

# **Attachment C**

**Draft Sydney Development Control Plan  
2012 - Darlinghurst Road, Potts Point -  
Summary of Submissions**

## Draft Development Control Plan – Darlinghurst Road, Potts Point: Summary of submissions and City of Sydney response

Darlinghurst Road Draft DCP – Potts Point

Publicly exhibited from 19 September 2018 to 8 November 2018

### **Glossary of terms**

FSR – Floor Space Ratio

LGA – Local Government Area

SDCP 2012 – Sydney Development Control Plan 2012

DCP – Draft Development Control Plan for Darlinghurst Road

SLEP 2012 – Sydney Local Environmental Plan 2012

ADG – Apartment Design Guide

Summary of matter raised in submission	Officer's response
<p>Local residents' submissions Including 89 individual submissions. Five submissions were nearly identical in phrasing and points raised.</p>	
<p><u>Residential development</u> (issue raised in 18 submissions) Potts Point is already high density. Increased population will have adverse impacts, increase congestion, and erode quality of life.</p> <p>The DCP should encourage and support more residential development along Darlinghurst Road to bring in more people to the centre of Kings Cross and house them near public transport.</p> <p>Suburbs like Zetland and Green Square have been reinvented with the introduction of more residential buildings. There is no vision in the DCP to encourage landlords to improve the area.</p>	<p>Existing height and floor space controls are not affected by and will not change as a result of the subject DCP. Density will not increase over and above what is currently permitted.</p> <p>In response to increasing congestion, Kings Cross is located only 1.6km from Sydney's CBD and is well-served by public transport, pedestrian routes, and cycle-ways. Additionally, the residential and commercial components of any future development application will need to satisfy parking and amenity requirements under SLEP 2012 and SDCP 2012.</p> <p>The Darlinghurst Road precinct is a B2 – Local Centre zone. The objectives of the B2 zone are:</p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area</li> <li>• Encourage employment opportunities in accessible locations</li> <li>• Maximise public transport patronage and encourage walking and cycling</li> </ul>

Summary of matter raised in submission	Officer's response
<p>Residential development will make the area safer and stimulate the local economy. Improvement of infrastructure and shops will make Kings Cross a safer community and will attract more residents.</p>	<ul style="list-style-type: none"> <li>• Allow appropriate residential uses so as to support the vitality of local centres.</li> </ul> <p>The DCP seeks to ensure an appropriate level of residential development to achieve the objectives of the business zone. This means providing a balance of residential uses that <b>support</b> the local centre whilst preserving Darlinghurst Road's predominantly commercial nature, to ensure it continues to function as a high street that adequately services local residents and visitors from further afield.</p> <p>Green Square and all the other city villages have local centres that prioritise services for the surrounding community. The local community would be significantly disadvantaged if they didn't have a central, accessible place for services, shops and social places.</p> <p>Notwithstanding, Council has amended the land use control to provide some additional flexibility for residential uses where full compliance with amenity requirements is achieved.</p> <p><b>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</b></p>
<p><u>Injecting centre</u> (issue raised in 18 submissions)</p> <p>"Darlinghurst Road is a cesspool filled with undesirables." Suggest Council invest in cleaning up the area by relocating the injecting centre as it attracts the wrong people and creates an unsafe environment.</p> <p>The opening of the supervised medical injecting premises was the best thing to happen to clean up the area at the time.</p>	<p>Medical centres are permissible uses within the B2 – Local centre zone.</p> <p>The medically supervised injecting centre is a privately owned clinic, which is funded by the state government. It is not within Council's remit.</p> <p>Noted.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

Summary of matter raised in submission	Officer's response
<p><u>Macleay Street</u> (issue raised in 16 submissions)</p> <p>Macleay Street is pleasant and liveable with medium rise apartments and residents, and a mix of old and new buildings. Darlinghurst Road should be developed similarly to improve Kings Cross.</p>	<p>Macleay Street is located within the Potts Point locality area, which is distinct from Kings Cross. Most of Macleay Street is within a B4 – Mixed Use zone which is intended to provide a mixture of suitable uses that support the viability of nearby centres.</p> <p>Macleay Street provides a handful of primarily small scale commercial uses in an otherwise predominantly residential area. The east side of Macleay Street also features a variety of mid-rise interwar apartment buildings and some high-rise development along the ridge, which is unique to that part of Potts Point.</p> <p>Darlinghurst Road serves as a vital local centre to Potts Point. The DCP seeks to ensure development on Darlinghurst Road is continues to support its role as a local centre and activate the high street through appropriate building design and land uses.</p> <p>Encouraging development similar to Macleay Street on Darlinghurst Road would not achieve the strategic objectives of the B2 – Local Centre zone, would result in the loss of an accessible local centre that can provide services to the surrounding suburbs, and is not in keeping with the community's expectations or desires for the future character of Darlinghurst Road.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Land use mix</u> (issue raised in 15 submissions)</p> <p>Kings Cross and the immediate surrounding area has been historically residential in nature, long before evolving as an entertainment precinct.</p>	<p>Potts Point features a combination of residential and commercial uses. The commercial uses are largely concentrated along Darlinghurst Road, with residential uses generally confined to the surrounding streets.</p> <p>Kings Cross has experienced considerable change over the course of the twentieth century. In recent decades, it has been a renowned late-night/entertainment precinct, contributing to Sydney's cultural and historic diversity as well as its economy, and serving a high street function for the surrounding residential area.</p>

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<p>There is an oversupply of commercial floor space in Potts Point.</p> <p>The land use control will result in fewer residents and less accommodation for visitors. Existing residential space will become commercial space when a property is redeveloped.</p> <p>The land use control reflects poor town and social planning.</p>	<p>The DCP seeks to retain a degree of commercial floor space, provide local services, businesses, office space, food and drink/entertainment premises, and employment opportunities for both residents and visitors. The loss of a local, accessible commercial centre would negatively affect the community in the surrounding suburbs.</p> <p>Data gathered from the 2007, 2012 and preliminary 2017 Floorspace Employment Survey (FES) indicates that on average, each property in the precinct has 77% of its maximum GFA occupied by non-residential uses. This indicates that the Darlinghurst Road precinct is dominated by buildings that are primarily commercial in nature.</p> <p>The proposed land use control requires a minimum of 50% of floor space to be non-residential. This is a significant reduction in the quantity and proportion of existing commercial floor space.</p> <p>The intention of the land use mix control is to strike a balance between residential and commercial uses in the area and to retain Darlinghurst Road's primary function as a main street that serves local residents, workers, and visitors.</p> <p>The control aligns with Council's strategic policy and direction for resilient communities within a globally competitive and innovative city. Specifically, Sydney 2030 objective 6.1 speaks to local neighbourhoods being places where people can work, shop and conduct business <b>close to where they live</b>, as well as places where people can come together, socialise and take part in community, civic and cultural life.</p> <p><b>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</b></p>
<p><u>Building height</u> (issue raised in 15 submissions)</p> <p>High-rise development should not be permitted. The area is overdeveloped, existing height limits should be retained.</p>	<p>The site-specific DCP cannot and does not seek to change or increase any of the existing height limits specified in SLEP 2012. SLEP 2012 would need to be amended to change heights.</p>

Summary of matter raised in submission	Officer's response
<p>Taller buildings cause overshadowing and wind tunnels, and are not conducive to the amenity of a suburban street.</p>	<p>The existing planning controls under SLEP 2012 allow for mid-rise development along Darlinghurst Road. For most properties within the precinct identified in this site-specific DCP, the existing planning controls allow for a maximum building height of 22m, with an existing maximum height of building (storeys) control of 6 storeys under the SDCP 2012.</p> <p>The consequences of further increasing building heights along Darlinghurst Road would result in the loss of an accessible centre that services the surrounding area, and significant detrimental heritage impacts.</p> <p>The draft DCP ensures the bulk, massing and modulation of buildings at 18-32A Darlinghurst Road, with a maximum building height of 22m for most properties which is about 6 storeys. Most buildings are able to increase their height under current controls.</p> <p>The draft DCP ensures respond to surrounding development and its heritage character. This is achieved through appropriate street wall heights and setbacks at upper levels, and through the retention of various heritage significant elements of the site. These controls reduce the sense of building bulk experienced at street level and maintain solar access to nearby residential properties. Specific building envelope and setback controls will be developed for the remainder of the street after further heritage and urban design investigations are carried out.</p> <p>The required building setbacks will help manage wind impacts. Further analysis and assessment at the development assessment stage will ensure wind impacts are mitigated.</p>

Summary of matter raised in submission	Officer's response
<p>No precedent for the Lowestoft building to be increased from 3 to 10 storeys.</p> <p>The DCP should provide for more mixed use buildings of 12-15 storeys to attract residents and improve vitality of the area.</p> <p>6-8 storeys along Darlinghurst Road is not too high.</p>	<p>The existing height control for the Lowestoft, at 18-20 Darlinghurst Road, is 30m and cannot be changed by this DCP. This allows for a 10 storey height in building control, as detailed in the SDCP 2012. The site is adjacent to a 10 storey art deco flat building at 1A Elizabeth Bay Road, known as Kingsley Hall. The existing height control for the Lowestoft responds to the height of Kingsley Hall to the north.</p> <p>The DCP cannot change the height control in the LEP. The existing height control for the majority of sites within the Darlinghurst Road precinct is 22m, or 6 storeys. Existing height controls can only be varied by amending the LEP via a planning proposal.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Heritage</u> (issue raised in 14 submissions)</p> <p>The heritage listing of Kingsley Hall is positive as it is a prominent art deco building. Council's undertakings to preserve the unique architectural heritage of the precinct are positive.</p> <p>The proposed height of the Lowestoft is excessive and will negatively impact the amenity of Kingsley Hall and its residents.</p> <p>The Commodore should not be retained as it has been altered significantly over time.</p> <p>The Empire facade should be retained given the site's history.</p>	<p>Noted.</p> <p>The existing height control for the Lowestoft at 18-20 Darlinghurst Road is 30m as above. Appropriately designed development at 18-32A Darlinghurst Road can preserve amenity to Kingsley Hall, for example by protecting the light well to the south of the building.</p> <p>The provisions of the draft DCP have been amended. <b>Clause 6.2.12.8</b> and <b>Figure 5b</b> have been modified to require the retention of the Commodore to a depth of approx. 8m. The rear portion of the building can be demolished.</p> <p>A heritage assessment has been carried out for the block at 18-32A Darlinghurst Road. The recommendations of the report have been considered by the City's Design Advisory Panel, an urban design study, and City urban design and heritage staff. Community consultation has also been carried out, and it is clear the community</p>

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<p>The Empire should not be permitted to be demolished.</p> <p>It is intellectually corrupt to retain building forms when they represent such spurious heritage attachment.</p> <p>The proposed heritage provisions do not adequately address or protect the heritage of the area, and appear to encourage facadism.</p>	<p>clearly values the social significance of The Empire. It is considered the heritage significance of the Empire stems primarily from its role as the site of the former Les Girls nightclub, rather than its physical fabric which has been modified over time and is not recognised for its aesthetic value.</p> <p>As noted above, a heritage assessment by qualified heritage specialists has been carried out on behalf of Council. The assessment has been reviewed by the City's heritage specialists, urban designers, and the Design Advisory Panel. Experts and the community alike value Darlinghurst Road's distinctive built form and significant architectural heritage, some of which dates back to the late-nineteenth century. The heritage character and significance of many buildings on Darlinghurst Road is something the community and Council acknowledge, appreciate, and seek to protect through this DCP.</p> <p>A planning proposal for the heritage listing of three items (Kingsley Hall, the front rooms of The Bourbon, and The Empire for social significance) is currently in progress. As the proposal is underway, the heritage significance of those items must be considered in any Development Application. Once the planning proposal is complete, the sites will be locally listed heritage items under SLEP 2012.</p> <p>The draft DCP controls including upper level setbacks for 18-32A Darlinghurst Road have been designed to respect the aforementioned heritage items, and ensure new bulk is appropriately recessed and massed. Similarly, controls call for the heritage interpretation of the built form of The Empire, as well as a suitable ground and first floor use that reflects the site's history as a food and drink/entertainment premises.</p> <p>Regarding facadism, the retention of the Bourbon facade only is due to the fact that the much of the internal heritage significant fabric has been substantially altered over time, and is now of very little value. Similarly, the retention of the first 8m of the Commodore which is identified as a</p>

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<p>The community doesn't want to see Kings Cross' charming historic buildings destroyed and replaced with conglomerations of generic blocks. Darlinghurst Road has history and heritage, streetscapes should be preserved, buildings can be restored.</p> <p>Kings Cross heritage is more than Darlinghurst villas and art deco apartment blocks.</p>	<p>contributory building in SDCP 2012 ensures its contribution to the heritage area is retained.</p> <p>Noted. The DCP seeks to conserve the area's character through a number of provisions, including heritage conservation, architectural character, articulation and materials, awnings, and public domain.</p> <p>Noted.</p> <p><b>Clause 6.2.12.8 – Heritage conservation has been amended. See discussion in report.</b></p>
<p><u>Redevelopment</u> (issue raised in 11 submissions)</p> <p>The proposal is overkill and represents high density development. The area should not be redeveloped at all.</p> <p>There has been no planning of transport infrastructure. Developers should be required to contribute to upgrading sewage, water drainage, parking, parks and public space.</p> <p>Council needs to pressure and/or incentivise landlords to improve their properties.</p> <p>The new generation needs to be planned for. Development is not inherently negative, as long as high quality units are constructed.</p>	<p>The existing height and floor space controls are not affected by and will not change as a result of the DCP. Density will not increase over and above what is currently permitted.</p> <p>Developers are required to pay contributions towards infrastructure when a Development Application that results in additional residents, workers or overnight visitors is approved. Developers are required to contribute an amount to Council for the provision of open space, community facilities, traffic and transport, and stormwater drainage.</p> <p>Council has put together the draft DCP for Darlinghurst Road to guide future development and secure a positive outcome for the area and its community. Council cannot force landowners to improve or develop their properties.</p> <p>Noted.</p>
<p><u>Omnia</u> (issue raised in 10 submissions)</p> <p>Darlinghurst Road needs more buildings with good architecture and height like Omnia, which is stunning with its curves and colour.</p>	<p>Noted.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

Summary of matter raised in submission	Officer's response
<p><u>Social issues</u> (issue raised in 7 submissions)</p> <p>Development and investment should be encouraged to overcome the sex and drug industry which dominates local culture.</p> <p>Injecting clinic clientele, strip clubs and commercial vacancies make Darlinghurst Road a scary place, day and night. The DCP will contribute to vacancy rates. The area feels unsafe. Council needs to clean it up.</p>	<p>The DCP provides guidelines to ensure new development provides an adequate amount of commercial space for services, community facilities, retail, business, food and drink, and entertainment uses with active frontages for local residents and visitors.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Process</u> (issue raised in 7 submissions)</p> <p>The DCP is a knee jerk reaction to the DA lodged for the Bourbon site.</p> <p>The community consultation workshop held for the DCP was the best the attendee had participated in.</p> <p>The DCP is inconsistent with the consultation workshop that was held. Residents are disappointed the DCP does not address the whole of Darlinghurst Road. The DCP is specific to the Bourbon block and does not address many concerns raised by residents during consultation.</p>	<p>The urban design study, heritage assessment, community consultation including an online survey and workshop and Draft DCP were conducted. The study of Darlinghurst Road has been carried out in anticipation of, and the DCP put together to shape future development.</p> <p>Darlinghurst Road is undergoing change due to changes in laws, drive for inner city living, safety and social issues, and loss of character. Revising and preparing planning controls is an appropriate response to the change.</p> <p>Noted.</p> <p>The DCP contains controls that apply to the whole of Darlinghurst Road, including land use, urban grain and active street frontages, architectural character, awnings, public domain, amenity of residential development and access.</p> <p>The DCP also contains more specific provisions for 18-32A Darlinghurst Road including heritage conservation, built form and setbacks, and a design excellence strategy. This is due to the fact that a detailed heritage assessment and urban design study for the Bourbon block has been carried out, enabling the City to put together a building envelope for the site.</p>

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<p>The DCP fails to deal with the future of Kings Cross in the broader social and cultural context of changing demographics. There has been no research on need and demand for further non-residential opportunities along Darlinghurst Road. This is a major limitation which impacts on the credibility of the draft DCP.</p>	<p>Specific built form and setback controls for the two outstanding street blocks will be formulated following the completion of the second stage of the heritage assessment and urban design study which extends to the remainder of the street.</p> <p>The community consultation workshop that was conducted focused on Darlinghurst Road's local character. Generally, feedback centred on preserving the architectural character and heritage of the strip, ensuring it is still a diverse and inclusive community, ensuring it is still a unique and interesting place, protecting the area from negative impacts of new development, ensuring new development is well designed and varied, and improving safety. In the future, participants want to see more arts and cultural spaces, more places to eat and drink, better nightlife, and different shops and businesses.</p> <p>The DCP has sought to explicitly address concerns raised in community consultation by providing a land use mix control, heritage conservation provisions, and unique and site and area-specific design controls that reflect comments and suggestions made by the community.</p> <p>The urban design study conducted for the DCP reviewed 2007, 2012, and preliminary 2017 Floor Space Employment Survey data to understand the previous and existing nature of land uses in the area, and to inform controls for desired future land uses in the area.</p> <p>The areas surrounding Darlinghurst Road are some of the densest in Australia. These communities need an accessible local commercial centre and would be disadvantaged if local service, retail and recreation uses were dispersed throughout the area or to other areas. An analysis of commercial floor space demand and supply has identified the need to protect commercial floor space in Darlinghurst Road.</p> <p>It also noted that Darlinghurst Road is zoned B2-Local Centre zone. As discussed in detail above under 'residential development', the objectives of the B2 zone centre on providing a range of</p>

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<p>The recommendations and principles in the Kings Cross locality statement have not been the focus of public consultation. They need to be amended accordingly, and further consultation initiated prior to the locality statement being adopted.</p> <p>Other streets in the area such as Orwell, Hughes, Llankelly, and Kellett should be included in the DCP as they form part of local village life, as should Fitzroy Gardens.</p>	<p>commercial uses that serve the people who live in, work in and visit the local area, and allowing appropriate residential uses so as to support the vitality of local centres.</p> <p>The DCP seeks to preserve a certain proportion of commercial floor space to ensure that Darlington Road continues to fulfil its role as a local centre for existing and future residents and visitors.</p> <p>The recommendations and principles in the revised Kings Cross locality statement are partly based on the public consultation that took place in mid-2018. The locality statement and principles form part of the draft DCP and have been publicly exhibited.</p> <p>Noted. Whilst the surrounding streets of Kings Cross contribute to the atmosphere of the area, the focus of the DCP centres on the core retail and commercial strip of Darlington Road as it is currently experiencing change most acutely. This is due to licensing law and market factors, which have spurred an interest in development in the precinct.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Design and architectural character</u> (issue raised in 5 submissions)</p> <p>The DCP should encourage more creative architecture to attract more residents and visitors, rather than preserving rundown, ordinary buildings.</p>	<p>The Department of Planning Local Character and Place Guideline describes local character as “what makes a neighbourhood distinctive and is the identity of a place” which is created by a combination of people, the built environment, history and culture. Places which develop in response to an identified local character and agreed desired future character are likely to be more sustainable, contribute to good quality of life and attract investment.</p> <p>The draft DCP contains a series of controls that guide future development based on the local character of Darlington Road. These controls are based on community feedback, as well as the heritage assessment and urban design study,</p>

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<p>The 'Green Square' look of new developments is awful.</p>	<p>which have identified existing building patterns and features, their unique architectural characteristics and materials, and the nature of facades as valued elements in the area.</p> <p>The DCP allows considerable scope for creative architecture, and contains a clause for a design excellence strategy for the site at 18-32A Darlinghurst Road. Should a developer choose to opt in to the competitive design process, it would involve conducting a design competition for architectural firms experienced in the design of high quality buildings.</p> <p>Noted.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Building envelope: 18-32A Darlinghurst Rd</u> (issue raised in 5 submissions)</p> <p>The reference scheme is improved to that submitted with the Development Application (of Dec 2017), as the streetscape is less changed.</p> <p>The proposed building heights for 18-32A Darlinghurst Road are not that tall, and the scheme contains ground floor shops for services.</p> <p>The DCP results in a solid block at the Bourbon site and exceeds current height restrictions. The proposed height and scale will result in overshadowing to neighbouring properties and will destroy the sense of village and community resulting from human scale.</p>	<p>Noted.</p> <p>Noted.</p> <p>The reference scheme detailed in the draft DCP consists of five separate buildings at the Bourbon site, all of which comply with their respective height controls. The building envelope and setbacks described in the draft DCP are designed specifically to protect solar access to nearby properties. Similarly, the upper level setbacks reduce the overall bulk of the addition and provide a built form scale that is sensitive to local characteristics.</p>

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<p>The Plan does not address ventilation, parking, access, or privacy concerns. Barncleuth Lane is narrow – the DCP does not allow for privacy or amenity of existing residents who back onto the lane.</p> <p>Height, setback, alignment and street frontage controls for 18-32A Darlinghurst Road should not be removed.</p> <p>The DCP is using the block at 18-32A Darlinghurst Road as a template for the whole street's land use mix, setbacks, height limits, parking and so on.</p>	<p>The draft DCP contains provisions relating to access. <b>Clause 6.2.12.7</b>, which applies to the whole precinct, stipulates vehicular access, building services and the like are to be consolidated, and that vehicular access is not permitted in any location subject to an active frontage control. <b>Clause 6.2.12.13</b>, which applies to 18-32A Darlinghurst Road, precludes building services and vehicular access from being located on Darlinghurst Road and Roslyn Street, and should be designed to support the provisions for public domain for the block.</p> <p>The amenity of properties and residents located across Barncleuth Lane has been a primary concern in the formulation of the subject site-specific DCP. Ventilation, parking, and privacy will be assessed at development application stage. The DCP has been prepared to enable those requirements to be met with good design.</p> <p>Appendix C of the DCP identifies the removal of height, setback and street alignment controls from existing DCP mapping as very specific street-wall, setback and building height controls are provided in the site-specific DCP. These controls are detailed in the built form envelope. This ensures consistency between the site-specific DCP and the SDCP 2012. It does not mean that controls are being removed, rather they're being replaced with tailored controls.</p> <p>The land use mix applies to the whole high street as the entire Darlinghurst Road precinct subject to the site-specific DCP controls is zoned B2 – local centre, and because detailed floor space analysis has been carried out for the area.</p> <p>So far, specific built form and setback controls have only been applied to 18-32A Darlinghurst Road as additional urban design and heritage analysis needs to be carried out for the remainder of Darlinghurst Road. The draft DCP does not and cannot propose changes to height controls. Existing parking controls are unaffected by the subject draft DCP.</p>

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	<p><b>Clause 6.2.12.9 – Built form and setbacks and Figure 6a have been amended. See discussion in report.</b></p>
<p><u>Amenity</u> (issue raised in 4 submissions)</p> <p>Development along Darlinghurst Road will overshadow surrounding residences and change the atmosphere of the village.</p> <p>Buildings shouldn't exceed 3 storeys otherwise they create wind tunnels.</p> <p>The DCP proposes controls which will assist in maintaining the character and amenity of the area. Height restrictions are important to allow solar access.</p>	<p>The building envelope in the DCP has been prepared to meet overshadowing requirements. Development along Darlinghurst Road is subject to a variety of local and state controls that dictate the height and density of buildings and their overshadowing impacts. Any future development along Darlinghurst Road will be required to comply with overshadowing controls that exist in the SDCP 2012, as well as solar access controls contained in the Apartment Design Guide (ADG).</p> <p>The existing height limit for most buildings along Darlinghurst Road is 22m, or 6 storeys. Building setbacks will help manage wind impacts. Further analysis and assessment of more detailed plans at the development assessment stage will provide further opportunity to mitigate potential wind impacts.</p> <p>Noted.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Public domain</u> (issue raised in 4 submissions)</p> <p>The public domain should be improved with more greenery on wider footpaths, and public art should be considered.</p>	<p><b>Clause 6.2.12.12 – Public Domain</b> makes provisions for improvements to the public domain at 18-32A Darlinghurst Road. This includes providing publicly accessible open space, landscaping, public artwork, and the widening and pedestrianisation of the Barncleuth Lane in places.</p> <p>The second stage of the urban design study will identify further opportunities for public domain improvements in the remainder of the Darlinghurst Road precinct. When this is complete, the DCP will be revised accordingly.</p>

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<p><u>Parking</u> (issue raised in 3 submissions) The proposal represents a loss of on-street parking, with no off-street parking provided.</p> <p>The DCP does not address parking explicitly.</p> <p>Council has been over-zealous with green transport initiatives such as share-car parking.</p>	<p><b>No change to the exhibited controls is recommended.</b></p> <p>The DCP does not propose any changes to the existing parking arrangement on Darlinghurst Road or the surrounding streets. Off-street parking is a consideration at Development Application stage.</p> <p>SLEP 2012 identifies the maximum number of off-street parking spaces that may be provided. The DCP cannot and does not seek to amend the control which governs the maximum number of parking spaces for development.</p> <p>Noted. The use of green transport initiatives aligns with Council's overarching Sustainable Sydney 2030 policy and the objectives of a green, global, and connected city.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Accommodation and tourism</u> (issue raised in 3 submissions) No more backpackers' hostels, there are too many in the area already.</p> <p>Darlinghurst Road is a tourist attraction however is below standard. It needs the capacity to accommodate people, provide entertainment, and restaurants and bars. The area needs to be a destination again.</p>	<p>Noted. Council must appropriately assess development applications for uses where they are permissible and comply with relevant planning and land use controls.</p> <p>Noted. The land use control seeks to ensure a quantity of commercial floor space is retained on Darlinghurst Road to allow for the entertainment uses and restaurants and bars that will attract local, regional and international visitors to the area again. Additionally, <b>Clause 6.2.12.1 – Land use</b> has been modified to allow tourist and visitor accommodation at the ground and first floor.</p> <p><b>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</b></p>

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<p><u>Social/affordable housing</u> (issue raised in 2 submissions) Issue of disadvantage in Kings Cross has not been acknowledged or addressed. Development guidelines should include a 10% requirement for social housing.  Darlinghurst Road needs affordable housing.</p>	<p>The City of Sydney is committed to working with other governments to address the chronic shortage of affordable housing in the local area.  The City's Affordable Housing Review proposal is currently being finalised by State Government. It will expand contribution requirements for affordable housing when land is being developed.  <b>No change to the exhibited controls is recommended.</b></p>
<p><u>Signage</u> (issue raised in 2 submissions) There are too many signs at Woolworths at the Omnia building. This should be avoided along Darlinghurst Road.  Why does the DCP propose to reinstate the 'Les Girls' sign? Indicates Darlinghurst Road is back to sleaze.</p>	<p>Noted. It is also noted the area belongs to the Darlinghurst Road Kings Cross signage precinct, as per <b>Clause 3.16.12.10</b> of the SDCP 2012, which includes tailored signage controls for the area in addition to the standard signage controls contained in the DCP.  Les Girls nightclub was an important part of the cosmopolitan life of Kings Cross in the 1960s and 1970s, and is of particular importance to the LGBTQI+ community. The proposed reinstatement of the 'Les Girls' sign is intended to pay homage to The Empire's social, cultural and historical significance.  <b>No change to the exhibited controls is recommended.</b></p>
<p><u>General</u> Darlinghurst Road needs innovation, not NIMBYism.  The DCP should encourage gentrification, moving into the future by paying tribute to the past.</p>	<p>Noted.  Local residents have told Council they would like to see Darlinghurst Road's unique, diverse, socially inclusive community maintained. The DCP seeks to strike a balance between the existing local character of the area and future redevelopment by conserving local heritage, providing design guidelines for new development and preserving commercial floor space for a variety of non-residential uses for future residents, workers, and visitors.</p>

Summary of matter raised in submission	Officer's response
<p>Consider Brisbane, where they have medium and high rise residential and a vibrant restaurant precinct all thriving off surrounding residential areas.</p>	<p>Noted. The Potts Point area is one of the densest areas in Australia. Darlinghurst Road is the local centre that can serve the business, recreational and day to day needs of the surrounding community.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p>Local landowners' submissions Including 11 individual submissions, 5 of which submitted the same supplementary document in addition to their comments.</p>	
<p><u>Land use mix</u> (issue raised in 6 individual submissions and the supplementary document)</p> <p>There is no demand for commercial floor space. The proposed controls will increase commercial floor space in an area with over 25% non-residential vacancy.</p> <p>The proposed changes will mean current residents, including the old, frail, infirm, and people with young families, will be evicted to achieve the proposed land use mix.</p> <p>The requirement for 50% of the total GFA to be for uses other than residential and tourist and visitor accommodation should be deleted or significantly reduced as the land use mix control will not revitalise Darlinghurst Road.</p> <p>There needs to be greater flexibility in the proportion of residential accommodation that can be achieved on the site, with a potential variation of up to 10-15%.</p>	<p>Analysis of the FES data indicates 82% of floor space in Darlinghurst Road is occupied by commercial uses. The DCP seeks to preserve a proportion of non-residential floor space to protect the local character and high street function of Darlinghurst Road and ensure the surrounding community has an accessible local centre. The proposed 50% land use control represents a reduction in the proportion of existing commercial floor space.</p> <p>The requirement for a minimum 50% of GFA to be non-residential is triggered when major redevelopment is proposed and does not affect existing buildings that are intended to remain as affordable accommodation for existing residents. <b>Clause 6.2.12.1 – Land use</b> has been amended to allow a site to retain its existing quantum of residential floor space (i.e. retain the existing quantity of residential floor space in square metres).</p> <p>Previously, the control required a minimum 50% of the total GFA to be for non-residential uses. In most instances, redevelopment would require non-residential uses at the ground, first and part of either the second floor, or at lower ground.</p> <p>The control has been amended so that where residential accommodation achieves full compliance with the design criteria of the ADG, it may be considered acceptable for non-residential</p>

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<p>Premises occupied by hostels, serviced apartments, hotels, and other types of visitor and tourist accommodation are identified as having a very high percentage of non-residential uses at present/in the Urban Design Study. Conversely, the 50% cap proposed in the draft DCP includes both residential uses, and tourist and visitor accommodation.</p>	<p>uses to be located on the ground and first floor only.</p> <p>The land use control has been modified and restructured for greater clarity and flexibility. The control previously required a minimum of 50% of the total GFA for development to be for uses other than residential accommodation <b>and tourist and visitor accommodation</b>. Tourist and visitor accommodation (except serviced apartments) has been deleted from the clause. This allows tourist and visitor accommodation to be categorised as a non-residential use and located accordingly.</p> <p><b>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</b></p>
<p><u>Residential development</u> (issue raised in 4 individual submissions )</p> <p>Council should encourage residential development on Darlinghurst Road due to its proximity to Kings Cross train station, and access to other infrastructure and facilities such as buses, bike lanes and services. It is a sought after residential area that needs high quality residential development and accommodation.</p>	<p>See response above under 'Residential development'.</p> <p><b>Clause 6.2.12.1 – Land use has been amended. See discussion in report.</b></p>
<p><u>Macleay Street</u> (issue raised in 3 individual submissions)</p> <p>Macleay Street should be used as a model for Darlinghurst Road, as it is lively and attractive because of its high quantity of residential development and residents.</p>	<p>See response above under 'Macleay Street.'</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Process</u> (issue raised in 2 individual submissions and in the supplementary document)</p> <p>The planning process has been corrupt. Landowners have been excluded from the consultation process. Statistics and calculations have been misrepresented to improve Council's agenda. There are incorrect figures, analysis and data in the urban design study on which the DCP relies. The DCP has been rushed.</p>	<p>The DCP has been prepared and exhibited in accordance with legislated requirements. The City distributed 16,721 letters to occupants of the Potts Point area in June 2018 notifying them of the community consultation workshop and online survey. The workshop and survey were both advertised online and on social media and through a media release. City staff also attended the Kings Cross markets on 30 June and 14 July 2018. The survey was open between 25 June 2018 and 22 July 2018. 252 responses to the survey were</p>

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	<p>received, and 76 people attended the workshop on 5 July 2018.</p> <p>The draft DCP was exhibited from 19 September to 8 November 2018. The City distributed over 12,000 letters to owners and occupants in Potts Point, advertised the exhibition online, provided hard copies of select exhibition documents at the Town Hall House One Stop Shop and Kings Cross Neighbourhood Centre, and Council staff once again attended Kings Cross markets on 6 October 2018 to promote awareness of the exhibition of the draft DCP.</p> <p>The City held meetings with a group of landowners in August and November 2018 to discuss the proposed DCP controls. The City also held meetings with the landowner of 18-32A Darlinghurst Road, in December 2018 and February 2019. In addition to the community consultation and exhibition of the draft DCP, the City also conducted a landowner's workshop on 26 February 2019, after a request from a Darlinghurst Road property owner who did attend the community consultation session in July 2018.</p> <p>The Floor space and Employment Survey data has been reviewed. The conclusions drawn concerning future demand for commercial floor space, and the appropriateness of preserving non-residential uses in the precinct remain valid.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Prescriptive controls</u> (issue raised in 2 individual submissions and in the supplementary document)</p> <p>The proposed heavily restrictive controls will inhibit innovative design and prevent iconic development. The controls will stamp out innovative design and architecture. The iconic architecture of Antoni Gaudi, Norman Foster (like London's Gherkin building), or Jorn Utzon would not be permitted under the draft DCP.</p>	<p>The proposed controls were developed through community consultation, a heritage assessment, an extensive urban design study, and in consultation with the City's Design Advisory Panel. The controls seek to ensure development along Darlinghurst Road is sympathetic to and consistent with the existing architectural and heritage character of the area.</p> <p>The controls provide guidelines for future development that are consistent with what the community values and would like to see. The controls are also consistent with advice provided by the City's Design Advisory Panel. This includes</p>

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<p>Prohibiting projecting balconies is inconsistent with the area, which features on certain buildings in the area. Insisting on vertically proportioned windows, and windows that are limited to 20-40% of the facade wall area, will straitjacket design innovation, and represents slavish adherence to arbitrary design rules. The controls pertaining to urban grain including minimum tenancy sizes and widths and the requirement for individual foyers and lift cores should be deleted.</p>	<p>facades that are predominantly masonry, rather than glazed, windows that reflect the existing pattern of openings on the street, fine grain retail tenancies that support small business, separate entrances and circulation cores for separate and distinctive buildings rather than monotonous additions or street block-sized building with only one lobby, and restricting large, glazed, projecting balconies that are not in keeping with buildings in the area.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Building envelope for 18-32A Darlinghurst Rd</u> (issue raised in 1 individual submission)</p> <p>The site specific building envelopes be revisited and explored further to address issues such as monotony in height and bulk, and consideration for more height to the Empire site as a bookend to Kingsley Hall.</p> <p>The precise dimensioned plan for storeys and setbacks (Fig. 6a) is overly prescriptive. Performance based controls could be established relating to sensitive streetscape design and acknowledgement of heritage items, shadowing impacts, appropriate design of the corner building to Darlinghurst Rd and Roslyn Street, and best fit for good apartment design and ADG compliance.</p>	<p>The existing building height of the Empire cannot be amended via the DCP. The building envelope and setbacks for 18-32A Darlinghurst Road can be modified subject to compliance with overshadowing and amenity requirements as per the ADG. This has been clarified in the controls and in <b>Figure 6a</b>.</p> <p>The envelope has been developed with the City's Design Advisory Panel. The parallel-to-boundary setback for development above the Bourbon respects the heritage significance of the facade, whilst the shadow line above the Lowestoft allows the original built form to be legible and distinct from the future addition. The setbacks to the Empire allow for the reinterpretation of the building and protect solar access to properties on Roslyn Street.</p> <p><b>As noted above, controls contained in Clause 6.2.12.9 – Built form and setbacks have been revised and Figure 6a has been amended accordingly. See discussion in report.</b></p>
<p><u>Heritage</u> (issue raised in 1 individual submission and in the supplementary document)</p> <p>The Empire site should not be listed as a heritage item, rather its historical and social significance should be recognised through the DCP. If it is listed, the inventory sheets</p>	<p>The Empire is proposed to be listed for its social significance only. The heritage listing inventory sheets will be updated to reflect this, permitting the demolition of the building.</p>

Summary of matter raised in submission	Officer's response
<p>should be updated to align with the DCP, which permits the building's demolition.</p> <p>The rear portion of The Commodore should be allowed to be demolished, with only the front facade and front section of the L-shaped part of the building required to be retained to a depth of 8m.</p> <p>The control requiring a 3m setback above the facade of the Lowestoft is overly prescriptive and is inconsistent with the findings of the DAP subcommittee. There is a need for greater scope to consider alternatives to a 3m setback on merit.</p>	<p>Noted. <b>Clause 6.2.12.8(4) – Heritage conservation and Figure 5b have been reworded and updated accordingly.</b> Retaining the front section of the Commodore is sufficient to retain the building's contribution to the conservation area.</p> <p>The subject 3m setback requirement at Clause 6.2.12.8(2) relates only to the level immediately above the existing building, with the remaining new development being able to be built to street alignment, as demonstrated in <b>Figure 3. Figure 3 has been updated for clarity.</b></p> <p><b>Minor changes to Clause 6.2.12.8 – Heritage conservation and Figure 5b have been made. See discussion in report.</b></p>
<p><u>Changing character of Kings Cross</u> (issue raised in 1 individual submission)</p> <p>People used to come to Kings Cross looking for entertainment, bars, nightclubs and live music – however this no longer exists.</p> <p>The community wants the sleaze gone. Remove the injecting centre as it attracts terrible people who make the area feel unsafe. Remove the sex industry and drug dealers.</p> <p>Major new shopping centres and more apartments are what Darlington Road need.</p>	<p>Kings Cross is undergoing a period of change. The draft DCP seeks to suitably manage this change through preserving commercial floor space at the ground and first floor, to allow for uses such as food and drinks premises, entertainment, retail and business, office spaces, small bars and so on.</p> <p>As detailed above under 'Injecting centre', the medically supervised clinic is not within Council's control. Additionally, Council cannot prevent sex service premises from operating in areas where the use is permissible and has appropriate development consent.</p> <p>Through consultation the community told the City they value the fine urban grain of Darlington Road, with smaller shops, a diversity of businesses and services, and detailed architectural facades. The DCP encourages a mix of business and residential uses that are in keeping with the community's desired future character.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

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<p><u>Accommodation and tourism</u> (issue raised in 1 individual submission) Kings Cross boasts high quality nearby hospitals with state specialists, with people travelling long distances and requiring accommodation. The DCP should provide for this.</p>	<p>Noted. <i>Clause 6.2.12.1 – Land use</i> has been amended to allow tourist and visitor accommodation (excluding serviced apartments) to be included within the minimum 50% business uses. <b><i>Clause 6.2.12.1 – Land use has been amended accordingly. See discussion in report.</i></b></p>
<p><u>Building height</u> (issue raised in 1 individual submission and in the supplementary document) Tall buildings set a precedent in the area and characterise the streetscape. The buildings on the eastern side of Darlinghurst Road should be permitted to rise to the height of the Omnia building, or at least to the height of the Woolworths building at 50-52 Darlinghurst Road. This would be in keeping with development type in Potts Point.</p>	<p>See discussion under 'building height' above. The DCP is not the correct mechanism for considering or implementing changes to existing building height standards.</p> <p>Of the 49 properties on Darlinghurst Road, 35 properties are 3-4 storeys. Eleven buildings are over that. The predominant scale is low to mid-rise. Nevertheless the current controls allow buildings up to 22m or around 6 storeys enabling renewal and revitalisation of the area with a range of uses.</p> <p>The site of the Omnia building has a height control of 55m, largely due to the fact that the previous building on site was 54m. The previous building's structure was retained during redevelopment.</p> <p>Additionally, development in surrounding streets is predominantly residential. New development along Darlinghurst Road is required to achieve certain amenity standards, such as preserving solar access to nearby residential properties. As mentioned above, increasing building heights along Darlinghurst Road would likely result in unacceptable overshadowing impacts to the surrounding area.</p> <p>The site at 50-52 Darlinghurst Road is subject to the same 22m or 6 storey height control as most buildings within the Darlinghurst Road precinct.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

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<p><u>Uplift</u> (issue raised in 1 individual submission)</p> <p>Darlinghurst Road is not proposed to receive FSR or height uplift like other properties in the city, like 225-279 Broadway, Glebe, 4-6 Bligh St, Sydney, and 102-106 Dunning Ave, Rosebery. Council is prepared to consider uplift in other areas but not in Kings Cross, where it is needed.</p>	<p>A planning proposal is currently underway for the three sites mentioned. All three planning proposals were instigated by external proponents seeking to change planning controls.</p> <ul style="list-style-type: none"> <li>• The Broadway planning proposal proposes an increase to the maximum building height and FSR to encourage the development of student accommodation and non-residential uses only. The uplift does not apply in the case of residential development.</li> <li>• The Bligh Street planning proposal proposes an increase in the maximum FSR to enable a new mixed use commercial and hotel development only. The uplift does not apply in the case of residential development.</li> <li>• The Dunning Avenue planning proposal proposes rezoning from B7 – Business Park to B4 – Mixed Use, an increase to the maximum building height and an increase in FSR to allow the future development of around 120 units and commercial and retail spaces, on the proviso that the development will deliver onsite affordable housing. The planning proposal is consistent with the Guideline to Planning Proposals in the City of Sydney Employment Lands Investigation Areas. This guideline has now been revoked to align with the Greater Sydney Commissions' direction to protect employment lands.</li> </ul> <p>The City assesses planning proposal requests on their strategic and environmental merit.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Environmental impact</u> (issue raised in 1 individual submission and in the supplementary document)</p> <p>The proposed DCP will result in increased greenhouse emissions. Residents will be pushed out from Darlinghurst Road, shifting the burden elsewhere of an increasing population. This will increase traffic congestion and emissions.</p>	<p>The proposed DCP will not result in the eviction or relocation of existing residents. The draft DCP supports an appropriate level of residential development in a desirable location, proximate to the city and to a variety of public transport options. The retention of non-residential floor space is needed to support the surrounding community's service, retail and recreational needs.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

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<p><u>Kings Cross locality principles</u> (issue raised in 1 individual submission and in the supplementary document) The locality statement is anachronistic.</p> <p>The market is a better and more responsive barometer to what works and what doesn't than the proposed principles for the locality.</p> <p>It is not clear what is meant by "Darlinghurst Road... is to continue to fulfil its key economic, social, and cultural role within the locality."</p>	<p>The locality statement outlines and reinforces the desired character of the Kings Cross area.</p> <p>The market alone will not provide desirable planning or development outcomes and does not provide certainty for Council or the community.</p> <p>Darlinghurst Road is located within a B2 – Local centre zone. It functions as the primary high street for the Potts Point area, providing services, community facilities, shops and retail, commercial and office uses, transport options, food and drinks premises, healthcare, and other diverse uses that attract residents and visitors to the area.</p> <p>The draft DCP seeks to ensure Darlinghurst Road continues to fulfil this role in the area.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Design excellence strategy</u> (issue raised in 1 individual submission) Under SLEP 2012, bonus FSR or height can be awarded where a competitive design process has been undertaken. The DCP cannot preclude the opportunity to pursue a height bonus on this site when the SLEP allows it.</p> <p>The establishment of a separate design excellence process for the site is unnecessary given the design excellence provisions of the SLEP 2012 and the City of Sydney competitive policy. If the height is limited to 25m (the usual trigger for a design excellence competition), a competition is not required. This would mean not occupying the portion of the envelope that allows for 30m at 18-20 Darlinghurst Rd.</p> <p>The maximum FSR does not utilise the full building envelope. The bonus should not be restricted to basement levels. The site should continue to be eligible for either a</p>	<p>The design excellence height bonus can be pursued by lodging a concept development application. The DCP does not preclude pursuing a height bonus under design excellence.</p> <p>The DCP does not establish a separate process. The DCP sets out a design excellence strategy that enables the proponent to progress to a Stage 2 Development Application, without having to undertake a Stage 1 DA.</p> <p>The constrained nature of the site and high density of surrounding development means additional height is unlikely to be awarded. Consequently, the control stipulates additional FSR is to be located at lower ground. Should an applicant seek an alternative height or FSR bonus,</p>

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<p>10% height or FSR bonus where a competitive design process is undertaken.</p>	<p>compliance with relevant controls would need to be demonstrated through a Stage 1 DA.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Urban grain controls</u> (issue raised in 1 individual submission)</p> <p>Vertical circulation cores for each lot is not an efficient way to access apartments. The cores should be shared to utilise less floor space beyond the line of the Darlinghurst Road facades.</p> <p>With the retention of 3 out of 5 of the facades at the Bourbon site, the Darlinghurst Road elevation will appear as 5 separate lots. The wording of Cl. 6.2.12.10(1) could be amended to read <i>'to appear as five distinct buildings.'</i> The benefits for amalgamation behind the Darlinghurst Rd facade in courtyards, circulation and servicing should not be restricted.</p> <p>The requirement for at least four residential lobbies is overly prescriptive. The lobbies depicted in the reference scheme are substandard. Larger, consolidated lobbies compliant with the ADG should be the benchmark.</p> <p>Fine grain should be achieved with the retention of significant facades and architectural expression. Tenancy sizes and widths are commercial considerations that should be determined by the development application.</p>	<p>The requirement for individual vertical circulation cores for each building is a key recommendation to emerge from the Design Advisory Panel. The purpose of the control is to ensure the design and development of five genuinely separate and distinct buildings at the Bourbon site, rather than just an appearance of different buildings. This is in keeping with the pattern of development in the area, especially existing mid-rise apartment buildings.</p> <p>The ADG does not ascribe minimum size or dimension requirements for lobbies. The requirement for a minimum number of lobbies (as with the requirement for separate cores) is to ensure new development results in the design of separate buildings, as the community and DAP have raised strong concerns about large, monotonous, amalgamated development blocks without building separation or distinctiveness.</p> <p>The urban design study conducted a street elevation analysis of Darlinghurst Road's existing building tenancies and facades. The UDS found that generally, properties on the north west side of Darlinghurst road have street frontage widths of 9-11m, with properties on the south east side of Darlinghurst Road have street frontage widths of 7-8m. The DA submitted for the Bourbon site had a combined frontage of 74.9m. This is not a desirable planning outcome for Council or the community.</p>

Summary of matter raised in submission	Officer's response
	<p>The control seeks to ensure that any redevelopment of properties along Darlinghurst Road retains the varied and fine grain nature of existing commercial tenancies and ensures a diversity of businesses that can cater to local needs.</p> <p><b>Minor changes to <i>Clause 6.2.12.2 – Urban grain and active street frontages</i> and <i>Clause 6.2.12.10 – Urban grain</i> have been made for clarity. See discussion in report.</b></p>
<p><u>Public domain</u> (issue raised in 1 individual submission) Improvements to the public domain of Barncleuth Lane are supported, however an area allocation for this space is preferred, rather than the proposed prescriptive configuration and design.</p>	<p>An area allocation may result in a sub-standard space. The control has been amended to allow some flexibility, by allowing for the quality of the public domain to Barncleuth Lane to be equal to or better than the arrangement described in <b>Figure 9</b>.</p> <p><b>Clause 6.2.12.12 – Public domain</b> has been amended accordingly. See discussion in report.</p>
<p>Group submissions Including 2 individual submissions</p>	
<p><u>Heritage</u> (issue raised in both submissions) The DCP ignores the heritage values of Darlinghurst Road. Council should insist development is sympathetic to the architecture and village culture of the important historical area. The strip has a harmonious inter-war style: consistency should be considered, as should the heritage listing of the streetscape. The City should restore lost historic facades.</p>	<p>As a result of the heritage assessment of the Bourbon and Beefsteak street block (including 1A Elizabeth Bay Road, 18-32A Darlinghurst Road, and 2 Roslyn Street) commissioned by Council, the City of Sydney has recommended the heritage listing of three items including Kingsley Hall, the façade of The Bourbon, and the site of The Empire (for social significance).</p> <p>Similarly, community consultation was undertaken in mid-2018. The results of the survey and workshop carried out by Council indicates that local residents and visitors to Kings Cross highly value the heritage aesthetic and character of Darlinghurst Road.</p> <p>The DCP has sought to ensure future development is sympathetic to and in keeping with Darlinghurst Road's unique character through architectural articulation and materials controls, urban grain controls, the retention of heritage significant facades at The Bourbon (22-24 Darlinghurst Road)</p>

Summary of matter raised in submission	Officer's response
	<p>and the Commodore (30-30B Darlinghurst Road) and specific built form controls for 18-32A Darlinghurst Road, with more refined building envelope controls for the remainder of the street to be established after further research is undertaken.</p> <p>It is also noted the precinct is located within the Potts Point/Elizabeth Bay Heritage Conservation Area (C51). Any external changes to properties within the area are subject to Development Approval by Council.</p> <p><b>Minor changes to <i>Clause 6.2.12.8 – Heritage conservation and Figure 5b</i> have been made. See discussion in report.</b></p>
<p><u>Clarity, application of controls</u> (issue raised in both submissions)</p> <p>The controls are ambiguous. It is unclear whether similar provisions will be applied to the rest of Darlinghurst Road, and there are concerns the controls for the Bourbon site will be used as a precedent for the rest of the street.</p>	<p>The DCP is being prepared in two stages. The stages are area related and are based on different levels of investigation into the character and built form of Darlinghurst Road.</p> <p>Stage 1, which is the subject of this report, is made up of two components:</p> <ul style="list-style-type: none"> <li>i. General provisions for Darlinghurst Road from Bayswater Road to Macleay Street; and</li> <li>ii. Specific built form controls for the Bourbon site at 18-32A Darlinghurst Road.</li> </ul> <p>Stage 2, which has commenced and will be the subject of a separate report, will provide built form controls for the remainder of the street. A map of the precinct (outlined in red) and the site (outlined in blue) is at <b>Figure 1</b>.</p> <p>Investigation for the first stage has been completed. This includes a heritage assessment, urban design study, Design Advisory Panel advice, and community and landowner consultation sessions. The general and site-specific provisions contained in the draft DCP are the result of this research.</p>

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	<p>Investigation for the second stage is underway. This work will recommend specific built form controls for the remaining precinct (outlined in red in <b>Figure 1</b>). The draft DCP will be revised accordingly and the results of this work will be reported to Council.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Building height</u> (issue raised in both submissions)</p> <p>The draft DCP seems to suggest taller buildings will be allowed, licensing developers to build 10-storeys or more. The DCP removes height, setback, and street alignment controls.</p>	<p>The subject DCP does not propose to change or increase any of the existing building height controls. The only mechanism that can seek to change existing height standards is a Planning Proposal to amend the SLEP 2012.</p> <p>Appendix C of the DCP identifies the removal of height, setback and street alignment controls from existing DCP mapping as very specific street-wall, setback and building height controls are provided in the site-specific DCP. These controls are detailed in the built form envelope. This ensures consistency between the site-specific DCP and the SDCP 2012. It does not mean that controls are being removed, rather they're being replaced with tailored controls.</p> <p><b>No change to the exhibited controls is recommended.</b></p>
<p><u>Parking</u> (issue raised in both submissions)</p> <p>The draft DCP does not refer to any car parking despite increased numbers of residents and workers.</p>	<p>The SLEP 2012 sets out parking rates for commercial and residential development in the LGA, identifying the maximum number of off-street parking spaces that may be provided. The SDCP 2012 contains provisions relating to car parking, car share schemes, bicycle parking, and other transport related requirements.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

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<p><u>Public domain</u> (issue raised in both submissions)</p> <p>Council needs to commit resources to developing a pedestrian network and expanding parks. The DCP lacks anything concerning open space, when Council should continue to develop Springfield Gardens and Llinkelly Place.</p>	<p>The DCP proposes public domain improvements. Clause 6.2.12.5 stipulates that sites adjoining existing public spaces should provide active land uses at the ground floor that contribute to the activity of the public domain.</p> <p>Similarly, Clause 6.2.12.12 requires development at 18-32A Darlinghurst Road to provide publicly accessible open space and deliver improvements to the public domain at Barncleuth Lane and in front of the Bourbon at 22-24 Darlinghurst Road.</p> <p><b>Clause 6.2.12.12 – Public domain has been amended accordingly. See discussion in report.</b></p>
<p><u>Community consultation</u> (issue raised in 1 individual submission)</p> <p>The DCP fails to address community concerns such as protecting heritage buildings, human scale buildings, and the distinct architectural character of the area.</p>	<p>The DCP directly addresses community concerns raised in online survey submissions received between 25 June and 22 July 2018 and at the engagement workshop held in July 2018. As a result of the community engagement that was conducted, paired with the heritage assessment and urban design study commissioned by the City of Sydney, a planning proposal is currently underway to heritage list 3 items at the Bourbon and Beefsteak street block.</p> <p>Similarly, in response to issues raised by the community regarding bland architecture, overuse of glazing, projecting balconies, and other design concerns, specific controls pertaining to urban grain, architectural character, articulation, and materials have been incorporated into the DCP. These controls are intended to guide future development in the area, to ensure it is responsive to existing buildings, and to retain the distinct architectural character of the area.</p> <p><b>No change to the exhibited controls is recommended.</b></p>

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<p><u>Amenity</u> (issue raised in 1 individual submission) Buildings should provide sunlight and ventilation. The DCP makes little mention of these principles. The proposed building envelope is likely to result in wind shaft and sound tunnel.</p>	<p>Development within the City of Sydney LGA is subject to the policies and controls detailed in the SDCP 2012, and for residential development, the Apartment Design Guide also applies. Both the SDCP 2012 and ADG contain numerous controls that relate to amenity, including solar access, overshadowing, natural and cross ventilation, wind effects, and other requirements.</p> <p>These requirements are applicable to development on Darlinghurst Road and are not required to be re-stated in the site-specific DCP. These considerations will be dealt with at Development Application stage.</p> <p><b>No change to the exhibited controls is recommended.</b></p>