

Our Ref: 0180/17lt1

17 April 2018

The General Manager  
Georges River Council  
PO Box 205  
**HURSTVILLE NSW 1481**

**Attention: Mr Patrick Nash – Senior Planner**

Dear Patrick,

**ADDITIONAL INFORMATION SUBMISSION – DA2017/0451  
58-68 REGENT STREET, KOGARAH**

As you are aware, we act on behalf of the applicant in relation to the proposed development at the above property. The purpose of this submission is to respond to the concerns raised in Council's letter dated 7 February 2018. This response is provided subsequent to discussions held at our meeting at your offices on 27 February 2018.

Provided with this submission are the following documents:

- Amended architectural plans prepared by PBD Architects with the amendments nominated on the plans;
- Amended landscape plans prepared by Site Image; and
- BCA report.

Provided below is correlated response to the issues raised.

**1. Stormwater**

No response required at this stage, however, if there are additional stormwater details required please advise as soon as possible.

**2. Parking**

As indicated on the attached amended architectural plans, proposed parking comprises 115 resident parking spaces and 14 visitor parking spaces, giving a total quantum of 129 spaces.

**3. External Urban Design Review**

The following points are provided in response to the items raised:

- The proposal has been reduced to achieve compliance with the maximum permitted FSR of 4:1. This has been achieved by reducing internal apartment areas and increasing balcony size and/or setbacks to the street frontages. It is noted that the west facing balconies proposed for levels 9 and above for units 906, 1006 and 1106 have been deleted to increase separation to Stanley Lane and any future development to the west. Small portions of the common corridors are excluded from GFA calculations as they are akin to a balcony with shallow depth and 1m height balustrade – this is evident on the amended GFA plans provided;



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- A 1.2m wide footpath zone is provided on the northern edge of the site to Stanley Lane for future dedication to Council;
- The DCP only specifies a setback requirement to streets, not to laneways. Notwithstanding, the proposed setback to Stanley Lane is appropriate to define the edge of the lane and will be complemented by a landscape edge to create good levels of amenity for users of the lane. The proposed balconies are largely set into the building, which together with habitable apartment room windows will create passive surveillance opportunities of the laneway, whilst achieving building articulation. The proposal is considered to be a reasonable urban design response to the larger setbacks anticipated for non-highway street frontages and tighter urban environment that is typical for laneway frontages.
- The substation has been relocated to Stanley Lane near to the proposed driveway;
- The hydrant booster has been relocated to the eastern end of the Regent Street frontage of the site, adjacent to the proposed booster location on the neighbouring property (also indicated on the plans). The hydrant booster will be surrounded by landscaping and will not be a prominent feature in the streetscape;
- The setbacks to the portion of Stanley Lane to the west of the subject site have been maintained for the lower 4 levels (3m) and is acceptable from a visual privacy perspective given the width of the laneway (6m) and likely setback of any future development to the west (which would reasonably also be 3m, as proposed on the subject site) – creating 12m total separation consistent with the ADG. Except for the apartments that form the corner element to Regent Street and Stanley Lane, the setbacks above the 4<sup>th</sup> storey have been increased to meet or exceed ADG compliance and the previously proposed balconies deleted to achieve high levels of reciprocal privacy. These apartments also have their primary orientation to the north;
- The setbacks to the portion of Stanley Lane to the north of the subject site is maintained at 3.2m, which (as outlined above) will create minimum 12m separation to a future building to the north with the 6m lane width and probable minimum 3m setback of a future building to the north. Above the 4<sup>th</sup> storey, the ADG requires an additional 3m setback, which is achieved to the building face within the proposed development, however, a portion of the north facing balconies sit within the 6m setback zone. The extent of encroachment would not have any material impact on privacy as the difference in visual privacy impacts between a unit occupant standing at the 5m setback line or 6m setback line would be immeasurable – further, the encroaching building part relates to only a small number of apartments with the remaining north facing apartments substantially exceeding the ADG separation requirements. The proposal achieves an appropriate allocation of density on the site, including a large portion of the north-eastern part of the site that is free from any habitable floor area. For these reasons, the proposal is considered to resolve future privacy relationship in an effective manner consistent with the intent of the ADG;
- Setback to Regent Street to the eastern portion of the upper levels has been increased (in part) to create a larger area of building that is compliant with the 8m setback requirement to successfully transition to a future development to the east;
- The proposed setbacks to the eastern boundary (adjacent to Nos. 70-78 Regent Street) are consistent with the DCP, being a zero setback to create a 4 storey street wall with increased setbacks above. Above the 4<sup>th</sup> storey, the eastern portion of the building adjacent to Nos. 70-78 is treated as a non-habitable zone with commensurate setbacks provided consistent with the non-habitable room requirements of the ADG. The proposal is for a development form on the site that is closely aligned with the urban design outcomes intended by Council and the DCP, which is in stark contrast to the development proposed on Nos. 70-78 which has essentially ignored the previous draft urban design guidelines and current DCP provisions for the Kogarah North Precinct. For these reasons, the proposed development should be given favourable consideration, in our view;
- The proposed height variation is clearly indicated on the amended plans DA301 and DA302. The extent of variation proposed is accurately reflected in the Clause 4.6 variation that was originally lodged with the DA;
- Ground level has been raised by 300mm to create better relationship of the ground floor units with the surface level of Regent Street and Stanley Lane. This additional height has been catered for within the development by altering the floor to floor height of some levels from 3.05m to 3m. The 3m floor to floor height

is only proposed for the levels/units that do not require a transfer slab and where the non-habitable rooms (bathrooms etc.) are vertically stacked to locate services, which in turn will maintain a 2.7m ceiling height in the habitable parts of the units. Council may also choose to impose a suitable consent condition to ensure that the required 2.7m ceiling height is achieved in all habitable areas of the units as part of the construction process;

- Amended landscape plans are provided which clearly define the private and public realm;
- The amended plans include solar eye diagrams and a table summarising solar access to the units – 77% of the units will achieve a minimum of 2 hours solar access to living rooms and private open space. Improved solar access has been achieved as a result of the deleted west facing balconies fronting Stanley Lane;
- Privacy to units 106 and 107 is achieved with the amended design through modified balcony design and landscaping proposed to the western site edge;
- Privacy between the ground floor common area and unit 101 has been resolved with the introduction of a planter box and hedge planting to the northern side of the unit's private open space;
- The pedestrian entry from Regent Street has been substantially increased in size to create improved pedestrian entry environment;
- The layout of unit 106 has been altered to create an in-set for the front door entry point; and
- Fire separation is dealt with in the attached BCA report prepared by BCA Consultants, Building Control Group. Privacy separation between the fire exit and the adjacent apartment (104) is achieved by landscaping, keeping in mind that the fire exit will seldom be used.

#### **4. Calculation of GFA**

Refer to the commentary provided above.

#### **5. Building Height**

Refer to the commentary provided above.

#### **6. Interface with adjoining development site to the east**

Refer to the commentary provided above.

#### **7. Kogarah North Precinct DCP**

A 1.2m area of land for dedication to Council is indicated on the amended plans.

#### **8. SEPP No. 55 – Remediation of Land**

A preliminary report is currently being prepared and will be provided to Council shortly. We understand that this request is more technical in nature and hope that Council is accepting of its delayed submission.

#### **9. Traffic Engineer**

No response necessary.

## 10. Waste Management

Submitted under separate cover is a letter from our traffic consultant which confirms that Stanley Lane is too narrow to allow for on-street waste collection whilst allowing vehicles to pass. On-street waste collection would cause traffic congestion for an extended period of time given the number of bins that need to be emptied and returned to the site. On this basis, on-site collection is being maintained as part of the proposal.

## 11. Owner's Consent

Please see attached Terms sheet signed by the owners of the land in question, which allows for the subject DA to be lodged. The contract of sale for the purchase of the land to Regent Investments is already executed with the deposit having been paid, a copy of the executed contracts of sale can be provided upon request if the attached is insufficient. No more call and put option is applicable.

Additionally, a formal statement from the owners consenting to the lodgement of a DA is under way and will be provided shortly.

## CONCLUSION

We submit that the amended proposal will be a suitable outcome for the subject site and the North Kogarah precinct in general. It will create a landmark for good design in the locality and will offer amenity to the future occupants that exceeds that base minimum that is otherwise acceptable by the ADG. The proposal will be consistent with the desired future character of the locality and will appear harmonious in the streetscape.

For these reasons, we respectfully request that Council determines the application on the information available and in a favourable manner.

Should you require any further information or clarification in this regard, please do not hesitate to contact me on 0419 580321 or 9531 2555.

Yours faithfully,  
Planning Ingenuity Pty Ltd



Benjamin Black  
**DIRECTOR**