



planning consultants

31 March 2025
Our Ref: 22296A.2CE_OBJ

The Secretary
NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Dear Sir/Madam

RE: Submission to the NSW Department of Planning, Housing and Infrastructure

SSD – 73603959: Demolition, Site Preparation, Alterations and Additions to existing Residential Care Facility (RFC), Construction of 132 Independent Living Units (ILUs), Landscaping Works and Lot Consolidation at Nos. 1610, 1614-1634 Pacific Highway & 5 Munderah Street, Wahroonga (Lot 1 DP 1256199, Lot 3 DP 339734, Lot A DP 410419)

1.0 Introduction

DFP Planning Pty Ltd (DFP) have been engaged by Robert Matheson on behalf of Strata Committee SP 77814 of 8 Ada Avenue 10 Ada Avenue and 7 Munderah Street, Wahroonga to undertake an independent review and prepare a letter of objection to SSD-73603959 (the application) on their behalf. The application is for:

- Site preparation works, partial demolition of existing buildings (resulting in the removal of 26 independent living units and 41 residential care facility beds), removal of 107 trees, bulk earthworks and remediation;
- Retention of 56 existing residential care facility beds 35 existing independent living units and 57 existing car parking spaces;
- Alterations to the existing residential care facility to provide an upgraded laundry, kitchen, dining room and administrative offices;
- Construction of 132 new independent living units within 6 new buildings, ranging between 5-7 storeys, with a total GFA of 32,465.5m² on site including:
 - Two basement car parks to accommodate 159 residential, 13 visitor and 8 staff car parking spaces;
 - A village square, internal roads, physical infrastructure and utilities;
- Landscaping works including the retention of 50 trees and planting 255 new trees;
- Lot consolidation of 3 separate lots across 1610, 1614-1634 Pacific Highway and 5 Munderah Street, into 1 lot.

The application is currently on public exhibition until 31 March 2025.

This objection relates to the following:

- No. 8 – Ada Avenue – Block A – 5 storeys (level 1 being at ground level) 9 apartments; vehicle access point at 8 Ada Avenue.
- No.10 Ada Avenue – Block B – 5 storeys (level 1 being at ground level) 16 apartments; vehicle access point at 10 Ada Avenue.
- No. 7 Munderah Street – Block C – 4 storeys (level 1 being at ground level) 7 apartments; vehicle access point at 10 Ada Avenue (shared with Block B)
- Nos. 1-3 Munderah Street – Building 1 (closest to Pacific Highway) – 5 storeys (level 1 being at ground level) 14 apartments:
Building 2 (middle) – 5 storeys (level 1 being at ground level) 14 apartments
Building 3 (western end) – 5 storeys (level 1 being at ground level) 14 apartments
All three building share a common access point located between Building 2 and Building 3.

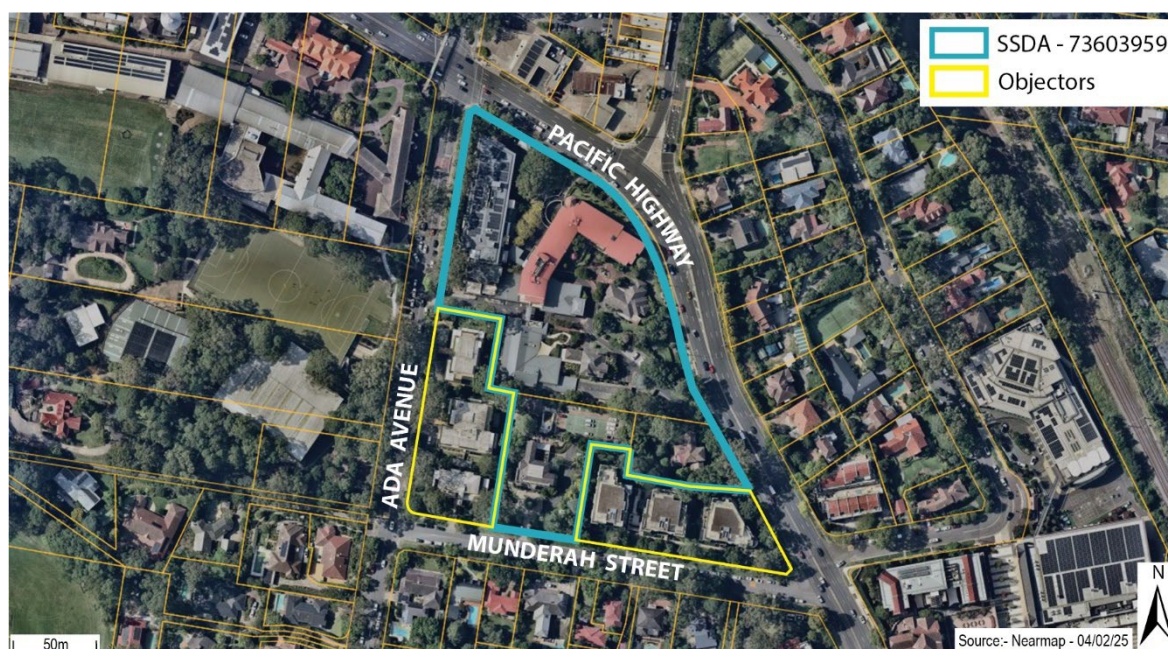


Figure 1 Aerial Photograph

From our review of the documentation available on the NSW Department of Planning, Housing and Infrastructure (DPHI) website, it appears that the application does not provide sufficient information to fully understand the potential impacts of the proposed development.

Despite the lack of information and details, this submission outlines the potential impacts of the proposed development on the residential amenity of our clients and residents in the residential flat buildings (RFBs) at 8-10 Ada Avenue and 7 Munderah Street and the residents of the adjoining RFBs at 1-3 Munderah Street, , Wahroonga (who have become a joinder to this submission).

2.0 Heads of Consideration

Section 4.15(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires a consent authority, under the 'Heads of Consideration' inter alia to consider the likely impacts of the development, including environmental impacts on both the natural and built environments and social impacts in the locality. Section 4.15(d) requires the consent authority take into

consideration any submissions made. Section 4.15(e) requires the consent authority to take into consideration the public interest.

This submission contends that the SSDA in its current form does not include sufficient information to determine the likely impacts of the development, that the impacts that can be determined are unsatisfactory, and that the cumulative impact on the locality is not in the public interest.

2.1 Particulars

The particulars raised in this submission are summarised as follows:

- **SEARS:** The requirements of the SEARs are not met (**Section 3.1**);
- **Staging:** Alternate staging has the potential to significantly reduce the impacts from the 3.5 year construction timeframe on the adjoining RFBs at 8 and 10 Ada Avenue, 7 Munderah Street and 1-3 Munderah Street, Wahroonga. That is, constructing Building 4, 5 and 6 prior to the construction of Building 1, 2 and 3) (**Section 3.2**);
- **Construction Management:** Pacific Highway construction access would substantially reduce construction traffic impacts on the adjoining RFBs at 8 and 10 Ada Avenue, 7 Munderah Street and 1-3 Munderah Street, Wahroonga, and the scale of the development and proximity of sensitive receivers warrants a detailed Construction and Construction Traffic Management Plan (**Section 3.3**);
- **Solar Access Impacts:** A comprehensive assessment of the solar access impacts to the adjoining RFBs at 8 and 10 Ada Avenue, 7 Munderah Street and 1-3 Munderah Street, Wahroonga, is not provided (**Section 3.4**);
- **Visual Impacts:** The visual impacts proposed Buildings 4, 5 and 6 on the adjoining RFBs at 8 and 10 Ada Avenue, 7 Munderah Street and 1-3 Munderah Street, Wahroonga, has not been provided (**Section 3.5**);
- **Stormwater:** During consultation adjoining residents raised concerns regarding stormwater runoff from the existing development down the driveway off Ada Avenue. The Stormwater Management Plan (SWMP) has not provided any detail as to whether this matter will be resolved by the SSDA (**Section 3.6**);
- **Operational Management;** The Operational Plan of Management (PoM) does not provide the hours of operation for the development including a community facility (**Section 3.7**);
- **Building Heights:** Building Heights - the EIS states that the buildings vary between 5 to 7 storeys, however, Section 12.1 and 12.3 of the SRDP report states the buildings are a maximum of 8 storeys (**Section 3.8**);
- **Visual Privacy Impacts;** The application proposes landscaping as a mitigation measure to minimise privacy impacts. However, landscaping takes time to establish.
- **Construction vibration and structural impacts:** The impacts of construction including noise and vibration on the RFBs adjoining to the proposed development at 8 and 10 Ada Avenue, 7 Munderah Street and 1-3 Munderah Street, Wahroonga especially given the timeframe of the proposed construction phase of the development – no Construction Environmental Management Plan has been prepared;
- **Inconsistencies:** Inconsistent and inaccurate information across EIS and supporting documents (**Section 3.2**);
- **Groundwater inflow and dewatering:** the flow rates are unknown.
- Public interest.

3.0 Grounds for objection

3.1 SEARs requirements

The proposed development has not adequately assessed the SEARs requirements issued by DPHI that could potentially impact the residents of the adjoining RFBs. **Table 1** below outlines the deficiencies:

Table 1 – SEARs requirement not adequately addressed

Requirement	Deficiency
<p>5. Environmental Amenity</p> <ul style="list-style-type: none"> Assess amenity impacts on the surrounding locality, including lighting impacts, reflectivity, solar access, visual privacy, visual amenity, view loss and view sharing, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated. Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during the summer and winter solstice and spring and autumn equinox) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant). 	<p>The amenity impacts on the surrounding locality have not sufficiently been addressed. No consideration has been given to potential impacts from lighting and reflectivity. The assessments of solar access, visual privacy, visual amenity impacts, and overshadowing has not demonstrated a high level of environmental amenity for the adjoining RFBs at both 1-3 Munderah Street, 8-10 Ada Avenue and 7 Munderah Street as further discussed below. Further the wind analysis does not provide CFD modelling or wind tunnel testing.</p> <p>A solar access analysis has been provided by AJC and the EIS states that the proposed development is compliant with the ADG requirements. However, consideration has not been given in the EIS to the amount of solar access that will be lost during 21 June by the residents of the RFBs for both 1-3 Munderah Street which is mostly affected as well as 8-10 Ada Avenue and 7 Munderah Street which is more impacted by the proposed development during the morning.</p> <p>Furthermore, the shadow diagrams do not cover the overshadowing impacts on all of the surrounding properties during the summer and winter solstice and spring and autumn equinox at the hourly intervals between 9am to 3pm as required by the SEARS.</p>
<p>6. Visual Impact</p> <ul style="list-style-type: none"> Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. 	<p>Whilst a visual analysis has been provided from viewpoints external to the site, the visual impacts on the existing adjoining development from the proposed development has not been analysed.</p>
<p>8. Trees and landscaping</p> <ul style="list-style-type: none"> Assess the number, location, condition and significance of trees to be removed and retained and note any existing canopy coverage to be retained on-site. 	<p>Whilst an Arboricultural Impact assessment has been undertaken there are inconsistencies between the Arboricultural report and the EIS regarding the number of trees proposed to be removed, retained and replanted.</p>
<p>10. Traffic, Transport and accessibility</p> <ul style="list-style-type: none"> Provide a transport and accessibility impact assessment, which includes: <ul style="list-style-type: none"> an analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing performance levels of nearby intersections. details of the proposed development, including pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances, and an explanation of how 	<p>A transport and accessibility impact assessment has been undertaken however, the report does not adequately address all the requirements required to be addressed including details of the proposed pedestrian and vehicular access arrangements. No swept paths have been included, and parking arrangement and rates have not been provided. Loading/unloading zones have not been provided and neither has the location and number of parking spaces for construction workers.</p> <p>Furthermore, it is proposed to direct the construction traffic onto local roads i.e. Munderah Street for access and Ada Avenue for egress over a period of 3.5 years. The impacts of the construction traffic and parking on the residents of the adjoining</p>

Table 1 – SEARs requirement not adequately addressed

<p>residents will access facilities and services), parking arrangements and rates (including bicycle and end-of-trip facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading.</p> <ul style="list-style-type: none"> analysis of the impacts of the proposed development (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments. measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or government agencies) of any infrastructure improvements in accordance with relevant standards. proposals to promote sustainable travel choices for employees, residents, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high-quality end-of-trip facilities, and implementing a Green Travel Plan. Provide a Construction Traffic Management Plan detailing predicted construction vehicle movements, routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated. 	<p>RFBs have not adequately been assessed including cumulative impacts.</p> <p>The staging of the development has not appropriately been considered in terms of impacts from construction traffic and parking.</p> <p>It is considered that it would be more appropriate to construct Buildings 4, 5 and 6 in the first stage and to request access and egress for construction vehicles from TfNSW from Pacific Highway i.e. left in, left out. It is unclear how Building 6 will be constructed with the current access off Munderah Street.</p> <p>The Construction Management Plan (CMP) prepared for the proposed development does not provide any details of predicted construction vehicle movement, routes or access and parking arrangement. Insufficient information has been provided regarding coordination with other construction occurring in the area.</p> <p>The CMP refers to the Construction Traffic Management Plan (CTMP) for details of traffic management during construction. However, the CTMP outlines that it is a preliminary document and a comprehensive CTMP will be prepared once a builder has been appointed, and the construction methodology has been confirmed. This does not provide sufficient information of the impacts of construction traffic.</p> <p>The CTMP and CMP does not provide the information requested by the SEARs.</p>
<p>12. Noise and Vibration</p> <ul style="list-style-type: none"> Provide a noise and vibration assessment prepared in accordance with the relevant NSW Environmental Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise, and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented. 	<p>Whilst the Acoustic report prepared for the proposed development considers the construction and operational noise and vibration impacts on nearby sensitive receivers, it has concluded that the construction noise impacts on neighbouring residential properties is projected to exceed the NMLS.</p> <p>The report outlines that vibration and the probability of causing annoyance or damage to structures is complex.</p> <p>Mitigation measures have been provided for exceedance of vibration impacts and noise impacts however it does not</p>

Table 1 – SEARs requirement not adequately addressed

	adequately address the suitability of those impacts extending for a construction time period of 3.5 years.
<p>25. Construction, Operating and Staging</p> <ul style="list-style-type: none"> If staging is proposed, provide details of how construction and operation would be managed and any impacts mitigated. 	<p>The development is proposed to be staged over a period of 3.5 years. The information provided regarding the staging and management of construction and operation impacts is considered to be inadequate. The staging of the development has not considered how it could be better planned to mitigate construction impacts on adjoining neighbouring residential development.</p> <p>For example, the construction of buildings 4, 5 and 6 during the first stage of the development will decrease the timeframe that the adjoining neighbouring residential development will be exposed to the impacts of construction traffic and parking and noise and vibration by a considerable amount of time.</p> <p>Furthermore, obtaining approval for access and egress to and from the Pacific Highway will assist in lessening the impacts of construction traffic and parking on the adjoining neighbouring residential development.</p>
<p>26. Contributions</p> <ul style="list-style-type: none"> Address the requirements of any relevant contribution plans(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of proposal for further material public benefits. Where the development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, including how comments have been addressed, are to be provided. 	<p>Section 5.10 of the EIS states that the applicant requests an exemption of the Contributions Plan levy and refers to Section 8.3 of the EIS for further detail.</p> <p>Section 8.3 addresses consistency with statutory requirements and does not provide any assessment or further explanation regarding the request for exemption of the Contributions Plan levy.</p>

3.2 Staging of the development

The EIS has not adequately assessed the impact of the proposed staging on adjoining residents.

3.2.1 Proposed Staging

The proposed construction staging and likely impacted receiver is summarised below:

- Stage 1A- Enabling works (Approx.4 months) Impact on residents of UPA
- Stage 1B – Demolition Works (Approx.4 months) Impact on adjoining RFBs
- Stage 1C – UPA Administration (Approx. 2 months) Impact on adjoining RFBs
- Stage 1D – Construction Buildings 1, 2 & 3 (Approx. 14 months) Impact on adjoining RFBs and UPA
- Stage 2 – Construction Buildings 4, 5 & 6 (Approx. 18 months) Impact on adjoining RFBs

The total construction period proposed is 3.5 years with the construction of Buildings 4, 5 & 6 only proposed in stage 2. The Construction of Buildings 4, 5 & 6 will impact the adjoining residents for 18 months and construction traffic will impact adjoining residents for a total of 3.5 years if access for construction vehicles is to be through 5 Munderah Street entrance.

3.2.2 Alternative Staging

Given the lengthy construction period it is suggested that the construction of Building 4, 5 and 6 should be prioritised to minimise the impact on the adjoining RFBs. Construction of Building 4, 5 and 6 first would provide a partial barrier to the adjoining RFBs for the 14 month construction period of Stage 1D.

- Stage 1A- Enabling works (Approx.4 months) Impact on residents of UPA
- Stage 1B – Demolition Works (Approx.4 months) Impact on adjoining RFBs
- Stage 1C – UPA Administration (Approx. 2 months) Impact on adjoining RFBs
- Stage 1D – Construction Buildings 4, 5 & 6 (Approx. 18 months) Impact on adjoining RFBs and UPA
- Stage 2 – Construction Buildings 1, 2 & 3 (Approx. 14 months) Impact on residents of UPA only

The alternative staging approach to minimise impacts is outlined in **Figure 2** below.

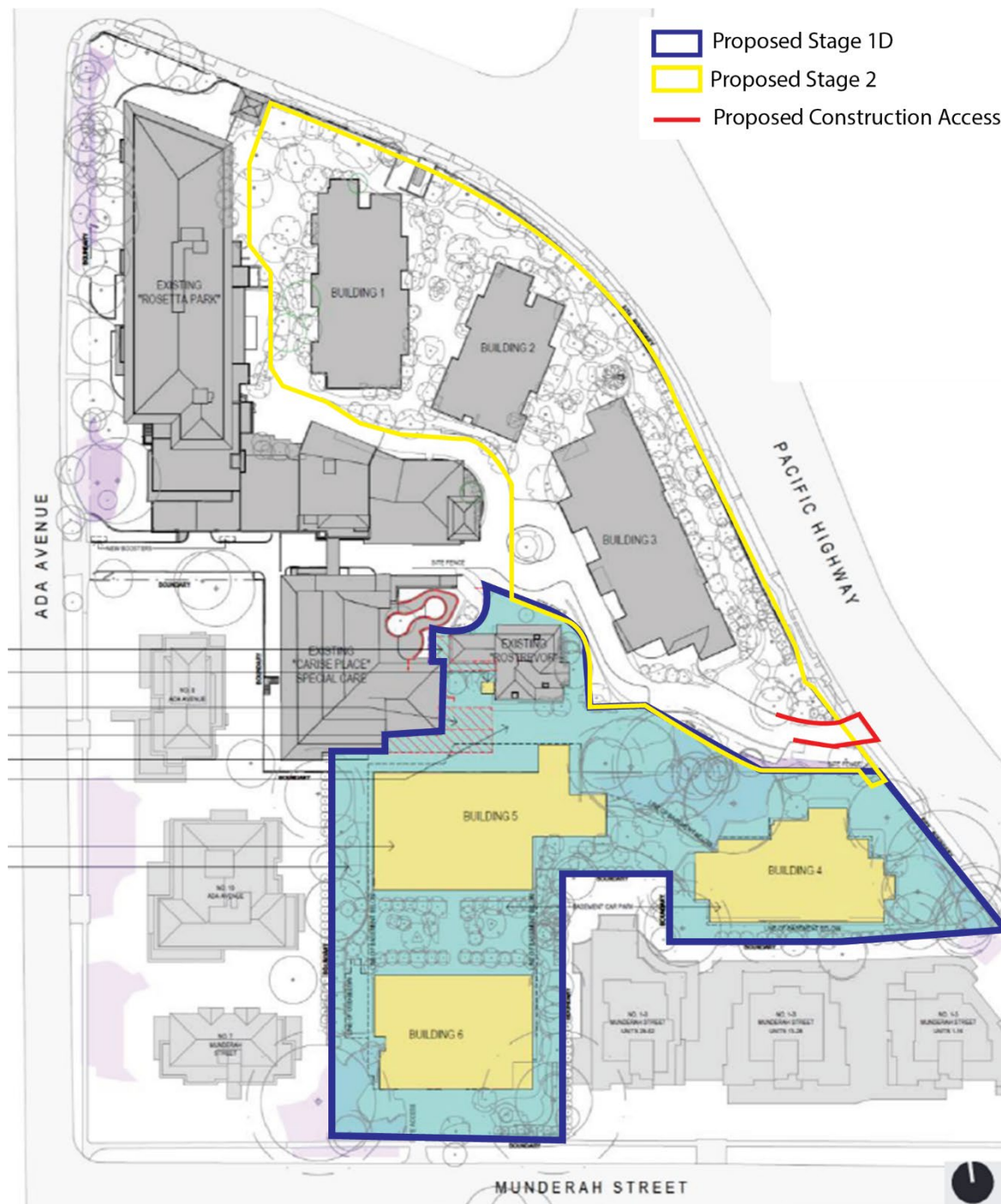


Figure 2 Proposed Alternative Staging

The cumulative impact of the proposed staging of the development on the residents of the adjoining RFBs is unacceptable. The staging of the project should be reconsidered to decrease the timeframe of the impact on these residents.

3.3 Detailed Construction Management Plan and Construction, Traffic and Pedestrian Management Plan

The CTMP outlines that it is a preliminary document and a comprehensive CTMP will be prepared once a builder has been appointed, and the construction methodology has been confirmed. The CMP should also consider dust impacts.

However, in this instance, given the protracted construction period of 3.5 years, and the proximity to a school, a detailed Construction Management Plan and Construction Traffic Management Plan is considered warranted.

3.3.1 Proposed Construction Access

The proposed construction vehicle access route is detailed in **Figure 3** below.



Figure 3 Propose Construction Vehicle Route

3.3.2 Alternate Construction Access

While it is acknowledged Transport for NSW will not support a work zone on Pacific Highway. There is the possibility after Stage 1B being completed (i.e. the demolition of buildings), for there to be sufficient area on the site to accommodate standing of construction vehicles and plant wholly on the site. Accordingly, it is considered that Pacific Highway should be able to be utilised from Stage 1D onwards representing a 3 year period by which local roads and residents would not need to be impacted to the same extent as if local roads were utilised.

3.4 Solar Impacts - reduction in solar access

The EIS assesses solar access to the existing neighbouring buildings as being:

- 1-3 Munderah Street – 81%;
- 7 Munderah Street – 76%;
- 10 Ada Avenue – 76%.

Whilst these percentage are compliant under the ADG provisions, Table 29 of the EIS and the Architectural Drawings indicate that the existing solar access to 1-3 Munderah decreases from 97% (97.6%) to 81 %. A decrease in solar access of 16.6% is unacceptable. The design of Buildings 4, 5 and 6 should be reconsidered so that they have a non-worsening solar impact on the neighbouring properties.

3.4.1 Impacts to Nos. 1-3 Munderah Street, Wahroonga

The existing solar impact on 1-3 Munderah Street on 21 June is illustrated by the shadow diagrams below provided in the Architectural Drawing set – refer to Drawing DA6601C.

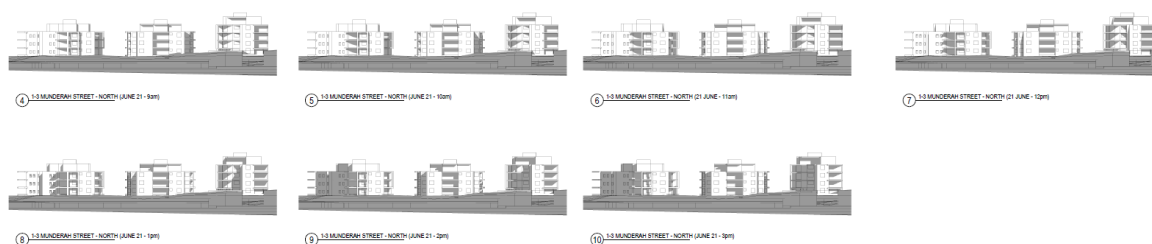


Figure 4 Existing solar impacts 21 June on 1-3 Munderah Street (North)

The existing solar impacts on 1-3 Munderah Street (West) is illustrated in Drawing DA6602 C.

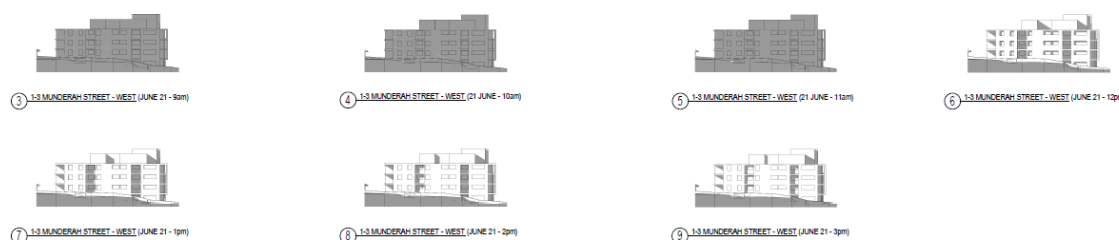


Figure 5 Existing solar impacts 21 June on 1-3 Munderah Street (West)

The proposed solar impact on 1-3 Munderah Street on 21 June is illustrated by the shadow diagrams provided in the Architectural Drawing set – refer to Drawings DA66104C.

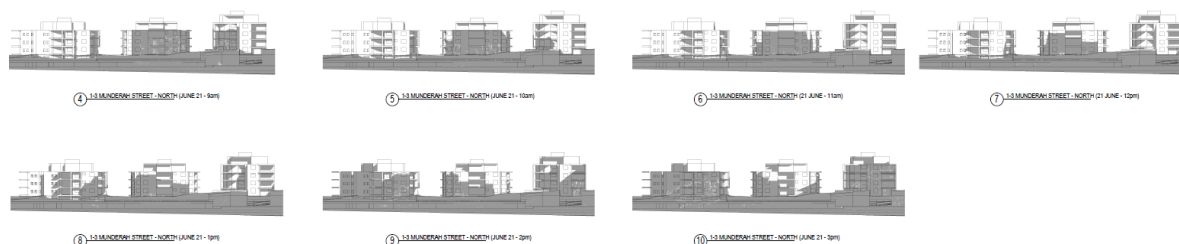


Figure 6 Proposed solar impacts 21 June on 1-3 Munderah Street (North)

The proposed solar impacts 21 June on 1-3 Munderah Street West elevation is shown on Architectural Drawing DA6605 C.

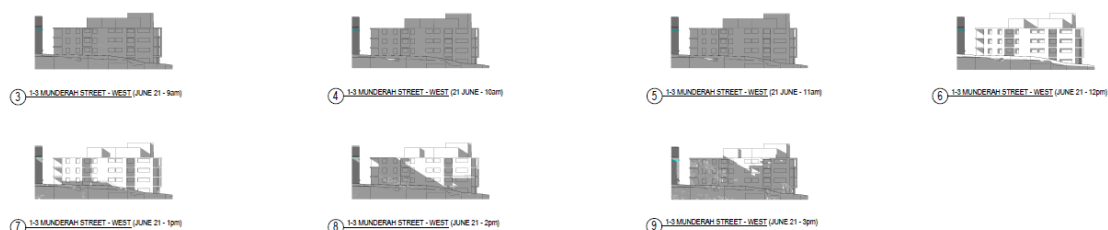


Figure 7 Proposed solar impacts 21 June on 1-3 Munderah Street (West)

From the diagrams above it is clear that there will be a greater solar impact to 1-3 Munderah Street throughout the day between 9am to 3pm particularly on the western elevation.

3.4.2 Impacts to Nos. 8-10 Ada Street, Wahroonga

The existing solar impacts on 8-10 Ada Street on 21 June are illustrated by the shadow diagram provided in the Architectural Drawing Set – refer to Drawing DA6603C.

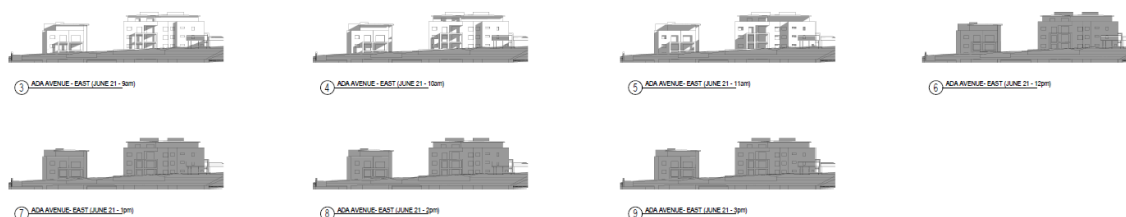


Figure 8 Existing solar impacts 21 June 10 Ada Street (East)

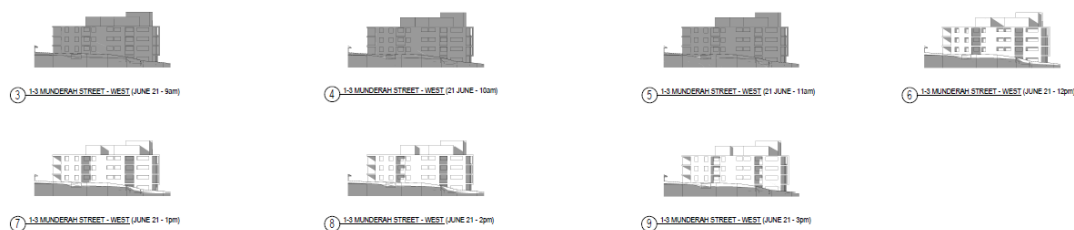
The proposed solar impacts on 8-10 Ada Avenue are illustrated by the shadow diagrams provided in the Architectural Drawing set – refer to Drawings DA6606C.



Figure 9 Proposed solar impacts 21 June on 8-10 Ada Avenue

These are the only shadow diagrams prepared for 8-10 Ada Street. From the diagrams above it is clear the 10 Ada Avenue will be more impacted by the proposed development at 9am on 21 June than the existing development.

It is noted that Drawing DA6602C incorrectly refers to the shadow diagrams impacting 1-3 Munderah Street (existing), however it is assumed these are for 7 Munderah Street as it depicts a single building.



No shadow diagrams have been prepared for the proposed impacts on this building.

The applicant has not provided a full set of shadow diagrams as requested by the SEARS. The shadow diagrams provided are insufficient to determine the actual impacts of loss of solar access to the adjoining buildings.

An elevational analysis of each of the adjoining RFBs should be undertaken, where impacted, detailed currently hours of direct sunlight to private open space and living area windows and the change to hours received as a result of the development. Where an elevation receives a reduction from the existing scenario, alternate massing options should be considered.

3.5 Visual Impacts

Whilst a visual analysis has been provided from viewpoints external to the site, the visual impacts on the existing adjoining development from the proposed development has not adequately been analysed.

3.6 Stormwater Management

A Stormwater report has been prepared for the site which concludes that:

In summary, the civil engineering plans have been designed to meet the requirements for the proposed development. The civil proposals are as follows:

- *Sediment & Erosion Control – Sediment basins are proposed to effectively capture sediment laden site runoff during siteworks. Sediment and erosion control measures should be installed and maintained for the duration of the construction works.*
- *Stormwater Infrastructure – The stormwater network has been designed for the underground pit and pipes system to have the capacity to convey stormwater for up to 5% AEP. Overland flow paths have been identified and provided for up to 1% AEP in accordance with the requirements of the Ku-ring-gai Council for minor and major drainage systems. 3 OSD tanks have been provided to restrict post-development discharge to pre-development discharge flows.*
- *Water Quality and Conservation – Water quality requirements will be achieved through the provision of pit baskets and filter cartridges according to the requirements of the Ku-Ring-Gai Council. 4 rainwater tanks have been proposed to provide reuse water to achieve a minimum 50% reduction of overflow in wet days.*

The Stormwater report provides a Stormwater assessment of the proposed development but does not provide a Stormwater Management Plan (SMP) for the construction phase of the development which is regarded as being required given the duration of the construction phase.

3.7 Operational Plan of Management

The Operational Plan of Management does not outline the operational hours of the proposed development and does not state the activities which are proposed to be provided with the community facility.

3.8 Construction Vibration and Structural impacts

The potential impacts from construction vibration during construction of Buildings 4,5 and 6 on the adjoining RFBs have not adequately been assessed. The excavations range from 0.25m to 15m to accommodate a basement carpark. The Acoustic report states that vibration can result in cosmetic building damage and could inconvenience and disturb users of a building. The duration of construction works for this stage is estimated to be 18 months and is to occur as a final stage of the development. The Acoustic report recommends as a mitigation measure that a Construction Noise and Vibration Management Plan be prepared prior to construction. The impacts as a result of construction vibration cannot adequately be assessed in the absence of a Construction Noise and Vibration Management Plan.

The Geotechnical report prepared for the SSDA recommends dilapidation surveys of adjoining buildings be undertaken prior to excavation works. The report identifies that during excavation siltstone may be encountered. The report indicates that it will be necessary to use appropriate methods and equipment to keep ground vibration at adjoining buildings and structures within acceptable limits. The acceptable limits are dependent on various unknown factors and recommends a that a vibration trial be undertaken at the commencement of rock excavation.

There is no certainty of the potential amount of vibration that can be expected during excavation and the structural impacts this may have on the adjoining RFBs. It is submitted that for the consent authority to provide consent more certainty regarding these impacts are required.

The impacts of continuous noise emissions from the construction on adjoining residents which is proposed to be undertaken over a period of 3.5 years have not been taken into consideration. The noise impact assessment which considered the above has only considered operational noise impacts. Generic mitigation measures have been proposed however a Construction Noise and Vibration Management Plan which considers the impacts is only proposed to be prepared prior to construction. Therefore, the impacts cannot be considered as part of the SSDA determination.

The Acoustic report has considered noise impacts from construction on neighbouring residential properties and projects exceedances above the Noise Management Levels (NMLS) at the nearest effected receivers and propose mitigation measures to reduce noise to acceptable levels. However, the construction duration of the proposed development is anticipated to occur over a duration of 3.5 years and could potentially be extended if adverse conditions are encountered or rehabilitation is required.

The report indicated that construction noise can adversely affect sleep, concentration, learning performances and mental and physical health. There is a great level of uncertainty regarding the impacts of the noise levels given the duration of construction proposed and whilst mitigation measures can be recommended the duration of the construction is of concern to the physical and mental well-being of affected adjoining residents.

Further to the impacts of construction noise the residents of the adjoining RFBs will also be exposed to construction traffic noise. The Traffic Impact Assessment and EIS suggest that construction traffic use Munderah Street as the access route and Ada Avenue as the exit route. This will further impact on the residents of these adjoining premises in terms of noise, amenity and safety and will continue over a period of 3.5 years. This is not acceptable. It is submitted that the staging of the project be revisited so that Building 4, 5 and 6 are constructed during stage 1 rather than stage 2 and that permission be requested from TfNSW to use the Pacific Highway for entry and exit of all construction traffic.

3.9 Building Heights

The maximum permitted building height under the Ku-ring-gai Local Environmental Plan 2015 (the LEP) is 17.5m. The proposed development benefits from a 3.8m height bonus under the provisions of SEPP Housing and is therefore permitted to have a maximum height of 21.3m.

The EIS states that the buildings are between 5 to 7 storeys and no building exceeds 21.3m.

The EIS states that there is a potential technical breach of the 21.3m height due to the location of a disused swimming pool under proposed building 6 and therefore a Clause 4.6 Variation Request has been prepared.

However, Section 12.1, 12.2, 12.3, of the SRDP states that the buildings are up to 8 storeys.

The EIS does not provide details of the building configuration.

The building heights from the Architectural Drawings are as follows:

- Building 1 – Ground level plus 5 storeys;
- Building 2 – Ground level plus 6 storeys;
- Building 3 – Ground level plus 5 storeys;
- Building 4 – Basement plus ground level plus 4 storeys;
- Building 5 – Basement plus ground level plus 6 storeys;
- Building 6 – Basement plus ground level plus 5 storeys.

Whilst the building heights depicted on the Architectural Drawings comply except for Building 5 which potentially exceeds the maximum permitted height it is not clear from the EIS what the actual building heights will be.

3.10 Building Separation

Level 5 of Building 5 does not provide 9m building separation to No.s 8-10 Ada Avenue as required by Part 3F of the ADG (**Figure 10**, outlined in red). Given the site area compliance can be readily achieved and building massing shifted in order to comply with the ADG.

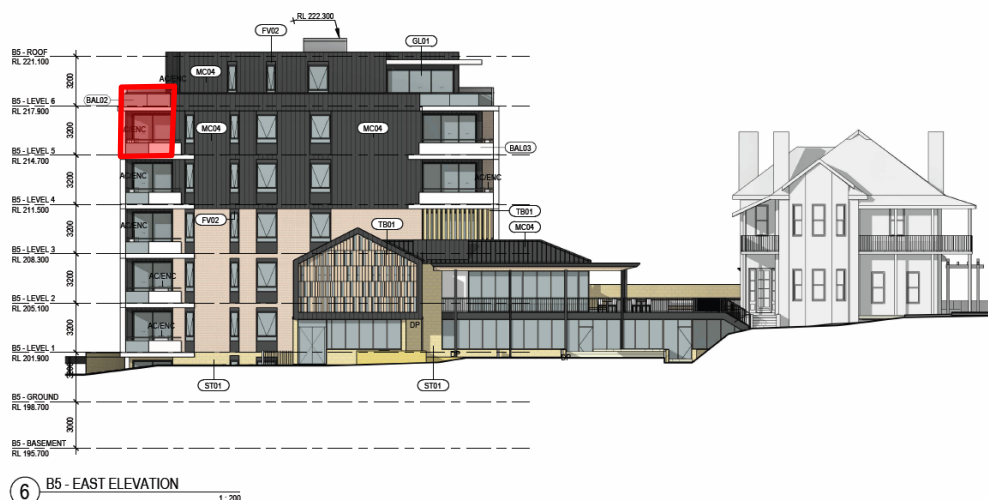


Figure 10 Non-compliant building separation

3.11 Groundwater inflow and dewatering

The report concludes that it is considered that drained basements are feasible without significant impact to surrounding properties. However, this will still require approval from Council and the relevant authorities. Actual flow rates will only be known once the excavation is complete. This creates an uncertainty as to how the basements will be required to be constructed and what the potential inflow rates of groundwater could be. This could potentially delay construction timeframes.

3.12 Detailed site investigation

The potential level of contamination is uncertain and can only be determined once demolition of the existing site structures have been carried out and may require the preparation of a remedial action plan (RAP).

It is uncertain whether the buildings to be demolished or soils contain asbestos.

The minor detection of TRH FI (C6-C10-BTEX) can potentially result in impacted water to be drawn into the site if dewatering is undertaken and groundwater disposal may need to be treated prior to disposal.

These factors could potentially extend the construction timeframe beyond what is anticipated.

3.13 Air quality

The report has only considered air quality impacts of traffic related emission that could potentially impact the site. No assessment was carried out in terms of other air quality emissions for example dust emissions during construction.

3.14 Matters raised during consultation

The adjoining residents raised several matters as documented in the SIA. These matters have not been resolved nor even addressed. In particular stormwater runoff from the driveway of the existing development in Ada Avenue was raised. This concern has not been addressed in the Stormwater Management Plan or the EIS. It is unclear whether the proposed development will resolve this matter. The following photos illustrate the impact.



Figure 11 Driveway of the existing development



Figure 12 Runoff from the driveway onto the footpath along Ada Avenue



Figure 13 Runoff from the driveway onto the footpath along Ada Avenue

The residents also raised the fact that the grate over the access point – see below, is loose and results in a noise impact. There is concern that construction traffic would exacerbate this noise impact if it not rectified prior to construction.



Figure 14 Grate at entry point of access off Ada Avenue that is loose and is causing noise impacts.

3.15 Privacy Impacts

The EIS states that the buildings have been designed to maximise privacy for residents of adjoining development through generous setbacks, separation of the built form, apartment configuration and window placements. This is acknowledged however, the landscaping which is proposed to provide screening to the site's west and east boundaries will take time to establish and provide adequate screening after the construction of stage 2.

The statement of the EIS that there will be no unreasonable privacy impacts arising from the proposed development in relation to overlooking and loss of privacy is therefore incorrect. Landscaping is proposed to mitigate visual impacts however, the landscaping will take time to establish and provide visual screening. Privacy screening should be imposed to the impacting windows and balconies of Buildings 4, 5 and 6 until such time as the landscaping is of a sufficient height to provide screening and privacy to the adjoining RFBs.

3.16 Inconsistent and Inaccurate information

Inconsistent and inaccurate information has been provided throughout the various documents that accompany the EIS as follows:

3.16.1 Construction Hours

- The construction hours stated in the EIS are:
 - Monday to Friday: 7:00am to 6:00pm
 - Saturday: 8:00am to 1:00pm
 - No work on Sundays or public holidays

The construction hours stated in the Acoustic report and Construction Management Plan (CMP) are:

- Monday to Friday: 7:00am – 5:00pm
- Saturday: 7:00am to 3:00pm
- No work on Sundays and public holidays

The construction hours stated in the preliminary Construction Traffic and Pedestrian Management Plan (CTPMP) are:

- Monday to Friday: 7:00am to 5:00pm
- Saturday: 7:00am to 3:00pm
- Sunday: Subject to out of hours approval
- Shift/Night Works: Subject to out of hours approval

The construction hours should be consistent throughout the various documents.

3.16.2 Tree removal, retention and transplanting

There is inconsistency between the Arboricultural Assessment and the EIS regarding the number of trees to be removed, transplanted and retained.

The Arboricultural Assessment identifies the following:

- 100 trees to be removed;
- 3 trees to be transplanted;
- 64 trees to be retained.

The EIS identifies the following:

- 107 trees to be removed;
- 2 trees to be transplanted;
- 50 trees to be retained.

3.17 Public Interest

Section 4.15(1)(e) of the EP&A Act requires an assessment of the suitability of the development when considering public interest.

The EIS states that on balance, the proposed development is considered to be in the public interest and will not result in any unacceptable social, economic or environmental impacts that cannot be appropriately managed through the identified mitigation measures and conditions of consent.

However, due to its environmental and amenity impacts on the adjoining RFBs which have not been fully assessed, the proposed development in its current form is not considered to be in the public interest.

4.0 Conclusion

In conclusion the Strata Committee SP 77814 is concerned that the environmental impacts of the proposed development have not properly been addressed and can therefore not properly be assessed.

The proposed development and its approach to the staging of the development will result in poor planning outcomes resulting in unacceptable amenity impacts on the residents of the adjoining RFBs.

In our opinion there is uncertainty around the proposed development and its impacts on adjoining residents and nearby buildings and infrastructure. Therefore, in accordance with Section 4.15 (b) of the Environmental Planning and Assessment Act 1979 DPHI as the consent authority is required to take into consideration the likely impacts of the development, including environmental impacts on both the natural and built environments when determining whether to grant consent to the proposed development.

Various reports require further investigation. It is not considered appropriate to defer those assessments to a time post the granting of consent. Therefore, due to the uncertainty of the impacts DPHI as the consent authority cannot be certain that these impacts have been adequately addressed.

The proposed development does not comply with the evaluation criteria as specified by the requirements of Clause (1) (a) – (e) of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and cannot be carefully considered by DPHI as the consent authority.

In our opinion there are sufficient grounds for DPHI as the consent authority to refuse the development application.

Notwithstanding, should DPHI provide the applicant with an opportunity to provide additional/amended information including amended plans and reports for the proposal, it should be made available to surrounding owners/residents for further comment.

Please do not hesitate to contact the undersigned if you have any queries or require further information.

Your faithfully
DFP PLANNING PTY LTD



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Reviewed: _____

