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25/03/2024

Fairfield City Council
86 Avoca Rd Wakeley, NSW 2176

Att: Venetin Aghostin,

RE: Proposed Multi-Dwelling and Residential Flat Development at No's 400-404 Cabramatta Rd. West, 2-18 Orange Gve Rd and 6 Links Ave, Cabramatta.

Dear Venetin,

This letter is in response to council deferral letter dated 21 December, 2023. It details the applicants' responses to the issues highlighted in the aforementioned letter for the multi-dwelling housing component of the development. Response to the Residential Flat Building portion should refer to submission from Aleksandar Projects, Ethos Urban planners, and supporting consultants reports and plans. The bracketed numbers in red at the end of each response refers to where on the plans the changes have been made.

1. Vehicular Access and Traffic Impacts

- a) Refer to Hemanote Consulting for further detail.
- b) Traffic calming devices have been added in accordance with recommendations from traffic consultants Hemanote Consultants - **(1)**
- c) TfNSW have been consulted and confirmed that they oppose any access or egress from Orange Grove Rd or Cabramatta Rd. Refer to reports by Hemanote Consulting and Ethos Urban, planners for more detail.
- d) Traffic calming devices have been included as recommended by Hemanote Consulting, including signage, speed humps, pedestrian crossings etc. Refer also to report by Hemanote Consulting. - **(1)**
- e) The internal roadway was always meant to ... *'serve as a shared pedestrian and vehicle environment. Appropriate traffic calming mechanisms are to be detailed as part of the relevant development application.'* - SSDCP; Cl 1.5; Controls iii). Refer also to report by Hemanote Consulting and traffic calming devices included within internal roadway to alleviate issues of safety. - **(1)**
- f) 'No Parking' signs have been included throughout the internal roadway to prevent unauthorised parking and stopping in front of the multi-dwelling houses as recommended by Hemanote Consulting. Refer also to report by Hemanote Consulting, traffic consultants and Ethos Urban, planners for more detail. - **(1)**
- g) Extra Privacy details and sections have been provided indicating treatment of key locations where council has raised privacy concerns. Including along the eastern and southern boundary where the development adjoins neighbouring dwellings. Also, where dwellings and POS areas back onto each other, namely between Blocks C and Block E.

Measures included to alleviate issues of overlooking, privacy and car headlights shining into neighbouring windows include, increased 2100mm high boundary fencing, with 2400mm panels opposite the roadways, privacy screen plantings and raised window sills. – (2)

h) This was a drafting error and has been corrected on the amended submissions. – (3)

2. Inconsistencies with Fairfield LEP 2013

- a) Refer to amended plans by Aleksandar Projects.
- b) Earthworks are required for sloping sites, especially where basements are proposed. The basement differs from the SSDCP in order to reduce excavation. When designing the development, post the SSDCP, it was decided that a wider, non-elongated basement would require less excavation than the narrower, longer basement as per the SSDCP. This is due to the site rising towards the northern end of the basement, as indicated on Section A. - (4) The extra width of basement will make use of the partial void, undercroft area toward the southern end of the basement under Block C. Also, parking spaces to the south of Block H have been removed, which reduces excavation by maintaining that area at natural level. (the reduction in car spaces is explained later). – (5) This allows Units 52 & 53 to be raised, including their POS areas, which further reduces excavation and retaining walls around Block H and the previous car parking spaces. – (6)
- a) Refer to amended plans by Aleksandar Projects for Cl 6.12 Design Excellence responses to the RFB portion of the development.

3. Design Quality Principles

Refer to amended plans by Aleksandar Projects for response to the Design Quality Principles for the RFB portion of the development. As the Design Quality Principles are not applicable to the MDH portion of the proposal, there is no response here for the MDH portion, except to correct the erroneous setbacks stated in sub clause b) Built Form and Scale.

In the fifth paragraph of sub-clause b) the deferral states;

...The row of units are too close together. The <8m between blocks A and C, C and E, B and D, D and F is insufficient to provide visual and acoustic privacy... (emphasis added)

The correct setbacks and their compliance with the SSDCP are listed below:-

- Distance between A & C is 8.85 (7) and complies with SSDCP...*The minimum separation distance between dwellings that face each other across the internal roadway is 8.85 metres for multi dwelling housing addressing the western access road and 8.4 metres for multi dwelling housing addressing the eastern access roads...*SSDCP; Cl 1.4.3; Controls v)
- Distance between C & E is 9m & 9.3m @ gd flr (8, 9) and 10m & 10.3 at 1st floor (10,11). Which was increased from and complies with *...The minimum separation distance between dwellings sharing private open space to the rear is 7 metres...*SSDCP; Cl 1.4.3; Control iv) .
- Distance between B & D is 8.85m. - (12)
- Distance between D & F is 6.34m @ gd (13) where there is no window and 8.6m (14) at first floor. Refer also to point 4. Inconsistencies with the SSDCP Controls; o); ix; below for further explanation.

4. Inconsistencies with the SSDCP Controls

a) Variations to site design and layout

- a) Traffic control measures have been included at the exit point to Links Avenue, as well as line marking on Links Avenue roadway. - (1). Refer also to report by Hemanote Consulting.
- b) Significant changes have been made in order to retain as many trees as possible. This includes:-

- i. The re-design of the COS area, including maintaining natural grades to retain Trees 26,38,40 & 41; - (15)
 - ii. The re-location of the car spaces opposite Block E toward the south to retain Trees 45 & 46; - (16)
 - iii. The removal of the car spaces opposite Block H and restoring that space to natural grade to retain Trees 49,51,52 & 53, and -(5)
 - iv. The redesign of Unit 1 to retain Tree 46. -(17)
- c) The COS area to the north of Block D has been increased and made more useable by the removal/relocation of the car spaces as well as the re-location of the electricity substation. It is now a useable landscaped space for the use of residents. - (18) . Furthermore, the area to the south of Block H that was previously a car park, is now another landscaped area, of approximately 220m². - (5)
- The total common open space areas now include C.O.S 1=1020m² - (15), C.O.S 2= 96.02m² - (18) , and C.O.S. 3 = 213.89m² - (5). This equates to a total of 1329.91m² of common open spaces or 11.1% of the site, where the SSDCP requires only 8%.
- d) The OSD has been re-designed so it is now completely under the road way. Refer also to Stormwater plans by ANA CIVIL P/L. - (19).
- e) After analysing the site post the SSDCP it was determined that the basement would result in less earthworks within a wider and shorter envelope. This is due to the site rising towards the northern end of the basement, as previously discussed above at point 4. Inconsistencies with Fairfield LEP 2013; b) - (4) .
- f) Units 45,46,47 from the SSDCP were poorly situated to receive solar access, due to their proximity to the RFB. That part of the site where Units 45-47 are located within the SSDCP receives little sunlight and is mainly in shadow cast from the RFB. Upon reflection it was determined that a better outcome was to have some parking in this location and to re-locate three (3) dwellings to the south-eastern corner where the previous car park was. - (20).

Units 51-53 in the new Block H now have due north facing internal living areas and POS areas. They will now receive maximum solar access to the internal and external living areas. The removal of the southern car park has also allowed the road for Block H to be at a steeper grade, which also results in a reduction of excavation and retaining walls, at the adjacent eastern and southern borders as well as between the POS and COS areas. -(5,21)

- g) Units 1 has been re-designed as a part single (1) storey and part two (2) storey dwelling. - (17) . Units 2 - 4 have been redesigned by the removal of the 'attic' floor, so they present as two (2) storey dwellings - (22). Unit 5 has been re-designed by 'mirroring' the balcony and first floor roof, so the latter is adjacent the two (2) storey Unit 4. - (23)

The re-design mentioned over will ensure a gradual transition from the 8 storey RFB at the corner, down to the two (2) storey, plus attic multi-dwelling houses from Unit 19 to Unit 5, down to the two (2) storey dwellings from Units 4-2 and then down to the part two and part single storey dwelling of Unit 1, which has the single storey portion adjacent the neighbour to the south.

Point G also states that it 'breaches rear setback.' This is not correct and discussed later under point o).

- h) The common open space at the end of Block D, labelled COS 2, has been increased in area and useability, by the removal of the car spaces and re-location of the electricity substation. It is now a clear 96.02m² of usable green space, with chairs and tables for the use of all residents. – (18)

A new open space has also been added at the southern end where a car park was previously sited, labelled COS 3. – (5)

Though it results in less parking than the original submission, there is still 137 on-site parking spaces where only 120 is required by Chapter 12 of the Fairfield City Wide DCP, however the total common open space has increased by 309.91m² and is 11.1% of the site area where only 8% is required by the SSDCP.

- i) The separation distance between Blocks A & C and B & E is in fact 8.85m as per the SSDCP. The 8.5m dimension on the plans is measured from the piers protruding from the main walls. The walls are set-in from the piers and are in actual fact a minimum of 8.85m from the dwellings opposite. The protruding piers are for decorative purposes only and will have no bearing on privacy or pedestrian safety. – (7),(12). Refer also to report by Hemanote Consulting P/L.

The separation distance between Units 44 & 50, has been reduced, but it will not reduce privacy between the dwellings. The distance of 7.354m is measured from the garage door to a point at the corner of the Unit 44 lounge room wall. However, the distance between the Unit 4 lounge room window and Unit 50 lounge room window is actually 10.694m. – (24)

At the first floor the separation between walls and windows is 8.895m. – (25)

Extra traffic measures to slow down and calm traffic throughout the development and ensure pedestrian safety have also been included. –(1)

Further, the roadway is meant to be a shared pedestrian/road way ...*The two-way internal road is to serve as a shared pedestrian and vehicle environment...*SSDCP cl 1.5.1; iii)

- j) The reduction in distance between garages only means the garages are closer to together, this will not affect traffic along the roadways, nor manoeuvring in and out of the garages. As mentioned earlier traffic calming and safety measures have been included as per advice from Hemanote Consultants. – (1) .Refer also to report by Hemanote Consulting.
- k) Tree removal has been discussed in point b) above. In respect of Deep Soil the SSDCP mentions Deep Soil in cl. 1.4.3; Building Setbacks and Separation;Objective f... Ensure landscaping opportunities, (sufficient deep soil areas) are available along the boundaries in cases where basement car park is proposed... and Objective i...Ensure that setbacks to Orange Grove Road achieve deep soil planting in order to enhance privacy and mitigate acoustic impacts from the roadway...

In response to Objective f; the basement car park for the Multi-Dwelling portion of the development is central to the site, and not adjacent any boundaries, while the basement for the RFB, is setback minimum 6m from street boundaries to allow 'deep soil' planting.

In response to Objective i; The setbacks to Orange Grove Rd are minimum 5m and compliant with the setbacks required by the SSDCP cl. 1.4.3 Building Setbacks and Separation; Controls; Multi Dwelling Housing Setbacks; i... *The minimum building setback to Orange Grove Road on the land zoned R3 Medium Density Residential is 5 metres...*

- l) The boundary articulation was introduced to provide a better façade to the Cumberland highway presentation, while not strictly in accordance with Fig's 2 & 3 from the SSDCP, it complies with the minimum setback requirements from SSDCP cl. 1.4.3 Building Setbacks and Separation; Controls; Multi Dwelling Housing Setbacks; i... *The minimum building setback to Orange Grove Road on the land zoned R3 Medium Density Residential is 5 metres...*

Furthermore, in the same clause Objective d states...*Achieve a staggered and articulated built form...*In respect of this objective and in comparison with Fig's 2 & 3, the proposal, better responds to the objectives *and* controls.

The depth of the setback will allow for the planting of larger trees and landscaping of the setback areas will compensate for the loss of mature trees. Refer also to Landscape Plans by A Total Design Concept and report by Ethos Urban.

- m) The basketball court has been removed from the amended submission. – (15)
- n) Refer to amended plans by Aleksandar Projects and report by Ethos Urban.
- o) In regards to the building setbacks issues from the council deferral letter, points i,ii, iii & iv, relate to the RFB and reference is made to the amended plans by Aleksandar Projects and report by Ethos Urban.

The remaining issues are responded to below;-

- v. The Multi-dwelling portion of the development does in fact comply with both Chapter 6A and the SSDCP, from the Fairfield City Wide DCP. This is further explained in response to the specific instances noted in the following points.
- vi. Council erroneously applies the rear setback control to the setback of Unit 1 to the southern boundary which borders the rear of the dwellings to Links Ave. However, this should be seen as a side setback as it is the side of Unit 1 which faces the southern boundary. The following references are noted in support of applying the side setback control in this case:-
- The SSDCP contains a side setback control *...minimum side-building setback to the adjoining property boundaries is 0.9 metres...SSDCP; Cl. 1.4.3; Control iii*). If the setback in question is to be taken as a rear setback due to the fact that it is adjoining the rear of a neighbouring dwelling, then the above 'side building setback' control is redundant, as every boundary of the multi-dwelling site is bound by either Cabramatta Rd or the rear of a neighbouring dwelling. The above control cannot be generalised as a 'catch all' across the council area, as it is site specific, and therefore must have a *potential application* within this site. Were the dwellings rotated say 90° with the rear of the dwellings facing the southern boundary then the rear setback control from SSDCP; Cl. 1.4.3; Control ii) *...The minimum rear-*

building setback to the adjoining Links Avenue property boundaries is 4.5 metres... would be applicable, however there is no alternate way in which to apply the above 'side building setback' control.

- Reference to Chapter 6A, which is also relevant for the site, gives further weight to applying the 'side building setback' control in this case. Chapter 6A.2.3.2 Side and Rear Setback Controls, which controls the setbacks from side and rear boundaries, speaks in terms of the walls of the houses rather than the boundary, such as 'side and rear walls may be built to the boundary.....' *subclause a)* , or 'Side and rear walls not built to the boundary should be at least 900mm from the boundary'... *subclause b)*. It is clear from these controls that the 'side building setback' control is for the distance from the 'side and rear walls' of houses to its adjacent boundary. The southern walls of Unit 1 are clearly the 'side of the house,' and given the above *subclause b)* the rear setback control cannot be applied to this wall.

- This is also the case in the SSDCP where the side setbacks are noted in terms of the aspect of the building rather than the boundary ...*minimum side-building setback to the adjoining property boundaries is 0.9 metres...*(emphasis added) SSDCP; Cl. 1.4.3; Multi Dwelling Housing Setbacks; Control iii). It is clear here again that the control of 0.9m setback is to be applied to the 'side' of the building, to the adjoining property boundary. Note here that the aspect of the adjoining property boundary is not specified, therefore the way it has been applied , not only in the instance of Unit 1, but throughout the development is consistent with the SSDCP.

In any case Unit 1 has been re-designed as a part single storey dwelling and part two storey dwelling. The single storey portion complies with the side setbacks in both the SSDCP ...*minimum side-building setback to the adjoining property boundaries is 0.9 metres...*SSDCP; Cl. 1.4.3; Multi Dwelling Housing Setbacks; Control iii) and also Chapter 6A 'Side and rear walls not built to the boundary should be at least 900mm from the boundary'... Cl. 6A.2.3.2 Side and Rear Setback Controls; b). The first-floor side setback is 2.888m at its closest point and increases due to the angled nature of the side boundary. This is also compliant with the SSDCP, as it does not call for a larger setback at the first floor level. – (17)

- vii. The setback of Block H to the Smith Ave properties is also a side setback, for the same reasons as discussed above, and therefore compliant. It is setback 2.21m from the eastern boundary and therefore, not merely compliant, but more than double the minimum requirement of Cl. 1.4.3; Multi Dwelling Housing Setbacks; Control iii).

- viii. Privacy sections have been included in the plans to indicate measures to reduce the potential for overlooking, including screening/planting at the ground floor levels and raised window sill heights to 1.5m at the first floor level. –(2)

The setbacks between Block C & E as per the SSDCP are stated as *...The minimum separation distance between dwellings sharing private open space to the rear is 7 metres...SSDCP;Cl 1.4.3;Control iv* . The 7m separation figure is also noted on Fig 2 of the SSDCP. It should also be noted that the SSDCP makes no distinction between the ground floor and first floor separation requirements. In spite of the above requirements the application proposes a setback of 9m (8) and 9.3m (9) at the ground floor level and 10m (10) and 10.3m (11) at the first-floor level; a substantial increase from the SSDCP requirements, which will provide a much better outcome in terms of privacy and overlooking.

- ix. The setback between Unit 44 and Block D, is in three parts. The setback between the U. 44 Laundry/Block D = 6.34m; U. 44 Kitch/Block D = 7.0m and U.44 Living/Block d =7.80m. – (13,26,27) Of these three sections only the setback from the Laundry of U. 44 and Block D is non-compliant. However, there are no windows at the ground floor level, and the part that breaches the setback is only single level in height. Accordingly, the breach does not cause any privacy/overlooking issues or overshadowing of other units.

The remainder of the setbacks between Unit 44/Block D, including the first floors, which has a minimum separation dimension of 8.6m is either compliant with the minimum 7.0m setback requirement (noted above) or greater. – (14)

The separation distance between Units 44 & 50, has been reduced, but it will not reduce privacy between the dwellings. The distance of 7.354m is measured from the garage door to a point at the corner of the Unit 44 lounge room wall. However, the distance between the Unit 4 lounge room window and Unit 50 lounge room window is actually 10.694m. – (24)

At the first floor the separation between walls and windows is 8.895m. – (25)

- x. Councils' deferral states that the Block G rear setback is insufficient. However, the Block G setback complies with the SSDCP. The rear setback of Block G as scaled from Fig's 2 & 3 SSDCP, pages 47 & 48 is 3.5m. The proposed rear setback at 3.5m is in accordance with this requirement.

Councils' letter also references Chapter 6A.2 of the City Wide DCP, however this is over-ridden by the SSDCP where there is an inconsistency between the two ... *'In the event of any inconsistency between this section and other sections of the DCP, this section will prevail to the extent of the inconsistency'*...SSDCP; cl. 1.2

In any case it complies with Chapter 6A.2 even if the SSDCP were disregarded. Councils' deferral letter states ... *'The buildings are proposed to be 3.5m from the rear boundary (contrary to the minimum 4m control of Chapter 6A.2 of the DCP)'*...

The underlined section quoted from councils' letter is not entirely correct as Chapter 6A.2 only requires a 4m rear setback at the first-floor level. In fact under Cl 6A.2.3.2 Side and Rear setback controls, ground floor walls can be built up to the boundary in certain cases, subclause a; or at most 900mm (as per by Chapter 6A, at ground floor) ... *Side and rear walls not built to the boundary should be at least 900 mm from the boundary...Cl 6A.2.3.2 Side and Rear setback controls;b*). The 4m setback control is required only at the upper level ... *Beyond the first 20 metres of the site, the upper floor walls must be setback a minimum of 4 metres from side and rear boundaries...Cl 6A.2.3.2 Side and Rear setback controls;d*). Therefore Cl 6A.2.3.2 only requires a minimum 900mm at the ground floor where 3.5m is proposed and 4.0m at the upper floor where 5.72m is proposed. Accordingly, the proposal complies with the primary document, being the SSDCP and also Chapter 6A, even though it is not strictly required to. Furthermore, the first-floor windows at the rear of block G have been raised to 1500mm sill heights to guard further against the possibility of overlooking **-(2)** and the neighbouring dwellings are not affected by overshadowing as the first floors are set well back from the rear boundary and shadows will not cast much further than that of the boundary fences.

In regard to the useability and landscaping of the POS areas, they are actually greater than the minimum requirements from the SSDCP, in both minimum dimension and overall area.

The POS of the Block G dwellings have a minimum dimension of 3.5m and range in area from 25.95m²- 29.36m².

These are in compliance with and exceed the minimum area and dimension requirements from the SSDCP.....*The area of principal private open space provided for each dwelling is at least **25m²** with a minimum **dimension of 2.5m**...* SSDCP; Cl 1.6.1 Communal and Private Open Space; Control i) (emphasis added)

If 2.5m is the minimum dimension as required by the SSDCP, quoted above, then it must follow that it is large enough to meet the *objectives* of the control, stated below...

Objectives

b. Ensure adequate private open space for town house developments.

c. Ensure private open space includes landscaping and soft areas.

d. Ensure direct access and a relationship between indoor and outdoor living areas.

e. Ensure that private open space is useable, functional and easily accessible for residents.

(note: objectives a & f are omitted as they relate to common open space areas)

It must be noted that the proposed depths of the POS areas for Block G are 3.5m deep, which is in excess of the above requirement and is also in accordance with Fig's 2 & 3 from the SSDCP.

It should further be noted that the min. 2.5m dimension allowed by the SSDCP also includes allowance for landscaping (objective c.). However, the proposal has a minimum depth of 2.5m clear of the landscape strip and swale.

Therefore, the POS areas meet the numerical requirement of the controls and by extension also meets the objectives of *adequate space, landscaping, functionality, etc.*

xi. The erroneous minimum 4m side and rear setback requirement is again applied without warrant, this time in a more general sense.

There are two points to be made here:-

- Firstly, though Chapter 6A is referenced within the SSDCP, it holds no weight when there is a competing control within the SSDCP, refer to previous point x.
- Secondly, even if one were to insist on applying Chapter 6A.2, the *4m side and rear setback control* (noted in councils letter) only applies to upper floor, *beyond the first 20m of the site*, and as mentioned previously the only setback control for side and rear boundaries at the ground floor, is 900mm, and in certain cases can be zero.

Therefore, if Chapter 6A.2 was applied the development would compare quite favourably in most instances, with the exception of only Unit 53's upper floor, which is 2.21m from the side boundary. However, it is compliant with the SSDCP.

xii. The mix of units remains the same, and should be considered holistically including the dwellings within the RFB. Refer also to report by Ethos Urban.

b) Refer to amended plans by Aleksandar Projects and report by Ethos Urban

c) Chapter 6A.2 controls

a) Units 1 -4 have been reduced to two (2) stories in order to provide a transition down from the 8 storey RFB at the corner of the site, down to the 2 storey plus attic units 19-5, before transitioning down again to two storeys for units 4-1. Noting that Unit 1 is now a part single storey design, so it transitions again down to the neighbouring site at the south. – (17), (22), (23) . Refer also to report by Ethos Urban.

b) Refer to report Ethos Urban

c) Refer to report Ethos Urban

d) This issue has already been discussed in detail. Reference is made to points x & xi above.

- e) Cl 6A.2.9 from the City Wide DCP, requires that 1 in 10 units are to be villas; subclause b). However, the SSDCP has a similar control for accessibility... *minimum of 10% of the multi dwelling houses must have a bedroom, bathroom and kitchen on the ground floor...* Cl 1.8 from the SSDCP.

With the latter prevailing over the former, the six (6) dwellings in Block G, have been redesigned to include a bedroom, bathroom and kitchen at the ground floor as is required by the SSDCP. – (28)

Furthermore, these six (6) dwellings will also be able to be converted or 'adapted' to meet the requirements of the Adaptable Housing standard at a future date, if required. – (28)

- f) Refer to response from Aleksandar Projects and Ethos Urban.
g) Refer to response from Aleksandar Projects and Ethos Urban.
h) Refer to response from Aleksandar Projects and Ethos Urban.
i) Chapter 6A.5.3 Privacy

i. Setbacks

This has been discussed several times in the letter previously and it has been shown that the proposed setbacks are not only compliant but in excess of the minimums required by the SSDCP.

ii. Privacy from Driveways

Extra detailing has been provided to indicate the imposition of the development upon the neighbouring dwellings at No. 4 & 6 Links Ave, especially as it relates to privacy/overlooking into the rear yards and the effect of car headlights from the raised western and eastern roadways into the rear of those dwellings.

In this respect sections and views 'from the car' have been included at the western road travelling in a southern direction to analyse the effect upon the neighbour at 4 Links Ave and also at the eastern road travelling in a southern direction analysing the effect upon the neighbour at 6 Links Ave. – (29)

The western roadway detail includes a 2d section parallel with the road looking eastward and three (3) views 'from the car', indicating the view ahead of it looking towards the rear of No. 4 Links Ave. The rear windows and yard of No. 4 are mostly obscured from view, until the C 4 view, which is at the corner of the turn eastward.

A small window, which maybe a wet area window, at the rear of No. 4 Links avenue, becomes visible above the boundary fence, however this will be obscured from view by the existing and proposed landscaping. Note the fence panels directly opposite the western road will be 2400mm high. Refer also to report by Ethos Urban. –(29)

The eastern driveway detail similarly includes a 2d section as well as three (3) views 'from the car' indicating the view ahead of it looking towards No 6 Links Ave rear yard and rear of house. The rear yard of No 6 has fencing over existing sleeper retaining

walls, which will be replaced with 2100mm high fencing (as required by the acoustic report) over the sleeper retaining walls. The panels directly opposite the eastern and western roadways only are proposed to be 2400mm high. As can be seen from the views, the fence obscures any view into the rear yard of No 6 Links avenue, and car headlights will also be blocked by the fence. Refer also to report by Ethos Urban. –(29)

iii. Privacy Block E

The minimum setback between Block C & Block E is 7.0m...*The minimum separation distance between dwellings sharing private open space to the rear is 7 metres. The private open space for these townhouses shall be designed in a manner that reduces overlooking and promotes privacy...*SSDCP; cl 1.4.3 Building Setbacks and Separation; Controls; Multi Dwelling Housing Setbacks; iv). The min. 7.0m separation requirement is also noted on Fig's 2 & 3 of the SSDCP. Though the 7.0m is an allowable minimum, in order to comply with the requirement that it...*reduces overlooking and promotes privacy...*the following measures have been included;-

- Increased setbacks at the ground floor level of 9.0m at Unit 43 and 9.3m for units 36-42. An increase of 2.0m & 2.3m respectively. – (8), (9)
- Increased setbacks at the first-floor level of 10m at Unit 43 and 10.3m for units 36-42. An increase of 3-3.3m above the minimum. – (10), (11)
- Screen planting up to 3.0m high. - (2)
- First floor window sills raised to 1500mm above floor level.- (2)

iv. Unit 19

Unit 19 is offset from the basement entry by approximate 6.2m, and the wall separating Unit 19 from the loading bay, is a blank brick/veneer wall with no window openings in it. The wall will be treated as recommended by the acoustic report, to maintain noise levels at an acceptable level. Refer also to Acoustic Report by Acoustic Noise and Vibration Solutions P/L.

v. Basketball court

The basketball court has been removed. –(15)

vi. Substation

The substation has been relocated away from the COS area at the northern end of Block D, to rear of Units 32 & 33. The acoustic analysis has measured the noise levels from the substation as to the potential noise effects upon the nearest neighbouring dwellings, including units 32,33,44,48 & 49. The acoustic report records no affect in terms of noise upon those dwellings. - (30)

vii. Acoustic impact on neighbours

The amended acoustic report has assessed the potential noise nuisance from the development upon neighbouring dwellings and has made recommendations to mitigate against them, including gap free fencing, which have been incorporated into the proposal. – (31)

d) Landscape Plan

Refer to amended Landscape Plan and Statement by A Total Concept, Landscape Architects and report by Ethos Urban.

e) POS areas

The plans have been amended to ensure all dwellings have the minimum 25m² as required by the SSDCP. In this regard Unit 35 POS has been increased to 36.91m² and Unit 44 POS has been increased to 36.30m², both with minimum dimensions of 2.5m. – (32)

f) Open Space/Passive Surveillance

The site requires ...*a minimum of 8% of the R3 Medium Density Residential component of the site area illustrated on figure 2...SSDCP; Cl 1.6.1; Controls ii*). This equates to 954m². As mentioned previously the COS areas have been increased in area and improved in usability/functionality. Further, an extra open space area has been included. The amended design now includes three (3) COS areas totalling 1329.91m² or 11.1% of the site, where only 8% is required.

The open space areas have been improved by the removal of parking spaces and the substation within COS 2, retention of more existing trees within COS 1 & 2 as well as a revised seating/play area design. – (15 & 18). Refer Landscape plan by ATC and report by Ethos Urban.

Passive surveillance has been improved by the addition of windows overlooking the pedestrian path. – (33). Note that the pedestrian path will be an active pathway as it connects the development from the common open space to the basement parking to the Orange Grove Road entry. Accordingly, the increased pedestrian traffic will in and of itself provide surveillance and security. Refer also to report by Ethos Urban.

g) As mentioned above both existing COS areas have been improved in area and usability and an extra COS added. Seating, tables, play areas and extra trees have all been reconsidered and improved. – (15 & 18). Refer also to Landscape Plan by ATC and report by Ethos Urban.

h) Refer to report by Ethos Urban

i) Reference is made to point c) Chapter 6A.2 controls; e) above, where this has already been discussed.

j) Fence details have been included with acoustic measures incorporated as per amended Acoustic Report. – (31)

k) Refer to Pedestrian Access and Mobility Plan prepared by Hemanote Consultants, included with the amended submission.

l) This is discussed later in this letter under 14 Waste Management Issues.

m) Refer to amended plans by Aleksandar Projects.

5. Inconsistencies with the ADG

Refer to amended plans by Aleksandar Projects and report by Ethos Urban.

6. Transport NSW

Refer to updated Traffic Report, SIDRA modelling, communications with TfNSW, Loading Management Plan and Pedestrian Access and Mobility Plan by Hemanote Consultants and report by Ethos Urban.

7. Transport and Traffic Engineering Branch Comments

Refer to comments above.

8. Acoustic Impacts on Neighbours Not Addressed

The acoustic report has been amended to address all the issues within the council deferral letter. The recommendations from the report will be fully adopted within the development, including fencing acoustic measure – (31), construction types and air conditioners to all townhouses and units facing The Cumberland Highway. Refer also to acoustic report by Acoustic Noise & Vibration Solutions P/L and report by Ethos Urban.

9. Endeavour Energy – refer to comments below.

10. Substation Location

The electrical substation has been re-located from its current position in the COS at the end Block D to adjacent the parking spaces off the eastern road to the rear of Unit 32 & 33. – (30)

The relocation of the substation frees up COS 2 to be used as a secondary common open space area.

Refer also to point 4 Inconsistencies with the SSDCP Controls; a); c), above.

No planting is proposed within the substation pad mount easement or within 800mm to any plantings canopy. The substation easement area will consist of lawn only.

Refer also to acoustic report, landscape plan and report by Ethos Urban.

11. Tree Removal

Reference is made to point 4. Inconsistencies with the SSDCP; a); b) above, where tree removal has already been discussed. In summary, the amended submission includes the retention of 14 medium to high retention value trees. – (5,15,16,17,18). The retention of extra trees will significantly improve the amenity of the development and surrounding neighbours, in spite of the ecological report finding that they have no 'ecological significance.'

12. Impact on Vegetation

The ecological report has been re-visited with regards to the amended plans and updated arborist report. Dominic Fanning to respond. Refer to updated report by Gunninah and Ethos Urban.

13. Landscape Design Issues

- a) As already mentioned above significant changes have been made to retain 14 trees of moderate to high retention value. – (5,15,16,17,18). Refer also to arborist report by Urban Forestry Australia and Ethos Urban.
- b) As already mentioned the COS areas have been re-designed with the removal of the basketball court, additional seating, tables, retention of extra trees, increasing COS 2 area and the addition of COS 3 area. – (5,15,18). Refer also Landscape Plans by ATC.
- c) The splay of landscape areas is only required where planting exceeds 500mm in height. Refer also Landscape Plans by ATC.
- d) Refer to Landscape Plans and statement by ATC.
- e) Refer to statement by ATC.

14. Waste Management Issues

- a) Refer to Traffic Report with swept paths and Loading Management Plan by Hemanote Consultants.

- b) Generally each dwelling now has either external access to move bins from rear POS areas to the kerbside, through units respective garages without being stored within garages, or stored in basement and taken to kerbside by the site manager.

Block H has been redesigned so that bins can be stored within their own POS areas and moved to the kerbside at the southern end of COS 1. – (34).

As discussed with council Waste Management Officer the bins for each unit in Block E will be stored in individual locked cupboards within the basement. A site manager will be appointed and responsible for then moving the bins to the standing area outside the front of their respective units at the eastern roadway kerbside. He will also be responsible for returning them to the storage cupboards. –(35)

Note also that the path of travel for bins from their storage places to their collection points are indicated on the Waste Management Plans.

- c) The kerbside collection point for each dwelling has been provided with a 1700mm x 800mm grass-concrete stand area to fit two (2) bins prior to be collected and returned. Note that although each dwelling requires three (3) no more than two (2) will be placed at the kerbside at any one time for collection. – (36)

Refer to previous subclause b) for Block E (units 36-43) waste storage and collection.

Refer also to updated Waste Management Plan by Dickens Solutions.

- a) Stage 2 Residential Flat Buildings

Refer to amended plans by Aleksandar Projects , updated Waste Management Plan by Dickens Solutions and report by Ethos Urban.

15. Council Asset Management Issues

Refer to stormwater plans by ANA Civil and report by Ethos Urban. A number of items listed under this heading cannot be completed at this stage, however they could easily be dealt with by way of a conditional approval.

16. Cabramatta Place Management Issues

Refer to amended plans by Aleksandar Projects and report by Ethos Urban.

17. Submissions

Refer to report by Ethos Urban for response to submissions.

Yours faithfully

A large, stylized handwritten signature in black ink, appearing to read 'Orhan Kaba', is written over a horizontal line.

Orhan Kaba | Managing Director | Building Designer
Full Member Building Designers Association of Australia
Designiche P/L