B) Precinct submissions

Trim Ref	Submitter	Submission	Council Officers' Response
D01661951	Coogee Precinct	**PART A – INTRODUCTION** **A2 – Development Applications** **2. What is a DA?** **2.1 DA requirements (p.6)** Comment: This section briefly mentions "Council offers a pre-lodgement meeting to identify key issues at an early stage. This service offers a meeting with relevant senior Council staff to provide early advice on a development proposal …"etc. It does not clearly specify who may attend these meetings and who these meetings are particularly for. The Coogee Precinct feels that anyone involved with lodging a DA or could be impacted or affected by a submitted DA should have access to such meetings and information. The Precinct suggests and supports a review of the DA Pre and Post lodgement process so that affected residents/community have the same access as the applicant to information and planning staff in order to foster transparency and a fair and equitable system. This should be included and clearly specified in this section. Reason for change: This section talks about seeking relevant information is an important first step in preparing a DA. This should also be said about making a submission to a DA. All involved and/or affected parties should have access to all information. Presently there is a public perception that the system is skewed towards the applicant and everyone else is very much	Council's pre-lodgment meeting process assists applications in preparing a development application, especially for large or complex proposals, by providing applicants with early advice and outlining any issues that need to be considered prior to the DA lodgment. It is a technical meeting between Council planners and applicants, focusing on detailed and specific planning/design issues. A pre-lodgement meeting generally does not provide a thorough overview of the development proposal and the proposal may change from pre-lodgement to the actual DA lodged. Notification/community consultation is the stage when the community is invited to view the plans and details online or at Council's Customer Service Centre and make submissions. Council invites submissions through direct written notification to adjoining and neighbouring owners that may be affected by a proposal and in some circumstances, advertisement in the local newspaper to notify the wider community. Nevertheless, Council's DA process also encourages applicants to discuss their proposal with neighbours prior to

Trim Ref	Submitter	Submission	Council Officers' Response
		disadvantaged in terms of access to information and planning staff. Transparency should be provided, encouraged and required.	finalising and lodging plans.
		PART B - GENERAL CONTROLS **B1 - Design** **1. Introduction** **1.1 Objectives (p.2)** Add a third objective: "To ensure that the context in relation to amenity considerations of neighboring sites is considered in development proposals for established neighborhoods" Reason for change: The introductory paragraph talks about a strong appreciation of context particularly in established neighborhoods but this is not echoed in the objectives. **3 Development Application Requirements** **3.1 Context analysis (p.5)** **Objectives (p.5)** First objective – add ".. and amenity needs" after ".. specific conditions" Reason for change: The introduction refers to amenity but this is not echoed in the DCP. **3.2 Site analysis (p.6)** **Objective (p.6)** Add second objective: "To ensure that the amenity of neighboring buildings is	To clarify, consideration of an area's character, the context of development (surrounds) and the site itself (site analysis) is included, with objectives in sections 3.1 and 3.2 of B1 – Design. In relation to the additional suggested objectives, the explanations in each section (3.1 and 3.2) specifically refer to the importance of the context and site analyses or amenity while the objectives encompass all considerations including amenity (i.e. 3.1 Objective 1).

Trim Ref	Submitter	Submission	Council Officers' Response
		considered and incorporated into the design proposal". Reason for change: The introduction refers to amenity but this is not reflected in the current objective. **Controls (p.6)** First control, add another sub bullet/dash: "Impacts on neighbouring buildings in relation to views, solar access, privacy and noise and other amenity matters." Reason for change: The introduction refers to amenity but this is not echoed in the controls.	
		B3 Ecologically Sustainable Development **1. Introduction** **1.1 Objectives (p.3)** Add new objective: "To ensure renewable energy initiatives of neighboring sites are not compromised by new development proposals." Reason for change: There have been instances of solar panels being overshadowed by new development. **2. Building Materials and Finishes Controls (p.3)** Add another control: iv) "Submit evidence that the proposal will not overshadow solar panels on neighboring buildings." Reason for change: There have been instances of solar	1. Introduction 1.1 Objectives (p.3) Not supported. The draft DCP contains a number of controls to protect solar access to existing solar panels and to ensure sufficient solar access is available to roof panes of development that is yet to install solar panels (*e.g. Control 5.1 (v) of C3 Low Density Residential).* The controls require that a minimum of 3 hours of solar access is be made available and this is considered to be a reasonable balance. Including a blanket objective and/or control to preclude the shading of existing solar panels

Trim Ref	Submitter	Submission	Council Officers' Response
		panels being overshadowed by new development.	on adjacent properties, is not recommended as it may unreasonably restrict development potential/redevelopment opportunities and owners' rights to modernise housing. This in turn, could undermine the objectives of certain zones (e.g. R3 Medium Density which allows for medium density residential uses). Building Materials and Finishes Controls (p.3) Not supported. To clarify, controls to address overshadowing of solar panels are contained in other sections of the DCP (e.g *5.1 (v) of C3 Low Density Residential).* This section of the draft DCP intends to guide the use of environmentally responsible materials and finishes in the construction of buildings. It does not relate to building envelopes or overshadowing considerations.
		B4 Landscape and Biodiversity **1. Introduction** **1.1 Objectives (p.2)** Add two additional objectives: "To encourage deep soil landscaping." Reason for change: Elsewhere in the draft DCP attention is drawn to the importance of deep soil plantings	The general control section B4 does not contain specific controls/objectives relating to deep soil landscaping, but includes a notation that these are incorporated in relevant

Trim Ref	Submitter	Submission	Council Officers' Response
		especially for aesthetic reasons and practical reasons such as drainage. This new objective would bring deep soil landscaping into focus. "To encourage deep soil landscaping on older sites which do not meet current landscaping requirements." Reason for change: The Introduction says that "landscape plays an essential role in integrating development….enhancing appearance and amenity of the site and locality…" For some decades in the mid 1900s there was not the same importance attached to landscaping particularly deep soil landscaping as today. This new objective helps ensure that all development not just new development provides an opportunity to rectify past mistakes. **3. Landscape Design** **3.4 Water efficiency (p.5)** **Controls (p.5)** Add the words "and absorption" after "capture" Reason for change: The need to absorb rainfall as well as capture it is implied in the subsequent sub points but should be explicit in the wording of the first control. **4. Green roofs and green walls** Insert sentence as follows: "Green roofs or green walls do not substitute for deep soil planting requirements." **4.1 Green roofs (p.7)**	sections for various development types, such as the Low and Medium Density Residential (see section 2.4 of C3 & 2.2.2 of C4). **However, to avoid any confusion, the section number and heading of *3.1 Minimum landscaped area and deep soil area* in B4 will be removed, as this is not a section containing objectives/controls but provides explanations only.** **Supported. This wording will be added.** Noted. Controls relating to deep soil planting are not contained in the general control section (B4), but individual sections for various development types. As clarified in other DCP

Trim Ref	Submitter	Submission	Council Officers' Response
		Explanation (p.7) Third paragraph, first sentence: Add at the end "excluding deep soil planting requirements." Reason for both above changes: As attractive as green roofs can be they do not support deep rooted vegetation for any period of time, nor can they be relied upon to fully absorb rain fall. They are also dependent upon mechanical water supply which uses power and has other environmental impacts. **Objective (p.7)** Change objective to: "To ensure green roof developments are well designed, well maintained and self-sustainable and suited to their building and location." **Controls (p.7)** Add new control: ix) **"**Demonstrate there is no adverse impact on neighboring properties with respect to water leakage, view loss and other amenity impacts." **4.2 Green walls (p.8)** **Objective (p.8)** Change objective to:	section (e.g. C3 and C4), landscaping in the form of green walls or green roofs cannot be included for calculation as deep soil area. For example, specific controls (e.g. definitions and threshold requirements for deep soil permeable surfaces/deep soil area) are included in low density and medium density residential sections. Both DCP sections clarify that deep soil area can only be provided at the ground level and does not include planted areas above impervious surfaces, such as concrete. There are generally no specific controls or no numerical controls (e.g. % requirement) for deep soil planting for other development types. The objectives for green walls/roofs in the draft DCP are considered reasonable. Words – 'self-sustainable' and 'minimising water consumption' are not necessarily required as they have been covered in the objectives of the Water Efficiency section. The concerns raised regarding impacts of green roofs/walls on neighbouring properties are already addressed by controls, such as

Trim Ref	Submitter	Submission	Council Officers' Response
		"To achieve well designed, well maintained and self-sustainable green walls, minimising water consumption in suitable buildings and locations." **Controls (p.8)** Add new control: vii) **"**Demonstrate there is no adverse impact on neighboring properties with respect to water leakage and any amenity impacts." Reason for the above four changes: The Precinct generally supports green initiatives but (a) they must be self- sustainable should the owners be absent for any extended time or the water supply fail without an automatic back up, (b) they should not adversely impact on neighboring properties with respect to water leakage or amenity issues such as view loss and (c) they should use minimal water.	requirements for a detailed site analysis (for green roofs) to assess the site suitability and preparation of a maintenance plan (for both green roofs and walls). Further, any applications for green roofs are also encouraged to contact Council's landscape offer prior to lodgement to consider any potential issues or impacts to neighbours.
		B5 Preservation of Trees and Vegetation **1. Introduction** **1.1 Objectives (p.2)** First objective - add the words ''including for native fauna." Reason for change: The first objective refers to retaining trees with cultural, heritage and "natural significance". It is unclear whether this "natural significance" means significance just to humans or whether it includes birds and other native fauna that nest or perch in the tree or feed from the tree or otherwise make use of the tree. This new wording makes it clear that the natural	Supported. **A new objective will be added as a 3rd objective of B5 – "to encourage the preservation of trees and vegetation that contribute to the native flora and fauna habitat".**

Trim Ref	Submitter	Submission	Council Officers' Response
		significance does extend to native fauna. This is implied elsewhere in this section (see p.4, 10, 12) and in the RLEP but should be made clear in this draft DCP objective.	
		B6 Recycling and Waste Management **4. On-going operation** **Controls (p.4)** v) After "proposed development" insert "and prevent any odour or acoustic impacts on adjoining or neighboring properties." Reason for change: This control talks about minimising impacts on the habitable rooms of the development itself. The developer has an incentive to ensure there are no such impacts. Not so for the neighbours. This change helps to strengthen this control with respect to the neighbours.	The proposed control requires minimised odour or acoustic impacts on both habitable rooms of the development and adjoining properties, which would also effectively address these issues for neighbouring properties.
		B7 Traffic, Parking and Access **1.1 Objectives (p.2)** Add another objective: "To ensure that adequate off-street vehicle parking is provided in Randwick City through specific standards to meet residential parking demand." Reason for change: Residents needs are omitted from the objectives. **2. Sustainable transport**	Supported. **An objective will be added to S3.2 Vehicle Parking Rates – "to ensure that an appropriate level of off-street vehicle parking is provided".**

Trim Ref	Submitter	Submission	Council Officers' Response
		2.2 Car share (p.4) **Explanation (p.4)** - delete reference to specific provider Reason for change: Council appears to have an exclusive agreement with one provider (see B7, 2.2 line 11). If this is the case it is unfortunate as there are other car share schemes. There are also new types of car share schemes whereby residents can make their cars available to others through web sites. If Council does not have an exclusive agreement why mention them? It serves to disadvantage other providers and discourage other options. The reference to any one provider should be deleted as the car share scene is evolving rapidly. The DCP should not appear to tie Council to the one provider in perpetuity.	Supported. The car share space is available for use for any car share schemes. Council has partnered with GoGet CarShare and this is specifically mentioned in the DCP. **However, to avoid any confusion or unnecessary amendment following any future changes to the organisation name, the reference to the specific provider will be removed.**
		Controls (p.4) – the numbering is incorrect as there is no control i). ii) Add "and where there are no resident parking permits issued in the immediate area" after "public transport accessibility is high." This should be control i). Reason for change: The controls do not acknowledge the particular problems posed by scarce street parking being given over to car share schemes in areas where residents rely on street parking as evidenced by the purchase of street parking permits.	**Supported. The numbering error will be corrected.** Not supported. For large development with high accessibility to public transport, parking spaces are encouraged to be provided for car share vehicles within the site (not off site). This is clearly noted in the Explanation and Objective of 2.2 Car Share. On-site parking for car share vehicles will not cause any conflicts with on-street parking where resident parking permits are issued. **However, to further clarify it, the first control will be amended from "… to be provided <u>for</u> residential and/or commercial development" to "…**

Trim Ref	Submitter	Submission	Council Officers' Response
		2.4 Residential parking schemes (p.6) **Explanation (p.6)** Third paragraph first sentence **-** Change "residents" to "residents and staff and owners of commercial premises" Third paragraph second sentence – add owners/developers," before "buyers" Reason for change: This policy disadvantages only residents and only some residents of developments approved under the DCP. This is not fair. It should apply to all developments approved under the DCP whether they are residential or commercial. **Controls (p.6)** i) Add "and commercial developments" after "residential flat buildings" and add "and staff" at the end of the control. Reason for change: Why are residents of residential flat units disadvantaged compared with residents of other types of dwellings, or commercial owners and tenants (and their staff) or guests of backpackers, boarding houses, motels etc. if this restriction is to be applied it	**to be provided <u>within</u> residential and/or commercial development".** Not supported. Residential parking permits are issued to help improve parking for residents. These do not cover staff or employees of commercial premises. Proof showing residence in Randwick City is required for applying for a permit. For example, ratepayer or owner of business in Randwick City cannot be issued with a permit, if they do not live in the area. Noted. Not considered necessary given that the comment applies to consent conditions. Not supported. As above.

Trim Ref	Submitter	Submission	Council Officers' Response
		should be applied across all developments approved under this DCP - or not at all. **2.5 Traffic and parking study requirements (p.7)** **Controls (p.7)** **Parking and Access Report (p.7)** - First paragraph – second sentence insert after "car parking for a development" the following… "within the parking requirements of Table 1 Vehicle Parking Rates (Pages 10 to 13)."	Not supported. The Car Parking and Access Report is required where there is either no specific rate in the DCP (Table 1) or where the proposal seeks a rate variation based on the specific proposal and/or location.
		- Second paragraph - Insert after "...available on street parking..." the following "and vacant on street parking and include the number of resident permit parking permits issued for the same area…" Reason for both changes: It is not enough to survey the available on street parking in an area - it is also important to survey how many of the available spaces are vacant and the potential local residential demand indicated by the number of residents with permits.	Not supported. Applicants have no access to information, such as total number of resident permits issued in the area. Further, the number of permits is a dynamic figure given that a permit is only valid for 12 months. It is not considered practicable or necessary to include parking permits for consideration in the report.
		3. Parking & Service Delivery Requirements **3.2 Vehicle Parking Rates**	Explanation made in response to the parking issues raised by Coogee Precinct, in general: To clarify, existing parking rates in Council's Parking DCP are largely retained in the new DCP. There have been no changes to parking rates for residential uses (such as dwelling houses, multi dwelling housing and residential

Trim Ref	Submitter	Submission	Council Officers' Response
			flat buildings) and business uses (including business/retail/office premises, restaurants/cafes and service stations). To align with the LEP (and standard Instrument definition), some new categories of land uses have been added to the table and some existing land use categories have been updated. Only minor adjustments were made to specific uses/development types (e.g. business premises in residential zones and backpackers' accommodation). Major updates/changes to the rates would not be made without detailed research/study, by taking into account changing demographics, best practice/benchmarking parking rates, etc.
		Table 1 Vehicle Parking Rates (p.10 -13) Add a reference at the top of Table 1 (p. 10) "Also see Table 2 for Service and Delivery Rates – page 19."	Supported. **A note will be added as per suggested in the submission for both Tables 2 and 3.**
		BUSINESS AND RETAIL (p.11) **Business premises in residential areas (p.11)** Change "100m2" to "40m2" Reason: Reducing the obligation on the part of developers of business sites within residential zones disadvantages residents. The current rate is 1 space per 40m2 and this should remain the case.	Not supported. Parking rate for business premises in residential zones is changed from 1/50m2 to 1/100m2, to reflect a previous LEP amendment relating to Clause 35 of the repealed Randwick LEP 1998 (which amended the maximum floor space of business premises in residential zones from 50m2 to 100m2).

Trim Ref	Submitter	Submission	Council Officers' Response
		Pubs, registered clubs and nightclubs (p.12) First point add "or in the case where the liquor license does not specify person numbers, 1 space per 6m2 of the licensed area." Reason for change: The Table as it stands has no rate where there is no maximum person count in the liquor license. The suggested rate is as per the current table. Second point change "3 staff" to "2 staff" Reason: Why reduce the obligation on the part of licensees and owners to provide onsite parking for their staff? Once again why disadvantage residents especially at night time when these businesses operate? The current rate is 1 space per 2 staff and this should remain the case. **Restaurants or cafes (p.12)** - Add "1 space per 2 staff" Reason: Why reduce the obligation on the part of operators of such businesses to provide onsite parking for their staff? Once again why disadvantage residents especially at night time when many of these businesses operate? The current rate is 1 space per 2 staff and this should remain the case. **Restaurants or cafes. Note 1** - add at the end "and outdoor dining"	Supported. The rates for pubs and clubs in the draft DCP (based on patron numbers, being 1/10 person) are similar to the rates adopted by other councils (e.g. Waverley and Marrickville). **It is however considered reasonable to include the recommended change to cover circumstances where liquor license does not specify maximum patron numbers.** Not supported. This is consistent with the existing parking rates for clubs. Not supported. There is no specific requirement for on-site staff parking in the existing DCP. The parking rates for restaurants and cafes already include consideration of needs for staff parking. Not supported. Outdoor dining requires a development consent and a outdoor

Trim Ref	Submitter	Submission	Council Officers' Response
		Restaurants or cafes. Note 2 - delete "dining on footpaths" Reason: Parking obligations should apply to footpath dining. Why is footpath dining excluded? Is there an assumption that footpath diners ride bikes or walk to dine? This is nonsense, people who dine outside order from the same menu and are no different from those dining inside. They make the same demands on street parking as diners inside so why should the operator not have to make provision for all customers wherever they dine. **TOURIST AND VISITOR ACCOMMODATION (p.12)** **Backpackers' accommodation** Add 1 space per manager/caretaker Reason: Why reduce the obligation on the part of operators of such businesses to provide onsite parking for the manager/caretaker? Once again this disadvantages nearby residents. There is a requirement now for one space per manager/caretaker and this should remain the case. **Hotel or motel accommodation** Add 1 space per manager/caretaker Reason: The draft DCP reduces the obligation to provide onsite parking for the manager. This disadvantages residents in the area. The current requirement is one space per manager and this should remain so.	dining/display of good license. An outdoor dining license is valid for a certain period of time, in line with the approved time period subject to the consent. The license is specifically issued to the current operator of the business. Outdoor dining is a temporary business activity and it's considered onerous to require permanent on-site parking for it. Any traffic/parking issues associated with footpath dining could be addressed at the DA stage on a case by case basis. Not supported. 1 space per 2 staff (including manger/caretaker) is the existing control and is considered reasonable. Not supported. 1 space per 2 staff (including manger/caretaker) is the existing control and is considered reasonable.

Trim Ref	Submitter	Submission	Council Officers' Response
		HEALTH, EDUCATION AND COMMUNITY FACILITIES (p.12) **Respite day care centres (p.13)** Delete the word "day" **Aged care hostels and nursing homes (needs to be added p.13)** Add another category: "Aged care hostels and nursing homes"**-** with the following requirements "Transport Assessment Study is required with the following indicative rates: • 1 space per 2 staff • 1 visitor space per 2 beds • A space per visiting professional practitioner" Reason: There will be an increasing need for such facilities as we live in an ageing population. **3.3 Exceptions to the Parking Rates (p.14)** **Controls (p.14)** **f)** Insert "24 hour" before "public parking" and insert "and parking permits issued in the same area.." Reason for change: This control provides a let out for developers to provide parking if there is street parking or public parking available, but public parking is of little value unless it is available 24 hours. Also the number of parking permits already issued in an area affects the viability of street parking as an alternative. **3.5 Parking requirements for adaptable housing -**	To clarify, this is a defined use under the Standard LEP Instrument and thus under Council's LEP 2012. Not supported. 'Aged care hostels' is under the category of 'Hostels' while 'nursing home' is under the category of 'residential care facilities' as defined in the SEPP (Housing for Seniors or People with a Disability). It is therefore not necessary to include a new category for 'aged care hostels and nursing homes' in the parking rates table. It is noted also that the SEPP contains specific provisions for seniors housing, including parking requirements. Not supported. Public parking is generally 24 hours accessible. It's not considered practicable to take into account parking permits issued for the area when determining parking spaces required for development. The number of permits is a dynamic figure, changes over time and is not information generally available to applicants. Not supported. Care service providers can only

Trim Ref	Submitter	Submission	Council Officers' Response
		aging in place (p.15) **Objectives (p.15)** Second bullet - add at the end "and designated disability care service providers" Reason for change: Disability stickers are used by care service providers and this should be acknowledged in the DCP.	use disabled parking when the disabled person/disabled sticker holder is in the vehicle at the time of drop off/pick up. Including the suggested objective is not recommended as it could cause confusion about the use of accessible car spaces. Further, the objective is considered broad enough as it refers to 'vehicles used by people with a disability'.
		3.9 Service and Delivery Vehicles (p.19) **Explanation (p.19)** **Table 2 Service and Delivery Rates (p.19)** **Commercial premises** Add "1 space per 100m2 GFA where the premises are in a B1 Neighbourhood Centre or Residential zone." Reason for change: Most commercial premises in areas zoned B1 or residential are far smaller than 4,000m2 but still require numerous deliveries per day. Delivery vehicles block roadways and take up footpath areas posing a safety risk and an inconvenience to residents and visitors. Providing space for deliveries should be considered a cost of doing business. **Supermarkets, shops and restaurants -** add "1 space per 100m2 GFA where the premises are in a B1 Neighbourhood Centre or Residential zone." Reason: As above also lack of onsite parking should not be compensated with street loading zones.	Not supported. Parking rates for service/delivery vehicles are carried over from the existing DCP without any changes proposed. Businesses in neighbourhood centres or residential areas may not require specific service/delivery spaces depending on the nature and scale of the business.

Trim Ref	Submitter	Submission	Council Officers' Response
		APPENDIX A: Transport Assessment Study (p.23) New point p) "Number of parking permits issued in an area compared with the available resident permit parking spaces in that area." Reason: If there are more parking permits already issued in an area than the resident permit spaces then developments in that area should meet the required parking rates.	Not supported. As above.
		B8 Water management **4. Groundwater** **Objective (p.6)** Insert "and adjacent and neighboring properties" before "to be affected by groundwater." Reason: As it reads now the objective just refers to the development and ignores any likely impact on adjacent and neighboring properties.	To clarify, the objective (in 4.1) is for site investigations in relation to any potential groundwater impacts for a development. The following sections 4.2 and 4.3 then address how any groundwater investigations must ensure no adverse impacts on adjacent and neighbouring properties at both design and construction stages.
		PART C - RESIDENTIAL **C2 Boarding Houses** **2. Building Design** **Controls (p.3)** **2.2 Outdoor communal open space (p.3)** iv) (p.4) Add at the end "including deep soil permeable surfaces must be provided."	Not supported. In accordance with the Affordable Rental Housing SEPP, Council cannot refuse a boarding house application on the ground of landscaped area or private open space if "the landscape treatment of the front setback area is compatible with the

Trim Ref	Submitter	Submission	Council Officers' Response
			streetscape in which the building is located" and "one area of at least 20m2 with a minimum dimension of 3m is provided for the use of lodgers". More stringent controls, such as requirement for deep soil planting, if provided in the DCP, would be overridden by these SEPP controls. It is however worth noting that general landscape objectives/controls in Part B4 apply to all development types, including boarding houses. One of the controls in 3.4 Water Efficiency requires development to "maximise the capture of rainfall and prevent runoff by minimising the amount of hard surface area". A related control is also included under S2.2 Outdoor communal open space in the boarding houses section – "incorporate both hard and soft landscaped areas" to achieve improved environmental performance of boarding house development.
		Add a new control: vii) "Provide a landscape plan with all boarding house development applications." Reason for both changes: Outdoor communal open space provides outdoor living areas for recreational activities of boarding house residents. However, such areas should include landscaping (including deep soil permeable surfaces) that provide an attractive and useable outdoor environment, moderates local climatic conditions by reducing storm water and reduction of overland flow.	Not supported. According to the general landscape controls (Part B4), a landscape plan is required for all new buildings and major alternations/additions. This applies to boarding house development.

Trim Ref	Submitter	Submission	Council Officers' Response
		This improves the environmental performance of the development while also achieving a visual balance between building structures and open space thus providing mutual privacy and visual amenity between the development and the neighbors. **Note: (p.4)** Comment: The Precinct does not support roof terraces for boarding houses in densely populated areas. We request that roof top terraces be excluded from the DCP entirely with particular regard to boarding houses and backpackers accommodation. Reason: Roof top terraces provide opportunities for overlooking or cross viewing into neighboring dwellings and may not maintain reasonable levels of privacy for adjoining or neighboring properties. Roof top terraces are not permitted on the uppermost or main roof of buildings in other sections of the DCP and this control should be mirrored in boarding houses especially as this type of accommodation may attract/encourage large groups to concentrate in such an area which could cause unreasonable privacy and noise impacts on the surrounding residences. **3. Management Plan** **Objectives (p.6)** At the end of the only objective add "to ensure the safety and wellbeing of the boarding house residents, the privacy and amenity of neighbors and the quiet and good order of the neighborhood."	To clarify, controls relating to roof terraces in the Low Density or Medium Density Residential sections apply to boarding houses depending on the building bulk/scale of the development. For low density development – a rooftop terrace (on the uppermost or main roof of the building) is not permitted; for medium density development – a rooftop terrace may be considered only if it meets with all criteria set out in Vii) of 4.2 Roof Design. **To clarify this, a cross reference will be added to the side note on Page 4, referring to specific controls in the low and medium density residential sections.** Not supported. This is covered by the overall objective of the boarding house section (1.1 of C2).

Trim Ref	Submitter	Submission	Council Officers' Response
		Reason for change: The management plan must have a clear mandate and strategy to ensure the wellbeing of both the boarding house residents and surrounding neighbors. **Controls (p.6)** Add another point under control i) f) "Undertake that the caretaker/manager will be full time and will be onsite 24 hours a day and contactable at all hours." Reason for change: Such a control is necessary for the safe and proper running of such establishments.	Not supported. On-site manager/managing, according to the Affordable Rental Housing SEPP, is only required for boarding houses with 20 or more lodgers. If provided, the DCP requires clear display of the manager/caretaker's contact details and up-to-date register of lodgers' details maintained by managers/caretakers. Different from tourist accommodation (e.g. backpackers' accommodation), 24-hour on-site management is not necessary for boarding houses, which provide longer-term accommodation subject to lease arrangements.
		C3 Low Density Residential **1. Introduction** Fourth bullet: Delete "'Dual Occupancies (detached)" Reason for change: The introductory paragraph talks about "Dual occupancies (detached)" but then as a Note: mentions that "Dual occupancies (detached)" are only permissible in R3 (Medium Density Residential) Zones. For clarity this list should only include items that are relevant to Low Density Residential.	**Introduction** Not supported. The draft DCP controls on residential development are divided into 2 sections based on housing form, not land use permissibility. The draft DCP makes it clear that while 'dual occupancies – detached' are only permitted in the R3 Medium Density zone, this land use is

Trim Ref	Submitter	Submission	Council Officers' Response
			included in the Low Density Residential section in recognition of its low density built form and scale (see introduction to C3 Low Density Residential for clarification). Categorising development in terms of its built form and scale is considered to be a consistent approach and accordingly, it is recommended that the objectives and controls relating to 'dual occupancy-detached' be retained in the Low Density Residential section of the final DCP.
		Note box: Suggestion: include the relevant SEPP or Clause 4.6 Number/reference in the note.	**Note box** Not supported. The draft DCP generally does not include references to specific clause numbers of SEPPs, as these are under the purview of the State Government and subject to change. The inclusion of SEPP clause numbers is not recommended as the draft DCP references would be rendered out of date every time amendments are made to SEPP clauses at the State level.
		2. Site Planning **2.5 Private Open Space (p.10)** **Diagram (p.10)** -Suggestion: include the relevant % and m2 for each text box. Reason: There are requirements for Deep Soil permeable area [i) p.9] and for Private Open Space [i) p.11]. This diagram shows both. However it appears that part of the requirement for deep soil planting is	**Site Planning** **2.5 Private Open Space (p.10)** **Diagram (p.10)** Not supported. The subject diagram is indicative only and intended to illustrate what aspects of a site are considered deep soil and also refers to a continuous area of private open space. It is not drawn to scale, nor

Trim Ref	Submitter	Submission	Council Officers' Response
		being met with the lawn component of the private open space. These two requirements should be met separately so for example 60m2 (20%) of a 300 sqm site area should be deep soil planting + 25m2 of the site should be private open space - making a total of 85m2. This is not clear in the diagram. Including the % and the m2 for each section would assist in making this clear.	intended to provide accurate dimensions/thresholds for deep soil and private open space. **A notation will be included clarifying the diagram's intention**.
		3. Building Envelope **3.3 Setbacks (p.14)** **3.3.1 Front Setbacks (p.15)** **Controls (p.15)** i) Define "an area under transition in the site analysis…" Referral to determination being "on a merit basis" removes certainty for residents. Reason for change: Controls should be tangible, understandable, clear and applied evenly.	**3. Building Envelope** **3.3 Setbacks (p.14)** **3.3.1 Front Setbacks (p.15)** **Controls (p.15)** Supported. **An area under transition will be clarified as referring to an area, precinct or streetscape that is undergoing change in character and/or built form as a result of changing planning policies, economic conditions, housing preferences etc**. Given the nature of such areas/streetscapes, it is difficult to apply a 'one size fits all' approach in terms of numerical front setback controls. It is therefore reasonable and appropriate that the draft DCP retains a level of flexibility such that the determination of front setbacks in areas undergoing transition is undertaken on a case by case merit basis.
		3.3.2 Side Setbacks (p.16) **Controls (p.16)**	**3.2 Side Setbacks (p.16)** **Controls (p.16)**

Trim Ref	Submitter	Submission	Council Officers' Response
		Table Dwelling Houses & Dual Occupancies (Attached and Detached) (p.16) **First Storey (3rd column)** Change **"**900mm", "900mm" and "1200mm" to "1500mm" respectively **Second Storey & Above Column (4th column)** Change "900mm", "1500mm", "1800mm" to "3000mm" respectively Reason for changes: The current DCP has larger side setbacks than the draft DCP. Side setbacks should not be reduced as they are essential controls for ensuring privacy, providing access to sunlight and preventing overshadowing in built up areas. More flexibility on these controls which have such a significant impact on the amenity of neighboring residents is very concerning and is not acceptable. **4. Building Design** **4.1 General (p.18)** **Controls (p.19)** vi) **(p.19)** insert the words "within the setback control and" before "without excessively increasing its visual bulk." Reason for change: Setbacks are crucial in protecting residential amenity and must be enforced.	**Table Dwelling Houses & Dual Occupancies (Attached and Detached) (p.16)** **First Storey (3rd column)** See Council report for further discussion on this issue. **4. Building Design** **4.1 General (p.18)** **Controls (p.19)** To clarify, section 3.3 of C3 Low Density Residential, contains a comprehensive suite of setback controls for the front, side and rear of a property. The guiding note on setback measurement clarifies that terraces and the like under 1m in height are not included in the setback calculation. Balconies etc above 1m in height are automatically calculated in the setback measurement. Including reference to setbacks and balconies under section 4.1 of C3 Low Density Residential would therefore create unnecessary duplication in the controls.

Trim Ref	Submitter	Submission	Council Officers' Response
		Roof Design and Features (p.23) **Objectives (p.23)** Insert at the end of the second objective …"and protects the amenity of neighboring properties including acoustic rights." Reason for change: There are amenity issues additional to privacy that need to be protected. **Controls (p.23)** **Rooftop Terraces: (p.23)** i) Insert at the end "and must not adversely impact on the amenity of neighboring properties including privacy and acoustic rights." Reason for change: There are amenity issues with roof top terraces that need to be addressed. **Mechanical Equipment (p.25)** viii) Insert after "parapet walls "… "and sound proofed" viii) Insert after "not readily visible"… "nor audible" Comment: Maximum decibels allowable should be specified. Reason for above changes: The controls for mechanical equipment need to be strengthened and maximum decibels should be specified.	**4.4 Roof Design and Features (p.23)** **Objectives (p.23)** To clarify, acoustic controls are set out in section 5.4 of C3 Low Density Residential for all elements of a development. **Controls (p.23)** **Rooftop Terraces: (p.23)** See Council report for further discussion on this issue. **Mechanical Equipment (p.25)** To clarify, control viii) is included to ensure mechanical equipment is positioned for minimised visual impact. As noted above, section 5.4 applies to all elements of a development. Noise impact of mechanical equipment is regulated by legislation and guidelines, such as the Protection of the Environment Operations (POEO) Act 1997, POEO Regulation and relevant Noise Control Guidelines. As a guide, noise from mechanical plant is considered intrusive if it exceeds the background noise by more than 5 dB(A) as measured over a 15-minute period (LAeq (15

Trim Ref	Submitter	Submission	Council Officers' Response
			minute)).
		Add new controls: (p.25) ix) "Any plant and equipment must direct air outflow away from neighboring properties and the public domain." Reason for change: There is an increasing incidence of air conditioners and other plant and equipment being located on roofs negatively impacting on the surrounding neighbor's amenity.	**Add new controls: (p.25)** Noted. See above comments on acoustic controls (section 5.4). Under the Codes SEPP, installation of an air-conditioning unit can be carried out as exempt development, provided that it is located at least 450mm from each lot boundary and complies with other specified standards in the SEPP. The SEPP contains no specific control, requiring the exhaust/air outflow be directed away from neighbouring properties. Installation of any roof-mounted air conditioners will need to seek Council's development consent and comply with the DCP controls and noise control legislation/guidelines. However, given the potential impacts likely impacts of such equipment, especially when installed on the roof, the 4th control of section 7.6 (air conditioning equipment) in C3 Low Density Residential will be amended from "locate to minimise noise impacts on bedroom areas of adjoining dwellings" to **"locate to minimise amenity impacts (e.g. noise, exhaust) on bedrooms areas of adjoining dwellings".**
		x) "Use of mechanical equipment for cooling and heating should be minimised and passive/natural means of internal climate control should be	x) As clarified in section 3 of B3 Ecologically Sustainable Development, most new residential development in NSW is subject to

Trim Ref	Submitter	Submission	Council Officers' Response
		encouraged." Reason for change: Increasing power costs and increasing temperatures require that we not be solely reliant on mechanical means for internal climate control.	BASIX, a statewide web based tool aimed at reducing water usage and greenhouse gas emissions. Clauses 8 and 9 of the SEPP (together with State Government planning directions), make it clear that DCPs are not to duplicate the range of measures covered by BASIX (including heating and cooling systems). AS BASIX does not cover commercial or industrial development, the draft DCP includes comprehensive controls on energy and water efficiency including mechanical heating and cooling systems for these types of uses.
		4.6 Earthworks (p.27) **Objectives (p.27)** Delete the first objective and replace with the following: "To encourage the use of subterranean excavation/development to maximise opportunities to allow for natural climate control, safeguarding the views and solar access of neighboring properties and providing required onsite parking." Reason for change: Given the amount of development and lack of parking in our suburbs, appropriate earthworks should be encouraged to reduce bulk and provide much needed parking.	**4.6 Earthworks (p.27)** **Objectives (p.27)** Not supported. It's not considered appropriate to encourage underground development for the purpose of reducing building bulk, providing more onsite parking and protecting views and solar access of neighbouring properties. A range of factors will need to be considered to determine if it's feasible and suitable for a development to use some underground space, including costs/budgets, impacts on groundwater conditions, and other restrictions (see also B8 – Water Management for relevant controls).
		5. Amenity **5.1 Solar Access and Overshadowing** Comment:	**5. Amenity** **5.1 Solar Access and Overshadowing** To clarify, the draft DCP does not propose to

Trim Ref	Submitter	Submission	Council Officers' Response
		The current DCP stipulates at least 3 hours of sunlight be received between the hours of 9.00am and 3.00pm on 21 June; whereas it is now being proposed that these hours be changed to 8pm to 4pm. This is a reduction in the current control and should not occur. Controls need to be strengthened and protected especially those relating to sunlight which is so essential for ones wellbeing and residential amenity.	reduce the amount of sunlight received to a new development, and similarly to the current controls, it requires a minimum of 3 hours direct sunlight to the main living room windows and private open space of new dwellings. The draft DCP extends the period of time in which a proposal can achieve the minimum 3 hours of solar access (i.e. the 9am-3pm threshold has been expanded to 8am-4pm). This recognises that different sites have varying levels of solar access based on subdivision patterns, allotment configuration etc, and thus provides greater opportunity to achieve adequate solar access.
		Controls (p.29) **Solar access to neighbouring development: (p.30)** iii) Amend to read: "North-facing living areas (including lounge rooms, family rooms, kitchens and other open plan living areas) of neighbouring dwellings must receive a minimum of 3 hours of direct sunlight between 8am and 4pm on 21 June." Reason for change: The use of the term "living room" is redundant. There are many living areas in a modern home. Furthermore limiting the control to a portion of the windows is unacceptable. Who defines "a portion" and why only windows? All surfaces of all live-able spaces should be included.	**Controls (p.29)** **Solar access to neighbouring development: (p.30)** Supported. For clarity, it is proposed to amend the draft DCP to **replace the term 'living room' with the term 'living areas'.** The draft DCP reference to 'a portion of a window' has been included in broad terms as it is difficult to specify a numerical figure in relation to the proportion of a window suitable to receive solar access. Accordingly it is recommended that the reference to 'portion of a window" be retained in the final DCP.

Trim Ref	Submitter	Submission	Council Officers' Response
		iv) Insert the words "and deep soil permeable surfaces" after "The private open space" and before "of neighbouring dwellings must…" Reason for change: Deep soil permeable space needs sufficient sunlight for plants to grow, vegetables to produce and flowers to bloom and three hours between 9am and 3 pm may not be sufficient.	iv) Not Supported. As clarified in the draft DCP and indicated on the table on pp 10 of C3 Low Density Residential, private open space includes elements of deep soil permeable space (e.g. lawn, loose graveled surfaces on soil etc). Neighbouring private open space may contain little or no deep soil planting in locations likely to be affected by a DA.
		5.2 Energy Efficiency and Natural Ventilation (p.30) **Objectives (p.30)** Add another objective: "To encourage the use of solar energy solutions." Reason for change: Encouraging the use of solar energy complements and promotes energy efficiency.	**5.2 Energy Efficiency and Natural Ventilation (p.30)** **Objectives (p.30)** Noted. To clarify, Part B3 Ecologically Sustainable Development contains a range of objectives and controls to facilitate sustainability in the design, construction and operation of buildings in Randwick City. Section 3 – Energy and Water Efficiency (of B3) clarifies that energy and water efficiency measures for most residential development is covered by BASIX, a state level web based tool that provides the framework to assess energy and water consumption against a suite of targets for residential development. As stipulated by State Government planning directions, the DCP cannot include objectives or controls that duplicate the provisions of BASIX, including the use of solar energy

Trim Ref	Submitter	Submission	Council Officers' Response
			solutions for residential development.
		5.3 Visual Privacy (p.32) **Controls (p.32)** iv) **(P.33)** add at the end of the first paragraph "…but not in such a way as to adversely impact on the views, light or amenity from the adjacent building."	**5.3 Visual Privacy (p.32)** **Controls (p.32)** To clarify, the draft DCP already includes suitable controls to address potential impacts of privacy screens on view sharing (see 5.6 (v) of C3 Low Density Residential and 5.5 (v) of C4 Medium Density Residential).
		CCTV Add another control: vii) "No CCTV on private property should have visual surveillance of any part of the neighbouring properties." Reason for above changes: Visual privacy and security should not come at the cost of neighbours' existing views, light, amenity and privacy.	**CCTV** Installation of security cameras by public authorities is exempt development under the Infrastructure SEPP. Under the RLEP 2012 – Schedule 2 Exempt Development, installation of external lighting and security systems may be carried out as exempt development provided that it meets with requirements set out in the LEP. There are currently no specific federal or state laws regulating the use of security cameras on private properties or requiring development consent before any surveillance cameras can be installed on residential property. Given development consent is not required, inclusion of controls in the DCP is not warranted.
		5.6 View Sharing (p.36) **Controls (p.36)** iv) **(p.37)**	**5.6 View Sharing (p.36)** **Controls (p.36)** Noted. To clarify, controls 5.6 (v) of C3 (Low

Trim Ref	Submitter	Submission	Council Officers' Response
		Add ", privacy screens" after "fences." Reason for change: Privacy screens are increasingly being used and neighbours' existing views and amenity must not suffer as a result.	Density Residential) and control 5.5 (v) of C4 (Medium Density Residential) suitably address the issue of impacts of privacy screens on amenity and view lines. The controls require that proposals adopt a 'balanced approach' to privacy protection and view loss, and that 'screens that obstruct views from neighbouring dwellings and the private domain' be avoided.
		Advisory: (p.37) Add "and setback markers" after "the installation of height poles." Reason for change: Setbacks can be as important as height in relation to neighbours' amenity.	**Advisory: (p.37)** Not supported. The draft DCP does not require applicants to provide setback markers to help determine the setback, as this type of information can be requested (if required) at the DA stage.
		6. Car Parking and Access **6.4 Driveway Configuration (p.42)** **Controls (p.42)** i) Last paragraph - delete the word "preferably" Reason for change: This relates to the width of a driveway at the street boundary - every effort should be made to minimise the loss of on street parking.	**6. Car Parking and Access** **6.4 Driveway Configuration (p.42)** **Controls (p.42)** Not supported. The use of the word 'preferably' in relation to control 6.4 of C3 Low Density Residential, is to retain a level of flexibility to accommodate those instances where a larger driveway width maybe suitable (e.g. where it is not out of character with existing streetscape and/or where on street car parking opportunities will not be compromised).

Trim Ref	Submitter	Submission	Council Officers' Response
		6.7 Hardstand Car Space Configuration (p.43) **Controls (p.43)** ii) Comment: We note that the measurement has changed from 2.6m x 5.4m in the initial draft DCP - to 2.4m x 5.4m in the final draft DCP documentation. Which is correct? [Suggestion: See Australian Standard 2890 Figure 2.2] [Please note there is a cross reference to Table 1 Vehicle Parking Rates contained in pages 11, 12, 13 & 14 in the Traffic, Parking and Access section.]	**6.7 Hardstand Car Space Configuration (p.43)** **Controls (p.43)** Noted. To clarify, the car space configuration measurements (2.4m x 5.4m) stipulated in control 6.7 of C3 Low Density Residential is consistent with the Australian Standard 2890.
		7. Fencing and Ancillary Development **Explanation (p.44)** Add the following at the end of the first paragraph "and not block views, light or sunshine or overshadow neighbouring properties." Reason for change: Fencing and Ancillary Development can have a profound impact on neighbouring properties amenity especially with regard to view loss and loss of light.	**7. Fencing and Ancillary Development** **Explanation (p.44)** Noted. Views, solar access and amenity considerations with respect to fencing are adequately addressed by the objectives and controls of Section 7 Fencing and Ancillary Development of C3 Low Density Residential Development and section 7.1 of C4 Medium Density Residential Development. A key objective is to ensure that the design and fencing maintains reasonable levels of visual amenity, solar access and privacy of neighbouring buildings.
		7.5 Swimming and Spa Pools **Controls (p.48)** i) Add at the end …"and no higher than 1m from natural ground level." iii) Add at the end ", particularly bedrooms and other quiet areas for e.g. studies."	**7.5 Swimming and Spa Pools** **Controls (p.48)** Not supported. The installation of swimming pools can be Complying Development under the NSW Housing Code, provided a number of criteria are met including specific setbacks,

Trim Ref	Submitter	Submission	Council Officers' Response
		viii) After "Locate the pool pump and filter" insert "centrally within the property and" Delete "limits noise generation" and replace with "eliminates noise impacts on neighbouring properties." Reason for changes: The use of swimming pools and associated equipment can detrimentally affect the amenity of neighbouring properties. Pools and equipment should not be located near the bedrooms and other quiet spaces/areas (for e.g. studies) of neighbouring properties.	requirements for sound proofing of pool pumps etc. The suggested controls are considered too onerous and prescriptive, and are likely to encourage proponents to go through the Codes SEPP to gain approval for swimming pools as Complying Development, which affords less scrutiny and public input than the DA process. The draft DCP controls on swimming pools are considered to be reasonable and allow for swimming pool development in certain circumstances, while adequately addressing amenity considerations including measures to ameliorate potential noise impacts e.g. controls to locate pool pumps away from neighbouring dwellings, requiring pool pumps be situated in acoustically treated enclosures, setbacks etc.
		7.6 Air Conditioning Equipment (p.49) **Controls (p.49)** iv) **(p.49)** Replace with "Any air conditioning units must be contained within an acoustically sound proofed enclosure and located far enough away from neighbours to ensure that there are no noise impacts on bedrooms, study and living areas of adjoining or neighbouring properties." Reason for change: Due to the increase in density of development, noise from air conditioning units is an	**7.6 Air Conditioning Equipment (p.49)** **Controls (p.49)** iv) **(p.49)** Not supported. The installation of air conditioners can be Exempt Development under the NSW Housing Code and thus does not require development consent, provided a number of criteria are met, including a minimum 450mm setback. Including more onerous controls in the DCP is not recommended as it would encourage proponents go through the Housing Code to

Trim Ref	Submitter	Submission	Council Officers' Response
		issue that affects the amenity of neighbouring properties detrimentally. Use of such units should be discouraged or they should be sited and restricted so as to not impact on neighours.	facilitate development without consent, which does not afford the same level of DA scrutiny and public input into a proposal. The controls contained in section 7.6 of C3 Low Density Residential are considered to suitably complement the provisions of the SEPP, and provide adequate amenity for assessment.
		8. Area Specific Controls **8.3 Foreshore Scenic Protection Area (p.52)** **Objectives (p.52)** Add another objective: "To minimise the impact of new development upon the shoreline or the views from the shoreline." Reason for change: The beautiful foreshore areas must be protected and maintained for current and future generations to enjoy.	**8. Area Specific Controls** **8.3 Foreshore Scenic Protection Area (p.52)** **Objectives (p.52)** To clarify, objectives and provisions on protecting significant public views to and from the coastline are adequately embodied in *RLEP Clause 6.7 – Foreshore Scenic Protection Area.* This section of the RLEP aims to protect natural, visual and environmental qualities of the foreshore scenic protection area (including significant public views to and from the coastline). The draft DCP Floor Space Ratio controls supplement the RLEP provisions, by providing adequate guidance to ensure that future development is of high architectural quality and sensitive to the aesthetic values of the foreshore areas. An additional objective on protecting views to and from the coastline is not recommended for inclusion in the DCP as this would create unnecessary duplication with the objectives and provisions of the RLEP.

Trim Ref	Submitter	Submission	Council Officers' Response
			However it is **recommended that the explanation to section 8.3 clarify that the RLEP requires significant public views to be protected.**
		Controls (p.53) vi) Insert a new sentence at the end of this control: "Preference should be given to species endemic to the area to support other Council initiatives relating to coastal biodiversity." Reason for change: Council is working on a coastal biodiversity corridor in the public domain. Suggesting property owners support this initiative is appropriate.	**Controls (p.53)** Not supported. To clarify, the term 'endemic' refers to species that are only found in a particular location, whereas 'indigenous' refers to species that occur in a number of places naturally. Council's Bushland Department have confirmed that there is low likelihood of plant species being 'endemic' to the Eastern suburbs of Sydney. The draft DCP stipulates that indigenous species that are sourced locally are to be used for at least 50% of the plant schedule (see section 3.3 of B4 Landscaping and Biodiversity). Consistent with the guiding note that supplements the controls, proponents should contact Council's bushland/landscaping officers for guidance on appropriate species (including the use of plant species in coastal areas). With respect to Council's identified 'biodiversity corridors', **a guiding note is recommended for inclusion in *Section F2 Development in or Near Areas of Biodiversity* Significance to clarify that plant selection should:**

Trim Ref	Submitter	Submission	Council Officers' Response
		Add another control: xi) "The design of buildings must take account of the existing coastal views of neighbouring properties and seek to limit view loss from such properties." Reason for change: At the moment it is winner take all with coastal views and existing property owners are often left with little or substantially reduced views.	**-improve on the ecological, cultural and aesthetic values of existing plant communities; and** **-minimise the opportunity jeopardise the functioning of remnant bushland areas (e.g. impact on the native gene pool or light levels, or create monocultures)** The draft DCP already contains controls on view sharing of which a key objective is to acknowledge the value of views to significant elements, including the coastline, and to ensure development is sensitively and skilfully designed to maintain a reasonable amount of views from the domain and neighbouring buildings (e.g. *Section 5.6- View Sharing of C3 Low Density Residential*). The Land and Environment Court has also developed a planning principle on view sharing including steps to inform the assessment of view loss. Key considerations include the existing coastal views of neighbouring properties, the extent and impacts of any proposed view loss and the reasonableness of a proposal (*Tenacity Consulting vs Warringah Council 2004*). As clearly noted in the DCP, both the planning principle and DCP view sharing controls must be addressed by a proposal in those circumstances where there is potential for

Trim Ref	Submitter	Submission	Council Officers' Response
			impacts on views. Both these assessment mechanisms are considered to suitably and comprehensively address view sharing and view loss issues. The suggested control is therefore not recommended for inclusion in the draft DCP as it would result in unnecessary duplication in the controls and the planning principle.
		C4 Medium Density Residential **1. Introduction (p.2)** Include "Dual Occupancies (detached)" Reason for change: These types of dwellings are permitted in R3 but the introductory paragraph excludes them. **1.1Medium density housing in Randwick LGA (p.3)** Comment: Throughout the DCP different terms are used for the same type of housing stock - "multi storey apartment buildings" and "residential flat buildings". We suggest the DCP standardise on one of these. **2. Site Planning** **2.1 Site Layout Options (p.4)**	In response: **1. Introduction**: Noted, while Dual Occupancies (detached) are permitted in the R3 Medium Density Residential Zone these types of dwellings are more closely linked in terms of scale and height to lower forms of density housing (such as dwelling houses). It should also be noted that dwelling houses are also permitted in the R3 Medium Density Residential zone. **1.1 Medium density housing in Randwick LGA.** To clarify, the terms adopted in the section are reflective of RLEP 2012 (based on the standard instrument) land use terms and cannot be further standardised. This is a direction by the State Government to standardise planning instruments (specifically LEPs) across the state. **2.Site planning** **2.1 Site layout options – objectives**

Trim Ref	Submitter	Submission	Council Officers' Response
		Objectives (p.4) Amend second objective to read: To ensure development achieves good amenity outcomes with respect to solar access, natural lighting and ventilation, privacy, views, visual amenity and spatial separation from the neighbouring properties." Reason for change: The current objectives refers to "adequate levels" of natural lighting etc. "Adequate" is not strong enough to indicate the need to take the amenity needs of neighbours seriously when proposing development in already densely populated areas. The current objective also omits "solar access" and "views" as amenity issues. **2.2 Landscaped open space and deep soil area (p.8)** **Controls (p.9)** **2.2.2 Deep soil area (p.9)** i) Delete "should" and replace with "shall" so the control reads "A minimum of 25% of the site shall incorporate….." Reason for change: To ensure this control is enforced as it is critical for controlling storm water run-off especially in densely built up areas. **2.3 Private and communal open space (p.11)** **Explanation (p.11)** Add at the end of paragraph "without adversely impacting on the amenity of neighbouring properties." **Objective (p.11)**	The second objective as proposed is not supported. The reference to 'adequate levels' takes into consideration built up urban areas zoned R3 Medium Density Residential. In relation to 'solar access' and 'views' in the objective, there are separate subsections within the medium density section which address this. It is not necessary to duplicate these provisions. **2.2 Landscaped open space and deep soil area: 2.2.2 Deep soil area** i) Not supported. The language adopted is consistent throughout the DCP and is reflective that the DCP is a guiding document. **2.3 Private and communal open space – Explanation and Objective** Suggestion not supported. As mentioned previously, other subsections in the DCP such as 'visual and acoustic privacy' address residential amenity impacts. The explanation and objective clarify the role and function of

Trim Ref	Submitter	Submission	Council Officers' Response
		Add at the end "without adversely impacting on the amenity of neighbouring properties." Reason for changes: Amenity impacts on neighbours have not been included in this section. **Controls (p.11)** **2.3.1 Private open space (p.11)** ii) Delete this control which favours a northerly aspect. Reason for change: Developers will place private open space where it is most marketable. It may be that an aspect other than northerly is more attractive. Also with the dangers of skin cancer ever present not everyone wishes to spend time out of doors in the sun. **For attached dwellings and multi dwelling housing (p.11) -** v) Delete and replace with "A minimum area of 12 square metres of private open space should be provided at ground and/or podium level with a majority of the area with minimal or no level changes." Reason for change: 25 square metres is too large for a minimum and could affect affordability. Also the current wording prescribes a rectangle shape of 3m x 4m with minimal or no level changes. This is too restrictive, for example what if it is a curved space or what if the area is 2m x 5m?	this open space control. **Controls – 2.3.1 Private Open Space** ii) The suggestion to delete this control is not supported as the control clearly states *'…have a northerly aspect <u>where possible</u>….'.* The aim of the control is to provide private open spaces with good aspect in terms of solar access. **For attached dwellings and multi dwelling housing** v) A reduction in area of private open space of over 50% is not supported. However, a minor modification to the minimum area from 25m to 20 sqm is supported, based on recent DAs for these dwelling types. A smaller area as proposed in the submission would equate more to a balcony or terrace rather than a backyard or courtyard. A larger area per dwelling is also desirable to provide continuous open space and separation from adjoining dwellings. The minimum dimensions of 3m x 4m are also considered appropriate to provide a usable area of private open space, therefore no changes are proposed to these dimensions.

Trim Ref	Submitter	Submission	Council Officers' Response
		Add a new control: vi) "The size of private open space areas is limited by setback requirements and the proximity of neighbouring buildings**."** Reason for change: If there is to be a minimum requirement there should be some limit on the size of areas of private open space. **For residential flat buildings-** vii) Change "8 square metres" to "4 square metres" Reason for change: As a minimum requirement 8 square metres for units in residential flat buildings (blocks of units) is too much and would add to housing unaffordability. Also large outdoor spaces give rise to too many amenity impacts for neighbouring properties, especially in densely populated areas and where units are used as holiday rentals and partying is frequent rather than occasional. viii) Add a new control: "The size of private open space areas is limited by setback requirements and proximity of neighbouring buildings**."** Reason for change: If there is to be a minimum requirement there should be some limit on the size of areas of private open space. **2.3.2 Communal open space**	vi) The new control as suggested is not supported. Setback requirements and visual privacy are addressed in other subsections to this section. Moreover, other development factors (such as fsr, parking etc) all have an impact on the size of private open space which can be provided. **For residential flat buildings** vii) The reduction in private open space for flats and units from 8sqm to 4sqm is not supported. The area provides for a functional indoor/outdoor private open space. In addition, in dense urban areas where open space may be limited, the provision of above ground open space becomes increasingly important for the amenity of the unit occupants. See council report for further discussion on balconies and rooftops. viii) As mentioned above (Council officer's response to 2.3.1 Private Open Space – attached dwellings clause v)), the suggested control is not supported. Setback requirements and visual privacy are addressed in other subsections to this section. Moreover, other development factors (such as fsr, parking etc) all have an impact on the size of private open space which can be provided. **2.3.2 Communal open space**

Trim Ref	Submitter	Submission	Council Officers' Response
		i) (c) Delete this control which favours a northerly aspect. Reason for change: Developers will place communal open space where it is most marketable. It may be that an aspect other than northerly is more attractive. Also with the dangers of skin cancer ever present not everyone wishes to spend time out of doors in the sun. i) (d) Add at the end "in such a way as to not adversely impact on the visual amenity of neighbouring buildings." Reason for change: Privacy screens and landscaping for communal open spaces should not be provided at the expense of the neighbouring buildings. i) (e) Add at the end "in such a way as to not adversely impact on solar access or the visual and acoustic amenity of neighbouring buildings." Reason for change: There needs to be some reference to amenity impacts. Playground equipment gives rise to noise and shade structures may block views and reduce solar access for neighbours. **3. Building envelope (p.13)** Add new second paragraph: "The building envelope includes all the built form not just from window line to window line. When looking at the building depth it includes all balconies, podium structures and eaves." Reason for change: This change is the usual definition of a building envelope. **3.2 Building height (p.13)** Add a new control:	i) (c) The suggestion to delete this control is not supported as the control clearly states *'…with a <u>preferred</u> northerly aspect''*. The aim of the control is to provide functional and well oriented communal open space to maximise solar access. i) (d) (e) Suggestions not supported, as mentioned in above responses, specifically that other subsections in the DCP address residential amenity impacts such as solar access, overshadowing and visual privacy. **3. Building envelope** Suggestion noted. See response below for 'Building Depth' (3.3) Explanation. **3.2 Building height**

Trim Ref	Submitter	Submission	Council Officers' Response
		"That an explanatory, accurate and three dimensional model be provided with every DA proposing any change in building height to illustrate the building envelope in relation to the neighbouring properties and the public domain." Reason for change: Without such a model it is often hard for neighbours to ascertain the impact. **3.3 Building depth (p.14)** **Explanation (p.14)** First sentence in first paragraph - delete "from window line to window line" - add at the end "when looking at the building depth it should include all balconies, podium structures and eaves." Reason for change: The draft DCP excludes balconies, podium structures and eaves from the building envelope. This is not in keeping with the notion of building envelope. **Controls (p.14)** Add a second control: ii) that an explanatory, accurate and three dimensional model be provided with every DA to illustrate the building envelope in relation to the neighbouring properties and the public domain." Reason for change: The true and total building depth must be illustrated, measured and understood with regard to its scale and impact on neighbouring properties and the public domain.	The control as suggested is not supported. The DA guide outlines that an architectural model is required for residential development proposals exceeding 15 metres in height. Note the council may also require an architectural model for other large scale developments. **3.3 Building depth – Explanation** The suggestion to amend the explanation of building depth is not supported. Building depth is a measure of an internal area, from window line to window line, and cannot be measured from areas of open space such as an open balcony. Should the balcony be enclosed then this could be included in the measurement. **Controls** ii) The suggestion for a three dimensional model to be provided with every DA is not supported. As mentioned above in response to 3.2.

Trim Ref	Submitter	Submission	Council Officers' Response
		3.4 Setbacks (p.15) **Explanation (p.15)** Add second paragraph: "Setbacks are an important mechanism for protecting the amenity of the residents of properties that adjoin or are near the development. In the 1960s and 70s high rise unit blocks were approved despite exceeding the heights in local planning regime. The trade off for these high rise developments was reduced bulk achieved through setbacks from the site boundaries. This is of particular relevance in Coogee and Randwick. These existing setbacks will be taken into account for any refurbishment or redevelopment proposal for high rise buildings." **Measurement rules box (p.15)** Change "1200mm" to "1m" Reason for change: This brings the measurement into line with that for Low Density Residential. Add at the end of the rules box "…provided such features are minor and do not project more than .5m beyond the setback." Reason for change: The current wording is too open ended - awnings can be many metres wide as can screening devices. Some limit is required. **Objectives (p.15)** Amend the second objective by adding at the end "…for both the subject property and adjoining or neighbouring properties." Reason for change: The explanation refers to adjoining properties but this is missing from the objective	**3.4 Setbacks – Explanation** The paragraph as suggested is not supported. If a building is non-compliant in terms of current planning standards due to planning approvals of the past then this non-compliance would be taken into consideration as part of the merit based assessment. The proposal would be assessed under the current planning framework. **Measurement rules box** The suggested change from 1200mm to 1m is not supported. 1200mm above ground level is based was taken from SEPP 65 definition for 'storey'. **Objectives** The suggested amendment to the second objective is not supported. The objective as drafted implies the same meaning as the suggested amendment.

Trim Ref	Submitter	Submission	Council Officers' Response
		referring to amenity requirements. Also it is not just the needs of adjoining properties that need to be taken into consideration. Neighbouring properties also need to be considered. Add a fourth objective: "To reduce the impact of development on neighbouring properties." Reason for change: Setbacks are the key mechanism that protects the amenity of the residents of neighbouring properties in densely populated areas, such as are the subject of this Medium Density section of the draft DCP. This should be acknowledged in the objectives of section 3.4 and hence brought to the attention of those making development proposals. **3.4.2 Side setback (p.16)** **Controls (p.16)** **Residential flat buildings and Multi dwelling housing (p.16)** i) **Table - Minimum Side Setbacks** Add .5m to each of the minimum side setbacks listed in the table so for example "2.0m" becomes "2.5m"and "4.0m" becomes "4.5m" etc. Reason for change: The current DCP provides for side setbacks of 900mm for any part of a building over 1 metre above ground level and up to one level in height, 1.5m for any part of a building, the height of which is 2 levels at that point and 3.0m for an part of a building, the height of which is more than 2 levels at that point. Given the importance of setbacks in densely	The additional objective as suggested is not supported. As mentioned above, there are sufficient provisions within the section which address amenity issues eg. visual privacy, solar access and overshadowing. Further, the important role setbacks play is adequately described in the explanation. Note that setbacks are not the only key determinant that protects the amenity. Setbacks, building height, fsr, landscape provision all work to determine the scale and bulk of a building and as such any residential amenity impact. **3.4.2 Side setback controls – residential flat buildings and multi dwelling housing** i) An additional 0.5m to each of the minimum side setbacks as suggested is not supported. The setbacks in the draft DCP were revised based on a comprehensive analysis of prevailing development patterns and development approvals across a range of site contexts and suburbs in Randwick City. Overall they are considered to be an improvement to the current DCPs in providing a better reflection of existing site conditions in the LGA.

Trim Ref	Submitter	Submission	Council Officers' Response
		populated areas the current setbacks should be maintained/preserved and not be reduced as the draft DCP proposes. ii) Add a new bullet/dash: "Preserve existing side setbacks in place for older high rise buildings where the FSR and height exceed that permitted in the LEP." Reason for change: Older buildings that greatly exceed the height and FSR in the LEP2012 and were able to achieve this result by providing setbacks which are in excess of those required today, should be required to honour these setback requirements in any refurbishment or redevelopment proposal. **3.4.3 Rear setback (p.17)** **Controls (p.17)** **i) (p.17)** delete "5m" and replace with "6m" Reason for change: The current DCP requires 6m rear setbacks. Setbacks in densely populated areas enable people to live closely together. This is even more important now with increasing development pressure. The draft DCP should focus on preserving setbacks rather than reducing them. **Building Design** **4.1 Building Façade (p.19)** **Controls (p.19)** **v) (p.20)** add at the end "including podiums built to boundaries (front, back and side)." Reason for change: Podiums such as the Crowne Plaza and Coogee View present expanses of masonry wall to	The table will however, be reformatted to simplify the information ii) see response above to 3.4 Setbacks **3.4.3 Rear setback controls** i) The suggested '6m' is not supported. As mentioned above, the revised setback controls in the draft DCP are considered to be an improvement to the current DCPs in providing a better reflection of existing site conditions in the LGA; and for long blocks the control requires a minimum rear setback of 15% of its allotment depth depth **Building Design – 4.1 Building Façade controls** v) The suggestion to include 'podiums built to the boundaries' are not supported. Podiums such as those referenced (eg. Crowne Plaza) are more attributed to town centres than residential areas.

Trim Ref	Submitter	Submission	Council Officers' Response
		the street and detract from the open, low key, foreshore ambience of Coogee. Add a new control (p.20): viii) "Buildings must be designed and facades articulated to lessen the adverse impact on views, solar access, privacy and acoustic amenity of neighbouring properties." Reason for change: Building design in densely populated areas has an important role in ensuring people can live closely together without intruding on privacy and adversely impacting on amenity and this should be acknowledged in the controls. **4.4 External Wall Height & Ceiling Height (p.25) Controls (p.26)** i) Delete "10.5m" and replace with "10.0m" ii) **(p.27)** Delete "8.0m" and replace with "7.0m" Reason for changes: To control the bulk and scale and to minimise impact on adjoining and nearby properties and land and as per the previous LEP controls (when external wall height was included in the LEP). Such controls should not be watered down given the density in our suburbs is ever increasing. **4.7 Apartment Layout (p.29) Controls (p.29)** **iii) (p.29)** add to the end of the control "without detrimentally impacting on the amenity, solar access, acoustic privacy, views and visual privacy of	viii) The new control as suggested is not supported. The controls within subsection 4.1 'Building Façade' is considered adequate to avoid continuous, unrelieved walls. In addition, other controls within the Medium Density Residential section are designed to address amenity impacts in relation to views, solar access and privacy and acoustic amenity. **4.4 External Wall Height and Ceiling Height Controls** i) The proposed reduction in maximum external wall height of 10.5m to 10m as suggested is not supported. Within the maximum building height limit of 12m, reducing the wall height to 10m would provide for a reduced floor to ceiling height, reduced amenity for occupants and a larger roof zone. ii) The proposed reduction in maximum external wall height of 8m to 7m (where max. building height is 9.5m) is again not supported given the reasons outlined above. **4.7 Apartment Layout – Controls** iii) The suggested amendment to the control is not supported. As mentioned previously, amenity issues such as solar access, acoustic privacy are addressed in other subsections of

Trim Ref	Submitter	Submission	Council Officers' Response
		neighbouring buildings." Reason for change: With density increasing it is vital that the inclusion of balconies and terraces take into account the needs of existing residents in neighbouring buildings. **4.8 Balconies (p.30)** **Objectives (p.30)** Second bullet - add at the end "without detrimentally impacting on the amenity, solar access, acoustic privacy, views and visual privacy of neighbouring properties." Reason for change: With density increasing it is vital that the inclusion of balconies takes into account the needs of existing residents in neighbouring buildings. **Controls (p.30)** i) delete "8 square metres" and replace with "4 square metres" Reason for change: 8 square metres is too large as a minimum. 4 square metres is enough room for a table and chairs and is sufficient as a minimum. Add a new control: **(p.30)** iv) "All balconies, terraces and podiums shall comply with setback controls." Reason for change: This needs to be explicit in this section.	the medium density residential chapter. **4.8 Balconies – Objectives** The suggested amendment to the objective is not supported. As mentioned previously, controls to address amenity impacts are provided for within the Medium Density Residential section. Moreover, the objective is to clarify the role and function of the control. **Controls** i) The proposed reduction in area from 8sqm to 4sqm is not supported. As mentioned previously and discussed further in the council report (see discussion on roof top terraces and balconies), the area is considered appropriate to provide a functional indoor/outdoor private open space. iv) The proposed new control as suggested is not supported, as the measurement rules on setbacks (clause 3.4) includes balconies. The suggested control would be a duplication of this control and is not needed.

Trim Ref	Submitter	Submission	Council Officers' Response
		4.11 Alterations and additions to residential flat buildings (p.33) **Objective (p.33)** Add second objective: "To minimise the impacts on neighbouring properties in terms of overshadowing, privacy, view loss, acoustic privacy and visual amenity." Reason for change: The refurbishment of residential flat buildings especially with the installation of balconies, open space and bbq areas can detrimentally impact the amenity of neighbouring properties. Such amenity must be protected especially in densely populated areas. **Control (p.33)** Add another control: iii)"Development applications involving alterations and additions to residential flat buildings located within a foreshore protection area shall ensure that the overall aesthetic improvements to the appearance of the building minimise the visual impact upon the shoreline and that the building form is sympathetic with the scenic qualities and topography of the shoreline and conserve the natural form of the land/water interfaces and enhance the natural features of the site." Reason for change: The Foreshore protection area must be protected and controls must be in place to do so especially with the increase in medium density zoning.	**4.11 Alterations and additions to residential flat buildings – Objective** The proposed objective as suggested is not supported given that residential amenity controls are already addressed in other subsections of the Medium Density Residential section. **Control** iii) To clarify, the draft DCP controls for land within a foreshore scenic protection area apply to all types of development falling within the foreshore scenic protection area, including Low and Medium Density Residential and certain Centres. It is acknowledged that the inclusion of the Foreshore Scenic Protection Area controls in C3 Low Density Residential section may cause confusion with regards to its application. For clarity, it is recommended that these controls be transferred into Part B - General Controls section of the DCP (see council report for further discussion on this issue).

Trim Ref	Submitter	Submission	Council Officers' Response
		5. Amenity **Controls (p.37)** **Solar access for surrounding development (p.37)** i) Delete "Principal" so that the first part of this control reads "Living areas (including lounge rooms, kitchen, family rooms and open plan living areas) of neighbouring dwellings …" (p.38) And then delete "part of a window" and replace with "all glassed areas" Reason for change: All living areas affected by the development should be those deemed principal and who decides which rooms are the principal living rooms? Also what does a "part of a window" mean and what glass doors? The impact on all the windows of the living areas affected by the development should be taken into account.	**5. Amenity Controls – Solar access for surrounding development** i) The proposed amendments to this control as suggested are not supported. The term 'Principal' refers to the key living areas of a dwelling, where most time is spent in and is determined as part of a merit based assessment. For clarification purposes, it is recommended that a notation be included to explain what constitutes as habitable room and/or principal living area. The term 'part of a window' takes into consideration existing scenarios that not all windows receive full solar access nor is it reasonable to expect full solar access to be provided to all of a window. It is unreasonable and/or unrealistic of existing scenarios to expect that every room/living area and 'all glassed areas' of a dwelling receives full solar access. Therefore the control as drafted is to ensure that the 'principal living area' receive good solar access to at least 'part of a window'.
		ii)(p.38) Delete "principal" and also delete "to a part of a window". Reason for change: This is about landscaped areas so windows are not relevant. Also the use of the word	ii) The proposed amendments to this control as suggested are not supported for the reasons outlined above (response to (5)(i)).

Trim Ref	Submitter	Submission	Council Officers' Response
		principal is problematic as who decides this? The developer or the planner may consider a small garden as not being a principal landscaped area but to the resident this may be an important growing area and hence dependent on sunlight. **5.3 Visual Privacy (p.40)** **Controls (p.40)** i) Delete "similar windows" and replace with "glass doors or windows" and after "adjoining" add "or neighbouring" Reason for change: The use of word "similar" is confusing. The use of "windows" is too limiting. The use of "adjoining" does not clearly safeguard the interests of other neighbouring properties which may not adjoin (i.e. join) the development. ii) First sentence delete "and rear". Second sentence replace with "Avoid orienting balconies to the windows or other glassed areas of any habitable rooms on the side elevations of the adjoining or neighbouring residences". Reason for change: The sleeping areas of many existing developments are at the rear and every effort should be made to orient noise sources such as balconies away from the rear of neighbouring buildings. Also the need to avoid orienting balconies to any habitable room windows of adjoining residences should apply to any glassed area including doors. Add another control vi) "No CCTV on private property should have visual	**5.3 Visual Privacy – Controls** i) A proposed amendment to this clause is supported. For clarification purposes, the clause is proposed to be redrafted as follows *'i) locate windows and balconies of habitable rooms to minimise overlooking of windows or glassed doors in adjoining dwellings*. Note adjoin can also mean to 'border on' and should remain for consistency. ii) The proposed amendments to this control as suggested are not supported. It is unreasonable and not good design practice to only orient balconies to the front boundary. Orienting balconies to the rear is beneficial given that landscaped areas are located to the rear of a building; there is adequate building separation; and solar access. Control ii) of subsection 5.3 'Visual Privacy' outlines that balconies should not be oriented to any habitable room windows. vi) See response provided on the same issue

Trim Ref	Submitter	Submission	Council Officers' Response
		surveillance of any part of the neighbouring properties." Reason for change: Visual security should not come at the cost of neighbours' privacy. **5.4 Acoustic Privacy (p.41)** **Controls (p.41)** Add another control **(p.42)** vi) "Avoid locating balconies, courtyards and other potential noise generating areas close to any habitable rooms of neighbouring properties." Reason for change: Existing residential amenity must be protected especially with regard to balconies and their positioning with regard to habitable rooms especially having regard to the increase in density and changes to zoning. **5.5 View sharing (p.43)** **Objectives (p.43)** Delete from the third objective "a reasonable amount of views" Reason for change: Views should be maintained. A planners view of a "reasonable amount" may not be the same as the residents view. **Controls (p.43)** **iv)(p.44)** Insert after "fences" "and privacy screens" Reason for change: Privacy screens should be specifically included.	in the low density residential section. **5.4 Acoustic Privacy – Controls** vi) The proposed control as suggested is not supported. The draft provisions within subsection 5.4 'Acoustic Privacy' is considered appropriate in taking into consideration residential acoustic privacy impacts. **5.5 View Sharing – Objectives** The proposed amendment to the objective is not supported. The term 'a reasonable amount of views' is realistic, balanced and reflective of the land and environment court planning principle on view sharing. This subsection of the DCP clearly states how a potential view loss impact would be assessed. **Controls** iv) To clarify, clause v) of this subsection addresses this concern, that is *'Adopt a balanced approach to privacy protection and view sharing…..avoid….screens that obstruct*

Trim Ref	Submitter	Submission	Council Officers' Response
		Advisory: (p.44) Insert after "height poles" "and setback markers" Reason for change: Views are impacted on by building bulk as well as height. Setback markers would assist in ascertaining the impact on view affected by lack of setbacks or reduced Add the following at the end of the Advisory "View loss is to be ascertained from sitting positions in the affected dwelling/s." Reason for change: Recent assessments of view loss have only considered view loss from a standing position. Most people do not spend their time at home standing especially when relaxing and enjoying the view. **6. Car parking and access (p.46)** **6.2 Configuration (p.47)** ii) Delete "as much as possible" at the end and replace with "and form a single width at the boundary." Reason for change: To ensure the configuration of the car park does not visually dominate or detract from the streetscape character and to limit any reduction of permeable street verges. Comment: We suggest include a cross reference to Table 1 Vehicle Parking Rates contained in pages 11, 12, 13 & 14 in the Traffic, Parking and Access section.	*views from the neighbouring dwellings'.* **Advisory** The suggested inclusion of 'setback markers' in the advisory note is not necessary as outlined, the height poles would demonstrate the height and envelope of the works', this would therefore include the proposed setbacks. The additional statement on view loss to the advisory note as suggested is also not supported. The additional statement is unnecessary as the view loss impact, whether by sitting or standing is assessed amongst other factors (as outlined in this subsection) as part of a merit based assessment. **6. Car parking and access: 6.2 Configuration** ii) The suggested amendment is not supported, the control as drafted allows for the maneuvering of cars in restricted sites. A cross reference to Vehicular Parking Rates in (B7 Traffic, Parking and Access) as suggested is supported. It is proposed that the following notation be included in this subsection. *Note:*

Trim Ref	Submitter	Submission	Council Officers' Response
			See section B7 Traffic Parking and Access: 3.2 for Vehicle Parking Rates
		7. Fencing and ancillary development **7.1 Fencing (p.49)** **Explanation (p.49)** Add to the end of the final sentence "and not block views from neighbouring properties or overshadow them." Reason for change: Fencing can have a profound impact on the amenity of neighbouring properties.	**7. Fencing and ancillary development:** **7.1 Fencing – Explanation** To clarify, the second objective to this subsection addresses the need *'…to achieve a balance between privacy …..without adversely affecting the amenity of the pedestrian environment'.* In addition, where a proposal should impact on view loss then this would be assessed against subsection 5.5 View Sharing, clause iv) provides that '*the design of fences …..must minimise obstruction of views from the neighbouring dwellings'*
		7.5 Swimming and Spa Pools (p.52) **Controls (p.52)** i) Add at the end add "no higher than 1.0m from natural ground level." Reason for change: The use of swimming pools and associated equipment can detrimentally affect the amenity of neighbouring properties. Pools and equipment should be sited and restricted	**7.5 Swimming and Spa Pools – Controls** i) The suggested amendment to this clause is not supported, as swimming pools for medium density residential proposals may be provided within a podium level and should be left to a merit based assessment. In relation to concern raised on amenity of neighbouring properties from pools and associated equipment, this is effectively addressed by clause iii) of this subsection with a minor amendment to the clause (as shown in the underline) as follows, that is *'locate to minimise noise <u>and privacy</u> impacts on the adjoining dwellings'.*

Trim Ref	Submitter	Submission	Council Officers' Response
		iii) Add at the end ", particularly bedrooms and other quiet areas for e.g. studies." Reason for change: as above for i) Add new controls as per the controls contained in Low Density Residential **(p.48 & p.49):** iv) "The coping level of the pool must relate to the topography of the site. On sloping allotments, the higher side of the site must be excavated, so that the pool structures do not protrude more than 1m above ground level (existing) on the lower side". v) "Setback the outer edge of the pool coping a minimum of 900mm from the rear and side boundaries." vi) "The side and rear setback areas must incorporate screen planting extending along the full length of the pool. This requirement may not apply where there is a need to retain existing view corridors from adjoining and nearby properties." vii) "Position any decking away from the side and rear boundaries to minimize adverse privacy and noise impacts on the neighbours." viii) "Locate the pool pump and filter centrally within the property and away from the neighbouring dwellings. The equipment must be contained within an acoustically treated enclosure that eliminates impacts on neighbouring properties." Reason for change: Swimming pools and the operation of associated equipment can adversely affect the	iii) The suggested amendments as drafted are not supported however a minor amendment to this clause is recommended as outlined above. iv) Not supported. Swimming pool proposals for residential flat buildings and the like have more variable possible designs and need to be considered as part of a merit based assessment. As mentioned previously, swimming pools, as part of a residential flat building, may be provided as part of a podium or raised terrace. As such, the proposed amendments to controls v); vi); vii); viii) are not supported and are better addressed as conditions of consent. **However, it is agreed that the controls should be expanded to address privacy impacts in addition to noise.**

Trim Ref	Submitter	Submission	Council Officers' Response
		amenity of neighbouring properties. They need to be sited and restricted accordingly. The controls that pertain in Low Density Residential area controls should also pertain to the Medium Density Residential areas. **7.7 Laundry facilities and air conditioning units (p.52)** **Controls (p.52)** **Air conditioning units: (p.53)** i) Add at the end "to eliminate acoustic and visual impacts." Add another control: iii) "Where there is a central air conditioning plant it should be entirely acoustically encased to eliminate noise and visual impacts. There should be no noise audible from the public domain or neighbouring properties." Reason for changes: Due to the increase in density of development, noise is a big issue that affects the amenity of residents and the noise from air conditioning units is of particular concern. **8. Area Specific Controls** **58-64 Carr Street, Coogee (p.56)** Comment: The draft DCP is not consistent with the resolution passed by Council in relation to this matter in the LEP. There is nothing in the resolution about quarantining commercial activities from the need to be consistent with the Medium Density Residential controls pertaining to R3 zoning. **Explanation (p.56)**	**7.7 Laundry facilities and air conditioning units - Air conditioning units Controls** i) and iii) The suggested amendments are not supported and are more appropriately addressed as conditions of consent. **8. Area Specific Controls - 58-64 Carr Street, Coogee** Unless a response has been provided in this column, see Council report for discussion on 58 – 64 Carr Street, Coogee.

Trim Ref	Submitter	Submission	Council Officers' Response
		Second paragraph: Delete and replace with "The subject sites are at the southern end of the bay of Coogee and are opposite the foreshore reserve of Coogee beach." Reason for change: There is no horseshoe shaped built form of the Coogee business centre. The natural bay is horseshoe shaped but the Coogee business centre extends west and north beyond the bay. Also the reference to "local context" in terms of the northern and eastern sections of the business centre makes no sense. There is no eastern section of the business section - to the east is the Pacific Ocean and the two sites to the immediate east of 58-60 Carr St are zoned residential. The northern end of the bay does not provide a "local context" - it is several hundred metres away. Fourth paragraph: Delete from the last sentence "… for residential purposes" Reason for change: The Council resolution relating to the LEP that resulted in the retention of residential zoning for this area makes no reference to excluding development applications for commercial uses from the need to be consistent with residential controls. These sites should be treated the same as Business uses in Residential zones [D7: 6.1] which states business uses "should be consistent with either the Low Density Residential or Medium Density Residential" sections of the DCP.	

Trim Ref	Submitter	Submission	Council Officers' Response
		Controls (p.57-58) **Controls** i)Delete control and replace with..."Proposals for a restaurant or café must be limited to one ground floor level only on Carr Street of these buildings and must present an active street front to Carr Street only." Reason for change: The Council resolutions specifically limited any restaurant or café to the ground floor level only and it is rumoured that the owners of 58-60 Carr Street believe they can get around this restriction by referring to upper and lower ground floor levels. v) Change "10.00pm" to "8.00pm" Reason for change: The Council resolutions specifically limited the hours. An 8.00pm closing time is more appropriate to a small café or restaurant in a residential zone. vii)Delete this control Reason: The wording requires an awning is compulsory, which is not so. Also not all properties are adjoining and there are no awnings on the properties at present. viii)and ix) Add at the beginning "Any.." Reason for change: The present wording implies there will be awnings which may not be the case. xv) Delete this control Reason for change: Parking restrictions mean that any increase in loading and unloading is not feasible for this part of Carr St. Furthermore, any increase in deliveries for Kurrawa Ave will cause major traffic and pedestrian issues as it is a cul de sac.	

Trim Ref	Submitter	Submission	Council Officers' Response
		xviii) First bullet/dash (p.58) Delete from "for residential uses on site" Reason for change: All developments, not just residential, relating to this R3 zone should comply with the Medium Density Residential section of the DCP in regard to setbacks. xix) Add after "parking assessment" … "for Residential Flat Buildings and restaurants or cafes." Reason for change: Parking requirements for this site should meet those set out for residential flat buildings and restaurants or cafes as per D7 pages 10 and 12. xix) Delete second bullet in relation to removing driveway. Reason for change: As far as the Precinct is aware there have been no safety or amenity issues for pedestrians relating to this driveway. There is no pedestrian, amenity or safety issue to justify removing the driveway. **Heading and image (p.59)** Amend the heading and reduce the developable area so that it is limited to the front of the building to one level at ground level. Reason: The heading is misleading as at this stage there is no proposed restaurant or café. The image is incorrect as it shows a developable area that is far bigger than required for a small-scale café or restaurant as envisaged by the Council resolution and as per p.56 of the draft DCP and it eliminates both side setbacks.	

Trim Ref	Submitter	Submission	Council Officers' Response
		PART D – COMMERCIAL and INDUSTRIAL USES **Commercial uses** **D1 Amusement centres** **1. Introduction (p.2)** Comment: There should be a definition of Amusement Centres. Reason: It is not clear what is considered an Amusement Centre and what is not. **1.1 Objective (p.2)** Add at the end …"and residential dwellings in the neighbourhood." Reason for change: The sole objective talks about minimum adverse affect on the site and locality but makes no mention of the impact on residents. ***New objective:*** "To provide the means of discontinuing the approval if conditions are not met." Reason for change: The objective of planning controls for high impact uses such as Amusement Centres should be to provide Council with a mechanism for closing them down if they have ongoing issues with noise, anti-social behavior or crime or do not meet the various controls in the Management Plan.	**Introduction (p.2)** To clarify, the terminology used in the draft DCP (including the definition for amusement centres) generally has the same meaning ascribed in the dictionary of the RLEP. For the purposes of clarity, it is proposed that the **definition of amusement centres be included in section D1 of the DCP.** **1.1 Objective (p.2)** Not supported. The objective applies to all land sues including residential. ***New Objective*** Not supported. The EP&A Act and Regulation provides the statutory means in which to address non-compliance with DA conditions (e.g. key enforcement mechanisms such as orders). An objective stipulating that an amusement centre would be discontinued if conditions are not met, would result in unnecessary duplication with the Act and

Trim Ref	Submitter	Submission	Council Officers' Response
			Regulation and therefore not recommended.
		2. Location and Design Requirements Controls (p.2) i) Change first word from "Encourage" to "Limit". Reason for change: The role of Council should not be to "encourage" such potentially high impact. iv) Add…."nor audible from neighbouring residential dwellings" Reason for change: There should be no noise impacts for nearby residents.	**Location and Design Requirements Controls (p.2)** 2(i) Supported. To clarify, the word 'encourage' in the context of the control does not refer to *promoting* the establishment of amusement centres, rather, it intends to provide guidance on the location and design of amusement centres in those instances where this land use is proposed. For the purposes of clarity, **it is proposed that the control be reworded to the effect that '*amusement centres are to be located on the ground floor (at street entry level) of the development'.*** 2(ii) Not supported. The NSW Industrial Noise Policy (issued by the EPA) is considered to be best practice in providing numerical requirements for noise levels in all zones. The subject control on noise amusement centre noise generation is consistent with this Policy.
		3. Management Plan Explanation (p.3) Add… Council will also require a trial period and periodic review. Reason for change: High impact uses such as Amusement Centres should be subject to trial periods	**Management Plan Explanation (p.3)** Not supported. Trial periods are considered on a case by case basis and it is not considered necessary to mandate this for all amusement centre proposals.

Trim Ref	Submitter	Submission	Council Officers' Response
		and periodic review to ensure they are monitored and closed down if they have ongoing issues with noise, anti-social behavior or crime or do not meet the various controls in the Management Plan. **Controls (p.3)** i)First bullet - add after "conduct of patrons"…."on the premises and in the vicinity." Reason for change: The current wording is insufficient. ii)Add new control: "Any proposed Amusement Centre will undergo a trial period to be determined by Council." Reason for change: See above relating to trial periods. iii)Add new control: "Any proposed Amusement Centre will be required to undergo a regular review process to be determined by Council." Reason for change: See above relating to ongoing monitoring and review. **Note in box:** First sentence change "may" to "must" and add at the end …"and the neighbouring residential area" Reason for change: There must be a trial period and the purpose of that trial period should be to monitor the impact on residents.	**Controls (p.3)** i) Supported. **The control is proposed to be amended to the effect that:** ***'Measures to ensure suitable conduct of patrons within and outside the premises'*** (ii, iii) Not supported. Mandating trial periods for all amusement centre proposals is considered to be onerous and would be better dealt with on a case by case merit basis. In terms of regular review, this again can be dealt with on a case by case basis as a condition of DA consent. **Note in box** Not supported. The guiding note is considered to suitably inform applicants about the potential for trial periods to be applied as a condition of consent, to monitor ongoing management and impacts on amenity and public safety. Mandating trial periods as a

Trim Ref	Submitter	Submission	Council Officers' Response
			condition for consent for all applications is considered too onerous and not supported for inclusion in the final DCP. It is recommended that trial periods continue to be applied on a case by case basis.
		D2 Backpackers Accommodation **1. Introduction** **1.1 Objectives (p.2)** First objective - new bullet/dash: - "Does not contribute to antisocial behavior in the neighbourhood." New objective: "To provide the means of discontinuing the approval if conditions are not met." Reason for changes: The proposed objectives do not adequately deal with the issue of antisocial behavior. We know from the situation in Coogee that Backpacker establishments have adverse impacts on neighbours and the neighbourhood. As such they should be subject to trial periods and periodic review. This should apply to DAs for current establishments as well as new establishments. There should be provision for closing them down if they have ongoing issues with noise or anti-social behavior or do not meet the various controls in the Management Plan. **2.Building Design** **Objectives (p.3)** Sixth objective - add at the end ".and the	Not supported. This is covered by the two overall objectives for backpackers' accommodation, the 2nd objective in particular. Not supported. Council's role is to enforce compliance with the EP&A Act, which doesn't allow Council to revoke consents if conditions are not met. The requirement for a Management Plan to accompany all DAs for backpackers' accommodation is an effective means to ensure minimised adverse impacts on neighbouring properties. Not supported. The objective is provided to

Trim Ref	Submitter	Submission	Council Officers' Response
		misbehavior of guests." Reason for change: The current wording just deals with minimising the impact of noise - the behavior of guests is also an issue.	ensure appropriate design of buildings, for example, sound insulation to prevent noise intrusion. "Misbehaviour of guests" cannot be prevented through building design.
		2.5 Communal Outdoor Recreation Area Controls (p.5) i)Change "2 metres" to "4 metres" Change "(e.g. through fencing and/or landscaping)." to "(e.g. through fencing, landscaping and acoustic controls)." Reason for changes: Communal outdoor recreation areas are likely to give rise to noise and intrude on neighbours' privacy. There should be as much distance as possible from any neighbouring residential properties and 2 metres is not enough. Also there should be acoustic controls not just fencing and landscaping.	Not supported. Backpackers' accommodation is only permitted in the B2 Local Centre zone. It is generally provided in convenient and accessible locations, with limited land sizes. Given this, it's considered unreasonable to increase the setback control from 2m to 4m. Any potential impacts from the use of the outdoor recreation area will be addressed by a combination of controls, in particular, the operational controls that require suitable on-going management and clear house rules regulating the site.
		v) Add …" provided such facilities do not generate noise or cooking smells that impact on the neighbouring properties." Reason for change: There should be consideration of noise and cooking smells in relation to backpackers establishments as unlike in a residential situation, any barbecue is likely to be in prolonged use by all the guests at varying hours.	Not supported. This is not a design issue but an operational matter, and therefore is not appropriate to be added to a design-related control. Impacts from using shared facilities are regulated by the management plan. The 2nd control which requires setback between outdoor recreation area and neighbouring residential properties or separation/screening measures can also assist in addressing the issue.
		vi)Replace "to minimise" with "so that there is no"	Not supported. The existing control in the draft

Trim Ref	Submitter	Submission	Council Officers' Response
		Reason for change: Minimising the impact of the glare or light spill from outdoor areas to surrounding residential properties is not enough - there should be no light spill or glare. **2.6 Noise, Privacy and Amenity Controls (p.6)** i) Replace "…sited and designed to minimise noise impact on adjoining properties." with "…located away from neighbouring properties and soundproofed so as to ensure there is no noise impact on them." Reason for change: Minimising the impact of noise on adjoining properties is not enough - there should be NO noise impacts and this should apply to any neighbouring properties not just adjoining properties. ii) After "must be" … add "sound proofed and" Reason for change: The current point just refers to the location of plant and equipment with no mention of sound proofing it. v) Fourth bullet add …."with the aim of ensuring there are no noise impacts on guests and adjoining or neighbouring residential properties." Reason for change: The current bullet simply refers to establishing desirable acoustics performance criteria without making it clear that the aim is to minimise the noise not amplify it! **3. Management Plan Controls (p.7)**	DCP is considered reasonable. Not supported. This is a reasonable control, which applies to any residential or commercial development. Not supported. Noise impact of mechanical plant and equipment is regulated by the Protection of the Environment Operations Act 1997 and Regulations and relevant Noise Control Guidelines. Not considered necessary.

Trim Ref	Submitter	Submission	Council Officers' Response
		Fourth bullet - Fourth sub bullet/dash: Delete "and consumption of alcohol and illicit drugs" Add fifth sub bullet/dash to separate out illegal and legal activities: "Policy prohibiting the consumption of alcohol on the premises including any outdoor areas." Reason for change: Many Backpackers establishments have such a policy. Add sixth sub bullet/dash: "Policy prohibiting illicit drugs and requiring notification to the police." Reason for change: The fourth sub bullet refers to the need for a policy regulating and restricting smoking and consumption of alcohol and illicit drugs! Illicit drugs are a police matter. They are illegal and should be prohibited not regulated or restricted! The new bullet makes this clear.	To clarify, given that it's not a public place, Council cannot include specific controls in the DCP to prohibit consumption of alcohol. **To avoid any confusion, the control will be amended to "Policy for regulating smoking and consumption of alcohol and illicit drugs". The same change will be made to the boarding house section.**
		ii) First bullet - after "attend to complaints" add "including those from neighbouring properties" Reason for change: The need to deal with this is apparent.	To clarify, the proposed control doesn't limit any complaints from neighbouring properties.
		New point **(p.8)** "If the Plan of Management is not adhered to Council reserves the right to revoke the approval." Reason for change: It should be possible for Council to revoke the approval.	Not supported. As discussed above.
		Note in box (p.8): ...add "and an annual review of	Not supported. The requested "annual review

Trim Ref	Submitter	Submission	Council Officers' Response
		compliance with the conditions." Reason for change: We know from the situation in Coogee that Backpacker establishments have adverse impacts on neighbours and the neighbourhood. Therefore they should be subject to an annual review. This should apply to DAs for current alterations to existing establishments as well as to DAs for new establishments.	of compliance with conditions" falls beyond a DA process. Council currently conducts annual fire safety checks and compliance inspections upon receipt of complaints.
		D4 Footpath Dining and Trading **1. Introduction** **1.1 Objectives (p.2)** Third objective - delete the last phrase after "footpath" and add as new objective: • "To ensure footpath dining does not adversely impact upon the amenity of pedestrians and adjacent residences and the nearby neighbourhood ." Reason for change: The current objective tries to cover two quite different needs - the needs of the public (pedestrians) and the needs of neighbours. These warrant separate objectives. **2. Development and design controls** **2.1 Location and layout of footpath trading activities** **Controls (p.4-5)** i) Delete "2.0m" Reason for change: This control requires a clear zone of 2.0m or 2.5m for locations adjacent to classified roads, busy footpaths etc. Safety is the issue here and 2.5m should be the set requirement not 2.0m	**1.Introduction: 1.1 Objectives** The objective as suggested is not supported. The consideration of the amenity of pedestrians, adjacent residences and nearby neighbourhood is already addressed in the existing second and third objective and throughout the provisions within this subsection. **2.1 Location and layout of footpath trading activities – Controls** i) Not supported. A 2.5m clear zone has been included where the footpath width can accommodate a wider clear zone, such as those listed. A 2.0m clear zone width is considered in all other locations to be an

Trim Ref	Submitter	Submission	Council Officers' Response
		especially when no reason is given for the 2.0m option. viii) Change "0.5m" to "1.0m" Reason for change: Half a metre is not enough break from poles etc. to allow two people to pass together (e.g. elderly person/carer, mother/child) or a double pram or a person with a bike. **2.2 Use of footpath airspace for outdoor dining (p.7)** ***General matters for consideration*** **i)** Add (e) "not located in foreshore protection areas" **2.3 Operating hours** **Controls (p.9)** **ii)** (b) Neighbourhood Centre Business Zone [B1] - change "10.00p.m. Mondays to Saturdays" to "9.00p.m. Mondays to Saturdays" & "9.30p.m. Sundays" to "8.30p.m. Sundays" Reason for change: Many of the new B1 areas are primarily residential in their nature both within the zoned area and the surrounds. Most residents in or near these B1 areas are not aware of the rezoning and Council should make every effort to ensure the amenity of these residents does not suffer as a result	appropriate width to allow the passage of pedestrians for standard footpath widths. viii) Not supported. To clarify, the 0.5m minimum break in length is to apply between street furniture and the 2.0m clear zone width still applies. **2.2 Use of footpath airspace for outdoor dining - *General matters for consideration*** **i)** Not supported. These are general matters for consideration of conversion of existing awnings and as drafted only apply to a few small areas. Note the controls are not applicable to residential zones (where most foreshore protection areas are identified). **2.3 Operating hours – Controls** ii) (b) and (iii) The suggested amendments to operating hours as suggested (to both clauses ii) and (iii)) are not supported. The standard hours of operation have been translated from the existing DCP and are consistent with most other restaurants or cafes in this zone. In relation to new areas zoned B1 in RLEP 2012, these areas have over time evolved to become well established centres, already utilized for business purposes (including operation hours). In preparation of the new LEP, an extensive

Trim Ref	Submitter	Submission	Council Officers' Response
		of the rezoning. Outdoor commercial use should be limited particularly at night. 10.00pm Monday to Saturday is too late for those who live in the area and have to go to work the next day and for those trying to put children to bed. Bringing the night permitted hours back to 9.00pm Mondays to Saturdays and 8.30pm Sundays may help alleviate this. iii) (a) Non Business zoned areas (so called potentially sensitive areas) - change "9.30p.m." to "7.30p.m." Reason for change: In the new LEP, commercial uses are permitted in Residential zones. Most residents are not aware of this and Council should make every effort to ensure the amenity of residents does not suffer as a result of the change. Outdoor commercial use in these areas should not be encouraged by Council and any night time use limited to 7.30p.m. iv) Change "variations "to "extensions" Reason for change: This control presumably only relates to extending the hours (in a residential zone). v) (c) Change - from "Proximity to residences" to "There being no residents within 40 metres." Reason for change: On the basis of v) relating to extending hours (in a residential zone) - then any	consultation process was undertaken to make residents aware of the new changes to the LEP including land use discussion papers, direct mail out to residents affected (or in the area surrounding) by a rezoning, notices the southern courier, public information sessions 'drop in days and a dedicated webpage. In relation to the concern raised on residential amenity impact from the proposed operating hours controls, this is addressed as part of the higher order aim of this subsection that is '*To ensure footpath dining is compatible with other community use of the footpath and does not adversely impact upon the amenity of adjacent residences'.* Note that clause iii) also provides reduced operating hours (to 9.30pm) in sensitive areas within proximity to residential zones or residential premises. These controls are therefore considered appropriate to facilitate vibrant neighbourhood centres while protecting residential amenity. iv) To clarify, the term 'Variations' enables the hours of operation to also be scaled back if needed as part of a merit based assessment. v)(c) Not supported. A strict quantitative measure is not appropriate and any variation in the standard hours should be based on a merit based assessment which would also take into consideration the residential density of the

Trim Ref	Submitter	Submission	Council Officers' Response
		extension of hours should not be permissible where there are residents in the immediate area. **2.4 Furniture and fittings** **Controls (p.10)** ***Umbrellas* (p.11)** **i)** Add …"and coastal vistas." Reason for change: This point is ambiguous which will be taken up in the next suggested change but if umbrellas are to provide unimpeded views of historic facades or vistas of valued or historic streetscapes they should also provide unimpeded coastal vistas. v) Add…..."and both meet the controls listed above i) to vii)." Reason for change: This is implied but should be made explicit. ix) New point "Do not provide umbrellas in locations where they obstruct the view of traffic signals, signs and pedestrian crossings for pedestrians and road users or where they obstruct the views of valued streetscapes, green space, the beach or the coast for other users of the area or from any nearby residential dwelling." Reason for change: It is important that street umbrellas do obstruct views, line of sight etc. **2.5 Amenity** **Controls (p.11)** **i)** Change "Demonstrate" to "Demonstrate and ensure" Change "unreasonable" to "any adverse"	area. **2.4 Furniture and fittings – Controls** **iii) Umbrellas** –Not supported. The intention of this clause is with regards to heritage areas. For coastal areas, the provisions within the foreshore scenic protection area and view sharing would apply. vi) Not supported, the amendments as suggested duplicate the provisions and are unnecessary. ix) Not supported, for the reasons outlined above and given these matters are already addressed in other provisions and subsections of the DCP. **2.5 Amenity – Controls** **(i)(ii)(iii)** Not supported, the provisions as drafted provide the appropriate framework to identify and mitigate against

Trim Ref	Submitter	Submission	Council Officers' Response
		Change "adjacent residences." to "adjacent or nearby residences." Reason for changes: What is important is that the applicant ENSURES there will be NO adverse impacts of outdoor dining operations on the amenity of adjacent or NEARBY residences. ii) Change "Demonstrate" to "Demonstrate and ensure" Add at the end…"for adjacent or nearby residences or the public domain." Reason for change: What is important is that the applicant ensures that lighting and/or heating will not cause a potential nuisance for adjacent or nearby residences or the public domain. iii) Change "Demonstrate" to "Demonstrate and ensure" Add at the end…"and emanating or originating from the outdoor trading area." Reason for change: The applicant should ensure that suitable management practices are in place to control noise and cleanliness of the outdoor trading area and emanating or originating from the outdoor trading area. **2.6 Goods displays** **Controls (p.12)** viii) Add …"for premises in B2 commercial areas, 15% for premises in B1 areas and 5% in areas zoned residential." Reason for change: This point deals with the area of the shop front that can be taken up with signage -	any adverse residential impact, for assessment and confirmation in the DA process. **2.6 Goods displays – controls** **viii)** To clarify, a goods display refers to the area outside of the shop front on the footpath which can be taken up with the display of goods rather than advertising. Outdoor

Trim Ref	Submitter	Submission	Council Officers' Response
		commercial signage should be kept to a minimum in B1 areas most of which are primarily residential in nature and to an absolute minimum in residential areas - hence the suggested reduction in size and dominance of signage in these areas.	advertising and signage controls are within section F3 of the draft DCP.
		D5 Late Night Trading Comment: There are considerable concerns about this section of the draft DCP. <u>Research</u> Research shows that it is the hours of trading and the concentration of licensed premises including take away liquor outlets that give rise to problems. This draft DCP could be improved with references to this research. <u>Trading Hours</u> Council should take this opportunity to make it clear that it will not approve any new or existing licensed premise that seeks to trade after the hours set out in the DCP where that premise is near any other licensed premise or take away liquor outlet and hence contributes to the density of licensed premises.	<u>Research</u> As noted in the introductory guiding notes, D5 Late Night Trading has been prepared with due regard to relevant Council policies and research including the Last Drinks Paper 2010. The Paper itself makes reference to a number of studies conducted nationally and internationally. See also references and notes at the end of Section D5. <u>Trading Hours</u> To clarify, the hours of operation stipulated on the table on pp6 are to be used as a guide only and are not an automatic right for applicants. The hours of operation are determined on a case by case merit basis following careful consideration of the DCP controls and where good management can be demonstrated, and where adverse impacts on residential amenity and public safety are

Trim Ref	Submitter	Submission	Council Officers' Response
			capable of being minimised. The draft DCP retains flexibility with respect to the hours of operation, so that Council may practice discretion in approvals of trading hours, particularly in those areas with existing anti social behaviour and amenity issues. It should be noted that Council is required under the EP&A Act to consider each DA on its merits. Further, the recent EP&A Amending Act 2012 clarifies that a DCP is to supplement the objectives, aims and provisions of a LEP, and facilitate development permissible under an LEP. Given that retail and business uses (including licensed premises) are generally permissible in the business zones, applying a blanket ban on licensed premises in areas where other licensed premises are located, would in effect would act as a prohibition and thus be inconsistent with the Amending Act.
		<u>Bars</u> Bars are not listed in the High Impact category despite the fact that it is bars in Kings Cross that give rise to many of the problems in that area.	<u>Bars</u> To clarify, the terminology used in the DCP generally has the same meaning ascribed in the dictionary of the RLEP and/or the EP&A Act as clarified in Part 1, Section 1.5 *Interpretation* of the DCP. Bars fall under the definition of 'pub' (a high impact proposal) which in turn is defined as: ***'**licensed premises under the **Liquor Act 2007***

Trim Ref	Submitter	Submission	Council Officers' Response
		Low and High Impact Categories The draft DCP draws a distinction between what it calls High Impact and Low Impact premises. The distinction is based on the type of operation and the number of patrons with Low Impact being defined as those premises with a capacity of fewer than 100 patrons. There is no research to back up this cut off of 100 and no justification given. The implications of the distinction are significant. So called Low Impact premises are not required to complete a Social Impact Assessment nor are they subject to the same controls. The new NSW legislation dealing with Kings Cross has a cut off of 60 patrons for Social Impact assessments. In residential suburbs this cut off should be lower - suggest 40.	*the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises'* Low and High Impact Categories To clarify, this section of the DCP has been drafted using City of Sydney Late Night Trading DCP as a guide (considered to be best practice in NSW), but modified to suit the context of Randwick City. The COS DCP uses 120 patrons as a threshold to distinguish between high and low impact premises, and this has been reduced to 100 patrons in the draft DCP giving consideration to the generally smaller footprint of premises in Randwick City. Reducing the patron threshold to 40 patrons would be too onerous and impose unrealistic additional requirements on smaller premises, which in turn may potentially affect the viability of smaller businesses in Randwick City, (.e.g. cafes and restaurants which contribute to vibrancy and local economies). It is worth noting that the 60 person threshold under the Liquor Amendment (Small Bars) Act 2013 applies to small bars only and such uses already fall under the category of high impact late night trading premises under the draft

Trim Ref	Submitter	Submission	Council Officers' Response
			DCP. In Randwick City, all new licensed premises or extensions to licensed premises are generally required to prepare a Social Impact Assessment as per Council's *Social Impact Assessment Guidelines for Development Applications*. **It is proposed that the draft DCP introduction to D5 Late Night Trading be amended to clarify that a Social Impact Assessment applies to all applications for licensed premises and not just high impact premises.** Of further note, the Office of Liquor Gaming and Racing (OLGR) requires the submission of a Community Impact Statement (CIS) for applications for liquor licences in NSW. Where a CIS is required, the Authority cannot grant a license, authorisation or approval unless it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community. Further information on the process can be found at **www.olgr.nsw.gov.au**
		1. Introduction (p.2) Third paragraph Delete "ensure that any adverse impacts are minimal and/or capable of being adequately managed." and replace with …"to ensuring there are no adverse	**Introduction (p.2)** Not supported. The D5 Late Night Trading section aims to take a balanced approach with respect to late night trading, recognising the need to protect residential amenity, minimise

Trim Ref	Submitter	Submission	Council Officers' Response
		impacts on the residential neighbourhood." Reason for change: It is not sufficient to say adverse impacts should be minimal as this is a subjective matter and one person may think being woken 2 or 3 times a night by the noise of angry drunken behavior in the street is minimal whereas others may not. Council should take a stand for zero tolerance and require that there be NO adverse impacts. Also this paragraph does not spell out the issue of the impact on the neighbourhood. The suggested changes address these matters. **1.4 Late Night Trading Categories** **High Impact (p.3)** (i) Add "or a bar" Reason for change: Bars can have as much impact as pubs as evidenced by recent research and the experience of Kings Cross. They should be required to meet the same requirements and be subject to the same controls as pubs and clubs. **ii)** Change "100 patrons" to "40 patrons" Reason for change: the distinction between High Impact and Low Impact in the DCP relates to whether a Social Impact Assessment is required or not. For Kings Cross which is the premier entertainment district of the nation the cut off is 60 patrons. For the Randwick LGA where all suburbs are primarily residential, 40 patrons is a more appropriate figure.	opportunities for anti social behaviour and crime, and the proponents' rights to operate businesses that are permitted land uses in the business zones, while subject to good design and management. **1.4 Late Night Trading Categories** **High Impact (p.3)** As noted above, 'bars' fall under the definition of 'pubs' as per the Standard LEP Instrument, and are therefore automatically included in the High Impact Category. **ii)Change "100 patrons" to "40 patrons"** Not supported, as discussed above. In Randwick City, all new licensed premises or extensions to licensed premises are generally required to prepare a Social Impact Assessment as per Council's *Social Impact Assessment Guidelines for Development Applications*. As noted in the Guidelines, Council has the discretion to require a Social Impact Assessment for other uses, depending

Trim Ref	Submitter	Submission	Council Officers' Response
			upon the scale and nature of the proposal. It is thus proposed that the draft DCP introduction to D5 Late Night Trading be amended to clarify that a Social Impact Assessment may apply to all applications for licensed premises and not just high impact premises.
		Low Impact (p.4) i)Change "100 patrons" to "40 patrons" ii)Change "11.00pm" to "10.00pm" Reason for changes: If 10.00pm is the cut off for High Impact premises in B1 areas or outdoor areas then 10.00pm should be the cut off for Low Impact premises.	**Low Impact (p.4)** i)Not supported. See response above to High Impact Premises. ii) To clarify, the hours of operation stipulated in the table on pp 6 are to be used as a guide only and are not an automatic right for applicants. The hours of operation are determined on a case by case merit basis following careful consideration of the DCP controls and where good management can be demonstrated and where adverse impacts on residential amenity and public safety are capable of being minimised.
		2. Matters for Consideration (P.5) **Objectives (p.5)** Add second objective: "To safeguard the quiet and good order of the neighbourhood." Reason for change: This has to be a basic premise of any DCP.	**2. Matters for Consideration (P.5)** **Objectives (p.5)** To clarify, the overarching objectives for the D5 Late Night Trading specifically refer to protecting "*neighbourhood amenity and property, particularly residential land uses".* This provides the framework for assessment of

Trim Ref	Submitter	Submission	Council Officers' Response
			all late night trading proposals. Including residential amenity objectives specific to Matters of Consideration would therefore create unnecessary duplication in this section of the DCP.
		Controls (p.5) i) First bullet/dash: Add ", bar" after "pub" Reason for change: Bars can have as much impact as pubs as evidenced by recent research and the experience of Kings Cross. They should be required to meet the same requirements and be subject to the same controls as pubs and clubs.	**Controls (p.5)** As clarified above, bars fall under the definition of pub and thus automatically are subject to the same additional requirements as clubs and pubs.
		Fourth bullet/dash: Add at the start "The existence of any take away liquor outlet and the"..	**Fourth bullet/dash:** To clarify, take away liquor outlets fall under the definition of 'retail premises' under the RLEP, and therefore are classified as late night trading premises if they operate after 11pm (see section 1.4 Late Night Trading Categories). Applicants are required to note the existing nature and trading hours of all late night trading premises within a 100m radius (including take away liquor outlets if they operate after 11pm).
		Change "100 metre radius" to "300 metre radius" Reason for change: At 100 metres the Beach Palace Hotel would have been approved under this DCP.	**Change "100 metre radius" to "300 metre radius"** Not supported. The existing hours of operation and nature of surrounding businesses is an

Trim Ref	Submitter	Submission	Council Officers' Response
			important consideration in assessing the suitability of a late night trading proposal. To this end, a 100 metre radius is an appropriate and reasonable measure in providing a snapshot of the surrounding trading context. The existing hours of operation and the nature of surrounding businesses is only one consideration in assessing late night trading proposals. The applicant would still be required to address a range of other considerations including likely impacts on surrounding uses, suitability of location and context etc. Additionally, high impact uses are required to submit a detailed Management Plan outlining measure to demonstrate responsible management.
		Seventh bullet/dash: change from "Measures to minimise likely noise or other amenity impacts on adjoining properties" to " Measures to prevent likely noise and other amenity impacts on neighbouring properties and the surrounding residential neighbourhood." Reason for change: The aim should be to prevent likely noise or other amenity impacts. This applies to neighbouring properties and the surrounding residential neighbourhood not just adjoining properties.	**Seventh bullet/dash – Noise and Amenity Impacts** Not supported. The draft DCP requires that applicants demonstrate how noise and amenity impacts are addressed by the proposal and this is assessed on a case by case merit basis. As most land uses have a level of amenity impact, including a control "preventing noise and amenity impacts" on neighbouring properties and the surrounding residential neighbourhood would be difficult to achieve for proposals and in effect act as a prohibition. Such a control may affect market

Trim Ref	Submitter	Submission	Council Officers' Response
		Add new bullets/dash: - Management Plan - Measures to prevent the consumption of illicit drugs - Trial period - Review every two years and after any change of management Reason for change: All of these factors should form part of the controls.	competitiveness and is also inconsistent with the EP&A Amending Act which clearly states that a DCP is to guide (cannot prohibit) permissible development under an LEP. *Management Plan* The Matters of Consideration are a broad range of issues applicants for both low and high impact premises have to consider and address in DAs. Management Plans are an additional requirement for high impact uses, and thus addressed separately in the DCP. Including Management Plans as a matter of consideration is not recommended as it would create confusion, particularly for applicants of low impact proposals. It would also create unnecessary duplication in the assessment process. *Measures to Prevent the Consumption of Illegal Drugs* Supported. The request to include measures to prevent the consumption of drugs has merit. **It is therefore recommended that the Management Plan requirements be amended to include actions to discourage drug use and manage drug related incidents.** *Trial Period and Regular Reviews*

Trim Ref	Submitter	Submission	Council Officers' Response
			Not supported. Trial periods allow the flexibility to impose trading hours and conditions on development consents, which upon their expiry require renewal. At the end of each trial period the Council has the opportunity to reassess the performance of a premises and impose appropriate conditions and trading hours that respond to the quality of management performance. Trial periods are generally dealt with on a case by case basis dependant on the nature of a premises, amenity issues, location, context etc. The DCP broadly applies to a wide range of uses that operate at night (not just licensed premises). The inclusion of a blanket control imposing ' trial periods' and their biannual review for all late night trading uses is not recommended as it does not recognise that different uses may have different levels of impact dependant on a range of considerations (e.g. a pharmacy may have a different impact compared to a pub). The DCP guiding notes refer to trial periods for the purposes of transparency to applicants and the community.
		Note box: (p.5) Add at the end "and will be subject to a trial period and ongoing review." Reason for change: Good management cannot be demonstrated on paper; it requires a working	**Note box: (p.5)** Not supported. See discussion above

Trim Ref	Submitter	Submission	Council Officers' Response
		environment and can only be evaluated through a trial period and ongoing review. **Box for trading hours (p.6**) - for B1 zoned areas 11.00pm should change to 10.00pm and all other closing times should be 9.00pm. Reason for change: Many of the new B1 areas are primarily residential in their nature both within the zoned area and the surrounds. Most residents in or near these B1 areas are not aware of the rezoning and Council should make every effort to ensure the amenity of these residents does not suffer as a result of the rezoning. Late night trading in B1 areas should be limited to 10.00p.m. Monday to Saturday and 9.00p.m. Sundays both indoors and outdoors. Add paragraph after the box: "No extension of hours for existing licensed premises	**Box for trading hours** Not supported. The range of trading hours stipulated in the box on page 6 are a guide only and may only be granted following consideration of a number of matters including context, noise, amenity impacts etc, and where responsible management is evident and any adverse impacts are capable of being minimised. It is important to note, that the range of trading hours included in the guiding note are generally consistent with what is being approved in the B1 Neighbourhood Centre and B2 Local Centre zones. As discussed in the Business Centres Discussion paper, the newly zoned B1 Neighbourhood Centres are a result of a detailed analysis of existing centres utilised for business and retail purposes, but not zoned accordingly under the former LEP. The new B1 zoning thus reflects the predominant business and retail land uses with residential development within and on the edge of such newly zoned centres. **Add paragraph after the box:** Not supported. Concerns regarding the

Trim Ref	Submitter	Submission	Council Officers' Response
		or any new licenses to trade after these hours shall be approved in areas where there is already another licensed premise trading after that time within 300 metres." Reason for change: There is now sufficient research data from NSW BOCSAR, Curtin University, ILGR and internationally to show that the more licensed premises there are in an area the more likely there will be noise and vandalism experienced in the nearby residential areas and more assaults on and near licensed premises and that this increases where these licensed premises trade at night. This draft DCP should make reference to this research.	concentration of late night trading premises are acknowledged. Notwithstanding this, under the provisions of the EP&A Act, Council is required to consider each DA on its merits. A blanket ban on approvals for new premises or the extension of operating hours of existing premises within a 300 metre radius to other licensed premises, would in effect act as a prohibition and is beyond the scope of a DCP. It would also be inconsistent with the EP&A Amending Act which clarifies that a DCP is to facilitate guidance for permissible development under an LEP. The suggested control also does not recognise the diversity of licensed premises from small scale cafes to large pubs.
		3.Management Plan **Explanation (p.6)** Second paragraph: Add at the end ''and where there have been no objections lodged for the DA." Reason: This relates to the circumstances where a Management Plan may not be required as it has demonstrated that a proposal will not result in an intensification of use. It is not likely that any application will spell out any intensification of use. If enough residents who have read the DA can envisage an intensification of use then this should be considered.	**3.Management Plan** **Explanation (p.6)** Not supported. The DCP clarifies that an 'intensification of use' refers to an increase in patron capacity or floor area. This would be easy to identify in the DA documentation. The DCP clarifies that a Management Plan may not be required where it can be demonstrated that a proposal would not result in an intensification of a High Impact use (e.g. minor refurbishments). The DA process itself affords a suitable platform in which to consider objections to a proposal.

Trim Ref	Submitter	Submission	Council Officers' Response
		Controls (p.7) i) Third bullet - between "wind down" and "before closing"- insert "at least an hour" Reason: A time should be specified. i) Fourth bullet - add "and measures to ensure illicit drugs are not consumed on the premises." Reason: The draft DCP is silent on this matter in relation to Late Night Trading. ***Second Note in italics*** **(p.8)** First sentence - change "..may be subject to a trial period of operation."…. to "...shall be subject to a trial period of operation and ongoing review"." Reason for change: All approvals for late night trading shall be subject to a trial period and ongoing review.	**Controls (p.7)** i) **Third bullet - between "wind down" and "before closing"- insert "at least an hour"** Not supported. Including a specified time for wind down before closing is considered to be too prescriptive and should be assessed on a case by case basis. **Fourth Bullet – add measures to ensure illicit drugs are not consumed on the premises** Supported. The request to include measures to prevent the consumption of drugs has merit. **It is therefore recommended that the Management Plan requirements be amended to include actions to discourage drug use and manage drug related incidents.** ***Second Note in italics*** **(p.8)** Not supported. Trial periods allow the flexibility to impose trading hours and conditions on development consents, which upon their expiry require renewal. At the end of each trial period the Council has the opportunity to reassess the performance of a premises and impose appropriate conditions and trading hours that respond to the quality of management performance as demonstrated

Trim Ref	Submitter	Submission	Council Officers' Response
			by the applicant. Trial periods are generally dealt with on a case by case basis dependant on the nature of a premises, amenity issues, location, context etc.
		D6 Sex Services Premises and Restricted Premises **3. General matters of consideration** **Objectives (p.3)** New objective: "To ensure the operations of the premises do not adversely impact on neighbouring residential properties." **Controls (p.3)** ii) Insert "existing residential dwellings" after "Consider the impact of the premises in terms of" and before "existing businesses." Insert at the end of the second sentence "and away from any residential dwellings." Reason for changes: Reason for change: These premises will be in business zones but people live in business zones and their needs should be taken into account. **5. Management Plan (p.6)** Add new control: e) "Polices relating to smoking, the prohibition of alcohol and illicit drugs on the premises and in the immediate vicinity."	Note that the RLEP 2012 prohibits sex service premises in Coogee. The 2nd objective will be amended to – "to ensure the design and operation of the premises are discreet, fit within the character of the streetscape and do not adversely impact on the amenity of the neighbourhood". The location and amenity impacts of sex services premises are already covered in the LEP. The LEP clause (6.15) contains strong controls to minimise land use conflicts between sex services premises and specified land uses (e.g. residential, school, child care centres). Not supported. Different from backpacker's accommodation and boarding houses, sex service premises is not a type of accommodation. Most of the activities will be kept indoors. It's not necessary to include these requirements for sex services premises.

Trim Ref	Submitter	Submission	Council Officers' Response
		D7 Neighborhood Centre- General Controls **1. Objectives** **1.2 Objectives (p.3)** Add new objective: "To protect the amenity of residents living within and near neighbourhood centres." **2. Site Planning** **2.1 Building envelope (p.4)** **Objectives (p.4)** Add new bullet: "To ensure side and rear setbacks are retained where the Neighbourhood Centre was previously zoned residential prior to the 2013 LEP." Reason for changes: Many of the new Neighbourhood Centres are primarily residential in their nature both within the zoned area and the surrounds. Most residents in or near these B1 areas are not aware of the rezoning and Council should make every effort to ensure the amenity of these residents does not suffer as a result of the rezoning. Setbacks are a key factor in residential amenity as they impact on privacy, solar access, noise and views. **2.2 Building heights** **Controls (p.5)** **iii) Minimum Ceiling height table (p.6)** Replace "3.5m" and "3.3m" with the BCA limit. Reason for change: For buildings built in the last 5 decades there may be lower ceiling heights than	**1. Objectives** Supported. **An inclusion of an objective to maintain residential amenity will be included in the Neighbourhood Centres – General Controls.** **2. Site Planning** Not supported. The eight new B1 Neighbourhood Centres which were rezoned from residential to a business zone in RLEP was done on the premise that the sites were already operating as businesses and as such was deemed a zoning mismatch. The majority of the sites already have buildings with an established commercial built form (eg. Reduced side and rear setbacks, zero front setback, commercial shopfronts etc). As such, the controls in the DCP will have negligible impacts on the adjoining area. **2.2 Building heights** Ceiling heights, particularly at the ground floor are essential in making a retail space inviting. Supported. Given the intended scale of neighbourhood centres, a reduction of floor to

Trim Ref	Submitter	Submission	Council Officers' Response
		those listed in areas zoned commercial B1 or B2. Under the control as it is they would be precluded from redeveloping the ground floor or first floor for commercial purposes despite the commercial zoning. The 3.5m and 3.3m heights should be noted as desirable for new developments but not necessary minimums. **2.4 Setbacks (p.6)** **2.4.3 Side setback (p.7)** v) Add at the end …"except where for a site setback from a side boundary (or from both side boundaries) was previously zoned residential prior to the 2013 LEP, in which case redevelopment of that site should retain existing setbacks or at least comply with the side setback requirements pertaining to Medium Density Residential." vii) **(p.8)** Delete "for a minimum of 60% of the allotment depth." Reason for changes: Most residents in or next to these B1 areas are not aware of the rezoning and are unaware they could be losing the protection of existing setbacks. Council should make every effort to ensure the amenity of these residents does not suffer as a result of the rezoning **3. Building design (p.9)** **3.3 Awnings (p.11)** **Controls (p.11)** Add new control: **vii) "**Ensure awnings do not obstruct views from or light penetration to neighbouring residential	ceiling heights is supported. **The ground floor will now require a 3.3m minimum floor to ceiling height, with all upper levels to require a minimum 2.7m floor to ceiling height.** **2.4 Setbacks (p.6)** Not supported. The eight new B1 Neighbourhood Centres which were rezoned from residential to a business zone in RLEP was done on the premise that the sites were already operating as businesses and as such was deemed a zoning mismatch. The majority of the sites already have buildings with a zero metre side setback on both sides of the lot. **Setbacks for residential redevelopment in B1 zones will need to refer to the Medium Density Residential setback controls. A note will be added to clarify this requirement**. This objection is not supported. **3. Building design (p.9)** Not supported. The eight new B1 Neighbourhood Centres which were rezoned from residential to a business zone in RLEP was done on the premise that the sites were already operating as businesses and as such

Trim Ref	Submitter	Submission	Council Officers' Response
		properties." Reason for change: Most residents next to and near these B1 areas are not aware of the rezoning and are unaware they could be losing their views as a result of new commercial activity. Council should make every effort to ensure the amenity of these residents does not suffer as a result of the rezoning	was deemed a zoning mismatch. The majority of the sites with a commercial/retail function already provides awnings.
		4. Public domain **4.4 Loading areas (p.17)** **Controls (p.17)** i) Amend to "For new developments provide for loading facilities on site in such a way as to prevent any impact on residents within the area of the Neighbourhood Centre." Reason for change: Most residents next to and near these B1 areas are not aware of the rezoning and are unaware they could find themselves living next to a loading zone with all the attendant noise. Council should ensure these residents does not suffer as a result of the rezoning	**4. Public domain** Not supported. Given the variety of lot widths and configuration of commercial lots (generally long and narrow), it would be difficult for Council to require landowners to provide loading facilities on site. However the DCP does encourage on-site loading facilities wherever possible.
		ii) In relation to service and delivery areas add at the end …"of neighbouring properties." Reason for change: This makes it clear that it is the amenity of neighbouring properties that needs to be protected in relation to service and delivery areas.	Supported. **The clause will be amended to include this addition.**
		5. Amenity (p.18) **5.1 Solar access** **Controls (p.18)** i) Amend to read "Commercial and mixed use	**5.1 Solar access** The terms 'part of a window' acknowledges that in highly urbanised areas such as

Trim Ref	Submitter	Submission	Council Officers' Response
		developments shall not reduce sunlight to adjacent dwellings below a minimum of 3 hours of sunlight or 80% of previous sunlight (in the case where the adjacent dwelling receives less than 3 hours of sunlight) on the affected habitable rooms overshadowed by the development between 9am and 3pm on 21 June." Reason for change: This deals with the situation where an affected property may not get 3 hours of sunlight now but what sunlight it does get is precious. Also the use of the word "portion" is unacceptable as 5% could be considered a portion but that would do nothing to protect the amenity of the neighbours of any new development. The use of the word "window" is also a problem as it excludes glass doors. **5.2 Acoustic and visual privacy Controls (p.19)** i) Add another sub bullet/dash: "Locating busy noise areas away from the bedrooms, studies and living areas of adjoining or neighbouring residential properties. ii) Add to the end of this control "and adjoining or neighbouring residential properties." Reason for changes: Both of these changes are aimed at ensuring the amenity of adjoining properties as outlined in the Explanation to the Amenity section and neighbouring properties. iii) Second and third sentences should be deleted	Randwick, full solar access may not be achievable in all new developments or that new developments may cause a degree of impact to solar access to neighbouring development. Numerical and/or mathematical formulae are not always an appropriate measure of solar amenity. Other factors need to be considered as part of a merit based assessment in relation to solar access of a new development or impact on adjoining development which include subdivision pattern, allotment orientation, site topography and existing level of solar access. The controls in the DCP on solar access have been designed to ensure developments maximise solar access and minimises overshadowing upon neighbouring dwellings. **5.2 Acoustic and visual privacy Controls (p.19)** Not supported. The 5.2 controls already account for these potential impacts. Not supported. Undertaking deliveries outside of standard hours can have operational and commercial benefits, such as reduced vehicle turnaround times at stores and less vehicular conflict between deliveries and customers. It is acknowledged that noise from out-of-hours activity may impact on local residents, thus the applicant must demonstrate that out-of-

Trim Ref	Submitter	Submission	Council Officers' Response
		Reason for change: Out of hours (before 7.30am and after 5.00pm) deliveries or the operation of noisy machinery should not be permitted in B1 areas. **6. Shop top housing** **Objectives (p.20)** Add new objective: "To ensure existing shop top housing does not suffer a loss of amenity as a result of new commercial developments, alterations or amendments." Reason for change: Developments such as outdoor dining can have huge impacts on residents living above or beside the outdoor dining. **6.1 Neighbourhood shops and business uses in Residential zones** **Controls (p.21)** Add new control: "Ensure loading and delivery, advertising and other commercial activities are contained and located so they do not impact on the amenity of the residential area."	hours deliveries and operations will be undertaken with minimal disturbance to local residents via an acoustic report. **6. Shop top housing** Not supported. The inclusion of an objective to maintain residential amenity will be included in the Neighbourhood Centres – General Controls (pg 3) in addition to all other controls in this Section D7, will adequately protect the amenity of residents living in shop top housing developments. **6.1 Neighbourhood shops and business uses in Residential zones** Not supported. Section 6.1 of the Neighbourhood Centres – General Controls is designed to be read in conjunction with all the controls contained in Part D7. The intention of these controls is to provide additional controls for corner shops.

TRIM ref	Submitter	Submission	Council officer's Response
D01661989	Kensington & West Kingsford Precinct	<u>Minimum lot size 900 sq metres – Kensington Town Centre</u> The preferred minimum lot size of 900 square metres ought to be clearly stated in the DCP. It is a necessary *development control* to ensure the amenity of surrounding residents is protected. <u>Groundwater controls/Kensington</u> We do not believe that the sites within Kensington Town Centre located directly above the Botany sands (aquifer) is suitable for building heights of 25m. We believe Council will continue to be directly liable for subsidence damage of existing adjacent buildings located within the "zone of influence" of proposed re-development. We believe that the heights should be limited to no more than 15metres inclusive of car parking levels above ground. We believe these limitations are reasonable since the actual depths of the Botany Sands, its limits, hydrology, detailed assessment of the levels of sub-soil and location of sandstone/ rock have never been reliably assessed and mapped. <u>Council's development conditions</u> We refer below to the presence of the Botany sands aquifer, and Council's conditions, dated November 2012. *2 Goodwood street DA – recharge not included in geotech brief* We are aware that "re-charge" was not a matter	<u>Minimum lot size 900 sq metres – Kensington Town Centre</u> To clarify, the minimum 900sqm lot size within Kensington Town Centre (section 4.1.1) is specified for corner sites only, as a guide to ensure suitable design and site access. <u>Groundwater controls/Kensington</u> Refer to the discussion on the implications of groundwater in the report. <u>Council's development conditions</u> Part B of the DCP includes engineering requirements for developments impacting the groundwater table. Refer also to the discussion on this subject in the report.

TRIM ref	Submitter	Submission	Council officer's Response
		included by the relevant developer in their brief to their geotechnical engineers, Asset engineers. Thus, their geotech survey submitted to Council failed to address this essential aspect. As a result adjoining properties are at risk of subsidence. We believe this is a serious omission in council's development conditions, which ought to be addressed promptly by Council. <u>Omission- Re-charge of underground water – not included in Council's development conditions – Botany Sands aquifer</u> Council's conditions fail to address the question of re-charge. Re-charge of the underground water, within the perimeter of the site itself, is necessary if adjacent properties, located within the "zone of influence," are to avoid the problem of differential settlement of sand, and associated subsidence. <u>Foundations and Footing type proposed for future development</u> Conditions relating to the content and detail that developers are required to provide to Council, <u>must be clearly defined</u> in the DCP. The detail, submitted by developers to council, must include several options in relation to footings, as prepared by Geotechnical engineers, together with reasons for selecting the preferred option. If neighboring properties are to be protected, then developers ought not to have the discretion to choose the cheapest type of footing to cut costs. These are matters which Council must require in developer's submission, in the fullest detail.	<u>Omission- Re-charge of underground water – not included in Council's development conditions – Botany Sands aquifer</u> Part B of the DCP includes engineering requirements for developments impacting the groundwater table. Refer also to the discussion on this subject in the report. <u>Foundations and Footing type proposed for future development</u> Engineering issues relating to foundations including location and condition of existing services is required to be investigated and addressed on a case by case basis rather than nominating a potentially inappropriate figure in the DCP. Refer also to the discussion on this subject in the report.

TRIM ref	Submitter	Submission	Council officer's Response
		Excavation: suitable retaining wall systems – lift wells in underground water In addition, Council's conditions fail to include requirements relating to (a) suitable retaining wall systems, to protect adjacent properties. This is a matter which must be adverted to in development consent conditions, to draw a developer's attention to the special features of land located above the Botany Sands aquifer. The question of retaining walls has been left to the discretion of the developer. Secant pile walls comprising CFA piles are typically used where basement excavations extend below the groundwater in sandy soils. Very frequently, the lift well is located deeper in the aquifer, with many developers installing water pumps, which are used on a daily basis during excavation and construction, but left *in situ* after completion of the construction, to pump out water from the foundations on a continuing basis. This is a contravention of the Water Management Act, which requires sites to be "fully tanked" and is a matter which ought to be addressed by DCP. Clear definitions The DCP must include clear definitions in relation to: • Zone of influence Geotech surveys – addressing issues of de-watering, re-charge, and footings/ anchoring, retaining walls during excavation. • Hydrology Reports	Excavation: suitable retaining wall systems – lift wells in underground water As noted above, engineering issues relating to foundation and retaining wall systems should be investigated on a case by case basis. Clear definitions These words are not used in the Comprehensive DCP, therefore no definitions are required.

TRIM ref	Submitter	Submission	Council officer's Response
		• Structural Engineer's Report • Supervision by Structural Engineer to sign off to ensure compliance <u>Apartment sizes 4.7.4</u> The minimum requirements designated by the "performance criteria" for apartment sizes must be retained in the DCP. This criterion provides no more than an optimum measure of living environment. Performance criterion (ii) ought to be included: Comply with the following minimum Apartment widths: - Studios 3.5m clear internal width - 1, 2& 3 bedroom apartments: 4.5m clear internal width - Crossover/cross through apartments more than 18 metres deep. 4m clear internal width <u>Rear Colonnades – 4.6.8</u> Are currently not being complied with. The objective of rear colonnades is "to soften the appearance of rear facades by achieving building articulation and to maximize opportunities for communal and private open space at ground level and private open space at upper levels". The DCP ought to include the colonnades and performance criteria. <u>Rear and side setbacks – 4.2.10 – above ground</u> We refer to page 27 in the existing DCP 4.2.10 Set backs. Objectives: Change: to "minimize" any negative impact on the amenity of adjacent sites to "protect" the	<u>Apartment sizes 4.7.4</u> Noted. There are no proposed changes to section 4.7.4 regarding minimum apartment sizes and widths. <u>Rear Colonnades – 4.6.8</u> To clarify, the rear colonnades are proposed to assist in delivering the slim building footprint specified in this section of the DCP, and apartment layouts that encourage natural variations (see also Section 4.7.2 of the DCP). However, if the objectives of the DCP can be achieved without the rear colonnade, this also provides for acceptable design outcomes. <u>Rear and side setbacks – 4.2.10 – above ground</u> Not supported. This wording is considered suitable given this requires assessment at the DA stage (eg. Are there adjacent strata buildings unlikely to change).

TRIM ref	Submitter	Submission	Council officer's Response
		amenity of adjacent sites. We maintain the performance criteria in (i) and (ii) ought to be retained. The wording in (ii) "All development should give consideration to……." should be amended to "All development should comply with the following set backs". <u>Rear and side setbacks from boundary – basements below ground – stability of sub-strata loose sandy soils and aquifer</u> We believe that minimum <u>below ground</u> rear setbacks of 12 metres and side setbacks of 3 metres must apply below ground (ie. from the boundary). This would permit re-charge of underground water on the subject site itself and prevent the differential settlement of loose sandy soil below surrounding properties. <u>Building Set backs from side and rear boundary– heritage buildings</u> Building set backs define the outer extremities of the building in relation to the front, side and rear boundaries. Side and rear set backs enable building separation and provide for access, landscaping, privacy, natural lighting and ventilation. These set backs are necessary when habitable room windows are oriented towards common boundaries (see 2.4 Kingsford centre). In this case, new development adjacent to existing buildings must maintain a minimum building separation and set backs. *Objective*: to protect impacts of overshadowing, overlooking, noise emission, solar access on adjacent	<u>Rear and side setbacks from boundary – basements below ground – stability of sub-strata loose sandy soils and aquifer</u> Engineering considerations of setbacks in relation to groundwater conditions should be undertaken on a site by site basis. Refer to further discussion on this issue in the report. <u>Building Set backs from side and rear boundary– heritage buildings</u> Noted. Setbacks to adjoining strata or heritage buildings are covered in both section 4.2.10 (setbacks) and the block-by-block controls. Building separation and setbacks are also covered by SEPP 65. It should be noted that commercial centres generally have no front or side setbacks to encourage active continual retail, however this DCP notes instances where side setbacks may be appropriate (e.g. adjacent to existing strata buildings unlikely to change).

TRIM ref	Submitter	Submission	Council officer's Response
		properties. In addition, there ought to be clearly defined set backs from existing strata- titled buildings and heritage items and buildings. <u>Inconsistencies between set backs / building separations and maximum building envelopes</u> In the event of inconsistencies between set backs / building separations and maximum building envelopes, the set backs should apply. <u>Deep soil and open space</u> A minimum of 25% of the total site area must be retained for residential flat buildings and where the frontage of buildings constructed at the rear of Anzac Parade, and fronting side streets, then a minimum of 3m set back to the rear, must be retained. <u>Building separation</u> This development control ought to be included in the Kensington Town Centre provisions, and Performance criteria specified as it is in the Maroubra Town Centre. Building separation controls increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants, and neighbouring residents.	<u>Inconsistencies between set backs / building separations and maximum building envelopes</u> Not supported. As noted above, envelopes are illustrated on a block-by-block basis and show the result of site specific considerations – this is clearly expressed in the DCP. The setback information supplements the envelopes in the instances noted either in section 4.2.10 or in the specific block by block explanatory material. <u>Deep soil and open space</u> Not supported. The DCP (section 4.8.2) notes that deep soil zones are to be maximised. It also recognises that extensive deep soil planting is difficult to achieve given present parking and rights of way access required (to extend across properties to overcome the lack of rear laneways in Kensington Centre). <u>Building separation</u> The building envelopes in Kensington Town Centre are very detailed and thus general separation requirements (beyond those of section 4.2.10 setbacks) were not considered necessary. Building separation is covered by SEPP 65 (design quality of residential flat buildings). Development in Kensington Town centre must address the SEPP in

TRIM ref	Submitter	Submission	Council officer's Response
		The following criteria should apply: Building heights Building separation Up to 4 storeys / 15m 12 m between habitable rooms & balconies 9m between habitable rooms and balconies of non-habitable rooms 6m between non-habitable rooms 4 - 6 storeys/25m 18 m between habitable rooms and balconies 13 m between habitable rooms and balconies of non-habitable rooms 9m between non-habitable rooms Reference is made to 2.2 Maroubra Junction Town Centre. The "opportunities" and "constraints" ought to be included in the KTC DCP provisions. There is significant common ground between the issues stated in the Maroubra Junction plan and Kensington	addition to the DCP controls. Existing separation controls in the Maroubra Junction section of the DCP are similar to the setback requirements noted in the Kensington Town Centre for buildings up to 4 storeys. Maroubra Junction Town Centre has additional requirements for buildings up to 8 storeys. In Kensington setback requirements apply above 4 storeys, which are not specified in the Maroubra Junction Town Centre, thus the differing approaches. The opportunities and constraints controls are included in the Maroubra Junction for background information, and were related to an urban design study prepared at the commencement of the major review for this centre and community input from consultations. They are not directly applicable to the assessment of development applications, and it is not considered useful to add a similar section to Kensington town centre. A similar process was undertaken for the Kensington Town Centre review and opportunities/constraints arising from consultations were noted in the Background Report to the DCP, under community perspectives and issues, which informed the DCP provisions describing the centre.

TRIM ref	Submitter	Submission	Council officer's Response
		Basement car parking Basement car parking within the Botany Sands aquifer may not be safely developed. Council should reduce the number of units, reduce the building heights. Include car parking above ground, but shielded from the front of buildings and encourage use innovative design techniques to screen car parking. Vision statement Council has not stated how this "vision" is to be implemented? There is a disconnect between the development approved and Council's "vision". Extensive new landscaping to bring to life the unfulfilled Victorian vision of a "model suburb" with grand boulevard creating a focus for shopping and community activities in the town centre. The vision statement does not provide a workable premise for Kensington Town Centre. It should be accepted that surrounding commercial centres preclude expansion of Kensington Town Centre and the focus should turn to other opportunities. Public car parking "Council will work to optimize the efficiency of on-street parking within the town centre" "Council will work to discourage long stay and	Basement car parking Suitability of basement parking and associated engineering aspects are required to be investigated on a case-by-case basis. It is not considered suitable to provide a one size fits all approach in the DCP. This suggestion is not supported. Refer to the discussion on groundwater/Botany Sands aquifer in the report. Vision statement This vision is a long term goal, and is achieved through various measures/channels – including public domain improvements, infrastructure, advocacy and the development process. The vision statement for Kensington is the result of a detailed town centre study process, including extensive consultation, and is included in the DCP to provide the background to the scenario and development controls. It is not the role of a DCP to go into detail of how the vision will be achieved by means other than the development process. All other more recent commercial centre reviews also have a vision (or desired character) which has been delivered from the community input into the Centre review. Consultations are considered to be an important reflection of the future direction of each centre. Public car parking On-street parking in the Centre is managed through a variety of measures, not all directly relevant to the DCP. Measures include resident

TRIM ref	Submitter	Submission	Council officer's Response
		commuter parking that impacts negatively on residential amenity and the commercial viability of the Town Centre in association with Parklands and the Racecourse to find solutions which do not displace commuters. Council has failed to reach solutions for UNSW car parking. The students occupy our local streets for free. They don't pay rates. We do. What measures has council come up with to "optimize the efficiency" of parking, reducing residential impacts? <u>Block 03 – Corner Bowral and Anzac Pde</u> Building height – a building height of 25 metres ought NOT to be permitted on this site since it is only 432 sq metres, less than half the recommended site are. The minimum site area is 900 sq m. The Precinct and local surrounding residents OPPOSE developments of this type – due to massive intensity. The site area is seriously limited. The height of 25m dwarfs the neighbouring Coptic church, and overlooking into the Church premises is a significant issue. Bowral street is a narrow street. If at all there is an opportunity for Council to purchase the land and convert it to public open space, open up a pleasing vista of the Coptic Church for passers by. It would give status to KTC.	parking schemes, ongoing local area traffic and parking planning and liaison, including regular communication with UNSW. The DCP provides controls for new development to ensure appropriate off-street parking is provided. The Council does not support paid on-street parking (e.g.; parking meters). It should be noted that a successful key initiative of Council has been to advocate for light rail, which will be accompanied by detailed traffic planning for all modes of transport. <u>Block 03 – Corner Bowral and Anzac Pde</u> The DCP recognises the specific issues and nature of the block and surrounds in the descriptive notes in section 4.3.3 Block 3. Provided a development is consistent with the building envelopes and other relevant DCP controls (such as providing appropriate access, avoiding creating isolated undevelopable lots, visual/acoustic impacts etc), development on the sites would be suitable. Building envelopes are the result of a detailed investigation and consultation process. The draft DCP has largely translated the controls from the previous major review of the Kensington town centre controls. The existing controls are recommended to be retained. It is noted that 'Parcel B" requirements also include a pedestrian connection/open space to open up vistas to the small chapel buildings.

TRIM ref	Submitter	Submission	Council officer's Response
		Heights of 25m Council has failed to provide residents with reasons for increasing building heights to 25m. *Amend error:* The DCP 4.7.6 clearly indicates heights of 27.4metres for Anzac Parade, Doncaster and Mews style development. A DCP height of 27.4 metres is inconsistent with the maximum LEP height of 25 m. The tables should be deleted. Any substitute table should include roof options within the 25m and clearly state that freeboard is included. Block 8 – rezoning - 153 – 157 Anzac Pde, Kensington Block 8 states a "building depth" of 22m, with the inclusion of the council car park. Block 8 envisages site depths of 33m. The building depth and envelope controls proposed for the site area do not comply with Kensington town centre DCP Block 8 controls. The building envelope Block 8 controls must be maintained. The numerical calculation, then is that only a "building depth" of 14m is permissible on the existing site 153-155 Anzac Parade, if the owners do not acquire more land. Site Area (153 – 157 Anzac Pde, Kensington) The site area of 712 square metres is too small for a building height of 26.5m.	Heights of 25m To clarify, the difference in height between previous KTC controls and RLEP 2012 is due to a change in the definition of building height (required to be used under the standard instrument LEP). The overall maximum height of buildings has not changed. An explanatory note has been included in the DCP clarifying this. Block 8 – rezoning - 153 – 155 Anzac Pde, Kensington To clarify a rezoning request was made by way of a submission from the owner of 153-157 Anzac Parade during the public exhibition of the draft LEP in 2012. In finalising the LEP, Council did not support the rezoning proposal. The Block 8 building envelope controls in the draft DCP have not been changed from the previously adopted Kensington Town Centre DCP (2002). Refer to the detailed response on this matter in the Kensington centre submissions table for more background. Site Area Noted. The DCP recognises the min 900sqm as generally required for corner sites, while for

TRIM ref	Submitter	Submission	Council officer's Response
			specific block by block controls, it notes where smaller sized development areas may be suitable. In this instance, (Block 8 section 4.3.8) it is noted that 2 properties should be amalgamated (as Parcel A) to enable suitable development of this corner.
		High Water Table (153 – 157 Anzac Pde, Kensington) Site is unsuitable for the construction of a 26.5m building, due to a high water table, which fluctuates between 1.5-2m below ground level.	High Water Table Engineering considerations of appropriate heights or setbacks in relation to foundation and groundwater conditions should be undertaken on a site by site basis. Refer to further discussion on this issue in the report
		Setback (153 – 157 Anzac Pde, Kensington) The set back of 12m, both above and below ground, between Town Centre buildings and the strata titled residential flat building at the rear (7 Addison street) ought to be maintained. There ought to be 12 m separation from the common side boundary, both above and below ground, for fundamental reasons that the strata titled building (a) has foundations in shallow sand, is 80 years old, dates from the 1930s, is "built above a common Sydney Water sewer," and (b) any disturbance of the sandy soil located in the unstable Botany Sands aquifer lying immediately below our building may result in the differential re-settlement of sand below, and cause subsidence and cracking of the existing strata titled residential property.	Setback As noted above, engineering issues relating to foundation and groundwater conditions and any implications for building setbacks should be investigated on a case by case basis rather than nominating a potentially inappropriate figure in the DCP.
		Zone of Influence (153 – 157 Anzac Pde, Kensington)	Zone of Influence

TRIM ref	Submitter	Submission	Council officer's Response
		An additional risk is the movement of the common Sydney Water sewer in the event of differential sand re-settlement. Movement of the sewer would result in the subsidence and cracking of the strata titled building, and rendering the building uninhabitable. We believe the subsidence of 7 Addison street is a realistic scenario. 7 Addison lies within the "zone of influence" of any de-watering, re-charge or below ground earthworks on 153-157 Anzac pde. It has been accepted by Council that 7 Addison street is located in a recognized "low point" in a basin. <u>Right of Carriageway (153 – 157 Anzac Pde, Kensington)</u> The rights of carriageway ought not to be removed. <u>Transition in Heights (153 – 157 Anzac Pde, Kensington)</u> "Transition" heights of no more than 15m must be included at the rear of 153-155 Anzac Parade, Kensington. <u>Amenity Impacts (153 – 157 Anzac Pde, Kensington)</u> "Building to boundary" would prevent *cross-ventilation*, *solar access*, to 7 Addison street as well as p*revent deep soil planting*, along the west boundary of the site proposed to be rezoned. At present, occupiers in the adjacent residential flat building,on the East boundary, only receive some morning sunlight until 11am. This will be reduced to zero, if the proposed rezoning goes ahead in its current form.	As noted above, engineering issues relating to foundations including location and condition of existing services is required to be investigated and addressed on a case by case basis. <u>Right of Carriageway</u> Noted. Site access requirements are maintained in the DCP. <u>Transition in Heights</u> Transitions for buildings in Kensington Town Centre adjoining residential buildings are managed through a combination of LEP height controls, detailed building envelope controls and DCP setbacks. <u>Amenity Impacts</u> Noted. DCP setbacks (section 4.2.10) provide for adequate site access and protection of amenity to adjoining properties and recognise variations in minimum setbacks based on adjacent building design (and location of habitable rooms).

TRIM ref	Submitter	Submission	Council officer's Response
		In its LEP report on this rezoning proposal Council officers accurately described the negative impacts: • *Overshadowing*: A building located on our boundary line would completely deprive adjacent residents, in the strata titled building, of natural light, and cause massive overshadowing. • *Noise*: There would be an unacceptable level of noise, if this proposal is permitted to be built to the common boundary line. • *Overlooking/ privacy*: there would be huge privacy impacts from a proposed 26.5 m building located on the side boundary. <u>Council car park at corner of Addison and Anzac Pde</u> We do not agree that the car park, important public infrastructure, should be sold off for residential development. If council is "Council will work to optimize the efficiency of on-street parking within the town centre" and "encourage use of the commercial centre" then getting rid of the car park will result in the very opposite. <u>Section 94 contributions</u> Could the West Ward share of s94 contributions be made available for West Ward. We seek the following local community infrastructure improvements: - improvements to the Kensington Bowling Club site dedicated to the community such as community Hall - acquisition of stables adjoining Primary School for children's playground - acquisition of land on corner of Bowral St/Anzac	<u>Council car park at corner of Addison and Anzac Pde</u> To clarify, this car park is not intended to be sold off for residential development but to potentially be incorporated into any new development on this corner. Refer to the discussion on the Kensington town centre submissions table D regarding 153-157 Anzac Parade. <u>Section 94 contributions</u> This is not relevant to the DCP. The S94A Development Contributions Plan governs the application of contributions via a schedule of works applicable on a city-wide basis. The Plan was updated in 2012 and there is no review scheduled at this time.

TRIM ref	Submitter	Submission	Council officer's Response
		Pde – negotiate with owner <u>Habitable roof space</u> We are opposed to "rooms in the roof", this is thoroughly inappropriate for the Australian climate, temperatures in excess of 35degrees Celsius. <u>Roof terraces</u> We are opposed to roof terraces. We believe residential amenity ought to be protected. There are difficulties with enforcement of such wide open semi-public spaces open to use by occupiers and their invitees for use of parties. The Coogee experience indicates that this type of space is likely to generate a considerable of noise and anti-social conduct. There are privacy considerations, where total strangers look down on local residents, possibly "staking out" to return for "break and enter" events at a suitable time. Roof terraces would create considerable problems for police. <u>Local streets – Cottenham, Mooramie, Doncaster, Eastern Avenue etc</u>**.** These streets have an attractive "federation" streetscape. The houses are unique representing an important period in the evolution of Kensington. We believe new development in this locality must be sympathetic to the existing streetscape and housing. For this reason, we are opposed to "built to boundary" controls for new development. We believe that existing set backs, front and side must be maintained.	<u>Habitable roof space</u> To clarify, residential development is subject to BASIX, which sets environmental performance standards. Well designed habitable rooms within a roof envelope are considered to be suitable in Kensington Town centre. <u>Roof terraces</u> Not supported. In a town centre context the availability of communal and private open space at lower levels is often constrained. Refer also to the discussion about roof terraces in the report. <u>Local streets – Cottenham, Mooramie, Doncaster, Eastern Avenue etc</u>**.** The streets in question were originally identified to be part of a conservation area. However in 2006, Council resolved to not proceed with the listing in response to significant community opposition. The draft DCP contains comprehensive design guidelines which take into account an analysis of existing streetscape character and context.

TRIM ref	Submitter	Submission	Council officer's Response
		As far as possible, the "*California bungalow facades"* ought to be maintained. Council should include some pictorial design alternatives in the DCP.	Setbacks in these locations are covered by the low/medium density residential controls in Part C of the DCP.
D01662840	Kingsford South	<u>DCP Hard Copies</u> Appreciate hard copies provided to the Precinct and long exhibition period. Draft DCP does not identify changes compared to current DCPs, which made it harder to analyse. No justification or evidence provided to explain changes. <u>Kingsford Triangle</u> Block bordered by Anzac Parade, Bunnerong Road and Sturt Street – precinct understood that this site was not rezoned in RLEP, suggests inclusion in draft DCP is an error. <u>Bundock Street</u> Bundock Street (defence) site: a number of blocks have heights increased from previous master plan limit of 3	<u>DCP Hard Copies</u> Comment noted. An explanation of the draft DCP, its background, a summary of changes, and content in each section was included in the Council report preceding exhibition. The exhibition period included a presentation to the combined precincts, and several drop-in information sessions where staff were available to answer any questions. A FAQ brochure was also made available online and at drop in sessions. The draft DCP structure now includes an explanatory section for each control to assist in understanding the purpose of the controls. <u>Kingsford Triangle</u> To clarify, the Kingsford "triangle" site was the subject of a request from owners to be rezoned B1: Local Centre (from Residential 2C). This was assessed and included in the publicly exhibited draft comprehensive LEP (February-March 2012), and is included in the gazetted RLEP2012. Inclusion in the draft DCP is not in error. Draft DCP includes additional guidelines to inform any future development proposal for the site. <u>Bundock Street</u> To clarify, no changes were made to the height limits for Bundock St. Maximum building height

TRIM ref	Submitter	Submission	Council officer's Response
		stories. <u>Infrastructure</u> Disappointing that draft DCP does not tie in requirement for sufficient infrastructure to be in place related to FSR/building envelopes for site specific DCPs/increase in population density. No identification of where the influx of residents can school their children. Inadequate provision for parking <u>Density</u> General objection to disregard for residential amenity – especially in regard to traffic flows resulting from increased density. Objection to increased density proposed in flood impacted areas (e.g.: Bundock st development). <u>Setbacks</u> Draft DCP is in conflict with state govt planning principles for setbacks for medium/high density development – Minister stated that land should not be rezoned to high density/high rise if contiguous with low	limits were transferred from the existing Bundock St DCP to Randwick LEP 2012, while the number of storeys control retained in the Draft DCP section E1 'Bundock St, Randwick' <u>Infrastructure</u> To clarify, the LEP sets out the relevant clauses requiring the necessary infrastructure including utilities to be considered with DAs. Infrastructure provided by councils is levied (in part) from developers through the Section 94A plan to contribute towards the cost of additional infrastructure. The parking controls in the DCP (B7) provide for new development to suitably address parking needs. <u>Density</u> To clarify, the draft DCP does not propose any density increases – rather it reflects the heights and densities established in the RLEP 2012. The draft DCP now includes controls (in B8) for flood affected areas and provides improved information and guidance for affected development (this supplements new controls in the LEP). <u>Setbacks</u> Relevant State Government planning principles for medium density residential development is included in SEPP 65 and associated Residential Flat Design Code. The DCP is consistent with this

TRIM ref	Submitter	Submission	Council officer's Response
		density residential zoning. A stepped zoning should occur to protect amenity. <u>Botany Aquifer</u> Concern about continued approval of projects around Botany sands aquifer, and apparent disregard of duty of care to protect against under-engineered and structurally inappropriate development. <u>Specialised Centre</u> High Street Eurimbla Ave block: object to zero setback above ground level – surrounding area is low-medium density residential. Object to creation of a "6th road" at the high Street/Belmore Road/Avoca Street intersection. <u>Withdraw DCP</u> Request draft DCP is withdrawn until issues are addressed.	Policy. It should be noted that the DCP does not zone land; this is the role of the LEP. <u>Botany Aquifer</u> Part B of the draft DCP includes a new section which strengthens requirements for DAs that may impact the groundwater table – controls address the requirements at each stage of development: design, documentation certification and construction (supplementing new controls on infrastructure in the LEP). <u>Specialised Centre</u> To clarify, zero setback above ground level does not occur on High Street, only on Eurimbla Avenue, as defined in specific building envelopes as prepared by design experts. Surrounding development also includes institutional scale buildings immediately to the east and west (Hospitals and UNSW). To also clarify, a 6th road is not proposed at this intersection. It is proposed as a pedestrian only link, which provides a setback of new development from adjacent heritage item. <u>Withdraw DCP</u> Not supported. The Draft DCP complements the gazetted RLEP and has extensive and improved controls to current DCPs and is considered to suitably address all issues. All comprehensive DCPs must under State legislation, be completed within 6 months of the Comprehensive LEP (which itself came into effect in February 2013).

TRIM ref	Submitter	Submission	Council officer's Response
D01663234	The Spot Precinct	Setbacks Setbacks must be retained, especially in residential areas. Roof Terraces and Balconies Roof terraces and balconies will impact amenity for existing residents Foreshore Protection Foreshore protection- limit development in these areas through controls to benefit a substantial number in the community; not just a few. Solar Access and Overshadowing Maintain "full and direct" sunlight for all dwellings and do not alter requirements. Ambiguous reduced terms will negatively affect people's health. 58-64 Carr St Respect surrounding residential amenity Late Night Trading Protect local residential amenity from high volume businesses through controls	Setbacks See report for further discussion on this issue. Roof Terraces and Balconies See report for further discussion on this issue. Foreshore Protection See report for further discussion on this issue. Solar access and overshadowing Noted. In established urbanised areas such as Randwick, full solar access may not be achievable in all new developments or that new developments may cause a degree of impact to solar access to neighbouring development. The controls in the DCP on solar access has been designed to ensure developments are designed to maximise solar access and to minimise overshadowing upon neighbouring dwellings, specifically that a level of solar access is retained for key living areas and private open space. 58-64 Carr St See report for further discussion on this issue. Late Night Trading See Council report for further discussion on this issue.

TRIM ref	Submitter	Submission	Council officer's Response
		<u>Parking</u> Maintain current requirements – draft DCP substantially reduces existing parking requirements.	<u>Parking</u> To clarify, existing parking rates in Council's Parking DCP are largely retained in the new DCP. There have been no changes to parking rates for residential uses (such as dwelling houses, multi dwelling housing and residential flat buildings) and business uses (including business/retail/office premises, restaurants/cafes and service stations). There are only minor adjustments proposed to specific uses/development types, being: - business premises in residential zones, which is proposed to be amended from 1space/50m2 to 1space/100m2, to reflect a previous LEP amendment relating to Clause 35 of the repealed Randwick LEP 1998 (which amended the maximum floor space of business premises in residential zones from 50m2 to 100m2); and - backpackers' accommodation, proposed to be changed from 1space/15 beds to 1space/10 beds, to ensure sufficient parking facilities for visitors
D01671834	Moverly Precinct	<u>Setbacks</u> Existing setbacks should be retained. We have since heard that setbacks have changed for the rear of dwellings from 8 meters to 4.5 meters. The front remains the same. We would ask that Council ask again that the original setbacks remain. <u>Parking</u>	<u>Setbacks</u> See Council report for further discussion on this issue. <u>Parking</u>

TRIM ref	Submitter	Submission	Council officer's Response
		We believe there should be one car space per bedroom. We understand that the DCP that council has put forward recommends one space per two bedrooms. We believe that it should be one car space per bedroom. <u>Schools</u> What commitments can Council get from the state government that they should provide adequate school places and other amenities in line with the amount of dwellings that are being built?	Not supported. These residential parking rates in the draft DCP are the same as the previous standalone Parking DCP, adopted in 1998. There is no evidence base to increase parking requirements for residential development. <u>Schools</u> This matter is not relevant to the DCP. The LEP sets out requirements for DAs to address infrastructure needs applicable to the proposal. Notwithstanding this, Council liaises with the NSW and Federal Government agencies (including the Department of Education) to discuss infrastructure provisions and needs within the responsibilities of these other levels of government e.g. education, health, public transport.
D01670540	Maroubra Beach Precinct	The Precinct opposes any permitted use for a supermarket area in the DCP at the beach.	The B1 Neighbourhood Centre zone allows for a range of small scale retail uses. The DCP allows for a mini-supermarket, of 600sqm maximum total floor area. (Note the average size of a Coles supermarket is 2800sqm – source: Productivity commission). This small scale supermarket is considered suitable for this location, and responds to the needs of neighbouring residents. Figure 17 shows its internal location within the site, to minimise visual impact, and includes an objective to maintain the fine grain shopfront scale and articulation at street level. This objection is not supported.
D01665892	Matraville Precinct	<u>Industrial uses</u> Request that any development outside Randwick LGA that impact on Randwick residents attract scrutiny from	<u>Industrial uses</u> Request noted. DA's adjoining RCC boundaries are referred to and reviewed by the council. It is not

TRIM ref	Submitter	Submission	Council officer's Response
		Council with respect to the LEP/DCP. <u>Public notification</u> Notification of DAs for industrial uses should extend to a 100m radius, not 40m. Submissions period should be 28 days for a DA. <u>Street tree planting</u> Additional street tree planting should be proposed for residential areas around industrial development. <u>Permeable landscaping</u> Landscaping of paths and driveways should be permeable.	possible to apply RCC LEP/DCP provisions outside our LGA boundary. <u>Public notification</u> The notification radius of 40m is a standard requirement for all DAs requiring public notification. Each notification is expressed as a minimum and may be increased at the discretion of the assessing officer depending on the nature and likely impact of the proposal. The notification period of 14 days is also a standard statutory requirement for all DAs, however with designated development and integrated developments, this is extended to 30 days. <u>Street tree planting</u> The Industrial Section D15 of the DCP introduces a control which requires new industrial development to incorporate landscaping in the front and side setbacks. This will ensure that landscaping in the public domain promotes a cohesive landscape setting. For additional street tree planting, a request can be made to Council via its 'street tree planting request form'. <u>Permeable landscaping</u> Permeable paving is not suitable for areas of high traffic volumes or vehicle weights. As the Industrial DCP section D15 mandates new industrial developments to incorporate at a minimum 20% of the site as landscaped areas, the overall permeability of industrial lots will be

TRIM ref	Submitter	Submission	Council officer's Response
			increased.
		Vehicle noise Request Acoustic/Noise report to require nomination of vehicles with beeper alarms, and condition of consent instructing all vehicles to have alternatives. Suggest requirement for a one-way circuit to avoid reversing vehicles.	Vehicle noise The DCP contains provisions to ensure vehicles enter and leave the site in a forward position, to improve safety and decrease noise. **For vehicles and equipment operating on site, it is recommended that the draft DCP controls be strengthened, recognising that alarms from forklifts/other vehicles have caused noise impacts in the industrial/port locality. It is proposed a control be introduced to ensure vehicle movements within servicing areas are designed to minimise reversing requirements or otherwise demonstrate design measures to maximise safety and need for vehicle alarms/beepers. It is proposed to amend D15-Industrial Uses, section 6- Light and Noise, to strengthen iii) by specific reference to vehicles/ machinery 'and any associated safety alarm mechanisms'** Given the diversity of industrial lot sizes in Randwick LGA, it would be unrealistic to impose a one way circuit through an industrial lot.
		Noise assessment Individual development should be assessed in relation to cumulative impacts (eg: noise)	Noise assessment The NSW Industrial Noise Policy (issued by the EPA) is considered to be a best practice document and is used across the Randwick LGA to provide numerical requirements for noise levels in all

TRIM ref	Submitter	Submission	Council officer's Response
			zones. Under this policy, the cumulative effects of noise from industrial sources are considered in assessing impact.
		Operating hours Operating hours should not be extended for industrial premises next to residential premises.	Operating hours To clarify, the DCP requires operating hours to be submitted with all industrial DAs (D15, Section 6). Should the development require deliveries and/or operation of machinery outside of standard hours, an acoustic report may be required to ensure the amenity of adjoining residents is maintained. The DCP applies to new development and cannot be retrospectively applied to existing premises.
		Noise attenuation Windows should be rated for noise attenuation.	Noise attenuation Section 6 of D15 requires new industrial development to incorporate noise mitigation measures around noise sources.
		Undergrounding of power cables Strong support for undergrounding of power cables.	Undergrounding of power cables Support noted.
		Setbacks Request retention of current setbacks low and medium density residential	Setbacks See report for further discussion on this issue.
		Roof terraces/balconies Roof terraces/balconies – DCP ignores noise/privacy issues; Suggest minimum 4sqm area for medium density res zones.	Roof terraces/balconies This provision is based on the State Government's Residential Flat Design Code and has been translated directly from the existing Multi Unit housing DCP. The area is considered adequate and sufficient in size to provide apartment units with a

TRIM ref	Submitter	Submission	Council officer's Response
			functional outdoor/indoor living space which could accommodate a dining table and chairs. Section 5 of the Medium Density Residential section C4 contains specific controls which address residential amenity and include provisions on solar access and overshadowing, natural ventilation, visual and acoustic privacy and view sharing to ensure reasonable amenity for dwellings, their occupants and neighbouring properties is provided. Therefore a reduction in the minimum size of balconies is not supported. <u>Solar access</u> The terms 'part of a window' referred to in Part C4, 5.1 (i); and 'portion' in Part C3, 5.1 (iii) acknowledges that in established areas such as Randwick, full solar access may not be achievable in all new developments or that new developments may cause a degree of impact to solar access to neighbouring development. Numerical and/or mathematical formulae are not always an appropriate measure of solar amenity. Other factors need to be considered as part of a merit based assessment in relation to solar access of a new development or impact on adjoining development which include subdivision pattern, allotment orientation, site topography and existing level of solar access. The controls in the DCP on solar access has been designed to ensure developments are designed to
		<u>Solar access</u> Solar access: use of "part" or "portion" of a window is ambiguous – direct sunlight access for all affected living areas on neighbouring properties should be maintained.	

TRIM ref	Submitter	Submission	Council officer's Response
			maximise solar access and to minimise overshadowing upon neighbouring dwellings, specifically that a level of solar access is retained for key living areas and private open space.
		58-64 Carr St Proposed developable area is too large. Residential controls should be consistently applied to all uses on the site – not just residential ones.	58-64 Carr St Refer to the detailed discussion on this site in the Council report.
		Neighbourhood centres Recommend additional objectives and controls for setbacks, solar access, view loss, outdoor dining and licensed premises.	Neighbourhood centres Individual sections of the DCP, namely D4 Footpath dining and trading and D5 Late night trading provides specific objectives and controls for these land uses. Should an applicant seek to introduce these uses, D4 and D5 of the DCP will be considered in conjunction with D7. D7 contains numerous objectives and controls for setbacks, solar access and view loss. This request is not supported.
		Penalties DCP guidelines need to be deterrents not just obstacles to work around. It is suggested that penalties should significantly increase to strengthen the guidelines and establish an environment where all stakeholders can be assured protection.	Penalties Noted. The EP&A Act and LG Act and Council policies set out Council responsibilities, including enforcement and penalties. This is not a role for the DCP.
	Randwick Precinct	Setbacks Residential setbacks to boundaries have been reduced	Setbacks See report for further discussion on this issue.

TRIM ref	Submitter	Submission	Council officer's Response
		which will have adverse solar and privacy impacts on neighbours. Parking Parking requirements have been reduced for new developments.	 Parking To clarify, existing parking rates in Council's Parking DCP are largely retained in the new DCP. There have been no changes to parking rates for residential uses (such as dwelling houses, multi dwelling housing and residential flat buildings) and business uses (including business/retail/office premises, restaurants/cafes and service stations). There are only minor adjustments proposed to some specific uses/development types, such as: - business premises in residential zones, which is proposed to be amended from 1space/50m2 to 1space/100m2, to reflect a previous LEP amendment relating to Clause 35 of the repealed Randwick LEP 1998 (which amended the maximum floor space of business premises in residential zones from 50m2 to 100m2); and - backpackers' accommodation, proposed to be changed from 1space/15 beds to 1space/10 beds, to ensure sufficient parking facilities for visitors.
		Commercial uses in residential zones New permitted commercial uses in residential zones need to be assessed in accordance with the relevant residential criteria, especially in relation to neighbouring residences.	Commercial uses in residential zones Noted. New commercial developments in residential zones will be subject to both a specific section in D7 and Residential sections in the DCP during the DA process, to ensure environmental

TRIM ref	Submitter	Submission	Council officer's Response
			assessment of all impacts is undertaken.