

29 June 2011

Bankstown City Council
C/- Mr Ray Lawlor
PO Box 8
BANKSTOWN NSW 1885

Dear Mr Lawlor

APPLICATION NO.: DA-76/2011

PROPOSAL: DEMOLITION OF THE EXISTING DWELLINGS AND ASSOCIATED SITE STRUCTURES AND THE CONSTRUCTION OF A PART TWO / PART THREE STOREY RESIDENTIAL FLAT BUILDING DEVELOPMENT CONTAINING 144 DWELLINGS WITH BASEMENT CARPARKING, AND INTERNAL ROAD AND STRATA SUBDIVISION PURSUANT TO THE PROVISIONS CONTAINED IN STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

PROPERTY: 81-95 BORONIA ROAD, GREENACRE

CPS writes on the subject development application on behalf of the project team in response to your letter dated 17 May 2011 which requested additional information. The following information is put forward in response to the issues raised by Bankstown City Council by the following members of the project team:

- GPV Investments (Property Owner and Developer)
- Impact Group (Project Manager)
- Mode Design (Architect)
- CPS (Applicant and Town Planner)

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 1 In-fill affordable housing

Clause 10 – Land to which Division applies

Division 1 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHSEPP) applies to a development site that is within any of the following land use zones or within a land use zone that is equivalent to any of those listed zones, but only if development for the purposes of dwelling houses, multi-dwelling housing or residential flat buildings is permissible within the zone:

- (a) Zone R1 General Residential,
- (b) Zone R2 Low Density Residential,
- (c) Zone R3 Medium Density Residential,

- (d) Zone R4 High Density Residential.

It is understood the intent of Clause 10 of the AHSEPP is to encourage infill affordable rental housing in areas where dwelling houses, dual occupancies, multi-dwelling housing or residential flat buildings may not be permissible in the zone. Clause 10 of the AHSEPP also acknowledges that not all local government areas in New South Wales have adopted an LEP in accordance with the Standard Instrument, and therefore permits the application of Division 1 of the AH SEPP in like, or equivalent, zonings to those in the Standard Instrument.

The proposed development is to be undertaken within the 2(a) – Residential A zone under the provisions of the Bankstown Local Environmental Plan 2001. This zone is considered equivalent to the R2 Low Density Residential zone under the *Standard Instrument - Principal Local Environmental Plan*. This equivalency is based on the following:

Published Information by Department of Planning

The Equivalent Zones table issued by the NSW Government's Department of Planning for Bankstown City Council clearly indicates that the equivalent zone to the 2(a) Residential A zone under the Bankstown Local Environmental Plan 2001 is the R2 – Low Density Residential zone under the Standard Instrument. It is understood these tables have been made available by the Department of Planning to promote consistency of interpretation of land use zones across all NSW council areas.

Equivalent Land Use Assessment

The 2(a) – Residential A zoning of the subject site is essentially Bankstown City Council's low density residential land use zone, while the 2(b) – Residential zone is essentially Bankstown City Council's medium to high density zone.

The 2(a) zoning permits low density forms of residential development with consent, such as dwelling houses, dual occupancies, rowhouses and villas. Similarly, the objectives of the R2 zoning under the Standard Instrument are to provide for the housing needs of the community within a low density residential environment, and as a result permit dwelling houses, boarding houses, and group homes with consent.

Clause 14 – Standards that cannot be used to refuse consent

Landscaped Area

Please find enclosed the Landscape Areas plan, drawing number DD15 dated 24 June 2011 by Mode Design which indicates that when utilising the definition for 'landscaped area' under the provisions of the Standard Instrument, the total landscaped area on the site is now 3,981m², or approximately 34.7% of the site area.

As Clause 14 indicates that only a minimum of 30% of the site area be landscaped, the proposed development will exceed compliance by providing over 15.6% more landscaped area than that of the standard.

The project team has achieved the above compliances by removing a number of at grade car parking spaces in the central portion of the site, enlarging the central communal open space area, rationalising hard paved areas such as decks and balconies around the site perimeter, and removing

duplication of hard paved pathways. As mentioned, please refer to drawing number DD15 and the amended landscape plan for further detail.

For comparative analysis, it is noted that the proposed landscaped area also meets the minimum 30% standard of the AH SEPP when utilising Bankstown City Council's current definition of landscaped area as demonstrated under the provisions of the *Bankstown Development Control Plan 2005*.

Solar Access

Please find enclosed a Solar Access report dated 24 June 2011 prepared by Mode Design. The solar access report includes a schedule of solar access compliant dwellings, three dimensional solar access diagrams for each building, and updated shadow diagrams that all demonstrate the living rooms and open spaces of 109, or approximately 75.7%, of the dwellings in the proposed development achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

As Clause 14 indicates only a minimum of 70% of the dwellings need meet the specified solar access standards, the proposed development will exceed compliance by providing over 8.1% more compliant dwellings than that of the standard.

For comparative analysis, it is noted that the proposed solar access to sunlight also meets the minimum requirements for residential flat buildings under the provisions of the Bankstown Development Control Plan 2005 in that a minimum 70% of dwellings will receive at least 3 hours of sunlight to the windows of at least one living area between 9am and 5pm on 21 June.

Dwelling Size

Please find enclosed a schedule of all dwellings and their gross floor area (GFA) based on the definition contained within the Standard Instrument. Please also find enclosed a cross-section of sample dwellings across the proposed development which include furnished layouts that demonstrate the proposed dwelling sizes possess good internal amenity, including living areas, storage spaces and solar access.

Clause 14 of the AH SEPP provides standards that cannot be used to refuse consent. Accordingly, as the dwelling sizes contained within the AH SEPP are not requirements, the following points are raised in conjunction with the submitted additional information to justify the proposed dwelling sizes:

- 1) It is noted that Clause 16 in the AH SEPP indicates that nothing in this Policy affects the application of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* (SEPP 65) to any development to which Division 1 applies.
- 2) Residential flat buildings developed under SEPP 65 within the Bankstown local government area (LGA) adopt the GFA definition utilised by Bankstown City Council in their LGA. When utilising Council's definition of GFA, as provided by the Bankstown Development Control Plan 2005, the dwellings sizes within the proposed development meet those used as a guide for Affordable Housing contained within the Residential Flat Design Code. Accordingly the

proposed development represents a development with dwelling sizes no less than that which could be ordinarily consented to under SEPP 65 elsewhere in the Bankstown LGA.

- 3) The Residential Flat Design Code, which supports SEPP 65, indicates that if Council's choose to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. It is also noted that buildings which do not meet the minimum standards should demonstrate how satisfactory daylighting and natural ventilation can be achieved, particularly in relation to habitable room.

As demonstrated in the comments on solar access above, the living rooms and open spaces of 109, or approximately 75.7%, of the dwellings in the proposed development achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

As a result, the proposed development will exceed compliance by providing over 8.1% more compliant dwellings than that of the standard within the AHSEPP and even greater level of compliance over that of the solar access provisions contained in the *Bankstown Development Control Plan 2005*, as the direct daylight hours are extended to 5pm.

In relation to ventilation, the design of the proposed development, including multiple separated buildings and articulated facades supports more dual aspect apartments with better access to daylight and cross ventilation. In addition, design features such as overhead operable louvered openings above entry doors also assist in natural ventilation.

The enclosed Solar Access and Natural Ventilation for Kitchens schedule prepared by Mode Design indicates that 100, or approximately 69.4%, of the 144 dwellings within the proposed development will achieve the natural ventilation requirements for kitchens contained within the Residential Flat Design Code. As the Residential Flat Design Code only requires a minimum of 25% of dwellings meet natural ventilation requirements, the proposed development exceeds the minimum requirement by approximately 177.8%.

- 4) Supplementary storage areas have now been provided for all standard 1 bedroom and studio dwellings within the basement car parking areas to achieve the minimum 6m³ specified in the Residential Flat Design Code. As a result, the potential for storage facilities within each of these units will not be constrained as the supplementary basement storage areas will provide space for items not typically stored within dwellings, such as bicycles, and outdoor equipment.
- 5) On 20 December 2010, the NSW Government Department of Planning released a review of the AHSEPP which outlines issues raised since the introduction of the AHSEPP. The Department of Planning has acknowledged that interest in reducing the dwelling size of self-contained studio accommodation to the range of 25-35m² has the potential to expand the diversity and amount of rental housing stock at the lower end of the market which is currently experiencing severe undersupply.

The suggested response to by the Department of Planning is to reduce the minimum floor area for studio apartments developed as infill affordable rental housing under the AHSEPP from 35m² to 25m². As demonstrated in the schedule of dwelling sizes enclosed, all studio

apartments within the proposed development exceed 30m², and therefore represent greater GFA's than the recommended revised minimums outlined in the AHSEPP review.

- 6) It is acknowledged that the proposed development, with a total GFA of 7,756.84m², represents a proposed floor space ratio (FSR) of 0.676:1 for the subject site. As the maximum permissible FSR for the subject site is 0.75:1 under the provisions of the AHSEPP, the proposed development can be seen to have additional floor space capacity of approximately 852m².

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Communal Open Space

Based on the original site, elevation and typical floor plans submitted for assessment by the Major Development Design Assessment Panel's 2 December 2010, the project team consolidated and increased the size of the communal open space area of the proposed development in accordance with the Panel's minuted recommendations. More specifically, the project team took on board The Panel's recommendation to increase the number of storeys within Building's E and H by using the topography and cut and fill techniques. Additionally the Panel's recommendation to reduce the front building setbacks along Boronia Road to allow for increasing the open space area was also adopted.

Further to the comments raised by Council's Urban Designer/Architect in the additional information letter, the project team has yet again increased the communal open space area by adopting Council's Urban Designer/Architect's recommendations to consolidate and enlarge the basement car park area to remove at-grade car parking spaces.

The proposed development has attempted to minimise certain open space areas and where possible dedicate open space to private open space areas between buildings and setbacks. Experience in the development of social and community housing projects has proved that providing tenants with a sense of ownership over open space areas by dedicating land where possible to private yards limits the likelihood of arguments over open space ownership, limits the likelihood of tenants being disturbed by those using such spaces or moving between buildings, addresses Safer by Design' principals by minimising 'dead space' areas, and assists in site maintenance as tenants enjoy the sense of ownership over such spaces.

It is also noted that large public open space areas are located within close proximity to the subject site which can be used to compliment the communal open space areas within the proposed development. These public open space areas include Greenacre Civic Centre (which also comprise a swim centre) located approximately 188m south-east of the subject site, Gosling Park approximately 230m north-east of the subject site, and Leo Reserve located approximately 320m south-west of the subject site.

The project team considers the resultant modifications to the proposed development, in conjunction with the arguments raised in above confirm the proposed development provides for sufficient communal open space areas and external amenities for residents.

Ceiling Heights

Ceiling heights within Building's E and H have been varied from the Residential Flat Design Code's recommended height of 2.7m to approximately 2.55m. This variance was undertaken based on the recommendations tabled by the Major Design Review Panel in the meeting held on 2 December 2010 as a way to reduce the footprint of Building's E and H and increase the size of the communal open space area.

It is also acknowledged that the 2.7m ceiling height outlined in the Residential Flat Design Code is a 'rule of thumb' and variations are acceptable where developments can demonstrate that apartments will receive satisfactory daylight. The Residential Flat Design Code, like the AHSEPP, outlines satisfactory daylight as being a minimum of three hours direct sunlight between 9am and 3pm in mid winter to 70% of the dwellings in a development. Looking at Building E and H alone, it is noted that 21, or 87.5%, of the 24 dwellings achieve three hours direct sunlight between 9am and 3pm in mid winter, thus exceeding the minimum by 25%. Accordingly, the variation sought in relation to the Residential Flat Development Code's rule of thumb for ceiling height is considered justifiable in this instance.

Solar Access

As outlined above under the response to the AHSEPP, the solar access report includes a schedule of solar access compliant dwellings, three dimensional solar access diagrams for each building, and updated shadow diagrams that all demonstrate the living rooms and open spaces of 109, or approximately 75.7%, of the dwellings in the proposed development achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

As the Residential Flat Design Code's rules of thumb only indicate a minimum of 70% of the dwellings need meet the specified solar access standards, the proposed development will exceed compliance by providing over 8.1% more compliant dwellings than that outlined in the Residential Flat Design Code.

Natural ventilation for kitchens

As outlined above under the response to the AHSEPP, the enclosed Solar Access and Natural Ventilation for Kitchens schedule prepared by Mode Design indicates that 100, or approximately 69.4%, of the 144 dwellings within the proposed development will achieve the natural ventilation requirements for kitchens contained within the Residential Flat Design Code. As the Residential Flat Design Code only requires a minimum of 25% of dwellings meet natural ventilation requirements, the proposed development exceeds the minimum requirement by approximately 177.8%.

Design Quality Principal – SEPP 65

It is considered the proposed design amendments and justifications presented above in relation to in the issues raised by Council's Urban Designer/Architect result in a development that satisfactorily addresses the SEPP 65 design principals, particularly in regard to built form, landscaping and amenity.

Clause 4 SEPP65 – Application of the Policy

An assessment of Buildings C, D, I and J in relation to the Seniors Living Policy: Urban Design Guidelines for Infill Development is provided below.

Seniors Living Policy: Urban Design Guidelines for Infill Development

Site Planning and Design

In order to reduce the potential for overlooking on neighbours properties, the decks of ground floor dwellings have been reduced in size so as to create more space between the proposed buildings and side boundaries. Additionally, privacy screens have been added to those dwellings which have the potential to overlook adjoining property, particularly those dwellings which are located in close proximity to Welch Avenue, 99-101 Boronia Road and the rear of 77 Boronia Road.

It is also proposed to increase the density and scale of landscaping within those areas where potential visual privacy concerns have been identified so as to provide more established vegetation and more appropriate screening.

Reference should be made to the amended elevation and section drawings submitted as part of the additional information for the proposed development which demonstrate reduced deck sizes, increased side setbacks and installation of privacy screens to address visual privacy concerns.

Built Form

The proposed residential development responds to the topography of the land and maintains amenity to adjoining properties by reducing in height and scale toward the rear of the subject site.

To minimise the impact on adjoining development, the proposed development has been designed and orientated ensure a minimum of 3 hours direct sunlight to living areas and private open space areas of all adjoining development in mid-winter is maintained. Reference should be made to the shadow diagrams submitted with the development application for more information.

As indicated above, the revised plans for the proposed development have included reduced decking, privacy screens on select balconies and additional landscaping to ensure any potential visual amenity impacts on adjoining properties are minimised.

It is noted that adjoining to the rear of the subject site is the Bankstown Aged Care Facility which includes a large building parallel to almost half of the rear boundary with a ridge height of 50.75m AHD and overall building height of 9.5m. The proposed ridge heights of Building's C, D, I and J at the rear of the subject site is 49.34m AHD with overall building heights of less than 8.5m. Accordingly, the rear of the proposed development is considered to be smaller in scale than that of the built form of adjoining development to the rear boundary.

It is also noted that the overall building height of the proposed development is less than 8.5m above existing ground level. As a result, the proposed development is generally no higher than the majority of two storey development in the surrounding area, and accordingly considered to be in keeping with the built form of other developments in the surrounding area.

Impacts on Neighbours

It is considered the proposed design amendments and justifications presented above in relation to site planning and built form result in a development that satisfactorily addresses any potential impacts on adjoining neighbours.

It is also noted that Council's summary of issues raised following the conclusion of the two notification periods and two advertisement periods for the proposed development did not result in any submissions from adjoining owners outlining concerns in relation to site planning and design, built form, or impacts on neighbours.

Bankstown City Council Major Development Design Assessment Panel

The extract of the Panel's comments provided in the additional information letter from Council dated 17 May 2011 paraphrase those comments provided by the Panel in the minutes issued by Council on 9 December 2010.

Following receipt of these minutes, the project team proceeded to undertake the recommendations outlined by the Panel and resubmitted amended draft plans to the Panel on 21 December 2010 for further consideration.

A review of the plans submitted to the Panel for the meeting on 2 December 2010 and the revised plans submitted on 21 December 2010 (as well as the final plans submitted as part of the subject development application) clearly demonstrate the following design response to the Panel's issues:

- 1) Consolidation and increase in the size of the communal open space area of the proposed development by increasing the number of storeys within Building's E and H by using the topography and cut and fill techniques. Additionally the front building setbacks along Boronia Road were reduced to be consistent with adjoining development at 77-79 Boronia Road to allow for increasing the open space area.
- 2) Privacy and amenity between buildings, specifically Buildings D and I, was addressed through greater separation and reorientation of private open space areas.
- 3) The internal road reserve was widened so that the one-way traffic and pedestrian footpath could be adequate for resident access and that of visitors.

Urban Design/Architectural Assessment

Site Analysis

- 1) As indicated above, the project team has reduced the building footprints of Buildings E and H and increased the size of the communal open space area in response to the Panel's recommendations from the Panel meeting.

The total landscaped area on the site is 3,981m², or approximately 34.7% of the site area which exceeds the minimum specified in the AHSEPP.

- 2) To assist in achieving the above, the project team has adopted Council's Urban Designer/Architect's recommendations to consolidate and enlarge the basement car park area and remove at-grade car parking spaces to rededicate additional land as communal open space.

Remaining car parking spaces adjacent to the communal open space area have not been reorientated to be parallel parking spaces as it is considered this has the potential to impact safety and the flow of traffic through the one way internal road.

- 3) It is taken as a statement that Council considers the requirement for more north facing units to stem from the perceived deficiency in dwellings that achieve the required solar access standards, however, as has been demonstrated in this additional information response, the living rooms and open spaces of 109, or approximately 75.7%, of the dwellings in the proposed development achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

As only a minimum of 70% of the dwellings need meet the specified solar access standards, the proposed development will exceed compliance by providing over 8.1% more compliant dwellings than that of the standard.

Accordingly, the provision of basement car parking access adjacent to north facing units Building E & H is not considered to unsatisfactorily impact on the opportunity for north facing units at the lower level of these Buildings.

- 4) North facing dwellings provided on the ground floor of Buildings E and H are considered to possess a high level of amenity. As outlined in the Residential Flat Design Code, 'building amenity' is measured through such elements as acoustic privacy, daylight access and natural ventilation.

Dwellings E-0.1, E-0.2, H0.1 and H0.2 in question are all afforded a high level of acoustic privacy between apartments and between external and internal spaces. Large private open space areas of 33m² and 1.8m high fencing separate the each of the identified dwellings from the adjacent parking areas and one-way internal road beyond. Accordingly it is considered these four dwellings will achieve a satisfactory level of acoustic privacy, and will essentially provide a higher level of acoustic privacy that that of any development fronting the much busier Boronia Road.

As demonstrated in the solar access report which includes a schedule of solar access compliant dwellings, three dimensional solar access diagrams for each building, and updated

shadow diagrams, all of the north facing dwellings in Buildings E and H, including the four ground floor dwellings in question, will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. Accordingly it considered the dwellings in question will achieve a high level of solar amenity.

The schedule for solar access and natural ventilation for kitchens submitted as part of the additional information package indicates that all dwellings in Building's E and H achieve the specified ventilation rules of thumb outlined in the Residential Flat Design Code. Accordingly, it is considered the dwellings in question will achieve satisfactory natural ventilation, particularly dwellings E-0.1 and H-0.1 which include dual aspect windows.

Based on the satisfactory acoustic privacy, daylight access and natural ventilation being afforded to the dwellings in question, it is considered the removal of at grade car parking spaces is not necessary and will not negatively impact on the amenity for adjacent dwellings.

- 5) The project team has responded to Council's request to enlarge the central/ communal open space area by originally reducing the buildings footprints of Building's E and H and reducing the front setback, and subsequently as part of the design response to Council's additional information request, relocated at grade car parking spaces adjacent to the communal open space area to the basement car parking area. It is now considered that the communal open space area is of a satisfactory size to provide satisfactory opportunities for recreation and social activities for residents provide adequate daylight and ventilation access to apartments and visual privacy between adjacent buildings.

Accordingly, it is considered that the community room and accessible toilet provided in the central/ communal open space area is better served in its current location where it can be better utilised and accessed by users of the communal open space area, rather than under one of the buildings as suggested in Council's additional information letter.

- 6) The project team has considered a number of design options for removal of the stairs located in front of Building's A and L. However, due to the site grades at this point, alternative arrangements have all proven to result in less accessible outcomes for pedestrians. The project team has carefully considered the access needs of both able bodied and disabled pedestrians and concluded that the current design provides for the most equitable and efficient pedestrian access outcome.

Built Form

- 1) As demonstrated in the solar access report and three dimensional solar access diagrams for each building, the proposed 'U shaped' buildings result in a design where 109, or approximately 75.7%, of the dwellings achieve a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. This proves that the proposed building shapes allow for adequate solar access.

Additionally, dwellings have been orientated so as to minimise the potential for overlooking neighbouring dwellings and encourage passive surveillance over dwelling entries, open spaces and the public domain. Private open space balconies within these courtyards is

separated by approximately 5.5m which represents a distance generally equivalent to that of the side boundary setbacks for development in the neighbourhood.

- 2) Access to units on the ground level of Buildings F, G, E and H will be from the ground level of the communal open space area for north facing dwellings in Building's F and G, and south facing dwellings in Building's E and H. North facing dwellings in Building's E and H will achieve access the internal road. At grade parking areas for these dwellings is considered to be satisfactorily accessible and
- 3) Spaces between the upper level dwellings in Buildings F, G, E and H are roofed and not accessible. Additionally, the spaces assist in giving upper level dwellings dual aspects for solar access and ventilation amenity.

Bankstown Development Control Plan 2005

Front Setbacks

Please find enclosed amended plans which now demonstrate that the wall of the basement podium for Building's F and G will no longer project into the 6.5m front setback. Further the amended plans have also revised the design of the front facade so that decks and entry steps will now be setback behind the 6.5m building line.

It is noted minor encroachments into the 6.5m setback are included in Building A and L, however this is considered to provide some articulation to the front facade and assist in the presentation of the development to the street.

Side/rear setbacks

Please find enclosed amended plans which now demonstrate that the size of the decks and balconies have been significantly reduced in size and scale so as to protect neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

As previously discusses, privacy screens have been added to those dwellings which have the potential to overlook adjoining property, particularly those dwellings which are located in close proximity to Welch Avenue, 99-101 Boronia Road and the rear of 77 Boronia Road.

It is also proposed to increase the density and scale of landscaping within those areas where potential visual privacy concerns have been identified so as to provide more established vegetation and more appropriate screening.

Reference should be made to the amended elevation and section drawings submitted as part of the additional information for the proposed development which demonstrate reduced deck sizes, increased side setbacks and installation of privacy screens to address visual privacy concerns.

It is also noted that the proposed development has been designed and orientated ensure a minimum of 3 hours direct sunlight to living areas and private open space areas of all adjoining development in mid-winter is maintained.

Accordingly it is considered the proposed development satisfactorily achieves the objectives of the DCP's setback controls.

Visual Privacy

In order to reduce the potential for overlooking on neighbours properties, the decks of ground floor dwellings have been reduced in size so as to create more space between the proposed buildings and side boundaries. Additionally, privacy screens have been added to those dwellings which have the potential to overlook adjoining property, particularly those dwellings which are located in close proximity to Welch Avenue, 99-101 Boronia Road and the rear of 77 Boronia Road.

It is also proposed to increase the density and scale of landscaping within those areas where potential visual privacy concerns have been identified so as to provide more established vegetation and more appropriate screening.

Reference should be made to the amended elevation and section drawings submitted as part of the additional information for the proposed development which demonstrate reduced deck sizes, increased side setbacks and installation of privacy screens to address visual privacy concerns.

It is also noted that Council's summary of issues raised following the conclusion of the two notification periods and two advertisement periods for the proposed development did not result in any submissions from adjoining owners outlining concerns in relation to site planning and design, built form, or impacts on neighbours.

Accordingly, it is considered the proposed design amendments and justifications presented above satisfactorily addresses any potential visual privacy impacts on adjoining neighbours.

Ceiling Heights

Ceiling heights within Building's E and H have been varied from the Residential Flat Design Code's and the DCP's recommended height of 2.7m to approximately 2.55m. This variance was undertaken based on the recommendations tabled by the Major Design Review Panel in the meeting held on 2 December 2010 as a way to reduce the footprint of Building's E and H and increase the size of the communal open space area.

It is also acknowledged that the 2.7m ceiling height outlined in the Residential Flat Design Code is a 'rule of thumb' and variations are acceptable where developments can demonstrate that apartments will receive satisfactory daylight. The Residential Flat Design Code, like the AHSEPP, outlines satisfactory daylight as being a minimum of three hours direct sunlight between 9am and 3pm in mid winter to 70% of the dwellings in a development. Looking at Building E and H alone, it is noted that 21, or 87.5%, of the 24 dwellings achieve three hours direct sunlight between 9am and 3pm in mid winter, thus exceeding the minimum by 25%. Accordingly, the variation sought in relation to the Residential Flat Development Code's rule of thumb for ceiling height is considered justifiable in this instance.

Communal clothes drying

Private clothes drying facilities are proposed to be located on balconies and private open space areas of the dwellings. So as not to distract from the appearance of the development, clothes drying facilities located on dwelling balconies will be confined so as to be no higher than balcony balustrades. As balcony balustrades will be non-transparent it is considered the appearance of the dwellings will not be compromised.

Plan Anomalies

Please find enclosed amended plans which address the plan anomalies and supply the additional details requested in Council's Additional Information letter dated 17 May 2010.

BASIX Certificates

It is acknowledged that the project team are to prepare new BASIX Certificates that are in accordance with the amended plans which will continue to achieve compliance with BCA, and a 6 star BASIX rating. It is also noted that new BASIX Certificates are to indicate appropriate unit numbers and types.

The floor areas for the new BASIX Certificates will be measured as accurately as possible; this will be reflected in the revised certificates. However, please note that the BASIX tool cannot provide flawless results, and minor differences with architectural area schedules are unavoidable.

Information provided by the BASIX certifier has indicated that only one tot number and DP number can be noted on the certificates issued for units that lie within the same development.

The project team wishes to submit such BASIX Certificates once finalisation of the design of the proposed development has been reached so as to minimise any reworking, and hence are not include as part of this additional information response.

Roads and Traffic Authority (RTA) concurrence

RTA concurrence is noted. It is requested that RTA comments and requirements be incorporated as conditions of consent into any development consent for the proposed development.

Relocation of Bus Stop

Please find enclosed the amended plans which demonstrate revised frontage layouts to ensure the existing electricity pole can be retained though alterations to the internal entry road alignment. It is also proposed to relocate the existing bus stop eastward to ensure there is no conflict with the internal road and maintain a bus stop location close to the nearby primary school and adjacent bus stop on the southern side of Boronia Road.

Stormwater Drainage/Engineering Details

Please find enclosed amended hydraulic drawings, reports and calculations incorporating Council's comments. The amendments are as follows:

- The Bankstown City Council's IFD data has been incorporated into the reports and drawings
- Minimum freeboard levels are now shown on details on drawing no. H001
- Flood levels incorporated on to drawing no. H001
- Digital DRAINS included as part of the submission
- Stormwater sizing revised to accommodate for a 450mm pipe
- Drawing H001 amended to show extent of louvered fencing
- Proposed plans have been updated to show existing survey information along the road reserve to Boronia Road and revised site entry to ensure the power pole can be retained

Building Code of Australia

Please find enclosed a letter from the accredited certifiers of the proposed development, Tom Miskovich and Associates responding to Bankstown Council's additional information request in relation to the proposed development.

Waste Management

The project team consulted with Council's Resource Recovery Coordinator, Daniella Santucci, as part of the planning of the proposed development to ensure the design sufficiently addressed waste management issues. Comments raised by Daniella were incorporated into the proposed design and have been highlighted in the enclosed revised plans.

Please refer to the enclosed plans for additional detail on bin allocation and presentation, bin storage areas, and internal road dimensions that indicate the road's capability to accommodate the necessary vehicles for waste collection and disposal.

Waste Management Plan / On-going Management

It is requested that a Waste Management Plan including on-going management of bins in general, presentation of the bins, their return and means of managing risks be included as a condition of consent for any development consent to the proposed development.

Noise Impacts

It is noted that all dwellings within the proposed residential development will be constructed in accordance with relevant Australian Standards and the BCA in terms of acoustic treatments.

Additionally, if excessive noise is being generated from the Bankstown Aged Car Facility's laundry and air-conditioning, and this noise has been subject of existing complaints by adjoining residents, it requested that Council undertake a site visit to determine whether the noise generation and complains are justified, and should excessive noise be discovered a Noise Abatement Order, Noise

Abatement Direction and/or Noise Control Notice be issued to the Bankstown Aged Care Facility so as not to impact on existing residents and the proposed development.

Community Safety

It is requested that Community Safety matters identified in the additional information letter provided by Council be addressed as conditions of consent in any development consent for the proposed development.

However it is noted, the project team considers the proposed development allows for a high level of passive surveillance over common areas, building entries and the public domain. As a result, the project team do not intend on providing controlled access to building entries, a video intercom system or a CCTV camera system are part of the development. It is acknowledged however, the controlled access to carparking areas for pedestrians and vehicles is proposed, along with appropriate site lighting, landscaping and signage.

It is also noted that an on-site manager will be present 24 hours a day, 7 days per week to assist in any issues that arise in relation to community safety.

Submissions

The project team wishes to provide the following additional information concerns raised following the conclusion and advertising period for the proposed development:

- 1) Car parking provision - The AHSEPP indicates that car parking should be provided at a rate of 0.5 spaces per dwelling. The proposed development will provide 144 car parking spaces for the proposed 144 dwellings. Accordingly this represents the provision of 100% more car parking spaces that the minimum standards specified under the AHSEPP provisions.
- 2) Internal Road – The internal road to be constructed as part of the proposed development will serve to take vehicles associated with the proposed development off Boronia Road and direct vehicles into basement and grade level parking spaces. Additionally, vehicles will have the ability to enter and exit the proposed development from Boronia Road in a forward direction via the internal road. This will effectively assist in the vehicle movement and pedestrian safety at the Boronia Road junctions as currently vehicles need to reverse on to Boronia Road. The proposed development will also significantly reduce the amount of kerb crossings across the property boundary. This will provide a safer outcome for pedestrians and also assist pedestrian movement.
- 3) Traffic Report – It has been advised that although the Traffic and Parking Impact Report was completed in January 2011, the traffic assessment used in the report was undertaken outside of the end-of-year school holiday period. Further Traffic and Parking Impact Report concluded that:
 - the proposed residential development meets the parking requirements of the residents and visitors
 - the on-site carpark is generally compliant with Australian Standards

- the expected trips to be generated by the residential development can be accommodated by the nearby intersections
 - there are no traffic engineering reasons why planning permit for the proposed residential development at 81 to 95 Boronia Road in Greenacre should be refused.
- 4) Media Coverage on Traffic – It is understood from recent media publications that Bankstown Council intend to review the outcomes of an independent traffic review committee's investigation into the impacts of traffic on Greenacre's school precinct. In particular, the traffic management review will include Banksia, Mimosa, Greenacre, Old Kent, Wangee and Waterloo Road. Accordingly, as Boronia Road is not identified as part of the review, it is considered the proposed development will not negatively impact on traffic congestion in Greenacres school precinct.
- 5) Construction Impacts – It is understood construction impacts would be temporary and will be managed by imposition of appropriate conditions of consent to minimise impact on neighbours.

Integrated Development under the Water Management Act, 2000 from the NSW Office of Water

As identified in the additional information letter, it is noted that the NSW State Office of Water has acknowledged that a controlled activity approval is not required for the proposed development.

Should you have any queries regarding the information above please do not hesitate to contact me on the above listed details.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ben Tesoriero', with a long horizontal line extending from the end of the signature.

Ben Tesoriero
Director / Senior Planner - Creative Planning Solutions Pty Limited