

5 February 2014

The General Manager
c/o Rachel Snape
Marrickville Council
PO Box 14
PETERSHAM NSW 2049

DA201300375 - 6-26 Grove Street, Dulwich Hill

Dear Ms Snape,

We are writing in response to Council's letter of 19th December 2013 (Attachment A) that identified a number of matters for review and consideration.

This letter is accompanied by a detailed package of information that positively responds to the matters raised in Council's letter, such that the assessment report can now be finalised and forwarded to the Joint Regional Planning Panel (JRPP) in advance of the planned meeting date in April 2014.

Importantly, while the accompanying information is comprehensive and has involved considerable technical investigation, the resulting effect on the submitted plans is minor and not of a magnitude that would trigger the requirement for re-notification. This is critical for our client, so upon your review of the additional submitted material, we'd appreciate your earliest written confirmation that re-notification is indeed not required and the assessment component can be finalised for the JRPP's determination.

The complete responses and updated plans addressing the matters outlined in Council's letter are provided by the following experts, attached to this letter:

- *Smart Design Studio* – amended architectural plans (Attachment B)
- *Context* – Landscape Concept design and response letter (Attachment C)
- *Traffix* – Traffic and Access assessment (Attachment D)
- *Denny Linker and Co Surveyors* - Draft Easement Plan (Attachment E)

In addition, Ridenour Urban Projects, the consultant urban designers for the project since inception have worked collaboratively with Smart Design Studio and their recommendations have been incorporated into the architectural plans and relevant responses in this letter.

This letter provides a summary response from the above consultants to Council's letter of 19th December 2013 following the structure of Council's letter for ease of reference.

1 Solar Access/ Overshadowing

The common landscaped area for the development consists of both a central grove (~500m²) and the landscaped area adjacent the rail corridor (~875m²) for a total landscaped open space of 1,375sqm.

The DCP requirement is for common landscaped area to receive a minimum of 2 hours of direct sunlight over 50% of its finished surface between the hours 9am & 3pm in mid-winter. This is achieved to the landscaped area adjacent the rail corridor, which is more than 50% of this area and therefore the scheme complies with the DCP, as shown in the diagrams below.

Figure 1 Rail Corridor – Winter Solstice 11.30am

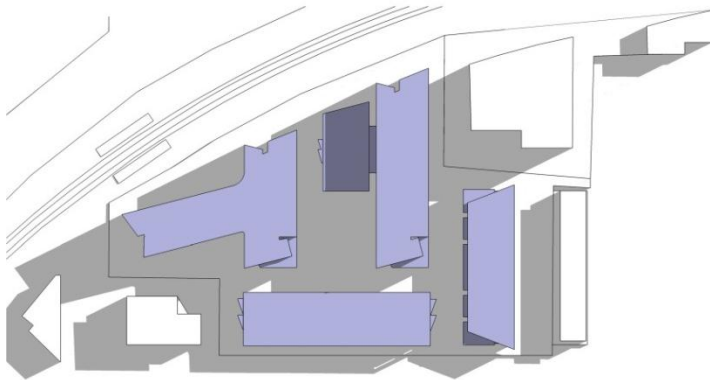
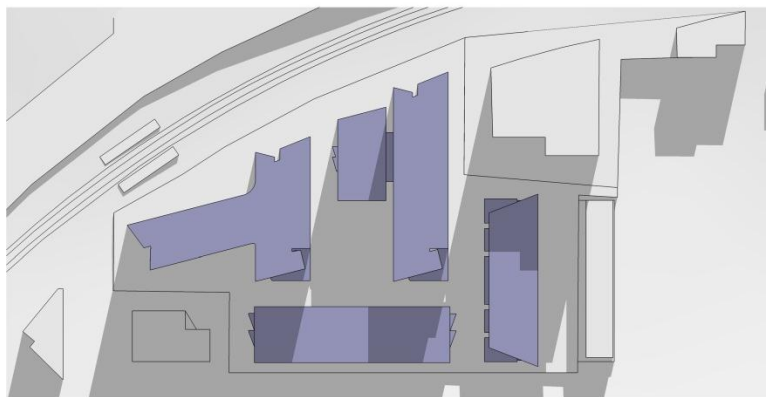


Figure 2 Rail Corridor – Winter Solstice 3:00pm Rail Corridor – Winter Solstice 3:00pm



The central open space achieves more than 2 hours of direct sunlight over 50% of its finished surface from the Spring Equinox through summer to the Autumn Equinox, as shown in the diagrams on the following page.

Figure 3 - Central Grove – Equinox 12:45pm

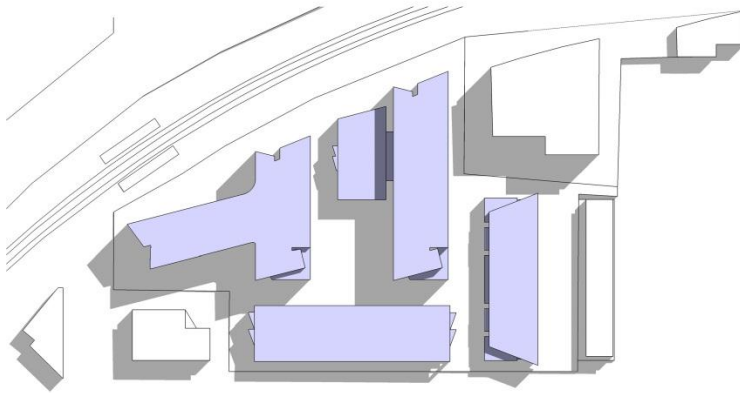


Figure 4 Central Grove – Equinox 1:45pm

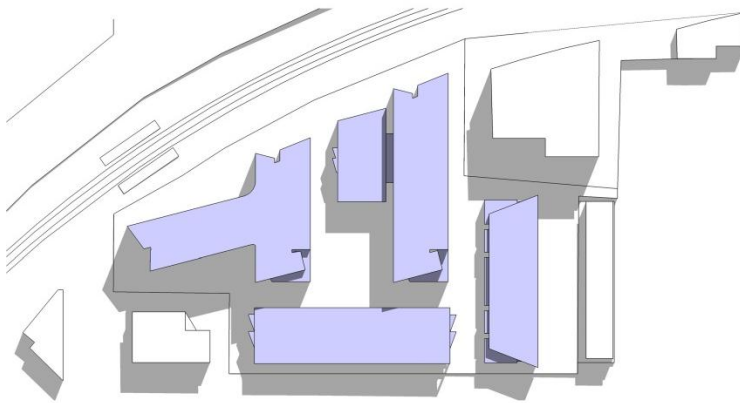
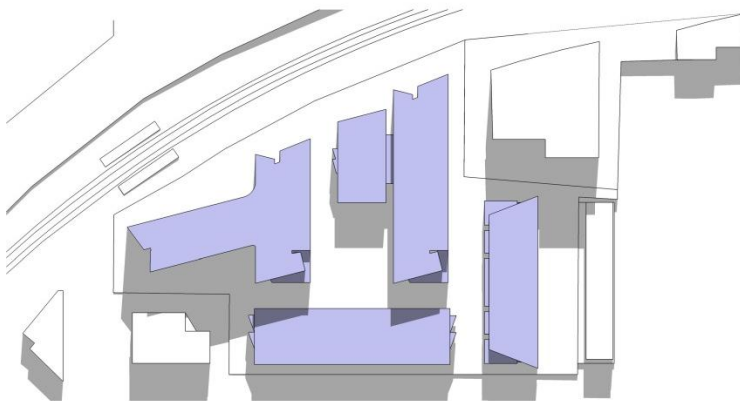


Figure 5 Central Grove – Equinox 2:45pm



Context Landscape Architects in their attached correspondence further described the amenity and quality of the communal spaces. An extract is provided below:

The proposed Central Grove Courtyard provides an attractive space for both visual and environmental amenity. The sunken Courtyard is 150mm below the adjacent pathway. Bordered by a feature concrete step/edge, the grove responds to the geometry of the proposed architecture, providing a 'green' leafy environment that serves as a beautiful outlook for residents. The northern and eastern edges of the Grove are turfed, providing a visual break from the surrounding paved areas and local amenity for users.

The planting in the Grove will be Betula nigra (tropical birch) which is a deciduous species that will not contribute to any additional overshadowing during mid-winter allowing available light into the space contributing to its usability.

Adjacent to the central grove is the landscape buffer which runs along the western boundary and interface with the greenway. This landscape area will have ample solar access and consist of native plantings, lawn and bench seating providing intimate spaces for users to enjoy. Informal porous pathways will meander through bio-filtration basins planted out with native grasses allowing for circulation and access whilst enhancing the biodiversity principles of the greenway.

A further consideration for Council must also take into account the overarching benefits of the proposed alternate Masterplan. As reported in the Urban Design Report accompanying the DA submission and the architectural peer review by Candalepas & Associates, the proposed alternate master plan, will deliver improved apartment and communal amenity outcomes, specifically:

- The percentage of units receiving sunlight (direct solar access) and cross ventilation exceeds the respective RFDC Rules of Thumb.
- The proposed revised building forms produce thinner buildings with improved orientation support, passive environmental performance with good sunlight, daylight and natural ventilation.
- The variable setback along the Greenway softens the appearance of the buildings in their landscape setting, and provides deep soil zones along the western boundary supporting native planting and significant trees and promote ecological continuity with the Greenway.
- The Masterplan complies with the DCP landscaped area requirements. Furthermore, the landscape plan comprises a variety of landscape areas that all have different functions and will support usage at different times throughout the year.
- The equitable separation distances at boundaries and with adjacent building envelopes ensure each site has the capacity to achieve its development potential and retain residential amenity.
- The proposed development pays close attention to its interface with the public domain. The design enhances not only the site, but the rail station precinct and its use, the character of the neighbourhood and the Greenway.

For the above reasons, the proposal achieves the most appropriated balance of residential and communal amenity outcomes.

2 Boundary Setbacks/Massing Elements

Grove Street Building E

Ground level – front fence detail

Revised drawings from Smart Design Studio have reduced rampart wall heights to Building E as requested. In addition, as a result of the flood study findings, the ground level of Building E has been raised by 200mm. This has resulted in a loss of only 3 minutes of direct sunlight to the properties across Grove Street in the winter solstice. Less sunlight is lost throughout the rest of the year.

As a result of the flood study findings the ground level to Building C has also been raised by 200mm and has been incorporated in revised architectural drawings. As a consequence, the line of shadow on the proposed buildings A and E to the south increases by 200mm from the hours between 8am to 2pm. This increase does not significantly affect the overall shadow analysis of living spaces of these buildings on the winter solstice.

Upper level

Further design consideration and testing has been given to the awning on upper level of Building E. A scenario of removing the entire awning was tested and resulted in providing a further 9 minutes of sun to adjacent residential properties during the worst case winter scenario. This solution would however adversely impact on the amenity of the proposed apartments by exposing the apartments to the sun in the non-winter months without any shading or weather protection. Therefore the proposed amended design includes cutting back the awning by 750mm. This awning size maintains the required amenity to the proposed apartments and provides the residents on the eastern side of Grove Street an 6 extra minutes of sunlight in the worst case scenario, and thus the numbers improve for the rest of the year.

Western/Greenway Setback

As outlined in Council's letter, the concept of a weighted average setback to the greenway is acceptable subject to further justification. While in part the setback satisfies and in fact exceeds Council's requirement, the overall weighted average setback of 10.3m is marginally less than the DCP requirement of 11m.

The design outcome is considered appropriate in this case for the following reasons:

- It is the opinion of the independent Urban Designer from Ridenour Urban Projects that the variable setback along the Greenway softens the appearance of the buildings in their landscape setting, and provides deep soil zones along the western boundary supporting native planting and significant trees that promotes ecological continuity with the Greenway.
- The staggered design and splayed building ends will provide visual relief and interest and avoids creating a wall or 'tunnel effect' along the corridor that satisfies the intent of the control.
- The encroachment of the setback at the southern end of the site is considered appropriate and a highly positive outcome as it supports the transition of the space into a more urban context signalled by the creation of "Arlington Square" that provides space for outdoor dining associated with the café as well as space to facilitate commuters to and from the future Arlington light rail stop.
- Finally, the greenway setback outcome does not create any additional adverse overland flow impacts that would not otherwise have been created with a fully compliant building setback.

In addition, the following minor design changes have been made as requested in Council's letter:

- The staircases from the ground floor apartments of Building A1 have been deleted.
- The amended Landscape and Architectural plans have also resolved the connection of the café outdoor space and the greenway through the provision of stairs linking directly from the pathway within the greenway.
- Finally, the pathway through the greenway has been amended to be formal footpaths as opposed to informal mulch pathways.

For the reasons outlined above, in our view the proposed changes and additional justification now satisfy Council's request on this aspect.

3 B2 Building Separation

After considering Council's preference for the upper floors to be setback from the northern boundary shared with Andrews Meats it has been decided that the proposed building design not be further amended.

The development of the neighbouring "Site (G)" as an individual lot will require a complete analysis by the designers of all controls in conjunction with an assessment of the constraints and opportunities for the site. We note that DCP 2011 indicates an envelope for developing this site which is very deep (18m-26.8m) and presents a number of significant challenges for achieving solar, privacy, acoustic and open space amenity if followed closely.

The envelope shown in the DCP 2011 incorrectly includes substantially more area than is permitted on the neighbouring site as shown below:

- Site area: approx. 2858m²
- FSR: 1.75:1
- Allowable GFA: approx. 5,000m²
- Envelope area: approx. 960m²
- Total storeys permitted: 8
- Max total envelope area: 7,680m²

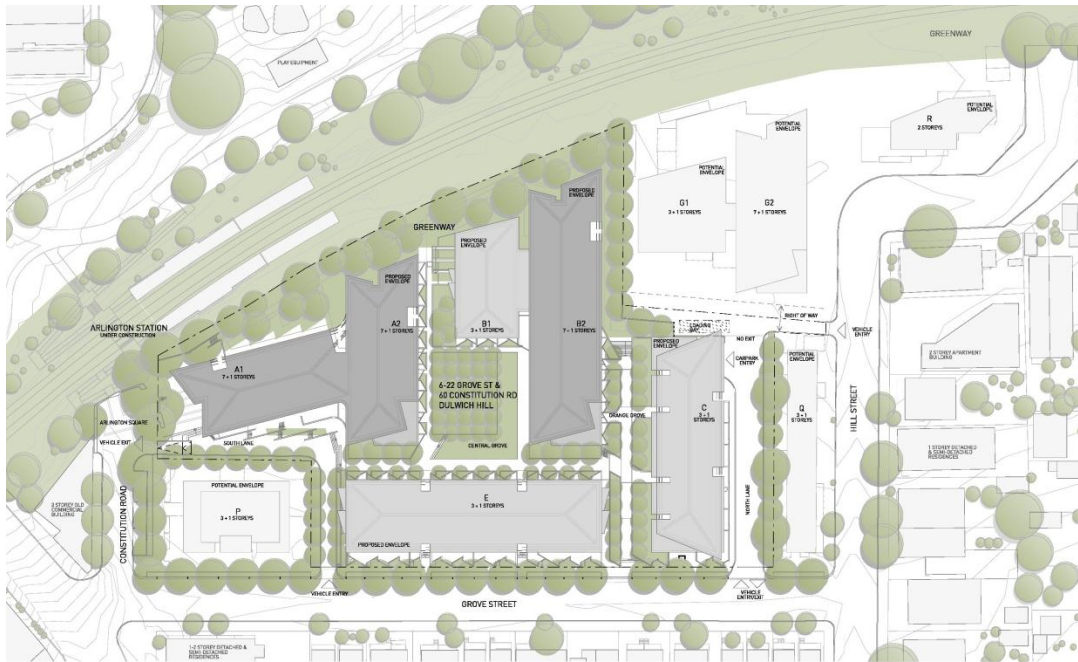
This equates to 50% more area than the allowable GFA for the neighbouring site. Even allowing for balconies, vertical circulation and additional form manipulations any building located on the neighbouring site would not fill this envelope.

Given this, the envelope for Site G would without question have to be substantially amended to achieve a compliant GFA as well as satisfy SEPP 65 apartment amenity requirements.

As a result of studying the neighbouring site, Smart Design Studio concluded that the best design outcome would entail a taller building situated to catch the north sun with appropriate setbacks to the street combined with a lower, wider wing oriented towards green spaces flanking the neighbouring site.

This solution is shown in **Figure 6** below, as the recommended envelope for the neighbouring site, in the previously submitted Envelope Plan.

Figure 6 – Propsoed Envelope Plan for entire precinct



The concept in **Figure 6** has the following advantages:

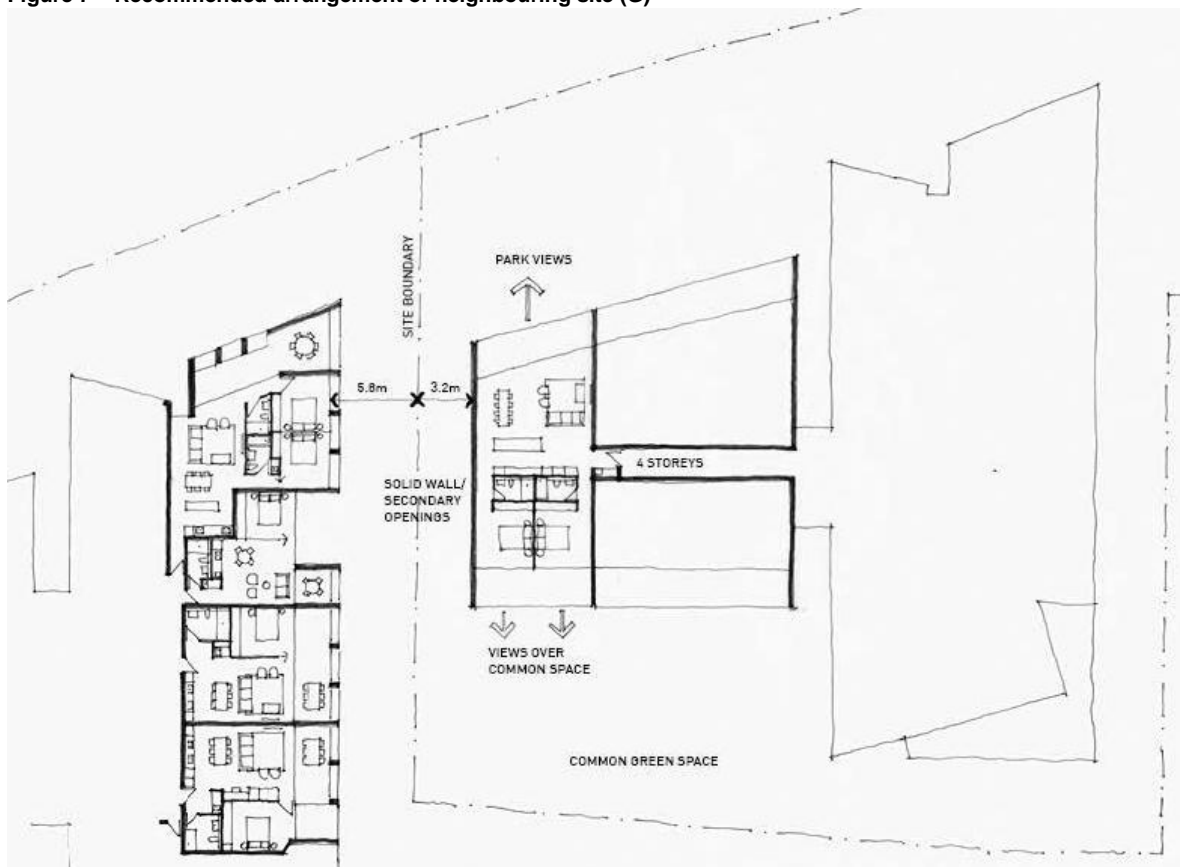
- Maximises apartments achieving 3 hours solar access in winter.
- Maximises apartments with views over the park.
- Minimises south facing apartments.
- Provides a reasonable landscaped space.
- Creates a clear and strong identity for the building which addresses the street and clearly defines the surrounding open spaces.
- Reduces overshadowing to the surrounding buildings.
- Can be designed with no acoustic/privacy impacts on surrounding buildings.

That being the case, Smart Design Studio has prepared a recommended building separation arrangement (in **Figure 7**) that addresses the future building envelope for Stage G as well as building separation from Building B2.

With the setback from habitable windows/balconies from the proposal to the north-west boundary being approximately 6 metres a four storey building element located on the neighbouring site could have a setback to this boundary of 3 metres. This arrangement increases the opportunities for designers to accommodate available floor space in different ways from the DCP 2011 envelope. An example floor plan (shown in Figure 2) of such a four storey element indicates that the southernmost apartment is best oriented to have habitable rooms facing west and east, with a blank façade or secondary windows to the south.

SDS' review of the neighbouring site (G) suggests that the recommended envelope is the best solution for this site and that it is capable of being developed with the approximately 6m setback currently proposed for the subject site along the north-west boundary.

Figure 7 - Recommended arrangement of neighbouring site (G)



4 Waste Storage and Collection

In accordance with Council's requirements, the requisite design changes to waste management room have been made and included in the amended architectural plans attached.

In summary they include:

- Provision of a level transition from the waste storage room to the finished ground level of the adjoining of footpath to north lane.
- Including of a "rolling" gutter" in the adjoining loading bay.
- Provision of a key lock entry to enable Councils access to bins in the loading bay.
- A separate bulky goods / rubbish store room has now been provided.
- A dedicated waste storage room has been provided for the retail tenancy.

- Communal compost bins have been identified on the amended Landscape Plan.
- The compaction area for waste has been removed as required.

In our view these changes meet all of Council's requirements with respect to this item.

5 Environment and Sustainability

As stipulated in the accompanying letter from Context, we confirm that "tree 25" located in the rear yard of No. 70 Constitution Road will not be required to be removed. Therefore landowner consent from the neighbouring property is not required to be provided.

As a result of the retention of "tree 25", arborist recommendations for demolition and construction are required to be considered prior to the construction of the south lane road.

6 Masterplan - Site amalgamation patterns

With respect to the future development of the adjoining property at 2-4 Grove Street, the concerns of Council have been considered and to confirm previous email correspondence between Council and Stamford Property Services, we advise that Stamford Property Services is willing to accept a condition prior to Occupation Certificate requiring an easement on title to enable access in future for the neighbouring property.

In order to demonstrate how the proposed easement would be applied, a draft easement plan pursuant to Section 88B of the Conveyancing Act has been prepared by Denny Linker and Co Surveyors (Attachment E) identifying the future access path in the two basement levels.

In addition, the architects have examined how such a proposal would work from a design and construction perspective and advised the following probable method of connection to the adjacent site:

- **Basement Level** – RL 16.500, consisting of full level of car parking.
- **Ground Floor Level** – RL 19.700, consisting of the lower storey of two storey apartments to the western half of the site and plant of storage to the partly submerged eastern side of the site.
- **First Floor Level** – RL 22.800, consisting of the upper level of two storey apartments to the western half of the site and single level apartments to the eastern side of the site.
- **Second and Third Floor Levels** - consistent with proposal in original DA.

In our view, this information satisfactorily addresses this item of consideration.

7 Engineering Matters

Flooding and WSUD

Aurecon are currently finalising flood modelling to include the additional detail requested by Sydney Water. Due to the size and complexity of the WMA flood model, the final analysis has not yet been completed. The updated flood report and civil drawings will be provided on completion of the modelling and coordination of the DRAINS and MUSIC models with the civil drawings. We anticipate that the revised flood modelling report and prints of the model data and drawings will be provided by Thursday 6th February 2014.

Conduit sizes have been reviewed in conjunction with Sydney Water's requirements for detailed design of the culvert relocation and coordinated across the Civil, Architectural and Landscape drawings. Sydney Water has suggested that a wider, flatter culvert be adopted to provide additional clearance for the bio-retention facilities and a 2,700 x 1,200mm culvert has been specified.

The DRAINS model has been similarly revised and updated to accurately correspond to the ground survey levels and detailed design. A long section of the pipeline has been prepared.

Overland flow paths have been added to both North and South lanes and at the inflow manholes.

The overland flow path from Grove Street has been reviewed with the existing pit located in the low point. Flooding in Grove Street remains within the requirements of the DCP.

The entrance to the car parking basement has been revised to provide a threshold at RL 23.0 for protection against the ARI 100-year flood level of RL22.50 at this location. This is included in the Architectural drawings.

Parking and Access

A comprehensive response to the matters raised by Council's Local Traffic Committee has been provided by Traffix and attached to this letter (Attachment D).

In summary, we advise the following:

- An additional 2 motorcycle spaces have been provided.
- An additional 5 bicycle spaces have been provided.
- The impacts of the development on the operation of Denison Road have been examined further and considered to be moderate (and therefore acceptable) and would be off-set by any measures that Council impose to discourage rat-running in the locality.
- North lane has been reconfigured and additional service spaces have been provided basement car park to accommodate vans and irregular servicing requirements of Councils DCP and AS2890.2.

In summary it is considered that all traffic matters raised have now been satisfactorily addressed.

8 Consequential Changes

It is important to recognise that an outcome of the changes specifically addressing the flooding issue, has resulted in the overall reduction of apartments proposed from 251 to 249. The two 1 x bedroom apartments removed are located in Building C. As a result the gross floor area (GFA) of the development has reduced by 152sqm to 19,003sqm from the original proposal. By reducing the amount of additional floorspace, the amended proposal further strengthens the Clause 4.6 objection to the FSR standard.

9 VPA

In line with the commitments outlined in the original letter of offer (refer to Urbis letter 15 August 2013), Stamford Property Services has now submitted a Draft Voluntary Planning Agreement and accompanying Explanatory Note (via email on Tuesday 4th February to Joe Strati) for consideration and reporting up to the next available Council meeting to enable public exhibition to commence prior to the determination of the Development Application.

For completeness, a copy of the draft VPA and Explanatory Note is attached to this letter (Attachment F).

10 Summary

Overall, we strongly believe that the proposal represents a high quality design that positively responds to the redevelopment vision of Council. Furthermore, the applicant has positively responded to all of Council's requests such that it warrants a recommendation for approval from Council.

In addition to payment of the required Section 94 contributions, the applicant is willing to contribute through the commitments included in the VPA substantial tangible public benefits over and above those that would come from the redevelopment which further strengthens our position that the proposal is overwhelmingly in the public interest.

Should you have any questions in relation to this matter please do not hesitate to contact me on 02 8233 9955.

Yours sincerely,



Stephen White
Director

CC: Anthony Rice & Damien Kiley – Stamford Property Services Pty Ltd

Attachments:

Attachment A – Marrickville Council letter of 19 December 2013

Attachment B – Smart Design Studio – Amended Architectural Plans

Attachment C – Context – Amended Landscape Design Plan and response letter

Attachment D – Traffic – Response letter to Council issues

Attachment E – Denny Linker and Co Surveyors - Draft Easement Plan

Attachment F – Draft Voluntary Planning Agreement and Explanatory Note