Date: 29 Sep 2022

Ref: 22 Collins Cres, Yagoona

To: Canterbury-Bankstown Council

Dear Council,

We provide the following response(s) in regard to your 'notice of determination – refusal' letter dated 5th August 2022. The below is a direct response to councils points.

1. SEPP BASIX 2004

Response: Revised BASIX for the secondary dwelling with the correct room numbers. 1 bedroom secondary dwelling

2. Wall height to Secondary dwelling Section 4.15(1)(a)(i)

Response: The wall height exceeds the 3m wall limit due to the uneven slops and flood prone land, the application has been submitted with a clause 4.6 report prepared by Eplanning.

3. Secondary dwelling Section 4.15(1)(a)(iii)

3. a) Clause 3.5

Response: Given then nature of steep site and flood area forward of the secondary dwelling, the structures floor slab is required to be raised off the natural ground to achieve freeboard thus a minor non-compliance to the wall height has been proposed. A clause 4.6 report has been submitted with this submission.

3. b) Clause 3.6

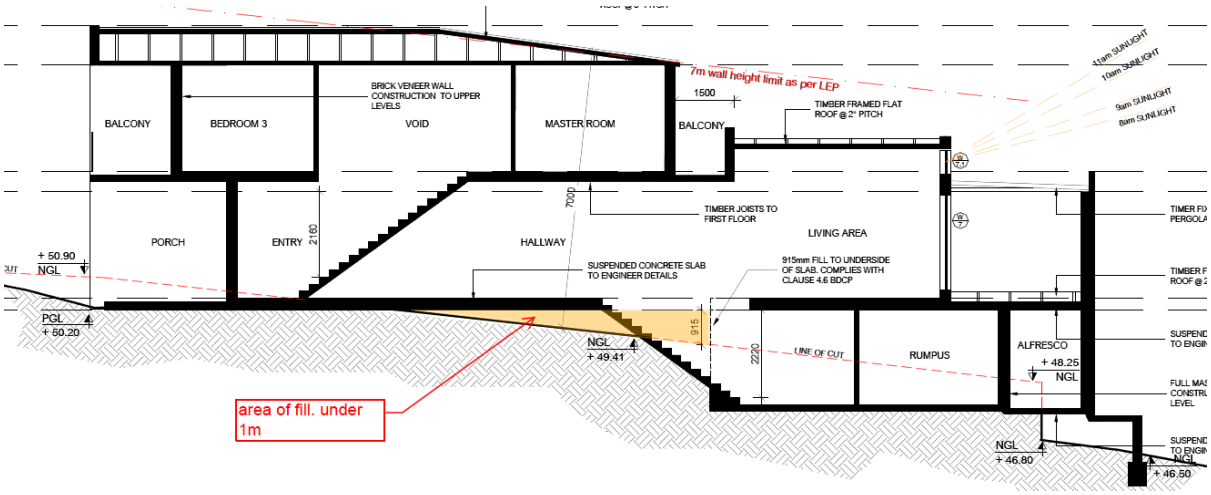
Response: As per clause 3.7 the secondary dwelling is required to be raised to achieve a suitable freeboard in accordance with part B12 of Bankstown DCP. A flood risk assessment prepared by C.K Engineering has been submitted with the application.

3. c) Clause 3.7

Response: Clause 3.7 allows an exception for secondary dwelling to have a raised ground floor to meet a suitable freeboard. This is allowed under clause 3.7(a) as we are within a flood prone area. Clause 3.7(b) is an option where the ground floor is to be limited to a height of 1m where the fill is to be retained within the permitter of the secondary's subfloor area.

3. d) 4.6 (b)

Response: The dual occupancy development has been sited to suit the natural conditions of the slopping site. The fill is limited to less than 1m (refer to image below).

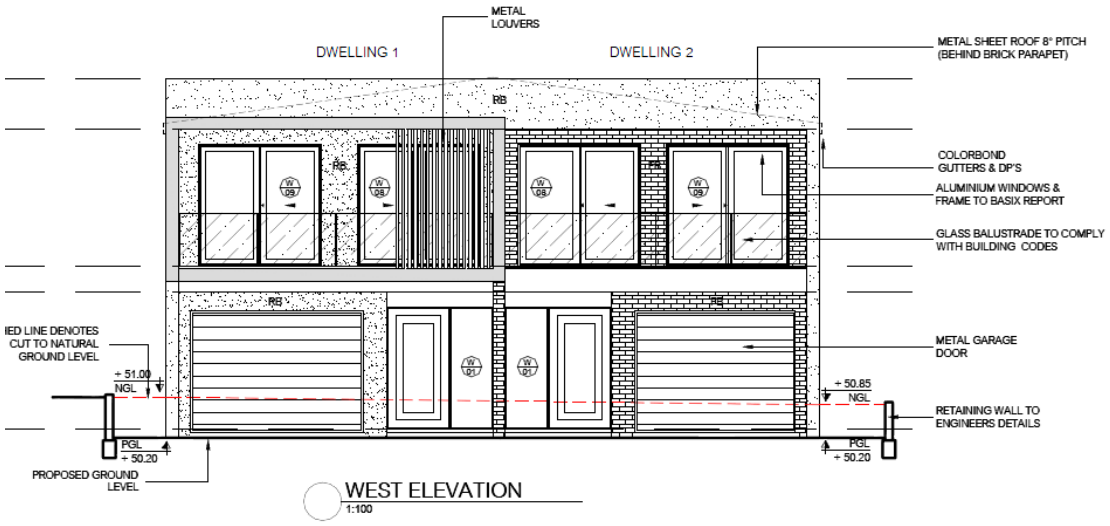


3. e) Clause 4.20 Privacy

Response: The lower alfresco area and upper balcony is provided with either slid walls and/or privacy screens to prevent overlooking.

3. f) Clause 4.24 Facade

Response: Dwelling 1 is provided with a box feature and louver to the front façade that provides a unique individual façade. It is also noted that each dwelling will use a mix of materials to the front garages and balcony walls to further differentiate the two dwellings.



4. Section 4.15(1)(b) and Section 4.15(1)(c)

4. a) Clause 4.15 Solar access

Response: The proposed dual occupancy will receive solar access from windows No.7 and windows No.7.1
Windows 7 is provided with a open timber pergola to allow additional sunlight to pass through.
Window 7.1 is a high window located above window No.7 and is not shaded by any device that will allow direct sunlight to pass through.

4. b) Clause 4.21 Upper balconies

Response: The balcony to the living area has been deleted and replaced with a concrete roof.

5. Section 4.15(1)(b) Stormwater engineering

5. a) Downstream connection

Response: The downstream connection point has been identified and located on the stormwater plans.

5. b) Secondary dwelling connection to easement pipe.

Response: The secondary dwelling proposed a gravity pipe the easement connection.

5. c) Capacity of existing easement pipe.

Response: The pipe is proposed to be upgraded from a 150mm pipe to a 225mm pipe as recommend by the civil engineer.

6. Section 4.15(1)(c)

Response: The proposal has now addressed the overlooking concerns by installing privacy measured to the raised alfresco and balconies.

7. Section 4.15(1)(b)

Response: The proposed dwelling complies with all relevant controls of the DCP and is considered to be of an appropriate bulk and scale similar to that of the existing surrounding development and the upcoming future developments.

8. Section 4.15(1)(e)

Response: The proposed developments is considered to be in the public interest as the development provides residential accommodation and adequately satisfies the underlying planning objectives of the controls and do not result in any unreasonable material impact.

Sincerely,

Akram Masri
A&K Engineering Group