

Rezoning Review Briefing Report – RR-2024-18

171-179 Great North Road & 1A-1B Henry Street, Five Dock (162 homes, 1,932 m² of commercial floor space).

Element	Description
Date of request	21 May 2024
Department ref. no	RR-2024-18
LGA	Canada Bay
LEP to be amended	Canada Bay LEP Local Environmental Plan (LEP) 2013
Address	171-179 Great North Road & 1A-1B Henry Street, Five Dock
Reason for review	<div><input type="checkbox"/> Council notified the proponent it will not support the proposed amendment</div> <div><input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 115 days, or failed to submit the proposal after indicating its support</div>
Has council nominated PPA role	Yes - Council confirmed on 20 June 2024.
Consultation	N/A
Brief overview of the timeframe/progress of the planning proposal	<p>February/March 2023 – preliminary meeting with Council on strategic potential of the site with proponent and planning consultant.</p> <p>16 May 2023 – Council adopted Sydney Metro West Station Precincts Local Planning Studies to consider density increases near proposed Metro Stations.</p> <p>22 August 2023 – Proponent presented proposal to DPE who did not object but requested proponent work with Council.</p> <p>September 2023 – Proponent request meeting with Council to discuss proposal, and Council advised they will be completing the masterplan for the precinct next year, seeking a gateway determination before the end of 2024.</p> <p>12 December 2023 – Meeting with Canada Bay GM and Director of Planning. Council advised they are unable to support the proposal at this stage.</p> <p>16 January 2024 – PP-2024-0001 accepted as lodged by Canada Bay Council.</p>

Element	Description
	<p>20 February 2024 - Meeting with Metro Sydney West who indicated Five Dock Metro is proposed to open in 2032.</p> <p>12 March 2024 – Council advised of their intention to report PP to Local Planning Panel on 10 April 2024.</p> <p>10 April 2024 – Considered by Canada Bay Local Planning Panel, including proponent presenting and answering questions.</p> <p>15-22 April 2024 – proponent requested meetings with Council to discuss the LPP meeting outcomes. Council unable to share these.</p> <p>21 May 2024 – A formal Rezoning Review was received by DPHI.</p> <p>21 May 2024 – Council staff reported the proposal to Council with recommendations for a different building height and FSR. The matter was not considered due to their being no quorum.</p>
Department contact:	James Shelton

Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	4076 m ²
Site Description	<p>The site is owned by the St Albans Anglican Diocese. The site consists of seven contiguous lots and is known as 171-179 Great North Road & 1A-1B Henry Street, Five Dock. The site is irregular in shape reflecting the land ownership pattern, and also has frontage to East Street.</p> <p>The proposed Five Dock Metro Station forms its most southern boundary, with the site being about 15 minutes to Sydney CBD and 750 metres from Parramatta Road.</p> <p>The site is centrally located within the Five Dock local centre which is a historical long main street consistent with development pattern at that time. The site contains heritage buildings associated with the Church and its activities.</p>
Proposal summary	<p>The planning proposal seeks to amend the Canada Bay LEP 2013 to enable the future redevelopment of the site as a mixed-use commercial, retail and residential development. Specifically, the proposal seeks to:</p> <ul style="list-style-type: none">• Amend the maximum Height of Buildings (HOB) from 15m to 75m, and• Amend the maximum Floor Space Ratio (FSR) from 2.5:1 to 4.5:1.

Element	Description
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> • Greater Sydney Regional Plan • Future Transport Strategy • Eastern City District Plan • Canada Bay Local Strategic Planning Statement • Canada Bay Local Housing Strategy • Five Dock Local Character Statement and Urban Design Framework • State Environmental Planning Policies <ul style="list-style-type: none"> ○ Housing 2021 ○ 65 – Design Quality of Residential Apartment Development • Section 9.1 Directions <ul style="list-style-type: none"> ○ 1.1 Implementation of Regional Plans ○ 1.4 Site Specific Provisions ○ 5.1 Integrated Land Use and Transport ○ 6.1 Residential Zones



Figure 1: Site Context (source: Nearmap June 2024)

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The planning proposal seeks to amend the Canada Bay LEP 2013 per the changes below.

Table 2. Current and proposed controls

Control	Current	Proposed
Zone	MU1 Mixed Use	No change
Maximum height of the building	15.0m	75.0m
Floor space ratio	2.5:1	4.5:1
Number of dwellings	1	162
Floor Area	The floor area of the current shop is unknown.	1,932m ² of commercial retail and childcare. 1,161m ² of church uses.

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

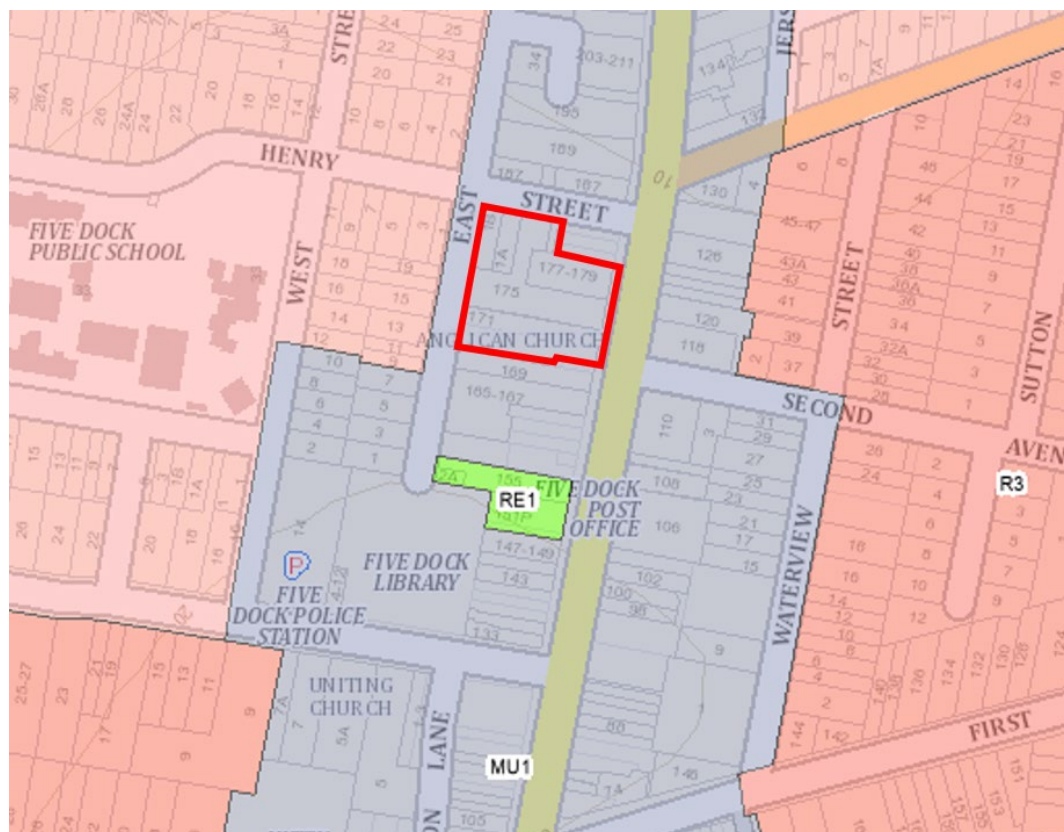


Figure 2 Current Zoning (source: Spatial Viewer June 2024)



Figure 3 Current maximum building height (source: Planning Proposal December 2023)



Figure 4: Proposed maximum building height (source: Planning Proposal December 2023)



Figure 5 Current Floor Space Ratio (source: Planning Proposal December 2023)



Figure 6 Proposed Floor Space Ratio (source: Planning Proposal December 2023)

Key Issues

Issue no. 1: Strategic Merit

Consistency with the objectives of Greater Sydney Regional Plan, Eastern District Plan, Canada Bay Local Strategic Planning Statement, Local Housing Strategy and Local Character Statement.

Council view

- Council endorsed a Metro Local Planning Study that analysed the existing character and context of Five Dock and used community consultation to develop a Local Character Statement to describe the future character of the Town Centre.
- In establishing applicable building heights, Council staff considered the Explanation of Intended Effects for Low & Mid-rise housing as applicable to the Five Dock Town Centre. i.e. building heights of up to a maximum of 21m within 400m of a Metro Station.
- The Local Planning Study and supporting Local Character Statement were adopted by Council on 16 May 2023 and identified development uplift of up to 7-storeys along Great North Road within the Five Dock Town Centre Core, stepping down to 5-storeys and then 3-storeys to the east and west (see **Figure 7**).
- The proposed two 20-storey towers are inconsistent with the current and future vision for the area, including the vision for uplift in association with the new Metro station.
- The Study also proposed a new Town Square on the eastern side of Great North Road and an extension to Fred Kelly Place on the western side of Great North Road with active frontages and connect with the Metro Station entry at ground level.
- Council staff believe the proposal will overshadow this important public space, including in mid-Winter.

Proponent view

The proposal demonstrates strategic merit by aligning with the following strategies:

- Greater Sydney Regional Plan – proposal is consistent as it optimises infrastructure, through development near a future transit node. The proposal responds to the housing crisis, and includes affordable housing.
- Eastern District Plan – consistent with Priorities
 - E5: Providing housing supply, choice and affordability with access to jobs, services and public transport
 - E6: Creating and renewing great places and local centres, and respecting the District's heritage
 - E10: Delivering integrated land use and transport planning and a 30-minute city
- Local Housing Strategy – identifies a key value of (LHS) “density done well”. The Planning Proposal aims to support a level of density that responds to the significance of the new Sydney Metro line and creates an opportunity for urban renewal at the site. The site is a highly suitable location for high density development and is also capable of supporting social infrastructure and open space, in support on the additional density of the site
- In its letter of approval of the LHS, DPE identifies *“Council’s approach to limit new housing opportunities in Five Dock and North Strathfield to low scale medium density development is to be re-evaluated given the announcement of Metro stations in these locations”*. The letter also states *that any Planning Proposal for new housing development (such as this proposal) be assessed against the approved LHS and the requirements and advisory notes of the approval letter*.

- The scale and density currently provided for under the City of Canada Bay's Local Housing Strategy is not reflective of the significant city-shaping infrastructure investment that is Sydney Metro West.
- Council's Local Character Statement (LCS) – has a desired future character to "complement the existing scale of the street, with heights between four (4) and seven (7) storeys".
- The level of density proposed under the LCS maintains a low scale medium density for Five Dock which is inconsistent with other master planned metro stations.
- The proposal directly aligns with the direction of DPE and findings of the NSW parliamentary inquiry in supporting higher density development in proximity to the Five Dock Metro station. Moreover, the NSW Productivity Commission's Building more homes where infrastructure costs less report (August 2023) directly calls out Five Dock as having substantial capacity for housing and increased access to jobs given the rapid connection to CBD and other employment hubs.

Issue no. 2 – Site Specific Merit

Whether the Floor Space Ratio and Building Heights are appropriate.

Council view

- Council's Local Planning Panel considered the Planning Proposal and the March 2024 Urban Design Review and concluded that the height, scale and siting is excessive and unduly compromises the heritage significance of the site.
- Council officers commissioned an additional urban design analysis dated May 2024 (**See Attachment C5**) to determine whether it would be possible to redistribute the building massing recommended in the Council officer LPP report differently within the site so that the existing landscaped area in front of the church could be retained, without resulting in adverse impacts on the new Town Centre and surrounds.
 - The analysis found that a re-massing of floorspace on the site could be achieved without adversely impacting the new Town Centre. This, together with the retention of the landscaped area in front of the church, is considered the most desirable outcome for the site as it achieves maximum development potential, whilst balancing adverse impacts on the public domain and retains the existing heritage items, including via adaptive reuse.
- Council's Metro Precincts Local Planning Study (endorsed 16.5.2023), seeks to increase density within the LGA in the vicinity of the Metro stations, to deliver new housing to meet forecast demand. The Local Planning Study envisages 6-storeys along Great North Road within the Five Dock Town Centre, stepping down to 4-storeys to the east and 5, 3 and 2-storeys to the west (see Figure 7). The Local Planning Study considered the subject site and identified it as significantly impacted by heritage constraints.
- The 'urban design precedents' in the Proponent's Urban Design Report misrepresent the distinction between building heights in metropolitan centres (e.g. Sydney CBD and Parramatta) and strategic centres (e.g. Chatswood and Burwood North) with those in local centres (such as Five Dock and North Strathfield).
- Canada Bay DCP identifies the desired future character of the Five Dock Town Centre as "a place where new buildings, alterations and additions contribute to the local 'village

character' and heritage values through appropriate building forms, setbacks and heights".

- Despite the introduction of a Metro station, Five Dock is expected to remain a local centre serving local needs and is not intended to become a strategic centre. A better indication of the likely scale of development around the Five Dock Metro can be found in the recent draft TOD SEPP which proposes building heights of 21m within a zone that is 400m around 31 stations, not inclusive of Five Dock Metro station.
- The Proposal is inconsistent with Section 9.1 Direction 3.2 (Heritage Conservation) as it is seeking to demolish the St Albans Anglican Church Hall which is integral with the St Albans Anglican Church Shops (I228 in the CCBC LEP 2013).
- The proposal also causes significant overshadowing of the public space known as Fred Kelly Place.

Proponent view

- This site is a significant sized consolidated land holding in area of highly fragmented ownership in the Five Dock town centre and presents a significant opportunity.
- Council's urban design assessment, whilst supporting a modest height increase in the northwest corner of the site, supports a level of density that is unable to realise the existing FSR for the site, let alone support any additional density following the introduction of the Metro station.
- Located directly adjacent to the new Five Dock Metro Station and Great North Road, the proposal will support active and public transport and optimise the use of a significant infrastructure investment from the State Government.
- The residential towers have been carefully and strategically designed to provide maximum amenity for the buildings and public domain, reduce impact, activate street life and to allow the maximum developable potential of all adjacent sites. The planning of the apartment buildings allows more than 80% of the apartments to have dual solar orientations. For all apartments to get natural sunlight and ventilation above and beyond SEPP65 Compliance.
- The proposal will deliver a publicly accessible Central Plaza and through site link which will connect Henry Street to the Five Dock Metro station as well as connection between Great North Road and East Street and improve the connection and interaction with the Church.
- The Urban Design reference scheme (**Attachment A1**) for the proposed design has identified minor overshadowing impacts on Fred Kelly Place, also noting the proposed Metro Station overshadowing impacts.
- Public Benefits include – 15% affordable housing supply, new public plaza and community facilities and services.

Issue No. 3: Heritage and Local Character

Whether the proposal addresses heritage and local character.

Council view

- The proposal includes the demolition of the heritage listed church hall. The heritage peer review found that the hall:
 - "is a key component in the overall composition of the Church site and plays a strong role in its social significance. It also plays an important role in the local streetscape and the setting of the Church and Rectory"
- The *Design Guide for Heritage* outlines that "new design in heritage areas should relate to the predominant scale and grain of the setting. It should respect the height, bulk,

density, and grain of the heritage fabric... New infill buildings should generally be no higher than neighbouring heritage buildings or the predominant scale of the streetscape".

- The proposal justifies its 20 storeys through the design of the podium separation. Council believes the bulk and scale of the building envelope (and potential development) will dominate the heritage context.
- The heritage peer-review commissioned by Council found that "the proposed development provides little in terms of the conservation of the place and the negative impacts are bordering on extreme."
- The proposal has little regard to the heritage qualities of the site, does not reflect the existing or desired future context of the Five Dock town centre, and will create significant negative impacts.
- The proposal also does not consider view corridors from Second Avenue and the relationship with the proposed Metro Station.

Proponent view

- The existing buildings on the site are no longer capable of meeting the Church's needs, including the church hall which is no longer fit for purpose.
- The proposal provides the opportunity to enhance the setting of the Church and create a more activated and publicly accessible ground floor which will invite the public into the site (which is currently private land) and enable a greater appreciation of the Church and Rectory and meaningful community engagement. Additionally, the proposal will enable a recurring income for the church to continue to service the local community and fund ongoing heritage restoration and maintenance works for the site and other sites in the parish.
- The proponent's heritage report acknowledges that the demolition of St. Alban's Hall is a contentious issue and explores how the demolition of this item is balanced by the positive impacts the proposal has on two crucial aspects of the site's significance:
 - its social significance arising out of its use by the Church and
 - the historic and aesthetic significance of the Church Group as one of the oldest groupings of buildings in the suburb.
- The heritage report finds that the removal of a local item is understood to generally not be permitted. In this instance, the removal of the local item is justified on the basis that the benefit to the overall environmental heritage of Five Dock was far outweighed by the loss.
 - The report recognises the Urban Design Study that outlines the mitigation measures, incorporating strategies to establish view corridors, enhance site permeability, mitigate the visual impact of new structures, and address the effects of demolishing the Church Hall.
- The proposed reference scheme (**Attachment A1**) has been designed in consideration of the heritage significance of the site and the future context of the site (e.g. housing, jobs, infrastructure).
- The proponent's urban design analysis of the Five Dock commercial area suggested the 'bones' of these through-site links already exist but are not joined up. The Metro site, coupled with the subject site, offers an opportunity to join these urban links, providing a very European and sophisticated town-centre experience.
- Maintaining, restoring, and revitalising the existing heritage buildings and uses, maintains the familiarity, and anchors the site. With the addition of the green Central Plaza to build on the urban language of secondary layers of circulation and permeability reinforces the understanding of Five Dock.

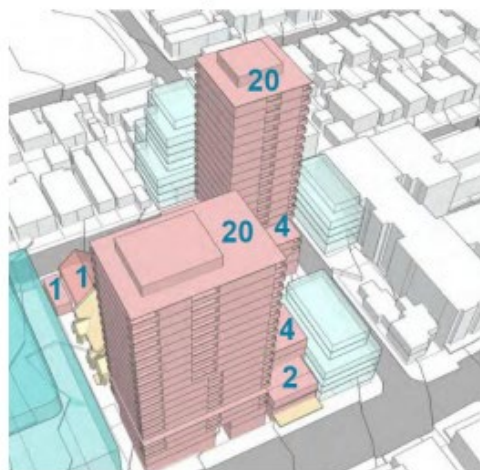


Figure 14: Proponent proposed building heights

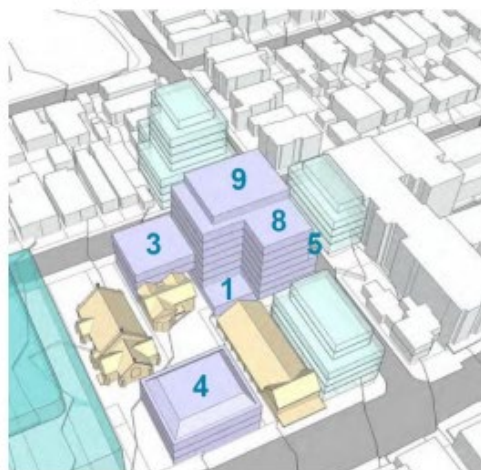


Figure 15: Maximum building heights considered by the LPP report

Figure 5: Proposed building heights and Council's proposed heights from LPP report

Other issues:

Council staff identified the following additional issues in their report of 21 May 2024.

- Economic Impact Assessment, Traffic and Waste Management.
- LEP provisions of Design Excellence and Active Street frontage needing to apply.
- Council's intention to negotiate a Planning Agreement and for a DCP to be prepared.

Attachments

Attachment A - Planning Proposal

Attachment A1 – Urban Design Report

Attachment A2 – Survey Plan

Attachment A3 - Landscape Report

Attachment A4 – Statement of Heritage Impact

Attachment A5 – Traffic Impact Assessment

Attachment A6 – LEP Mapping Amendment

Attachment A7 - Social and Community Needs Assessment

Attachment A8 – Property Market Report

Attachment A9 – Preliminary Site Investigation

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Attachment A10 – Civil and Building Services Report

Attachment B - Proponent Rezoning Review Report

Attachment B1 – Planning Proposal lodgement files

Attachment B2 – Council Correspondence

Attachment B3 – Feedback from Sydney Metro West

Attachment B4 – Political disclosures

Attachment C – Councils Rezoning Response

Attachment C1 – Urban Design Review (March 2024)

Attachment C2 – Local Planning Panel Minutes (10 April 2024)

Attachment C3 – Council report to meeting (21 May 2024)

Attachment C4 – Recommended Draft CBLEP Map Amendments (March 2024)

Attachment C5 - Additional Urban Design Review (May 2024)

(Signature)

____ 2 July 2024 _____ (Date)

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