Attachment A

Summary of Submissions

Contents

Resident submissions relating to the northern opportunity sites 1
Matters raised in submissions (not northern opportunity sites) 22
Submissions on behalf of landowners in Botany Road precinct 42

Resident submissions relating to the northern opportunity sites

The table below provides a summary of submissions received specifically in relation to the northern opportunity sites. Submissions relating to the rest of the precinct are addressed later in this attachment.

64 submissions relate to opportunity sites in the northern part of the precinct, including:

- 32 Rosehill Street, Redfern
- 44-78 Rosehill Street, Redfern
- 80-88 Rosehill Street (5 terraces to south of 44-78 Rosehill Street)
- 15-29 Cornwallis Street
- 31-41 Cornwallis Street
- 1 Margaret Street
- 39-61 Gibbons Street

Summary of key matters raised in submissions	Officer's response
General support/opposition	
50 of the submissions received regarding the northern opportunity sites were in objection to the proposed controls. 3 of the submissions received were from developers in the precinct or their investors who were in support of the proposed controls. Council also received 11 submissions from residents or owners of units in 37-61 Gibbons Street, Redfern who supported the proposed planning controls.	As a result of consideration of submissions and the lack of support for the existing residential buildings to take advantage of the proposed planning controls, this report recommends the publicly exhibited incentive planning controls for the northern opportunity sites be removed from the planning proposal and the current planning controls for those sites remain in place.
Residents were not notified of the preliminary consultation	
8 submissions said they weren't notified during the preliminary consultation in August and September 2020. They expressed it was unfair that residents of the northern opportunity sites were not provided an opportunity to have their say during the preliminary consultation. In addition, residents expressed suspicion that their sites were not notified during preliminary consultation but were one of select	From 13 August – 4 September 2020, the City undertook preliminary consultation on the Botany Road Precinct. The primary goal of the consultation was to understand the community's priorities for the future of the Botany Road precinct. Council intended to notify everyone in the study area by letter that Council was undertaking

Summary of key matters raised in submissions	Officer's response
opportunity sites included in the planning proposal.	preliminary community consultation regarding the Botany Road Precinct. A mistake was made when organising the letter drop and some residents may not have received the letter. In particular, residents on Cornwallis and Rosehill Streets in the northern opportunity sites likely did not receive the preliminary consultation notification letter. It is unfortunate that the error was made and that some residents were not notified of the preliminary consultation. The consultation was not a statutory requirement, but rather an opportunity for Council to hear from residents regarding their future aspirations for the area. The preliminary consultation survey asked for high level feedback to guide the preparation of the planning proposal, it was not a consultation on specific development outcomes. A summary of the results of the preliminary consultation survey was published on the Council's website during public exhibition of the Botany Road Precinct draft planning controls. The public exhibition of the planning proposal and draft DCP in November and December 2021 was the opportunity for residents and landowners to provide input to the draft planning controls. The public exhibition is a statutory requirement at this stage of the review process and provides the community the opportunity to respond specifically to draft planning controls.
Confusion regarding previous site-specific planning proposal for 44-78 Rosehill Street	
10 submissions raised confusion and concerns about process in relation to the inclusion of 44-78 Rosehill Street as an opportunity site in the Botany Road Precinct planning proposal after a site-specific planning proposal for the site was refused by Council and the Independent Planning Commission in 2019. Residents did not understand why Council would oppose a site-specific planning proposal on the site and then later consider it suitable for development.	In September 2018, the Central Sydney Planning Committee (CSPC) and Council refused a site-specific planning proposal for 44-78 Rosehill Street. The planning proposal was to increase the maximum floor space ratio from 2:1 to 10.4:1 and to increase the maximum building height from 18m to 99.6m. The reference design submitted to accompany the planning proposal showed two residential towers on the site of 30 and 18 storeys respectively.

Summary of key matters raised in submissions	Officer's response
	Following the assessment of the planning proposal request, City staff wrote a report to Council in September 2018 stating that planning proposal failed the strategic and site specific merit tests and that changes for the site should be considered as part of a broader strategic review. A key reason that the planning proposal failed the strategic merit test was that the planning proposal sought to enable residential development on the site which lies within the Innovation Corridor, an area intended for employment growth and innovation industries. Strategic work for the Botany Road Precinct was already underway by the Department of Planning and Environment in the form of the Land Use and Infrastructure Implementation Plan (LUIIP). The 2018 Council report stated that changing the planning controls for just the site would be premature because of the strategic planning work underway. At no time did the City say that the site was unsuitable for investigation into new planning controls. Following a rezoning review request, in March 2019, the Independent Planning Commission (IPC) determined that the planning proposal for 44-78 Rosehill Street, Redfern was not suitable for Gateway Determination (i.e. that it should not proceed). The IPC found that within the context of the strategic work underway in the Redfern-Waterloo area, the site-specific planning proposal for residential development lacked strategic merit. While site-specific matters were also considered by the IPC at that time, those matters focused on the suitability of the site for residential towers proposed at 18 and 30 storeys, not whether the site and surrounding area could be investigated as part of a future strategic review. It is of note that the Apartment Design Guide (ADG) which applies to residential apartment buildings does not also apply to commercial development, and thus many of the standards and issues raised in Council's assessment of the 2018 planning proposal for 44-78 Rosehill Street

Summary of key matters raised in submissions	Officer's response
	do not apply to a commercial development on that site.
Process and transparency	
In addition to the concern about 44-78 Rosehill Street, 10 submissions also raised concern regarding process, transparency and the inclusion of existing residential buildings on Rosehill and Cornwallis Street as opportunity sites. Some residents raised concerns that Council had included these sites in the planning proposal because of pressure from developers or because Council would profit from development in some way.	In 2017, the Department of Planning and Environment began preparation of the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). In 2019, the Department of Planning and Environment transferred the strategic review of the Precinct to the City. The City's review is based on the original LUIIP brief, including the general boundaries of the study area, which included the northern opportunity sites. The northern opportunity sites were therefore included within the boundaries of the study area provided to the City's urban design consultants. An action to investigate planning changes in the Precinct to contribute to the Innovation Corridor with a boundary of the Precinct are included in the City's Local Strategic Planning Statement. The Statement was exhibited in 2019 and adopted by Council in 2020. From August to December 2020, Urban Design consultants Tonkin Zulaikha Greer (TZG) prepared an Urban Design Report to inform the preparation of the Botany Road Precinct planning proposal. The TZG urban design analysis had a focus on public domain improvements, heritage conservation, protection of sun access and maximising commercial floor space capacity. The urban design analysis tested several urban design options for groupings of sites across the precinct. The recommendations of the report included new planning controls incentivising commercial development for large sites across the precinct, including 44-78 Rosehill Street, 31-41 Cornwallis Street and 15-29 Cornwallis Street. In March 2021, staff presented to the Planning Control Update working group (working group), which comprised councillors and NSW Government Central Sydney Planning

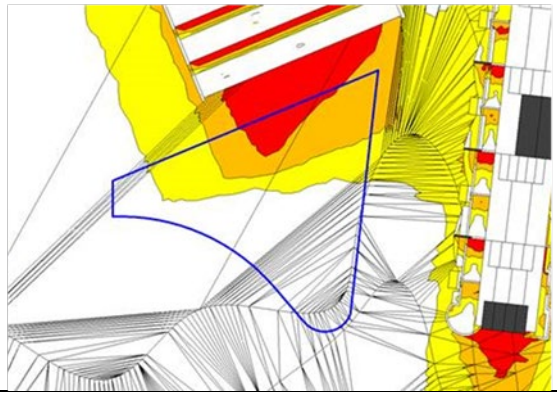
Summary of key matters raised in submissions	Officer's response
	Committee representatives from the Department of Planning Industry and Environment and Government Architect NSW. Council officers considered comments from the working group and undertook additional urban design and heritage analysis. The results of the additional analysis are contained within the Botany Road Precinct Supplementary Urban Design Report. As a result of the additional urban design and heritage analysis, additional sites were included within the planning proposal in order to spread the opportunity across the precinct and achieve additional permeability and connectivity through the precinct. Some of the additional sites identified at this stage for inclusion in the planning proposal were 32 Rosehill Street, 39-61 Gibbons Street and 1 Margaret Street, Redfern. Following the preliminary consultation in August and September 2020, the owners of 44-78 Rosehill Street approached the City, seeking to submit a planning proposal for their site, which they are permitted to do under planning legislation. City staff met with the owners and received documentation they had prepared which related to their site. City staff asked the owner of 44-78 Rosehill Street to consider deferring their request for a planning proposal for the site as the site was being considered in the Botany Road Precinct strategic review. Council has not received an offer of a voluntary planning agreement from any developer in the Botany Road Precinct. City staff undertook analysis to explore the potential for the sites in the north of the precinct, within the context of the broader strategic review for the precinct and independent of any owners' aspirations for their site.
Some submissions questioned why Council would refuse a development application for an eight-storey boarding house at 15-31 Cornwallis Street in 2019, and then later propose that changing the planning controls to permit 16 storeys on the site.	In September 2018, a development application was submitted for a 6-storey boarding house at 15-29 Cornwallis Street. In September 2019, Council issues a refusal notice of determination of the development application citing a range of reasons for refusal.

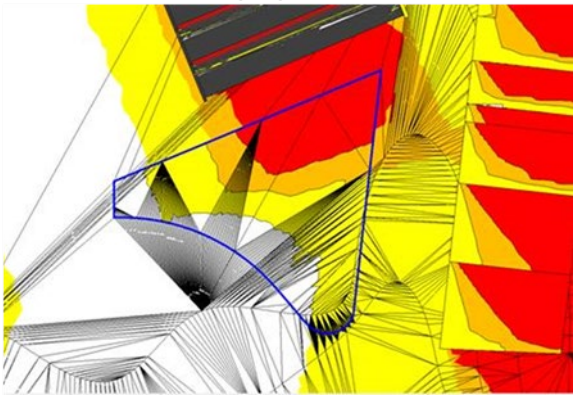
Summary of key matters raised in submissions	Officer's response
	A development application is assessed against the current planning controls which are in force at the time that an application is lodged. This is different to the process of a strategic review which analyses the constraints and opportunities of an area, including the future vision and drivers for growth, and proposes new planning controls to guide future development. The strategic review of the Precinct responds to the City's Local Strategic Planning Statement (planning statement). The planning statement identified the Precinct is an opportunity to grow the Camperdown-Ultimo Health and Education Precinct and link to the future Waterloo Metro station. The Precinct has the potential for private sector business and investment to leverage off and support the offering of ATP. The City has undertaken the strategic review of the Precinct to identify how it can contribute to employment growth in line with City and NSW Government strategies while also improving connectivity and the public domain. This strategic review has included the creation of a planning proposal and draft DCP which proposed new planning controls to help create additional capacity for commercial and other enterprise uses.
Several submissions questioned why the streets named on the public exhibition letter did not include Rosehill and Cornwallis Streets given those streets contain opportunity sites and are affected by the planning proposal.	The public exhibition letter was sent to all residents of the Precinct and those living adjacent to the Precinct. Not all streets could be listed in the letter and so only main streets, including Botany Road, Wyndham Street and Gibbons Street were listed. The letter invited residents to view the planning proposal on the website to view more detail and have their say. The Sydney Your Say webpage included a map of the Precinct to illustrate which streets were included within the Precinct.
Displacement and loss of community	
15 submissions raised concerns that the proposed controls would encourage developers to purchase their apartment block and that development would displace the existing residents and the existing community.	The intention of the planning proposal is to incentivise commercial development and help cater to the projected increase in demand for business floor space within the Redfern-Waterloo area and meet the objectives of state

Summary of key matters raised in submissions	Officer's response
Residents are concerned they will be forced out of their properties and their buildings be slated for demolition. Residents expressed that they live in a tight-knit community, they love where they live, that their existing buildings are good quality and that they do not want change around them.	and local strategic plans. The additional height and floor space on some residential sites is intended to encourage their renewal for commercial uses. The northern opportunity sites were identified due to their strategic location next to the ATP and Redfern Station, their land size, and the presence of underdeveloped commercial sites within the precinct which would likely provide a catalyst for transformation and development in that area. Council cannot force any landowners to sell their properties. A strata renewal plan under the Strata Schemes Development Act 2015 (NSW) (SSD Act) only allows a collective sale or redevelopment of a strata scheme to proceed if at least 75 per cent of lot owners (other than utility lots) in the scheme support a strata renewal plan for redevelopment. However, by providing additional height and floor space under the planning proposal, existing owners were also provided with the opportunity to benefit from the transformation of the area to a commercial precinct. The City has recognised the lack of support to renew the existing residential buildings that are part of the northern opportunity sites and recommends removing the northern opportunity sites from the planning proposal.
Acid sulfate soils and construction concerns	
2 submissions raised concern that 44-78 Rosehill Street sits on Class 5 acid sulphate soils, which make the site only suitable for development of 6 storeys. Concern was raised that buttressing on 44-78 Rosehill Street, as part of the construction process, would negatively impact the water table which may lead to flooding and/or subsidence of surrounding residential buildings.	The entirety of the Precinct sits on Class 5 acid sulfate soils. Clause 7.14 Acid Sulfate Soils in the SLEP 2012 guides development on land identified as containing acid sulphate soils and aims to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Class 5 acid sulfate soils do not preclude development. Generally, if a site contains acid sulphate soils, then development consent is required for works which involve excavation and could disturb Acid Sulfate Soils. Detailed matters relating to managing excavation and construction

Summary of key matters raised in submissions	Officer's response
	processes are dealt with during the development application stage.
Heritage	
1 submission raised concern regarding the impact on St Luke's Presbyterian Church, a heritage item located at 118 Regent Street. The submissions raised concern regarding the proposed height at 1 Margaret St and 37-61 Gibbons Street on the historic significance and prominence of the building in the context of the Regent Street streetscape and the Redfern township. The submission requested that the exhibited building heights on Gibbons Street be lowered.	The church at 118 Regent Street sits within a mixed and changing context. To the north along Regent Street, the Redfern Waterloo Authority lands permit a significant level of change, with development at varying stages of progress. The proposed planning controls would permit buildings up to 16 commercial storeys to 1 Margaret Street and 37-61 Gibbons Street, to the west of the church across William Lane. The proposed planning controls also extend the Redfern Estate HCA onto Regent Street, retaining the existing 2-3 storey character on Regent Street to the east and the south of the church. The Botany Road Precinct is a highly strategic location with the opportunity to contribute towards the City's employment and affordable housing targets. The proposed controls took a balanced approach, conserving the existing low density main street character of Regent Street, and incentivising commercial and affordable housing on selected sites. The exhibited planning proposal introduced additional building height only to west of the church; development to the south and east of the church will be limited. Council's Heritage Specialist has reviewed the proposed controls and advised that overall, the heritage significance of the church will not be adversely impacted by the proposed controls.
12 submissions raised concern regarding the impact of the proposed building heights on the heritage buildings at the ATP. Submissions stated that the existing scale of the apartment buildings on Cornwallis Street are consistent with the heritage scale of the Eveleigh Railway Workshops and the proposed building heights are not.	NSW Heritage reviewed the exhibited planning proposal and draft DCP and did not raise any objection to the proposed controls. The Eveleigh Railway Workshops (also known as South Eveleigh or the Australian Technology Park) is listed as a State heritage item. The Eveleigh Railway Yards are some of the finest historic railway engineering workshops in the world and Eveleigh contains one of the most complete late 19th century and early 20th century forge installations, collection of cranes

Summary of key matters raised in submissions	Officer's response
	and power systems, in particular the hydraulic system. Council's Heritage Specialist has reviewed the planning proposal and advised that the eastern side of Cornwallis Street has a very different character to the Eveleigh Railway Workshops. As the two sides of the street have a very different character, the scale development on the eastern side of Cornwallis Street does not impact the heritage significance of the Eveleigh Railway Workshops. The Eveleigh Railway Workshops is significant as a complex of late 19th century and early 20th century railway workshops, equipment and the spaces in between. The areas surrounding the Eveleigh Railway Workshops have always been very different in character. Historically they were likely low scale residential development and more recently medium scale apartment development. More recently, the ATP has been developed as the South Eveleigh precinct with new buildings in the order of 10 storeys and in form, scale and uses similar to that proposed throughout the Botany Road precinct. The exhibited planning controls for increased height on Cornwallis, Margaret and Rosehill Streets will have no impact on the heritage significance of the ATP as a complex. Council is recommending the proposed incentive height and FSRs for the northern opportunity sites be removed from the planning proposal. This will retain the existing planning controls on the northern opportunity site and maintain the existing relationship between the buildings on the eastern side of Cornwallis Street and the Eveleigh Railway Workshops.
Overshadowing impact on nearby open space	
14 submissions raised concern about the proposed height of buildings overshadowing nearby open spaces including Gibbons Street reserve and the recently finished Indigenous	The Indigenous cultural landscape garden is approximately 1200m2 and sits in the Australian Technology Park, at the corner of Cornwallis Street and Boundary Street.

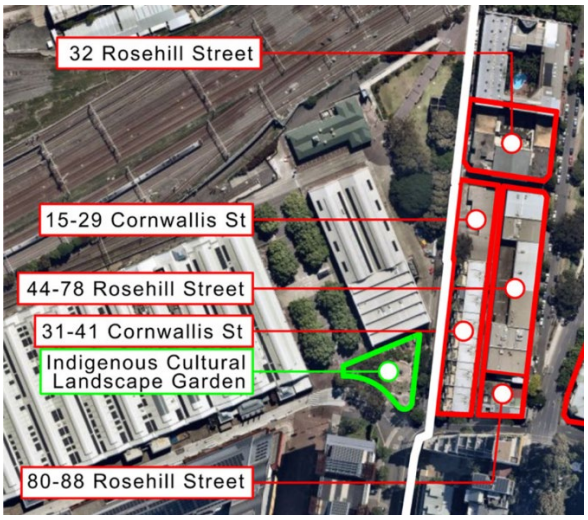
Summary of key matters raised in submissions	Officer's response
cultural landscape garden in the Australian Technology Park.	While the Indigenous landscape cultural garden at the Australian Technology Park is not in public ownership, a restrictive covenant applies to the parcel of land, which requires that the space be retained for public access. The restrictive covenant provides certainty that the garden cannot be replaced by development in the future, and therefore the solar impact to the garden should be considered. The indigenous landscape cultural garden contains a range of indigenous plants, trees and seating areas. The City is aware that plants and trees require a minimum 2 hours of sunlight in midwinter in order to maintain plant health. Solar testing of the exhibited controls shows that the exhibited planning controls for Cornwallis and Rosehill Streets will overshadow the garden only in the morning in midwinter, with the solar impacts ending at 11am. The figure below demonstrates the impact of the proposed controls on the solar access of the garden. Areas coloured white receive over 4 hours of sun and areas coloured yellow receive over 2 hours of sun in midwinter. As demonstrated, the bulk of the garden would still receive between 2-4 hours of sunlight in midwinter, which is sufficient for healthy plant and tree growth. Existing solar access 

Summary of key matters raised in submissions	Officer's response
	Solar access with proposed controls  Detailed solar testing of the impact of the proposed controls on Gibbons Street Reserve shows that the buildings on Rosehill Street will only cast shadows onto Gibbons Street Reserve from 1pm onwards in midwinter. Due to the height of the existing buildings on Rosehill Street, the increased overshadowing of Gibbons Street Reserve is marginal. The Reserve will continue to receive 4 hours of sun to more than 50% of its area in midwinter, which is the amount required to maintain healthy lawn growth. While the proposed controls would retain an acceptable level of solar access to the garden and the Reserve, the concerns of the community are noted, and it is agreed that any new planning controls in proximity of the garden or the Reserve should aim to minimise overshadowing of those open spaces.
Impact of train tunnel underneath sites	
Two submissions raised concern that certain northern opportunity sites would be 'undevelopable' due to the railway tunnel lying underneath the sites.	While some of the opportunity sites do sit underneath railway tunnels and are affected by the Transport and Infrastructure State Environmental Planning Policy (Infrastructure SEPP). The relevant provisions of the Infrastructure SEPP require that Council seek concurrence from Transport for NSW at development application stage to ensure that any development does not compromise the operations or safety of the train tunnels. The presence of a railway tunnel underneath the building does not preclude additional development on the site.
Height and scale	

Summary of key matters raised in submissions	Officer's response
20 submissions raised concerns that the height and scale of the proposed controls would permit development that was incompatible with the existing character of the area. Concern was raised regarding compatibility of the proposed building heights with the existing strata residential buildings on Rosehill and Cornwallis Streets. Submissions raised concern regarding the visual bulk of the proposed development when viewed from existing residential buildings as well as from public places.	The northern opportunity sites are located in a highly valuable strategic context adjoining the ATP, Redfern Station, Regent Street, and the RWA lands. They sit within the Camperdown-Ultimo Health and Education Precinct and the Innovation Corridor. The proposed building heights reflect the strategic location and the new vision for the Precinct as an area focused on employment growth. The northern opportunity sites were all envisioned to redevelop and together form a new commercial hub which adjoined and supported the ATP. Incentive heights and FSRs were proposed for all the northern opportunity sites, to provide an equitable opportunity for all existing landowners, residential and commercial, to benefit from the proposed change in character for the northern opportunity sites. The relationship between the northern opportunity sites and surrounding development was carefully considered, with heights of the northern opportunity sites transitioning down to 6 stories to protect solar access to Daniel Dawson Reserve and provide a visual transition towards surrounding sites in the Precinct that were not identified as opportunity sites. Despite the vision for the Precinct outlined in the planning proposal, the vast majority of resident submissions stated that they wish to stay in their existing residential buildings. This indicates that the northern opportunity sites will likely not comprehensively redevelop into a commercial hub. The northern opportunity sites are therefore recommended to be removed from the planning proposal.
Amenity impacts	
52 submissions raised concern about impacts on the amenity of existing strata residential units from the proposed planning controls. These amenity concerns included: • solar access to apartments and private open space;	The northern opportunity sites were all identified for additional capacity to collectively form a new commercial hub. The collective transformation of the sites enables a less restrictive amenity approach based on the future commercial development and existing

Summary of key matters raised in submissions	Officer's response
• access to daylight and views to the sky; • visual and acoustic privacy; • wind; and • separation. Residents raised concern that a loss of sunlight and privacy would impact their mental and emotional wellbeing. Most submissions raised concern about impacts from a development at 44-78 Rosehill Street in particular.	owners to realise the benefits of redevelopment. However, public exhibition demonstrated that a significant proportion of existing residents do not want to renew their strata and redevelop their sites and therefore Council needs to take a different view of the amenity impacts. Section 4.2.9 Non-residential development in the B4 Mixed Uses zone of the DCP contains the relevant planning controls which would apply to commercial development on the northern opportunity sites. The DCP requires Council to consider and address a range of amenity impacts when assessing a development application, including privacy, overlooking and overshadowing. When assessing a development application, a merit assessment of these matters would be undertaken. While the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG) do not apply to commercial development, in lieu of specific numerical standards, Council typically makes reference to ADG design criteria to assess appropriate levels of solar access, separation and privacy for apartments that are affected by development. The relevant ADG design criteria for solar access is that at least 70% of apartments should receive at least 2 hours of sun to their living spaces and the balconies off living spaces in midwinter. If a residential apartment building does not currently meet the minimum solar access requirement, then future development must not reduce the number of apartments which currently receive the minimum 2 hours of solar access in midwinter. This means that apartments that receive more than 2 hours of sun may have these hours reduced to 2 hours but no less. Apartments that receive less than 2 hours may have their sun reduced but not so as they receive no sun. Submissions showed the northern opportunity sites are unlikely to wholly renew as a

Summary of key matters raised in submissions	Officer's response
	commercial precinct. Sites that develop for commercial uses are likely to have an unacceptable amenity impact on neighbouring residential buildings which do not develop. The northern opportunity sites are therefore recommended to be removed from the planning proposal.
Wind impacts	
13 submissions raised concern regarding wind impacts arising from the proposed planning controls. Submissions stated that the area already suffers from high winds and residents were concerned that additional development would worsen the wind conditions.	Documentation provided by the landowner of 44-78 Rosehill Street demonstrated that the wind impacts arising from the proposed planning controls can be managed to ensure comfortable wind conditions in the public domain. The draft DCP included built form requirements including setbacks and a 2-storey wind break through longer buildings to manage wind impacts in the public domain. If these planning controls were to proceed, detailed wind testing would be required at concept development application stage to ensure that a building envelope is only approved if it does not result in uncomfortable or unsafe wind conditions.
Amenity impacts on 31-41 Cornwallis Street and 32 Rosehill Street	
50 submissions raised concern about amenity impacts on the existing residential buildings at 31-41 Cornwallis Street or 32 Rosehill Street.	Regarding solar access, the apartments at 31-41 Cornwallis Streeteach have outlook both to Cornwallis Street and Cornwallis Lane. Units have their living rooms and living room balconies facing Cornwallis Street. The majority of the rooms, balconies and courtyards that face Cornwallis Lane are bedrooms and secondary private open spaces. The ADG goes not set a standard in regard to solar access of these rooms, balconies and courtyards. The apartments at 32 Rosehill Street which would be impacted by development at 15-29 Cornwallis Street and 44-78 Rosehill Street are south facing, which means they do not currently receive solar access (i.e. direct sunlight) in midwinter. While solar access in midwinter is a design criteria within the ADG, access to

Summary of key matters raised in submissions	Officer's response
	daylight generally is not protected by a numerical criteria. Regarding visual privacy and separation, Cornwallis Lane and Margaret Street are narrow, at approximately 3m and 6m wide respectively. The figure below shows the footprint of the existing buildings at 44-78 Rosehill Street, 31-41 Cornwallis Street and 32 Rosehill Street.  The existing building at 44-78 Rosehill Street is two storeys in height and commercial in nature. It is built to its northern boundary and part of the building is built to its western boundary, while other parts of the building have an approximately 8m western setback. The existing levels of separation for units at 31-41 Cornwallis Street varies depending on where in the building the apartments are located. The current controls for 44-78 Rosehill Street permit an 18m building 4 storeys high. It is noted that the existing residential building at 31-41 Cornwallis Street is built with balconies and bedroom windows less than 3m from its eastern boundary. It is also noted that 32 Rosehill Street is built with a nil setback to Margaret Street. The ADG establishes setback distances between windows and side boundaries to ensure visual privacy but does not establish separation distances between buildings on different sites or

Summary of key matters raised in submissions	Officer's response
	across streets. Specifically, the ADG does not establish a numerical requirement for setbacks from streets or lanes, however best practice is to use the nominated side boundary visual privacy setbacks and to consider them from the centreline of surrounding streets. In this situation, neither of these buildings comply with the setback distances in the ADG considered in this way. The visual privacy concerns raised by residents could be addressed in a future development of 44-78 Rosehill Street by the combined use of setbacks, walls without windows, and privacy treatments to windows such as opaque glass or external fixed screens. For example, Council could require that development on 44-78 Rosehill Street comply with the ADG visual privacy requirements between habitable rooms and a blank wall or window treated so as not to create a visual privacy impact which would require a minimum distance of 6m between their building and any window or balcony at 31-41 Cornwallis Street. Requirements for privacy treatments could limit direct overlooking from a development on 44-78 Rosehill Street on both 31-41 Cornwallis Street and 32 Rosehill Street.
Amenity impacts on 39-61 Gibbons Street	
Two of the submissions regarding amenity impacts were from residents of 37-61 Gibbons Street, Redfern who are concerned about loss of sunlight to their apartments and balconies.	Detailed solar analysis found that due to its orientation and design, the existing strata residential block at 39-61 Gibbons Street does not meet current ADG requirements for solar access of residential apartment buildings. When a building does not meet the ADG standard for minimum levels of solar access, then any new development must not reduce the number of apartments which currently receive the minimum 2 hours of solar access in midwinter. In a situation where the existing building is expected to remain, then the number of apartments receiving 2 hours of solar access must not be reduced. This means that no apartments which currently receive 2 hours of

Summary of key matters raised in submissions	Officer's response
	sunlight in midwinter should have less than 2 hours of sunlight as a result of a change to planning controls on surrounding sites. Critically, the need to retain solar access to four ground floor apartments on Gibbons Street significantly limits the height of development on 44-78 Rosehill Street. Following consideration of submissions, Council engaged in discussions with the landowners of 44-78 Rosehill Street and 15-29 Cornwallis Street to discuss ways to reduce the solar impact on the apartments at 39-61 Gibbons Street and address other amenity and privacy issues.
Submissions in support of the planning proposal from 39-61 Gibbons Street	
11 residents and unit owners from 39-61 Gibbons Street supported the draft planning controls as they apply to their site. Submitters recognise the changing character of the area, see their site as appropriate for redevelopment and would like Council to retain their building as an opportunity site. 5 of these submitters are concerned that their building will be left surrounded by tall buildings, suffer amenity impacts and a loss of property value from those buildings yet be unable to redevelop themselves. Several residents expressed concern that Council would make a significant change to the exhibited planning controls by removing proposed additional development potential without notifying affected residents.	At their request, Council staff met with members of the strata committee of 37-61 Gibbons Street to explain the process involved in preparing the planning proposal, the feedback we had received during public exhibition, and the response options that staff were considering.
Submissions from landowners in support of the planning proposal	
Council received submissions on behalf of the landowners of 15-29 Cornwallis Street and 44-78 Rosehill Street and the investors of 44-78 Rosehill Street. The original submission on behalf of the landowner of 15-31 Cornwallis Street was supportive of the planning proposal. The landowner sought an amendment to the draft DCP to include site-specific provisions for their site, in order that a development application on the site not need to submit a concept DA, and could instead submit just a detailed DA.	Given the objections raised in submissions, Council staff notified the landowners of 44-78 Rosehill Street and 15-29 Cornwallis Street that the City had received a number of submissions objecting to the inclusion of the northern opportunity sites in the planning proposal, and that the City was considering changes to the publicly exhibited planning controls. Council staff advised the landowners of the issues raised in submissions, and that staff were considering options for how to respond to the submissions.

Summary of key matters raised in submissions	Officer's response
The original submission on behalf of the landowner of 44-78 Rosehill Street was supportive of the planning proposal. The landowner sought an amendment to the exhibited planning proposal to enable additional floor space on the site and an amendment to the draft DCP to remove the requirement for a 2-storey wind break on the site.	
Kippax, the landowner of 44-78 Rosehill Street, strongly objected to any reduction in the exhibited controls, noting their vision for a sustainable commercial building at 44-78 Rosehill Street and significant public domain improvements is in alignment with the City's vision for the Botany Road Precinct. Kippax submitted additional information, stating: • They have worked with Council staff to understand Council's vision for the Botany Road Precinct and resolve issues on the site such as wind, articulation and solar access to Daniel Dawson Reserve. • Any reduction in the exhibited planning controls for their site would make the project unviable for them. • The site is strategically located and is one of only a few large commercial development sites within the Precinct which can help contribute towards Council's vision for a vibrant commercial precinct that strengthens the Innovation Corridor. • The proposal would deliver significant social benefits, including a publicly accessible 'Town Hall' auditorium space, tree planting in the public domain and a 6-star Green Star hybrid timber building. The ground floor apartments of 37-61 Gibbons Street currently use bamboo screening on the Gibbons Street frontage to improve their visual privacy, voluntarily blocking out their solar access. Kippax worked with Council staff to find a solution to the issues raised following public exhibition, submitting several built form options for Council's consideration, including:	The strategic attributes of the site are acknowledged however there are other sites in the Precinct which can contribute to Council's objectives. The City has analysed the additional information and alternatives submitted. However, the height of building of 44-78 Rosehill Street could not be increased beyond the current control, except for a small section at the southernmost end of the land, while preserving the solar access of all apartments at 39-61 Gibbons Street which currently receive the minimum 2 hours of sun in midwinter.

Summary of key matters raised in submissions	Officer's response
• Increasing western boundary setbacks, blank walls, privacy treatments to the north and western facades and landscaping of Cornwallis Lane in order to address concerns regarding separation and visual and acoustic privacy. • Creating a bevelled edge to the north eastern corner of the building on the upper floors, to preserve solar access to west-facing units at 39-61 Gibbons Street. The bevelled edge would preserve 2 hours of solar access to units on levels 1-3, however the four ground floor units which currently receive more than 2 hours of sun in midwinter would still suffer a reduction in solar access to below 2 hours. • Reducing the proposed height of building on 44-78 Rosehill Street to a maximum of 11 storeys to preserve 2 hours of solar access to west-facing units at 39-61 Gibbons Street. This option would preserve solar access to units on levels 1-3, however the four ground floor units which currently receive more than 2 hours of sun in midwinter would still suffer a reduction in solar access to below 2 hours. • Testing the impact of the exhibited planning controls on solar access of the Indigenous landscape cultural garden at the ATP.	
The landowner of 15-29 Cornwallis Street also strongly objected to any reduction in the exhibited planning controls for their site. The landowners of 15-29 Cornwallis Street undertook additional solar testing and submitted additional information, noting: • The proposed planning controls incentivise commercial development in appropriate locations to strengthen the economic and productive role of the Precinct and the wider Innovation Corridor. This results in overwhelming strategic merit, to deliver upon the objectives of the Botany Road Precinct, while also mitigating shadow and environmental impacts to surrounding properties where possible. • There is precedent within the SDCP 2012 for the City allowing additional overshadowing to residential apartments	Refer to above response

Summary of key matters raised in submissions	Officer's response
where there is overwhelming strategic merit, or an inability to reasonably reduce overshadowing impacts within a Planning Proposal. • Reducing the exhibited planning controls for 15-29 Cornwallis Street to 12 storeys would address the concerns raised in submissions and still allow the site to develop for commercial purposes in alignment with the vision for the Botany Road Precinct. While a 12 storey built form would reduce the solar access of the ground floor apartments at 37-61 Gibbons Street, it represents only a 5.5% reduction in the apartments which achieve the minimum 2 hours of sun in midwinter. • The actual existing solar access to the ground floor apartments is negligible. The shadows caused by existing high fences to the ground floor apartments of 35-61 Gibbons Street and existing landscaping to Gibbons Street Reserve and on Gibbons Street should be taken into consideration in a qualitative way. • A 12-storey form at 15-29 Cornwallis Street retains solar access to the Indigenous Landscape Cultural Garden to more than 2 hours for a minimum 50% area of the garden in mid-winter. • There are few large sites within the Botany Road Precinct that can deliver commercial office floor plates and contribute towards the City's vision for a vibrant commercial precinct. • To sterilise the precinct for commercial development to protect the already compromised solar amenity of these four ground floor apartments would in their view not be a balanced response to managing the public interest.	
Recommended removal of the northern opportunity sites from the planning proposal	
The overall feedback from resident submissions was an objection to the inclusion of residential buildings within the planning proposal and a request that all sites on Rosehill and Cornwallis Street be removed from the planning proposal.	Taking into consideration all of the submissions, this report recommends that the proposed incentive heights and FSRs be removed from all of the northern opportunity sites for the following reasons: • A number of submissions from residents raised substantial concerns about

Summary of key matters raised in submissions	Officer's response
	displacement and requesting the proposed controls be removed from their site, indicating a community that is committed to staying where they are. • The number of objections from residents living in the northern opportunity sites suggest that the existing strata residential buildings would likely not redevelop. • Development on Rosehill and Cornwallis Streets would cause a non-compliance for 37-61 Gibbons Street with respect to the minimum solar access design criteria of the ADG. While some supportive feedback was received from residents at 39-69 Gibbons Street, there were not enough submissions received to provide certainty that the apartment building would proceed through a strata renewal process and be replaced with a commercial building. • The planning proposal provided incentive planning controls to all the northern opportunity sites to establish a new commercial hub. However, if only the non-residential sites within the precinct take up the incentive planning controls, the amenity impacts onto existing residential buildings are significant and are not consistent with guidance in the ADG. In addition to removing the incentive height and FSR controls for all opportunity sites, the draft DCP will also be amended to remove controls relating to building height in storeys, setbacks and the site-specific controls for 44-78 Rosehill Street.

Matters raised in submissions (not northern opportunity sites)

Summary of key matters raised in submissions	Officer's response
Built form and character	
15 submissions have been received relating to the proposed increased building height and changing character of the precinct. Several submissions generally support development that will renew the area and facilitate commercial and affordable housing.	The built form controls seek to pursue development outcomes that are of a high design quality, environmentally responsive and responsive to the form of surrounding buildings. The impacts of the proposal have been subject to analysis and testing in the urban design study by TZG, with further testing in the supplementary urban design report prepared by the City. The urban design study and supplementary report were publicly exhibited with the planning proposal and draft DCP. The supplementary report details the considerations that guided the proposed planning controls, including: • delivering new business floor space in this highly valuable strategic location; • minimising solar impact to parks and surrounding residential development, including the proposed new dwellings on the Waterloo Estate; • ensuring that heights don't exceed that of existing development on Regent and Gibbons Street or the future Waterloo Metro over-station development; • maintaining a favourable relationship to Botany Road; • ensuring heights transition appropriately from areas of change to surrounding heritage conservation areas and adjoining heritage items; • ensuring affordable housing development can achieve sufficient solar access, even if the adjoining sites are developed for commercial use; • considering view corridors and minimising wind impacts; and • maintaining buildings and uses on Regent Street and Botany Road that contribute to the unique character of the Precinct.

Summary of key matters raised in submissions	Officer's response
Requests for additional height	
See the area as underutilised and suggest that the building heights proposed could be increased.	The proposed building heights were developed through built form modelling and options testing which took into consideration a range of factors, including: limiting building heights to the existing tall buildings on Regent and Gibbons Street; maintaining a good ratio between the width of Botany Road and the height of buildings on Botany Road; minimising shadowing impact on Alexandria Park; and minimising shadowing impact on surrounding residential areas.
Seek additional height opposite the Waterloo Metro station so that the two sides of the road are of a more even scale.	The heights of the over-station development the Waterloo Metro was determined by the NSW Government, not by Council. Increasing the proposed building heights in the Precinct would lead to increased shadowing impact on streets, Alexandria Park and surrounding residential areas. The proposed building heights are considered appropriate to the urban context and balances maintaining amenity and maximising commercial floor space.
Concerns about height	
Seven submissions raised concerns regarding the proposed building heights in the Precinct. One submission noted that the proposed heights are inconsistent with the existing buildings in the Precinct. Two submissions noted that the tall buildings on Regent and Gibbons Street have already overshadowed the street, created wind tunnels and negatively impacted the Precinct and raise concern that the planning proposal will lead to similar negative outcomes. Three submissions raised concern that the area would become similar in character to Zetland and Waterloo, filled by only high-rise buildings and poorly integrated with the surrounding community. One of these submissions stated that building heights over 10 stories make an area feel unliveable, and that building heights of 6-8 storeys with a 2-storey street wall is much more liveable.	The strategic review of the Precinct has taken a balanced approach, identifying some areas for conservation and others for change. The planning proposal includes an extension of the Redfern Estate HCA to ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. Areas south of Henderson Road and Raglan Street have been identified as opportunity sites, which introduces incentive height and FSR controls to encourage commercial and affordable housing development. The heights proposed for Botany Road between Henderson Road and McEvoy Street vary between 6 and 12 commercial storeys. The tallest buildings are located opposite the Waterloo Metro station, which will be a centre of activity and a public transport hub. Upper level setbacks have been established to manage wind and overshadowing impacts and reduce the visual bulk of buildings. Building heights

Summary of key matters raised in submissions	Officer's response
	are lower where they adjoin heritage items and HCAs to respect their significance, limit overshadowing and ensure an appropriate visual relationship. The proposed additional height also enables new laneways, which will improve permeability and connectivity to increase accessibility between destinations in the Precinct and the surrounding area.
Wind impacts	
Three submissions noted that surrounding areas already suffer from significant wind impacts and requested that Council improve how they assess and mitigate wind impacts from new development.	It is recognised that tall buildings can impact wind conditions in the public domain. The City's document requirements for development applications require any application for a commercial building over 45m in height to include a wind effects report. This requirement is in accordance with industry best practice and ensures that wind impacts on safety in the public domain are resolved before a development is approved for a site.
Height and character of Regent Street	
One submission calls for greater height on Regent Street opposite the existing 18 storey buildings so that the two sides of the street have a more even height and scale. Three submissions stated that they highly valued the existing businesses and character of Regent Street and wanted the existing shops to be retained. One submission was concerned that tall buildings will 'creep' down Regent Street and Botany Road, impacting the character of the area. The submission suggested retaining the existing low scale and historic buildings on Regent Street and only introducing additional building height south of Henderson Road and Raglan Street.	Strategic review of the Precinct has taken a balanced approach, identifying some areas for conservation and others for change. The Strategic Review identified that the shops on Regent Street are highly valued by the community and that the streetscape on Regent Street contains contributory buildings which have significance for both Aboriginal and non-Aboriginal people. The planning proposal includes an extension of the Redfern Estate HCA to ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. This will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street
Height on Wyndham Street	
One submission raised concern that the proposed building heights of 5-8 storeys on Wyndham Street opposite Alexandria Park	The part of Wyndham Street opposite Alexandria Park, between Buckland Street and McEvoy Street is one of two areas in the Precinct which was identified for market

Summary of key matters raised in submissions	Officer's response
would negatively impact the character of the area.	residential housing. The proposed building height of up to 6 stories opposite Alexandria Park was established to limit overshadowing of the park and will have no impact on the park after 10am in midwinter. This part of Wyndham Street is an area of high amenity and is an opportunity to encourage a greater intensity of residential use close to shops, services, open space and transport.
Quality of development	
Including submissions from residents in the northern opportunity sites, three submissions expressed concern regarding the quality of recent development. These submissions expressed that improvements to the quality of building would improve the public domain and the lived experience of future residents.	All development that takes up the incentive provisions must go through a design excellence process to ensure that new buildings are well designed and respond well to the characteristics of their site. In addition, all residential apartment buildings in the Precinct must comply with the ADG, which contains objectives, design criteria and design guidance to ensure that new residential apartments achieve sufficient amenity. No changes are recommended to the proposed planning controls following consideration of these submissions.
Quality of new apartments	
Two submissions raised concern about amenity for residents of new developments, particularly relating to solar access and cross ventilation.	The ADG provides consistent planning and design standards for residential apartments across NSW. The ADG provides objectives, design criteria and design guidance to ensure that new residential apartments achieve sufficient amenity. In the ADG, access to sunlight for habitable rooms and private open space is measured at midwinter (21 June) as this is when the sun is lowest in the sky, representing the 'worst case' scenario for solar access. It is also noted that the design criteria contains minimum amenity standards and that developments may achieve above the minimum amenity standards.
Late night trading	
One submission raises concern regarding the operating hours of pubs and clubs and the area becoming a party district. The submission requests that pubs and clubs have their operating hours limited to 12am so that the sleep of residents is protected.	The Precinct is envisioned to become a vibrant commercial precinct with shops, restaurants and entertainment venues to support the new office workers and the existing residents.

Summary of key matters raised in submissions	Officer's response
	Much of Regent Street and Botany Road are located within Local Centre Areas on the SDCP 2012 Late night trading areas map. The SDCP 2012 contains a range of provisions to manage the effects of late night trading on the neighbourhoods in which they are located. The provisions, including permittable hours, vary by use and location. The draft DCP does not change the Late night trading areas map or the DCP provisions which outline permittable late night trading hours and manage their impact.
Overshadowing of 222 Botany Road	
One submission raised concern regarding the shadowing impact of development on their apartment at 222 Botany Road, Alexandria.	222 Botany Road is a 9 storey mixed use complex which fronts both McEvoy Street and Botany Road and sits just to the south of the Precinct. Detailed solar analysis of the impact of the proposed controls has demonstrated that while there will be an impact on the solar access of the apartments which face both McEvoy Street and Botany Road, all of those apartments will still receive the minimum ADG requirement of 2 hours of sunlight in midwinter.
Overshadowing of 199 Regent Street	
One submission raised concern regarding the shadowing impact of development on their apartment at 199 Regent Street, Redfern.	199 Regent Street is a 6 storey mixed use complex which sits on the western side of Regent Street and to the West of the northern opportunity sites. Detailed solar analysis of the impact of the proposed controls has demonstrated that while there will be an impact on the solar access of the apartments which face both Regent Street, the majority of apartments will still receive the minimum ADG requirement of 2 hours of sunlight in midwinter. Overall, the solar access of the building will still meet the minimum standard outlined in the ADG. In addition, it is recommended that the incentive planning controls be removed from the northern opportunity sites. Removing the incentive planning controls from the northern opportunity sites will mean that there is no change to the existing solar access of 199 Regent Street, Redfern.
View and sunlight impact to 13-17 Cope Street	
One submission from 13-17 Cope Street questioned whether development at 131	The planning proposal retains the existing FSR control and increases the maximum height of

Summary of key matters raised in submissions	Officer's response
Regent Street would impact their views and sunlight.	building from 18m to 25m (six storeys) for 131 Regent Street, Redfern. The site is a former interwar service station that was identified in the Non-indigenous Heritage Study as contributory to the Redfern Estate HCA. Increasing the height control will allow any development on the site to retain the contributory elements and achieve the existing floor space available by building on the southern portion of the site. Increasing the height control in the SLEP 2012 also aligns the maximum building height in the SLEP 2012 with the existing height of building control in the SDCP 2012, which is already set at 6 stories. The planning controls do not protect private views. There may be some loss of distant views from the middle levels of 13-17 Cope St to the south west due to the additional two storeys at 131 Regent St. Given the change in ground level upper most storeys of 13-17 Cope are likely to retain views and other apartments will retain outlook west over Jack Floyd Reserve. Detailed solar analysis of the impact of the proposed controls for 131 Regent Street has demonstrated that there will be no impact on the solar access of 13-17 Cope Street. Due to the tall buildings across the road from 131 Regent Street, the increase to the permitted height on 131 Regent Street does not create additional overshadowing for 13-17 Cope Street. No changes are recommended to the proposed planning controls following consideration of these submissions.
General traffic impacts and Regent / Gibbons one way pair	
43 submissions were received raising concerns about traffic and parking impacts. This includes submissions from residents in the northern opportunity sites. Three submissions were in support of proposed changes which will improve pedestrian amenity and introduce new linkages and cycleways to help improve connectivity in the area.	As required by the Gateway Determination, the proposed planning controls were referred to Transport for NSW and Sydney Metro for comment, who raised no objection to the proposal. It is acknowledged the road network though the Precinct is frequently congested, impacting air quality, generating noise pollution levels,

Summary of key matters raised in submissions	Officer's response
Five submissions were in support of the proposed change to remove the one-way pair of Regent Street and Gibbons Street and reinforce the high street character of Regent Street. 35 submissions raised concerns the planning proposal will result in increased traffic congestion in the Precinct. Five of these submissions noted there is already significant congestion within the precinct and were sceptical that the proposed removal of the one-way pair of Regent Street and Gibbons Street would result in any improvement.	reducing bus reliability and increasing travel times. While there will be some additional vehicle trips associated with the precinct, this is expected to be offset by additional capacity for traffic due to the Westconnex project and additional public transport capacity. Proposed growth in the precinct is supported by planned increases in public transport. The future Waterloo Station on the Sydney Metro line is located centrally within the site. When opened in 2024, Waterloo Station will significantly improve local accessibility and reduce the need for people to drive to the area. Planned improvements to walking and cycling infrastructure will assist in a mode share shift away from private car usage to walking, cycling and public transport. The City and Transport for NSW together have a significant plan of projects and actions to improve connectivity in and around this precinct and to promote sustainable transport use, including: • Green Square and Waterloo Transport Action Plan – Transport for NSW and the City jointly engaged a consultant to undertake a review of connectivity in the area of Green Square and Waterloo and develop an action plan up to 2024 and the opening of the metro; • speed reduction – Transport for NSW and the City have been working together on a plan to reduce the majority of roads within the City area to 40km/h; • cycleways – Transport for NSW will roll out major cycle links across the local government area, with the City continuing to plan and implement local connections; • behaviour change – Transport for NSW and the City have recently prepared a behaviour change campaign in Green Square and the surrounding area. This is aimed at getting people to travel by more sustainable methods. This is an example of the sort of programs that the City commonly run in urban renewal precincts; and

Summary of key matters raised in submissions	Officer's response
	• maximum parking rates - in its planning controls the City establishes a maximum parking rate based on the accessibility of a site to public transport and service. The approach is intended to promote public transport use in favour of driving and parking to a destination. It is noted the City is currently preparing updated parking controls for the local government area as part of its comprehensive review of the planning controls, which will be reported to Council in mid-2022. These controls will be an evolution of the existing land use and transport integration maps that are currently in Sydney LEP 2012. Currently, Gibbons Street and Regent Street operate as a 'one-way pair' with traffic on Gibbons Street travelling northbound and southbound movement on Regent Street. Botany Road between Henderson Road and McEvoy Street has two-way traffic operation. A key recommendation in the traffic and transport review appended to the planning proposal is the removal of the Gibbons Street / Regent Street one-way pair operation and the reinstatement of two-way traffic flow on both streets, improving network legibility for bus passengers and providing the opportunity for further active transport and amenity improvements. Transport for NSW is the public authority responsible for managing state roads, including Botany Road, Regent Street and Gibbons Street. The submission from Transport for NSW identified that Regent Street, Redfern is identified for future investigation for a two-way conversion under Tech Central Camperdown-Ultimo Place-based Transport Strategy (2021). The submission notes that the conversion of the existing one way pairs would require a separate detailed investigation to determine the feasibility and implications for the existing and future transport network. The City's initiatives to support traffic and transport in the area are not static or focussed around one precinct. As movement patterns

Summary of key matters raised in submissions	Officer's response
	adapt to the completion of significant infrastructure in the area, current initiatives will be reviewed and updated to ensure they are most effective at supporting future transport mode use. Council will continue to work with Transport for NSW to support their investigations and achieve the recommended changes to the road network to improve legibility, access and amenity of the Precinct.
Traffic on Wyndham Street	
Two submissions raised concerns regarding the current and future levels of traffic using Wyndham Street and identified a need for safety improvements and traffic calming on Wyndham Street.	Wyndham Street is identified as a secondary road by Transport for NSW, recognising that it plays a supporting role to Botany Road. The proposed planning controls will introduce medium density commercial and mixed use to the eastern side of Wyndham Street. This will reduce the number of residential properties on the ground floor where acoustic impacts and air quality concerns are greatest. The new laneway network will bring vehicle movements into and out of properties off Wyndham Street and into the laneways. Reducing the number of driveway crossovers on Wyndham Street will improve safety for pedestrians and improve the flow of traffic on Wyndham Street.
Public transport capacity	
Two submissions raised concerns that trains and/or buses are at capacity during peak hour and were concerned about the impact of new development on public transport capacity. One submission would like to see a dedicated bus lane or option for light rail in the precinct and another requested a cycleway along Botany Road to improve cycling connectivity to the CBD. One submission raised concern regarding the noise impact if a new bus route were to run down Cope Street.	The Precinct is relatively well serviced by the bus network, with services operating north-south and east-west providing connections through the region. It is however acknowledged that due to the one-way traffic operation, bus services operate north on Gibbons Street and south on Regent Street, impacting bus service legibility and interchange connectivity. The Transport for NSW submission noted that the Botany Road and Gibbons Street are identified for investigation for bus rapid transit opportunities as part of the South East Sydney Transport Strategy (2020). The City will continue to advocate for more buses, and better connectivity of services, noting that the opening of the Waterloo Metro

Summary of key matters raised in submissions	Officer's response
	will provide an opportunity to facilitate transfer between buses and the Metro. The City will also continue to work with Transport for NSW to support their future detailed investigations into rapid bus opportunities and changes to the road network in to facilitate improved public transport legibility and connectivity of the bus network.
Traffic on Rosehill and Cornwallis Streets	
Four submissions state that the transport and traffic report did not consider the traffic impacts on Rosehill and Cornwallis Streets, and raise concern that the one-way streets are not suitable for the increase in traffic which will arise from the new planning controls.	The Transport and Traffic Study by Cattell Cooper took a 'movement and place' approach to understand the study area and solutions that focus on: • achieving accessibility and connectivity by delivering a legible street network to encourage low car dependency; • providing infrastructure that encourages walking and cycling; and • ensuring that street design enables equitable access for people of all ages and abilities. The Transport and Traffic Study did not model the impact of development on the road network, but rather focused on how adjustments to the road network and public domain could address the imbalance between movement and place functions throughout the Precinct to support and encourage a mode shift away from private car usage. Detailed traffic matters arising from a development will be assessed at development application stage.
4 submissions question how waste management of any new development on Rosehill and Cornwallis Street will be managed, given the narrow streets and current level of congestion.	The road network is currently used to carry garbage trucks that service the existing apartment blocks on Rosehill and Cornwallis Street. The City of Sydney's Guidelines for Waste Management in New Developments (the Guidelines) provide the minimum waste management requirements for all new developments. The purpose of the Guidelines is to ensure all new buildings will provide for the efficient storage, separation, collection and handling of waste to maximise resource recovery and provide safe and healthy spaces for people. The SDCP 2012 contains a requirement that all developments submit a waste and recycling

Summary of key matters raised in submissions	Officer's response
	management plan to ensure that new buildings are designed to facilitate the safe and efficient storage and collection of waste. Architectural plans and a waste and recycling management plan will be assessed at development application stage before approval of any future development in the Precinct.
Quality of footpaths	
Five submissions stated that the existing footpaths are unpleasant and inadequate for the current level of pedestrian flow and raised concern about a future increased level of pedestrian activity in the precinct.	It is envisaged that as the Precinct and its surround develops it will better balance the movement function of the road network with its place function, providing a more comfortable and attractive space for people to work and visit. The one-way pairing of Regent Street and Gibbons Street will be replaced with two-way streets, speed limits will be lowered and additional crossings will be introduced. New laneways and through-site links will be delivered, providing a continuous mid-block laneway network and increasing walkable connections. The draft DCP includes provisions to guide the use of SP2 setbacks on Botany Road, in many instances currently used for car parking. Certain sites on Regent Street and Botany Road are subject to an SP2 setback for the purposes of road widening. Council's strategic intent is to use this land for footpath widening and to facilitate increased tree planting and greening along Botany Road to improve pedestrian amenity and connectivity. The Transport for NSW submission states that Botany Road is part of an important movement corridor linking the Sydney CBD, southern suburbs, Sydney Airport and Port Botany which is identified for investigation for long term bus rapid transit opportunities as part of the South East Sydney Transport Strategy. With regard to the use of the SP2 setbacks on Botany Road, the submission states that Transport for NSW's transport investigations will be required to consider and identify the future land requirement needs to support future transport infrastructure and services, which may include examination of the land reservations along this corridor.

Summary of key matters raised in submissions	Officer's response
	While Transport for NSW stated they would not relinquish the SP2 road reservations at this time, they suggested that discussions be held between Council and TfNSW to explore opportunities. Council will continue to work with Transport for NSW to explore opportunities to improve pedestrian connectivity and amenity within the Precinct. Sustainable Sydney 2030-2050: Continuing the Vision includes a project idea for a Green City with Botany Road identified as a green avenue. The project aims to turn Botany Road into a grand green boulevard that is a greener, more liveable and attractive main road that better serves the local community. It will provide the city with 5,000m2 of extra space for people and trees. Reconfiguring underground utilities for stormwater recycling can help sustain and irrigate new shade trees and gardens.
Parking	
15 submissions raised concerns there was insufficient street parking in the Precinct, and that the proposed changes would exacerbate the issue. One submission sought that new developments be required to provide no car parking as the Precinct is well located near public transport.	It is acknowledged there is high demand for street parking in the Precinct. This is unlikely to improve given the constrained opportunities for street parking and the amount of proposed and planned development in and around the Precinct. However, the Precinct will be supported by significant public transport, with the planned Waterloo Metro being delivered in 2024, as well as other accessibility improvement, including more cycleways and better pedestrian connections to encourage modal shift away from private vehicle use.
New laneways	
One submission raised concern that the proposed new laneway network is not functional because it contains zig zags and does not provide for north-south flow without also driving on streets.	The draft DCP provides a framework for changes to the public domain, including the creation of a new laneway network. New laneways will improve permeability of large blocks and building servicing. Transport for NSW has supported the Draft DCP controls delivering a continuous laneway

Summary of key matters raised in submissions	Officer's response
	network to reduce driveway access from classified roads and facilitating rear lane servicing and vehicle access. The new laneways include both north-south and east-west connections. The new laneways are not intended to provide a 'rat run' or alternative route to the main roads for vehicles traversing through the Precinct. Their main functions are: • to facilitate rear lane access for vehicles and improve pedestrian safety and amenity on Botany Road and Wyndham Street; and • to provide east-west connections to break up the long street blocks and assist with pedestrian permeability through the Precinct. No changes are recommended to the proposed planning controls following consideration of these submissions.
Expansion of Redfern Estate Conservation Area	
One submission raised concerns about the proposed expansion of the Redfern Estate Heritage Conservation Area onto Regent Street, saying it would result in further degradation of this area. The submission said it is already difficult to develop and maintain the buildings in this area due to lack of access and commercial opportunity and the expansion would make it more expensive and difficult for no commercial or aesthetic gain.	The expansion of the Redfern Estate Heritage Conservation Area ensures that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. Extending the area will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street.
Alexandria Park Conservation Area	
Three submissions raised concern with the reduction of the Alexandria Park Heritage Conservation Area, some saying that the recommendations of the Non-Indigenous Heritage Report by TZG should be followed by extending the area.	The exhibited planning proposal balanced the contribution of these properties to the Heritage Conservation Area against the ability to further the employment objectives of the Precinct. The Non-Indigenous Heritage Report recommends extending the Alexandria Park Heritage Conservation Area further into the site boundary. However, Council's heritage experts reviewed the proposed additional contributory buildings and found that they are not of high quality, nor are they unique to the conservation area.

Summary of key matters raised in submissions	Officer's response
	The sites were therefore not included within the Heritage Conservation Area, which in turn enabled them to contribute towards strategic employment objectives, which is particularly relevant given the location of these sites across the road from the new Waterloo Metro station. Identifying these sites as Opportunity Lands, and allowing incentive FSR and heights, also deliver an improved public domain and increased tree canopy as new development will deliver high quality buildings addressing the public domain and setbacks to Botany Road for landscaping and tree planting. Currently, there are 13 properties within the Alexandria Park Heritage Conservation Area which also fall within the Precinct boundary. The character and heritage significance of the conservation area and the properties that also fall within the boundary of the Botany Road Corridor have been reviewed. An assessment of the type and quality of the properties indicates that removing these properties from the conservation area will have little to no impact upon the character or heritage significance of the conservation area. Removing the sites from the conservation area enables the sites on Botany Road to the north of Buckland Street to achieve increased height and employment capacity in line with the strategic objectives of the renewal of the Precinct.
Aboriginal archaeology	
Heritage NSW raised in their submission that consideration should be given to Aboriginal objects found in any context.	In response, the draft DCP has been updated to incorporate controls so that if Aboriginal objects are found in any context (including areas mapped as having low or very low archaeological potential in the DCP) then there is a requirement to stop work and report the find to Heritage NSW in accordance with the National Parks and Wildlife Act. If harm to the Aboriginal object cannot be avoided, then the proponent is required to prepare an application for an Aboriginal Heritage Impact Permit (AHIP). Other provisions require all works involving ground disturbance to identify the potential for

Summary of key matters raised in submissions	Officer's response
	those works to harm Aboriginal objects and develop processes to avoid, minimise or mitigate those impacts in consultation with the Aboriginal community.
Public domain matters - general	
Fifteen submissions have been received about the public domain in the Precinct, including open space. Several submissions are in support of the exhibited planning controls, noting the benefits to the public domain and pedestrian environment that could result from proposed changes to the one-way pairing traffic system and the introduction of active frontage requirements. Some submissions would like to see more done to increase the pedestrian friendliness of the area to help drive the local economy, improve access to the metro station and encourage local community. Some submissions were supportive of additional open space to be provided to the east of the metro station as part of the Waterloo Estate (South) redevelopment. One of these submissions was interested as to why the park was being provided given the size of Alexandria Park, and wanted to understand the different functions of park. Some submissions provided detailed suggestions regarding the improvement of the streets, for example, requests for installation of street libraries, more bins, bike-racks, street art and good quality, light coloured paving. Several submissions were made in support of greening the streets, encouraging a better tree canopy, more garden beds and green spaces between buildings to help reduce heat. Some submissions encouraged more space for outdoor dining to encourage street activity and local business. Several submissions were in support of prioritising solar access for parks, noting tall	While there are limited opportunities to increase the amount of open space in the Precinct, there are several large open spaces just outside the Precinct boundary. These include Alexandria Park which sits just outside the Precinct boundary on Wyndham Street, the Vice Chancellors Oval within ATP on Henderson Road and the future park in the Waterloo Estate on Cope Street. Support for open space in and around the Precinct is noted. The open space to the east of the metro station will be provided as part of the redevelopment of the Waterloo Estate (South). Timing for the delivery of the park has not yet been confirmed. The final design of the park will follow consultation with the community to be undertaken once the timing for the delivery of the park is confirmed. The vision for the Precinct is for a vibrant, green and pedestrian and cyclist friendly place. Regent Street is envisaged as a reinstated high street, with opportunities for landscaping, outdoor dining and places for people sit. On Botany Road, setbacks required by Transport for NSW will be used for planting and, where possible, outdoor dining. While much of the detailed design for streets is outside if this planning process, new works will be incorporated into the capital works program over time and implemented as opportunities arise. The planning proposal amends Clause 6.17 of Sydney LEP 2012 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park. This will limit the height of any new development to ensure adequate solar access to Daniel Dawson Reserve and Alexandria Park.

Summary of key matters raised in submissions	Officer's response
buildings should not adversely impact on green space and trees.	
Affordable Housing and Aboriginal and Torres Strait Islander Housing	
Seven submissions were received about affordable housing in the Precinct. Several of the submissions expressed support for increasing opportunities for affordable housing, though some were also concerned about increasing densities to achieve it. Some submissions supported affordable housing so long as it was for Aboriginal and Torres Strait Islander households, noting the importance of sustaining the existing Aboriginal and Torres Strait Islander people living in the area and growing it. Some submissions state there is already plenty of affordable and student housing in the area and more was not needed.	The planning proposal facilitates affordable housing in two ways: • it allows development on opportunity sites to access higher FSRs for residential floor space, but only where all of the development is for affordable housing. Generally, only community housing providers who wish to purchase sites in the Precinct to develop for affordable housing are likely to access this incentive; and • it applies an additional affordable housing contribution requirement, being nine per cent of all new residential floor space, where sites are receiving an increase in FSR resulting from the planning proposal. In addition, in accordance with the City of Sydney Affordable Housing Program, an affordable housing contribution requirement for three per cent of all residential floor space and one per cent of all non-residential floorspace, applies to all land in the Precinct (where the LEP applies). Provisions are included in the draft DCP that require that 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing. Any affordable housing delivered in the Precinct will be owned and managed by a community housing provider. The City has contributed over $350,000 to support an Aboriginal Housing Officer to work with the three major community housing providers operating in our area. This officer supports and helps attract new Indigenous tenancies. As at November 2021, the three providers have reported that 265 of their tenancies are now leased to Aboriginal and Torres Strait Islander tenants.

Summary of key matters raised in submissions	Officer's response
	Any additional affordable housing in provided in the Precinct is a welcome contribution to the City's targets. No changes are recommended to the proposed planning controls following consideration of submissions about affordable housing.
Displacement	
Four submissions raised concern regarding their homes being identified as opportunity sites and the possibility of displacement. Two submissions raised concern generally for residents displaced from existing residences, and two submissions raised concern that their house or apartment block was identified as an opportunity site.	The intention of the planning proposal is to incentivise commercial development and help cater to the projected increase in demand for business floor space within the Redfern-Waterloo area and meet the objectives of state and local strategic plans. The additional height and floor space on some residential sites are intended to encourage their renewal for commercial uses. Notwithstanding the vision for the Precinct, the City cannot force any landowners to sell their properties. If a resident is within a residential strata scheme, a strata renewal plan under the Strata Schemes Development Act 2015 (NSW) requires at least 75 per cent of owners in the strata to support a strata renewal plan. This means that the redevelopment of any existing residential strata building within the Precinct would only occur if over 75 per cent of owners agree to the redevelopment. If the majority of owners within a strata wish to remain where they are, then the site would not take advantage of the incentive planning controls. No changes are recommended to the proposed planning controls following consideration of submissions about displacement.
Infrastructure	
Five submissions raised concern regarding the availability of adequate infrastructure to support the new population arising from the planning proposal.	The planning proposal is expected to increase the population of office workers in the Precinct. It is not expected that a significant proportion of sites within the Precinct will be acquired for affordable housing. The increased worker population will be able to take advantage of new infrastructure in and around the Precinct, including: • new transport infrastructure, such as the Waterloo Metro which is projected to open

Summary of key matters raised in submissions	Officer's response
	in 2024 and the upgrade to Redfern Station which is currently underway; • the new park being provided on Cope Street as part of the Waterloo Estate (South) planning proposal; • the new parks, healthcare facility and community facilities such as Gunyama Park and Aquatic Centre and Green Square library being provided at Green Square; and • planned public domain improvements within the Precinct. The new office buildings will be supported by retail and shops on the ground floor, to support the new workers and the existing residents in the surrounding areas. This creates opportunities for a range of population-serving uses, including retail, recreation and business premises. While the future uses are not determined yet, they are expected to improve the community's access to shops and services. No changes are recommended following consideration of submissions about future demand for infrastructure.
Retaining local businesses	
5 submissions stated that they would like the protection of local retailers to ensure the character and identity of the area is maintained. Some submissions also stated that they would like to see more shops and local services to help encourage residents to shop locally.	The expansion of the Redfern Estate Heritage Conservation Area onto Regent Street ensures that the terrace form buildings on Regent Street are offered a level of heritage protection for continuing adaptive reuse. Retaining the building form will assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street. This will be supported by a new LEP active street frontage control to Regent Street that requires the ground floor of buildings to be used for retail or business premises. As stated above, the new office buildings in the Precinct will be supported by retail and shops on the ground floor, to support the new workers and the existing residents in the surrounding areas. While the future uses are not determined yet, they are expected to comprise a range of population-serving uses, including retail, recreation and business premises.
Concerns about inadequate demand for office floor space	

Summary of key matters raised in submissions	Officer's response
Six submissions raised concerns that in the post pandemic environment commercial development is unlikely to be in demand. Submissions argue this will lead to high vacancy rates.	The BIS Oxford Economics report found that the Precinct will attract increasing demand from businesses unable to secure suitable space in the southern CBD, Surry Hills and Chippendale. Also, highly space constrained sites such as University of Sydney, the ATP and Royal Prince Alfred Hospital can redirect some of their surplus demand towards the Precinct. The proposed planning controls ensure adequate space is protected for businesses to grow in a highly strategic location. The long-term effect of the pandemic on traditional office space is unknown at this stage as health orders have only recently been removed. While there is a shift to more flexible and remote working, which reduces the number of people in a traditional office there is also a move to provide more space for collaboration and other activities to make working in an office more effective and desirable, and small and medium sized businesses are growing. Despite the short-term effects of the pandemic on occupancy rates of leased space, landowners in the Precinct continue to report market demand for business space. No changes are recommended following consideration of submissions about the impact of the pandemic on office demand.
The area south of McEvoy Street	
Two submissions asked for the planning proposal to be extended to include the area south of McEvoy Street and that those sites be investigated for additional FSR and building height.	The boundary for the Precinct is generally based on the Department's original boundary for the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). Those sites south of McEvoy Street are in the Green Square Urban Renewal Area, subject to heritage constraints and more developed with newly constructed residential flat buildings. No changes are recommended to the boundary of the Precinct following consideration of submissions.
SP2 - Special Uses (Classified Road)	

Summary of key matters raised in submissions	Officer's response
Several sites within the Precinct have land facing Botany Road zoned SP2 and identified on the Land Reservation Acquisition Map as Classified Road (SP2). The Sydney LEP 2012, in its standard provision about the calculation of FSR and site area, excludes from the calculation of site area any land on which the proposed development is prohibited. This means that SP2 land might be excluded from the calculation of site area, however there is some ambiguity in the wording of the clause, as well as some Land and Environment Court decisions, that has led to some inconsistent application across the local government area. The publicly exhibited draft DCP includes a provision to clarify that SP2 zoned land is not to be included in the calculation of site area, however, the draft DCP provision would not override any provision in the LEP if it were to be interpreted in a certain way by the Land and Environment Court. One submission has noted the issue as it pertains to their site and has sought clarification in how site area will be calculated in the Precinct going forward.	The FSR and height testing undertaken to inform the proposed planning controls for Opportunity Land assumes that SP2 zoned land (for Classified Road) is not included in the calculation of site area. It is therefore recommended the planning proposal be amended to include further provision, that more definitively states that SP2 zoned land (for Classified Road) must not be included in the calculation of site area on Opportunity Land. It is also recommended the draft DCP be amended to remove the clause relating to the calculation of site area as this clarification will instead be contained in the LEP.

Submissions on behalf of landowners in Botany Road precinct

From:

- 6 landowners in the Precinct

Summary of key matter raised in submission	Officer's response
74 – 88 Botany Road, Alexandria (City West Housing, landowner)	
States broad support for planning proposal.	Noted
The submission seeks to increase the FSR control to 4.5:1 for the site. In addition, it seeks to remove the rear setback control and reduce the commercial floor space requirement to the ground level only, and acknowledgment that the Apartment Design Guidelines minimum solar requirements cannot be met on this site. The site has an existing consent for a mixed-use development which includes 63 affordable housing units that was approved in 2016. The proposed changes to the exhibited planning controls are sought to offset the reduction of the developable site area due to the requirements in the planning proposal for the laneway dedication and the requirements for two storeys of employment floor space. The proposed changes would allow site to achieve a greater yield of affordable housing units, between 90 and 110. A built form analysis accompanying this submission contained options which explored FSR controls beyond what is contained in the planning proposal.	The City West Housing site is identified in the planning proposal as 'Opportunity Land' and the proposed maximum FSR is 5.5:1 for employment uses and 3.75:1 for a mix of employment and affordable housing uses, with the proposed maximum building height of 50 metres. A laneway dedication is proposed at the rear of the site. In response to the submission, further testing of the site was undertaken, modelling a more flexible built form (that reduces the requirement for two storeys of non-residential development to one) to achieve a greater residential yield for affordable housing, while remaining inside the building height envisaged by the planning proposal. An amendment to the publicly exhibited planning controls for the site is recommended to increase the FSR to 4:1 (exclusive of design excellence) and to reduce the commercial component to the ground floor only. This provides for an FSR on the site of 4.4:1 if design excellence is achieved. The amended controls will facilitate additional affordable housing units and facilitate the laneway dedication to achieve the Precinct objectives
158 and 158A Botany Road, and 158 Wyndham Street, Alexandria (consultant representing landowner)	
States broad support for planning proposal.	Noted
The submission initially sought to increase the FSR and building height controls for 158-158A Botany Road, Alexandria and referred to an existing consent for a mixed-use development on the combined site (D/2014/201), which has been activated. It noted the consent provides access for the development from Botany Road, and makes no provision for a laneway dedication, as identified in the exhibited	158-158A Botany Road, Alexandria is identified in the planning proposal as 'Opportunity Land' with a proposed maximum FSR of 4:1 for employment uses and 2.75:1 for a mix of employment and affordable housing uses, and a proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the site.

planning controls. It also noted other constraints for the development of the site, including a Sydney Water culvert on the north and east perimeter and the land reservation on the frontage of Botany Road. The submission was subsequently amended, no longer seeking a change to the building height control but only an increase in the employment FSR control to 4.25:1 for 158-158A Botany Road, Alexandria. Built form analysis accompanying this revised submission explored concept designs which incorporated an FSR higher than what is contained in the planning proposal. The built form analysis outlined a concept design for a 9 storey commercial development on 158-158A Botany Road, Alexandria, accounting for the laneway dedication and setbacks requirement under the draft controls.	158 Wyndham Street is not identified as 'Opportunity Land' and the proposed maximum FSR is 1.25:1 and the proposed maximum building height is 24 metres. The submission has been reviewed and it was found that the site cannot accommodate a 9th storey within the exhibited maximum building height without foregoing sufficient freeboard at ground level to respond to the flooding conditions adjacent to the site. In addition, the City has applied consistent assumptions and a thorough approach to determining the built form outcomes across all sites. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.
134-136 Botany Road, Alexandria (consultant representing landowner)	
States broad support for planning proposal.	Noted
The submission seeks to increase the FSR control to 5:1 and building height control to 39.4 metres for the site. The submission states the site is appropriate for greater height and density due its proximity to the Metro precinct, the existing built form along Botany Road and site's prominent location. A built form analysis accompanying the submission proposes a 12-storey building height limit (equating to 39.4 metres excluding lift overruns) and an FSR of 5.5:1 (which includes the 0.5:1 FSR available for community infrastructure). The analysis depicts that the proposed development would not cast any additional shadows to Alexandria Park, that would provide the public benefit through the laneway widening and that it would comply with ADG requirements.	The site is identified in the planning proposal as 'Opportunity Land' and the proposed maximum FSR is 3.25:1 for employment uses and 3.25:1 for a mix of employment and affordable housing uses, with the proposed maximum building height 29 metres. A laneway dedication is proposed at the rear of the site. The submission was reviewed and the proposed built form was found to be inconsistent with planning proposal objectives which does not envisage higher building heights and intensity at the Precinct's intersections. Council's objective is to reduce the apparent height and massing of sites located at the intersections to minimise the visual impacts of the development and to protect the public domain. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.
100 and 108 Botany Road and 86-96 and 98-100 Wyndham Street, Redfern (consultant representing landowner)	
States broad support for planning proposal.	Noted
The submission seeks the following changes to the planning controls:	The planning proposal and the draft DCP, as exhibited, makes changes to the planning

a) amend the Draft DCP to include a laneway cross section for the site illustrating a laneway width of 8 metres along the north south laneway and part of the east-west laneway. b) amend the 'opportunity land - incentive height of buildings map' to illustrate a 45 metre building height standard on the site (noting the additional constraint imposed by the Alexandria Park sun access plane). c) amend Figures 18 and 19 in the Draft DCP 'height in storeys' where incentive heights are utilised to show the controls being 10 storeys non-residential and 9/11/2 storeys residential (for affordable housing). d) amend the 'incentive FSR map' to illustrate a 5:1 FSR standard across 100 and 108 Botany Road. The consolidated site has an area of 3,103 square metres with frontages to Botany Road and Wyndham Street. The submission proposes a wider laneway on the consolidated site in return for additional building height and FSR.	controls for the site, which is made of multiple lots. The site is identified as 'opportunity land' and the proposed changes to the allotments are as follows: a) 100 Botany Road - the proposed maximum FSR is 4.5:1 for employment uses and 3.25:1 for a development comprising both employment and affordable housing uses, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the lot. b) 108 Botany Road - the proposed maximum FSR is 3.75:1 for employment and 2.75:1 for affordable housing, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the lot. c) 86-96 and 98-100 Wyndham Street - the proposed maximum FSR is 3.5:1 for employment and 2.5:1 for affordable housing, with the proposed maximum building height 25 metres. A laneway dedication is proposed at the rear of the lots. The proposed widened laneway across the consolidated site is not required as a 6m laneway sufficiently provides for the servicing and access role envisioned in the draft planning controls. In addition, the submission does not address the relationship between the wider laneway on the subject site and the rest of the laneway to the north and south. An increase in the maximum building height of the sites would be inconsistent with the height strategy of the planning proposal. The proposed widened laneway is not supported and therefore an increase in the building height is not justified. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.
216-220 Wyndham Street, Alexandria (consultant representing landowner)	
States broad support for planning proposal.	Noted
The submission seeks to expand the land uses eligible for incentive FSR for employment in the planning proposal to include 'health services facility' and 'centre-based child care facility'.	The site is identified in the planning proposal as 'opportunity land' and is proposed to be rezoned to B4 Mixed Use (currently R1 General Residential). The proposed maximum FSR is 4.0:1 for employment and 2.75:1 for affordable housing, with the proposed maximum building

In addition, the submission seeks to amend the planning controls for the site to increase the building height and FSR. It seeks amendment to the draft controls to increase the DCP height in storeys control to 9 storeys for non-residential development, or alternatively increase the LEP building height to 42m and the FSR control to 5.6:1 for non-residential uses. The submission further proposes that the planning proposal recognise the 'public infrastructure contribution' as an offset to the monetary contribution required for community infrastructure associated with the 0.5:1 FSR for community infrastructure available on the site. A built form analysis accompanying the submission explored building height and FSR controls beyond what is contained in the planning proposal to demonstrate the additional massing for proposed development.	height 35 metres. A laneway dedication is proposed at the northern boundary of the site. The submission was reviewed and exhibited planning controls are considered to be appropriate for site. Council's proposed incentive controls provide greater certainty and transparency for the community and landowners by setting out a consistent approach to managing development for desirable uses that support activity in the precinct. While the planning proposal often refers to incentivising commercial development, the drafting instructions in the planning proposal use the term "non-residential uses". This allows development for the purposes of a range of non-residential uses to achieve additional height and FSR. Health services facilities and centre-based child care facilities are both permissible in the B4 Mixed use zone and both would fall within the term non-residential uses. The request that 'public infrastructure contribution' offset the monetary contribution required from the development for community infrastructure is not supported as it incorrectly associates the LEP incentive FSR provisions for community infrastructure with the requirements for a development to pay monetary contributions under Council's Section 7.11 plan. The built form analysis provided with the submission is inconsistent with planning proposal objectives which does not envisage greater building heights and development intensity in the southern part of the precinct. The built form options presented in the submission are considered excessive for the site and the floorplates proposed are not efficient. The exhibited controls for this site are compatible with the adjoining sites in this location. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.

44-54 Botany Road and 36-50 Wyndham Street, Alexandria (consultant representing landowner)	
The submission seeks for the site to be considered for inclusion in the planning proposal and states the site presents 'significant missed opportunity'. The submission requests for the site to be nominated as 'opportunity land, and the following controls to amend the planning proposal and draft DCP: a) a maximum FSR of 6.7:1 along Botany Road and 5.5:1 on Wyndham Street (or 5.8:1 equivalent across the consolidated site); b) a maximum building height of 55m along Botany Road and 35m on Wyndham Street; and c) nomination of 40 Botany Road within the draft DCP as a community facility, or a site-specific control be considered in the LEP (planning proposal). A built form analysis and a heritage statement accompany the submission to justify the requested building height and FSR controls beyond what is contained in the exhibited planning proposal and draft DCP	The planning proposal and the draft DCP, as exhibited, make no changes to the planning controls for the site. The site is not identified as 'opportunity land'. The site is in a low-rise area on the urban strategy map and the only LEP change for the site is the requirement for an active frontage street frontage. The submission was reviewed and the exhibited controls for the sites are not recommended to change as the submission lacks satisfactory justification. The site is significantly constrained and located in a fine grain low rise area, directly to the north of a local heritage item and adjoining the proposed extension of the Redfern Estate HCA. The indicative built form and heritage analysis provided with the submission lack evidence to support the proposed changes. The indicative height and massing of the proposed development raises interface and separation issues with surrounding fine grain properties and heritage items and is inconsistent with the height strategy of the planning proposal. The planning proposal and the draft DCP have been informed by detailed urban design analysis and supported by other technical investigations. The strategic review of the Precinct took a balanced approach, identifying some areas for change and others for conservation. The subject site has not adequately justified the significant proposed height and FSR and has not adequately addressed the relationship between the site and its surroundings. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission
Minor inconsistencies and errors	
Some submissions raised minor errors or inconsistencies between the planning proposal and various attachments.	Minor inconsistencies and errors have been addressed as appropriate. All amendments to the planning proposal and DCP have been made in red and strikethrough so the changes are clear.