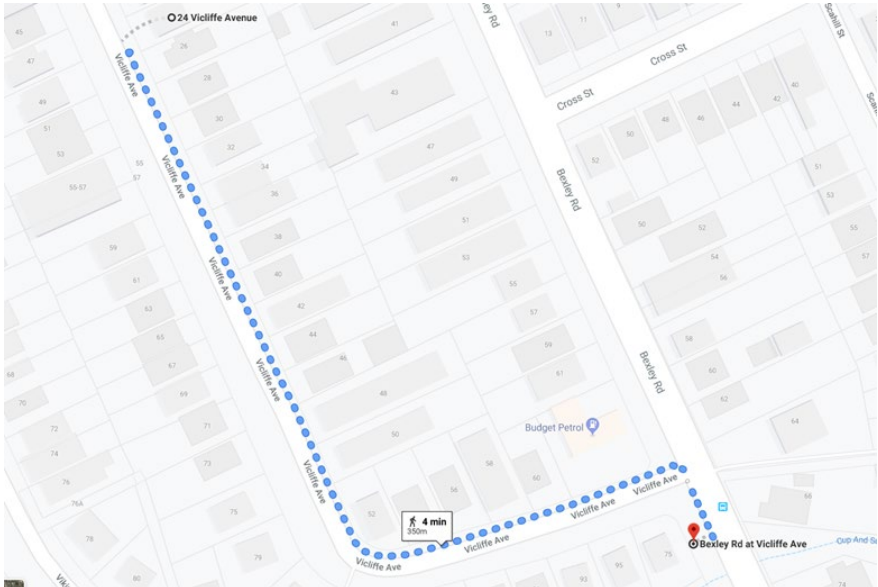


1	<p>Clause 10 (2) states that Division 1 only applies to development on land in the Sydney region of all or part of development is within an accessible area. The Statement of Environmental Effects shall be amended to reflect the development is within an 'accessible area' as defined under Clause 4 of the ARH SEPP (Refer to the SSRPP "record of briefing"). At a minimum this should also include a map (with distance) from the development site to the bus stop which meets the definition and the bus timetable.</p>	<p>The site is 350m walking distance to bus stop 219469 if walking from 24 Vicliffe (would be less if leaving from 28). From that bus stop, routes 410 and 412 also operate. The definition of accessible area is below and we have also attached the timetable for Route 410. Route 410 satisfies the route times.</p>  <p>State Environmental Planning Policy (Affordable Rental Housing) 2009 Current version for 28 February 2019 to date (accessed 2 September 2019 at 08:15) Part 1 > Clause 4</p> <p>4 Interpretation—general</p> <p>(1) In this Policy:</p> <p>accessible area means land that is within:</p> <ul style="list-style-type: none"> (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the <i>Passenger Transport Act 1990</i>) that has at least one bus per hour servicing the bus stop between 06:00 and 21:00 each day from Monday to Friday (both days inclusive) and between 08:00 and 18:00 on each Saturday and Sunday
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2	<p>Clause 14 Standards that cannot be used to refuse consent (c) (i) requires a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling (i.e. based on the proposed 28 units). The proposal therefore requires 980m².</p> <p>The proposal provides 722.62m² of landscaping.</p> <p>The submitted Statement of Environmental Effects (SEE) states the landscaping is relies upon the controls in the Apartment Design Guide (ADG). However, the ADG does not specify landscaping areas, the ADG refers to communal open spaces and deep soil areas, which are different controls. Therefore, the proposal should be amended to comply with the landscaped area controls as required by the ARH SEPP. (This is also supported by the SSRPP “record of briefing”).</p>	<p>Landscape area has been increased by making the following amendments:</p> <ul style="list-style-type: none"> - Relocating the bins storage area to basement floor. - Utilise northern units POS excess area to be landscaped, - Turn part of the hard surfaces at COS access pathway into landscaped area. <p>The 3 items above have increased the landscape area to 795sqm.</p> <p>The 35m² per dwelling standard does not appear to be as relevant to a higher-density residential flat building such as the subject proposal. The amount of landscaped area as currently proposed is 43.8% of the site area, and the amount of both deep soil area and communal open space proposed either meet or exceed the minimum requirements.</p> <p>Given the high density nature of the development, the size of the site and the provision of adequate open space and more deep soil zone than is required under the DCP and ADG, the proposal provides a reasonable amount of communal open space for residents, and the amount of open space does not result in the compromising of any other development standards or controls.</p> <p>We note Clause 14 does not contain development standards to be complied with, rather they are standard that if complied with, cannot be used by a consent authority to refuse consent. We also note Clause 14(3) which states:</p> <p><i>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</i></p>
3	<p>Clause 14 Standards that cannot be used to refuse consent (d) (i) and (ii) requires a deep soil area of not less than 15% of the site area and the area forming part of the deep soil area is to have a minimum dimension of 3 metres, therefore, based on a site area of 1817m², the proposal requires 272.55m² deep soil area.</p> <p>The proposal provides 11.66% of the site area equal to 211.88m², the applicant states that the proposal meets to 7% of deep soil area required by the ADG. It should be noted that the ADG also makes reference that on larger sites (greater than 1500m²) the deep soil area can be increased to 15%. This is further addressed later in the letter under point 10.</p>	<p>Architectural plans have been amended to ensure compliance with the minimum deep soil area. The proposed development provides 25.2% deep soil. Refer to the development data on architect sheet DA04.</p> <p>We note Clause 14 does not contain development standards to be complied with, rather they are standard that if complied with, cannot be used by a consent authority to refuse consent. We also note Clause 14(3) which states:</p> <p><i>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</i></p>

4	<p>Clause 16(A) of the ARH SEPP requires that a consent authority take into consideration whether the design of the development is compatible with the character of the local area.</p> <p>The predominant streetscape is made up of low density residential with the existing development consists of mainly single and two storey development and some multi dwelling housing to the south of Viccliffe Avenue. The only exception within the vicinity of the subject site being 55-57 Viccliffe Avenue, which consists of a three storey with attic and basement car parking infill affordable rental housing development.</p> <p>Consideration should also be given the context of the area and the desired future character, that are set by the objectives and controls of the Canterbury Local Environmental Plan 2012 (CLEP 2012) and Part C4 Residential Flat Buildings of the Canterbury Development Control Plan 2012 (CDCP 12012).</p> <p>The proposal is inconsistent with the future character of the area, as sought by the CLEP 2012 and CDCP 2012 as a four storey building with a wall height greater than 10metres and breach in building height would not be a consistent and the desirable future character for the area.</p> <p>Part C4.2.2.2 of the CDCP 2012 requires a maximum of three storeys and 10 metre wall height for buildings where the CLEP 2012 allows for a building height of 11.5m.</p>	<p>As already stated in the submitted SEE, the area is considered to be one in transition, having been rezoned to allow for larger residential flat buildings to be built within the locality. In this context it would be unreasonable to cite existing low-density residential development as representing the desired future character within which future development should complement. In this context it is submitted that the proposal is consistent with the objectives of the zone, as was outlined in the original SEE.</p> <p>The substantial boundary setbacks, and the additional building articulation and projections within each elevation, result in a more interesting visual presentation of the building, than in a scenario where strict compliance of the DCP was pressed. The EP&A Act requires the consent authority to apply the DCP in a flexible manner and consider alternative proposals. The current alternative proposed, including the minor non-compliance in wall height represents a superior urban form and built outcome for the development of this site.</p>
	<p>In addition to the above, the part C4.2.3.2 requires the roof design to relate to the desired built form and context and the use of a simple pitched roof. The proposed flat roof form is not compatible and sympathetic to the nearby buildings which are predominantly hip and gable roof forms. Therefore, consideration should be given in introducing a pitched roof form (without a breach to the building height).</p>	<p>The built form proposed is representative of development which can be achieved under the current planning controls. This includes a mix of roof types, including that which is proposed as part of this development.</p>
	<p>Canterbury Local Environmental Plan 2012</p>	
5	<p>Building Height (CI 4.3) – Insufficient information has been submitted to allow the measurement of the building height. In addition, the Clause 4.6 is not well founded and not supported. Refer to point 7 for further details.</p>	<p>Additional plans and height plane diagrams have been provided with this submission, in addition to an amended Clause 4.6 request. The objectives of the Affordable Housing SEPP, SEPP 65, the applicable zone, and the Height of Building control have been met through this proposal. The Clause 4.6 request is well founded, and the consent authority can support the application in its current form on that basis.</p>

6	<p>The section and elevation plans need to show RLs of the existing natural ground level.</p> <p>A new plan is required showing the roof plan overlaid on the survey plan; and</p> <p>A re-design that complies with the maximum 11.5 metre building height limit, including lift overruns and any other services.</p>	<p>Provided for in the amended plans accompanying this submission.</p>
7	<p>The Clause 4.6 lodged with the application has failed to adequately address Clause 4.6(4)(a) of the CLEP 2012 in that the Clause 4.6 has not satisfied why compliance with development standard is unreasonable or unnecessary and that there are insufficient environmental planning grounds to justify the contravention of the development standard, in this case the building height. The proposal could be re-designed to incorporate a stepped maximum 3 storey design that falls with the topography of the land.</p>	<p>The objectives of the Affordable Housing SEPP, SEPP 65, the applicable zone, and the Height of Building control have been met through this proposal. There will be no discernible impacts on any adjoining properties as a result of the proposed breach.</p> <p>Moreover, it is considered that the FSR bonus allowed for in the SEPP will inevitably cause conflicts with height controls in many cases. In this instance, the FSR bonus has not been fully applied but the development still achieves the objects of that superseding environmental planning instrument.</p> <p>The development will result in additional social housing within an area of identified need and on that basis, the Clause 4.6 request is well founded, and the consent authority can support the application in its current form.</p>
	SEPP 65 and Apartment Design Guide (ADG)	
8	<p>Consideration should be given to Section 3C Public domain interface of the ADG, the raising of the subfloor apartments will allow for a better interface with the street edge and the public domain and will also provide for better surveillance.</p>	<p>Raising the building by 800mm has resulted in a maximum cut of 1,000mm. Refer to the section drawings on sheet DA13b. This does not result in sub-floor units, with the amenity of affected units being preserved.</p>
9	<p>Objective 3D-1(2) of the ADG requires the communal open space to achieve a minimum 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am-3pm on the 21 June. Insufficient information is provided to determine if the proposed communal open space will achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am-3pm on the 21 June. This would be better represented in hourly increments and should indicate the proposed shadows and shadows cast by adjoining existing buildings.</p>	<p>Additional shadow diagrams for COS have been provided to demonstrate compliance. Refer to sheets DA17-19.</p>

10	<p>Objective 3E-1 of the ADG requires a minimum of 7% deep soil area for sites greater than 1,500m² with a minimum dimension of 6m. The ADG also makes provision for larger deeps soil zones dependent on the site area and context of 15% for deep soil areas on sites larger than 1,500m². Based on a site area of 1817m² the site requires a minimum of 272.55m² deep soil (15% of site area).</p> <p>The proposal provides 211.88m² (11.66%). Given the site area of 1817m² and a total frontage of 39.09m, the subject site is capable of complying with the deep soil area of 15% which would meet the design guidance of the ADG and the requirements of the ARH SEPP.</p>	<p>Architectural plans have been amended to ensure compliance with minimum deep soil area. The proposed development provides 25.2% deep soil. Refer to the development data on architect sheet DA04.</p>
11	<p>Insufficient information has been provided to determine compliance with Objective 4A-1 (1) of the ADG to ensure the living rooms and private open spaces of at least 70% of apartments in the building will receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. Please provide sun-view diagrams that demonstrate the amount of solar access penetrating through the unit/s and private open spaces as required by the design guidance of the ADG, which states "to maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1 m² of direct sunlight, measured at 1 m above floor level, is achieved for at least 15 minutes".</p>	<p>Plans updated and demonstrate compliance.</p>
12	<p>The proposal fails to achieve a 3.1m floor to floor as per figure 4C.5 of the ADG. The proposed development relies on 300mm slab thicknesses and would provide a 2.55m from slab to ceiling level for each floor, after considering that a 150mm would be required for floor finishes, insulation and services (such as electrical, plumbing, insulation and the like).</p>	<p>Floor to floor heights have been amended for a minimum of 3,050mm on all levels, and 3.1m on the top level to allow for roof insulation. The following should be noted:</p> <ul style="list-style-type: none"> - 200mm slab thickness - Carefully aligned floor plates to ensure no bulkheads or significant drop ceiling in habitable areas, where 150mm for floor finishes and drop ceilings is sufficient. <p>A clear height of 2.7m will be achieved for habitable areas.</p>
13	<p>The balconies to units 207, 307 and 407 do not meet the minimum 10m² as required by Objective 4E-1(1) of the ADG. Please amend the proposal to comply</p>	<p>Resolved.</p>

	Canterbury Development Control Plan 2012 (CDCP 2012)	
14	Part C4.2.2.2, C1(b) requires a maximum three storey and 10m maximum external wall height, where the building height under the CLEP 2012 is 11.5m. The proposal is a four storey building with a wall height greater than 10metres. The proposed development will result in a building that not consistent with the envisaged character for the area. The proposal should be amended to comply with part C4.2.2.2, C1(b).	Refer to item 4 and 7.
15	Given the topography of the site, the proposal includes excavation to the northern section of the site which will also accommodate apartments below the natural ground level which is inconsistent with Part C4.2.2.2, C9 of the CDCP 2012 and would result in habitable areas in a subfloor arrangement and would create for substandard amenity.	Refer to item 8.
16	Part C4.2.2.2, C8 states that a maximum of 1m cut below ground level where it will extend beyond an exterior wall of the building. The proposal, along the northern side of the site seeks cut of more than 1 metre below the natural ground level, this is considered excessive and should be amended that the cut to the site is not more than 1metre.	Refer to item 8.
17	Part C4.2.2.2, C9 states that excavated area is not to accommodate any habitable room that would be located substantially below ground level. The proposal (mainly along the northern part of the site, provides apartments and private open spaces below the natural ground level and will result in a sub-floor habitable areas and result in substandard living and amenity impacts to these apartments.	Refer to item 8.
18	Part C4.2.2.3, C2(a) requires a minimum front setback of 6metres. The building shall be amended to ensure there are no encroachments or overhands that protrude within the 6metre setback including the entry portico at the front boundary.	Entry portico to be retained, as it is required to create a focal point at the entrance.
19	The proposal (in part) fails to provide a 5 metre rear deep soil area as required by C4.2.2.3, C3 of the CDCP 2012. The proposal shall be amended to ensure the required 5 metre rear deep soil area is provided.	POS for unit 106 has been reduced to allow 5m rear deep soil area.
20	The southern setback (in part) fails to provide a 2 metre deep soil area as required by C4.2.2.3, C3 of the CDCP 2012. The proposal shall be amended to meet the minimum 2 metre deep soil area within the side setback.	Relocation of bins storage area has achieved 2m deep soil within the side setback for most of the southern boundary, and about 1.3m of deep soil adjacent to the driveway. The northern boundary has a setback for deep soil exceeding 2m.
21	Part C4.2.2.3 C2 (b) requires a 4 metre side setback, the fire exit stairs and portion of the private open spaces along the southern side of the site encroach within the 4metre side setback and should be re-designed to be to comply with the CDCP 2012.	Resolved.

22	Part C4.3.4.1 of the CDCP 2012, requires that the adjoining property must retain a minimum of 2 hours sunlight between 9am and 3pm on 21 June for existing living rooms and to 50% of the private open space. If a neighbouring dwelling currently receives less than 2 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property. Insufficient and inadequate information has been provided regarding the full extent of overshadowing impacts to the neighbouring property at 30 Viccliffe Avenue, in that the windows on the northern elevation of the dwelling have not been marked on the plans and the use of these have not been identified.	Additional shadow diagrams for 30 Viccliffe POS have been prepared to demonstrate the extent of the overshadowing and show that acceptable solar access will be retained.
23	Part C4.2.3.1, C8 requires separate private ground floor apartment entries to activate the street edge and reinforce the rhythm of the street. The proposal shall be amended to provide an entry to the apartments facing Viccliffe Avenue.	Unit 102 revised to have a separate entry from Viccliffe Ave. Unit 101 cannot have a separate entry due to level difference, however a gate has been added to enable access to the POS.
24	Part C4.2.5.2, C3 requires services and utility areas to be integrated with the design of the development. The location of the substation is located within the front setback and should be re-located to be integrated within the design. Alternatively, the need of a sub-station should be explored with Ausgrid to determine if there is a demand for a substation on site and if this is the case, the siting of the sub-station would need to be considered to ensure Ausgrid and Council requirements are met. The details and location of the hydrant booster are to be shown on the plans to ensure its location is not dominate along the street frontage and is adequately screened as required by Part C4.2.5.2 of the CDCP 2012.	<ul style="list-style-type: none"> - Substation not required. - Hydrant booster has been relocated towards the northern side of the front boundary. Cannot be placed behind a fence. Surrounded by landscaping to soften the appearance of the booster to the street frontage.
	Council's Development Engineer has reviewed the application and has raised the following issues: -	
25	The driveway access to the basement shall provide a 5% grade for 6m minimum from the boundary in accordance with AS2890.1:2004 section 3.3.	Resolved by extending the basement eastern side to accommodate longer ramp.
26	A driveway profile shall be provided to demonstrate grades, change in grades and head clearance at basement entry.	Revised DA package includes a section drawing for the driveway profile. Traffic report updated to show the new driveway profile.
27	The Onsite Detention tank shall be located in common area not in the front private courtyards of the ground floor units.	Access hatches are located in common area. No access through units is proposed
28	The stormwater pipe which connects pit 3 to the OSD tank will impact basement headroom which must maintain a 2.2m headroom throughout.	Drawings have been updated.
29	No basement pump sizing and capacity calculations have been provided for review.	Civil plans updated to show calculations.

30	There is a significant power pole that will be affected by the proposed driveway access location.	The existing pole is not affected by the proposed driveway location. Swept paths show that there is no impact with the existing pole.
31	Bicycle spaces are to be in accordance with AS2890.3:2015 Fig 2.1 and shown on the plans.	Resolved. 50% of the bike spaces shown as vertical racks (for the area impacting the disabled parking)
32	Convex mirrors are to be proposed at the curved section of the ramp to assist with sight distance obstacles.	Traffic Report and architectural plans revised to address.
	Council's Traffic Engineer has reviewed the application and has raised the following issues:-	
33	The swept paths shown at the access driveway show encroachment onto the kerb and risks colliding with the power pole (which has not been shown on the swept path diagrams). This demonstrates that the proposed driveway layout cannot accommodate vehicular exit and entry manoeuvres.	The power pole has been added to the swept path drawings, and it is evident that there is no clearance issues for vehicle manoeuvring. The green line shown in the swept path is for clearance, not impact from vehicle.
34	The position of on-street parked cars are to be shown to ensure the entry and exit manoeuvres are clear of these obstacles.	On-street parked cars added to the swept path diagram and no impact is demonstrated.
35	To address issues with access and egress to the site, the driveway is to maintain a continuous layback with the driveway of 30 Viccliffe Avenue. This will also address potential issues of illegal parking between the two driveways. This will require the relocation of a power pole.	There is insufficient space for parking between the proposed driveway and the existing driveway at 30 Viccliffe. Illegal parking should be managed by way of street signs. The proposed continuous layback would require a costly relocation of the power pole. This development is 100% Social Housing and is to be delivered on behalf of Land and Housing Corporation. Any unnecessary additional costs must be avoided unless absolutely necessary.
	Council's Resource Recovery has reviewed the application and has raised the following issues: -	
	Bin Storage Area	
36	Part B9.4 and B9.6 of the CDCP 2012 outlines all requirements for the bin storage area. The submitted plans do not meet the requirements of the CDCP 2012. Areas to address: Bin storage room is more than 15m from the kerbside. Aisles between bins are less than the required 1.2m.	Bins storage area relocated to basement floor. CDCP 2010/B9.6.1/C10 "In the case of residential flat buildings with basement level(s), the waste bin storage area may be required to be located within the basement." Waste collection area at ground floor complies with requirements.
	Bulky waste	
37	Part B9.6 of the CDCP 2012 outlines all requirements for bulky waste storage areas. The submitted plans do not meet the requirements of the CDCP 2012. Areas to address: • Bulk waste area must be a separate room with a door width of at least 1.2m	Architectural plans amended to demonstrate compliance.

	Bin-carting Route / Collection Point	
38	Part B9.4 of the CDCP 2012 outlines all requirements for bin-carting routes. The submitted plans do not meet the requirements of the CDCP 2012. Areas to address: • Bin carting route must have a minimum width of 1.2m	Architectural plans amended to demonstrate compliance.
	General Planning	
39	The architectural plans shall incorporate dimensions and areas of rooms to facilitate assessment against the ADG. This should also include plans for each level of the development and not typical plans (i.e. levels 2 and 3)	Dimensions have been added to architectural plans. Levels 2 and 3 have an identical floor plate and do not require separate plans. The unit numbering between floors is consistent, where unit 201 on level 2 corresponds to unit 301 on level 3 and so on.
40	The development application was notified and advertised in accordance with the requirements of Part A3 – Notification and Advertising of CDCP 2012. Two (2) submissions were received in response and are summarised below for your action/comment: • Insufficient number of onsite parking spaces included in the proposed development; • Impact of additional traffic on Viccliffe Ave; • Clause 4.6 for the breach in height; • Issue regarding privacy and overlooking into neighbouring properties; • Safety from increase in vehicles; and • Construction noise and air-pollution.	It is noted that only 2 submissions were received. In response to concerns raised: - On site car parking spaces is compliant. - Impact to additional traffic is addressed in the traffic report already provided. - Privacy concerns addressed in the amended plans, including screens and translucent glazing as required. - Safety from increased vehicles is addressed in the traffic report. - Construction noise and air pollution to be managed by working in DA approved work hours, standard noise and dust control measures
41	In addition to the above, should the re-revised plans impact on other details, such as landscape plans, BASIX, Access Report and so on these plans/reports are to be updated to reflect the changes and submitted to Council for assessment.	Consultant reports have been updated accordingly.
	External Referral Comments	
	Council is awaiting comments from Ausgrid.	We note no substation is required for this development.

	RECORD OF BRIEFING SYDNEY SOUTH PLANNING PANEL	
	Key Issues discussed	
	The need to accommodate within the building envelope the FSR bonus gained under the ARH SEPP which normally requires some flexible application of standards. The panel notes the bonus available is not being fully exploited. This bonus issue bears on the assessment of the CL4.6 application and the 3-storey building limit of the DCP. Further as the application is made under the ARH SEPP it is not necessarily a precedent for later applications which do not provide the affordable housing element.	The proposal does not utilise the entire FSR bonus under the ARH SEPP. It is considered that the bonus offered under the SEPP, contributes to satisfying the objectives of same. Achieving the objectives of the ARH SEPP, given it prevails over LEP and DCP provisions to the extent of any inconsistency, may in some cases result in some controls being set to the side. In this instance, the proposed development, whilst not achieving strict compliance, will not result in any negative impacts on adjoining properties.
	The Applicant is to demonstrate that the site is within an accessible area required within the ARH SEPP.	Demonstrated earlier in this submission.
	Additional landscaping requirements apply to the site if the application is made by a social housing provider as outlined within the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).	Addressed earlier in this submission.
	The design is to comply with the minimum setback requirements.	Amended plans address this concern.
	The current design comprises subfloor apartments, which result in substandard amenity and are not supported.	Addressed earlier in this submission.
	Orientation of the site will also result in substantial overshadowing of the properties to the south.	There are no unacceptable impacts on adjoining properties to the south as demonstrated in the amended plans.
	The architectural plans should incorporate dimension and areas of rooms to facilitate an assessment against the apartment design controls within the ADG.	Amended plans incorporating these are now provided.
	It was noted that some private open space areas don't appear to meet the minimum requirements specified within the ADG, and that compliance with such controls is required.	Amended plans address this concern.
	Incorporation of a stepped max 3 storey design that falls with the topography of land, and removal of the 4th storey would allow the ground floor of the northern portion of the design to be increased to ensure the northern units are not subfloor.	A portion of the 4 th storey at the south-west corner of the site, to help reduce the 4-storey appearance from the street and reduce impacts and overshadowing to the southern neighbour