

15 April 2014

Our Ref        DA-2013/60/A  
Contact        Fiona Prodromou 9562 1672



Joint Regional Planning Panels  
Regional Panels Secretariat  
23-33 Bridge Street  
Sydney NSW 2000

Dear JRPP East Members,

**Re     JBA Contentions to Council JRPP Report**

Council acknowledges receipt of correspondence from Pikes & Verekers Lawyers dated 9 April 2014 and JBA, dated 10 April 2014, which raises contentions in response to Councils JRPP Report for DA-2013/60/A at 20 Levey Street & 34-36 Marsh Street Wolli Creek. The following responses are provided to the JRPP in regards to the contentions raised.

**1.     Loss of Commercial Floor Space / Poor Amenity of new Block A Apartments**

These matters have been addressed within the JRPP report.

It is reiterated that the site is located in an area which is rapidly increasing in population and is close to key employment and transport infrastructure, which makes it an ideal location to provide for adequate commercial floor space.

It is further reiterated that the majority of newly proposed dwellings within Building A are single aspect, south facing and located directly atop the main vehicular entry to the site.

These units offer poor amenity for residential use, given their orientation and resultant noise anticipated from the driveway and car park entry. The issue of amenity was highlighted by the Design Review Panel.

**2.     Amenity of the redesigned 2 bedroom apartments**

Changes to 2 bedroom apartments (B1012/B1013) result in awkwardly configured U shaped balcony spaces, which reduce the overall practical useable area of balconies and also result in narrow window slots to bedrooms which restrict natural solar access to these rooms.

Changes to units (B1001/B1002 originally 1 bedroom plus study units) into 2 bedroom units, result in awkwardly shaped & deep secondary bedrooms.

2 Bryant Street Rockdale NSW 2216 Australia  
PO Box 21 Rockdale NSW 2216 Australia  
Tel 02 9562 1666 Fax 02 9562 1777 Email [rcc@rockdale.nsw.gov.au](mailto:rcc@rockdale.nsw.gov.au)  
DX 25308 Rockdale [www.rockdale.nsw.gov.au](http://www.rockdale.nsw.gov.au)  
ABN 66 139 730 052

Bedrooms within these units are also awkwardly shaped and will be difficult to install wardrobes and furnish as a result.

### 3. Solar Access and South Facing Apartments

It is acknowledged that an error is made within the Residential Flat Design Code Table within the JRPP report in regards to Solar Access within the “*Compliance*” Column, where it was incorrectly stated that 68% of units do not receive solar access.

The following component of the table has been corrected and has been derived from the applicants submitted Schedule of Units.

<b><i>Development standard</i></b>	<b><i>YES/NO</i></b>	<b><i>Compliance</i></b>
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable	<b>No</b>	68% (224 of 328) of dwellings receive sufficient solar access in midwinter
	<b>No</b>	32% (104 of 328) do not receive a minimum of 3hours solar access in midwinter.
		Of the new dwellings proposed in lieu of first floor commercial space, 4 of 5 (80%) new dwellings not receive sufficient solar access in midwinter (A105/A106/A107/A108)

### 4. Front Setbacks

The matter of reduced front setback to Levey Street has been addressed within the report.

It is reiterated that bedrooms at ground level with full sized windows, within 1.7m of the Levey Street boundary are inappropriate, irrespective of the proposed planter boxes.

The original approved ground floor setback should be retained to provide continuity at ground floor with Building A and to the Café space adjoining unit B003.

### 5. Communal Areas

As noted in the report, a deficiency of Communal Open Space was approved on site. The proposal seeks to increase the residential yield, yet fails to provide additional communal open space within the development for future occupants & users.

It is acknowledged that the site benefits from nearby public facilities namely Cahill Park, however the proposal must provide appropriate communal open space for future occupants and users within the subject site. This is a principle widely accepted and applied to recent approvals.

The proposal must not rely upon nearby public facilities to provide residential amenity to future occupants.

## **6. Acoustic Rating of the Apartments**

As noted in the report, construction in accordance with minimum BCA standards may achieve minimum satisfactory levels of acoustic insulation; however Council policy requires a greater acoustic amelioration between floors and walls of a development than required by F5 of the BCA.

In 2005 Council introduced a 6 Star Acoustic Rating as part of its Residential Amenity Improvement Strategy. In 2006, this requirement was later reduced to a less onerous 5 star acoustic rating. Council has consistently applied this acoustic rating to developments within the LGA since that time.

Greater acoustic amelioration does not necessarily constitute a "luxury" in a development where the proximity of occupants leads to residents being more aware of the activities of their neighbours.

It is noted that the site is a substantial development with upper level car parking areas adjoining residential dwellings and is also located within close proximity to Sydney Airport.

It is reiterated that cost and investment return appears to be the major factor driving the proposed change to these acoustic conditions.

## **7. Number of Units Approved**

As noted within the report, the existing approved parking deficiency, poor resulting amenity of new and reconfigured units, reduced ground level setback to Levey Street, insufficient provision of communal open space on site, reduction of visitor parking within the development and awkwardly configured bedrooms and balconies of reconfigured units were all factors considered during the assessment of the proposal.

Accordingly an increase in the overall number of units within the development was not supported given the above.

It has been difficult to understand the changes proposed as part of this S96, given the discrepancies between the submitted Statement of Environmental Effects and Architectural plans.

Specifically the plans did not highlight all proposed modifications, with the SEE not accurately describing the proposed changes.

For example;

- a) Deletion of landscaping at ground level was not marked on plans.
- b) Initial deletion of planter boxes up to level 3 of Building B was not reflected on elevations but deleted upon floor plans.
- c) Extension of ground floor unit bedrooms (B001/B002/B003) further forward to Levey Street was not marked on plans.
- d) Bedrooms of units B206, B207, B306, B307 have been extended further forward to the future Cahill Park site boundary. The SEE referred to the "*balcony*" being amended.
- e) L5 Building B, meeting room converted to store room with adjoining toilet facilities. The SEE referred to the "*pool lobby revised*".
- f) Changes to ground level car parking not marked on plans.

Should you have any queries, please contact Fiona Prodromou on 9562 1672.

Yours faithfully



Fiona Prodromou  
**Senior Development Assessment Planner**