



## Response to Matters Raised – DA2017/0138

The following written submission is in response to the issues raised within the reasons for deferral issued by the Sydney South Planning Panel (SSPP) on 9 October 2018 with respect to DA2017/0138. The written responses supplement the amended drawings prepared by Candalepas Associates (refer to Attachment 2).

### Reasons for Deferral

**Issue 1:** *“Remediation Action Plan (RAP). A satisfactory assessment of the RAP submitted by the applicant to Council is required.”*

#### Comment:

The applicant submitted a RAP on 24 September to Council. We note that within the “Scope” of the RAP there was a reference to the establishment of a Site Management Plan (SMP), Environmental Management Plan (EMP), and Work Health and Safety Plan (WHSP) to be implemented during remediation and validation works.

An updated RAP was submitted electronically to Council on 3 December 2018. The updated RAP requires the establishment of a Site Environmental Management Plan (SEMP) which is to be implemented by the principal remediation contractor during remediation works to ensure that statutory requirements have been met. The SEMP is effectively the consolidation of a SMP and an EMP. The SEMP is set out under Section 10 of the RAP, and ensures that the following issues will be addressed during remediation and validation works:

- Site access;
- Working hours;
- Stormwater management;
- Soil management;
- Traffic management;
- Noise, dust and odour control; and
- Work Health Safety.

We understand that the RAP is under detailed review by Council Environmental Health Department and subject to the favourable assessment, it is considered that the RAP can be implemented via a standard condition of consent.

**Issue 2:** *“Residential amenity of the proposed apartments. In particular, the adequacy of cross-ventilation to apartments on levels 1 and 2 which appear to be dependent on the open corridor and lightwells to achieve adequate ventilation; the use of skylights and glazed lightwells to meet daylight access to the south facing apartments and the consideration of the additional heat load of these skylights; the separation between neighbouring bedroom windows to address acoustic privacy and the acoustic amenity of apartments fronting Stoney Creek Road”.*

Comment:

#### Natural Ventilation

The design has been amended to improve the residential amenity of the proposed apartments. In particular, the deletion of four (4) apartments at Levels 1 and 2 within the central and western components of the building has enabled significant reconfiguration and the inclusion of three (3) new landscaped void areas in the building form. The voids allow far greater natural air flow to permeate the building, and results in more apartments achieving natural cross ventilation in accordance with Objective 4B-3 of the Apartment Design Guide (ADG) without reliance on corridors and light wells.

The voids are located so that a number of the reconfigured apartments can take advantage from improved natural cross ventilation by orientating openings towards the voids.

The voids replace the three (3) lightwells which have been deleted. The central void is in excess of 105m<sup>2</sup> in area, is landscaped at Level 1, and open to the sky above (through Level 2). The westernmost void has a north-south axis, and extends through the building at Levels 1 and 2. It ranges in width from approximately 3.5m to 2.5m, is 24m long (extending from the northern side through the entire building to the southern side), is landscaped at Level 1, and is open to the air above. The east-west access corridor which traverses the void is an open walkway, with 1.8m high fixed metal slat open louvred privacy screen to the south side of the walkway (noting that the north side has a palisade balustrade).

The easternmost void is positioned opposite the open walkway to the Level 1 communal open space, creating a larger north-south axis which extends through the building at Levels 1 and 2, and which is landscaped (on the southern side) at Level 1 and open to the sky above. This void is similar in proportions to the westernmost void.

The amended design results in an outcome whereby 72.5% (29) of the 40 apartments will be naturally cross ventilated. Importantly the redesigned layout, and inclusion of the three (3) voids, results in the situation whereby the ventilated apartments aren't dependent upon lightwells. The number of apartments that open onto an open corridor has been reduced to four (4) (Apartments 1.15, 1.11, 2.16, and 2.11). Importantly however, these four (4) apartments are genuinely cross ventilated, such that they open onto an open corridor, which in turn is positioned adjacent to one (1) of the three (3) new voids, and is subsequently open to the sky and air. The amended design has therefore addressed the concern of the Panel regarding apartments being dependent on open corridors and or lightwells to achieve adequate ventilation.

#### Solar Access

The amended design has also addressed the concerns of the Panel with respect to daylight access to south facing apartments.

In particular, the design has been amended so that skylights and lightwells are no longer used to achieve compliance with daylight access requirements. Instead, the deletion of apartments and inclusion of the three (3) voids discussed above has benefited the design. Consequently, the amended design achieves greater compliance with the ADG solar access controls.

Specifically, 75% of the proposed apartments will receive a minimum of two (2) hours sunlight to internal living area and private open space area (POS) in midwinter. Apartments receiving no direct sunlight between 9:00am and 3:00pm in midwinter have been reduced to 12.5%, which is less than the 15% maximum outlined in the ADG.

#### Separation between neighbouring bedroom windows

The deletion of four (4) apartments and subsequent reconfiguration of the Level 1 and Level 2 layouts has resulted in significantly greater separation between neighbouring bedroom windows. Apartments 1.01, 1.06, 1.07, and 1.08 (on the southern side of the building fronting Stoney Creek Road) are all now separated by voids, as are the corresponding apartments on Level 2.

Additionally, the proposed voids have allowed for more openings within those apartments to be orientated away from Stoney Creek Road, thereby reducing exposure to the road and improving acoustic amenity.

#### Summary

The proposed amended development complies with the ADG Objectives and Design Criteria for solar access and natural ventilation and the Objectives and Design Guidance for acoustic privacy. The amended design provides a significant improvement to the level of internal amenity compared to the unamended development.

**Issue 3:** *“Isolated site. Access arrangements for the corner site through the subject site need to be demonstrated and assured such that reasonable development potential can be realised on this site.”*

#### Comment:

The proposed development was supported by architectural drawings demonstrating an indicative architectural design for the redevelopment of the adjacent properties at 152-158 Stoney Creek Road.

The design of the amended proposed development allows for the future development of those properties in a compliant manner.

The amended design also identifies a portion of the eastern boundary wall within the Basement Level 1 where the wall will be constructed so that it can be removed in the future to allow vehicular access through the subject car park into a future basement car park at 152-158 Stoney Creek Road. The ‘punch through’ wall will require the removal of four (4) car parking spaces (spaces 5 to 8, as identified on the Basement 1 Floor Plan).

In addition, the applicant is happy to accept the imposition of a condition of consent requiring the creation of a right carriageway over the subject site that would allow vehicular access through the basement car park to a future basement car park at 152-158 Stoney Creek Road.

**Issue 4:** *“Pedestrian access to the development. From Stoney Creek Road, the deletion of stairs to enable at-grade access into the retail arcade is required; from the rear lane, the entry to the retail arcade should be broad and open to the sky where possible to improve visibility, amenity and safety for pedestrians”*

#### Comment:

The amended DA includes a reconfiguration of the retail arcade so that it now achieves at-grade access from Stoney Creek Road and broader, more open access from the rear lane.

The redesign of the retail arcade to allow the at-grade access has required the consolidation of 3 retail shops (in addition to the supermarket) to 2 retail shops.

The redesign includes an enlarged skylight over the retail arcade and an increased shopfront to the rear lane. It is considered that the amendments will allow greater visual permeability through the retail arcade (from Stoney Creek Road to the rear lane) and improves the visibility, amenity, safety and overall pedestrian experience future users of the site compared to the unamended proposal.

**Issue 5:** *“Privacy and overlooking of neighbouring development. Consideration of appropriate screening and fencing to the rear boundaries of the Beresford Avenue properties and 1 Lee Ave to minimise visual and acoustic impacts of increased pedestrian usage is required.”*

Comment:

It is outside the scope of the DA to propose and undertake works on adjacent properties which do not form part of the development site and which have different owners.

Notwithstanding, the proposal has been amended in order to provide a greater level of screening to properties in Beresford Avenue and Lee Avenue. The amendments relate to changes along the northern edge of the development site, particularly at Level 1 adjacent to the proposed communal open space.

Specifically, the usable principal communal space has been setback so that it is at least 11.6m from the northern boundary, with additional screen planting provided within the setback at Level 1.

The screen planting is to be *Syzigium austral* (Lilypilly Pinnacle) which can reach 6m to 8m upon maturity, but provides a thick screen when hedged to 1.8m to 2m in height.

In addition, planting is proposed at ground level along the rear boundary and within the development site, adjacent to the retail arcade entrance. It is envisaged this will assist to minimise visual impacts along the laneway interface.

It is noted that these additional amendments complement the proposed setbacks and screening along the northern boundary, adjacent to 1 and 3 Lee Avenue and 9 Beresford Avenue. In this regard the Section C Drawing demonstrates the adequacy of the screening and separation relationship of the proposed development and those properties.

**Issue 6:** *“Safety and security of the public domain. The rear lane needs to be treated to ensure pedestrian safety and vehicular conflicts are minimised while ensuring adequate accessibility to the Beresford Avenue rear garages is still maintained. On Lee Avenue, to ensure pedestrian safety on the footpath, improved sightlines and landscaped treatment is required to optimise visibility for pedestrians especially children and vehicles exiting carpark.”*

Comment:

Beresford Avenue – Rear Lane

The amended drawings demonstrate changed treatments for the rear lane. Specifically, it is proposed to maintain a hard surface to the rear lane and not alter the laneway arrangements (other than to the southern side where the proposal will dedicate 2m of the site to allow for wider footpath on the south side of the lane). This will ensure vehicular access is maintained to 11, 13 and 15 Beresford Avenue as is the current situation.

The proposed landscaping at the western end of the lane has been removed from the amended design. This has been done, in part, to ensure that this area does not become security risk with people able to linger and cause nuisance. It is also noted that this part of the lane is under the ownership of Council and any future works to that area will be public domain works and the design will be the responsibility of Council.

#### Lee Avenue

The amended plans include changes to the entry arrangements from Lee Avenue. Specifically, in response to the concerns raised relating to pedestrian safety on the footpath, the proposal has been amended in the following ways:

- Sightlines have been improved on either side of the vehicular entry ramp. This has been achieved by reducing the height of the fence on the northern boundary, such that the fence has been tapered down to 1.2m where it sits forward of the front building line of the dwelling at 1 Lee Avenue. Additionally, structures have been removed and replaced with low level planting (creepers) adjacent to the southern side of the driveway entry where it meets the footpath; and
- The western end of the building (in the south corner) has been reconfigured to provide a setback from the western boundary and a planter bed has been introduced.

The amended design is an improved outcome compared to the previously proposed arrangements and will optimise visibility for pedestrians especially children and vehicles exiting carpark.

**Issue 7:** *“Deliveries and Loading. Inclusion of defined times for loading and delivery to the supermarket to ensure neighbourhood amenity, is required, as per a Traffic Plan of Management.”*

#### Comment:

A Deliveries and Loading Schedule for the supermarket has been prepared and is attached to this submission.

**Issue 8:** *“Update of accompanying documentation including BASIX Certificate is required”*

#### Comment:

The amended DA is supported with updated documentation including a full set of amended architectural drawings, an amended Landscape Plan, updated BASIX Certificate, Updated RAP, and a Supermarket Deliveries and Loading Schedule for the supermarket.

#### **Conclusion**

The amended DA package addresses each of the eight (8) matters raised as reasons for deferral by the SSPP, and the overall effect of the proposed amendments is to reduce the GFA, the FSR, the number of units and the amount of commercial floor area. It is considered that the amendments will reduce any potential impacts to adjacent properties and the public domain.

We request that Council accept the amendments, and proceed to undertake an assessment of the amended DA and forward it to the Planning Panel for determination.