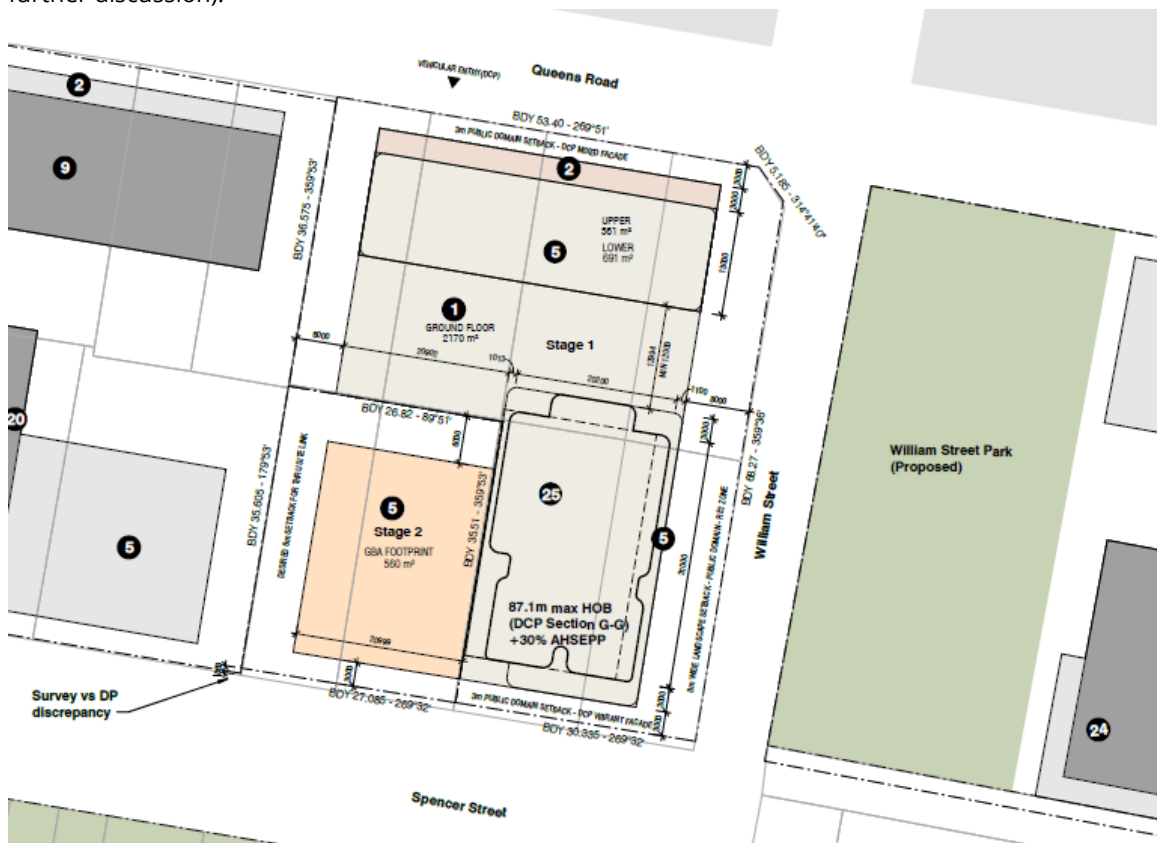


Figure 12 Indicative Development Concept Site Plan

Source: Projected Design Management Pty Ltd

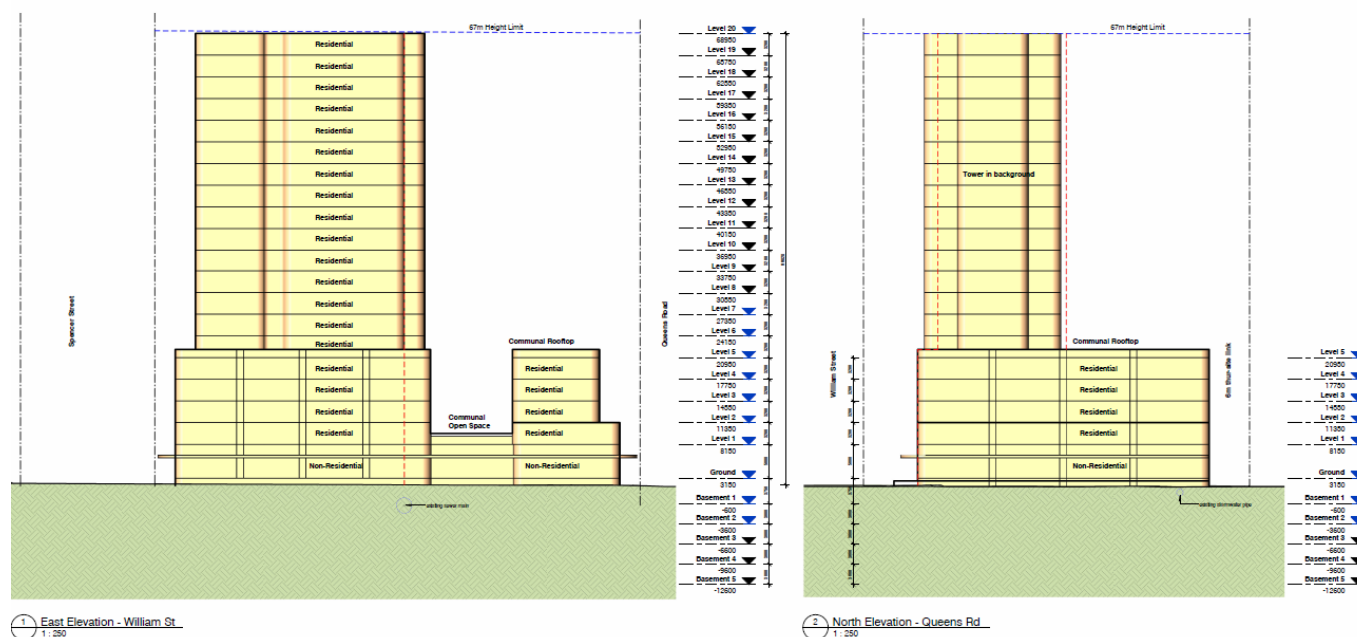
4.3 Built Form and Public Domain

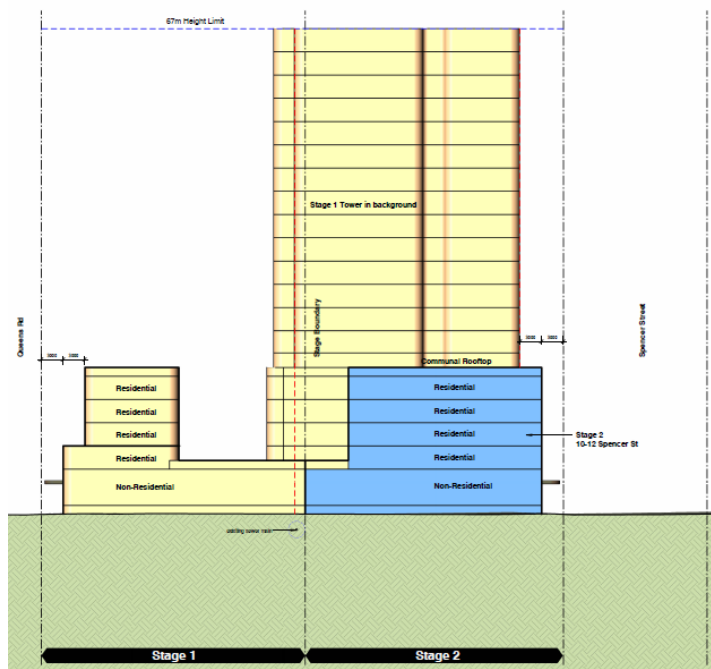
The indicative development concept has been designed with consideration to the urban design principles outlined in Section K20.4 of the DCP. Specifically:

- **Create an active and permeable public domain:** the concept provides a 3m setback from the northern and southern boundaries, an 8m setback from the eastern boundary, and a 6m setback from the western boundary to accommodate future public domain, including a through-site link and public open space (fronting Spencer Street).
- **Define a building height strategy:** the concept generally reflects the building envelopes proposed for Area 17 under the DCP. This includes a variation in building heights from 2-storeys (Queens Road street wall height) to 20-storeys (tower form), with a maximum height of 67m. The tower has been located at the corner of Spencer Street and William Street, as a key focal point within the centre, and to reduce overshadowing of adjoining open space.
- **Interactive frontages:** the concept provides for active ground floor uses, including to the adjacent through site link to the west. Refinement of the proposed built form, as part of the future development applications, will address the provisions of Section K20.9 of the DCP.
- **Create character precincts celebrate the industrial character of Kings Bay:** refinement of the proposed built form, as part of future development applications, will address this principle through detailed façade articulation, expression, and placemaking reflecting the former industrial character of the site and the Kings Bay Precinct.
- **Maximise solar access and amenity:** the concept demonstrates that the proposed residential dwellings are capable of maximising solar access and amenity (refer to **Section 5.3.3** for further discussion).
- **Promote fine grain and active frontages:** as outlined above, the concept provides for active ground floor uses. The promotion of fine grain and active frontages will be addressed in further detail as part of future development applications.
- **Integrated servicing and access:** as outlined above, the concept provides for shared access and integrated servicing in at the ground floor and basement levels (refer to **Section 5.3.3** for further discussion).
- **Minimise the impacts of parking:** the concept includes shared basement level carparking (refer to **Section 5.3.3** for further discussion).

The indicative development concept generally reflects the built form envisaged for Area 17 under the DCP, and again demonstrates that development of the site can occur without future fragmentation or isolation of 10-12 Spencer Street (refer to **Section 5.3.3** for further discussion).

Figure 13 below illustrates the proposed elevations, with the subject site highlighted in yellow and the adjoining land at 10-12 Spencer Street highlighted in blue.

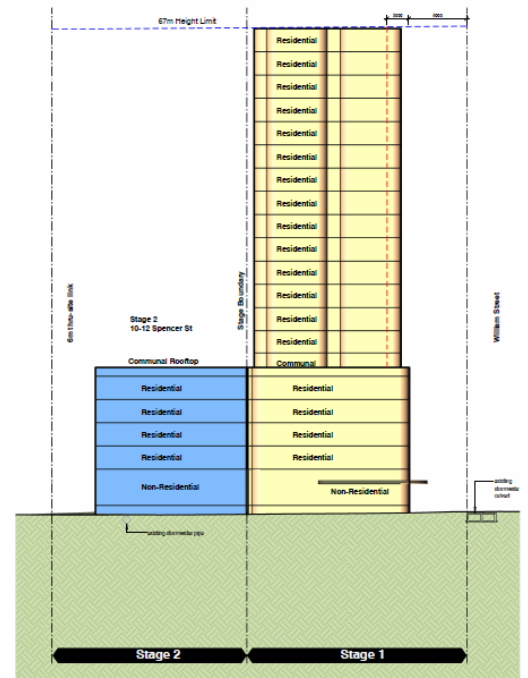




1 West Elevation - Thru Site Link
1:250

Figure 13 Indicative Building Elevations

Source: Projected Design Management Pty Ltd



2 South Elevation - Spencer St
1:250

4.4 Access and Parking

As outlined above, the indicative development concept provides for shared vehicle access from Spencer Street (delivered as part of Stage 1), with future ground-floor and basement connections provided to Stage 2 (see **Figure 14** and **Figure 15**). This seeks to rationalise vehicle entry points, reducing disruption to the public domain, and increase future planning flexibility in accordance with Section K20.20 of the DCP (refer to **Section 5.3.3** for further discussion). Shared access further reinforces that Area 17 can be developed in a coordinated, however, staged manner.

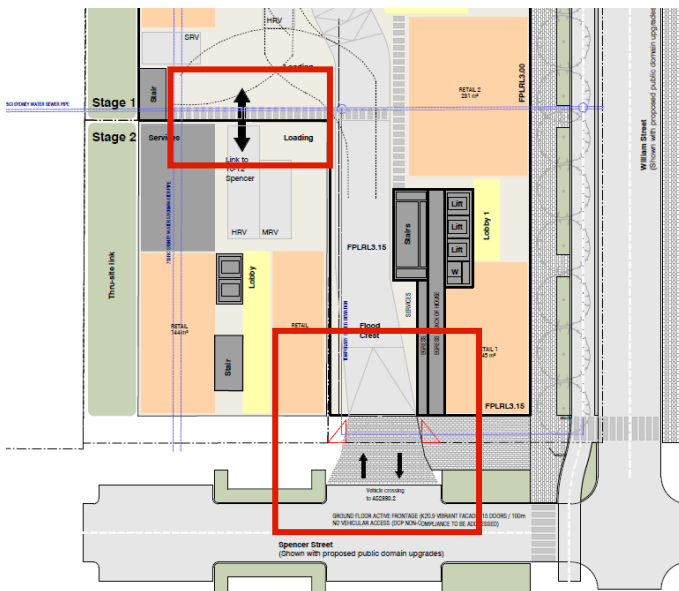


Figure 14 Indicative Development Concept Ground Floor Plan (access outlined in red)

Source: Architectural Drawings (Appendix A) Projected Design Management Pty Ltd



Figure 15 Indicative Development Basement 1 (access outlined in red)

Source: Architectural Drawings (Appendix A) Projected Design Management Pty Ltd

5.0 Planning Proposal

5.1 Part 1 – Objectives and Intended Outcomes

5.1.1 Objectives

The objective of the Planning Proposal is to exclude 10-12 Spencer Street from Area 17 of the Kings Bay Precinct and prescribe new planning controls for both sites, whilst ensuring that they are aligned with and achieve the desired built form and public domain outcomes for the site as identified within Section K20 Kings Bay (PRCUTS) of the Canada Bay DCP.

This means that the Develotek site will continue to be subject to Part 8 of the CBLEP 2013, which prescribes incentive development standards for development within the Kings Bay Precinct that meet certain requirements, whilst the adjoining land at 10-12 Spencer Street will be subject to a new site specific provision under Part 6 of the CBLEP 2013, which is proposed to reflect the built form and massing outcome of the Canada Bay DCP.

The Planning Proposal is supported by a proposed amendment to the City of Canada Bay Development Control Plan (DCP) to insert a site-specific control under Section K20.6 'Block Configuration'. The objective of the DCP amendment is to provide additional certainty that future redevelopment of Area 17 will achieve the desired built form and public domain outcomes identified within Section K20 Kings Bay (PRCUTS) of the DCP, without consolidation of the site and 10-12 Spencer Street.

Section 5.2 below provides an explanation of the provisions.

5.1.2 Intended Outcomes

The intended outcomes of the Planning Proposal include:

- Support the transformation of the Kings Bay Precinct, including the Spencer Street centre, as envisioned by Council's Kings Bay Precinct Masterplan (reflected in Section K20 of the DCP) as well as the PRCUTS.
- Support redevelopment of Area 17 in a coordinated, however, staged manner, preventing isolation of the adjoining land at 10-12 Spencer Street but ensuring the delivery of housing in a timely manner.
- Realise the development potential of the site, including eligible bonuses outlined in other planning policy, within the maximum incentive height of up to 67m and FSR of 3:15 (per clauses 8.3 and 8.9 of the CBLEP2013).
- Realise the redevelopment of the site generally in accordance with the envisaged building envelope and built form and public domain outcomes in the DCP.
- Facilitate the timely redevelopment of the site, avoiding unnecessary delays and sterilisation of a key strategic site, particularly as redevelopment proposals for surrounding land advance as part of the transformation of the Kings Bay Precinct.
- Facilitate the timely delivery of critical housing, including affordable housing.
- Facilitate the timely delivery of critical community infrastructure, including public open space and active transport connections.

5.2 Part 2 – Explanation of Provisions

5.2.1 Amendments to the CBLEP 2013

To achieve the objectives and intended outcomes, this Planning Proposal seeks to amend the CBLEP 2013 to exclude the adjoining land at 10-12 Spencer Street from Area 17 and prescribe new development standards for each site to ensure the recommended built form outcome and vision of the Kings Bay Precinct as identified under the site-specific DCP can still be achieved. A summary of the proposed amendments to the CBLEP 2013 planning controls is provided in **Table 5** and further detailed in the below sections.

Table 5 Proposed CBLEP 2013 Amendments

Development Standard	Existing Control	Proposed Control	
		Subject Site	10-12 Spencer St
Clause 4.3 – Height of Building	12m	No change to principal development standards as the site is subject to Part 8 of the CBLEP 2013.	No change, however, a new site-specific provision will apply allowing a height of building of 19m and floor space ratio of 2.17:1 subject to relevant requirements being met.
Clause 4.4 – Floor Space Ratio	1:1		
Clause 8.3 – Additional floor space ratio and building heights for Areas 1-35	Height: Part 67m and part 2.5m FSR: 3:1	No change.	N/A. Part 8 of the CBLEP 2013 will no longer apply to 10-12 Spencer Street and instead a new site-specific provision under Part 6 will apply.
Clause 8.4 – Minimum site area requirements	4,069m ²	3,151m ²	

Develotek Site

Due to the inability to acquire the adjoining land, this Planning Proposal seeks to exclude 10-12 Spencer Street from Area 17 of the Kings Bay precinct to enable the subject site to be redeveloped on its own without relying on the acquisition of the adjoining land, which as evidenced in **Appendix F** has been attempted on multiple occasions.

To do this, Clause 8.4 of the CBLEP 2013 will need to be amended to reduce the minimum site area required for Area 17 from 4,069m² to 3,151m² (effectively excluding 10-12 Spencer Street). This will ensure that the objectives and intended outcomes of this Planning Proposal can be achieved and will facilitate the timely redevelopment of the site and delivery of much needed housing without unnecessary delays.

To ensure that the desired vision and outcome for Area 17 under the Canada Bay DCP can still be achieved, Clause 8.3 of the CBLEP 2013 is proposed to be amended to include site-specific requirements for the subject site that must be met in order for the development to gain access to the incentive height and FSR, which are not proposed to be amended.

The intended provision is outlined below with amendments identified in ***italic bold***.

Part 8 Burwood-Concord, Homebush North and Kings Bay Precincts

8.3 Additional floor space ratio and building heights for Areas 1–35

(1) *This clause applies to development involving the erection of a building in Areas 1–35 if the consent authority is satisfied the requirements specified in clauses 8.4–8.8 will be met in relation to the development.*

(2) *The maximum floor space ratio for a building is the floor space ratio shown on the [Incentive Floor Space Ratio Map](#) for the land.*

(3) *The maximum height of a building is the height shown on the [Incentive Height of Buildings Map](#) for the land.*

(4) When granting additional floor space ratio or building height under (2) and (3) within Area 17, the consent authority must be satisfied the development:

(i) does not prevent the future redevelopment of 10-12 Spencer Street, Five Dock in accordance with this plan; and

(ii) provides the potential for a single vehicle access to allow a consolidated driveway and basement with the future development at 10-12 Spencer Street.

The introduction of the abovementioned provision will ensure that the future development of the subject site has given regard to the adjoining land and will mitigate the impacts of site isolation.

Adjoining land at 10-12 Spencer Street

Since the adjoining land at 10-12 Spencer Street cannot be acquired, it is proposed to be excluded from Area 17 of the Kings Bay Precinct. This means that the incentive development standards under Part 8 will no longer apply, and instead, the principal development standards under Part 4 of the CBLEP 2013 will apply.

Notwithstanding, should the adjoining land be redeveloped in the future, the existing height and FSR development standards would need to be amended to enable the redevelopment to occur in line with the desired built form and outcome prescribed under the Canada Bay DCP and illustrated in the Indicative Design Concept provided at **Appendix A**. Specifically, the permissible building height will need to be increased from 12m to 19m and the FSR from 1:1 to 2.17:1.

However, to ensure that the relevant requirements under Part 8 and the vision and intent of the Kings Bay Precinct is still being maintained, this Planning Proposal will not amend the principal development standards but instead, will apply the increased height and FSR to the site by introducing a new site-specific provision under Part 6 'Additional Local Provisions' of the CBLEP 2013.

The intended wording of the new site-specific provision is provided below:

6.17 Development at 10-12 Spencer Street, Five Dock

(1) This clause applies to the following land at 10-12 Spencer Street, Five Dock—

(a) Lot 15 DP 1117

(b) Lot 16 DP 1117

(2) Despite Clause 4.3 and Clause 4.4, development consent may be granted to development involving the erection of a building on the subject land with a height not greater than 19m and a floor space ratio not greater than 2.17:1, if the consent authority is satisfied that—

(a) the development is for the purposes of shop top housing.

(b) a 3m wide setback to Spencer Street is provided.

(c) a 6m wide setback to the western boundary is provided to facilitate a through site link that connects Spencer Street and Queens Road.

(d) vehicular access is consolidated with the adjoining development at Area 17 of the Kings Bay Precinct.

5.2.2 Amendments to the CBDP

Section K20 of the CBDP contains site-specific development controls for development within the Kings Bay Precinct. The indicative design concept has been prepared with reference to these development controls, however, to respond to the project-specific circumstances of not being able to acquire the adjoining land and allow the site to be independently redeveloped, amendments are required to Section K20 of the CBDP, which is detailed within **Appendix G**.

The proposed amendments to the CBDP are reasonable in these circumstances, along with the LEP amendments, and will facilitate the appropriate redevelopment of the site for residential accommodation, which would otherwise not occur.

5.3 Part 3 – Justification of strategic and site-specific merit

The following section outlines the ways in which the Planning Proposal demonstrates strategic and site-specific merit. **Table 6** summarises how the Planning Proposal addresses the assessment criteria for strategic and site-specific merit outlined in the ‘*Local Environmental Plan Making Guideline*’ (August 2023).

Table 6 Assessment against the strategic and site-specific merit criteria

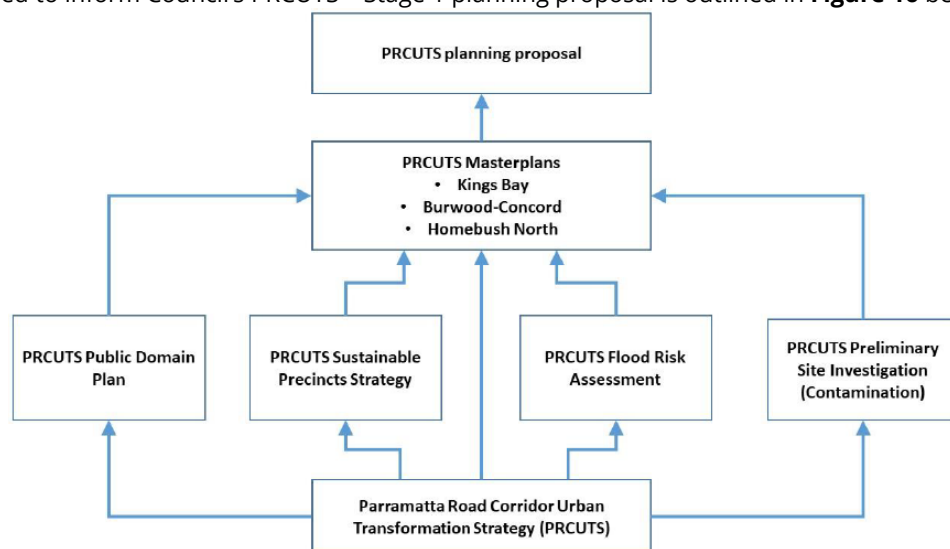
Assessment Criteria	Response
Strategic merit	
Does the proposal:	This Planning Proposal is directly aligned with regional and local planning policies and strategies in that it will facilitate the timely delivery of additional housing, which will assist in alleviating the current housing supply, whilst realising the vision of the Kings Bay Precinct.
<ul style="list-style-type: none"> Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or 	
<ul style="list-style-type: none"> Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or 	As demonstrated in Table 9 , this Planning Proposal is consistent with the relevant planning priorities and the associated actions of the Local Strategic Planning Statement (LSPS).
<ul style="list-style-type: none"> Respond to a change in circumstances that has not been recognised by the existing planning framework. 	<p>This Planning Proposal is a direct response to unforeseen circumstances prohibiting the ability to consolidate the land pertaining to the existing Area 17, which is due to the inability to acquire the adjoining land at 10-12 Spencer Street, Five Dock. This is evidenced within the negotiation documentation provided at Appendix F, which clearly demonstrates that Develotek has attempted to purchase the adjoining land on multiple occasions and that the adjoining landowner is simply not interested in selling or redeveloping their land.</p> <p>In response to these circumstances, this Planning Proposal seeks to exclude the adjoining land from Area 17 as detailed in Section 5.2 above, which will allow the subject site to continue to be redeveloped in accordance with the desired vision and built form outcome of the Kings Bay Precinct. Notwithstanding, appropriate mechanisms and provisions are proposed to be introduced to ensure a high-quality redevelopment on both sites that prevents site isolation and facilitates an amalgamated built form approach, without necessarily acquiring any land.</p>
Site-specific merit	
Does the proposal give regard and assess impacts to:	Yes. The indicative design concept accompanying this Planning Proposal has given regard to the natural environment on the site as detailed within Section 5.3.3 of this report.
<ul style="list-style-type: none"> The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources, or hazards), 	
<ul style="list-style-type: none"> Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates, 	The proposal will see the delivery of a new mixed-use development on the site, comprising 98 new dwellings (which will increase to 116 once SSDA for infill affordable housing is lodged) and therefore, is directly aligned with the vision and desired outcome for the Kings Bay precinct.
<ul style="list-style-type: none"> Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>The site is located within a well serviced area that has access to existing and future public transport, as well as an abundance of social infrastructure. The site is therefore, provided with services and infrastructure, which will cater for the future population of the site.</p> <p>Any upgrades to existing services will be undertaken as part of the future development application.</p>

5.3.1 Section A – Need for the Planning Proposal

Q1 – Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes – the Planning Proposal has resulted from the need to realise the objectives and intended outcomes of the State Government’s PRCUTS, and Council’s LSPS, Local Housing Strategy (LHS) and other supporting studies. The land use, built form and sustainability controls applying to the site under the CBLEP 2013 and CBDP were previously amended by Council in line with the strategic vision for the transformation of the Kings Bay Precinct and wider Parramatta Road Corridor. The amendments were an outcome of the State Government’s PRCUTS (2016), which was approved by the then Secretary of Planning.

Direction 7.3 issued by the Minister for Planning under Section 9.1 of the EP&A Act 1979 (refer to **Table 11**) gives the PRCUTS and the Implementation Tool Kit statutory weight. The amendments were also consequential to Council's LSPS, which received assurance by the Greater Sydney Commission on 25 March 2020. The LSPS sets out how the LGA will respond to the PRCUTS, including the location of new housing and infrastructure. The LSPS is supported by the LHS, which was endorsed by the DPHI (formerly known as DPE) on 1 May 2021. The Kings Bay Precinct Masterplan (reflected in the Section K20 of the CBDP) synthesises the PRCUTS with the LSPS and other relevant studies. The hierarchy of studies used to inform Council's PRCUTS – Stage 1 planning proposal is outlined in **Figure 16** below.



Hierarchy of studies to inform the planning proposal. Note that the studies were also informed by the Eastern City District Plan and the City of Canada Bay Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

Figure 16 Hierarchy of studies to inform The City of Canada Bay PRCUTS planning proposal

Source: Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – Stage 1. PP2021/0001. (p.12)

Notwithstanding, redevelopment of the site as envisioned by the above studies, and in line with the subsequent CBLEP and CBDP controls, requires achieving the minimum site area for Area 17 (per clause 8.4 of the CBLEP 2013). Achieving this site area requires amalgamation of the site with the adjoining land at 10-12 Spencer Street. However, the owner of 10-12 Spencer Street does not wish to sell or redevelop their land in the foreseeable future, having rejected offers to sell or joint as a party to a combined DA, and most recently signed a 10-year lease extension to the major tenant occupying the building. Therefore, the Planning Proposal has resulted from the need to facilitate the redevelopment of the site independently of the adjoining land and ensure that this land identified for additional housing can be delivered in a timely manner. The Planning Proposal, as demonstrated by the indicative development concept (refer to **Appendix A**), will support the coordinated, however, staged redevelopment of Area 17, preventing future fragmentation or isolation of 10-12 Spencer Street. In doing so, the Planning Proposal will ensure the intended outcomes of the PRCUTS, LSPS, LHS and supporting studies outlined above, are realised in a timely manner.

Q2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – noting that the owner of 10-12 Spencer Street does not wish to sell or redevelop their land at the current time, to achieve the intended outcomes of the PRCUTS, LSPS, LHS and other supporting studies, as well as the intended outcomes outlined in **Section 5.1**, four options have been considered:

- **Option 1:** Do nothing.
- **Option 2:** Lodge a compliant Development Application (DA) within the maximum HOB and FSR controls under the principal development standards prescribed under Clause 4.3 and 4.4 of the CBLEP 2013.
- **Option 3:** Lodge a non-compliant State Significant Development Application (SSDA), subject to a Clause 4.6 Variation Request to vary the maximum HOB and FSR and minimum site area controls pertaining to the site under clauses 4.3, 4.4 and 8.4 of the CBLEP 2013.
- **Option 4:** Prepare a Planning Proposal to amend the minimum site area control for Area 17 under clause 8.4 of the CBLEP 2013.

Option 1: Do nothing.

Option 1 sees the continued operation of the existing light industrial uses at the site. Continued operation of these uses does not align with the strategic vision for the site and represents the underutilisation of strategically identified land. This approach also considers waiting until the owner of 10-12 Spencer Street wishes to sell or redevelop their land, which will result in the delayed redevelopment of Area 17 and realisation of the Kings Bay Precinct.

As such, Option 1 is not consistent with the strategic vision for the site or public interest to deliver housing in a well-located area with high amenity as well as preventing the delivery of key public domain outcomes that play a key role in the overall amenity planned for the Kings Bay Precinct.

Option 2: Compliant Development Application

Option 2 involves the preparation and lodgement of a development application for a mixed-use development scheme, consistent with the amended land use zoning for the site, however, compliant the base HOB (12m) and FSR (1:1) controls under Clauses 4.3 and 4.4 of the CBLEP 2013. Again, this does not align with the strategic vision for the site and represents the underutilisation of strategically identified land. This approach is also financially unviable.

As such, Option 2, is not a viable option.

Option 3: Non-compliant Concept SSDA (with Clause 4.6 Variation)

Option 3 involves the preparation and lodgement of a Detailed SSDA in accordance with Division 4.4 of the EP&A Act. This pathway assumes that the proposed development, comprising an affordable housing component of at least 10% of dwellings, will meet the criteria set out in clause 26A 'In-fill affordable housing', Schedule 1, of the State Environmental Planning Policy (Planning Systems) 2021, including:

- (1) *Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—*
 - (a) *the part of the development that is residential development has an estimated development cost of—*
 - (i) *for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or*
 - (ii) *...*
 - (b) *the development does not involve development prohibited under an environmental planning instrument applying to the land.*

The SSDA will be accompanied by a Clause 4.6 Variation Requests to vary the HOB, FSR and Minimum site area development standards under clauses 4.3, 4.4, and 8.4 of the CBLEP 2013. It will argue the variation on account of the incentive controls under Clause 8.3 otherwise applying if the minimum site area for Area 17 was achieved. This would facilitate the redevelopment of the site as envisioned by the strategic plans, as well as the incentive CBLEP 2013 and CBDPC controls.

Whilst Option 3 is available to the Proponent, it does result in a number of significant numerical variations to the controls by virtue of the way they are drafted which carries an inherent planning risk. As a result, Option 4 has been pursued given the uncertainty surrounding acquisition of the adjoining land or obtaining landowners consent, which is ultimately outside of the Proponent's control.

Option 4: Planning Proposal (with subsequent State Significant Development Application)

Option 4 involves the preparation of this Planning Proposal. As outlined in **Section 5.2**, it seeks to amend Clause 8.4 of the CBLEP 2013 to reduce the minimum site area for Area 17, and Clause 8.3 to facilitate the redevelopment of the site independently of land at 10-12 Spencer Street, whilst in accordance with the desired future outcome for the site as outlined under the CBDPC.

Additionally, a new site-specific provision under Part 6 of the CBLEP 2013 will be introduced for the adjoining land at 10-12 Spencer Street that will grant it additional height and FSR in accordance with the envisaged built form for the site under the CBDPC.

Whilst it remains the intention of the Proponent to get landowners consent or acquire 10-12 Spencer Street, given it is ultimately outside the Proponent's control and the risk associated with relying on a Clause 4.6 Variation, this option provides the best alternative pathway to achieving the intended outcomes.

5.3.2 Section B – Relationship to the Strategic Planning Framework

Q3 – Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes – the Planning Proposal will support the development of strategically identified land and the realisation of the intended outcomes of the PRCUTS, LSPS, LHS and other supporting studies. In doing so, the Planning Proposal gives effect to the Greater Sydney Region Plan and the Eastern City District Plan to which the above documents respond.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan is the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision. The Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity, and sustainability. The Planning Proposal will give effect to the relevant objectives of the Region Plan as outlined in **Table 7**.

Table 7 Consistency of the Planning Proposal with the Greater Sydney Region Plan: A Metropolis of Three Cities

Objective	Response
Objective 7 – Communities are healthy, resilient, and socially connected.	The Planning Proposal, and subsequent redevelopment of the site, will support the delivery of walkable and socially connected places, through of mix of uses and new public domain.
Objective 10 – Greater Housing Supply.	The Planning Proposal, and subsequent redevelopment of the site, will provide critical housing, including affordable housing, in an accessible location. New housing will contribute to the housing targets for the Eastern City District.
Objective 11 – Housing is more diverse and affordable.	The Planning Proposal, and subsequent redevelopment of the site, will deliver a diversity of apartment sizes, from 1-bedroom to 4-bedroom dwellings. It is the intention of the Proponent to deliver new in-fill affordable housing per the requirements of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).
Objective 12 – Great places that bring people together.	The Planning Proposal, and subsequent redevelopment of the site, will help deliver the Spencer Street centre, which is envisioned to comprise a walkable, fine grain urban form; a mix of uses; active transport infrastructure; and new public open space and enhanced public domain to support social connectivity.
Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities.	The Planning Proposal, and subsequent redevelopment of the site, will support the delivery of '30-minute cities', or '15-minute neighbours' by delivering a mix of uses and active transport infrastructure, along the Parramatta Road Corridor.
Objective 22 – Investment and business activity in centres.	The Planning Proposal, and subsequent redevelopment of the site, will contribute to the Spencer Street centre, providing a mix of retail and commercial uses.
Object 24 – Economic sectors are targeted for success.	The Planning Proposal, and subsequent redevelopment of the site, will deliver commercial floor space that is flexible and can provide for the spatial and functional requirements of a variety of urban support services, as required.
Objective 30 – Urban tree canopy cover is increased.	The daft Planning Proposal, and subsequent development of the site, will deliver additional tree canopy within the proposed public domain and open space. The DCP requires a minimum of 15% projected tree canopy coverage for all private land in the mixed-use zone (see K20.18 Landscape Design).
Objective 31 – Public open space is accessible, protected and enhanced.	The daft Planning Proposal, and subsequent development of the site, will deliver new public open space, that is accessible and of a high-quality.
Objective 31 – The Green Grid links parks, open spaces, bushland and walking and cycling paths.	The Planning Proposal, and subsequent redevelopment of the site, will deliver new parks, public domain, walking and cycling paths that will connect to the wider Green Grid.
Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.	The Planning Proposal, and subsequent redevelopment of the site, will support sustainability initiatives established by the State Government and Council, including BASIX, reduced car parking, increased tree canopy, green infrastructure, and water sensitive urban design (WSUD).
Objective 34 – Energy and water flows are captured, used and re-used.	The Planning Proposal, and subsequent redevelopment of the site, will support the capture and re-use of energy and water. The DCP requires recycled water pipes for the purposes of all available internal and external water uses (see K20.19 Sustainability and Resilience).
Objective 36 – People and places adapt to climate change and future shocks and stresses.	The Planning Proposal, and subsequent redevelopment of the site, will support resilience initiatives established by the State Government and Council.

Objective	Response
Objective 37 – Exposure to natural and urban hazards is reduced.	The Planning Proposal, and subsequent redevelopment of the site, will manage identified flood risk in accordance with the flood planning area controls in the DCP, including minimum floor levels (see K20.15 Safety and Accessibility and B8 Flooding Control).
Objective 38 – Heatwaves and extreme heat are managed.	The Planning Proposal, and subsequent redevelopment of the site, will help to combat the urban heat island effect through increased tree canopy, and appropriately orientate and treat buildings to mitigate excessive heating or cooling.
Objective 39 – A collaborative approach to city planning.	The Planning Proposal supports the realisation of the intended outcomes of the Eastern City District Plan, PRCUTS, LSPS, LHS and other supporting studies.

Our Greater Sydney 2056: Eastern City District Plan

The Eastern City District Plan is a 20-year plan to manage growth and change across the district. The District Plan contains strategic directions, planning priorities and actions that support the implementation of the Greater Sydney Region Plan at a district-level, as well as inform local strategic planning statements, environmental plans and other strategic documents. The Planning Proposal will give effect to the relevant planning priorities of the District Plan as outlined in **Table 8**. The responses are largely similar to those provided in the review of the Greater Sydney Region Plan above.

Table 8 Consistency of the Planning Proposal with the Eastern City District Plan

Planning Priority	Response
E1 – Planning for a city supported by infrastructure.	The Planning Proposal, and subsequent development of the site, will support the delivery of new infrastructure, including active transport links and public open space.
E2 – Working through collaboration.	The Planning Proposal, and subsequent development of the site, will support the collaborative delivery of the Parramatta Road Corridor collaboration area.
E3 – Providing services and social infrastructure to meet people’s changing needs.	The Planning Proposal, and subsequent development of the site, will support the delivery of local services and infrastructure catering to the needs of the future Kings Bay Precinct population. This includes flexible commercial spaces, public open space and active transport infrastructure.
E4 – Fostering healthy, creative, culturally rich and socially connected communities.	The Planning Proposal, and subsequent redevelopment of the site, will support the creation of a walkable, socially connected neighbourhood for all people, through a mix of uses and new public domain, open space and active transport infrastructure.
E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.	The Planning Proposal, and subsequent redevelopment of the site, will provide critical housing, including affordable housing, in an accessible location, close to jobs, services and public transport. New housing will contribute to the supply targets for the City of Canada Bay Local Government Area (LGA).
E6 – Creating and renewing great places and local centres and respecting the District’s heritage.	The Planning Proposal, and subsequent redevelopment of the site, will help deliver the Spencer Street centre, which is envisioned to comprise a walkable, fine grain urban form; a mix of uses; active transport infrastructure; and new public open space and enhanced public domain. Redevelopment of the Kings Bay Precinct will pay homage to its industrial heritage and character.
E10 – Delivering integrated land use and transport planning and a 30-minute city.	The Planning Proposal, and subsequent redevelopment of the site, will support the delivery of ‘30-minute cities’, by delivering a mix of uses and active transport infrastructure, along the Parramatta Road Corridor.
E17 – Increasing urban tree canopy cover and delivering Green Grid connections.	The Planning Proposal, and subsequent development of the site, will deliver additional tree canopy within the proposed public domain and open space. The public domain and open space will connect to the wider Green Grid via walking and cycling paths.
E18 – Delivering high quality open space.	The Planning Proposal, and subsequent development of the site, will deliver new public open space, that is accessible and of a high-quality.
E19 – Reducing carbon emissions and managing energy, water and waste efficiently.	The Planning Proposal, and subsequent redevelopment of the site, will support sustainability initiatives established by the State Government and Council, including BASIX, reduced car parking, increased tree canopy, green infrastructure, and water sensitive urban design (WSUD), and reuse of energy and water, where viable.
E20 – Adapting to the impacts of urban and natural hazards and climate change.	The Planning Proposal, and subsequent redevelopment of the site, will manage the impact of natural hazards, including flood hazard, as well as the impacts of climate change through built form and urban design responses, including minimum floor levels, building orientation and treatment, as well as increased tree canopy.

Q4 – Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another local strategy or strategic plan?

Yes – the Planning Proposal will support the redevelopment of strategically identified land, and the realisation of the intended outcomes of the State Government's PRCUTS, as well as Council's LSPS, LHS and other supporting studies, including the Kings Bay Precinct Master Plan. Except for the proposed variation to the envisaged consolidation of land within Area 17, the Planning Proposal remains consistent with the above strategic documents.

Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

In November 2016, Urban Growth NSW released the PRCUTS together with a package of implementation and reference documents. Direction 7.3 issued by the Minister for Planning under Section 9.1 of the EP&A Act gives the Strategy and Implementation Tool Kit statutory weight. Council's planning proposal, and the subsequent amendments to the CBLEP 2013 and DCP, were generally consistent with the PRCUTS, with some refinements made based on Council's suite of evidence-based studies. The Planning Proposal, and subsequent development of the site, is generally consistent with the principles and strategic actions of the PRCUTS, as reflected in Council's strategic plans (see below), the CBLEP 2013, and DCP.

City of Canada Bay Local Strategic Planning Statement (LSPS)

On 25 March 2020, the Greater Sydney Commission (GSC) endorsed the Canada Bay Local Strategic Planning Statement (LSPS). The LSPS sets out Council's vision for how the LGA will respond to significant residential growth, including the new housing and jobs to be delivered under the PRCUTS. The Planning Proposal is consistent with the relevant planning priorities, and their associated actions, of the LSPS as outlined in **Table 9**.

Table 9 Consistency of the Planning Proposal with the City of Canada Bay Local Strategic Planning Statement

Planning Priorities	Response
P1 – Planning for a City that is supported by infrastructure.	The Planning Proposal, and subsequent redevelopment of the site, will support this priority through the delivery of new infrastructure, including high-quality walking and cycling paths, and public open space, and a new local centre.
P4 – Foster safe, health, creative, culturally rich and socially connected communities.	The Planning Proposal, and subsequent redevelopment of the site, will deliver accessible and inclusive housing, public domain and open space. Future redevelopment will be subject to a competitive design excellence process.
P5 – Provide housing supply, choice and affordability in key locations.	The Planning Proposal, and subsequent redevelopment of the site, will deliver critical housing, including affordable housing, in the desired location.
P9 – Enhance employment and economic opportunities in Local Centres.	The Planning Proposal, and subsequent redevelopment of the site, will support the delivery of the Spencer Street centre, which is envisioned to comprise a walkable, fine grain urban form; a mix of uses; active transport infrastructure; and new public open space and enhanced public domain. Redevelopment of the Kings Bay Precinct will pay homage to its industrial heritage and character.
P12 – Improve connectivity throughout Canada Bay by encouraging a modal shift to active and public transport.	The Planning Proposal, and subsequent redevelopment of the site, will support this priority through the delivery of walking and cycle paths.
P16 – Increase urban tree canopy and deliver Green Grid connections.	The Planning Proposal, and subsequent redevelopment of the site, will support this priority through increase tree canopy within the public and private domain, and connecting new public domain and open space to the wider Green Grid.
P18 – Reduce carbon emissions and manage energy, water and waste efficiently.	The Planning Proposal, and subsequent redevelopment of the site, will support sustainability initiatives established by the State Government and Council, including BASIX, reduced car parking, increased tree canopy, green infrastructure, and water sensitive urban design (WSUD), and reuse of energy and water, where viable.
P19 – Adapt to the impacts of urban and natural hazards and climate change.	The Planning Proposal, and subsequent redevelopment of the site, will manage the impact of natural hazards, including flood hazard, as well as the impacts of climate change through built form and urban design responses, including minimum floor levels, building orientation and treatment, as well as increased tree canopy.

City of Canada Bay Local Housing Strategy (LHS)

On 1 May 2021, the DPE endorsed the Canada Bay Local Housing Strategy (LHS) 2019. The LHS identifies the need for new, diverse and affordable housing within the LGA. The LHS estimates that most of the new housing will be delivered under the PRCUTS, including within the Kings Bay Precinct. The Planning Proposal, and subsequent redevelopment of the site, remain entirely consistent with the LHS. Specifically, the Planning Proposal, and subsequent development of the site will:

- Support the delivery of housing within the Parramatta Road Corridor, the Kings Bay Precinct, and Spencer Street centre,
- Deliver approximately 98 residential dwellings (which will increase to 116 dwellings once SSDA for infill affordable housing is lodged) (refer to indicative development concept at **Appendix A**), contributing to the estimated 2,779 dwellings in Kings Bay Precinct as outlined within the Kings Bay Precinct Master Plan (it is noted that this is a reduction of the 3,351 dwellings anticipated for the precinct under the LHS),
- Deliver a diversity of dwelling sizes, from 1-bedroom to 4-bedroom apartments, and
- Deliver a percentage of in-fill affordable housing per the requirements of the Housing SEPP 2021.

City of Canada Bay Kings Bay Precinct Master Plan

The Kings Bay Precinct Master Plan, and supporting studies, including the PRCUTS Public Domain Plan and the PRCUTS Sustainable Precincts Strategy, were prepared by Council to synthesis the PRCUTS with the LSPS and other relevant studies. The Master Plan, prepared by Group GSA, informed the amendments to the DCP and the inclusion of precinct-specific provisions within Section K20 of the DCP. The site, as part of Area 17, is identified as Lot B5 in the Kings Bay Precinct Master Plan. Except for the proposed variation to the envisaged consolidation of land within Area 17, the Planning Proposal, and indicative development concept, are generally consistent with the Master Plan as reflected in the DCP objectives and controls (refer to **Section 5.3.3** for further discussion).

Q5 – Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

Yes – the Planning Proposal supports the redevelopment of strategic land. In demonstrating consistency with the Region Plan, District Plan, LSPS, and other supporting studies, the Planning Proposal remains consistent with the relevant priorities of State plans including (but not limited to), The Future Transport Strategy 2056. For example, by supporting the delivery of a 30-minute city, locating housing in an accessible area, and increasing walkability.

Q6 – Is the Planning Proposal consistent with applicable SEPPs?

Yes – the Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs, as outlined in **Table 10**.

Table 10 Summary of consistency with State Environmental Planning Policies

State Environmental Planning Policy	Response	Consistent
SEPP (Biodiversity and Conservation) 2021	The State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to biodiversity, water catchments and conservation matters. The site is in an established industrial area, comprises industrial uses, does not contain koala habitat and is devoid of existing vegetation. Notwithstanding, the site is in the Sydney Harbour Catchment. The Planning Proposal does not contravene the relevant provisions of Chapter 6 Water catchments of the SEPP.	Yes
SEPP (Exempt and Complying Development Codes) 2008	The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out the criteria for what qualifies 'exempt' and 'complying' development. The Planning Proposal does not contravene the relevant provisions of this SEPP.	Yes
SEPP (Housing) 2021	The State Environmental Planning Policy (Housing) 2021 applies to different types of residential development, including affordable housing. As outlined above, future development proposals relating to the site will seek approval for affordable housing in accordance with Division 1 of the Housing SEPP. Further, the provisions of Chapter 4 of the SEPP relating to the design of residential apartment development will be considered as part of future development proposals. The Planning Proposal does not contravene the relevant provisions of Division 1, or other divisions of the SEPP.	Yes
SEPP (Industry and Employment) 2021	The State Environmental Planning Policy (Industry and Employment) 2021 regulations industrial and employment-related uses, and advertising (previously SEPP 64) across the State. The Planning Proposal does not contravene the relevant provisions of this SEPP.	Yes
SEPP (Planning Systems) 2021	The State Environmental Planning Policy (Planning Systems) 2021 provides a framework for planning and development systems across the state. As outlined above, future development proposals relating to in-fill affordable housing with a value of more than \$75 million, will constitute State Significant Development (SSD) per Schedule 1, of the Planning Systems SEPP 2021. The Planning Proposal does not contravene the relevant provisions of the SEPP.	Yes

State Environmental Planning Policy	Response	Consistent
SEPP (Resilience and Hazards) 2021	The State Environmental Planning Policy (Resilience and Hazards) 2021 relates to natural and manmade hazards, including contamination. Given the industrial uses at the site, future development proposals will need to consider the provisions of Chapter 4 Remediation of land of the SEPP. Notwithstanding, the previous amendments to the land use zone by Council's PRCUTS – Stage 1 planning proposal determined that the site can accommodate a mix of uses including residential uses. The Planning Proposal does not contravene the relevant provisions of this SEPP.	Yes
SEPP (Sustainable Buildings) 2022	The State Environmental Planning Policy (Sustainable Buildings) 2022 encourages the design and delivery of more sustainable buildings. Chapter 2 sets out the standards for residential development, including BASIX. Future development proposals will achieve BASIX standards in accordance with the SEPP and clause 8.9 of the CBLEP 2013. The Planning Proposal does not contravene the relevant provisions of this SEPP.	Yes
SEPP (Transport and Infrastructure) 2021	The State Environmental Planning Policy (Transport and Infrastructure) 2022 focuses on transport and infrastructure related development, including Development in or adjacent to road corridors (Chapter 2, Division 17, Subdivision 2) and childcare facilities (Chapter 3). The Planning proposal does not contravene the relevant provisions of this SEPP.	Yes

Q7 – Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions) or key government priority?

Yes – the Planning Proposal is generally consistent with the application Ministerial Directions (Section 9.1 Directions) and related government priorities, as outlined in **Table 11**.

Table 11 Summary of consistency with Section 9.1 Directions

Direction	Response	Consistent
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	As outlined above, the Planning Proposal achieves the overall intent of the Greater Sydney Region Plan – A Metropolis of Three Cities, and does not undermine the achievement of the vision, land use strategy, goals, directions and actions of the Plan. Further, the Planning Proposal will support the redevelopment of strategically identified land, and the realisation of the intended outcomes of the State Government's Eastern City District Plan and the PRCUTS, as well as Council's LSPS, LHS and other supporting studies, including the Kings Bay Precinct Master Plan. It is noted that Objective 23 of the Greater Sydney Region Plan – to plan, retain, and manage industrial and urban services land – does not apply to land within the PRCUTS.	Yes
1.3 Approval and Referral Requirements	The Planning Proposal does not seek to increase requirements for concurrence, consultation or referral provisions and does not identify any developments as designated development.	Yes
1.4 Site Specific Provisions	The Planning Proposal seeks to amend the site-specific provisions applying to Area 17 under clause 8.4 of the CBLEP 2013. The amendment is not intended to be restrictive, rather, the opposite, to provide more flexibility in the redevelopment of Area 17. The Planning Proposal does not seek to rezone land or introduce new uses. The Planning Proposal does not contain or refer to drawings that show DA-level details of any potential future development.	Yes
Focus area 1: Planning Systems – Place-based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	<p>As outlined above, the Planning Proposal seeks to facilitate redevelopment of the site in a manner that is generally consistent with the PRCUTS, and supporting documents, as reflected in the Kings Bay Precinct Master Plan and subsequent CBLEP 2023 and Section K20 'Kings Bay (PRCUTS)' of the DCP.</p> <p>Council's PRCUTS – Stage 1 planning proposal and supporting DCP amendment were largely consistent with the PRCUTS, with only some minor variations in response to more recent government policy, and/or Council's strategic planning process undertaken to implement the PRCUTS. This includes:</p> <ul style="list-style-type: none"> A variation of the PRCUTS recommended building heights and FSRs. Council's planning proposal reduced the height from 80m under the PRCUTS to 67m (20 storeys) for Area 17. This allows the FSR of 3:1 under the PRCUTS to be fully taken up. 	No – justified

Direction	Response	Consistent
	<ul style="list-style-type: none"> A reduction in the width of the linear park proposed on the western side of William Street as part of Area 17. This was justified on the basis that Council intends to deliver a larger park on the eastern side of William Street, the linear park is focused on delivering the Green Grid and active transport connections, and the reduced width enables the reduction in building heights (outlined above) and subsequent overshadowing. The Planning Proposal, and subsequent development of the site, will deliver the William Street linear park. <p>At the Gateway Determination stage of Council's planning proposal, these inconsistencies were considered minor and justified. This Planning Proposal does not seek to further vary the maximum incentive HOB or FSR. This Planning Proposal will support delivery of the open space fronting William Street.</p> <p>The Planning Proposal, and subsequent development of the site:</p> <ul style="list-style-type: none"> Will give effect to the objectives of this Direction, Is consistent with the Strategic Actions outlined in the PRCUTS, including (but not limited to): <ul style="list-style-type: none"> Deliver residential uses, including affordable housing, as well as commercial, retail, and community uses, Deliver active transport connections, including cycleway along Queens Road and William Street, a through-site link connecting Queens Road and Spencer Street, Deliver open space, Is generally consistent with the Parramatta Road Corridor Planning and Design Guidelines (2016), unless amended by Council's planning proposal, Is consistent with the staging and other identified thresholds for land use changed, having been rezoned as part of Council's planning proposal, Will support the provision of infrastructure to ensure the land is adequately serviced, and Is consistent with the District Plan. 	
Focus area 3: Biodiversity and conservation		
3.7 Public Bushland	The Planning Proposal does not apply to land containing public bushland. The Planning Proposal is not seeking to change or impact bushland in urban areas.	Yes
Focus area 4: Resilience and Hazards		
4.1 Flooding	The site is identified as Flood Prone Land. Notwithstanding, redevelopment of the site for mixed-use development was deemed acceptable, and the inconsistency with this Direction to be minor and justified, as part of Council's PRCUTS – Stage 1 planning proposal. The planning proposal was supported by the Parramatta Road Corridor Flood Risk Assessment (2020) (for the Kings Bay and Burwood-Concord Precincts). The assessment was prepared in accordance with the technical requirements of the Floodplain Development Manual 2005 and consistent with Council's existing flood planning controls. Redevelopment of the site will not result in development in any floodway areas or development for the purpose of residential accommodation in high hazard areas. Future redevelopment of the site will respond to the flood planning controls in Section K20.15 'Safety and Accessibility' of the DCP, including a flood planning level equal to the 1 in 100-year flood level plus freeboard for the Kings Bay Precinct. This Planning Proposal, and subsequent redevelopment of the site, will not result in unacceptable flooding risk.	No – justified
4.4 Remediation of Contaminated Land	The site has been used for industrial purposes. Notwithstanding, Council's PRCUTS – Stage 1 planning proposal rezoned the site on the basis that the land could be made suitable for mixed-use development. This Planning Proposal does not alter this conclusion. Future development proposals will need to consider the relevant provisions of Chapter 4 of the Resilience and Hazards SEPP 2021.	Yes
4.5 Acid Sulfate Soils	The site is identified as comprising Class 2 and Class 5 land. Council's PRCUTS – Stage 1 planning proposal determined that the intensification of development on land identified as having a probability of containing Class 2 and Class 5 acid sulfate soils as acceptable. This Planning Proposal does not alter this conclusion. In accordance with clause 6.1 of the CBLEP 2013, an acid sulfate soils management plan, prepared in accordance with the Acid Sulfate Soils Manual, will need to accompany future development proposals, prior to a development consent being granted.	Yes
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The Planning Proposal is generally consistent with the relevant aims, objectives and principles of Improving <i>Transport Choice</i> and <i>The Right Place for Business and Services</i> .	Yes

Direction	Response	Consistent
	Councils PRCUTS – Stage 1 planning proposal was informed by a precinct-wide Traffic and Transport Study. As outlined above, the Planning Proposal will support the implementation of the PRCUTS, which is an integrated land use planning and transport policy framework for the transformation of the Parramatta Road Corridor and that is approved by the Secretary of the Department of Planning, Industry and Environment. It will also support the Regional and District Plans.	
5.2 Reserving Land for Public Purposes	The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.	Yes
Focus area 6: Housing		
6.1 Residential Zones	<p>The Planning Proposal, and subsequent redevelopment of the site, will:</p> <ul style="list-style-type: none"> • Deliver new housing, including affordable housing, • Make more efficient use of existing infrastructure and services, whilst delivering infrastructure to support new residential development, • Reduce the consumption of land for housing on the urban fringe, by supporting in-fill development/ urban renewal, and • Facilitate housing that is of good design, in accordance with the relevant SEPP and DCP provisions. <p>The Planning Proposal does not contain provisions that would reduce the permissible residential density of land, rather it seeks to maximise the redevelopment potential of the site under the CBLEP 2013 and DCP.</p>	Yes
Focus area 7: Industry and Employment		
7.1 Employment Zones	<p>The Planning Proposal, and subsequent redevelopment of the site will:</p> <ul style="list-style-type: none"> • Give effect to the objectives of this Direction, encouraging employment growth in an accessible location and supporting the viability of the new Spencer Street centre. • Deliver the PRCUTS, which is approved by the Secretary of the Department of Planning and Environment. <p>It is noted that Councils PRCUTS – Stage 1 planning proposal rezoned existing employment land, inconsistent with this Direction. However, this was justified noting consistency with Direction 7.1 and Direction 7.3. The strategic plans note that the Parramatta Road Corridor is exempt from the need to plan, retain and manage industrial and urban services land. The Planning Proposal will not alter this conclusion.</p>	Yes

5.3.3 Section C – Environmental, Social and Economic Impact

Q8 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No – the Planning Proposal relates to land that is urban, has been continuously occupied for multiple decades and is devoid of vegetation. The Planning Proposal, and subsequent redevelopment of the site, seeks to improve the quality of the urban environment, including the provision of open space, tree planting and vegetation. The proposed redevelopment is not likely to result in any adverse effects on critical habitat for threatened species and/or ecological communities.

Q9 – Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

Given the proposed amendments are largely related to administrative changes to development standards to remove the requirement for site amalgamation and enable the subject site to be redeveloped as a standalone development with regard to the adjoining land, this Planning Proposal is not anticipated to give rise to any significant environmental effects that haven't already been identified or addressed in the broader Kings Bay Precinct rezoning, undertaken by City of Canada Bay Council.

Specifically, this Planning Proposal is not expected to pose any significant impacts on the following matters:

- Design Excellence
- Traffic and Parking
- Geotechnical and contamination
- Flooding Impacts
- Noise Impacts
- Wind Impacts
- Visual Impacts

A detailed assessment of all relevant environmental matters will be undertaken as part of any future development assessment.

Site Amalgamation

Clause 8.4 of the CBLEP 2013 establishes minimum site area requirements, which ultimately form the amalgamation pattern for the Kings Bay Precinct. As outlined within the PRCUTS Planning Proposal finalisation report, the key site areas were established by the Masterplans for the Kings Bay and Burwood-Concord Precincts. In developing the amalgamation pattern, consideration was given to the current land ownership status, public domain dedication requirements, built form efficiency and desired urban design outcomes with the priority being to prevent fragmentation or isolation of land.

As noted throughout this report, the site is identified as Area 17 of the Kings Bay Precinct and is required to have a minimum site area of 4,096m², however, due to the inability to acquire the adjoining land at 10-12 Spencer Street, Five Dock, the proposed development can only achieve a minimum site area of 3,151m².

This issue was raised by the owner at the time through a submission made during the public exhibition of the PRCUTS Planning Proposal. The submission requested an amendment to the amalgamation boundary and the minimum site area for Area 17, specifically to exclude the adjoining land at 10-12 Spencer Street due to several unsuccessful negotiation attempts to acquire the land. Despite this request, Council officers in their finalisation report, recommended against supporting the proposed amendments for the following reason:

'The requested Key Site area boundary amendment would constrain the creation of the proposed 5-storey and 20-storey buildings, as Apartment Design Guide (ADG) and Building Code of Australia (BCA) requirements would be compromised. Further, this could create a blank part wall between two subdivided sites, which would lead to undesirable visual impacts. Splitting the sites would also lead to part of the land benefiting from opportunity arising from the change to development standards.'

Following the finalisation of the PRCUTS Planning Proposal, further attempts to negotiate the purchase of 10-12 Spencer Street were made, however remained unsuccessful as documented in **Appendix F**. Notwithstanding, to prevent the land from remaining undeveloped (which would contradict Councils intention of preventing fragmented or isolated sites), extensive design analysis has been undertaken to address Councils concerns. This analysis demonstrates that the minimum site area and site boundary can be amended without constraining the future development potential of the site or resulting in isolation of the adjoining land.

Specifically, the Indicative Design Concept provided at **Appendix A** demonstrates that the recommended built form outcome for the site, including a 5-storey building and a 20-storey building can still be achieved in line with the CBD CP and through a staged approach, ultimately ensuring that both the Develotek site and the adjoining land can be redeveloped independently.

To ensure that the site in isolation is economically viable to redevelop, a Valuation Analysis has been undertaken by Titan Advisory Group (**Appendix E**). This Valuation Analysis confirms that the adjoining land is currently worth \$5,750,000 as an industrial property, however, if redeveloped in line with the indicative design concept provided under this Planning Proposal, its market value significantly increases to \$8,360,000. Therefore, it is evident that the adjoining land can feasibly be redeveloped in isolation and that the redevelopment of the subject site will not result in any fragmentation or isolation of 10-12 Spencer Street.

Furthermore, in response to Council's concerns, the analysis has also concluded:

- The proposed development will still achieve a high level of residential amenity and comply with the objectives of the ADG as detailed in **Appendix B**.
- The proposed development is capable of complying with the BCA, subject to the design team addressing specific criteria, as further outlined below and in **Appendix D**.
- While a blank wall is required to be proposed between the two sites, this will only be temporary until 10-12 Spencer Street is redeveloped. To mitigate undesirable visual impacts, it is proposed that the site-specific DCP be amended to require interim wall treatments to ensure a visually aesthetic building.
- To ensure that the adjoining land can still benefit from the incentive development standards, this Planning Proposal recommends the introduction of a site-specific provision that allows for an uplift on 10-12 Spencer Street, but only if it aligns with the built form outcome and vision for the site as outlined in the DCP.

In addition to the above, despite the amendment to the amalgamation pattern, this Planning Proposal still achieves the block configuration objectives outlined in Section K20.6 of the site specific DCP by ensuring that:

- Future development on the site reinforces the desired character of the area and protects valued character attributes.
- A high level of residential amenity is facilitated for both sites, particularly with regard to solar access, ventilation, and visual and acoustic privacy.
- The proposal has been designed and scaled appropriately to respond and consider the adjoining site in both its current form as well as its future development condition, demonstrating an appropriate response to the Land and Environment Court Planning Principle for site isolation under *Karavellas v Sutherland Shire Council*.
- Permeable ground surfaces and deep soil zones are maximised to support planting and high canopy coverage.

Therefore, as highlighted above, the proposal to amend the minimum site area and amalgamation pattern is justified and should be supported, as it will not undermine the built form outcome or vision for the precinct outlined in the site specific DCP but rather, protect it by providing a suitable pathway that enables Area 17 to be developed accordingly in a staged approach. This ensures that housing can be delivered quickly on the subject site, directly addressing state government objectives, whilst ensuring that the long-term vision and aim for the precinct can still be delivered.

Built form and urban design

The proposed building envelope has generally been guided by the strategic vision and built form outcome envisaged for the site under the site specific DCP in that it comprises a 5-storey building along Queens Road and a 20-storey tower along the southern boundary with the open space located at the centre of the site.

To mitigate the impacts on the adjoining land at 10-12 Spencer Street and to move the tower away from the boundary, the building envelope has been adjusted to include a greater setback along the western boundary than originally required. This adjustment shifts the tower to the east, resulting in a 1m above podium setback to William Street. Whilst this built form approach has been adopted to respond to Council's concerns regarding compliance with the BCA and the presence of a blank wall on the tower, it introduces a minor variation to the recommended 3m above podium setback prescribed under the CBDP.

Irrespective of this marginal non-compliance, Projected Design Management have given careful consideration to the built form ensuring that the proposal can still achieve a high level of residential amenity and an overall positive outcome for the site. The proposed design has been driven by the following design principles:

- **Orientation and Placement:** The alternative 1m setback maximises solar access, ensuring at least five hours of sunlight for majority of units, by enabling the reorientation of the tower form towards the north.
- **Building Separation and Adjoining Development Opportunity:** The design allows the tower to be orientation towards the north, ultimately minimising privacy and overlooking impacts to the west and maximising development potential of the adjoining land at 10-12 Spencer Street.
- **Reducing Bulk and Scale:** Despite the reduced eastern setback, the tower maintains a slender built form, with a consistent relationship between the podium and tower, ensuring minimum visual bulk and scale.
- **Increasing Verticality:** By incorporating appropriate façade articulation and building expression, the tower will be sculpted accordingly to express a slender and vertical form – similar to the effect of a deeper setback when viewed from the street.
- **Maximising Solar Access and Outlook:** The indicative design concept prioritises 100% north-facing or dual aspect apartments, providing an abundance of daylight and views over surrounding areas like the Five Dock Leisure Centre and Barnwell Park Golf Club.
- **Maintaining Continuous Street Wall Height and Active Frontages:** The reduced setback preserves a continuous street wall height and allows for the strategic placement of the building core, facilitating a consolidated vehicle access with the adjoining site, which will ultimately protect the public domain and enhance opportunities for an active street frontage by minimising vehicular crossover.

As such, despite the minor variation with the 3m above podium eastern setback, the proposed building envelope is appropriate in that it still achieves the objectives of the DCP, whilst ensuring an efficient and well-designed development that takes into consideration the potential future development surrounding the site. **Figure 17** below provides a comparison of the DCP compliant and proposed building envelope.

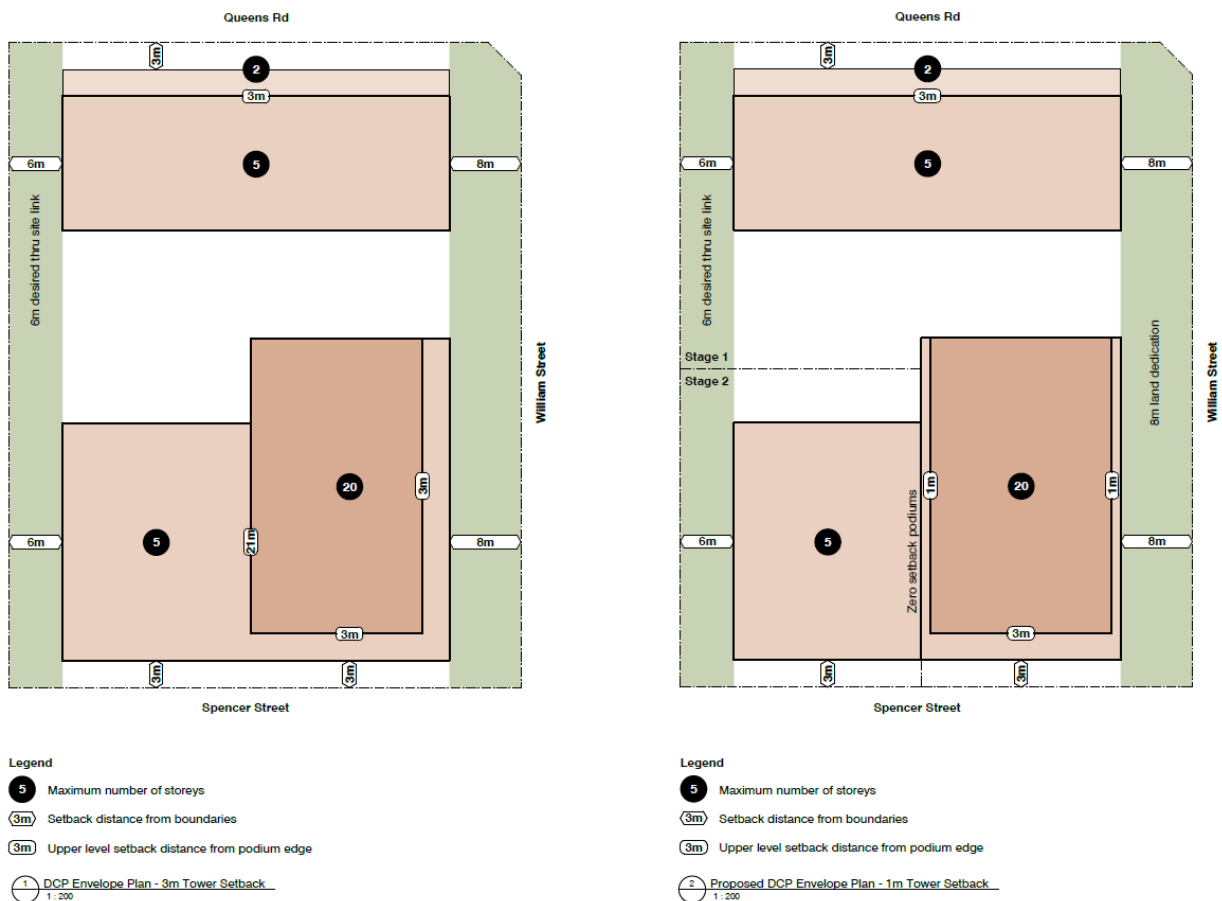


Figure 17 DCP Compliant vs Proposed Building Envelope

Source: Projected Design Management

In addition to the above, an independent assessment on the built form and urban design of the proposed alternative building envelope has been undertaken by Audax Urban (**Appendix C**). This assessment ultimately concludes that the difference in visual impact and overshadowing between the DCP compliant and proposed setback to the eastern boundary is negligible. Specifically, Audax Urban has provided the following justification:

- In terms of bulk and scale, the continuous datum of the podium assists in breaking down the overall massing as perceived from the public domain is negligible for a 20-storey tower, noting that the overall human scale is preserved by the podium's continuous datum line. The tower's form is appropriately modulated to maintain key alignments, and the reduction in setbacks does not negatively affect the streetscape or overall massing perception.
- The built form of the two options is generally similar, noting that both are slender. However, the proposed built form with the 1m setback allows for more north-orientated apartments, therefore, achieving better environmental performance and residential amenity.
- The compliant and proposed scheme cast similar shadows to the future public open space on the Deicorp site to the east as illustrated within the overshadowing diagrams provided within **Appendix A**. The testing confirms that the overshadowing cast by a difference of 2m on the eastern setback to William Street is almost imperceptible for a tower of 20 storeys. The park on the Deicorp site achieves similar areas of solar access between 11-2pm during mid-winter, which are the preferred lunchtime hours during winter. The alternative proposed setback is, therefore, a reasonable outcome.
- The reduction of the eastern setback allows for the increase in the western setback which ultimately maximises the future development potential for the adjoining site.

As such, it is emphasised that the proposed building envelope, although slightly non-compliant with the DCP setback to the eastern boundary achieves a positive planning and design outcome, whilst ensuring that the built form and vision envisaged for the site can still be achieved. **Figure 18** below provides a comparison of the compliant and proposed built form, clearly demonstrating that the alternative setback approach results in negligible visual impact when viewed from the street.

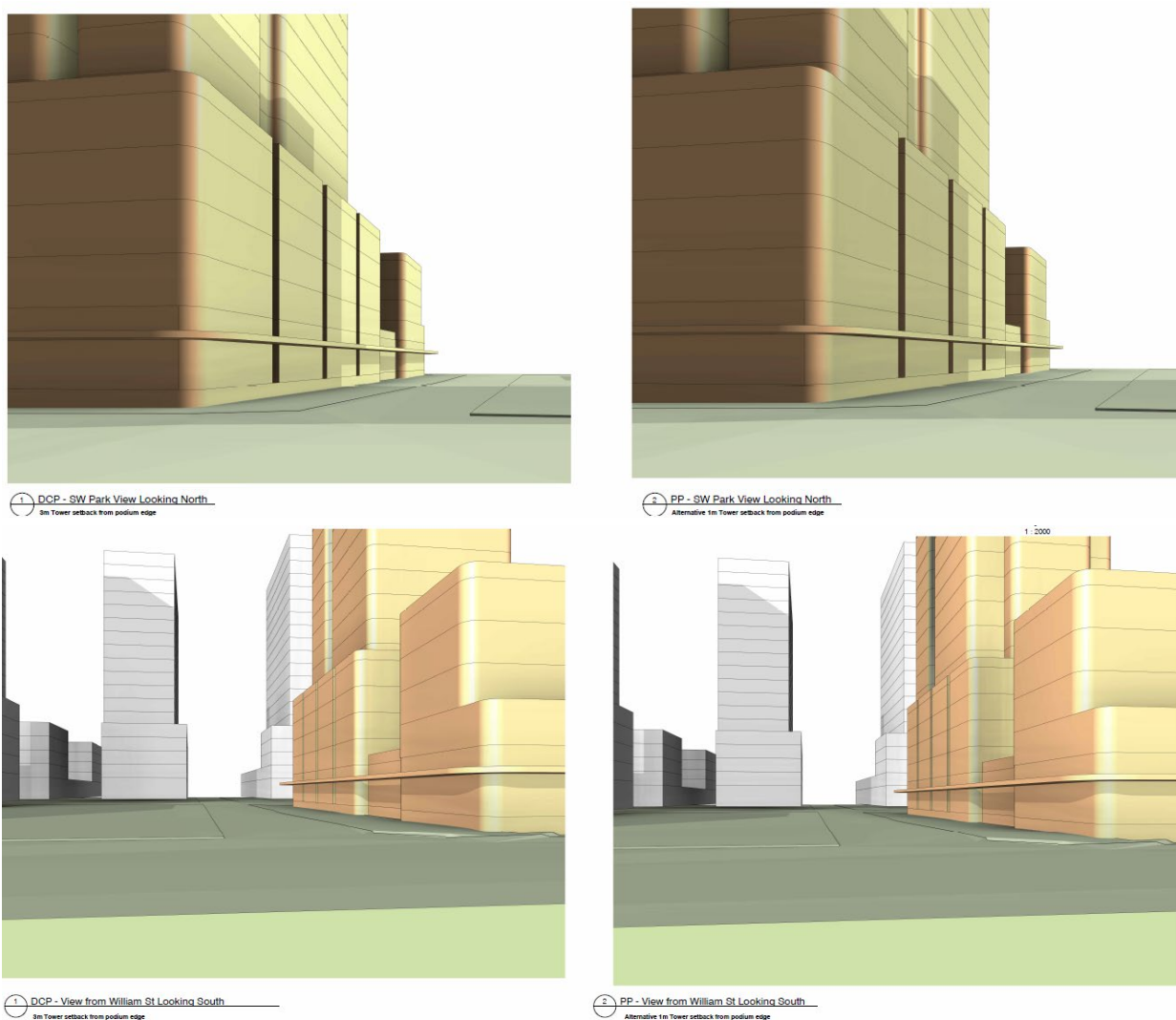


Figure 18 Comparative views of the compliant and proposed building envelope

Source: Projected Design Management

Furthermore, it is noted that Clause 6.14 of the CBLEP 2013 identifies the site within the “Design Excellence Area”, meaning that development within this area, involving a building higher than 28m or 8 storeys, or both, must not be granted development consent unless:

- (a) a competitive design process is held in relation to the development, and
- (b) the consent authority takes into account the results of the competitive design process.

Accordingly, future development proposals will be subject to a competitive design process, which will ensure further design refinement of the proposed building envelope and urban design outcomes aligned with the DCP.

Landscaping and public domain

The proposed development has been designed accordingly with the public domain requirements specified under the CBLEP 2013. Key considerations include the incorporation of appropriate setbacks, which facilitate landscaped setbacks along all boundaries and ensure the provision of a through site link along the wester boundary, which will connect Queens Road and Spencer Street, promoting accessibility and a permeable ground plane.

However, due to the inability to acquire the land at 10-12 Spencer Street, further consideration to the public domain will be required during the detailed design phase and future planning applications. The following summarises the key considerations:

Blank Wall Treatment

Upon review of the finalisation report for the PRCUTS Planning Proposal, it is understood that one of Council’s primary concerns relating to the amendment of the minimum site area relates to the tower being positioned on the boundary, which leads to consequential negative impacts, particularly in terms of compliance with the BCA and the undesirable visual impact of a blank wall between the two buildings. Therefore, as detailed above, the built form approach adopts a

1m tower setback to the western boundary to ensure an appropriate BCA solution and removing the need for a blank wall on the tower.

Notwithstanding, it is acknowledged that the podium of the subject site will result in a temporary blank wall condition on the western boundary until the adjoining land at 10-12 Spencer Street is redeveloped, which will then present as a consolidated 5-storey podium. To address the interim blank wall condition, architectural treatment, such as public art, murals, and façade materiality and expression will need to be incorporated within the development to minimise the visual impact of the blank wall.

To ensure that this is undertaken in future stages, this Planning Proposal recommends the introduction of a site-specific control via an amendment to the CBDP (refer to **Appendix G**) to ensure that interim blank wall treatment is considered within the detailed design to avoid poor public domain and urban outcomes at the street level.

Through site link

Section K20.8 of the DCP identifies a 'desired through site link' on the western boundary of the site, connecting Queens Road and Spencer Street. Although not a requirement under the CBLEP 2013 or being tied to the incentive development standards, the indicative design concept has accommodated this through site link into the scheme, however, due to the inability to acquire the adjoining land, it is emphasised that it will be delivered in two stages. If the planning proposal is not supported and no development occurs on the Develotek site then no through site link (or other public domain benefits) will be delivered in the foreseeable future.

As such, the proposed redevelopment of the subject site will design the building accordingly with ground level retail to ensure an active frontage as well as the relevant crime prevention measures to ensure a safe and secure pathway both in the interim and once the through site link is completely delivered. This will be detailed throughout the future competitive design and development application process.

Vehicular Access

The proposed development comprises a consolidated vehicular access point along Spencer Street, which will serve both the subject site and the adjoining land at 10-12 Spencer Street once it is redeveloped. This arrangement is illustrated in **Figure 20** below, which clearly highlights the loading serving arrangements and vehicular access plan for both stages of the development.

Therefore, despite the Planning Proposal to amend the amalgamation pattern, the development will result in the same built form outcome as outlined under the DCP. By minimising the number of vehicle crossovers, the development will continue to contribute to a high quality, well designed and safe public domain, ultimately achieving a key objective of the precinct.

To ensure the implementation of this outcome, a site-specific provision is proposed to be introduced into the CBLEP 2013 (refer to **Section 5.2**), which guarantees the consolidation of vehicular access across both sites.

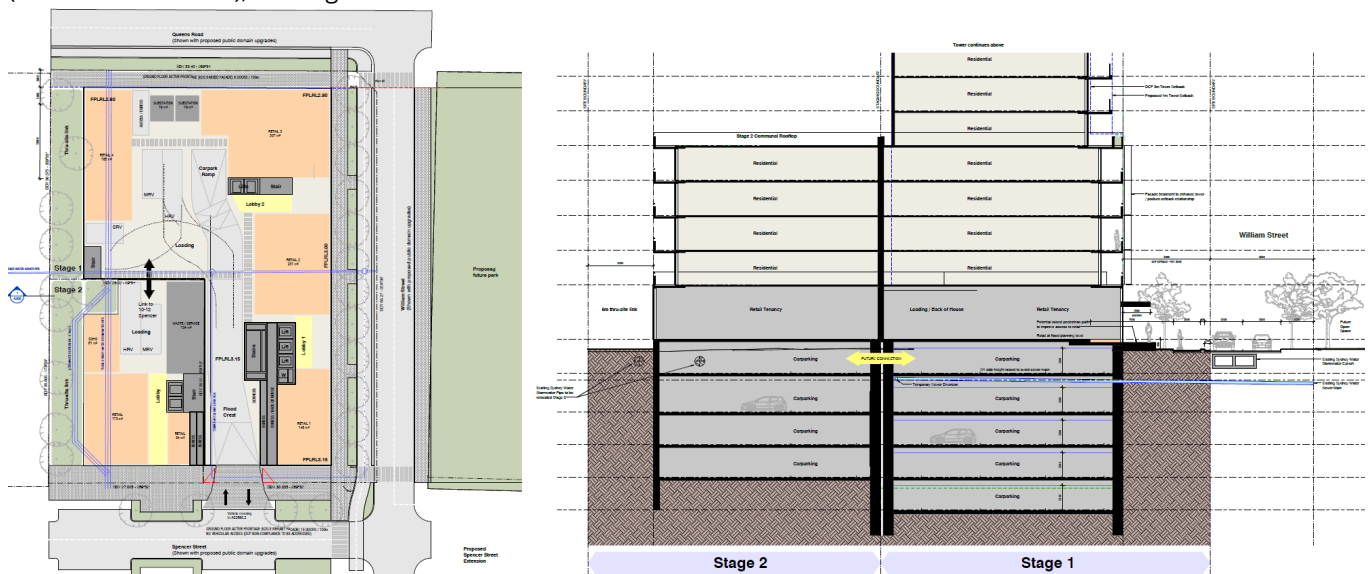


Figure 19 Proposed Basement Connection

Source: Projected Design Management

Residential amenity

Residential amenity outcomes have strongly influenced the design of the proposed alternative building envelope. Specifically, achieving a high level of solar access, cross ventilation, minimising overshadowing and quality communal open space have acted as key design features of the proposal. The supporting indicative design concept prepared by Projected Design Management demonstrates a high level of residential amenity and compliance with the ADG, which is summarised below:

- Apartments are consistent with the ADG minimum size requirements.
- A minimum of two hours solar access to 90% of the indicative dwellings on the Develotek site and 75% on the adjoining land.
- Natural cross ventilation to 60% of the indicative dwellings on the Develotek site and 75% on the adjoining land.
- Building separation distances have been adopted accordingly to ensure visual and acoustic privacy.
- Multiple lift cores are provided across the two buildings, ensuring good circulation throughout the site.
- Communal open space will be provided accordingly and will equate to more than 25% of the total site area.

A high level ADG Assessment has been undertaken and is provided within **Appendix B**.

Building Code of Australia (BCA)

To address Council's concerns relating to compliance with the BCA, Philip Chun Building Compliance has been engaged to review the proposed indicative design concept. The statement concludes that the proposed development is capable of complying with the BCA, subject to the design team considering and designing the buildings to individually comply with the following:

- *The external walls of the buildings on Stage 1 and Stage 2 will be constructed against the property boundary and will require a Fire Resistance Level (FRL). The external walls will be required to be constructed to comply with Specification 5 of the BCA with regards to having the relevant FRL. The Design team can nominate relevant FRL's within fire compartmentation drawings to demonstrate compliance with this requirement.*
- *The openings within the external wall, that are required to be provided with a FRL, will be required to be protected in accordance with Clause C4D5 of the BCA. The design team can nominate a proposed method of compliance including wall-wetting sprinklers, fire doors, fire shutters, fire windows as appropriate to the opening.*
- *The proposal entails the construction of residential apartments on the property boundary. The SOU's will need to be provided with light and ventilation in accordance with BCA Part F. In particular the designers will need to note the design requirements of F6D2 & F6D3 and F6D7. The design team will need to ensure that where light and ventilation is to be obtained via openings, these openings are situated on the Northern and Southern façade of the respective buildings. This is due to the Eastern and Western facades of the respective buildings facing each other and cannot be relied upon for light and ventilation.*

The BCA Statement is provided at **Appendix D** of this Planning Proposal.

Q10 – Has the Planning Proposal adequately addressed any social and economic effects?

Yes – the planning proposal will result in beneficial effects as it is seeking to facilitate much needed housing, local infrastructure and jobs that will otherwise be prevented from occurring if the LEP is not amended.

The ongoing housing crisis presents significant social, economic and political challenges across Australia, including within the Canada Bay LGA. Similar to other regions within NSW, Canada Bay is experiencing rising house prices, low vacancy rates and declining affordability, which further exacerbates cost of living pressures for households. In response to this, addressing housing supply has become a key priority for all levels of government, which is evidenced through the several initiatives adopted to deliver new housing in well-located areas to alleviate this very prevalent and severe housing shortage in a timely manner.

Of particular note is the National Housing Accord, a nationwide commitment by the Federal Government to deliver 1 million new homes in Australia by 2029, with NSW expected to contribute approximately 372,000 dwellings, including 3,100 affordable homes. The proposal to deliver approximately 82 new dwellings directly contributes to the housing target and is completely aligned with several planning objectives to deliver new housing.

Additionally, Develotek intend to submit an application under the Infill Affordable Housing Division of the Housing SEPP to leverage the 30% height and FSR bonus for providing an additional 15% affordable housing on the site (on top of the 4% required under the CBLEP 2013). This will result in an additional 36 dwellings on site, 15% of which will be dedicated to affordable housing and therefore, supporting NSW's goal of delivering 3,100 affordable homes by 2029.

Given the above, the proposal plays a vital role in addressing the housing crisis and will help alleviate the social and economic pressures resulting from the significant housing shortage in NSW. Furthermore, it is emphasised that if this Planning Proposal not proceed, the site will remain undeveloped and therefore, the proposed residential development will not occur. This would overall have a detrimental impact and would completely contradict both the vision of the Kings Bay Precinct, as well as the key planning objective of all levels of government to deliver more housing.

As such, the proposal will facilitate the delivery of 82 much needed dwellings (which will increase to 116 dwellings once SSDA for infill affordable housing is lodged) as well as key public infrastructure identified for the precinct, which will otherwise not occur.

5.3.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11 – Is there adequate public infrastructure for the Planning Proposal?

Yes – The Planning Proposal does not place any additional demand on public infrastructure above the existing LEP. It is noted that the public infrastructure to support the development at the site was considered as part of the Kings Bay Planning Proposal and the redevelopment of the site that is facilitated by this Planning Proposal plays an important role in realising the delivery of public open space (RE1 zoned land fronting William Street) and public domain enhancement (William, Queen and Spencer Street), public pedestrian through-site links (along the western boundary) as well as making a monetary contribution to the overall infrastructure requirements of the precinct.

5.3.5 Section E – State and Commonwealth Interests

Q12 – What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

The Kings Bay Planning Proposal process was the subject to extensive consultation with government agencies. The Planning Proposal will facilitate the delivery of a development that is consistent with, and has already been subject to consultation, and therefore is unlikely to generate additional comments. We therefore do not think it will be necessary to seek the views of any other relevant State and Commonwealth agencies following receipt of the Gateway Determination.

It is noted that the proponent has consulted with Transport for NSW in relation to the future development of the site. TfNSW did not express any concerns with the development but has confirmed that it would not support access from Queens Road as a classified road. As a consequence, the accompany DCP amendment incorporates an amendment to reflect future access being located via Spencer Street rather than Queens Road as currently proposed in the DCP.

5.4 Part 4 – Mapping

The Planning Proposal seeks to exclude the adjoining land at 10-12 Spencer Street from the Kings Bay Precinct, ensuring that Part 8 no longer applies to this site. To reflect this change, the following maps need to be amended to adjust the boundary of Area 17 to include only the Develotek site:

- CBLEP 2013 Key Sites Map
- CBLEP 2013 Incentive Height of Building Map
- CBLEP 2013 Incentive Floor Space Ratio Map

These amendments will ensure that the boundary for Area 17 is accurately updated, reflecting the exclusion of the land at 10-12 Spencer Street from the Kings Bay Precinct.

5.5 Part 5 – Community Consultation

Section 3.34 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the requirements of the Gateway Determination. It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal on the City of Canada Bay website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups. It is expected the Planning Proposal will be publicly exhibited for at least 28 days in accordance with section 5.5.2 of 'Local Environmental Plan Making Guideline' (August 2023). Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination. Any issues raised will be incorporated into the final Planning Proposal and the LEP amendments.

5.6 Part 6 – Project Timeline

The anticipated project timeline is outlined in **Table 12**. The timeline has been prepared based on DP&E Guidelines, however, will be subject to further detailed discussions with Council and the DP&E, and confirmed once the Planning Proposal has been endorsed by Council.

Table 12 The anticipated project timeline

Stage	Timeframe
Stage 1 – Pre Lodgement	Complete
Lodgement	January 2025
Stage 2 – Planning Proposal	January – May 2025
Stage 3 – Gateway Determination	June 2025
Stage 4 – Post-Gateway	July 2025
Stage 5 - Public exhibition & Assessment	August – November 2025