

28 April 2026

The Department of Planning, Housing and Infrastructure
By email/online submission

Submission to Application: SSD-78287462

Proposed shop top housing development with in-fill affordable housing at 79-81 Queens Road and 2-8 Spencer Street, Five Dock

Introduction

This submission is prepared and submitted on behalf of the owners of the Kings Bay Estate ('KBE') DP 270206. KBE is a master planned housing estate known as 11-27 Harris Road, Five Dock (approved in the late 1990s). The estate consists of medium density apartments and townhouses surrounded by green space, gardens and community facilities. A small road/lane network allows access through, with a focus on pedestrian movements. A central focal point of KBE is the park/community open space.

As with many surrounding residential areas, KBE is much lower in scale and experiences historical parking and traffic issues which are unique in this area.

Residents raise concern in relation to the proposed substantial density increases which are occurring as SSDA's which go outside of understood and studied traffic and density planning documents.

Flooding, open space provision, traffic and parking aspects should be comprehensively reviewed in relation to the proposed density and scale uplifts occurring as part of recent SSDAs.

Worsened traffic, parking and access issues could further grid lock the area and create adverse impacts on existing residents.

The following detailed submission raises the following key issues:

- Misrepresentations made in documents as to project compliance in assessment tables, incorrect information relating to consultation and missing key information (traffic, flooding, acoustics).
- Adverse impact on traffic and lack of strategic traffic and parking planning given unexpected and substantial density uplifts occurring with a number of proposed SSDAs being considered within this already problematic area.
- Poor planning outcomes with a small, L-shaped site, impact on scale and intended area character, impact on surrounding lower density areas and harbour visual quality.
- Impact of the scale and lack of planting on the intended human scale, streetscape and public domain for Kings Bay.
- Missing information in relation to attempts to amalgamate and develop an appropriate form for this key corner site.
- Missing information as to public interest objectives and the lack of transparency around the mentioned Planning Proposal to rezone RE1 land on the site. The RE1 strip is intended to provided as public domain improvements/landscaping, a green edge.
- Lack of effective or balanced landscape planning for internal and external amenity.
- Impacts on safety. Flood risk. Lack of area wide flood assessment given more dense development and excessive/non-compliant site coverage.
- General amenity issues, adverse scale and visual impact and acoustic impacts.
- Significant departures of the proposal from the intentions of the Parramatta Road Urban Transformation Strategy ('PRCUTS') and Council Kings Bay master planning objectives.

Thank you for considering the following detailed concerns in relation to proposed development.

Excessive Scale and Impacts of the Inappropriate Site Size and Shape

The proposed application misrepresents compliance in the compliance tables. Largely, the proposal is non-compliant with objectives, controls and built form standards in terms of what is expected to be appropriate for the Kings Bay precinct.

These non-compliances will erode the intended urban amenity and character. The proposal proposes numerous scale and density variations including height, scale, street wall/design aspects, parking, loading dock/vehicle requirements and landscaping elements.

The site does not provide compliance with the minimum site size which adversely undermines the quality of planning outcomes for the area. The site is too small for the development proposed and this will result in a distinctly incongruous tower height. This will impose scale impacts on the surrounding area and is out of step with relevant planning controls and intentions.

Developing an L-shaped site is not ideal for a number of site planning reasons.

This proposal seeks to exceed the already 'bonussed' scale controls afforded by the SEPP Housing provisions. This is not considered reasonable given the challenges of a small and non-compliant site.

The L-shaped, small site does not provide a comfortable or rectangular developable site, yet the development 'takes' the maximum, exceeds FSR and height, and does not give back to the area by way of scale relationship, landscaping or public domain balance.

In addition to this excessive scale relative to the site, the proposal is not considered to provide meaningful landscaping and public domain improvements along William Street as is required by controls. It appears that due to not being able to amalgamate as required with 10-12 Spencer Street, the applicant seeks to rezone and 'swallow up' the RE1 zoned portion of the site which adjoins William Street to also use this for the non-compliant development. The RE1 section is intended by the planning controls to provide public domain improvements, to improve the area and create an appropriate green edge interface.

No detail is provided as to the Planning Proposal which is being considered and how Council would be considering the loss of the RE1 William Street setback and what the public benefits of this would be.

Developing this area for the building/surfaces with minimal improvement is not considered to be a reasonable outcome when the site is not to be properly amalgamated. This outcome is not considered to accord with any planning objectives for the urban design of the area and does not provide orderly and sustainable development of land.

The proposed compromise of public domain improvements does not provide the appropriate or balanced public benefits in light of the proponent's various Clause 4.6 variations seeking to exceed mandated scale and form standards.

It is not considered reasonable to seek to vary already more generous scale standards with excuses such as the small site size and sustainability issues. The proposal should be expected to adhere to reasonably expected standards, to ensure an appropriate and responsible outcome for the area and high level of amenity for future residents.

The proposal is not considered to reflect the objectives of the PRCUTS and Council urban design guidelines for Kings Bay.

Traffic and Access Impacts

KBE residents have made numerous formal submissions over time and in response to a number of recent SSDAs to authorities and development assessment teams to highlight the unique problematic nature of traffic and parking in this area.

Photographs attached to this submission demonstrate the existing levels of problem parking and traffic. The photographs show Queens Road immediately outside/adjacent to the DA site in question and William Street, north of Queens Road. These photographs illustrate the existing significant limitations of the surrounding streets, particularly Queens Road.

There are well reported, frequent delays and congestion in this locality. Congestion and issues impact existing residents and will reduce the effective future operation and livability of the Kings Bay precinct.

Concern is raised over the worsening of this when all these larger than anticipated developments are providing individual reports which do not address the cumulative increased traffic volume in Kings Bay Precinct.

Despite the proposed influx of additional residents, non-compliance as to the forecast scale and yield uplifts, plus non compliance with retail parking supply and loading aspects, the proposal does not provide supportive parking.

The Traffic Impact Assessment does not address existing problems and the proposed evolution of higher density and non-compliant developments in the area.

We raise concern as to the potential impact of this much larger than anticipated development on already problematic local traffic and parking and wish to request that an urgent strategic overview/approach be taken to establishing the best outcomes for easing local congestion in the Kings Bay catchment and ensure that despite large developments of this nature coming into the area, that these will not worsen issues. Increased traffic impacts would create adverse impacts for existing and proposed owners and would detract from the objectives of non-car transport contained within relevant strategic planning documents.

The traffic report does not appear to address the general local area upgrades which were required as a part of the PRCUTS traffic planning.

The following discussions and strategic suggestions were put forward as part of the PRCUTS strategy:

'Kings Bay Precinct

As with other precincts, traffic congestion in the Kings Bay precinct is expected by 2036 because of Parramatta Road. Queues in the AM peak in particular extend from Parramatta Road back into Harris Road as well as east of the precinct into Arlington Street, Great North Road, and streets in between, also affecting Queens Road.

The initiatives proposed in the Kings Bay precinct are:

- Additional peak period clearways along Harris Road and Great North Road
- Queens Road / Harris Road minor intersection upgrade
- Great North Road / Parramatta Road lane marking changes
- Bus service extensions and stops along Queens Road as redevelopment occurs, and in consultation with TfNSW
- Additional mid-block pedestrian links and a short section of connecting cycleway
- Breaking up existing street blocks with 1-2 additional north-south streets or lanes per block.

Kings Bay: Due to the relatively low level of direct public transport accessibility, this precinct is expected to have the heaviest reliance on private cars. As such, the uplift traffic generation should be balanced by commensurate improvements to public and active transport services such as the currently-investigated Parramatta Road bus lanes project or better services with a direct connection between the precinct and nearby railway stations.

Residents submit that the need to widen Queens Road should be factored into developments fronting the southern side of Queens Road within the Kings Bay Precinct.

It is suggested that developments should be required to ensure their related setbacks include land needed to widen Queens Road. A strategic review of this should be undertaken now to ensure that the area is not adversely impacted by traffic parking and access in the future to undermine the intended high quality residential outcome.

KBE residents suggest that if the road widening is not accounted for in these developments, it could risk the health of a stand of 11 magnificent Moreton Bay Figs on the Northern side of Queens Road between William Street and Regatta Road. These trees contribute to the character of the area and are worthy of protection.

We have reviewed a number of these SSDAs for affordable housing uplifts which also seek non-compliance with parking controls.

The traffic report calls up traffic strategies and reports from 2021-23 which require updating in the context of current traffic volumes, departures occurring from adopted strategic planning and the drastic increase in dwelling yield and building density which is occurring as a result of SEPP Housing affordable housing bonuses.

The traffic report does not address the Spencer Street extension which was required by masterplanning.

The proposal complies with the 'minimum' SEPP Housing traffic requirements rather than the maximum for an area which already does not have enough local parking. There is already spill over to street parking in this area (as evident in the attached photographs). Lack of sustainable parking to support the proposed commercial and residential densities in this area will likely worsen the existing road problems. Such a congested outcome could adversely impact on the precinct and on other properties in the area, including the KBE. This would undermine the objectives of a pedestrian oriented public domain and private transport minimisation objectives of the PRCUTS and Kings Bay precinct controls.

How is street parking to be managed when the development does not cater for its own demand? We note that no parking is provided for retail customers. This is not considered acceptable for a development of this scale which breaches so many expectations and does not give back in terms of public interest.

The proposal does not accommodate the required 12.5m HRV vehicle for waste collection and the proposed documents suggest that this will be managed by: 'vehicle size limitation for the loading dock will be communicated to future retail tenancies and residents and included in any booking system implemented by the development to manage demand'. This is impractical and is submitted to represent poor design and planning. Design which does not support the scale. This outcome is very likely to create adverse access, parking and traffic impacts. This should not be supported given the scale of the proposal. The proposal should be expected to comply.

The traffic report also indicates 4 service vehicles spaces are required and only 2 are provided. This is not considered reasonable or sustainable to support the scale proposed in the face of existing road network and local parking issues.

The Urban Design Panel comments indicated that the design of the loading should be considered and the basement efficiency. Tandem spaces were suggested to be reviewed as this sort of outcome is not practical.

The Traffic and Parking Assessment indicates 43 additional trips are involved. It would be useful to review the expected trips from the other much larger developments occurring in the area and to assess the ability of the local road network to cope.

Traffic and planning assessments submitted with SSDAs involving density uplifts should assess the cumulative impact of this development in connection with other much denser developments on the broader local road network to ensure sustainable outcomes and the desired neighbourhood/precinct efficiency and quality.

No objection is raised to affordable housing however housing should be provided with sufficient access to public transport and area access/efficiency in general for the benefit of long term residential wellbeing.

To ensure this area is developed as intended and as a sustainable neighbourhood for existing and future residents, we request a comprehensive strategic review as to parking and traffic in the area as it is considered that the existing situation will only get worse with the proposals we are seeing which fall short of parking and adequate loading facilities.

Given that such large developments are evolving in the area, it is submitted that Council, Department of Planning Housing and Infrastructure and Transport for NSW look at the capability of the local road network to cope in a catchment wide/strategic way to ensure this area does not remain the congested and bottle necked it has been known and experienced to be and to ensure that incoming mixed use densities are sustainable.

Transport for NSW should re-visit the additional volumes in pressure which now would likely depart from the PRCUTS assumptions. Certainly, if additional similar developments were to unfold, this would change the tested scenario.

Traffic impacts such as these will impact existing residents in terms of emergency response times which should also be considered for residents and emergency personnel.

Landscaping and Open Space

As part of the consultation for the PRCUTS, KBE residents highlighted the lack of open space available in the area. The strategy contained community and sustainability objectives, the objective of promoting quality places with designed landscape and built form outcomes to create livable local precincts.

Proposed developments in the area which are pursuing the SEPP Housing controls involve more intense scales and dwelling yields. Some of these seem to be proposing significant compromises to open space and urban design/soft planting as was intended to make Kings Bay a great place to be. This is not considered reasonable or consistent with planning objectives.

We support affordable housing in great areas such as these. However, these need to be provided with high levels of outdoor living and landscaping/greening in order to provide and ensure residential and community well-being.

Developments should involve site planning from the outset to look at road needs and landscaping as integral to the development to ensure the delivery of the intended quality of the area/urban design.

The Kings Bay Masterplan requires an 8m dedication of the Section of William Street which correlates with the RE1 zone and a planned green edge. This is supposed to be for effective public domain improvements and landscaping. This proposal and the accompanying Planning Proposal are considered to conflict with this required outcome and detrimentally compromise the amenity of the Kings Bay Precinct. It could not be considered reasonable to lose public benefit/space just because a small site is constrained due to refused amalgamation and is then proposed with an over scaled site development.

Urban design objectives relating to multi level residential development indicates that: *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well*

designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Part K20.18 of the DCP in relation to 'Landscape Design' in Kings Bay indicates that C3. Landscape design should 'complement' the proposed built form and minimise the impacts of scale, mass and bulk of the development in its context. One of the 'public domain' objectives in K20.8 is to increase tree canopy cover and provide for more greenery associated with the public domain. K18.18 indicates that 'Development consent must not be granted unless the development achieves at least 25% canopy cover across the site, identified on the landscape plan and measured by the extent of canopy at maturity'. K18.20 indicates that 'A minimum of 30% of the total site area is to be provided as landscaped area'.

The EIS has misleading 'ticks' indicating landscaping compliance. The proposal does not provide compliance with the Kings Bay controls and despite the range of non-compliance with built scale standards and design standards, seeks an inadequate planting outcome. It is also not considered that the rooftop would provide the landscaped or shade amenity required by the DCP merit controls which would also compromise amenity.

The application seeks to reply primarily on SEPP Housing standards. The non-discretionary standards contained in the SEPP indicate that 35m² of per dwelling should be provided as landscaped area and 30% of the site area.

The proposal provides 21% landscaped area and limited deep soil areas and 5.1m² landscaping per unit. This is considered to create an unsuitable amenity outcome for this affordable housing development and an outcome which conflicts with all layers of planning which seek to provide effective and balanced landscaped area to create beneficial neighbourhoods and area assets.

The tree canopy coverage is 16% which is minimal despite the excess of height, setbacks and FSR provided. This is not considered balanced and compromises the desired high amenity outcome for new and existing residents.

The EIS considers this a 'minor' variation which is not considered the case and is objected to by existing residents who value the amenity and intended future amenity of this area. The proposed development is not considered environmentally sustainable for this area in terms of parking, scale, water management or planting balance.

The basement extends almost entirely to setbacks.

The 8m wide William Street RE1 area is implicated by paving and awnings associated with the side of the building and is not considered to contribute significantly to enjoyable landscaping, reducing the amenity and effectiveness of this space which was intended to create a public benefit.

The development should provide appropriate landscaping and open space to balance the scale, in accordance with the Canada Bay DCP and to provide a desirable living environment and streetscape.

If such large developments are going to be proposed and approved with substantially increased residential population (including affordable housing) then the quantum and approach to open space planning should be reviewed for this key renewal area to ensure healthy future urban populations and the desired quality neighbourhood outcome.

Visual Impact

The proposal does not acknowledge the visual impact of such a large, tall tower in relation to existing lower scaled developments and the intended scales of the area within Kings Bay planning controls.

If larger tower buildings are to be considered/approved in the area to depart from the masterplan and PRCUTS controls, a strategic visual impact assessment should be undertaken.

The juxtaposition of such large heights surrounded by much lower prevailing lower densities should be considered, as should the visual impact on Sydney Harbour/Canada Bay.

Water Catchment and Potential Flooding issues

The site is noted to be flood affected by an overland flow path in both the Flood Assessment and planning maps.

PRCUTS objectives include to minimise hazards and property damage from flooding.

The application is not considered to comprehensively assess the impact of the small and L-shaped/constrained site on flooding outcomes. It is considered that if the proposal complied with the key site/amalgamated block, this may improve flood planning and design.

Given 5 levels of basement are proposed, the application is not considered to detail flood affectation appropriately to the basement. A tanked basement should be required and there does not appear to be detail in terms of the protection of driveways/basement from flooding. The Geotechnical Report indicates that the tanking/design of the basement should be further considered. In the case of this development, this should be considered as part of the design up front.

It is considered that flood modelling should be assessed on an area wide basis to address what would occur if the whole area were to be redeveloped for larger than anticipated developments with minimal open space and soft/absorptive landscaped areas, such as currently proposed. Concern is raised in relation to cumulative issues on existing properties, water quality and adverse impact on the Harbour waterway.

As noted in the landscaping comments above, this development is one of a number which provides inadequate soft/deep soil ratios to balance hard surfaces and built form.

Flooding data should be comprehensively reviewed for this area given that flood modelling may have been superseded by recent rain events and given the additional hard surfaces and loss of park areas being proposed via a number of SSDAs (eg. William Street Park being minimised to below required ratio as well as the RE1 zone/landscaped setback in the subject proposal).

Acoustic Issues

The Acoustic Impact Assessment does not address the acoustic aspects of the proposed roof top terrace area which features a large 'entertainment area' and outdoor recreation spaces. This large communal space has the potential to adversely impact internal amenity and residential uses in the surrounding area.

There is no plan of management or suggested conditions governing this open area.

Rooftop open spaces commonly generate adverse acoustic and privacy impacts when used by large numbers of people for functions and with music etc. These issues are not considered to be adequately addressed. The proposed buildings are close, and we would consider this to be an amenity issue for the proposed development.

It is also considered an adverse design feature to have a large common open space area located on the roof when areas should be provided around the building at ground level. The EIS indicates that

residents would rely on local parks. Such a lack of balanced open space planning for the subject site conflicts with the PRCUTS and Kings Bay master planning objectives of creating a pedestrian scaled and friendly environment comprising effective landscaping and open space connections.

It is noted that a minimal distance is proposed between buildings in the design, with bedrooms and balconies are closely located. This is not considered to be an appropriate amenity outcome to promote living quality for future residents.

Information Deficiencies/Inaccuracies

As noted above, the traffic, flooding and acoustic reports are not considered comprehensive when considering an excessive and non-compliant density, yield and built outcome.

No detail is provided as to the actual negotiations with 10-12 Spencer Street. This is not considered to align with site amalgamation principles/steps. There is minimal detailed discussion or evidence of correspondence or rigorous detail as to the urban design outcome of this site. This is not considered to be a well planned or acceptable urban design outcome when considering the aspirations of strategic planning documents. It does not appear that a detailed design outcome is provided for 10-12 Spencer Street.

The documentation indicates that letterbox drops occurred by way of consultation however we understand that the Committees of SP64727 and DP270206 within KBE estate did not receive any prior notification or consultation.

It is noted that in the consultation discussion that residents are not opposed to affordable housing however did articulate that this proposal is 'too tall' when considering the area and the area controls. Residents object to the height which should not be supported in excess of the already bonussed SEPP controls in this planned context. Variation to the standard is not considered reasonable or necessary and does not result in a better outcome. This scale is considered to conflict with sustainable planning and public interest considerations in terms of what is expected for the precinct.

The built form is not considered to be 'compatible' with the area or the intended scale outcomes as suggested in the EIS for the reasons we have included in this submission.

Summary

Residents support the reasonable development and renewal of the site, the principle of affordable housing delivery, the construction of a well-designed/considered architectural design and traffic improvements. However, concern is raised in relation to the proposed scale and density, significant breaches of form standards and design outcomes, the lack of documentation to assess potential cumulative impacts and the lack of balanced landscaping and open space.

A strategic traffic assessment is needed for this area given the density, additional parking spaces, traffic and loading movements proposed which vary from controls for a few of these proposed SSDA developments. This should be considered in the context of cumulative impacts of other larger than anticipated developments in the pipeline. It is considered that traffic studies should be reviewed in light of the much higher densities evolving and in terms of potential cumulative impacts in an area that is not well serviced by rapid public transport services.

The development lacks balance with landscaping and does not meet the Canada Bay objectives for planting, landscaping and creating a lower scaled village character. Additional open space should be considered with the scale uplifts to ensure amenity and environmental quality for the area and existing residents. The William Street side public domain improvements should not be compromised and should be balanced given the extreme scale.

Concern is raised in relation to the adverse environmental impacts associated with such an increase in hard surface areas in a flood prone area, the impact of the proposal on the amenity of the overall

precinct, lack of effective landscaping and open space on the site, adverse impacts associated with developing a small site which does not accord with precinct planning, increased traffic congestion, noise from the roof top, and exacerbation of on street parking pressure.

Density should be provided which is suitable to the site and context. Housing/mixed use developments which have access to efficient road access and public transport services, supported by quality open space, landscaping and play areas/community and supports and appropriate scale transitions should be key components of NSW ensuring a livable, workable and sustainable outcome for existing and future residents.

Thank you for considering these points in the assessment. Please be in contact if we can assist with any information or enquiries on behalf of KBE residents.

Yours sincerely,



Natalie Richter, Consultant Planner (Bachelor of Town Planning, UNSW)

Attached: Parking and street photographs

CC: City of Canada Bay Council, TfNSW

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