

ATTACHMENT E

**SUMMARY OF SUBMISSIONS AND
RESPONSES FROM THE CITY OF SYDNEY**

Summary of submissions and City of Sydney response

12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery.
Planning Proposal and draft amendment to *Sydney Development Control Plan 2012*.
Publicly exhibited from 16 May 2016 to 14 June 2016.

Glossary of terms

CSPC – Central Sydney Planning Committee
FSR – Floor Space Ratio
LGA – Local Government Area
SDCP 2012 – Sydney Development Control Plan 2012
SLEP 2012 – Sydney Local Environmental Plan 2012

Submitter	Summary of matter raised in submission	Officer's response
Resident submissions		
1. Local resident	<u>General comment</u> The current controls have been subject to extensive previous consultation. Subsequent changes to the controls erode confidence in the planning and approval system and set an undesirable precedent.	<p>In May 2015 the land owner submitted a request to the City to amend the planning controls on the site. The request was supported by a full planning justification and technical studies. The City assessed the merits of the request and determined the proposal was acceptable in principle. Subsequently, City staff refined the proposal in consultation with the land owner and their consultant team. The result of this work is draft controls which provide for an improved urban design outcome and allow for significant additional benefits including increased provision of childcare, positive environmental sustainability outcomes and contributions under the community infrastructure floorspace scheme.</p> <p>Planning controls are not static and are subject to review and amendment from time to time. In this instance, the review was initiated by the landowner. The legislation allows for this type of review and amendment, known as a planning proposal. The legislation also provides for consultation as part of this process to encourage community participation and maintain confidence in the planning and approval system.</p> <p>No change to the exhibited controls is recommended.</p>
	<u>Traffic and transport</u> By increasing the number of dwellings, the proposal will result in additional off-street parking spaces which will have an impact on local traffic. Development with limited or no off-street parking would be	<p>SLEP 2012 identifies the maximum number of off-street parking spaces that may be provided to service different types of development. In the case of residential development, the number of spaces is determined by the number and size of dwellings. The number of off-street parking spaces permitted will not be determined until the development application stage when the final dwelling mix is known. The planning proposal does not seek to amend the control which governs the maximum number of parking spaces.</p>

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	<p>preferable and would contribute positively to greater affordability</p> <p>The traffic modelling focuses on weekday AM and PM peaks but does not consider weekend peak traffic which would be greater.</p> <p>The high proportion of renters in the future development, rather than owner occupiers, will result in a higher rate of vehicle ownership and vehicle movements. This impact has not been considered in the study.</p>	<p>The objective of setting maximum off-street parking rates is to minimise vehicular traffic generated by new development thereby minimising the impact on the local road network. The planning controls for the site do not specify minimum off-street parking rates. Any amount of off-street parking below the maximum rate is permissible.</p> <p>Traffic Studies of this type seek to model the 'worst case scenario' where traffic volumes are at their highest peak. The City's data confirms that in this area total vehicle movements are higher in the weekday AM and PM peaks than during the weekend peak.</p> <p>There is no conclusive evidence to suggest that the development will have a higher proportion of renters than owner/occupiers, nor that vehicle ownership and vehicle use is greater among renters than owner/occupiers.</p> <p>Notwithstanding, the Traffic Study uses traffic generation data published by Roads and Maritime Services to estimate the total number of additional vehicle movements resulting from the development. This is accepted industry practice. The City has reviewed the Traffic Study submitted by the proponent in detail and is satisfied with the scope and methodology.</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Community and resident benefit</u></p> <p>The significant proposed changes benefit only the property developer and are detrimental to the amenity of existing and future residents.</p>	<p>Future redevelopment, facilitated by the proposed controls, will support the delivery of a number of benefits to existing and future residents and the broader community. Achievement of the proposed additional 0.5:1 FSR will be subject to the provision of community infrastructure. Community infrastructure includes, for example, new streets, flood management works and public open space and is in addition to infrastructure delivered through the Section 94 contribution scheme. The proposed controls include a new street and through site pathway offering better pedestrian and cyclist connectivity. The proponent has also indicated an intention to deliver a childcare centre, and an indicative location is illustrated in the proposed controls. This new infrastructure will benefit existing and future residents.</p> <p>The City assessed a range of potential environmental impacts including those which affect resident amenity such as solar access and traffic. The impacts are discussed in detail in the planning proposal at Attachment A and are acceptable.</p>

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		No change to the exhibited controls is recommended.
<p>2. Local resident</p>	<p><u>Scale of development</u></p> <p>Rosebery is known for its low rise development and is markedly different to the Green Square Town Centre. The maximum building height control should remain unchanged. Sites should remain open to greater solar access rather than be covered by tall development.</p>	<p>The suburb of Rosebery comprises two distinct areas; the low rise, low density residential area known as the Rosebery Estate in the southern part of the suburb and the industrial and commercial subdivision in the northern part, known as North Rosebery. North Rosebery is within the Green Square Urban Renewal Area which has been identified for redevelopment with more density for several years. SLEP 2012 and SDCP 2012 contain specific controls to ensure that built form in North Rosebery provides a sensitive transition between the Green Square Urban Renewal Area and the Rosebery Estate. The controls aim to protect the scale, density and character of the residential Rosebery Estate. The subject site is within the North Rosebery Precinct and its redevelopment will not alter the low rise nature of the Rosebery Estate.</p> <p>An important objective of the North Rosebery planning controls is to encourage development which will act as a buffer to the Rosebery Estate. This is achieved through provisions requiring a general lowering of building heights from north (the Epsom Park Precinct, to the north of Epsom Road) to south (the Rosebery Estate) and a diversity of building heights.</p> <p>The proposed increase in maximum building height from between 18 and 22 metres to up to 29 metres (up to eight storeys) is appropriate given the surrounding future development context to the east and west of eight and 10 storeys. The proposed controls allow for a variety of building heights from three to eight storeys and ensure breaks in buildings are provided to reduce the overall scale. Additionally, the proposed controls require the upper most levels of the proposed buildings to be set back from the rest of the building which reduces the sense of building bulk experienced at the street level. This control also allows sun light to reach lower levels and improves solar access to the public domain and surrounding development.</p> <p>The majority of additional floorspace proposed under the draft controls is accommodated within the three east-west oriented buildings of three storeys. The three storey height control and requirement for these buildings to be freestanding will ensure that the internal courtyards receive excellent solar access and retain a sense of openness.</p> <p>Notwithstanding the analysis that has been undertaken in support of the planning proposal, further detailed assessment against the criteria and objectives in the Apartment Design Guide will be required at the development application stage.</p>

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	<p data-bbox="411 387 655 448"><u>Community facilities and infrastructure</u></p> <p data-bbox="411 479 671 658">There are inadequate facilities and amenities to service the growing population in this area.</p>	<p data-bbox="708 338 1394 369">No change to the exhibited controls is recommended.</p> <p data-bbox="708 479 1402 1088">The City prepared the Green Square Infrastructure Strategy and Plan 2015 in response to concerns that investment by NSW Government agencies has not kept pace with rapid redevelopment and population growth in the Green Square Urban Renewal Area which includes the North Rosebery precinct. The plan details the strategies, plans and studies that support and guide the growth of Green Square and seeks to ensure that the necessary social and physical infrastructure required to support development is clearly identified and understood so that it can be delivered as development occurs. Importantly, the plan recognises that some services such as public transport, education and health provision are not the responsibility of the City and provides a framework to work with relevant agencies to ensure infrastructure is provided in an efficient, integrated and timely manner. The plan is available on the City's website here - http://www.cityofsydney.nsw.gov.au/council/about-council/meetings/calendar-and-business-papers-2015/2015/march/planning-and-development-committee</p> <p data-bbox="708 1120 1385 1240">Also, the City is delivering significant community facilities close to the site including Gunyama Park and Aquatic Centre and a community centre and childcare centre at the former South Sydney Hospital site.</p> <p data-bbox="708 1272 1390 1731">Under SLEP 2012 the site is currently eligible for an additional 0.5:1 FSR subject to the provision of community infrastructure. This is known as community infrastructure floorspace. Community infrastructure includes, for example, new streets, flood management works and public open spaces and is in addition to infrastructure delivered through the Section 94 contributions scheme. The proposed FSR increase of 0.5:1 will be added to the 0.5:1 community infrastructure floorspace for which the site is already eligible. The value of the additional community infrastructure floorspace is approximately \$3.6m. Should the proponent seek to use the additional floorspace, public infrastructure works to this value will be agreed and formalised via a planning agreement at the development application stage.</p> <p data-bbox="708 1762 1378 1973">The proponent has indicated an intention to deliver a childcare centre as part of the redevelopment. Adequate supply of quality childcare is a critical issue for the City's growing population. The proponent has indicated an intention to deliver a childcare centre, and an indicative location is illustrated in the proposed controls. This will deliver new childcare spaces to meet demand.</p> <p data-bbox="708 2004 1394 2036">No change to the exhibited controls is recommended.</p>

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3. Local resident	<p><u>Solar access</u></p> <p>The increased height control will result in overshadowing to the property at 95 and 97 Dalmeny Avenue, Rosebery.</p>	<p>The existing two storey building on the subject site does not cast any shadow on 95 and 97 Dalmeny Avenue. Redevelopment of the subject site in accordance with the proposed controls will result in more overshadowing than is currently experienced.</p> <p>The NSW Government's Apartment Design Guide establishes minimum requirements for solar access to residential buildings to ensure adequate resident amenity. Under Objective 4A-1 of the Guide, living rooms and private open spaces of at least 70% of apartments in a building are required to receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in Metropolitan Sydney.</p> <p>The proponent's design consultant's shadow diagrams illustrate the shadows cast by the proposed building envelope. The shadow diagrams are at Appendix A to Attachment A of the officer's report. Selected diagrams are reproduced in the officer's report. The diagrams have been analysed by the City for accuracy.</p> <p>The diagrams show the overshadowing created by the proposed development in mid-winter (21 June). This represents the maximum possible extent of overshadowing caused by the proposal within the calendar year.</p> <p>The diagrams illustrate that the western elevation of the submitter's building will receive direct solar access from shortly before 11am until shortly before 2pm. The eastern elevation receives less solar access, however, receives good direct morning sunlight between 9am and shortly before noon.</p> <p>The shadow diagrams illustrates that compliance with Objective 4A-1 is achievable. Further detailed overshadowing analysis will be required at the development application stage when the detailed building design is defined. A full assessment of the overshadowing effect of the development will be undertaken at that time.</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Traffic and transport</u></p> <p>The Traffic Study does not take into consideration traffic that will be generated by adjacent developments to be completed in the near future. Actual road network performance</p>	<p>As part of the Traffic Study, the consultant undertook vehicle counts to establish the existing traffic volumes on the network. To establish the impact of the proposal, the study then calculates the net additional traffic movements likely to result from the proposal and adds them to the existing volumes. The estimated future volumes are then used to assess network performance. The study does not seek to make assumptions about the timing and staging of development on adjacent sites nor estimate the traffic</p>

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		<p>development. It will function as a pedestrian-only lane in the short term. The remaining half will be delivered as part of the redevelopment of the subject site. Configuration of the intersections and access arrangements for vehicles will be finalised in consultation with Roads and Maritime Services. Once delivered, Dalmeny Avenue will be a through road and the new street will provide an alternative route for vehicles to exit Dalmeny Avenue without having to turn onto Epsom Road.</p> <p>No change to the exhibited controls is recommended.</p>
4. Local resident	<p><u>Loss of employment lands</u></p> <p>Continued residential development of Rosebery is resulting in loss of employment opportunities and forcing people to travel further for work.</p>	<p>This area of Rosebery has been zoned 'B4 Mixed Use' since the gazettal of SLEP 2012 in December 2012. This zone permits a broad range of uses including the commercial and industrial uses for which the site has been used historically and the proposed residential use. As a key precinct within the broader Green Square Urban Renewal area, the North Rosebery precinct has long been identified by the City as an area suitable for transition from predominantly employment uses to residential uses.</p> <p>With regard to loss of employment opportunities in the area, the City's recent Southern Employment Lands Study examined the supply of and future demand for employment zoned land across the southern area of the City. The study resulted in rezoning of land to ensure the City has sufficient employment zoned land to meet future demand. Further detail on this work can be found here - http://www.cityofsydney.nsw.gov.au/vision/major-developments/southern-employment-lands</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Traffic and Transport</u></p> <p>Several other developments in the area are adding pressure to the local road network resulting in congestion</p> <p>The traffic study should not be provided by consultants engaged by the proponent. It should be undertaken by the City or independently assessed.</p>	<p>As part of the Traffic Study, the consultant undertook vehicle counts to establish the existing traffic volumes on the network. To establish the impact of the proposal, the study then calculates the net additional traffic movements likely to result from the proposal and adds them to the existing volumes. The estimated future volumes are then used to assess network performance. The study does not seek to make assumptions about the timing and staging of development on adjacent sites nor estimate the traffic impact of those developments or the cumulative impact. It is standard practice for a proponent to commission their own traffic study. City staff analyse and assess such studies to check their accuracy and assumptions. The City has reviewed the study in detail and is satisfied with the scope and methodology.</p> <p>A broader strategic traffic study commissioned by the City in 2014 assesses the cumulative traffic impact within the</p>

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	<p>Greater public transport is required. The City could operate free bus trips into the city, creating employment and supporting the community.</p>	<p>precinct. It makes assumptions on the timing, staging and intensity of development in the North Rosebery precinct, the 'Dolina' site (at the corner of Epsom Road and Link Road), the 'Overland Gardens' site (adjacent to the 'Dolina' site), and the Epsom Park precinct to the north of Epsom Road. It estimated likely future traffic generated by these developments and assesses the impact on the local street network. It provides recommendations to mitigate impacts on the street network and ensure acceptable operation of key intersections.</p> <p>In assessing the potential impact of the proposed controls on the local street network, the City analysed both the study submitted in support of the planning proposal and the City's own strategic study. The planning proposal study concludes that the additional density will result in a combined additional 26 vehicle trips during the AM and PM peaks and that the impact of these additional trips on network performance will be negligible.</p> <p>Notwithstanding, the recommendations of the City's study will continue to inform the City's position on driveway locations, traffic light phasing, lane configuration and local traffic calming measures.</p> <p>Provision of public transport is the responsibility of the NSW Government. The City continues to advocate for improved public transport provision throughout the Green Square Urban Renewal Area including a potential future light rail service.</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Scale of development</u></p> <p>Object to development up to 11 storeys</p>	<p>The proposed controls include a maximum building height of up to eight storeys, not 11 storeys as submitted. The proposed controls are appropriate given the surrounding development context to the east and west of eight and 10 storeys. The proposed controls allow for a variety of building heights from three to eight storeys and ensure articulation is provided to reduce the overall scale. Additionally, the proposed controls require upper level setbacks which reduce the sense of building bulk experienced at the street level. This control also allows sun light to reach lower levels and improves solar access to the public domain and surrounding development.</p> <p>More broadly, the North Rosebery planning controls were established to encourage development which will act as a buffer to the Rosebery Estate. This is achieved through provisions requiring a general lowering of building heights</p>

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		<p>from north (the Epsom Park Precinct) to south (the Rosebery Estate) and a diversity of building heights.</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Housing affordability</u></p> <p>The proposal does not mention housing affordability</p>	<p>The Green Square Affordable Housing Program applies to the site under SLEP 2012 meaning redevelopment will attract a levy to go towards the provision of affordable housing. Assuming the site is redeveloped to the maximum under the proposed controls, a monetary contribution of approximately \$5 million (at current rates) would be secured at the construction stage. This contribution would go to a Community Housing Provider to be used to deliver affordable rental housing. This is equivalent to approximately 10 affordable housing units.</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Public meeting</u></p> <p>Call on Council to organise a public meeting and invite all Rosebery residents to discuss development in the suburb.</p>	<p>Noted. The public exhibition of the draft controls provided an opportunity for Rosebery residents to make a formal written submission for consideration. The Council and Central Sydney Planning Committee meetings at which the post-exhibition report is to be considered offer an opportunity for any member of the public to make a verbal representation.</p> <p>No change to the exhibited controls is recommended.</p>
<p>5. Local resident</p>	<p><u>Solar access</u></p> <p>The increased height control will result in overshadowing to the property at 95 and 97 Dalmeny Avenue, Rosebery. Specifically the submitter's west facing courtyard will be overshadowed.</p>	<p>The existing two storey building on the subject site does not cast any shadow on 95 and 97 Dalmeny Avenue. Redevelopment of the subject site in accordance with the proposed controls will result in more overshadowing than is currently experienced.</p> <p>The NSW Government's Apartment Design Guide establishes the minimum requirements for solar access to residential buildings to ensure adequate resident amenity. Under Objective 4A-1 of the Guide, living rooms and private open spaces of at least 70% of apartments in a building are required to receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in Metropolitan Sydney.</p> <p>The proponent's design consultant's shadow diagrams illustrate the shadows cast by the proposed building envelope. The shadow diagrams are at Appendix A to Attachment A of the officer's report. Selected diagrams are reproduced in the officer's report. The diagrams have been analysed by the City for accuracy.</p> <p>The diagrams show the overshadowing created by the</p>

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		<p>proposed development in mid-winter (21 June). This represents the maximum possible extent of overshadowing caused by the proposal within the calendar year.</p> <p>The diagrams illustrate that the western elevation of the submitter's building will receive direct solar access from shortly before 11am until shortly before 2pm. The eastern elevation receives less solar access, however, receives good direct morning sunlight between 9am and shortly before noon.</p> <p>The shadow diagrams illustrates that compliance with Objective 4A-1 is achievable. Further detailed overshadowing analysis will be required at the development application stage when the detailed building design is defined. A full assessment of the overshadowing effect of the development will be undertaken at that time.</p> <p>No change to the exhibited controls is recommended.</p>
	<p><u>Traffic and transport</u></p> <p>The location of the proposed driveway on Dalmeny Avenue, as opposed to Rosebery Avenue, will have an adverse effect on traffic flow on Dalmeny Avenue which is already heavy.</p>	<p>Figure 5.172 of the draft DCP amendment includes indicative locations for vehicular entries to the proposed development. Rosebery Avenue is identified in Sydney DCP 2012 as a transit corridor where public transport will have priority. The City is investigating its potential for this function. As a general rule in the North Rosebery Precinct, vehicular entries are not provided off Rosebery Avenue, as reflected in Figure 5.172. Providing private vehicle access onto and off Rosebery Avenue would create conflict between private vehicles and public transport and would compromise the performance and efficiency of the potential public transport corridor. Where sites front both Rosebery Avenue and Dalmeny Avenue, vehicular access is generally proposed off Dalmeny Avenue or newly created streets, as illustrated at the Meriton Zeta project to the south of the subject site.</p> <p>While Dalmeny Avenue is currently a no-through road, the draft DCP amendment provides for a new street to be created between Dalmeny Avenue and Rosebery Avenue to the south of the subject site. Half of this street is currently being delivered as part of the Meriton Zeta development. It will function as a pedestrian-only lane in the short term. The remaining half will be delivered as part of the redevelopment of the subject site. Configuration of the intersections and access arrangements for vehicles will be finalised in consultation with Roads and Maritime Services. Once delivered, Dalmeny Avenue will be a through road and the new street will provide an alternative route for vehicles to exit Dalmeny Avenue without having to turn onto Epsom Road.</p> <p>No change to the exhibited controls is recommended</p>

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<p>6. Petition: Rosebery Residents Action Group</p> <p>(30 signatures)</p>	<p>Development of the proposed scale (380 apartments up to 29 metres tall) is excessive for Rosebery. Development is resulting in overcrowding and is adversely affecting resident amenity.</p>	<p>The suburb of Rosebery comprises two distinct areas; the low rise, low density residential area known as the Rosebery Estate in the southern part of the suburb and the industrial and commercial subdivision in the northern part, known as North Rosebery. North Rosebery is within the Green Square Urban Renewal Area which has been identified for redevelopment with more density for several years. SLEP 2012 and SDCP 2012 contain specific controls to ensure that built form in North Rosebery provides a sensitive transition between the Green Square Urban Renewal Area and the Rosebery Estate. The controls aim to protect the scale, density and character of the residential Rosebery Estate. The subject site is within the North Rosebery Precinct and its redevelopment will not alter the low rise nature of the Rosebery Estate.</p> <p>An important objective of the North Rosebery planning controls is to encourage development which will act as a buffer to the Rosebery Estate. This is achieved through provisions requiring a general lowering of building heights from north (the Epsom Park Precinct, to the north of Epsom Road) to south (the Rosebery Estate) and a diversity of building heights.</p> <p>The proposed increase in maximum building height from between 18 and 22 metres to up to 29 metres (up to eight storeys) is appropriate given the surrounding development context to the east and west of eight and 10 storeys. The proposed controls allow for a variety of building heights from three to eight storeys and ensure articulation is provided to reduce the overall scale. Additionally, the proposed controls require upper level setbacks which reduce the sense of building bulk experienced at the street level. This control also allows sun light to reach lower levels and improves solar access to the public domain and surrounding development.</p> <p>The majority of additional floorspace permitted under the proposed controls is accommodated within the three east-west oriented buildings of three storeys. The three storey height control and requirement for these buildings to be freestanding will ensure that the internal courtyards receive excellent solar access and retain a sense of openness.</p> <p>Notwithstanding the analysis that has been undertaken in support of the planning proposal, further detailed assessment against the criteria and objectives in the DCP will be required at the development application stage.</p> <p>No change to the exhibited controls is recommended.</p>
<p>7. Petition: Owners of 95 and 97 Dalmeny Avenue</p>	<p><u>Traffic and transport</u></p> <p>Traffic generated by the new development will have a significant</p>	<p>As part of the Traffic Study, the consultant undertook vehicle counts to establish the existing traffic volumes on the network. To establish the impact of the proposal, the</p>

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		<p>Avenue or newly created streets, as illustrated at the Meriton Zeta project to the south of the subject site.</p> <p>While Dalmeny Avenue is currently a no-through road, the draft DCP amendment provides for a new street to be created between Dalmeny Avenue and Rosebery Avenue to the south of the subject site. Half of this street is currently being delivered as part of the Meriton Zeta development. It will function as a pedestrian-only lane in the short term. The remaining half will be delivered as part of the redevelopment of the subject site. Configuration of the intersections and access arrangements for vehicles will be finalised in consultation with Roads and Maritime Services. Once delivered, Dalmeny Avenue will be a through road and the new street will provide an alternative route for vehicles to exit Dalmeny Avenue without having to turn onto Epsom Road.</p> <p>No change to the exhibited controls is recommended.</p>
Public authority submissions		
8. Sydney Water	No objections.	<p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>
9. Ausgrid	No objections.	<p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>
10. Sydney Airport	No objections.	<p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>
11. Transport for NSW	No objections.	<p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>
12. Roads and Maritime Services	No objections.	<p>Noted.</p> <p>No change to the exhibited controls is recommended.</p>