

**Ref:** SSD-89477725  
8 September 2026

Department of Planning, Housing and Infrastructure  
Attention: Lachlan Hutton  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2124

By email: [lachlan.hutton@dphi.nsw.gov.au](mailto:lachlan.hutton@dphi.nsw.gov.au)

**Proposal:** Three shop top housing buildings and one co-living building, totalling 866 dwellings including approximately 55 affordable housing dwellings to be provided in perpetuity

**Property:** 51-55 Parramatta Rd, 61 Parramatta Rd, 33 Queens Rd, 35-41 Queens Rd, and 43 Queens Rd, Five Dock

Dear Mr Hutton,

Council has reviewed the Environmental Impact Statement (EIS) and concurrent rezoning for State Significant Development (SSD) application SSD-89477725, and does not support the exhibited proposal for the reasons outlined in this letter.

## **1 Housing Delivery Authority (HDA) process, strategic merit and site-specific merit**

### **1.1 Housing Delivery Authority process**

Expression of Interest (EOI) 235561 has materially changed through the HDA process. The HDA record of 24 March 2025 described an earlier concept of about 1,118 dwellings and deferred the matter pending a clearer project description, commitment to delivery, confirmation of land tenure/lot configuration and clarity on the development standards sought.

16 May 2025 the HDA considered a revised scheme of 750 dwellings at FSR 3.02:1, with buildings of 8–26 storeys, and recommended an SSD declaration. The HDA also recorded that a merit assessment could result in a reduced yield, and recommended engagement with Council on integration with the Parramatta Road Corridor planning work and infrastructure.

The exhibited State Significant Development application now proposes 866 dwellings, a stated FSR of about 4.26:1, a proposed maximum of 4.30:1 and height up to 95m. Council does not suggest that the HDA recommendation fixed the ultimate yield. It is requested that the Department confirm that the exhibited development and concurrent rezoning remain within the scope of EOI 235561 and the applicable Ministerial declaration.

## 1.2 Strategic merit

The site is identified for housing growth, but the proposed full-line supermarket and large retail component move the land toward a competing activity node rather than a housing-led renewal site. The Spencer Street/Kings Bay Village centre and Five Dock town centre are the intended focus of retail and jobs growth and considers the proposal inconsistent with the intended hierarchy of centres and Local Planning Direction 3.1 – Employment.

Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) remains the principal State-endorsed corridor strategy for Kings Bay. To deliver the transformation envisaged in the PRCUTS, Council has formulated the Parramatta Road Public Domain Plan, which describes Kings Bay as a mixed-use neighbourhood between the established Five Dock and Burwood centres, anchored by a small local centre and supported by a connected network of parks, walking and cycling routes. The current scheme instead relies on a full-line supermarket, increased retail parking, major loading/servicing and a new through-site vehicular road. Those elements directly drive many of the public-domain compromises identified by Council's transport and urban-design reviews.

The FSR of 4.30:1 / Building Height 95m / MU1 / large-format-retail outcome does not deliver a better, infrastructure-supported and publicly beneficial result than the adopted Area 35 framework.

## 1.3 Site-specific merit and development intensity

The proposal has an FSR of 4.30:1 which is a high-density outcome that is approximately 139% above the existing Area 35 incentive FSR of 1.8:1 and materially above the 3.02:1 scheme considered by the HDA in May 2025. The nearby Kings Bay Village SSD is also relevant as a local comparison: its approximately 4.095:1 included the affordable-housing bonus and 15% affordable housing under the SEPP (Housing).

The strongest evidence that the present scheme is over-intensified is the way the development program drives changes to the adopted public-domain structure, as the:

- Transport Impact Assessment (TIA) says the pedestrian-only north-south link is not feasible because vehicular access is needed;
- Supermarket requires substantial parking, loading and a Parramatta Road deceleration lane;
- Basement constrains deep soil and the east-west link;
- Park is not materially increased beyond the existing statutory baseline; and
- Built form produces substantial height, street-wall, amenity and transition concerns.

Council considers those outcomes collectively indicate that the current development program exceeds the capacity of the site and adopted public-domain framework.

#### 1.4 Retained land and ultimate development capacity

The wider TOGA holding is approximately 18,871m<sup>2</sup>, while the current State Significant Development application and floor space ratio calculation uses about 15,502m<sup>2</sup>. Approximately 3,369m<sup>2</sup> is retained outside the current development footprint. The EIS itself states that the retained eastern land is too constrained to achieve an appropriate independent residential floorplate once setbacks are applied and can only be developed through future consolidation with Courland Street lots.

The documentation must therefore make the rezoning boundary, FSR allocation and future development rights unambiguous. The broader holding is relied upon to satisfy the existing Area 35 minimum site-area requirement, while the smaller 15,502m<sup>2</sup> area is used to calculate the current FSR. Prior to determination the applicant should provide a surveyor/planner-certified development-capacity plan showing the State Significant Development application boundary, rezoning boundary, existing/proposed lots, residual land, road widening/dedications, gross floor area and floor space ratio allocation and the mechanism preventing the same land, development capacity or public-benefit obligation from being relied upon again in a future proposal.

## 2 Area 35, Part 8 and the concurrent LEP amendments

### 2.1 What Part 8 envisages for this land

The subject land is Area 35 in the Kings Bay Precinct. Part 8 is not a “no growth” control. It is the existing statutory growth framework for this land. It links increased development capacity to comprehensive site assembly, public open space, setbacks, pedestrian connectivity, public-domain outcomes and maximum parking rates.

| Provision  | Area 35 planning outcome                                                                     | Purpose                                                              |
|------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Clause 8.3 | Incentive FSR 1.8:1 and mapped incentive heights up to 35m, subject to the Part 8 framework. | Sets a coordinated development envelope linked to precinct outcomes. |
| Clause 8.4 | Minimum site area 18,248m <sup>2</sup> .                                                     | Promotes comprehensive redevelopment and avoids fragmented uplift.   |
| Clause 8.5 | Minimum 2,090m <sup>2</sup> public open space.                                               | Secures a substantive park/public open-space outcome.                |

| Provision             | Area 35 planning outcome                                                    | Purpose                                                              |
|-----------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------|
| Clause 8.6            | 6m setback from the mapped Building Setback Outline.                        | Protects the Parramatta Road green/public-domain edge.               |
| Clause 8.7            | 6m wide pedestrian link connecting Kings Bay East Park and Parramatta Road. | Secures direct, legible north-south pedestrian permeability.         |
| Clauses 8.10 and 8.11 | Public-domain/environmental requirements and maximum car-parking rates.     | Supports urban greening, sustainable movement and demand management. |

It is not agreed that exceeding the scale originally contemplated by Part 8 is a reason to turn Part 8 off. The greater the uplift, the stronger the need for proportionate infrastructure, open space, active transport, housing and public-domain outcomes. Existing Area 35 obligations are the baseline and should not be counted as new public benefits offered in exchange for the proposed uplift.

## 2.2 Site-specific LEP changes sought

| LEP provision            | Change sought                                   | Council position                                                                                                                                                            |
|--------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Zoning Map / cl 2.1 | R3 Medium Density Residential to MU1 Mixed Use. | Not supported. Retain a predominantly residential outcome, with targeted active frontages/additional permitted urban-support uses rather than a competing mixed-use centre. |
| Height / cl 4.3          | New mapped heights up to 95m.                   | Not supported. Rework height and massing to provide a clear transition to the established low-rise context and peripheral precinct location.                                |
| FSR / cl 4.4             | Maximum 4.30:1.                                 | Not demonstrated as the appropriate site-specific density. Reconsider after land-use, movement, open-space, built-form and public-benefit issues are resolved.              |

| LEP provision                    | Change sought                                                               | Council position                                                                                                                                      |
|----------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause 6.11 – dwelling mix       | Project-specific exemption.                                                 | Not supported. Retain the minimum 20% three-or-more-bedroom outcome.                                                                                  |
| Clause 6.12 – affordable housing | Project-specific exemption.                                                 | Not supported. Retain Council's statutory contribution framework and secure a higher, proportionate contribution through public ownership/dedication. |
| Clause 8.1 – Part 8              | Set aside Part 8 to SSD-89477725.                                           | Not supported.                                                                                                                                        |
| New clause 6.18 – wintergardens  | Allow qualifying enclosed noise-affected balconies to be excluded from GFA. | Not supported. Known acoustic constraints should be resolved within the building envelope and nominated FSR.                                          |

### 3 Land use, zoning and retail hierarchy

The proposed MU1 zoning and full-line supermarket as the organising land-use proposition for this site are not supported. It is recommended that a residential zoning outcome (R4) be implemented, with active street frontages and targeted additional permitted urban-support/light-industrial uses along Parramatta Road, rather than a broad MU1 zone driven by a full-line supermarket.

Council commissioned Atlas Economics to peer review the applicant's Economic Impact Assessment. Atlas found that the case for approximately 6,000m<sup>2</sup> of additional retail, including a full-line supermarket, is overstated as the applicant understates or omits retail and supermarket capacity already approved, under construction or planned in Kings Bay and Five Dock. Kings Bay Village alone is under construction with a 3,400m<sup>2</sup> full-line supermarket and a 1,950m<sup>2</sup> supermarket-style providore/food emporium, in addition to substantial other non-residential floor space. Atlas concluded that another supermarket-based centre at the subject site could dilute patronage and viability of the intended Spencer Street/Kings Bay Village and Five Dock centres.

The independent Urban Eco\_Lab review reaches the same conclusion from an urban-design perspective. It identifies the large supermarket floorplate as a driver of the loading dock, parking, level changes, high boundary walls, slip lane, loss of deep soil and compromised

pedestrian links. It recommends removal of the large-format retail, with smaller local retail focused on well-located active edges and greater use of community, co-working, workshop and urban-support spaces.

Council therefore requests that the full-line supermarket be removed and that the revised land-use mix be tested against the hierarchy of centres, movement network, public-domain capacity and local retail supply.

## **4 Housing outcomes**

### **4.1 Dwelling mix**

Appendix K schedules the apartment mix across Buildings 1–3 as 114 studios, 292 one-bedroom, 190 two-bedroom, 77 three-bedroom and 3 four-bedroom dwellings. Only 80 of 676 conventional apartments (about 11.8%) are three-bedroom or larger. The existing CBLEP requirement for at least 20% three-or-more-bedroom dwellings is a long-term housing-diversity measure and should not be removed for this project.

The clause in the LEP is directly related to the requirement for family-sized dwellings required under the Sydney Plan, Council's Local Housing Strategy and Local Strategic Planning Statement. Refer also to section 9.1 for forecast increase in school-aged children in the City of Canada Bay to 2036. Compliance should be achieved with clause 6.11, including the provision of at least 20% three-or-more-bedroom dwellings.

### **4.2 Affordable housing – quantum, ownership and public benefit**

Council supports affordable housing in perpetuity but does not accept the proposed 7.5% as a sufficient or properly structured public benefit for the scale of uplift sought. The existing Kings Bay affordable-housing contribution is 4% of residential GFA. On the applicant's residential GFA of about 55,734m<sup>2</sup>, the existing 4% baseline is about 2,229m<sup>2</sup>. The proposed 7.5% is about 4,181m<sup>2</sup>. The additional component above the existing statutory baseline is therefore only about 3.5 percentage points, or approximately 1,951m<sup>2</sup>.

The proposal seeks to move from the Area 35 incentive FSR of 1.8:1 to 4.30:1 and seeks substantial height, zoning and other site-specific concessions. The EIS has not demonstrated that an additional 3.5 percentage points of affordable housing is proportionate to the land-value and development-capacity uplift. Prior to determination, Council requests an independent feasibility/land-value-uplift assessment to establish a materially higher affordable-housing contribution that is proportionate to the planning benefit being sought.

Council does not support the proposal to remove application of clause 6.12 and keep the affordable-housing asset in developer/private ownership. Management and ownership are

different matters. Council's policy position requires the dedication of completed affordable dwellings to Council, in perpetuity, with management by a registered Community Housing Provider (CHP). Public ownership preserves the underlying capital asset and allows the long-term economic benefit, including net rental returns after management and operating costs, to be reinvested in affordable housing and other public housing objectives rather than remaining attached to a privately owned development. This is inconsistent with the objective of securing a lasting and enduring public benefit from the significant planning uplift sought.

The exhibited material identifies 55 affordable dwellings – 35 in Building 2 and 20 in Building 3 – but does not clearly disclose the numerical bedroom mix of those dwellings. A certified schedule should identify the studio, one-, two-, three- and four-bedroom affordable dwellings and demonstrate an appropriate share of family-sized dwellings.

## **5 Built form, design excellence and residential amenity**

### **5.1 Height, street wall, transition and articulation**

Council's independent Urban Eco\_Lab review finds that the proposed heights do not provide a logical transition from Kings Bay Village to the low-density R2 land to the east and would have significant visual impact along Parramatta Road. The review recommends a substantially lower and more transitional built form, using the approximately 14-storey western Kings Bay Village datum as a guide and generally reconsidering towers in the order of 8–14 storeys. Council's position is that the height and massing must be materially reduced and reworked; the precise revised envelope should be demonstrated through a coordinated urban-design and visual-impact assessment.

Urban Eco\_Lab also recommends reducing the central part of Building 4's south-facing 8-storey street wall to 4 storeys while retaining higher corner elements as visual anchors; introducing stronger horizontal and vertical breaks to Buildings 2 and 3; breaking up the continuous mass of Building 4; carrying its facade modulation around prominent corners; applying a coherent facade language to its south/east/west elevations; improving depth and shade; and reconsidering the Building 3 tower colour/material contrast so the tower and podium read as distinct forms.

Urban Eco\_Lab separately recommends detailed Parramatta Road podium/shopfront elevations that follow the sloping terrain, an active-frontage rhythm of about 15 front doors per 100m where retail remains, and a colonnade of at least 4m where outdoor dining is proposed, comprising a minimum 2.5m clear pedestrian through-zone plus 1.5m dining zone without reducing the park.

## **5.2 Building 1 southern facade**

The exhibited material describes Building 1's southern elevation as a solid blank wall across its full height, adopted as a privacy response to Building 2. This is not a concealed party wall. It forms part of the visual setting of the park, east-west link and internal public realm. Colour changes and opaque panels are not sufficient to resolve the scale of a largely blank 16-storey elevation. Council requests redesign using a more sophisticated combination of separation, apartment planning, screened openings, articulation and depth, supported by verified pedestrian-level photomontages from the park, east-west link and space between Buildings 1 and 2.

## **5.3 Separation, ventilation, daylight and co-living amenity**

Urban Eco\_Lab identifies an Apartment Design Guide (ADG) separation issue at Building 1 and recommends revising the layout. It also identifies the retained eastern strip/deep-soil interface as a future-development risk and recommends reducing basement extent and securing the intended deep-soil zone. Building 2 does not independently achieve the cross-ventilation outcome when Buildings 2 and 3 are assessed separately; additional facade notches/vertical cuts are recommended. Urban Eco\_Lab also identifies an opportunity for a breezeway/opening at the Buildings 2/4 interface, if practicable, to improve light and passive airflow.

Building 4 contains 190 co-living rooms. The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) communal-space solar test is not a substitute for understanding the amenity of the private rooms. The exhibited documentation does not provide a room-by-room solar analysis. The design report identifies 48 typical co-living rooms on the southern Parramatta Road frontage, while Building 4 is also located directly south of much taller Buildings 2 and 3. Council requests a room-by-room midwinter solar/daylight analysis identifying rooms receiving at least two hours, one-to-two hours and no direct sunlight, and redesign where a significant proportion of rooms have poor daylight/solar access.

## **5.4 Wintergardens and effective FSR**

Council does not support proposed clause 6.18. Parramatta Road traffic noise is a known site constraint and should be resolved within an appropriate building envelope and FSR, not through a project-specific GFA exclusion.

Appendix K separately schedules approximately 661m<sup>2</sup> of wintergarden area (about 214m<sup>2</sup> in Building 2, 237m<sup>2</sup> in Building 3 and 210m<sup>2</sup> in Building 4). The EIS states total GFA of 66,072m<sup>2</sup> over 15,502m<sup>2</sup>, producing about 4.26:1. A strict 4.30:1 control over 15,502m<sup>2</sup> represents about 66,659m<sup>2</sup> of GFA. The exhibited material does not provide an architect-certified reconciliation confirming whether the approximately 661m<sup>2</sup> of wintergardens is already included in the 66,072m<sup>2</sup>. If it is excluded, total effective GFA would be about 66,733m<sup>2</sup> and FSR about

4.305:1, above the proposed 4.30:1 standard. The applicant must provide a certified inclusive/exclusive GFA schedule before determination. Enclosed wintergardens constitute GFA under the ordinary definition, and are to be accommodated within the nominated FSR.

## **6 Public domain, movement, open space and transport**

### **6.1 The statutory pedestrian link is not the proposed vehicular road**

Terminology in the EIS, landscape plans and some referral material has blurred several different movement elements. Council's final position distinguishes:

- (1) the clause 8.7 requirement for a 6m pedestrian link between Parramatta Road and Kings Bay East Park;
- (2) the proposed north-south vehicular access road between Parramatta Road and Queens Road;
- (3) the separate internal north-south retail arcade; and
- (4) the east-west pedestrian link intended to extend toward Harris Road.

The Transport Impact Assessment expressly acknowledges that the local environmental plan and development control plan identify the north-south route as a pedestrian-only link but says a pedestrian-only outcome is not feasible because the development needs vehicular access. The proposed road has two 3.5m traffic lanes, indented parking, a 3m footpath, a 2.5m shared path, multiple basement/loading interfaces and a Parramatta Road deceleration lane. It is therefore a vehicular access and servicing corridor with pedestrian facilities, not an equivalent form of the statutory pedestrian link.

The Parramatta Road Select Precincts Public Domain Plan reinforces Council's concern. Its separate "new road and through-site link" example near Rosebank College terminates vehicle traffic before continuing as a pedestrian link to Parramatta Road, while the Kings Bay East Park concept emphasises through-site links with tree and understorey planting. Council considers that the applicant's current solution reverses the intended hierarchy by making vehicular access the dominant organising element.

### **6.2 East-west permeability and the large block**

The east-west link is important because it is the principal opportunity to break down the large block between Harris Road and Courland Street and provide a direct active-transport connection to Harris Road, bus stops and the wider centre network. The TIA says the Harris Road extension is dependent on future redevelopment of adjoining western sites. Urban Eco\_Lab identifies a roughly 4m level difference, stairs/switchback ramps and supermarket-related level changes that compromise an at-grade, legible and comfortable future connection. The Department should not rely on a future, uncertain redevelopment process to solve this. The current SSD should secure the levels, easements, setbacks and physical corridor required

for a direct, accessible and legible east-west active-transport connection, so that the opportunity is not lost once the present buildings, basement and subdivision are constructed.

### **6.3 Private road ownership, maintenance and future public-road risk**

The EIS says the north-south road will be privately owned and maintained, with public pedestrian, cycle and vehicle access secured by easement. It also states that private ownership is proposed because the Buildings 2–4 basement extends beneath the road. Elsewhere the EIS describes the road as being dedicated as a public road. This inconsistency must be resolved before determination.

If retained privately, the road will still perform a broader network function between Queens Road and Parramatta Road, both classified roads. The application does not adequately demonstrate who will fund and manage whole-of-life maintenance of the pavement, drainage, lighting, landscaping, water-sensitive urban design (WSUD), footpaths/shared paths and structural interfaces, or how those costs will be allocated between retail, build-to-rent, co-living and affordable-housing interests. Council is particularly concerned that disproportionate private-road or basement-infrastructure levies should not erode the long-term benefit and viability of the affordable-housing component.

Private ownership also creates a governance risk at the retail edges. The proposal relies on the road and adjoining footpaths/shared paths as part of the public movement network, while active retail frontages may generate outdoor dining, tables and chairs, queues, displays, signage and other commercial occupation. Outdoor dining can support activation, but it must not reduce the permanent clear pedestrian or cycle corridor. Any public-access easement must operate at all times, prohibit gating or closure, define minimum unobstructed movement widths and prevent commercial encroachment into the required public-access zone. Any retail spill-out area should be separately identified outside the protected movement corridor.

If future dedication to Council is contemplated, the basement beneath the road creates a material asset-management and liability issue. Council should not be assumed to accept a public road over privately owned basement infrastructure without prior agreement on the vertical title structure, structural slab, waterproofing, drainage, utilities, repair access, insurance, liabilities and whole-of-life costs. A detailed ownership, asset-management and cost-allocation plan is required before determination.

### **6.4 Legal security and delivery of public access and public-benefit land**

Council is not satisfied that the public-benefit package can be left to broad future conditions without a coordinated legal delivery mechanism. The proposal relies on a substantial package of land dedication and public access, including Kings Bay East Park, Parramatta Road and Queens Road widening/setbacks, the privately owned north-south road and the east-west

pedestrian link. These elements have different ownership, maintenance and staging arrangements and are fundamental to the applicant's justification for the uplift sought.

The east-west link is particularly important because the plans describe it as both a pedestrian connection and a flexible retail spill-out space, with the ultimate Harris Road connection dependent on future redevelopment. Before determination, the exact public-access corridor, levels, accessible gradients, landscape setbacks, future Harris Road interface and title rights should be fixed. The public-access area must remain open 24 hours, must not be gated or privatised, and must not be reduced by outdoor dining or other commercial occupation.

Council considers that a planning agreement under section 7.4 of the Environmental Planning and Assessment Act 1979 would be an appropriate mechanism if offered by the applicant. If a planning agreement is not used, an equivalent enforceable package of consent conditions, subdivision requirements, registered easements, positive covenants, restrictions on use and deeds of dedication must provide the same certainty. The mechanism must identify every parcel to be dedicated, the required embellishment works, staging, public-access rights, protected clear widths, ownership, maintenance, defects liability, road/basement interfaces and responsibility for future Harris Road and road-widening connections.

Public land to be transferred to Council must first be fully embellished and completed by the applicant at no cost to Council, certified and accepted by Council, remediated and unencumbered. Dedication is to occur only after the agreed enhancement works are complete; the applicant is to remain responsible for maintenance until dedication and for any agreed establishment or defects-maintenance period.

### **6.5 Kings Bay East Park, deep soil and landscape**

Area 35 already requires at least 2,090m<sup>2</sup> of public open space. The proposal identifies about 2,470m<sup>2</sup> of publicly accessible park, of which 2,090m<sup>2</sup> is proposed to be dedicated to Council. That dedicated area is the existing statutory baseline and should not be treated as a wholly new public benefit generated by the additional uplift. Council also requires the substation to be relocated so the land transferred as public park is unencumbered and fully usable.

The Social Impact Assessment estimates that the 866-dwelling development would introduce approximately 1,200-1,500 residents (EIS, section 9.2.17; Appendix DD). Council considers that range an appropriate starting point for infrastructure assessment because it is the applicant's estimate; however, the EIS does not clearly disclose the dwelling-specific occupancy assumptions used to derive it. Prior to determination, the applicant should provide a reproducible population schedule showing the assumed occupancy of each dwelling type, including the 190 co-living rooms, and the demographic source relied upon. As a supplementary strategic comparison only, applying the 2.83ha per 1,000 residents open-

space benchmark to the applicant's population range indicates total recreational open-space demand of approximately 3.4-4.25ha across the local, district and regional open-space hierarchy. Council does not treat that benchmark as a statutory requirement to dedicate that entire amount on this site.

The appropriate on-site park outcome should therefore be established through a Public Open Space Demand and Capacity Assessment, rather than by applying a single per-capita ratio mechanically. That assessment should test the applicant's verified population, the size, function, accessibility and capacity of existing and committed public parks within relevant walking catchments, cumulative demand from other approved and Housing Delivery Authority and State Significant Development, and the residual demand that should be met on this site. The proposed 2,090m<sup>2</sup> Council-dedicated park equates to only about 1.7m<sup>2</sup> per resident at 1,200 residents and about 1.4m<sup>2</sup> per resident at 1,500 residents. These figures do not themselves establish a statutory shortfall, but they demonstrate why a capacity-based assessment is required before the Department can conclude that the park is proportionate to the development intensity. Private residential communal open space, co-living communal open space, publicly accessible private road space and pedestrian links must be reported separately and must not be counted as Council-owned public parkland.

Urban Eco\_Lab finds that the basement, circulation and land-use program constrain the 3 m landscaped setbacks, deep soil and canopy opportunities along the through-site links. It recommends reinstating a green at-grade pedestrian/cycle link, increasing deep soil, introducing coordinated podium/roof set-downs and considering a road shift or additional publicly accessible ground-level open space. Council's landscape referral also requires improved park access (including additional informal access from the movement network), a flat and usable central lawn, accessible paths and accessible public furniture that complies with relevant disability-access requirements, inclusive play, lighting, screening of utilities, appropriate mature-tree soil volumes and owner consent for works affecting neighbouring trees.

## **6.6 Parramatta Road Green Edge and road widening**

Parramatta Road Corridor Urban Transformation Strategy establishes a 6 m Green Edge along Parramatta Road for trees, shared/active-transport paths and public-domain improvements, in addition to variable Transport for NSW (TfNSW) road widening required to future-proof the corridor for rapid transit. Council's Strategic Planning and urban-design reviews do not support the proposed slip/deceleration lane consuming or compromising this future corridor. The 6 m Green Edge should be delivered in addition to the 0.9–2.0m variable road widening and any access works.

The draft subdivision also appears not to continue the proposed Parramatta Road widening lot across the full frontage of the retained eastern parcel. This should be surveyor-certified and, if confirmed, the subdivision must be revised so the future road-widening/Green Edge obligation is secured across the entire applicant-owned Parramatta Road frontage. The land required for road widening, setbacks and public-domain works should be clearly identified in the final subdivision and secured through the same enforceable delivery mechanism as the park and public-access links.

#### **6.7 Parking, traffic, freight and servicing**

Council does not support turning off clause 8.11 maximum parking rates to accommodate the supermarket. Maximum parking is part of the precinct transport strategy and is intended to reduce car dependence and support active/public transport. The TIA itself estimates a net increase of about 150–250 vehicle trips per hour in road-network peak periods, while its retail mode-share assumptions attribute only about 6–7% of retail trips to active transport.

Council's City Assets referral raises additional matters: the 95th-percentile queue at Parramatta Road/Harris Road is modelled at about 306m and may affect adjacent intersections; freight/servicing is not adequately captured and Council estimates about 275 additional freight/service vehicle trips per day using the applicable guideline rate; the LEP maximum retail parking is 118 spaces; the referral identifies 73 visitor spaces for Buildings 2–4 and 15 for Building 1; adaptable/accessible parking must be reconciled with Council's Development Control Plan, Australian Standard AS4299 and AS2890.6 (the referral calculates 135 accessible spaces across the site); an additional 34 bicycle spaces are identified; basement floor-to-floor height should achieve the DCP 3.7 m requirement; ramp conflicts require a traffic-control system such as signals/mirrors; and any stacked spaces must be tied to the same dwelling/tenancy and not used as visitor parking. These detailed numbers should be verified against the final tenure mix and applicable standards in the coordinated amended package. The applicant should engage with TfNSW and Council on mitigation, with all assessment and works funded by the developer.

The Transport Impact Assessment assumes that 25% of retail vehicle trips are "linked trips". In this context, linked trips are trips made by drivers who are already travelling on the surrounding road network and divert into the development, rather than new external trips generated solely by the development. This assumption materially reduces the calculated external retail traffic. Given the proposed full-line supermarket, left-in/left-out access arrangements and Council's concerns about existing and future congestion, the applicant should provide a sensitivity test using a lower linked-trip allowance, including a no-linked-trip scenario, to demonstrate that the network conclusions remain robust.

The Transport Impact Assessment also assumes a future residential travel pattern of about 61–62% public transport and only 18–20% car travel during peak periods. The Preliminary Green Travel Plan does not yet contain fixed, enforceable mode-share targets. If reduced car dependence is relied upon to justify the proposed density and parking approach, the final Green Travel Plan must specify measurable targets, a Travel Plan Coordinator, monitoring and reporting intervals, and corrective actions if targets are not achieved.

The supermarket and other non-residential uses rely on a loading dock for Buildings 2–4 with six loading bays, including two bays for 14.2m semi-trailers. A final Loading Dock Management Plan should coordinate delivery bookings, prohibit service-vehicle queuing on the north-south road, manage simultaneous heavy vehicles and avoid school arrival and departure peaks where movements could affect students accessing Rosebank College and other nearby schools.

## **7 Subdivision, tenure and residual land**

The draft subdivision strategy must be resolved before determination because the development relies on multiple tenure models, a shared basement, a private/publicly accessible road and a residual future-development parcel. The early subdivision places Buildings 2, 3 and 4 together with retained eastern land in a common lot before later stratum subdivision.

Building 4 may be contained within a single co-living stratum lot, but the final plan must comply with section 70 of the Housing SEPP, which prevents subdivision of co-living housing into separate lots. The build-to-rent component must also comply with the Housing SEPP ownership, management and subdivision requirements for the applicable period. The final title structure must secure the rights required for the shared basement, 38 co-living parking spaces, ramps, accessible parking, lifts, fire services, loading/waste interfaces, plant, maintenance and cost sharing.

The retained eastern parcel is a particular concern because the EIS accepts that it cannot achieve an appropriate independent development and requires future consolidation with Courland Street. Creating a residual parcel that is incapable of independent development raises an orderly-development issue. The Department should require an ultimate subdivision/masterplan demonstrating how that land can develop, how FSR and public-benefit obligations will be allocated, and how the current SSD will not prejudice future ADG separation, solar access, access, servicing, open space or public-domain outcomes.

## **8 Social infrastructure and cumulative impacts**

### **8.1 Applicant's population and social-impact assessment**

The EIS includes a Social Impact Technical Scoping Report prepared by Urbis at Appendix DD and a Basic Social Impact Assessment within section 9.2.17. The applicant estimates that the 866 dwellings would introduce approximately 1,200-1,500 residents and identifies likely future residents including smaller households, students, young professionals, families, downsizers and key workers. The EIS also notes that the number of school-aged children in the City of Canada Bay is forecast to grow by almost 30% between 2020 and 2036. This will also generate an increased demand for larger and family-friendly apartments.

Importantly, the applicant's own social assessment identifies increased competition for open space and community facilities and additional pressure on childcare, health services and community centres. It records Council's concern about future school capacity and rates the residual impact of increased demand for community services and facilities as moderate negative. The EIS separately acknowledges that childcare, fitness and health/allied-health services will require additional provision over time as population increases.

Council therefore considers that the concurrent rezoning assessment requires further justification where it also states that the development does not generate demand for new community facilities above that already planned and funded through the precinct contributions framework. That conclusion is not presently supported by a transparent quantitative capacity test and should be reconciled with the social-impact findings. Reliance on infrastructure planning undertaken for the earlier PRCUTS Stage 1 framework is not, by itself, sufficient for a proposal seeking substantially greater density and a materially different land-use and population outcome.

### **8.2 Required quantified social and community infrastructure assessment**

Prior to determination, Council requests a quantified Social and Community Infrastructure Needs and Capacity Assessment. The assessment should provide a reproducible dwelling-specific population forecast and quantify demand for public open space and recreation, primary and secondary education, childcare, community and multi-purpose facilities, health and wellbeing services and other relevant social infrastructure. It should identify existing and committed provision, available capacity, accessibility, forecast demand, cumulative approved/Housing Delivery Authority and State Significant Development and any residual deficit attributable to the proposed uplift, together with project-specific mitigation and delivery measures. Where the assessment relies on the City of Canada Bay Local Infrastructure Contributions Plan or other committed infrastructure, it should identify the relevant project, timing, funding source and capacity available to this development.

For open space, the assessment must distinguish Council-owned public parkland from privately owned publicly accessible land, road reserves, pedestrian links and private/communal open space. It should also test the quality and usability of the proposed park, not simply its gross area. Any additional public park area relied upon as a benefit of the uplift should be over and above the existing 2,090m<sup>2</sup> Area 35 baseline, be usable and unencumbered, and be fully embellished, remediated, certified and accepted by Council before dedication. The developer should remain responsible for maintenance until dedication and for any agreed establishment or defects-maintenance period.

## **9 Council specialist referral matters**

The following matters consolidate Council's internal technical referrals and independent consultant reviews. Matters that affect the fundamental planning outcome should be resolved before determination. Detailed construction/operation matters may be secured by conditions where they do not mask an unresolved merit issue.

### **9.1 Additional matters to be resolved before determination**

#### Basement and groundwater design

The Hydrogeological Assessment (Appendix JJ) and Geotechnical Investigation Report (Appendix AAA) describe a drained basement arrangement, meaning groundwater would be collected and pumped during the operating life of the buildings. The EIS estimates ongoing groundwater inflow of about 2.35 megalitres per year for Buildings 2–4 and 0.45 megalitres per year for Building 1. Council's City Assets review instead requires the basement to be permanently waterproofed and designed to resist groundwater pressure and buoyancy without relying on ongoing groundwater discharge. This difference affects engineering feasibility, long-term maintenance, the private road over the basement and future asset liabilities. The final basement strategy must therefore be resolved and coordinated before determination.

#### Contaminated groundwater and any ongoing pumping

Council's Environmental Health review identifies total recoverable hydrocarbons, nickel and polycyclic aromatic hydrocarbons in groundwater above adopted assessment criteria and requires further investigation and remediation. If any drained-basement or ongoing groundwater pumping arrangement remains proposed, the applicant must demonstrate before determination how groundwater will be treated, monitored and lawfully discharged; identify WaterNSW and other approval requirements; and demonstrate that contaminated groundwater will not be discharged to Council's stormwater system or create an ongoing public or private asset-management burden.

#### Off-site flood effects

The Flood Risk Assessment (Appendix LL) identifies localised increases in Probable Maximum Flood (PMF) levels of approximately 0.1–0.2m on properties immediately west of the site, with smaller downstream increases between Harris Road and Regatta Road. Although the applicant characterises these changes as minor, the final amended design should demonstrate before determination that it will not create an unacceptable increase in off-site flood risk. Any change to road levels, park grading, basement entries, stormwater infrastructure or the development footprint must be reflected in updated flood modelling.

#### Construction hours

The Preliminary Construction Pedestrian and Traffic Management Plan within Appendix EE assumes construction between 7:00am and 10:00pm Monday to Friday and 8:00am to 5:00pm Saturday. Council does not endorse the 10:00pm weekday finish. This is particularly important because the Noise and Vibration Impact Assessment (Appendix FF) predicts exceedances of construction noise management levels at nearby residential receivers during excavation and structural works. Appropriate standard construction hours should be established before determination, with genuinely exceptional out-of-hours works requiring separate justification, notification and approval.

#### Document integrity and certified coordination

The EIS contains material internal inconsistencies that affect assessment. Examples include references to 143 and 204 dwellings in Building 1, 190 and 184 co-living rooms in Building 4, different non-residential floor-space and parking totals, and conflicting descriptions of whether the north-south road remains private or is dedicated to Council. Before determination, the applicant should submit a single architect- and planner-certified development schedule and coordinated drawing/report set confirming the final dwelling numbers, tenure, gross floor area, floor space ratio, retail area, parking, road ownership, park dedication, subdivision, wintergarden treatment and retained-land arrangements.

### **9.2 Detailed design and condition requirements arising from the technical appendices**

#### Green Travel Plan

A final Green Travel Plan (GTP) should be completed before occupation and secured by condition. It should state measurable mode-share targets for residents, staff and visitors, nominate a Travel Plan Coordinator, establish monitoring at regular intervals, require reporting to the relevant authority and identify corrective actions if targets are not achieved. The plan should be consistent with the final access, parking, bicycle, car-share and public-transport arrangements.

#### Retail traffic assumptions

The final transport package should clearly state and justify the assumed retail linked-trip allowance. If the Department relies on the current 25% allowance, the applicant should demonstrate through sensitivity testing that the conclusions remain acceptable under a lower allowance. Any material change to retail floor space, parking, access or loading should trigger an updated traffic assessment rather than relying on the exhibited model unchanged.

**Loading and servicing.** A final Loading Dock Management Plan should be secured by condition and coordinated with the supermarket operating plan. It should include a booking system, maximum simultaneous service vehicles, management of 14.2m semi-trailers, no queuing on the north-south road or State roads, waste-collection coordination, pedestrian and cyclist protection, and delivery windows that avoid school arrival and departure peaks where practicable.

#### Air quality and Parramatta Road setback

The Air Quality Impact Assessment (Appendix U) assesses future residents at a minimum distance of 5m from the road kerb and relies on the proposed 6m landscaped Parramatta Road setback as an additional buffer from traffic emissions. The final road-widening, slip-lane, Green Edge and building-setback design should preserve the assumptions used in that assessment. If the distance between traffic lanes and occupied building areas is reduced, an updated air-quality assessment should be required.

#### Sustainability and services coordination

The Sustainability Report (Appendix W) describes the development as fully electrified and gas-free, while the Services Infrastructure Report (Appendix TT) proposes gas supply to food and beverage tenancies. The final application should reconcile this inconsistency and clearly identify the approved energy strategy. Sustainability measures that rely on water-sensitive urban design within the park or north-south road must also be coordinated with Council's requirement that dedicated public assets are independently serviceable and do not inherit private-development drainage obligations.

### **9.3 Consolidated Council specialist referral requirements**

| Referral / topic     | Key evidence and required outcome                                                                                                                                                                                                                                                             |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Civil and stormwater | Redesign on-site detention (OSD) to Council Development Control Plan Appendix 2 and Council's OSD7 methodology for on-site detention; provide permissible site discharge and site storage requirement calculations, tank/outlet/overflow cross-sections and the location and operation of the |

| Referral / topic                     | Key evidence and required outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | nominated treatment train. Park runoff must not drain to private OSD. Resolve the permanent basement waterproofing, groundwater and buoyancy design before determination. Require engineering certification, works-as-executed plans, maintenance schedules and registered positive covenants/restrictions.                                                                                                                                                                                                                                                                                                                                                                                                          |
| Roads, public domain and section 138 | Vehicular crossings to Parramatta Road and Queens Road require coordination with TfNSW and Council. All civil, drainage and public-domain works in road reserves require appropriate Roads Act approvals, detailed long/cross sections, service coordination, transition works, utility approvals, works-as-executed certification and a six-month maintenance period. Public/private boundaries and the privately owned road should be physically legible. The public-domain/subdivision and through-site-link design should be resolved to Council's satisfaction before occupation of Building 1, and the full public-domain package completed to Council's satisfaction before the final Occupation Certificate. |
| Public lighting / electrical         | Provide City-scheme lighting for Parramatta Road, Queens Road and the public park; hold a pre-design meeting with Council's Strategic Assets Engineer; coordinate lighting category, poles, luminaires, reticulation, switchboards and any undergrounding/asset requirements to avoid non-standard future maintenance liabilities.                                                                                                                                                                                                                                                                                                                                                                                   |
| Parking and basement access          | Reconcile parking with applicable Local Environmental Plan and Development Control Plan requirements. Council's referral identifies a maximum 118 retail spaces, 73 visitor spaces for Buildings 2-4 and 15 for Building 1, adaptable/accessible parking requirements that may require about 135 accessible spaces across the site, an additional 34 bicycle                                                                                                                                                                                                                                                                                                                                                         |

| Referral / topic                   | Key evidence and required outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | spaces, and 3.7m floor-to-floor heights for relevant basement/adaptable-unit provisions. Resolve ramp swept-path conflicts with signals/mirrors or equivalent controls and tie stacked spaces to the same dwelling/tenancy, not visitor parking. Final numbers must be verified against the final tenure mix and applicable standards.                                                                                                                                                                                                                                                                                                                                                                             |
| Traffic, freight and servicing     | Address network effects of the modelled 306 m 95th-percentile queue at Parramatta Road/Harris Road and cumulative effects at Harris Road/Queens Road. Council's referral estimates about 275 additional freight/service vehicle trips per day using the cited guideline rate. Test the Transport Impact Assessment's 25% retail linked-trip assumption under lower and no-linked-trip scenarios. Finalise the Green Travel Plan with measurable mode-share targets and monitoring. Engage Transport for NSW and Council on mitigation; all assessment and works are to be funded by the developer. Reduce retail/loading intensity where necessary to protect pedestrian and cycle safety and network performance. |
| Public Park, dedication and access | Provide a larger, unencumbered and usable public park proportionate to the uplift; remove the substation; ensure park infrastructure is independent of the private development, and the park is not used as part of private OSD. Undertake Council design workshops; provide inclusive play, shade, seating, drinking water, accessible paths and facilities compliant with relevant disability-access requirements, lighting and wayfinding. Final Park design, subdivision, embellishment and dedication arrangements are to be agreed with Council before occupation of the relevant stages. Complete all agreed enhancement works, remediation and certification before dedication. Dedication should          |

| Referral / topic     | Key evidence and required outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | occur no later than the final Occupation Certificate for Buildings 2, 3 and 4 (whichever is last), subject to Council acceptance, with the applicant responsible for maintenance until dedication and through any agreed establishment/defects period.                                                                                                                                                                                                                                                                                              |
| Landscape and trees  | Use Kings Bay/Burwood-Concord street-design species and verge treatments; provide understorey planting; incorporate the community-garden/public-domain intent; provide adequate deep-soil and on-structure soil volumes/depths; review species mature-size assumptions; protect neighbouring trees and obtain owner consent where required; refine the park edge, accessible paths, central lawn and Harris Road ramp/link landscape integration.                                                                                                   |
| Waste                | Multi-collection has been accepted in principle, but resolve chute-room capacity and excessive manual handling of 1,100L bins; provide linear track/carousel or equivalent systems where practicable; include food organics and garden organics (FOGO) at 25L per dwelling per week; increase the Building 4 bulky-waste room to at least 32m <sup>2</sup> ; provide bin-tug storage, operating details and contingency arrangements; reconcile retail bin numbers and the Operational Waste Management Plan with the architectural plans.          |
| Environmental health | The Detailed Site Investigation and Remediation Action Plan are generally acceptable but require further delineation, remediation/validation and a remediation Construction Environmental Management Plan. Hazardous materials including asbestos, synthetic mineral fibres, lead paint, polychlorinated biphenyls and chlorofluorocarbons must be addressed in demolition and construction management. Resolve the consultant's conclusion of no acid sulfate soil potential against Council's Class 5 mapping and proposed excavation depths. The |

| Referral / topic                     | Key evidence and required outcome                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | acoustic assessment is generally adequate; retail fitout, food and operational-noise matters remain subject to later approvals and conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Public art / Connecting with Country | Revise the strategy to correctly reference Development Control Plan Parts F, G and K and the March 2026 Connecting with Country Aboriginal Design Principles; correct mapping, statistics and spelling; remove irrelevant/copy-paste references including Liverpool City and K24.8 Concord West; strengthen the curatorial response to Aboriginal Design Principles; provide open, transparent National Association for the Visual Arts (NAVA)-aligned artist procurement, Public Art Advisory Panel details and ongoing Council/community engagement. Public art on Council land requires Council approval. |
| Road naming / property               | Submit a road-naming application to the Geographical Names Board for the proposed road, with Council endorsement. Do not finalise street numbering for Buildings 2-4 until the road name and lobby locations are confirmed.                                                                                                                                                                                                                                                                                                                                                                                  |
| Construction traffic / public assets | Prepare a detailed Construction Traffic and Pedestrian Management Plan for Council review/approval before works, including appropriate construction hours, safe pedestrian and cyclist routes, heavy-vehicle access, loading/queuing, temporary closures, public transport impacts, worker parking, emergency access and protection of adjoining properties. Require pre-commencement condition surveys of affected public assets, approvals for temporary anchors and separate approvals for vehicle crossings and ancillary road works.                                                                    |

## 10 Document inconsistencies

Council has identified inconsistencies including references to 143 and 204 dwellings in Building 1; 190 and 184 co-living rooms in Building 4; different total retail/non-residential gross floor area figures; 499/502 parking-space totals; conflicting descriptions of whether the north-south road is privately owned or dedicated to Council; the publicly accessible park area versus the area actually proposed for dedication; current/future lot numbering and subdivision stages; the 18,871m<sup>2</sup> ownership holding versus the 15,502m<sup>2</sup> floor space ratio calculation area; treatment of the retained eastern parcel; and treatment/area of wintergardens in the gross floor area calculation.

These are not minor drafting matters because they affect statutory assessment, infrastructure demand, title arrangements and conditions. The applicant should provide a single certified development schedule and coordinated document set before determination.

## 11 Matters to be resolved before determination

1. Confirm the scope of the current State Significant Development application and concurrent rezoning against Expression of Interest 235561 and the Ministerial State Significant Development declaration.
2. Provide a materially amended masterplan that demonstrates the appropriate ultimate development capacity, height and FSR for the whole applicant-owned holding and its interfaces.
3. Retain Part 8 or provide an enforceable replacement package that is demonstrably superior and proportionate, without counting existing statutory obligations as new public benefits.
4. Remove or substantially reduce the full-line supermarket and large-format retail and reconsider MU1 zoning in favour of a housing-led land-use outcome with targeted active/urban-support uses.
5. Retain clause 6.11 dwelling-mix outcome, including at least 20% three-or-more-bedroom dwellings.
6. Provide independent feasibility and land-value-uplift testing for a materially higher affordable-housing contribution; retain clause 6.12 and secure Council ownership/dedication of the affordable-housing asset, with management by a registered community housing provider as appropriate; disclose the affordable-housing bedroom mix.
7. Provide architect-certified gross floor area and floor space ratio calculations inclusive and exclusive of all wintergardens and remove the need for proposed clause 6.18.
8. Rework built form, street walls, tower transition and facades, including Building 1's southern blank wall, Buildings 2/3 articulation and Building 4 massing; resolve separation, cross-ventilation and co-living room solar/daylight.

9. Reinstate a genuine at-grade green north-south pedestrian/cycle connection consistent with clause 8.7; secure an enduring, accessible east-west active-transport connection to Harris Road; and define permanent unobstructed public-access corridors protected from gating or commercial encroachment.
10. Demonstrate that the Parramatta Road podium/shopfront elevations have active street frontages and 15 front doors per 100metres that follow the sloping terrain.
11. Provide a quantified Public Open Space Demand and Capacity Assessment based on the applicant's verified 1,200-1,500 resident forecast, walking-catchment accessibility, existing/committed park capacity and cumulative Housing Delivery Authority and State Significant Development growth; increase the usable and unencumbered Council-dedicated park where that assessment identifies a deficit; keep communal/co-living open space and publicly accessible private land separate; relocate the substation; protect deep soil/landscape setbacks; and deliver the 6 m Parramatta Road Green Edge in addition to road widening and access works.
12. Resolve traffic, freight, parking and servicing impacts with Transport for NSW and Council, including queueing, retail parking, accessible/adaptable parking, bicycle parking and basement circulation.
13. Provide an ultimate subdivision, title and asset-management plan addressing the retained eastern land, full Parramatta Road widening frontage, co-living and build-to-rent tenure, shared basement infrastructure and the private-road maintenance/future-dedication risks.
14. Secure the park, road-widening/setback land and pedestrian/public-access links through a planning agreement if offered by the applicant, or an equivalent enforceable package of consent conditions and registered title instruments. Any land to Council must be fully embellished, certified, accepted, remediated and unencumbered before dedication, with developer maintenance continuing until handover.
15. Provide a quantified Social and Community Infrastructure Needs and Capacity Assessment (supported by a detailed Social Impact Assessment where required) addressing the verified development population, cumulative Housing Delivery Authority and State Significant Development growth, education, childcare, health, community facilities, open space and recreation, existing and committed capacity, and project-specific mitigation/delivery measures.
16. Resolve the pre-determination stormwater, landscape, waste and public-domain matters and submit a fully coordinated architectural, civil, landscape, transport, waste and subdivision package.
17. Resolve the permanent basement and groundwater strategy before determination. Council does not support leaving unresolved the difference between the applicant's proposed drained basement and Council's requirement for a permanently waterproofed basement designed to resist groundwater pressure and buoyancy.

18. Where any ongoing groundwater pumping is proposed, provide groundwater treatment, monitoring, discharge and approval strategy that addresses the identified contamination and demonstrates that contaminated groundwater will not be discharged to Council's stormwater system.
19. Update the flood assessment for the final amended design and demonstrate that the proposal will not create an unacceptable increase in off-site flood levels or hazard, including the identified Probable Maximum Flood effects west of the site.
20. Confirm appropriate construction hours before determination. Council does not endorse the exhibited assumption of construction until 10:00 pm on weekdays; any exceptional out-of-hours work should require separate justification and approval.
21. Submit a single architect- and planner-certified development schedule and coordinated drawing/report package resolving all dwelling, floor-space, parking, road-ownership, park-dedication, subdivision, wintergarden and retained-land inconsistencies.

## **12 Recommended conditions if approval is contemplated**

If the Department is ultimately minded to approve an amended scheme, Council requests that the conditions of consent include, at minimum, the following matters. These conditions are not intended to resolve strategic or site-specific merit issues.

1. Council-approved detailed public-domain, park, subdivision and dedication plans. All land proposed for dedication to Council is to be fully embellished/enhanced by the developer at no cost to Council, completed, certified, remediated, unencumbered and accepted by Council before dedication. Dedication of Kings Bay East Park should occur no later than the final Occupation Certificate for Buildings 2, 3 and 4 (whichever is last), subject to prior completion and Council acceptance. The developer is to maintain the land and improvements until dedication and through any agreed establishment/defects-maintenance period.
2. Permanent registered public-access easements/covenants for any privately retained publicly accessible road or link, operating 24 hours a day and protecting minimum unobstructed pedestrian/cycle widths from gating, closure, outdoor dining or other commercial encroachment, together with a detailed ownership, maintenance and cost-allocation regime acceptable to Council.
3. A planning agreement, if offered by the applicant, or an equivalent enforceable combination of consent conditions, subdivision requirements, deeds, easements, positive covenants and restrictions on use securing the timing, embellishment, dedication, public access and long-term maintenance of the park, road widening, Green Edge, north-south movement corridor and east-west link.
4. Roads Act approvals and completion/certification of all public-domain, drainage, lighting, road and frontage works to the satisfaction of the relevant roads authority.

5. Detailed stormwater and on-site detention design, works-as-executed certification, maintenance schedules and registered positive covenants/restrictions; no Council park runoff to private on-site detention infrastructure.
6. Transport for NSW/Council-approved traffic, access, freight and any mitigation works, funded by the developer.
7. Final compliant parking, accessible/adaptable parking, bicycle parking, ramp-control, loading and stacked-parking arrangements.
8. Final landscape/park design including soil volumes, inclusive play, accessible public furniture, lighting, wayfinding, service screening and tree protection/owner consents.
9. Final operational waste-management plan addressing food organics and garden organics (FOGO), chute systems, bin-tug storage/contingency, bulky waste and consistency with architectural plans.
10. Contamination remediation, validation and Construction Environmental Management Plan requirements; hazardous-material controls; resolution of acid sulfate soil mapping/excavation issues; appropriate acoustic/retail-fitout controls.
11. Public Art Strategy revised in consultation with Council, with National Association for the Visual Arts-aligned procurement, Connecting with Country integration and documented advisory/community engagement.
12. Road naming and street numbering requirements, and a detailed Construction Traffic and Pedestrian Management Plan approved before works.
13. Affordable-housing title, dedication, management and in-perpetuity mechanisms consistent with the final agreed contribution and Council's statutory framework.
14. A final Green Travel Plan with measurable mode-share targets, an appointed Travel Plan Coordinator, regular monitoring and reporting, and corrective actions if targets are not achieved.
15. A transport verification requirement confirming that the retail linked-trip assumption remains valid for the final approved retail floor space, parking and access arrangement; any material change is to require updated traffic modelling.
16. A final Loading Dock Management Plan with booking controls, limits on simultaneous service vehicles, management of semi-trailers, no queuing on public or private access roads, coordination with waste collection and delivery windows that minimise conflict with school arrival and departure periods.
17. Retention of the Parramatta Road setback and Green Edge assumptions relied upon by the Air Quality Impact Assessment; any reduction in separation between traffic lanes and occupied building areas requires updated air-quality assessment and mitigation.
18. A coordinated final sustainability and services strategy resolving whether gas is provided to food and beverage tenancies and ensuring that water-sensitive urban design and drainage measures within land to be dedicated to Council do not create private-development maintenance or drainage liabilities for Council.

Should you require any further clarification or wish to discuss these comments, please do not hesitate to contact Nima Salek at [nima.salek@canadabay.nsw.gov.au](mailto:nima.salek@canadabay.nsw.gov.au).

Yours faithfully,



Shannon Anderson  
Manager Statutory Planning  
City of Canada Bay

## **Appendices**

1. Appendix A - City of Canada Bay City Assets / Infrastructure Review - SSD-89477725.
2. Appendix B - Atlas Economics, Retail Assessment Peer Review, 26 August 2026.
3. Appendix C - Urban Eco\_Lab, Urban Design Peer Review, 27 August 2026.

## City Assets

### SSDA / HDA Infrastructure Process Review

**Application No.** – SSD-89477725

**Address** – 51 – 55 Parramatta Road, Five Dock

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#### 1. Engineer (Drainage / Civil)

### Detailed Stormwater Management Design

#### Issues:

- The proposed on-site stormwater detention (OSD) system has not been designed to satisfy the Permissible Site Discharge (PSD) and Site Storage Requirement (SSR) criteria in accordance with Control OSD7 of Council's DCP, Appendix 2 – Engineering Specification. The PSD is to be calculated based on a 0% pre-development site impervious area for the peak flow of the overall critical duration of the 20% AEP storm event. The required OSD storage volume must then be determined such that the fully developed site discharge, including both controlled and uncontrolled areas, for the peak flow of the overall critical duration of the 1% AEP storm event is reduced to the calculated PSD. Detailed cross-sections of the basement stormwater tank, discharge control unit of the OSD system and Stormwater Quality Improvement Device have not been provided. The sections must show the invert level of the outlet pipe, centreline level of the orifice plate, orifice plate size and diameter, 1% AEP top water level of the OSD system, 300 mm freeboard requirement, emergency overflow structure and overflow path.
- Stormwater runoff from the future park area to be dedicated to Council must not drain into the proposed private-owned on-site stormwater detention (OSD) system. The submitted plans also do not clearly demonstrate how the proposed stormwater quality treatment system will operate or how the treatment measures will satisfy the requirements set out in the Civil Engineering and Stormwater Report, Revision 5, dated 1 June 2026, prepared by Enspire, including a minimum of 18 Ocean Guard 200 µm units, three 5 kL treatment units and 50 large-size filters. The plans do not clearly identify where these treatment devices are to be located, how they are to be connected within the stormwater drainage system, or how the overall treatment train will achieve the nominated stormwater quality objectives. Underground OSD systems must be constructed from reinforced concrete or proprietary system approved by Council. Atlantis units or similar are not to be used for detention.
- The basement tanking must be designed with a permanently waterproof system with adequate provision for future fluctuation of the water table and must be designed to withstand the effects of pore pressure and buoyancy.

#### It is recommended that:

- Further information be requested requiring a detailed stormwater drainage plan for the safe disposal of stormwater from the site, including on-site stormwater detention (OSD) and stormwater quality treatment systems, prepared in accordance with Council's 'Appendix 2 – Engineering Specifications of the Canada Bay Development

Control Plan'. The revised design must demonstrate compliance with Control OSD7 of Council's DCP, Appendix 2 – Engineering Specification, calculate PSD using a 0% pre-development site impervious area for the peak flow of the overall critical duration of the 20% AEP storm event, and determine the required OSD storage volume so that the fully developed site discharge, including controlled and uncontrolled areas, for the peak flow of the overall critical duration of the 1% AEP storm event is reduced to the calculated PSD.

- The applicant must provide detailed cross-sections showing the invert level of outlet pipe, centreline level of orifice plate, orifice plate size and diameter, 1% AEP top water level of the OSD system, 300 mm freeboard requirement, emergency overflow structure and overflow path. The revised plans must also clearly demonstrate the location, configuration, operation and treatment performance of all proposed stormwater quality devices, including the minimum 18 OceanGuard 200 µm units, three 5 kL treatment units and 50 large-size filters nominated in the Civil Engineering and Stormwater Report, Revision 5, dated 1 June 2026, prepared by Enspire.
- The design must confirm that runoff from the future park area to be dedicated to Council does not drain into the proposed private-owned on-site stormwater detention (OSD) system, that underground OSD systems are constructed from reinforced concrete or proprietary system approved by Council, that Atlantis units or similar are not used for detention, and that the basement tanking is designed with a permanently waterproof system with adequate provision for future fluctuation of the water table and to withstand the effects of pore pressure and buoyancy.
- The stormwater design must be certified by a Professional Civil Engineer who is a current member of Engineers Australia and must certify that the proposed stormwater drainage system has been designed in accordance with Council's 'Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan' prior to the issue of the Construction Certificate.
- Prior to the issue of any Occupation Certificate, the applicant shall submit to the Principal Certifier and Council a copy of the Work-As-Executed (WAE) stormwater drainage plans, prepared by a Registered Surveyor, together with a hydraulic certification of compliance from a suitably qualified professional engineer. The WAE plans shall be based on the approved stormwater drainage design plans endorsed with the Construction Certificate and shall clearly identify all constructed stormwater infrastructure and levels.
- A maintenance schedule for the stormwater drainage system, on-site stormwater detention (OSD) system and stormwater quality improvement devices, including a sketch plan identifying all components of the stormwater drainage system, shall be submitted to the Principal Certifier. The maintenance schedule shall be prepared by a qualified stormwater/hydraulic engineer.
- A Positive Covenant and Restriction as to User shall be created over the stormwater management system, on-site stormwater detention (OSD) system, on-site stormwater absorption (OSA) system, stormwater quality improvement devices and/or mechanical pump-out system under Sections 88B and/or 88E of the Conveyancing Act. The instrument shall be submitted to the authority benefited for approval prior to registration with NSW Land Registry Services. A Positive Covenant and Restriction as to User Lodgement Form shall also be submitted to Council. The covenant wording shall be in accordance with Council's 'Appendix 2 – Engineering Specifications of the Canada Bay Development Control Plan'.
- An identification plate shall be installed adjacent to the control structure of the On-Site Stormwater Detention (OSD) system to advise future owners of their

responsibility to maintain the OSD facility. The plate shall be obtained from Council and installed prior to the issue of any Occupation Certificate.

## Public Domain and Civil Works

### Issues:

- The proposed vehicular access from the site to Parramatta Road and Queens Road interfaces with roads that are not under Council's ownership or control. The vehicular crossing arrangements must be reviewed and revised to comply with Council's applicable driveway requirements and to the satisfaction of both Council and Transport for NSW.
- One hard copy and one electronic copy of civil engineering drawings prepared by a Chartered Civil Engineer with National Engineering Register (NER) Accreditation are required to be submitted to Council under Section 138 of the Roads Act 1993 for civil and stormwater drainage works within the road reserve of Parramatta Road and Queens Road footpath area. Any public domain and civil works on Parramatta Road and Queens Road footpath area must be designed and constructed in accordance with Council's DCP and DCP Appendix 2 – Engineering Specification or to the satisfaction of Council. The drawings must include plan view, long/cross sections with existing and finished surface levels, existing and proposed signage, longitudinal and cross sections detailing the reconstruction of the concrete footpath along the entire frontage of the proposed development on all affected streets, including transition works, demonstration of smooth connection with the remaining streetscape and adjacent existing vehicular crossings, and all underground and overhead services near the work area including pits, poles, sewer, Ausgrid assets and Telco pits. Written approval from relevant public utility authorities is required if relocation or adjustment of any public utility service is needed. A maintenance period of six months applies after completion. Upon completion, one hard copy and electronic copy of works-as-executed (WAE) plans must be provided to Council, showing relevant dimensions and finished levels and certified by a registered surveyor, together with details of all public infrastructure created as part of the works and certification from the certifying engineer.

### It is recommended that:

- The applicant be required to submit one hard copy and one electronic copy of civil engineering drawings prepared by a Chartered Civil Engineer with National Engineering Register (NER) Accreditation to Council under Section 138 of the Roads Act 1993 for all civil, stormwater drainage and public domain works within the Parramatta Road and Queens Road footpath road reserve areas.
- The drawings must demonstrate that any public domain and civil works on Parramatta Road and Queens Road footpath area are designed and constructed in accordance with Council's DCP and DCP Appendix 2 – Engineering Specification or to the satisfaction of Council, and must address Transport for NSW requirements where relevant. The drawings must include plan view, long/cross sections with existing and finished surface levels, existing and proposed signage, longitudinal and cross sections for footpath reconstruction along the entire frontage of the proposed development on all affected streets, transition works, smooth connection with the remaining streetscape and adjacent existing vehicular crossings, service locations

and utility approvals where relocation or adjustment is required. All consented works must be completed to Council's satisfaction at no cost to Council, with a six-month maintenance period after completion and works-as-executed (WAE) plans certified by a registered surveyor, including details of all public infrastructure created and certification from the certifying engineer.

- All works required under the Section 138 consent and approval issued pursuant to the Roads Act 1993 shall be completed to the satisfaction of the relevant road authority. A completion letter or written confirmation from the relevant road authority shall be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

### **Street Lighting, Electrical Design and Supporting Certification**

#### **Issues:**

The development must deliver compliant and consistent public lighting within the Parramatta Road and Queens Road and all associated public park and public domain areas, in accordance with Council's requirements. Early coordination with Council is required to ensure the proposed lighting integrates with existing and future infrastructure, provides appropriate lighting levels and uniformity, and avoids inconsistent assets, non-standard equipment, or future maintenance and operational issues.

#### **It is recommended that:**

- The applicant must provide City-scheme public lighting infrastructure for the Parramatta Rd and Queens Rd road reserves and proposed public park.

Prior to preparing the detailed design, the applicant must hold a pre-submission meeting with Council's Strategic Assets Engineer to confirm Council's specific lighting and electrical infrastructure requirements. Following this meeting, a draft lighting design must be submitted to the Strategic Assets Engineer for review and written feedback.

The detailed lighting and electrical design must comply with Council's requirements, including requirements for undergrounding of Ausgrid overhead assets and Council-approved lighting category, switchboard arrangements, pole locations and specifications, luminaire types and specifications, electrical reticulation, and associated public lighting infrastructure.

### **Pre-Commencement, Temporary Anchors and Vehicular Crossings**

#### **Issues:**

- The Pre-Commencement Damage Report Form must be completed and submitted to Council to establish the existing condition of the road reserve on Blaxland Road, Llewellyn Street, Cavell Avenue and the Cavell Lane corridor prior to work commencing and to identify any damage caused during construction. An application to install temporary rock anchors is required where ground anchors are proposed for the protection of Council land or assets, including utility services, footpaths, kerb and gutter

and other ancillary infrastructure. A separate Vehicular Crossing Location and/or Ancillary Works Application under Section 138 of the Roads Act 1993 is required for each new vehicular crossover. All disused or redundant vehicle crossings, laybacks and stormwater connections must be removed and reinstated with concrete kerb and gutter or to the existing edging profile at no cost to Council.

It is recommended that:

- Conditions be included requiring the Pre-Commencement Damage Report Form to be completed and submitted to Council for Blaxland Road, Llewellyn Street, Cavell Avenue and the Cavell Lane corridor prior to work commencing. A separate application to install temporary rock anchors must be submitted where ground anchors are proposed to protect Council land or assets, including utility services, footpaths, kerb and gutter and ancillary infrastructure. A separate Vehicular Crossing Location and/or Ancillary Works Application under Section 138 of the Roads Act 1993 must be obtained for each new vehicular crossover. All disused or redundant vehicle crossings, laybacks and stormwater connections must be removed and reinstated with concrete kerb and gutter or to the existing edging profile at no cost to Council.

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## 2. Engineer (Road & Traffic)

### **Parking arrangement and ground floor/basement vehicular design**

Issues:

- It should be noted that build-to-rent and co-living units are still considered a form of residential housing as per CCBC LEP 2013. As such, in lieu of alternative instruments, Council's DCP parking rates should prevail. This particularly applies to the provision of Retail and Visitor Parking spaces.
- As per AS4299:1995, adaptable units are to provide a minimum of 1 car parking space per adaptable unit that complies with requirements as set out in Clause 3.7.3. As this development would be required to provide a minimum of 130 adaptable units under Council's DCP, this would result in a minimum requirement of 130 accessible parking spaces being provided for just the residential component only to be provided out of the proposed 305 Residential Parking spaces. The spaces are to be divided amongst the two carparks according to the split of adaptable housing.
- As per Council's DCP, Visitor Parking is required to be provided in Buildings 2-4 for a total of 73 parking spaces and in Building 1 for a total of 15 (fractions must be rounded up as per DCP).
- Based on the above number of Visitor Parking spaces, there should be a minimum of 2 Visitor Parking spaces made available as accessible parking spaces, 1 per carpark.
- As per the LEP, the maximum number of retail parking spaces to be provided is 118 spaces across the entire site. This maximum has been upheld with the nearby Deicorp site and should similarly be applied.
- Based on the above number of Retail Parking spaces, a minimum of 3 spaces should be made accessible out of the maximum of 118 spaces to be provided.
- Totalling the above, there is to be a minimum of 135 accessible parking spaces to be provided across the entire site in accordance with AS2890.6.

- Noting that there is some minor overlap of vehicular swept paths within the carparks, the applicant is required to propose a system to manage the potential conflict of vehicles travelling along the driveway ramps. Due to the length, grade and curvature of the ramp, a conflict may occur between vehicles manoeuvring throughout the proposed carpark. A system of traffic lights and/or mirrors may be required to indicate traffic movement on the ramp. Any signal system must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected. The applicant shall also take into consideration the conflict between vehicles reversing out of spaces and vehicles entering/exiting the carpark or utilising the ramps within the basement carparks.
- Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to an Occupation Certificate being issued and moving of stacked vehicles must occur wholly within the property.
- The applicant has misquoted the applicable bicycle parking rate for Retail Visitor Bicycle Parking. The correct rate is 2 spaces per unit + 2 per 100sqm GFA. Based on the submitted architectural plans, this would equate to an additional 34 Bicycle Parking spaces to be provided.
- As per Council's DCP Part K20.20 control C6, basement carparks are to be a minimum of 3.7m in floor to floor height which the architectural plans do not appear to demonstrate.

It is recommended that:

- The basement parking levels be amended to comply with the provisions in Council's DCP as noted above.
- The applicant is required to propose a system to manage the potential conflict of vehicles travelling along the driveway ramps. Due to the length, grade and curvature of the ramp, a conflict may occur between vehicles manoeuvring throughout the proposed carpark. A system of traffic lights and/or mirrors may be required to indicate traffic movement on the ramp. Any signal system must maintain a green signal to entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected. The applicant shall also take into consideration the conflict between vehicles reversing out of spaces and vehicles entering/exiting the carpark or utilising the ramps within the basement carparks. This shall be addressed prior to issue of the first Occupation Certificate.
- Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata title comprising a single dwelling unit or commercial/retail tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking), prior to any Occupation Certificate being issued and moving of stacked vehicles must occur wholly within the property.

## Traffic Modelling

### Issues:

- Whilst the SIDRA modelling presents acceptable levels of service at the modelled intersections, it does not consider the flow on effects of the 95<sup>th</sup> percentile queues. As an example, the Parramatta Road/Harris Road intersection sees a 95<sup>th</sup> percentile queue of 306m, which would cascade into other intersections such as the Harris Road/Queens Road intersection.
- Further to the above, the subject site has not adequately considered the freight and servicing needs of the subject development. A quick calculation based on the above guidelines suggests an average rate of 0.317 (Neighbourhood centre Medium Term) would be applicable and result in approximately 275 additional vehicle trips per day. This needs to be considered in the broader context and does not excuse the development from implementing some kind of mitigation measure.

### It is recommended that:

- The applicant engage with TfNSW and Council to determine what measures are required to mitigate and manage the associated traffic impacts. The cost of assessment and associated works are to be borne by the developer at no cost to Council.

## Public Domain

### Issues:

- Noting that there are portions of the public domain to be retained in private ownership, there is to be a material/physical method identified to delineate and separate the privately and publicly owned portions.
- As the proposed north/south road is to be privately owned, a pavement/entry treatment is to be considered to delineate and highlight the privately owned nature of the road.
- Noting the relative length and height difference across the entire East/West pedestrian through site link, there is ample room to accommodate a more gradual ramping to resolve the height differences across the pedestrian link.

### It is recommended that:

- The design of the public domain including subdivision and the design of the through-site link is to be to Council's approval prior to issuing of the first OC for Building 1.
- The public domain associated with the development is to be to the satisfaction of Council prior to the final OC for the development.

## Miscellaneous

### Issues:

- It should be noted that all adaptable units are to be a minimum of 3.7m in floor to floor height as per Council's DCP Part K 20.6 control C7 which the architectural plans do not demonstrate.
  - The identified land dedication to TfNSW fronting Parramatta Road appears to incorporate the intended 6m setback to be dedicated to Council. This should be rectified prior to approval being granted.
- 

## 3. Landscape

### Issues:

- Queen Road tree species should select from the Kings Bay, Burwood-Concord Precinct Street Design Guideline – Urban Canopy Street Tree List 4-4.1.
- Queen Road road verge design should follow the Kings Bay, Burwood-Concord Precinct Street Design Guideline. Understorey planting should be provided on Queen Road. Planting species to be selected from Planting List 5-5.1.
- The current proposal is inconsistent with the PRCUTS Public Domain Plan, as it does not provide the designated public open space identified within the area occupied by Buildings 2, 3 and 4. A publicly accessible open space and through-site pedestrian connection between these buildings, providing clear and accessible access from Parramatta Road to Kings Bay East Park in accordance with the intended public domain network.
- Community garden should also be incorporated into the park design as per PRCUTS Public Domain Plan
- No sufficient soil depth are provided for the tree planting over the OSD tank.:
  - Proposed tree species *Corymbia ficifolia* 'Summer Red'(COF) can reach to 4-6m in height and 3-4m in spread; Increase the soil depth to allow for proposed tree to grow
  - *Eucalyptus molucana* (EUM) can reach to 15-30m in height and 10-15m in spread. It is more appropriate to plant in deep soil zone. Swap to other species that is more suitable for growing in the raised planter.

### It is recommended that:

- The park edge along North and South Link should be broke out by 1 or 2 second entry/informal access to provide to access from pedestrian link to Kings Bay East Park.
- The central lawn should be designed as a flat, open and unobstructed area suitable for a range of passive and informal recreational activities, including small group gatherings, picnicking and informal kickabout
- An accessible pathway should be provided to the seating decks. DDA compliant furniture should also be provided.
- The ramp providing accessible connectivity to the lower level and future Harris Street should be further refined. The current five-turn zig-zag configuration should be redesigned to incorporate landscape batters, seating and intermediate landscape

elements to break up the ramp and improve its functionality, amenity and visual integration.

- Furniture in the park should use DDA compliant furniture, include bin enclosure, bike racks and drinking fountain. Necessary way finding is also required.
- A comprehensive lighting design should be incorporated into the park design to support safety, accessibility and after-dark use.
- The playground should cater to a broad range of ages and abilities, including infants, toddlers and older children. Inclusive and sensory play elements should be incorporated to provide a variety of physical, social, imaginative and sensory experiences for users with diverse needs and abilities. Appropriate impact-attenuating surfacing and fall zones must be provided in accordance with the relevant Australian Standards.
- Standalone DDA park seat should be provided along the footpath in the park.
- Additional seating options should be provided in the playground
- Enclosures / screening should be provided to fire booster and water meter to ensure the amenity from the street (Queens Road).
- Building 3 *Eucalyptus paniculata* – Ironbark (ALL) should be located within a substantial deep-soil zone rather than a contained raised planter, unless adequate soil depth, soil volume, drainage and structural capacity can be demonstrated to support the species at maturity. ALL should be replaced with another appropriate species
- Furniture in the public accessed roof garden and courtyard should use DDA compliant furniture, include but not limit to seatings, picnic table setting, BBQ.
- Enclosure should be provided around the services boxes to provide good amenity and acoustic protection.
- To ensure the site landscaping thrives the on-slab landscaping shown on the approved landscaping plan is to be designed to include the following minimum soil depth, volume and areas:

|                         |            |
|-------------------------|------------|
| Turf                    | 200mm      |
| Grass and ground covers | 350-450mm  |
| shrubs                  | 600- 650mm |

| Mature Size  | Height | Canopy Width | Soil Volume (per tree) | Soil Area on Structure | Minimum Depth |
|--------------|--------|--------------|------------------------|------------------------|---------------|
| Small Trees  | 6-8m   | 4m           | 9m <sup>3</sup>        | 3.5m x 3.5m            | 800mm         |
| Medium Trees | 8-12m  | 8m           | 35m <sup>3</sup>       | 6m x 6m                | 1000mm        |
| Large Trees  | 12-18m | 16m          | 150m <sup>3</sup>      | 10m x 10m              | 1200mm        |

Drainage layers are additional to these dimensions.

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#### 4. Tree services & Open Space

##### **Public Open Space**

###### Issues:

- Canada Bay Local Environmental Plan (LEP) requires a minimum of 2,090m<sup>2</sup> of public open space on land fronting Queens Road, Five Dock. The current proposal locates an Ausgrid substation kiosk within this area, which is unacceptable to Council. The land to be dedicated to Council as public open space must be unencumbered at the time of transfer. The substation is to be relocated elsewhere within the development.
  - To ensure the proposed public park meets community expectations and Council's requirements as the future owner and asset manager, a series of design workshops is to be undertaken. The Proponent must liaise with Council regarding the number, timing and frequency of these workshops. The final park design is to be subject to Council's approval.
  - There is currently no clear delineation between the proposed public open space and the land retained in strata ownership. This will cause legibility issues to users and potentially non-aligned maintenance practices.
  - The proposed playground is to be designed in accordance with the NSW Government's Everyone Can Play Guidelines. The playground must incorporate, at a minimum, shade sails, seating, play equipment and a drinking bubbler. Consultation with Council is required to ensure the playground complements Council's broader playground network and strategic objectives.
  - All infrastructure for the park must be designed to be independent of the broader development site.
  - Council does not support the proposed use of the public park as part of the site's broader stormwater management system. The park must be designed as a standalone asset and incorporate passive stormwater management measures, with minimal reliance on conventional pit-and-pipe infrastructure.
  - The proposed east-west through-site link is to be redesigned to remove the ramped section between Buildings 1 and 2-4. This arrangement is not supported by Council. The through-site link should provide a seamless and equitable access outcome across the development site and facilitate the future connection between Harris Street and the proposed private road.
  - All public domain works are to be designed and constructed in accordance with relevant Australian Standards and applicable Council requirements including Kings Bay, Burwood-Concord Precincts Street Design Guideline. The proposal does not currently align to the Street Design Guideline along Parramatta Road or Queens Rd.
  - Any public art proposed on land to be dedicated to Council must be subject to Council review and approval.
  - Prior to dedication of the park to Council, a Site Validation Report prepared by a suitably qualified and experienced consultant must be submitted, confirming that the land has been appropriately remediated and is suitable for use as public open space. There are to be no ongoing monitoring or requirements for the public park.
  - Appendix QQ (Section 3.4, Phasing and Programme) identifies delivery of the public park during Phase 1 of the development. Council requires the park be dedicated to Council upon the issue of the final Occupation Certificate for Buildings 2, 3 or 4, which ever is last. The Proponent is responsible for the maintenance and up keep until dedication.
-

It is recommended that:

- The design of the public open space including subdivision and the design of the through-site link is to be to Council's approval prior to issuing of the first OC for Building 1.
- Arrangements for the dedication and embellishment of the park are to be to Council's satisfaction prior to the issuing of the first OC for Building 2-4.
- The public domain associated with the development is to be to the satisfaction of Council prior to the final OC for the development.

## **Tree Services**

Issues:

### **Trees for removal**

Only 2 trees (both *Cinnamomum camphora* – Camphor Laurel – to the north of the site) have been proposed for removal. Site planting will more than make up for this loss. The proposed removals can be supported.

### **Trees for retention**

All trees on neighbouring property have been proposed for retention. This should be viable, but there are concerns regarding trees 24 and 25. These are relatively small trees located in the rear yard of 8 Harris Street. Moderate pruning has been proposed, and basement excavation will result in an NRZ encroachment (not measured in AIA).

While we do not oppose this work, it must be noted that these trees do not belong to the applicant – pruning must not be done without the owner's consent, and work resulting in an NRZ encroachment greater than 10% should not be done without the owner's consent (removal and replacement at the expense of the applicant may be appropriate if the impacts are expected to be significant).

### **Tree planting**

Many trees have been proposed for the site. Generally, the volume and species can be supported. However, there are some aspects of the proposed tree planting that may require closer attention:

### **Inaccurate estimations of size at maturity**

- The mature height and spread of the following species has been significantly underestimated in the Landscape Plan:
  - *Eucalyptus paniculata* (Grey Ironbark)
  - *Angophora costata* (Smooth Barked-Apple)

This is not an issue with regards to Council supporting the proposal, but

should be considered when determining if sufficient soil volume is in place.

- The following species have been somewhat underestimated:
  - *Eucalyptus moluccana* (Grey Box)
  - *Eucalyptus resinifera* (Red Mahogany)
  - *Tristaniopsis laurina* 'Luscious' (Luscious Water Gum)

This is not an issue with regards to Council supporting the proposal, but should be considered when determining if sufficient soil volume is in place.

- The following species has been somewhat overestimated:
  - *Syncarpia glomulifera* (Turpentine) – does not typically reach 20m in urban settings. Their use can still be supported.
- The following species has been significantly overestimated:
  - *Corymbia ficifolia* 'Summer Red' – this is a small variety of Flowering Gum (this is a moderately sized species, but most cultivated varieties are small). It will not reach the estimated 15m height and spread.

There are no issues with these trees being used, but they should be substituted for other trees where a large feature tree is desired.

Overall, these errors are likely to result in more canopy cover than proposed.

#### Native/deciduous

Trees have been listed as either '*native*' or '*deciduous*', which is not an effective way to categorise them (native trees can be deciduous, exotics can be evergreen). For the most part this has not caused issues in the Landscape Plan, but it has resulted in a single proposed *Flindersia australis* (Crow's Ash) being categorised as '*deciduous*' instead of '*native*'.

If this tree has been selected to allow solar access in winter, then it should be substituted for a different species – the species does not reliably lose its leaves every year. In years where it does lose its leaves, it typically does so in late winter/early spring.

#### Soil volume

It will need to be ensured that all trees have access to sufficient soil volume to reach a healthy mature size. This is particularly important where trees are proposed above underground structures.

Soil depth and total soil volume will need to be considered. Where feasible, soil areas of adjacent trees should be combined.

It is recommended that:

- Further detail be provided regarding impacts to trees on neighbouring property, and that consent for the proposed work is obtained from the trees' owner.
- Tree species choice be reviewed to ensure that the desired outcomes are achieved.
- Soil volume specifications be carefully assessed to ensure that the proposed species can reach full mature size without being stunted.

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## 5. Property

### Road Naming and Street Numbering

#### Issues:

- The proposed pedestrian link, identified as a new road, has not yet been officially named. A road naming application must be submitted to the Geographical Names Board (GNB), and the proposed road name must be endorsed by Council. Buildings 2, 3 and 4 are proposed to address the new road via their lobby entrances. As the new road has not yet been officially named, street numbering for these buildings cannot be finalised and may be subject to revision once the road naming process is completed and the entrance locations are confirmed.

#### It is recommended that:

- Further information be requested requiring the applicant to submit a road naming application to the Geographical Names Board (GNB) for the proposed pedestrian link / new road, with the proposed road name to be endorsed by Council. Street numbering for Buildings 2, 3 and 4 must not be finalised until the road naming process has been completed and the lobby entrance locations for each building have been confirmed. The applicant is to acknowledge that the street numbering for Buildings 2, 3 and 4 may be subject to revision following completion of the road naming process and confirmation of entrance locations.

## 6. Construction Impact

### Construction Traffic and Pedestrian Management Plan (CTMP)

#### Issues:

- Council notes that, notwithstanding the proposal being assessed as State Significant Development (SSD), the construction impacts associated with the development will occur primarily within the local road network, pedestrian environment and public domain under Council's care and control, including the surrounding residential streets and areas in proximity to Concord Oval. Given the scale and intensity of the proposed development, Council considers that detailed construction traffic management measures are required to minimise impacts on traffic operation, pedestrian safety, local amenity and access within the surrounding area.

It is recommended that:

- a condition of any Construction Certificate, a detailed Construction Traffic and Pedestrian Management Plan (CTMP) must be prepared by a suitably qualified traffic consultant and submitted to Council for review and approval, in consultation with relevant agencies where required, prior to the commencement of any demolition, excavation or construction works

26 August 2026

Paul Dewar  
City of Canada Bay Council

Sent via email: paul.dewar@canadabay.nsw.gov.au

Dear Paul,

## Re: 51-55 Parramatta Rd, Five Dock Planning Proposal – Retail Assessment Peer Review

In 2016, Urban Growth NSW released the Parramatta Road Corridor Urban Transformation Strategy (**PRCUTS**) which established a framework to guide the renewal of the Parramatta Road corridor. In response, the City of Canada Bay Council (**Council**) prepared a planning proposal for Stage 1 of PRCUTS with new planning controls proposed for three precincts including Kings Bay, Burwood-Concord and Homebush North. The amendments to the Canada Bay Local Environmental Plan 2013 were made in December 2022.

Toga Group (**the Proponent**) have lodged a State Significant Development Application (**SSDA**) for a mixed-use development on the edge of the Kings Bay Precinct (**the Precinct**) at 51-55 Parramatta Road, Five Dock (**the Site**).

The Site is subject to the following planning controls:

- R3 Medium Density Residential zone.
- FSR 1.8:1 and building height control 35m.

A concurrent rezoning proposal seeks to rezone the Site from R3 Medium Density Residential to MU1 Mixed Use (**the Proposal**). It would enable a proposed GFA of 66,072sqm (equivalent to an FSR of 4.3:1) which comprises:

- Shop-top housing (49,445sqm) and co-living (6,289sqm).
- Non-residential uses (8,250sqm).
- Internal communal areas (1,697sqm) and supporting amenities (391sqm).

The Proposal incorporates a full-line supermarket of 4,205sqm along with other non-residential uses across 4,045sqm (such as retail premises, business premises and indoor recreation facilities). The Proposal is accompanied by an Economic Impact Assessment (**EIA**) by Urbis.

Atlas Economics (**Atlas**) are engaged to assist Council with a peer review of the EIA prepared by Urbis. This includes advice on the quantum of retail floorspace proposed and if it is appropriate in the context of the Precinct and the Five Dock precinct (which has been the subject of masterplanning by Council ahead of the Five Dock metro station completion).

The Assessment is undertaken from first principles. It does not undertake its own projections or check the accuracy of data used.

Beyond the  
horizon thinking.

[atlaseconomics.com.au](http://atlaseconomics.com.au)

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# Strategic Planning Context

## KINGS BAY PRECINCT

The Kings Bay Precinct (**the Precinct**) is located on the northern side of Parramatta Road in Five Dock. Land for development in the Precinct is either zoned MU1 Mixed Use or R3 Medium Density Residential. The planning controls in the Precinct are intended to support:

- Development of a commercial mixed-use centre focused on Spencer Street and extending along the Parramatta Road frontage.
- New high-rise residential tower development surrounding the commercial centre, stepping down towards the existing low-scale low density residential areas.
- Public domain that is characterised by a network of inter-connecting parks, footpaths, laneways and cycleways.

The planning controls enable a theoretical development capacity in the Precinct of:

- 2,960 dwellings (which could accommodate 5,200 residents).
- Non-residential floorspace of 68,100sqm at ground level in the MU1 zone, as residential flat buildings are prohibited in the zone.

Figure 1 illustrates the land uses envisaged within Precinct, with a yellow star indicating the position of the Site and a red star indicating the location identified for the village heart/ centre.

Figure 1: Kings Bay Precinct Land Use



Source: GroupGSA (2022)

## FIVE DOCK PRECINCT MASTERPLAN

In response to the proposed Metro station at Five Dock as part of the Sydney Metro West line, Council developed and endorsed the Five Dock Precinct Masterplan (**the Masterplan**) and planning proposal (**the Five Dock PP**) in March 2026. The planning proposal is currently with DPHI for assessment.

The planning controls in the Masterplan are intended to achieve the following outcomes:

- Strengthen the town centre, reinforce the high street and civic facilities, increase capacity for commercial floor space and stimulate local employment opportunities.
- Focus height and density in key locations close to the station, transitioning to lower heights further from the Metro station, towards the edges of the Masterplan.

The proposed planning controls enable a theoretical development capacity in the Masterplan of:

- 13,983 dwellings (which could accommodate 30,763 residents).
- Non-residential floorspace of 79,560sqm to be provided in the town centre.

The Five Dock PP expands the mixed-use zone and proposes a local clause requiring the ground and first floors of buildings in the MU1 Mixed Use zone to be used for non-residential purposes. This is to enable opportunity for a supermarket and non-retail uses to support the growth proposed and reduce the level of escape expenditure.

The Five Dock PP additionally employs the use of planning incentives (through a Key Sites mechanism) to enable the delivery of identified community infrastructure.

Figure 2 illustrates the structure plan of the Masterplan. The Site is indicated by a yellow star.

Figure 2: Five Dock Precinct Structure Plan



Source: Studio GL (2026)

As is evident from the structure plan, non-residential uses are focused north-south along Great North Road, building on the existing town centre. Building forms in the mixed-use zone are up to 12 storeys, with up to 15-25 storeys permitted on particular sites subject to on-site land use and community infrastructure requirements.

106 Great North Road and 9-21 Waterview Street (east of Great North Road) are identified as Key Sites with the potential for delivery of significant retail/ commercial floorspace and affordable housing.

## Major Developments with Retail Potential

### KINGS BAY PRECINCT

Development is already materialising in the Kings Bay Precinct. In June 2025, the Kings Bay Village, a mixed-use development at 129–153 Parramatta Road and 53–75 Queens Road secured planning consent. The development comprises 1,185 apartments as well as retail and commercial floorspace of 14,700sqm. The retail centre is indicated to be anchored by a full-line supermarket of 3,400sqm along with a supermarket-style food emporium/ providore of 1,950sqm. Construction is underway on Kings Bay Village, which will function as the heart of the Kings Bay commercial precinct. The Site is 300m east and physically separated by Rosebank College.

A range of other proposals are at various stages in the Kings Bay Precinct (refer Table 1). Although the details of these proposals are yet to be finalised, it is clear there is significant non-residential floorspace in the pipeline.

Table 1: Development Pipeline, Kings Bay Precinct

| ADDRESS                          | STATUS                  | DWELLINGS    | NON-RESIDENTIAL FLOORSPACE (SQM) |
|----------------------------------|-------------------------|--------------|----------------------------------|
| 235 Parramatta Rd                | Prepare EIS             | 228          | 3,608                            |
| 255-271 Parramatta Rd*           | Prepare EIS             | 781          | 1,005                            |
| 79-81 Queens Rd & 2-8 Spencer St | Response to submissions | 123          | 408                              |
| 7 Spencer St                     | Declared by HDA         | 840          | 7,000**                          |
| <b>Total</b>                     |                         | <b>1,972</b> | <b>12,021</b>                    |

Source: Planning Portal \*immediately beyond the Kings Bay Precinct \*\*assuming 50% site cover and non-residential floorspace required on ground floor

### FIVE DOCK PRECINCT MASTERPLAN

When the new Five Dock planning controls are made, development applications would be able to follow. Notwithstanding, it is relevant to highlight the following.

- **Eastern side of Great North Road (between First and Second Avenue)**

The Five Dock Masterplan identifies an opportunity on the eastern side of Great North Road for a supermarket and associated retail to be co-located with public open space and residential tower forms. Incentive FSRs of 3.8:1 and 6:1 are proposed to enable these outcomes.

- **Western side of Great North Road (Garfield Street)**

On the western side of Great North Road, Coles lease their store within a mixed-use building, which was purchased by Charter Hall in 2021. Coles is secured on a 20-year lease to 2036 with multiple 10-year options to 2076. Coles Five Dock is reported to be a strong trading store with no known plans for a change in operations.

- **Metro Station**

The Metro station is currently under construction and is adjacent to Coles. Upon completion, the station entrance will be activated with commercial and retail uses.

The Masterplan acknowledges the need for additional retail and commercial floorspace to support the planned growth and responds with corresponding planning controls to enable additional retail floorspace.

## Retail Floorspace sought by the Proposal

The Economic Impact Assessment (**the EIA**) prepared by Urbis recommends additional non-residential floorspace on the Site given the population uplift as a result of the Five Dock Precinct Masterplan. This floorspace comprises:

- Supermarket and food retail (3,300sqm)
- Food catering and liquor (960sqm)
- Non-discretionary retail (740sqm)
- Discretionary retail (260sqm)
- Non-retail specialties (750sqm)

The above equates to non-residential floorspace of 6,010sqm (retail 5,260sqm and non-retail 750sqm).



To support this recommendation, the EIA makes the following points:

- Population growth of the defined catchment will increase from 21,641 persons in 2025 to 54,299 persons in 2040 (an increase of 32,658 persons).
- The provision of supermarket floorspace is currently less than 60% of the greater Sydney average.

In the next sections, comment is made on the EIA's analysis and recommendations.

## RETAIL PROVISION

Atlas generally agrees with the extent of the defined trade area catchment in the EIA. The definition of the area is limited by natural barriers such as the Parramatta River and major retail facilities such as Westfield Burwood.

Historically, there has been around 2.2sqm of retail floorspace provided for every resident. This is a widely accepted ratio used throughout the Australian retail industry, based on the last ABS Retail Census undertaken in 1991/92. The per person rates encompass all types of retail, including purpose-built shopping centres, large format retail and strip shops. While real incomes have grown since 1991/92, driving greater demand for retail floorspace, the take-up of online retail has simultaneously acted to temper demand for retail floorspace.

Five Dock accounts for the majority of retail floorspace in the defined trade area catchment. This is estimated at ~17,500sqm (GapMaps, 2025) with a resident population of ~21,600 in 2025 (Urbis, 2026). As a result, the existing provision of retail floorspace in the catchment is 0.8sqm per person. This is below the benchmark of 2.2sqm per person and reflects the reliance of existing residents on retail facilities beyond the catchment area. The current provision is expected to shift over time, as development occurs and more residents are accommodated and as new non-residential floorspace (retail and commercial) is completed.

In 2040, the resident population in the trade area catchment is identified by Urbis to be 54,300 persons (which appears to include incoming residents to the Kings Bay and Five Dock precincts).

In order to ascertain the potential future retail provision in the catchment area, a simple exercise comparing the net new theoretical development capacity and theoretical resident population in the Kings Bay precinct and Five Dock precinct is undertaken. Being an established urban area, not all of the theoretical development capacity in the Five Dock precinct will be taken-up. In contrast, as an urban renewal precinct, development capacity in Kings Bay is expected to be taken-up at a swifter pace.

Table 2 shows a comparison of the net new (theoretical minus existing) retail floorspace capacity against the net new theoretical resident population.

Table 2: Retail Floorspace Provision (Net New Capacity), Kings Bay and Five Dock Precincts

| PRECINCT     | NON-RESIDENTIAL FLOORSPACE CAPACITY (SQM) | RETAIL FLOORSPACE CAPACITY (SQM) | RESIDENT POPULATION | RETAIL PROVISION (SQM) |
|--------------|-------------------------------------------|----------------------------------|---------------------|------------------------|
|              | (a)                                       | (b)                              | (c)                 | (d) = (b ÷ c)          |
| Kings Bay    | 68,100                                    | 47,670*                          | 4,800               | 9.9                    |
| Five Dock    | 39,560                                    | 19,780**                         | 27,366              | 0.7                    |
| <b>Total</b> | <b>107,660</b>                            | <b>67,450</b>                    | <b>32,166</b>       | <b>2.1</b>             |

Source: Studio GL (2026), GroupGSA (2022), Atlas

\*non-residential floorspace is required at ground level (assumed 70% retail, 30% non-retail)

\*\*non-residential floorspace required at ground and first floor (assumed 50% retail, 50% office)

The net new, non-residential floorspace planned (theoretical minus existing) across the Kings Bay and Five Dock precincts is estimated at 107,660sqm with retail floorspace estimated at 67,450sqm.

Table 3 overlays the population projections (from Urbis) against the theoretical non-residential floorspace capacity that is enabled by the planning controls in both precincts.

Table 3: Retail Floorspace Provision (Net New Capacity), Catchment Area

| GEOGRAPHY            | POPULATION (2025) | POPULATION (2040) | RETAIL FLOORSPACE POTENTIAL | RETAIL PROVISION (SQM) |
|----------------------|-------------------|-------------------|-----------------------------|------------------------|
|                      | (a)               | (b)               | (c) = column b in Table 2   | (d) = (c ÷ b)          |
| Trade Area Catchment | 21,500            | 54,300            | 67,450sqm                   | 1.2                    |

Source: Urbis (2026), Atlas



New retail floorspace at Five Dock is expected to play a convenience retail role, servicing residents in the immediate catchment, with higher order retail needs continuing to be met by Westfield Burwood and other facilities (beyond the catchment). The potential future retail provision could be 1.2sqm per person (if all the theoretical capacity was developed). This is significantly more than the existing retail provision of 0.8sqm and is considered adequate in light of the major retail facilities beyond the catchment (such as Westfield Burwood).

As such, the EIA conclusion that additional retail floorspace at the Site (and in the Precinct) appears to be overstated when considering the floorspace provision enabled by the planning controls at Kings Bay (already gazetted) and the proposed planning controls at Five Dock (planning proposal under assessment by DPHI).

Naturally and as acknowledged above, not all of the theoretical development capacity will be taken up. If there are fewer dwellings (and fewer residents), there will be correspondingly less demand for retail floorspace.

### SUPERMARKET FLOORSPACE PROVISION

The EIA suggests that the provision of supermarket floorspace in the main trade area is currently less than 60% of the Greater Sydney average. This provision however will change when the full-line supermarket (3,400sqm) and a supermarket-style food emporium/ providore (1,950sqm) under construction at Kings Bay Village are completed.

The EIA makes several assumptions on the supply of supermarket (and retail) facilities which form the basis of the retail demand conclusions. Table 4 outlines each of the assumptions relied on in the EIA along with Atlas' comment.

Table 4: EIA Supermarket Assumptions and Atlas Comments

| LOCATION                                           | EIA ASSUMPTION                                  | ATLAS COMMENT                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Western side of Great North Road (Garfield Street) | Reduced supermarket footprint (Coles Five Dock) | No explanation provided for stated reduction in store size. Coles is secured on a 20-year lease to 2036 with multiple 10-year options to 2076. Coles Five Dock is reported to be a strong trading store. There is no available information that would suggest Coles intends on reducing their store size and offer. |
| Kings Bay Village                                  | Only one supermarket assumed                    | In addition to a full-line supermarket of 3,400sqm, construction is underway for a supermarket-style food emporium/ providore of 1,950sqm.                                                                                                                                                                          |

Source: Urbis (2026), Atlas

Aside from Kings Bay Village (where the significance of supermarket floorspace is understated), the EIA does not consider the potential for future supermarkets elsewhere in the Five Dock or Kings Bay precincts. It ignores the potential of the MU1 zone to accommodate future supermarkets in either precinct. For example,

- The Five Dock Masterplan identifies an opportunity on the eastern side of Great North Road for a supermarket and associated retail to be co-located with public open space and residential tower forms. Incentive FSRs of 3.8:1 and 6:1 are proposed to enable this outcome.
- The MU1 zone in the Kings Bay precinct requires ground floor active uses, which could accommodate additional supermarkets beyond those already under construction at the Kings Bay Village.

The EIA appears to have missed the various opportunities for supermarket provision enabled by the planning controls in both precincts.

## Appropriateness of Proposal

The Proposal seeks approximately 6,000sqm of retail floorspace, to enable *inter alia*, a full-line supermarket.

### LIMITED OPPORTUNITY FOR ADDITIONAL RETAIL

The EIA's justification for additional retail floorspace relies on incomplete supply assumptions. Most notably, it understates the proposed supermarket offering at Kings Bay Village, excludes planned supermarket capacity along Spencer Street in Kings Bay and Great North Road in Five Dock, and assumes a reduction in the footprint of the existing Coles in Five Dock.

If the current Coles supermarket remained the only supermarket in the trade area catchment and was expected to serve all residents in an ultimate build-out capacity, the EIA conclusions would be correct, in that, there would be a severe under-provision of retail floorspace.



There is however, significant non-residential floorspace capacity that is enabled by the already-gazetted Kings Bay precinct planning controls and the recently proposed Five Dock precinct planning controls. The Kings Bay precinct planning controls are already the subject of market take-up with the Kings Bay Village underway and several other development applications in the pipeline. Aside from the Kings Bay Village, there is some 12,000sqm non-residential floorspace envisaged in known developments in the pipeline.

The Kings Bay Village will deliver 14,700sqm non-residential floorspace (which includes a full-line supermarket of 3,400sqm and 1,950sqm supermarket-style providore) and 1,185 apartments which if assuming two residents each, would accommodate a population of 2,370 persons. It is generally accepted that a full-line supermarket is supported by 8,000-10,000 residents in its primary trade area. With fewer than 2,500 persons within its own development, it is evident the retail and commercial offer will serve the incoming population of the precinct more broadly.

There is limited opportunity for the retail floorspace sought and for the new Kings Bay centre to be sustainable.

#### SUSTAINABILITY OF A NEW RETAIL CENTRE

The new non-residential floorspace that is enabled by planning controls in the Kings Bay and Five Dock precincts is estimated at 107,660sqm, which includes new retail floorspace estimated at 67,450sqm. Some of this floorspace is already mid-delivery in Kings Bay in step with residential growth.

Retail uses are followers. They only locate within an area once a sufficient sized catchment population is established and is sufficient to sustain viable trade. It is not uncommon for retail spaces to remain vacant in some instances where the catchment population has not achieved critical mass yet. As highlighted above, the retail/ commercial floorspace in Kings Bay Village is more than what its on-site population is likely to be capable of supporting. It will therefore need to draw upon the broader precinct for trade.

Beyond the Kings Bay Village, there are other sites in the MU1 zone that are required to provide for non-residential floorspace at ground level. There are already other development applications in the pipeline in the MU1 zone, each equally required to provide for retail and commercial floorspace. Focusing the retail and commercial activity in the MU1 zone is consistent with the zone objectives. A dilution in visitation and patronage towards the east of the precinct would be contrary to these objectives, and risk vacancies across the Kings Bay Precinct.

In arriving at its conclusion, the EIA has missed accounting for the capacity of retail floorspace already gazetted around Spencer Street and the proposed capacity in the Five Dock precinct. If the current supermarket and retail provision were to remain unchanged, the EIA would be correct in identifying the under-provision. However, the planning controls foreshadow significant additional capacity for retail and commercial floorspace. Introducing another full-line supermarket and retail floorspace at the Site risks undermining the strategic intent of establishing Spencer Street as a mixed use centre.

Furthermore and contrary to the Proposal, the Site is not a direct continuation of the Precinct's non-residential focus around Spencer Street. Instead, the Site is separated by the Rosebank College. Rather than forming an extension to Spencer Street, a new supermarket-based centre on the Site could create a new 'activity node', drawing activity away from the heart/ core of the Kings Bay centre.

On this basis, the EIA's case for the proposed retail floorspace is considered to be overstated and not justified.

We trust Council finds the analysis helpful. Please contact the undersigned should you require clarification.

Yours sincerely



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27 Aug 2026

Helen Wilkins  
Senior Strategic Planner  
City of Canada Bay  
1a Marlborough Street  
Drummoyne

Dear Helen,

**Subject: Urban Design Peer Review of SSDA for Mixed-Use Development at 51-55 Parramatta Road, Five Dock**

Application Reference: SSD-8947725

### Scope and Context

This Urban Design Peer Review letter has been commissioned to evaluate the architectural merit, built form envelope, public realm integration and residential amenity of the proposed mixed-use development, and its integration into the Kings Bay Precinct and broader urban fabric. The evaluation is conducted within a professional peer-review scope, ensuring an un-compromised, objective analysis of the development and will focus on design matters with particular regard to the following documents;

- EIS
- Architectural Drawings
- Design Report
- Visual Impact Assessment

The proposed development located at 51-55 Parramatta Road forms part of the Parramatta Road Corridor and also sits within the broader Kings Bay Precinct with the Burwood Metro Precinct to its west and the Five Dock Metro Precinct to its north. The proposal comprises a complex masterplan incorporating multiple podiums and separate tower forms, ground floor retail, publicly accessible open spaces areas and site-through links and high-density residential apartments supporting a diverse dwelling mix which including tenured housing, Build to Sell, Build to Rent and Co-living.

The primary objective of the peer review is to evaluate whether the development achieves best practice architectural, urban design, and public domain outcomes and Design Excellence, following on from an extensive NSW State Design Review Panel Process, and in accordance with NSW planning instruments and strategic frameworks, alignment with Stage 1 PRCUTS controls for Kings Bay and Canada Bay Council LEP and DCP Controls.

There is a need to provide a high quality and sympathetic built form and architectural response that recognizes both the existing context and character alongside the fast evolving local context shaped by current zoning and the State Significant (SSD) pathway. A number of current State Significant Developments and Planning Proposals which are located within the Kings Bay Precinct have been reviewed for comparison and to validate findings and recommendations, recognising that future built outcomes will be shaped by the interaction of policy and development in the area. Proposals reviewed include:

- 79-81 Queens Road and 2-12 Spencer Street, Five Dock
  - 51-55 Parramatta Road, 61 Parramatta Road, 33 Queens Road, 35-41 Queens Road & 43 Queens Road, Five Dock
  - 255-257, 259 and 271 Parramatta Road 255-271 Parramatta Road; 2-18 Taylor Street; 131-135 Queens Road and 1- 11 Walker Street, Five Dock
  - 129-153 Parramatta Road and 53-75 Queens Road, Five Dock
  - 235 Parramatta Road, Five Dock
  - 155-167 Parramatta Road and 7-15 Spencer Street, Five Dock
-

## Structure

The review is structured into key areas of consideration which provide a clear narrative through which the development proposal's design ambitions can be assessed. These include:

1. Boundary and Setbacks
2. Podium and Street Wall
3. Building Height
4. Built Form Articulation and Expression
5. Public Domain Interface
6. Connectivity, Legibility and Access
7. Landscape and Open Space
8. Land Use Mix and Distribution
9. Residential Amenity and Environmental Performance

### 1. Boundary and Setbacks

#### Findings

- Building 1 site separation and setback distance to the neighboring development does not meet the required ADG 12m separation.
- The proposed 22m strip of land (TOGA land) which sits outside of the new proposed north-south road and proposed site boundary (said to facilitate 'orderly development to the east when consolidated with existing dwellings fronting Courland Street') replaces the DCP nominated 12m deep soil zone between the rear boundary of existing dwellings on Courland Street and the development. This poses a risk for potential future sale of the land for development and subsequent loss of the nominated deep soil zone.

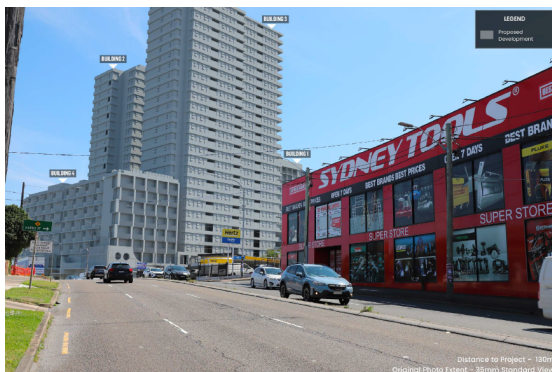
#### Recommendations

- Revise the building layout to comply with ADG separation requirements.
- Reduce extent of basement carpark and adjust boundary to allow for integration of a 12m deep soil zone within the streetscape of the new dedicated access road, or alternatively adjust the site boundary to accommodate a 12m deep soil zone to the east of the new road.

### 2. Podium and Street Wall

#### Findings:

- The south facing 8 storey residential podium and street wall of Building 4 creates significant visual impact for viewers travelling along Parramatta Road, particularly from the east.
- Consideration should be given to architectural expression of the SE corner and SW corners of building 4 due to their visual prominence as gateways to the development.



VP05 - Visual Impact Assessment



VP03 - Visual Impact Assessment

### Recommendations:

- Reduce the south facing 8 storey residential podium and street wall fronting Parramatta Road to a 4 storey street wall to reduce the visual dominance and to be in line with the proposed 4 storey street wall as nominated within the Kings Bay precinct DCP controls, and to be distinctively lower in scale to Kings Bay Village development in the proximate MU1 precinct.
- Retain the 8 storey residential podium and street wall at the corners of Building 4 whilst reducing the central portion to 4 storeys emphasizing the corners of the buildings as visual anchors and gateways to the development, referring to language within the primate Kings Bay Village Development.



129-153 Parramatta Rd. Kings Bay Village 79-81 Queens Road

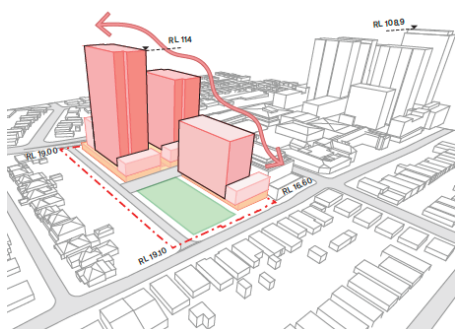
### **3. Building Height**

#### Findings

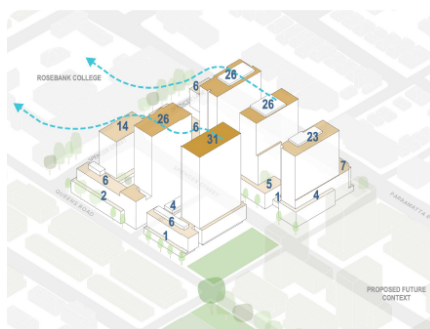
- Proposed heights do not comply with heights as set out in the Canada Bay LEP and DCP and do not provide a logical and appropriate height transition from Kings Bay Village to the west and to the R2 zone directly to the east of the site.
- The bulk and scale of the development will have significant visual impact for viewers travelling along Parramatta Road, particularly when travelling from the east.

#### Recommendations

- Use the 14 storey west facing building in Kings Bay Village as the datum line for buildings within the development considering its peripheral location within the Kings Bay Precinct.
- Adjust heights of all towers in the development to remain in the order of 8-14 storeys in keeping with the proposed 14 storey datum line providing an appropriate transition to the existing low density residential character whilst capitalizing on views, park frontage, and minimizing overshadowing.



Proposed Heights



129-153 - Kings Bay Village

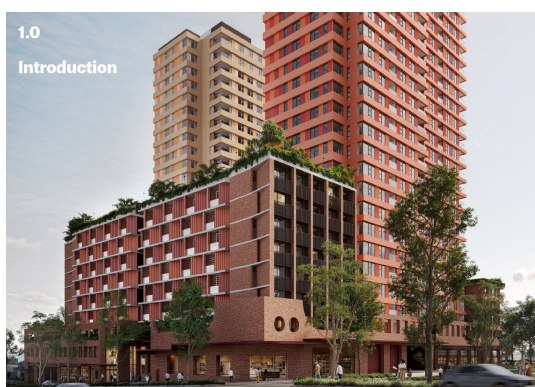
## 4. Built Form Articulation and Expression

### Findings

- The western facades of Buildings 2 and 3 appear as a flat, largely unarticulated wall of development contributing to a bulk and scale that is not in keeping with the low-density residential neighborhood character to the east of the development that is zoned to remain as R2.
- The southern face of Building 4 appears as a continuous wall of development compromising visual amenity for residents in the low-rise neighbourhood to the south of the development.
- Building 4 currently displays different facade treatments to the south, east and west creating an incongruous and disjointed visual language for the building.
- The current splayed architectural expression of the southern facade of Building 4 stops abruptly at the corner and detracts from the potential of the building as a whole to act a visual marker.
- The solidity of the vertical screening and the thick slab continuous horizontal banding on buildings 2 and 3 creates a repetitive visual expression and adds a heaviness to the building that takes away from the grounded podium and elegant tower concept that is apparent in Building 1.
- The red color chosen for the tower of Building 3 does not provide sufficient contrast to the podium brick failing to provide a clear distinction between the podium and tower volumes resulting in a perception of increased overall bulk and scale.



Looking west from low-rise neighborhood to east



Parramatta Road Interface looking west

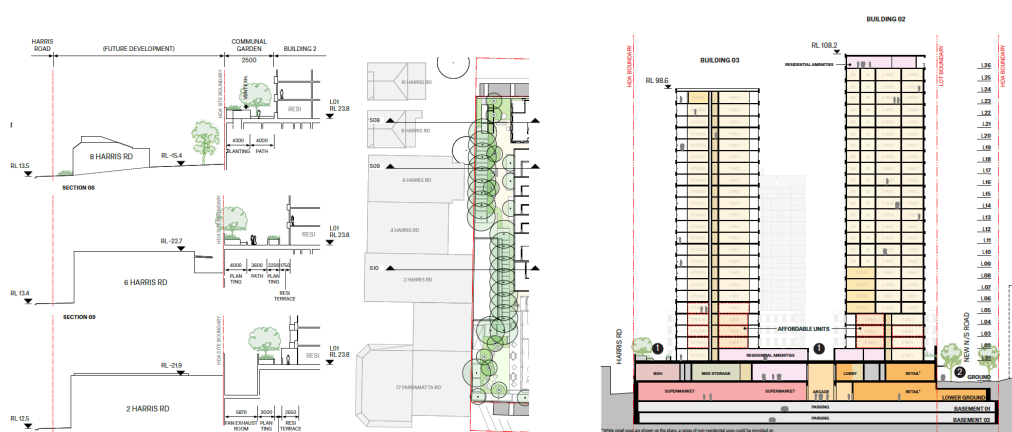
### Recommendations

- Consider additional horizontal and vertical articulation of the longer facades of buildings 2 and 3 to break up the mass of the building into smaller sized vertical forms. Additionally consider extending the 4 storey podium treatment recommended for Building 4 along half the eastern face of Building 3 to further break up the vertical massing.
- Introduce multiple and larger breaks in the facade of Building 4 to break up the mass of the building into smaller sized vertical forms.
- Apply a consistent design language of geometry, rhythm and proportion to the southern, western and eastern facades of Building 4, that builds on the architectural expression of the southern facade in keeping with the deep rooted urban and cultural narratives, to create a balanced composition and maintain coherence whilst responding to varying edge conditions.
- Carry the facade modulation and splayed treatment of building 4 around the corner to reinforce the building a visual anchor and gateway to the precinct.
- Introduce depth, shade and variation into the facade of Buildings 2 and 3 creating a finer residential scale within the larger tower form.
- Reconsider the color of the tower on building 3 to provide a visual contrast to the northern podium buildings allowing the built form elements to be read a distinctive and separate volumes and minimizing the visual weight of the tower massing, allowing it to recede into the skyline above the grounded podium expression.

## 5. Public Domain Interface

### Findings

- There is insufficient detail to explain how the proposed shopfronts on Parramatta Road are responding to the varied and sloping terrain. The design needs to ensure that the retail spaces along the Parramatta Road frontage have a minimum of 15 front doors per 100m of facade length and follow the terrain.
- The large format supermarket floor plate of building creates concerns around the ability of the built form to respond to existing topography creating adverse effects on neighboring properties, especially on the western interface with the neighbours, resulting in high walls at the boundary.
- Providing active retail frontages across the entire development is not in keeping with the R3 zoning and varied ground floor interface and character typical of a residential development.
- The proposed 3.5m wide colonnade is not wide enough to accommodate both a pedestrian through zone and outdoor dining provision.
- A substation is located on land dedicated to Council at Queens Road interface with Kings Bay East Park, impacts on the visual amenity of the park and park edge condition.
- A substation located in the SW corner of building 4 creates a blank public domain interface along the Parramatta Road frontage.



Proposed western boundary interface

East-west section through building

### Recommendations

- Provide detailed elevations to demonstrate how the design of the podium along Parramatta Road and associated public domain negotiate the street gradient and create an engaging and safe walking experience.
- Remove the large format supermarket to provide a more refined approach to the internal levels of building to address site topography and minimize impacts on neighboring properties.
- Where residential replaces proposed retail space, softening the residential edge with planting whilst providing balconies for outlook and passive surveillance will help to strengthen and activate the public realm interface.
- Provide a colonnade of no less than 4m wide along the park edge and along Queen Street if there is outdoor dining proposed. There should be a minimum of 2.5m pedestrian through zone and a minimum of 1.5m outdoor dining area, without reducing the area of the public park..
- Relocated the substation out of the the Council owned asset and locate in an appropriate location that does not visually impact the high quality of the public domain.
- Reconsider the location of the substation to allow for the full length of retail frontage along Parramatta Road to be dedicated to urban support services.

## 6. Connectivity, Legibility and Access

### Findings

- The proposed slip lane that services the new road sits within the area currently owned by TfNSW and conflicts with the future-proofing of Parramatta Road for Rapid Transit.
- The proposed 7.2m wide north-south sunken and partially covered pedestrian arcade connection does not comply with the DCP nominated 6m wide at-grade pedestrian cycle site-through connection with 3m landscape setback both sides. It also proposes a substantial level change creating concerns around amenity, legibility and accessibility.
- The arcade and level change creates a sunken retail lane that is at odds with a potential future open space area for residents as nominated in the DCP.
- The large format supermarket floor plate of building creates concerns around the ability of the built form to respond to existing topography creating adverse effects on neighboring properties, especially on the western interface, resulting in a 4m level differences, requiring stairs and switchback ramps that do not support an at grade legible and comfortable pedestrian through connection to Harris Street.
- The current 3.5m colonnade width does not provide sufficient width to accommodate a pedestrian through zone and potential for outdoor dining.



Canada Bay DCP -Public Domain



Lower Ground Mezzanine - north-south link

### Recommendations

- Reconfigure the slip lane without encroaching on the PRCUTS nominated 6m setback public domain area to accommodate street tree planting, a dedicated cycleway, a shared path and public domain improvements, and ensure future-proofing of Parramatta Road for Rapid Transit.
- Remove the large floor plate retail from the basement of Buildings 2 and 3 and associated loading docks and services functions to free up the ground plane and reinstate a compliant at grade green pedestrian lane, with clear sightlines and sufficient area for tree planting, that connects Parramatta Road to Kings Bay East Park and the nominated east-west site-through link.
- Consider the opportunity to create communal open space that interfaces with ground floor residential and reinstated at-grade north-south pedestrian link in the southern portion of the development.
- Remove the large format supermarket to provide a more refined approach to the internal levels of building to address site topography and provide for an easily accessible, at grade and legible east-west future connection to Harris Street that maintains sight lines and enhances comfort pedestrian and cycle amenity.

- Provide a colonnade of no less than 4m wide along the park edge and along Queen Street if there is outdoor dining proposed. There should be a minimum of 2.5m pedestrian through zone and a minimum of 1.5m outdoor dining area.

## 7. Landscape and Open Space

### Findings

- The DCP nominated 3m landscape setbacks for both the north-south and east-west links are not being achieved due largely to the circulation and movement patterns across the site and nominated site program.
- The deep soil zone is limited to proposed local park and along Parramatta Road and small sections along the new road, with the remainder of the site containing basement car parking limiting potential of the site as a whole to support large canopy trees and compromising site wide canopy, quality and quantity of public and communal open space.
- Coordinated set downs have not been integrated into podium and rooftop communal open space areas limiting potential for soil health, trees growth and maximized canopy cover.
- The proposed local park sized at 2090m<sup>2</sup> does not represent the scale nominated in DCP and further has not been increased in size to reflect proposed density increase. The proposed size is considered an industry absolute bare minimum to support demand for new residents without providing for needs of the wider area as part of the Canada Bay open space network.
- The arcade and level change creates a sunken retail lane that is at odds with a potential future open space area for residents as nominated in the DCP.
- The proposed communal open spaces areas located on podium are both visually and physically disconnected from the public domain.

### Recommendations

- Provide 3m planted setbacks along the re-instated at-grade north-south pedestrian and cycle connection.
- Consider reconfiguring lower levels of buildings 2 and 3, with the potential removal of large format retail space and associated parking, to facilitate deep soil planting along the length of the east-west pedestrian link and sections of the north-south link and potential publicly accessible communal open space area as identified in the DCP.
- Introduce co-ordinated set downs, alongside the proposed range of planter depths on podium and rooftop communal open space areas, to ensure soil health and support tree growth. Undertake more detailed calculation to determine the absolute maximum weight that the structure can hold to maximize soil depth and optimize shade, cooling and ecological function of the landscape areas.
- Shift the new road to the east to expand park area, if practicable from a traffic and movement perspective, increasing verge widths to southern portion of development and accommodating deep soil planting zones. Alternatively provide additional publicly accessible communal open space in the southern portion of the development.
- Reduce scale of retail provision and associated car parking to provide opportunity for additional publicly accessible communal open space at ground within the southern portion of the development to be activated by and connect to the north-south pedestrian/cycle link and serve residents and community alike, contributing to wider the open space network of the wider area.

## 8. Landuse Mix and Distribution

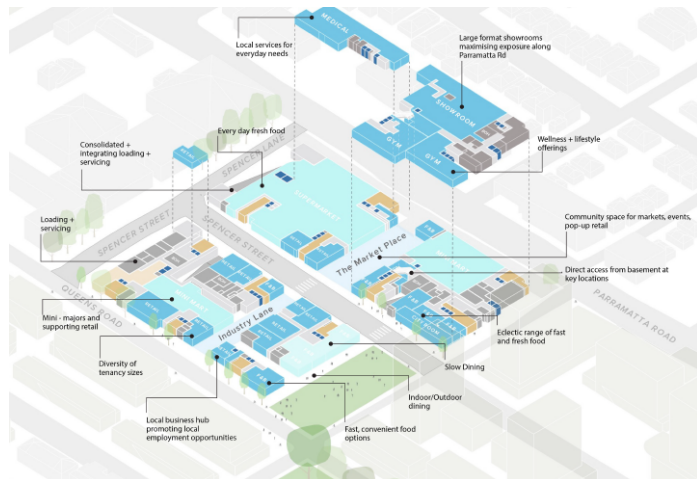
### Findings

- Large format retail is not supported at this site based on the sites R3 zoning and proximity to other sites in the MU1 zone which are required to provide for non-residential floorspace at ground level and are currently proposing large format supermarkets, showroom and retail spaces. Proposed large format retail provision runs the risk of undermining the strategic intent of establishing Kings Bay Village as a mixed use centre and drawing activity away from the heart of the Kings Bay precinct and creating empty and unleaseable retail floorspace.

- Retail frontages along all ground floor interfaces are not supported based on the R3 zoning which should balance retail with residential ground floor interface and focus activation in key areas along key pedestrian links and activity nodes with good solar amenity.
- Small scale retail frontages fronting onto the eastern portion of the sunken arcade are not supported as they take away from the ground level activation of the public realm, especially along the Parramatta Road corridor which should focus on provision of urban support services.
- Current sizes of retail spaces along Parramatta Road are insufficient to accommodate a range of urban support services.



Lower ground retail



Kings Bay Village less than 200m away

## Recommendations

- Remove large format retail from the proposal as it is overstated and not justified.
- Ground floor retail should be limited to the north facing edges of Building 3 and 4 and the northern and eastern edge of Building 1 providing opportunities for local amenity and f&b provision with good solar access and direct visual and physical connection to the park and helping to activate the east-west pedestrian link.
- Ground floor activation could also preference residential internal community space including studios/ workshops, co-working to contribute to an activated public domain, focused along key pedestrian links and desire lines, supporting community building and participation and activation of the public realm.
- The design needs to ensure that the retail spaces proposed along the Parramatta Road corridor are sized appropriately to accommodate urban support services and support the strategic vision for activating frontages along the Parramatta Road Corridor.

## 9. Residential Amenity and Environmental Performance

### Findings

- Cross-ventilation is currently calculated as an average across buildings 2 and 3 in order to achieve compliance. Building 2 currently does not comply.
- The east and west extents of the northern edge of Building 4 where it meets building 2 and 3 does not maximize potential for solar access and increased airflow.

### Recommendations

- Additional facade notches and vertical cuts are recommended to maximize daylight access into the east and west facing apartments of both buildings 2 and 3.

- Breezeway connection could be considered if practicable at the interface of Buildings 2 and building 4 to enhance natural light and passive cooling to both north facing apartments in building 4 and south facing apartments in buildings 2 and 3.

## **Conclusion**

Whilst the proposal responds to an evolving context and state directives for increased densities, it deviates from the Canada Bay LEP and DCP and overall strategic vision for the Kings Bay Precinct with particular regard to street wall heights, massing and articulation, landuse, public domain integration, safety, accessibility and connectivity, active frontage and landscape controls.

In summary the proposal would significantly benefit from the application of key recommendations that look to minimize overall bulk and scale, provide greater built form articulation and architectural expression in response to local context and character, prioritise an at grade, integrated, legible, accessible, activated and connected public realm and precinct wide pedestrian and cycle network supported by a greening strategy which ensures an attractive, comfortable, climate responsive and healthy environment. Enhanced building performance and a more carefully considered retail and ground floor communal open space and activation strategy would also help to maximize residential amenity and support the local micro-economy without competing with Local Centers.

Implementing key recommendations would refine the masterplan into a high quality, high amenity precinct that satisfies the local councils strategic vision and the strict requirements for Design Excellence under the GANSW Better Placed framework.