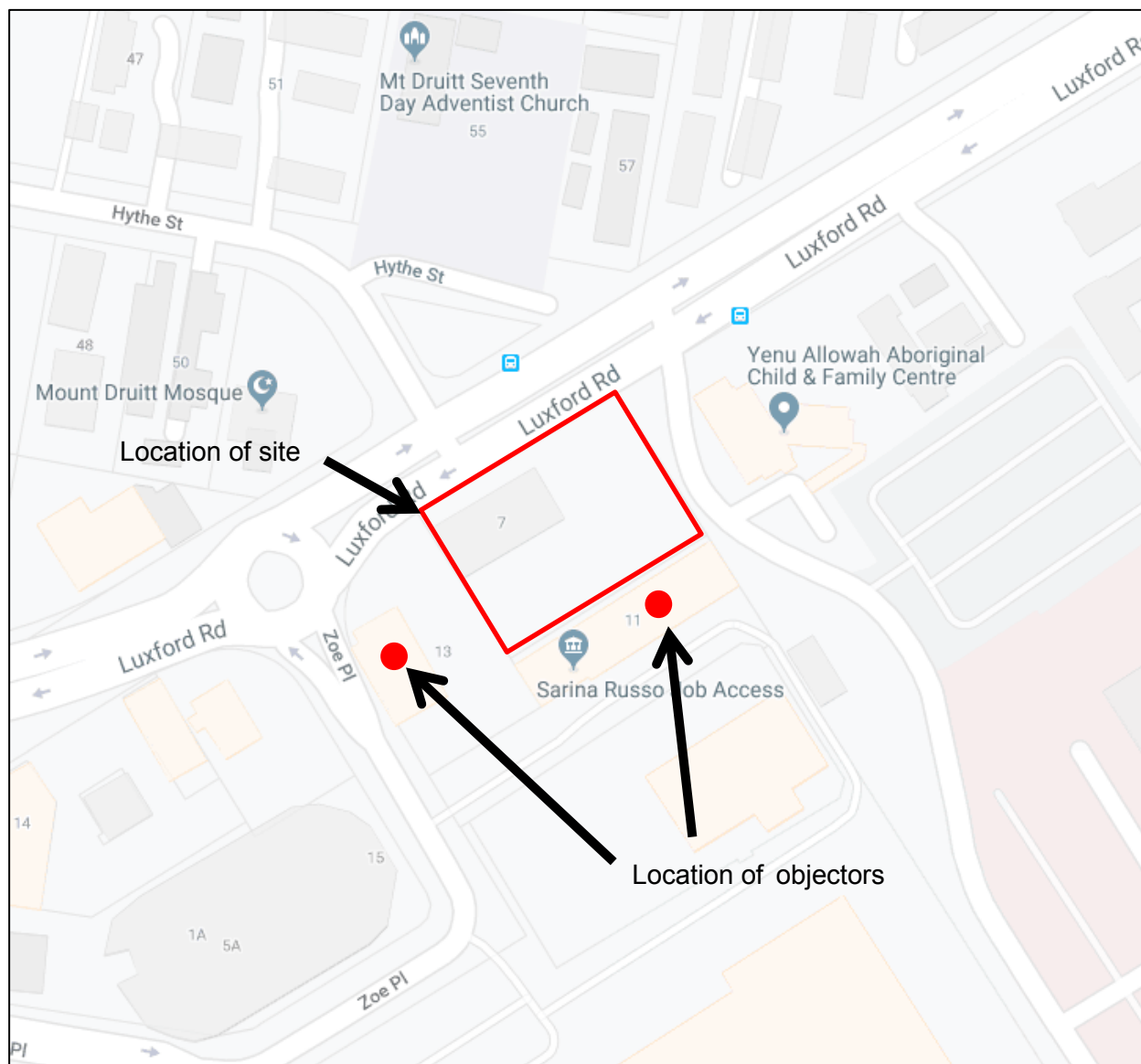


Summary of residents' concerns and Council response

1 Location of submitters



2 Consideration of issues raised

Issue	Planning comment/response
The proposed development needs to abide and not encroach on the Lot boundary, as the area is required to access some of the essential services, and the access ladder to the property's roof.	<p>The proposed development is wholly contained on the subject site and will not encroach the neighbouring property. The Applicant will be required, as a condition of the consent, to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries and to ensure the development does not encroach upon adjoining properties.</p> <p>We do not allow the encroachment or overhang of any building or structure over an adjoining property.</p>

	<p>The certifier will also be required to be satisfied that the materials for use on the external walls of this development achieve compliance with the relevant fire resistance levels that are applicable to the development. This includes compliance with the relevant requirements of the Building Code of Australia and National Construction Code. This is included as a condition of consent.</p>
<p>The development will obstruct signage for current tenants who have advertising on the back of the building structure. This will significantly impact the traffic flow for my client's property and adversely impact tenant's retail performance.</p>	<p>Given this is a development site, there was always the possibility that it would be redeveloped for a higher density development as provided for in Council's planning controls. There could never be any guarantee that the back wall would not be screened by a future development.</p> <p>The site is located within the B4 Mixed Use zone, which anticipates commercial development at the ground floor and podium levels built to the boundaries of the site. No. 20 Zoe Place shares a rear common boundary only with the subject property. Technically any redevelopment of the subject site will therefore inevitably obstruct sightlines of any advertising signs on that property from Luxford Road.</p>
<p>Waste storage/collection rooms will be immediately adjacent to my client's lot and property. Please ensure that there are no adverse operational or environmental impacts on the neighbouring property.</p>	<p>The waste storage/collection rooms have been amended to be more centrally located inside the building footprint. The residential and commercial waste garbage areas are wholly contained within the building and will have no adverse impacts upon the adjoining property. An Operational Waste Management Plan has been submitted with the Development Application that details the management of commercial and residential waste. Our Waste Section has assessed the DA and found it to be satisfactory in terms of waste management subject to conditions.</p>
<p>Removal of soil through excavating at or near the boundary could cause the soil that supports structures on the neighbouring land to shrink or collapse, in turn causing structures to collapse.</p>	<p>This will be addressed as part of the Construction Management Plan and construction methodology, with various structural engineering approvals required to demonstrate compliance with the Building Code of Australia and the relevant Australian Standards. A dilapidation report will be required to ensure that any works on this site do not impact on adjoining development at any time. This is included as a condition of consent.</p>
<p>Changes to stormwater overland flow paths could cause flooding of the site's land.</p>	<p>A Stormwater Concept Design has been prepared for the application which has satisfied Council's engineering requirements for development. Council's Engineers have provided conditions of consent.</p>
<p>Changes to soil moisture could cause shrinkage in the soil that supports structures.</p>	<p>A condition of consent has been included requiring the Applicant to prepare a dilapidation report for all existing buildings immediately surrounding the proposed development. A copy of the report will be submitted to Council and the adjoining property owners prior to construction commencing. A post-construction dilapidation report will also be required to be carried out for the affected buildings post completion of the development and a copy of the report is to be submitted to Council prior to issue of the Occupation Certificate, confirming that adjoining properties have not been adversely impacted by the works.</p>

Vibration could cause damage to neighbouring structures.	The Construction Management Plan and the NSW Environment Protection Authority (EPA) requirements will ensure that the site works will not create any objectionable noise, dust, concussion, vibration or other emission from the demolition works shall not exceed the relevant limit prescribed in the Protection of the Environment Operations Act 1997. Demolition works are also to meet SafeWork NSW requirements. These are included as conditions of consent.
Shielding from view and provision of access paths to the roof could increase the risk of damage or illegal entry to our property.	The Crime Risk Assessment prepared for the application identifies risks associated with the development and concludes that there will be a negligible risk to the adjoining property.
Installation of temporary or permanent structures below or above our property.	The proposed development as shown on the DA plans is to be wholly contained on the subject site and will not encroach the neighbouring property. The Applicant will be required to obtain an identification survey from a registered surveyor to confirm the location of the proposed development within the property boundaries and to ensure the development does not encroach upon adjoining properties. This is included as a condition of consent.
Impact damage caused to our property by falling objects or moving objects.	As discussed above, a dilapidation report will be required to be carried out for any of the potentially affected existing buildings surrounding the proposed development. A copy of the report is to be submitted to Council prior to construction commencing. A post-construction dilapidation report will also be required to be carried out for the affected buildings post completion of the development, and a copy of the report is to be submitted to Council prior to the issue of an Occupation Certificate.
Located at the rear of our property facing the proposed development are a number of our tenancies' existing services, for example grease traps. Access to these services could be blocked if not severely limited if the proposed building was to be built at the boundary.	As discussed above, the proposed development is to be wholly contained on the subject site and will not encroach the neighbouring property. There are no existing easements on the development site that benefit the adjoining owner.
There is an Occupational Health & Safety ladder for roof access which would be affected if the proposed building is built at the boundary.	The proposed development is wholly contained on the subject site and will not encroach the neighbouring property. There is no existing easement that allows access by the objector's property onto the development site, nor any roof or ladder across the subject site.

<p>The plans show 222 basement car parking spaces with roller shutter doors. What consideration has been given for convenient customer parking for the retail and commercial tenancies, otherwise customers are likely to use the limited surrounding car spaces which would affect the surrounding businesses and streets.</p>	<p>A Traffic and Parking Implications Assessment has been prepared for the application that confirms that the parking provision will meet the needs of the proposed development without any detrimental impact on the surrounding on-street parking environment. The proposed access, internal circulation and parking arrangements are satisfactory as confirmed by Council's Traffic Section.</p> <p>The roller shutter door will not impact upon the use or convenience of the basement car park for retail customers or residential visitors and is intended to secure the residential areas of the basement only.</p> <p>Access to the basement car parking for customers and visitors will be encouraged and directed by appropriate signage. This will be included as a condition of consent.</p>
<p>We ask for an accurate measurement of the distances between the proposed building and our existing building.</p>	<p>All measurements have been provided on the amended architectural drawings and are accurate.</p>
<p>We want to ensure that all windows and doors are treated appropriately for where the development is located, being next to an adjoining commercial premises and also a major arterial road.</p>	<p>The Acoustic Assessment submitted with the DA notes that an unattended noise survey was carried out at the site to measure the background and ambient noise levels, including adjacent commercial activity and road noise. The noise monitoring was conducted in accordance with Australian Standard AS 1055.1-1997: Acoustics - Description and measurement of environmental noise - General procedures.</p> <p>The Assessment concluded:</p> <ul style="list-style-type: none"> Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria and are detailed in Section 3.1 and Section 3.3 of the report from the impact of road traffic noise and surrounding commercial activity. <p>This has been included as a condition of consent to be included on the construction plans.</p>
<p>The scale and potential for overshadowing should also be noted as part of this development's assessment.</p>	<p>Shadow diagrams have been provided which demonstrate the extent of overshadowing upon adjoining properties by the proposed development. As evident from the solar diagrams, the McDonald's restaurant will receive solar access from 9 am to 11 am and from 1 pm to 3 pm. Therefore, 4 hours of solar access will be provided which meets the minimum 2 hour standard prescribed in the ADG.</p>