

PLANNING
PROPOSAL

2A HYTHE STREET DRUMMOYNE (FORMER
DRUMMOYNE SPORTS CLUB SITE)

October 2015

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Introduction

This Planning Proposal explains the intended effect of, and justification for, a proposed amendment to the *Canada Bay Local Environmental Plan 2013*. It has been prepared in accordance with section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant Department of Planning Guidelines including “*A Guide to Preparing Planning Proposals*.”

Background

In May 2014 a Planning Proposal was submitted to Council to rezone land at 2A Hythe Street from RE2 Private Recreation to R3 Medium Density Residential under the Canada Bay Local Environmental Plan 2013 (LEP), with a maximum building height of 18 metres (5 Storey height limit) and 1.0:1 Floor Space Ratio (FSR). A report on the proposed rezoning was considered by Council on 15 July 2014 where the application was notified for public comment for 14 days and Urban Design advice was sought on the proposal.

Council commissioned StudioGL to undertake the urban design review. In summary, the report recommended that the site was suitable for rezoning but the proposed development should be amended to reduce the overall height and Floor Space Ratio (FSR). In addition the review recommended an easement for pedestrian access that links Hinkler Court and Hendricks Avenue and the retention of the entry gates and the existing trees.

In accordance with the Council resolution the Planning Proposal was immediately notified from 17 July to 1 August 2014 to the area surrounding the subject site. Council received thirty four (34) submissions. The main concerns raised were height, scale, amenity impacts, traffic and parking and loss of open space.

A report on the application was considered at the Council meeting on 2 September 2014 where Council resolved to support the rezoning subject to a reduction in density and building height.

The applicant subsequently submitted a request to the Department of Planning and Environment seeking a review of Council's decision. The matter was considered by the Joint Regional Planning Panel (JRPP) who determined that subject to amendments, the Proposal had merit to proceed to public exhibition.

This Planning Proposal responds to a Joint Regional Planning Panel (JRPP) Recommendation Report submitted to Council on 17 August 2015. The Report seeks to rezone land at 2A Hythe Street, Drummoyne from RE2 Private Recreation to R3 Medium Density Residential, with a portion of the site on the corner of Westbourne Street and Hythe Street having a maximum building height of 5 storeys to RL 19.9, with the northern part of the site restricted to 8.5m and an estimated 1.1:1 floor space ratio.

The JRPP also recommended a publicly accessible pedestrian and cycle link to Hendricks Avenue from Hinkler Court, water sensitive urban design and lower parking controls are to be provided for by way of draft development controls. The JRPP also supported the provision of public benefits on the site such as affordable housing and a public through-site link through a Voluntary Planning Agreement (VPA).

Council has requested to become the Relevant Planning Authority and has been advised by the Department of Planning and Environment to prepare a Planning Proposal and submit it for a Gateway Review, generally in accordance with the JRPP recommendation. Draft DCP controls will also be prepared in parallel with the Planning Proposal.

The applicant has sent a letter of offer to Council in relation to a Voluntary Planning Agreement to be publicly exhibited with the Planning Proposal. The offer is for one 1 x 2 bedroom and 2 x 1 bedroom apartments for use as affordable housing for key workers. The proposed FSR of 1.1:1 includes the 3 affordable housing units to be dedicated to Council.

The JRPP supported the inclusion of affordable housing on the site.

Site identification

The site is located in Drummoyne in the City of Canada Bay Local Government area. It is known as 2A Hythe Street Drummoyne and is identified as Lot 2 DP 861533. The property is known as the former Drummoyne Sports Club.

The site is approximately 5497sqm in size and is located to the south west of Victoria Road, on the corner of Westbourne Street and Hythe Street and south of Hendricks Avenue. Drummoyne Village, local retail area is located about 500m to the south. Bus stops providing access to frequent services to Sydney CBD and Parramatta are located in close proximity to the site. Public open space is available within walking distance of the site and includes the Five Dock Bay Foreshore, Taplin Park and Drummoyne Oval. There is a 7-Eleven to the east, and the site is surrounded by residential uses, predominantly R3 Medium Density with the built form ranging from one to two storey detached residential dwellings, two storey town houses and two – three storey unit development.



Figure 1: Aerial photograph of 2A Hythe Street, Drummoyne (Former Drummoyne Sports Club)

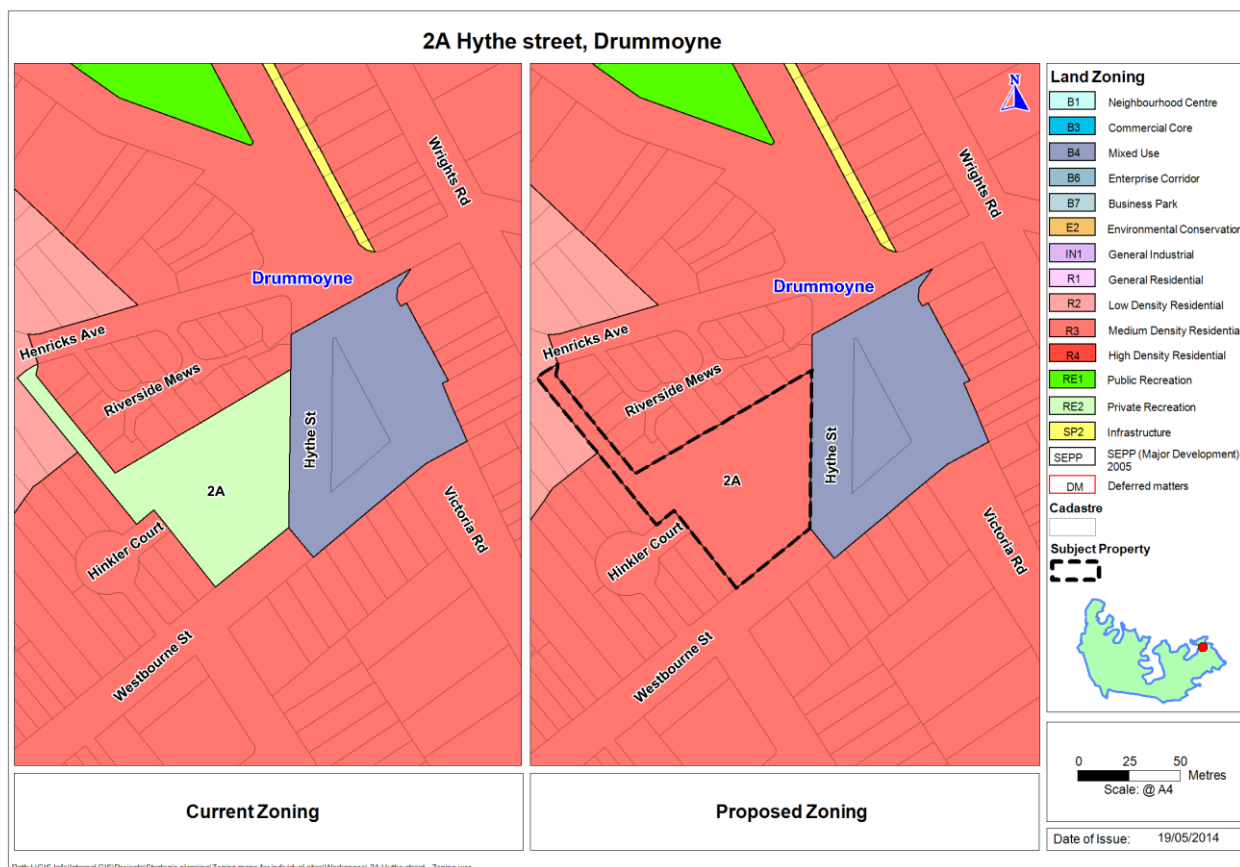


Figure 2: Zoning Map of 2A Hythe Street, Drummoyne

Existing Planning Controls

The table below summarise the key planning controls in Canada Bay Local Environmental Plan 2013 that affect development on the site.

Control	Comment
i. Land Zoning Map Sheet LZN_006	RE2 Private Recreation
ii. Height of Building Map Sheet HOB_006	8.5m
iii. Floor Space Ratio Map Sheet FSR_006	0.5:1

Part 1 – Objectives and Intended Outcomes

Objectives

- The objective of the Planning Proposal is to enable the subject site to be developed for the purpose of residential development.

Intended Outcomes

- The intended outcome is to ensure that the proposed development is developed in general accordance to the JRPP recommendation report.

Part 2 – Explanation of Provisions

Proposed amendments to Canada Bay Local Environmental Plan 2013

Canada Bay Local Environmental Plan 2013	Amendments
iv. Land Zoning Map Sheet LZN_006	Rezone 2A Hythe Street, Drummoyne from RE2 Private Recreation to R3 Medium Density Residential.
v. Height of Building Map Sheet HOB_006	Portion of the site on the corner of Westbourne Street and Hythe Street to height RL 19.9 with the northern part of the site restricted to 8.5m.
vi. Floor Space Ratio Map Sheet FSR_006	Apply floor space ratio of 1.1:1 to land being rezoned to R3 Medium Density Residential.

Development Control Plan Provisions

The Joint Regional Planning Panel (JRPP) supported site specific development controls being prepared in parallel with the Planning Proposal. The draft DCP controls for the site will include the following matters:

- A minimum setback from the south – western property boundary (to No. 14 Westbourne Street) of 6m;
- A continual setback of at least 6m from the Western boundary and providing a publicly accessible pedestrian and cycle link to Hendricks Avenue and Hinkler Court (which should also incorporate Water Sensitive Urban Design and best-practice measures to improve water quality from the site given the proximity to Five Dock Bay);
- A minimum setback from the north-western boundary of 8m;
- Maintaining a 6m front setback from Westbourne Street (although some flexibility near the corner of Hythe Street and Westbourne Street may be appropriate);
- Deep soil planting between buildings and limitation of car parking generally under buildings (with some allowance for driveway linkages).

Part 3 – Justification

Section A - Need for a planning proposal

Is the planning proposal a result of any strategic study or report?

The Planning Proposal is consistent with the Canada Bay Local Planning Strategy 2010, centres strategy and housing objective that seeks to 'support and revitalise traditional local centres' and 'facilitate the provision of a greater share of low costs or affordable housing'.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is a logical tool to achieve the rezoning of the land.

The rezoning will:

- Provide new housing close to a centre and good public transport.
- Provide a share of Affordable Housing for key workers.

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub regional strategy (including the Sydney Strategy and exhibited draft strategies)?

Sydney's population is expected to grow to 6 million people by 2036. Sydney will need additional homes and employment to meet the needs of new residents. A Plan for Growing Sydney sets out a new plan for the city's future. The Plan identifies Canada Bay within the central subregion whereby the priorities include accelerating housing supply, choice and affordability and building great places to live.

The following table illustrates how the Planning Proposal is consistent with the aims, objectives and provisions of A *Plan for Growing Sydney 2014*.

Goal	Direction	Action	Planning Proposal in relation to the objectives direction and actions of the Plan for Growing Sydney
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	Direction 2.1: Accelerate housing supply across Sydney	Action 2.1.1: Accelerate Housing supply and local housing choices	The proposal accelerates the delivery of new housing in Sydney to meet the needs of a growing population and to satisfy a growing demand for residential apartments close to transport.
	Direction 2.3: Improve housing choice to suit different needs and lifestyles	Action 2.3.3: Deliver more opportunities for affordable housing	The proposal supports the provision of public benefits on the site such as affordable housing through a Voluntary Planning Agreement (VPA).

Is the planning proposal consistent with Council's local strategy or other local strategic plan?

FuturesPlan20 (FP20) outlines the City's vision for the next 20 years. The City of Canada Bay has set targets, objectives and actions to achieve the theme outlined in FP20.

In summary the Planning Proposal is consistent with the following FP20 outcome:

- We will encourage and support the provision of a diverse range of housing stock which responds to changing needs*

The Planning Proposal is consistent with the Canada Bay Local Planning Strategy 2010 – 2031:

Objectives	Actions	Consistency
OH1 Provide for a mixture of Housing Types over the short to medium term	AH1 Prepare planning controls that promote a mix of housing types	Consistent
OH5 Increase residential densities in	AH12 Increase residential densities in,	Consistent

centres	and in the immediate vicinity of, the existing centres of Drummoyne, Five Dock, Concord, Concord West and North Strathfield	
OT1 Integrate Land Use and Transport	AT2 Focus new development in areas within walking distance of centres and public transport	Consistent. The site is located adjacent to a good public transport along Victoria Road and is within an existing centre.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 4 below summarises the Planning Proposal's consistency with State Environmental Planning Policies (SEPPs) plus relevant deemed SEPPs.

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	SEPP 1 does not apply under clause 1.9 of the Canada Bay LEP 2013.
14	Coastal Wetlands	Not applicable.
15	Rural Land sharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
26	Littoral Rainforests	Not applicable.
29	Western Sydney Recreational Area	Not applicable.
30	Intensive Agriculture	Not applicable.
32	Urban Consolidation (Redevelopment of Urban Land)	The planning proposal involves a rezoning of land from RE2 Private Recreation to R3 Medium Density residential. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
39	Spit Island Bird Habitat	Not applicable.
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
52	Farm Dams, Drought relief and Other Works	Not applicable.
55	Remediation of Land	Consistent. The Planning Proposal has demonstrated that it satisfies the provisions of this SEPP. Initial site contamination investigation

No.	SEPP Title	Consistency of Planning Proposal
		reports have been completed to demonstrate that the land is suitable for rezoning. Please refer to detailed discussion of key applicable SEPPs
59	Central Western Sydney Economic and Employment Area	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Not applicable.
65	Design Quality of Residential Apartment Development	Subsequent future development applications would need to demonstrate how the proposal satisfies the design principles and objectives of SEPP 65. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
70	Affordable Housing (Revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Subsequent future development applications would need to demonstrate design principles and objectives consistent with BASIX requirements. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Exempt and Complying Development Codes) 2008	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Infrastructure) 2007	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.
	SEPP (Kurnell Peninsula) 1989	Not applicable
	SEPP (Major Development) 2005	The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
	SEPP (Miscellaneous Consent Provisions) 2007	Not applicable.

No.	SEPP Title	Consistency of Planning Proposal
	SEPP (Penrith Lakes Scheme) 1989	Not applicable.
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable.
	SEPP (State and Regional Development 2011)	Not applicable.
	SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	Not applicable.
	SEPP (Three Ports) 2013	Not applicable.
	SEPP (Urban Renewal) 2010	Not applicable.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.

Table 5 - Regional Environmental Plans (REPs) - Deemed SEPPs:

No.	REP Title	Consistency of LEP
8	Central Coast Plateau Areas	Not applicable.
9	Extractive Industry (No 2 – 1995)	Not applicable.
16	Walsh Bay	Not applicable.
18	Public Transport Corridors	Not applicable.
19	Rouse Hill Development Area	Not applicable.
24	Homebush Bay Area	Not applicable.
26	City West	Not applicable.
30	St Marys	Not applicable.
33	Cooks Cove	Not applicable.
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Consistent. The planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.

Detailed discussion of key applicable SEPPs

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Buildings aims to improve the design quality of residential flat development across the state through the application of a series of design principles.

The building envelopes and built form provisions contained within the Planning Proposal have been prepared in accordance with the design quality objectives of SEPP 65. This includes consideration of building depth, building to building setbacks, natural ventilation, access to light and the creation of high residential amenity.

State Environmental Planning Policy 55 – Remediation

This SEPP introduces planning controls for the remediation of contaminated land across NSW. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must be undertaken before the land is developed.

A preliminary site investigation report prepared by Environmental Investigation Services was undertaken for the site to determine a preliminary position in terms of the land's suitability for residential re-development.

The results indicated that:

- All soil results were less than the guideline concentration for "Residential with minimal opportunities for soil access."
- Two fill soil results for benzo(a)pyrene were greater than the guidelines concentration for "Standard residential with garden/accessible soil."

Prior to any excavation and demolition work additional sampling and analysis should be undertaken. Changes in the proposed or current site use may result in remediation or further investigation being required at the site.

Sydney Regional Environmental Plan – Sydney Harbour Catchment

Under Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP Sydney Harbour Catchment) the precinct, whilst located within the Sydney Harbour Catchment Boundary, is not located within the *Foreshores and Waterways Area Boundary*.

Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

Table 6 – Summary of relevant section 117 Directions:

1. Employment and Resources

No.	Direction	Comments	Consistency
1.1	Business and Industrial Zones	Not applicable.	N/A
1.2	Rural zones	Not applicable.	N/A
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.	N/A
1.4	Oyster Aquaculture	Not applicable.	N/A
1.5	Rural Lands	Not applicable.	N/A

2. Environment and Heritage

No.	Direction	Comments	Consistency
2.1	Environmental Protection Zones	Not applicable.	N/A
2.2	Coastal Protection	Not applicable.	N/A
2.3	Heritage Conservation	Not applicable.	N/A
2.4	Recreation Vehicle Areas	Not applicable.	N/A

3. Housing, Infrastructure and Urban Development

No.	Direction	Comments	Consistency
3.1	Residential Zones	Consistent. The proposal meets the objectives of this direction as it seeks to provide residential development to satisfy existing and future housing needs. The site is in a location that can make efficient use of existing and proposed infrastructure. Environmental impacts of intensified development will be managed through Council's planning policy framework as part of any subsequent development assessment process.	Y
3.2	Caravan parks and Manufactured Home Estates	Not applicable.	N/A
3.3	Home Occupations	Consistent. The proposal does not contain provisions that would contradict the application of this direction.	Y
3.4	Integrating Land Use and Transport	Consistent. The site is located adjacent to a bus stop within an existing centre.	Y
3.5	Development Near Licensed Aerodromes	Not applicable.	N/A
3.6	Shooting Ranges	Not applicable	N/A

4. Hazard and Risk

No.	Direction	Comments	Consistency
4.1	Acid Sulfate Soils	Consistent. The site is partly affected by Class 2 Acid Sulfate Soils. The Planning Proposal is not considered to intensify the use of the land to an extent that would warrant an acid sulphate soils study being undertaken. Specific responses to the presence of Acid Sulfate soils can be addressed site by site through the development application process.	Y
4.2	Mine Subsidence and Unstable Land	Not applicable.	N/A
4.3	Flood Prone Land	Not applicable.	N/A
4.4	Planning for Bushfire Protection	Not applicable.	N/A

5. Regional Planning

No.	Direction	Comments	Consistency
5.1	Implementation of Regional Strategies	Consistent. The Planning Proposal is consistent with key strategic directions including A Plan for growing Sydney and the Central Subregional Strategy.	Y

5.2	Sydney Drinking Water Catchments	Not applicable.	N/A
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable.	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	N/A
5.8	Second Sydney Airport - Badgerys Creek	Not applicable.	N/A

6. Local Plan Making

No.	Direction	Comments	Consistency
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.	Y
6.2	Reserving Land for Public Purposes	Not applicable.	N/A
6.3	Site Specific Provisions	Consistent. The Planning Proposal is consistent with the JRPP recommendation that a portion of the site on the corner of Westbourne Street and Hythe Street 5 storey (RL 19.9) with the northern part of the site restricted to 2 storeys (8.5m).	Y

7. Metropolitan Planning

No.	Direction	Comments	Consistency
7.1	Implementation of the Metropolitan Strategy	Consistent. The Planning Proposal is consistent with the aims, objectives and provisions of A Plan for growing Sydney and the Central Subregional strategy.	Y

Section C: Environmental, social and economic impact.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Overshadowing

The amenity of any buildings is influenced by the degree of solar access and overshadowing of and by that building. The relationship of a building and its neighbours with the sun also has implications for achieving energy efficient and passive solar design.

Factors influencing overshadowing and access to sunlight include street wall height, overall building height, built form separation, orientation and topography.

A prime consideration of the Planning Proposal has been the positioning and shaping of the proposed residential apartment to minimise the potential for overshadowing. The relationship of the building to the surrounding areas, particularly in terms of building –to-building setbacks, is important as it will ensure privacy, good access to views, sunlight and ventilation.

Further review of solar impacts for the specific development proposed on the site will be reviewed further following the public submission of the Planning Proposal.

Access to views

View sharing considers the equitable distribution of views between properties. The view sharing control seeks to strike a balance between facilitating new development, while preserving, as far as practical, access to views from surrounding properties.

This matter will be considered further following the public submission of the Planning Proposal.

Privacy

Visual privacy is highly valued component of residential amenity. The visual and acoustic privacy needs to existing and future residents are a key consideration in the design of new development and should influence the location of dwellings, windows and private open space.

The planning proposal considers the siting and design of the building to ensure a high level of visual and acoustic privacy for residents and neighbours in dwellings are achieved.

Further review of plans and potential privacy impacts will be considered further following the public submission of the Planning Proposal.

Traffic

Colston Budd Hunt & Kafes Pty Ltd was engaged by the applicant to review the traffic and parking effects aspects of the planning proposal to permit residential development of the Drummoyne Sports Club. The report found that:

- The site is located in close proximity to Victoria Road, which functions as a major transport corridor with bus services operating along dedicated bus lanes in peak periods.
- The site will provide access from Hendricks Avenue (via the existing access) and/or Hythe Street.
- Given the sites close proximity to a major public transport route, a generation rate of 0.5 trips per apartment has been assumed. Applying this rate the proposed development would generate some 30 to 40 vehicles per hour (two way) in the weekday afternoon peak hours.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal provides positive social and economic effects through:

- Improved housing diversity.
- Improved housing affordability.
- Increase residential densities near an established centre.
- The planning proposal will deliver housing close to public transport and amenities.

It is not expected that the planning proposal would generate any adverse social or economic impacts.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Infrastructure	Availability	Comment
Public Transport	Available	The centre is serviced by public transport, which assists in reducing dependence

		on private car travel and pressures on the local road network. The site is located adjacent centres such as Drummoyne Village and Five Dock and is in close proximity to bus stops providing access to frequent services to Sydney CBD and Parramatta.
Utilities	Available	All utility providers will be notified of the Planning Proposal and be advised of the additional population to be catered for in terms of service i.e. Water, Sewer, Electricity.
Roads	Available	The site is located on the corner of Westbourne Street and Hythe Street and south west of a main road known as Victoria Road. Road Maritime and Services (RMS) will be notified of the Planning Proposal for comment.
Waste Management and Recycling Services	Available	The Planning Proposal is not expected to result in any significant implications for waste management and recycling services. A Waste Management Plan will be assessed with any future development application.
Essential Services	Available	The Planning Proposal does not seek to increase demand on essential services.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

No consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers; however, consultation may occur in accordance with the requirements of the Gateway Determination.

Part 4 – Mapping

The following Local Environmental Plan maps are included in the Planning Proposal:

Canada Bay Local Environmental Plan 2013	Proposed Amendments
vii. Land Zoning Map Sheet LZN_006	Rezone 2A Hythe Street, Drummoyne from RE2 Private Recreation to R3 Medium Density Residential.
viii. Height of Building Map Sheet HOB_006	Portion of the site on the corner of Westbourne Street and Hythe Street to height RL 19.9 with the northern part of the site restricted to 8.5m.
ix. Floor Space Ratio Map Sheet FSR_006	Apply floor space ratio of 1.1:1

A copy of the amended LEP maps has been provided as a separate attachment.

Part 5 – Community Consultation

The Planning Proposal will be exhibited by Council in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 and as required by the recommendations of the Gateway Determination.

Notification of the community consultation will be provided in a local newspaper and on Council's website. In addition to this, adjoining landowners will be notified in writing.

During the public exhibition period the following documents will be placed on public exhibition:

- Planning Proposal
- JRPP Recommendation report
- Gateway Determination
- Relevant Council reports
- Maps

Part 6 – Project Timeline

Milestone	Timeframe and/or date
Anticipated Commencement date	Date of Gateway determination
Anticipated timeframe for the completion of required technical information	Not applicable. Technical studies have already been completed to support the Planning Proposal.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	As specified in Gateway determination.
Commencement and completion dates for public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Dates for public hearing (if required)	Not applicable at this stage
Timeframe for consideration of submissions	3 weeks
Timeframe for consideration of a proposal post exhibition	3 weeks
Date of submission to the Department to finalise the LEP	To be determined.
Anticipated date the Council make the plan if delegated	To be determined.
Anticipated date Council will forward to the department for notification	To be determined.