



**CANADA BAY LOCAL PLANNING PANEL  
EXTRAORDINARY MEETING**

**AGENDA**

*Council Chambers  
Canada Bay Civic Centre  
1a Marlborough Street  
Drummoyne*

*5 June 2019*



Dear Canada Bay Local Planning Panel Member,

An Extraordinary meeting of the Canada Bay Local Planning Panel will be held in the Council Chambers, Canada Bay Civic Centre, Drummoyne, on 5 June 2019.

**AGENDA**

1. Apologies
2. Disclosures of Pecuniary and Non-Pecuniary Interest
3. Reports

Panel Chairperson

5 June 2019

**TABLE OF CONTENTS**

**Canada Bay Local Planning Panel  
5 June 2019**

<b>ITEM 1 160 BURWOOD ROAD, CONCORD; PP2018/0003; PLANNING PROPOSAL</b>	<b>4</b>
---	----------

**ITEM 1            160 BURWOOD ROAD, CONCORD; PP2018/0003;  
PLANNING PROPOSAL**

**Department      Community and Environmental Planning**

**Author Initials: PLD**

---

**EXECUTIVE SUMMARY**

A Planning Proposal has been received that seeks to rezone land at 160 Burwood Road, Concord from its current industrial zone to part residential, part neighbourhood centre and part open space. The site currently accommodates an industrial building and is known as the “House of Robert Timms” or the “Bushells Factory”.

The Planning Proposal seeks to facilitate redevelopment of the site through an increase in Floor Space Ratio (FSR) from 1.0:1 to 1.5:1 and an increase to the maximum height of building (HOB) from 12.0 metres to 30.0 metres and list the site as a local heritage item within the Canada Bay Local Environmental Plan. The proposal aims to deliver 475 dwellings, 187 jobs and provide public open space on the foreshore.

An assessment of the Planning Proposal has been undertaken, including consideration of economic, traffic/transport and urban design matters within the context of relevant state and local government strategies.

The critical issue for the Planning Proposal is the rezoning of industrial land and the scale and density of the proposed development, particularly the proposed height and FSR.

It is recommended that the Planning Proposal be endorsed by Council for submission to the Department of Planning and Environment for a Gateway Determination, subject to amendments. In particular, it is recommended that the maximum building heights and floor space ratio be reduced and that part of the land retain an IN1 General Industrial zone.

In accordance with the Ministerial Direction issued on 27 September 2018, this report is referred to the Local Planning Panel for advice.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome areas:

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

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

This report also relates to the Eastern City District Plan and the Canada Bay Local Planning Strategy.

## **REPORT**

### **Background**

A Planning Proposal for the site was lodged with Council in June 2017, which sought the following amendments to the Canada Bay Local Environmental Plan 2013:

- Rezoning of the site from IN1 General Industrial to B4 Mixed Use;
- An additional permitted use for “boat shed”, “jetties”, “moorings” and “water recreation structures”;
- Increase to the maximum building height from 12m to 121.5m; and
- Increase to the maximum floor space ratio from 1.0:1 to 1.95:1.

Following an assessment of the application, the Planning Proposal was reported to a Council meeting on 14 November 2017, where Council resolved:

1. *THAT the Planning Proposal for 160 Burwood, Road, Concord be refused for the following reasons:*

- a) *The Planning Proposal does not have strategic merit due to the density proposed and the distance of the site from a major centre and high frequency public transport.*

*The Planning Proposal is therefore inconsistent with:*

- (i) 117 Direction 3.4 – Integrating Land Use and Transport,*
- (ii) Plan for Growing Sydney;*
- (iii) Draft Central District Plan; and*
- (iv) The Canada Bay Local Planning Strategy.*

- b) *The Planning Proposal does not have site specific merit as:*

- (i) the zoning, height, floor space ratio and density do not respond to the existing or desired future character of the locality;*
- (ii) the retention of the existing factory building does not justify the overall density and built form proposed; and*
- (iii) the additional uses proposed are inconsistent with the designation of Exile Bay for environmental protection and do*

*not recognise Sydney Harbour as a public resource, owned by the public to be protected for the public good.*

2. *THAT the applicant be invited to lodge a Planning Proposal for 160 Burwood Road, Concord that addresses the following requirements:*

*(a) Building Height*

- (i) A maximum building height of 5 to 6 storeys.*
- (ii) If the central Roasting Hall is retained, an increased height of up to RL29 (up to 8 storeys) may be possible with buildings stepping down towards the boundaries of the site.*
- (iii) Heights along the southern boundary (Burwood Road) and boundaries with an interface with dwelling houses should step down to a maximum height of 3 storeys.*
- (iv) Any development in the south west corner of the site, adjacent to existing 2 storey dwellings should have a maximum building height of 3 storeys.*

*(b) Floor Space Ratio*

- (i) Maximum floor space ratio of 0.75:1.*
- (ii) Potential bonus FSR of up to 0.25:1, subject to review and testing, if the roasting hall and its significance as a landmark is heritage listed, retained and refurbished and given uses that will ensure its long term survival.*

*(c) Land Use*

- (i) Majority of the site to be zoned R3 Medium Density Residential with any commercial component to be zoned B1 Neighbourhood Centre.*
- (ii) A maximum of 2,000sqm of commercial floor space being permitted with any supermarket being limited to 1,000sqm in Gross Floor Area.*

The subject Planning Proposal was lodged with Council on 30 July 2018. A preliminary assessment of the application was undertaken and the applicant was advised of various issues that should be addressed prior to the progression of the Planning Proposal.

On the 7 February 2019, amended plans were submitted, which are the subject of this report.

## Site details

The subject site is located at 160 Burwood Road, Concord and has an area of approximately 3.944 Hectares (or 39,440sqm). The land comprises the following lots:

- Lot 5 DP 129325;
- Lot 2 DP 230294;
- Lot 398 DP 752023; and
- Lot 399 DP 752023.

The site contains an industrial building, known as the “Robert Timms Factory” or “Bushells Factory”. The industrial building is a multi-storey brick and concrete structure that is orientated north-south and is sited in the western part of the site. A two storey administration building is located to the eastern side of the factory with a covered walkway joining the two structures. A security booth/gatehouse and boom gates are located at the Burwood Road frontage of the site (shown below).



The site is located approximately 15km to the west of the Sydney CBD, 2.6km from Burwood District Centre and Burwood Train Station, 3km from Strathfield Train Station and 5.5km from Rhodes Strategic Centre.

The nearest local commercial/retail centre is located at Majors Bay Road, approximately 1.5kms from the subject site. Parramatta Road is located approximately 1.5km from the site, which is intended to provide new transport options and key retail and support services through the Parramatta Road Corridor Urban Transformation Strategy.

Situated on a small peninsula of land between Exile Bay and Canada Bay, access to the site is provided off Burwood Road, which extends along the centre of the peninsula to Bayview Park. A small section of the north west corner of the site connects to Zoeller Street.





*Locality Map*



*Subject Site*



The site adjoins low density housing to the west that has a maximum Floor Space Ratio of 0.5:1 and a maximum building height of 8.5m (shown below).



The site is located adjacent to low density housing to the south that has a maximum Floor Space Ratio of 0.5:1 and a maximum building height of 8.5m. The medium density development known as Phillips Landing is also located to the south. Phillips Landing has a Floor Space Ratio of 0.75:1 and a maximum height of 15.0m (shown below).



The site adjoins medium density housing to the east that has been developed in the last 15 years and is strata titled. This land has a maximum Floor Space Ratio of 0.75:1 and a maximum building height of 15m. These developments are known as Pelican Quays and Pelican Point (shown below).



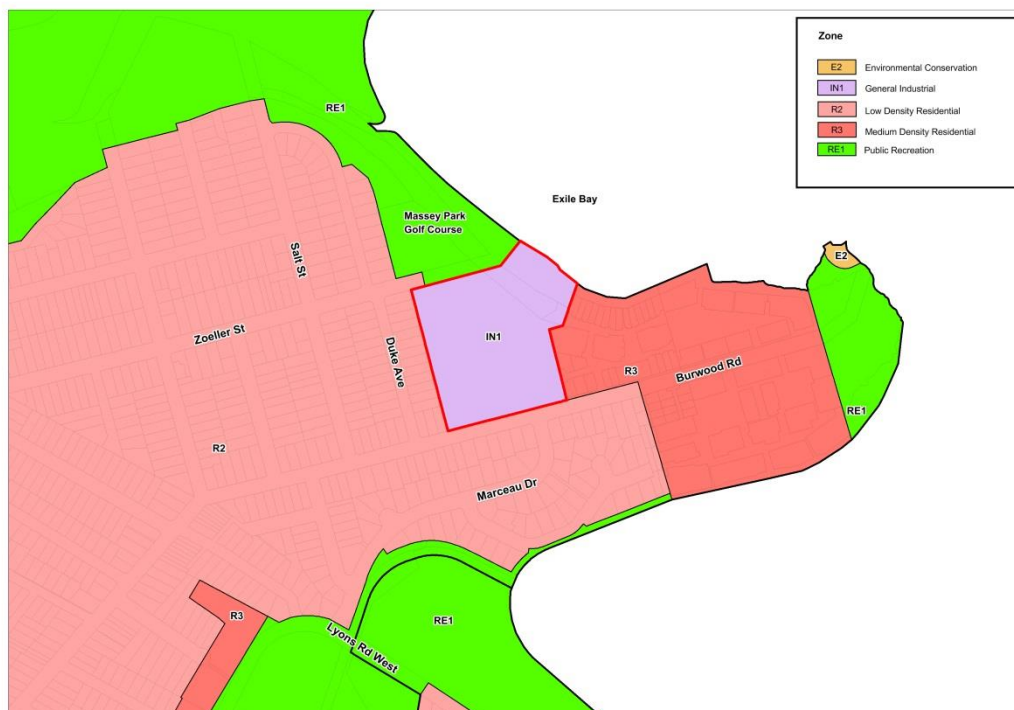
Massey Park Golf Course, a publicly owned golf course, lies along the northern boundary of the site (shown below).



### Current planning controls

The Canada Bay Local Environmental Plan 2013 (LEP) contains the current zoning and principal development standards for the site, including:

- (a) IN1 General Industrial zone;
- (b) Floor Space Ratio (FSR) of 1.0:1;
- (c) Maximum building height (HOB) of 12.0 metres.



Current Zoning



*Current Floor Space Ratio*



*Current Maximum Height of Building*

## Planning Proposal

The Planning Proposal, as submitted, seeks to amend the planning controls in the Canada Bay Local Environmental Plan 2013 to:

- (a) rezone the site from IN1 General Industrial to part B1 Neighbourhood Centre, part R3 Medium Density Residential and part RE1 Public Recreation;
- (b) amend Schedule 1 additional permitted uses to permit “Light industries” within the R3 Medium Density Residential zone on the land;
- (c) increase the maximum building height from 12.0 metres to a range of heights as follows:
  - 16m to the western and northern boundaries of the site;
  - 30m at the centre of the site;
  - 12m, 21m and 24m along the eastern boundary;
  - 12m on the southern boundary along Burwood Road;
  - RL 46.4 to reflect the existing roof height of the Central Roasting Hall building that is to be retained.
- (d) increase the maximum Floor Space Ratio (FSR) from 1.0:1 to 1.5:1;
- (e) amend Schedule 5 to identify the Bushells Factory Building as an item of local heritage.

The landowner has also made an offer to enter into a Voluntary Planning Agreement (VPA). A VPA is an agreement entered into by Council and the proponent, where the proponent agrees to provide or fund public amenities and services, affordable housing, transport or other infrastructure. The letter of offer is at Attachment 2.

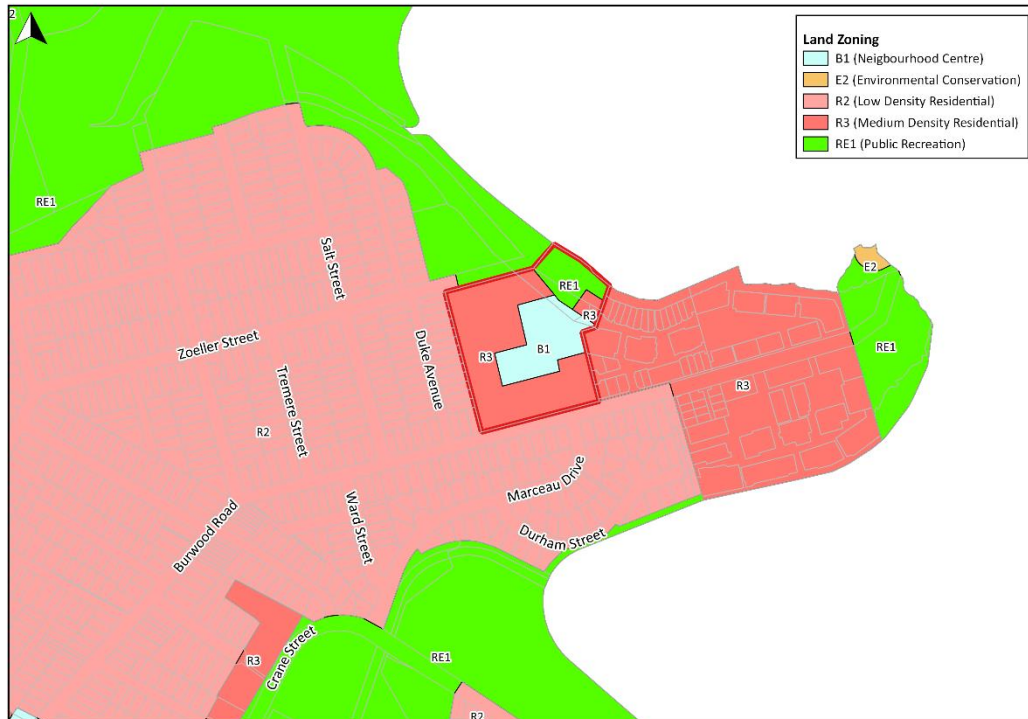
The key terms of the offer are:

- (a) 10% of total dwellings offered as affordable housing at a 25% discount on the market rate;
- (b) 7,400m<sup>2</sup> of land dedicated to Council as public open space;
- (c) Funding of a bus service for a period of three years;
- (d) Funding of a ferry service connecting Bayview Park Ferry Wharf and Barangaroo. The service will operate in the morning and afternoon/evening and run every 20 to 25 minutes, 7 days a week.

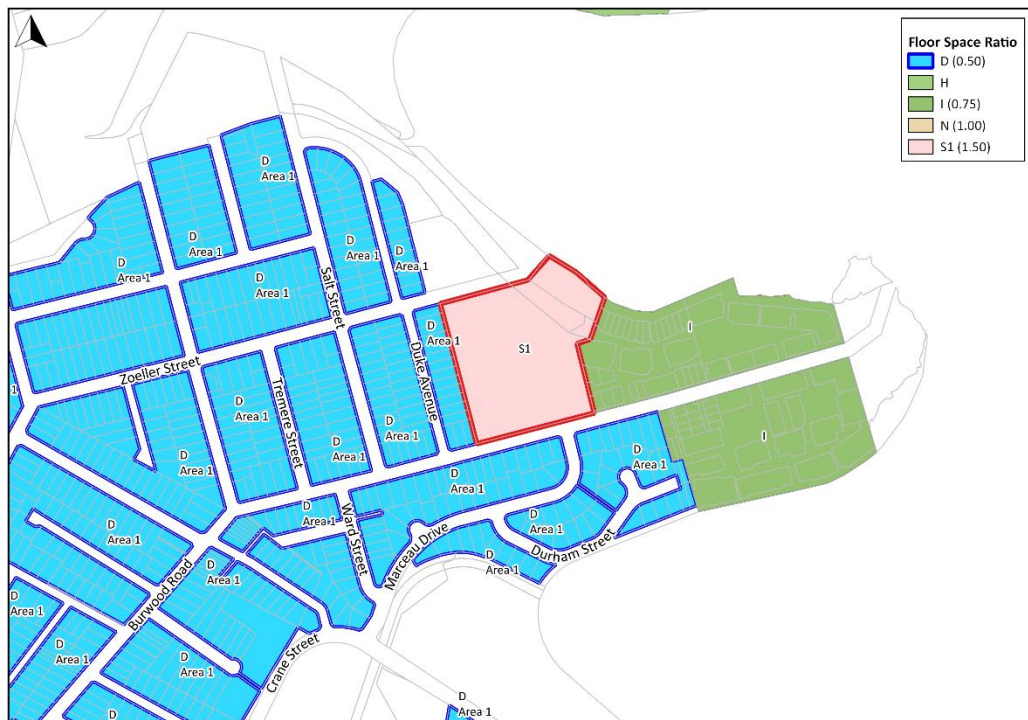
The benefits identified above are subject to any Section 7.11 development contribution that would be otherwise be required being off-set. These are



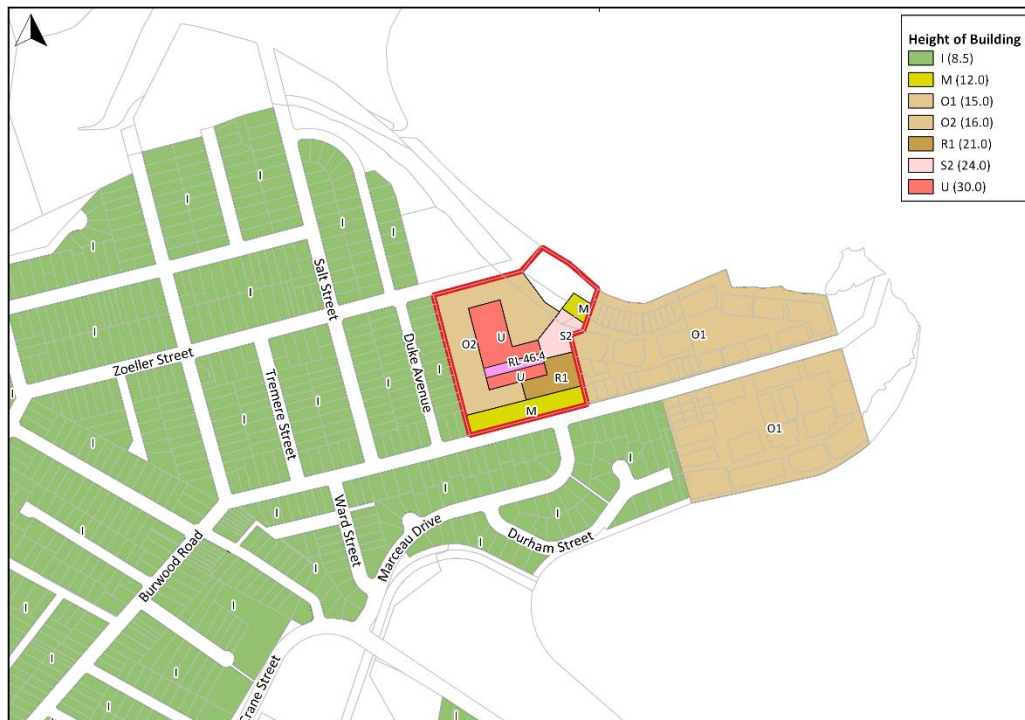
contributions that would normally be applied to any multi-unit housing development in Canada Bay to provide open space, community facilities and other public facilities.



*Proposed Zoning*



*Proposed Floor Space Ratio*



*Proposed Height of Building*

### Concept Plan

The concept plan submitted with the Planning Proposal illustrates 55,968m<sup>2</sup> of total Gross Floor Area including 475 residential apartments, 3,500m<sup>2</sup> of retail and commercial Gross Building Area and 813 car parking spaces over two basement levels.

Two through-site streets, a foreshore plaza and a foreshore park are also proposed.

The concept plans illustrate 5 key blocks:

- *Block 1* includes buildings along the western edge of the site that are predominantly five (5) storeys high, with a step down to three (3) storey terraces along Burwood Road and four (4) storeys along Zoeller Street.
- *Block 2* includes buildings along the southern edge of the site with three (3) storey terraces facing Burwood Road and four (4) and six (6) storey apartment buildings behind. One (1) storey of “urban services” has been proposed on the ground level of the four and six storey apartment building.
- *Block 3* includes buildings along the eastern edge of the site that are predominantly six (6) and seven (7) storeys with a step down to three (3) storey terraces along the foreshore and along Burwood Road.

- *Block 4* is the retained industrial “Central Roasting Hall” or the Bushell’s Factory Building. The ground floor of this building is to be used for retail uses with apartments above.
- *Block 5* includes buildings along the northern edge of the site and comprises a five (5) storey curvilinear building facing the foreshore and a nine (9) storey apartment building adjacent to the Central Roasting Hall.



*Key blocks in the Concept Plan*





Concept Plan



Built form and massing diagram

## **Notification of Planning Proposal**

Given the strong interest of the community, residents in the immediate vicinity of the site were advised of the receipt of the Planning Proposal and the process Council would undertake to assess and determine the application.

Council confirmed that all residents and landowners likely to be impacted would be notified following a decision being made that the proposal had sufficient merit to proceed to exhibition. This notification would provide an opportunity to provide feedback on the Planning Proposal.

Notwithstanding this advice, a total of 123 submissions have been received prior to Council making a determination as to whether the Planning Proposal should proceed to public exhibition.

The submissions raise a variety of concerns, however the primary themes include:

- The density and mix of uses proposed will create traffic impacts, reduce the safety of pedestrians and cause congestion at key intersections.
- The extension of Zoeller Street will create further traffic delays, reduce the amenity of residents and cause rat running.
- Proposed land use zones are inconsistent with desired future character of the area. The most appropriate zone is R3 Medium Density Residential, consistent with surrounding renewal sites.
- Proposed building heights are incompatible with the height of buildings in the immediate neighbourhood, which range from 1 to 2 storey dwellings and 3 to 5 storey apartment buildings.
- Proposed number of dwelling is considered overdevelopment and will impact the predominant low to medium density character of the area.
- The Roasting Hall should not be identified as a heritage item.
- Sufficient car parking needs to be provided on site so as to reduce overflow of parking from the site onto surrounding residential streets.
- Infrastructure needs to be considered, including transport services, water supply, traffic management, drainage, sewerage and schools.

Should the Planning Proposal be endorsed by Council to proceed, the application will be notified and the community provided with further opportunity to provide feedback on the proposal.

## **Review of Planning Proposal**

This report provides an assessment of the Planning Proposal and has been informed by both staff feedback and by specialist reports prepared by consultants on behalf of Council.

Studio GL was engaged to review the Urban Design Report. Jacobs was engaged to undertake a peer review of the Traffic and Transport Assessment and AEC Group and sub-consultant Location IQ were engaged to carry out an independent review of the Retail Demand Assessment, Economic Impact Assessment and Planning Agreement Offer.

A copy of the consultant reports are provided as attachments to this report.

### **Does the proposal have strategic merit?**

The document titled *A guide to preparing local environmental plans* establishes assessment criteria for determining if Planning Proposals have strategic merit.

*Does the proposal have strategic merit? Is it:*

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Give effect to a relevant local strategy that has been endorsed by the Department, such as the local strategic planning statement, housing strategy; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

An assessment has been undertaken in relation to consistency of the Planning Proposal with relevant state and local government strategies and is provided as an attachment to this report. Discussion on relevant themes/issues is provided below.

#### *Centre based development*

The *Greater Sydney Region Plan* and the *Eastern City District Plan* seek to maintain and improve the quality of life for residents by ensuring all people have convenient access to jobs and services in their nearest metropolitan city centre in 30 minutes, 7 days a week, by public transport.

The Canada Bay Local Housing Strategy supports this well-established planning principle and seeks to ensure that high density development is located within centres with appropriate access to transport, jobs and services.

The Planning Proposal seeks to increase the density and maximum height of buildings on the site in a peninsula location. The density and scale of the development is in direct conflict with the well-established planning principle of locating density near transport nodes and town centres.

#### *Rezoning of industrial land*

The *Sydney Region Plan* and the *Eastern City District Plan* require all industrial land in the Eastern City to be “Protected and Managed”. These strategies are supported by Section 9.1 Ministerial Direction *1.1 Business and Industrial Zones* that seeks to retain existing industrial zones.

The “protect and manage” approach safeguards all industrial land and urban services land from residential or mixed use zonings, noting the lands are to be retained for economic activities, such as urban services. The number of jobs is not the primary objective, rather it is the mix of economic outcomes and services that the uses provide that is of significance.

The Planning Proposal will result in a loss of industrial zoned land and is therefore inconsistent with the *Greater Sydney Region Plan* and the *Eastern City District Plan*.

The *Canada Bay Local Planning Strategy* adopted by Council in 2010 contains the following Actions:

*Action E8     Retain industrial zones at George Street, North Strathfield, Leeds Street, Rhodes and the **Freshfood Site (Bushells), Concord.***

*The IN1 General Industrial zoning is likely to be the most appropriate land use zone for these areas. Council supports the retention of these areas for industrial purposes for the medium term with further investigation to occur within the following timeframes:*

- *George Street     5 years*
- *Leeds Street     10 years*
- ***Freshfood Site     10 years***

*Action E20     Consider opportunities for alternative uses at Freshfoods (Bushells) in the longer term.*

*Given that this site is not located in or near an existing centre and has limited public transport access, modest*

*residential density should be considered, coupled with highly accessible public open space located on the foreshore.*

The Economic Impact Assessment submitted with the Planning Proposal suggests that the industrial market in the Eastern City is characterised by low levels of demand and new lease activity.

AEC has confirmed that there is no shortage of demand for well-located and functional industrial floor space in inner and middle ring locations across Sydney. Low levels of development activity are more a function of the already built nature of industrial land in the Eastern City as well as the relative valuable nature of assets therein.

Notwithstanding the robust demand for well-located industrial land in inner/middle ring suburbs, the site's proximity to residential uses and the need to access the site through residential streets does conceivably reduce its attractiveness and suitability for large scale heavy industrial uses.

The issue of land use conflicts with residential uses is a real threat to the viability of employment lands. Where the operating conditions of employment lands are compromised, for example, if business hours of operation or truck access is limited, or if there are land use conflicts with residential or other sensitive uses, these lands will struggle to be sustainable in the long term.

Currently accommodating a single occupier, the site is at risk of becoming redundant should the business transition off the site. Even though there is need for industrial lands in the LGA (and indeed Sydney) to accommodate a range of business activity (e.g. niche and advanced manufacturing, urban services, urban logistics and distribution), the suitability of the site to accommodate these activities is limited by its physical isolation and proximity to residential uses.

The site is considered to be an ill-suited location for the purposes of growing industrial employment. Rather, the characteristics of the site make it a suitable location to grow employment in local convenience retail and ancillary services as well as low impact urban services to serve the local population.

The success of urban services on the site will be determined by the configuration and capacity of the road network, an astute/functional design response and the ability of these uses to coexist with residential uses. This matter is discussed further under the headings Zoning and Additional Permitted Use.

### *Affordable Housing*

There is an acknowledged need for Affordable Housing in the City of Canada Bay as evidenced by inclusion of Canada Bay Local Government Area in *State Environmental Planning Policy – Affordable Rental Housing Schemes* (SEPP 70).

The *Greater Sydney Region Plan* recommends Affordable Rental Housing Targets be established to provide affordable housing for very low to low-income households. Objective 10 of the *Eastern District Plan* seeks to provide housing that is more diverse and affordable and the Plan confirms that affordable rental housing targets should be in the range of 5 to 10 per cent of new residential floorspace.

As the City of Canada Bay is included in SEPP 70, it is recommended that an Affordable Housing Contribution Scheme be prepared for the site that requires 5% of the total Gross Floor Area to be dedicated to Council for the purpose of affordable housing. The draft Scheme should be prepared and exhibited concurrently with the Planning Proposal.

### **Does the proposal have site specific merit?**

In accordance with *A guide to preparing local environmental plans*, Planning Proposals are required to demonstrate site-specific merit in relation to how they fit within their context and impact upon their immediate locality.

*Does the proposal have site-specific merit in relation to:*

- *The natural environment (including known significant environmental values, resources and hazards);*
- *The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal; and*
- *The 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.*

An assessment has been undertaken in relation to site-specific considerations and discussion on relevant matters is provided below.

### *Zoning*

The Planning Proposal seeks to change the zoning of the land from IN1 General Industrial to part B1 Neighbourhood Centre, part R3 Medium Density Residential and part RE1 Public Recreation.

Should the Planning Proposal proceed, the proposed zones, in addition to the retention of part of the site as IN1 General Industrial zoned land is considered to be appropriate.

### *“Light industries” as an Additional Permitted Use*

The Planning Proposal seeks to include “light industries” as an additional permitted use in the R3 Medium Density Residential zone to “provide flexibility in the provision of light industrial or low-impact urban services within the site.” This approach has been proposed in an attempt to address the requirements of the

*Greater Sydney Region Plan* and the *Eastern City District Plan* in relation the protection and management of industrial land.

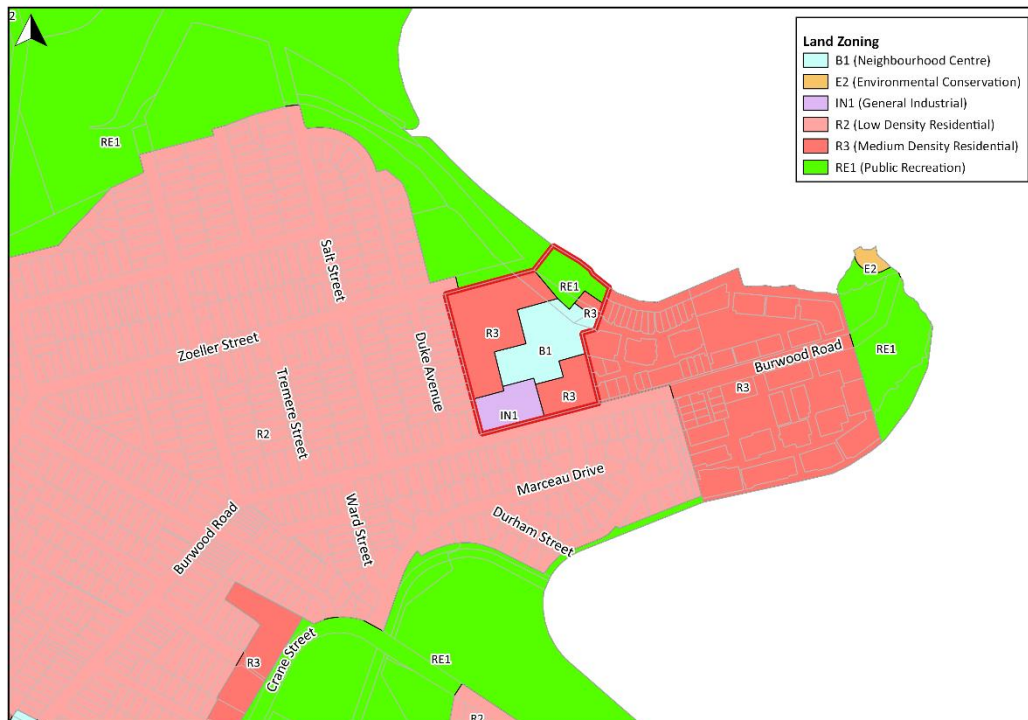
The concept drawings submitted with the Planning Proposal identify approximately 1,300sqm of urban services on the ground floor of Buildings C7 and C8.

Whilst “light industries” are proposed as an additional permitted use, the delivery of this use on the site will be at the discretion of the landowner and this outcome may not eventuate.

The location of the proposed urban services on the ground floor of Buildings C7 and C8 would also mean that light industrial uses are located between and below residential apartments. Even though low impact uses are expected, the industrial premises still require the ability to operate conflict free and have proper vehicular access and circulation. An astute design response is considered necessary so as to ensure that industrial tenancies incorporate high ceilings and adequate vehicle access, circulation and loading space. Light industrial uses should also ideally be located where interfaces with residential uses are minimised. If the configuration and layout is not suitable for urban services/light industrial uses, the success of the space will not be sustainable.

It is recommended that a “block” be identified within the site for urban services/light industrial. The block is to be zoned IN1 General Industrial and any future Development Control Plan should include design guidelines to ensure future buildings can function effectively and minimise impacts on surrounding residents. This approach will ensure that an appropriate design outcome can be achieved and the viability of the uses will be assured over time.





*Recommended Land Zoning Map*

### *Building Height and Scale*

The scale of existing buildings along the western and southern boundaries of the site are typically one to two storeys in height. Existing buildings along the eastern boundary (Pelican Quays) are two to three (2-3) storeys along the interface with the road and waterfront, rising to six (6) storeys within the centre of the site.

The local character of the area is defined by more than just the scale of the existing buildings and surrounding dwellings. The site is located on a small peninsula of land between Exile Bay and Canada Bay. The shape of the peninsula, combined with the generally flat topography of the surrounding area and 2 to 3 storey buildings along the foreshore creates a landscape that has a strong horizontal dominance, formed by the tree line.

The desired future character of the area is expected to remain substantially as it is now. The locality is not identified as a suitable location for housing intensification or urban renewal as it is not close to a strategic centre, a Planned Precinct or a key public transport corridor.



*View of the site from Exile Bay*



*View of the site from Lyons Road West*

The Planning Proposal seeks building heights ranging from three (3) storeys up to five (5), six (6), seven (7) and nine (9) storeys.

As the site is located close to the foreshore and is surrounded by low to medium rise development, taller development which is well above the tree line and the height of surrounding buildings would have an impact on the character of the area.

In particular, the nine (9) storey building would reduce views of the Central Roasting Hall from the heritage listed Golf Course and across the wider context including from Cabarita and Prince Edward Park.

The four (4) and five (5) storey buildings proposed in Block 1, along the western edge of the site and the six (6) storey building in Block 3 are adjacent to detached one (1) and two (2) storey houses. The orientation of the building in Block 1 and lack of breaks in the built form, result in the building presenting as a continuous 3 to 5 storey wall that is 160m long.

Various heights are also identified on the proposed maximum height of building map that notionally exceed the height needed to accommodate the proposed number of storeys in the submitted concept plan. For example, 24m heights could potentially accommodate eight (8) storeys instead of seven (7) storeys and the 30m height limit could potentially accommodate ten (10) storeys instead of the nine (9) proposed.

It is recommended that the maximum building heights be reduced as follows:

- The nine (9) storey building be reduced to a maximum of eight (8) storeys.
- Buildings in Block 1 along the western edge of the site be reduced to a maximum of three (3) to four (4) storeys.
- The six (6) storey building in Block 2 be reduced to four (4) storeys and the seven (7) storey building in Block 2 be reduced to six (6) storeys.
- The maximum height of the three (3) storey terraces be reduced to 9.5m
- Maximum building heights be generally reduced across the site so as to ensure the proposed number of storeys is not exceeded.

Refer to the recommended Height of Building Map below.



*Recommended Height of Building Map*

### *Built form*

The relationship between building footprint, height and density affects the character of the development and the amenity of the residential accommodation. The concept plans have a high density for the proposed heights and this has resulted in overly deep and long buildings, which are likely to result in a lower level of amenity to apartments than is appropriate in a suburban setting.

The proposed building along the western edge of the site (identified as buildings W1 to W4 in Block 1) are partially broken in height with three (3) storey high infill terraces. However, the building has total length of approximately 160m with no break in the lower three storeys. In a low density environment, a solid length of wall should be broken into smaller elements with significant building articulation to reduce the impact of the built form.

The five (5) storey curvilinear building along the foreshore to the north also has a street wall of approximately 150m, with no breaks or upper level setbacks. This edge will require careful articulation to ensure the built form has a human scale to the street, public spaces and when viewed from the foreshore.

Building depths greater than 18m deep should also be reduced to create higher amenity apartments consistent with the requirements of the *Apartment Design Guide*.

In addition to changes to the maximum height of buildings under the Canada Bay Local Environmental Plan, it is also recommended that various requirements be

included in a new Development Control Plan to ensure the bulk and scale of the development is reduced.

The draft Development Control Plan should clearly illustrate:

- a requirement for buildings W1 to W4 to be broken into a minimum of three buildings with internal setbacks (building separation) between each building;
- an upper level setback of 3.0m on the top floor of buildings C1 to C4; and
- a maximum building depth of 18.0m for apartment buildings;
- a maximum building depth of 14.0m for terrace buildings.

*Floor Space Ratio (FSR) & Density*

The Planning Proposal seeks to increase the permitted floor space on the site from 1.0:1 to 1.5:1. It is noted, however, that the Concept Plan submitted with the Planning Proposal achieves a Floor Space Ratio of 1.4:1.

The City of Canada Bay has seen dramatic change as former industrial sites on the Parramatta River have been rezoned and replaced with medium density residential and commercial developments. The typical FSR for development of former industrial sites in the area is 0.7:1, as shown in the table below:

<b>Site</b>	<b>Max. FSR</b>	<b>Max. Building Height</b>
Abbotsford Cove, Abbotsford (former Nestle site)	0.65:1	8.5 to 17m
Sydney Wire Mill Site, Chiswick	0.7:1	8.5 to 17m
Kings Bay (former Hycraft site)	0.7:1	8.5 to 20m
Pelican Point, Pelican Quays & Phillips Landing	0.75:1	15m
Cape Cabarita	0.7:1	8.5 to 17m
Edgewood and Kendall Inlet (former Dulux site)	0.7:1	11m
Breakfast Point (former AGL site)	0.67:1	8.5 to 27m

The gross FSR of 1.5:1 is high for a site in a suburban location as it includes public roads and public open space. As an example, the redevelopment of Harold Park achieved a gross FSR of 1.2:1.

The Planning Proposal is seeking development that is two times greater than has been achieved on similar sites in the area. The proposed density is even more uncharacteristic when it is considered the land to the west and south of the site has an FSR of 0.5:1 and the proposed development would be three times more dense.



The proposed density (FSR) is inappropriate given the context of the site, the location of the land on a peninsula and the limited access to high frequency public transport and a commercial centre. A more relevant precedent can be found on the adjoining former industrial sites at Pelican Point, Pelican Quays & Phillips Landing, which have been developed with a maximum FSR of 0.75:1 and a maximum building height of 15m.

The document titled Housing Sydney's Diverse Communities prepared by Urban Taskforce in 2013 suggests that an appropriate density for suburban locations is 30 to 100 people/ha. As an example, Breakfast Point is identified as having a density 65.1 people/ha.

A population density has not been provided for the proposal however if an occupancy rate of 1.8 people per dwelling is applied to the proposed number of apartments (475), the site would have a population density of 216 people/ha, which is high for a suburban location.

It is recommended that the Floor Space Ratio and subsequent density be reduced. A maximum Floor Space Ratio of 1.07:1 is appropriate on the site, having regard to the recommended reduction in building height and changes to built form in this report. Based on an average apartment size of 109sqm, this would achieve a total of 340 apartments within the site.

The understanding of residential and non-residential FSR is critical when establishing FSR provisions for a site of this size. There are important differences in built form outcomes of an industrial development with an FSR of 1.0:1 and a residential development of 1.0:1 and a distinct difference between a gross FSR of 1.0:1 for a precinct compared to a net FSR of 1.0:1 for an individual site.

In addition to a gross floor space ratio being applied across the site, it is also recommended that maximum net FSRs be provided for each Block. This outcome will provide certainty in relation to built form on each block. Refer to the recommended Floor Space Ratio Map below.



*Recommended FSR map here*

### *Setbacks*

The Concept Plan also defines setbacks with “nominal” dimensions in place of “minimum” dimensions, which suggest that the dimensions may not be fixed. It is recommended that Council prepare a new Development Control Plan for the site that contains minimum setbacks, instead of nominal setbacks from boundaries.

Overall, the street layout identified within the concept plan is supported as it locates the “backs” of apartments facing the “backs” of neighbouring properties and creates defined street frontages internally within the site.

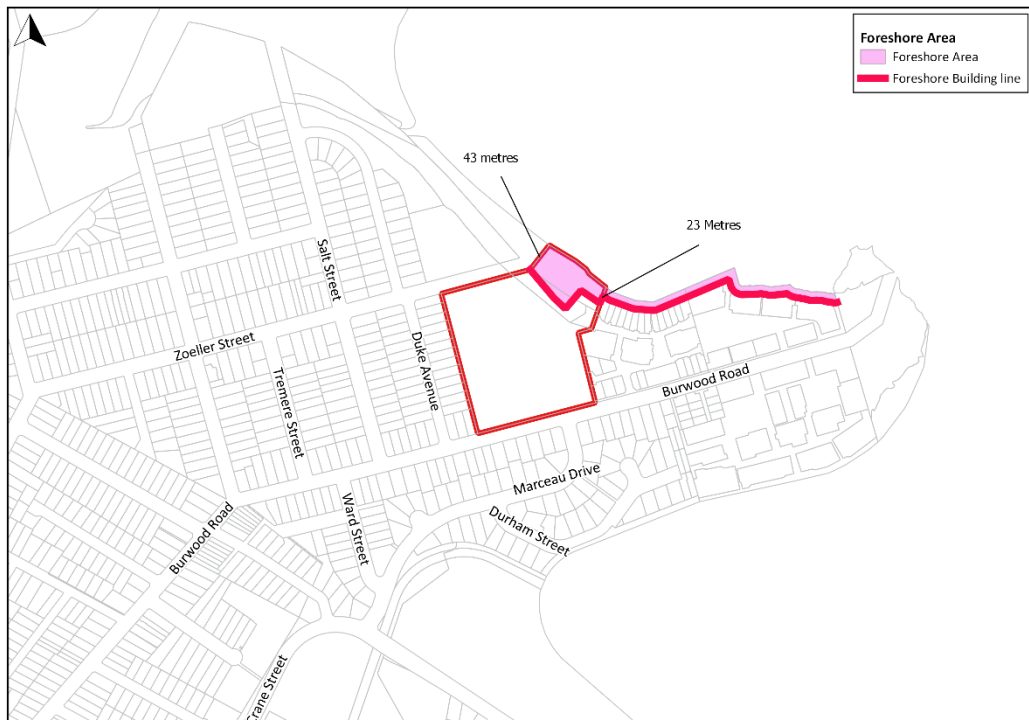
A “nominal” 6 metres setback is proposed along the front (southern) boundary to Burwood Road. The Development Control Plan for Pelican Point, Pelican Quays and Phillips Landing required buildings to be generally set back nine (9) metres, with an absolute minimum of 7.5 metres at any point. To ensure a consistent building alignment to Burwood Road, it is recommended that the front setback to be a minimum of 7.5 metres.

A “nominal” setback of 12m has been provided along the eastern and western boundary to retain trees and minimise the visual impact of new buildings in Block 1 and Block 3. This setback is consistent with the minimum recommended setback contained within the *Apartment Design Guide* and is supported for a building that is three to four storeys high.



The proposed 6.3m setback to the northern boundary is satisfactory to enable landscaping to be provided between the proposed buildings and the new road.

The siting of buildings and the proposed set back from the foreshore are considered to be appropriate having regard to the size of the site, the prevailing setback of the development to the east and the open green expanse of Massey Park Golf Course to the north. It is recommended that the Foreshore Building Line under the Canada Bay LEP 2013 be updated to reflect the proposed set back from the foreshore.



*Recommended Foreshore building line Map*



Figure 59 Studio GL recommended revised site layout with potential retention of some industrial land

- Block area
- SGL recommended building footprint
- SGL recommended upper level floor area
- PP 2019 building footprint
- Proposed roads
- Proposed public open space
- Existing and proposed trees

### *Recommended Concept Plan*

#### *Overshadowing*

The Canada Bay Development Control Plan (DCP) requires new development to be designed so that the north facing windows and private open space of surrounding properties receive three hours of solar access between 9:00am and 3:00pm in mid-winter (June 21).

The overshadowing analysis submitted with the Planning Proposal illustrates that the neighbouring properties on the western side of the site will be overshadowed

until 10am. There is no overshadowing impact on the properties to the south of Burwood Road. The properties on the eastern side of the site are overshadowed from 2:00pm. The overall overshadowing impact of the Concept Design on surrounding properties is consistent with the requirements of the Canada Bay DCP.

### *Retail Demand*

The Planning Proposal is accompanied by a Retail Demand Assessment and an Economic Impact Assessment, prepared by Hill PDA. The Retail Demand Assessment indicates that a local centre with approximately 3,500sqm of retail floor space could be supported on the site. The indicated retail mix includes approximately:

- 800 to 1,000sqm supermarket;
- 200 to 400sqm of specialty food;
- 800sqm of restaurants and fast food/takeaway;
- 500 to 800sqm of non-food retailing and personal services; and
- 500sqm of non-retail floor space.

AEC Group (AEC) and sub-consultant Location IQ were engaged by Council to undertake a peer review of the Retail Demand Assessment and Economic Impact Assessment submitted as part of the Planning Proposal. A copy of the Peer Review is provided as Attachment 9.

The centre that would be impacted the most by any development of the site would be the Majors Bay Road commercial/retail strip in Concord. Any small sized supermarket anchored development would typically result in an impact of 10% or less, which is within the normal competitive range.

Relevant controls should be included in the Development Control Plan to clearly articulate a maximum supermarket size of 1,000sqm in the B1 Neighbourhood Centre zone. This approach will limit impacts of the development on competing centres.

### *Heritage*

Emphasis is given in the Planning Proposal on the importance of the industrial heritage and the opportunity to create something unique and special by retaining a key building on the site.

The nomination of the Central Roasting Hall, the chimney stack, the “B” sign on the façade and the “Factory in a garden” landscape setting for local heritage listing under the Canada Bay Local Environmental Plan 2013 is supported.

Concern is raised however, that the building heights, density and development controls do not adequately protect the identified industrial character of the site or the potential items of heritage value.

The Statement of Heritage Impact submitted with the Planning Proposal states that since the site is not currently listed as an item of environmental heritage, there has been no consideration of the impact of the proposed development on the retained Bushell's factory building. As a result of this approach, the assessment of heritage impact only considers the impact of the development on the existing heritage items in the vicinity of the site.

Where the Bushell's factory building (including the Central Roasting Hall, the chimney stack, the "B" sign on the façade and the landscaped setting) is nominated for heritage listing, the proposal should have an acceptable impact on the heritage values of the retained building. For example, the proposed nine (9) storey building weakens the landmark qualities of the Central Roasting Hall by creating a "step" in heights between the hall and the other buildings on site. This approach diminishes the value of the factory as a recognisable landmark.

It is recommended that the height of various buildings surrounding the site be reduced as discussed under the heading "Building Height & Scale". It is also recommended that a Heritage Impact Assessment be provided that addresses how future development should be designed to reduce impacts on the retained factory and "factory in a garden" setting. The Heritage Listing Nomination Report be also be updated to clearly define the "Factory in a Garden" so as to ensure its preservation.

### *Traffic*

The site is located approximately 1.6km away from Parramatta Road and approximately 2.6km from Burwood Railway Station, which functions as a major transport node.

Given the location of the site and the availability of public transport, it is likely that the majority of residents and visitors will travel by private vehicle. The Transport Impact Assessment submitted with the Planning Proposal anticipates that the development will generate in the order of 350 movements in the AM peak hours and 430 movements in the PM and Saturday peak hours. The Assessment concludes that there is generally adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development, following implementation of road network improvements.

Mitigation measures identified within the Traffic Impact Assessment accompanying include:

- select peak period right turn bans from the eastern and western approaches of Crane Street into Burwood Road;
- a connection between Marceau Drive and Crane Street to allow for left-out movements only; and

- Local Area Traffic Management devices to reduce travel speeds.

Jacobs was commissioned by Council to undertake a peer review of the traffic and transport assessment submitted with the Planning Proposal. The review identified the following key impacts:

- Given the distance of the site from high frequency public transport and a major centre, the density sought by the Planning Proposal is not in alignment with the transport and land use objectives contained within a range of adopted State and Local Government strategies.
- The amount of car parking and the walking distance from key public transport (bus/rail interchange at Burwood and Strathfield) will limit the use of public transport to access the site. Private vehicles will remain as the preferred option of travel to and from the site.
- The proposal would have a significant impact on the intersection of Crane Street / Burwood Road, which reduces in performance in the evening peak from LoS D to E and an increase in average delay of 22 seconds;
- Approximately 200 vehicles per hour turn right from Crane Street Burwood Road in the peak periods. The proposed mitigation measure of banning right turns movements during peak periods would impact adjacent intersections, the movement of buses and accessibility for residents. As the intersection is constrained by its geometry, options to implement new turning lanes are limited without significant property acquisition.
- The proposed reopening of the left turn from Marceau Drive will attract vehicle movements through this residential street. There may also be road and safety issues with providing a new intersection on the bend of Crane Street. The increase in traffic on this road will also have an impact on the amenity and safety of the bicycle route that traverses Marceau Drive.
- The modelling of the intersection at Burwood Road and Parramatta Road has not considered the impact of downstream constraints on Parramatta Road and has not been validated to ensure it is reflective of observed conditions.

The site is not in an area identified for increased density and does not meet the planning principle of being located within 800m of a major transport hub. The proposal will encourage travel by private vehicle and impact on local amenity and road network performance.

A reduction in density on the site will limit impacts on the local road network and reduce the need for mitigation measures identified within the submitted Traffic Impact Assessment.

A copy of the Jacobs Peer Review is provided as attachment 11.

### *Privately Operated Transport Services*

The Planning Agreement accompanying the Planning Proposal seeks to provide:

- A privately operated ferry service for three years. The ferry service would commence at the completion of the first residential stage and operate 14 times daily between Bayview Park Ferry Wharf and the Barangaroo Ferry Hub in the morning and afternoon peak periods.
- A privately operated bus service for a period of three years. The shuttle bus would loop between the site, Burwood Road and Strathfield Railway Stations via Concord Hospital. The private shuttle is proposed to be one that caters for approximately 21 seated passengers and would be operated as a two vehicle service travelling the loop every half hour in opposite directions.

The Bayview Park Ferry Wharf located between Abbotsford and Cabarita Wharf ceased operation in 2013 as part of an assessment under Sydney's Ferry Futures. Reasons for the closure of the wharf included existing and future demand, costs, levels of frequency and the isolated nature of the wharf. Even with the redevelopment of the site, it is acknowledged by the applicant that services to the wharf would be unlikely to resume given the lack of long term demand.

A privately funded community shuttle bus service would have limited benefit to facilitate improved transport options to and from the site and the service may conflict with the bus on-demand services that currently operates within the area.

The proposed ferry and bus shuttle services are unlikely to substantially reduce private vehicle travel demand. The frequency and travel time would not have a significant impact on private vehicle use compared to a development located near a transport hub or on a public transport corridor.

As the funding for the shuttle bus and ferry services are limited to a period of three years, there is no guarantee that such services would continue to operate after this period.

The offer to provide these services is therefore not be viewed as justification to achieve an increased density on the site.

### *Parking*

The Planning Proposal will be required to demonstrate consistency with the parking rates contained within the Canada Bay Development Control Plan. The Concept Plan submitted with the Planning Proposal indicates that 813 car parking spaces will be provided in lieu of the 871 spaces that are required.

It is acknowledged that Council's visitor car parking rates (0.5 spaces per dwelling) are high in relation to RMS requirements (1 space per five dwellings). Subject to the recommended reduction in density on the site, future development would need to demonstrate compliance with Council's car parking requirements or justify any proposed departure at the Development Application stage.

### *Landscaping*

The surrounding context has a landscaped, low rise character and any successful development on the site should sit in a landscaped setting. The development should also provide sufficient setbacks with deep soil zones along the boundaries in order to create significant landscape screening to the surrounding residential areas.

*Western boundary* – The Concept Plan retains the existing trees along the western boundary of the site. It is desirable to retain these trees in a healthy condition as they play an important role in screening development on the site from adjoining low density housing along Duke Avenue.

*Northern boundary* – There are clumps of trees along the northern section of the site that border the Golf Course with some being located on the Golf Course. These trees will be impacted by the extension of Zoeller Street and are proposed to be removed. These trees have not been assessed as being of significance.

*Southern boundary (Burwood Road)* – The boundary of the site with Burwood Road currently accommodates a continuous row of screen landscaping that is 5m deep. The concept plan proposes a setback along Burwood Road and it is important that landscaping continue to be provided following the removal of this vegetation.

*Eastern boundary* – Along the eastern boundary, the concept design proposes a 12m setback to the proposed six and seven storey buildings (buildings E2 and E3). This setback will enable the retention of the existing planting along this boundary and facilitate the opportunity for new landscaping.

Any draft Development Control Plan for the land should clearly articulate those trees to be retained and the requirement for landscaped setbacks and deep soil zones near boundaries. It should also be demonstrated that a minimum of 25% tree canopy can be achieved across the site.

### *Open Space and Internal Roads*

The opportunity to create a clear structure of streets and blocks is critical to the success of the development. It is particularly important to learn from mistakes of the past where waterfront developments have created informal "gated" communities and poor quality, isolated areas of public foreshore land.



The Concept Plan indicates a robust urban structure of streets and public open space and is well connected into the rest of the neighbourhood. There is a clear definition between public and private domain areas and the foreshore is proposed to be zoned public open space. This outcome would ensure that bicycle and pedestrian access would be facilitated to and along the foreshore.

The draft Letter of Offer submitted with the Planning Proposal indicates that 7,400m<sup>2</sup> of land would be “dedicated to Council as public open space upon completion of the development project”.



It is recommended that the land dedicated to Council be limited to the area proposed to be zoned RE1 Public Recreation so as to ensure a clear delineation between public and private land.

#### *Road extension*

The Concept Plan submitted with the Planning Proposal identifies Zoeller Street being extended to the east. This would enable the new roads within the site to connect with the surrounding local road network.

Whilst the northern part of Zoeller Street is currently turfed and forms part of the Golf Course, Deposited Plan 1170235 suggests that Zoeller Street extends to the foreshore. As Zoeller Street is an existing unformed road, no objection is raised in relation to the extension as proposed, provided the road does not extend all the way to the foreshore.

Whilst the proposed road network improves connectivity within the neighbourhood, the proposed access to this site from Zoeller Street may increase traffic on this road. The amount of traffic using Zoeller Street could be reduced by ensuring basement ramps are located within the site so that they are accessed off Burwood Road. Traffic calming within the site such as the use of bollards and road narrowing could also be used as a measure to reduce traffic on Zoeller Street.

Cul-de-sacs are not recommended from an urban design perspective as they create safety issues and would discourage public access through the site.

#### *Contamination*

The proposal seeks to rezone land from IN1 General Industrial to more sensitive uses being a mix of residential, commercial and open space (foreshore park).

A variety of contamination reports have been submitted with the Planning Proposal. The reports indicate that the site can be made suitable for the proposed development.

Should Gateway Determination be received, a Detailed Site Investigation (DESI) would be required to address the recommendations of report 13188/2, prepared by Geotechnique Pty Ltd.

#### *Acid Sulfate Soils*

The Planning Proposal is accompanied by a report prepared by Geotechnique that indicates potential Acid Sulfate Soils at a depth of 3.0 to 3.5m. Should these soils be disturbed, an Acid Sulfate Soils management plan will be required to be prepared in accordance with the Acid Sulfate Soils Planning Guidelines by the NSW Acid Sulfate Soils Management Advisory Committee.

The report also suggests that further ground water testing is required prior to excavation if deep basements are constructed. This information will be required should the land be rezoned.

#### *Massey Park Golf Course*

The site is located adjacent to the second green of Massey Park Golf Course. Should development on the site proceed, it would place a large number of vehicles, structures and people in the path of potential stray golf balls. There are currently no plans or funding in place to install screening behind the green,

adjacent to the Bushell's site. Should the rezoning of the site proceed, the installation of screens should be required to be installed by the landowner at their cost and wholly within the boundary of the site.

#### *Stormwater Management*

The site generally falls towards Exile Bay in a north easterly direction at about 3 to 5 degrees except for a very small portion of land fronting Burwood Road which currently falls in a southerly direction towards Burwood Road. The existing Bushells factory building has a paved (bitumen) parking area that covers approximately 70% of the site. The remaining pervious area comprises scattered trees and grassed cover.

Should the rezoning proceed, stormwater will be required to be drained into Exile Bay, Gross Pollutant Traps will be required and an Overland Flow Study/Assessment will be required.

#### *Sustainability*

A Sustainability Strategy, prepared by Kinesis dated February 2019 identifies five key interventions to deliver sustainability outcomes on the site, including:

1. Efficient appliances & improved thermal design;
2. Solar photovoltaic (PV) & battery ready facilities;
3. Recycled water ready infrastructure;
4. Green façade treatment for cooler dwellings; and
5. Best practice parking measures and access to car share facilities.

The integration of sustainability initiatives into the proposed renewal of the site is supported. Should the land be rezoned, the sustainability measures proposed by the development should be confirmed within any planning agreement.

#### **Public benefit Offer**

The landowner has also made an offer to enter into a Voluntary Planning Agreement (VPA). A VPA is an agreement entered into by Council and the proponent, where the proponent agrees to provide or fund public amenities and services, affordable housing, transport or other infrastructure. The letter of offer is at Attachment 2.

- (a) 10% of total dwellings offered as affordable housing at a 25% discount on the market rate;
- (b) 7,400m<sup>2</sup> of land dedicated to Council as public open space;
- (c) Funding of a bus service for a period of three years;

- (d) Funding of a ferry service connecting Bayview Park Ferry Wharf and Barangaroo. The service will operate in the morning and afternoon/evening and run every 20 to 25 minutes, 7 days a week.

The benefits identified above are subject to any Section 7.11 contribution that would be otherwise be required being off-set. These are contributions that would normally be applied to any multi-unit housing development in Canada Bay to provide open space, community facilities and other public facilities.

#### *Assessment of Offer*

Council's Policy in respect of Planning Agreements was adopted on 5 December 2006. Guidance in relation to the provision of public benefits is included in the Policy to the effect that development proposals accompanied by Planning Agreements must be assessed for planning merit in the first instance. Clause 2.2b of the Policy states:

*Development that is unacceptable on planning grounds (including without limitation, environmental grounds) will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms.*

Whilst the offer is acknowledged, the effects of the increase in density must be assessed and determined to be of net community benefit in themselves prior to accepting the offer and proceeding with the Planning Proposal.

As outlined in this report, a reduction to the density and building height is recommended. Subject to these matters being addressed, scope is considered to exist to negotiate a Planning Agreement.

Two key issues arise with regard to the proposed "public benefit" items:

1. Are any of the items likely to be required as part of the development conditions of consent?
2. Do the items address an unmet community need and is there a material public benefit to the wider community that results from the items, or do the items principally contribute to the marketability of the development?

*Affordable Housing* – There is an acknowledged need for Affordable Housing in the City of Canada Bay as evidenced by the inclusion of Canada Bay in *State Environmental Planning Policy – Affordable Rental Housing Schemes* (SEPP 70).

Council's *Affordable Housing Policy* defines affordable housing as "housing that leaves sufficient family household income to meet other household needs. This has become to be understood to mean housing that costs no more than 30% of a family's gross income in rent or 35% in mortgage repayments." Further,

Council's Affordable Housing Policy requires properties to be *transferred in property title* to Council or a nominated community housing provider (CHP).

The offer of discounted sale does not address the issue of housing affordability as defined by Council's Affordable Housing Policy. Even after the discount, prices are beyond the financial capacity of 70% to 75% of households.

Affordable Housing initiatives should be targeted at households most in need and those at risk of housing stress. For this reason, the offer of apartments sold at discounted prices is a matter for the Proponent, not a public benefit item.

As the City of Canada Bay is included in SEPP 70, it is recommended that an Affordable Housing Contribution Scheme be prepared for the subject site that requires 5% of the total Gross Floor Area to be dedicated to Council for the purpose of affordable housing. This requirement is consistent with the Eastern City District Plan. The draft Scheme should be prepared and be exhibited concurrently with the Planning Proposal.

*Public Transport Services* – Community need for the proposed bus and ferry services has not been adequately demonstrated.

The site is not a Transit Orientated Development and therefore augmentation to public transport services is needed, accordingly providing justification for the rezoning. This would appear to be a circular argument – “offset” of the augmentation to public transport services against contribution to public benefit would amount to double dipping.

If public transport services are a necessary to justify the proposed development or are required for marketability of the development, or both, it is a matter for the proponent and these items should accordingly be treated as a development cost, rather than be ascribed value as a public benefit item under a Planning Agreement.

*Public Open Space* – The provision of public open space adjacent to the foreshore is an outcome that would benefit both future residents on the site and the existing community. This item should be the subject of negotiation between the applicant and Council as part of the preparation of a draft Planning Agreement.

As the above public benefits are not local infrastructure items included within the Canada Bay Development Contribution Plans, offset against local contributions is not recommended as it would compromise the provision of local infrastructure.

## **Conclusion**

Council has considered the merits of the Planning Proposal submitted for 160 Burwood Road, Concord seeking to rezone the site from IN1 General Industrial and increase the maximum building height and floor space ratio applying to the site.

The site is not located in a Strategic Centre, near a public transport node or renewal corridor and the proposed density is inconsistent with the strategic intent and key directions contained within the *Greater Sydney Region Plan*, the *Eastern City District Plan* and the *Canada Bay Local Planning Strategy*.

In addition, the *Sydney Region Plan* and the *Eastern City District Plan* require all industrial land in the Eastern City to be “Protected and Managed”. These strategies are supported by Section 9.1 Ministerial Direction *1.1 Business and Industrial Zones* that seeks to retain existing industrial zones.

It is recommended that the proposed density (FSR) and overall building height be reduced and that part of the land be retained as an IN1 General Industrial zone. It is also recommended that Council proceed to prepare a Development Control Plan that provides detailed guidance in relation to how future development should be designed to minimise impacts upon the surrounding locality and how future development is required to address key planning and urban design outcomes.

Subject to the above matters being addressed, it is recommended that the Planning Proposal be endorsed by Council for submission to the Department of Planning and Environment for a Gateway Determination

## **RECOMMENDATION**

1. THAT the Local Planning Panel advise Council:
  - (a) THAT the Planning Proposal be endorsed for submission to the Department of Planning and Environment for a Gateway Determination, subject to the following amendments:
    - (i) the Land Use Zones on the site being consistent with the Proposed Land Zoning Map provided as Attachment 4.
    - (ii) the Canada Bay Local Environmental Plan be updated to include a maximum gross Floor Space Ratio of 1.07:1 and a maximum floor space ratio per block as shown on the Floor Space Ratio Map, provided as Attachment 6.
    - (iii) the maximum height of buildings on the site be reduced to be consistent with the Height of Building Map provided as Attachment 5.
    - (iv) the site being listed as a Local Heritage Item within the Canada Bay Local Environmental Plan and as shown on the Heritage Map provided as Attachment 7.
    - (v) a Foreshore Building Line be created as shown on the Foreshore Building Map provided as Attachment 8

- (b) THAT a draft Development Control Plan be prepared by Council for the site that includes, but is not limited to, the following controls:
- (i) minimum setbacks from boundaries;
  - (ii) buildings W1 to W4 along the western boundary being broken into a minimum of three buildings with internal setbacks (building separation) between each building;
  - (iii) the upper levels of buildings C1 to C4 be set back a minimum of 3m from the first three (3) or four (4) storeys;
  - (iv) revised building footprints with maximum apartment building depths of 18.0m and maximum terrace building depths of 14m;
  - (v) guidance in relation to the retention and adaptive re-use of the Central Roasting Hall;
  - (vi) guidance in relation to design requirements for light industrial buildings in the proposed IN1 General Industrial zone;
  - (vii) guidance to ensure the delivery of the proposed terrace typologies;
  - (viii) a maximum tenancy cap of 1,000sqm for a supermarket;
  - (ix) trees to be retained, landscaped setbacks and deep soil planting zones to ensure that a minimum canopy cover of 25% is achieved on site;
  - (x) the preferred location of driveway access points.
- (c) THAT an Affordable Housing Contribution Scheme be prepared to deliver 5% of the total Gross Floor Area on the site as affordable housing.
- (d) THAT prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination:
- (i) a Heritage Impact Assessment is to be provided that considers how new development should be designed to reduce impacts on the retained Bushell's factory building and "factory in a garden" setting.
  - (ii) the Heritage Listing Nomination Report be updated to clearly define the "Factory in a Garden" landscape.

- (e) THAT prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination, the applicant be invited to negotiate a Planning Agreement with Council to achieve a minimum 50% uplift value share, to deliver the following public benefits:
- (i) the dedication to Council of the land zoned RE1 Public Recreation on the Land Zoning Map;
  - (ii) the embellishment of the new park, sea wall and other improvements adjacent to the foreshore;
  - (iii) commitments proposed by the applicant in relation to sustainability infrastructure.
- (f) THAT the draft Development Control Plan, draft Affordable Housing Contributions Scheme and any draft Planning Agreement be placed on public exhibition concurrently with the Planning Proposal.
- (g) THAT the applicant be advised that the installation of screens to protect future dwellings and residents from golf balls will be required to be installed at their cost and wholly within the boundary of the site.

Attachments:

1. Planning Proposal, prepared by LFA (Pacific) Limited for Colliers International Project Management on behalf of Freshfood Sydney Pty Ltd.
2. Planning Agreement - Letter of Offer
3. Consistency with Strategy
4. Recommended Land Zoning Map
5. Recommended Height of Building Map
6. Recommended Floor Space Ratio Map
7. Recommended Heritage Map
8. Recommended Foreshore Building Line Map
9. Peer Review - Urban Design, prepared by Studio GL
10. Peer Review – Economic Report prepared by AEC & Location IQ
11. Peer Review – Traffic and Transport, prepared by Jacobs
12. Submissions received – Pre-Exhibition

*All attachments are provided under separate cover and can be viewed on Council's website.*