

DA113/20 Response to Council Letter (dated 25/03/21)		APPLICANT'S RESPONSE
Commercial FSR	<ul style="list-style-type: none"> Confirmation of the hydrotherapy pool and gym for public use is to be confirmed in the DA Package in order for these to be included as commercial GFA. Commercial component of the building is required to be 0.35:1 as required by Clause 6.9(3) of the LCLEP 2009. 	<p>The hydrotherapy pool, gym, consulting room and ancillary change rooms on level 1 are to be used for commercial purposes. The facilities are to be separately leased and operated, providing services to the general public.</p> <p>A separate entrance is provided to the hydrotherapy area via the Basement Level car park. Visitors can access the basement car park from the street level via Lift 5.</p> <p>Internal access between RACF and hydrotherapy area on Level 1 can be restricted if required. A condition of consent could be included to require a one way/emergency exit door to restrict access between the two uses.</p> <p>The proposal complies with the 0.35:1 Commercial FSR requirement of Clause 6.9(3)</p>
Building height – overall	<ul style="list-style-type: none"> Inclusion of the parapet in the building design is considered to achieve a better urban design outcome. Council will undertake a separate view assessment of the sight lines of the top of the stair overrun. The height non-compliance is not acceptable, particularly in light of the noncompliant upper level setback. 	<p>We acknowledge non-compliance with maximum building height.</p> <p>The Applicant agrees the inclusion of the parapet in the building design achieves a better urban design outcome.</p> <p>Refer to Clause 4.6 Variation request dated February 2021.</p>
Built form – height at street frontage	<ul style="list-style-type: none"> Amended plans provide an increased setback at the upper level – 3m from the lower levels and 6m to the street boundary. The amended plans do not comply with the site-specific DCP controls which require a recessed upper level of 5m from the levels and 8m setback from the boundary below. The amended building still reads as 3-storeys. 	<p>We acknowledge this DCP non-compliance.</p> <p>The proposed 6m upper level setback is consistent with the comments made by the Sydney Planning Panel in its notice of deferral (December 2020).</p> <p>The amended proposal presents as 2 storeys when positioned at the street frontage.</p>

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Setbacks – front and side	<ul style="list-style-type: none"> Amended plans have been submitted to achieve compliance with the site-specific DCP 3m front setback control (ground and first floor levels). Concerns are raised regarding the resultant lack of articulation and perceived bulk and scale at the pedestrian scale. The side setback to the southern boundary remains non-compliant with the 12m setback requirement to the upper levels. 	<p>We acknowledge this DCP non-compliance.</p> <p>Refer to Statement of Environmental Effects and DCP Compliance Table for justification.</p>
Bulk and scale – transition to adjacent low density residential development	<ul style="list-style-type: none"> The amended proposal does not provide an appropriate transition in height, and bulk and scale to adjacent low density residential development. 	<p>Refer to Statement of Environmental Effects and DCP Compliance Table for justification.</p>
Desired future character	<ul style="list-style-type: none"> Inconsistency with the desired future character for the site as expressed in the site-specific built-form controls for the site. The amended proposal has not addressed the requirement for adequate articulation to create visual interest in the facades. 	<p>The 3m setback for the full length of street frontage will enhance the public domain and the additional 3m setback on top floor will create a two storey street wall consistent with Council's vision for the site.</p>
Traffic and parking	<ul style="list-style-type: none"> A preliminary assessment by Council's Traffic Section indicates that the traffic issues have been resolved. This is to be confirmed at the meeting to be held with Council staff on 26 March 2021. Parking allocation to be detailed on plans. Applicant to address inconsistency in DA package regarding intended use of 1 x commercial tenancy as a 'hair and beauty salon'. 	<p>Consent is not sought for use of the commercial tenancies as part of this development application. As noted in the Statement of Environmental Effects, subsequent applications will be lodged for the future use of the commercial areas.</p> <p>A condition of consent can be imposed (if required) in relation to future parking allocation.</p>
Bushland – bushland buffer and impact on threatened species	<ul style="list-style-type: none"> The proposed rear setback has not been amended. 10m bushland buffer still not indicated on all boundary lines that it occurs. Built form still encroaching on bushland buffer areas. 	<p>This matter has previously been addressed - refer to Statement of Environmental Effects, DCP Compliance Table and Flora and Fauna Assessment.</p>

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	<ul style="list-style-type: none"> Impact on threatened species not addressed – require updated ecological report. This request was supported by the Panel at yesterday's briefing. The amended package remains non-compliant with the 10m bushland buffer requirement. Stormwater impact on adjoining bushland not addressed – require detailed plans of design and tree survey. 	<p>Refer to accompanying letter prepared by Cumberland Ecology (25 March 2021) in response to the Panel's query regarding assessment of the revised stormwater approach on the adjoining bushland.</p>
Stormwater	<ul style="list-style-type: none"> Amended plans have been submitted to Council. Please refer Annexure 1 for the existing Council pipe system at the rear of the site and approximate location of the new pipe system from the site to the Council pipe system at Golf course. Since there is a proposal for a tennis court and basement car park as shown in attached document at the Golf course, the proposed pipe system shall be relocated away from this proposal. The pipe system through bush land must satisfy the requirements of Council's Manager Open space. Annexure 10 shows a sketch for the approximate location for the new pipe system. A plan with longitudinal section of the proposed pipe system from the site to the existing Council pipe system at Golf Course with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP. This new pipe network satisfies part O of the Council's stormwater DCP. 	<p>Acor have reviewed the marked-up plans (received from Council today) showing the location of a proposed new pipe system to the golf course.</p> <p>We acknowledge the stormwater pipe may have to be rerouted on the plan to accommodate a future golf course/tennis court development. At the detailed design stage, a survey and analysis will be undertaken of the topography and trees in the bushland area to determine the most suitable route.</p> <p>At detailed design stage longitudinal sections will be provided identifying grades, velocities, pipe anchor details and connection to main details. A condition of consent can be imposed in this regard.</p>

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Tree removal	<ul style="list-style-type: none"> • The amended package has partially addressed tree removal concerns. • Amended landscape plans show the retention of Trees 1 and 2 and a total of 20 canopy trees (10 on site and 10 in adjoining bush reserve). • 3:1 replacement tree ratio achieved. • Although the Landscape Architect has changed the drawings to be more of an accurate representation of the wall, the landscape drawings refer to the engineer's drawings for additional details. The Engineers drawings currently only show one typical retaining wall type and therefore does not show any more the detail on the retaining wall material or construction in the sunken terrace area. • The Landscape Architect has still not provided the required demolition/excavation plans and has only changed the answer on the check list from 'N/A' to 'No' • The Landscape Architect has copied and pasted the Landscape Calculation Plans from the Architects drawings to their own drawings and signed off with their name. Once again this is not acceptable and the Landscape Architect must draw their own landscape calculations plans. • No seating, paved BBQ areas etc. shown in the drawings have been detailed other than one raised planter. • Trees 10 and 11 are still not being proposed to be retained. 	Conditions of consent can be imposed to require these details prior to a construction certificate.
Telecommunications tower	<ul style="list-style-type: none"> • Evidence of timing for lease termination requirements to be provided. 	Documentary evidence has been provided to Council demonstrating that Pathways has given formal notice to relocate the existing telecommunications infrastructure off-site. Refer to McCabe Curwood letter dated 2 December 2020.