Attachment E

Summary of Submissions and Responses

Community Consultation Summary

The Planning Proposal and DCP amendment were placed on public exhibition from 17 December 2020 to 27 January 2021. The City sent letters to 37 local residents to notify them of the exhibition and it was also advertised via the City's Sydney Your Say webpage and in the Sydney Morning Herald. The same information was re-exhibited from 3 September to 1 October 2021 to allow more time for submissions.

The City received:

- 12 individual written submissions
- 3 submissions via Sydney Your Say
- 1 submission on behalf of the owner's corporation at 61-63 McLachlan Avenue
- 1 submission was also made by Alex Greenwich (MP) on behalf of his constituents in the local area.

The following table provides a summary of each issue raised and the City's response.

Summary of key matters raised in submission	City of Sydney officer's response
Floor Space Ratio (raised in **5** submissions)	
The proposed FSR of 3.75:1 is excessive compared with the 2:1 maximum that applies to the surrounding area, particularly when the existing building already exceeds the permitted FSR. This would be out of context and could encourage more of a transition between the commercial end of the street to the residential.	The proposed FSR reflects the built-to-boundary nature of the existing storage building on the site. The accompanying height and building envelope controls ensure that the resulting building form is in-keeping with this commercial end of Barcom Avenue. The transition in density between the commercial end of Barcom Avenue and the residential part is considered appropriate given the difference in character and built form associated with these two different land uses. The proposed additional FSR available on the site would be tied to specific, non-residential uses rather than a more general increase in the mapped FSR permitted on the site. Non-residential uses use floor space more efficiently so result in a smaller building form than a residential development of the same FSR.
Bulk and Scale (raised in **12** submissions)	
Regardless of upper level setbacks, the proposal will result in a large and bulky commercial building which will be too large for the street. The top additional floor seems excessive at 4.6m in height.	The proposed built form is considered to be appropriate for a commercial building typology and 4.6m is not unreasonable for a typical commercial floor height. It is in

Council has twice rejected proposals for an additional floor to the said premises, the justification seeming now to be that other bigger surrounding buildings have since been constructed. This proposal will then become a further precedent to increase height throughout the area. The existing 15m control allows for a stepping down from the BMW site to the terraces and respects the heritage items and conservation area opposite. The proposed 18m height is unacceptable as it will generate overshadowing, visual bulk and adverse streetscape and character impacts. There is a lack of clarity about how tall the building will actually be – the proponent's planning proposal documentation shows a concept design with a building 18.26m tall, which is over the stated 18m height limit.	keeping with the commercial uses adjoining the subject site. These proposals were submitted as Development Applications, which were to be assessed against current controls. The current proposal is to change those planning controls. The proposal is justified by the built form of the adjoining commercial sites and by the current LEP and DCP controls on those sites which allow for 18m/5 storeys. It is considered that this Planning Proposal is in-keeping with this accepted scale. The proposal is unlikely to become a precedent for further increases in the rest of the street because of the difference in use between this commercial end of Barcom Avenue and the residential typology of the remainder. The proposed additional height available on the site would be tied to specific, non-residential uses rather than a more general increase in the mapped height permitted on the site. Comments received from the Office of Environment and Heritage point out that the scale of the proposal is acceptable, noting that there would be no additional overshadowing of the nearby local heritage items or heritage conservation area. (The building to the immediate rear of the subject site is not a heritage listed building, as questioned in one submission.) The proposed 18m height controls would be specified in the LEP if amended. The diagrams presented by the proponent are only indicative designs. Setback requirements in the DCP from the front, side and rear boundaries at upper levels will provide an appropriate transition in scale from the site to neighbours. Amendments to the DCP following exhibition to specify RLs for the third and fourth storeys will further limit the proposal's bulk.
<u>Overshadowing</u> (raised in **13** submissions)	
The accuracy of the overshadowing diagrams is disputed. They do not present	It is acknowledged that the overshadowing diagrams presented in the proponent's planning proposal documentation are small

the true nature of the overshadowing to which residents will be subjected. The analysis provided by the proponent provides an analysis for winter but should also be for other times of the year. Impacts to all windows should be considered, not just habitable windows. The proponent's planning report states that 2 hours of solar access is sufficient. This is an inadequate amount of sunlight. The proposal will create significant overshadowing to both habitable rooms and private open space to many, if not all, of the residences adjacent and opposite. Any properties that have windows facing the site will lose direct sun. Windows in the proposed upper floor will overlook private open space and balconies and could allow views into apartments and dwellings around the site.	and difficult to read. The proponents also only included hourly results in their report. It is standard practice to consider the overshadowing impact between 9am and 3pm in 15 minute increments. As a result, the City requested the solar access modelling from the proponent to further investigate the issues raised by the community. The subsequent 3D modelling provided by the proponent was checked by the City's modelling team to ensure accuracy of coordinates and alignments so that there would be confidence in the overshadowing renders generated from it. Solar access is measured at mid-winter because this is when the sun is lowest in the sky and therefore represents a 'worst case scenario' for overshadowing. The two-hour parameter is used within the Sydney Metropolitan Area as being a reasonable amount of winter sun given the density of development in an urban area. Considering the impact on "habitable" rooms differentiates between windows which serve lounge rooms compared with bathrooms for example, where access to sunlight is considered to be more important for the enjoyment of a property. The direction of shadow will fall towards the terraces on the same side of Barcom Ave as the subject site and towards the properties to the rear of the subject site. The shadow is not cast to the opposite side of Barcom Avenue or to Womerah Avenue. The updated overshadowing testing shows that limitations placed on the extent and height of the overall building envelope can manage the overshadowing impact for all neighbours, creating no additional overshadowing. These setback and height limitations have been included in the DCP following exhibition. Any overshadowing to neighbours can also be further assessed and managed at Development Application stage under existing Sydney DCP 2012 controls along with an amendment to the planning proposal to require overshadowing to be addressed before awarding additional FSR. This issue is considered in further detail in the body of the report.

Loss of Privacy (raised in **4** submissions)	
Windows in the proposed upper floor will overlook private open space and balconies and could allow views into apartments and dwellings around the site.	Given that the planning proposal is currently only an indicative development scheme within a proposed building envelope, this would be an issue that would be analysed and addressed at Development Application stage under existing planning controls that protect privacy. Nevertheless, the DCP has been amended post-exhibition to require suitable screening of windows and to restrict the use of the roof of the third storey, preventing its use as a terrace.
Traffic and Parking (raised in **15** submissions)	
The proposal will increase traffic and put additional pressure on parking in an already congested residential area, due in part to the existing storage facility. McLachlan Avenue already faces gridlock at peak time due to the use of the pedestrian lights at the western pedestrian crossing on New South Head Road. Additional traffic may also impact on pedestrian safety. There has been no analysis of the availability of street parking in Barcom Avenue and its surrounds. A lack of on-site parking will increase competition for parking spaces between residential and commercial uses. Parking has already been impacted by the new BMW showroom near the site. The development is not sufficiently close to public transport to justify no additional parking. The street is not accessible to people of all abilities and there is no cycle lane in the street.	In response to submissions, the proponent has updated their traffic and transport study. The analysis demonstrates the expected dominant travel modes for those accessing the site are walking, train and bus. Limited additional vehicle trips to and from the site are expected, with consequently limited impact on the road network and road and pedestrian safety. This is discussed in more detail in the body of the main report. The proposal for no additional on-site parking is in line with the City's sustainable transport policy objectives and current LEP/DCP controls. On-site car parking at an origin and destination creates a significant incentive for car use. Conversely, restricting on-site car parking plays a major role in achieving alternative and sustainable (walking, cycling and public transport) transport goals. Barcom Avenue and its surrounds are signposted with time-restricted parking (with permit holders exempted). This is not compatible with the longer term parking usually required by office staff (unlike the shorter visits often associated with car showrooms). The site is considered to be in a highly accessible city-fringe location, within

	walking distance of many services and public transport routes.
<u>Strategic Justification/Impact of Covid</u> (raised in **5** submissions)	
The justification for considering the proposal is not considered to be enough to justify such an increase, particularly as there does not appear to be a critical need for office space. Sydney CBD is experiencing high office vacancy rates due to the current pandemic. It is questioned whether this is an appropriate use in a residential street. The proposal lacks strategic merits given that one of the strategic justifications – the NABERS energy outcome – has been removed from the Planning Proposal.	The City of Sydney Local Strategic Planning Statement identifies the need for more non-residential floor space, in diverse forms, to achieve our 2036 target for 200,000 additional jobs. The long-term impacts of COVID-19 are not yet understood. While there will almost certainly be a change to the way some businesses and their employees work, it is considered that out of centre employment space will still be in demand over time. Those currently working from home may look for increasingly flexible, dedicated work space and facilities close to home to address some of the challenges of working in a home environment. Whilst the Gateway Determination required the proposed 6 star NABERS Energy Commitment Agreement to be removed from the Planning Proposal, this was in recognition that the requirement was covered in the draft DCP amendment for the site. The proponents have also undertaken further analysis, with ARUP consultants, to interrogate and ultimately demonstrate the ability of the proposal to enable the site to meet this sustainable energy outcome. This addresses key strategic aims for the City and the region to reduce carbon emissions and manage energy more sustainably.