

ANNEXURE 4

SUMMARY OF SUBMISSIONS RECEIVED

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CONCERNS RAISED IN SUBMISSIONS	RESPONSE
<p>Height in storeys Concerns that all building exceed the height in storeys controls. Concerns that:</p> <ul style="list-style-type: none"> • Building B is 12 storeys • Building C is 7 storeys 	<p>The proposal fully complies with the height in storeys control as per the definition in the DCP. It complies with the 4, 6, 8 and 10 storeys control across the site. Due to the significant slope across the sites part storeys are proposed for all buildings which also have been demonstrated by the applicant to comply with the DCP definition. Including: -Three-part storeys (Buildings A and B) -One-part storey (Building C) -Two-part storeys (Building D)</p>
<p>Setbacks Concerns that Area 22 building B and C (balconies) setbacks from Park Road are not compliant. Concerns that Building D level 5 intrudes into the DCP Park (northern setback).</p>	<p>At the request of Council, the proposal was amended to comply with the setbacks to Park Road, River Road, DCP New Park and DCP New Road. The amended design addresses the DCP setback requirements at ground levels and further stepped setbacks at the required upper levels for frontage.</p>
<p>Location of driveway in Park Road</p> <ul style="list-style-type: none"> - Noise associated with vehicle entering exiting site, headlight spill - Request that the driveway is relocated away from the R2 zoned houses west of the site. 	<p>The proposed driveway at the southern end of Park Road is the most suitable/practical location as it is at the lowest point of the site and has direct access to River Road. A consolidated single vehicle access point from Berry Road would not be suitable as this Road does not have access to River Road. The driveway would be opposite 33 Park Road, however the driveway external to the building is only 4m in length and exit is located approximately 23m from the front building line of 33 Park Road. Therefore opportunity for light spill is minimised by design and separation.</p>
<p>Concerns about removal of canopy trees</p>	<p>A detailed arborist report has been assessed by Council's tree officer who supports the proposal.</p> <p>A total of 175 trees are proposed to be removed as a result of the proposed development. These trees are have been classified as primarily low-value exotic species with two (2) trees which are high value specimens. The removal of these trees can be offset with compensatory replanting.</p> <p>Suitable replacement planting is provided as part of the proposal as detailed in the updated landscape plans to the satisfaction to both Council's Tree Officer subject to recommended draft conditions including 1:1 tree replacement. All but 1 street tree are proposed to be retained.</p>

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	The street tree has been heavily pruned under telephone wires and is in poor health.
Concerns about lack of mature planting in the increased setback of Area 22 from park Road.	The updated landscaping report demonstrates the widened deep soil zone at Area 22 Park Road frontage to accommodate significant canopy trees.
Concerns there is no deep soil at the Park Road frontage as basement carpark is proposed to front property boundary.	All levels of basement parking are setback a minimum of 4m from the property boundary with Park Road at Area 23 and a minimum of 6.1m setback at Area 22. This setback would enable adequate deep soil to accommodate large replacement canopy trees.

Concerns that the DA documentation describes the area north of Area 22 in relation to the future use and not the 10 single dwelling properties.	<p>Although the sites north of Area 22 are currently used as dwelling houses, these dwellings are proposed to be acquired by Council for a future local park. Therefore, they will only remain as dwellings in the short term.</p> <p>At the time of writing Council is awaiting a number of imminent 7.11 contribution payments from developers to be able to purchase these properties from the individual owners to convert to a future park.</p>
Building Depth	<p>The maximum depth of the buildings B, C and D are approximately 20m- 21m which complies with the recommended ADG guideline of 18m – 22m.</p> <p>Building A has maximum depth of 24m. In this instance the proposal is considered acceptable as:</p> <ul style="list-style-type: none"> • due to its relatively square floor plate, it maintains a high level of natural light and ventilation to all apartments. • The configuration of apartments in Building A has been designed with light-penetration and amenity considered and complies with the ADG.
Building Length Concerns that level of articulation does not justify the building lengths. <ul style="list-style-type: none"> ▪ Building A - 74m (including balcony zone) ▪ Building B – 74.3m (including balcony zone) ▪ Building C – 51.2m (including balcony zone) 	<p>The DCP and ADG allow flexibility in overall building lengths when strong articulation is demonstrated.</p> <p>Strong articulation provided through vertical recesses (major indentations of 3-6m x 3m wide for full height of buildings) on external facing facades.</p>

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<ul style="list-style-type: none"> ▪ Building D – 50.7m (including balcony zone) 	<p>Buildings feature the gradual stepping of floorplans to appropriately setback from the boundaries. The length of the north-south facades is appropriately articulated to break up the overall building mass.</p> <p>The 2nd DEP comments dated 21st September 2022.</p> <p><i>'The design team has responded to the Panel's previous concerns regarding the massing by reducing building lengths, limiting the number of apartments served per core and introducing building breaks'.</i></p> <p>The design also incorporates balconies into the 500mm articulation zone as per clause 3.5.3 (ii) of the RFB DCP.</p> <p>The variety of materials with a subtle but diverse range of colours further accentuates the level of articulation.</p> <p>It should be noted that the building bulk of the entire street frontage of Park Road north to south (areas 21, 22 and 23) include the largest break in between buildings of the entire precinct of approximately 75m to accommodate the future park directly north of area 22.</p>
<p>Building bulk and scale -Concerns that Area 23 should contain 3-4 separate buildings</p>	<p>The LEP Building Maps do not specify any separation requirement between three buildings heights.</p> <p>The proposed development fronting River, Park and Berry Road in Area 23 although physically joined would be appropriately broken up by individual modelling of all facades, strong articulation, a variety of materials, and the modulation along the courtyard interfaces.</p>
<p>Privacy (visual and acoustic) impacts to dwelling houses north of Area 22.</p>	<p>The 10 dwelling houses north of Area 22 are proposed to be acquired by Council to be a future local park. Therefore, they will only remain as dwellings in the short term.</p> <p>The amended design ensures north facing apartments of buildings C and D are compliant with the required building setbacks in the DCP. Including:</p> <ul style="list-style-type: none"> • Building C: 6m at ground and level 1, 9m at level 2 and above.

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	<ul style="list-style-type: none"> Building D: 6m at ground floor, levels 1 – 3, 9m at level 4 and above. <p>The proposed compliant setbacks are considered to provide acceptable visual and acoustic separation from the northern neighbours for the short term.</p>
Privacy/overlooking concerns from units facing River Road to 9 Wilona Avenue	<p>The rear yard of 9 Wilona Avenue is approximately 60m from the River Road property boundary of the site. The 1st 3 storeys of units would be setback a further 10m behind landscaping and street trees. The proposal clearly exceeds the ADG separation requirements.</p> <p>The closest units to 9 Wilona would be approximately 70m away would be separated another dwelling house, a four lane-wide road and street trees.</p>
Planning requirements for demolition phase	<p>The demolition of the site was assessed under a separate application DA23/23. The demolition DA includes a number of conditions to protect the amenity of neighbours requirements for a demolition including:</p> <ul style="list-style-type: none"> Demolition Work Plan Demolition Traffic Management Plan Demolition Environmental Management Plan Demolition Site Management Plan Erosion and Sediment Control Plan Demolition Waste Management Plan Noise Level Restrictions
Concerns over structural impacts/ground movement to neighbouring properties during the excavation and construction period.	<p>A geotechnical report, a construction methodology plan, and a site waste minimisation plan were submitted with the DA. These documents would ensure proper fill disposal, detail the soil stability conditions and takes these into consideration. The geotechnical report details the recommended shoring and foundational requirements to minimize potential ground movement impacts during excavation. In the unlikely event of any ground movements as a result of excavation, Council's engineer has recommended conditions including dilapidation reports Pre and Post construction stages of all adjoining buildings and structures.</p>
Excavation impacts on the heritage items in proximity to the site.	<p>The closet heritage item is approximately 35m from the front boundary and 39m from the excavated basement and is separated by the full</p>

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	width of park Road. They are not anticipated to impacts by the basement excavation with additional draft conditions recommended.
Request that dilapidation surveys are undertaken to adjoining properties and copies provided to the owners.	Draft conditions recommended for Pre (C.5) and Post (F.3) construction dilapidation reports of all adjoining buildings and structures.
Concerns with impacts on groundwater, contamination of water, flooding as a resulting of dewatering for basement carpark.	At the request of Water NSW, a ground water impact assessment was submitted. Prior to the consent becoming operative, Water NSW are required to provide their concurrence subject to General Terms of Approval.
Concerns that geotechnical assessment for Area 22 is a 13 page 'desktop study' but geotechnical assessment for Area 23 is 100 a page report.	The Geotech Report for Area 23 was undertaken at PRE DA stage when the developer had not acquired Area 22. The two reports were produced by the same qualified consultant and should be read in conjunction with each other. Both reports are based on the mapped geological boundaries and the archival information provided by two geotechnical models to describe the southern and northern halves of the site. Therefore Area 22's report can be seen as an addendum to the original Area 23 report. The southern portion (Area 23) would accommodate the majority of basement parking (excavation), while Area 22 contains the entire component of unencumbered deep soil within the green spine (no basement parking encroachment) and significantly less excavation. Both reports are considered acceptable.
Objection to Park Road being used for construction vehicles, request that Berry Lane is used instead to protect the amenity of residents on the western side of Park Road.	The CTMP proposes construction vehicles to enter the site through Berry Road and Park Road and exit the site through Park Road. The most logical route for construction vehicles to exit would be via Park Road as this has access to both River Road and the Pacific Highway. A consolidated single vehicle access point from Berry Road would not be suitable as this road does not have access to River Road. Berry Lane is significantly narrower and would and is not suitable as a main throughfare for construction vehicles.
Concerns that the 10 properties north of Area 22 will have continued access to the rear of their properties from Berry Lane during construction.	All properties will have continued access to their properties from Berry Lane. Council's traffic engineer has recommended a condition requiring an attached cul-de-sac to be constructed by the developer wholly contained within Area 22. The cul-de-sac would be required to be large enough

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	to accommodate adequate dimensions for a garbage truck to turn around and enter / exit in a forward direction. A further draft condition is recommended that the public way (including Berry Lane) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
Concerns about the scope of the notification area.	<p>The proposed DA was notified twice. The first notification was between 8th December 2022 and 13th January 2023. The second notification was between 20th January 2023 and 17th February 2023.</p> <p>The 2nd period extended the boundaries significantly further west to and south cover properties in Park Lane, Portview Road, Anglo Lane, Anglo Road, Greenwich Road and Wilona Avenue. The application has been notified in accordance with Council's Policy.</p>
Overshadowing <ul style="list-style-type: none"> - Shadows onto Portview Road, Park Road and River Road West dwellings, - Overshadowing public space Proposting Playground - Concerns that shadow diagrams submitted are inadequate Overshadowing of Green Spine	<p>The development has been designed in accordance with the built-form controls set out in the St Leonards South Masterplan (including height, setbacks and density) and therefore, any overshadowing impacts have been envisaged. Where possible the proposal has been designed to reduce overall shadow impacts to neighbouring properties and the public domain.</p> <p>The shadow diagrams clearly demonstrate that no shadows would fall onto Portview Road during mid-winter. (Drawing Numbers 417 and 418).</p> <p>No shadow would be cast on Proposting Playground after 10am during mid-winter. Therefore, the playground receives compliant solar access.</p> <p>Although some shadows are cast on properties southwest of the site on River Road between 9.00am and 11.00am and onto properties at the southern end of Park Road at 9.00am during mid-winter, <u>all affected properties receive 3 hours solar access between 11.00am and 3.00pm and comply.</u></p> <p>The application included solar drawings demonstrating that all communal areas (including green spine) receive compliant solar access.</p>
View Impacts	The scope and scale of the development is designed within the built-form controls set out on

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Concerns raised by 4 Portview Road in relation to Buildings A and C blocking city skyline views.	<p>the St Leonards South Master Plan. The proposal complies with maximum height in metres, number of storeys, setbacks and provides a number of part storeys which are permitted under the Lane Cove DCP to address the steep topography of the site. The masterplan building envelopes were subject to an extensive public consultation process between 2018 and 2020. During the formulation of the Master Plan extensive design refinements were made relating to setbacks and heights to reduce overall bulk and scale. The masterplan envelopes were adopted by the Department of Planning in the 2036 Plan for St Leonards and Crowes Nest.</p> <p>Any city views impacted to properties on Portview Road by development in the SLS precinct were taken into consideration at a strategic level when the St Leonards South masterplan was formulated.</p>
Sustainability Concerns that the proposal is not environmentally sustainable.	<p>As per the request of the Design Review Panel (DRP), the design was further developed prior to lodgement of the DA and an updated ESD & Energy Efficiency Report was submitted report was submitted with the DA which confirms that the proposal incorporates a high level of sustainability measures in its design. The updated NAtHERS Certificate achieves 7.0 stars and exceeds minimum sustainability compliance as required.</p>
EV Charging Concerns that the proposal would provide inadequate EV charging.	<p>Draft conditions have been recommended in the consent requiring.</p> <ul style="list-style-type: none"> • All residential dwellings spaces are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle charging for a minimum of 1 vehicle space per dwelling. • The required provision of cabling for EV chargers for both the residential and communal/visitor car parking spaces are to be provided at occupation stage of the development and is to be demonstrated prior to the issue of the occupation certificate. • A minimum of five EV chargers are to be provided to the communal/visitor parking areas and available to occupants.
Urban Design and Architecture	

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Concerns and materials finishes of the proposal	<p>The proposed development fully complies with the built form development standards prescribed under the Lane Cove LEP and DCP and the St Leonards South Landscape Masterplan. It has been designed accordingly as envisaged for the site and wider St Leonards South precinct.</p> <p>The selected materials, together, with the significant landscaping and planting ensures a high-quality development that is consistent with the relevant built form standards and objectives.</p>
Concerns about amenity of units at southwestern corner of site	<p>To address concerns of the Panel:</p> <ul style="list-style-type: none"> - Southwest corner units have been reconfigured to address acoustic and privacy issues. The amended layout has increased amenity to these units. - East - West wing configurations have been addressed. - South facing 4-bedroom apartments have been reconfigured in the SW corner to minimise deep living area concerns.
<p>Traffic</p> <ul style="list-style-type: none"> - Does not address traffic volume impact - Amount of traffic movement is unacceptable. - The proposal does not comply with the car share requirements. 	<p>A detailed traffic and car parking impact assessment report was submitted with the DA. The traffic assessment was prepared by a qualified engineer in regard to the relevant traffic requirements in the Lane Cove Development Control Plan 2009 and Transport for NSW (TfNSW). The assessed traffic impact is considered acceptable.</p> <p>The parking area and vehicle access to the site were reviewed by Council's traffic engineers and considered to have adequate pedestrian and cyclist safety.</p> <p>The STrAP specifies the provision of up to 3 vehicle spaces as car share spaces in front of Building A on Park Road which will be available to the wider community. This is not supported by Council.</p> <p>As per the DCP requirements, alternatively, a financial contribution towards transport and parking infrastructure in Lane Cove in lieu of the on-site car share provision set out above. The value of the contribution is based on the rate for commercial/retail parking in Lane Cove Town Centre (per parking space).</p>

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<p>Parking</p> <ul style="list-style-type: none"> - The proposal provides too few parking spaces. - Reduced on-street parking 	<p>The amended proposal which reduced the overall number of units from 314 - 306 ensured proposed car parking complies with the recommended minimum car parking rates prescribed by the Lane Cove Development Control Plan 2009. All parking generated by this development will be accommodated on site.</p> <p>The existing crossovers along Berry, Park, and River Roads will be consolidated into a single access. The redundant driveways will be removed and replaced with kerb invert to be reinstated to match the adjacent footpath and kerbing. The reduction of crossovers would free up space for additional on-street parking.</p> <p>The proposal was referred to TfNSW</p>
<p>Concerns that remaining the proposal does not comply with the ADG for solar access and ventilation</p> <ul style="list-style-type: none"> - Concerns that amenity of units does not comply with solar access requirements 	<p>The proposal complies with solar access as per the ADG with 78% living areas of apartments receiving compliant solar access between 9am and 3pm. Further analysis was conducted with the applicant's BASIX consultant to ensure compliance</p> <p>60% of apartments are naturally cross ventilated with the windows open which achieves compliance.</p>
<p>Construction Impacts including Noise, Traffic and Pollution</p>	<p>A Construction Management Plan (CMP) has been conditioned to be provided prior to CC addressing traffic, construction noise, and vibration. Accordingly, appropriate mitigation measures will be implemented during construction to minimise adverse impacts to neighbouring properties.</p> <p>Standard conditions of consent will also assist with managing construction impacts.</p>
<p>DCP & LEP Requirements</p> <ul style="list-style-type: none"> - Does not meet DCP objectives. 	<p>The DCP objectives are achieved where the proposal predominantly meets or are appropriately clarified/justified for site specific reasons and how an equal or a better planning outcome has been achieved in this instance. The proposal meets the relevant DCP controls as clarified in the main report or the DCP compliance table.</p>
<p>Design Excellence</p> <p>Does not meet design excellence, some submissions raising general issue with each clause.</p>	<p>The proposed building and landscape design have been developed by DKO architects and turf and have followed urban design process with Council and the Design Review and Excellence Panel.</p>

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	<p>This design evolution resulted in the Panel being generally satisfied with the overall design intent, building height and form.</p> <p>The proposed development achieves urban design excellence through its unique design and detailed response to the sites constraints and opportunities whilst achieving the overall objectives of St Leonards South precinct planning controls</p>
<p>Heritage impacts Removal of the dwelling houses should not be permitted View impact to heritage properties on Park Road</p>	<p>A comprehensive heritage study was undertaken on behalf of Council as part of the formulation of the SLS Precinct design. It should be noted that the nearest heritage items will face the future DCP Park and not proposed development.</p> <p>The existing dwelling houses on the site are not heritage items and are not required to be retained under Council's controls. The proposal was assessed by Council's heritage architect who raised no objection and determined the proposal would not have any detrimental impacts on the heritage significance of the nearest heritage items which are located a minimum of 35m away northwest of the site.</p>
<p>Acoustic/Noise impacts during construction Request for a community liaison person be appointed to address complaints during construction. Concerns with proposed hours of construction</p>	<p>The DA included the submission of an acoustic report which addressed the potential of surrounding noise impacts on the proposed development and surrounding nearby receivers. Mitigation and acoustic treatments have been incorporated throughout the duration of the demolition and construction phases, relating to roads traffic noise, on-site works, waste collection and mechanical plant. Council has recommended the inclusion of a draft condition requiring compliance with the recommendations of the acoustic report.</p> <p>A draft condition requiring a community engagement plan (CEP) has been included in the consent. The CEP would deal with complaint management and strategies to address noise impacts on surrounding residents.</p> <p>A condition is recommended requiring the construction hours to comply with Council's standard condition for RFB's:</p>

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	<p>All building and construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:-</p> <ul style="list-style-type: none"> Monday to Friday (inclusive) 7am to 5.30pm High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday Saturday 8.00am to 12 noon with NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.
Impacts on Stormwater	The applicant submitted a stormwater management report which was reviewed by Council's stormwater engineer. The proposal was considered acceptable subject to recommended conditions including modifications to fully comply Part O of Council's Stormwater DCP.
Relocation of Power poles and impacts on trees.	The power poles on the eastern side of Park Road are to be removed with services being relocated underground. The trees on the western side of Park Road have been heavily pruned and compromised over the years due to the overhead powerlines. The trees will be retained where possible, but in some instances, it would be preferable to replace compromised /stunted trees with healthy trees.
Concerns that the 10 properties north of Area 22 (for future Local Park) should be acquired by Council prior to the approval of the DA.	To acquire the properties Council is reliant on funds from the combined 7.11 contribution payments from approved development within the St Leonards South Precinct. At the time of writing Council is awaiting a number of imminent 7.11 contribution payments from developers.
Concerns about the proposed new road on the Civil drawings through 22 Park Road linking Berry Lane and Park Road.	The road is on the civil plan 22 Park Road is part of the sites to be acquired in the future by Council to accommodate the future Park. 22 Park Road has not yet been acquired and by Council. Therefore, no owners consent has been granted

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	to use 22 Park Road as a road during construction. A condition is recommended in the consent stating that no approval is granted for any use or works on or adjoining to 22 Park Road.
Concerns that vehicle/ garbage truck access to 10 properties north of Area 22 will be compromised from Berry Lane during construction.	Council's traffic engineer has recommended a condition requiring an attached cul-de-sac to be constructed by the developer wholly contained within Area 22. The cul-de-sac would be required to be large enough to accommodate adequate dimensions for a garbage truck to turn around and enter/exit in a forward direction.
Concerns about lack of deep soil in Area 23	The proposal has been assessed as 1 overall site. The green spines in Areas 22 and 23 are accessible to all residents and have been assessed as one overall communal open space. All unencumbered deep soil (not encroached by basement carparking) is within Area 22. This is considered acceptable as Area 22 is a logical extension from the future DCP New Park. Area 23 is characterised by significant Area 23 would have area with soil depths between 2.2m -0.8m to accommodate gully rainforest trees and shrubs.
Concerns in relation to enclosure of balconies	Due to heavy vehicle traffic on River Road. A number of balconies have included glass louvers to be used as winter gardens. The glass louvers are operable and can be opened to function as balconies. The balconies are not enclosed.
Benefit of VPA for park Road West community?	The Voluntary Planning Agreement (VPA) requires the Developer must, at their own cost, to construct a link Road between Park Road and Berry Road. This is a benefit for the community as it provides increased vehicular and pedestrian connectivity between Park and Berry Road. Currently vehicles must could only access Berry Road from Park Road via the Pacific Highway with no direct link to the south from River Road.
Impacts on Flora and Fauna	Trees removed are proposed to be replaced at a 1:1 ratio in a comprehensive green spine and planting around the perimeter of the site in accordance with the landscaping masterplan. The green spine with direct link to large DCP future park would provide vigorous landscaping and habitat for flora and fauna.

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