

## Annexure 23 – Summary of Submissions

Concern	Response
<b>Building Height</b>	
<p>The height should be limited to 4 storeys where not on Pacific Highway, 4 to 6 storey in keeping with St Leonards South, and is otherwise out of character.</p>	<p>The proposal is limited in height generally in accordance with the existing local planning provisions. The 2036 Plan recommends no change to the existing height, FSR or zoning of the subject site. The existing zoning provides for the extension of commercial zoning (and associated height and FSR) provisions down Greenwich Road. The proposal has had satisfactory regard to the existing local planning provisions. Further, the proposal provides for additional building separation to the rear (east) to transition to the lower density residential zone and to the south (9m at Level 1-4 where only 6m required) to transition to lower-scale residential flat building development.</p>
<p>The height exceeds the LEP limit of 25 metres.</p>	<p>The proposal was amended so that all residential floors were below the 25m LCLEP 2009 limit. The amendments also included additional rooftop facilities (toilet) which are then technically included in the height breach. The 0.75m breach is well located (northern-edge and central to the rooftop) and would not have any adverse impacts on adjoining properties.</p>
<p>The height of the building is not appropriate for seniors living due to slower evacuation times in an emergency.</p>	<p>SEPP Seniors and SEPP 65 anticipates seniors living may be provided in residential flat building style developments. It is noted that the subject proposal is for self-care dwellings and that the Building Code of Australia makes for appropriate fire safety assumptions based on a range of occupants.</p>
<p>Additional shadow detail is required detailing existing to proposed situation. Relying on a 'compliant envelope' for comparison does not allow neighbours to adequately assess the additional impact from the existing situation.</p>	<p>The submitted shadow diagrams as originally lodged did not include sufficient detail, did not show the existing situation, and did not provide suitable property identification or hourly shadow detail. The applicant submitted revised shadow diagrams (provided from Revision 2 which were renotified). <b>Annexure 4</b> (page 37 and 38) shows a comparison between the existing and proposed shadows.</p>
<p>The height results in unacceptable overshadowing of 4 Greenwich Road.</p>	<p>In terms determining acceptably of overshadowing reference in the first instance is made to SEPP Seniors of which</p>

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<p>The justification that the units at 4 Greenwich Road receive views is not well-founded as not all units receive views.</p>	<p>a detailed assessment is provided in <b>Annexure 2</b>. Clause 35 requires adequate daylight to the main living areas and private open space of neighbours. In this instance the principal private open space is the south facing balconies to each unit which is not overshadowed by the subject proposal. In relation to the living areas, the principal glazing to the living areas and location of living areas is to the southern side of no. 4 Greenwich Road. In this way the proposal is acceptable with respect to SEPP Seniors.</p> <p>Notwithstanding, the following observations are made in relation to the amended plans:</p> <ul style="list-style-type: none"> <li>• The decreased building depth, and increased front setback and rear setback, in Revision 3 has substantially improved solar access to parts of No. 4 Greenwich Road in the morning and afternoon periods.</li> <li>• The proposal does not shadow No. 4 Greenwich Road from 1pm at the Equinox;</li> <li>• The proposal does not shadow No. 4 Greenwich on 21 January</li> </ul> <p>This is agreed however, there are other grounds why solar access is acceptable in this instance:</p> <ul style="list-style-type: none"> <li>- It meets with SEPP Seniors provisions as detailed above;</li> <li>- It would result in considerably less overshadowing when compared to a commercial building;</li> <li>- Compliance with SEPP 65 is achieved.</li> <li>- The portion of the building exceeding the 25m height limit would not overshadow No. 4 Greenwich Road.</li> </ul>
<b>Traffic and Parking</b>	
<p>The proposal should be provided with additional parking beyond the mandated minimums due to a parking shortfall in the locality.</p>	<p>The parking provisions within SEPP Seniors (Clause 50) are do not refuse standards. Accordingly, a consent authority cannot refuse an application on the grounds of parking where the minimum provision is met. In this instance the applicant has sought to provide 6 residential visitor spaces and 4 (reduced to 3 in accordance with recommended condition of consent) additional resident spaces, being a total</p>

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	surplus of nine (9) spaces. These spaces are included as GFA and are the equivalent of approximately 100m <sup>2</sup> GFA. The applicant has utilised a part of their FSR for the purpose of parking, beyond what is required and is considered therefore to have reasonably sought to provide for additional on-site parking.
Concerns lack of parking will have on the ongoing availability of on-street parking.	As above.
Extension of parking restrictions including a 'no parking zone' 10-29m further down Greenwich Road from the intersection with Bellevue Avenue should be enforced.	Extensions of restrictions can be requested from Council's Traffic Committee however neither the Traffic Impact Assessment or Council's Traffic Officer determined the restrictions are necessitated by this development.
A specific condition should be placed on any consent stipulating no parking on No. 5-9 Greenwich Road (construction and on-going).	This is a civil matter and it is not within the power of the consent authority to impose a condition restricting who can park on No. 5-9 Greenwich Road as application is not made pursuant to those properties. Council's Rangers can be contacted to assist where possible should an issue arise at any point.
The location of driveway access is not appropriate in such proximity to the Pacific Highway.	The proposal is suitably located away from residential properties, is existing (and the Traffic Report anticipates similar volumes of traffic from the proposal), and no objection was raised to its location by Transport for NSW (RMS) or Council's Traffic Officer.
<b>Infrastructure</b>	
Increased density straining local infrastructure (parks etc.)	The proposal is developing to a density consistent with existing planning provisions. The proposal would be required to contribute to local infrastructure under Section 7.11 of the Act <b>(Refer to draft recommended condition of consent no. 7)</b>
Inadequate capacity of Anglo Road stormwater infrastructure to cope with additional loads.	Council's Development Engineer is satisfied that the pipe upgrade to Anglo Road would enable suitable capacity, noting the proposal is also provided with an OSD tank. <b>(Refer to draft recommended condition of consent no. 53)</b>
<b>Construction</b>	

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Impact of excavations on the foundations of No. 4 Greenwich Road including basement parking extending to the boundary of No. 4 Greenwich Road.	The proposed basement is set back a minimum 3.0 metres from No. 4 Greenwich Road. Standard geotechnical, structural engineer and dilapidation report conditions are recommended <b>((Refer to draft recommended condition of consent nos. 54, 56, 57, 69))</b>
Construction traffic, traffic safety and parking impacts on local residents.  Clarification required on the use of No. 3 Anglo Road during construction as it is concerned Anglo Road is unsuitable for ingress egress due to narrow road width.	Construction traffic management is an important matter and a Construction Management Plan is to be submitted to, and approved by, Council's Traffic Section (including input from various authorities) prior to a Construction Certificate being issued. The CTMP would ensure construction access is restricted to the most appropriate paths of travel available to the site. <b>(Refer to draft recommended condition no. 90).</b>
Concern the proposal seeks approval for 24 hour demolition.	Work, including demolition, is limited in accordance with draft recommended condition no. 6, which does not permit 24 hour demolition.
Request to require building cleaning of No. 5-9 Greenwich Road during construction.  Concern regarding construction impacts (dust, noise etc.) to No. 130-134 Pacific Highway.	Council have required appropriate reports to be submitted to Council's satisfaction prior to construction commencing including a Site Water Management Plan <b>(draft condition no. 101)</b> and Construction Noise Management Plan <b>(draft condition no. 122)</b> . A copy of the submitted Erosion and Sediment Plan is provided as <b>Annexure 20</b> to this report to demonstrate the measures required.
<b>Visual Privacy</b>	
Visual privacy concerns for No. 4 Greenwich Road.	The proposal has provided privacy screening where directly facing No. 4 Greenwich Road. This in conjunction with the proposed landscaping (planter boxes, and the proposed deep soil zone) would provide for adequate visual separation between the buildings.
Planting between No. 130-134 Pacific Highway and subject site should be maintained or adequately replaced to provide visual privacy to the commercial building.	The proposal does not include removal in the north-eastern corner. The proposed tree planting will substantially improve the landscape buffer to the east with a 6m wide deep soil zone.
Visual privacy and setback concerns from the property owner of No. 1 Anglo Road.	The proposal was amended to provide for appropriate separate in accordance with the

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	ADG where a development adjoins a lower-density zone. The balconies would provide suitable visual separation from internal living areas. It is noted the commercial level would include privacy screens along the entire eastern elevation.
Visual privacy concerns for no. 49 Bellevue Avenue.	Factoring the separation distance of approximately 33 metres across Greenwich Road the visual privacy impacts are considered reasonable (noting the first three residential levels above the commercial level have solid balustrades facing Greenwich Road).
<b>Amenity of Units</b>	
Non-compliant solar access to proposed apartments not satisfactory.	The level of solar access is addressed in the planning report as satisfactory.
<b>Property Value</b>	
Devaluing of adjoining properties.	Property value is not a planning matter for consideration.