

8th June 2023

15 September 2023

Elena Sliogeris
Department of Planning and Environment
Via Major Projects Portal

Dear Elena,

SSD-49472213 SUBMISSION - OBJECTION

1. INTRODUCTION

Thank you for the opportunity to comment on the abovementioned State Significant Development Application (SSD-49472213). This submission has been prepared by SP13518, located at 81 Gerard St Cremorne, NSW 2090 in relation to SSD, which seeks consent for:

- The demolition of existing buildings on site.
- Construction of a seniors living development including 60 independent living units contained within 2 x 4 storey buildings facing Parraween Street, a 6-8 storey building facing Gerard Street.
- A residential aged care facility.

The SSDA is on exhibition from 21/08/2023 until 17/09/2023.

2. SUBMISSION

2.1. ENGAGEMENT

The Engagement Outcomes Report included at Appendix D of the EIS package provides a comprehensive overview of engagement activities undertaken. Concerns are however raised in regard to the actual awareness raised by the project, noting no clarification has been provided as to properties issued project newsletters, or project collateral. Reference to addresses/catchment of persons notified has only been provided in relation to the CDC advice, which is unrelated to the notification of the SSD itself.

Additionally, the engagement report notes a number of items raised during the engagement process, and how these have been handled by the applicant. It is not clear however what the starting point was for these issues, which raises concern on the actual amendment which resulted from the engagement process. Specifically, the issue on building height on Gerard Street which is of concern and discussed further below, appears to have remained unchanged despite being a key item raised as concern during the engagement process.

The application should provide documented evidence on which adjoining neighbours were in fact consulted with, and the resulting changes implemented within the submitted design.

2.2. BUILDING HEIGHT AND DENSITY

2.2.1. Character

The proposal places a large quantum of bulk and scale within the northern portion of the site, namely in the form of building 4, which exceeds the applicable building height controls for the site by a variation of 139%. A large emphasis has been placed on justifying this breach through 'existing character', where the applicant alleges multiple developments along Gerard Street are between 4-15 stories. This statement is false for the following reasons:

- While it is acknowledged that 40-48 Gerard Street is of significant scale (approximately 14 stories), and 81A and 81B are eight stories, these in themselves do not establish the 'surrounding character'.
- For the most part, and particularly new development along Gerard Street, development has been retained at 4 stories as required by the current height of building controls.
- If the proposed height of building 4 were to be supported in its current form, it may set a dangerous precedent for what is accepted within the area, while thwarting the ability for the zone to provide a transition in building height as you travel south to north away from Military Road as intended by the current controls.

2.2.2. Variation

A summary of the proposed building heights as documented in the Clause 4.6 Variation Request included at Appendix F with the EIS package are as follows:

- Building 1: Max 16.33m (bottom south-east corner fronting Parraween St), (36% variation).
- Building 2: Max 14.91m (to the east of Building 1) (24% variation).
- Building 3: Max 16.09m (in the south-west corner fronting Parraween St) (34% variation).
- Building 4: Max 28.7m (in the northern narrower section of the site, fronting Gerard St) (139% variation).

The submitted Clause 4.6 Variation seeks to demonstrate the suitability of the breach through several statements. These statements have been reviewed with comments provided below regarding their validity:

- *"The non-compliance is required to facilitate a better urban design and planning outcome for the site."*

Comment: This is not entirely correct, as a good urban design outcome could still be achieved with a reduced built form, noting the only impact this will have is on development feasibility.

- *"The development provides a public benefit as it allows for the provision of a public park in the centre of the site achieving a through-site link from Parraween Street to Ada Street to the north."*

Comment: While this statement may be correct, the public benefit does not result from the height breach itself, rather from the inclusion of spatial planning allowing for improved pedestrian linkages through the site.

- *“The development as it varies the standard does not cause adverse environmental impacts.”*

Comment: The environmental impacts which result directly from the additional building height sought, notably from building 4, result in a number of environmental impacts, such as:

- Unreasonable overshadowing to dwellings within the same site, and on land adjacent.
- Impacts of view sharing, which have not been assessed and cannot be assumed until such time as a certifiable assessment has been provided. The renders used do not include district views, nor consider the impacts from taller adjacent properties.

- *“The current views experienced from the surrounding development is that of sky, district urban built views and some landscaping/tree canopy.”*

Comment: This comment is baseless, noting a certifiable View Sharing Analysis has not been provided by the applicant. While on one hand the applicant states the surrounding taller buildings are a basis for justifying their proposed height breach, yet on the other hand exclude these developments from considering the impacts of view sharing.

Building 4 represents a significant breach of the applicable building height controls, resulting in unreasonable bulk and scale on Gerard Street. The environmental impacts which result from this built form have not been adequately assessed, nor mitigated, by the applicant. The height should therefore be reduced to more closely align with the development controls which apply to the site.

2.3. GEOTECHNICAL

Concerns are raised with the proposal’s ability to ensure, during construction, that no damage results to neighbouring properties. Specifically, and in relation to the basement excavation and shoring associated with building 4 to the north. As noted in JK’s Geotechnical Investigation provided at Appendix X with the EIS package, *“The primary geotechnical issues with this development will be to maintain the stability of the excavation, avoid vibration damage to neighbouring properties during demolition and excavation of sandstone bedrock and manage groundwater inflows to the excavation. Due to the variable and locally poor rock quality there should be full depth soldier pile shoring throughout.”*

While dilapidation surveys must be undertaken prior to the works commencing, they in themselves do not prevent the risk of damage to adjoining properties. The Geotechnical investigation hinges on further investigation before conclusive positions can be formed on construction methodologies.

An increased emphasis should be placed on understanding the possible impact and mitigation measures prior to any consent being issued.

2.4. ARBORICULTURAL

The BDAR Waiver provided with the EIS package at Appendix O, makes reference to the presence of a Sydney Blue Gum (*Eucalyptus saligna*) on the site. This is reconfirmed in the EIS and referenced as tree 41 (refer page 112). Blue Gum High Forest of the Sydney Basin Bioregion are considered a critically endangered ecological community under the EPBC Act.

Further investigation is required to understand whether this tree 41 meets the criteria for the Nationally Critically Endangered Ecological Community. If so, additional, and more rigorous mitigation measures should be put forward by the application to ensure the tree can successfully be retained during the construction process.

2.5. VISUAL IMPACT

The SEARs for the project issued on the 24 October 2022, call for the submission Visual Impact Assessment as follows:

- *Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development.*
- *Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.*

The EIS includes a Visual Impact Assessment contained at Appendix FF, prepared by Chrofi Architects. The provided assessment does not provide an accurate assessment of the potential visual impacts for the following reasons:

- While it is noted there is no determinative or required visual impact assessment methodology in NSW for new built forms, there are a number of published methods including the Guidelines for Landscape and Visual Impacts Assessment 3rd edition, published by the Landscape Institute and Institute of Environmental Management and Assessment. The assessment provided with the EIS makes no reference to the matters contained within these documents, nor corresponds with them in any capacity.
- The assessment does not provide certifiable photomontages, and rather uses computer generate block massing which does not provide an accurate representation of the visual impact which would be observed from surrounding viewpoints.
- The assessment makes no reference to the quantum of change (extent of visual effects), the importance of the change (impacts), nor suggested mitigation measures to minimise that impact as required by the SEARs issued for the project.
- A certifiable View Sharing Analysis has not been provided with the EIS package to assess the views from within adjacent residential properties. Serious concerns are raised over the visual impact resulting from the northern building (building 4) on the district views obtained from 40-48 Gerard Street (adjacent and to the north), towards Sydney Harbour and Shark Island (refer [this link](#) for example image).
- Little regard is given to the existing surrounding visual context, other than block massing which again, is not certifiable nor provides an adequate assessment.

When considered on balance, the submitted visual impact assessment is unable to provide an accurate assessment of the potential visual impacts, and therefore does not fulfill the requirements of SEARs item 6.

3. CONCLUSION

Whilst SP 13518 do not object to the principle of the proposed development, we have concerns regarding the impacts which result from the current scheme. As a key stakeholder, we wish to undertake further engagement to ensure a reasonable outcome can be achieved.

Should you wish to discuss the enclosed further, please do not hesitate to contact the undersigned.

Kind regards,



Chris Scott on behalf of SP13518
Strata Manager