

ANNEXURE 4 – SUMMARY OF SUBMISSIONS

CONCERNS RAISED IN SUBMISSIONS	RESPONSE
The community was assured that there could be no breaches to the maximum building height standard and the number of storeys control however there are now applications lodged intending to do the same.	As detailed in the main report, it is recommended that the proposed breaches under the subject application be refused, and the key precinct controls should be adhered to.
It is difficult to understand how adding two storeys over the storey control and over 4.16m over the maximum height limit is insignificant or 'substantially the same'. The Section 4.55 application must fail.	The additional storeys and the breach to height is not supported and refusal is recommended – see main report.
The proposal would add to traffic congestion, parking problems and safety concerns in the immediate locality.	The proposed addition of three units and seven car parking spaces would not adversely impact on the locality.
There should be more cafes and restaurants within the precinct.	There is retail space approved on the subject site.
The precinct would have limited infrastructure.	The precinct wide planning had considered the provision of infrastructure and is not relevant to the subject application.
Scattered throughout the supporting documentation for the new applications are references to the "burdensome" nature of the infrastructure requirements needing to be provided in Area 5. This is puzzling. These infrastructure requirements have been well known for years. If the applicant did not want to provide this infrastructure, why did the developer acquire this site. It needs to be pointed out that the ADG Guidelines on page 32 clarify that FSR is indeed a maximum – it may not be achievable on every site.	Agreed – the applicant was aware of the potential constraints and controls when the subject site was purchased for redevelopment purposes. It requires to be pointed out that the FSR and Building Height standards are a maximum and not an entitlement by the developer.
The applicant is suggesting in both applications that the effects of the two extra storeys on the surrounding area are non-existent. This is, surely, ludicrous. How can two extra storeys have no negative impact on adjoining properties and on Newlands Park.	Agreed – it is considered that there would be worsening impacts resulting from the proposed works when compared to the approved scheme. Refusal is recommended.
A building variation of 9.5% is significant and it is required to be refused. There are insufficient environmental planning grounds to vary the standard. The justifications appear instead to be based on 'why not' arguments - rather than grounds 'justifying' or supporting the need for departure of the height limitations provided in the (somewhat recently amended) LC LEP.	Agreed – there is no power under the LEP to approve the subject application.
The updated proposal is not in line with the public interest. It is urged that Council rejects the proposed modification. It is believed that the approved scheme strikes a good balance between 'greed' of the developer and the interests of the surrounding community. The proposed changes would upset this balance and cause permanent harm to those living nearby. The community would be satisfied that the changes in the precinct would take place in a way that was responsible and balanced in the need to provide for urban densification with the preservation of amenity for all.	It is considered that approval of the subject application would be contrary to the public interest, see main report.

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If the DCP and the LEP are meant to set the standards on “design excellence” there seems no reasonable basis on which this could be allowed through.	Agreed – the proposal as amended has not demonstrated design excellence and refusal is recommended, see main report.
The urban design report describes how the architect has sought to minimise the additional shadow and view impacts of the additional proposed stories, but this is in circumstances where the previous design already was pushing the edge of the envelope with the various DCP concessions allowed there. Is the rationale that this only adds a little more to what is already excessive?	The proposal as amended has not demonstrated a better planning outcome and it would not improve impacts onto its surroundings.
On the same basis, could not every other developer justifiably say that they should also be allowed to construct just that little bit higher again, or add just a few more stories? The potential contagion effect of this on the SLS precinct is significant – how the approving authority’s discretion is exercised here will be closely scrutinized and will have considerable precedent value. Are we now to conclude that an extra 4 metres above the incentive LEP height and an extra two stories (on top of what was already approved) is a nothing?	Agreed – approval of the subject application would result in an ‘avalanche’ of other applications to vary the height and number of storeys controls. This would create an undesirable and dangerous precedent.
Firstly, the proposed increase in height will greatly impact the privacy of the surrounding properties. The additional stories will allow for a greater number of windows and balconies, which will overlook neighbouring homes and outdoor spaces. This will significantly reduce the privacy of those living nearby, and could cause undue stress and discomfort	The proposed increase in bulk and scale or massing is not supported in this instance.
Council should reissue the Design Review Panel’s findings in light of the new alterations and additions. Some of the Panel’s concerns related to ADG guidelines, massing and bulk, solar access which were ignored.	It is noted the panel had not supported the subject application – see Annexure 5 and the findings of the panel in principle are agreed with.