

Attachment D

Summary of submissions

Summary of submissions: 232-240 Elizabeth Street, Surry Hills



Activities to support the consultation

On 28 March and 8 April 2024, the Central Sydney Planning Committee and Council respectively, approved the Planning Proposal – 232-240 Elizabeth Street, Surry Hills for public authority consultation and public exhibition.

The consultation period ran from 5 September to 3 October 2024. The following activities were undertaken to support the consultation:

- A webpage and survey were created for people to review the planning proposal and supporting documentation and provide their feedback. The webpage can be accessed at <https://www.cityofsydney.nsw.gov.au/policy-planning-changes/your-say-proposed-planning-changes-232-240-elizabeth-street-surry-hills>. The survey was open for feedback from 5 September to 3 October 2024. There were 418 unique page views and 301 document downloads during this period.
- A notification letter was letterbox dropped to property owners and occupiers within a 75-metre radius of the site boundary, informing them of the planning proposal. 821 letters were sent. An example of the notification letter can be found at Appendix A.
- The project was included in the September edition of the Sydney Your Say eNews sent on 17 September 2024 to 5,148 subscribers. This provided a link to the webpage and survey. An image of the post can be found at Appendix B.
- The Planning Proposal was referred to Transport for NSW and Sydney Water for agency consultation and comment.

What the community told us

We received a total of 24 responses. 18 responses via the online survey, four by email, and the two government agency responses via the NSW Planning Portal.

Of the 22 responses from community members, 10 were supportive, 9 were opposed, and 3 provided feedback without a position. Two government agency submissions also commented on the proposal.

Issues raised in submissions are summarised below.

Table 1 Responses from government agencies

Agency	Submission	City response
Transport for NSW	<p>The response from Transport for NSW provided in principle support for the proposed through-site link and for a mixed use development in this location.</p> <p>It noted the findings of the Traffic Impact Assessment stating that no significant levels of traffic impact were expected. It raised several detailed matters around design of the driveway access, clearance heights in the basements, dimensions and functionality of any vehicle lift, and accessibility for waste trucks.</p>	<p>In principle support for the through-site link and proposed use and location of the development is noted.</p> <p>Issues regarding the design of the driveway access, basements and vehicle lift will be considered as part of the competitive design process and any future Development Application (DA) for the site. As part of the DA, the final design will have to demonstrate compliance with section 3.11.11 'Vehicle access and footpaths' and section 4.2.1.2 'floor to ceiling heights and floor to floor heights' of the Sydney Development Control Plan 2012 (DCP).</p> <p>In addition, the proponent has provided a Waste Management Plan as part of the Planning Proposal which states that waste shall be collected from the development by a private waste collection contractor, a suitable outcome for commercial development. As part of any future DA, the City will request confirmation of a private contractor willing to service the development and confirm the size of any vehicle they would use.</p>
Sydney Water	<p>The response from Sydney Water noted the existence of the oviform trunk wastewater main which traverses the south-east corner of the site.</p> <p>Sydney Water also provided additional information to be passed on to the applicant, in regards to the potential generation of trade wastewater which requires an application to be submitted to Sydney Water.</p>	<p>As indicated in the Planning Proposal, a Specialist Engineering Assessment in consultation with Sydney Water will be required in regards to the oviform trunk wastewater main, and an approvals program has been prepared by the proponent which outlines the investigations already conducted, those yet to be performed, and proposes the most appropriate stage the Specialist Engineering Assessment would be following the design excellence competition when the competition winning scheme would be subject to a detailed DA.</p> <p>The information regarding the generation of trade wastewater will be forwarded to the proponent, as there is potential for the generation of trade wastewater from ground floor retail food outlets.</p>

Table 2 Responses from individual submitters

Issue	Key themes	City response
<p>Overshadowing of 33-37 Reservoir Street, Surry Hills Four submissions</p>	<p>Submissions raised concerns regarding the impact on daylight access as a result of the increased building height facilitated by the Planning Proposal, in particular the north-facing apartments at 33-37 Reservoir Street. Any new building at 232-240 Elizabeth Street would result in a substantial loss of direct afternoon sun. The Planning Proposal and Urban Design Report are too focused on the impact to 242-254 Elizabeth Street and have not considered the cumulative impact of the new development at 52-58 Reservoir Street on daylight access.</p>	<p>The current LEP building height control applying to the site is 35 metres. As noted in the Planning Proposal, a Concept DA (D/2016/1451) was approved for this site by the NSW Land and Environment Court on 21 July 2017. This granted approval for the demolition of existing buildings and the construction of a mixed-use building to a maximum height of 35 metres.</p> <p>The Planning Proposal is to increase the maximum building height control on the site from 35 metres to RL50.33 metres (39.3 metres). However, the Planning Proposal is accompanied by a site-specific Development Control Plan (DCP) which defines a maximum building envelope in which any future building must be wholly contained. This building envelope features a roof form which slopes from north to south. This acts as a substantial setback to Reservoir Street as all additional height and massing above 35 metres must be set back almost 8 metres from the Reservoir Street boundary. The building envelope has been subject to additional overshadowing analysis carried out by the city to better understand the cumulative impact. This analysis demonstrates that any built form facilitated by this Planning Proposal will cast shadow no worse than the previously approved DA.</p> <p>Considering the previous Land and Environment Court ruling and successful Development Application, and efforts made to ensure that this Planning Proposal facilitates a built form resulting in an overshadowing outcome that is no worse, no change is proposed to the Planning Proposal.</p>
<p>Loss of privacy and light pollution to 33-37 Reservoir Street, Surry Hills Two submissions</p>	<p>Submissions raised concerns that the Planning Proposal would facilitate development which would result in significant overlooking, loss of privacy and light pollution at 33-37 Reservoir Street. This would compound impact already experienced by new development at 52-58 Reservoir Street.</p>	<p>232-240 Elizabeth Street and 33-37 Reservoir Street are located in Zone MU1 Mixed Use. The objectives of this zone include to encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities, and to ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. The Planning</p>

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		<p>Proposal facilitates commercial development in line with these objectives.</p> <p>It should be noted that the site at 232-240 Elizabeth Street is separated from 33-37 Reservoir Street by the 15-metre width of the street. In addition, issues including impact on neighbouring properties will be considered during the competitive design process and included in any detailed design proposed as part of a future DA.</p>
<p>Loss of city views from 33-37 Reservoir Street</p> <p>One submission</p>	<p>A submission raised concerns regarding a loss of City views from 33-37 Reservoir Street.</p>	<p>While views across the site may offer City views, it should be noted that private views are not a protected amenity consideration under the Sydney LEP or DCP.</p> <p>The current planning controls applying to 232-240 Elizabeth Street allow for development up to 35 metres in height however the existing buildings are only 2-3 storeys, well below what is allowed under the existing controls. This Planning Proposal allows for an additional 4.3 metres in height within a building envelope outlined in the site-specific DCP. This building envelope requires a sloping roof zone from north to south which means that all additional height and massing above 35 metres must be set back almost 8 metres from the Reservoir Street boundary.</p>
<p>Overshadowing of 242-254 Elizabeth Street, Surry Hills</p> <p>Four submissions</p>	<p>Submissions raised concerns regarding the impact on daylight access as a result of the increased building height facilitated by the Planning Proposal.</p>	<p>While the Planning Proposal facilitates an increase in height, it is accompanied by a site-specific DCP with a defined building envelope. This envelope includes a sloping roof requiring height and massing above 35 metres to be setback from the boundary.</p> <p>Overshadowing analysis provided by the proponent as part of the Urban Design Report and verified by the City demonstrates that the proposed building envelope results in overshadowing to 242-254 Elizabeth Street no worse than a Sydney DCP compliant envelope with a maximum height of 35 metres.</p> <p>A previous concept DA (D/2016/1451/A) granted for this site applied a condition of consent that a minimum of 2 hours solar access be provided to Apartments 601 and 602 at 242-254 Elizabeth Street on the winter solstice. The proposed planning envelope complies with this condition despite the increase in height.</p>

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<p>Proposed built form and planning envelope</p> <p>Seven submissions</p>	<p>Four submissions raised concerns regarding the proposed built form and its impact on the Reservoir Street streetscape. In particular, the impact on the area's village-like character and the height difference between the proposal and neighbouring buildings.</p>	<p>The proposed building envelope, located on the corner of Elizabeth and Reservoir Streets, is considered a good contextual fit with neighbouring buildings on Elizabeth Street, which show a gradual increase in height when travelling south from the intersection with Wentworth Avenue towards Central Station. The maximum height proposed remains lower than the maximum height of 260 Elizabeth Street and 242-254 Elizabeth Street, which is located on the southern side of Reservoir Street.</p> <p>The proposed building envelope maintains the gradual increase in building height and density along Reservoir Street between Mary Street and Elizabeth Street, as demonstrated in Figure 20 of the Planning Proposal.</p> <p>The envelope also establishes a maximum street wall height of 35 metres along Elizabeth Street and part of Reservoir Street, falling to 30 metres along the southeastern boundary of the site as part of the sloping roof form introduced to maintain sun access. All additional height and massing above 35 metres must be set back from Elizabeth Street by at least 3 metres, and from Reservoir Street by almost 8 metres.</p>
	<p>Three submissions were received which advocated for a further increase in the maximum height than what is proposed, noting the site's proximity to Central Sydney and transport infrastructure.</p>	<p>These submissions are noted. The proposed building envelope is considered a good contextual fit with neighbouring buildings on Elizabeth and Reservoir Streets, reflecting the gradual increase in building heights along Elizabeth Street travelling south and Reservoir Street travelling west.</p>
<p>Proposed use</p> <p>Two submissions</p>	<p>Submissions were received which advocated for residential, affordable housing or backpacker accommodation uses rather than commercial, noting the site's history and proximity to Central Sydney and transport infrastructure.</p>	<p>The Planning Proposal does not prohibit the landowner from seeking a residential development outcome for the site. A residential development could be achieved through a Development Application compliant with the existing planning controls. The Planning Proposal creates an alternate pathway for a commercial proposal to be delivered at the site.</p>
<p>Impact on local heritage</p> <p>Two submissions</p>	<p>Submissions raised concerns regarding the impact of the Planning Proposal on local heritage, in particular the demolition of the existing structures on site, and the impact on nearby heritage items and the</p>	<p>A Heritage Impact Statement was provided by the proponent as part of the Planning Proposal, which found that all of the buildings presently on site have been heavily modified both internally and externally, feature little noteworthy architectural detailing, and are common typologies within the area.</p>

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	<p>19th Century oviform wastewater main.</p>	<p>The site is not located within a Heritage Conservation Area, and the proposed building envelope was not found to impact the heritage values of any nearby heritage items. The introduction of a new pedestrian through-site link provides a visual distinction between any new development and adjoining early 20th Century built form on Reservoir Street.</p> <p>The site is traversed by a brick oviform sewer, constructed in 1887, which connects to the heritage-listed Bondi Ocean Outfall Sewer (BOOS). This section of the wastewater main is not heritage-listed and is still an active asset managed by Sydney Water. The proponent will be required to undertake a Specialist Engineering Assessment in consultation with Sydney Water as part of any future Development Application.</p>
<p>Pedestrian through-site link extending Foster Lane to Reservoir Street</p> <p>Seven submissions</p>	<p>Six submissions were received which supported the delivery of a new pedestrian through-site link extending Foster Lane to Reservoir Street. One submission suggested connecting Foster Lane to Elizabeth Street. One submission raised concerns that the proposed through-site link will increase pedestrian foot traffic causing increased noise.</p>	<p>The support for the pedestrian through-site link is noted.</p> <p>The land for a through-site link is proposed to be dedicated to the City in stratum as part of a Voluntary Planning Agreement between the City and the landowner. Extending Foster Lane to Reservoir Street enhances the existing pedestrian laneway network, improves security by removing the current dead end laneway, and provides additional opportunities for ground floor activation. It is intended for the through-site link to mirror the success of Fracks Lane at 52 Reservoir Street, and other pedestrian laneways in the City. This supports the objective of making the Eastern Creative Precinct (in which this site is located) an attractive location for a range of business and workers in creative industries.</p>
<p>Driveway access on Reservoir Street</p> <p>Three submissions</p>	<p>Submissions raised concerns regarding the location and size of the driveway access on Reservoir Street. In particular, the amount of Reservoir Street frontage that would be dedicated to loading and servicing rather than active uses, the impact on pedestrians using the footway and the pedestrian crossing at the end of Reservoir Street, and the increase in traffic caused by vehicles entering and exiting the proposed driveway.</p>	<p>The site specific DCP accompanying the Planning Proposal indicates that loading and servicing access should be from Reservoir Street. This aligns with the requirements of the Sydney DCP which states that direct access to a designated arterial or sub-arterial road is not permitted wherever an alternate access can be provided. Provision of vehicle access on Elizabeth Street would impact the operation of bus services. This is not appropriate considering the possibility of alternate access on Reservoir Street.</p> <p>In addition, where vehicular access to parking is not accessed from a laneway it is to be</p>

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		<p>located on a secondary street. Part of the Planning Proposal is to facilitate the extension of Foster Lane as a pedestrian through-site link. Requiring Foster Lane to also accommodate vehicles conflicts with that goal. Considering the limited capacity of the section of Foster Lane currently open to vehicles and the site's limited frontage to that section, it is considered appropriate for Reservoir Street to be the location of the driveway.</p> <p>The driveway access will need to be compliant with Australian Standards and with Section 3.11.11 'Vehicle access and footpaths' of the Sydney DCP. This includes restrictions on the width of any driveway and required considerations for pedestrian safety.</p> <p>The Traffic Impact Assessment provided by the proponent as part of the Planning Proposal showed that additional vehicle trips associated with the concept development equate to less than one vehicle every 5 minutes during both morning and evening peak periods. As a result, traffic generated by the proposed development is expected to have minimal impact on the surrounding road network. This will be further assessed as part of a future DA.</p>
<p>Parking Four submissions</p>	<p>Three submissions raised concerns about the amount of parking proposed for the site. One submission raised concerns about the lack of parking proposed for the site.</p>	<p>The development concept for the site includes 18 parking spaces, including 2 accessible parking spaces, which is consistent with the maximum number of spaces allowable under section 7.6 of the Sydney LEP. In addition, 4 loading spaces have been provided which is in accordance with section 3.11.6 and Schedule 7 of the Sydney DCP.</p> <p>End of trip facilities are also to be accommodated, with 62 bicycle parking spaces, shower and change cubicles, and personal lockers to be provided in accordance with section 3.11.3 of the Sydney DCP. This will promote the use of active transport to access the site.</p>
<p>Future building design Four submissions</p>	<p>Submissions raised concerns regarding the design of the development illustrated in the Planning Proposal and supporting documentation, in particular the façade, glazing, sustainability and interface with the ground plane and neighbouring buildings.</p>	<p>It should be noted that the building illustrated in the Planning Proposal and supporting documentation is a reference design only. The site will still need to undergo a competitive design process, in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy. The issues raised in submissions are included as part of any</p>

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		<p>process assessing whether development exhibits design excellence.</p> <p>It is following the conclusion of the competitive design process that a final design will be lodged with the City as part of a future Development Application. A further opportunity to comment on the final design will be available during public exhibition of the DA.</p>
<p>Impact on 230 Elizabeth Street, Surry Hills</p> <p>Two submissions</p>	<p>Submissions raised concerns regarding the impact of the development on the adjoining building at 230 Elizabeth Street, in particular construction noise, removal of the billboard on the southern wall, blocking the view of Central Station from the rooftop, and disrupting the behavioural patterns of rainbow lorikeets.</p>	<p>Construction impacts will be considered as part of any future Development Application, including the implementation of a Construction Management Plan prior to the issuing of a Construction Certificate.</p> <p>As the billboard is currently located along the joint boundary of 230 & 232-240 Elizabeth Street, it would have to be removed for any development taking place under the existing planning controls. There is no easement on title granting rights to the airspace above 232-240 Elizabeth Street.</p> <p>It should be noted that private views are not a protected amenity consideration under the Sydney LEP or DCP. While the full impact on views is dependent on the final design proposed as part of the future DA, it is expected that Central Station will remain visible from 230 Elizabeth Street.</p> <p>The Planning Proposal is consistent with the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and will not involve the clearing of any native vegetation. Opportunities for urban greening measures will be considered as part of the competitive design process and future DA.</p>
<p>Impact on 62-64 Foster Street, Surry Hills</p> <p>One submission</p>	<p>The submission supported the extension of Foster Lane but raised concerns regarding the impact of the development on the nearby building at 62-64 Foster Street, in particular use of Foster Lane for construction and servicing, use of roof top space after hours, and ongoing maintenance of Foster Street.</p>	<p>Construction impacts, including on Foster Lane, will be considered as part of any future Development Application, including the implementation of a Construction Management Plan prior to the issuing of a Construction Certificate.</p> <p>While Foster Street is beyond the scope of this Planning Proposal, the city routinely monitors the conditions of our roads and footpaths to ensure that we appropriately prioritise assets that need to be replaced when they have reached the end of their service life. Our approved road renewal and footway budgets are set in line with this best practice approach.</p>

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		<p>The site specific DCP accompanying the Planning Proposal contains controls for the use of any external terrace. These require the hours of operation to be restricted to between 7am and 8pm Monday to Friday, and no playing of amplified speech or music at any time.</p>

Appendix A



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5 September 2024

Our Ref: X094617

Proposed changes to planning controls for 232-240 Elizabeth Street, Surry Hills

The City of Sydney invites your feedback on proposed changes to the planning controls for 232-240 Elizabeth Street, Surry Hills.

The proposal is to increase the maximum height from 35m to 39.3m and the floor space ratio from 5:1 to 7.3:1. This is equivalent to an extra 2000sqm of commercial floor space.

These changes will allow for a new 10-storey development with office and retail space and a pedestrian link connecting Foster Lane with Reservoir Street.

The documents open for public comment include a planning proposal to amend the Sydney Local Environmental Plan 2012 and a draft development control plan. They will be open for comment from 5 September to 3 October 2024.

We also seek your comments on a draft planning agreement for a new pedestrian link and its dedication to the City of Sydney.

The results of your feedback will be reported to Council and the Central Sydney Planning Committee.

If Council approves this planning proposal, it can amend the Sydney Local Environmental Plan 2012 on behalf of the Minister for Planning and Public Spaces.

You can view the proposal and give your feedback at city.sydney/consultations by **5pm on Thursday 3 October 2024**.

Feedback can be made online, by email or post to Project Officer, City Engagement, City of Sydney, GPO Box 1591, Sydney NSW 2001. Please quote 'Reference X094617 – 232-240 Elizabeth Street, Surry Hills'.

For more information or any queries about this project, please contact cadet planner Kristina Argiropoulos on 02 9265 9333 or sydneyyoursay@cityofsydney.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ben Pechey".

Ben Pechey
Executive Manager, Strategic Planning and Urban Design
City Planning | Development | Transport

The City of Sydney acknowledges
the Gadigal of the Eora Nation as the
Traditional Custodians of our local area.

Appendix B



Proposed planning changes for 232-240 Elizabeth Street, Surry Hills

We invite your feedback on a proposal to increase the building height and floor space ratio to allow the development of a new commercial building.

Review the planning proposal and have your say by Thursday 3 October.

[Read more](#)

