

27 February 2019

Newcastle City Council
PO Box 489
Newcastle NSW 2300



Attention: Ian Clarke

RE: Response to JRPP Record of Deferral (DA2017/01291) at 118-124 Brunner Road, ADAMSTOWN
Our Ref: 17138

This letter has been prepared in response to the Record of Deferral provided from the JRPP meeting held on Thursday 8 November 2018 in relation to the development application for a residential flat building at 118-124 Brunner Road, Adamstown.

The items outlined for deferral have been notated in the table below, with the correspondence response provided.

Deferral Item	Response
1. Legal advice on the status of Compass Housing as a social housing provider, as defined in the Affordable Rental Housing SEPP 2009, and evidence of the legal arrangements for the ongoing operation and management of the development by Compass Housing;	<p>Compass Housing have provided their certificate of registration as a community housing provider. The certificate has been issued by the National Regulatory System – Community Housing.</p> <p>The SEPP defines “a Social Housing Provider” as a registered community housing provider. On this basis it is considered that legal advice is not required to confirm whether or not Compass are a social housing provider or not. Discussions with Council is that they agree with this and are supporting this approach in their report back to JRPP.</p> <p>A legal letter confirming the above has been prepared and is attached.</p>
2. legal advice on the capacity of the application to rely on or use the provisions of clause 14(2)(a)(i) of the Affordable Rental Housing SEPP 2009 relating to development applications <i>made by</i> a social housing provider;	<p>ABL has transferred the application to Compass Housing as the applicant.</p>
3. an assessment of sight-lines to ensure there is no overlooking from the roof top communal open space area to surrounding properties or developments. Where overlooking would occur appropriate design responses are required such as the widening of landscape planters;	<p>The architect has provided an assessment of sight-lines which demonstrates, in combination with landscaping, that there will be minimal impact from overlooking.</p>

4. revised plans that: (a) provide landscape planters around the full perimeter of the roof top communal open space area; and (b) extend the 3m deep soil area along the entire length of the south-west boundary, along with consequential design changes required as a result of the widening; and	These plans have been prepared by the architect in accordance with the request from the JRPP. Council's UDCG have since reviewed the amended plans and have confirmed their support for the proposal.
5. a Management Plan for use of the roof top communal open space area, including a restriction on use to between the hours of 7am and 9pm, limits on the use of amplified music and a limit on the lighting of the area to minimise adverse impacts on the amenity of surrounding properties.	KDC have prepared a management plan for the rooftop.

The Panel also determined that the revised plans are to be submitted to Council's Design Review Panel for review and comment prior to the application being reconsidered by the Regional Planning Panel. Council's Design Review Panel have now reviewed the application and specifically note that *"The design amendments requested by the JRPP have been implemented and the application continues to be supported by the UDCG."*

KDC believes this letter provides a response to the items noted in the JRPP deferral. If you have any questions regarding this letter, please do not hesitate to contact Samuel Newman on (02) 4940 0442.

Yours sincerely,



Samuel Newman
Senior Town Planner
KDC Pty Ltd

Enclosed:

- *Amended Architectural Plans*
- *Amended Landscaping Plans*
- *Letter of Registration from Compass Housing and supporting legal advice.*
- *Communal Area Management Plan*