

**ITEM 9.2**                      **PROPONENT INITIATED PLANNING PROPOSAL - 171-179 GREAT NORTH ROAD & 1A-1B HENRY STREET, FIVE DOCK****Reporting Manager**      **Manager Strategic Planning**

- Attachments:**
1.    **Urban Design Review (SGL) - Recommended proposal (*Provided in Attachment Booklet*)** [⇨](#)
  2.    **Recommended Draft CBLEP Map Amendments (*Provided in Attachment Booklet*)** [⇨](#)
  3.    **Urban Design Review (SGL) - Considered by LPP (*Provided in Attachment Booklet*)** [⇨](#)
  4.    **Proponent Planning Proposal Report\_PP-2023-2889 (*Provided in Attachment Booklet*)** [⇨](#)
  5.    **Appendix A - Urban Design Report - Carter Williamson (*Provided in Attachment Booklet*)** [⇨](#)
  6.    **Appendix B - Survey Plan - Geodesy Survey Group (*Provided in Attachment Booklet*)** [⇨](#)
  7.    **Appendix C - Landscape Report - Yerrabingin Landscape Architecture (*Provided in Attachment Booklet*)** [⇨](#)
  8.    **Appendix D - Statement of Heritage Impact Report - Weir Phillips (*Provided in Attachment Booklet*)** [⇨](#)
  9.    **Appendix E - Traffic Impact Assessment - PDC Consultants (*Provided in Attachment Booklet*)** [⇨](#)
  10.    **Appendix F - Social and Community Needs Assessment - Mecone (*Provided in Attachment Booklet*)** [⇨](#)
  11.    **Appendix G - Property Market Report - Jones Lang LaSalle (*Provided in Attachment Booklet*)** [⇨](#)
  12.    **Appendix H - Preliminary Site Investigation - Sydney Environmental Group (*Provided in Attachment Booklet*)** [⇨](#)
  13.    **Appendix I - Civil and Building Services Report - Intrax (*Provided in Attachment Booklet*)** [⇨](#)
  14.    **Draft Metro Precincts Local Planning Study - Five Dock (*Provided in Attachment Booklet*)** [⇨](#)
  15.    **Draft Metro Precincts Local Planning Study - Urban Design Framework (*Provided in Attachment Booklet*)** [⇨](#)
  16.    **LPP - Minutes - 10 April 2024 (*Provided in Attachment Booklet*)** [⇨](#)

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1.    Council endorse Planning Proposal – 171-179 Great North Road & 1A-1B Henry Street, Five Dock, as shown at Attachment 4 to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendments:
  - a)    The maximum Floor Space Ratio be retained at 2.5:1.
  - b)    The maximum Height of Buildings be reduced, consistent with the draft Height of Buildings Map, provided at Attachment 2.
  - c)    Application of Active Street Frontages, consistent with the draft Active Street Frontages Map, provided at Attachment 2.

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- d) Identification of the Site on the draft Design Excellence Map, provided at Attachment 2.
  2. The Planning Proposal and supporting reports be updated to reflect 1 above, and recommendations made within this report (including Option A in Attachment 1), prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination.
  3. An Economic Impact Assessment and Waste Management Plan be prepared prior to the planning proposal being placed on public exhibition.
  4. Council prepare draft amendments to the Canada Bay Development Control Plan to provide guidance for future development on the site.
  5. A draft Planning Agreement be negotiated, outlining public benefits arising from this planning proposal in accordance with the Canada Bay Planning Agreements Policy.
  6. The updated Planning Proposal, draft Development Control Plan, and draft Planning Agreement be endorsed for public exhibition in accordance with any conditions imposed under the Gateway Determination.
  7. Authority be delegated to the General Manager to make minor variations to the Planning Proposal to correct any drafting errors or to ensure it is consistent with the Planning Proposal following the receipt of a Gateway Determination.
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## PURPOSE

To provide Council with the outcome of the assessment of a Planning Proposal relating to 171-179 Great North Road & 1A-1B Henry Street, Five Dock and seek Council endorsement to submit the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway Determination.

## EXECUTIVE SUMMARY

Council has received a Planning Proposal for land within the Five Dock Town Centre. The Planning Proposal has been prepared by Mecone for the Proponent, and Traders In Purple, a property development group, who have been appointed by the landowner, the Anglican Property Trust,

The Planning Proposal is seeking to redevelop the site through an amendment to *Canada Bay Local Environmental Plan 2013* to:

- increase the maximum building height from 15m to a maximum of 75m, to facilitate a range of building heights across the site ranging from the existing heritage-listed two-storey church, rectory and shops, up to two 20-storey towers (plus the potential for an additional 30% height as a result of the 15% affordable housing proposed); and
- increase the maximum Floor Space Ratio from 2.5:1 to 4.5:1 (approximately 17,057sqm gross floor area, comprising 13,965sqm of residential GFA for 162 dwellings, 1,932sqm of commercial/retail/childcare, and 1,161sqm of church uses).

An assessment of the Planning Proposal has been undertaken by Council officers, including consideration of social, economic, traffic/transport, heritage and urban design matters within the context of relevant state and local government strategies. Specific consideration has been given as to whether the proposed built form responds to the future character of the area, and whether it is appropriate within the context of three locally listed heritage items (one of which the Planning Proposal seeks to partly demolish).

This Planning Proposal (Proposal) does not align with the strategic planning vision for the Five Dock Town Centre and is not supported by adopted strategies or plans. 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 is considered to create significant negative impacts.

On 10 April 2024, the Local Planning Panel (LPP) considered the proponent's Planning Proposal and Council officers' assessment report and recommendation of a more moderate scheme generally in line with Council's adopted Local Study for Five Dock. In regards to the Proponent's Planning Proposal, the LPP advised that "the height, scale and siting of the concept underlying the Planning Proposal is excessive...and unduly compromises the heritage significance of the site".

Following the LPP meeting, Council officers sought additional urban design analysis 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 space in front of the church could be retained, without resulting in adverse impacts on Fred Kelly Place and surrounds. This analysis is detailed in the "Recommended scheme responding to advice from the Local Planning Panel" section towards the back of this report.

The analysis found that a re-massing of floorspace on the site could be achieved without adversely impacting Fred Kelly Place and surrounds. This together with the retention of the landscaped area in front of this church is considered to be the most desirable outcome for the site.

It is therefore recommended that the Planning Proposal be revised to have regard to the context of the site with alternate building height and Floor Space Ratio (refer Option A in Attachment 1, and Attachment 2), amongst other urban design outcomes outlined in this report, and that it proceed on this basis. It is recommended that the documentation be updated to reflect this alternate scheme prior to submission to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

## **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs

This report also relates to the *Eastern City District Plan*, the *City of Canada Bay Local Strategic Planning Statement* and the recently adopted *Local Planning Study/Local Character Statement* for the Five Dock Metro precinct.

## **BACKGROUND/DISCUSSION**

### **Site details**

The property at 171-179 Great North Road & 1A-1B Henry Street, Five Dock (the Site) comprises 7 separate Lots under the same ownership and is approximately 4,076sqm in area.

The site has three road frontages, Great North Road on the east, Henry Street on the north and East Street on the west. On the southern boundary is the Five Dock Metro West station, currently under construction. In the north-eastern corner is a separate Lot, 181-185 Great North Road, which is not currently owned by the Church, but which the Planning Proposal identifies as 'potential future uplift'.

The Site is occupied by three buildings that are local heritage items: St Albans Anglican Church (I226), the St Albans Anglican Church Rectory (I227) and St Albans Anglican Church Hall and Shops (I228). There are also two detached dwellings fronting Henry Street, a childcare centre (Sunshine Early Learning Centre) and various church facilities.



Figure 1: 171-179 Great North Road & 1A-1B Henry Street, Five Dock (the Site)

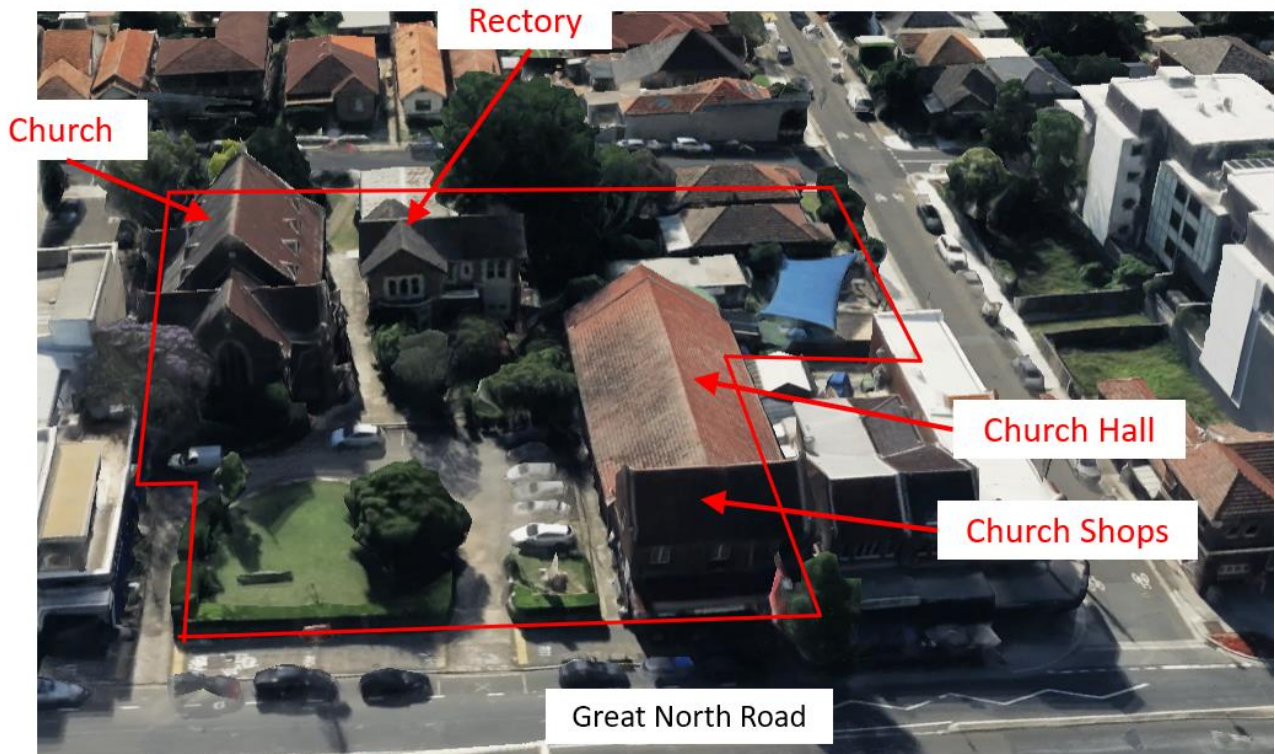


Figure 2: The Site from Great North Road looking west

## Urban context and Adjoining development

The subject site is located within the Five Dock Town Centre. The Town Centre is currently characterised by a variety of uses that include residential, mixed use and urban services, which are mostly located along Great North Road.

There are shop top housing and apartments located within Five Dock, predominantly along Great North Road, however they generally have a maximum building height of 14m to 20m, or approximately five to seven storeys.

The local character around Five Dock centre primarily features low scale single detached dwellings. Apartment buildings on residential streets are often walk-up apartments of no more than three storeys and fit in with the lower scale detached dwellings in the area.

To the south of the Site is Five Dock metro station, which is currently under construction. The new metro station will be accessed from Fred Kelly Place, an important civic open space that is located to the immediate south of the metro site. The southern boundary adjoins a pedestrian through-site link that is being developed by Metro to connect Great North Road and East Street and which will have an active frontage to the laneway.

To the west of the Site, on the opposite side of East Street are single detached dwellings. To the north of the Site are three two storey shop fronts that extend to Henry Street. Further to the north is the former Five Dock Post Office, which is now used as a retail space. To the east of the Site, on the opposite side of Great North Road are two to three storey commercial buildings.

The 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*".

Council's Metro Precincts Local Planning Study, which was endorsed by Council on 16 May 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. The Local Planning Study considered the subject site and identified it as significantly impacted by heritage constraints.

## Current Planning Controls

The key planning controls that apply to the Site under the *Canada Bay Local Environmental Plan 2013* include:

- a) MU1 Mixed Use Zone, which allows business, retail, office, shop top housing and light industrial uses.
- b) a maximum building height of 15 metres;
- c) a maximum Floor Space Ratio (FSR) of 2.5:1; and
- d) three local heritage items - St Alban's Anglican Church (Item No: I226), St Alban's Anglican Church Rectory (Item No: I227), and St Alban's Anglican Church Hall and Shops (Item No: I228).

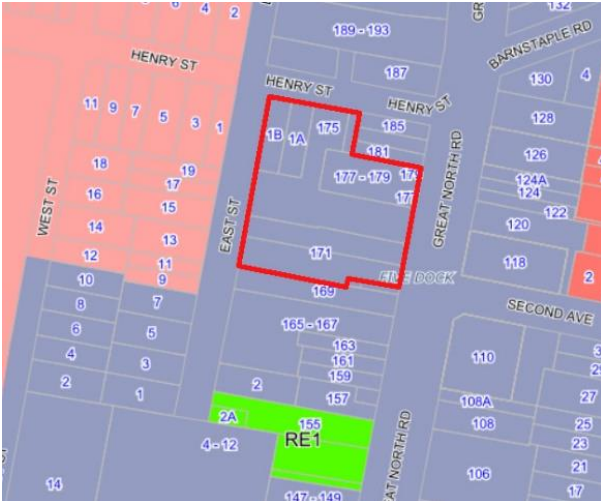


Figure 3: Current Land Zoning Map



Figure 4: Current Height of Buildings Map



Figure 5: Current FSR Map



Figure 6: Current Heritage Map

## PLANNING PROPOSAL

The Planning Proposal is seeking to amend the *Canada Bay Local Environmental Plan 2013* to:

- increase the maximum building height from 15m to a maximum of 75m; and
- increase the maximum Floor Space Ratio from 2.5:1 to 4.5:1.

The Proposal is also seeking to demolish a significant portion of an item of local heritage, the Church Hall, which forms part of St Alban's Anglican Church Hall and Shops (Item No: I228). However, the Proposal does not propose to amend Schedule 5 of the LEP to remove the church hall from the listing.



Figure 7: Proposed Height of Buildings Map (Proponent)

Figure 8: Proposed FSR Map (Proponent)

The Proposal seeks to facilitate “a mixed-use development that integrates a significant supply of transit-oriented housing above lower-level church and other active uses located around a new central public plaza that integrates the church uses and heritage fabric with the new Metro station.”

The key elements of the Proposal comprise:

- Demolition of the Church Hall, the two detached dwellings and the church parish centre;
- The reference scheme shows the development of two 20 storey mixed use buildings. The proposed buildings both feature a 4 storey podium, and would accommodate:
  - Ground floor retail and community/Church facilities.
  - Level 1: Commercial and community/Church facilities.
  - Levels 2-3: Residential and Church facilities.
  - Levels 4-19: Residential.
  - Podium common open space (NW tower only).
  - Rooftop common open space (SE tower only).
  - Rooftop plant and lift overruns.
- 800m<sup>2</sup> 3-storey childcare centre, including 2-storeys within existing shops, with rooftop open space;
- Proposed double-height church hall on East Street with two levels of church facilities over and rooftop open space;
- 15% affordable housing, making the development eligible for 30% additional height and GFA under clause 18 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP);
- Publicly accessible 1,200m<sup>2</sup> central open space and through site links; and
- 5 levels of basement carparking for 277 vehicles.

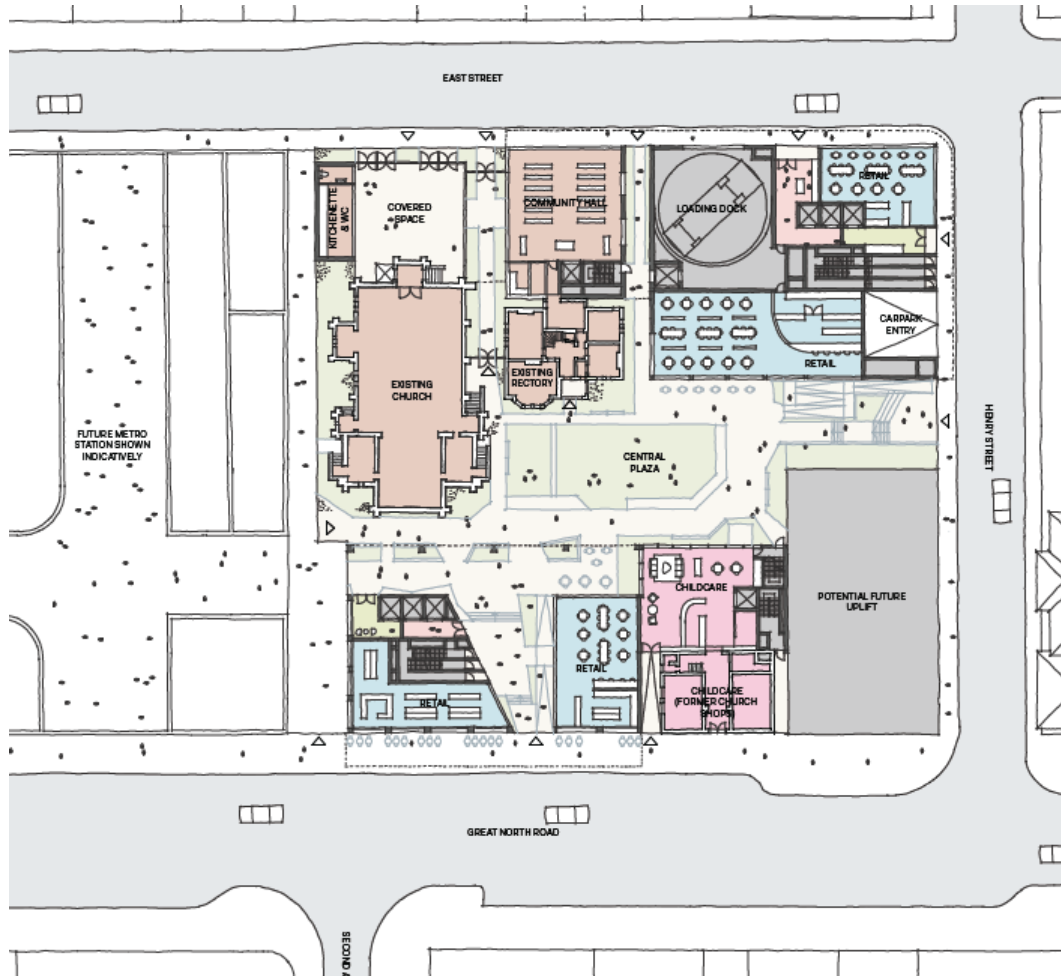


Figure 9: Proposed Ground floor Plan

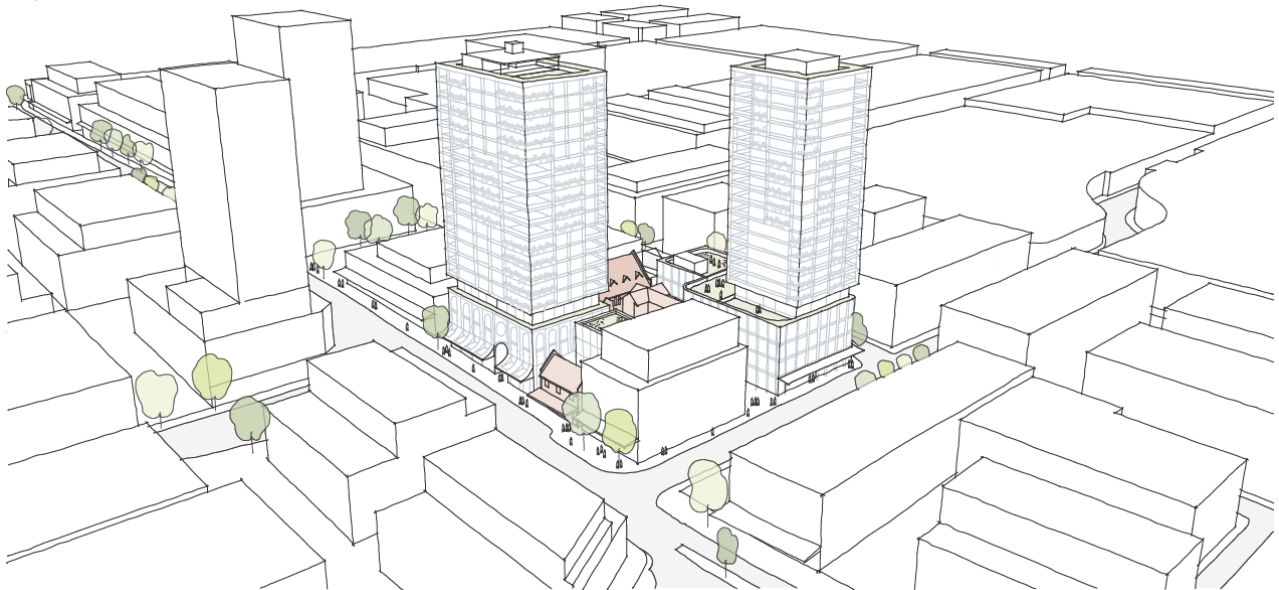


Figure 10: Proponent's Proposed indicative built form, looking from the northern end of Great North Road (note: the towers shown outside of the subject site are not permissible under Council's current controls, nor are they consistent with Council's adopted Local Study for Five Dock).





Figure 11: Proponent's proposed Built form and context based on publicly accessible data (Model by Studio GL)

### Independent peer-review

To assist with the assessment of the Planning Proposal, Council officers commissioned an independent peer-review in relation to the urban design and heritage by Studio GL and John Oultram Heritage and Design (refer to Attachment 3 - Urban Design Review (SGL)).

This review “looked beyond SEPP 65 and the Apartment Design Guide in order to assess the urban design success of the proposed concept design. This was to ensure that the focus reflected the issues that need to be considered in the master-planning of larger mixed-use sites and the elements relevant to planning at a town centre and neighbourhood level, as identified in Better Placed - An integrated design policy for the built environment of New South Wales.”

The review informed the assessment by Council officers, and the advice of the Local Planning Panel (LPP).

### STRATEGIC ALIGNMENT

Planning Proposals are required to be assessed for *strategic merit* against plans and strategies prepared by the NSW and local government. Relevant strategies and Local Planning Directions are addressed below.

#### Greater Sydney Metropolitan Plan – A Metropolis of Three Cities and the Eastern City District Plan

The *Greater Sydney Region Plan* (Region Plan) and *Eastern City District Plan* (District Plan) prepared by the former Greater Cities Commission shape strategic planning and infrastructure across metropolitan Sydney and align planning at the broad regional scale, down to the local area.

The Planning Proposal aims to deliver a Transit Oriented Development (TOD) by facilitating an increase in density in a location with good access to public transport. In this way, the proposal is consistent with priorities in relation to providing housing supply in a location near to transport.

As identified in the District Plan, Five Dock is a local centre. The Planning Proposal seeks to justify the introduction of height to Five Dock as a result of its proximity to the future Five Dock Metro Station, and the height allowable around other Metro stations across Sydney. This however is not an accurate or appropriate comparison to make as different Metro stations can have a different character as a result of the role of the centre they are located within.

The majority of metro stations are located in 'strategic centres' as categorised in the applicable District Plan. As a local centre, Five Dock is to be compared to other local centres such as Cherrybrook, North Strathfield and Marrickville which have significantly lower densities than that of the strategic centres.

The proposal is inconsistent with the following Planning Priorities:

- E3. Providing services and social infrastructure to meet people's changing needs, for the wider community: The majority of the community infrastructure GFA proposed is for the use of the church congregation, which represents limited benefit to the wider community.
- E6. Creating and renewing great places and local centres, and respecting the District's heritage: The proposal's high intensity and scale would have an adverse impact on the local centre, creating overshadowing of surrounding streets, open spaces and buildings. The proposal does not "recognise or celebrate the character of the area and its people". It also seeks to demolish the heritage-listed church hall, rather than "applying adaptive re-use and interpreting heritage to foster distinctive local places".
- E16. Protecting and enhancing scenic and cultural landscapes: The proposal is seeking to construct a significant development in front of the heritage-listed church and rectory. This will reduce views of the church and rectory from the public domain to only narrow framed views, rather than "enhancing and protecting the scenic and cultural landscape from the public realm."
- E17. Increasing urban tree canopy cover and delivering Green Grid connections: The proposal is seeking to remove the majority of existing trees, including a large mature shade tree, and to reduce the tree canopy coverage from 17% to 10%. It is also seeking to reduce the area of deep soil to only 1%, with new landscaping located either within 1.2m deep soil above the basement carpark, or on the level-4 podium or roof. This is inconsistent with the State Government's tree canopy target of 40%.
- E18. Delivering high quality open space: High density neighbourhoods need to have high quality open space within proximity (200m). The proposal therefore relies on the proposed central space for the provision of 'high quality open space'. However, it is not likely to be of high quality, as it cannot support mature trees and it will be significantly overshadowed by the proposed and surrounding development.
- E5. Providing housing supply, choice and affordability, with access to jobs, services and public transport: The Planning Proposal will facilitate 162 dwellings, including 15% of the proposed Gross Floor Area as affordable housing (for a minimum period of 15 years). Permanent affordable housing is required in accordance with the requirements of the District Plan.

### **Canada Bay Local Strategic Planning Statement**

A Planning Proposal is required to be consistent with Council's endorsed strategic plans, or to justify any variations based on producing a better outcome. For the subject site, the *Canada Bay Local Strategic Planning Statement* (LSPS) is the primary land use planning document (endorsed by the (former) Greater Cities Commission). The Canada Bay Local Housing Strategy (endorsed by the Department of Planning, Housing and Infrastructure) informs the LSPS and is therefore also relevant.

The LSPS and LHS found that Council is able to meet its 5-year and 10-year housing targets through planned renewal precincts and infill development under existing planning controls. The LSPS states that "Planning Proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site specific merit and have regard to Council's adopted strategies, including any requirement for Department of Planning, Industry and Environment [now DPHI] endorsement of those strategies.....Planning Proposals that simply seek additional residential density above the current controls will have challenges in demonstrating their strategic merit as they are not necessary to achieve the housing target and the planning priorities of this Planning Statement."

The Planning Proposal states that it responds to the announcement and delivery of Sydney Metro West and the location of the Five Dock Metro station. The Proposal also states that it "responds to

a change in circumstances caused by the current housing crisis, which has not been recognised in the LSPS.”

Whilst the Planning Proposal will enable additional housing to be provided in a location with good access to public transport, it is not the result of, and is not consistent with, the Canada Bay LSPS or the LHS and is not necessary to meet local housing targets.

When endorsing the LHS, the DPHI noted that:

*Council is to work with Sydney West Metro to identify future growth areas around North Strathfield, Burwood North and Five Dock Metro stations and commit to an integrated planning approach.*

*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.*

In response to the above, Council has moved away from only pursuing multi dwelling housing (terraces) within the vicinity of Five Dock station, and the LSPS recognised that a metro Station in Five Dock would provide an opportunity for additional housing. Action 11.1 of the LSPS requires a strategic and precinct approach to the rezoning of land within the vicinity of proposed metro stations in the City of Canada Bay and states:

*Prior to rezoning occurring, a local planning study is to be prepared and endorsed by Council for the localities in which a Sydney Metro West station is proposed, including development sites and their immediate surrounds. The local planning study is to:*

- *include a desired future character statement prepared in consultation with the community;*
- *identify opportunities and preferences for new and / or improved areas of open space within, adjacent to or surrounding the new Metro locations;*
- *identify opportunities for and facilitating improvements in the public domain to maximise pedestrian amenity, movement and experience;*
- *establish preferred land uses within and around the new Metro locations;*
- *consider opportunities for a diverse range of housing that is consistent with the desired future character of the area and determine the contribution of any new housing to the regional housing target;*
- *ensure that the employment functions and services around station locations are supported and enhanced as a result of the Metro project;*
- *establish preferred built form outcomes within and around new Metro locations; and*
- *identify the need for further studies or considerations resulting from transport infrastructure.*

To implement the above action, Council prepared a 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. The Local Planning Study and supporting Local Character Statement were adopted by Council on 16 May 2023 and will inform the preparation of a precinct wide master plan. As an endorsed strategic plan, the Local Planning Study and Local Character Statement are a relevant consideration in the assessment of the Proposal.

The Local Planning Study 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. 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. The extended Fred Kelly Place will have active frontages and connect with the Metro Station entry at ground level.

A precinct-wide master plan for the Five Dock Town Centre and its surrounds is currently being prepared to implement the outcomes of the Local Planning Study and align with the State Government's recent housing reform announcements, specifically the *EIE: Changes to create low- and mid-rise housing*, which is anticipated to be finalised in mid to late 2024.

The Planning Proposal is inconsistent with the LSPS as it is seeking to rezone an individual site, thereby departing from the strategic and precinct wide approach required by the LSPS. The Planning Proposal does not respond to the strategic intent or recommendations of the Local Planning Study or Local Character Statement for Five Dock, including the aim to ensure future development is compatible with the desire future character and scale of the area.

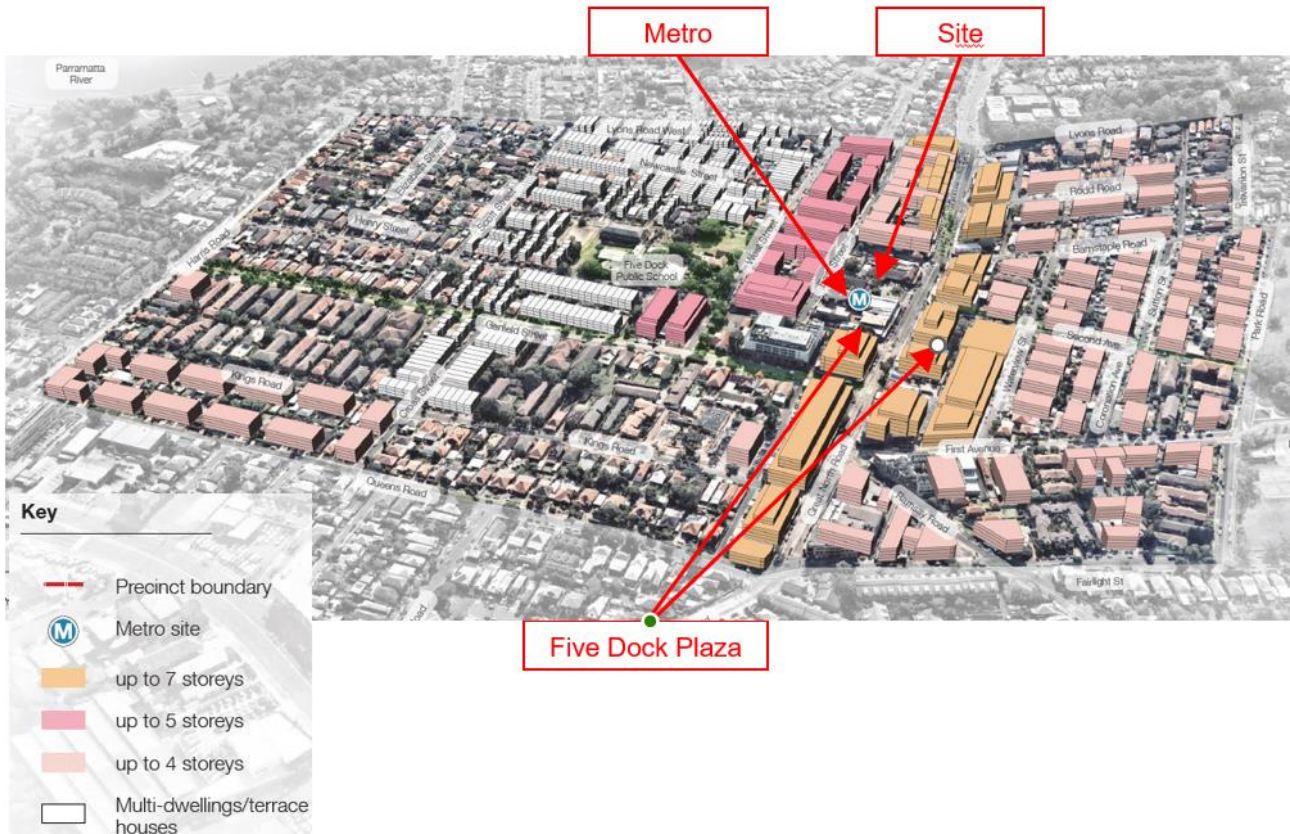


Figure 12: Building envelopes outlined in the Metro Precincts Local Planning Study



Figure 13: Illustrative Streetscape (from Council's Metro Precincts Local Planning Study)

**Explanation of Intended Effects (EIE): Changes to create low- and mid-rise housing**

Since endorsement by Council of the Metro Precincts Local Planning Study, the DPHI exhibited the *EIE: Changes to create low- and mid-rise housing*. The EIE outlines changes to the planning system that seek to respond the 'housing crisis' by permitting Residential Flat Buildings (RFBs) and shop top housing up to 21 metres (6-7 storeys) in R3 medium density residential zones within 400m walking distance of land zoned E1 Local Centre, or MU1 Mixed Use. If the EIE were finalised in its current form, building heights of up to 21m height would become permissible on the subject site, (although this could increase to 28m under clause 18 of the Housing SEPP if the proposal were to include 15% affordable housing).

Council is currently preparing a master plan with an aim to progress a planning proposal for the wider Five Dock Town Centre and surrounding land.

**Local Planning Directions**

The Planning Proposal is required to be consistent with Local Planning Directions issued under Section 9.1 of the *Environmental Planning & Assessment Act 1979*.

*Local Planning Direction 1.1 Implementation of Regional Plans*

The Direction requires that Planning Proposals must be consistent with the relevant Regional Plan. A Planning Proposal may be inconsistent with the Direction if the inconsistency is insignificant or achieves the overall intent of the Regional Plan's vision, land use strategy, goals, directions and actions.

The Planning Proposal is partly consistent with the Direction, as discussed above.

*Local Planning Direction 3.2 Heritage Conservation*

The Direction requires that Planning Proposals must facilitate conservation of items, places, buildings etc. that a heritage study identifies as of environmental heritage significance in relation to the historical, cultural, social, architectural or aesthetic value to an area. A Planning Proposal may be inconsistent with the Direction if the item is conserved by an existing environmental planning instrument, legislation or regulations, or if the inconsistency is of minor significance.

The Planning Proposal is not consistent with the Direction 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 NSW Heritage Inventory Statement of Significance states that the Hall and Shops are:

*An excellent part of the church group and an interesting addition to the streetscape with its well proportioned form, intact original awning and symmetrical design. It retains early shopfronts and detailing. A very unusual example of a church hall combined with commercial premises.*

The Statement is based on the Assessment of Significance, which includes:

- Rare Assessment: *A very unusual example of a church hall combined with commercial premises.*
- Representative Assessment: *A good example of Inter-War design in the shopfronts and church hall.*
- Integrity/Intactness: *Intact*

The purpose of a statement of heritage impact is to analyse and justify the impact of development in a conservation area, or development in the vicinity of a heritage item or conservation area. Ideally, the impact would be such that the significance of the heritage item is not compromised, but rather enhanced by, for example, its stabilisation or repair and, where appropriate, restoration, reconstruction, adaptive re-use or sympathetic new development.

The Statement of Heritage Impact Report offers the justification for the proposed demolition of the hall on the basis that “While the removal of a local item is understood to generally not be permitted, were there to be a major benefit to the conservation of the wider Group of items and enhanced use in the future consideration could be given to the removal of the local item on the basis that the benefit to the overall environmental heritage of Five Dock was far outweighed by the loss.”

Demolition of the hall will result in the loss of a very unusual, rare and intact heritage item. This is a significant inconsistency with the Direction that has not been adequately justified.

Further discussion is provided under the heading “Heritage’ below.

#### *Local Planning Direction 6.1 Residential Zones*

The Direction requires that planning proposals do not contain provision that will reduce the permissible residential density of the land. As discussed under the heading ‘Density and Floor Space Ratio’ below, it is recommended that the Floor Space Ratio on the site be maintained at 2.5:1. The additional building height over part of the Site will enable additional residential density to be achieved on the land, beyond current standards contained within the *Canada Bay Local Environmental Plan 2013*.

### **SITE SPECIFIC MERIT**

#### **Land Use Zoning**

The Planning Proposal is not seeking to amend the current MU1 Mixed Use Zone.

#### **Building heights**

The Planning Proposal is seeking to change the maximum building heights in the LEP from 15m to a maximum of 75m, to facilitate two proposed 20-storey towers. This could increase to 97.5m (26 storeys) under clause 18 of the Housing SEPP where 15% affordable housing is provided.

Shop top housing concentrated along Great North Road generally has a maximum building height of 14m to 17m (5 to 7 storeys). Built form around the Five Dock Town Centre primarily features low scale single detached dwellings. Apartment buildings on residential streets are often walk-up apartments of no more than three storeys and are designed to fit in with the lower scale detached dwellings present in the area.

The Planning Proposal indicates that the 20 storey buildings are compatible with the uplift that the area surrounding the Metro site will undergo and that “*New metro stations provide an opportunity to support additional housing whilst maximising the capacity of existing/planned infrastructure and*

*minimising congestion impacts (NSW Productivity Commission, August 2023, Building more homes where infrastructure costs less. NSW Government). Consequently, significant density has been planned and is expected to be planned near Metro stations across Greater Sydney”.*

However, the Planning Proposal is contorting the Government’s response to the NSW Productivity Commission’s report via the DPHI-led Transport Oriented Development (TOD) Program and the EIE for low and mid-rise housing. The TOD Program intends to increase housing supply in 8 Accelerated Precincts and 31 train stations, neither of which include Five Dock. The EIE for Low & Mid-rise housing is applicable to the Five Dock Town Centre and proposes heights of up to a maximum of 21m within 400m of a Metro Station.

Whilst the location of the Metro Station adjacent to the site represents an opportunity for increased development, it is not justification for the 75m maximum height proposed and two towers of that height. The scale of the proposed 75m towers is out of context with the existing and desired mid-rise character of the Five Dock Town Centre (and with the heights proposed in the EIE for low- and mid-rise housing). If the forecast heights are compared with the illustrated heights in the Planning Proposal, it is apparent that the proposed towers will be out of context within the future town centre.

Further, the Planning Proposal and the ‘urban design precedents’ in the Proponent’s Urban Design Report misrepresent the distinction between building heights in metropolitan centres (such as Sydney CBD and Parramatta) and strategic centres (such as Chatswood and Burwood North) with those in local centres (such as Five Dock and North Strathfield).

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 height that is permitted on this site will set a precedent for future development in the town centre and the proposed 75m tall towers are considered excessive, do not respect the heritage buildings on the site and do not reflect the existing or desired future context for Five Dock Town Centre.

As it is accepted that some uplift in the right locations on the site may be appropriate, the urban design review prepared on behalf of Council by the independent peer review, and considered by the LPP, put forth a concept for varied maximum building heights to apply across the site, with a maximum of 30m or 9 storeys in the north-western corner of the site and a maximum of 15.2m or 4 storeys along the southeastern frontage to Great North Road. No more than 3 storeys or a maximum building height of 12.4m should occur between the Rectory and East Street.

The proposed 75m maximum building height is not supported.

Figures 14 and 15 illustrate the proposed building heights (proponent), and the concept recommended by Council officers and considered by the LPP.

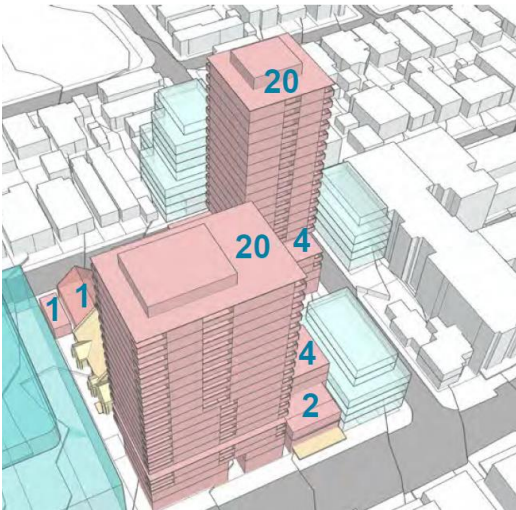


Figure 14: Proponent proposed building heights

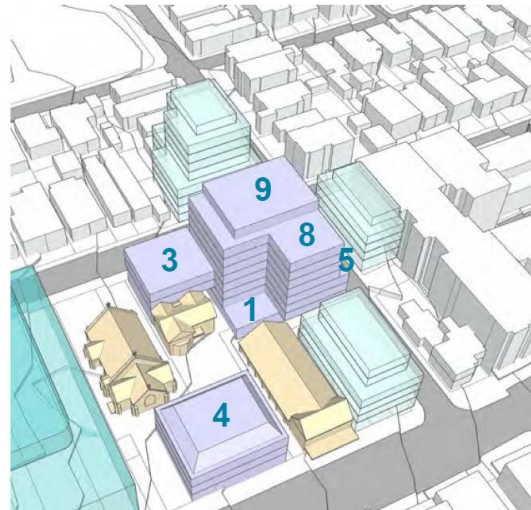


Figure 15: Maximum building heights considered by the LPP report

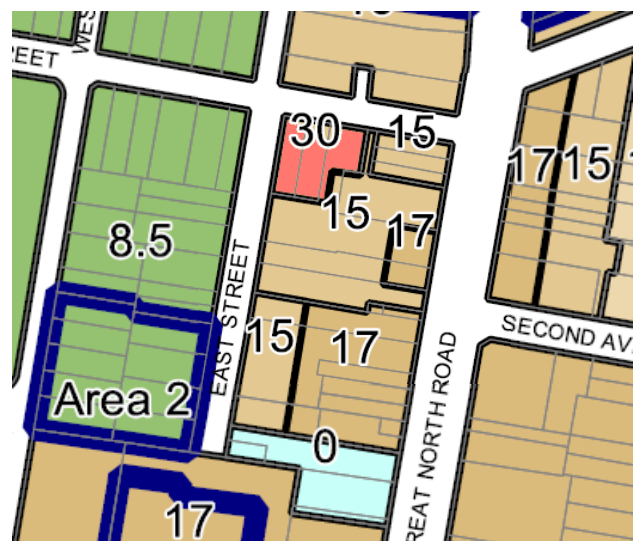


Figure 16: Proponent proposed Height of Buildings Map

Figure 17: Height of Buildings Map considered by the LPP report (Council mapping)

### Density and Floor Space Ratio (FSR)

The Planning Proposal is seeking to change the maximum Floor Space Ratio from 2.5:1 to 4.5:1. This is intended to facilitate approximately 17,057sqm gross floor area, comprising 13,965sqm of residential Gross Floor Area for 162 dwellings, 1,932sqm of commercial/retail/childcare, and 1,161sqm of church uses. The density could further increase to 5.85:1 under clause 18 of the Housing SEPP as a result of the 15% affordable housing provision that is proposed.

The development potential of the land is constrained by the presence of the three items of local heritage significance within the site. The Proposal has responded to these constraints by demolishing the heritage-listed Church Hall and locating two 75m towers in place of the detached dwellings and within the Great North Road forecourt.



The Planning Proposal request to amend the maximum FSR standard from 2.5:1 to 4.5:1 is not supported.

The existing site FSR of 2.5:1, applies to most properties along Great North Road, and assumes development can be built boundary to boundary, reflective of a main retail street in a town centre. The retention of heritage building on the site, combined with the concept considered by the LPP for built forms of up to 9 storeys, achieves an FSR of approximately 1.73:1. Whilst, this built form tested FSR is lower than the current permissible FSR of 2.5:1, this outcome is expected given the constraints associated with low the scale heritage buildings on the site and limits on development before the overshadowing Fred Kelly Place.

Retaining the existing maximum FSR of 2.5:1 is therefore recommended.

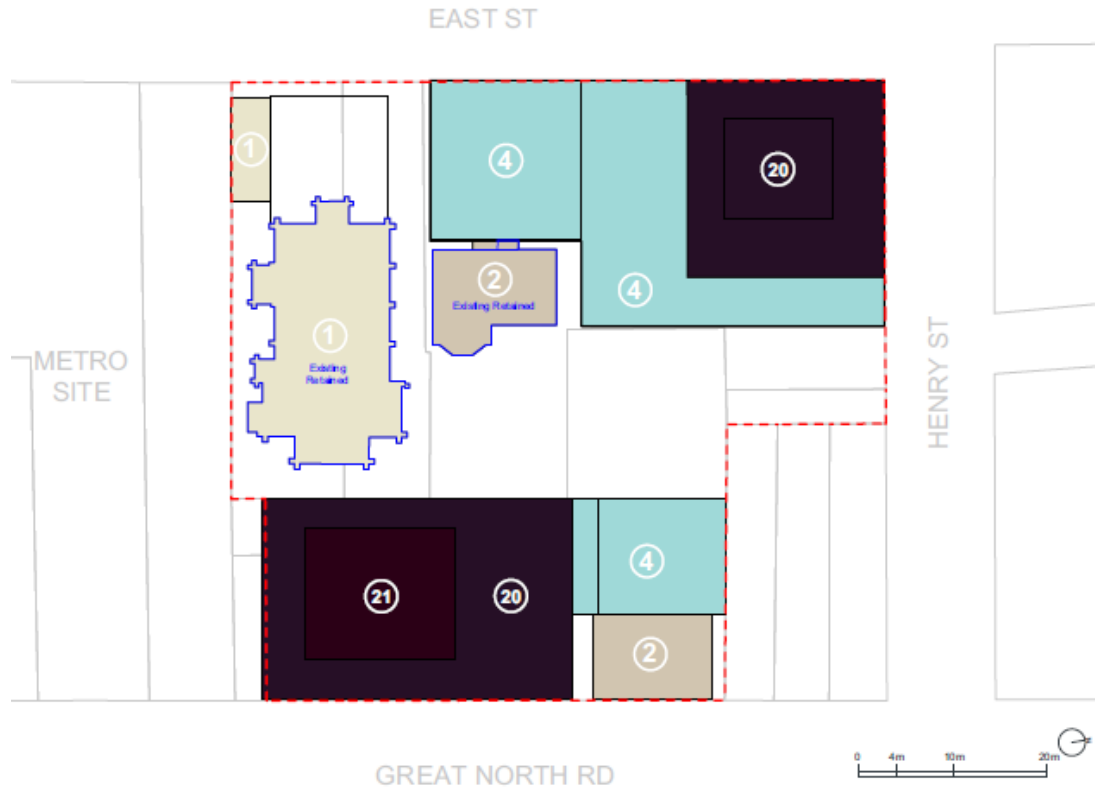


Figure 18: Proponent Planning Proposal – built form



Figure 19: Built form recommended by Council officers and considered by the LPP report

## Heritage

There are three heritage items on the site that form the immediate context for future development: St Alban's Anglican Church, St Alban's Anglican Church Rectory and St Alban's Anglican Church Hall and shops. The three heritage items form a Church precinct on the site. The 'Statement of Significance' for each of the heritage items are as follows:

- St Alban's Anglican Church (LEP #I226): "Site of Five Dock's first church, one of the area's first substantial buildings. The present church is an impressive 1920's example of ecclesiastical Gothic style. Little altered. Set in attractive grounds, reminiscent of English village churches, and located in the middle of the Five Dock commercial centre. Complemented by adjoining rectory."
- St Alban's Anglican Church Rectory (LEP #I227): "A very unusual and rare building with stylistic influences from a range of sources. The rectory bears no stylistic relationship to the other buildings on the site, has unique decoration and is a rare building in the area."
- St Alban's Anglican Church Hall and shops (LEP #I228): "An excellent part of the church group and an interesting addition to the streetscape with its well proportioned form, intact original awning and symmetrical design. It retains early shopfronts and detailing. A very unusual example of a church hall combined with commercial premises."

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 two proposed 20-storey towers are significantly taller than the existing heritage buildings on the site. They also do not reflect the "village character" that the DCP outlines as the desired future character for the area.

The Proposal's Statement of Heritage Impact offers a justification for locating the proposed buildings in close proximity of the heritage items, including two very tall towers, on the basis that the height is "mitigated by the creation of a podium separation as part of the new development that sets its maximum height below that of the transept of the Church; through the creation of a publicly accessible open space that would be more usable to the Church and wider community; and by supporting the use of the site for worship and community engagement, which is central to its significance".

While the proposed podium is no taller than the transept of the church, the single level setback of the fifth storey, where the upper levels (storey 6 to storey 20) are cantilevered and built to the podium edge, means that the bulk and scale of the building dominates the heritage context.

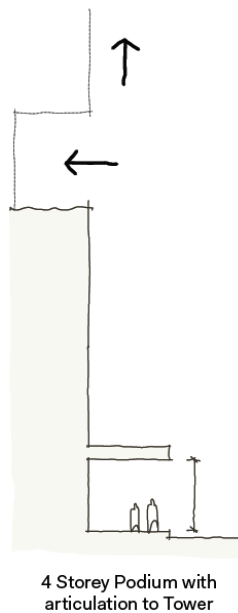


Figure 20: Level 4-podium (Proponent's Urban Design Report)

The 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." Heritage concerns for the Planning Proposal include:

- Buildings set at heights that have no relationship to the heritage components and immediate current or future context.
- Proposed development will have an adverse impact on the setting and significance of the Church site.
- Proposed development provides no tangible benefits in conservation terms.
- An overdevelopment of the site.

#### *Demolition of the Church Hall*

The Planning Proposal is seeking to demolish (but has not proposed to de-list) St Albans Church Hall, which is integral with St Albans Anglican Church Shops (I228 in the CCBC LEP 2013).

The peer-review found that:

*'The hall is unusual in having a commercial frontage to Great North Road that provides the main access to the Hall and its upper floor. It is a large and handsome building that is relatively intact in form, layout and detail and has exposed trusses in the main hall. It 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.'*

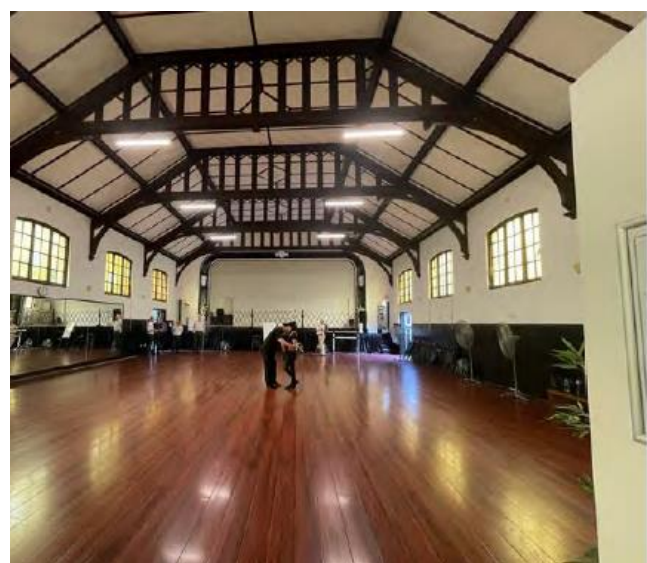
The building is in good condition and appears to be well used. Its demolition has not been adequately justified in the Statement of Heritage Impact and is not supported. The Hall is a heritage item and should be conserved to allow an appreciation of its qualities, its role in the historical development of the place and to maintain its social significance.

Consideration could be given to the demolition of the gabled service wing at the rear if this facilitates some level of development particularly at the basement car park levels. Any development along Great North Road should allow for some separation from the Hall in the form of a public through-route to allow the building to be read in the round. It would also be preferred that development be set back to allow some visual linkage between the Hall, Church and Rectory.

The alternative scheme enables the Hall and Shops to be retained and the 'service wing' at the rear may be removed. The Hall and Shops remain detached and separated from any potential new development to the south, to enable the views of the Hall from Great North Road to be retained.



*Figure 21: View of St Alban's Anglican Church Hall from Great North Road*



*Figure 22: Interior view and Shops of St Alban's Anglican Church Hall*

#### *Landscaped courtyard*

There is an existing landscaped area that fronts Great North Road and connects the heritage items within the site. A historical investigation revealed this landscaped space is at least 81 years old, having been built before 1943. There is a question as to how much this landscaped open space contributes to the setting and place of the heritage listed items. The Church heritage listing makes reference to the setting stating the Church is 'set in attractive grounds, reminiscent of English village churches'. Council's Heritage Coordinator further advised that "The open space on the Great North Road frontage, including the circular driveway, is important for the setting and relationships of the historic buildings on the site. The space connects the historic buildings and is largely the historic setting." Retaining this open space would ensure the heritage items remain in their existing setting.

The peer-review (commissioned by Council officers) proposed an alternative option that included a four storey development with the frontage to Great North Road. This alternative option was included in the Council officer's report that was considered by the Local Planning Panel .

#### **View corridors**

The boundary between the site and the future metro station form the edge of a terminating view to the west along Second Avenue.

From Second Avenue, the podium is unsuccessful in reducing the perceived bulk and scale of the proposed tower fronting Great North Road. The existing view that frames the heritage listed Church and features green landscaping would be replaced by a large 20 storey tower that dominates the streetscape and blocks views of the Church.

It is recommended that the terminating view of the Church from Second Avenue (looking west) is retained so as to see, at a minimum, the heritage building between the southern boundary and the highest cross on the Church roof. An 8.0m setback from the southern site boundary to the development that fronts Great North Road, with a pitched roof form for the fourth storey, would achieve this outcome. However, this would still remove the church's historical setting, place and street address.

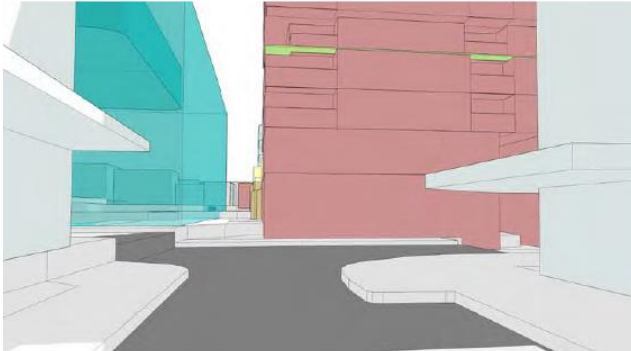


Figure 23: Terminating view from Second Avenue (looking west) under the Proponent Planning Proposal.

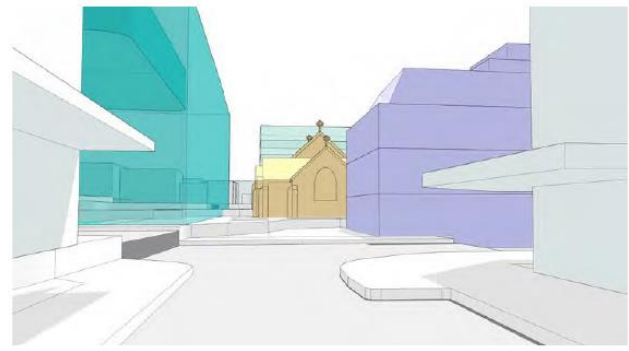


Figure 24: Terminating view from Second Avenue (looking west) under the proposed built form (Council officers) that was considered by the LPP.

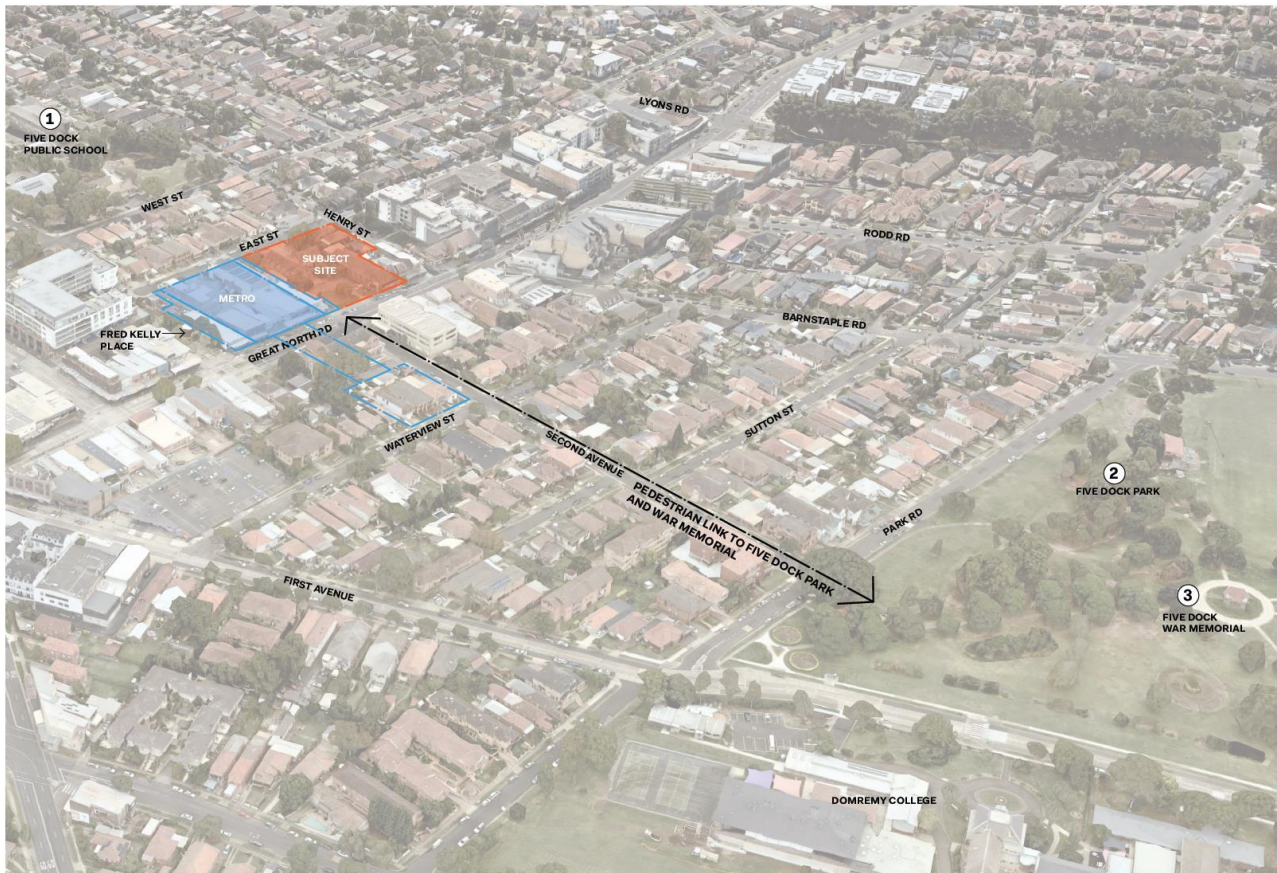


Figure 25: Site context (Urban Design Report)

*Conservation Management Plan*

Given there are three heritage listed items on the site, it is recommended that a heritage Conservation Management Plan (CMP) be developed to ensure a cohesive vision is established. The CMP should identify guidelines to manage change to the heritage items and to support appropriate development of the site.

**Overshadowing**

Fred Kelly Place is the only area of open space in the town centre. It is the focus of civic life and is well used. The square is generally rectangular in shape with the longest side to the north. This means that the space is vulnerable to being overshadowed from the north and is why the Five Dock Town Centre Study recommended widening of the space.

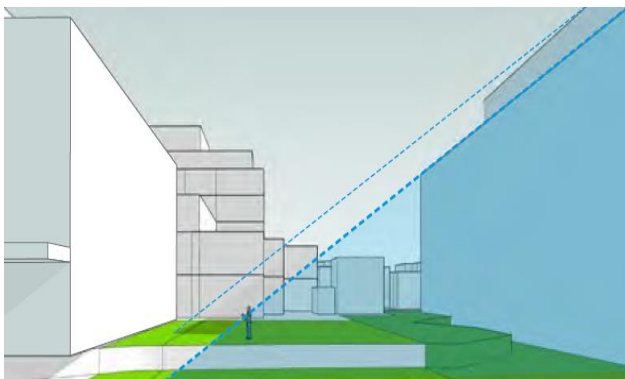
Whilst it is noted that the future metro station results in overshadowing of Fred Kelly Place in mid-winter, the lower height of the metro building and the angles of the shadows means that whilst the ground may be in shadow, a person standing or sitting in the park can still receive direct solar access to their face. As part of the metro delivery, Fred Kelly Place will be increased in size and the proposed station has been designed to minimise overshadowing of the existing open space.

The shadows cast from the two proposed 20 storey towers impact the majority of Fred Kelly Place leaving little to no area with direct solar access between the hours of 9:00am and 3:00pm in mid-winter. The towers would also have an impact on neighbouring properties, with the shadows reaching across both East Street and West Street at 9:00am on June 21<sup>st</sup>, and across both Great North Road and Waterview Street at 3:00pm on June 21<sup>st</sup>. The shadow, particularly from the south-eastern tower, also contributes to the overshadowing of the post office site between 12:00pm and 4:00pm, which is identified as the location for a future ‘town square’ in the Canada Bay DCP.

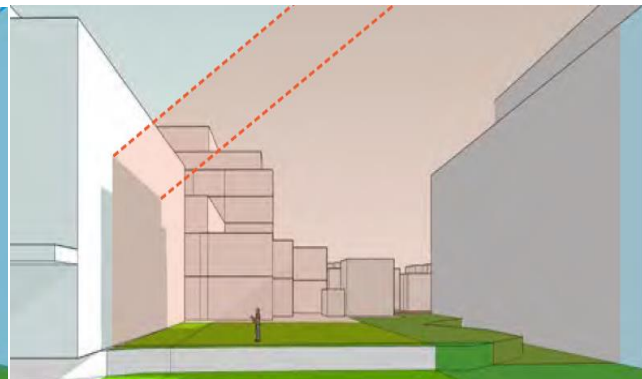
The DCP provides specific controls to prevent the overshadowing of public spaces and includes an objective ‘to ensure areas of open space have access to adequate sunlight especially in mid-winter between 12-2pm’ and provides an objective that aims ‘to minimise the amount of overshadowing of neighbouring developments and outdoor spaces to maintain their amenity’. The proposed development would not achieve this outcome.

The proposed 75m heights of the 2 towers, which could potentially increase to 97.5m under Clause 18 of the Housing SEPP, will result in overshadowing of Great North Road, the surrounding local streets and the proposed new Town Square, which will comprise a wider Fred Kelly Place and future Plaza on the eastern side of Great North Road.

The alternative floor space ratio, building height and building envelope in the Council officers’ report as considered by the LPP, will enable a satisfactory level of solar access to surrounding open space and properties.



*Figure 26: Mid-winter shadows in Fred Kelly Place – future Metro Station*



*Figure 27: Mid-winter shadows in Fred Kelly Place - Proponent proposal*

### Tree cover and deep soil

The proposal will result in the removal of all existing trees on site, including a large mature Plane tree.

The Planning Proposal has reduced the amount of deep soil on the site from approximately 30% to approximately 1% and reduced tree canopy coverage on the site from approximately 17% to approximately 10%. Most of the proposed trees are located over basement car parking and the trees shown in front of the entry to the Church off East Street are proposed to be located within a 'Covered Space'.

The Planning Proposal Reference Scheme with its proposed tall towers, scale of development, basements and extent of hard urban surfaces is likely to increase the micro-climate temperatures and exacerbate the urban heat island effect. No effort has been made to design around the significant tree, other existing trees and the deep soil areas currently on site.

These outcomes are inconsistent with the State Government's target to achieve 40% tree canopy coverage across metropolitan Sydney and Council's target to achieve 25% urban canopy in the City of Canada Bay. Such targets are only achievable where both private and public land support mature shade trees. The Scheme is also inconsistent with the ADG, which requires a minimum of 7% site area to be dedicated to deep soil and acknowledges that larger sites should provide a larger percentage of up to 15%.

The Planning Proposal references increasing the quality and quantity of street trees. However, what happens outside of the site boundary is beyond the control of the development. Further, street trees along East Street and Henry Street would be particularly difficult to deliver as these streets are not sufficiently wide to support footpaths as well as mature shade trees.

The Planning Proposal Reference Scheme's outcome of 1% deep soil zone and 10% tree canopy coverage on the site is insufficient. The alternative scheme in the Council officers' report considered by LPP will enable approximately 10% deep soil to be provided on the site.



Figure 28: Proposed Basement and deep soil (Landscape Report)

### Open space

The Government Architect NSW 'Greener Spaces' Open Space for Recreation Guide and the Canada Bay Open Space and Recreation Strategy state that all dwellings should be within 400m easy walking distance of quality open space of at least 0.3ha and that all high density dwellings (more than 60 dwellings per ha) should be within 200m easy walking distance of quality open space of at least 0.1ha. The subject site is not within 200m of open space.

### *Proposed Central Plaza*

The proposed 'Central Plaza' is calculated to cover approximately 29% of the site area. This calculation assumes the demolition of the heritage listed Church Hall, and will not accurately reflect the provision of open space if the hall were to be retained. Parts of the proposed plaza are also located underneath the proposed large residential tower and so will have more of an undercroft character than an open plaza feel.

Retaining the hall will reduce the size of the proposed plaza and amount of open space on the site. This is not considered a problem as a smaller, more intimate space, surrounded by smaller buildings would integrate well with the scale of the existing heritage buildings.

The proposal would result in minimal visual connectivity between the Central Plaza and Great North Road. This creates a risk that the two spaces would operate as two separate and disconnected spaces, potentially with conflicting uses or drawing activity away from the primary public domain, main street and local centre of Great North Road.

The Central Plaza would receive limited sunlight and is likely to experience wind tunnel effects, making the ongoing survival of turf unlikely and compromising the health and growth of landscaping and trees.

It is unclear how public access to the Central Plaza and through-site links will be ensured, as proposed, as the Planning Proposal is not accompanied by a Letter of Offer for a Planning Agreement or other legal mechanism to ensure that it would be publicly accessible in perpetuity.

The proposed covered forecourt on East Street between the church frontage and East Street, would operate as a private facility, constrain the growth of trees and landscaping beneath, enclose the space, introduce unnecessary built forms into the public space and negatively impact on the heritage setting of the church and block views to the church from East Street.

### **Access and through-site links**

The Planning Proposal makes a number of references to the provision of a north-south pedestrian through-site link that connects directly between Henry Street and the metro site. Information released by Sydney Metro confirms that a single station entry is proposed from the south off Fred Kelly Place.

Three pedestrian links are proposed within the site boundary, none of which provide a direct line of sight from one end to the other. This significantly restricts visual permeability and impacts safety and security for pedestrians.

It is recommended that the Planning Proposal supplement and enhance the Sydney Metro east-west link by making the space an open and uncovered landscaped setback to the Metro pedestrian link and by relocating the proposed Kitchenette and WC.

The alternative scheme outlined in the Council officers' report and considered by LPP includes revised through-site links to improve visual permeability by connecting the two east-west links. The revised scheme also enhances wayfinding for pedestrians by reducing the number of under-building pathways, where pedestrians are concealed.



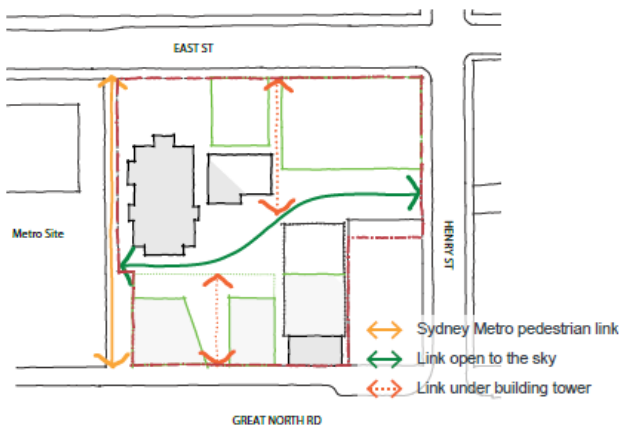


Figure 29: Proposed through-site links.

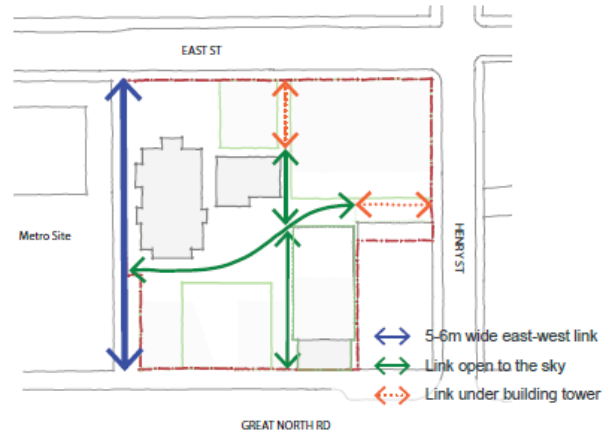


Figure 30: Through site links considered by the LPP report

### Apartment mix

The proposed delivery of 25 x 1-bed units, 97 x 2-bed units and 40 x 3-bed units (162 apartments) is not consistent with Clause 6.11 of the Canada Bay Local Environmental Plan 2013 that requires at least 20% of the dwellings to be studio or 1-bedroom and at least 20% of the dwellings to be 3 bedrooms. Future development will be required to adhere to this requirement. It is also recommended that apartments that will be delivered as affordable housing also satisfy the dwelling mix required by the LEP.

### Affordable housing

The proposed provision of 15% affordable housing under Clause 18 of the Housing SEPP will provide affordable housing for a minimum of 15 years managed by a Community Housing Provider, after which it may be sold as market housing.

The provision of up to 15% affordable housing enables the development to seek a pro-rata bonus of an additional 30% building height and FSR as a State Significant Development. Consequently, it may be possible for the height of the proposed building to be increased from 20 storeys (75m) to 26 storeys (97.5m). The maximum FSR may increase from 4.5:1 to 5.85:1.

The *Canada Bay Affordable Housing Contribution Scheme* (AHCS) does not currently require an affordable housing contribution for the subject site. However, Action 5.5 of the LSPS requires that a minimum 5% of the GFA be dedicated as affordable housing “where there is a significant increase in density arising from a Planning Proposal.” This affordable housing component would be dedicated to Council, provided in perpetuity and be in addition to any affordable housing provided under Clause 18 of the Housing SEPP.

Although a significant increase in density is proposed, both by the Planning Proposal and by the Council officers’ recommended scheme, feasibility testing undertaken of the two schemes shows that the uplift in Council’s recommended scheme is not sufficient to support an affordable housing contribution under the Canada Bay AHCS. However, if Council’s recommended scheme were adopted and the proponent were to seek to access the infill affordable housing incentives under the Housing SEPP and if it were to achieve 30% additional density, it would result in a FSR of 3.25:1, or equivalent to 11 units of Affordable Housing for a period of 15 years only, unassociated with the Canada Bay AHCS.

In circumstances where the proposal was further amended, the Canada Bay AHCS would apply a contribution to the subject site, as determined by feasibility testing.

### **Commercial and retail floorspace**

The proposed provision of 1,932sqm of commercial/retail/childcare floor space comprises ground-floor retail on Great North Road and at the corner of East and Henry Streets, commercial above, and a 3-storey childcare facility with roof terrace on Great North Road. The LSPS requires a study to determine how retail and commercial floor space can be accommodated within and adjacent to Five Dock Town Centre before any changes to planning instruments are endorsed.

It is recommended that an Economic Impact Study be undertaken to determine the quantity and types of uses appropriate to the subject site, given its location and the commercial and residential future for Five Dock.

It is further recommended that the Active Street Frontages Map be amended to apply Active Frontages to the site where retail uses are proposed.

### **Community uses/social infrastructure**

The proposed new childcare facility on the site is identified in the Planning Proposal as a public benefit. However, it does not provide substantial additional community benefit, as the facility would be a replacement of the existing facility.

Locating a childcare centre within the heritage shop-fronts facing Great North Road is not supported. A 12.5m frontage of a childcare facility in this location does not support the fine grain character of the town centre or promote active frontages along Great North Road. Typically, childcare facilities also require large outdoor play areas and are located where there is suitable opportunity for drop off and pick up. There are alternative locations on the site that would be appropriate for the location of a childcare centre.

Any revised Planning Proposal should specify how much of the social infrastructure proposed will be publicly accessible for the direct benefit of the surrounding local community and the quantum that is intended to service the Church community.

### **Traffic and parking**

The Proponent's Traffic Impact Assessment states that "with the site being immediately adjacent to Five Dock Metro Station, there's expected to be a reduction in vehicle trips generated by the proposed development .... The traffic assessment has not accounted this reduction in vehicle trips [and that] the increase in traffic generation resulting from the proposed development can therefore be accommodated by the existing road network, with no external improvements required."

The Assessment has focussed on the impacts on the assumed intersections affected and has not undertaken a study of the impacts on the wider area. These cannot be discounted, especially given the Assessment states that "The results show that the Great North Road / Garfield Street intersection will be oversaturated (i.e. over capacity after 10 years solely from the increase in background traffic growth."

Given the narrow road reserves of East Street and Henry Street, there are concerns in relation to vehicular entry points, visibility and pedestrian safety. It is recommended that ground floor development along these streets is set back a minimum of 1.0m from the site boundary with a control to be included in a draft Development Control Plan.

The Planning Proposal states that the basement is designed to accommodate 272 car parking spaces, which includes 184 residential and visitor spaces and 93 spaces for non-residential uses including the Church, retail and commercial uses.

The reference scheme provides car parking in accordance with the requirements of the DCP, however these requirements were put in place before the Five Dock metro station was announced. Providing more car parking spaces than the number of dwellings, even if in line with the DCP, does not align with the sustainable approach to transit orientated development. It is recommended that the car parking provisions are reduced to align with Category D requirements in the Canada Bay DCP and that the overall size of the basement is reduced to allow for greater deep soil coverage.

Should the Planning Proposal proceed, it is recommended that the Traffic Impact Assessment be revised to:

- consider the proposed uplift from Council's Metro Precincts Local Planning Study.
- Consider the application of lower car parking rates in recognition of the proximity of the site to the Five Dock metro station.
- demonstrate that there is sufficient turning circles and manoeuvring area for service vehicles both on Henry Street and East Street and internally within the site.

### **Waste management**

The Traffic Impact Assessment states that waste collection will be undertaken on-site within the loading dock accessed from East Street. This would require rubbish bins to be manually taken to the loading dock from the basement via a lift.

The Planning Proposal has not provided adequate bin storage space and the proposed turntable collection area is insufficient to service the number of bins required. There also needs to be separate commercial and residential bin storage, provision should be made for future 'food organics garden organics' (FOGO) service and a bulky household waste storage room needs to be located within the development.

It is recommended that, should the Planning Proposal proceed, a Waste Management Plan, that addresses management of the loading dock and on-site waste collection, be prepared.

### **Consideration by the Local Planning Panel**

On 10 April 2024, the Local Planning Panel considered the Proposal, the Council officers' report, and representations by the proponent. The Panel advised the following (refer to Attachment 15 - LPP - Minutes - 10 April 2024):

1. *The Panel agrees there is strategic and site-specific merit in reviewing the planning controls for the site.*
2. *In broad terms, there are opportunities arising from the future adjacent Metro station, while balancing core considerations related to heritage assets and impacts, place-making, and wider context. The balance of these opportunities and considerations have given rise to very different solutions to the revised planning controls.*
3. *The Panel notes the Council staff have provided a thorough and thoughtful review of the proposal and are undertaking wider master-planning work for the Precinct. The review of this Planning Proposal has included detailed independent external advice and analysis regarding urban design and heritage issues. This has largely driven the recommendation from Council staff.*
4. *The applicant will need to carefully consider access in and out of the site in the context of the constrained local road network.*
5. *The height, scale and siting of the concept underlying the Planning Proposal is excessive for the site and unduly compromises the heritage significance of the site, and the Panel does not support removal of the Church hall.*
6. *The Panel supports the recommendation of Council staff, which provides reasonable additional height and development capacity, while appropriately considering and balancing strategic and site-specific considerations related to the Metro station, heritage issues, wider context and place making opportunities for social interactions for the wider community. If the master planning and strategic review of the Precinct recommends greater heights around the Metro station, for which there would seem to be opportunity, the site is in the location of the recommended height increase. The ultimate height limit, whether it be 30 metres or more, should also be informed by a wider strategic review led by Council.*

7. *In site specific terms, there would be opportunity and benefit if the three sites on the corner of Great North Road and Henry Street, Five Dock were able to be incorporated into an integrated development with the Church site, particularly in terms of shared basement parking and opening up ground plane linkages and opportunities.*

**Recommended scheme responding to consideration by the Local Planning Panel**

Following consideration of the discussion of the proposal by the Local Planning Panel, Council officers commissioned further analysis from Studio GL. Advice was specifically sought regarding the consequences of relocating the gross floor area that would have been located within the 4-storey building on Great North Road, considered by the LPP, to the residential tower in the north-western corner of the site. This analysis was sought to determine whether it was possible to retain the landscaped area in front of the church, whilst retaining the same quantum of floorspace recommended by Council officers and considered by the LPP, without adverse impacts on Fred Kelly Place or surrounds.

This recommended outcome is shown at **Option A** in **Attachment 1 - Urban Design Review (SGL) – Recommended proposal**.

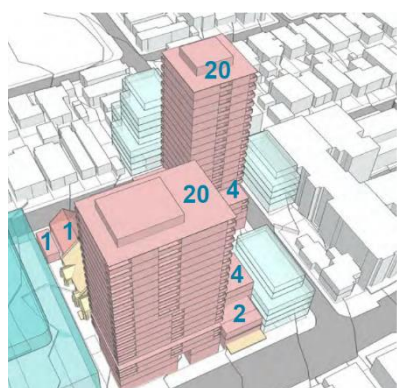
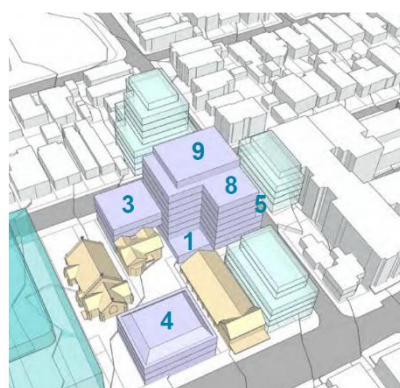
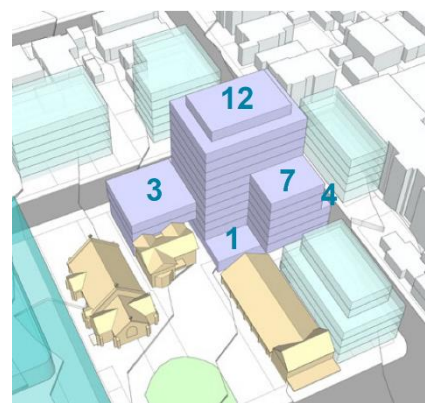


Figure 31: Proponent proposal



Council officer report to LPP



Recommended maximum building heights following LPP meeting

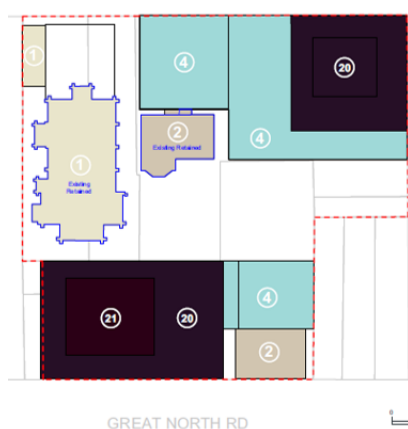
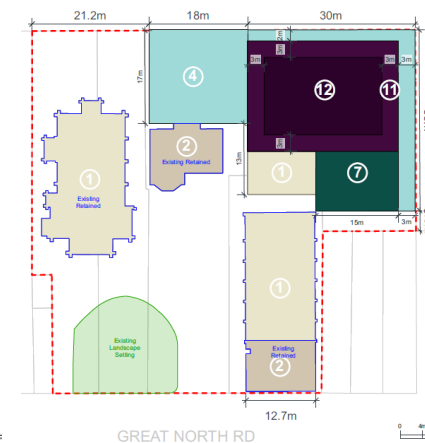


Figure 32: Proponent proposal



Council officer report to LPP



Recommended built form following LPP meeting

The relocation of the floor space will result in a maximum building height of 39.5m (12 storeys) in that part of the site and no change to the FSR in the Council officers’ report considered by the LPP.

The benefits of the recommended scheme are retention of the historical streetscape and the historical street address for the church, and a more open and socially inviting connection to the adjacent Metro Station. It is therefore recommended that Council proceed on this basis.

**TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

Should the Proposal receive Gateway Approval from the Department of Planning, Housing and Infrastructure, the Planning Proposal will be placed on public exhibition for a period of 28 days in accordance with the *Canada Bay Community Participation Plan*.

**FINANCIAL CONSIDERATIONS**

It is recommended that a Voluntary Planning Agreement be negotiated to deliver public access over the proposed Central Plaza and through-site links, and any other public benefits.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The Planning Proposal has been reviewed against relevant legislation, including the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.