

## Summary of objections and Council officer's response

### 1 Objections

- 1.1 In response to the public notification, 2 submissions were received objecting to the proposal. One objector adjoins the development site. The other submission was made on behalf of a resident located on the opposite side of Olive Street. The map below identifies the location of the objectors' properties.



★ Objector's properties

- 1.2 The main grounds for concern relate to noise, dust, asbestos, building separation and potential site isolation. The following comments are provided in response to the concerns raised:

**a. The following concern was raised on behalf of the residents at 20 Olive Street**

**Demolition**

*The houses to be demolished are likely to contain asbestos fibre. Our children are cared for by their grandparents in Olive Street. We therefore request that a condition be imposed on any development consent requiring that the developer notify adjoining and nearby properties 7 days before the demolition is done.*

### Town planning comment:

- Standard demolition conditions, including suitable conditions to ensure all asbestos removal is undertaken in line with EPA and WorkCover requirements, will be included in any consent granted.
- A condition will also be added, requiring that all adjoining and nearby neighbours (including the owners of 20 Olive Street) be notified of the proposed demolition works at least 7 days prior to work commencing.
- Prior to the issue of a Construction Certificate, a final validation report from a suitably qualified environmental consultant must be lodged with Council stating that the land is suitable for residential use. This will be addressed as a condition of any consent.

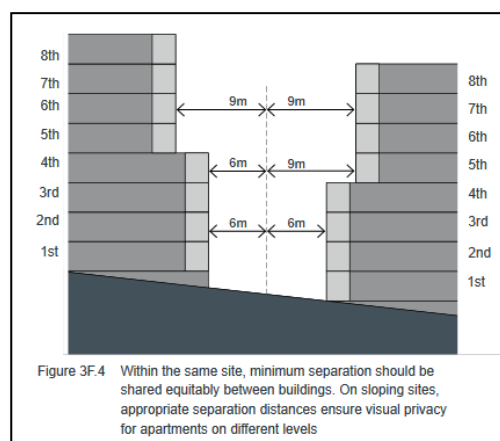
### b. The concerns below were all raised by the adjoining neighbour at 12 George Street

#### Building separation

*The building requires a 9 m setback because it is 5-8 storeys in height. The proposal, however, only provides 6 m setbacks. The proposed development will impact on our privacy (i.e. the 2 storey dwelling at 12 George Street). A 9 m setback should be provided at all levels. This will ensure adequate privacy to us.*

### Town planning comment:

- The Apartment Design Guide (ADG) states that the minimum separation distances for buildings up to 4 storeys is 12 m between habitable rooms/balconies, and for buildings 5 to 8 storeys is 18 m between habitable rooms/balconies.
- The minimum building setback to a side or rear boundary is half of the building separation requirement. The minimum side and rear setback requirements for this development are therefore 6 m for the first 4 storeys and 9 m for the upper storeys.
- An 8 storey building, however, is not required to provide a 9 m setback at each level. Instead the separation requirements increase proportionally to the building height as shown in the diagram below.



- Apart from some minor encroachments, the proposed development complies with the building separation/setback requirements of the ADG as discussed under Section 8 of the report.
- Where a non-complying setback has been provided to a balcony, we are recommending that suitable screen or planting be provided. The requirement for suitable privacy screen and plantings within the proposed planter boxes will be addressed as a condition of consent.
- The rooftop open space has been designed with a non-trafficable area around its perimeter to prevent occupants and visitors from gaining access to the edge of the building where overlooking opportunities are the greatest. Conditions will also be imposed limiting the use of the rooftop area to 7 am to 8 pm, 7 days a week, to further protect the adjoining neighbour's amenity.

**c. Plant room location**

*A plant room is located in the south-east corner of the development adjacent to our 2 storey house at 12 George Street. Since this will be running 24/7, the noise generated by this will greatly affect our peace. It is requested that this be relocated within the complex or underground with suitable noise control measures.*

**Town planning comment:**

- The proposed plant room is located within the first basement car parking level and will not have any impact on the adjoining property. The main mechanical sources associated with the development will include the external air conditioning condensers and the carpark exhaust fan.
- As these mechanical plant items have not yet been selected, and a detailed review of all external mechanical plant is to be undertaken at the Construction Certificate stage (i.e. once plant selections and locations are finalised). Standard acoustic treatments, such as noise screens, enclosures, in-duct treatments (silencers/lined ducting) or similar, can then be determined and applied at this stage. It is recommended that appropriate conditions be imposed on the consent to address these matters.
- Prior to the issue of an Occupation Certificate, an acoustic verification report will also be required to confirm that all of the plant and equipment satisfies the relevant noise emission criteria in accordance with the NSW Environment Protection Authority's *Industrial Noise Policy*. This report is to be prepared by a suitably qualified acoustic consultant and is to test all plant and equipment while running at full capacity during the day, evening and night periods. This will be conditioned on the consent.

**d. Site isolation**

*The Statement of Environmental Effects indicates that "In the interest of avoiding site isolation of No 12, representations were made to the owners of this property with an expression of interest to purchase and incorporate it within the subject development site. A valuation report was prepared and offers above the property value were made to the owners of No 12. ...".*

*The developer, however, only offered compensation purely for the land value. We (the owners of the adjoining dwelling at No. 12 George Street) were prepared to negotiate to arrive at a reasonable settlement which would have allowed relocation to an equivalent house in an equivalent suburb. This development is going to isolate our house at No. 12 George Street.*

**Town planning comment:**

- The applicant has demonstrated that negotiations to acquire the adjoining property at No. 12 had been attempted and had not been successful. A review of the written correspondence made between February 2015 and May 2016 demonstrates that the offers made to the owners were above market value and that the final offer was higher than any other nearby sale. The owners of No. 12, however, were not prepared to settle as they considered the amount being offered would not allow them to repurchase an 800 sqm lot within 0.5 km-1 km from a railway station and shopping centre. As such, an agreement could not be reached between the developer and the owners of No. 12.
- The applicant has also satisfactorily demonstrated that the adjoining site will not be isolated as a result of this development, as redevelopment with the townhouse development at 14-18 George Street is an alternate and feasible option. This is even more likely now that the NSW Department of Planning and Environment has announced Seven Hills as a Priority Precinct due to its potential for future residential development within proximity to key public transport networks.
- On the merits of the application the proposal is therefore considered satisfactory. This issue is discussed further in Section 8 of the report.

**e. Noise and dust**

*Adequate noise and dust controls should be enforced during the construction period.*

**Town planning comment:**

- Appropriate dust suppression measures must be incorporated into the site works process to ensure that adjoining properties are not negatively impacted upon by dust generated from the development site.
- Standard conditions will be imposed on the consent to ensure that any objectionable noise, dust, vibration or other emission from the development works do not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.
- The hours of any offensive noise-generating development works will be limited to between 7.00 am and 6.00 pm, Monday to Friday and 8.00 am to 1.00 pm, Saturday. No noise-generating work will be permitted at any time on Sunday or a public holiday.
- Should Council receive any complaints regarding non-compliance with any of these matters, Council will fully investigate the complaint and pursue an appropriate course of action.