

Appendix “C”

SUBMISSIONS SUMMARY

[illegible]

Appendix “C” SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	they deserve a better chance at lift. • Poor solar access to proposed Unit facing street and reduce mental health for future occupants	The Ground Floor, street facing unit has been revised to provide outlook to the street and suitable north facing open space.
Devaluation of properties and street	• Will impact future financial security	This is not a planning consideration under S4.15 of the EP& A Act 1979.
Revised plans/documents do not address previous issues raised by submissions	• Provides only large amounts of information, justifications and confusing legal jargon	The revised plans and documentation have addressed those matters raised in the additional information letter issued to the Applicant. The matters sought to be addressed included design, compliance and relevant issues raised in the first notification period.
Inappropriate time for notification to be carried out.	• Second notification was so close to Christmas so many people will be too busy to respond. • Notification count will not reflect accurate representation of community concerns.	Notification of the proposed development was carried out in accordance with Council's Community Participation Policy. Enquiries have been readily addressed by the Assessment Officer through phone discussion by individual submitters at request.
Development is incompatible with character of area and not suitable for the site/locality.	• Prohibited Use; • Development ignores zoning rules • Contrary to village atmosphere; • Excessive scale of development – contrary to DCP • Does not reflect Medium Density Development • Contrary to R3 – Medium Density Zone where Council's own website states multi-dwelling appropriate and encouraged • No expectation the quiet village feel would change given the zone now the Pub is being developments and this site • Relies on scale of Horizon RFB, whereas area is predominantly 1 or 2 storey housing. Does not considered Horizon RFB is zoned E1 not R3. • Site is not suitable for anything taller than townhouse, terraces or boarding house. • Wrong building in wrong area	The development benefits from a Site Compatibility Certificate (SCC) issued by the Department that permits the proposed use notwithstanding the site's location within the R3 – Medium Density Zone. The SCC permits the proposed use which is for affordable housing under Part 2, Division 5 of the Housing SEPP. This is both an available and permissible pathway for assessment of the DA. The form and scale of the development is larger than would be typically anticipated in the R3 zone however in light of the SCC and the proposal under SEPP, the scale and form is not dissimilar to that considered by the Department in contemplating and ultimately issuing the SCC. The site falls within a convergence of several zones – and in this circumstance changing character can occur. The site is immediately adjoining an RFB in the E1 – Local Centre zone. The Heathcote Hotel site is unrelated to the subject application. The very issuance of the SCC indicates the Departments position that the proposed form and scale is “compatible”

Appendix “C” SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
		<p>within its setting. Through the assessment proposed design changes have been sought to manage amenity and relevant compliance issues.</p> <p>Assessment of scale contemplates the relationship of the development in light of both the adjoining RFB and lower scale built form. Further transitioning / setback / height revisions were sought in Council's additional information letter, and these are reflected in the final plans.</p>
Adverse social impacts	<ul style="list-style-type: none"> • Introduction of social housing to the community without proper consultation will result in negative impacts • Careful planning and integration of social housing is necessary • Potential conflicts among neighbours • Possible increase of questionable individuals • Possible increase in crime 	The development will be managed by a community housing provider with management plans and protocols in place to introduce residents to the area and community.
Inappropriate intent for development	<ul style="list-style-type: none"> • Reliance on adjoining RFB; • Reliance on contribution to social housing; • Relies of SEPP to get around rules • Morally & ethically wrong to gain financially from development • No care what is on site provided financial gain made 	<p>Whilst the subject application raises considerable community concern as it delivers a form of building not anticipated for the R3 – Medium Density Zone, it accesses an available planning pathway (via issuance of SCC and through Div 5 of Housing SEPP) and responds directly to high level Government objectives in the delivery of affordable housing.</p> <p>The subject site has been recognised by the Department as being capable of accommodating increased density in the form of residential flat building at the site. This is based on the site being within walking distance to various services and public transport, and compatibility recognised by surrounding land uses resulting from the convergence of multiple zones.</p>
Insufficient Clause 4.6 Requests	<ul style="list-style-type: none"> • Unreasonable and unnecessary arguments not addressed • Environmental planning grounds not established • Inappropriately uses Horizon RFB height as precedent • No in the Public Interest 	Refer to detailed assessment of submitted Clause 4.6 Variation Statements in assessment report. These are found to be sufficient in stepping through Clause 4.6 of SSLEP 2015 and establishing sufficient environmental planning grounds.
Building height and scale not suitable	<ul style="list-style-type: none"> • Excessive height • Does not transition • Will tower over all neighbouring properties • Relies on height of Horizon RFB 	All height exceedance above HOB is identified between roof and plant. The Clause 4.6 addresses the variation to the lift overrun which is the maximum height.

Appendix "C"

SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	<ul style="list-style-type: none"> • Does not include lift overrun in maximum height • Will tower over single storey development to north • Overdevelopment • Roof top pergolas not necessary – added height. 	<p>The form of the development (as amended) is part 3 and 4 storey which has been accepted as providing a transition between the 4 storey RFB to the south to the lower 2 storey dual occupancy to the north, as anticipated by the SCC.</p> <p>The inclusion of roof top pergolas will assist with managing privacy through screening opportunities.</p> <p>On balance, the scale of the development is found to be acceptable as discussed in report.</p>
Traffic & parking impacts	<ul style="list-style-type: none"> • Reduced safety for pedestrian (including children walking to /from school). • No effort made to reduce safety implications of the development for pedestrians. • Narrow street for passing • Rosebery Street used as a "rat run" as parallel to highway • Street too narrow and forced one-way • Insufficient parking (11 spaces for 18 units) • 94% of households in Heathcote have at least care – inappropriate for Applicant to suggest occupants are more likely to use public transport. • Traffic and parking congestion – too many cars in street already • Skewed data presented • Data obtained during school holidays • Added congestion by waste collection • Impacts from construction vehicles • Proximity to school (50m) not addressed (school staff park in street and student pick up/drop off impacts the street already) • Limited services and service frequency in Heathcote means greater reliance on cars • Provision of bike racks will not reduce reliance on cars • Restriction for emergency services • Additional secure basement parking necessary to reduce street parking/car theft. 	<p>The proposed vehicle access / egress, sightlines etc from the basement has been reviewed and supported by Council's Traffic Engineer and found to comply with AS2890, subject to conditions. Refer to discussion on Traffic in Assessment Report.</p> <p>As the development is proposed under Division 5 of the SEPP, technically parking is not required pursuant to Clause 38(4). However (and as encouraged by Council's assessment staff), parking provision has been included. Any parking provided is in excess of that required by the relevant legislation.</p> <p>The development is also located in suitable walking distance to services and public transport.</p> <p>Construction traffic congestion is a known temporary impact that will be managed through a CMP.</p> <p>Fire Code compliance has been considered and resolved to the extent necessary for DA stage – a lengthy process through the assessment to ensure necessary information was provided. Further liaison will occur prior to CC during in terms of agreement for final outcome of service access.</p> <p>Future use/development of the hotel is not considered under this application.</p>

Appendix "C"

SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	<ul style="list-style-type: none"> • Could easily accommodate second basement level to accommodate more parking. • Redevelopment of hotel will create additional impacts 	
Insufficient waste collection and management	<ul style="list-style-type: none"> • Introduction of parking restriction on Rosebery Street for waste collection will further reduce parking. • Restriction window (6am-9am) is peak time for school drop offs and high traffic movement. • Waste collection will block the whole street • No revised WMP • Waste management is inconsistent with SSC waste Collection Policy. Including – chute system, kerbside collection 	The Applicant has liaised directly with Council's waste department and the amended waste management arrangement has been supported subject to conditions. Refer to discussion in report – onsite collection is required to avoid loss of street parking.
Wrong to compare development to adjoining Horizon RFB	<ul style="list-style-type: none"> • Different zone, street width, street character (Veno Street) 	The corner location of the Horizon RFB with frontage to both Veno and Rosebery Streets is acknowledged, and the development is considered "in the round". The compatibility of the development and design resolution contemplates various aspects of the streetscape / locality. Including the Horizon RFB.
Development will force neighbours to upgrade their properties to address issues resulting from development	<ul style="list-style-type: none"> • Neighbours will be left out of pocket • Will need to protect own privacy at a cost (screening/planting) 	There is no evidence to suggest the subject development will "force" additional cost on neighbouring properties.
Inappropriate development	<ul style="list-style-type: none"> • Criminal to demolish new 2 level home with RFB of 4-5 storeys. • A waste of money and resources • Better suited in Sutherland, Miranda or Engadine 	These are not planning considerations under S4.15 of the EP& A Act 1979.
Development will exacerbate existing mental health issues	<ul style="list-style-type: none"> • More development is stressful • Not conducive to quality of life 	All aspects of the proposal are considered pursuant to Section 4.15 of the EP&A Act.
Support affordable housing but not at this site or in the manner proposed.	<ul style="list-style-type: none"> • Affordable needed but anywhere else in Heathcote would be better • Developer should buy elsewhere near commercial area, closer to public transport • Presented as affordable to make a profit but accessing concessions to density, height and reduced parking. 	<p>Whilst planning controls encourage development types in particular areas, it is not Council's role to enforce development of specific properties. It is the right of any developer to seek development approval (pursuant to relevant planning legislation) and for assessment of that application to be undertaken.</p> <p>The proposal meets the requirements under the Housing SEPP for affordable</p>

Appendix “C”

SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	<ul style="list-style-type: none"> Limited “bare minimum” provision of affordable units. Benefits by SEPP but provide minimal affordable units. Affordable Housing should be provided through a Planning Agreement 	<p>housing. It is proposed following issuance of a SCC and the density and height is supported by Clause 4.6 Variation Requests. The proposal does not seek reduced parking rather provide parking despite the Housing SEPP not requiring any parking for the development under Part 2, Division 5, Clause 38(4).</p> <p>The development is proposed under Part 2, Division 5 of the Housing SEPP. This Division applies to affordable housing permitted under a SCC that will be managed by a CHP. The proposal meets these requirements.</p> <p>Under Clause 40, the minimum required affordable housing component is “at least 50% of the dwellings in the development”. These must be maintained for at least 15 years and managed by a Social Housing Provider – The number of affordable units and period they must be maintained as such is set as a minimum. The minimum is met, as such Clause 40 is sufficiently met by the proposal. Council does not have the power to require provision beyond the set minimum requirements of the SEPP.</p> <p>Application of the Housing SEPP is a permitted planning pathway available to the Applicant.</p>
Incorrect information and co-operation by applicant	<ul style="list-style-type: none"> There is no such No. 30 Rosebery Street – it is 11 Veno Street Failure to erect notification signage How can Applicant and proposal be trusted Indicates setback from northern boundary between 3-6m. But is mostly 3m. Application promotes bicycle networks available, however no cycling lanes running from Heathcote to Engadine. Transport via bicycle in this area is not safe or suitable. Misrepresentation of photos showing how busy street is. Indicates Horizon RFB is single lane underground car park. Misrepresentation seeks to sway things in Applicant favour. 	<p>Incorrect street numbering does not inform the assessment of the DA. Details site / locality inspections and review of relevant documentation has been carried out to sufficiently understand the area / nearby development and the proposal.</p> <p>During the notification periods, the notification sign has been erected and removed by unknown persons on numerous occasions. Council have been notified and rectified the situation several times, however the issue continued. It is a common issue across DAs. There is a level of satisfaction that the subject DA has wide public awareness, particularly through community discussions in order to promote the notification period. The DA provides discussions on various transport options including cycling and public transport as an alternate to reliance on vehicles. As discussed above, given the Division under the SEPP the proposed development is proposed under it is</p>

Appendix "C"

SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	<ul style="list-style-type: none"> The fence locations of the Horizon RFB are incorrect on the shadow and architectural plans. The shadow diagrams represent a false indication of solar loss on active private open space (See DA502 and DA5302). The Sun eye drawing (DA5001 to DA5213) incorrectly show privacy screens in front of northern elevation of Horizon RFB (living room windows) – a misrepresentation of impact. 	technically excluded from needing to provide parking, however (and as encouraged) basement parking is included.
Nature of development presents as discrimination	<ul style="list-style-type: none"> It appears the Applicant doesn't have to follow same rules as others. Why shouldn't occupants have access to same rights – instead of smaller units and parking not available for all units? 	The Applicant is a Social Housing Provider, and the DA has been made and assessed against relevant planning legislation – as with any DA. Under the relevant legislation, design guidelines are followed which include (amongst other requirements) parking and unit sizes. There are different parking provisions applied to affordable housing compared to market rate housing as imposed by State Government Policy. The application exceeds the parking required.
Poor aesthetic appearance	<ul style="list-style-type: none"> Represents a substandard architectural appearance compared to Horizon An eyesore that looks to be being made on the cheap. 	The application has been reviewed and guided by the Design Review Panel and Councils internal Architect. Overall, it has been found to exhibit acceptable architectural merit.
Insufficient area available for outdoor areas at the site	<ul style="list-style-type: none"> Limited area north or south for children of low income earner to play 	The proposal complies with the requisite communal open space (in excess) and private open space to each individual unit.
Loss of trust in the system	<ul style="list-style-type: none"> At time of purchasing a unit in Horizon RFB assurance was provided by Council that no proposal would be accepted that reduced solar to the northern lawn areas. Also, that townhouse development would be limited in height / setback. Council is considering DAs across the LGA for no good reason. Due diligence when purchasing adjoining unit that only medium density development could occur has given false hope. No consultation post notification Residents being disadvantaged so that Council or developer make money or check a box to benefit from providing affordable housing. 	<p>Detailed assessment and consideration have been provided to the DA in accordance with planning legislation requirements.</p> <p>Under typical planning pathway that did not include SCC, the planning information available by Council would relate to the development controls applicable to the R3 Medium Density Zone.</p> <p>Council is legislatively bound to carry out assessment of a DA in accordance with the planning regulations. Consultation has been carried out in accordance with Sutherland Shire Community Engagement Strategy 2023 (SSCES).</p> <p>The provision of affordable housing is a legislative process well beyond ticking a</p>

Appendix “C” SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	<ul style="list-style-type: none"> Flawed system for provision of affordable housing when development forms in perpetuity when encumbrances are only for 1 years 	<p>box. The inceptives afforded under the Housing SEPP are available to encourage the successful delivery of this type of needed housing and is subject to a minimum 15 year tenure as such to be managed by housing providers.</p> <p>Some issues raised are beyond the DA and relate to high level government policy.</p>
Heathcote Centre can not cater for requirements of a SEPP development	<ul style="list-style-type: none"> Council has neglected Heathcote with lack of infrastructure and car parking to cater for additional development in the area. Area wont cope with influx of people 	<p>SSDCP 2015 Chapter 15 – B2 Local Centre Heathcote recognises that “opportunities exist to increase the residential capacity within walking distance to the centre and train station”.</p> <p>SEPP (Housing) applies to the whole state and applies to relevant land to enact the delivery of housing. Typically, new development requires parking provision specific to the proposed use. In this instance as it is for affordable housing under Division 5 of the SEPP (by social housing provider) parking is not required. Notwithstanding, the subject application does provide off street parking.</p>
Revised submission through legal advise looks like pressure is being applied on Council to support the DA	<ul style="list-style-type: none"> Using legal weight to justify proposal. 	<p>A proper and thorough assessment has been carried out by Council’s assessment staff under the relevant matters for consideration pursuant to Section 4.15 of the EP& A Act 1979.</p>
Does not comply with Apartment Design Guide (ADG)	<ul style="list-style-type: none"> Setback to immediate northern property does not meet Section 2F Building Separation (12m required between habitable to habitable rooms/balconies) – only 3m to boundary and 1m to habitable rooms. Increased 3m setback between change in zone not provided. 	<p>Detailed ADG compliance review and consideration by DRP addressed in Assessment Report.</p> <p>Building Separation is found acceptable as discussed in report.</p> <p>The design criteria, including many numerical provisions, are not ‘requirements’. The Housing SEPP (and caselaw) clearly asserts they are merely one way of achieving the relevant objectives of the Apartment Design Guide.</p>
Fails to address Site Compatibility Certificate (Schedule 2)		<p>Refer to discussion in report.</p>
Fails to comply with SSDCP 2015	<ul style="list-style-type: none"> 1 visitor space per 4 units 10+ units require car wash bay 	<p>The parking provisions under SSDCP 2015 are overridden by the ADG, which defers to the RMS Guide to Traffic</p>

Appendix "C"

SUBMISSIONS SUMMARY

SUBMISSION SUMMARY First round notification – 21.5.23-13.7.23 (124 submissions) – 1 week extension Second round notification – 30.11.23-15.12.23 (30 submissions)		
KEY ISSUE	SUB ISSUES	ASSESSMENT COMMENT
	<ul style="list-style-type: none"> Affordable units not identified – parking will only comply if market units are 1 bedroom based on DCP rates 	<p>Generating Development (to which the 11-parking provision is 1 short). As the development is proposed under Division 5 of the SEPP, technically parking is not required pursuant to Clause 38(4). This applies the whole development, including market rate units.</p> <p>However (and as encouraged by Council's assessment staff), parking provision has been included.</p>
Environmental Impacts	<ul style="list-style-type: none"> Excavation for basement, potential damage to adjoining buildings Demolition of existing near new dwelling represents excessive waste and adds to landfill. Shows a poor example of Council's commitment to sustainability. Removal of 9 trees part of Indigenous Community 	<p>Excavation to accommodate a basement is typical within suburban locations across the LGA. Specific construction management measure would be applicable to manage excavation and construction.</p> <p>Council does not have control over demolition occurring on private property. This could occur under Complying Development.</p> <p>Tree removal and protection has been reviewed by Council and significant trees are protected – refer to detailed discussion in report.</p>
Does not meet community demand	<ul style="list-style-type: none"> The unit mix proposed does not cater for families Building more units will not meet community demand Only limit shops/services to support more residents No evidence that approving more increased density within the model proposed is required Misleading to suggest Heathcote requires more affordable housing. 	<p>The proposed provide sufficient housing diversity in delivering mix of 1 and 2 bedroom dwellings, affordable and market rate units and adaptable/liveable dwellings.</p> <p>The proposal directly addresses the known demand for more diverse and well located homes in an area with existing infrastructure capacity, such as transport, open spaces, and community facilities.</p> <p>The proposal responds to the current planning legislation and government direction to facilitate affordable housing. It will be subject to the relevant legislative requirements in delivery such in the manner specified by the SEPP.</p>
Support for proposal	<ul style="list-style-type: none"> Addresses housing demand 50% affordable is generous offering 	Noted