

## Relevant Information for Council

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**FILE:** X087876 **DATE:** 8 December 2022

**TO:** Lord Mayor and Councillors

**FROM:** Graham Jahn AM, Director City Planning, Development and Transport

**SUBJECT:** Information Relevant To Item 8.10 – Public Exhibition - Planning Proposal - 118-130 Epsom Road and 905 South Dowling Street, Zetland - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

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### For Noting

This memo is for the information of the Lord Mayor and Councillors

### Purpose

This memo is to respond to requests for additional information about the planning proposal for 118-130 Epsom Road and 905 South Dowling Street, Zetland.

### Background

At the meeting of Council's Transport, Heritage, Environment and Planning Committee on 5 December 2022, further information was sought about the planning proposal for 118-130 Epsom Road and 905 South Dowling Street, Zetland.

### Potential privacy and overshadowing impacts of the proposal, particularly the impacts on residential development to the east

Further information was sought about the potential privacy and overshadowing impacts of properties in West Kensington.

### *Response - Privacy*

The NSW Government's Apartment Design Guide (ADG) contains standards to ensure new residential apartments achieve good levels of amenity for residents and neighbours. To limit unneighbourly overlooking, it stipulates a 24m separation between habitable rooms and balconies in developments which are nine storeys and above.

At its nearest point, the subject site is approximately 50m from the City's administrative boundary and over 70m from the nearest property in the Randwick local government area. Due to constraints within the subject site, the 25-storey tower will need to be sited further from this point and will be more than 90m away from the nearest dwelling in West Kensington.

These distances are well in excess of the building separation requirements outlined in the ADG.

### *Response – Solar access*

Solar access is measured at mid-winter because this is when the sun is lowest in the sky and therefore represents a 'worst case scenario' for overshadowing. It is measured between 9am and 3pm. Randwick Council's DCP sets the control hours between 8am and 4pm, which provides greater opportunity to achieve acceptable solar access.

As West Kensington lies to the east of the subject site, where the sun rises, there will be no shadow cast by the proposed development in this direction until the afternoon. Solar analysis also demonstrates that any shadow cast towards West Kensington will not extend further than that from existing built form at the Link Zetland site until approximately 2pm in midwinter. Between 2pm and 3pm, the tower is the only proposed element that will generate additional overshadowing to a small area in West Kensington.

An approximation of the shadow length cast by the City's 25-storey envelope suggests that four to six properties at the western end of Lenthall Street may experience some additional overshadowing between 2.30pm and 3pm in days in midwinter.

Further information submitted by the proponent at Attachment A illustrates the shadow cast by the tower on 21 June between 2.30pm and 3pm based on the lower 23 storey envelope originally submitted by the proponent. Shadows cast by the City's 25 storey envelope will be slightly longer. The Attachment also illustrates the effect of the elevated M1 (Southern Cross Drive) and existing mature trees on current solar access.

At 2.30pm the shadow falls on the roof of the residential flat building adjacent to the elevated M1 (Southern Cross Drive). Any west facing windows of this building are likely to be overshadowed by the M1 (Southern Cross Drive) and its noise barrier as shown on page 4 of the Attachment. At this time the 25 storey envelope would cast some shadow over the part of 35 Lenthall Street which is covered by a large mature tree.

At 3pm the Attachment shows additional shadow from the 23 storey envelope falls on the roof of the residential flat building plus over two detached dwelling properties at 33 and 35 Lenthall Street. This demonstrates no more than 30 minutes of impact to the two detached houses with solar access available throughout the earlier part of the day. The 25 storey envelope would cast a longer shadow at this time falling across the road and potentially onto the front yards and elevations of 68 and 70 Lenthall Street. These spaces receive sufficient sun access throughout the earlier part of the day.

## **Cumulative impacts of development in the area**

Further information was sought about the cumulative impacts in Green Square, with the principle concern being traffic.

### *Response*

The current planning controls for the site have been in place since 2012 following master planning in 2008 to 2009. This planning proposal does not increase the amount of development and does not increase traffic generation. The area has not been subject to adhoc rezonings.

A subject development application must be supported by detailed traffic studies that explore the impacts of the development on key intersections and more broadly on the road network. Traffic studies will also consider the safety of access points in and out of the development to ensure they are safe and do not significantly impact on the receiving road. Where issues are identified, mitigation measures must be identified and implemented, typically through conditions of consent.

The City's planning of Green Square supports lower private vehicle use through good access to services, amenities and community infrastructure. This planning proposal specifically supports that approach by securing the provision of essential retail services, such as a small supermarket, on the site to encourage residents to walk for their day-to-day needs.

The City also works independently, and with Transport for NSW, to enable and encourage public and active transport options and lower private car usage, for example:

- Transport for NSW investigation into Zetland Metro station;
- the provision of bike paths;
- requiring active frontages that make walking routes safer and more interesting;
- setting parking rates based on a site's access to public transport and services;
- ensuring day-to-day needs can be accessed by walking;
- the City's acquisition of land for a transit corridor connecting the Central Sydney to Green Square and further south, which is partly delivered by this site.

## **Green Square cumulative impacts**

Further information was sought about the potential to manage cumulative impacts by reducing the development yield.

### *Response*

The 278 hectare Green Square redevelopment is one of Australia's largest urban renewal projects, with an expected population of 60,000 to 70,000 residents and 21,000 workers by 2030. Identified for urban renewal in the 1990s, the City has worked to deliver the infrastructure and manage the development that would see the former industrial area transform into a liveable and diverse community.

The ongoing renewal of Green Square and the provision of housing and infrastructure in the area is supported by the City's adopted plans, Sustainable Sydney 2030-2050 Continuing the Vision, the Local Strategic Planning Statement and the Local Housing Strategy. It is also supported by the Greater Cities Commission's District and Region Plans.

In preparing planning proposals, planning authorities are subject to Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the Environmental Planning and Assessment Act 1979.

Direction 6.1 – Residential zones, is required to be considered by planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

The Direction says at 2(b) that:

*'A planning proposal must, in relation to land to which this direction applies:*

*(a) ..., and*

*(b) not contain provisions which will reduce the permissible residential density of land.'*

While a planning proposal may be inconsistent with the Direction, if it can provide a rationale that is acceptable to the NSW Government, it is unlikely that a downzoning of this site would be considered favourably by the NSW Government, given:

- Transport for NSW is exploring a Zetland metro station;
- the overall reduction in housing supply and the pressure it might put on other, less appropriate, areas to increase the amount of housing to maintain supply;
- the overall reduction in the variety and choice of housing types to provide for existing and future housing needs;
- the significant investment that has been made in the areas towards the provision of infrastructure, including both state infrastructure, such as the provision of public transport and trunk drainage, and local infrastructure, such as the Green Square library or the Gunyama Park and Gunyama recreational and aquatic facility that is adjacent to the site;
- the impact of downzoning on the value of the land; and
- ongoing renewal is supported by state and local strategic plans.

### **Consideration of delivering affordable housing on site as and an additional public benefit offer**

It was requested that staff approach the landowner so they may consider delivering affordable housing on site as and additional public benefit offer.

#### *Response*

The proponent has advised that they are unable to commit to the dedication of affordable housing on site, rather than a monetary contribution, at this time. Further consideration maybe given to the question in subsequent stages.

## **Consultation process for planning proposals**

Further information was sought about the consultation process for planning proposals, and clarification about how the community will be consulted in this process.

### *Response*

Council has adopted its [Community Participation Plan](#) which outlines the legislative requirements, guiding principles, approaches and processes we use to ensure meaningful and effective community participation in planning.

The Community Participation Plan meets the requirements of the Environmental Planning and Assessment Act and Regulation, which describes the mandatory requirements that the City must meet for public exhibition and notification processes for land use planning matters.

For planning proposals, a 28-day exhibition period is generally required. The City typically sends letters to surrounding property owners and occupiers within a 75m radius, to mirror the requirement for development applications that also require a 28-day notification period. However, where it is clear impacts may extend beyond that area, the City may extend the exhibition area to ensure those landowners are also notified.

In this instance, the 75m radius extends only a small distance into the Randwick local government area and would capture just six properties in the street block adjacent to Southern Cross Drive and bound by Myrtle Street and the Ingram Street Reserve. However, as the impacts of the development may be more broadly experienced, it is proposed the notification area be expanded to encompass a wider catchment. This is to include all properties backing on to Southern Cross Drive, between Baker Street, and Lenthall Street and to the seven properties on both sides of the street at the western end of Lenthall Street.

The City will work with Randwick Council to identify addresses for the notification process. Randwick Council will itself be formally notified and may opt to also advertise the planning proposal on their website. It is intended the notification letter will include an invitation for residents to an online forum where the City will present the proposal and answer questions.

Public consultation on planning proposals is undertaken only after Council has resolved to support a planning proposal request for exhibition, and a Gateway Determination from the Department of Planning and Environment is issued allowing public exhibition to proceed. The Gateway Determination may provide additional specific requirements for public consultation, including particular authorities or entities.

Submissions are to be made in writing or via the City's website. Issues raised will be considered and reported back to Council in a post exhibition report, alongside any recommended amendments to the planning proposal and draft DCP amendment.

## **Attachments**

Attachment A: Overshadowing Impact Study: 118-130 Epsom Road, Zetland

**Memo from Graham Jahn AM, Director City Planning, Development and Transport**

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Approved



**Graham JAHN AM**

Director City Planning, Development and Transport