

CANADA BAY LOCAL
ENVIRONMENTAL PLAN
2013 (PP2024/0002)

PLANNING PROPOSAL – Parramatta Road Corridor Urban
Transformation Strategy (PRCUTS) – Stage 2

PP2024/0002

April 2026

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Introduction

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) is a significant State Government strategy that has been developed to deliver a vision for transforming the Parramatta Road Corridor into Places for People, with new housing (including affordable housing), commercial and retail centres and public infrastructure.

A planning proposal for the PRCUTS Stage 1 Precincts of Kings Bay, Burwood-Concord and Homebush North was gazetted on 16 December 2022.

The planning proposal that is the subject of this report (the Proposal) is seeking to implement Stage 2 of PRCUTS for the Kings Bay Precinct within the City of Canada Bay by amending the *Canada Bay Local Environmental Plan* (CB LEP) 2013.

Note that, whilst the Burwood-Concord and Homebush Precincts also fall within Stage 2 of PRCUTS, they are omitted from the Proposal due to State-led rezoning of these precincts by the Department of Planning, Housing and Infrastructure (DPHI). The Homebush Precinct was finalised on 27 November 2024 as the *Homebush Accelerated Transport Oriented Development* (TOD) program and the Burwood-Concord Precinct is currently being planned as the Burwood North Metro rezoning.

The Proposal is the result of a comprehensive strategic planning process, which is intended to deliver and refine the PRCUTS and to give effect to the *Eastern Sydney District Plan*, the *Canada Bay Local Strategic Planning Statement* (LSPS) and the *Canada Bay Local Housing Strategy* (LHS).

The Proposal is consistent with the Gateway determination issued on 28 January 2025, which required that, prior to exhibition, the planning proposal is to be updated to:

Review the proposed densities for the land subject to the planning proposal (in consultation with the Department) and update the planning proposal to support the delivery of more homes near the future Sydney Metro stations at Burwood North and Five Dock. As part of this work, consideration should be given to whether increasing densities would allow Council to apply an affordable housing contribution requirement to more sites.

The Proposal is also consistent with the Revised Gateway determination issued on 15 September 2025, which requires that, prior to exhibition, the planning proposal is to be updated to:

Update planning proposal and supporting documentation to remove reference to and assessment relating to the Burwood-Concord precinct and to ensure the Kings Bay West and East Precincts is consistent with the master plan submitted to DPHI on 9 May 2025.

The Proposal and supporting studies have been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and address the requirements of cl 3.8 (3) of the EP&A Act 'on the preparation of planning proposals under section 3.33 to give effect to the district strategic plan'. It is also in accordance with the *Local Environmental Plan Making Guideline*.

Part 1 - Objectives or Intended Outcomes

The objective of the Proposal is to amend the *Canada Bay Local Environmental Plan 2013* (CB LEP) to implement Stage 2 of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) Kings Bay precinct, with refinements that are justified by supporting studies.

The **Objectives** of the Proposal are to:

- Create fine-grained precincts that are safe, activated and family friendly;
- Support the redevelopment of the Parramatta Road corridor;
- Create public domain and development outcomes that are well-designed, sustainable, and resilient and supported by commensurate public benefits.

The **Intended Outcomes** of the Proposal are to:

- Implement planning controls for land within the Stage 2 and Frame areas in the Canada Bay LGA that are generally consistent with the PRCUTS, with refinements that are underpinned by local strategic planning.
- Deliver infrastructure commensurate with the planned intensity of development, including as prescribed in the *PRCUTS Infrastructure Schedule*.

The Kings Bay Stage 2 precinct

The Proposal will deliver planning outcomes for the PRCUTS Kings Bay Stage 2 precinct. The precinct adjoins the Kings Bay Stage 1 precinct, a mixed-use precinct that will be activated by a new commercial centre along Spencer Street. The Stage 2 areas extend the Stage 1 area eastward and westward along Parramatta Road. They consist of residential development with active frontages to Parramatta Road. Additional community infrastructure consists of the 6m Green Edge fronting Parramatta Road, plus some minor land boundary adjustments, to enable new and existing public domain to be accommodated within road reserves.



Figure 1: Land within the PRCUTS Kings Bay Stage 2 Precinct within the Canada Bay LGA. Stage 1 is the land between the two areas.

Part 2 - Explanation of Provisions

The Proposal

The Proposal seeks to amend the CB LEP 2013 by changing the zoning and development standards, and to require and incentivise delivery of community infrastructure (public domain) for land within the Kings Bay Stage 2 precinct within the Canada Bay LGA.

New and amended clauses

The Proposal is seeking to add a new clause:

- 8.1A Objectives of Part

And to amend various clauses:

- 8.3 Additional floor space ratio and building heights for Areas 1-35
- 8.4 Minimum site area requirements
- 8.6 Setback requirements
- 8.7 Pedestrian link and road requirements

Amended maps

The Proposal is seeking to amend the following maps:

- Land zoning
- Key Sites Map
- Incentive Height of Buildings Map
- Incentive Floor Space Ratio Map
- Affordable Housing Contribution Map
- Active Street Frontages Map
- Additional Permitted Uses Map
- Design Excellence Map

Refer to [Appendix C – Proposed Maps](#) below and [Attachment 02 Proposed Maps](#).

Table of changes to planning controls

Table 1: Existing and proposed planning controls

Precinct	Current zone/s	Proposed zone/s	Current FSR/s	Proposed bonus FSR/s	Current HOB/s	Proposed bonus HOB/s
Kings Bay Stage 2 Precinct	E3	R3	1:1	1.4:1, 1.5:1, 1.6:1, 1.8:1, 1.9:1, 2.0:1,	12m	2.5m, 16m, 19m, 22m

	R2	R3	0.5:1	1.5:1, 1.6:1, 1.8:1, 1.9:1, 2.0:1	8.5m	2.5m, 18m, 19m, 21m, 22m
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Figure 2: Land within the PRCUTS Kings Bay Stage 2 precinct within the Canada Bay LGA.

Background and rationale

Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

In November 2016, Urban Growth NSW released the *Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)* together with a package of implementation and reference documents. In June 2021, the PRCUTS and Ministerial Direction were updated in the *PRCUTS Implementation Update 2021*.

Direction 1.5 issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* gives the Strategy and Implementation Tool Kit statutory weight.

PRCUTS aims to renew Parramatta Road and adjacent communities through investments in homes, jobs, transport, open spaces and public amenity. It presents significant urban renewal opportunities for land within defined development precincts.

City of Canada Bay Local Strategic Planning Proposal

On 25 March 2020, the Greater Sydney Commission (GSC) endorsed the *Canada Bay Local Strategic Planning Statement (LSPS)*. The LSPS sets out Council's vision for how the LGA will respond to significant residential growth, including the new housing and jobs to be delivered under the PRCUTS.

The Proposal is generally consistent with the LSPS Principles for Growth, principally that:

- *Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) will be implemented following the completion of background studies that demonstrate how additional dwellings can be provided. Proposals in local and Strategic Centres must be considered through precinct-level planning to sequence and*

fund growth with provision of public transport, open space and other infrastructure for the whole centre.

- *Proposals must positively contribute to the built environment and result in good urban design outcomes.*
- *A minimum of 5% affordable rental housing is required in Planned Precincts, the Parramatta Road Corridor and wherever a significant increase in density occurs, subject to viability.*

The Proposal will contribute to/finalise the implementation of Actions 1.2, 5.5, 5.6, 10.1, 10.2, 14.3, 16.5, 17.1, 18.1 BASIX and 18.3 of the LSPS.

City of Canada Bay Local Housing Strategy

On 10 May 2021, the Department of Planning, Industry and Environment (now DPHI), endorsed the *Canada Bay Local Housing Strategy* (LHS). It is a primary technical study that was undertaken by Council to inform the LSPS and deliver needed housing, including housing diversity. The LHS estimated that the majority of new housing within the LGA will be delivered through PRCUTS (all of Stage 1 and 2) and the Rhodes Place Strategy, which has since been gazetted. The LHS predates the State-led Homebush TOD and Burwood North Metro rezoning, which have significantly increased housing capacity in the LGA beyond what was recommended in the PRCUTS.

Review of planning proposal submitted for Gateway determination on 18 July 2024

Pursuant to the (original) Gateway determination received on 28 January 2025, Council reviewed the Masterplan with the aim of increasing the proposed densities. The review was guided by a set of Principles:

1. A logical and gradual height transition
2. A diverse and equitable public domain network
3. Maximised solar access to public domain
4. Contextually appropriate height and density
5. Integrating heritage into future development

The application of these principles resulted in a concept Masterplan, which was submitted to the Department on 9 May 2025. The concept Masterplan increased the dwelling capacity in the Kings Bay and Burwood-Concord PRCUTS Stage 2 precincts from 4,291 dwellings (671 in Kings Bay) to 9,335 dwellings (757 in Kings Bay).

The revised Gateway determination received on 15 September 2025 requires the removal of the Burwood-Concord precinct and the remainder of the Proposal to be consistent with the concept Masterplan. The Proposal is consistent with the concept Masterplan and will facilitate 779 dwellings (greater than the previously submitted Concept).

However, some additional amendments are required that are justified in this planning proposal and that will result in better urban design and amenity outcomes. A (further) revised Gateway determination is sought to address these variations.

City of Canada Bay PRCUTS Stage 2 Kings Bay studies

A series of supporting studies to determine the appropriate urban design and infrastructure response to deliver the PRCUTS Kings Bay Stage 2 have been prepared:

- Urban Design Masterplan (revised). Determined the maximum possible yield relative to the building heights and FSRs, whilst ensuring ADG compliance and minimum impacts on liveability and amenity. The recommendations create capacity for 779 dwellings in the Kings Bay Stage 2 precinct. This represents 41% more that is recommended in the PRCUTS. The Masterplan recommends provision of certain infrastructure to support the liveability of development in the precinct.
- Public Domain Plan (revised). Identified the public domain needs that will be required to support the future development, including requirements for private land (e.g. for road widening).
- Infrastructure Strategy (addendum to Stage 1). Identified the infrastructure that is required to be delivered to support the uplift, the planning nexus between the infrastructure and future development, and the planning mechanism used to allocate the delivery of the infrastructure to each amalgamated parcel of land.
- Flood Risk Assessment (revised). Determined the nature and extent of current flooding and compared this to the impacts for proposed development. Makes recommendations to ensure future development will be safe in a flood event and will not result in increased flooding, including to downstream properties.
- Feasibility Analysis (revised). Assessed feasibility of proposed development and determined the amount of affordable housing that could be feasibly provided as part of an affordable housing contribution. The feasibility testing undertaken found that a 2% contribution rate was feasible where FSRs of 1.6:1 or greater apply.

A draft Affordable Housing Contribution Scheme (AHCS) will be submitted with the planning proposal to DPHI for a revised Gateway determination.

- Heritage Assessment (amended). Provided advice about management of heritage items and conservation areas adjacent to the Precinct.
- Preliminary Site Investigation (Contamination) (amended). Assessed potential contamination on development land and provided a risk ranking of sites, to assist in identifying requirements to address contamination as part of future site-specific DAs.
- Traffic Study (addendum to Stage 1). Revised the Stage 1 traffic impacts to include the population forecasts for Stage 2. Areas tested included Kings Bay, Burwood-Concord and Homebush precincts. Note that the Study was produced prior to the state-led rezonings of the Homebush TOD and the Burwood North Metro that will result in higher populations than those assumed by the traffic study in those two precincts.
- Urban Canopy Assessment 2023 (amended). Assessed the potential for the proposed development to achieve Council's 25% tree canopy coverage target. Note that the assessment was based on an early version of the Masterplan but, as the building footprints and deep soil provision are comparable with the current Masterplan, the findings and recommendations remain valid.

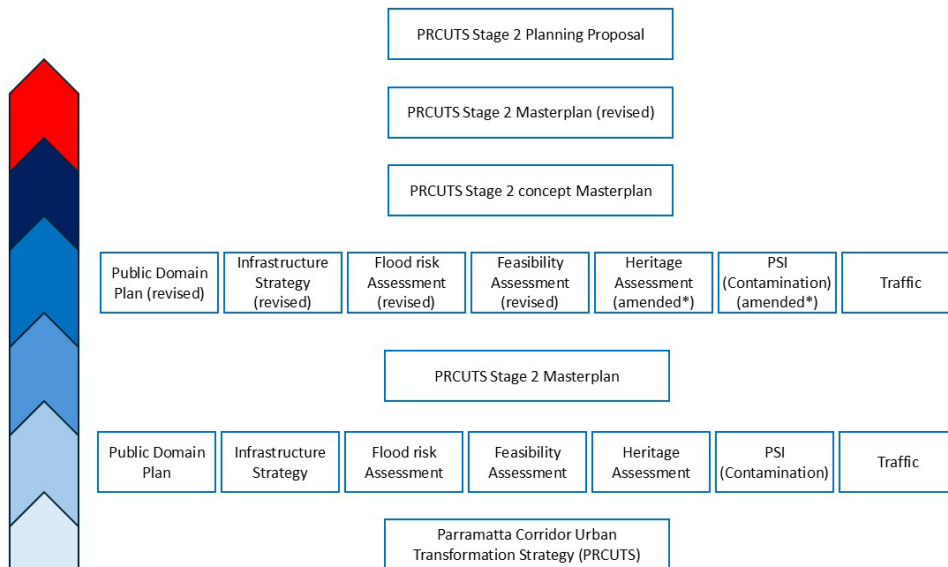


Figure 3: Hierarchy of studies and revisions to inform the Proposal. Note that the studies were also informed by the Eastern City District Plan, the draft Sydney Plan, the City of Canada Bay Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).

* Studies that were amended to remove content that related to the Homebush and Burwood-Concord precincts.

The proposed Development Control Plan (DCP) for the Kings Bay precinct has also been revised to guide finer grain planning outcomes.

The Proposal is also informed by other Council strategies:

- *Canada Bay Local Strategic Planning statement (LSPS)*, endorsed by the Greater Sydney Commission on 25 March 2020 as being consistent with the requirement to deliver the Eastern City District Plan;
- *Canada Bay Local Housing Strategy (LHS) 2019*, endorsed by the Department of Planning, Industry and Environment on 1 May 2021;
- CB Employment and Productivity Strategy 2019;
- CB Social Infrastructure Strategy 2019;
- CB Open Space and Recreational Strategy 2019.

Part 3 - Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Proposal is consequential to, and generally consistent with, the PRCUTS, which was approved by the Secretary of the Department of Planning, Industry and Environment (now DPHI). Variations from PRCUTS respond to Government policy announced since 2016 and will deliver precinct-wide best urban design, community

infrastructure and public benefits. The Proposal is also consequential to Council’s LSPS, which was endorsed by the Greater Cities Commission (GCC) on 25 March 2020.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Proposal is the only means to achieve the intended outcome, as the Proposal is seeking to make changes to the Canada Bay LEP 2013.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission in March 2018. It provides a 40-year vision for the Greater Sydney region and is designed to inform district and local plans and the assessment of planning proposals.

The planning proposal has strategic merit and is consistent with the Greater Sydney Region Plan, as outlined in Table 2 below.

Table 2: Consistency with Priorities of Greater Sydney Region Plan

Objective Number	Objective	Statement of Consistency
1	Infrastructure supports the three cities	Consistent. The proposal is seeking to incentivise the delivery of the PRCUTS Green Edge and other additional public domain.
2-6	Infrastructure aligns with forecast growth; adapts to future needs; is optimised; and meets changing community needs.	Consistent. The proposal is seeking to incentivise the delivery of the PRCUTS Green Edge and other additional public domain.
7	Communities are healthy, resilient and socially connected	Consistent. The proposed built form is predicated on ensuring ADG solar access requirements are able to be achieved, both within the precinct and on the southern side of Parramatta Road.
8-9	Culturally rich communities; creative industries	Not applicable. The proposal does not introduce provisions relating to cultural or creative industry development.
10-11	Greater housing supply; diverse and affordable housing	Consistent. The proposal is seeking to facilitate the delivery of additional housing supply, including affordable housing via an affordable housing contribution requirement in the Canada Bay AHCS, and a mix of apartments of various sizes.

12	Great places that bring people together	Consistent. The proposal is seeking to facilitate enhanced public domain and active frontages along Parramatta Road.
13	Environmental heritage is identified, conserved and enhanced	Consistent. The impacts on heritage items adjoining the precinct have been independently assessed as acceptable.
14	A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Consistent. The proposal is seeking to facilitate new housing in an area with access to good public transport.
15-17	Economic corridors and connectivity	Consistent. The proposal is seeking to retain the E3 Productivity Support zone in Kings Bay east and apply Active Street Frontages along the full length of Parramatta Road.
18-21	Strengthening Harbour CBD, Parramatta and economic precincts.	Not applicable. Canada Bay LGA is outside these precincts.
22	Investment and business activity in centres	Not applicable. The land subject to the planning proposal is not located within a centre, but will support the viability of the emerging adjacent Spencer Street commercial centre.
23-24	Industrial lands and targeted economic sectors	Not applicable. No industrial land or related controls are affected.
25	The coast and waterways are protected and healthier	Not applicable. No provisions in this proposal relate to or contravene this objective.
26	A cool and green parkland city in the South Creek corridor	Not applicable. Canada Bay LGA is not located in this corridor.
27	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Not applicable. No provisions in this proposal relate to or contravene this objective.
28	Scenic and cultural landscapes are protected	Not applicable. No provisions in this proposal relate to or contravene this objective.
29	Environmental, social and economic values in rural areas are protected and enhanced	Not applicable. Canada Bay LGA is not a rural area.
30	Urban tree canopy cover is increased	Consistent. The proposal is seeking to facilitate the delivery of landscaping and street trees along Parramatta Road.
31	Public open space is accessible, protected and enhanced	Not applicable. No provisions in this proposal relate to or contravene this objective.
32	The Green Grid links parks, open spaces, bushland and walking and cycling paths	Consistent. The proposal is seeking to facilitate the delivery of the Green Grid by way of increased walkability, landscaping and tree canopy along Parramatta Road.
33-35	Low-carbon city, energy and water reuse, circular economy	Not applicable. No provisions in this proposal relate to or contravene this objective.
36-38	Climate adaptation, hazard resilience, extreme heat	Not applicable. No provisions in this proposal relate to or contravene this objective.
39-40	Collaborative planning; monitoring and reporting.	Not applicable. The proposal does not alter governance or monitoring arrangements.

Eastern City District Plan

The *Eastern City District Plan* contains priorities and actions to guide development and planning within the eastern district, whilst improving the district's social, economic and environmental assets.

The Planning Proposal is consistent with the following Priorities of the District Plan as outlined in Table 3 below.

Table 3: Consistency with Priorities of Eastern City District Plan

Planning Priority Number	Planning Priority	Statement of Consistency
E1	Planning for a city supported by infrastructure	Consistent. The proposal is seeking to incentivise the delivery of the PRCUTS Green Grid and other additional public domain.
E2	Working through collaboration	Not applicable. The proposal does not introduce provisions regarding collaborative governance or inter-agency coordination.
E3	Providing services and social infrastructure to meet people's changing needs	Not applicable. No changes relate to social infrastructure provision.
E4	Fostering healthy, creative, culturally rich and socially connected communities	Not applicable. The proposal does not directly relate to cultural or creative uses.
E5	Providing housing supply, choice and affordability with access to jobs, services and public transport	Consistent. The proposal is seeking to facilitate the delivery of additional housing supply, including affordable housing via an affordable housing contribution requirement in the Canada Bay AHCS, and a mix of apartments of various sizes.
E6	Creating and renewing great places and local centres, and respecting the District's heritage	Consistent. The impacts on heritage items adjoining the precinct have been independently assessed as acceptable.
E7	Growing a stronger and more competitive Harbour CBD	Not applicable. No provisions in this proposal relate to or contravene this planning priority.
E8	Growing and investing in health and education precincts and the innovation corridor	Not applicable. No changes relate to these precincts.
E9	Growing international trade gateways	Not applicable. No provisions relate to international gateways.
E10	Delivering integrated land use and transport planning and a 30-minute city	Consistent. The proposal is seeking to facilitate new housing in an area with access to good public transport.
E11	Growing investment, business opportunities and jobs in strategic centres	Consistent. The proposal is seeking to retain the E3 Productivity Support zone in Kings Bay east and apply Active Street Frontages along the full length of Parramatta Road.
E12	Retaining and managing industrial and urban services land	Not applicable. The proposal does not alter industrial zonings or related land.

E13	Supporting growth of targeted industry sectors.	Not applicable. No provisions relate to targeted industry sectors.
E14	Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	Consistent. The proposal will result in improved health of Sydney Harbour and the quality of water flowing into it, partly as a result of redevelopment of industrial land as new urban infill that will meet higher standards of ecological accountability.
E15	Protecting and enhancing bushland and biodiversity	Not applicable. No significant biodiversity areas are affected.
E16	Protecting and enhancing scenic and cultural landscapes	Not applicable. No provisions in this proposal relate to or contravene this objective.
E17	Increasing urban tree canopy cover and delivering Green Grid connections	Consistent. The proposal is seeking to facilitate the delivery of the Green Grid and enhance walkability, landscaping and tree canopy along Parramatta Road.
E18	Delivering high quality open space	Not applicable. No provisions in this proposal relate to or contravene this objective.
E19	Reducing carbon emissions and managing energy, water and waste efficiently	Not applicable. No provisions in this proposal relate to or contravene this objective.
E20	Adapting to the impacts of urban and natural hazards and climate change	Consistent. Whilst 1C Henley Marine Drive, Five Dock is proposed for residential development and significantly flood affected, the impacts have been independently assessed as being acceptable if certain recommendations are met.
E21	Preparing local strategic planning statements informed by local strategic planning	Not applicable. The proposal does not seek to prepare an LSPS.
E22	Monitoring and reporting on the delivery of the Plan	Not applicable. No provisions relate to monitoring or reporting frameworks.

Draft Sydney Plan

The draft *Sydney Plan* is the NSW Government's draft 20 year strategic land use plan to guide future growth of the Greater Sydney region. The draft plan established land use priorities that are accompanied by policy and planning responses.

The Planning Proposal is consistent with the 'Responses' and 'Council Actions' set out in the draft Sydney Plan as outlined in Table 4 below.

Table 4: Consistency with Responses and Council Actions of the Draft Sydney Plan

Response Number	Response	Statement of Consistency
-	-	Not applicable. The Planning Proposal does not affect land identified as having Aboriginal cultural heritage significance and does not introduce new development controls that would

Response Number	Response	Statement of Consistency
		impact Aboriginal communities, cultural values, or Country.
1	Implement Sydney housing targets	Consistent. The proposal will facilitate the delivery of 779 new dwellings.
2	Increase housing diversity and choice	<p>Consistent. The proposal is seeking to facilitate the delivery of additional housing supply, including affordable housing via an affordable housing contribution requirement in the Canada Bay AHCS, and a mix of apartments of various sizes.</p> <p>The proposal will facilitate the delivery of 779 new dwellings towards the NSW target under the National Housing Accord to deliver 377,000 new homes, noting that these numbers are likely to increase by an additional 30% as development is likely to utilise the incentive provisions in the Housing SEPP whereby additional height and FSR can be sought where 15% affordable housing is provided for 15 years.</p>
3	Secure the supply of affordable housing	Consistent. The proposal is seeking to facilitate the delivery of additional affordable housing via an affordable housing contribution requirement in the Canada Bay AHCS of 2% where the FSR is 1.6:1 or more.
4	Grow well-located jobs	Consistent. The proposal is seeking to facilitate the delivery of light industrial and urban services along Parramatta Road in conjunction with residential development.
5	Align infrastructure to planned growth	Consistent. The proposal is seeking to incentivise the delivery of the PRCUTS Green Edge and other additional public domain in conjunction with new development.
6	Create a more vibrant Sydney	Consistent. The proposal is seeking to enhance walkability, landscaping and tree canopy and to facilitate the provision of urban support services along Parramatta Road.

Response Number	Response	Statement of Consistency
7	Grow and connect public open space	Consistent. The proposal is seeking to enhance walkability along Parramatta Road and connectivity within the precinct.
8	Secure an ongoing pipeline of productive industrial lands	Consistent. The Planning Proposal does not involve any industrial land, but is seeking to facilitate the retention of urban support services and light industrial uses along Parramatta Road.
9	Minimise the impact of natural hazards to communities	Consistent. Whilst 1C Henley Marine Drive, Five Dock is proposed for residential development and significantly flood affected, the impacts have been independently assessed as being acceptable if certain recommendations are met.
10	Sequence planned growth in greenfield areas within the urban footprint	Not applicable. The Planning Proposal does not relate to greenfield areas.
11	Manage land uses beyond the urban footprint	Not applicable. The Planning Proposal does not relate to land outside the existing urban footprint.
12	Protect and enhance the natural environment	Consistent. The proposal will result in improved health of Sydney Harbour and the quality of water flowing into it, partly as a result of redevelopment of industrial land as new urban infill that will meet higher standards of ecological accountability.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic local strategy or other local strategic plan?

The Proposal is consistent with the following Actions of Council's LSPS, which was endorsed by the GCC on 25 March 2020:

- *1.2 Collaborate to enable dedicated rapid public transport and place-based outcomes along Parramatta Road Corridor.*

It is seeking to facilitate delivery of the 6m Green Edge along Parramatta Road.

- *5.5 Ensure that Planned Precincts, Parramatta Road Corridor and redevelopment of large sites deliver a diversity of housing types ranging from terraces to apartments.*

It is seeking to require a minimum of 2% GFA of new development to be dedicated as affordable housing where the proposed FSR is 1.6:1 or more. Note that whilst the LSPS required a contribution of 5% in all PRCUTS Precincts, the proposed 2% responds to recent feasibility testing.

- *10.1 Investigate and encourage new mixed-use forms, larger format uses and urban support services on Parramatta Road ground floor development in Kings Bay Precinct.*

It is seeking to facilitate light industrial and urban support services on Parramatta Road.

- *10.2 Ensure that Kings Bay precinct has access from roads other than Parramatta Road; double height ceilings for Parramatta Road ground floor uses; rear lane low bay access for small trucks and customer parking; and shared loading docks for non-residential uses.*

It is seeking to achieve these outcomes.

- *14.3 When preparing planning studies and controls, create links to habitat sites through canopy cover, the Green Grid and waterways, and improve planting of shrubs and understory.*

It is seeking to implement the Green Grid and increase canopy coverage in the precinct.

- *16.5 Ensure that Master Plans and Precinct Plans achieve a minimum of 25% canopy cover.*

It is seeking to increase canopy coverage in the precinct.

- *18.3 Where appropriate, develop controls to compel developers to connect to planned recycled water schemes for all non-potable water uses.*

It is seeking to extend clause 8.10 Other development standards to the precinct, which requires development to include a dual water reticulation system.

Q5. Is the planning proposal consistent with any other applicable State or regional studies or strategies?

The Proposal is generally consistent with PRCUTS, with variations that respond to more recent Government policy and to deliver precinct-wide best urban design, community infrastructure and public benefits. It will deliver more housing than recommended by the Strategy in order to address the ‘housing crisis’ and it responds to the future operation of Sydney Metro West within the vicinity of the Kings Bay precinct. This is discussed further below under *Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy*.

Q6. Is the planning proposal consistent with applicable SEPPs?

Yes, the Proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

SEPP Title	Consistency
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SEPP (Biodiversity and Conservation) 2021	The Proposal does not contain Provisions that contradict or would hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The Proposal does not contain Provisions that contradict or would hinder application of this SEPP.
SEPP (Housing) 2021	The Proposal does not contain Provisions that contradict or would hinder application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent
SEPP (Planning Systems) 2021	The Proposal does not contain Provisions that contradict or would hinder application of this SEPP.
SEPP (Precincts – Central River City) 2021	N/A
SEPP (Eastern Harbour City) 2021	N/A
SEPP (Precincts – Regional) 2021	N/A
SEPP (Precincts – Western Parkland City) 2021	N/A
SEPP (Primary Production) 2021	N/A
SEPP (Resilience and Hazards) 2021	Consistent
SEPP (Resources and Energy) 2021	N/A
SEPP (Sustainable Buildings) 2021	Consistent
SEPP (Transport and Infrastructure) 2021	N/A

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?

Council has undertaken a review to ensure the Proposal is consistent with all relevant Section 9.1 Ministerial Directions. Relevant Directions are discussed in detail below:

Direction	Comments
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	<p>Consistent. It is consistent with the <i>draft Sydney Plan</i>. It will increase the capacity for new housing, housing diversity, affordable housing and jobs in an area with access to good public transport.</p> <p>It is also consistent with the vision, land use strategy, goals, directions and actions of <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> and the Eastern City District Plan, noting that Council's LSPS received Assurance by the Greater Sydney Commission on 25 March 2020 that the LSPS will deliver the District Plan.</p>

	The Proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment. Objective 23 of the <i>Greater Sydney Region Plan</i> – to plan, retain and manage industrial and urban services land – does not apply to land within the PRCUTS.
1.3 Approval and Referral Requirements	<p>Consistent. It does not seek to increase requirements for concurrence, consultation or referral provisions and does not identify any developments as designated development.</p> <p>The Proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
1.4 Site Specific Provisions	<p>Consistent. It is seeking to rezone land to a SI LEP zone. However, the Proposal is seeking to apply active frontages along Parramatta Road to ensure consistency with PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment, and also with Ministerial Direction 7.1 Employment Zones.</p> <p>The Proposal does not contain or refer to drawings that show DA-level details of any potential future development.</p> <p>This is discussed further below.</p>
1.4A Exclusion of Development Standards from Variation	Consistent. It is not seeking to introduce or alter an existing exclusion to clause 4.6.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	<p>The Proposal is largely consistent with the Direction. It will deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Housing and Industry. However, it includes variations that respond to more recent Government policy and will deliver precinct-wide best urban design, community infrastructure and public benefits. These are discussed further below.</p> <p>The Proposal is also seeking to modify the boundary of the Kings Bay Stage 2 precinct to include 1 Lavender Street, Five Dock.</p> <p>This is discussed further below.</p>
Focus area 3: Biodiversity and Conservation	
3.2 Heritage Conservation	<p>Consistent. The Proposal implements the recommendations of the PRCUTS Stage 2 Heritage Assessment (Attachment 09 Heritage Assessment) .</p> <p>This is discussed further below.</p>
3.7 Public Bushland	Consistent. The Proposal is not seeking to change or impact bushland in urban areas, including rehabilitated areas and no bushland is located within the subject Precincts.
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent. It does not pertain to any land on or adjacent to the Sydney Harbour foreshore. It is also seeking to improve water quality in Sydney Harbour by managing stormwater and overland flow through the Precincts.

3.10 Water Catchment Protection	<p>Consistent. It seeks to maintain or improve the quality of water flowing into Sydney Harbour, including the hydrological, ecological and geomorphological processes in the catchments. The Proposal will result in the redevelopment of industrial land as new urban infill that will meet higher standards of ecological accountability.</p> <p>The Proposal will result in improved environmental quality of the water catchments, watercourses, wetlands, riparian lands and their vegetation and ecological connectivity by managing them in an ecologically accountable and sustainable manner.</p> <p>This is discussed further below.</p>
Focus area 4: Resilience and Hazards	
4.1 Flooding	<p>Consistent. Whilst it is seeking to facilitate development in flood prone land, the proposed development is consistent with the <i>NSW Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>.</p> <p>The Proposal is commensurate with flood behaviour as determined by a Flood Risk Assessment undertaken to inform the Proposal and which gave consideration to the potential flood impacts both on and off the subject land.</p> <p>The supporting PRCUTS Stage 2 Flood Risk Assessment (<u>Attachment 07 Flood Risk Assessment</u>) found that land at 1C Henley Marine Drive, Five Dock is significantly flood affected, but is suitable for residential development subject to certain recommendations being met.</p> <p>This is discussed further below.</p> <p>The Proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
4.4 Remediation of Contaminated Land	<p>Consistent. It seeks to rezone some land that has been used for industrial purposes, including as automotive repairs/workshops, to residential purposes.</p> <p>The supporting PRCUTS Stage 2 Preliminary Site Investigation (<u>Attachment 10 Preliminary Site Investigation (Contamination)</u>) found that the subject land can be made suitable for the proposed uses and, therefore, that the rezoning can proceed.</p> <p>The Proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
4.5 Acid Sulfate Soils	<p>Consistent. Whilst it seeks to intensify land uses on land identified as having a probability of containing Class 2 and Class 5 acid sulfate soils, the CB LEP contains the Acid Sulfate Soils Model LEP clause, which includes the requirement that an acid sulfate soils management plan be prepared in accordance with the Acid Sulfate Soils Manual prior to a development consent being granted.</p> <p>The Proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p>
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>The Proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice</i> and <i>The right Place for Business and</i></p>

	<p><i>Services</i>. The Proposal is consistent with Principle 9 - Improve road management of <i>Improving Transport Choice</i>.</p> <p>The supporting Traffic studies for Stage 1 and Stage 2 of PRCUTS (<u>Attachments 11 & 12</u>), which is a requirement under PRCUTS, identifies traffic interventions to ensure operability of the local road network and of Parramatta Road.</p> <p>The Proposal will also deliver the PRCUTS, which is an integrated land use planning and transport policy framework for the transformation of the Parramatta Road Corridor (the Corridor) that is approved by the Secretary of the Department of Planning, Industry and Environment.</p> <p>This is discussed further below.</p>
<p>5.2 Reserving Land for Public Purposes</p>	<p>Consistent. It does not propose any land for acquisition, but it is seeking to allocate land for acquisition during the plan-making process. This outcome would be consistent with the PRCUTS Stage 1 plan-making process, during which DPHI introduced a Land Acquisition Map as the best means to facilitate a variable road widening along Parramatta Road sought by TfNSW, to facilitate a dedicated bus lane.</p> <p>This is discussed further below.</p>
<p>Focus area 6: Housing</p>	
<p>6.1 Residential Zones</p>	<p>Consistent. It seeks to facilitate a variety and choice of housing types to provide for existing and future housing needs, make more efficient use of existing infrastructure and services, and minimise the impact of residential development on environmental and resource lands.</p> <p>The Proposal also seeks to ensure that requirements are in place prior to any development occurring under the proposed new controls to ensure the proposed increased housing capacity is adequately serviced.</p> <p>The Proposal will also deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment.</p> <p>This is discussed further below.</p>
<p>Focus area 7: Industry and Employment</p>	
<p>7.1 Employment Zones</p>	<p>Consistent. It seeks to retain the current E3 Productivity Support land in Kings Bay east and to introduce Active Street Frontages along the full length of the Parramatta Road frontage.</p> <p>Further, the Proposal is consistent with Direction 1.1 and 1.5.</p> <p>Direction 1.1 requires planning proposals to be consistent with the <i>Greater Sydney Region Plan</i> and the <i>Eastern City District Plan</i>. Whilst Objective 23 of the <i>Greater Sydney Region Plan</i> is to plan, retain and manage industrial and urban services land, the Plan states that “the land subject of this [Parramatta Road] Corridor Strategy is not subject to the industrial land strategies and actions of the Plan.”</p> <p>Direction 1.5 requires planning proposals within the Parramatta Road Corridor to deliver the PRCUTS. PRCUTS recommends retention of the E3 Productivity Support zone in Kings Bay east and R3 Medium Density residential with Active Street frontages in Kings Bay west. The Proposal is seeking to deliver these outcomes.</p>

Direction 1.4

The Direction seeks to discourage unnecessarily restrictive site-specific planning controls. The Proposal is seeking to amend the CB LEP to deliver planning outcomes generally consistent with the State Government's *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS).

The development that will be facilitated by the Proposal is consistent with land uses as per the SI LEP.

The Proposal is seeking to apply Active Street Frontages and permit light industrial and commercial uses along Parramatta Road. This is consistent with the intent of the PRCUTS.

The Proposal does not contain or refer to drawings that show details of future development.

Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

The Direction applies to planning proposals for land that is within a PRCUTS precinct. Planning proposals must be consistent with the *Parramatta Road Corridor Urban Transformation Strategy* (November, 2016), the *Parramatta Road Corridor Implementation Tool Kit*, and the *Parramatta Road Corridor Urban Transformation Implementation Update 2021*. Proposals must also provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community and guide the incremental delivery of necessary infrastructure. In addition, planning proposals must contain a requirement that development is not permitted until land is adequately serviced consistent with the *Parramatta Road Corridor Implementation Plan 2016 – 2023* (November, 2016) and be consistent with the District Plan.

The Proposal is generally consistent with the Principles and Strategic Actions of PRCUTS:

- Principle 1: Housing choice and affordability – The Proposal will deliver 779 new dwellings, representing approximately 15% of the City of Canada Bay's recently announced 5-year housing target of 5,000 (by 2029). Note, however, that the target is for new completed homes. Council is able to create the developmental capacity for new homes and ensure delivery is feasible, but Council has no control over lodgement of Development Applications or construction. It is intended that the CB AHCS will be amended to require land that has an FSR of 1.6:1 or more to provide 2% of dwellings as affordable dwellings. The CB LEP also requires that 20% of all apartments be one-bed or studio and 20% be 3-bed apartments.
- Principle 2: Diverse and resilient economy – The Proposal will deliver Active Frontages along Parramatta Road, a major connector route and freight corridor mid-way between the Sydney CBD and the Parramatta CBD. This will assist in creating new jobs and delivering urban support services to the local population.
- Principle 3: Accessible and connected - The Proposal will deliver new development with access to good public transport: buses along Parramatta Road, which TfNSW is planning to widen to be able to accommodate a dedicated bus lane, and future Metro stations within 800m (Five Dock and Burwood North).

However, improvements to the road network will be required and the Traffic Study - Addendum for Stage 2 identifies various traffic interventions in the Stage 1 PRCUTS area and in the Burwood-Concord precinct to ensure operability of the local road network and Parramatta Road.

- Principle 4: Vibrant communities and places - The Proposal will deliver quality places and built form outcomes that will transform the Corridor over time to be liveable places. The local character will be guided by detailed design requirements in the DCP, including landscape setbacks, tree canopy coverage, and cycleway locations.
- Principle 5: Green spaces and links - The Proposal will deliver a new pedestrian through-link and shared cycleway along Parramatta Road to increase permeability and encourage active lifestyles.
- Principle 6: Sustainability and resilience - The Proposal will encourage development in the Precinct that is sustainable and resilient to future environmental, climate and social change.
- Principle 7: Delivery- The Proposal is the best mechanism to facilitate the delivery of the holistically planned PRCUTS precinct.

However, whilst the Proposal is generally consistent with the Principles and Strategic Actions of PRCUTS, it includes variations that respond to Government policy announced since the publication of PRCUTS, primarily the 'housing crisis'. It is seeking to deliver more housing than is recommended under PRCUTS.

This necessitates an assessment against the Out of Sequence Checklist in the PRCUTS Implementation Plan, as the Implementation Plan *"requires that the Corridor be developed in line with the Principles and Strategic Actions identified in the Strategy, as well as the growth priorities identified in this Plan. Notwithstanding this, it is understood that in certain circumstances, a sound case may be made for parts of the Corridor to progress to detailed planning and development to occur 'out of sequence'.* As such, the Implementation Plan 2016 – 2023 incorporates an 'Out of Sequence Checklist' against which such proposals would be assessed." Refer to Appendix B - Out of Sequence Checklist.

The Proposal directly addresses Objective 1 (c) of the Direction, *to guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure*, as the Proposal includes a planning mechanism to deliver items of public infrastructure that are itemised in the *Parramatta Road Corridor Implementation Plan Infrastructure Schedule* and the Public Domain Plan (Attachment 05 Public Domain Plan). The infrastructure items are also included in the Infrastructure Strategy that supports the Proposal (Attachment 06 Infrastructure Strategy).

Direction 3.10 Water Catchment Protection

The Direction relates to planning proposals that will affect land within a regulated catchment within the meaning of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. The Proposal relates to land within two catchments of the Parramatta River: Kings Bay west is within the St Lukes catchment of Kings Bay and Kings Bay east is within both the William Street catchment of Kings Bay and the Dobroyd Canal catchment of Iron Cove.

The Proposal is consistent with the Direction as it will maintain or improve the water quality of Parramatta River by reducing future urban run-off and stormwater pollution,

- c) the *Considering flooding in land use planning guideline 2021*, and
- d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the *Floodplain Development Manual 2005* and adopted by the relevant council.

Response: The Proposal is consistent with the *NSW Flood Prone Land Policy*, the principles of the *Floodplain Development Manual 2005* and the *Considering flooding in land use planning guideline 2021*.

The Proposal is also consistent with the recommendations of the Stage 2 PRCUTS Flood Risk Assessment, which has been prepared in accordance with the principles of the *Floodplain Development Manual 2005*, and which has been endorsed by Council. It should be noted that the Assessment does not comply with some non-technical requirements, such as public exhibition and review by a technical committee. However, it models flooding across all three catchments and is therefore able to inform flood mitigation recommendations for the land within Kings Bay Stage 2 precinct.

- 2) The Proposal must not rezone land within a FPA from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.

Response: The Proposal applies to only land currently zoned R2 Low Density Residential and E3 Productivity Support. It is not seeking to rezone land within the proposed Flood Planning Area that is currently zoned Recreation, Rural, Special Purpose or Conservation Zones.

- 3) A planning proposal must not contain provisions for land within a FPA which:
 - a) permits development in floodway areas,
 - b) permits development that will result in significant flood impacts to other properties,
 - c) permits development for the purposes of residential accommodation in high hazard areas,
 - d) permits a significant increase in the development and/or dwelling density of that land,
 - e) permits development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - f) permits development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
 - g) is likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
 - h) permits hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

Response:

- No land proposed for development is in a floodway in a 1% AEP event.

- The Flood Risk Assessment has made recommendations to address flood risks, which will result in no flood impacts to other properties.
 - No residential development is proposed in a high hazard area in a 1% AEP. Note, however, that in a PMF, a significant part of 1C Henley Marine Drive, Five Dock is Hydraulic Hazard H5 (this is discussed below);
 - Whilst the Proposal is seeking to increase development and dwelling density in a FPA, this inconsistency is justified on the basis that the Proposal is:
 - supported by the recommendations of the Stage 2 PRCUTS Flood Risk Assessment, which identifies the land in the FPA to be generally no more than Hydraulic Hazard H1, with the exception of 3-7 Parramatta Road, Five Dock (small area of Hydraulic Hazard H2) and 1C Henley Marine Drive, Five Dock (discussed below);
 - facilitating development that is largely consistent with the PRCUTS;
 - consistent with the Gateway determination dated 15 September 2025 that requires the proposal to “ensure the Kings Bay West and East Precincts is consistent with the master plan submitted to DPHI on 9 May 2025”; and
 - consistent with the Gateway determination dated 28 January 2025 that required Council to “*Review the proposed densities for the land subject to the planning proposal (in consultation with the Department) and update the planning proposal to support the delivery of more homes near the future Sydney Metro stations at Burwood North and Five Dock.*”
 - All Development Applications within the Precinct, including for sensitive uses, will be assessed as part of any DA under the CB LEP and DCP. No sensitive uses are proposed in a high hazard area.
 - The Proposal will require no additional government spending on emergency management services, flood mitigation and emergency response measures.
 - The Proposal is not seeking to permit hazardous industries or hazardous storage establishments.
- 4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply under specified circumstances.

Response: Land within the precinct identified as between the flood planning area and probable maximum flood is not proposed for sensitive or hazardous uses or development. The proposed residential development in the affected area does not pose a particular risk to life and, where people may need to evacuate, evacuation can occur to the area immediately adjacent. All Development Applications within the Precinct, including for sensitive uses, will be assessed as part of any DA under the CB LEP and DCP.

- 5) A flood planning area identified in a planning proposal must be consistent with the principles of the *Floodplain Development Manual 2005* or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

Response: The Proposal implements the recommendations of the Stage 2 PRCUTS Flood Risk Assessment, which gives consideration to the *NSW Flood Risk Management Manual* and the *Flood Impact and Risk Assessment – Flood Risk Management Guide LU01*. It also provides information on the proposed emergency management strategy and the effectiveness of management measures required to minimise the impact and risk of flooding to the existing and future community.

1C Henley Marine Drive, Five Dock

With regard to land at 1C Henley Marine Drive, Five Dock the Proposal is not consistent with the Direction as it is seeking to:

- permit development for the purposes of residential accommodation in a high hazard area; and
- permit a significant increase in the development and/or dwelling density of that land.

However, the Proposal is seeking to justify these inconsistencies on the basis that:

- the land is not a High Hazard in a 1% AEP;
- it is Hydraulic Hazard H5 only in a PMF event;
- emergency vehicles are still able to access the site during a high hazard event, although this access would need to be from Parramatta Road due to the level of flood affectation on Henley Marine Drive. TfNSW has indicated that no additional driveways are permitted from Parramatta Road, but this access would be limited to emergency vehicles only. Day to day vehicular access would be located on Henley Marine Drive and constructed so as to avoid flood water ingress; and
- GRC Hydro, who was commissioned to produce the PRCUTS Stage 2 Flood Risk Assessment, has recommended consent be given by the planning authority (DPHI) to intensification of the land, given that *“the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities’ requirements”*.

Direction 5.1 Integrating Land Use & Transport

The Direction applies where a planning proposal is seeking to create, alter or remove a zone or a provision relating to urban land, to improve access to housing, jobs and services by walking, cycling and public transport; transport choices are increased; car dependency is reduced; freight movement efficiencies are created.

The Proposal is consistent with the aims and objectives of *The Right Place for Business and Services – Planning Policy (DUAP 2001)* and the principles of *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, as it seeks to concentrate new residential and commercial development and services in proximity to new mixed use centres (Principles 1 and 2), which are aligned with the Parramatta Road corridor, PRCUTS and Council’s land use strategy (Principles 3 and 4). The Proposal seeks to connect streets, improve pedestrian access, improve cycle access, manage parking supply, reduce car dependency and implement good urban design (Principles 5-8, 10).

The Proposal also seeks to improve road management (Principle 9) by prioritising freight movement along Parramatta Road, minimising access ways off Parramatta Road, and identifying potential intersection upgrades on Parramatta Road and local streets as recommended in the PRCUTS Stage 1 and 2 traffic studies.

Note that the Traffic Study – Addendum for Stage 2 assumes a population forecast (uplift) for both the Kings Bay and Burwood-Concord Stage 1 and Stage 2 precincts, even though the Proposal itself pertains to only Stage 2 of the Kings Bay precinct. This is because the Burwood-Concord precinct was required to be removed from the scope

of the Proposal as a condition of the Gateway determination dated 15 September 2025 but the Traffic Study – Addendum for Stage 2 was not revised to remove the Burwood-Concord precinct. This is because retaining of the (significant) population forecast for the Burwood-Concord precinct for them purposes of traffic modelling for the area represents a more accurate assessment of likely future impacts. Note, however, that the results of the Traffic Study are conservative as the population forecast assumed for the Burwood-Concord precinct has increased further under the State-led Burwood North Metro Rezoning.

Table 2.1: Population and Dwelling Numbers

STFM	Precinct	Population 2036 Uplift			Difference in Dwelling Numbers
		PRCUTS	Updated	Difference	
735	Kings Bay (West)	6,531	5,767	-764	-364
744	Kings Bay (East)	970	1,382	412	196

The Traffic Study – Addendum for Stage 2 recommended no interventions for the Kings Bay Stage 2 precinct. However, it did make some recommendations for the Kings Bay Stage 1 and the Burwood-Concord precincts.

Direction 6.1 Residential Zones

The Proposal is consistent with the Direction. It seeks to facilitate a variety and choice of housing types to provide for existing and future housing needs, make more efficient use of existing infrastructure and services, and minimise the impact of residential development on environmental and resource lands.

The Proposal also seeks to ensure that requirements are in place prior to any development occurring under the proposed new controls to ensure the proposed increased housing capacity is adequately serviced.

Direction 7.1 Employment Zones

The Proposal is consistent with the Direction as, whilst it is seeking to apply the following controls:

- Kings Bay east - retain the existing E3 Productivity Support zone and apply Active Street Frontages along Parramatta Road;
- Kings Bay west – apply an R4 High Density Residential zone and Additional Permitted Uses for commercial premises and light industrial uses across the precinct and apply Active Street Frontages along Parramatta Road.

This will facilitate the delivery of new residential development in conjunction with the delivery of activated frontages and urban support services along Parramatta Road, which is a hostile environment and freight corridor and unsuitable for residential development.

This outcome is consistent with PRCUTS and with Ministerial Directions 1.1 and 1.5:

Direction 1.1 requires planning proposals to be consistent with the *Greater Sydney Region Plan* and the *Eastern City District Plan*. Whilst Objective 23 of the *Greater Sydney Region Plan* is to plan, retain and manage industrial and urban services land, the Plan states that “*the land subject of this [Parramatta Road] Corridor Strategy is not subject to the industrial land strategies and actions of the Plan.*”

Direction 1.5 requires planning proposals within the Parramatta Road Corridor to deliver the PRCUTS, which is approved by the Secretary of the Department of Planning, Industry and Environment. PRCUTS recommends retention of the E3 Productivity Support zone in Kings Bay east and Active Street Frontages to Parramatta Road in Kings Bay east and west. The Proposal is seeking to implement these land uses to encourage the provision of commercial and light industrial uses along Parramatta Road.

Variations that will deliver better urban design and public benefits

Precinct boundary adjustment

Adjustment of the Kings Bay boundary to include 1 Lavender Street, Five Dock ('a' below). This will result in better outcomes than the PRCUTS. The PRCUTS requirement to deliver a 6m Green Edge along Parramatta Road significantly reduces the development potential of a lot that is significantly constrained by the current 'dog-leg' configuration. The inclusion of 1 Lavender Street will create a more homogenous lot that is able to be developed with exponentially more development and with better urban design outcomes.



Figure 5: Inclusion of 1 Lavender Street in the Kings Bay Stage 2 precinct to create a homogeneous developable lot (Council mapping and Kings Bay Masterplan)

Zoning, Active Frontages and Additional Permitted Uses

The Proposal is seeking to retain the land use zone recommended by PRCUTS in Kings Bay east and to vary it in Kings Bay west, as follows:

Eastern section – Retain the current E3 Productivity Support zone recommended by PRCUTS and extend it to include 1 Lavender Street and 9 Courland St, and apply Active Street Frontages to the Parramatta Road frontage. The remainder of the precinct, 11-29 Courland Street, is proposed to be rezoned to R3 Medium Density Residential, consistent with PRCUTS.

Justification: Whilst the original Proposal submitted to DPHI for a Gateway determination sought to rezone the E3 land to R3, circumstances have changed since then and a different planning approach is now required. First, the *Draft Sydney Plan* identifies the E3 zone along Parramatta Road as *Locally Significant*, meaning this zone should be retained. Secondly, the *Low and Mid-Rise Housing Code (LMR)* has now been finalised and applies in R3 zoned land. If the E3 land were rezoned to R3, the incentive mechanism to deliver key infrastructure

concurrently with development (as required by the *PRCUTS Infrastructure Schedule*) would be undermined. The Proposal is therefore seeking to retain the current E3 zone to retain the incentive mechanism and facilitate infrastructure delivery, notably the 6m wide Green Edge public domain along Parramatta Road. This approach has been adopted by DPHI in the planning of the Burwood North Metro precinct. *“Where the controls within the Precinct are equal to or greater than LMR, these controls will prevail, while LMR will remain in effect outside of the Precinct boundary.”* (Burwood North Metro Precinct State-led Rezoning Proposal – Explanation of Intended Effect). Further, the E3 zone better reflects the intended vision for Parramatta Road to support light industrial and urban support services.

Western section –Rezone Kings Bay west to R4 High Density Residential, and apply Active Street Frontages and Additional Permitted Uses to the Parramatta Road frontage to permit light industrial and urban support services.

Justification: The Proposal is seeking to apply significantly higher Incentive Heights and FSRs than those recommended by PRCUTS. These are more consistent with an R4 High Density Residential Zone than an R3 Medium Density Residential zone. Further, an HDA SSD application that includes concurrent rezoning has been declared for the block bounded by Queens Road, Walker Street, Parramatta Road and Taylor Street. The HDA proposal is seeking to significantly increase the density recommended by PRCUTS, for which R4 High Density Residential Zone is more appropriate. The HDA proposal is also seeking to include commercial uses fronting the pedestrian through-site link and the ground floor facing Parramatta Road. Council supports the proposed provision of commercial uses on the site, given that Parramatta Road is a hostile environment unsuitable for residential development at ground floor but suitable for provision of urban support services and light industrial uses.

The above approach is consistent with the intent of:

- PRCUTS. The Strategy seeks to facilitate active frontage along Parramatta Road and a 6m wide public domain Green Edge. The proposed zoning is the best way to achieve this outcome, given that an R3 zoning in Kings Bay east would negate the provision of any additional public domain.
- Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy. The proposed approach to delivering commercial GFA is consistent with the Direction, as it is consistent with the Strategic Actions of the Strategy. It will deliver more housing choice by delivering more housing (Principle 1) and it will support a diverse and resilient economy by attracting new and existing businesses closer to homes (Principle 2).
- Ministerial Direction 7.1 Employment Zones. The proposed approach to delivering commercial GFA is consistent with the Direction, as it will encourage employment growth in suitable locations and retain the existing employment role of the properties fronting Parramatta Road.

Key Site	Current zone	PRCUTS zone	Proposed zone	Current APU	Proposed APU	Current ASF	Proposed ASF
66	R3	R3	R3	Nil	Nil	Nil	Nil
67	R3	R3	R3	Nil	Nil	Nil	Nil
68	R3, E3	R3	E3	Nil	Yes	Nil	Yes
69	E3	E3	E3	Nil	Yes	Nil	Yes
70	E3	E3	E3	Nil	Yes	Nil	Yes

71	E3	E3	E3	Nil	Yes	Nil	Yes
72	E3	E3	E3	Nil	Yes	Nil	Yes
73	E3	RE1	E3	Nil	Yes	Nil	Yes
74	R2, E3	R3	R4	Nil	Yes	Nil	Yes
75	R2	R3	R4	Nil	Yes	Nil	Nil
76	R2, E3	R3	R4	Nil	Yes	Nil	Yes

Refer to [Appendix C – Proposed Maps](#) for current and proposed mapping; and [Attachment 02 Proposed Maps](#).

Key Sites and new public domain

The Proposal is seeking to deliver new public domain, whereby private land can be voluntarily dedicated to Council in exchange for additional/incentive height and FSR, if specified Lots are amalgamated. No additional cost is incurred by the development, as the GFA applicable to the area that will accommodate the infrastructure is relocated to the developable part of the site. This mechanism for delivering new public domain is a continuation of Part 8 of the CB LEP.

This mechanism is proposed as PRCUTS omitted to include any mechanism to deliver the community infrastructure listed in the *PRCUTS Infrastructure Schedule*, but also other necessary infrastructure to support additional housing (enhanced public domain).

This mechanism is also the most straight-forward, transparent and easily implementable mechanism to avoid the creation of isolated sites within the precinct. For example, Key Site 67 is not required to deliver any community infrastructure, but site amalgamation is still proposed. Should the four Lots that comprise Key Site 67 not be required to amalgamate, there is potential that some of the Lots would be developed as part of Key Site 66 or 68, resulting in the remainder of the Lots being undevelopable to higher density.

The Proposal is supported by an Infrastructure Strategy, that identifies the infrastructure to be delivered and explains the delivery mechanism.

The Proposal is seeking to amend Clauses 8.4-8.7 as per [Appendix A – Plain English Explanation of Proposed Clauses](#) below to incentivise the delivery of:

- Key Sites 68-73, 74 and 76 – 6m widening of Parramatta Road to deliver the 6m Green Edge, as required by PRCUTS, to deliver wider public domain, shared path, landscaping and street trees. An additional variable road widening has also been required by TfNSW (discussed below).
- Key Sites 70-72 - Widening of York Avenue, Lavender Street and Courland Street to transition the existing public footpaths, which are currently located within private land, to Council ownership.
- Key Sites 66, 74 and 75 – Widening of Queens Road to deliver wider public domain, dedicated cycleway, landscaping and street trees.
- Key Sites 66 and 74 – 6m wide pedestrian links to increase pedestrian safety and the walkability of the precinct.



- Variable land for acquisition for TfNSW road widening. Refer to Land Reservation Acquisition Map
- Area for public domain enhancement (dedicated to Council)
- Area for through-site link (required / not dedicated to Council)

Public Infrastructure to be required under Clauses 8.4-8.7 (Infrastructure Strategy)

Key Site	Amalgamation	Public Domain
66	7 Lots	3.4m Public Domain (north), 6m Through-Site Link (south)
67	4 Lots	Nil
68	4 Lots	6m Green Edge
69	4 Lots	6m Green Edge (south), 1.4m Public Domain (west)
70	9 Lots	6m Green Edge (south), 0.8m Public Domain (west)
71	7 Lots	6m Green Edge (south), 1.0m Public Domain (west)
72	4 Lots	6m Green Edge
73	2 Lots	6m Green Edge
74	25 Lots	6m Green Edge (south), 3m Public Domain (north), 6m Through-Site Link (central)
75	6 Lots	3m Public Domain
76	7 Lots	6m Green Edge

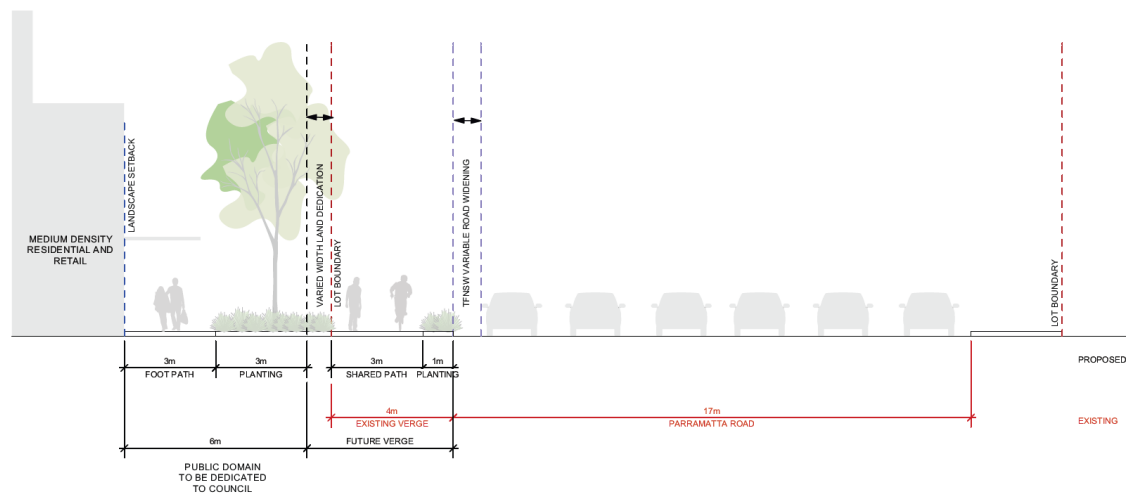
Additional variable widening of Parramatta Road

TfNSW made a submission to the public exhibition of the PRCUTS Stage 1 planning proposal that requested additional road widening to Parramatta Road, to assist in the delivery of a dedicated bus lane. The planning proposal was updated to accommodate the variable additional road width within the Key Sites, as land to be dedicated for local infrastructure and in exchange for additional/incentive height and FSR. However,

during the plan making process, DPHI introduced a Land Acquisition Map as the mechanism to deliver the variable road widening. TfNSW is the acquisition authority.

This planning proposal is also seeking to deliver the variable additional road width along Parramatta Road in the Stage 2 precinct, as per maps provided to Council by TfNSW (Attachment 19 TfNSW maps – Additional Parramatta Road widening) and the Public Domain Plan (Attachment 05 Public Domain Plan). Council’s preference is to take the same approach.

It is necessary to embed a planning mechanism to deliver the variable road widening into the final Plan to avoid it having to be accommodated retrospectively, after development has occurred. Retrospective inclusion would result in a significant reduction in the overall width of the public domain Green Edge. But specifically, if the shared path were required to be moved across after any of the intended street trees had been planted, the reduced width of deep soil would impact the health and growth of the trees. Retrospective inclusion would also result in a significant cost, to demolish and reconstruct any public domain that had been constructed in the meantime.



Section 1 - Typical Parramatta Road Section
1:200 @ A3

It is therefore requested that DPHI consult with TfNSW regarding identifying the variable additional road width as Land for Acquisition and identifying that land on the CB LEP Land Acquisition Map.

However, if this approach is not acceptable, then the Proposal would be seeking to require the road widening as an amendment to clause 8.6 of the LEP, so that development that is seeking to access additional/incentive height and FSR delivers this local infrastructure as per Attachment 19 TfNSW maps – Additional Parramatta Road widening. The required dimensions are summarised in the table below.

Key Site	Approximate dimensions of variable Parramatta Road widening	
	At western boundary	At eastern boundary
66	Nil	Nil
67	Nil	Nil
68	1.8m	0.8m
69	0.6m	0.8m
70	0.8m	0.9m

71	0.8m	0.8m
72	0.8m	0.8m
73	Refer to Attachment 19 TfNSW maps – Additional Parramatta Road widening	
74	0.5m	0.4m
75	Nil	Nil
76	0.6m	0.5m

Building heights and densities

The Proposal is seeking to increase the PRCUTS recommended building heights and FSRs by amending the Incentive Height of Building Map and the Incentive Floor Space Ratio Map for all land within the precinct.

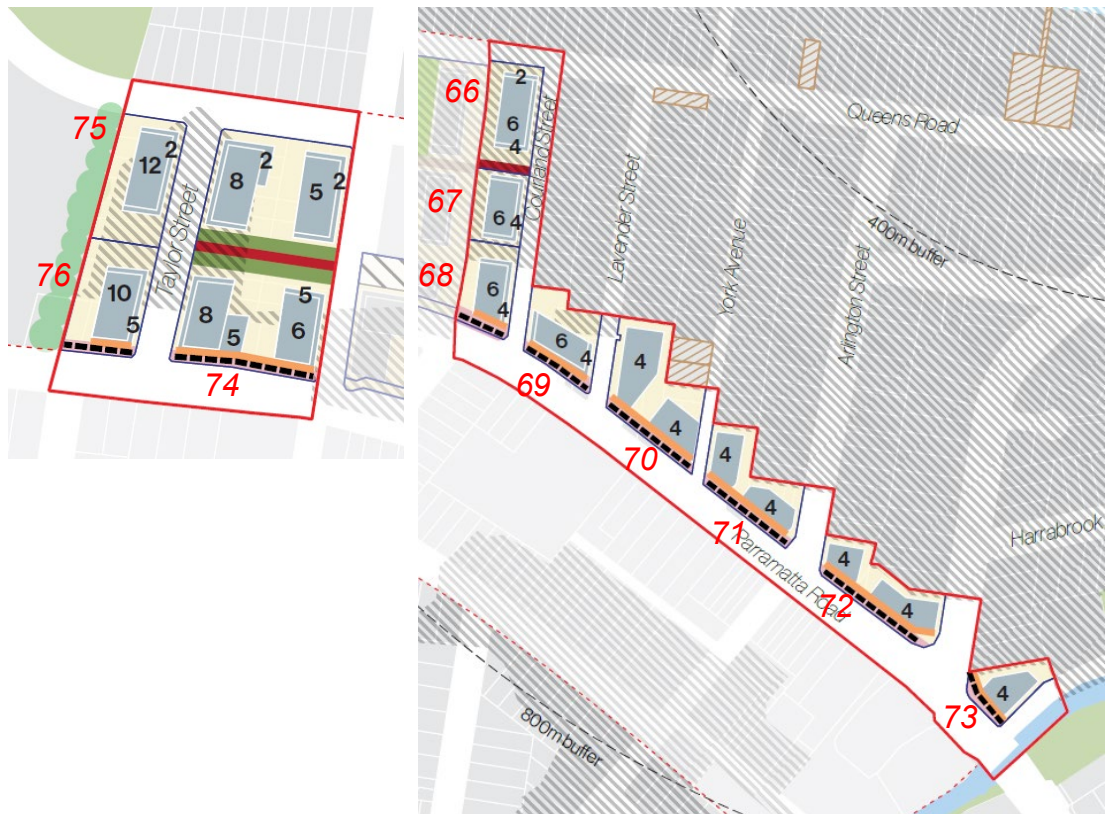
The proposed incentive heights and FSRs will:

- deliver more homes than the yields recommended under PRCUTS in accordance with Gateway conditions;
- deliver a more refined built form than envisaged by PRCUTS;
- generally align with known site amalgamations;
- ensure that development applications are largely able to comply with the Apartment Design Guide;
- maximise the utilisation of land and site coverage, whilst ensuring adequate separation between buildings;
- deliver the built form envisaged in the masterplans and other studies that were produced to support the Proposal and as required by the Gateway determination. These detailed and evidence-based studies considered impacts on, and interfaces with, the adjoining residential areas (both proposed and existing) and heritage buildings. These are discussed individually below;
- incentivise the delivery of enhanced public domain by retaining the current maximum building heights and FSRs (base heights and FSRs) and allocating bonus maximum building heights and FSRs (incentive heights and FSRs) to the proposed Key Sites;
- respond to the built form recommended by the Masterplan, the minimum densities recommended by the feasibility analysis and the Gateway condition to deliver more housing. Both the masterplan and the feasibility analysis gave consideration to physical and financial constraints, including provision of new infrastructure, amalgamation of sufficient (small) Lots to facilitate development of RFBs, existing heritage and adjoining low-scale residential development that is not proposed for change, and provision of affordable housing under Councils AHCS.

The table below shows the current, recommended PRCUTS and proposed maximum building heights and FSRs.

Key Site	Current height	PRCUTS height	Proposed incentive height	Current FSR	PRCUTS FSR	Proposed incentive FSR
66	8.5m	17m	2.5:1, 22.5m	0.5:1	1.4:1	1.8:1
67	8.5m	17m	22.5m	0.5:1	1.4:1	2.4:1

68	8.5m, 12m,	17m	2.5:1, 23m	0.5:1, 1.0:1	1.4:1	1.9:1
69	8.5m, 12m	12m	23m	0.5:1, 1.0:1	1.4:1	1.6:1
70	12m	12m	2.5:1, 16.5m	1.0:1	1.4:1	1.4:1
71	12m	12m	2.5:1, 16.5m	1.0:1	1.4:1	1.4:1
72	12m	12m	2.5:1, 16.5m	1.0:1	1.4:1	1.5:1
73	12m	Nil	2.5:1, 16.5m	1.0:1	Nil	1.4:1
74	8.5m, 12m	17m	2.5:1, 29m, 29.5m	0.5:1, 1.0:1	1.4:1	2.0:1
75	8.5m	17m	41.5m	0.5:1	1.4:1	2.8:1
76	8.5m, 12m	17m	2.5:1, 36m	0.5:1, 1.0:1	1.4:1	2.9:1



Proposed maximum incentive building heights in storeys (Refer to Appendix A - Plain English Explanation of Amended Clauses for proposed maximum IHOB and IFSR)

Refer to [Appendix C – Proposed Maps](#) for current and proposed mapping; and [Attachment 02 Proposed Maps](#).

Land at 1C Henley Marine Drive, Five Dock

It is proposed that the planning controls for the Kings Bay east sites fronting Parramatta Road be extended to include 1C Henley Marine Drive (E3 Productivity Support, Key Site, 16.5m incentive height of buildings and 1.4:1 incentive FSR, Active Street Frontages, 6m Green Edge public domain).

PRCUTS recommends the land be zoned RE1 Public Recreation, with no maximum height or density. However, zoning the land to RE1 would place an obligation on Council to purchase the land, which is not proposed. Further, as the site is identified as a public park, it is not possible to deliver a park in this location

via the incentive height/FSR mechanism, as there is no potential floor space to reallocate to a developable part of the site.

The Proposal originally submitted to DPHI for a Gateway determination sought to rezone the land to R3 Medium Density Residential and to reduce the maximum building height from 12m to 2.5m.

On 1 May 2025, the Transport for NSW advised that “*land (Lot 31 DP 1298605, Lot 2 DP 394847) – that is earmarked for open space – has been assessed by the DPHI-led Government Property Audit for Housing as “suitable for housing” and is to be disposed of to the market. TfNSW supports the proposed R3 High Density Residential land use zone identified for this land, however objects to the proposed reduction in the maximum Height of Buildings from the current 12m to 2.5m. The latter would practically make the land undevelopable, have a negative impact on its market value and runs contrary to arguments presented in the Planning Report about ensuring the alignment of zoning, floor space ratios and maximum building heights.*” (Attachment 18 TfNSW submission)

TfNSW requested that the following amendments be made prior to public exhibition:

- 1) *Retain the existing SP2 Infrastructure (Classified Road) zone for 1 Parramatta Road, Five Dock (Lot 32 DP 1298605), and*
- 2a) *Retain the proposed R3 High Density Residential zone and amend the proposed Height of Building from 2.5m to a minimum of 12m for 1C Henley Marine Drive, Five Dock (Lot 31 DP 1298605, Lot 2 DP 394847), which would be consistent with the proposed planning controls for the adjoining lands having frontage to Parramatta Road, or*
- 2b) *Propose the RE1 Public Recreation zone for 1C Henley Marine Drive, Five Dock (Lot 31 DP 1298605, Lot 2 DP 394847) and identify the relevant acquisition authority. In accordance with NSW Treasurer’s Directions, the sale or transfer of government assets must occur at market value. The acquiring authority should also confirm that it has the intent and means to acquire the land from TfNSW within a reasonable timeframe.*

As the land is flood prone, Council commissioned a revision to the Flood Risk Assessment for the Kings Bay Stage 2 precinct to assess its suitability for residential development. The Assessment determined that the land at 1C Henley Marine Drive, Five Dock may be suitable for residential development subject to certain constraints (discussed above).

The Proposal is therefore seeking to amend the planning provisions for the land to E3 Productivity Support, Key Site (Area 73), 16.5m and 2.5m Incentive Building Height, 1.4:1 Incentive FSR, a requirement for 6m additional public domain along Parramatta Road, and Active Street Frontages. This is consistent with the planning provisions sought for the rest of adjoining sites on Parramatta Road within the precinct.

Further engagement with Transport for NSW on the planning proposal will occur during the public exhibition period. The State Emergency Service will also be consulted.

Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The Proposal relates to land that is developed for residential and industrial uses and is therefore unlikely to result in any adverse effects on critical habitat for threatened species and ecological communities. Further, any remediation that may be necessary, and that would be determined at DA stage, would result in reduced adverse impacts on the Parramatta River and improve the water quality.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The Proposal will result in beneficial environmental effects as it is seeking to implement the *Canada Bay Sustainable Precincts Strategy 2020* by extending the scope of clause 8.10 Other development standards to include land subject to the Proposal, to require new development to include construction of both potable water pipes and recycled water pipes for all internal and external water uses to future proof water supply security and increase water usage efficiency.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The proposed changes are unlikely to result in any adverse social or economic effects. The Proposal will result in beneficial effects as it is seeking to largely facilitate needed housing and affordable housing.

PRCUTS recommends an affordable housing contribution of 5-10%. Council commissioned feasibility testing to determine the amount of affordable housing in perpetuity that is feasible, taking into consideration that development will need to amalgamate specified Lots and deliver specified items of infrastructure ([Attachment 08 Feasibility Assessment](#)). It is proposed to apply an Affordable Housing Contribution Area of 2% to Key Sites with an Incentive FSR of 2.6:1 or more.

Section D – State and Commonwealth interests

Q11. Is there adequate public infrastructure for the planning proposal?

There is currently insufficient public infrastructure to support the proposed increase in residential development. The Proposal is seeking to provide the following public infrastructure, which is required to be delivered under PRCUTS and the *Eastern City District Plan*:

- Public pedestrian through-site links to increase connectivity
- 6m wide landscaped public domain to Parramatta Road
- Green Grid pedestrian public domain and cycleways
- 25% tree canopy coverage

The Proposal is the only mechanism to ensure that the infrastructure that is required to be delivered under PRCUTS and itemised as ‘Opportunity through development’ in the *PRCUTS Infrastructure Schedule* is delivered. PRCUTS was underpinned by a *Social*

Infrastructure Analysis Report and an *Economic Analysis Report*. These documents confirmed that social infrastructure should be provided in association with the roll-out of new housing, within either short term (2016-2023) or medium to long term (2024-2054) timeframe.

The Proposal is seeking to amend clauses 8.3-8.8 of the CB LEP, as per Appendix A - Plain English Explanation of Amended Clauses, and to amend the Key Sites Map, Incentive Height of Buildings Map and Incentive Floor Space Ratio Map, as per Appendix C – Proposed Maps, to deliver needed additional infrastructure.

The Proposal is supported by the Masterplan (Attachment 03 Kings Bay Masterplan - Stage 2), Public Domain Plan (Attachment 04 Public Domain Plan) and Infrastructure Strategy (Attachment 06 Infrastructure Strategy), which have assessed and describe the infrastructure that is required to be delivered to support the residential uplift.

The proposed DCP is also seeking to deliver additional and complementary infrastructure (desired through-site links) and Council intends to include the relevant items of infrastructure in the next amendment of the CB Local Infrastructure Contributions Plan.

Q12. What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The following map sheets are included at Appendix C – Proposed Maps and Attachment 02 Proposed Maps

- Land Zoning
- Key Sites Map
- Incentive Height of Buildings Map
- Incentive Floor Space Ratio Map
- Affordable Housing Contribution Map
- Active Street Frontages Map
- Additional Permitted Uses Map
- Design Excellence Map

Part 5 - Community Consultation

The Proposal and studies will be publicly exhibited for a minimum period of 28 days. Council intends to consult with the following agencies in respect of the Proposal:

- Transport for NSW
- Sydney Metro

- NSW Department of Education
- The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water
- NSW State Emergency Service
- Ausgrid
- Sydney Water Corporation
- Jemena Gas Networks
- Adjoining councils - Inner West Council, Strathfield Council and Burwood Council
- NSW Land and Housing Corporation
- Metropolitan Aboriginal Land Council

Part 6 - Project Timeline

It is anticipated the Proposal will take a minimum of **9** months to finalise. An indicative project timeline for this minimum period is provided below.

Action	Timeframe
Submission for Gateway	July 2024
Gateway Determination	January 2025
Revised Gateway Determination	September 2025
Council Meeting	April 2026
Government Agency Consultation	April – May 2026
Exhibition Period (30 working days)	April – May 2026
Consideration of submissions	June 2026
Consideration of Proposal	July 2026
Council Meeting (TBC)	August 2026
Date of submission to the Department for drafting and finalisation	September 2026

Appendix A – Plain English Explanation of Amended Clauses

Affordable housing provision

The Proposal is seeking to amend clause 6.12 Affordable housing to introduce a new affordable housing contribution area – *Affordable Housing Contribution Area Kings Bay 2*.

The *CB Affordable Housing Contribution Scheme* (AHCS) will be updated to include a contribution rate of 2% to the proposed area, which comprises land with an FSR of 1.6:1 or more. The draft scheme will be publicly exhibited with the planning proposal.

Refer to Appendix C – Affordable Housing Contribution Scheme Map below and Attachment 02 Proposed maps.

Public benefits on land in the Parramatta Road Corridor Urban Transformation Strategy Precincts

1. The Proposal is seeking to add a new clause

- **Part 8 Burwood-Concord, Homebush North and Kings Bay Precincts**

- **8.1A ‘Objectives of Part’**

Part 8 of the CB LEP is currently not supported by Objectives. This makes the assessment of DAs more difficult as the intent of the Part is not described or explained. The Proposal is seeking to ensure that the Part is supported by the following Objectives (Attachment 03 Kings Bay Masterplan – Stage 2):

- a) to achieve wholistic development of the Precincts.
- b) to encourage the amalgamation of sites (Key Sites) in order to avoid creation of isolated sites and reduced overall development capacity of the Precincts.
- c) to achieve development that is supported by infrastructure proportionate to the residential and commercial uplift.
- d) to create liveable Precincts by delivering:
 - i. a logical and gradual height transition from the commercial centres to the Precinct periphery;
 - ii. contextually appropriate height and density;
 - iii. new and upgraded public domain open space, streets and laneways;
 - iv. maximised solar access to existing and new public domain and open space; and
 - v. heritage that is integrated into future development.

2. The Proposal is seeking to amend clauses 8.3-8.4 and 8.6-8.7 as follows:

- **Clause 8.3 Additional floor space ratio and building heights for Areas 1–35**

Update references to ‘Areas 1-35’ to ‘Areas 1-35 and Areas 66-76’.

- **Clause 8.4 Minimum site area requirements**

Update the table to also include the following Areas:

Column 1	Column 2
Area	Minimum Site Area
Area 66	2,525 m ²
Area 67	1,668 m ²
Area 68	2,008 m ²
Area 69	2,344 m ²
Area 70	3,936 m ²
Area 71	2,782 m ²
Area 72	2,883 m ²
Area 73	1,424 m ²
Area 74	11,142 m ²
Area 75	2,348 m ²
Area 76	3,182 m ²

Note that the Minimum Site Areas are calculated similarly to those for Areas 1-35, whereby the area is the total land area plus 2%, for contingency.

- **Clause 8.6 Setback requirements**

Update the clause to include the following Areas:

- Area 66 – 3.4m wide additional public domain wide along Queens Road frontage.
- Areas 68-73, 74 and 76– 6m wide additional public domain along the Parramatta Road frontage.
- Areas 74-75 – 3m wide additional public domain wide along Queens Road frontage.
- Areas 69-71 – 1.4m, 0.8m, 1.0m additional public domain along Courland Street, Lavender Street and York Street respectively for land at 23, 33 and 37-39 Parramatta Road and 2-4 Lavender Street, Five Dock.

Council is also seeking to amend the current wording of Clause 8.6 to change references to 'setback' to, for example, 'public domain'. This is necessary to make it clear that the land will be used for widening the public domain and that provision of the public domain is a condition of seeking incentive height and FSR.

This amendment is necessary as PRCUTS omitted to include any mechanism to deliver social infrastructure (enhanced public domain, open space, laneways etc) that is required to be delivered to support the increased residential development, including that required by PRCUTS in the Infrastructure Schedule. Council is therefore seeking to extend the PRCUTS Stage 1

incentive height and FSR mechanism to the Stage 2 Precincts, to incentivise the delivery of community infrastructure, including wider public domain.

This is also necessary because, since publication of PRCUTS Stage 1, it has become evident that clause 8.6 is being misinterpreted by industry. Council's intention, explained in the Proposal, was always to deliver additional public domain (wider footpaths) where the bonus (incentive) height and FSR are sought. However, the clause the drafting of the clause is being misinterpreted as a building setback line. Council is now having to defend challenges to Council's intention, to deliver additional public domain in conjunction with new development.

- **Clause 8.7 Pedestrian link and road requirements**

Update the clause to also include the following Areas:

- Area 66 – 6m wide pedestrian link along southern boundary that connects road to Key Site Area 35.
- Area 74 - 6m wide pedestrian link mid-block from eastern to western boundaries, connecting the Spencer Street (west) extension to Taylor Street.

Appendix B – Out of Sequence Checklist

Checklist requirement	Planning Proposal response
Criteria 1 Strategic objectives, land use and development	
<ul style="list-style-type: none"> The planning proposal can demonstrate significant delivery or contribution towards the Strategy’s Corridor wide and Precinct specific vision. 	<p>The Proposal will deliver the PRCUTS Corridor wide and Precinct specific vision. The Kings Bay precinct will be a new residential and mixed use urban village with an active main street, enhanced and activated public domain along Parramatta Road, and strong links to the surrounding open space network and Sydney Harbour.</p>
<ul style="list-style-type: none"> The planning proposal satisfies the Strategy’s seven land use and transport planning principles and fulfills the relevant Strategic Actions for each Principle. 	<p>The Proposal will deliver quality development and public domain outcomes and is largely consistent with the Principles and Strategic Actions of the Strategy:</p> <ul style="list-style-type: none"> Principle 1: Housing choice and affordability – The Proposal will deliver 779 new dwellings, which is approximately double the dwellings under PRCUTS. There is a focus on family and affordable housing. Principle 2: Diverse and resilient economy – The Proposal will support the Kings Bay mixed use precinct and deliver Active Frontages to Parramatta Road. Principle 3: Accessible and connected - The Proposal will deliver new development with access to good bus transport and future rail transport. Principle 4: Vibrant communities and places - The Proposal will deliver quality places and built form outcomes that will transform the Corridor over time to be higher density residential areas supported urban support services along Parramatta Road. Principle 5: Green spaces and links - The Proposal will deliver the 6m wide Green Edge along Parramatta Road, which will include improved pedestrian and active transport, trees and landscaping. Principle 6: Sustainability and resilience - The Proposal will facilitate a local Precinct that encourages sustainable development. Principle 7: Delivery- The Proposal is the best mechanism to facilitate the delivery of the PRCUTS and address the current ‘housing crisis’.
<ul style="list-style-type: none"> The planning proposal can demonstrate significant net community, economic and environmental benefits for the Corridor and the Precinct or 	<p>The Proposal will deliver needed housing and jobs, urban support services, sustainable development, and increased public domain proportionate with the proposed uplift.</p>

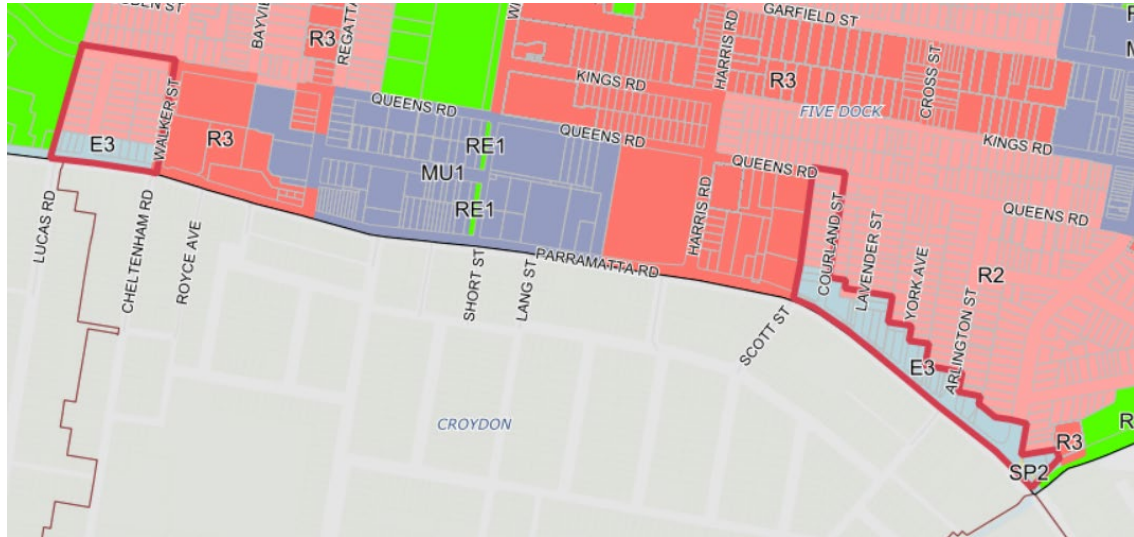
<p>Frame Area within which the site is located.</p>	
<ul style="list-style-type: none"> The planning proposal is consistent with the recommended land uses, heights, densities, open space, active transport and built form plans for the relevant Precinct or Frame Area. 	<p>The Proposal seeks to deliver more residential uplift than recommended by PRCUTS in response to recent Government policy and the ‘housing crisis’. It consequently seeks to amend the recommended land uses, planning controls and built form to achieve this. The Proposal is supported by evidence-based studies to ensure appropriate built form outcomes and public domain infrastructure.</p>
<ul style="list-style-type: none"> The planning proposal demonstrably achieves outcomes aligned to the desired future character and growth projections identified in the Strategy. 	<p>The Proposal seeks to deliver more residential uplift than recommended by PRCUTS in response to recent Government policy and the ‘housing crisis’. However, it continues to seek to achieve the desired future character identified in the Strategy.</p>
<ul style="list-style-type: none"> The planning proposal demonstrates design excellence can be achieved, consistent with councils adopted design excellence strategy or the design excellence provisions provided in the Parramatta Road Corridor Planning and Design Guidelines (Planning and Design Guidelines). 	<p>The Proposal proposes to apply the current PRCUTS Stage 1 Design Excellence requirements to the Stage 2 precinct.</p>
<p>Criteria 2 Integrated Infrastructure Delivery Plan</p>	
<ul style="list-style-type: none"> An Integrated Infrastructure Delivery Plan, which identifies advanced infrastructure provision and cost recovery for the local and regional infrastructure identified in the Infrastructure Schedule, must support the planning proposal. The Integrated Infrastructure Delivery Plan must demonstrate a cost offset to council and agency costs for a set period that aligns with the anticipated timing for land development identified in the Implementation Plan 2016 – 2023. Infrastructure to be considered includes: <ul style="list-style-type: none"> public transport active transport 	<p>The PRCUTS Infrastructure Schedule requires the delivery of 6m Green Edge along Parramatta Road. The Proposal is seeking to facilitate the delivery of this public domain, including cycleways, landscaping and tree canopy.</p> <p>The planning mechanism to deliver the public domain is outlined in the supporting Infrastructure Strategy, which is based on application of Part 8 of the CB LEP, clauses 8.3-8.8. The provisions encourage delivery of the public domain by permitting additional (incentive) building height and FSR if the development applies to land as per the Key Sites map, achieves the minimum site area and delivers the specified infrastructure.</p> <p>The <i>Canada Bay Local Infrastructure Contribution Plan</i> will also be amended to deliver the needed infrastructure.</p>

<ul style="list-style-type: none"> ○ road upgrades and intersection improvements ○ open space and public domain improvements ○ community infrastructure, utilities and services. 	
<p>Criteria 3 Stakeholder engagement</p>	
<ul style="list-style-type: none"> ● Consultation and engagement with relevant stakeholders (council, government agencies, business, community, adjoining properties and user or interest groups, where relevant) have been undertaken, including any relevant pre-planning proposal engagement processes required by local council. ● An appropriate level of support or agreement is documented. ● Provision of documentary evidence outlining the level of planning or project readiness in terms of the extent of planning or business case development for key infrastructure projects. 	<p>Council will consult with Agencies and landowners as part of the public exhibition of the Proposal.</p> <p>Submissions made during public exhibition will be reviewed, with submissions seeking complex planning changes to be independently peer-reviewed.</p>
<p>Criteria 4 Sustainability</p>	
<ul style="list-style-type: none"> ● The planning proposal achieves or exceeds the sustainability targets identified in the Strategy. 	<p>The Proposal achieves the sustainability targets identified in the Strategy.</p> <p>Note that Council’s Housekeeping Planning Proposal, endorsed by Council on 18 November 2025 for submission for a Gateway determination, seeks to remove clause 8.9 from the CB LEP. The clause offers 5% bonus FSR for development that exceeds certain minimum BASIX requirements for energy and water. However, with industry wide sustainability standards now achieving higher minimum standards than were being delivered by industry when the clause was drafted, the FSR bonus is now redundant and no longer required to incentivise sustainable development.</p>
<p>Criteria 5 Feasibility available for the Precinct or Frame Area</p>	
<ul style="list-style-type: none"> ● The planning proposal presents a land use and development scenario that demonstrates economic feasibility with regard to the likely costs of infrastructure and the proposed funding 	<p>The development proposed is supported by feasibility testing of select representative Key Sites. The testing responds to current market conditions, and accounts for the cost of site amalgamation and delivery of specified infrastructure.</p>

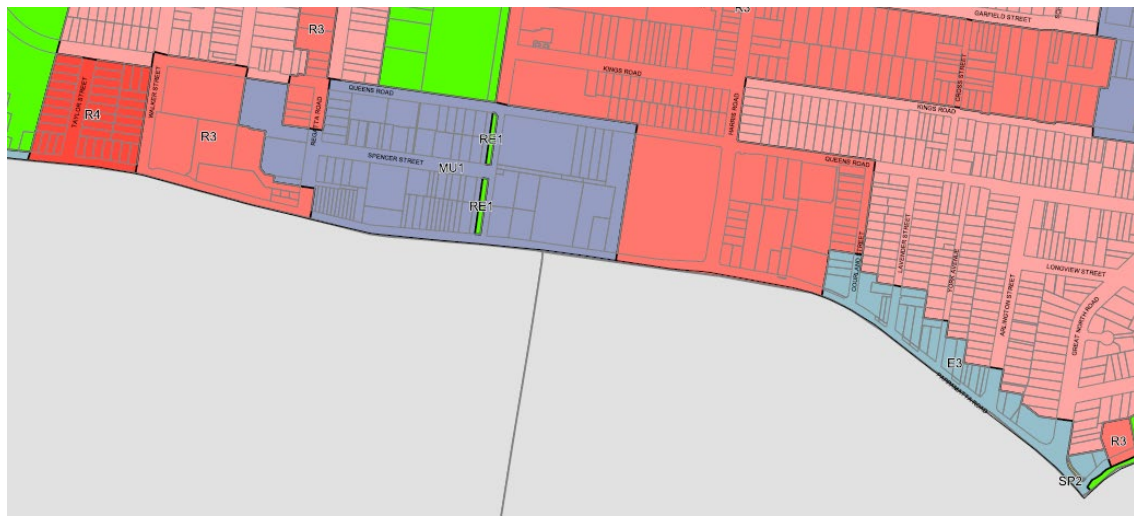
<p>arrangements available for the Precinct or Frame Area.</p> <ul style="list-style-type: none">• The planning proposal demonstrates a land use and development scenario that aligns with and responds to market conditions for the delivery of housing and employment for 2016 to 2023. Viability should not be used as a justification for poor planning or built form outcomes.	
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Appendix C – Proposed Maps

Land Zoning Map

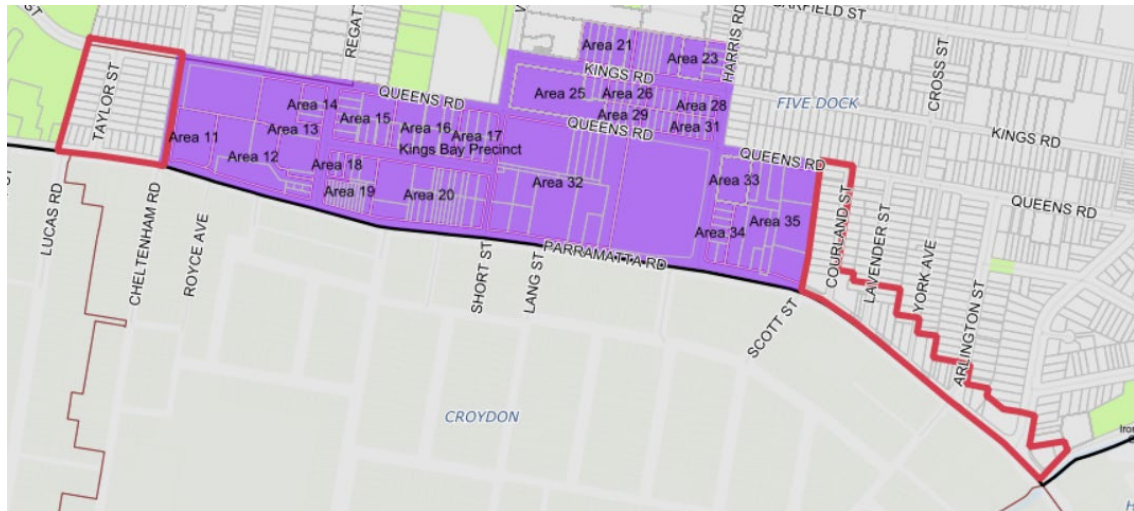


Current zoning (Land Zoning Map Sheet LZN_005)



Proposed amended zoning (Land Zoning Map Sheet LZN_005)

Key Sites Map

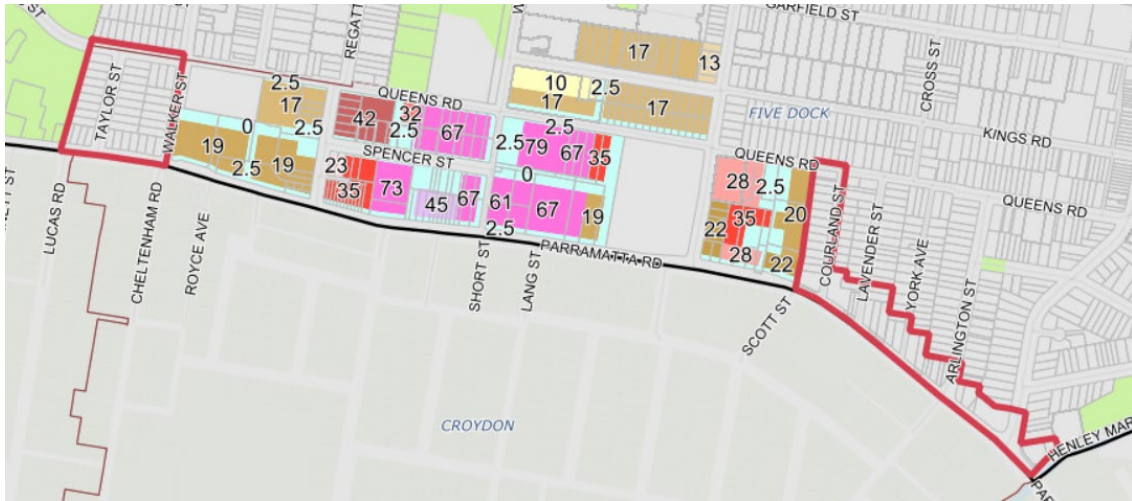


Current Key Sites Map (Key Sites Map Sheet KS_005)



Proposed Key Sites Map (Key Sites Map Sheet KS_005)

Incentive Height of Buildings Map



Current community infrastructure height of buildings (Incentive Height of Buildings Map Sheet HOB_005)

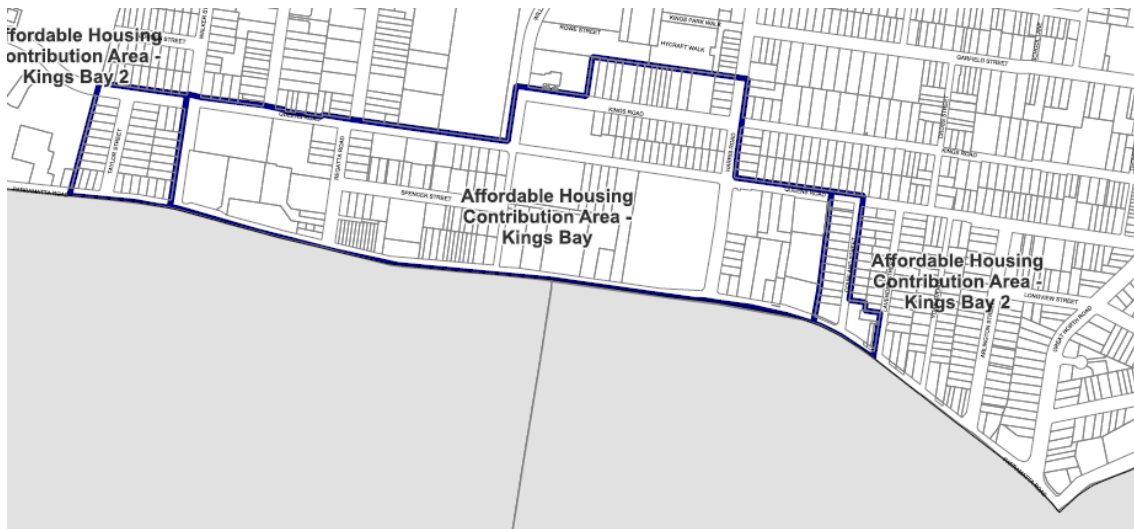


Proposed community infrastructure maximum building heights (Height of Buildings Map Sheet HOB_005)

Affordable Housing Contribution Scheme Map



Current affordable housing contribution scheme (Affordable Housing Contribution Scheme Map Sheet FSR_005)



Proposed affordable housing contribution scheme (Affordable Housing Contribution Scheme Map Sheet FSR_005)

Active Street Frontages Map

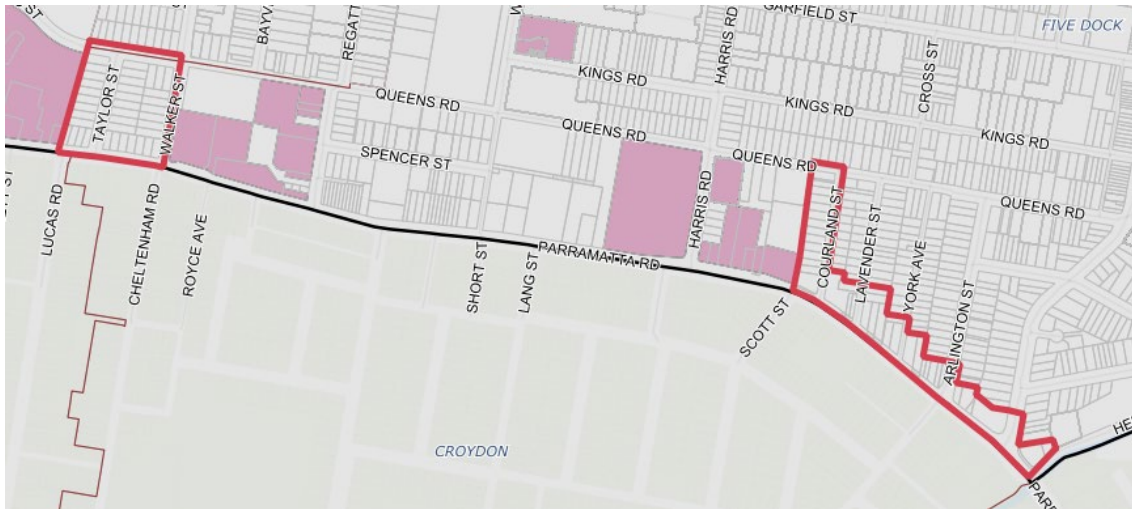


Current active street frontages map (Active Street Frontages Map Sheet ASF_005)



Proposed active street frontages map (Active Street Frontages Map Sheet ASF_005)

Additional Permitted Uses Map

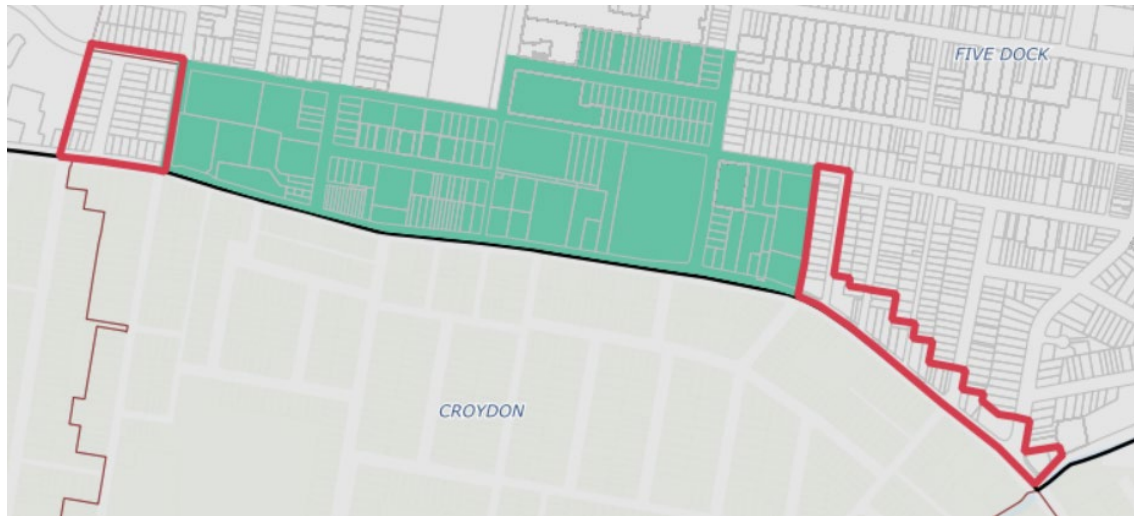


Current additional permitted uses (Additional Permitted Uses Map Sheet DEX_005)



Proposed additional permitted uses (Additional Permitted Uses Map Sheet DEX_005)

Design Excellence Map



Current design excellence map (Design Excellence Map Sheet DEX_005)



Proposed design excellence map (Design Excellence Map Sheet DEX_005)

Appendix D – Satisfaction of Gateway conditions

The Proposal is subject to two Gateway determinations:

1. original Gateway dated 18 January 2025
2. revised Gateway dated 15 September 2025

The table below describes how each Gateway condition has been satisfied.

	Gateway	How the Condition has been satisfied in the Proposal
Condition 1: Prior to exhibition, the planning proposal is to be updated to:		
(a) Review the proposed densities for the land subject to the planning proposal (in consultation with the Department) and update the planning proposal to support the delivery of more homes near the future Sydney Metro stations at Burwood North and Five Dock. As part of this work, consideration should be given to whether increasing densities would allow Council	Unchanged from Gateway 18 January 2025	Densities were reviewed and increased. A concept Masterplan was submitted to the Department on 9 May 2025. This Planning Proposal is consistent with the concept Masterplan.
(b) Provide detailed site-specific justification for building heights and FSRs below those recommended by in the Planning and Design Guidelines or currently allowed under the Canada Bay LEP 2013.	Deleted by Gateway 15 September 2025	
(c) Clarify whether it is proposed to rezone land along Crane Street from E1 Local Centre to R3 Medium Density Residential.	Deleted by Gateway 15 September 2025	
(d) Provide additional justification for the proposal to rezone land along Parramatta Road and Crane Street (if proposed) to R3 Medium Density Residential. The additional justification should address the requirements of both section 9.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy and 7.1 Employment Zones.	Deleted by Gateway 15 September 2025	

<p>(e) Address the requirement of Direction 4.1 Flooding and update the support Flood Risk Assessment to:</p> <ul style="list-style-type: none"> i. Address the requirement of the Direction regarding Special Flood Considerations. ii. Provide an assessment against the most recent version of the Direction. iii. Provide further information on the proposed emergency management strategy and the effectiveness of management measures required to minimise the impact and risk of flooding to the existing and future community. Consideration should be given to the <i>NSW Flood Risk Management Manual</i> and the <i>Flood Impact and Risk Assessment – Flood Risk Management Guide LU01</i>. 	<p>Unchanged from Gateway 18 January 2025</p>	<p>The Flood Risk Assessment was reviewed for the new proposed building footprints and has been updated. It includes the required information.</p>
<p>(f): “Provide further information addressing the planning proposal’s consistency with the following section 9.1 Directions: 1.4 Site Specific Provisions; 1.5 Parramatta Road Corridor Urban Transformation Strategy; 3.10 Water Catchment Protection; 6.1 Residential Zones.</p>	<p>Unchanged from Gateway 18 January 2025</p>	<p>The Proposal has been updated to include further explanation of consistency with the Directions.</p>
<p>(g) Consider the likelihood of adversely affecting critical habitat or threatened species, populations or ecological communities or their habitat. This includes remnants of Sydney Turpentine-Ironbark Forest in Queen Elizabeth Park.</p>	<p>Deleted by Gateway 15 September 2025</p>	<p style="background-color: #cccccc;"></p>
<p>(h) Provide additional justification for applying minimum site area requirements for the redevelopment of key sites (that are seeking to take advantage of the incentive building heights and FSRs), particularly on land where the provision of setbacks or delivery of local infrastructure</p>	<p>Unchanged from Gateway 18 January 2025</p>	<p>Additional justification has been provided, including for a requirement for the amalgamation of sites that are not required to deliver additional public domain.</p>

would not be required under clauses 8.5, 8.6, 8.7 and 8.8.		
(i) Provide a plain-English explanation and clear justification for the proposed objectives for Part 8 of the Canada Bay LEP 2013.	Unchanged from Gateway 18 January 2025	Provided in Appendix A.
(j) Clarify the proposed amendments to clause 8.1 and 8.9.	Unchanged from Gateway 18 January 2025	Clarification for clause 8.1 is provided. References to Clause 8.9 have been deleted from the Proposal for reasons outlined in Appendix B.
(k) Ensure the setback requirements in clause 8.6 apply consistently between land that is currently subject to the clause and land that is subject to the planning proposal.	Unchanged from Gateway 18 January 2025	Refer to Appendix A, which clarifies that the purpose of clause 8.6 is to incentivise the delivery of additional public domain.
(l) Remove the proposed requirement to dedicate setback areas required under clause 8.6 to Council.	Unchanged from Gateway 18 January 2025	
(m) Remove the proposal to exclude the low and mid-rise housing reforms from applying in the 'Schools Precinct'.	Deleted by Gateway 15 September 2025	
(n) Make the text and boundaries legible on the draft Land Zoning Map and FSR Map.	Unchanged from Gateway 18 January 2025	Maps have been revised
(o) Make the text and boundaries legible on the draft Land Zoning Map and FSR Map.	Deleted by Gateway 15 September 2025	
(p) Clarify why no affordable housing rate is proposed for Key Site 44 (or other similar sites in the Precincts).	Unchanged from Gateway 18 January 2025	Proposal has been updated following feasibility assessment of the revised densities, which found that 2% contribution could be levied on sites with an FSR of 1.6:1 or more. Refer to Attachment 08 Feasibility Assessment
(q) Remove the incentive building heights shown for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock on the draft Incentive Height of Building Map.	Unchanged from Gateway 18 January 2025	An Alteration of Gateway Determination will be requested to remove this condition, as it conflicts with conditions 1(u) and 2
(r) Clarify the proposed base and incentive FSR for land north of Ada Street, Concord.	Deleted by Gateway 15 September 2025	

(s) Clarify the proposed land use zoning for 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.	Unchanged from Gateway 18 January 2025	Proposal has been revised to clarify land use zone and controls, but outcome is dependent on an Alteration of Gateway Determination to clarify permissible uses for this land.
(t) Address consistency with the Out of Sequence Checklist in the Implementation Plan 2016-2023.	Unchanged from Gateway 18 January 2025	An Out of Sequence Checklist is provided at Appendix B
(u): "Update planning proposal and supporting documentation to remove reference to and assessment relating to the Burwood-Concord precinct and to ensure the Kings Bay West and East Precincts is consistent with the master plan submitted to DPHI on 9 May 2025."	New condition in Gateway 15 September 2025	Burwood-Concord precinct has been removed from the Proposal. But an Alteration of Gateway Determination will be requested, as it conflicts with conditions 1(q) and 2 regarding 1C Henley Marine Drive, Five Dock.
Condition 2: Prior to exhibition, consultation is required with Transport for NSW regarding the future use and planning controls for land at 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.	Unchanged from Gateway 18 January 2025	Complete. Refer to Attachment 18 TfNSW submission
Condition 3: "Prior to exhibition, the planning proposal is to be amended to address conditions 1 and 2 and forwarded to the Minister for review and approval under s 3.34(6) of the EP&A Act."	Deleted by Gateway 15 September 2025	
Condition 4: Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the EP&A Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act: <ul style="list-style-type: none"> • Transport for NSW • Sydney Metro • NSW Department of Education • The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water • NSW State Emergency Service 	Unchanged from Gateway 18 January 2025	Proposal has been revised to confirm that these Agencies will be consulted during the public exhibition period

<ul style="list-style-type: none"> • Relevant utility providers, including Sydney Water, Ausgrid and Jemena • Adjoining councils, including Inner West Council, Strathfield Council and Burwood Council • NSW Land and Housing Corporation. 		
<p>Condition 5: The planning proposal should be made available for community consultation for a minimum of 30 working days.</p>	<p>Unchanged from Gateway 18 January 2025</p>	<p>Noted</p>