

28 May 2013

Dr John Roseth
Chair, Sydney East Joint Regional Planning Panel
Department of Planning & Infrastructure
23 - 33 Bridge Street, Sydney NSW 2000

Attention: Angela Kenna - Panel Secretariat

By email: Angela.Kenna@planning.nsw.gov.au

Dear Sir,

**RESPONSE TO COUNCIL'S SUPPLEMENTARY REPORT
2012SYE003 (DA 2012/169) - 473 & 483 LIVERPOL ROAD, STRATHFIELD SOUTH**

This letter has been prepared on behalf of our Clients, Eddy and Anne Bechara of Prestige Constructions, in response to Council's Supplementary Report to the Sydney East JRPP dated 24 May 2013.

As you will be aware, at the Sydney East Joint Regional Planning Panel meeting on 17 April 2013, the JRPP deferred the decision to determine DA 2012/169, pending submission of amended plans and Council's preparation of a supplementary assessment report to the JRPP. The report was required to primarily assess whether the amended drawings respond to the concerns underlying proposed Conditions D1 and D2.

Council's report, dated 24 May 2013, concludes that the amendments that our Client has made are "*minimal*" and "*do not adequately address Council's underlying concerns as presented in the original Deferred Commencement Consent Conditions, D1 and D2*".

This letter has been prepared in response to Council's report, as we do not agree with some of the contentions made. We do not seek to revisit the justification and rationale behind our proposed amendments. These are clearly stated in the letter we prepared on behalf of our Client, which we understand the JRPP has a copy of. For ease of reference, a response to each of the key contentions made by Council that we do not agree with are set out below.

Condition D1 - Units 29, 59, 60, 61 and 62 (and 51)

Council states that "*the changes made are not considered to result in any significant improvement in the level of "spaciousness" or residential amenity*". In summary and response:-

- The amendments made to Units 29, 59, 60, 61 and 62 were discussed at the JRPP meeting. The Project Architect outlined to the JRPP the changes that could be made, including the minor 2m² increase in floor area and ability to improve the northern aspect. Our recollection of this discussion is that the JRPP were responsive and supportive of this change in principle. Residential amenity in terms of solar access is improved by incorporating the full- width uninterrupted facade of operable glazed windows and doors.
- Council's contention that the changes do not result in any significant improvement in the level of spaciousness or residential amenity to the units does not provide any further discussion as to why this is the case. These units clearly achieve improved solar access, adequate natural cross ventilation, the internal layouts have been rationalised and the units achieve the minimum area requirements under the RFDC. We are therefore unsure as to what additional amendments are required to these units when they currently achieve (as amended) an improved (and compliant) level of residential amenity. Whilst not defined, one would assume that "spaciousness" is a matter that is covered by the residential amenity controls in the RFDC.

- Whilst not required by the JRPP, the amended plans included amendments to Unit 51 to increase the size of the living room and increase the width of the northern aspect of the unit and to the living room for improved solar access. Council contends that *"no further particulars have been submitted to suggest that there has been a discernible"* improvement to solar access. Practically speaking, we are unsure as to how this is the case. With a direct northern orientation, provision of an widened northern aspect and an additional north-facing balcony, we would anticipate that this would improve solar access. Regardless, we note that the development as a whole is fully compliant with the requirements for solar access (and cross ventilation) under the RFDC. Originally the proposal achieved minimum three (3) hours of solar access during mid-winter to 79% of units (between 9am and 3pm) and 83% of units achieved natural cross ventilation. The proposed amendments improve the level of solar access to units that were previously not all included in the 79% calculation.

Condition D2 - Units 1, 2, 6, 7, 11, 12, 15, 16, 19, 42, 43, 50 and 51

Council contends that the *"proposed screens and other construction methods do not address the underlying concerns proposed in Condition D2"*, which are acoustic and visual privacy for residents. Council further states that *"there has been no demonstration by the Applicant to show how these screens will significantly improve visual and particularly acoustic privacy"*. We comment as follows:-

- At the JRPP meeting, Council did not raise concerns regarding the type and construction of the screens and/or building materials. Our recollection of the meeting is that the lack of clear annotation of the privacy screens was an issue. The amended plans show the location of the proposed screens and clearly explain that they are full height, and will comprise double sided cladding of terracotta battens with an interlayer of polycarbonate sheeting. They will provide screening for privacy by nature of their location, materials and proposed landscaping to balconies and screens. If there is a specific concern regarding the location / position of the screens, this was not communicated to us.
- Regarding acoustic privacy, again, the presence of these screens and the type of building construction are capable of mitigating potential noise impacts, subject to adopting the recommendations and therefore meeting the required noise criteria for residential development, as set out in the acoustic report which accompanied the application. If the Council deem it to be necessary, a condition of consent could be imposed to require the preparation of an updated acoustic report to re-establish the relevant minimum acoustic performance requirements for the development and to ensure that all final building materials and construction nominated prior to construction certificate meet all recommendations of the acoustic consultant.

For the reasons set out above, we consider that reconfiguration of these units for the purpose of achieving adequate visual and acoustic privacy is not necessary.

Units 30, 31 and 32

The JRPP required amendments to be made to Units 30, 31 and 32 to increase the width of the northern aspect for Unit 30. The proposed amendments achieve an increased northern aspect (3m to 4.8m) without requiring amendments to Units 31 and 32. Council contends that this change does not provide any improvement to the layout of the living room to Unit 30. We believe that the amendment meets the intent of the JRPP's requirement to improve the northern aspect to Unit 30. A minor increase in the size and width of Unit 30 also achieves a better level of residential amenity, particularly when coupled with the improved northern aspect to this room. Whilst not required by the JRPP, a similar amendment was made to Unit 35 to further improve the amenity of this unit (which had a similar layout to Unit 30).

Conclusion

It is our view that the amendments that have been made not only address the *"underlying concerns"* held by the Council, but more appropriately, the key issues that were discussed at the JRPP meeting.

Furthermore, the Project Architect, Richard Mann, outlined to the Council and JRPP at the meeting on 17 April the changes that could be made to address the key issues that were discussed and it was our understanding that these amendments, in principle, would address these issues. Without any further feedback from the Council, we are now in a position where we are unclear as to what changes could be made, without requiring substantial design amendments (which was not noted as required at the JRPP meeting), that would result in Council's support of this application.

We would like to thank the JRPP for its time in considering this letter in the determination of this application. Should you require any further clarification or wish to discuss any aspects of the contents of this letter, please do not hesitate to contact the undersigned on (02) 8270 3500.

YOURS SINCERELY



**CHRIS OUTTERSIDES
DIRECTOR
CITY PLAN STRATEGY AND DEVELOPMENT**