

Appendix G – Public Submissions

The following tables provide an overview of the issues raised in the submission received in response to the re-notification of the amended application. Issues from the submission have been paraphrased/summarised.

Note, refer to the assessment report to the RPP meeting of 23 November 2017 for comment in relation to submissions previously made.

Issue / Concern	Planning Comment
Compliance with Planning Controls (LMLEP2014 and DCP2014)	The assessment under section 4 of the report highlights the development is contrary to a number of development standards and planning controls and is not supported.
Building Height	The assessment under sections 2, 3 and 4 identifies the proposed exceedance of the height controls is not supported.
Loss of views	The proposed development, excepting the exceedance of the maximum building height and setbacks generally aligns with the prescribed building massing. Therefore loss of views afforded to adjoining high density development is not unexpected, nor does it warrant a redesign on that basis.
Visual Impacts	The assessment under section 4 of the report highlights the undesirable visual impacts of the development within both the foreground and background.
Loss of vegetation	Assessment comment under section 4 raises no objection to the removal of vegetation contained within the development site. There are no significant trees on the site that require retention. The development does not however provide sufficient deep soil planting opportunities to accommodate planting and retention of large scale tree species.

Adequacy of car parking for commercial/retail units	The assessment under section 4 finds the development has a shortfall in car parking.
Impact of loading dock on Sharp Street streetscape and amenity of neighbouring properties	The amended plans detail an improved arrangement for the loading dock. Other aspects of the Sharp Street interface however are considered unsatisfactory, particularly with regard activation, streetscape improvements, interface of the podium, and impact of hard surfaces and limited landscaping.
Viability of the development (previously stated 150 units are required to make the project viable, with the current proposal proposing 140 units)	The viability of the development is not a matter for consideration under section 4.15 of the Environmental Planning and Assessment Act, 1979.
Access to basement car park, i.e. queuing capacity should a security grill be installed	The security door to the basement car park will likely cause congestion and conflict in Edgar Street/Herbert Street and is not supported.
Acid sulfate soils	The assessment raises no concerns with regard to acid sulfate soils.
Affordable housing	The development does not propose affordable housing. The development does provide a suitable mix of dwelling type, including one, two and three bedroom units.
Construction impacts and public safety	Construction impacts and public safety matters can usually be addressed through appropriate conditions of consent.
Impacts associated with increased traffic movement in the local streets	Council and the RMS raise no objection to the proposed traffic movements having regard to the local road network.

Increased overshadowing of buildings on southern side of Sharp Street due to the development contravening 22m height limit	Section 4 of the assessment report identifies the inadequacy of the solar access diagrams provided, and hence the inability to thoroughly assess the impacts of the development. The assessment identified the proposal has solar access impacts, Although the application provides lack of vertical solar access diagrams, there being no comparison of shadows from a compliant development and the proposal, and hourly shadow details between 9am and 3pm makes it difficult to quantify the solar access impacts to the Lake foreshore and adjoining development.
Amenity Impacts (privacy, loss of views) to residents on southern side of Sharp Street due to the development contravening the 22m height limit	The development is compliant for building separation with external high density development to the south. The building massing is generally consistent (excepting height) with the block controls under section 10.2 Belmont Town Centre Area Plan of DCP2014. Therefore having regard to the above, the proposal is not considered to have significant impacts in terms of privacy and loss of views afforded to adjoining high density development. Note, some privacy impacts are expected in relation to adjoining low density development. Sections 2, 3 and 4 of the assessment report provide additional comment on this matter.
Reliance of clause 4.6 submission on a document the status of which is unclear - 'Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont' in relation to LMLEP2014 and DCP2014	The assessment under sections 2, 3 and 4 identifies the proposed exceedance of the height controls is not supported.
Justification of the proposed height relative to the Belmont Tower, a 1960s relic which displays poor urban design, inappropriate scale and severe amenity impacts for surrounding development and the Lake foreshore	The height of the development is not supported. Sections 2, 3 and 4 of the assessment report provide further detail regarding the exceedance of the maximum building height limit under LMLEP2014 and the relationship with the adjoining built environment.

The alliterative reference to the ‘missing middle of the Belmont bump’ and its attempted justification of the contravention of the height limit on the basis of ‘bookending’ with Belmont Towers is disingenuous treatment of such a serious consideration	The height departure is not supported within the assessment report. Sections 2, 3 and 4 of the assessment report provide further assessment of the exceedance of the maximum building height limit under LMLEP2014 and the relationship with the adjoining built environment.
The development site is a prominent location on the Lake foreshore and within the local streetscape, as such the building will be a landmark. Therefore in the absence of floor space ratio limitation in the LEP to otherwise control intensity and dominance of development, the height limit is critical to control the impact and transition of built form.	LMLEP2014 has not adopted clause 4.4 Floor Space Ratio of the standard instrument as a means of determining density. Therefore, greater weight should be given to compliance with development standards and planning controls as the means of determining the appropriate density of a development. Consequently, as the development has been identified to be non-compliant in a number of areas of its design, it is apparent it is an over development of the site. Sections 2, 3 and 4 of the assessment report provide further detail regarding matters of compliance with the development standards and planning controls having regard to density.
Compliance with the height limit has not been demonstrated as unreasonable nor unnecessary and is not in the public interest considering the demonstrable adverse impacts of the two additional floors and having regard to other recent developments (Santorini, Deck Apartments, Wharf Apartments and Belmont Central Apartments) which comply with the height limit	Council’s assessment of the clause 4.6 submission determines the variation to height should not be supported. Sections 2, 3 and 4 of the assessment report provide further detail.

Accessibility of visitor parking spaces

Visitor car parking is provided in the basement car park, as co-use parking with the commercial units. The parking spaces are accessible from the Edgar Street / Herbert Street roundabout, via a ramp with a remote controlled door.

Details are lacking as to the operation of the remote controlled door access, and therefore concerns exist as to potential impacts on the adjoining road network, as well as providing accessibility to visitor parking spaces within the basement.
