

Objection report

51 to 55 Parramatta Road

Five Dock

SSD-89477725 and concurrent rezoning

8 September 2026

Position OBJECT

To the Department of Planning, Housing and Infrastructure and the authorities deciding this application and rezoning

I object to the proposal as exhibited. It should be refused in its present form, or deferred until the issues in this report are resolved and the public has an appropriate opportunity to comment on material changes.

The central concern is straightforward: the documents do not yet give a consistent account of what will be built, what its impacts will be, and how its promised benefits will be secured. Those questions matter more when approval depends on substantial changes to the existing planning controls.

This report sets out eleven objections. Each identifies the evidence, what needs to be resolved, and why it matters to the decision. The key issues and relevant laws are brought together in two tables for ease of reference.

I make this submission as a member of the public. I have no connection to the site. My objections arise from the exhibited documents.

The executive summary conclusion appears at the end of the report.

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Page references are to the printed page numbers in the exhibited documents unless marked “PDF page”. EIS means environmental impact statement; PMF means probable maximum flood. The legal references explain what the authority needs to consider or establish. They do not imply that every defect identified here would make an approval unlawful.

Key issues and evidence

This table shows the evidence behind each objection. The L references point to the laws in the next table. Click a document reference to open the source file.

Objection	Key issue	Document reference	Legal reference
1 Flood risk	PMF water levels rise 100–200 mm on western neighbours. Northern floor levels are close to the PMF.	EIS pp 136-137 Appendix LL sections 5.3.1 and 6; pp 18-21	L1; identify applicable flood rules
2 Contamination	Further testing is needed beneath buildings, around tanks and to establish the extent of contamination.	EIS pp 135-136 Appendix HH section 5.10	L1 and L4
3 Amenity	Building 3 achieves 63% sunlight access. Ventilation schedules and claims do not agree.	EIS pp 114-115 Appendix K appendices PDF pp 20 and 51-52	L1 and L5
4 Transport	The notice advertises 706 parking spaces; the EIS gives 502. Test traffic before the Metro opens.	Exhibition notice p 1 EIS pp 131-132 Appendix EE sections 9.1 to 9.4	L1 and L8; G1
5 Public benefits	Secure permanent affordable housing and public access. Settle who will own the road and park.	EIS sections 5.4 and 6.9; pp 50 and 153 Appendix I signed letter PDF p 5	L1 and L9
6 Approval power	Identify the legal basis for 95 m height, 4.30:1 floor space ratio and the proposed uses.	EIS sections 5.4.2-5.4.3 and 7.2	L2 and L3
7 Floor space	Show which wintergardens can legally be excluded and the floor space result if they cannot.	EIS sections 5.4.3 and 5.4.6	L3 and L10
8 Design process	Show how the reported endorsement and reviews cover the final scheme and its changed figures.	Appendix XX p 10 Appendix P pp 1-4 EIS p 64	L7
9 Co living	Assess the 6 m gap to Building 3 and the other requirements specific to co-living housing.	EIS pp 66-67 and 114-118	L6
10 Road safety and noise	Show that the access, noise controls and ventilation work together and meet the applicable tests.	EIS section 7.3.1 Appendix FF sections 5.1 and 5.3	L8
11 Flood claims	EIS p 64 says no external flood impacts; p 137 and Appendix LL predict increases next door.	EIS pp 64 and 137 Appendix LL section 5.3.1	L1; identify applicable flood and climate rules

Source status: the evidence comprises the exhibited project files downloaded on 8 September 2026. The agency advice available at that time was SEARs stage advice. No public submissions or response to submissions report were displayed.

Relevant laws and guidance

The decision must apply the law in force when it is made, including any relevant transitional rules or special SSD powers. This table distinguishes legal provisions from proposed changes and guidance. SSD means State significant development; SEPP means State environmental planning policy; LEP means local environmental plan.

Ref	Law or guidance	Relevance and legal test	Objections
L1	EP&A Act 1979 sections 4.15 and 4.40	Assess the relevant planning instruments, significant likely impacts, site suitability, submissions and public interest.	1 to 5 and 11
L2	EP&A Act 1979 section 4.38	Provides special SSD consent powers, including for partly prohibited development. Identify the power relied on.	6
L3	Canada Bay LEP 2013 clauses 4.3 to 4.6 and relevant maps	Identify the height and floor space controls in force, how they are calculated, and any lawful variation or override.	6 and 7
L4	Resilience and Hazards SEPP 2021 section 4.6	Consider contamination and reach the required conclusions about suitability and remediation before consent.	2
L5	Housing SEPP 2021 Chapter 4 and Apartment Design Guide	Assess sunlight and ventilation under the residential design rules and guide. A numerical shortfall does not always prevent approval.	3
L6	Housing SEPP 2021 section 69	Subsection (1) requires satisfaction about specified requirements. Subsection (2) requires consideration of specified matters.	9
L7	Planning Systems SEPP 2021 section 2.12E and Canada Bay LEP clause 6.14	Identify the valid competition exemption and assess design excellence, including the required treatment of panel advice.	8
L8	Transport and Infrastructure SEPP 2021 sections 2.119 to 2.122	Apply the relevant road access, safety, noise and referral rules. Some require satisfaction before consent.	4 and 10
L9	Canada Bay LEP 2013 clause 6.12 and Part 8	Identify the affordable housing and precinct protections being removed and what will legally replace them.	5
L10	Proposed Canada Bay LEP clause 6.18	This clause is proposed. Apply any exclusion only under the law actually made and its conditions.	7
L11	EP&A Act 1979 section 9.45	Allows any person to seek orders against planning breaches. Standing comes from the Act, not from lodging an objection.	Review context
G1	Department guidance on responding to submissions	Calls for a response proportionate to the significance of the issues. It does not create a legal duty to answer every question.	All objections

Objections 1 and 11 ask the authority to identify the applicable flood and climate rules. Modelled overland flow does not, by itself, establish that a particular mapped flood control applies.

Objections

The following objections address the proposal as exhibited. Where the consultants offer a solution, the question is whether the evidence supports it and whether approval would secure it.

Objection 1 Flood risk to neighbours

The proposal may improve flood conditions within the site while making them worse next door. That consequence needs to be assessed and justified before approval.

The EIS, pp 136–137, and Appendix LL, section 5.3.1, predict water-level increases of 100–200 mm on properties to the west in the probable maximum flood (PMF). The flood report describes those effects as minor, but also says northern floor levels are approximately equal to PMF levels. It recommends investigating changes to the park levels at detailed design. Separately, the EIS says floor levels above the PMF remove the need for emergency plans, while Appendix LL, section 6, anticipates sheltering in place during flash flooding.

What needs to be resolved

Identify the affected properties and show the predicted water levels against their floor and entry levels. Establish whether the school or its access routes are affected; this report does not assume that they are. Provide one coordinated set of building, park and access levels, with clear safety margins and tests for blockage and other material uncertainties.

Any change to the park must be assessed for its effects on neighbouring land. The assessment should also explain how people will remain safe if access is cut off, and resolve the conflicting statements about emergency planning.

Why this matters

Sections 4.15 and 4.40 of the EP&A Act require the relevant impacts and site suitability to be assessed. “Minor” is a conclusion that needs evidence, especially where the additional water falls on someone else’s property. The authority should identify the flood provisions that apply and explain why any remaining off-site risk is acceptable.

Objection 2 Contamination beneath the buildings

The contamination reports support remediation, but leave important parts of the site untested. Approval needs a sound basis for concluding that the land can be made suitable for homes and public use.

The EIS, pp 135–136, identifies lead, hydrocarbons, PAHs, asbestos and groundwater concerns. Appendix HH, section 5.10, calls for further investigation of the extent and depth of contamination, testing beneath existing buildings after demolition, scans for underground tanks and further groundwater work near BH104/GW104. The proposed excavation and disposal strategy may address these problems. Its adequacy depends on what those investigations find.

What needs to be resolved

Explain which findings can safely be left until demolition and which are needed to support the suitability conclusion before consent. Obtain appropriate site-auditor review of that distinction and the proposed remediation strategy.

Set clear hold points: when work must stop, who must review unexpected contamination, and what happens if the findings require a materially different remediation plan. Require validation before occupation or public access. If contamination remains, identify the lasting management duties and how future owners will be bound by them.

Why this matters

Section 4.6 of the Resilience and Hazards SEPP requires consideration of contamination and the necessary conclusions about suitability and remediation. It does not require every investigation to precede demolition. It does require more than an unsupported expectation that later work will solve whatever is found. The assessment should show why the proposed conditions are sufficient to secure a suitable site.

Objection 3 Sunlight and fresh air

The overall amenity figures conceal a weaker result in Building 3, and the ventilation schedules do not tell a consistent story.

The EIS, p 114, reports that 175 of Building 3's 279 apartments receive the stated sunlight access: 63%, against the cited 70% criterion. Building 2 contributes to that overshadowing. The pooled calculation uses 508 of 679 apartments, although the building totals add to 676. Correcting that denominator would not remove the pooled pass; the real question is whether the result for Building 3 is acceptable.

On p 115, Building 1's ventilation claim combines 32 corner apartments with 24 apartments using plenums described as mechanical. Appendix K, appendices PDF p 20, reports 59% cross ventilation for Building 2 and 71% for Building 3, while the EIS says both comply. See also Appendix K, PDF pp 51–52.

What needs to be resolved

Provide a single apartment-by-apartment schedule tied to the final drawings. Correct the totals, distinguish natural from mechanically assisted ventilation, and explain whether the claimed ventilation works under the window and door settings assumed by the noise report.

Assess Building 3's sunlight shortfall on its own merits. Explain the design changes considered, their effect, and why the remaining shortfall should be accepted.

Why this matters

Housing SEPP Chapter 4 and the Apartment Design Guide require a proper assessment of residential design. Not every numerical departure prevents approval. But a departure needs to be acknowledged and justified; it cannot be answered solely by averaging it with better-performing buildings or relying on inconsistent schedules.

Objection 4 Which parking scheme is being assessed

The exhibition notice and the EIS describe substantially different parking provision. The notice advertises 588 residential and 118 retail spaces: 706 in total. The EIS, p 132, gives a total of 502. The public and the decision maker need to know which scheme is before them.

Appendix EE, sections 9.1–9.4, includes existing-plus-development and 2036 traffic modelling. TfNSW has agreed to the removal of the Courland intersections from the assessment and supports the access arrangement. The objection is therefore to the unresolved project description and assumptions, rather than an absence of traffic modelling or agency support.

What needs to be resolved

Confirm the final parking numbers and uses, identify the drawings and traffic model that match them, and explain the discrepancy in the notice. Correct the public record and consider whether the difference warrants further exhibition.

Test the opening period before the Metro, and a reasonable delay beyond its planned 2032 opening. Explain the reliance on public transport, the 25% linked retail-trip assumption and the parking-based rates for build-to-rent and co-living housing. Address bus capacity, walking routes, rideshare demand, school peaks, nearby committed development, queues and vehicle-turntable failure where material to the result.

Why this matters

The impacts assessed under section 4.15 and the applicable Transport and Infrastructure SEPP provisions must belong to the proposal being decided. A notice error does not automatically invalidate the process. Its significance depends on what changed, what was assessed and whether the public had a fair opportunity to understand and comment on it.

Objection 5 Make the public benefits enforceable

The proposed height and density are justified partly by affordable housing and public space. Those benefits need to survive a sale, a change of operator and the passage of time.

The EIS, sections 5.4 and 6.9, proposes 7.5% of residential gross floor area as affordable housing, described as about 55 homes in perpetuity. The signed Bridge Housing letter of 20 May 2026, Appendix I, PDF p 5, discusses management for at least 15 years. A 15-year management arrangement does not prevent permanent affordability, but it does not secure it by itself.

There are also conflicting descriptions of the north–south road: private land with easements on EIS p 50, but public dedication on p 153. Of the 2,470 m² publicly accessible park, 2,090 m² is proposed for dedication.

What needs to be resolved

Set out the instruments that will secure affordable housing permanently, including the area calculation, eligible households, rents, management, successor obligations and enforcement. Explain what happens when the first management agreement ends.

Identify the owner of each part of the road and park, the public's rights of access, permitted closures, maintenance costs and delivery stages. Provide a workable alternative if the proposed dedication is not accepted. These commitments should be settled and secured through the appropriate legal mechanisms.

Why this matters

The proposal seeks to disapply existing LEP clause 6.12 and Part 8 provisions. The assessment should explain what protection is being removed and what replaces it. A public benefit should carry weight according to what is enforceably delivered, rather than the breadth of the promise.

Objection 6 Show the legal basis for the extra height

The proposal seeks a 95 m height limit and a floor space ratio of 4.30:1. The EIS identifies existing incentive controls of 35 m and 1.8:1. That is a substantial change. The assessment must identify the legal route that permits it.

EIS sections 5.4.2–5.4.3 and 7.2 rely on changes to planning controls. The report describes the proposal as entirely permissible while also acknowledging restrictions on shop-top housing and retail in the R3 zone, with additional permitted uses applying to parts of the land.

What needs to be resolved

Before determination, identify the zoning, maps and controls actually in force, the commencement of any rezoning, and the precise provision relied on for each departure or otherwise prohibited use. Show how any SSD power or override applies to this land and these uses.

Provide the surveyed height calculation under the applicable definition, including roofs and plant. Distinguish building height from Australian Height Datum levels. State the compliant gross floor area and floor space ratio under the controls that will govern the decision.

Why this matters

An exhibited rezoning or Housing Delivery Authority pathway does not itself change the law. Equally, 95 m is not automatically unlawful: section 4.38 gives SSD particular powers, including in relation to partly prohibited development. The authority should identify and apply the power it actually has. If no lawful route supports part of the proposal, that part should not be approved.

Objection 7 Account for all floor space

The floor space calculation depends in part on treating wintergardens as excluded space. Calling an area a wintergarden does not settle whether the law allows it to be left out.

EIS section 5.4.3 presents a 4.26:1 calculation relying on a proposed clause 6.18. The proposed exclusion has conditions concerning size, external openings, ventilation, building bulk and enclosure needed for road noise. The EIS also refers to wind-affected balconies. That explanation needs to be tested against the wording of the exclusion actually adopted. See also section 5.4.6.

What needs to be resolved

Provide a schedule of every excluded area, its dimensions, enclosure and openings, and the reason it qualifies. Show compliance with the proposed 15% size condition if that condition forms part of the law ultimately made. Explain how acoustic requirements and the normal operating position of the enclosure affect the claim.

Calculate the floor space ratio under the law in force at determination. Also show the result if any claimed exclusion is unavailable. Use the correct residential floor area when calculating the affordable housing commitment.

Why this matters

The current gross floor area definition and any valid amendment govern the calculation. Proposed wording cannot be applied as though it were already law. Some wintergardens may properly be excluded; others may not. The decision needs a measured schedule and a legal basis for each exclusion, because the answer affects both development intensity and the promised affordable housing.

Objection 8 Confirm the design exemption covers this scheme

The documents record an alternative design process, but they do not present a single, clear account of how the exemption applies to the final proposal.

EIS p 64 relies on Planning Systems SEPP section 2.12E. Appendix P reports Government Architect endorsement on 16 October 2025 and two completed design reviews, as well as design changes and unresolved matters. Appendix XX, p 10, contains floor space ratios of 4.14:1 and 3.4:1, compared with the EIS request for 4.30:1.

What needs to be resolved

Identify the approval or exemption relied on, its scope and conditions, and any transitional provisions. Explain how the final drawings fall within that approval and how the panel's advice has been considered, including unresolved matters. Correct the inconsistent development figures.

If LEP clause 6.14(6) is relied on as a separate route, provide the written certification required by that route. Explain separately why the final scheme achieves the required design excellence.

Why this matters

An exemption from a competition and a finding of design excellence are different questions. The record already contains evidence of endorsement and review; this objection does not assume they are missing. Nor does every design change necessarily require a fresh competition. The point is to establish that the exemption is legally available for the scheme being approved and that the required design assessment has been made.

Objection 9 Apply the co living rules to Building 4

The EIS says the Apartment Design Guide does not apply to Building 4. That does not dispose of the separate assessment required for its 190 co-living rooms.

Housing SEPP section 69(2) requires consideration of specified matters, including building separation and sunlight to communal living areas. EIS p 118 identifies a minimum 6 m separation between Buildings 3 and 4, acknowledges that the cited 12 m distance is not met, and proposes screens. The assessment needs to explain what that solution means for privacy, sunlight and ventilation. The section 69 table also refers to Building 1 where the co-living proposal is Building 4. See EIS pp 66–67 and 114–118.

What needs to be resolved

Correct the building references and assess Building 4 against the final drawings. Explain the effect of the reduced separation and screens on both buildings, including communal spaces.

Separately demonstrate the section 69(1) requirements concerning room sizes, facilities, occupancy, management and parking. Room-size calculations should use the required exclusions for kitchens and bathrooms.

Why this matters

Section 69 uses two different tests. Subsection (1) requires the authority to be satisfied about specified requirements; subsection (2) requires it to consider specified matters. A separation shortfall is not automatically a prohibition. But the authority still needs to address the matter under the correct provision. A general statement that the ADG does not apply is not a substitute for that assessment.

Objection 10 Demonstrate road safety and noise compliance

The road, noise and ventilation assessments need to describe a design that works as a whole. A room should not depend on one window position for its acoustic result and an incompatible position for its ventilation result.

EIS section 7.3.1 and Appendix FF, sections 5.1 and 5.3, address road noise and propose glazing and supplementary ventilation. These are real mitigation measures. The remaining task is to show that the final design incorporates them consistently with the traffic, wintergarden and residential amenity assessments.

What needs to be resolved

Identify the classified-road access and safety findings required by Transport and Infrastructure SEPP section 2.119, and the internal noise findings required by section 2.120 where it applies. Tie those findings to the final traffic assumptions, room layouts, glazing, enclosure settings and ventilation system.

Explain which windows or panels must be closed, what ventilation is then available, and how the necessary performance will be secured and checked. Assess any material interaction between the access arrangement, queues and road safety.

Why this matters

These provisions include matters about which the consent authority must be satisfied before approval, where applicable. TfNSW support is relevant evidence, but the authority still has to make its own required findings. Compliance does not necessarily require every window to remain open. It requires a coherent design, supported by evidence, with the measures necessary for compliance secured in the approval.

Objection 11 Resolve the conflicting flood claims

The EIS makes two materially different statements about flood effects. Its statutory assessment on p 64 says the site is not flood affected and that the proposal will not cause external flood impacts. On p 137, and in Appendix LL section 5.3.1, it reports increased PMF levels on neighbouring land.

Objection 1 addresses the physical risk. This objection addresses the factual basis on which the authority will apply the law.

What needs to be resolved

Correct the p 64 assessment. Explain whether it uses a different flood event, mapping category or definition from the technical report, and why that distinction matters under the applicable provision. Identify the flood and climate provisions relevant at determination, including the status of any draft or replacement provision relied on.

Assess the actual modelled effects against the correct legal test. State the evidence accepted, the findings reached and the reasons any remaining increase in risk is acceptable.

Why this matters

A drafting error alone does not establish an invalid approval. But a decision may be vulnerable if it materially relies on an incorrect factual premise, applies the wrong legal test or fails to consider a legally required matter. The conflicting claims should therefore be resolved expressly. A conclusion of “no external impacts” cannot simply stand alongside a model predicting increased water levels next door without an explanation.

Executive summary conclusion

The proposal should not be approved in its present form. I ask that SSD-89477725 and the concurrent rezoning be refused, or deferred until the issues in this report are resolved and material changes receive appropriate public scrutiny.

The strongest concerns are grounded in the applicant's own documents. The flood model predicts higher water levels on neighbouring land. The remediation plan calls for further investigation. The amenity schedules disagree. The exhibition notice advertises 204 more parking spaces than the EIS. These matters need clear answers before the impacts can be accepted.

The legal questions are equally concrete. What law permits the requested height, floor space and uses? Which wintergardens can be excluded from floor area? Does the design exemption cover the final scheme? Have the specific co-living, road safety and noise requirements been met? What binds future owners to the promised affordable housing and public access?

A shortfall or drafting error does not automatically invalidate an approval. The authority must nevertheless apply the correct law to the actual proposal and have evidence for the findings that law requires. Conditions can secure an adequately assessed solution. They should not be used to avoid a finding that must be made before consent.

What the decision should address

- State the controls in force and the legal basis for the proposed height, floor space, uses and exemptions.
- Settle one consistent description of the proposal, supported by matching drawings, calculations and technical assessments.
- Resolve the evidence needed for the required findings on flood risk, contamination, amenity, traffic and noise.
- Secure the accepted mitigation and public benefits, with clear obligations, delivery dates, checks and responsibility.
- Respond to the substance of these objections and allow appropriate public comment on material new information or changes.

Please record this report as an objection to both the development and the concurrent rezoning. The assessment report should explain what evidence was accepted, how the significant issues were resolved, and why any remaining impacts are acceptable. If a requested measure is unnecessary or a legal provision does not apply, please explain why.

The purpose is to make the issues clear while they can still be addressed, and to leave a reliable record of the decision. Section 9.45 provides broad standing to challenge planning law breaches; this submission does not create that standing or a general right to a merits appeal. Nor does an unanswered question, by itself, prove legal error. What matters is whether the decision is lawfully made on the evidence.