

# **Attachment E**

## **Summary of Matters Raised in Submissions**

No.	Submitter	Submission	Response
1	Individual	<p><b>Loss of light.</b> We are long term residents of Corben Street, Surry Hills. Our house is one of the narrow terraces just along from the proposed development at 72-84 Foveaux St. Even though, if the development proceeds, we may not be affected by the loss of direct sunlight we may lose sight of a patch of sky, and some light when the corner section on Foveaux and Waterloo are added.</p>	<p>Potential overshadowing impacts generated from the proposed height and building envelope were explored in detail. A four storey residential apartment and a short row of four terraces (two storeys in height) on the southern side of Foveaux Street may be impacted by additional overshadowing as a result of a proposed development being built to the maximum envelope identified in the draft DCP. However, these buildings will continue to receive at least two hours of direct sunlight between 9:00 am and 3:00 pm at midwinter as required by the Apartment Design Guide.</p> <p>No change is proposed to the draft controls.</p>
		<p><b>Increase in density / FSR / building mass.</b> The site is already grossly overbuilt with no set back from the street except for the small patch on corner of Foveaux &amp; Waterloo Streets. This revision to the floor plan ratio would increase the intensity of development on the site and set a precedent for further developments in the area, dwarfing existing houses. Likewise with the increase in height. Though in this case not adding much to existing height (which exceeds current restrictions) it does increase the mass of the building. It fills it in. Previous over- development should not be a justification for further development. Every patch of sky is precious when we are so hemmed in.</p>	<p>Foveaux Street has a consistent character where facades of existing buildings are typically located at the street boundary, forming a generally consistent street wall. The built form characteristics are also evident in the surrounding streets with a mix of residential terraces, multi-unit dwellings and commercial premises, many having nil setbacks consistent with the historic built form character of the area.</p> <p>The proposal will contribute to the streetscape by removing inefficient external space and front setbacks associated with the existing development. The proposal's contribution to the streetscape will occur with active uses on the ground floor, visible to passing foot traffic and enabling passive surveillance of public domain. Pedestrian entry points to the building will be aligned closer to the Waterloo Street and Foveaux Street footpaths to encourage a seamless connection with the public domain.</p> <p>The Planning Proposal seeks to amend the current FSR control from 2.5:1 to 4:1 for a commercial development. The proposal is not considered to result in overdevelopment noting the existing building FSR is nearly 3:1, and the majority of additional floor space will be located in the basement and lower ground floor.</p> <p>Car parking in the basement will be replaced with an end-of-trip facility, encouraging public and active transport use, helping alleviate local traffic congestion in the area. The additional floor space generated on the ground floor will be dedicated to ancillary uses such as commercial lobby as well as a staff canteen and breakout spaces.</p> <p>No change is proposed to the draft controls.</p>
		<p><b>Building servicing space.</b> Though very close to transport there is the provision for event space and multi-purpose space which would probably necessitate vehicles</p>	<p>The provision of building servicing on site is critical to minimise disruption to local traffic and ease any congestion issues.</p>

		<p>delivering electrical and acoustic equipment.</p>	<p>The draft DCP requires access for service vehicles onto the site from Waterloo Street designed to minimise disruption to traffic along busier Foveaux Street.</p> <p>Any proposed development would be required to provide at least one service vehicle parking on-site as per the current DCP control.</p> <p>No change is proposed to the draft controls</p>
		<p><b>Noise.</b> A roof terrace is also included with the possibility of late night social gathering with resulting noise and no way for residents to contact.</p>	<p>Use of the future building will be subject to a development application. Any after-hours use of the terrace will be assessed in accordance with noise assessment criteria and the Sydney DCP 2012. This may result in a plan of management, conditions limiting the hours of use or other mitigation measures to minimise disturbance to neighbouring residents.</p> <p>No change is proposed to the draft controls.</p>
		<p><b>Public access to community space.</b> It would be a bonus if this development could provide some amenity to the local community such as rehearsal space or exhibition space.</p>	<p>This idea can be put forward to the landowner for consideration as part of the detailed design and development application stage.</p>
2	Individual	<p><b>Building height.</b> There are enough high buildings.</p>	<p>The proposed maximum building height of 25 metres (RL 55.60 metres) represents a small increase to the existing building height of 23.8 metres. The building envelope incorporates varying height controls in the proposed site-specific DCP, stepping down from RL 55.60 to RL 53.50 metres fronting Corben Street and RL 44.15 metres fronting Waterloo Street. The draft DCP has been designed to minimise the perceived bulk and scale of the development.</p> <p>No change is proposed.</p>
		<p><b>Parking.</b> Stop taking away car spaces.</p>	<p>The site has prime access to public transport with Central Station and the future light rail stops at Devonshire Street and Chalmers Street all located within a 400-500 metre catchment of the site. The site is also well serviced by key bus routes linking the area to the east and inner west with services to Coogee, Rosebery, Maroubra, Newtown and Marrickville. The potential traffic impact generated from the commercial development is expected to be minimal.</p> <p>The Planning Proposal facilitates replacement of the on-site parking with an end-of-trip facility, encouraging the use of active commuting such as walking and cycling and minimise car dependency amongst workers travelling to and from the site.</p> <p>No change is proposed to the draft controls.</p>
3	Individual	<p><b>Heritage.</b> I disagree with the proposed changes to 72-84 Foveaux Street. I disagree with the architectural design of the building lacking any heritage appearance</p>	<p>The existing building, currently identified as a detracting building within the Little Riley Street Heritage Conservation Area. The draft DCP will</p>

			<p>facilitate a building design which improves the contribution of the building to the area.</p> <p>No change is proposed to the draft controls.</p>
		<p><b>Parking.</b> The area would be more appreciative of car parking rather than 6 storeys of commercial space.</p>	<p>The City's approach to the provision of off-street parking is to generally discourage the reliance on car use in areas which are well serviced by public transport to reduce congestion, local traffic impacts and create more liveable places. The removal of the existing on-site parking will discourage use of cars and minimise impact to local traffic congestion.</p> <p>On-street parking is in accordance with the City's 'Neighbourhood Parking Policy', excludes new developments from being eligible for parking permits. Workers of the future development would not receive parking permits for on-street parking.</p> <p>No change is proposed to the draft controls.</p>
4	Individual	<p><b>End of trip facility.</b> Agreed that Foveaux St will need to increase commercial activity to bring Sydney more life as world iconic city. However, in the Central station area, using this building as end-of-trip bike facility and deliveries are a waste of space as it does not bring the city much life.</p>	<p>The end of journey facility represents a small proportion of the overall floor space, and is required to be located in the basement.</p> <p>Given its limited visibility from the street, the basement does not need to have active uses. The removal of inefficient ground floor open space and reduced setbacks as required in the draft DCP will facilitate passive surveillance of the public domain and encourage improved pedestrian access to the building from the street.</p> <p>The draft DCP also sets out provisions for a glazed atrium and public art to be integrated into the building façade. This will serve as a focal point of interest to enhance and activate the existing streetscape, enhancing vibrancy and city life.</p> <p>No change is proposed to the draft controls.</p>
5	NSW Department of Transport	<p>Has no further comment regarding proposal.</p>	<p>Noted.</p>
6	Heritage Branch, Department of Premier and Cabinet	<p><b>No impacts on items listed on State Heritage Register</b> The proposal is unlikely to have a direct physical or visual impact on any items listed on the State Heritage Register.</p>	<p>Noted.</p>
		<p><b>Impacts on conservation areas and nearby heritage item.</b> The planning proposal site is located within the Little Riley Street Conservation Area (HCA), and next to the Albion Estate HCA. The subject site is also close to a number of items of local heritage significance listed under Sydney Local Environmental Plan 2012, the closest of these items, the 'Excelsior Hotel' (11549), located at the intersection of Bellevue Street</p>	<p>The proposed building envelope is consistent with the existing mixed character of the Little Riley Street Heritage Conservation area. This includes diverse building typologies and uses, with low scale residential and commercial terraces co-existing with masonry warehouse buildings as well as multi-storey commercial and residential buildings. The proposed building height is equivalent to the existing building. The proposed design and building envelope responds to the mixed character of the area, incorporating varying</p>

		<p>and Foveaux Street, is 20 metres from the subject site.</p> <p>The Heritage Impact Statement (HIS) prepared for the planning proposal asserts that the concept design of the new commercial building will not impact on the 'Excelsior Hotel'. In addition, the HIS also states that it will have an acceptable impact on the Little Riley Street HCA because it will replace a building which has been identified as detracting from the HCA. As the above heritage item and HCAs are listed under your LEP and Council is the consent authority; any decision on impacts and their mitigation rests with Council</p>	<p>heights of RL55.60 metres (six storeys) which steps down to RL 44.15 metres and delivers an appropriate transition between taller commercial and residential buildings (east and south of the sites respectively) and lower scale residential and commercial terraces (west of the site).</p> <p>No change is proposed to the draft controls.</p>
7	Urban Ethos on behalf of the proponent	<p><b>6 Stars NABERS provision.</b> The proponent has concerns for the development concept to achieve 6 Stars NABERS Energy Commitment Agreement. Significantly challenging from cost and feasibility perspective given development concept is predicated on existing building retention. Requirement to achieve 6 Stars difficult given need to retrofit existing building.</p> <p>NABERS Energy Advice Rating advises current site and building constraints making 6 stars difficult to achieve:</p> <ul style="list-style-type: none"> <li>- retention of existing building elements comprises buildings ability to be naturally cross ventilated</li> <li>- reuse of existing building fabric limits opportunities for more efficient building envelope compared to new building equivalent</li> <li>- site-specific DCP controls not consistent with industry guideline allowances for buildings where existing elements retained.</li> </ul> <p>Energy usage of existing buildings compared to new buildings difficult to achieve a higher NABERS rating and reflected with concessions being granted in NABERS standards for existing buildings. Only seven buildings achieving a base building 6 stars NABERS energy rating, majority having purchased Green Power to achieve it. Seven buildings refer to new builds and not refurbishments or adaptive re-use of existing buildings.</p> <p>6 stars NABERS provision is not consistent with City's policy position as part of recent amendments to Sydney DCP 2012. Section 3.6.1 of DCP requires concept development to achieve NABERS 5 stars. DCP also allows flexibility for existing buildings to</p>	<p>The City acknowledges the Planning Proposal is to facilitate the refurbishment of an existing commercial building and not a new building. However, the City considers the development as having potential to be a strong energy performer given the scale and use of the building. The City has consistently sought to improve the environmental performance of its buildings where additional opportunities have been agreed through the planning proposal process.</p> <p>Amendments to the Sydney DCP 2012 in August 2018 require all new commercial office developments, over 1000 sqm net lettable area, to achieve 5.5 star NABERS Energy rating with a commitment agreement. The DCP also requires applications involving alternations, additions and refurbishments to existing development over \$5M and a net lettable area of 1000sqm to seek a NABERS Energy Commitment Agreement of 5 stars.</p> <p>The advice provided by the landowner with their submission proposes that a 5.5 Star NABERS Energy Commitment Agreement be made with a DA condition to supplement the remaining 0.5 Stars through Green Power offsets to achieve an overall 6 Star NABERS Energy certified rating.</p> <p>City staff have reviewed the documentation provided in the landowner's submission, and noting the constraints of the retention of the existing building fabric limiting opportunities for a more efficient building envelope, it is proposed to modify the requirement to 5.5 NABERS Energy Commitment Agreement. The draft DCP is proposed to be updated to reflect this change. The City's DCP does not enable the use of Green Power offsets to contribute to a NABERS rating as there is limited security through the planning system that it will continue to be purchased.</p> <p>Furthermore, the DCP provisions for the installation of photovoltaic panels on the roof will</p>

	<p>deliver lower NABERS rating if cost prohibitive. Concerns over legitimacy of two equivalent controls applying to development concept and can be avoided by adopting standard DCP control.</p> <p>Concerns over inclusion of a NABERS rating in a LEP planning instrument. Imposition of NABERS commitment is a detailed design matter and more appropriate for application in DCP as per current application requirement.</p> <p>No objections in principle to provision of environmentally sustainable outcome provided it is tested at DA stage, appropriately guided by DCP provisions, consistent with Council and NSW government policy position and accommodate merit based application</p> <p>NABERS provision to be reduced to 5.5 star is requested and adopted in site-specific DCP.</p> <p>The provision relating to the installation of a 14kWp photovoltaic system on the roof cannot be achieved given the roof area is constrained due to area dedicated to mechanical plant and landscaped terrace area.</p>	<p>remain, to help the refurbished building generate a substantial portion of its energy requirements onsite and to assist with achieving a 5.5 star NABERS rating.</p>
	<p><b>Site-specific provision to existing building.</b> Site specific provision to enable alteration and addition to existing building is supported. However, there concerns over rigidity of provision as it only applied to existing building and not a new building as per the drafting instructions. Existing building exceeds current development standards and Planning Proposal rectifies the existing anomaly. Provision would not enable building to be replaced in the event of unforeseen circumstance such as fire. Site specific provision should not be limited to existing building and allow flexibility for proposed standard to apply in event of unforeseen circumstances in the future.</p>	<p>The Planning Proposal and draft DCP have been prepared on the basis of the retention of parts of the existing structure rather than a new building. Consideration of a new building would be approached slightly differently, particularly around built form and sustainability measures.</p> <p>No change is proposed to the draft controls.</p>