

Ref: SSD-89477725

12 August 2025

Lachlan Hutton
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Dear Mr Hutton

SEARs – 51-55 & 61 Parramatta Road, 33, 35-41 & 43 Queens Road, Five Dock

I write in relation to 51-55 & 61 Parramatta Road, 33, 35-41 & 43 Queens Road, Five Dock (the Site) and the recent request for Secretary's Environmental Assessment Requirements (SEARs).

The subject proposal involves a State Significant Development Application (SSDA) with a concurrent rezoning. Demonstrating 'strategic merit' is a core principle of the NSW planning system, particularly for proposals involving rezoning. To assess how strategic merit applies to the Site and any SEARs, the following contextual background is provided.

Background

Council has been working cooperatively with the Department of Planning, Housing and Infrastructure and State Government Agencies for several years to implement the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS). Stage 1 was finalised in December 2022 and Stage 2 is well underway. This site is located in Stage 1.

Following gazettal of Stage 1, a number of significant Development Applications have been approved as SSDs that are consistent with the Canada Bay LEP and DCP building heights, Floor Space Ratios, built form (setbacks, podiums, street wall heights etc) and social infrastructure, but with an additional 30% height and FSR as permissible under clause 18 of the Housing SEPP.

On 29 October 2024, Council resolved to refuse a planning proposal for the Site, PP-2024-1193 (PP2024/0006). This decision followed independent urban design, traffic and economic advice and advice from the Canada Bay Local Planning Panel. The reasons for Council's decision included:

- the unjustified departures from PRCUTS and inconsistency with Planning Direction 1.5;
- introduction of significant out-of-centre commercial floor space that would compromise the economic establishment and viability of the proposed Kings Bay commercial centre on Spencer Street.

- introduction of a new road off Parramatta Road that is contrary to the requirements of clause 2.119 of the Transport and Infrastructure SEPP 2021 and that had not yet been approved by Transport for NSW;
- the proposal was not consistent with the recommendations of the *PRCUTS Planning and Design Guidelines* in relation to land use, building height and density;
- dedication of a new community space to Council that did not meet Council's criteria for size and location; and
- inadequate tree canopy coverage and has not provided a proportional increase in public open space.

The SSDA proposal is similar to PP-2024-1193 that was refused by Council. Whilst there may be some scope to revise the development standards applicable to the Site, such departures should only be accepted where the matters outlined in this letter are addressed in the SEARs and the EIS.

Recommendation

It is requested that any proposal advanced as a SSDA positively address the reasons the previous planning proposal (PP-2024-119) was refused, including;

- **recommended building heights and density as outlined in the Independent Urban Design Review by Studio GL (31 July 2024);**
- **findings of the Retail impacts Assessment by Atlas Urban (1 August 2024); and**
- **findings of the Independent Transport Assessment by Bitzios (29 July 2024).**

In addition to the above, it is requested that any EIS address the matters outlined below.

Statutory and strategic context

The EIS be prepared in accordance with the:

- *Local Environmental Plan Making Guidelines*, including an assessment of the strategic and site-specific merit of the proposal and consistency with relevant planning directions.

The EIS address consistency with:

- *Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy Engagement*, including the *PRCUTS Planning and Design Guidelines*.
- Part K of the Canada Bay Development Control Plan, which provides detailed objectives and development controls for the site.
- The PRCUTS Stage 1 Public Domain Plan.
- The Canada Bay Local Strategic Planning Statement

The applicant engage with Council prior to lodgement of an SSDA (as required by the SEARs) to seek feedback on both strategic and site specific merit of the Proposal, and more detailed feedback on the SSDA scheme.

Requirements under Part 8 of the Canada Bay LEP

The *Canada Bay Local Environmental Plan 2013* includes Part 8 that applies to all land within the Parramatta Road corridor within the City of Canada Bay. Part 8 includes local clauses to ensure the delivery of identified infrastructure (via incentive building heights and floor space ratios), sustainability incentives and maximum car parking rates. Any SSDA and concurrent rezoning should apply Part 8.

The EIS should demonstrate how the proposal aligns with the requirements of Part 8 of the *Canada Bay Local Environmental Plan 2013*, including the application of incentive Height and Floor Space Ratio in exchange for the delivery of the proposed new road and open space.

Infrastructure Delivery

The EIS is to include concept plans to illustrate the upgrade of the public domain consistent with Part 8 of the *Canada Bay Local Environmental Plan 2013*, with additional open space proportionate with the proposed uplift. The plans are to illustrate the site's frontages to Queens Road and Parramatta Road, extending past the site's frontages to the middle of the roads.

Where a planning agreement is proposed, a draft planning agreement is to be prepared in accordance with the City of Canada Bay *Parramatta Road Corridor Urban Transformation Strategy Planning Agreement* template and the *Planning Agreements – Practice note February 2021* and agreed with Council prior to the lodgement of an EIS.

Retail/Commercial Demand

The Retail Impacts Assessment by Atlas Urban (1 August 2024) reviewed the retail/commercial floorspace proposed for PP-2024-1193 and found that the amount of retail/commercial floor space proposed would adversely impact the establishment and viability of the nearby Spencer Street commercial precinct, which PRCUTS identified as the focus for commercial/retail activity in the Kings Bay Precinct. It would also impact the viability of the Active Frontages along Parramatta Road, which is a requirement of PRCUTS .

Provision of additional retail/commercial floorspace on the site may also undermine short to medium term take-up of any new retail/commercial capacity created in response to the new Five Dock metro station. A slowing of early uptake in the Five Dock local centre would deviate from Government aspirations to build thriving, mixed use centres around metro stations in the early years of operation. The current proposal significantly increases the retail/commercial GFA (by approximately 40%) within the area of the Site.

- The EIS should require an R4 Medium Density Residential zone and limit the amount of retail/commercial floorspace to the current provisions in the LEP.
- An out-of-centre full-line supermarket that would undermine the viability of the Spencer Street commercial centre should not be permitted.

The EIS should assess the impact of any retail/commercial space on the short to medium term take-up of new retail/commercial capacity likely to be created around the Five Dock metro station.

Traffic and Transport

A new road corridor is proposed through the Site between Parramatta Road and Queens Road, two State roads. This is not consistent with the PRCUTS.

- Approval of the new road corridor by Transport for NSW needs to be acquired prior to the lodgement of an EIS.
- The EIS also needs to address:
 - the major deficiencies and issues identified by the Independent Transport Assessment by Bitzios (29 July 2024).
 - measures to facilitate pedestrian and bicycle access.
 - loading dock and servicing arrangements.

Affordable Housing

- The Department undertake testing to determine the capacity of the Site to deliver additional affordable housing in accordance with 6.12 of the *Canada Bay Local Environmental Plan 2013* and the *Canada Bay Affordable Housing Contribution Scheme*.
- Where additional affordable housing is proposed, the EIS should confirm the quantum of affordable housing to be provided through an amendment to the *Canada Bay Local Environmental Plan 2013*.

Housing diversity

- Inclusion of a range of housing types to suit various household types should be included in the project, including townhouse/courtyard style dwellings and larger apartments suitable for families.

Design Quality

- The development or concept approval is to be subject to a competitive design process in accordance with Clause 6.14 of the *Canada Bay Local Environmental Plan 2013* and in accordance with an endorsed brief and Design Excellence Strategy.
- Recommendations of the jury and Design Integrity Panel are to be addressed prior to lodging the EIS.

Site layout and staging

- Detail about the staging of the proposed development needs to be provided, including details of the future 45m height development on the eastern boundary, land dedication and timing of public domain works.

Other

- Schools Infrastructure NSW needs to be consulted about the demand for new school places arising from the proposed increase in population on the subject site and in the immediate school catchments.
- Applicable Departmental SEARs requirements in relation to public space, trees and landscaping, flooding risk, contamination and remediation, waste management, social impact, ecological sustainable development and hazards and risks need to be addressed.

Council would welcome the opportunity to provide further input on any proposal that is progressed for the Site.

Should you have any enquiries in relation to this matter, please contact Helen Wilkins on 9911 6292.

Yours faithfully



Monica Cologna
Director, Environmental Planning