

[REDACTED]

The Director General  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Natasha Harras

**Major Project Assessment :Director General's Environmental Assessment Report March 2011**  
**Re: Environment Assessment and Concept Plan 21-35 Treacy Street, Hurstville** MP10\_0101  
(25 January 2010, the Minister for Planning , delegated authority to Planning Assessment Commission (PAC))

I write in reference to the above mentioned Environment Assessment and Concept Plan MOD 1 and MOD 2.  
Concept Plan Modification 1, \_\_ March 2011 CP (MOD 1)). Approved 1st July 2011 16 Storeys, 55mtr, 257 units. 3 basement levels  
car spaces: residential:206, visitors:65, retail:79 =350 spaces. **FSR: 6.78:1**. (FSR: Chatswood 5.01-6.01, Bondi Junction 6.01-7.01).

Concept Plan Modification 2, application 23 July 2013 CP (MOD 2)). Proposes \*an increase ... by 3 Storeys ; (45units). Total  
car spaces: residential:316, visitors:82, retail:21 =419 spaces. **FSR: 7.74:1**.

I refer to NSW Department of Planning & Infrastructure notification 13 Dec 2010 and 23 July 2013 concerning the  
abovementioned matter and now forward my submission to the above proposal.

As a resident covered by Kogarah City Council, I have received a collection of 'Neighbour Notifications' spanning  
from 19 August 2009 to 23 July 2013 from both Kogarah City Council and NSW Planning. Over all communication,  
the scope of the development was not clearly presented to residents. Notices were sent to residents under a range of  
different addresses and without relevant site plans. In addition to this, notifications were accompanied by a very basic  
area map which failed to display street numbers or even street names of the effected properties.

Simply put, neighbours have dismissed such letters, as they were confused between notification 25 Nov 2010 for 11-  
13 Treacy Street, and notification 13 Dec 2010 for 21-35 Treacy Street. Furthermore, correspondence was received  
in the first instance from Kogarah Council, before been called into the Minister for planning and declared a 'Major  
Project'. As residents were insufficiently informed, so were not in a position to respond to the exhibition in the first  
instance. Overall, the trail of information provided to residents was so poor, it isn't surprising many residents were  
not aware of the **scope** of this development. HCC LEP allowed 4-7 storeys on Treacy Street, therefore submissions  
against the project were not lodged as in 2010

Major objections to the site:

- Excessive overshadowing
- Height, Bulk and Scale \* FSR
- Traffic Access and Parking -congestion
- Constraints of overpass, underpass, railway line on southern boundary
- Environmental issues
- Imposing effect of **High-rise** on neighbouring properties.

**Oveshadowing: Diagrams– presented at exhibition without the shadow cast by the proposed development**

In Dec 2010, and throughout the exhibition period, I found that the Environment Assessment and Concept Plan,  
(EA,CP) Major Project 21-35 Treacy Street, Hurstville, exhibition shadow diagrams, did not indicate the proposed  
development shadow impact on properties to the south of Treacy Street. NSW Planning and Hurstville City Council  
(HCC) staff, were made aware of this throughout the exhibition period. My concerns were not addressed.

**12 July 2011** St George & Sutherland Shire Leader ... ' **Treacy St go-ahead Commission says site is OK for units** ' for CP  
In July/August 2011 at NSW Planning, Mr A Witherdin made available at Customer Service the EA and CP folders in  
which I saw shadow diagrams illustrating the shadow cast by the proposed development along Railway Parade. I said  
to Mr Witherdin, 'these shadow diagrams and photos of houses along Railway Parade were not in the exhibit folders  
at HCC', then saw that my property will be overshadowed from sunrise 7:00am to 10:30 am in mid winter. The explicit  
shadow diagrams were **essential** to the folders, for the EA and CP exhibition period of the proposed development.

**Overshadowing: detailed additional analysis, dated 15 March 2011, provided ... for the Assessment process!**  
Submissions in regards to overshadowing weren't received, as reflected in 4.3 Table 3: ...Summary ...public submissions

Given that, Notification 13 Dec 2010 did not have a Site Plan, so the **Scope** of the Dev. was not understood, as well, **detailed shadow diagrams** were **not made available** during the exhibition period, then the expected outcome would be a reluctance by adjoining residents to make submissions. Residents who stood to be most affected by the impact of the Treacy Street, dev. were not sufficiently informed, had not made submissions in the optimum time frame to be considered in the Assessment process and subsequently, residents views are **not represented** in the Assessment.

Ratio of submissions from 'out of area' in support of this Dev. is surprisingly **HIGH**, whilst submissions from residents, commuters, is surprisingly **LOW**. 'Given the extent' of overall impact, extent of the overshadowing to the southern side, with an absence of submissions in this regard, then a plausible explanation is that informative shadow diagrams were not made available to the public for the CP exhibition period from 15 December 2010 to 11 February 2011.

**Quoted** from the Major Project Assessment Director-General's Environment Assessment Report March 2011  
'3. Statutory Context 3.1 Major Projects \* the development ... application is consistent **(in the opinion of the delegate)** ... Strategy (Section 2.3), received fewer than 25 submissions in the nature of objections, and is not a critical infrastructure project. ... no reportable political donations.... As such, the Director-General can therefore determine the project under **delegated authority**.'

The **FSR** of CP (MOD 1) **exceeds** Hurstville City Council **draft & existing height and density controls for the site. 1 July 2011 PAC approved 16 storeys. 'Despite** the additional overshadowing, ... in this instance'. Overshadowing impact on properties south of Treacy Street, is a compromise to residents enjoyment and quality of life, as sunlight is greatly reduced in winter... consequence -higher fuel bills! **Excessive Height on Treacy Street captures expansive District Views / Bay Views, a feature reflected in higher selling prices**, whilst properties, overshadowed, will have adverse effects on property values, lower selling prices. A prospective buyer pays more for a property that enjoys a sunny aspect, than for a comparable property that is overshadowed in mid winter for (3) hours or more, with shorter winter days! (June 20-21 sunrise 7:00 am sunset 4:52 pm). CP approved dev.16 storeys and additional (3) storeys will overshadow properties along Railway Parade, and from Empress St/Empress Lane to Woids Ave/Bellevue Lane.

#### **HEIGHT, BULK and SCALE + FSR**

**EA CP (MOD 1) FSR 6:78:1**, has inappropriate Height, Bulk, Scale, with associated overshadowing, concern with traffic, parking, environmental factors, is excessively high and out of character with other major & regional centres.

**4.2 HCC** The submission from Hurstville City Council raised concerns ... non-compliance with the draft LEP (Hurstville City Centre) 2010 and the **background and capacity studies undertaken** in preparation of this document. Specifically, .. the proposed building **height and density** to be excessive and out of character with other major centers and regional centres. Council also raised concerns...: \*flooding;\*traffic ...; \*...; \*...; \*The internal acoustic assessment,...not assessing the **noise** environment in the evenings and by relying heavily on **mechanical ventilation**; \*...; \***NO WIND IMPACT STUDY**... in EA...; \*...; \*...geotechnical...; \*No Crime Prevention...; \***S94** contribution; \* A revised statement of commitments...aforementioned design modifications. ... **(12 concerns)**  
**5.4.2 Parking** \*...significant departure from Council's parking rates...not sustainable...will likely reflect **adversely** in nearby precincts; \* the parking strategy lacks detail and raises significant concerns in respect of **adverse** impacts on residential neighbourhoods.'  
I personally know of a high development in Hurstville which has a **howling wind** factor, with tenants moving out as a lease expires.

**TRAFFIC, ACCESS and PARKING** congestion ... is a concern to residents and commuters.

The proposed development will add further traffic congestion to an already extremely busy road artery.

#### **CONSTRAINTS: OVERPASS, UNDERPASS, RAILWAY LINE on southern boundary**

Treacy Street site adjoins the Eastern Suburbs and Illawarra Railway Line, has the '**constraints**' of an **overpass** at CNR FRST/TRCY and Railway Parade, and an **underpass** at Treacy Street /Railway Parade. Heavy two-way traffic from **several** main arteries, access the overpass, underpass, to Forest Road, Railway Parade, Hurstville City Centre.

**ENVIRONMENT ISSUES:** '5.3.4 Open Space and Communal Space The Code... 25 % of the site be communal open space, with 25% of this being a deep soil zone. The Code provides that **exceptions to this requirement** may be permissible in urban areas where **sites are built out** and there is **no capacity for water infiltration**. **In these instances**, stormwater treatment measures must be integrated ... . In their PPR, ... . Although this calculates at **10.9%** of the open space provision, ...'

' **Given the existing site constraints**, namely its narrow width adjoining a railway line and the existing built up nature of Treacy Street, the Department considers that **reliance on rooftop communal landscaped areas**, proposed deep soil landscaping and **use of environmentally sustainable techniques ... is acceptable in this instance.** '

PAC approval of EA & CP (MOD 1) **would cram** 257 units alongside **Railway NOISE and VIBRATION** from passing commuter and freight trains, inevitable that the proposed complex will be **relying heavily on mechanical ventilation**. CP (MOD 2) proposes a total of **118 balconies** on south side, along rail corridor (affected by noise), façade facing Railway Parade.

**Numerous 'exceptions' to planning Codes within the Assessment are alarming. OPPOSED to 16 storeys.**

## In Conclusion

PAC allowed exceptions to planning Codes to meet the objectives of Metropolitan Plan and draft South Subregional Strategy. These objectives are already met in developments at East Quarter, High Point Complex and other dev. in Hurstville where there are no 'constraints' of overpass, underpass, Illawarra rail corridor, and no implications.

The proposed building, CP (MOD 1) 16 storeys, height and density, (FSR **6:78:1**) grossly exceeds Hurstville LEP for the Treacy Street site, due to its Height, Bulk and Scale, is excessive and out of character with other major centres and regional centres. CP (MOD 2) for an increase by (3) storeys, (FSR **7:74:1**) further exceeds planning controls.

I have followed the progress of this development, among others, as a long standing resident. I am appalled to see how frequently 'special circumstances' have been allowed for the Treacy Street development.

## Assessment EA and CP MOD 1

Numerous exceptions have been made by Planning Assessment Commission to traffic !! acoustics, communal space, parking, rooftop gardens and constraints of railways. In the Assessment repeat phrases used are: 'given that...', 'site constraints...', 'in this instance...', 'the existing built up nature of Treacy Street...', 'affected by noise and vibration ...', **4.2** 'non-compliance with the draft LEP (Hurstville City Centre) 2010 and the **background and capacity studies undertaken ...**'.

How can residents rely on the accountability of a Local Environment Plan if the expectations of such a plan are so easily manipulated? The former AMCOR site / Hurstville City Centre, East Quarter, to name one, was not declared a 'Major Project' where as 21-35 Treacy Street, with 'constraints' of an **overpass** at one end and an **underpass** at the other, was. Treacy Street proposed **High-rise** development's additional value captured from excessive height, and expansive **District Views / Bay Views**, is achieved through 'exceptions' to planning Codes, will have adverse effects on local residents, suit the interest of the developer at the expense of local residents. **OPPOSED to 16 storeys.**

**6 Sept 2011** *St George & Sutherland Shire Leader ... 'Council appeals high-rise plan' ...*  
'to stop a development that it said **would cram too many apartments into an unsuitable space**'. (257 apartments)

## Assessment EA and CP MOD 2

Hurstville City Council, submission dated 26 August 2013.

'**Council Comment**...20% increase in height. This impact...increased overshadowing to properties in Kogarah where representations have previously been made on this issue and again with this proposal. **PAC response** ... . As part of this application no representations have been made on this issue from residents in the Kogarah or Hurstville LGAs'.

**Representations!** Residents in the Kogarah LGA, who will be affected by this proposed development's overshadowing impact, were not sufficiently informed, firstly the 13 Dec notification had poor presentation, as well, detailed shadow diagrams, **essential** to the EA & CP folders, **were not presented** during the exhibition period. NSW Planning was made aware of these issues and my concerns were not addressed throughout the exhibition period. As to the above **PAC response** '**... no representations ...**' ! Is it not the expected outcome? Presently, the most affected residents are under represented in the assessment process, which has been circumvented at the expense of local residents.

21-35 Treacy Street CP (MOD 1) **16 storeys dev.** will have an **imposing impact** on neighbouring properties, with associated overshadowing. An increase of a further **3 storeys** requested in CP (MOD 2) will have additional impact as related in concerns mentioned within the assessment document.

**Overshadowing cannot 'be suitably mitigated and/or managed'**. **OPPOSED to an increase of 3 storeys.**

I realize that this is a high density area, allowing multi storey mixed use development. I respectfully request that NSW Planning give due consideration to the effect on the amenity of properties when determining the height and size of this mixed use development.

**I attach here extracts** from the Major Project Assessment: Director General's Environmental Assessment Report March 2011. Concept Plan 21-35 Treacy Street, Hurstville MP10\_0101, in support of my argument.  
Dept of Planning & Infrastructure: <http://majorprojects.planning.nsw.gov.au> (Project Title or Location Name) 'hurstville'

Regards,

**[REDACTED]**

Resident

**Extracts: Major Project Assessment :Director General's Environmental Assessment Report March 2011  
Concept Plan 21-35 Treacy Street, Hurstville MP10\_0101**

**Executive Summary** The Site located within Hurstville City Centre East precinct. area 4,119 msq rear (southern) boundary abutting Eastern Suburbs / Illawarra Rly Line. 257 units 275 car spaces 16 storeys 3 basement 55 metres. MP under Part 3A EPA Act 1979. Exhibited the proposal 58 day Wed 15 Dec 2010 to Friday 11 Feb 2011 received 38 submissions. 25 public submissions supported the proposal, 7 submissions stating their objection. 6 submissions from public authorities, including Hurstville Council, which objected to the proposal. **Generally, these objections related to concerns excessive height/density, traffic generation / congestion and the inability of existing infrastructure to accommodate and support this development.**

**2.1 Table 1:** height up to 55 metres 4,256msq GFA retail use 24,766msq GFA residential use FSR : 6.92:1

**2.2 Preferred Project Report (PPR)** In response to these submissions, the Proponent submitted a PPR to the Department. Key changes from the EA to the PPR include: ... separation 9 metres to 11 metres SEPP 65/ RFDC, ... FSR 6.92:1 to 6.78:1

The PPR and additional supporting information were placed on the Department's website. The Proponent also provided additional information addressing concerns raised through the public exhibition period and by the Department, including:

**Additional overshadowing diagrams and analysis have been provided to reflect the likely impact of the proposal on the properties on the southern side of the railway line;**

**3. Statutory Context 3.1 Major Projects** \* the development ... application is consistent (in the opinion of the delegate) with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning and endorsed by the Minister for Planning; and \* there are fewer than 25 submissions in the nature of objections in respect of the project application; and \* the project is not a critical infrastructure project under section 75C of the EP&A Act. The proposed Concept Plan is consistent with the relevant Strategy (Section 2.3), received fewer than 25 submissions in the nature of objections, and is not a critical infrastructure project. ... no reportable political donations within the previous 2 years. As such, the Director-General can therefore determine the project under delegated authority. (25 January 2010, the Minister, delegated authority to Planning Assessment Commission (PAC))

**4.2 Public Auth Submissions Hurstville City Council** The submission raised concerns regarding the proposals non-compliance with the draft Hurstville LEP ... and the background and capacity studies undertaken in preparation of this document. Specially, the Council considers the proposed building height and density to be excessive and out of character with other major centres and regional centres. ... \*The internal acoustics assessment does not adequately assess the amenity... by not assessing the noise environment during the evening and by relying heavily on mechanical ventilation;(freight rail) **\*No Wind impact.**

**4.3 Public Submissions Table 3: Summary of Issues raised in Public Objections (no mention of overshadowing)**

**5.1 Height Bulk and Scale** ... with associated overshadowing impacts on surrounding properties.

**Table 4: Height and density controls from existing and proposed Hurstville Council controls**

As indicated above the proposal exceeds the existing and draft height and density controls for the site

\* the former AMCOR site which is being redeveloped with 8 buildings ranging in height between 23 and 60 metres; and

**5.2 Overshadowing** The... . Given the extent of overshadowing cast towards properties in the south, The Proponent was requested to and provided additional analysis of overshadowing impacts. \*In their PPR, the Proponent provided a more detailed analysis of the overshadowing impacts of the proposal on sites south of the railway line. The shadow diagrams (Appendix C) indicate the extent of overshadowing resulting from the proposal during the mid-winter solstice, 21 June, for each hour between 9am and 4pm. ... \*These drawings illustrate that at the winter solstice, sites between 546 Railway Parade and 522 Railway Parade are overshadowed for 3 hours or more by the proposed development.

Despite the additional overshadowing, the Department considers that the impact is reasonable given all sites to the south, with the exception of one site, will still maintain reasonable/existing levels of solar access to living rooms and private open space. Given the site's location within the City Centre East Precinct, together with the Metropolitan Plan's strategic imperative of locating additional height and density in close proximity to public transport and job opportunities, it is considered that the extent of overshadowing of sites to the south is acceptable in this instance. **5.3.1 Building Separation 11 to 12 metres**

**5.3.2 Building Depth** The Code recommends building depths be no greater than 18 metres (glass line to glass line) The building depth varies from 16-20 metres (excluding the 3 metre articulation zone).

**5.3.3 Ventilation** The Code requires as a rule of thumb that 70% of living rooms and private open spaces of units receive a minimum of 3 hours direct sunlight between 9am and 3pm mid winter. Indicative floor levels illustrating unit layouts show that 180 out of 257 units (70%) will achieve the recommended 3 hours of direct sunlight.

**5.3.4 Open Space and Communal Space** The Code... 25 % of the site be communal open space, with 25% of this being a deep soil zone. The Code provides that exceptions to this requirement may be permissible in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated ... .

Given the existing site constraints, namely its narrow width adjoining a railway line and the existing built up nature of Treacy Street, the Department considers that reliance on rooftop communal landscaped areas, proposed deep soil landscaping and use of environmentally sustainable techniques ... is acceptable in this instance.

**5.4.1 Traffic and Access** RTA, Transport NSW, Hurstville, Kogarah Councils raised concern regarding the ability of existing road network and nearby intersections ... A future assessment requirement is recommended accordingly.

**5.4.2 Parking** Hurstville Council's independent assessment of the parking impact of the proposed development concluded that: \*the significant departure from Council's parking rates are not considered sustainable and will likely reflect adversely in nearby precincts; and... \*the parking strategy lacks detail and raises significant concerns in respect of adverse impacts on residential neighbourhoods. ... a reduced parking rate is considered acceptable in this instance. ... the Department considers the amount and location of parking is sufficient, with the reduced parking provision being supported in this instance.

**5.6.4 Railway Noise and Vibration** The site adjoins the Eastern Suburbs and Illawarra Railway Line and will be affected by noise and vibration from passing commuter and freight trains ... mechanically ventilating nominated spaces/ to BCA

CP (MOD 2) proposed total 118 balconies on south side, along rail corridor (affected by noise), façade facing Railway Parade

**6. Recommendation** The Depart ... is satisfied that the impacts have been addressed in the EA and PPR ... **Statement of commitments, recommended future assessment requirements.** It is considered that the impacts can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance, pursuant to Section 75J of the Act. The proposal will not result in unreasonable overshadowing on properties to the south of the railway line given their orientation. .... \* The proposed building height is consistent with the broader context of existing and proposed taller buildings near to the Hurstville train station and impacts upon neighbouring properties are considered reasonable.



3 Nov 2013

The Director General  
NSW Department of Planning & Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Sam Haddad

**Re: Environment Assessment and Concept Plan (EA & CP) 21-35 Treacy Street, Hurstville** MP10\_0101  
(25 January 2010, the Minister for Planning, delegated authority to Planning Assessment Commission (PAC))

As a resident covered by Kogarah Council, I write in reference to the abovementioned EA & CP MOD 1, approved on 1 July 2011 by Planning Assessment Commission (PAC), and CP MOD 2, which is presently under **assessment**.

NSW Planning notification to residents, dated 13 December 2010 for 21-35 Treacy Street Hurstville, exhibition period 15 December 2010 to 11 February 2011, **did not have a site plan**. Kogarah Council notification in August 2009 was **not** for 21-35 Treacy Street, and the basic area map did not reveal the scope of the development.

**Overshadowing: Diagrams– presented at exhibition without the shadow cast by the proposed development**

On 20 Dec 2010, and throughout the exhibition period, I found that the (EA & CP) Major Project 21-35 Treacy Street, Hurstville, exhibition shadow diagrams, **did not indicate** the shadow that will be cast by the proposed development on properties to the south of Treacy Street. NSW Planning and Hurstville City Council (HCC) was made well aware of this. I phoned several times, spoke to Ben Usher and to NSW Department staff. My concerns were not addressed.

Without detailed shadow diagrams, residents were unable to judge the proposed development shadow to the south of Treacy Street, as one would have to allow for Treacy Street located at a high point, with an overpass, underpass and the Illawarra and Eastern Suburbs railway line, on Treacy St southern boundary, with a steep drop, to the rail corridor. The nature strip along the rail corridor, varies in width, height and undulation in relation to a further drop to Railway Parade. With this distance, and undulation, at best one would be vaguely guessing as to the extent of overshadowing of the proposed development. In 2010 I'm informed that HCC LEP allows 4-7 storeys on Treacy Street.

The 2 very large EA & CP exhibition folders provided comprehensive detail, some to justify this extremely High, Bulky and out of Scale development. However, the folders **did not have essential material**, precisely, the provision of the detailed shadow diagrams, for the EA & CP application for **16 storeys, 3** basement carpark levels, **257** units. NSW Planning was aware that extensive height would have extensive associated overshadowing of properties to the South of Treacy Street. Why has NSW Planning allowed the EA & CP folders to be exhibited without the **relevant detailed shadow diagrams**? Strategic planning! - placing shadow diagrams etc. on NSW Planning website in March 2011.

**Overshadowing: detailed additional analysis dated 15 March 2011, provided ... for the Assessment process!**  
**12 July 2011** *St George & Sutherland Shire Leader ... 'Treacy St go-ahead Commission says site is OK for units' for CP*

In July/Aug 2011 at NSW Planning, Mr A Witherdin made available at Customer Service EA & CP folders in which I saw shadow diagrams illustrating the shadow cast by the proposed development along Railway Parade. I stated to Mr Witherdin, 'these shadow diagrams and photos of houses on Railway Parade were not in Hurstville Council exhibit folders. I saw that my property will be overshadowed from sunrise to about 10:30am in mid winter. The explicit shadow diagrams were **essential** to the folders, for the EA and CP exhibition period of the proposed development.

'4.3 Public Submissions Table 3: Summary of Issues raised in Public Objections'. **(no mention of overshadowing)**. Is this not the expected outcome? As overshadowing diagrams were not provided in optimum time.

Ratio of submissions from 'out of area' in support of this Dev. is surprisingly **HIGH**, whilst submissions from residents, commuters, is surprisingly **LOW**. 'Given the extent' of overall impact, extent of the overshadowing to the southern side, and in the absence of submissions in this regard, a plausible explanation is that informative shadow diagrams were not made available to the public for the CP exhibition period from 15 December 2010 to 11 February 2011. I have followed the progress of this development, among others, as a long standing resident, I am appalled to see how frequently 'special circumstances' have been allowed for the Treacy Street development.

**4.2 HCC** The submission from Hurstville City Council raised concerns ... non-compliance with the draft LEP (Hurstville City Centre) 2010 and the **background and capacity studies undertaken** in preparation of this document. Specifically, .. the proposed building height and density to be excessive and out of character with other major centers and regional centres. Council also raised concerns...: \*flooding; \*traffic ...; \*...; \*...; \*The internal acoustic assessment, ... not assessing the **noise** environment in the evenings and by relying heavily on **mechanical ventilation**; \*...; \***NO WIND IMPACT STUDY**... in EA...; \*...; \*...geotechnical...; \*No Crime Prevention...; \***S94** contribution; \* A revised statement of commitments...aforementioned design modifications. ... **(12 concerns)**

**5.4.2 Parking** \*...significant departure from Council's parking rates...not sustainable...will likely reflect **adversely** in nearby precincts; \* the parking strategy lacks detail and raises significant concerns in respect of **adverse** impacts on residential neighbourhoods.'

#### **Assessment** EA and CP MOD 1

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#### **Assessment** EA and CP MOD 2

**'Council Comment**...20% increase in height. This impact...increased overshadowing to properties in Kogarah where representations have previously been made on this issue and again with this proposal. **PAC response** ... As part of this application no representations have been made on this issue from residents in the Kogarah or Hustville LGAs' .

**Representations!** Residents in the Kogarah LGA, who are affected by this proposed development's overshadowing impact, were not sufficiently informed, firstly the 13 Dec notification had poor presentation, as well, detailed shadow diagrams, **essential** to the EA & CP folders, **were not presented** during the exhibition period. NSW Planning was made aware of these issues and my concerns were not addressed throughout the exhibition period. As to the above **PAC response** '**... no representations ...**' ! Is it not the expected outcome? Presently, the most affected residents are under represented in the assessment process, which has been circumvented at the expense of local residents.

The proposed 16 storeys dev. presents an **imposing** effect on neighbouring properties, with excessive associated overshadowing impact. An increase of a further 3 storeys requested in CP (MOD 2) will further exceed HCC LEP limits, as did CP (MOD 1) as related in concerns mentioned within the assessment document.  
**Overshadowing cannot 'be suitably mitigated and/or managed.'** **OPPOSED to an increase of 3 Storeys.**

I realize that this is a high density area, allowing multy storey mixed use development. I respectfully request that NSW Planning give due consideration to the effect on the amenity of properties when determining the height and size of this mixed use development.

**EXTRACTS** from Submission dated 23 October 2013.

Concept Plan Modification 1, \_\_ March 2011 CP (MOD 1)). Approved 1st July 2011 **16 Storeys, 55mtr, 257 units, 3** basement levels car spaces: residential:206, visitors:65, retail:79 =350 spaces. **FSR: 6.78:1.** (FSR: Chatswood **5.01-6.01**, Bondi Junction **6.01-7.01**).

Concept Plan Modification 2, application 23 July 2013 CP (MOD 2)). Proposes \*an increase ... by **3 Storeys ; (45units)** Total car spaces: residential:316, visitors:82, retail:21 =419 spaces. **FSR: 7.74:1.**

Regards,

**[REDACTED]**  
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