

RESPONSE TO OBJECTOR TOWN PLANNERS' SUBMISSIONS DATED 04/04/19: AMENDED DA 272/19 - 49 BEACH RD, BATEMANS BAY

Issue raised	Response
<p><u>Inconsistent details</u></p> <ul style="list-style-type: none"> The SEE states there is an up to 3.4m height exceedance of the building height development standard (29.56% variation), while drawing A.4004 shows a maximum height of RL16.05 and a natural ground level of RL1.75, resulting in a 14.3m maximum building height (2.8m exceedance). Drawing A.4004 shows podium levels 1.5m above NGL, whereas the proposed basement shown on Drawing 2001 extends 2.043m above NGL. This drawing also provides an approximate NGL of RL 1.75 (not the actual survey level of existing NGL). 	<ul style="list-style-type: none"> The approximate NGL of RL1.75 shown on the '<i>Height Principles Diagram</i>' (A.4004) was taken from the south-western and eastern part of the site, but levels across the site range from around RL1.0 to RL2.3. The '<i>Height Exceedance Diagram</i>' (A.4003) provides a clearer understanding of the relationship between NGL and overall building height – as the site is not flat, one section cannot speak to the height exceedances across the site. The '<i>Height Principles Diagram</i>' (A.4004) is indicative only, to demonstrate the typical relationship between the FPL and maximum building height in principle, with the actual NGL varying across the site as per the site survey.
<p><u>Clause 4.6 Variation Request</u></p> <ul style="list-style-type: none"> Proposed exceedance is beyond intent and purpose of CI 4.6 and should be supported by a Planning Proposal Variation Request should address DPE 2011 Guidelines, relevant LEP provisions and recent LEC decisions In <i>TK Commercial Property Holdings Pty Ltd v Canterbury-Bankstown Council [2017] NSWLEC 144</i>, the Court found that contravention of the FSR development standard was not justified in circumstances where the site was not constrained. The same conclusion is appropriate in this instance We have not identified any LEC decisions which support a large departure from a development standard of the kind proposed here – reference to 'gross exceedance' in <i>Jubilee Properties v Warringah Council [2015] NSWLEC 1042</i> Variation Request primarily relies on flooding to justify exceedance Proposed height out of character with existing and future development, including as envisaged under the Greater Batemans Bay Structure Plan (GBBSP) which recommends maintaining a 2-storey building height restriction on the water side of Beach Road. The proposal far exceeds the envisaged height restrictions, the rhythm of development and is generally inconsistent with Council's desired future character for the site to 2031. 	<ul style="list-style-type: none"> A Planning Proposal is not considered necessary or appropriate as the proposed development is consistent with the LEP zone and building height objectives, as outlined in the amended Variation Request. The Variation Request has been prepared in accordance with DPE Guidelines and, more importantly, the legislative requirements of Clause 4.6 and recent decisions of the NSW LEC. Of particular recent relevance are the decisions of Dixon SC in <i>Brigham v Canterbury – Bankstown Council [2018] NSWLEC 1406</i> and of Preston CJ in <i>Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118</i>, which both provide a clear outline of the matters required to be demonstrated by Clause 4.6, including the structure of such requests. The LEC decision in <i>TK Commercial Property Holdings</i> related to breach of the FSR development standard in unique circumstances involving new development associated with an existing RFB which was reliant upon existing use rights. A key factor in this decision was the unreasonable amenity impacts resulting from the non-compliances. In the current situation, the non-compliant buildings are located centrally within the site and do not result in unreasonable amenity impacts upon any nearby development. In <i>Jubilee</i>, the proposed development in question exceeded the building height development standard by <u>more than 100%</u>. We do not agree that proposed exceedance <u>up to</u> 29.56% is a 'gross exceedance'.

<ul style="list-style-type: none"> ▪ The suggestion to raise all future redevelopment south of the site by 1.5m to mirror the proposed podium is unsustainable and would be completely out of character with the existing and future area settlement patterns. ▪ Variation Request envisages adjoining development to the south being redeveloped with 6m setbacks, however these lots are constrained by shallow depths ▪ Exceeding the building height development standard in order to accommodate an additional storey is not sufficient planning justification ▪ The car park must be counted as an additional storey as it extends more than 1m above existing ground level. The elevated podium results in development across 60% of the site that reads as up to five storeys, inconsistent with the intent of the 11.5 m height control. ▪ Proposed variation should be supported by a comprehensive view loss analysis. ▪ Public interest benefit not adequately demonstrated e.g. no demonstration of public advantage resulting from the non-compliance nor any major commitments made 	<ul style="list-style-type: none"> ▪ There are numerous recent LEC decisions where significant exceedances of the building height development standard, above what is currently being proposed, have been supported. Of particular note is the LEC decision in <i>Initial Action Pty Ltd v Woollahra Municipal Council [2019] NSWLEC 1097</i>. The site the subject of the appeal (located in Sydney's Double Bay) is zoned R3 Medium Density Residential, with a maximum building height development standard of 10.5m and an FSR of 1:1. The Court agreed to vary the building height development standard by allowing a maximum height of 16.3m (55% departure), with an FSR of 0.91:1. ▪ The amended Variation Request does not seek to rely on the necessary raising of the proposed development above the FPL as a justification for exceeding the building height limit. ▪ The 2-storey height restriction envisaged in the 2007 GBBSP is not a contemporary indication of the area's desired future character. The 2012 LEP has since placed an 11.5m height limit over the site and surrounding area. ▪ Zoned R3 and subject to a maximum permissible building height of 11.5m, it can be anticipated that the adjoining land to the south will be redeveloped in a medium density urban form in accordance with the zone's objectives and height limit. Due to the size and depth of many of these adjoining lots, lot amalgamation would likely occur to maximize redevelopment potential. Any future developments on adjoining land to the south would need to be elevated above flood level. ▪ The LEP building height standard relates to building height in metres rather than storeys. ▪ A revised view loss assessment has been prepared and additional consideration of visual impacts has been provided in the amended documentation, as discussed below. ▪ The Variation Request is not required to demonstrate that the non compliance results in a public benefit [refer to Clause 4.6(5(b))].
<p><u>Local Strategic Planning Statement (LSPS)</u></p> <ul style="list-style-type: none"> ▪ Given the site's size and location and the extremely high exceedance of the building height standard being proposed, such widespread and wholesale 	<ul style="list-style-type: none"> ▪ Preparation of an LSPS is a matter for Council. Notwithstanding, as the proposed development is consistent with the LEP zone and building height objectives, the proposed exceedance can be dealt with by way of a Clause 4.6 Variation Request.

<p>changes should follow a strategic-led planning exercise. The most appropriate mechanism is the development of a LSPS.</p> <ul style="list-style-type: none"> In the absence of any Area Character Studies or Statements, development shall be consistent with the current planning controls, relevant structure plans and the current built form, subdivision patterns, geography and vegetation to complement the area's character. 	
<p><u>Built form and character</u></p> <ul style="list-style-type: none"> The LEC's "Planning Principle: Height, bulk and scale" assesses the appropriateness of a proposal's height and bulk against planning controls related to maximum height, FSR, site coverage and setbacks. The proposed development should address this principle. Proposed height, bulk, scale and density inappropriate and inconsistent with existing and future character of locality. The podium contributes excessive height, bulk and scale to the development Represents a significant overdevelopment of the site (reflected by the extent of the height exceedance) Development in 'Zone A' should provide sufficient setbacks, commensurate with that provided in 'Zone B', to preserve existing screening vegetation and residential amenity Size and layout of the proposed buildings creates a significant barrier between residential development to the south and the waterfront to the north Proposed layout does not reflect prevailing subdivision pattern and redevelopment of adjoining land is unlikely to result in similarly large blocks 	<ul style="list-style-type: none"> Having regard to the LEC's "Planning Principle: Height, bulk and scale", it is noted that the proposed 2 storey development along the site's southern boundary is below the prescribed building height limit and will be sympathetic in height, bulk and scale with the adjoining area's existing and desired future character. As a result of the stepping up in height of the site's proposed buildings from their 2 storey forms to the taller, centrally located buildings, the proposed development is considered to be compatible in height, bulk and scale with the locality's existing and desired future character. In addition, while the ELEG 2012 does not prescribe any statutory FSRs in the LGA, and therefore does not seek to quantitatively control building bulk and scale, it is noted that the proposed development has an overall FSR of 0.81:1. Such a density is not considered excessive for development in an R3 zone and could not be regarded as an over-development of the site. Of note, the LEC's "Planning Principle: compatibility in the urban environment" provides that, in an urban design context, the most apposite meaning of "compatibility" is "capable of existing together in harmony" and is therefore different to "sameness". Furthermore, it is considered that the granting of the SCC for the subject land by the DPE acknowledged the compatibility of the taller, centrally located buildings on the site with the locality's existing and desired future character. The raised podium enables carparking to be almost entirely concealed below ground, with the majority of the unbuilt-upon area able to be dedicated to landscaping and communal areas. This positioning of car parking underground facilitates the provision of residential apartments, seniors housing and ancillary facilities across the site in a landscaped setting largely free of exposed parking areas. It is submitted that the raised podium design, although contributing to the building height exceedances, results in a significantly enhanced visual amenity for the site compared with the provision of at-grade car parking across the site and therefore justifies contravention of the development standard.

	<ul style="list-style-type: none"> As mentioned above, any future redevelopment of adjoining land to the south, in accordance with the R3 zoning, would likely involve lot amalgamation to maximize redevelopment potential.
<p><u>View & Visual Impact</u></p> <ul style="list-style-type: none"> The applicant focuses primarily on the aspects of the development itself rather than the effects and impacts of the proposal on the quality and significant of views. Identifying opportunities to modify the scheme (particularly regarding the massing and form) to mitigate these impacts would typically be expected from a detailed and accurate visual impact assessment. The proposal locates extensive building envelopes along the southern boundary of the site (in place of vegetation and open space areas which currently provide an amenity buffer). Most of the non-compliant buildings will be readily visible from surrounding areas A detailed visual impact assessment should be provided which considers the proposed building envelopes for all buildings The View Analysis contained within the Amended Architectural Plans has not been provided The proposal does not adequately address view loss to the natural environment from adjoining development and the public domain Separation distances between the monolithic buildings create acute viewing angles, from a very small percentage of the site when looking north only. Outside of these acute angles, all views to the bay are obscured by continuous built form. Due regard must be given to the NSW LEC view loss planning principle which promotes view sharing outcomes even for compliant developments when a more skillful design can be adopted. A more skillful design/built form, and a reduction in density and form, would improve views to the north and reduce the visual impact of the development from surrounding vantage points, including the water. How do the two new 'View Corridors' work when they are proposed to be lower level vegetated stormwater drainage channels on private land and not a 'street' where pedestrians may enjoy access and views to the water from? 	<ul style="list-style-type: none"> Pursuant to Section 4.22 of the EP&A Act, 'a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be, the subject of a subsequent development application or applications.' Accordingly, in the context of the proposed development of the subject land, the concept proposals forming the DA seek to generally establish features such as building bulk and scale, with the opportunity for variation in the architectural character being developed further during later DA stages. Accordingly, having regard to the design of the proposed buildings, particularly those fronting the water, all buildings shown outside Stage 1B are conceptual, only. The amended development's built form and height has already been substantially reduced to minimise potential visual impacts from the water and surrounding development. The lower, compliant built forms towards the site's southern boundary will assist in limiting the visibility of the taller buildings when viewed from adjoining development to the south. In addition, the amended increased landscaped setbacks and increased building articulation now proposed along the site's southern boundary will further serve to screen and soften the visual presence of the proposed taller buildings that contravene the building height development standard. A View Analysis was undertaken and submitted with the amended DA. Views through the site to the water from nearby development are currently obscured by existing trees and development within the site. The only potential view loss impacts resulting from the proposed development are exceedingly minor and would not be considered unreasonable or significant in the context of this large site. In some instances, the proposal will result in improved views to the water from the public domain and adjoining dwelling houses. The purpose of the new view corridors is to provide views into the site from Marlin Avenue and through the site from Tuna Street to the water, thereby improving views to the water from the public domain and adjoining dwelling houses. The view corridors are

	located on private land and are not intended to provide formal public access through the site, although it is not intended to prevent local residents and café patrons from walking through the site during daytime hours.
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Zone A buildings overshadow existing residential development along Avalon Street the entire day, between 9am and 3pm. Zone B and Zone C development overshadow existing vegetation and the rear yards of adjoining residences A more sensitive design would retain the northern winter sunlight access to the north-facing rear yards of development along Avalon Street and vegetation along the site's southern boundary. Mere compliance with a numerical setback control, in the anticipation that a corresponding redevelopment would also occur on neighbouring properties, with equivalent setbacks, is not a valid argument where there are vastly different subdivision patterns, lot sizes and road layouts Removing the existing vegetation screen along the southern boundary to achieve additional solar access is not an appropriate solution. 	<ul style="list-style-type: none"> All proposed buildings along the southern boundary are limited to 2 storeys in height, and meet or exceed the setback requirements prescribed by the ADG. The building in Stage B1 will not result in more than 3 hours of overshadowing to adjoining residential development to the south during the winter solstice. While some components of the concept development will result in more than 3 hours of overshadowing, the design of the concept buildings will be further refined during later detailed DA stages having regard to overshadowing impacts. Removal of existing vegetation screening along the southern boundary is not proposed to achieve additional solar access. Rather, it is noted that, due to the extent of overshadowing caused by existing dense vegetation positioned along the site's southern boundary, the amended proposal does not significantly accentuate the existing level of overshadowing to the adjoining residential development to the south.
<p><u>Traffic and Vehicular Access</u></p> <ul style="list-style-type: none"> Total additional daily traffic count numbers have not been provided for Tuna Street and Marlin Avenue and the significant change to traffic conditions and additional impact upon the residential amenity of these quiet local streets has not been properly considered. Increased number and changed nature and consistency of traffic movements. No information is provided on the impact and duration of construction phase activities, impacts of servicing arrangements, development phasing, seasonal factors and cumulative impacts. All traffic movements should be via Beach Road and not disrupt the quiet residential amenity of local streets and cul-de-sacs Provision of a single daily bus service is grossly inadequate for the needs of future residents. Frequent daily minibus services from 'Zone C' and 'Zone B' should be provided, with multiple stops through the site to minimise residents' walking distances 	<ul style="list-style-type: none"> The amended ATPs addresses the flowing key matters: <ul style="list-style-type: none"> Based on peak holiday traffic data, the Catlin Avenue/Beach Road intersection '<i>will continue to operate with a quite satisfactory level of service with the completed development and there will be no requirement/need to upgrade the intersection or modify the traffic signal phasing.</i>' Access and servicing arrangements for each zone are appropriate and will not result in adverse impacts on the surrounding road network. In particular, the proposed Zone C access arrangement is appropriate for the site. Heavy vehicle access/servicing is not required during operation. No adverse impacts on road or pedestrian safety are envisaged. In addition, the following is noted: <ul style="list-style-type: none"> The facility will have a resident Bus from the first day of occupation. Frequency of services and bus routes through the site will be considered during later DA stages, at required.

	<ul style="list-style-type: none"> ○ A Traffic CMP will be prepared to manage construction traffic and access into the site
<p><u>Geotechnical / Soils</u></p> <ul style="list-style-type: none"> ▪ An ASS Management Plan should be prepared ▪ The Geotechnical Report notes the land has been filled to a depth of up to 1.8m ▪ A contamination assessment is required for stage B1 due to extent of excavation, proposed dewatering and previous foreshore land reclamation works ▪ Council should recommend that the DA be refused, on the basis that the consent authority cannot properly discharge its duty under clause 7 of SEPP 55 	<ul style="list-style-type: none"> ▪ The <i>Groundwater Management</i> letter prepared by MI Engineers refers to acid sulfate soils (ASS) treatment in the event that ASS are detected on the site. ▪ The site is considered to have a low likelihood of contamination based on the current condition of the site and its current and historical use for tourist accommodation purposes. Notwithstanding, should any evidence of contamination be found on the site during any future works, additional testing will be undertaken in accordance with the requirements of SEPP 55.
<p><u>Coastal Management, Flooding and Stormwater</u></p> <ul style="list-style-type: none"> ▪ Any future DA for a replacement foreshore wall should include evidence of any discussions with DPI regarding Batemans Marine Park. ▪ The proposal fails to address clause 16 of the Coastal Management SEPP in relation to consideration of any certified coastal management program that applies to the land. ▪ Eurobodalla Coastal Hazard Assessment and Program – risk of coastal inundation 	<ul style="list-style-type: none"> ▪ Detailed discussions will be undertaken with the Marine Parks Authority in preparation of the future DA for the coastal protection works. ▪ The Eurobodalla Coastal Management Program currently being prepared by Council has not been certified. ▪ The <i>Supplementary Flood Impact Assessment</i> prepared by MI Engineers implements downstream tailwater conditions for coastal inundation. Having regard to these conditions, an FPL of 3.24 m AHD is proposed in line with Council's Interim Coastal Hazard Adaptation Code. The <i>Basement Car Park Groundwater Management</i> letter prepared by MI Engineers further addresses management of inundation to the basement car park levels.
<p><u>Ecological Impacts</u></p> <ul style="list-style-type: none"> ▪ The revised Umwelt report confirms that it is unlikely that construction activities can be timed to avoid the pied oystercatcher breeding season and critical breeding periods. ▪ Risk to viability of pied oystercatcher due to increase in residential population, construction activities, pets and ongoing noise and visual impacts adjacent to breeding locations 	<ul style="list-style-type: none"> ▪ The <i>Ecological Assessment</i> (EA) prepared by Umwelt made the following key findings: <ul style="list-style-type: none"> ○ Assessment of significance tests indicated that the proposed development is unlikely to have any significant adverse impacts on the pied oystercatcher. ○ Umwelt confirmed with OEH that the level of disturbance to the Pied Oystercatcher could be mitigated and not deemed 'significant'. ▪ While the EA found that significant impacts were unlikely, it makes a number of recommendations to minimise potential adverse impacts on pied oystercatcher breeding habitat.

<p><u>Loss of Tourism Facilities</u></p> <ul style="list-style-type: none"> ▪ Loss of tourism facilities and flow-on effect to community and local businesses ▪ The replacement of budget holiday accommodation with newer apartment-style holiday accommodation is unlikely to be accessible by lower-budget families, and the provision of any such future accommodation would be at the whim of individual apartment owners. ▪ No on-site offices are proposed for the management, maintenance, cleaning and operation of any holiday rental accommodation at the site. 	<ul style="list-style-type: none"> ▪ The development will result in a number of positive flow-on economic impacts to the local economy, both through the purchase of construction goods and services, and through purchases by residents and staff throughout the operational phase. Importantly, flow-on effects during the proposed development's operation will be more constant and less seasonal, compared to the site's current usage, providing local business owners with more certainty. ▪ In terms of leasing the proposed residential apartments, Global Living will offer each purchaser of a Residential unit the option to enter its Holiday Letting and Management program, allowing for non-permanent residents to let their units out to tourist accommodation. This program will ensure appropriate management and regulation of the apartments, including provision of cleaning and maintenance services. ▪ While the proposal may have some impact on the affordability and availability of tourism accommodation, it will help promote increased housing diversity and affordability in proximity to the town centre.
<p><u>Compliance with LEP, DCP and Seniors Housing SEPP</u></p> <ul style="list-style-type: none"> ▪ Inconsistent with LEP objectives ▪ Extensive built up non-permeable areas do not meet Clauses 1.2(2)(h) and 6.4 of LEP and 7.2 of DCP ▪ The characterisation and intended functions of the proposed wellness and community centre cannot be considered as ancillary to the residential or seniors housing uses, having regard to the LEC decision in <i>Baulkham Hills Shire Council v O'Donnell</i> (1990) 69 LGRA 404. In particular, the following is noted: <ul style="list-style-type: none"> ○ The wellness centre is a scale and nature of a standard suburban medical centre, will be open to the general public, and is accessible from a public street ○ The community centre includes a physiotherapy, gymnasium, day spa, hairdresser, rooftop garden, and a ground level café and restaurant that will be accessible to the general public. It is in a location which is accessible from the street such that it is clearly intended to attract customers from outside the site. 	<ul style="list-style-type: none"> ▪ The amended SEE and Clause 4.6 submission outline the proposal's consistency with the relevant LEP objectives ▪ Clauses 1.2(2)(h) and 6.4 of LEP and 7.2 of DCP are addressed in the Amended SEE. ▪ The NSW DPE Planning Circular on 'How to characterize development' was published in 2013, and therefore post-dates the LEC decision in <i>O'Donnell</i>. The circular refers to an ancillary use as follows - '<i>if a component serves the dominant purpose, it is ancillary to that dominant purpose.</i>' In this respect, the following is noted: <ul style="list-style-type: none"> ○ The restaurant and café will be the only components of the community centre open to the public (both of which are permissible in SP3 zone). The remaining components of the community centre are intended for use by residents, only, and are therefore considered '<i>ancillary</i>' to the dominant seniors housing use. The community centre does not include a physio, day spa or hairdresser. These are located within the RCF and will be solely for use by senior residents. ○ The proposed wellness centre is ancillary and subordinate to the overall seniors housing development on the subject land, predominantly providing health services to the various components of the seniors housing

- CI 44 Seniors Housing SEPP - lack of proportionate facilities and services being provided - for staged development, facilities provided proportionately according to number of residents in each stage. No proportion of services or facilities of the wellness centre are provided in first stage

development. It will not be independent of the seniors housing. Details of the services to be provided in the wellness centre are outlined in the SEE.

- In terms of Clause 44, the existing conference centre on site will operate as a temporary community centre for residents from the first time of occupation, offering meals, recreational activities and social events. The proposed community centre will be constructed during Stage 3B, providing a café, restaurant, gymnasium and swimming pool. In addition, personal care and nursing care will be available to residents of the self-contained dwellings from the time of first occupation.
- The proposed development will incorporate a resident bus service provided on the site from the first day of occupation.

Site Combability Certificate

- Having regard to the LEC decision in *Waterbrook Bayview Pty Ltd v Northern Beaches Council [2019] NSWLEC 1112*, the proposed development is not 'of the kind' certified by the SCC as the proposed development:
 - is of an increased height, bulk and scale to that which was certified by the SCC; and
 - does not comply with the height development standard whereas the scheme submitted with the SCC showed a compliant building height.

- The SCC application sought approval for buildings varying in height between 2 storeys and 4 storeys. Following submission of the SCC application in February 2018, the applicant issued a letter to the DPE on 15 May 2018 relating to the site's flood risk and flood affectation. The letter included advice obtained from Council regarding the flood planning level applicable to the site and the need to raise the proposed buildings above this level. An amended plan showing the 2 to 4 storey buildings above the 3.06m flood planning level was included with the letter (see Figure 1). The DPE issued the SCC on 10 August 2018 in the knowledge of the building heights proposed.
- As shown in the extracted figures below, the bulk and scale of the building envelopes approved by the SCC have not increased under the amended scheme.

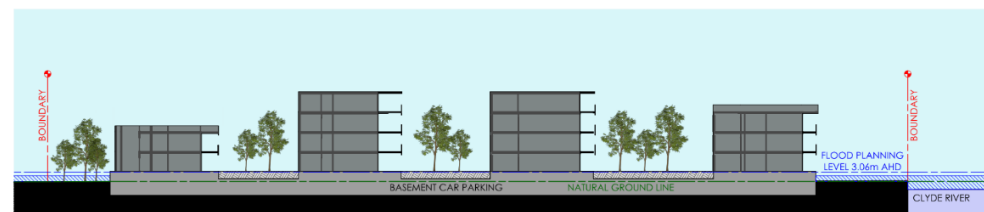


Figure 1: Approved building envelopes - SCC

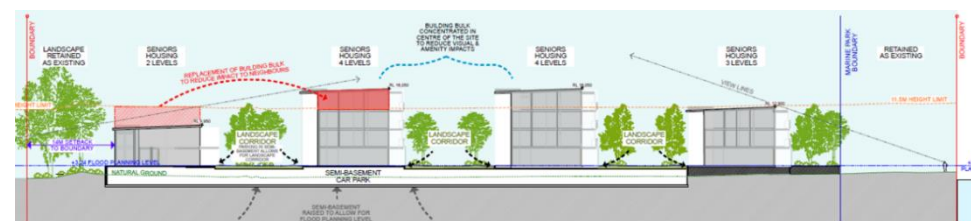


Figure 2: Proposed building envelopes – Amended DA

Utilities and Infrastructure

- The site's foreshore land should be dedicated to Council under a VPA as public land
- More detail of LPG storage tank required and assess against SEPP 33.
- It is unclear if the recommendations of the Bushfire Assessment have been implemented with regard to:
 - Landscape planting and fire-resistant species selection;
 - Adequacy of fire hydrant installations in accordance with AS1596;
 - Undergrounding of electricity supply; and
 - Reticulation of gas supply in metal pipes.

- No existing formal public access is available through the site and dedication of the site's foreshore land as public land is not favoured by the Council and is therefore not proposed by the applicant.
- Stage 1B involves the relocation of the existing LPG tank from Stage 1B to the Stage 5B area. The existing LPG tank will be decommissioned and a new tank commissioned at a later stage, as required. Additional details of the LPG tank will be provided as part of the separate DA, as relevant. A SEPP 33 assessment is not required for non-industrial developments.
- The specific recommendations of the Bushfire Assessment will be addressed at the detailed design phase of each separate DA. An Electrical Plan showing the indicative undergrounding arrangement is included in the amended *Concept Architectural Plans*.

Landscaping

- The proposal seeks to remove all site vegetation, including much of the southern boundary screen plantings.
- Localised trees in raised planter boxes are out of character with the existing locality
- The extensive podium areas will curtail the size and quality of deep soil planting zones for significant vegetation such as large trees and shrubs and would limit the future greening potential of the site

- The proposal involves the retention of significant screening vegetation along the site's southern boundary
- Deep soil zones are provided across approximately 15% of the site, providing significant opportunities for 'greening' of the site. Proposed tree plantings will reach maximum heights of between 10 and 30m
- Canopy trees in raised planters are proposed internally within the site (away from the boundaries) and will not adversely impact on the character of the area

Cut and Fill

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| <ul style="list-style-type: none"> ▪ Significant changes to landform and extent of excavation required to accommodate the development (e.g. car parking) indicates overdevelopment of site. ▪ Car parking provided within a podium level protruding 2m above ground level is not considered to be 'almost entirely concealed below ground level'. | <ul style="list-style-type: none"> ▪ As discussed in this table, the proposed changes to landform are required in response to the site's flooding constraints, and to accommodate the basement car parking levels. This enables the majority of the unbuilt-upon area able to be dedicated to landscaping and communal areas. Importantly, the proposed development's density is not considered excessive for development in an R3 zone and could not be regarded as an over-development of the site. ▪ The majority of the podium is raised approximately 1.5m above natural ground level. As a result of the site's natural levels, some areas of the podium will extend approximately 2m above ground level. |
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