

Appendix G – Public Submissions

The following tables provide an overview of the issues raised in response to the advertisement (20 May to 21 June 2017) and separate notification period (10 to 21 November 2017). Issues from the submissions have been paraphrased/summarised and collated.

Issue / Concern	Planning Comment
Out of context with foreshore and Warners Bay	The development has been assessed against the LEP2014, DCP2014 (including the Warners Bay Town Centre Area Plan), and the ADG. The development has been found to generally comply with the planning controls, the zone objectives, the desired future character and built form/envelope. The various planning controls require consideration of the context of the foreshore and built context of the Town Centre and adjoining buildings. It has been adjudged by Council's development planning and strategic planning staff as being satisfactory, as has the DRP. Detailed assessment of the context of the proposed development in relation to the Town Centre is provided in sections 2, 3, 4 and 6 of the assessment report.

Impact on views	The development will impact on lake views from the adjoining Sheer Water development, and potentially other residential development to the south-east. Views from some of these existing developments will be retained to the north-west and south-west, however views directly over the development site will be lost. In terms of the lost views, it is recognised that units on the Howard Street elevation of the Sheer Water development were purchased based on the views afforded. These views are currently unimpeded, although the Units are not presently occupied. As detailed in section 6 of the assessment report, the development generally conforms to the planning controls under LEP2014 and DCP2914, particularly the desired future character and block controls under the Warners Bay Town Centre Area Plan.
Impact on solar access	Refer to discussion under section 6 of the assessment report which outlines the compliant solar access under the ADG to the proposed development and existing development to the south.
Loss of amenity through lack of separation, bulk and scale, noise, lighting	Refer to discussion under sections 3, 4 and 6 of the assessment report that outline the developments compliance with development standards and planning controls of the LEP2014, DCP2014 and the ADG. In particular, the DRP has reviewed the building separation and provided guidance for the development in respect to building separation. The applicant has provided revised plans that seek to address concerns regarding building separation.

Traffic impacts in terms of congestion and parking within the road network	The development generally conforms with the desired future character and planning controls for the Warners Bay Town Centre Area Plan. It is recognised that additional traffic will be introduced to the locality, however likely increased patronage of public and alternative transport means will potentially alleviate some impacts. Note the planning controls considered the implications of increased development when being drafted, consequently the proposed built outcomes have somewhat been anticipated. Further, the development meets the planning controls under the Warners yet does not develop to the full potential of the permitted building envelope. Hence the development will likely generate less traffic than could be undertaken. In terms of impacts, the proposed development is supported by the RMS.
Non-compliance with planning controls (LEP2014 and DCP2014) ie. height, setbacks, deep soil planting, block planning controls	Refer to discussion under Sections 2, 3, 4 and 6 of the assessment report. These sections include an assessment against the LEP2014 height controls (including a clause 4.6 submission), the Warners Bay Town Centre Area Plan block controls under DCP2014, an assessment against the ADG and a review of the design by the DRP. The conclusions drawn from the above is the development generally conforms to the bulk and scale as permitted, incorporates sufficient landscaping and deep soil zones, and the block controls under the Warners Bay Town Centre Area Plan in terms of streetscape activation, site layout, and external design.

Bulk and scale is out of context and does not transition nor provide visual relief along the Esplanade

Refer to discussion under Sections 2, 3, 4 and 6 of the assessment report.

These sections include an assessment against the LEP2014 height controls (including a clause 4.6 submission), the Warners Bay Town Centre Area Plan block controls under DCP2014, an assessment against the ADG and a review of the design by the DRP.

The conclusions drawn from the above is the development generally conforms to the bulk and scale as permitted, has been designed to provide an aesthetically pleasing exterior and is in context with the desired future character.

Lacks arborist report to address removal of native trees

The proposed development seeks to remove all existing vegetation on the development site. The outcome is consistent with the Warners Bay Town Centre Area Plan under which the block controls provide for a 100% site coverage at the ground level.

Therefore, the block controls permit the removal of all existing vegetation from the development site, inclusive of native vegetation.

Consequently, Council did not see the benefit or purpose of requiring an arborist report for the removal of the vegetation if its removal is supported by the recommended built outcomes. Note, arborist reports are generally required where the condition and health of a tree is to be assessed to determine whether it can be retained.

Decision should favour the local not foreign investment

The applicant being YPI Yahov Property Investments (Warners Bay) Pty Ltd is also the land owner. The company is a subsidiary of BLOC (ACT) Pty Ltd, which states on its website:

BLOC is a project delivery, planning and construction firm originating from Canberra. With operations in ACT, NSW and Queensland BLOC specialises in high-end residential commercial and retail spaces.

Consideration of whether the applicant/owner is foreign owned is not a matter under the Environmental Planning and Assessment Act, 1979.

Inadequate traffic assessment of Howard Street

The development proposes access of Howard Street, which is supported by the RMS. Note, the RMS stipulates that access where available be via a secondary street as opposed to a classified road.

Access to the development has been assessed as complying with manoeuvring under the Australian Standards.

Provision for construction workers parking

Car parking by construction workers is subject to parking regulations within the locality. Any parking associated with construction workers that is located offsite cannot be controlled/managed through any development granted.

A condition can be imposed requiring the applicant to provide a car parking management plan for the construction phase which can include information to workers regarding options for public transport, and alternative means of transport such as share riding and bicycle.

Note, anecdotal observations of car parking impacts from the construction of the Sheer Water development (corner of King Street and Howard Street) within the Warners Bay Town Centre have not been noticeably different to 'normal' arrangements.

The developer should be required to extend timed parking restrictions

The development has three road frontages being Howard Street, The Esplanade and King Street. Presently there is no kerbside parking in King Street, whilst kerbside parking in Howard Street will be removed to provide for an extended kerb (blister) and a loading/unloading zone. The parking in The Esplanade will be slightly adjusted to provide for improved streetscape landscaping.

Timed parking restrictions are a matter for consideration (and approval) by Council's Traffic Facilities Committee. Any consent granted can only refer such a request for consideration of timed parking restrictions to the Committee.

The development should provide the required commercial parking

An analysis of the car parking provision for the commercial component is provided in Sections 5 & 6 of the assessment report.

Part of the analysis included a review by Council's strategic planning department which acknowledged the deficient parking provided for the commercial and residential visitor components. The shortfall was considered acceptable subject to the owner/operator of the development demonstrating suitable measures to manage demand for the commercial/visitor and provision of bicycle and motor bike parking.

Excessive parking for residential units considering proximity of bus interchange and shopping facilities

An analysis of the car parking provision for the residential component is provided in Sections 5 & 6 of the assessment report.

Part of the analysis included a review by Council's strategic planning department which acknowledged the excess parking provided for the residential component. The exceedance was accepted based on market demands and ensuring suitable outcomes for the commercial and visitor parking, and bicycle and motor bike parking.

Bicycle and motor bike parking to be provided	Motor bike parking and bicycle parking have been proposed within the basement car parking. A condition can be imposed requiring construction details to be submitted to Council for approval prior to release of the construction certificate ensuring compliance with DCP2014.
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Communal areas to have hours of use restricted

The communal area for the development incorporates both active and passive spaces. The space includes a gym and swimming pool but no bbq.

Adjoining the southern boundary is a deep soil zone. This deep soil zone was formerly planned as a bbq area when the application was lodged, but has since been removed.

Details for the regulation of use of the communal space by residents has not been referenced in the application. Council can stipulate hours for use of the space, however noting the impacts from its use will just as much impact on internal residents as they will on external residents it is considered the communal space will be effectively be managed.

Presently the development does not include strata titling, therefore responsibility for management of noise is the responsibility of the owner. Should the development later be strata titled then the body corporate would be responsible for managing noise, which in the instance of a development of this nature would incorporate by-laws for noise related activities within the communal space.

Additionally the Protection of the Environment Operations Act 1997 provides the necessary protections and compliance measures in relation to offensive noise.

Construction work and hours to minimise disturbance to adjoining residential development

Inconvenience to adjoining property owners and occupants (business and residential) is expected throughout the construction phase. Council's standard practise is as follows:

- The construction works will be subject to standard work hours as stipulated by the NSW Industrial Noise Policy.
- Additionally noise generated by work activities will be also be regulated by the NSW Industrial Noise Policy.
- A condition can be imposed requiring a construction noise management plan as prepared by a suitably qualified acoustic consultant. The management plan will identify works practices associated with the construction, the most vulnerable properties and commercial businesses/residential dwellings in relation to construction work impacts, and recommend measures to ameliorate the impacts.

The construction noise management plan can also review demolition works.

- The construction noise management plan would need to be submitted to Council for approval prior to release of the construction certificate. A condition can be imposed that no works, including demolition can commence prior to the issuing of a construction certificate.
- The consent can also stipulate regular communication (newsletters) to adjoining property owners, provide a single point of contact for complaints and queries, and advance

	notification of particular (noisy) work activities to allow residents to temporarily relocate.
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