

Attachment A

Summary of Submissions and Responses

Community submissions

136 individual submissions were received from the general community.

| Summary of submission | Response |
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| General support (5 submissions) | |
| <ul style="list-style-type: none"> • Support for the proposal and the public benefits associated with it. • Support for the provision of more housing near the Sydney CBD. • Support for the provision of more housing to help reduce the cost of apartments. • Zetland is a suitable location for areas of medium and high density residential. • Support for the proposal to reduce the height near the park to improve solar access and to increase the height of the tower to compensate. | <p>Support for the proposal is noted. Further detailed responses to specific matters are noted below.</p> |
| Mixed feedback and/or support for specific elements (11 submissions) | |
| <ul style="list-style-type: none"> • The requirements for mixed used, retail, commercial and public open space are supported. • Support for active street frontages and the new retail shopping centre. • Support for the planned open space / park, and the improved solar access proposed for the park. • Support for the townhouses as they would be suitable for small families and the lower profile buildings would better integrate with the surrounding areas. • Support for the provision of EV charging facilities. • Support for the transition from an industrial site to a residential site. | <p>Support for these specific elements of the proposal is noted. Further detailed responses to specific matters are noted below.</p> |

| Summary of submission | Response |
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| General opposition to the proposal and/or specific elements (120 submissions) | |
| <ul style="list-style-type: none"> • Opposition to the proposal | <p>Opposition to the proposal is noted. Further detailed responses to specific matters are noted below.</p> |
| Overdevelopment / excessive density (65 submissions) | |
| <ul style="list-style-type: none"> • Objection to the overdevelopment of the area, and concerns surrounding the cumulative impacts of development in the area. • Request for a comprehensive analysis of existing and future developments and their impacts. • No additional development is required as the City of Sydney has fulfilled it's housing targets. • When land is upzoned, the land value increases and effectively means that the stamp duty originally paid is markedly less than the stamp duty that would have resulted from the increased development value. That loss of stamp duty to the government is not reasonable. • Ad-hoc rezonings lead to poorly considered outcomes and overdevelopment. • Objection to rezoning the site from industrial to residential. | <p>The planning proposal does not increase the density permitted on the site and will not facilitate the delivery of any additional dwellings than is already permitted. The current floor space ratio of 2:1 for the site and the surrounding area have been in place since 2012 following master planning in 2008 to 2009. There is no change.</p> <p>There has been a comprehensive assessment of the impacts and benefits of changing the height controls. The City will also consider impacts in the development application process against adopted planning controls.</p> <p>The development of this site will contribute to the City's housing target of an additional 56,000 private dwellings from 2016 to 2036. The City has not already met its 2036 housing target, but is considered on track to meet it by including this urban renewal site already zoned to provide approximately 850 dwellings (depending on final mix).</p> <p>Stamp duty and other taxation issues associated with the value of land are not a consideration in changing the planning controls on the site.</p> <p>The site is already zoned for residential development. It is not being rezoned from industrial to residential.</p> <p>No change recommended.</p> |
| Insufficient density / more housing required (3 submissions) | |

| Summary of submission | Response |
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| <ul style="list-style-type: none"> • Support for additional density on the site. • The proposal should be expanded to provide more units/housing to help reduce the cost of buying and renting in Sydney. • Support for more areas of medium and high density in Zetland as this is a suitable location given there are many similar buildings nearby. | <p>The planning proposal does not consider additional density to what is typical for Green Square area and set in 2012, only adjusting heights.</p> <p>Additional density is not supported on the site.</p> <p>The developer is required to make a contribution to the provision of affordable housing in conjunction with the development.</p> <p>No change recommended.</p> |
| Excessive building heights (93 submissions) | |
| <ul style="list-style-type: none"> • Objection to 25 storey buildings, the height of the proposed building at 90m is excessive. • The building height should remain at 45 metres. • The building height should remain at 35 metres. • The building height should remain at 10 storeys. • The maximum building height on the site should be 12,13 or 14 storeys. • Concerns regarding setting a precedent for 25 storey towers. • The building on the corner of George Julius Avenue should be limited to 5 or 7 or 8 storeys with a large setback including a small park facing George Julius Avenue by wrapping the proposed new park around to extend along George Julius Avenue. • Preference for increasing the building heights along Link Road (10, 12 or 14 storeys) and reduce the tower height on the corner – as Link Road already faces a motorway. • The skyline has already been lost due to development in Zetland. | <p>The planning proposal allows for a redistribution of floor space on the site, with additional height proposed in some locations and a reduction of height in others. The current FSR is maintained. It is considered the redistribution of height results in an overall improved public outcome.</p> <p>This proposal enables development ranging in height from 3m to 90m (or 1 storey to 25 storeys). A reduced height of 11 metres is proposed for the street blocks north of the future Mulgu Park to reflect a lower townhouse building typology; secure solar amenity improvements in the park and new publicly accessible open spaces throughout the site linking various streets and key open spaces in the neighbourhood. An increased height of 90m is incorporated for the tallest tower. The floorplate of the tower is limited in area to ensure it is relatively slender, and that therefore any shadows cast are controlled and that it shares views.</p> <p>The changes to the building heights have been informed by careful urban design analysis and the City's Design Advisory Panel advice, with the higher buildings being located on the corners of the site, medium density around the periphery and lower density centrally, in order to establish a hierarchy of built form that responds to the public domain and to the order of streets within and around the site.</p> <p>The height of towers responds appropriately to others in the Green Square urban renewal</p> |

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| <ul style="list-style-type: none"> The proposed building heights will block sunset views for West Kensington residents. Reduce the building height of Block NW-1 as it is adjacent to Gunyama park. Any positive impact from the provision of townhouses is outweighed by the compensation provided to the applicant through excessive height increases for the towers. Concerns regarding the planning proposal referring to the site as '905 South Dowling Street' in order to compare the height to other towers on South Dowling Street, when the site actually sits on Link Road. The 90m tower at the most prominent point of the site will not 'create greater visual amenity in the public domain' given its proximity to the HCA. Opposition to buildings higher than 7 storeys as this has negative social impacts such as isolation and loneliness. Objection to the increase in building heights being referred to in the planning proposal as a 'small increase' | <p>area and South Dowling Street and sets no precedent.</p> <p>The legal description (lot and DP) of the property is 905 South Dowling Street, Zetland, as referenced within the planning proposal. It is consistent and reasonable to compare the height of the tallest tower on the north-east corner of the site, that is immediately visible from South Dowling Street, with those heights further north along South Dowling Street.</p> <p>There is no evidence that buildings over seven storeys results in negative social impacts, such as isolation. Zetland contains some of the higher residential buildings in the local area. It has an active and engaged community and is supported by high quality community infrastructure and open space.</p> <p>The description of the building height as a 'small increase' on page 48 of the draft Planning Proposal refers specifically to the difference from what was proposed by the proponent in their PP request and supporting documentation and what was finally included in the planning proposal for public exhibition. These changes have been informed by a detailed assessment of the documentation submitted.</p> <p>No change recommended.</p> |
| Insufficient building heights (3 submissions) | |
| <ul style="list-style-type: none"> The proposed heights should be increased to allow more homes to be provided on the site The 3m height limit across some parts of the site is too small and should be higher | <p>The proposed variation in heights across the site does not reduce the number of dwellings already permissible on the site.</p> <p>The 3m height applies only to public domain and is intended to allow for any minor built elements needed in that space.</p> <p>No change recommended.</p> |
| Visual and acoustic impacts (80 submissions) | |
| <ul style="list-style-type: none"> Concerns about construction noise | <p>Noise impacts during construction will be considered as part of the assessment of any future development application (DA) and also</p> |

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| <ul style="list-style-type: none"> Concerns around the negative visual and acoustic impact from this scale of development – particularly the negative impacts upon the West Kensington HCA The bulk and scale of the development is excessive and will have a negative visual impact on the surrounding area. Concerns about light pollution from the residential buildings at night. | <p>controlled through conditions of any consent granted to minimise impacts during construction.</p> <p>The proposed planning controls limit the floor plates of the tallest buildings on the site to ensure each is relatively slender and that views are shared.</p> <p>Consideration of view corridors and other environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, will also be assessed at the DA stage against the planning controls.</p> <p>The change to the height controls is not related to light spill effects. Light pollution will be further considered in the development application process. Controls require the minimisation of light spill.</p> <p>No change recommended.</p> |
| Overshadowing (80 submissions) | |
| <p><i>Overshadowing to West Kensington HCA</i></p> <ul style="list-style-type: none"> The proposed building heights will cause unacceptable overshadowing to the nearby HCA The building height should remain at 45 metres to limit this overshadowing This proposal will cause the afternoon sun to disappear for hours Solar access is heavily relied upon as a power source to reduce living costs <p><i>Overshadowing to apartment buildings</i></p> <ul style="list-style-type: none"> The variation of building heights may secure better solar access to Mulgu Park, but there are concerns about the solar access for the apartment buildings on the site and the apartment building bound by Link Road, Epsom Road and South Dowling Street. <p><i>Overshadowing to public open space</i></p> | <p><i>Overshadowing to West Kensington HCA</i></p> <p>Overshadowing analysis was publicly exhibited as part of the planning proposal.</p> <p>The City's planning controls require that new development must not create any additional overshadowing where solar access is less than 2 hours between 9am and 3pm on 21 June. The modelling demonstrates this standard can be achieved with the proposed maximum building envelopes.</p> <p>Solar access is measured at mid-winter (21 June) because this is when the sun is lowest in the sky and therefore represents a 'worst case scenario' for overshadowing.</p> <p>As West Kensington lies to the east of the subject site, there will be no shadow cast by the proposed building envelopes on the area until the afternoon.</p> <p>The modelling shows the north-eastern tower of the site is the only building that will create any additional overshadowing on the edge of West Kensington. On the 21 June this additional overshadowing does not commence until 2:30pm and is limited to buildings parallel</p> |

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| <ul style="list-style-type: none"> Concerns that Mulgu Park will be overshadowed during the times when people will want to use it – prior to 9am and after 3pm during weekdays Concerns that the building heights will cause overshadowing to Gunyama Park | <p>to M1/Southern Cross Drive. By 3pm, the shadow extends over additional three properties along the northern side of Lenthall Street and into the front yards of two properties on the southern side of Lenthall Street. The properties receive well in excess of the minimum solar access requirements.</p> <p><i>Overshadowing to apartment buildings</i></p> <p>The solar analysis of the proposed development demonstrates that appropriate solar access can be maintained to existing and planned surrounding apartment buildings, and can be achieved for the planned buildings within the development itself. This is measured with reference to the NSW Government’s Apartment Design Guide (ADG) requirements for solar access to new apartment buildings and overshadowing of existing apartment buildings.</p> <p>Solar access will also be assessed at the development application stage must comply with the ADG.</p> <p><i>Overshadowing to public open space</i></p> <p>The City’s planning controls require 50% of the open space to receive sun for 4 hours between 9am and 3pm in midwinter. Overshadowing analysis of open space in and around the site shows this can be achieved and support their intended uses.</p> <p>The proposed reduced building height to the immediate north of Mulgu Park (to allow for three storey townhouses), results in increased solar access to the park, allowing 78% of the park to receive 4 hours of sun between 9am and 3pm in midwinter compared with 53% under the current controls.</p> <p>No change recommended.</p> |
| Privacy (40 submissions) | |
| <ul style="list-style-type: none"> Concerns that the privacy of nearby residents will be compromised by the new development Buildings at the proposed heights will affect the privacy of local residents in | <p>The NSW Government’s Apartment Design Guide (ADG) contains standards to ensure new residential apartments achieve acceptable levels of visual privacy for residents and neighbours. The ADG requires a minimum 24m separation between habitable rooms and balconies with other habitable</p> |

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| <p>their own backyards, particularly in the West Kensington HCA</p> <ul style="list-style-type: none"> Safety concerns resulting from this impact upon privacy | <p>rooms, balconies and other private open spaces for buildings that are nine or more storeys high. These requirements limit impacts on overlooking and are the highest standard that applies across NSW and cannot be varied by a development control plan.</p> <p>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. Moreover, 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 exceed the building separation requirements in the ADG.</p> <p>No change recommended.</p> |
| Traffic and local road infrastructure (115 submissions) | |
| <ul style="list-style-type: none"> The local road infrastructure surrounding the site is already inadequate, with existing issues of congestion and safety The increased traffic generation resulting from this proposal will have an unacceptable impact on the local road network, particularly on the area of West Kensington. Concerns regarding the proposed signalised intersections. Suggestion for protected roundabouts at these intersections. Objection to the proposed slip lane at the Link Road and Epsom Road intersection The Traffic Impact Assessment is incomplete / inadequate. It does not include any modelling of pedestrian or bicycle level of service/delays. Concerns that increased traffic generation will impact upon Todman Avenue, Virginia Street, McDougall Street, Baker Street and Milroy Avenue | <p>This planning proposal does not increase the density permitted on the site or change the land-use zoning. Therefore the planning proposal will not result in any additional traffic generation from what has already been planned for in the existing planning controls.</p> <p>A detailed study of additional traffic impacts arising from the planning proposal is therefore not necessary.</p> <p>A detailed traffic study is required with the future development application to ensure impacts of the permitted development on key intersections and more broadly on the road network are managed through mitigation measures.</p> <p>Traffic issues are considered in response to submissions from Randwick Council and Transport for NSW (TfNSW) later in this submissions table.</p> <p>Some change is recommended to the proposed planning controls in response to submissions about traffic and transport. See response to TfNSW submission.</p> |

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| <ul style="list-style-type: none"> • Access to Botany Road via Epsom Road is already difficult and requires attention • Concerns regarding noise and pollution resulting from increased traffic generation • Concerns regarding safety include pedestrian safety, particularly children who walk and cycle to school in the area, and the roundabout at Epsom Road being dangerous in its current structure | |
| Parking (46 submissions) | |
| <p><i>Oversupply of parking (4 submissions)</i></p> <ul style="list-style-type: none"> • Objection to the 924 additional car parking spaces as it facilitates motor vehicle ownership and causes traffic generation • The proposed parking quotas are not consistent with Council's Community Strategic Plan and Net Zero target • Objection to the underground parking spaces as the cost is passed on to buyers, tenants and retail customers – reducing housing affordability and increasing living costs. Any car parking spaces provided should be 'unbundled parking' (leased/sold separately from the units themselves) – to enable owners and renters more choice and to increase unit affordability <p><i>Undersupply of parking (42 submissions)</i></p> <ul style="list-style-type: none"> • The proposed parking quotas are insufficient • There are existing issues with inadequate street parking in the surrounding areas, this proposal will exacerbate this existing issue • The site is not located in an accessible enough location to justify exploring opportunities to reduce the | <p>The City's planning controls establish maximum parking rates based on the accessibility of the site to public transport and services. This approach is applied consistently across the local area and is supported by Transport for NSW.</p> <p>The reference scheme, that illustrates one development concept that might be achievable under the proposed planning controls, indicates about 860 parking spaces being provided in conjunction with the development, being the maximum levels currently permitted under the LEP.</p> <p>Final approval for parking will occur at the development application stage..</p> <p>The City's planning controls do not require that a parking space be provided with each apartment. Rather it is at the discretion of the developer as to how the total number of parking spaces permitted in conjunction with the development are allocated. For example, it allows for larger apartments to be sold with 2 spaces, and for some studios to be sold with no parking (with the cost of these apartments generally expected to be lower).</p> <p>Parking issues are considered in response to submissions from Randwick Council and Transport for NSW (TfNSW) later in this submissions table.</p> <p>Some change is recommended to the proposed planning controls in response to</p> |

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| <p>amount of parking for private vehicles on the site from the maximum levels</p> <ul style="list-style-type: none"> 1.5 parking spaces should be provided per dwelling An additional 50 car spaces should be provided for the residents of the proposed building, the commercial businesses and its customers. | <p>submissions about traffic and transport. See response to Transport for NSW submission.</p> |
| Site access (8 submissions) | |
| <ul style="list-style-type: none"> Concerns regarding where the site access will be, as Epsom Road, South Dowling Street and Green Square are already near maximum capacity Suggestions that site access should only be from Link Road and Epsom Road. | <p>The planning controls identify preferred access to the site from Link Road.</p> <p>Notwithstanding this, appropriate locations for site access will be explored in further as part of a detailed traffic and transport study to be lodged with the future development application.</p> <p>Given the scale of this development, the future development application will be referred to Transport for NSW for comment. It is noted that in their submission Transport for NSW indicates a preference for a left-in/left-out access to/from Link Road into the subject site in the future, and no access on Link Road within 100 metres of the Epsom Road intersection.</p> <p>No change recommended.</p> |
| Public transport facilities and services (64 submissions) | |
| <ul style="list-style-type: none"> The site is more than 800m network distance from the nearest rail station and are not served by all-day, frequent public transport services to/from the CBD. The site is not suitable for high-density development as it is not well served by public transport. High-density development should not proceed on this site until the NSW Government has committed to providing all-day, frequent public transport services on the Green Square Eastern Transit Corridor & agreed to construct the Metro Station | <p>This planning proposal does not increase the density permitted on the site or change the land-use zoning. Therefore the planning proposal will not result in any additional traffic generation from what has already been planned for in the existing planning controls. That is, any development application resulting from the proposed planning controls would have no more impact than a development application under the existing planning controls.</p> <p>The site is serviced by the following public transport:</p> <ul style="list-style-type: none"> Green Square train station that is within 10min walk of the site at its nearest point (850m), and 18min walk at its furthest point. It is anticipated that this accessibility |

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| <ul style="list-style-type: none"> • Support for Council to advocate for the Metro Station • The proposal is inconsistent with Council’s Community Strategic Plan due to the site’s poor public transport access. • Request for a Public Transport Assessment • With a normal walking pace, it would take approximately 18 minutes to walk the 1km from the site to Green Square train station • Suggestion for car share options and cycleways to overcome the lack of public transport options available | <p>will be improved with the delivery of the planned internal street network within the site in accordance with the DCP;</p> <ul style="list-style-type: none"> • Several bus stops are situated within 400m of the site, which provide services for example: <ul style="list-style-type: none"> ○ Service 370 - this service runs every 10-20 minutes (peak services vary) from Epsom Road, connecting the site to Green Square Train Station, Newtown and Glebe to the west, and the University of NSW and Coogee to the east. ○ Service 306 - this loop service runs every 10 minutes from Epsom Road and connects the site to Redfern train station in the north-west (via Green Square train station), to Eastlakes shopping centre and to Mascot station. ○ Service 304 - this continuous loop service runs from Gunyama Park Aquatic and Recreation Centre and Epsom Road to Redfern, Surry Hills, Martin Place and Circular Quay every 5 minutes on weekday peaks and every 10 mins at most other times. <p>The development of the site will create additional opportunities to extend public transport routes through the site itself (along the extension of Defries Avenue) and improve local access and connections for pedestrians and cyclists by footpath widening and creating through-site links on the site.</p> <p>In addition, the City continues to advocate to the State Government for the provision of a metro station to service the Green Square area, as identified in the South Eastern Transport Strategy.</p> <p>The City also works with Transport for NSW deliver improvements in the Green Square area with the</p> <ul style="list-style-type: none"> • 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 |

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| | <p>develop an action plan up to 2024 and to the opening of the metro;</p> <ul style="list-style-type: none"> • 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 – The City and Transport for NSW will work together to deliver cycle links across the local government area, including Epsom Road (currently in planning), Zetland Avenue and George Julius Avenue. There are several existing on-road and off-road bicycle routes surrounding the site that connect the site with adjoining precincts, to Central Sydney and to the wider network of regional bike paths. • Behaviour change – Transport for NSW and the City have recently implemented 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 programs the City commonly runs in urban renewal precincts; • 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 does promote public transport usage in favour of driving and parking to a destination. <p>The reference scheme indicates 10 car share spaces, which aligns with the current planning controls on the site. Clearly marked plans identifying the location of all car share parking spaces will be submitted with any future development application.</p> <p>No change recommended.</p> |
| Community facilities / social infrastructure (45 submissions) | |
| <ul style="list-style-type: none"> • This proposal will exacerbate the existing pressure on community facilities in the area, including schools, public open space and child care. | <p>The planning proposal facilitates a number of public domain improvements including an additional 5,500 square metres of public open space, including a new park to be called Mulgu Park, and three additional areas of newly proposed open space. The site is close</p> |

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| <ul style="list-style-type: none"> • The proposal should provide more community facilities such as parks, BBQs, creative spaces, play equipment, nature reserves • Desire for a wetland with water and facilities for kids • New developments should factor in burial sites • The proposed Mulgu Park is not big enough, suggestion to use the opportunity in the middle of the site to create multiple open spaces that are an extension to Gunyama Park • Concerns that Mulgu Park will be an island surrounded by public roads that will be unsafe for optimal use – suggestion for the park to be directly connected to nearby cafes/restaurants (at Block S-1, S-2 or NE3) | <p>to a variety of exemplary local community infrastructure and facilities within the Green Square Town Centre (Town Centre) including the Green Square Plaza and Library and the Joynton Avenue Creative centre. It is also close to childcare centres and a dedicated community space and a recycled water plant. The subject site is adjacent to Gunyama Park Aquatic and Recreation Centre and is within walking distance of The Drying Green park and Matron Ruby Park and playground.</p> <p>Furthermore, a new public school is being built about 300m from the site. It will provide the latest learning spaces and core facilities to meet enrolment demand in the area. Green Square Public School and Community Spaces are being delivered by the Department of Education in collaboration with the City as a joint enterprise and will provide recreation spaces outside of school time for the community. An Out of School Hours Care (OSHC) will be provided on site also.</p> <p>The planning proposal does not increase the planned density on the site, that is, it does not alter the number of dwellings that could be approved under current planning controls.</p> <p>High level designs for Mulgu Park have been prepared in consultation with the community. The park itself is expected to be delivered as part of the development and will undergo detailed design at that time. The detailed park design will be exhibited for public comment.</p> <p>It is not proposed that burial sites be incorporated in the future local park.</p> <p>The size of Mulgu Park is considered appropriate given the site itself is located next to significant open spaces and a playing field at Gunyama Park. It is one of 40 parks and places to service the Green Square area.</p> <p>The street and lanes surrounding Mulgu Park is for local (largely internal) traffic and will be subject to design measures to ensure appropriate safety measures are met.</p> <p>No change recommended.</p> |
| Sustainability (14 submissions) | |

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| <ul style="list-style-type: none"> The Ecologically Sustainable Development report is incomplete / inadequate. It does not consider the sustainability impacts of additional motor vehicle traffic that will be generated by the development or the greenhouse gas emissions associated with building construction/materials. Concerns regarding a lack of consideration for sustainable, with the provision of units with air conditioning and air dryers Why is a VPA required for the environmental performance indicators when this should be, given climate change initiatives, standard City of Sydney guidelines for apartment buildings? | <p>The NSW Government sets the sustainability requirements for residential unit DAs. This can be improved through a voluntary planning agreement. The VPA outlines a number of environmental performance initiatives that have been committed to, including stretch BASIX targets; design, construction of all future buildings on the site so as to be capable of providing a dual reticulation water system for around 2000 residents; and ensuring all private residential parking spaces are capable of being fitted with Electric Vehicle Chargers.</p> <p>No change recommended.</p> |
| Public benefit (26 submissions) | |
| <ul style="list-style-type: none"> Request for a clear identification of the public benefits that may accrue to support the planning proposal Suggestion for the developer to have some responsibility to upgrade the local road network | <p>In conjunction with the planning proposal, a draft planning agreement has been publicly exhibited requiring:</p> <ul style="list-style-type: none"> a commitment to provide at least four per cent of the GFA to be achieved on the site as non-residential development to service the development's every day needs; achieving stretch energy and water BASIX scores where the current BASIX SEPP applies; a commitment to design and construct all future buildings on the site so as to be capable of providing a dual reticulation water system; and a commitment that all private residential parking spaces are capable of being fitted (by a future owner/occupant) with an Electric Vehicle Charger <p>The planning agreement is to be executed and secured on the title of the land prior to changes to the planning controls being made.</p> <p>Delivery of the new streets, open space and public space as shown in the draft DCP will form a requirement of any future development</p> |

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| | <p>application approval on the site, if granted. A further planning agreement will be prepared for public comment with any future development application. That agreement will contain greater detail about the developer's responsibilities in delivering these spaces.</p> <p>In addition to those public benefits secured by the planning agreement (and future planning agreement), the planning proposal also results in a number of improved outcomes that are of benefit to the public, including:</p> <ul style="list-style-type: none"> • a range of housing choices including family sized townhouses, where the current controls only allow for apartment living • more sunlight to the public domain, specifically to Mulgu Park throughout the year • provide more public spaces and streets • a mix of land uses, with retail and commercial spaces to enliven and service the locality without the need to drive <p>No change recommended.</p> |
| Alternative suggestions for the site (6 submissions) | |
| <ul style="list-style-type: none"> • Council and/or the State Government and Council should jointly purchase the land and convert it to public green open space • The site should be acquired to deliver a public high school, sports facilities and/or public and social housing | <p>The site is privately owned and zoned for mixed use development. It is the landowners intention to develop it for housing, as permitted by the planning controls.</p> <p>As addressed elsewhere in this submissions table, the City has committed significant resources to the provision of community infrastructure and open space in the Green Square area.</p> <p>For further information, refer to the response provided to matters raised about community facilities / social infrastructure.</p> <p>No change recommended.</p> |
| Consultation (36 submissions) | |

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| <ul style="list-style-type: none"> Concerns regarding the consultation process that has been undertaken for this proposal Particular concerns that residents of the City of Randwick, and the Council itself has not been consulted with. | <p>The City publicly exhibited the planning proposal for six weeks, exceeding the public exhibition requirements of the Gateway determination, that required the planning proposal be publicly exhibited for a period of four weeks only. In addition, the City significantly extended its usual exhibition area, notifying 3,350 properties inside the City of Sydney LGA, and approximately 1,000 properties in the Randwick LGA via letterbox drops. The April Sydney Your Say newsletter was sent to 6,975 self-subscribers.</p> <p>The City hosted an online information session on 4 April 2023 where planners and urban designers were available to answer questions from the community.</p> <p>In accordance with the Gateway determination, the City of Randwick Council was notified of the public exhibition. Additionally, a briefing with City of Randwick planning officers was provided in April 2023.</p> <p>No change recommended.</p> |
| Supporting documentation (46 submissions) | |
| <ul style="list-style-type: none"> Research should be undertaken to consider the impact of density upon mental health, physical health, early childhood learning and cognitive impairment Request for a Hydraulic (Water) analyses of the cumulative impact of the proposal, as Lenthall Street, Epsom Road and Link Road are notorious locations for flooding Concerns regarding the adequacy of the OLS Certification Plan | <p>The planning proposal increases building heights only. It does not increase the density beyond what can already be approved under current legal planning controls.</p> <p>A flood assessment and stormwater management report was publicly exhibited as part of the supporting documentation with the planning proposal. Further flooding analysis is to be submitted as part of the development application when more detailed design has been undertaken.</p> <p>The Airport OLS Geoheight Survey has been referred to the Civil Aviation Safety Authority and Sydney Airport in accordance with the Gateway determination. The public authorities have made no objection to the planning proposal progressing and have advised the next steps required for the relevant permissions.</p> <p>No change recommended.</p> |
| Design Quality (6 submissions) | |

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| <ul style="list-style-type: none"> Concerns regarding the poor architectural and urban design of Meriton developments | <p>The development is subject to the City's design excellence provisions of the Sydney LEP 2012 (clause 6.21C(2)(a)).</p> <p>All development applications are assessed under the Apartment Design Guide (ADG) where applicable, which provides the planning and design standards for apartments across NSW.</p> <p>No change recommended.</p> |
| Affordable Housing (38 submissions) | |
| <ul style="list-style-type: none"> Request for the number of dwellings to be allocated for affordable and social housing to be provided, as the proposal lacks tangible plans Support for the townhouses on the site for be marketed at an affordable price to make them accessible to families Concerns that affordable and social housing requirements won't be enforced | <p>The site is subject to an affordable housing contribution requirement of three per cent of residential and one per cent and non-residential floor space respectively. Based on the amount of floor space proposed for the development, this equates to about 2,623 square metres of affordable housing floor space (or about 32 dwellings if you assume an average dwelling size of 80 square metres).</p> <p>The proponent has the option to build and deliver on site either in part or in full.</p> <p>The proponent will also have the option to make an equivalent monetary contribution so a community housing provider can use the funds to provide affordable housing elsewhere in the local area. The equivalent monetary contribution is about \$30 million dollars.</p> <p>Social housing is provided by the NSW Government and is not required or proposed to be delivered on this site.</p> <p>No change recommended.</p> |
| Heritage and local character (40 submissions) | |
| <ul style="list-style-type: none"> West Kensington is a designated Heritage Conservation Area & will experience a negative visual impact from the proposed heights. The conservation area is characterised by freestanding federation homes located in individual garden lots with valued and utilised outdoor areas attached to each home. The proposed building heights | <p>At its nearest point, the subject site is about 70m from the nearest property in the Randwick LGA and the conservation area. 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. The Link Road triangle and South Dowling Street, a 6-7 lane road that turns into the Eastern Distributor, lays between the site and the conservation area.</p> |

| Summary of submission | Response |
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| <p>will directly impact the amenity of these protected dwellings.</p> <ul style="list-style-type: none"> The development of the area is impacting the community, family feel of Rosebery and West Kensington Unkempt landscaping negatively impacts the character of the local neighbourhood | <p>As addressed elsewhere in this summary of submission (see response to visual impact concerns raised by the community and matters raised by Randwick council), the proposed dwellings will be seen from the conservation area. It is not considered they will have a significant environmental impact on the conservation area.</p> <p>No change recommended.</p> |
| Safety (1 submission) | |
| <ul style="list-style-type: none"> The increasing density of the area is leading to a dramatic increase in crime. | <p>While densities permissible under the current planning controls are not increased by the planning proposal, it is noted there is no evidence that increasing density would lead to increased crime.</p> <p>No change recommended.</p> |
| Flooding (29 submissions) | |
| <ul style="list-style-type: none"> It is not clear whether the impact on the potential flow of water as a result of this development has been considered. Epsom Road and Lenthall Street are already prone to flooding, suggesting that road infrastructure and water flow are already compromised The proposed building may impact the flow of rainwater and capacity of sewers which could lead to an increased risk of potential flooding There is no mention of alluvial aquifers associated with existing drainage networks that are important to the existing ecosystem of this region | <p>The subject site is identified as flood prone land and the potential for local flooding has been considered as part of the planning proposal. The proposed floor levels in the indicative reference scheme, which have informed the building heights in the planning proposal, have been designed to respond to the site's flood affectation and have been informed by the flood assessment which is consistent with the City's floodplain management policy. The site constraints will be further addressed at the detailed development application stage.</p> <p>For further information please refer to the City's response to the submission from the NSW Environment and Heritage Group.</p> <p>No change recommended.</p> |
| Non-residential floor space (4 submissions) | |
| <ul style="list-style-type: none"> Many buildings on Epsom Road already have unoccupied commercial tenancies at the street level – which has a negative impact on the vitality of the locality. Within the justification for non-residential floor space, the proposal indicates that there are no | <p>It will take time for commercial vacancies along Epsom Road to be occupied and for a retail/commercial presence to become established in this area as it is an area in transition. Some redevelopments have only recently been completed and there are large redevelopments still underway.</p> |

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| <p>supermarkets within the walking catchment of the site, when in fact there are three – Woolworths Metro in Rosebery, Coles at East Village Shopping Centre and Woolworths in Green Square.</p> | <p>A smaller scale supermarket is appropriate at this location to meet the needs of locals in the immediate area. While the supermarkets identified are within a walking distance, they are largely outside of the 5–10-minute walking catchment that are considered necessary by the city to meet its aims for liveable and walkable neighbourhoods.</p> <p>No change recommended.</p> |
| Planning Proposal Process / Governance (1 submission) | |
| <ul style="list-style-type: none"> • Is it common practice for Council to prepare a planning proposal at the request of a proponent? • Who are the members of the City’s Design Advisory Panel and do they have any conflicts of interest ? | <p>A planning proposal is the process to amend the City’s planning instruments. Anyone can make a request for a planning proposal.</p> <p>The City is required by legislation to consider planning proposal requests. Where the planning proposal is considered to have both site and strategic merit, the City can prepare a planning proposal for the consideration of Council and the CSPC. Where the City does not support a request, it is subject to appeal to the Independent Planning Commission (IPC) who will consider the strategic and site merits of the proposal. If recommended by the IPC for public exhibition, Council is unlikely to remain the authority who will consider the proposal going forward.</p> <p>The City’s Design Advisory Panel (DAP) supports the City’s commitment to design excellence. Information about the panel is available on the City’s website at: https://www.cityofsydney.nsw.gov.au/advisory-panels/sydney-design-advisory-panel</p> <p>No change recommended.</p> |

Submissions on behalf of landowners

From:

- 1 precinct landowners
- 1 adjacent landowner

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| Consultant representing 118-130 Epsom Road & 905 South Dowling Street, Zetland (precinct landowner) | |
| <p><i>Active street frontages</i></p> <ul style="list-style-type: none"> • The Active Street Frontage requirements in the draft Planning Proposal are excessive and unnecessary – and will result in an oversupply of commercial floor space (more than the non-residential floor space requirement under the VPA). Request for the Active Street Frontage Requirements to be reverted back to what was initially contained in the Planning Proposal request and removed from LEP. • The viability of any future commercial premises along the north-western and northern boundary is contingent upon the construction of both George Julius Avenue and Zetland Avenue – which are to be built by Council and Deicorp respectively – this is considered unreasonable in the short term | <p>The current planning controls include a requirement for mapped active street frontages in the Sydney DCP 2012. There are no requirements in the Sydney LEP 2012 for active frontages on the site.</p> <p>The planning proposal request by the landowner sought to remove the current active frontage requirement from the George Julius Ave to Defries Avenue portion of the Zetland Avenue frontage. It did not seek an active street frontage in the Sydney LEP 2012.</p> <p>The publicly exhibited planning proposal included a requirement for active street frontages in both the Sydney LEP 2012 and the Sydney DCP 2012 that extended beyond the current planning controls. The purpose of the proposed active frontage controls was to encourage non-residential development along key roads within and around the site.</p> <p>The City acknowledges the proposed active street frontages requirements would result in more non-residential floor area than is otherwise required by the planning proposal and planning agreement. It also recognises the reduced flexibility that comes with including active street frontages in the Sydney LEP 2012, rather than simply in the Sydney DCP 2012.</p> <p>The City does not support the removal of the active frontage requirement that is currently in the Sydney DCP (George Julius Ave to Defries Avenue portion of the Zetland Avenue frontage), however, following consideration of this submission, it is recommended the publicly exhibited planning proposal be amended to remove</p> |

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| | <p>the proposed requirement for active frontages in the Sydney LEP 2012.</p> <p>It is also recommended the publicly exhibited draft DCP be amended to remove 'Figure XX Alternative Land Uses' and to amend the following provision as shown (<i>additions in bold and deletions struck through</i>):</p> <p>5.3.6.5 (1) Ground floor uses are to be in accordance with Figure XX Alternative Land Uses – 118-130 Epsom Road and 905 South Dowling Street, Zetland.</p> <p>5.3.6.5 (2) Provide a 4,000sqm local supermarket within the site, preferably in the block bound by Link Road, Zetland Avenue Road, Chimes Street and Peters Street, along the Link Road frontage.</p> <p>5.3.6.5 (3) Active frontages are to be provided in accordance with Figure XX Alternative Land Uses – 118-130 Epsom Road and 905 South Dowling Street, Zetland Figure 5.74 Epsom Park Active Frontages</p> |
| <p><i>Supermarket provision</i></p> <ul style="list-style-type: none"> Request for the draft Planning Proposal and draft DCP to be modified to enable a gross floor area for any future supermarket of 2,000m² to ensure the economic viability of any future development | <p>The HillPDA study supporting this submission advocated for a larger supermarket of between 1500sqm and 2000sqm gross floor area, with supporting specialty shops. The submission suggests that increasing the maximum permitted gross floor area from 1,000m² would enable the provision of a metro style supermarket that will be able to meet the needs of the immediate locality, provide benefit to the wider Green Square Precinct and support existing and future retail tenancies.</p> <p>The Green Square and Southern Areas Retail Review was completed in 2022. The City prepared a planning proposal and draft DCP, responding to the recommendations of the review to remove the retail floor space cap to the west of Green Square Town Centre.</p> <p>Whilst the Retail Study did not recommend removal of the retail cap on the subject site,</p> |

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| | <p>as it was not identified as a retail centre and there was only a small forecast of under provision of supermarket floor area in the "Rosebery North" cluster, which is where the subject site is located.</p> <p>Forming a centre with a larger supermarket of 2,000m² or more at this location contradicts the recommendations of the Retail Study and is not supported.</p> <p>However, in order to enable the delivery of a smaller metro style supermarket, lifting the maximum permitted gross floor area from 1,000m² to 1,200m² (including back of house) is considered acceptable and not inconsistent with the recommendations of the Retail Study.</p> <p>It is recommended the publicly exhibited planning proposal be amended to include an additional provision in the site-specific local clause as follows:</p> <p><i>"(g) notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of shops with a gross floor area not greater than 1,200 square metres."</i></p> <p>It is recommended the publicly exhibited draft DCP be amended as follows:</p> <p><i>5.3.6.5 (2) Provide a 1,000sqm local supermarket within the site, preferably in the block bound by Link Road, Zetland Avenue Road, Chimes Street and Peters Street, along the Link Road frontage.</i></p> |
| <p>Parking</p> <ul style="list-style-type: none"> • A reduced parking rate beyond that currently contained within the SLEP will not have any measurable benefit to traffic conditions in the precinct and will negatively impact the amenity and liveability of future occupants. • Request for the control (5.3.6.1(2)(b)) in the draft DCP that stipulates a rate lower than the LEP maximum to be | <p>The City encourages reduced provision of car parking where possible in the LGA. There is a direct correlation between the amount of parking associated with development, the traffic that is generated by the development, and the resulting impacts on the surrounding road network. Moreover the City does not agree that reducing parking would impact negatively on residential amenity.</p> |

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| <p>removed, and the current LEP parking rates be maintained.</p> <ul style="list-style-type: none"> Request for the control (5.3.6.3 (2)) in the draft DCP that stipulates for no above ground parking to be permitted to be removed to improve accessibility to the site, reduce excavation and allow for flexibility in design and building use. <p><i>Parking under the public domain</i></p> <ul style="list-style-type: none"> Request for the control (5.3.6.1(2)(b)) that stipulates that basements will not extend below the public domain to be removed, in order to permit basement linkages below the public domain, connecting the buildings within each stage of the development. Request for these basement linkages to permit visitor parking, by applying Section 3.11.5 of the SDCP. Add an amendment to ensure only Strata title land will be located below the public domain. | <p>However, the City does acknowledge it is the LEP that establishes the maximum parking spaces that can be provided in conjunction with the development, not the DCP. Notwithstanding this, exploring opportunities to reduce car parking is encouraged.</p> <p>The City does not support removal of provision 5.3.6.3 (2) in the draft DCP that requires no above ground parking to be permitted. Above ground parking would have significant impacts on the quality of and activation of the public domain and increase the height and bulk of development.</p> <p>Following consideration of this submission, it is recommended the publicly exhibited draft DCP be amended as follows (additions in bold and deletions struck through):</p> <p><i>5.3.6.1(2)(b) – a site planning strategy which:</i></p> <ul style="list-style-type: none"> <i>accommodates car parking in basements that do not extend beneath the public domain except to allow for linkages between basements and to permit visitor parking in basement linkages. Parking in basement linkages must remain within common property; and</i> <i>explores opportunities to reduce parking and increase the use of sustainable transport and utilises a car parking rate lower than the maximum rates set out in Sydney LEP 2012;</i> |
| <p><i>Building height</i></p> <ul style="list-style-type: none"> It is requested for the areas restricted to 11m be reverted back to 25m to facilitate future flexibility It is also requested that Control (4) under Section 5.3.6.4 of SDCP be removed to allow for flexibility in both concept and detailed design. The requirement to provide a physical break | <p>The City does not support an increase of height in this location. The 11m height limit secures two key public benefits arising from the planning proposal, including:</p> <ul style="list-style-type: none"> the delivery of diverse housing outcomes on the site, with three storey, family sized townhouses; and |

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| <p>above ground floor between Tower C and the 8/9 storey building to its immediate south is considered to inhibit flexibility in design. Should this control be implemented, it is noted that it should apply to the 9/10 storey, as the tower commences on the 10th storey within the Reference Scheme.</p> | <ul style="list-style-type: none"> improved sunlight to the new public park. <p>On the second issue, the full height break alleviates concerns raised by the City's Design Advisory Panel regarding the visual impact and bulk of the west elevation of the block when viewed from Gunyama Park. The request to remove this control is not supported.</p> <p>No changes recommended.</p> |
| <p>Setbacks</p> <ul style="list-style-type: none"> Control (8) of Section 5.3.6.4 within the Draft SDCP states that a 3m setback to Zetland Avenue may not be required if the land to the north redevelops prior to the subject site, if design excellence is achieved and height is reduced elsewhere on the site. It is requested that this control be modified to remove the component where it requires a 'reduction in height elsewhere on the site'. In addition, the proponent requests the implementation of an 'articulation zone' control which will allow for flexibility in detailed design. Specifically, it is requested that an articulation zone of 600mm be permitted throughout the built form, particularly on the upper levels, to allow for building elements to extend within the setback zone. The imposition of this control will permit a flexibility in design and ensure that design excellence can be more readily achieved. The articulation zone control can read as follows: <p><i>"Building elements may encroach by 600mm into the setbacks, forming an articulation zone. Built form encroachments into the articulation zone can include architectural design elements and open elements. Any encroachment into the articulation zone must contribute to the development achieving design excellence"</i></p> | <p>It is noted that if this reduced setback to Zetland Avenue is sought, it will need to be demonstrated that the built form and amenity of the locality will not be altered. The City supports the removal of the requirement that 'reduction in height elsewhere on the site' is required, in order to remove any implied inconsistency between the Alternative Built Form map and the Alternative Building Setbacks map.</p> <p>Following consideration of this submission, it is recommended the publicly exhibited draft DCP be amended as follows (deletions struck through):</p> <p><i>5.3.6.4(8) The 3m primary setback to Zetland Avenue marked 'C' in Figure XX Alternative Building Setbacks - 118-130 Epsom Road and 905 South Dowling Street, Zetland may not be required if the adjoining site to the north redevelops ahead of this land. This portion of the site may then be used to assist with the achievement of design excellence and / or with reduction in height elsewhere on the site."</i></p> <p>The request for an 'articulation zone' control is not supported. Compliance with aspects of the ADG will already be difficult at the building depths provided, a 600mm addition of building depth on either side would make compliance even more difficult.</p> <p>No changes recommended.</p> |

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| <p><i>Floorplate restrictions</i></p> <ul style="list-style-type: none"> • The maximum floor plate requirements for Towers A, B and C are overly restrictive and prohibitive to flexible and efficient design. • Request for the floorplate to be calculated based on GBA as opposed to GFA • Suggestion maximum floor plate sizes: <ul style="list-style-type: none"> ○ Tower A: 950m² Gross Buildable Area, from the 9th storey and above; ○ Tower B: 850m² Gross Buildable Area, from the 8th storey and above; and ○ Tower C: 650m² Gross Buildable Area, from the 10th storey and above | <p>The re-massing of built form and the associated maximum floor plate requirements ensures that the development will deliver greater solar access to Mulgu Park. The proposed planning controls limit the floor plates of the towers on the site to ensure each is visually as slender, that shadows they cast move quickly, and to ensure views are shared.</p> <p>These benefits are secured by the maximum floor plate controls in the draft DCP.</p> <p>No changes recommended.</p> |
| <p><i>Replication of commitments/controls</i></p> <ul style="list-style-type: none"> • The draft Planning Proposal includes numerous standards and controls which overlap with the draft VPA, it is requested that any overlap be avoided to simplify the assessment of future applications. | <p>The proposed planning controls for stretch BASIX targets, minimum non-residential development requirements, dual reticulation (where a water recycling facility is committed to) and EV parking is consistent with the City's approach to secure the public benefits of the proposal in the planning framework.</p> <p>The draft planning agreement is a legal agreement between the parties for the delivery of these public benefits. It articulates more detailed arrangements for their delivery and describes how the requirements interact with the contributions framework.</p> <p>The requirements of the draft planning agreement and proposed controls are consistent.</p> <p>No changes recommended.</p> |
| Consultant representing 106-116 Epsom Road, Zetland (adjacent landowner) | |
| <ul style="list-style-type: none"> • The submission has been prepared by Mecone NSW Pty Ltd (Mecone) who act | <p>The reference scheme demonstrates an improved solar access to the neighbouring developments, compared with current DCP envelopes - as shown in Figure 30 of the</p> |

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| <p>on behalf of Lincon Epsom Projects, owner of 106-116 Epsom Road, Zetland</p> <ul style="list-style-type: none"> • General support for the intent of the Planning Proposal, with concerns regarding the increased height proposed for sites which directly border the Lincon site. • Additional building heights which border/flank the Lincon site are not supported given the poor amenity outcome to future residents. • It is recommended that this additional building height/density be redistributed towards the north-western and western extent of the Meriton site where adequate building separation distances to neighbouring sites already exist and impacts would be less adverse. • The new parks are supported, however, they could be extended north to follow the alignment of the existing cross precinct link. This will provide signification CPTED and wayfinding benefits. | <p>planning proposal. The building heights to the north of the Lincon site are being reduced from 27m to 3m. In addition, a new green link is proposed along the north of the Lincon site boundary, to enable better building separation.</p> <p>The building heights have been increased toward the north-western and western extent from 25m and 30m to 33m and 55m respectively.</p> <p>Additional height in the north-western / western extent of the site, above what is already proposed in the publicly exhibited planning proposal, is not supported.</p> <p>Furthermore, the draft DCP highlights the need for the proposed towers to address solar impact on neighbouring dwellings with respect to relevant existing Sydney DCP 2012 controls and the NSW Government's Apartment Design Guide standards.</p> <p>No changes recommended.</p> |

Public Authority Submissions

The Gateway determination provided by the Department of Planning and Environment required consultation with the following public authorities:

- Randwick Council
- Energy, Environment and Science Group (Environment and Heritage Group)
- Transport for NSW
- Civil Aviation Safety Authority
- Sydney Airport Corporation
- Department of Infrastructure and Regional Development

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| Randwick Council | |
| <p><i>Transport and Traffic</i></p> <p>Concerns are raised about the cumulative and local traffic impacts. The submission recommends:</p> <ul style="list-style-type: none"> • a full assessment of traffic impacts from the future redevelopment of the site as well as the cumulative impacts, noting the planning proposal should not proceed until this has been completed. • a local area traffic study considering intersection capacity, minimising rat running in local streets and better managing the interfaces between traffic, pedestrians and cyclists may assist in improving the traffic situation in the Randwick LGA. This study should be undertaken as part of the draft Planning Proposal and any infrastructure upgrades within the Randwick LGA recommended by the study should be fully funded by the proponent by way of an agreement with CoS and Randwick Council. • that the City obtain a commitment from TfNSW to the extension of the Metro & Rapid Bus Route prior to supporting the planning proposal. • that the City work with TfNSW and Randwick City Council to identify potential bus coverage, frequency and priority infrastructure improvements and cycling facilities to | <p>The proposal does not increase the density on the site zoning. The traffic impacts resulting from the proposal are not increased from those that may result from development that could proceed under the existing planning controls.</p> <p>It is therefore considered unnecessary to undertake more detailed traffic and transport analysis ahead of the planning proposal progressing. The City will continue to work with TfNSW towards improved public transport in the area. A commitment from Transport for NSW (TfNSW) for the extension of the Metro & Rapid Bus Route is not required to progress the planning proposal.</p> <p>Notwithstanding the above, detailed traffic and transport analysis is required to be provided as part of any future development application/s.</p> <p>It is noted the Bitzios consultant report, commissioned by Randwick Council to review the traffic analysis, it concludes that there is limited nexus between the development's traffic and new/unforeseen impacts in the Randwick LGA.</p> <p>For further information, also see the City's response to matters raised by TfNSW and by the general community.</p> |

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| <p>better service further development of Green Square.</p> | |
| <p><i>Visual Impact</i></p> <ul style="list-style-type: none"> Concerns are raised over the potential visual impacts that could result from the draft planning proposal, particularly in relation to the West Kensington HCA and heritage items within. These impacts have not been assessed. The draft proposal would result in an additional tower that would be clearly visible from many vantage points within the HCA. The current planning controls would have less of an impact on the HCA Recommendation for a Heritage Impact Assessment to be undertaken to determine the impact on the West Kensington HCA and heritage items within which are in the immediate vicinity of the proposal. The draft proposal and supporting documents should then be amended to minimise identified heritage impacts. The planning proposal should not proceed until this has been completed. | <p>The Randwick Heritage Study – Volume 1 Heritage Conservation Area Review 2021, prepared on behalf of Randwick Council recognises the visual interest of the West Kensington HCA as being predominantly internally focused, with the more interesting views out of the area being to the south-east towards the Sacred Heart Church.</p> <p>The subject site is to the west of the West Kensington HCA. The proposed development is more than 70m from the nearest house with the tallest element being approximately 95m from the nearest house in the conservation area. The Link Road triangle and the M1/Southern Cross Drive lies between the site and the West Kensington HCA.</p> <p>There are already a number of taller buildings along Southern Cross Drive that are visible from West Kensington HCA. It is not considered an additional building(s) within view of the West Kensington HCA give rise to an unacceptable environmental impact, or impact on the ongoing heritage significance of the area.</p> <p>Therefore, the request that further heritage impact assessment be undertaken is not supported.</p> <p>No change recommended.</p> |
| <p><i>Alignment of maximum height and FSR controls – clause 4.6 recommendations</i></p> <ul style="list-style-type: none"> Concern about the potential for future development applications to redistribute the massing of the built form via departures to the DCP controls. Greater certainty of development outcomes on the site would be gained by determining alternative FSR controls specific to each development block within the site and that correspond to the alternative building heights, indicative height in storeys and setbacks. | <p>The maximum building height controls proposed in the LEP provide a high level of certainty about the location of the taller elements of the proposal. The draft DCP provides further detail about proposed setbacks and maximum floorplates to further guide the building footprint.</p> <p>It is not considered appropriate to prescribe an FSR for development blocks that are as yet only defined at the strategic level.</p> <p>As the development is designed and documented at a more detailed level (for development application purposes), the Stage 1 development application will determine GFA</p> |

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| | <p>on each development block as part of the consent.</p> <p>No change recommended.</p> |
| <p><i>Overshadowing</i></p> <ul style="list-style-type: none"> The planning proposal states that the revised building heights demonstrates an acceptable impact on solar access to neighbouring developments, compared with current DCP envelopes, however there are no supporting documents of shadow studies to demonstrate this. The draft DCP highlights the need for the proposed towers to address solar impact on neighbouring dwellings with respect to relevant existing Sydney DCP 2012 controls and the NSW Government’s ADG standards. Concerns are raised that the Stage 1 and 2 development application assessment process will neglect to consider potential overshadowing impacts of the proposal on properties within the Randwick LGA. Recommendation for DCP provisions to be amended to ensure overshadowing is assessed for sites within the Randwick LGA. Recommendation for additional shadow diagrams should be prepared for all seasons of the year to understand the overall solar access net benefit to the park and potential impacts of the proposed tower. | <p>Overshadowing analysis was publicly exhibited with the planning proposal. It showed the amount of solar access to properties in West Kensington would exceed planning control requirements.</p> <p>The solar impact of the proposal on any affected properties will be assessed in future development applications. These applications will also be publicly notified so neighbours can make submissions which also need to be addressed.</p> <p>Solar access is measured at mid-winter because this is when the sun is lowest in the sky and therefore represents a ‘worst case scenario’ for overshadowing. The solar studies exhibited with the planning proposal included shadow diagrams for both June and December.</p> <p>For further information, also read response to matters raised about overshadowing by the general community.</p> <p>No change recommended.</p> |
| <p><i>Sustainability & VPA Benefits</i></p> <ul style="list-style-type: none"> The requirement for electric vehicle chargers in future developments is considered best practice for new largescale residential development. While the initiative is supported, it is not considered a significant public benefit, rather a standard requirement. The requirement for dual reticulation may be positive, however the absence of a recycled stormwater | <p>It is currently not a standard requirement. Although it is in an action in the exhibited draft Electrification of Transport in the City Strategy and Action Plan, the Sydney DCP 2012 does not currently require new development to be ‘electric vehicle ready’, therefore securing this benefit via a planning agreement is deemed appropriate.</p> <p>Green Square has a purpose-built water recycling plant. Including a requirement for dual reticulation of all buildings beyond the Town Centre, that comes at a cost to</p> |

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| <p>facility to service the site, the true benefit of this offer is diminished as the delivery is uncertain.</p> <ul style="list-style-type: none"> The increased BASIX requirements for all applicable development on the site is a significant public benefit and is supported. The drafting instructions outline a site-specific local provision for the site that links the alternative building heights to the reach BASIX standard, which gives more weight to the requirements than the DCP provisions. Clarification should be provided as to how the reach BASIX targets will be achieved in light of the Sustainable Buildings SEPP prevailing over the LEP and the potential to vary the reach BASIX targets via clause 4.6. | <p>development, and is otherwise not required by the planning controls, is essential to ensure that those buildings may connect to an expansion of the existing Green Square recycled water facility. Should buildings be built that cannot connect to the facility, there is reduced demand for the delivery of a facility. The City therefore considers the commitment a clear public benefit.</p> <p><i>State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Building SEPP)</i> will introduce higher BASIX targets. The planning agreement recognised the increase and only imposed stretch targets for development applications submitted under the current BASIX SEPP. The planning proposal is therefore proposed to be updated to be consistent with the planning agreement and recognise the increased target introduced by the Sustainable Building SEPP regardless of when the next DA is lodged.</p> |
| <p><i>Strategic justification</i></p> <ul style="list-style-type: none"> The proposal results in a number of concerns relating to the redistribution of height across the site that has not given adequate consideration to the adjoining low density residential area of Kensington. At this stage it is unclear that the proposed changes offer an overall better planning outcome compared to the existing planning controls. These issues should be resolved prior to the draft planning proposal be progressed. | <p>Significant urban design analysis has informed the proposed planning controls, together with advice from the City's Design Advisory Panel.</p> <p>The proposal results in a number of public benefits, including improved housing diversity, more and better public space and sustainability improvements.</p> <p>As above, the proposal does not result in any significant environmental impacts on the conservation area and does not detract from the identified significance of the conservation area.</p> <p>No change recommended.</p> |
| <p><i>Affordable housing</i></p> <ul style="list-style-type: none"> Encourages the City to seek additional affordable housing contributions, beyond the 1-3% levy to strengthen the overall public benefit of the proposal. | <p>The City's Affordable Housing Program seeks an additional affordable housing contribution requirement where new floor space is being created as a result of a planning proposal. This is consistent with the approach of the current Regional Plan.</p> <p>However, no additional floor space is being created as a result of the planning proposal.</p> |

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| | No change recommended. |
| Environment and Heritage Group (Energy, Environment and Science Group) | |
| <p><i>Trees and Biodiversity</i></p> <ul style="list-style-type: none"> • The Arboricultural Impact Assessment prepared by Jacksons Nature Works provides recommendations for the removal and retention of trees across the site. • The report appears to be an incomplete draft and does not provide sufficient information and assessment to inform the removal or retention of trees for the future development of the site. • Environment and Heritage Group (EHG) considers that where practical, the future development of the site should seek to retain existing trees. • Where trees cannot be retained, EHG recommends that they be replaced with tree species derived from the vegetation community that once occurred on site • An AIA that conforms to the requirements of Australian Standard 4970:209 Protection of Trees on Development Sites should accompany any future development application over the site. | <p>The City's planning framework includes detailed requirements for the management of trees (SDCP 2012 Section 3.5) that must be considered in relation to any future development application, including submission of an arborist report</p> <p>The report must be prepared in line with City of Sydney guidelines, and relevant Australian Standards including for classification, protection and pruning.</p> <p>All street tree plantings must be in accordance with the City's Street Tree Master Plan 2011 and landscape design must consider the City of Sydney Landscape Code.</p> <p>No change recommended.</p> |
| <p><i>Flooding</i></p> <ul style="list-style-type: none"> • To support the planning proposal, a flood impact and risk assessment is required. Guidance on what is required can be found in the Department's Flood Risk Management Guide LU01: Flood Impact and Risk Assessment. • As the site appears to be encircled by floodwater in the Probable Maximum Flood, it is strongly recommended that the NSW SES is consulted regarding flood emergency management. | <p>Development is currently permitted on the site and the planning proposal does not increase the density. The controls that currently apply are consistent with the Alexandra Canal Floodplain Risk Management Study and Plan, adopted by the City in accordance with the principles and guidelines of the Floodplain Development Manual 2005. Flood modification measures identified in the Plan have already been acted upon by the City as part of infrastructure improvements through the Green Square Town Centre redevelopment.</p> <p>The planning proposal facilitates new opportunities for non-structural floodplain risk management measures. There is a track record of these outcomes being achieved</p> |

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| <ul style="list-style-type: none"> • Consistency with ministerial direction 4.1 Flooding has not been properly addressed. Items 3 (b), (d) and (g) need detailed assessment and justification of inconsistencies to be presented in a flood impact and risk assessment, but all items should be reviewed. • It is strongly recommended that a consultant specialised in floodplain management prepare the assessment in collaboration with planners who are aware of all the proposed changes in the planning proposal. | <p>through the redevelopment of surrounding sites, which each managed flood impacts and prepared adequate mitigation measures. The includes development applications at 106-116 Epsom Road, 67 Epsom Road and 132-140 Joynton Avenue. The redevelopment of this site will generate the infrastructure to meet outcomes sought in items (d) and (g) of ministerial direction 4.1.</p> <p>The planning proposal is consistent with ministerial direction 4.1, including items (b) (d) and (g). The Department of Planning and Environment has reviewed this ministerial direction and the planning proposal, and through the issuing of a Gateway Determination, has determined that Council has adequately addressed this direction.</p> <p>The flood assessment accompanying this planning proposal is considered acceptable in meeting the 4.1 directions and a more detailed assessment would be expected to accompany a development application. The draft DCP includes a provision to reinforce the need for the proponent to address matters relating to flooding in greater detail at a development application stage and will be amended to clarify the documentation required.</p> <p>It is recommended the publicly exhibited draft DCP be amended as follows (additions in bold and deletions struck through):</p> <p>5.3.6.1(2)(c) - a flood impact and risk assessment in accordance with the Department's Flood Risk Management Guide LU01: Flood Impact and Risk Assessment and relevant City of Sydney requirements and documents. The assessment is to resolve any flooding or contamination issues on the site, identifying any necessary flood and stormwater management works and remediation works and / or required contamination works to ensure flood and contamination risks are appropriately managed for new development, adjacent sites and adjoining localities;</p> <p>5.3.6.1(2)(d) – any contamination issues on the site, identifying any necessary remediation works and/or required contamination works to ensure contamination risks are appropriately</p> |
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| | <i>managed for new development, adjacent sites and adjoining localities;</i> |
| Transport for NSW | |
| <ul style="list-style-type: none"> • Transport for NSW has requested for their comments to be considered by Council prior to any amendments to the Sydney Local Environmental Plan 2012 proceeding. • There appears to be considerable uncertainty regarding the future intersection arrangements on Epsom Road and Zetland Avenue. It is recommended that this uncertainty be resolved by Council in the short term, in consultation with TfNSW, to ensure that optimal network outcomes are achieved for this precinct. • Concerns are raised regarding the proximity of the site (inclusive of building envelopes) to future multi-modal transport network upgrades (such as but not limited to, intersection enhancements) that are planned or will be required in the future along Epsom Road, Link Road, George Julius Avenue, and Zetland Avenue. To address, this, the following recommendations apply: <ul style="list-style-type: none"> ○ To ensure that future road upgrades on the roads bordering the site, due to the cumulative impacts on the transport network of this proposal and other future developments in the local area, can be delivered as part of any future DA approval, TfNSW requests that suitable satisfactory arrangements are made to ensure the land required for this purpose is future-proofed (reserved) from development on the site ○ To ensure compliance with the above recommendation it is suggested that Council implement planning controls (in the most appropriate form available to Council) to ensure | <p>It is noted Transport for NSW have raised no objection to the planning proposal progressing, so long as the matters raised in their submission are adequately considered.</p> <p>There are a number of key intersections at the boundaries of the site in various stages of design and delivery:</p> <ul style="list-style-type: none"> • Link Road/Epsom Rd – advanced in delivery stage with intersection to be signalised in 2024. Sydney DCP requires dedication of land for footpath widening along Epsom Road when the subject site redevelops. Pursuant to the City’s community infrastructure floor space requirements, dedication to be required as part of future planning agreement in conjunction with any development application; • Link Road/Zetland Ave – Sydney DCP requires left in only from Link Road (no out), with the road operating as a one way road until it reaches the intersection with Defries Avenue. Sydney DCP requires dedication of some of the land required for the intersection, with the remainder to be dedicated from the site to the north of the road. Pursuant to the City’s community infrastructure floor space requirements, dedication will be required as part of a future planning agreement in conjunction with any development application. Detailed design to be undertaken closer to expected delivery of the intersection; • George Julius Avenue/Zetland Avenue – Sydney DCP requires part of George Julius Avenue is to be dedicated to Council. Pursuant to the City’s community infrastructure floor space requirements, dedication will be required as part of a future planning agreement in conjunction with any development application. Detailed design to be undertaken closer to expected delivery of the affected part of the road; |

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| <p>that the future concept stage DA is accompanied by a Transport Impact Assessment that is prepared to the satisfaction of TfNSW.</p> <ul style="list-style-type: none"> Concerns are raised regarding any future access/egress from Link Road into the subject site. TfNSW would only support left-in/left-out access to/from Link Road into the subject site in the future, and no access on Link Road within 100 metres of the Epsom Road intersection would be supported. TfNSW also reserves the right to further consider restricting access dependant on investigations at the time that future development applications are submitted. TfNSW does not require traffic modelling to be updated at this time given the nature of this planning proposal, however traffic models failed to address a number of matters which would normally be required to be addressed for a development of this size, and these will need to be addressed at the development application stage. TfNSW notes that the concept scheme includes various provisions for active transport users, including shared environments and dedicated pathways and recommend that future development applications promote the use of sustainable modes of transport. | <ul style="list-style-type: none"> Epsom Road/Defries Avenue and Zetland Avenue/Defries Avenue – Sydney DCP requires the section of Defries Avenue that forms part of the site is to be dedicated to Council. Pursuant to the City’s community infrastructure floor space requirements, dedication will be required as part of a future planning agreement in conjunction with any development application. Detailed design of the road and the intersections at Epsom Road and Zetland Avenue will be undertaken closer to expected delivery. <p>TfNSW also raised concerns with regard to the traffic modelling undertaken by the proponent.</p> <p>The City shares these concerns in part and agrees the traffic and transport study to be lodged with the concept development application must address those issues. TfNSW has recommended the City implement planning controls to ensure that any future traffic study to be lodged with a development application is consistent with the requirements of TfNSW. The City has written to the proponent to advise them of the matters raised and the City’s expectation this be rectified going forward.</p> <p>Following consideration of this submission, it is recommended the publicly exhibited draft DCP be amended as follows (additions in bold):</p> <p>5.3.6.1(2)(h) - a traffic and transport study, the methodology for which is to the satisfaction of Transport for NSW;</p> <p>TfNSW also made extensive recommendations to promote the use of sustainable modes. Council is in agreeance with TfNSW that that a future development application should promote the use of sustainable transport. These matters are to be addressed in a Green Transport Plan to be lodged with the development application.</p> |
| Civil Aviation Safety Authority | |
| <ul style="list-style-type: none"> Agreeance with the Gateway Assessment Report regarding infringement upon the prescribed airspace for Sydney Airport & the resulting required approval needed from the Federal Department of | <p>Noted. The proponent is to seek necessary approvals prior to construction.</p> <p>No change recommended.</p> |

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| <p>Infrastructure, Transport, Regional Development and Communications</p> <ul style="list-style-type: none"> • In accordance with the Airspace Regulations, the proponent should seek a controlled activity approval through Sydney Airports Corporation Ltd. As part of this process, it is likely that CASA will recommend obstacle lighting. • The construction crane will require assessment and approval under the Airspace Regulations | |
| Sydney Airport Corporation | |
| <ul style="list-style-type: none"> • Any proposed development designed to be taller than 51m AHD, would be considered a controlled activity and be subject to the Federal Airports (Protection of Airspace) Regulations 1996. • Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. | <p>Noted. The proponent is to seek necessary approvals prior to construction.</p> <p>No change recommended.</p> |
| Department of Infrastructure and Regional Development | |
| <ul style="list-style-type: none"> • The Airports Act 1996 (the Act) and the Airports (Protection of Airspace) Regulations 1996 (APARs) establish a framework for the protection of airspace at and around the Federal Leased Airports. The site is located in the vicinity of Sydney Airport (the Airport) and may therefore be subject to a number of constraints. Council and the Proponent are encouraged to engage early with Sydney Airport, to ensure any potential intrusions into prescribed airspace are identified and assessed. | <p>Noted. The proponent is to seek necessary approvals prior to construction.</p> <p>No change recommended.</p> |