

Thanks Aditi

We have reviewed the applicant's response, and make a range of observations and comments below. Whilst these points represent some observations and counter-responses to only a select number of items raised in the applicant's response, as a whole, they in no way supersede or replace the initial objections raised by, or on behalf of the residents in 111 Carabella St. As such, they should only be read as a supplement to the initial objection document.

Para 2.2.2.

- The document acknowledges that the exceedance to the LEP is 2.5m, which represents a non-compliance in excess of 20%. This is a material exceedance to the LEP standard, which is designed to maintain and preserve the overall amenity for the locality. Exceedances of this magnitude not only reflect the bulk and scale of this particular development to the surrounding locality, but also provides a precedent and new baseline for future developments, which will further (and permanently) erode this amenity for future generations.
- The document tries to justify the proposed (non-complying) set-back and building height-plane, based on the assertion that it is impossible to set back any further and maintain connectivity with other buildings in the campus. Our view is that this is a technical interpretation, and that the set-back non-compliance remains absolute. As such, the onus to resolve the connectivity problem if set-back requirements were to be complied with sits with the applicant, and inability to technically solve this problem is no basis to allow non-compliance.
- The document tries to justify that the non-compliance still allows the proposal to be consistent with the scale of the development of the existing campus, and surrounding built form. One of the arguments includes that it is below the level of the school chapel and nearby residences. Our view is that a non-compliance remains a non-compliance and that the scale of this development is significantly above that of the surrounding residences and indeed the chapel tower. As such, the level of additional intrusion from the non-compliance (to loss of daylight and views) to the local landscape is material.
- The response places a lot of focus on the limitation of the loss of view from the non-compliance to only 1 unit in 111 Carabella St, and that the direct breach of the standard becomes acceptable due to the interests of the school being larger than a small number of residents. Our view is that a non-compliance is absolute, and that applicants need to work within the regulations when design work is performed.
- The response refers to the loss of views from the north facing units being minor and acceptable. This is a subjective statement, with the only objective (fact-based) statement is that a component of this view loss is directly driven by height non-compliance. The response also states that this view loss is from the bedrooms. This is not a factual statement, as we know that a number of these units use the affected rooms as living rooms, therefore increasing the sensitivity of the view loss, and constraining how residents may configure their units in the future.

Para 2.5.2 (response to Construction Scheduling issues)

- The applicant indicates that truck movements on and off the site during construction will involve 4 movements per day between the hours of 0700 and 0745. Whilst we acknowledge that truck movements are inevitable for construction purposes, we believe that no movements should occur at these times, due to the close proximity to apartments and the resultant noise and vibrations while residents (including children) may still be

sleeping. We would ask the approving body to remove this time zone from any proposed truck movements under any modified versions of this project which may be approved in the future

The response document is either silent on, or provides little meaningful responses to the following points raised in our objection:

- Set-back. Other than the technical difficulties referred to by the applicant if set-back requirements were to be complied with, the applicant does not mention the incremental effect of this non-compliance on:
 - o Acoustics. There is little commentary around the objection around noise, from a combination of plant and equipment, proximity of large numbers of students to the residences and exposure to weekend / out of hours activities held on the roof top. There was no response to our comment that the Acoustic report does not assess the impacts from the roof terrace in detail. There was a reference to a partial relocation of an unknown proportion of mechanical plant, however the detail is not provided nor is the materiality of these modifications on noise mitigation assessed. We note the response refers to an intended occasional use of supervised recreation. This is a subjective statement, with no caveats, or evidence of satisfactory noise control at different times of the week. We believe that all roof top terrace use should be prohibited at evenings or weekends.
 - o Daylight, ventilation and over-shadowing. Whilst the document discusses loss of views, it says little about the loss of daylight, and overshadowing impacts to 111 Carabella St from the combination of set-back and excessive height. Our view is that the incremental loss of daylight, combined with further impediments to ventilation will contribute to mould and other health issues which do not appear to have been investigated or addressed. Again, all of these impacts which are derived from height non-compliance should demand a reversion to compliance as a minimum.
 - o Privacy. We note no specific response to our concerns about impacts on privacy
- Our objection quotes the DCP insofar that applications will generally not be refused based on loss of views where the development strictly complies with the building envelope controls applying. This suggests that strict compliance becomes a pre-condition before any authority contemplates overturning any objections based on views. In this case, there is undisputed non-compliance, and as such the loss of views needs to remain a consideration.
- Our statements surrounding the requirements of the North Sydney LEP Clause 4.3 (Building Height development Standard). There is little or no response to our points on:
 - o Sharing of views and the absence of a FSR control dictating the criticality of complying with the building envelope regulation
 - o Maintaining privacy, views, ventilation and sunlight
 - o Compatibility between developments, particularly at zone boundaries
- Traffic. We note that the response does not offer any tangible initiatives to mitigate the impact from additional traffic pressures from an increase in students and staff as a result of this project. We see a reference to a Workplace Travel Plan and a monitoring process, which is superficial, too infrequent and with no recourse if improvements are not met. As such the project will only worsen traffic conditions from that already being experienced, and the WTP should be disregarded as a factor when considering this application.

We see no response to our point that the construction on the building is expected to drill into the same rock that 111 Carabella sits on, and that this could jeopardise the stability of the unit block and surrounding structures.

Let me know if any queries or issues around this correspondence

Many thanks

Ian Gatenby

Unit Owner 111 Carabella St