

Outcome of Exhibition

Planning Proposal 160 Burwood Road, Concord (Bushells)

Report on Submissions

October 2022

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2. Executive Summary

The purpose of this report is to provide a summary of submissions received during the exhibition of the Planning Proposal – 160 Burwood Road, Concord (known as the Bushells site).

The exhibition package was publicly exhibited from 10 June to 08 July 2022, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the Gateway Determination (for PP-2021-6099) dated 31 October 2021.

The exhibition package was publicly exhibited on the NSW Planning Portal, the City of Canada Bay website and community engagement platform *Collaborate* for 28 days (427 visits).

A notification letter was also sent to 2,317 landowners and residents.

A total of 188 submissions were received during the exhibition period. The primary issues raised in submissions relate to:

- A. Density, scale and height
- B. Traffic and transport
- C. Transport and cycleways
- D. Parking
- E. Heritage
- F. Environmental impacts
- G. Natural environment
- H. Open space
- I. Services, facilities and affordable housing
- J. Ownership and maintenance of foreshore
- K. Draft Development Control Plan

This report provides a summary and a response to submissions.

An independent Urban Design Review was also commissioned by Council, to provide objective feedback about various aspects of the proposal that had urban design implications (refer [Attachment – Urban Design Review](#)). The recommendations of the peer-review have informed responses in Sections 5 and 6 below.

3. Introduction

A planning proposal has been prepared to amend the *Canada Bay Local Environmental Plan 2013* (the LEP) for 160 Burwood Road, Concord (Bushells).

The Planning Proposal seeks to rezone industrial land and amend planning standards to enable a development comprising residential, commercial, recreational uses, together with the provision of compatible, low impact light industrial uses.

The planning proposal is a revised Planning Proposal, with iterations of the planning proposal having been considered by Council on three previous occasions.

The current Planning Proposal responds to Gateway Determination conditions issued by the Department of Planning and Environment (DPE) on 31 October 2021. The major changes required by the Gateway conditions were that, prior to public exhibition, the planning proposal was to be revised to:

- a. Include provisions to ensure spatial needs of light industry uses are addressed, including requirements for light industry to be located on the lower and upper ground floor levels of the Central Roasting Hall, and appropriate floor-to-ceiling heights.
- b. Update the draft DCP to address the spatial needs of light industrial uses as well as detailed design considerations such as floor to ceiling height spans, loading docks and vehicle access/parking, vehicle circulation, waste disposal, storage and service areas/ corridors, etc.

The key changes from the original planning proposal are shown in the table below.

Overview of Planning Proposal

The planning proposal is seeking to:

- Rezone the land from IN1 General Industrial land to part B1 Neighbourhood Centre, part R3 Medium Density Residential, part RE1 Public Recreation;
- Amend Part 6 Additional Local Planning Provisions to:
 - Apply a Foreshore Building Line to the land; and
 - Introduce a minimum provision of 10,000m² GFA for non-residential uses, of which a minimum 3,000m² GFA shall be light industrial uses.
- Amend Schedule 1 Additional Permitted Uses to permit "Commercial premises" within the portion of the site proposed to be zoned R3 Medium Density Residential;
- List the Bushells Factory Roasting hall building as an item of Local Heritage in Schedule 5 Environmental Heritage;
- Increase the maximum height of buildings from 12m to 12m (3 storeys), 15m (4 storeys), 17m (5 storeys), 18m (5 storeys), 21m (6 storeys) and RL 46.6 (height of Roasting hall building).
- Increase the maximum FSR from 1:1 to 1.25:1, which corresponds to an FSR of 1.15:1, 1.85:1, 2.1:1, 2.2:1 and 3.05:1 for each block.

This is intended to deliver approximately 384 apartments and approximately 281 jobs provided by 10,278sqm non-residential uses (6,747sqm of retail and restaurants and 3,531sqm of urban services).

The Proponent has also offered to enter into a Voluntary Planning Agreement (VPA) that provides for the following public benefits:

- 5,900m² of land for public open space, including remediation (if required) and embellishment of that land, to be dedicated to Council upon completion of the development project; and
- Restoration works to the seawall and additional waterfront edge landscaping to provide access to the water and completed prior to the dedication of the land to Council for public open space.

Previous planning proposals

The subject planning proposal is a revised planning proposal for the subject site.

It was preceded by a planning proposal submitted in June 2017, which was subsequently refused, and then a series of revisions to a planning proposal submitted in July 2018 (refer to table below).

The current planning proposal was subject to a rezoning review application and review by the Eastern City Planning Panel (the Panel) on 31 March 2020.

	Date of planning proposal version					
	June 2017 Refused	July 2018	Feb 2019	Sept 2019	June 2020 Gateway Review	May 2022 The subject Planning Proposal
Zoning	B4 Mixed Use		B1 Neighbourhood Centre; R3 Medium Density Residential; RE1 Public Recreation			
Height	121.5m	12m, 22m, 25m, 46m	12m, 16m, 21m, 24m and 30m. RL 46.6 to reflect existing roof height of Central Roasting Hall		12m, 15m, 17m, 18m, and 21m. RL 46.6 to reflect existing roof height of Central Roasting Hall	
FSR	1.95:1	1.6:1	1.5:1	1.25:1	1.25:1, comprising 1.13:1, 1.81:1, 2.1:1, 2.4:1 and 2.74:1	1.25:1, comprising 1.15:1, 1.85:1, 2.1:1, 2.2:1 and 3.05:1
Additional local provisions	No change				Foreshore Building Line in RE1 zone. Minimum 10,000m ² GFA for non-residential uses, of which a minimum 3,000m ² GFA for light industrial uses	
Additional permitted uses	Boat sheds, jetties, moorings, water recreation structures	Multi-unit dwellings	Light Industries in the R3 zone	No change	Commercial Premises in the R3 zone	
Schedule 5 Environmental Heritage	No change			Former Bushells Factory Building		

4. Exhibition of the Planning Proposal

Exhibition period

The planning proposal and supporting information was publicly exhibited from 10 June to 08 July 2022, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the Gateway Determination (for PP-2021-6099) dated 24 November 2021.

Exhibition material

The planning proposal was exhibited with LEP maps, draft Development Control Plan (DCP), draft Affordable Housing Contribution Scheme (AHCS) and the following Appendices:

- Appendix A - Survey
- Appendix B – Urban Design Report
- Appendix C - Concept Plan, Analysis and Sepp 65 Certification
- Appendix D – Landscape Master Plan
- Appendix E – Public Domain Plan
- Appendix F – Transport Impact Assessment
- Appendix G - Aboricultural Development Assessment Report
- Appendix H – Heritage Listing Nomination Report
- Appendix I – Heritage Significance Assessment
- Appendix J – Heritage Response to Local Planning Panel
- Appendix K – Statement of Heritage Impact
- Appendix L – Façade Report
- Appendix M – Draft Letter of Offer
- Appendix N - Affordable Housing Contributions
- Appendix O - Economic Impact Assessment
- Appendix P - Retail Demand Assessment
- Appendix Q - Aboriginal Heritage Due Diligence Assessment
- Appendix R - Preliminary Soil Contamination Assessment
- Appendix S - Additional Contamination Assessment
- Appendix T - Preliminary Geotechnical Investigation
- Appendix U - Additional Geotechnical Investigation
- Appendix V - Sustainability Strategy
- Appendix W - Social Infrastructure and Community Uses Demand Assessment
- Appendix X - Flood Assessment Report
- Appendix Y - Detailed Site Investigation (Round 1)

Note that several of these documents have been revised following completion of the public exhibition and the independent Urban Design Review of the planning proposal:

- LEP maps
- Development Control Plan – General Controls and Site Specific DCP
- Transport Impact Assessment
- Aboricultural Development Assessment Report
- Affordable Housing Contributions
- Flood Assessment Report

Public notice

The exhibition package was publicly exhibited on the NSW Planning Portal, and Council's website and community engagement platform *Collaborate* for 28 days (427 visits).

Notification to landowners

A notification letter was sent to 2,317 landowners and residents.

Consultation with public authorities and organisations

The following agencies and organisations were consulted for feedback:

- Environment, Energy and Science Group
- Environmental Protection Agency
- Greater Sydney Commission
- Department of Education
- Ausgrid
- Sydney Water
- Jemena
- Metropolitan LALC and other relevant Aboriginal groups
- Roads and Maritime Service
- Transport for NSW
- Massey Park Golf Club

Submissions were received from Environment, Energy and Science Group; Environmental Protection Agency; Sydney Water; Jemena; and TfNSW.

5. Review of Submissions – key concerns

This section of the report provides responses to key matters raised in submissions received during the exhibition period.

188 submissions were received:

- 150 individual submissions from the general public (including multiple submissions from 19 owners/residents)
- 10 from consortia of residents (strata committees)
- 1 from a Not for Profit organisation
- 6 from State Government agencies

Comments are provided in this section in response to key matters raised under the following headings:

- A. Density, scale and height
- B. Traffic
- C. Transport and cycleways
- D. Parking
- E. Heritage
- F. Environmental impacts
- G. Natural environment
- H. Open space

- I. Services, facilities and affordable housing
- J. Ownership and maintenance of foreshore
- K. Development Control Plan (DCP)

Part 6 of this report includes a summary of all submissions and a response to any matters that do not fall within the above categories.

A. Density, scale and height

Particular concerns relating to the proposed density, scale and height of the proposed development included that:

- a. The development is too dense and too tall, making it inconsistent with the surrounding low-scale, low-density character of the area. One submission also noted that the height of the structures was originally approved for the operation of the factory, not for residential uses.
- b. The 5 and 6 storey buildings fronting the waterfront are too tall and are inconsistent with the waterfront skyline, comprised of 2 and 3-storey developments.
- c. Heritage listing the Roasting Hall will not prevent its demolition, but enable taller standard residential flat development to be approved in its place and of a height that exceeds what would otherwise be permissible.
- d. The scale and height of the proposed buildings will result in loss of privacy for adjoining residents and overshadowing of adjoining properties.
- e. There is uncertainty about the maximum number of storeys.
- f. The proposed communal roof-top areas will create overlooking, privacy and noise impacts on adjoining residents.
- g. The character of the local area will be impacted.

Other submissions raised concern that the proposed number of new dwellings will create unacceptable impacts on existing residents in the area, in particular from traffic congestion, on-street parking demand, public transport capacity and environmental damage to the parkland and foreshore. These matters are discussed separately under the relevant heading.

Response

The Planning Proposal is seeking to rezone the land from IN1 General Industrial to R3 Medium Density Residential and to increase the maximum building height to 21m and 46.6RL for the Central Roasting Hall. The area to the east of the site is zoned R3 Medium Density Residential and comprises strata apartment buildings and townhouses. The scale of the development to the east is comparable to that sought by the planning proposal and is a better benchmark for local character compatibility than the area to the west of south, which is zoned R2 Low Density Residential.

The planning proposal has been amended several times and the maximum height and density have been successively decreased, reducing the maximum building height of the proposed new buildings from 37 storeys to 6 storeys. The maximum height proposed is 21m and greater than the maximum permissible height to the east of the subject site, which is 15m. However, the tallest buildings on the adjacent property to the east, Pelican Quays, are 6 storeys. This is comparable with the tallest buildings proposed for the subject site, with the exception of the central Roasting Hall which is proposed to be heritage listed and adaptively re-used. A maximum number of 6 storeys is therefore comparable and compatible with the

immediate adjoining development. This height will also allow the Central Roasting Hall to retain its visual dominance within its setting.

The density sought by the Planning Proposal is an FSR of 1.25:1. This represents an increase compared to the area to the east, which has a maximum permissible FSR of 0.75:1. Given the maximum number of storeys on the subject site and the land to the east are comparable, the main reason for the density difference is due to the development sites to the east include a greater proportion of townhouses than the Planning Proposal.

Impacts from the density, scale and height of the proposed development, including from overlooking, were investigated as part of an Urban Design Review of the planning proposal commissioned by Council. The Urban Design Review recommended that, to ensure consistency with the current local character, *“new buildings should be below the tree height and similar to the adjoining six storey apartments and the Central Roasting Hall should remain the tallest building in the area.”*

The Urban Design Review made a series of recommendations to reduce the overall bulk and visual impact of the proposed buildings. These recommended changes are intended to provide certainty in relation to the scale and built form, improve design outcomes and minimise impacts arising from the development.

It is recommended that the following amendments be made to the planning proposal:

Zoning & Land Use:

- Relocate the proposed B1 Neighbourhood Centre zone and the light industrial uses to be fully within the site. Whilst it is accepted that these uses need to be in proximity to Burwood Road and accessible and visible from Burwood Road, the proposed location does not sufficiently integrate the retail and urban services into the development. Relocating these uses further within the site will ensure activation of the waterfront and consistency with the low-density residential character of Burwood Road.
- Reduce the minimum amount of non-residential floor space to be provided on site from 10,000sqm to 7,500sqm, of which at least 3,000sqm should be required for light industrial uses. This addresses the inconsistency between the amount of non-residential floor space that the Retail Demand Assessment has determined can be supported on the site (3,500 sqm of retail and 3,000sqm of light industrial) and the 10,000sqm of non-residential floor space required to be delivered.
- Limit additional permitted uses to office premises, shops, restaurants and cafes in the R3 Medium Density Residential zone. Limiting the range of uses is recommended to reduce the wide range of uses that would otherwise be permissible as ‘commercial premises’ under the Canada Bay LEP, many of which would not be appropriate for the location and which could include garden centres, hardware and building supplies and vehicle sales or hire premises.

Building Height:

- Three (3) storey development is to have a maximum building height of 11m not 12m.
- Six (6) storey mixed use development is to have a maximum height of 20m not 21m.
- Apply a maximum building height to the Central Roasting Hall block of 20m. This will allow the 9-storey Central Roasting Hall building to be renovated and adaptively re-used and, should the Central Roasting Hall not be retained, a new building in the location of the Hall would be required to be constructed to a maximum height of 20m.
- Assign road reserves with no building height, to achieve greater certainty in relation to location of built form.

Floor Space Ratio:

- Revise the maximum Floor Space Ratio from 1.25:1 to 0.96:1 for the site. The total FSR comprises the FSR for the individual residential blocks: 1.00:1, 1.10:1, 1.30:1, 1.80:1 and 2.10:1. The individual residential blocks reflect the recommended amended site layout, which reduces the overall building depths, accommodates balconies within the building envelopes, increases building setbacks and introduces upper storey setbacks.
- Provide a bonus 2.0:1 Floor Space Ratio (total of 1.11:1) for Block 4 where the Central Roasting Hall building, chimney and 'B' sign are retained and adaptively re-used, to provide further incentive to retain and protect the building.

Foreshore Building Line:

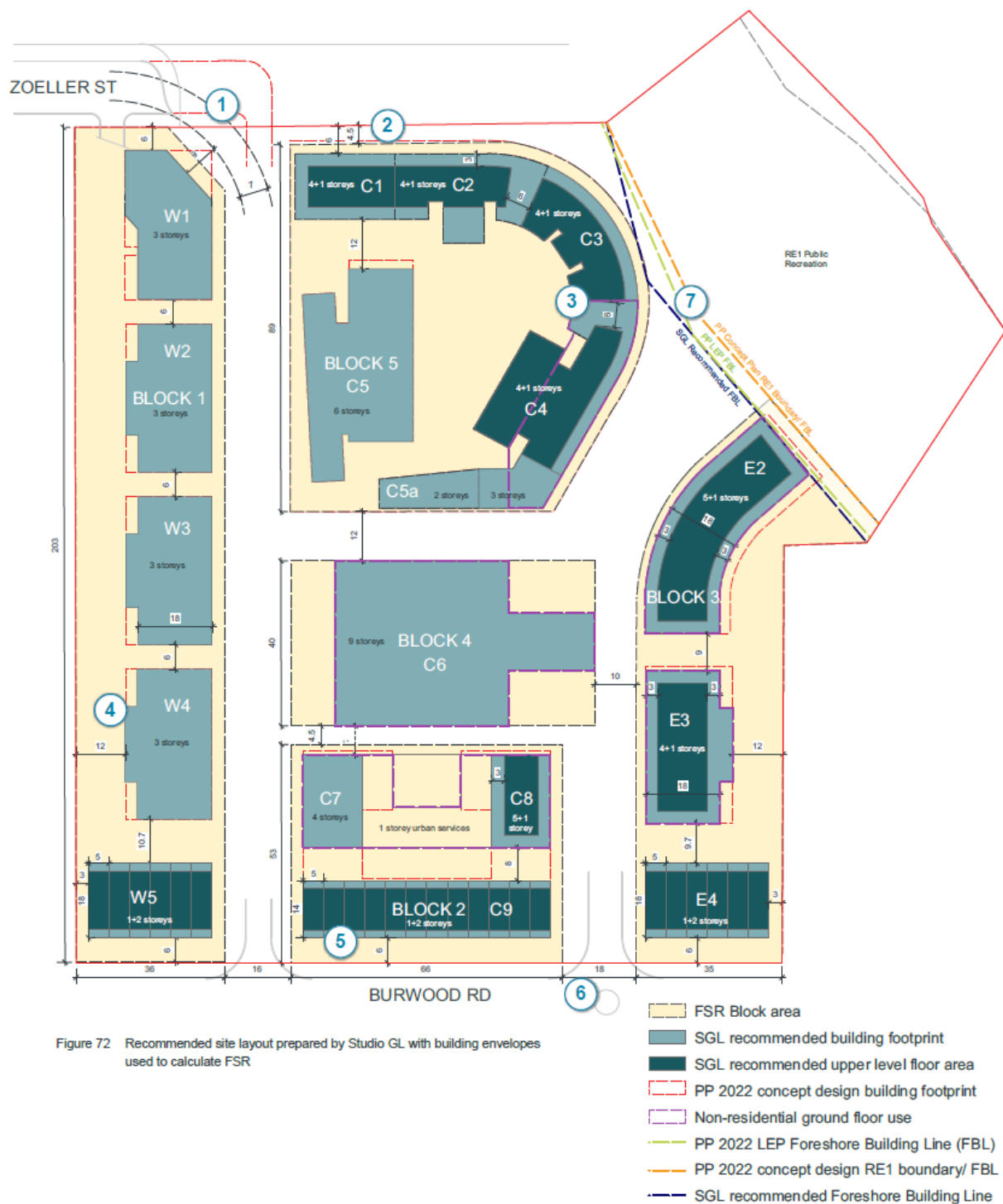
- Adjust the Foreshore Building Line so that it follows the outer edge of the building footprint facing Exile Bay.

The above recommendations respond to concerns about impacts from the proposed density, scale and height, including loss of amenity (privacy and overlooking, solar access, noise and local character).

The draft DCP has also been updated to include controls to manage impacts:

- Include objectives and controls to require development to exhibit design excellence and reflect the desired future character of the area.
- Require an upper-level set back for buildings facing Exile Bay and the eastern boundary.
- Increase the setback of Building C1 and C2 to Massey Park Golf Course from 3.0m to 4.5m.
- Reduce overall building depths to accommodate balconies within building envelopes and avoid encroachments into side setbacks.
- Increase separation distances where they do not achieve the minimum criteria set out in the Apartment Design Guide.
- Strengthen controls to ensure overlooking and privacy concerns between adjoining buildings are addressed and introduce controls that permit common open space on roof tops only if the area does not adversely impact adjoining residents (noise, visual) and are designed to reduce downward viewing.
- Include additional controls to minimise the impact of light industrial uses on residential uses, including incorporation of acoustic mitigation measures such landscape buffers, screened and acoustically sealed balconies, mechanical ventilation, triple glazing, green walls, and other specific building materials or sound walls that manage noise, for all applications that generate noise adjacent to or located in a building containing residential uses.

The recommended site layout with building envelopes used to calculate the recommended Floor Space Ratio is shown below:



B. Traffic

Submissions raised concern that the proposed number of dwellings will create unacceptable traffic impacts and congestion in the area, especially given the land is located at the end of a peninsular. There was concern that there would be increased numbers of private vehicles, shared vehicles and trucks, including large trucks, on Burwood Road generated by the residential, retail/commercial and light industrial uses. There will also be increased road maintenance costs for Council.

A large number of submissions raised specific concern about:

- a. The Traffic Study, which needs to be updated to reflect the current traffic conditions and to assess weekend parking needs. The Traffic Study also assumes fewer apartments than proposed (384 vs. approximately 400).
- b. The proposed opening of Marceau Drive to Crane Street, which could:
 - create adverse impacts for the residents of Marceau Drive, as residents of Marceau Drive and Durham Street are prohibited by covenant from erecting a front fence;
 - change the established local traffic flow pattern and the character of the area;
 - create rat-running;
 - create safety risks for cyclists, as Marceau Drive is a dedicated cycleway; and
 - create safety risks for pedestrians as Marceau Drive and Durham Street do not have footpaths and pedestrians must walk on the road.
- c. The proposed secondary site access via Zoeller Street, which will require the roadway to be extended into Massey Park Golf Course, resulting in loss of public golf course land, impacting a heritage-listed item, increasing traffic on Zoeller Street and potentially creating a rat run. This is also contrary to a Council Resolution of 15 October 2019 that *“vehicular access and egress to Zoeller Street is to be limited to the existing driveway crossing at the north-western corner of the site so as to minimise encroachment within the Heritage listed Massey Park Golf Course.”*

One submission supported the opening of Marceau Drive and the extension to Zoeller Street, which are described as *important components in a holistic approach to addressing the management of the additional traffic generated by the proposal, benefitting far greater people than those affected*. One submission requested that internal traffic be made to flow one-way through the site, entering from Burwood Road and exiting into Zoeller Street.

Response

Traffic Study

The Traffic Study has been revised following exhibition of the planning proposal to address the conditions of the Gateway dated 31 October 2021, that it reflect the current proposal and feedback from Transport for NSW for the proposal. The revised traffic Study also responds to feedback by Council’s traffic team, including issues raised in public submissions that relate to the Traffic Study. The revisions include:

- Update of the number of proposed apartments to better reflect the number that the development will deliver, approximately 384 apartments (10% as affordable housing) as well as approximately 10,278sqm non-residential uses (6,747sqm of retail and restaurants and 3,531sqm of urban services).
- Expanded traffic counts performed on weekdays for three hours in both AM and PM peak periods, and on Saturdays for four hours during the midday peak period at the intersections of Burwood Road and Crane Street, Gipps Street, and Parramatta Road; and the intersections of Broughton Street and Zoeller Street/Ian Parade, Gipps Street, Crane Street, and Parramatta Road.
- Remove references to potentially re-opening Marceau Drive.
- Remove references to provision of a shuttle bus funded by the proponent.
- Provide justification for the traffic generation rate adopted in the study.

Council has reviewed the revised Traffic Study and is satisfied that the Study addressed the submission by TfNSW and requests by Council's traffic team.

Opening of Marceau Drive

The proposed reopening of the left turn from Marceau Drive to Crane Street was identified in the Traffic Study prepared on behalf of the proponent as a means by which traffic could be dispersed and to provide an alternative travel choice for vehicles travelling to the east.

The opening of Marceau Drive to Crane Street would attract vehicle movements through this residential street and may have an impact on the amenity and safety of the bicycle route on this street. Providing a new intersection on the bend of Crane Street may also create safety and traffic conflicts that would otherwise be avoided.

This proposal to open Marceau Drive to Crane Street is not supported by Council's traffic team. It is therefore not available as an option to resolve traffic issues. The Traffic Study has been revised to remove reference to this option.

Zoeller Street extension

Concerns raised about the planning proposal being inconsistent with Council resolution of 15 October 2019 are not able to be addressed, as the resolution applied to an earlier version of the planning proposal which was superseded by the submission of the Gateway Review. The decision by the Sydney Eastern Planning Panel therefore supersedes the Council resolution.

The planning proposal includes a proposed extension to Zoeller Street to join a road within the site with the local road network.

The Urban Design Review recommends that the Zoeller Street entrance be modified *"to reduce the loss of golf course area, heritage land and public land. To ensure a legible road network, the connection should be visually and physically continuous and minimise deviations."*

The amendment recommended in the Urban Design Review includes a modification of the footprint of building W1 and the FSR parcel of Block 1.

Requiring future development on the site to utilise the existing egress/entry point off Zoeller Street is not the preferred outcome as this would lead to vehicle movements occurring immediately adjacent to the rear fence of properties on Duke Avenue, thereby increasing impacts in relation to noise and headlights.

It is recommended that the planning proposal and draft Development Control Plan be updated to:

- Modify the footprint of Building W1 as per Figure 72 of the Urban Design Review and amend the Floor Space Ratio of Block 1 to minimise the necessary extension to Zoeller Street.
- Move the primary access to Blocks 1 and 5 to be inside the site and accessed off one of the new roads linking to Burwood Road.
- The Zoeller Street connection is to be a slow speed secondary link with reduced width.
- Truck movements, especially trucks servicing the retail and light industrial uses to occur off Burwood Road.



Taken from Figure 72 of the Urban Design Review

Maintenance costs

The cost associated with maintaining public roads and footpaths applies to all public works. Council has an ongoing operational budget to undertake maintenance works, including maintenance of RE1 land. Note that all RE1 land in the LGA is owned by Council and maintenance includes landscaping, bushcare and regeneration, litter and rubbish removal, graffiti removal etc.

C. Transport and cycleways

Some submissions expressed concern that the current bus services in the area are inadequate and insufficient, particularly on weekends, to service the proposed increase in population.

Some submissions stated that the proposed provision of a shuttle bus will not be sufficient to cater for the population increase, would not replace or reduce private vehicle usage and it is for only three years.

A number of submissions expressed support for reinstatement of ferry services from Bayview Park and buses to Burwood Station and the future Metro Station, to support commuters and alleviate traffic. However, some submissions objected to private funding of the suggested shuttle bus and ferry services, which would be for three years.

Some submissions expressed concern that the proposed foreshore walkway will encourage cyclists to continue along the pathway in front of properties further to the east that are owned and maintained by adjoining developments and where, for the safety of pedestrians, cyclists are required to dismount.

Proforma Submission #1 from numerous submitters raised concerns that Council's PAMP had not been addressed or considered, either in the proposal or in the Traffic Study.

Response

Public transport (bus and ferry)

The site is serviced by one bus route, Sydney Buses Route 466. The site is also in close proximity to the area serviced by the D400 on-demand service and is within 800m of other Sydney Bus routes. Many of the peninsulas that comprise the LGA, such as Mortlake and Breakfast Point, similarly have access to only one bus service. The limited access to public transport means that residents are more likely to use private vehicles for daily movements.

The original planning proposal for 160 Burwood Road was accompanied by a letter of offer from the applicant that included the provision of a privately funded ferry service for three years. Since this offer was made, the planning proposal has been significantly amended and the draft Planning Agreement does not include the temporary operation of a private ferry service.

The Bayview Ferry Wharf located between Abbotsford and Cabarita Wharf ceased operation in 2013 as part of an assessment under NSW Government's "Sydney's Ferry Future". Reasons for the closure of the wharf included existing and future demand, costs, levels of frequency and the isolated nature of the wharf. Even with the redevelopment of the site, it is acknowledged that services to the wharf would be unlikely to resume given the lack of long-term demand. Council regularly liaises with TfNSW and advocates for the needs of local residents. Ultimately, reinstatement of the ferry service from Bayview Park is a decision for Transport for New South Wales.

Shuttle bus

The original Planning Proposal was accompanied by a letter of offer to provide a privately funded shuttle bus service for a period of three years. Following revision to the planning proposal, a revised letter of offer was prepared and the draft Planning Agreement does not include the privately funded shuttle bus service. The Traffic Study has therefore been revised to remove references to a proposed shuttle bus.

Cycleways

Whilst the foreshore walkway to the east of the subject site is owned and maintained by the residents of those properties (community property), public access is permitted due to an easement over the land. The easement permits pedestrian access, but requires cyclists to dismount due to the narrowness of the pathway.

Public foreshore access is a priority for the City of Canada Bay, as outlined in the Canada Bay Foreshore Access Strategy. Council has endorsed the Parramatta River Catchment Group's Parramatta River Masterplan and the NSW Government has prepared a [plan](#) for a 91-kilometre foreshore pathway from the Opera House to Parramatta Park. The planning proposal will facilitate public access to the foreshore as part of the redevelopment of the land, including a cycleway within the subject site.

As cyclists are prohibited from riding along the foreshore pathway between the subject site and Bayview Park, they will be required to dismount for this section. Council's Draft Bike Plan for the LGA recognises the limitations on this section of the foreshore pathway for cyclists.

Pedestrian Access Mobility Plan (PAMP)

The City of Canada Bay PAMP identifies pedestrian needs in the Local Government Area and provides a list of prioritised pedestrian infrastructural works to improve accessibility, increase pedestrian activity, and improve amenity. It is an operational document that is implemented as part of capital works and an ongoing maintenance program. It is not implemented through the planning proposal process.

The traffic study accompanying the planning proposal seeks to understand the impact of future development on the local road network and address identified constraints. This includes examining the trips generated, vehicle movements and pinch points in the network.

D. Parking

Some submissions raised concerns that the proposed car parking rates for the residential and commercial uses are inadequate. Concern was also raised that the Traffic Study underestimates the number of car parking spaces necessary for the residents and for the commercial / retail space, thereby placing further pressure on on-street parking. Specifically, 1-bedroom apartments and the affordable housing have been allocated fewer car spaces than required under Council's Development Control Plan.

Many submissions raised concern that the current on-road car parking in the area is inadequate and it is difficult to find car parking spaces, particularly out of standard working hours and on weekends. The proposed increase in dwellings will further limit the availability of car parking on-street and in Bayview Park, especially during popular times. This could create safety risks for women, especially, who may be returning home late and unable to find a parking space.

Submissions also noted that the Traffic Study had not undertaken night-time surveys of parking or given consideration to the need for on-street parking out of normal working hours.

Response

Future development will be required to provide car parking consistent with the requirements of the Canada Bay Development Control Plan (DCP). The adequacy of parking provision will be assessed when a Development Application (DA) is submitted. Consideration will be given to both residential and commercial/retail car parking.

Following a review and update to the Canada Bay DCP in November 2021, parking rates were established for all residential flat buildings and multi-unit development that are not within the vicinity of a major transport node or a town centre. These areas are identified as being subject to Category A parking controls in the DCP and apply to the subject site. These rates are higher than the parking rates applicable to the Rhodes, Strathfield Triangle or the Parramatta Road Precincts.

The DCP also requires certain parking provision in mixed use areas for offices/businesses and retail, including restaurants/cafes/take-away food and drink premises, recreational and tourist facilities, and health and community services. Refer to Table B-E of the Canada Bay DCP. These rates are intended to provide for the parking needs of the customers, to reduce demand for on-street parking.

E. Heritage

A number of submissions raised concern that consultation with the Metropolitan Lands Aboriginal Lands Council and local Aboriginals had not occurred before public exhibition.

A number of submissions raised concern that providing an extension to Zoeller Street over heritage land comprising Massey Park Golf Course was contrary to Council resolution of 15 October 2019 (refer to section B. Traffic above).

The proposal seeks to list the Central Roasting Hall, chimney and 'B' sign as a local heritage item. Some submissions questioned the heritage value and the proposed listing, suggesting that these elements have no heritage or land-mark value. A submission also objected to classifying the Central Roasting Hall as "heritage" before it had gone through due process.

However, many submissions supported the heritage listing and preservation of the Central Roasting Hall and chimney. Some of these submissions expressed concern that despite the proposed heritage listing, this level of protection may not prevent the demolition of the building. There was also concern that, if the Roasting Hall were demolished, a new development may be able to be approved in its place and to the same height, resulting in a development that exceeds the maximum prevailing height in the area but without the heritage nexus.

Some submissions suggested that the buildings proposed to surround the Roasting Hall are incompatible with the 'Factory in the Garden Setting'. There would be adverse impacts on the factory building as a landmark and an example of the 'Factory Garden Movement' if it became one block amongst many.

Response

Aboriginal heritage

The Gateway determination required that, prior to public exhibition, the planning proposal was to be revised to address Ministerial Direction 2.3 Heritage Conservation as it relates to the proposal and include the Aboriginal Due Diligence Assessment for public exhibition, subject to the redaction of any culturally sensitive information, and that the Metropolitan LALC and other relevant Aboriginal groups be consulted during the exhibition period.

A notification email was sent to the Aboriginal Land Council via the NSW Planning Portal. No response was received.

Ministerial Direction 3.2 Heritage Conservation requires conservation of Aboriginal areas, objects, places or landscapes identified by an Aboriginal heritage survey. Appendix Q - Aboriginal Due Diligence Assessment was exhibited with the planning proposal and found the potential for Aboriginal objects to be low-moderate and that suitable provisions can be put in place to ensure the conservation of any potential objects or items found.

Council has also commissioned an Aboriginal Cultural Heritage Strategy and Management Plan. A draft of the report is currently being considered by the project RAP (Recognised Aboriginal Parties) and has been referred to the MLALC. The draft report identifies the site as moderate to low archaeological sensitivity, with some reclaimed land. Fieldwork undertaken to produce the draft report included site-visits to all sites registered in the Aboriginal Heritage Information Management System (AHIMS) and additional areas of identified sensitivity across the LGA. The subject site is not an AHIMS listed site.

Massey Park Golfclub

It is recommended that encroachment onto the heritage listed Massey Park Golf course be minimised through the realignment of the proposed new road. (Refer to Section B. Traffic above).

Former Bushells Factory

The proposed heritage listing of the Central Roasting Hall, chimney and 'B' sign is accompanied by a Heritage Listing Nomination Report, Heritage Significance Assessment and a Heritage Response to the Local Planning Panel.

The building construction commenced in 1959 and, due to its dominating height within lower-scale surroundings of buildings and trees, has been a visual local landmark for many years. It is now one of the last remaining industrial buildings on the Parramatta River in the City of Canada Bay. The site has been modified and added to over a number of years, with the Central Roasting Hall constructed in 1961/62.

Council has received various heritage advice since 2017, when the first planning proposal for the site was submitted to Council (and refused). This advice has been provided by Council's heritage advisors and separately to the heritage reports provided by the proponent. In 2016 Council's heritage advisor concluded that the heritage significance of the site related more to the history of the factory and its landmark quality than to its extant built fabric. The primary significance is the building's high-visibility on the skyline, in which it can be seen in numerous significant mid- to long-distance views and from the areas in vicinity of the

Harbour. The advice was that the site and extant building and stack do not warrant heritage status, as they do not meet relevant criteria for heritage listing.

More recently, however, Council's heritage advisor has concluded that the building is unique both within the Canada Bay LGA and within NSW, as a 1950s-early 1960s industrial building utilizing curtain glass wall techniques, which likely represent the earliest use in NSW of this technology for an industrial building. The Stage 1 administration building, Stage 2 Central Roasting Hall and views of the structure are rated as having an 'exceptional' Grading of Significance, being a 'Rare or outstanding element directly contributing to an item's local or State listing.' It was recommended that the Former Bushells Factory be heritage listed, and further investigated for State Heritage listing, and that the administration building, the Central Roasting Hall (including chimney and 'B' sign) and the gate entry structure be retained and adaptively reused in any future redevelopment of the site.

The Local Planning Panel, Sydney Eastern City Planning Panel and the Department of Planning support the proposed Local Heritage Listing of the Formal Bushells Site, as comprising the Central Roasting Hall, chimney and 'B' sign, its adaptive re-use and protection of the "factory Garden Setting". The Gateway Determination report states that the planning proposal is consistent with Ministerial Direction 2.3 Heritage Conservation.

The Urban Design Review supports the nomination of the Central Roasting Hall, the chimney stack, the 'B' sign on the facade and the landscaped setting for local heritage listing within the LEP, as it is part of the local character of the suburb and provides a visual reminder of the history of the area. It also recommends that the area of the 'landscaped setting' be defined prior to heritage listing to ensure that the 'Factory in a Garden' setting is retained and that, if more detailed heritage advice considers that development will impact on the 'landscape setting', the proposal may need to be altered, which would likely reduce the maximum FSR achievable on the site. Council's heritage advisor has recommended the heritage curtilage be extended to include the whole site. It is therefore recommended that LEP Heritage map be amended to include the whole of the site.

The recommendation to protect and conserve the 1959 administration building (Stage 1) is a late recommendation in the planning proposal process. Council has responded to a sequence of applications in relation to this site over a number of years, of which only the Central Roasting Hall has been identified as being of potential heritage significance.

Therefore, whilst it is acknowledged that the earliest part of the building has historical significance, heritage is one component (albeit an important component) that must be considered when assessing proposals under the NSW planning framework. Council is required to both understand and assess cultural significance and identify all factors and issues to develop a policy response to items for potential heritage listing. The policy response should include the identification of constraints, including the landowner's ability to achieve reasonable or economic use of the land. Council is therefore required to assess whether the conservation of that part of the building should prevail over redevelopment of the site as contemplated by the planning proposal.

A heritage listing of the original part of the factory would have significant implications for the redevelopment of the site and for this planning proposal, which would unlikely be able to proceed in its current form. For example, it is likely to preclude development of the new road proposed through this part of the site and five new buildings. It is also possible that adaptive re-use of the original part of the factory plus the Central Roasting Hall would not be financially feasible, placing both structures at some risk of preservation.

It is recommended that only the Central Roasting Hall, Chimney and B sign be listed as a local heritage item.

The Urban Design Review recommends that:

- The area of the ‘landscaped setting’ be defined prior to the heritage listing in order to ensure that the ‘Factory in a Garden’ setting is retained, noting that if more detailed heritage advice considers that development will impact on the ‘landscape setting’, the proposal may need to be altered and may reduce the maximum FSR achievable on the site.
- Retention of the industrial building may provide some justification to allow a small increase in height and FSR compared to adjoining sites. However, the land that accommodates the heritage item should have a maximum building height of 20m. In circumstances where the existing building is demolished, any replacement building would be subject to a 20m (six storey) height limit.
- The building footprints of Buildings C7 and C8 are reduced to the south of the Central Roasting Hall due to the proximity of these buildings to the proposed heritage item.
- The DCP for the site be strengthened with regards to the detailed objectives, controls and provisions for the conservation, adaptive reuse and interpretation of the heritage item. The draft DCP has been revised to address the above recommended changes and explain that *“The arrangement of new built form, open space and roads is to enable the Central Roasting Hall to retain its landmark quality and ‘factory in the garden’ setting.”* (C111)

It is recommended that the Central Roasting Hall, chimney and ‘B’ sign be listed as a local heritage item, a bonus FSR be made permissible if they are retained and adaptively re-used, and the footprints of Buildings C7 and C8 be amended to increase the separation between them and the Central Roasting Hall.

The draft DCP has also been amended to include:

- An objective about understanding the heritage values of the place – e.g. To ensure that changes to the Bushells building are guided by a clear understanding of the heritage values of the place.
- A control that requires a heritage interpretation plan to be submitted with a DA.
- An objective to celebrate the site’s industrial heritage.
- A control that requires compliance with the controls in Part C2 of the Canada Bay DCP, for Development of Heritage Items.

F. Environmental Impacts

Some submissions expressed concern about various environmental impacts that the development will have in relation to overshadowing, flooding, urban heat, safety, construction noise and contamination.

Concern was also expressed that the increased number of dwellings, including affordable dwellings, would lead to an increase in crime and anti-social behaviour in the area and dumping of waste into the Bay.

There was concern about excessive noise anticipated to occur during construction.

There was also concern that the contamination testing undertaken was insufficient in the park area for the proposed seawall steps, or to enable re-purposing of the Roasting Hall or safe construction of the proposed underground carpark.

Response

Overshadowing

The draft DCP includes controls to manage impacts from overshadowing. The DCP has been further amended to include new controls and strengthen existing controls (refer Attachment – Draft DCP (revised post-exhibition)).

The Urban Design Review found that the overall overshadowing impact of the proposal will be minor, although given the low density nature of the entire area local residents would have a high expectation of excellent access to sunlight, natural ventilation and visual privacy of gardens, balconies and indoor spaces. The review found that:

- The majority of overshadowing impacts fall within the site and on Burwood Road.
- The shadow of the existing Central Roasting Hall casts a shadow across Burwood Road by 3pm.
- The neighbouring properties on the western edge of the site are overshadowed until 9am.
- There is no overshadowing impact on the properties to the south of Burwood Road.
- The properties along the eastern edge of the site are overshadowed from 1pm onwards, reducing their access to afternoon sunlight.
- The depth of the 5 and 6 storey buildings on the Eastern edge (Block 3) be reduced and the uppermost floor be setback to reduce their overall scale and improve solar access in accordance with the requirements of the Apartment Design Guide.

The recommended building heights and development controls will enable surrounding development to achieve solar access in accordance with the requirements of the Canada Bay Development Control Plan.

Flooding

The planning proposal includes a Flood Report, which has been revised following the public exhibition period to clearly show the difference between the existing and proposed building footprints (during a one-in-a-hundred-year flood and a peak flood event) and the flood impacts to other properties. Council's flood engineers have advised that the revised Flood Report demonstrates that flood impacts that will result from the proposed development are able to be satisfactorily managed. However, consideration needs to be given to relocating the pipes that currently bisect the proposed foreshore parkland to adjoining the northern boundary.

Urban heat

There is potential that the development may slightly reduce the urban heat effect due to a decrease of hard and dark surfaces (roofs and roads). The development is also required to increase the tree canopy coverage to 25% and the planning proposal states that it will achieve 26% coverage. Importantly, there will be increased shading of roads and other hard surfaces, which will reduce solar access and heat storage by these areas of thermal mass.

Safety, crime and anti-social behaviour

Crime and anti-social behaviour, such as vandalism, in the City of Canada Bay local government area is statistically low compared to the rest of NSW. Despite population growth, Canada Bay's crime statistics have been stable and/or decreasing. Council has a Community Safety and Crime Prevention Plan which applies across the LGA. This plan found that a major concern of the community was road safety, including for pedestrians as a result of inadequate street lighting. Council investigates problem areas for speeding as they arise and installs traffic calming measures and pedestrian crossings or upgrades where necessary and appropriate.

Construction noise and pollution

Council acknowledges that construction noise will impact some residents. Construction works are permitted to be undertaken between 7am to 5pm Mondays to Saturdays. The hours of construction are enforced to ensure that impacts on residents are minimised. Complaints will be investigated should breaches of permitted hours of construction occur.

Construction sites are required to manage erosion and sediment control to ensure waterways and local flora and fauna are not impacted or harmed. Council monitors local construction sites to ensure adherence to the required controls for water run-off and sediment control.

Contamination

The Detailed Site Investigation report (May 2022) recommends additional borehole testing and investigation be undertaken following demolition of the existing structures to determine the need or otherwise for remediation and that conditional development consent should be able to be issued. Council is satisfied that the site can be made suitable for the proposed uses subject to the implementation of this approach.

Council is committed to improving the water quality of the Parramatta River and has endorsed the Parramatta River Catchment Group's Parramatta River Masterplan. The Masterplan aims to make the river swimmable again by 2025 and includes Ten Steps to a Living River, including "Maintaining, improving and promoting current Parramatta River swim sites, including Cabarita Park Beach and Chiswick Baths, as well as establishing three new river activation sites by 2025 which include McIlwaine Park at Brays Bay, Rhodes East and Bayview Park, Concord."

G. Natural environment

There was concern that existing mature trees in the north-eastern corner and on the eastern boundary should be retained to protect the privacy of neighbours.

Some submissions expressed concern that the planning proposal does not address fauna habitat and that impacts on resident birds and other wildlife (including migratory, threatened and endangered species) have not been addressed, during or after construction. It was felt that a wildlife survey and strategy for wildlife enhancement be undertaken.

One submission raised concern that the proposed Zoeller Street extension will impact Trees 72, 73, 78, 84 and 85, which are "*large Eucalyptus species that appear to be in good health and condition*" (Aboricultural Report).

Concern was also expressed that the proposed increase in tree canopy coverage to 25% cannot be verified, as the current baseline figure is unavailable. Also, that the coverage should be increased to 40%.

Response

The planning proposal includes a Landscape Masterplan and an Aboricultural Development Assessment Report. The Tree Protection Plan in the Report shows trees that are to be retained and trees that are to be removed. Both the Masterplan and the Report show that existing trees in the north-eastern corner and on the eastern and western boundaries will be retained. The Report has also been updated following public exhibition to confirm that Tree 184, a large dominant weeping fig that is described as the best tree on site, will be retained in situ. The draft DCP also includes controls that require retention of existing trees along the eastern and western boundaries.

The LEP and DCP include controls to protect and manage habitat for resident birds and wildlife, especially threatened and migratory species. The LEP maps Environmental Conservation land and the DCP maps Biodiversity Corridors, endangered ecological communities (EECs), vulnerable species and areas of high biodiversity significance. The controls are the recommendations of Council's evidence-based Biodiversity Framework, Tree Canopy Strategy, and other Government databases. The subject site does not include any land identified for habitat connectivity or biodiversity, or any environmentally sensitive land.

The Environment, Energy and Science Group and the Environmental Protection Agency (EPA) were consulted during exhibition. Only the EPA provided a submission, in which the Agency advised they had no comment to make about the proposal.

The amendments to the Zoeller Street accessway recommended in the Urban Design Review (refer section B. Traffic above) indicate that Trees 78, 84 and 85 will not be impacted by the roadway extension. Trees 72 and 73 are likely to be impacted. If the trees needed to be removed, Council's DCP requires that they would need to be replaced by at least two trees for every one tree removed and with preference given to tree species in the DCP tree species list.

The proposed urban tree canopy will be assessed at the DA stage to ensure that the trees are planned and planted in accordance with Section B6.10 of the DCP. These controls specify the required number, size, spacing and location for trees and the soil volumes required.

H. Open space

Some submissions expressed the view that a large public park on the foreshore of Exile Bay was not appropriate or necessary, will attract noise and vandalism (these are addressed in section F. Environmental above) and will experience access problems. Also, that construction of a beach is aspirational and there is no mention of the River Pool which council is working towards building at Bayview Park. A number of submissions supported the provision of a park in the proposed location as adding significant improvement to the amenity of the local area.

Some submissions expressed concern about providing public access to the water via steps, due to sediment, contamination and rubbish in the water affecting the water quality. Other submissions expressed concern that the proposed foreshore walkway will create more foreshore traffic, both cyclists (addressed in section C. Traffic and Cycleways above) and pedestrians.

Some submissions raised concern that the dedication of the foreshore open space to Council will result in inadequate private open space for the residents.

Response

Public open space

Engagement undertaken for Council's Community Strategic Plan, identified green spaces, local parks and opportunities to be near the water as being amongst the most valued assets by the Canada Bay community.

The *City of Canada Bay Social Infrastructure (Open Space and Recreation) Strategy*, which was prepared to support Council's long-term planning for open space and recreation found that there is a need to provide additional areas of open space in the City of Canada Bay to meet the needs of a growing population. A key opportunity identified involves requiring new development to provide on-site open space and recreation facilities.

In determining that the planning proposal should proceed to a Gateway determination, the Sydney Eastern City Planning Panel found that the site represented an opportunity to give effect to the *Eastern City District Plan* and the *City of Canada Bay Local Strategic Planning Statement* (LSPS) by meeting broader strategic objectives and that “*the site, with its residential and waterside open space setting, offers an outstanding opportunity to meet Open space and foreshore access objectives of the local and district strategies.*”

Council’s Urban Design Consultant confirmed that the approach to zone the proposed public open space as RE1 Public Recreation is considered good practice and is supported.

In this instance, the size and location of the proposed open space would create a passive park for the benefit of local residents. Potential activities include walking, picnicking and the casual playing of games. No active sports would occur within the proposed open space.

The provision of public open space adjacent to the foreshore is an outcome that would benefit both future residents on the site and the immediate local community.

Overland-flow and water quality

Future redevelopment of the site will be required to provide stormwater infrastructure, including Gross Pollutant Traps supported by an Overland Flow Study/Assessment.

The Environment, Energy and Science Group and the Environmental Protection Agency (EPA) were consulted during exhibition. Only the EPA provided a submission, that the Agency had no comment to make about the proposal.

Foreshore walkway

Council’s objectives to improve access to and along the foreshore were highlighted in the *Canada Bay Local Strategic Planning Statement* (2020), which was publicly exhibited from June to July 2019. Council subsequently adopted the *Canada Bay Foreshore Access Strategy*. The Strategy is reinforced by a State Government plan to create a 91-kilometre foreshore pathway from the Opera House to Parramatta Park.

The City of Canada Bay has numerous development sites and precincts that have a frontage to Sydney Harbour, Parramatta River, their bays and inlets. Foreshore access and associated open space has been realised through both easements for public access and the transfer of foreshore land to Council ownership.

Given the contiguous relationship of the foreshore access over the subject site and the location of the new park, it is appropriate that this land be owned by Council (see discussion under heading titled “J. Ownership and maintenance of foreshore”).

Private open space

The planning proposal Urban Design Report identifies 44% of the site area as “Public Realm”, which includes the proposed plaza and foreshore park, the two proposed north-south roads and east-west street connections.

The calculation of open space in the Planning Proposal’s Urban Design Report is slightly inconsistent with the Urban Design Review commissioned by Council, which calculated the “Public Realm” area (excluding building front setbacks) as accounting for 39% of the site area, 38% of which is to be zoned RE1 Public Open Space and 62% of which is occupied by roads and other public accessways.

The Concept Plan submitted with the planning proposal illustrates private open space in the form of balconies and certain land between buildings. The Concept Plan illustrates common open space on the eastern and western boundaries as well as between buildings. In circumstances where the proposal

includes a substantial area of public open space and makes generous provision for internal streets, the proposed quantum of public and private space is generally supported.

However, it is recommended that the planning proposal be revised to increase the setback to the northern boundary so as to increase the width of the publicly accessible footpath along this frontage. It is also recommended that the location of the proposed basement ramps of the three-storey terraces along Burwood Road be reconfigured to ensure each terrace is provided with the required private open space.

Future development on the site will be required to demonstrate how the private and communal open space requirements of the Apartment Design Guide will be achieved. This will occur when the land is redeveloped and will be subject to review by the Canada Bay Design Review Panel.

I. Services, facilities and affordable housing

Some submissions expressed concern about the commercial/retail services and facilities on the site, which are not seen as a positive contribution to the area, may not be sustainable and will generate noise.

A few submissions discussed the proposed provision of affordable and community housing, expressing both support and concerns. One submission expressed concern about the number of ‘needy people’ who will move into the area, which would be less if the size of the development were less.

A small number of submissions expressed concern about a lack of consideration of education facilities.

Response

Commercial/retail uses

The Sydney Eastern City Planning Panel recommended that a development standard be imposed that requires a minimum provision of non-residential uses of 10,000 sqm, where a minimum of 3,000 sqm would be provided as ‘urban services’. The planning proposal states that it is able to facilitate:

- Approximately 800 to 1,000 sqm of supermarket space (small format Coles or Woolworths, IGA, Harris Farm or similar)
- 200sqm to 400 sqm of specialty food outlets (liquor, bakery, butcher, confectionery, coffee, etc)
- Approximately 800 sqm of restaurants and fast food/take-away outlets
- Approximately 500 to 800 sqm of non-food retailing and personal services (newsagency, arts, hair and beauty, chemist, etc)

The Urban Design Review recommended that, given the limited demand identified in the Retail Demand Assessment, the amount of non-residential uses on the site should be reduced from 10,000 sqm to no more than 7,500 sqm. It is recommended that 3,000 sqm be required for light industrial uses and a minimum of 4,500 sqm be required to serve as convenience retail and commercial services such as a small format supermarket, specialty food and restaurants, and other low impact community facilities.

Affordable housing

The City of Canada Bay *Local Strategic Planning Statement* (the LSPS) includes an action to provide affordable housing where there is an increase in density arising from a planning proposal. Council’s *Local Housing Strategy 2019* supports the LSPS, providing an evidence base and the following vision statement:

Affordability of housing will be addressed through the requirement for major redevelopment sites to provide affordable housing that can be managed by community housing providers. This will allow key workers and households on low-moderate incomes to live within the City of Canada Bay, and retain social and economic diversity.

The Canada Bay Affordable Housing Contribution Scheme (AHCS) requires the site to affordable housing. Also that “Affordable housing is to consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the vicinity.”

In assessing the Gateway Review, the Sydney Eastern City Planning Panel recommended the provision of affordable housing be increased from 5% to 10%. Council has undertaken feasibility testing to test the recommended contribution rate, including the latest changes in the housing market and property values, and has revised the planning proposal to require 7% affordable housing be provided (refer Attachment – Affordable Housing Contribution Scheme v4).

Education facilities

The provision of public education facilities is the responsibility of the NSW Department of Education (DEC) and Schools Infrastructure NSW. Council works with and regularly liaises with DEC to ensure the Department is monitoring and planning for the educational needs of current and future generations of school children.

In January 2022, Council made a submission to the NSW Government’s Inquiry into School Infrastructure in NSW. The submission expressed concern about the immediate and ongoing student capacity issues at Concord High School and the immediate need for a new high school in our area, or for a major redevelopment to accommodate and address the needs of the students at the school. The submission was also followed up with meetings with DEC to discuss the issues.

J. Ownership and maintenance of foreshore

Submissions expressed concern about the public ownership of the proposed foreshore open space and seawall to Council (proposed in the draft Planning Agreement), which will transfer the maintenance costs for this infrastructure to all residents in the LGA and increase the cost of rates. This is in contrast to seawalls in front of adjoining properties, where the foreshore walkway is made accessible to the public by way of an easement and the cost of the maintenance of the seawall is borne by the residents of those properties.

Response

The planning proposal is accompanied by a draft Planning Agreement in which the proponent has offered to provide the following community benefits:

- A new, public park alongside the Exile Bay foreshore.
- Park landscaping and pathways.
- Public access over parts of the site.

The draft Planning Agreement was negotiated and exhibited separately to the planning proposal (20 September to 28 October 2022).

The City of Canada Bay has various foreshore parks located along the Parramatta River with many parks located between the foreshore and private development. Examples of these include parks are located on

land with a frontage to the Parramatta River at Breakfast Point, Abbotsford Cove and the former BHP Wire Mill site.

Certain open space is located on Community Land that is subject to an easement for public access. Other open space is located on Torrens Title lots, where the land has been transferred to the ownership of Council. There is therefore no single approach applied to the ownership and maintenance of open space through the development of private land on the foreshore of the Parramatta River.

Impacts arising from the use of public land will be offset by the benefit that the park will provide by offering the broader community the opportunity to engage in passive recreational activities on an area of foreshore that faces north. The Urban Design Review supports the proposed public space along the foreshore as RE1 Public Recreation as good practice.

The dedication of foreshore land will lead to Council being responsible for the ongoing maintenance of the foreshore open space and seawall. This is consistent with the maintenance of all RE1 Public Recreation spaces within the LGA. Council has an ongoing operational budget to undertake maintenance works on all areas of public open space and recreational spaces.

K. Development Control Plan (DCP)

The primary purpose of the draft Development Control Plan is to provide guidance and controls that need to be considered in the preparation and assessment of development applications. These controls primarily relate to built-form outcomes and the interface of private development with the public domain.

The following issues were raised in a number of submissions (issues raised in individual submissions are addressed in Section 6 below):

- Uncertainty about the number of storeys.
- Inadequate setbacks for buildings.
- Conflict between heavy vehicles, cars, pedestrians and cyclists.
- Rebuilding the seawall with steps.
- Duplicate the western boundary landscaping controls to the eastern boundary and include “trees” as well as “vegetation”.

Response

The Urban Design Review found that the proposed maximum building heights in the LEP map *“are greater than needed to accommodate the proposed built form and could, potentially, encourage even taller development in the future.”* It is recommended that the LEP and DCP be amended as per the changes recommended in the Urban Design Review to ensure the proposed number of storeys is not exceeded (refer to Figures 66 and 67 in the Urban Design Review).

The Urban Design Review found that *“generally, the minimum setbacks, road reserves and separation distances presented in the draft DCP building envelope diagram are supported and it is recommended that the controls be adopted and reflected in future design development.”*

The final road, footpath, public plaza and cycleway layout will be assessed at the DA stage with consideration given to controls in the DCP, including required widths and pedestrian safety.

The Draft DCP has also been revised to:

- Incorporate sufficient space for service vehicle turning circles within the site to prevent service vehicles manoeuvring on busy roads.
- Provide a dedicated pedestrian entrance directly from the street and segregate servicing and pedestrian routes.
- Merge the landscaping controls for the eastern and western boundaries to strengthen its role as privacy screening.

Control C18 in the Draft DCP requires that *“the concrete sea wall along the boundary of the site to Exile Bay is to be repaired to a standard acceptable to Council.”* These works will be assessed at the DA stage with consideration given to public safety and the best and safest means to integrate the park and the foreshore.

6. Individual Submissions

This section of the report provides a summary of all submissions received during the exhibition period and a response to any matters raised in submissions that are not addressed in Section 5 above.

All submissions

Submissions did not include any proforma submissions.

No.	Author	Summary of submission	Response
1	Individual	The submission requests that the whole building, including the chimney be retained, as it is considered to be part of Canada Bay heritage.	Response is provided in Item E above.
2	Individual	The submission requests that electric vehicle charging stations be included in the development.	EV charging will be required on site in accordance with Control B3.8 of the Canada Bay Development Control Plan.
3	Individual	The submission expresses concerns about increased traffic. The submission also requests that separated cycleways be built to help address the increased traffic.	Response is provided in Items B and C above.
4	Individual	The submission supports the proposal and states that it will add significant improvement to the amenity of the local area.	Noted

No.	Author	Summary of submission	Response
5	Individual	<p>The submission supports the proposed removal of boat storage from the foreshore, the mixed use for the site, the provision of open space particularly on the foreshore, and the provision of affordable housing.</p> <p>The submission expresses concern about the capacity of local public schools to accommodate the increased numbers of students, the quality of the affordable housing, the use of e-bikes, and the increased traffic.</p>	<p>Support for the proposed removal of boat storage from the foreshore, mixed use for the site, the provision of open space particularly on the foreshore, and the provision of affordable housing is noted.</p> <p>The use and registration of e-bikes is the responsibility of TfNSW. However, Council will continue to monitor safety issues related to the use of e-bikes.</p> <p>Response is also provided in Items B and I above.</p>
6	Individual	<p>The submission objects to the level of development of the site, which the submission states is overdevelopment based on the proposed number of dwellings and the height.</p>	<p>Response is provided in Item A above.</p>
7	Individual	<p>The submission objects to the proposal due to it being too big for the area and that it will cause traffic chaos and parking issues.</p>	<p>Response is provided in Items A, B and D above.</p>
8	Individual (1 of 3)	<p>The submission expresses concern about preserving the factory building, including the chimney, which the submitter sees no heritage or land-mark value in.</p> <p>The submission states that the internal roasting equipment, assembly line and packing area should possibly be preserved and exhibited.</p> <p>The submission also expresses concern about the location of the main entry and allowing traffic to flow directly from Marceau Dr into the site, and adequacy of on-site parking to support eg. waterfront facilities.</p>	<p>The proposed primary site entry is located at the intersection of Burwood Road and Marceau Drive, which is currently serviced by a roundabout. The location of this site entry and new road is supported as it assists in integrating the new development into the exiting street network and it provides new visual links from Marceau Drive to the Central Roasting Hall and a new direct connection to the waterfront.</p> <p>Preservation and exhibition of the internal roasting equipment, assembly line and packing area is not an inclusion of the Heritage Inventory Sheet. Adaptive re-use of the space will therefore be assessed at the DA stage.</p> <p>Response is also provided in Items B, D and E above.</p>

No.	Author	Summary of submission	Response
9	Individual (2 of 3)	The submission expresses concerns about the proposal to manage traffic flow by opening Marceau Drive at Crane St/ Lyons Rd West. This would create a major community issue, completely destroying the character and safety of Marceau drive. It would also be a major variation contrary to Councils established local traffic flow plans.	Response is provided in Item B above.
10	Individual	<p>The submission objects to the height of buildings on the waterfront boundary, which contrasts with the height limit of the other three boundaries and waterfront properties.</p> <p>The submission requests that the waterfront height be reduced to three storeys.</p>	<p>The dominant building façade facing the foreshore is currently 5-storeys with a recommendation that the upper floor be setback to reduce the visual bulk. This is consistent with the recommendation in the Urban Design Review that, to be consistent with the current local character, <i>“new buildings should be below the tree height and similar to the adjoining six storey apartments and the Central Roasting Hall should remain the tallest building in the area.”</i></p> <p>Response is also provided in Item A above.</p>
11	Individual	<p>The submission expresses the following concerns:</p> <ul style="list-style-type: none"> • Insufficient on-site parking to cater for residents and visitors. • the peak hour level of service degradation at the intersections of Burwood Rd and Crane St, Burwood Rd and Queens St, and Burwood Rd and Parramatta Rd. <p>The submission objects to opening Marceau Drive to Crane Street, which would represent an unacceptable loss of amenity for residents.</p>	Response is provided in Items B and D above.
12	Individual	The submission states that the bar has been set too high for the normal investor that wants to make a buck.	It is not the role of Council or the planning system to facilitate profit-making for investors.
13	Individual	The submission objects to the planning proposal, particularly increasing the maximum height of the structure, which is contrary to existing residential structures and a quiet waterside area.	<p>The proposed heights of the structures are consistent with the recommendations of the Urban Design Review as consistent with the adjoining development, and also of the current factory building.</p> <p>Response is provided in Item A above.</p>

No.	Author	Summary of submission	Response
14	Individual (1 of 3)	<p>The submission expresses concerns about adverse traffic impacts on the residential local road network as a result of additional traffic generation. Also there are no binding and enforceable measures in the planning proposal regarding the traffic impact of the proposal and there are safety issues at the Burwood Road and Crane Street intersection.</p> <p>The submission expresses general concern about speeding on Burwood Road and requests traffic calming.</p> <p>The submission suggests certain amendments to the draft DCP, including that it specify a 40km/hr speed limit on Burwood Road.</p> <p>The submission supports the extension of Zoeller Street to create a fair and equitable distribution of traffic and the re-opening of Marceau Drive to enable the new roads within the site to connect with the surrounding local road network. The submission states that the extension of Zoeller Street and the re-opening of Marceau Drive are important components in a holistic approach to addressing the management of the additional traffic generated by the proposal, benefitting far greater people than those affected.</p>	<p>Council investigates problem areas for speeding as they arise and installs traffic calming measures and pedestrian crossings or upgrades where appropriate.</p> <p>Response is also provided in Item B above.</p>
15	Individual	<p>The submission expresses concern that the proposal will place an unbearable traffic load on Burwood road, Zoeller street and all the surrounding streets. Also that the traffic Assessment Impact report needs to reflect the current traffic conditions and assess weekend parking needs. The submission states week-end on-street parking is inadequate due to people accessing Bayview Park.</p>	<p>Response is provided in Item B and D above.</p>
16	Individual	<p>The submission expresses concern about the traffic management plan for Burwood Road and Zoeller Street.</p> <p>The submission recommends reinstatement of the ferry service from Bayview Park for the city commuters to help alleviate traffic.</p>	<p>Response is provided in Items B and C above.</p>

No.	Author	Summary of submission	Response
17	Individual	The submission expresses concern about the proposed building height and density which are considered to be excessive, retention of the main building due to contamination risks, and insufficient parking for residents and visitors.	Response is provided in Items A, D and G above.
18	Individual	The submission expresses concerns that the development is oversized, streets are already crowded, on-street parking is already causing traffic issues, and the population increase will destroy the neighbourhood character.	Response is provided in Items A, B and D above.
19	Individual	The submission expresses concerns that the development will place additional pressures on parking in Bayview Park, which is already inadequate during popular times, and Majors Bay Road shopping precinct. The submission also expresses concerns that the parking report has underestimated allowances for residents.	Response is provided in Item D above.
20	Individual (1 of 2)	The submission expresses concerns that the development will significantly increase the population in the area	Response is provided in Item A above.
21	Individual	The submission duplicates proforma letter #1. Refer to submission #41 below.	Response is provided in Items B, C and D above.
22	Individual	The submission objects to the proposal due to impacts on residents during construction, the size of the proposed development, potential traffic, parking demand, environmental damage, and increased burden on ratepayers.	Response is provided in Items A, B, D, E and J above.
23	Individual	The submission expresses concern about traffic issues particularly as the land is at a dead end, the proposed height of the buildings which must be at the height of all units nearby in Burwood Road, and heritage consideration of the Roasting Hall which is laughable.	Response is provided in Items A, B and E above.
24	Individual	The submission objects to the proposal as it will bring unwanted traffic to a small suburban street, which will also create pollution and noise. Also it will reduce property values and the street will no longer be neighbourhood friendly.	<p>Council has a responsibility to ensure good planning outcomes, regardless of the impact this may have on property values of existing properties. Council has no direct role in or control of property values.</p> <p>Response is also provided in Items B and F above.</p>

No.	Author	Summary of submission	Response
25	Individual	<p>The submission expresses concern about the parking needs of residents and visitors to the area, especially night-time parking. Also, the large size of the development and the impact that the opening of Zoeller Street and Duke Avenue will have on the residents of that street.</p> <p>The submission supports reinstatement of the ferry to Bayview Park.</p>	Response is provided in Items A, B and D above.
26	Individual	<p>The submission expresses concern about the increased parking demand from the proposed commercial and retail outlets, increased traffic and congestion and noise, and the lack of public transport in the area which will generate more cars.</p> <p>The submission requests recommencement of ferry services from Bayview Ferry Wharf as well as bus service links to Burwood Station and the new future Metro station.</p>	Response is provided in Items B, C and D above.
27	Individual (3 of 3)	<p>The submission expresses concern about:</p> <ul style="list-style-type: none"> the proposed building heights, which may not be consistent with other buildings in the area. the cost of maintaining the public access park, walkway and sea wall, which should be maintained by the developer. retaining the Roasting Hall, the big B and chimney insitu as items of heritage significance, which should instead become an onsite public museum for the local coffee manufacturing industry. 	Response is also provided in Items A, E and J above.
28	Individual	<p>The submission expresses concern about the size of the proposal, which is out of character for the area and will impact traffic and parking, especially on weekends and after 5.30pm during the week.</p> <p>The submission objects to extending Zoeller St into Massey Park onto heritage listed land, which will turn Zoeller St into a major traffic street and rat run and is contrary to a 2019 Council Resolution.</p>	Response is provided in Items A, B and D above.

No.	Author	Summary of submission	Response
29	Individual	<p>The submission objects to the size and scale of the proposed development, as the local roads and public transport will not be able to accommodate the increase in traffic.</p> <p>Also there will be reduced useability of local shops and public spaces, which are all already nearing capacity.</p>	<p>Response is also provided in Items A, B and H above.</p> <p>The proposed provision of retail uses is a requirement of the Gateway determination and a recommendation of the Sydney Eastern City Planning Panel (the Panel). The Panel recommended the retail uses as <i>the site is relatively remote being on a peninsula and is several kilometres from the commercial and retail centres at Burwood, along Parramatta Road or at Concord</i>. The Panel also advised that <i>a mix of industrial / urban services, residential and open space uses can take maximum advantage of the characteristics and setting of the site to achieve a very strong net public benefit consistent with outcomes sought from State and local planning strategies</i>.</p>
30	Individual	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> the density of the proposal, which exceeds that of adjoining development. it is out of character with neighbourhood. the traffic will be unacceptable. on-street parking is at or near full capacity out of normal work hours. no change is required to the parkland and foreshore. 	<p>Response is provided in Items A, B, D and H above.</p>
31	Individual	<p>The submission expresses concerns about traffic impacts and the proposed opening of Marceau Drive to Crane Street, which will create a rat-run.</p>	<p>Response is provided in Item B above.</p>

No.	Author	Summary of submission	Response
32	Individual	<p>The submission duplicates and expands proforma letter #1</p> <p>The submission objects to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> • Council's PAMP has not been considered. • Re-opening Marceau Drive will present immediate danger to road users, bicyclists and pedestrians. • Residents of Marceau Drive and Durham Street are prohibited by covenant from erecting any front fence. • Marceau Drive, Durham Street do not have any footpaths and pedestrians/bicyclists must walk on the road. • Marceau Drive and Ward Street is a dedicated cycleway. • The traffic assessment has not considered the number of visitors to Bayview Park for recreational purposes on weekends, or parking needs for the Park. 	Response is provided in Items B and C above.
33	Individual	The submission expresses concern about impacts on traffic, foreshore walks and Bayview Parks.	Response is provided in Items B and H above.
34	Individual	<p>The submission objects to the proposal because it will:</p> <ul style="list-style-type: none"> • grossly exceed the allowed [current] FSR. • place an unbearable traffic load on Burwood Rd, Zoeller St and all the surrounding quiet residential streets. • put unmanageable pressure on street parking in the local area. 	Response is provided in Items A, B and D above.
35	Individual	The submission objects to the proposal because parking will become unmanageable and create safety risks for women coming home late and unable to find parking.	Response is provided in Item D above.

No.	Author	Summary of submission	Response
36	Individual	The submission objects to the proposal as it will result in high-rise, especially along the water's edge, increased parking demand, traffic and higher property prices and land rates.	<p>The building heights in the planning proposal have been assessed and recommendations are being made to reduce the overall scale, visual bulk and impact of buildings.</p> <p>Council has a responsibility to facilitate the delivery of future housing and housing choices by ensuring there is sufficient housing capacity within the planning framework to accommodate sufficient and feasible new housing. Council has no direct role in or control of property prices.</p> <p>Response is also provided in Items A, B and D above.</p>
37	Individual	The submission objects to the proposal as it will significantly increase traffic, pollution, noise, lack of parking, rates, crime and bad behaviour, and construction noise and pollution.	Response is provided in Items A, B, D, F and J above.
38	Individual	The submission objects to the proposal as it will impact living standards on Burwood Road, is higher density than surrounding developments, and will place an unmanageable traffic load on Burwood Road.	Response is provided in Items A and B above.
39	Individual	<p>The submission objects to the following aspects of the proposal:</p> <ul style="list-style-type: none"> • The size of the development is excessive and does not fit with the environment at the end of Burwood Rd. • The development will greatly increase traffic on quiet suburban streets, namely, Zoeller St and Burwood Rd. • The commercial aspect of the development will attract significant on-street parking. 	Response is provided in Items A, B and D above.
40	Individual	<p>The submission expresses concerns that the proposal will create foreseen overwhelming traffic impact regarding general vehicles, dumping of waste in the Bay, and potential for the foreshore to become a swamp.</p> <p>The submission suggests a bridge be investigated, from Bay View Park to Wymstone Parade in Wareemba to alleviate the traffic from Burwood Road.</p>	<p>Response is provided in Item B above.</p> <p>Council does not have jurisdiction to construct a bridge from Bay View Park to Wymston Parade in Wareemba as the bay is part of Sydney Harbour/Parramatta River, is a public waterway and the responsibility of the NSW State Government.</p>

No.	Author	Summary of submission	Response
41	Individual	<p>This is proforma letter #1</p> <p>The submission objects to the opening of Marceau Drive for the following reasons:</p> <ul style="list-style-type: none"> • traffic and safety issues for vehicles, bicycles and pedestrians. • properties in Marceau Drive and Durham Street have a covenant that prohibits erection of front fences. • these roads do not have footpaths. • Marceau Drive is a dedicated cycleway. <p>Also the traffic assessment has not given consideration to the number of users of Bayview Park, the proposal has not addressed or considered Council's PAMP, and the parking assessment has not considered the demand for parking on weekdays or weekends.</p>	Response is provided in Items B, C and D above.
42	Individual	The submission expresses concern about the size and density of the proposed development, traffic impacts and increased parking demand.	Response is provided in Items A, B and D above.
43	Individual	The submission expresses concern about the scale and density of the proposed development, dubious heritage value of the Roasting Hall and associated safety concerns, traffic impacts and increased parking demand.	Response is provided in Items A, B, D and E above.
44	Individual (1 of 2)	<p>This is proforma letter #2</p> <p>The submission expresses the following concerns:</p> <ul style="list-style-type: none"> • the scale and density of the proposed development is too large. • traffic and parking demand will increase in a congested area and no night-time surveys of parking were done. • no thorough contamination testing was done. • ratepayers should not have to maintain the seawall and foreshore when other foreshore developments are responsible for that in front of theirs. 	Response is provided in Items A, B, D, F and J above.

No.	Author	Summary of submission	Response
45	Individual	<p>The submission expressed concern about the proposed high density of the development, the retail / commercial component when there are other facilities that are not fully utilised, and traffic impacts.</p> <p>The submission requests that the Bayview Wharf ferry be re-opened and bus services be reviewed.</p>	Response is provided in Items A, B, C and I above.
46	Individual (1 of 2)	The submission objects to the development due to the current lack of parking in the area and traffic congestion, including at the Majors Bay Road centre.	Response is provided in Items B and D above.
47	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
48	Individual	The submission duplicates proforma letter #2	Refer to submission #44 above
49	Individual	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Height and scale of the proposed development is excessive and inconsistent with the surrounding area. • The assertion that the proposal will require minimal use of private vehicles is incorrect and naive. It will increase congestion and a shuttle bus will not be sufficient to cater for the population increase. • There is sufficient parking within the development and this will result in reduced on-street parking for existing residents. 	Response is provided in Items A, B and D above.
50	Individual (1 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
51	Individual	The submission objects to the proposal as it is excessive, will negatively impact the current tranquillity of the area, and increase congestion.	Response is provided in Items A and B above.
51	Individual (1 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
53	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
54	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
55	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
56	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.

No.	Author	Summary of submission	Response
57	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
58	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
59	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
60	Individual (2 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
61	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
62	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
63	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
64	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
65	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
66	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
67	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
68	Individual (1 of 2)	The submission expresses concerns that the proposed development will increase traffic congestion on Burwood Road, impact available parking and increase road safety risks.	Response is provided in Items B and D above.
69	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
70	Individual (2 of 2)	The submission duplicates submission #68	Refer to submission #68 above
71	Individual (2 of 2)	<p>The submission expresses concern about the following aspects of the proposal:</p> <ul style="list-style-type: none"> the conclusion that the standard amount of parking normally allocated to developments of this nature. findings in the traffic assessment that are contrary to parking on Burwood Road and down to the waterfront being insufficient. that the commercial development is a bonus for the area. the reintroduction of the ferry. 	Response is provided in Items C, D and I above.
72	Individual (1 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.

No.	Author	Summary of submission	Response
73	Individual	<p>The submission expresses the following concerns that the parking allocation needs to be doubled, specifically:</p> <ul style="list-style-type: none"> • The retail and restaurant will require more car spaces than proposed. • The 1-bedroom apartments have been allocated fewer car spaces than under Council rules. • Bus services are minimal on weekends, when residents rely on private vehicles. <p>The submission also expresses concerns about contamination issues relating to the Roasting Hall.</p> <p>The submission recommends another level of parking underground be included for commercial parking and visitors, and also reducing the number of trees in the internal parking areas.</p>	<p>Council has a target to achieve 25% urban tree canopy coverage, which is necessary to reduce urban heat and is a requirement under the Eastern City District Plan. To achieve this target, it is necessary to encourage mature trees wherever possible, including particularly in common parking areas.</p> <p>Response is also provided in Items D and F above.</p>
74	Individual	<p>The submission expresses concern that the height and density are too large and traffic volumes will increase.</p>	<p>Response is provided in Items A and B above.</p>
75	Individual	<p>The submission objects to the revised planning proposal, regarding:</p> <ul style="list-style-type: none"> • The inclusion of commercial/ industrial premises. • The increased height from 12m to 21m and increased FSR. • Lack of night-time studies/surveys of current parking spaces and road use given the current lack of on-street parking. • The exhibition occurring during school holiday and lodgement of a planning proposal to DPE that Council had not reviewed. 	<p>The planning proposal was approved as a Gateway Review by the State Planning Panel. Council was therefore not involved in the independent assessment approval process or the approval.</p> <p>The exhibition package was publicly exhibited from 10 June to 08 July 2022, in accordance with the requirements of the EP&A Act and the Gateway Determination. The school holidays ran from 4 July to 15 July 2022, representing an overlap with the exhibition period of 4 of the 28 days. This was considered acceptable.</p> <p>Response is also provided in Items A, D and I above.</p>

No.	Author	Summary of submission	Response
76	Individual	<p>The submission expresses concern about the following:</p> <ul style="list-style-type: none"> • The size of the proposal is too large. • It will have the environmental impacts from water run-off, heat generation and noise. • Traffic and parking demand will increase. • The amenity impact on Zoeller Street will be unreasonable. • The design is not sympathetic with the surrounding area. • Retention of the Roasting Hall for heritage reasons is absurd. • Lack of contamination testing. • Increased rates from gifting the foreshore parkland to Council. 	<p>Response is provided in Items A, B, E, F and J above.</p>
77	Individual	<p>The submission expresses the following concerns:</p> <ul style="list-style-type: none"> • The 5 and 6 story buildings across the foreshore, where the proposals states there are only 2 to 3 story buildings along the foreshore. • The number of apartments is not stated. • There will be less car parking than the recommended/benchmark levels and on-street parking be unmanageable. • Traffic load on Burwood Road, Zoeller St, and surrounding streets will be unbearable. • Security booth/ gatehouse and boom gates at the Burwood Road frontage appears contrary to the parkland being publicly accessible. • Dedication of the seawall and foreshore land to Council will be a burden on ratepayers forever. • Lack of clarity about where the proposed solar panels will be located and how much energy will they create. 	<p>The proposal proposes approximately 400 dwellings comprising terraces and Apartments, of which 10% will be as Affordable Housing. The Urban Design Report and the Concept Plan state that 384 apartments will be delivered.</p> <p>The Urban Design Report states that <i>“It is particularly important to learn from the mistakes of the past where waterfront developments have created internal “gated” communities and poor quality, isolated areas of public foreshore land”</i>. The Planning Proposal is not proposing the development to be a ‘gated community’. The Urban Design Report states that <i>“The site presents an ideal opportunity for place-led renewal in order to create a publicly accessible waterfront destination for locals providing daily needs and amenity, as opposed to continuing a pattern of largely private, gated enclaves with little public benefit.”</i></p> <p>The location of solar panels will be assessed at Development Assessment (DA) stage.</p> <p>Response is also provided in Items A, B, D, H and J above.</p>

No.	Author	Summary of submission	Response
78	Individual (2 of 3)	<p>The submission expresses concerns that there are no binding and enforceable measures to address the traffic impacts on local roads and streets.</p> <p>The submission also expresses concern that the proposal is not consistent with the Gateway determination condition of 31 October 2021 that required the Transport Impact Assessment to reflect the current proposal, which increases the number of dwellings from 384 apartments to approximately 400 and includes 10,000sqm of non-residential uses.</p>	Response is also provided in Item B above.
79	Individual	The submission expresses concerns that the density is above normal, and regarding traffic congestion and parking for the commercial / retail component of the proposal.	Response is provided in Items A, B, and D above.
80	Individual	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • The proposed 1.25:1 FSR exceeds the 0.6:1 or 0.7:1 of other waterfront sites in the LGA, and the current industrial zoning FSR of 1:1, which is acceptable. • The 10,000 sqm of commercial / retail space is in addition to the proposed 368 units. • The 793 car spaces will need to be located in a substantial basement in order to retain the Roasting Hall, there is no street parking within the new development, and the internal roads are not wide enough. • The Roasting Hall is not a heritage building but, if the hall is not retained, the 13-storey height limit and FSR will still be permissible. • The site will be car dependent and surplus cars will create congestion. • Residential buildings over 8 storeys should be no more than 750m from a rail station. • Gifting the open space to Council, including maintenance of the wall, means there is no private recreation space for residents. 	Response is provided in Items A, B, and D, E, H and I above.
81	Individual (1 of 2)	The submission supports submission #82	Refer to submission #82 below

No.	Author	Summary of submission	Response
82	Individual	<p>The submission expresses the following concerns:</p> <ul style="list-style-type: none"> • The scope is too large and not sympathetic with the area. • The proposed commercial space is not needed. • The statement that there is “ample on street parking” in the vicinity is incorrect, particularly at night-time and adding commercial will exacerbate the parking problem. • Re-claiming heritage land at the end of Zoeller St should not be permitted and is contrary to a Council resolution. • Heritage listing the Roasting Hall will not prevent its demolition, but the building height will still be permissible. • Donating the parkland, seawall and paths to Council transfers the maintenance costs to ratepayers. • Contamination testing has not been sufficient for the proposed underground carpark. 	Response is provided in Items A, B, and D, E, G, I and J above.
83	Individual	<p>The submission expresses the following concerns:</p> <ul style="list-style-type: none"> • The submission will create major parking problems, especially at night. • Solar provision is insufficient, construction of a beach is aspirational, soil sampling has been minimal, and asbestos is likely to be present on site. • The proposed height and density exceed what has been approved in the past. • There will be increased residential and commercial traffic and the existing roads are already congested. • Donation of land and the seawall to the public abrogates the developer’s responsibility for their maintenance. • Heritage listing is not appropriate and repurposing the Roasting Hall is unlikely due to contamination. 	Response is provided in Items A, B, D, E, F and J above.

No.	Author	Summary of submission	Response
84	Individual (1 of 2)	<p>The submission expresses concern about increased traffic, including trucks and especially during peak hour on Burwood Road generated by the increased residential, retail / commercial and light industrial. And the traffic study assumes fewer apartments than proposed (384 vs. approximately 400).</p> <p>There is also insufficient on-site parking, especially for the retail / commercial.</p>	Response is provided in Items B and D above.
85	Strata Plan 46633 within the Community Association of Pelican Point	The submission objects to the over-development of the site in comparison to other developments in the immediate vicinity, the worsening of traffic and parking issues, lack of reporting on parking at night-time, the “heritage” classification without due process, ratepayers having to maintain the foreshore where other developments maintain their own.	Response is provided in Items A, B, D, E and J above.
86	Individual	The submission expresses concerns that the proposed development is oversized compared to adjacent development, the traffic and parking demand that will be generated will be unreasonable, and the Roasting Hall does not warrant heritage listing.	Response is provided in Items A, B, D and E above.
87	Individual	<p>This is proforma letter #3</p> <p>The submission expresses concern about the size of the proposed development, traffic and local parking, heritage listing the Roasting Hall without thorough contamination testing, and the burden placed on ratepayers to maintain the seawall and foreshore.</p>	Response is provided in Items A, B, D, E and J above.
88	Individual	<p>The submission objects to:</p> <ul style="list-style-type: none"> the size of the development, which is out of character with the area and will create overshadowing. the roof top communal space will create overlooking and privacy issues. The lack of parking for visitors and the retail / commercial. Impacts on local traffic. Private funding of a shuttle and ferry services for 3 years. 	Response is provided in Items A, B, C and D above.

No.	Author	Summary of submission	Response
89	Individual	<p>The submission objects to the size and scale of the proposed development, especially noting the location at the end of a peninsular as it will generate increased traffic, rat-running and parking chaos.</p> <p>The submission also objects to an access roadway from Zoeller Street via Massey Park Golfclub and the passing on of costs to maintain the seawall and park to ratepayers.</p>	Response is provided in Items A, B, D and J above.
90	Individual	The submission expresses concern about the size of the proposed development and the increased traffic and congestion it will generate, and also opening up of Marceau Drive and Lyons Rd.	Response is provided in Items A and B above.
91	Individual (1 of 4)	The three submissions object to opening Marceau Drive to Crane Street as there are no footpaths in Marceau drive, the properties have covenants that prohibit front fences, the street is an established bike route, and it would create rat-running.	Response is provided in Items B above.
92	Individual	<p>The submission expresses the following concerns:</p> <ul style="list-style-type: none"> • Heritage listing the Roasting Hall does not limit its demolition of future development potential. • The heights and density are too high. • The traffic assessment underestimates the number of cars and likely impact. People will not use the shuttle. • Parking is insufficient, especially at night, and existing residents will lose amenity. • Providing public access to the water via steps, due to the sediment quality, contamination and rubbish in the water. <p>The submission supports the retention of mature trees, including the fig tree.</p>	Response is provided in Items A, B, D, E, F and H above.
93	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
94	Individual	The submission duplicates proforma letter #2	Refer to submission #44 above
95	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
96	N/A		

No.	Author	Summary of submission	Response
97	Individual (3 of 3)	The submission expresses concern about the size of the trucks that are likely to use the local roads to service the retail / commercial component of the proposal. It includes a .MOV file that shows a truck on Burwood Road.	Response is provided in Items B above.
98	Strata Executive Committee for DP 270058 at 164 Burwood Road, Concord	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • It is substantial over-development relative to other developments in the area and the heights are open-ended. • The commercial uses will generate problems. • Traffic and parking are a major concern, especially regarding visitor and commercial parking, and night-time parking on the local streets. • Classifying the Roasting Hall as “heritage” has not gone through due process and increases the permissible building heights without assurity it will be retained. • “Gifting” the foreshore land to Council ignores other developments that maintain their own foreshore • The secondary access road via Zoeller Street will occupy heritage and public land. • The extra parkland will increase local traffic and parking problems and it is not needed in this location. 	<p>The building heights will be limited to the maximum permissible building heights in the Canada Bay LEP. It is also recommended that the planning proposal be revised to ensure that the maximum building height of six-storeys will only be able to be exceeded if the Roasting Hall is retained, heritage-listed and adaptively re-used.</p> <p>Response is also provided in Items A, B, D, E, H, I and J above.</p>
99	Strata Committee – Strata Plan No 57914 - The Somerset, 162c Burwood Road, Concord	The submission expresses concern about the size and height of the proposed development, traffic and parking impacts, traffic safety, and the proposed public space which is not necessary.	Response is provided in Items A, B, D, H and I above.
100	Individual	The submission expresses concern about the proposed size of the development, traffic and parking impacts, and the proposed public space which will attract noise, access problems and vandalism and which is not necessary or positive.	Response is provided in Items A, B, D, F and H above.
101	Individual	The submission duplicates proforma letter #3	Refer to submission #87 above
102	Individual	The submission expresses concern about privacy and safety issues associated with high-rise apartments, overshadowing particularly of the submitter’s solar panels, traffic and parking impacts, and increased noise, pollution and other higher density issues.	<p>Provision and location of solar panels will be assessed at Development Assessment (DA) stage.</p> <p>Response is also provided in Items A, B, D and F above.</p>

No.	Author	Summary of submission	Response
103	Individual	The submission requests that the proposal not be supported due to traffic and parking impacts and concern that a heritage building may be destroyed.	Response is provided in Items A, B and E above.
104	Individual	The submission expresses concern about traffic impacts that will be created by the scale of the proposed development. The submission also includes proforma letter #3	Response is provided in Items A, B, D, E and J above.
105	Individual	The submission expresses concerns that the proposed number of apartments and commercial facilities is excessive, the impact on local traffic and on-street parking particularly at night-time will be highly negative, and the lack of significantly improved public transport with no ferry service proposed will be detrimental.	Response is provided in Items A, B, C and D above.
106	Individual	The submission expresses concern about the inclusion of commercial uses, the proposed height and density which is not consistent with the locality, proposed heritage listing, potential for asbestos in the Roasting Hall, traffic and parking impacts, and the proposed accessway on public and heritage land at the end of Zoeller Street.	Response is provided in Items A, B, D, E, F and I above.
107	Individual (2 of 2)	The submission duplicates #91 above	Refer to submission #91 above
108	Individual (2 of 2)	The submission duplicates #91 above	Refer to submission #91 above
109	Individual	The submission expresses concern about the impact on traffic, parking, the environment and that there will be a financial burden.	Response is provided in Items A, D, F and J above.
110	Individual (2 of 4)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
111	Individual	The submission lists the following issues for consideration: <ul style="list-style-type: none"> • The discrepancies in the number of units proposed and that the number in the concept plan and the VPA should be made to be the same. • Maintenance of the seawall should be the responsibility of the future residents and not as part of the VPA or an ongoing burden for ratepayers. • The value of the public park should be discounted in the VPA to offset the long-term maintenance cost. • There will be traffic and parking issues. 	Response is provided in Items A, B, D, H and J above.

No.	Author	Summary of submission	Response
112	Individual	The submission expresses concern about parking, the impact on the factory building as a landmark if it becomes one block amongst many, loss of solar access for existing residences, and the removal of the earlier condition to re-instate the ferry service.	Response is provided in Items B, C, E and F above.
113	Individual	The submission duplicates proforma letter #3	Refer to submission #87 above
114	Individual	The submission expresses concern about parking, traffic impacts and the scope of the proposal which is different to other development.	Response is provided in Items A, B, and D above.
115	York Building, Pelican Quays Strata Plan 62772	<p>The submission expresses the following:</p> <ul style="list-style-type: none"> • The scale of the proposed development is greater than previous developments in the area. • The proposed buildings on the eastern boundary are too high, too close to the boundary and will impact overshadowing and privacy of the adjacent existing development. • Rooftop living areas will also impact the privacy and peace of neighbours. • Traffic will increase. • Parking will become problematic, especially at night-time, and may result in other developments having to install gates. • Existing mature trees in the north-eastern corner and eastern boundary should be retained to retain privacy for neighbours and for birds. 	Response is provided in Items A, B, D and F above.
116	Individual	The submission expresses concern about the high number and scope of units, the scale of the commercial space, the impact on the natural environment, parking especially at night-time, traffic impacts and that there is no mention of the River Pool which will be built at Bayview Park, and lack of contamination testing for the Roasting Hall.	Response is provided in Items A, B, D, F and I above.

No.	Author	Summary of submission	Response
117	Individual (2 of 2)	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Increase in traffic on Burwood Road and generated by the retail / commercial component, including trucks. • A shuttle bus will not replace private car useage. • The proposed parking is insufficient, especially for the retail / commercial. • The Traffic Study differs in number of units and non-residential floor space to the proposal. 	Response is provided in Items B, C and D above.

No.	Author	Summary of submission	Response
118	Pelican Quays Community Association, 162 Burwood Road, Concord (DP270150)	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> Some of the Gateway conditions have not been met. The scale of the development compared with other developments in the area. The increase in the FSR from Council resolution of October 2019 and the unclear number of storeys. Rooftop communal areas will cause overlooking. Parking, especially at night. Traffic impacts, including on Zoeller Street. Loss of public golf course land to provide an internal accessway to Zoeller Street. The retail space may not be sustainable and will create noise. The parkland and seawall will be an on-going cost to ratepayer. The public park will add increased pedestrian and cycle traffic to the pathways owned and maintained by adjoining developments. The environmental testing is incomplete. Impacts on resident fauna have not been addressed, during and after construction. Lack of clarity about heritage status of the Roasting Hall and chimney, which could create uncertainty about height limits. <p>The submission recommends the DCP be amended to:</p> <ul style="list-style-type: none"> specify the number of storeys. prohibit rooftop living (private or communal). prohibit internal roads from accessing golf course land. increase security measures. prohibit pedestrian and cycle connectivity to the pathways that are owned and maintained by Pelican Quays (as these are too narrow). duplicate C23 for C24 for the eastern boundary and include not only “vegetation” but “trees” as well (in addition to C32). 	<p>Council Officers are satisfied that the Gateway conditions have been met. Several conditions required revisions to be made to the planning proposal prior to exhibition and two conditions required</p> <p>Revisions prior to finalisation. The planning proposal addressed all except one condition prior to exhibition. Following public exhibition, the planning proposal has been revised to also now include a revised Traffic Study to “<i>reflect the current proposal and following consultation with Transport for NSW.</i>”</p> <p>The planning proposal permitted to proceed to public exhibition following a Gateway Review by the State Planning Panel. This decision superseded previous resolutions of Council.</p> <p>The DCP has been amended to clarify the number of storeys, ensure communal rooftop areas do not overlook or impact on adjoining properties, and duplicate the landscaping requirements on the western boundary to the eastern boundary.</p> <p>The DCP General Control includes controls for crime prevention through environmental design.</p> <p>Response is also provided in Items A, B, C, D, E, F, H, I, J and K above.</p>
119	Individual	The submission duplicates submission #118	Refer to submission #118 above

No.	Author	Summary of submission	Response
120	Community Committee of Cape Cabarita Community Association DP270193	The submission expresses concern about the size of the proposed development, traffic, parking, remediation of site contamination, and the ongoing impact on ratepayers of maintaining the foreshore walk and seawall.	Response is provided in Items A, B, D, F and I above.
121	Individual	The submission expresses displeasure about the proposal due to associated traffic and parking impacts, possible re-opening of Marceau Drive, the size of the development, and uncertainty about who will fund the road improvements.	Internal roads and any external roads that form part of the development will be funded as part of the development. Response is provided in Items A, B and D above.
122	Individual	The submission objects to re-opening Marceau Drive as it is a bike route, there are no footpaths and there are safety risks. The submission also expresses concern about public transport and the traffic study. The submission also requests the traffic report be revised with respect to current conditions. The submission also includes 3x duplicates of proforma letter #1	Response is provided in Items B, C and D above. Refer also to submission #41 above
123	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
124	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
125	Residents of Marceau Drive, Ward Street and Durham Street	These submissions have been extracted and registered separately.	N/A
126	Individual	The submission also includes 6x duplicates of proforma letter #1	Response is provided in Items B, C and D above.
127	Individual	The submission objects to the proposal due to the size and density, commercial aspects and local impacts on traffic and parking.	Response is provided in Items A, B, D and I above.
128	Individual (3 of 4)	The submission objects to the scale, height and density of the proposed development.	Response is provided in Items A above.
129	Individual (2 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
130	Individual (2 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
131	Individual (2 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.

No.	Author	Summary of submission	Response
132	Individual	<p>The submission makes the following comments:</p> <ul style="list-style-type: none"> • The Arboricultural Report states that <i>Along the northern border trees are all large Eucalyptus species that appear to be in good health and condition. These trees are growing within the Golf Course and will be affected by the construction of a new road.</i> • The purported increase in canopy coverage to 25% cannot be verified, as the current baseline figure is unavailable and should be increased to 40%. • The planning proposal does not address fauna habitat or include a strategy for its enhancement. It should include a wildlife survey and measures to ensure the safety of legally protected animals. • The traffic study of private vehicle usage appears to be derived from one day's data in 2019, but Gateway condition 5.1 requires an update to reflect the 2022 planning proposal. • Re-opening Marceau Drive would degrade existing pedestrian and cycling infrastructure. • There is no evidence that the proposed shuttle bus will reduce private car usage. The cost would be better redirected into public transport. 	<p>Response is provided in Items B, C and F above.</p>
133	Individual	<p>The submission expresses concern about the size of the proposed development, traffic impacts, parking congestion especially in the evenings, overshadowing on the eastern boundary including of solar panels of adjoining properties, loss of privacy, noise, ongoing impacts on ratepayers to maintain the parkland and seawall, and increased pedestrian and cycle traffic to the pathways owned and maintained by the adjoining properties that are for pedestrians only and not bicycles.</p>	<p>The location of solar panels will be assessed at Development Assessment (DA) stage.</p> <p>Response is also provided in Items A, B, D, F and J above.</p>
134	Individual	<p>The submission expresses concern about traffic and parking impacts, contamination testing, problems associated with heritage listing the Roasting Hall, and maintenance of the seawall at ratepayers' expense.</p>	<p>Response is provided in Items B, D, E, F and J above.</p>

No.	Author	Summary of submission	Response
135	Oxford Strata Committee, SP57498	<p>The submission requests that Council refuse the planning proposal for the following reasons:</p> <ul style="list-style-type: none"> • The current proposal is the result of a Gateway Review rather than support of Council. • The density scale and height of the proposed development. • The unclear height limit, including no height limit for the roasting oven. • Traffic impacts. • Parking impacts, especially at night and including lack of service vehicle parking on-site. • Donation of the parkland to Council and maintenance by ratepayers, including for increase security and water quality. • Lack of consideration of education facilities. • The non-residential space will compete with other centres and will cause noise. • Lack of consultation with Aboriginal peoples, which is required. • Lack of reference to existing fauna on-site. <p>The submission objects to the rooftop communal areas due to privacy and overlooking.</p>	<p>The Gateway Review approved the planning proposal progressing to Gateway determination by the Department of Planning and Environment (DPE). Council Officers are satisfied the planning proposal has met the conditions of the Gateway Determination. Council has not been delegated authority to be the local plan-making authority.</p> <p>Response is also provided in Items A, B, E, F, G, I and J above.</p>
136	Individual	<p>The submission objects to the proposal due to the proposed density, impacts on water quality, parking impacts, and maintenance of the seawall by Council.</p>	<p>Response is provided in Items A, D, F and J above.</p>
137	Individual	<p>The submission expresses concern about the proposal for the following reasons:</p> <ul style="list-style-type: none"> • The size and inconsistency relative to the area. • Dedication of public open space to Council given the uncertainty about contamination and necessity for more open space, and cost to ratepayers. • Inadequacy of the traffic assessment. • Issues with the proposed shuttle bus. • Reliance on car-share. • Potential re-opening of Marceau Drive. 	<p>Response is provided in Items A, B, C and F above.</p>

No.	Author	Summary of submission	Response
138	Individual	The submission expresses concern about the proposed commercial / light industrial space, height and density, retention of the Roasting Hall which has no heritage significance, proximity to Duke Avenue properties and height of adjacent buildings, traffic and parking issues including insufficient parking, and opening of Zoeller Street. Also impacts including overlooking, loss of privacy, overshadowing, loss of light.	Response is provided in Items A, B, D, E, F, H and I above.
139	Individual (1 of 2), Individual (1 of 2)	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
140	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
141	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
142	Individual (2 of 2), Individual (2 of 2)	The submission duplicates submissions #139	Response is provided in Items B, C and D above.
143	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
144	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
145	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
146	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
147	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
148	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
149	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
150	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
151	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
152	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
153	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
154	Individual	The submission makes comments about the size of the proposal being ludicrous, out of proportion to existing developments, will set a precedent for future developments, and attract too many residents, visitors, vehicles and domestic animals. Also traffic and parking will be severely affected, and gifting the seawall will be a burden on ratepayers.	Response is provided in Items A, B, D and J above.

No.	Author	Summary of submission	Response
155	Individual	The submission objects to the proposed height which does not blend into the surrounding area, parking impacts, the visual impact on the area, congestion and traffic, and the huge increase in amenities that will be required (child care, schools, community facilities)	Response is provided in Items A, B, D and I above.
156	Individual	<p>The submission objects to the proposal due to the following concerns:</p> <ul style="list-style-type: none"> • The height and density which is not compatible with surrounding context. • Uncertainty about maximum number of storeys. • Traffic and parking, including that the report does not consider the increased commercial space, it says that recreational facilities will not require parking and it offers vague solutions. • The 0.2 car spaces per affordable dwelling is not consistent with the DCP's requirement that it be of the same standard and quality as market housing. • Parking figures are underestimated and over-flow parking will impact the local area. • Rooftop communal spaces will create overlooking and loss of privacy. • Giving the seawall to Council will create inequity. • The contamination studies are incomplete, especially in the park area. • Maintenance, security and waste collection will be an added cost to Council and ratepayers. • The adjacent foreshore pathways will get increased useage and add cost to the owners of those developments. • There is very little private open space. • 10,000m2 of non-residential space is possibly not viable and will create noise. • Aboriginal due diligence and consultation did not occur before public exhibition. • There has been no assessment of educational needs. • There has been no mention of impacts to the unique bird life and animals. 	<p>Waste collection is a normal function of Council and the cost is covered in general revenue.</p> <p>Response is also provided in Items A, B, D, E, F, G, H, I and J above.</p>

No.	Author	Summary of submission	Response
157	Individual (2 of 2)	<p>The submission objects to the following:</p> <ul style="list-style-type: none"> • The scope of the proposed development which will destroy the amenity of the area. • Road access to Zoeller Street is 'not on' and contrary to earlier land dedications. • There will be a massive increase in traffic. • There is currently no on-street parking, especially at night. • Retention of the Roasting Hall is questionable. • Contamination testing has not been sufficiently thorough, including for the proposed seawall steps. • Future residents will have no private open space. • There has been no consultation with Community Associations about the Sydney to Parramatta shared pathway. • Ratepayers do not need the burden of maintaining another general park. 	Response is provided in Items A, B, D, E, H and J above.
158	The Salvation Army (NSW) Property Trust	<p>The submission expresses concern that:</p> <ul style="list-style-type: none"> • the planning proposal has inadequately addressed the bulk, height & setbacks and will create visual, acoustic. • The commercial / retail operational impacts will need further assessment. • Vehicle and pedestrian access, and parking will need to be considered. • The flora & fauna need to be considered in greater detail. 	Response is provided in Items A, B, D, F and I above.
159	Individual (4 of 4)	The submission duplicates submission #128	Refer to submission # 128
160	Individual	<p>The submission expresses concerns about traffic, potential re-opening of Marceau Drive, the proposed building height, and noise during construction.</p> <p>The submission requests that:</p> <ul style="list-style-type: none"> • traffic flow one-way through the site, entering from Burwood Road and exiting into Zoeller Street. • there be restrictions on trucks parking on-street during construction. • Public transport be encouraged by eg. bike lanes. 	Response is provided in Items A, B, C and F above.
161	Individual	The submission expresses concern about parking impacts, lack of public transport, opportunity for reinstalment of a ferry, and traffic impacts.	Response is provided in Items B and C above.

No.	Author	Summary of submission	Response
162	Individual	The submission objects to the proposal due to the proposed bulk and scale, the commercial component, traffic and parking impacts, proposed heritage listing of the Roasting Hall, and cycleway along the foreshore.	Response is provided in Items A, B, C, D, E, H and I above.
163	Individual	The submission objects to the proposal due to the impact it will have on a quiet area, on-street parking by visitors, and overuse of the foreshore walkway.	Response is provided in Items A, D and H above.
164	Individual	The submission objects to ratepayers especially adjoining residents having to fund the upkeep of the foreshore, traffic impacts, and parking impacts especially after 5pm.	Response is provided in Items B, D and J above.
165	Lexington-New Hampshire Strata Committee, 20-32 Phillips Street, Cabarita	The submission expresses concern about the overall scope and size of the proposed development, the pressure on parking and traffic flow, and the provision of support services (water, gas, electricity, telecommunications and so on) which may not be able to be expanded to support existing and new residents.	<p>The following Government Agencies were consulted during the public exhibition:</p> <ul style="list-style-type: none"> • Ausgrid (no submission received) • Sydney Water (refer to submission #186) • Jemena (refer to submission #185) <p>Response is provided in Items A, B, D and I above.</p>
166	Individual	<p>The submission raises concern about:</p> <ul style="list-style-type: none"> • the disproportionately large proposed development and its inconsistency with the surrounding area, noting that the height was originally approved for the operation of the factory, not for residential uses. • Privacy issues for surrounding buildings will arise from the establishment of roof top communal areas. • the risks and costs associated with the Council accepting a “gift” of land from the proponent to Council. • lack of evidence of contamination testing for remediation. • traffic issues, including methodological errors in the traffic analysis, a privately funded frequent shuttle bus, and reliance on speculative transport options without detail. 	Response is provided in Items A, B, C, F and J above.

No.	Author	Summary of submission	Response
167	Individual	The submission objects to the density of the proposed development given its location and traffic difficulties, the proposed parking spots which should be 3 per dwelling plus commercial spaces, gifting of the foreshore to Council rather than treating its maintenance the same as adjacent developments, and the proposed jetty which is not needed in view of the Bayview Park ferry.	Response is provided in Items A, B, D, H and J above.
168	Individual	The submission expresses concern about the proposed number of apartments, changes to Zoeller Street, increase in noise, and parking impacts.	Response is provided in Items A, B and D above.
169	Individual	The submission objects to the scale and nature of the proposed development. The submission includes a duplicate of submission #166	Refer to submission #166
170	Individual	The submission expresses concern about: <ul style="list-style-type: none"> • The creation of a main entrance on Marceau Drive. • Traffic issues. • Opening of Marceau Road into Lyons Road West. • Privacy impacts from overlooking into private roof terrace. • The proposed density and number of apartments. • Parking issues. • Introduction of a large block of community housing. 	The proposed primary site entry is located at the intersection of Burwood Road and Marceau Drive, which is currently serviced by a roundabout. The location of this site entry and new road is supported as it assists in integrating the new development into the exiting street network and it provides new visual links from Marceau Drive to the Central Roasting Hall and a new direct connection to the waterfront. Response is also provided in Items A, B, D and I above.
171	Individual	The submission expresses concern about the density of the proposed development, the increase in traffic including along Zoeller St, potential re-opening of Marceau Drive, and parking impacts.	Response is provided in Items A, B and D above.

172	Bayview Action Group	<p>The submission raises the following concerns:</p> <ul style="list-style-type: none"> • Overdevelopment of the site (FSR of 1.25:1) relative to other medium density developments in the immediate area (0.75:1). • Parking issues, particularly lack of parking after 5pm, at night and on weekends. • The reduced parking requirement (short by 81 spaces) which will increase on-street parking demand. • The statement in the proposal that people will travel by bus but also that there will be a heavy reliance on vehicles. • Traffic issues, which are exacerbated by the two schools in the area, and the inability of the local road network to cope with the proposed additional apartments and non-residential uses. • The proposal to extend Zoeller Street regardless of previous Council resolution. • Handing the park over to Council to be responsible for its continual maintenance, security issues, and noise from park users. • Creation of the park in lieu of providing private open space. • Uncertainty about the VPA inclusions. • The height and scale of the development will detract from the heritage aspects of the Roasting Hall and is contrary to its significance as an example of the "Factory Garden Movement". • The Foreshore Building Line needs a greater setback to create a sensitive transition. • Uncertainty about the viability of the non-residential uses. • Lack of consideration of wildlife, including threatened and endangered species. • Insufficient contamination testing. • Lack of school capacity in the area. • Unreliable internet services. <p>The submission expressed concerns about consistency with the Gateway determination:</p> <ul style="list-style-type: none"> • Lack of consultation with the MLALC and local Aboriginals. 	<p>The Council resolution of 15 October 2019 was superseded by the Gateway Review by the Eastern City District Panel of 22 April 2020. Therefore, the previous resolution does not apply to the current iteration of the planning proposal.</p> <p>Council's DCP includes General Controls that are intended to manage waste and service vehicles, conflict between road users and pedestrians.</p> <p>DCP C51 has been replaced with C57, which, in addition to FSR controls in the LEP, is regarded as sufficient to ensure maximum permissible FSRs are not exceeded.</p> <p>DCP C36 and C64 have been replaced with a new C35 that states <i>"Consultation is to occur with the Massey Golf Course to determine if golf safety fences/ netting will be required to be constructed to protect people, vehicles and structures from potential stray golf balls. All fences would need to be of high design quality and visually unobtrusive."</i> The provision of a fence would be a consideration when a development application is submitted and where necessary may form a condition of development consent. This approach will ensure appropriate consideration is given to the safety of residents.</p> <p>Short-term accommodation is controlled under <i>State Environmental Planning Policy (Housing) 2021</i>. This is a statewide regulatory framework that has been developed to achieve a balanced approach for homeowners and visitors.</p> <p>Response is also provided in Items A, B, C, D, E, F, G, H, I, J and K above.</p>
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No.	Author	Summary of submission	Response
		<ul style="list-style-type: none"> Reliance on communal rooftop space to achieve solar access requirements for communal space. Traffic report pre-dating the planning proposal. Inconsistency with the Council resolution to limit encroachment of Zoeller Street accessway into Massey Park Golf Course. <p>The submission expressed concern about the draft DCP:</p> <ul style="list-style-type: none"> Inconsistency with Council resolution to limit FSR to 0.99:1. Inadequate setbacks for buildings. Uncertainty about service vehicle access. Secondary access via Zoeller Street (C4). Conflict between heavy vehicles, cars, pedestrians and cyclists (C6). Rebuilding the seawall with steps (C18). Uncertainty about Massey Park Golf Course fence (C35). Uncertainty about FSR (C51). Controls not applying to the building facing the golf course (C64). Uncertainty about who determines alterations to building layout (C89). Incompatibility of buildings surrounding the Roasting Hall, which is an example of the Factory Movement in the Garden setting (C109). Permissibility of short-term accommodation (C113). 	
173	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
174	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
175	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
176	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
177	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
178	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
179	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.
180	Individual	The submission duplicates proforma letter #1. Refer to submission #41.	Response is provided in Items B, C and D above.

No.	Author	Summary of submission	Response
181	Individual	<p>The submission objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • Overshadowing, particularly of properties to the east. • Construction that encroaches on the nature corridor from Burwood Road to the waterfront. • Environmental impacts, including strain on existing services, traffic, parking, and noise. • The proposed height and density, particularly on the eastern boundary. • Aesthetic considerations of high-rise apartments. • It will exacerbate the existing illegal parking, dumping, and road and pavement damage. <p>The submission also supports the submission the Bayview Action Group (#172)</p>	<p>Response is provided in Items A, B, D and F above.</p> <p>Council is currently working to introduce Design Excellence requirements into the DCP, as required by the LSPS. This will ensure that aesthetics and good design will be assessed as part of a future DA.</p> <p>Refer also to submission #172 above</p>
182	Individual (2 of 2)	<p>The submission raises concern about the condition of Council roads and inadequate maintenance, which will be exacerbated if the proposed development is approved.</p>	<p>Response is provided in Items B above.</p>

No.	Author	Summary of submission	Response
183	Biodiversity and Conservation (DPE)	<p>The agency states that the Flood Assessment Report does not include the information required to support the proposal and that an adequate flood assessment provides a comprehensive understanding of flood behaviour for both existing and developed scenarios, as well as the flood hazard and risk to people and property for a full range of floods up to the PMF event. However, the Report merely outlines existing flood behaviour.</p> <p>The flood assessment should identify and analyse:</p> <ul style="list-style-type: none"> the impacts of the proposed development on the flood behaviour and flood risk to the existing community. the impacts and risks of flooding on the development and its future users. how these impacts can be managed to minimise the growth in risk to the community due to the development. the emergency response issues and required management measures for the full range of flooding. <p>The Agency advises that a 'shelter in place' flood emergency strategy, as proposed, should not be considered for the new development as it intensifies risk to life and that the NSW State Emergency Service (SES) should be consulted in this regard.</p>	<p>The Flood Assessment Report has been updated following the public exhibition to show:</p> <ol style="list-style-type: none"> The difference between the existing and proposed building footprints during 1%AEP and the PMF storm event. Flood impacts to other properties based on the block and street pattern contemplated by the planning proposal. <p>The Flood Assessment Report has also been revised to include the minimum finished floor levels (FFL) for ground floor in each proposed building giving consideration to the 1% AEP plus 500mm freeboard. Council's flood engineers have advised that the draft FFLs are acceptable.</p> <p>A request for feedback was sent to the SES in response to the agency's concern about the proposed 'shelter in place'. The SES provided no submission. This will be further pursued with the SES should this Planning Proposal progress.</p>
184	NSW Environment Protection Authority	The agency has no comment on the proposal.	Noted
185	Jemena Gas Networks (NSW)	Jemena does not object to the development application, subject to there being no threats to the integrity of the Jemena assets during construction and operation of the development.	Noted
186	Sydney Water	<p>The agency recommends the proponent:</p> <ul style="list-style-type: none"> lodge a Feasibility as soon as possible for water servicing and wastewater servicing, in light of the potential for uplift and amplification of services to meet the future demand. approach Sydney Water for an updated capacity assessment. 	Noted

187	Transport for NSW (TfNSW)	<p>The agency has the following concerns:</p> <ul style="list-style-type: none"> • There will be a change in the level of service (LOS) for the southbound movement at the Burwood Road / Crane Street intersection during the PM peak from LOS C to D. This will result in a LOS F in 2036 of F, which is unacceptable. However, TfNSW does not support intersection interventions merely to benefit the viability of the proposed development. • 70% of the development's south outbound traffic will be using the Burwood Road/ Crane Street as their exit strategy. This is a potential issue for Burwood Road / Crane Street, as well as Broughton Street/Crane Street. <p>The agency makes the following comments:</p> <ul style="list-style-type: none"> • Further sensitivity testing is required with additional modelling at critical intersections and with displaced traffic re-assigned to adjacent intersections and all modelled for the future 2036 development year with full development in place. • More transparency is needed in regard to the proposed changes to the network operation (traffic signalling) at each intersection and a review of the modelling outcomes of those changes. The draft plan should not be finalised until the outcome of this additional modelling is known. • Clarification is required on the reason(s) for there being no assessment of the development's impact to the Parramatta Road/Burwood Road intersection, as this intersection is a key access point to/from the regional road network.. • There is opportunity to provide car-share within the site. • There needs to be substantiation of the statement <i>"With the development of the site providing convenient links to the existing walking and cycling network ... it is anticipated that there will be less reliance on private vehicles and a higher uptake of public transport and active transport modes of travel"</i> • Clarification is required in relation to future walking or cycling mode share targets proposed. The proposed target of 5% is relatively low and conservative and lower than the Sydney Greater Metropolitan region targets. 	<p>The Gateway determination required that, prior to finalisation, the planning proposal is to be revised to <i>update the Transport Impact Assessment to reflect the current proposal and following consultation with Transport for NSW.</i></p> <p>The proponent has been requested to update the Traffic Impact Assessment to address issues raised in the TfNSW submission and also by Council's traffic team.</p> <p>The Traffic Study has been revised and Council is satisfied that the revisions adequately address the submission by TfNSW and requested changes by Council's traffic team.</p> <p>Response is also provided in Item B above.</p>
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No.	Author	Summary of submission	Response
		<ul style="list-style-type: none"> • Clarification is sought in relation to the proposed shared pedestrian and vehicle zone, between the Bushells factory building and the foreshore, and how the proposed shared zone aligns with TfNSW's Cycleway Design Toolbox requirements and if it will resemble a quietway. Projects occupying/providing access to the foreshore will be required to allow public access to the foreshore and adjoining paths. • Clarification is required for the proposed shared path south of the Bushells building, specifically the extents and configuration of this path and if it can be changed to a separated facility. 	