

Thursday, December 12, 2024

**Attention: Michelle Niles**  
**Senior Planner**  
**Department of Planning, Housing and Infrastructure**  
**New South Wales**

**RE: OBJECTION TO DEVELOPMENT APPLICATION NO: SSD-73228210 AS PROPOSED**

Dear Michelle,

I am a Lot owner and resident within the Kings Bay Estate ("KBE", "Estate") at 11-27 Harris Road, Five Dock located 300 metres to the north of the Kings Bay Village Development proposed by Deicorp ("The Developer") at 129-153 Parramatta Road and 53-75 Queens Road, Five Dock – Application No: SSD-73228210 (the "Development")

The Estate consists of medium-density apartments and townhouses surrounded by green space. Access into and through the Estate is via a network of small, narrow/two-lane roads. Its design also places a focus on pedestrian movements through the Estate with a small park at its centre.

I do not object to the inclusion of Affordable Housing in new Developments in the Kings Bay Precinct. However, the area needs to be able to support it without adversely impacting existing and future Precinct residents including those that will live in the new development itself. Based on my reading of the Development Application possible in the short exhibition window, I consider Development will have many irreversible negative impacts on KBE residents and other neighbouring properties if it proceeds as proposed in DA No: SSD-73228210.

**Therefore, I object the development, Application No: SSD-73228210, as proposed** for many valid reasons, including (but not limited to) the following:

1. **Inadequate Public Consultation:** Given this Development's deviations from Part K – Special Precincts of the City of Canada Bay ("Council")'s Development Control Plan ("DCP"), KBE owners and residents, who will be greatly impacted by development within the Kings Bay Precinct, have not been properly consulted with or about this Development either by the Developer or the NSW Department of Planning, Housing and Infrastructure ("NSWDPHI"). I base this on the fact that the first I and my neighbours heard of this DA was via the Development Notice Letter from the Department of Planning, Housing and Infrastructure dated 13 November 2024 and received two days later in our post boxes on Friday, 15 November 2024.
2. **Inadequate time available for neighbouring Owners/Residents to review the Application:** The expectation by the NSW Government (via the NSWDPHI) that impacted property owners/residents have the time let alone the expertise (or ability to engage the required expertise) to review the 79 Attachments & Resources related to this DA and then make a submission in less than 4 weeks<sup>1</sup> and in the run-up to Christmas, is, at the very least, disingenuous and demonstrates a disregard for the legitimate concerns of impacted neighbouring owners/residents and their views as citizens of NSW.

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<sup>1</sup> From the receipt of the above letter by post on Friday 15 November to the closing exhibition date of Thursday 12 December 2024

3. **Density and scale are more appropriate for sites adjacent to the future the Metro Stations:** This proposed high-density Development is more appropriate for locations adjacent to the Metro Stations. Drastically increased densities are generally concentrated around areas which are well serviced by different types of public transport to ensure people can be moved quickly and reliably to and from a Development in modes other than private cars, to reduce congestion. This proposed Development is a 19-minute walk of 1.2 km to the future Five Dock Metro station<sup>2</sup>, scheduled to open in 2032. The nearest alternative station, Burwood North Metro station, will be a 21-minute walk/1.6km away <sup>2</sup>. As such, neither Metro Stations are easy walking distances from the Development, particularly for those less mobile members of the community (e.g. seniors, people with a disability, parents pushing prams/with young children) and during inclement weather (i.e. e.g., rain, high heat and humidity). In both cases, residents and non-resident visitors to the Development will undoubtedly travel to and from by cars/taxis/ride-share vehicles. Accordingly, the suggested level of density for this development is more appropriate to sites immediately adjacent to the future Metro Stations being built at Burwood North and Five Dock.
4. **Exceeds Local Government Planning Controls:** This Development, comprised of four new buildings with podiums ranging from 4 to 7 storeys with six towers above ranging from 14 to 31 storeys significantly exceeds the controls set by Council's Local Environmental Plan (LEP) and specifically Part K – Special Precincts of Council's Development Control Plan ("DCP") which, of note, limits the height of towers at the Development's location to a maximum of 24 storeys. As proposed, this Development will create an urban form inconsistent with local strategic planning policies.
5. **Cumulative Effects of Development Not Considered:** This will not be the last DA of this scale proposed by Developers for the Kings Bay Precinct. If this Development proceeds as proposed, in contravention of Council's LEP and specifically Part K of Council's DCP, thereby creating a precedent, the cumulative effects of this and future developments throughout this precinct, density-wise and otherwise, would be staggering.
6. **Incompatibility with Local Character:** The Kings Bay Precinct is characterised by its low to medium-density residential fabric. Introducing six high-rise towers of 14 to 31 storeys sitting atop podiums ranging from 4 to 7 storeys would drastically alter the established neighbourhood character, impacting the visual amenity and sense of community.
7. **Infrastructure Strain:** The Development as proposed and of this scale (1,185 apartments) would place excessive pressure on existing local infrastructure, including roads, schools, childcare facilities, public transport, parks and healthcare facilities, which are not currently adequate nor in place to support such high-density living.
8. **Overshadowing and Privacy Loss:** The bulk and scale of the Development's six towers of 14 to 31 storeys sitting atop podiums ranging from 4 to 7 storeys will cast extensive shadows over neighbouring residential properties and public spaces, while also creating significant privacy concerns for nearby dwellings and their occupants.
9. **Environmental and Open Space Concerns:** While some public open space is included, the overall proportion does not appear to sufficiently offset the environmental and recreational needs of such a high-density population. From my review, it appears the bulk and scale could overwhelm the proposed "village green" concept.

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<sup>2</sup> Source – Google Maps

10. **State Significant Development (SSD) Classification:** The designation of the Development as an SSD, and the unreasonably short time available in which to prepare and register a submission, suggests an intent to bypass local planning concerns, potentially undermining our voices as members of the local community and that of Council in determining the appropriateness of the project.
11. **Urban Design and Liveability:** The Development's urban renewal claims, such as pedestrian-friendly streets, do not adequately mitigate the issues arising from its sheer scale, potentially resulting in a dense, overwhelming urban environment.
12. **Lack of Transition Zones:** The proposal does not appear to provide sufficient transition in building height and density to integrate harmoniously with the surrounding low-rise neighbourhoods, creating abrupt changes in urban form.
13. **Traffic and Congestion Issues:** The Development's location, coupled with the significant new vehicle movements that will undoubtedly come from it, would exacerbate traffic and parking problems, and reduce safety, efficiency and liveability for existing and future residents. A more detail review, based on "lived experience" of **Appendix 40: the Transport Impact Assessment ("TIA")** by JMT Consulting can be found below.

#### **Review of Appendix 40: the Transport Impact Assessment ("TIA")**

14. **Lack of evidence that the TIA has considered the traffic issues that would impact William Street North of Queens Road is a fundamental flaw of the TIA** signaling it is not as thorough and robust as it should be.
  - a) There is no evidence in the TIA that the traffic issues that would impact William Street North of Queens Road ("William Street North") have been considered. This is despite Part K of Council's DCP citing the following as "development constraints" for the Kings Bay Precinct:
    - existing high traffic volumes on surrounding streets;
    - limited north-south connections across Parramatta Road, particularly for pedestrians and cyclists;
    - a current lack of reliable public transport,
  - b) References to "William Street" in the TIA do not make a clear distinction between the sections of William Street that fall on either side of Queens Road. Moving in a North to South direction, William Street starts at Lyons Road West and ends at Parramatta Road. Use of the term "William Street" in the TIA is vague/nonspecific as to where on William Street the TIA commentary is referring. Therefore, from my independent reading of the TIA, references to "William Street" read only as referring to the short stretch of "William Street" bordering the western side of the development, i.e. between Queens Road and Parramatta Road.

Consequently, there is no evidence in the TIA of any assessment of how this high-density development would impact traffic volumes, congestion, on-road parking, safety and resident wellbeing and amenity along the section of William Street North. This is a significant oversight given this high-density development is covering residential, retail and commercial lots – all of whom will attract significant vehicular traffic that will need to access and exit the Development's precinct, including residents, staff of retail and commercial businesses, their visitors, customers and their service providers (trades, delivery drivers etc.) – all of whom will attempt to drive to/from and park near the Development, including along an already congested William Street.

- c) William Street North is sweeping and curved and does not have clear visibility in parts e.g. there are significant blind spots where William Street North intersects Rowe Street and Kings Bay Avenue creating safety risks to drivers and pedestrians when vehicles exit KBE. It is also burdened by densely parked vehicles on both sides of the road that narrow the two lanes for moving traffic. Parked cars are regularly side swiped/lose their mirrors when drivers veer too close to the left, often because they are at risk of clipping oncoming vehicles in the opposing lane. But some drivers don't even bother to slow down in such instances. It is also not unusual for large trucks and other large vehicles to drive down William Street North (some of which exceed weight and length restrictions for the street) only to get to a point where they can't continue without hitting an oncoming vehicle so have to stop, end up obstructing the flow of traffic which results in gridlock, frustrated drivers and even road-rage. I can attest to all of this as a resident whose apartment is at street-level, who works from home and who witnesses this daily from both my home and as a driver. These current problems would only be exacerbated by this extremely high-density development.

### **Traffic Volume and Congestion Concerns**

15. **Underestimated Traffic Volume:** The TIA in my view has significantly underestimated or is ignoring the actual increase in vehicle trips that will be generated by the new apartments and adjoining commercial and retail lots. The high-density nature of this development, exceeding Council controls, would typically generate significantly higher vehicle movements than the low-to medium density residences and businesses currently at the development site and in its surrounds.
16. **Traffic Spillover Effects:** There is no evidence that the TIA has considered that increased traffic from such a high-density development could cause congestion in neighbouring streets as drivers seek alternative routes, spreading the impact beyond the immediate area of the Development. Current problems that would be exacerbated by this high-density development include:
- a) Currently, drivers are already using the section of William Street North and the roads within KBE (i.e. Myler Street, Kings Park Circuit and Kings Bay Avenue and Rowe Street) as "rat runs" to avoid the regular traffic delays/congestion on Lyons Road West, Harris Road and Queens Road.
- b) Despite internal KBE roads being in a 15km p/h zone and those roads being narrow, winding two-lane only circuits and avenues, vehicles exceed the speed limit regularly, cut corners and larger vehicles such as larger 4WDs and trade vehicles regularly travel more than the speed limit over speed humps – all increasing risks to pedestrian safety and the safety of other drivers.
17. **Traffic Gridlock:** The TIA cites an evidence base of traffic modelling and the advice of bureaucrats undertaken in conjunction with key stakeholders such as Transport for NSW and Canada Bay Council. Of note is that this does not include citing the "lived experience" via consultation with local residents including those in KBE e.g., residents of KBE are frequently caught in gridlock that delays or even prevents them from leaving or entering the Estate due the AM & PM Weekday peak hour periods, the School "pickup" 40km/ph. window between 2.30pm and 4.00pm and even on weekends e.g. Saturday mornings. From the perspective of a KBE resident, the TIA does not adequately address the cumulative effects of increased traffic resulting from this high-density development during peak periods, potentially leading to even worse gridlock and even longer commute times for existing residents.

Furthermore,

- a) using the RMS traffic modelling metric cited (Page 29) to analyse the performance of an intersection's Level of Service (LOS) and based on my direct experience of gridlock and delays, the LOS KBE residents are currently experiencing at surrounding intersections e.g. that Queens Road and William Street, is already at *LOS Level F - Unsatisfactory with excessive queuing*. The significant increase in vehicular road traffic that will be generated by this high-density development will only exacerbate existing problems.
  - b) The TIA refers to traffic movement counts in July 2023. Since that time employers have become more strident in demanding employers return to the office (rather than working from home). In fact, in August this year, a memo from NSW Premier Chris Minns's department ordered government employees to work primarily from the office.
  - c) Given this and that the COVID instigated work from home arrangements have been in place since 2020, it is only recently that many people are being required to travel again "into the office" and traffic has returned to pre- COVID levels. Therefore, the traffic count used in the TIA cannot be considered as an accurate representation of the actual traffic volumes and related problems experienced.
  - d) Given the above, it is extremely concerning that the TIA cites (on page 6) the following comment from Transport for NSW: "no further traffic modelling is required for the proposed development".
18. **On-Road Parking Demand already exceeds availability:** Aside from those residents who may want to park in the street, we already have considerable problems accommodating legitimate visitors and service providers to our Estate within and on the perimeter of KBE. Parking along William Street North is near impossible now, with a mix of densely parked vehicles of varying size, parked often for lengthy periods, along William Street North. This includes caravans, boats, cars from smash repairers and car yards in lieu of storage and taxis in lieu of a legitimate DA-approved base. It is a problem that would be exacerbated by the proposed high-density development – both during the construction phase given the parking required by on-site workers and once the development is opened.
19. **On-road Parking demand and lack of supply on the streets around KBE is resulting in illegal parking within KBE:** For example, drivers parking illegally wherever they choose including parking at length in No Stopping and No Standing zones; parking and leaving their vehicles in the middle of KBE roads, parking in and obstructing underground carpark driveways, and mounting the gutters and parking on grass verges and footpaths. The proposed high-density Development will undoubtedly increase the demand for on-road parking and the resulting scarcity will result in increased illegal parking in KBE.
20. **Impact on Emergency Response Vehicles:** Increased congestion could hinder the ability of emergency vehicles to navigate through the precinct, impacting response times, or worse still, resulting in accidents involving emergency response vehicles travelling at speed in the surrounding streets.

## Safety Concerns

21. **Blind spots/Reduced Visibility for Drivers:** The already high parking demand and congestion on William Street North is causing safety risks. For example, the mix of densely parked cars along both sides of the street are already obstructing visibility and increasing the likelihood of road accidents for drivers turning out of Rowe Street and Kings Bay Avenue onto William Street and worst still, creating risks of hitting pedestrians trying to cross from one side of the street to the other.
22. **Increased Risk for Pedestrians from Vulnerable Groups:** The significant traffic volumes that are likely to result from this high-density development will pose greater risks to vulnerable populations, including the elderly, the disabled or people whose mobility is otherwise challenged, children and those who frequently walk in the surrounding streets. Specific examples are elderly or less mobile patrons crossing William Street to visit the Canada Bay Club and children attending nearby schools.
23. **Increased Risks at Intersections:** Higher vehicle volumes could lead to more conflicts between vehicles and pedestrians, especially at the intersection/crossing at the corner of Queens Road and William Street.

## Impact on Community Well-Being

24. **Noise Pollution:** Higher traffic volumes will undoubtedly lead to an increase in noise pollution, which will affect the liveability of existing residents, particularly those in KBE that front William Street between Queens Road and Lyons Road.
25. **Air Quality:** Traffic congestion is already a problem in the streets that border KBE, particularly Harris Road and William Street North. The increased traffic volume and congestion that would result from this high-density development would undoubtedly lead to poorer air quality, impacting the health of local residents, particularly those with respiratory conditions.
26. **Loss of Walkability:** The increased traffic volume that would result from this high-density development may deter walking and cycling, reducing our neighbourhood's overall liveability. Bike-lanes on Queens Road are too narrow and (to my knowledge) are not marked out/dedicated on William Street or Harris Road.

## Other Flaws in Traffic Impact Assessment (TIA)

27. **Failure to Consider Cumulative Impacts:** The TIA, as written, has not provided adequate evidence of the TIA addressing the cumulative effects of this Development in combination with future developments that are likely in the Kings Bay Precinct.
28. **Unrealistic Assumptions About Public Transport Use:** The TIA has overestimated the proportion of residents and visitors to the Mixed-use Development who will use public transport instead of driving, leading to an underestimation of traffic impact. For example,
  - a) The TIA States the proposed Development is "close to major transport networks". (page 1) and that the Future Five Dock Metro station is within an 1200m walk of the site (Page 10). The proposed Development is a 1.2 km walk to the future Five Dock Metro station<sup>3</sup>, estimated to take 19 minutes. The nearest alternative station, Burwood North Metro station, will be a 21-minute walk/1.6km away<sup>3</sup>. As such, neither Metro Stations are easy walking distances from the Development, particularly for those less mobile members of the community (e.g. seniors, people with a disability, parents pushing prams/with young children) and during inclement weather (i.e. e.g., rain, high heat and humidity). In both cases, residents and non-

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<sup>3</sup> Source – Google Maps

resident visitors to the Development will undoubtedly travel to and from by cars/taxis/ride-share vehicles.

- b) It should not be assumed that road traffic will be manageable via access to public transport. The TIA neglects to consider that inbound visitors of residents and the customers/clients of the proposed retail and commercial lots may not have access to a reasonable/direct public transport route from the location from which their journey commences to travel to the Development site.
- c) Should a walk to or from Five Dock Metro Station not be practical, it should not be assumed that the level of density proposed for Kings Bay is manageable via the remaining options of bus transport, walking and cycling. Buses can only move a certain, limited number of people at once and relies on the roads, adds to traffic and can be delayed with traffic issues.

Thank you for considering my submission and the points I have raised as legitimate concerns as an owner and resident within the Kings Bay Estate located 300 metres from the proposed Development. Feel free to contact me directly if you have any questions about my submission or need more information

**Yours faithfully,**

***Name withheld in Print for Privacy Reasons***

**Thursday, December 12, 2024**