

Friday 27th March 2020

Team Leader Strategic Planning
Inner West Council
PO Box 14
Petersham NSW 2049

Att: Roger Rankin

REF: *Planning Proposal*
At 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield

Dear Roger,

Thank you for considering our planning proposal for the above properties. It is however surprising the goal posts keep moving in terms of complying with your requirements. Your comment that the proposal does not satisfy issues and concerns raised in previous reports is unreasonable especially considering the design adopts the maximum building height proposed by Inner West Council notwithstanding imposition of standards not imposed on surrounding developments. Specifically, ground floor communal open space. This was not imposed on 402 Catherine Street and for good reason. Elevated communal open space which receives abundant solar access is an acceptable form of development. To also impose a landscape buffer will unfairly restrict the ordinary use of the property resulting in a public benefit not provided in the existing planning agreement. The current building presents a nil setback and our design retains this form with articulation and modulation.

Assessment of the Indicative Building Design

The planning proposal adopts the maximum building height set by council of RL33.2 with a zone of 1.2m for building components. The proposal includes multi levels of roofs which, if required could include services or building components (such as air conditioning units). Therefore, a breach of the building height is not required nor envisaged.

The envelop is amended for increased communal and landscape area at ground level which is north facing and enclosed for your consideration.

Therefore, considering the above and enclosed amended plans, it is suggested the amended scheme does comply with the requirements of Part 2A and Part 2D of the Apartment Design Guide (ADG).

Amenity of residents - 3m Landscape Buffer

The applicant has concluded terms for a voluntary planning agreement. A landscape buffer or dedication of land is not included as part of this package. A 3m landscape zone will only provide a public benefit, notwithstanding that it is an unfair restriction on the landowner's reasonable use of the property. One which was not imposed on surrounding developments and is considered unreasonable in the circumstance.

Amenity of residents - Noise

It is an absurd claim that a 3m buffer will reduce or alleviate noise impacts. It is unclear how Council could form this position considering it is a well established fact that earth mounding or solid barriers are used in freeway conditions and in urban settings such as primary roads or close proximity to airports a combination of measures are used including alternative ventilation (so that windows can remain closed) together with good acoustic insulation in walls and windows. As discussed previously and included in previous reports to Council, balconies can be enclosed with glass louvers similar to treatments used along Parramatta road in new developments. City of Sydney has exercised court cases and amended its controls to address this issue so that balconies in such circumstances are not considered as part of the gross floor area. It is put that Inner West Council should consider a similar approach.

Amenity of residents – Air Quality

For reasons stated above, it is an unfair/unreasonable restriction on the ordinary use of the property to impose a 3m buffer zone. Again, it is unclear how you have calculated that a 3m landscape buffer will improve air quality for residents. There are new systems which can be incorporated into the façade design which would have a far greater impact for residents. This can be addressed as part of the development application. E.g. green wall systems.

Amenity of residents – Outlook

For reasons stated above, it is an unfair/unreasonable restriction on the ordinary use of the property to impose a 3m buffer zone. The northern elevation provides a city view outlook and in conjunction with a green wall system or similar would address outlook and air quality, again this can be addressed as part of the development application. A 3m buffer is not required.

Shadowing impact within site and resident amenity.

The current proposal includes multiple zones for communal open space including roof terraces which have abundant sunlight through the year. We feel the location is a suitable for roof terrace communal open space. However, to ensure the proposal can be adopted by Council we have amended our proposal to comply with 30% communal area at natural ground level, which is also north facing and suitably located to provide good amenity. The design will be addressed in detail in the development application.

Maximum Building Height.

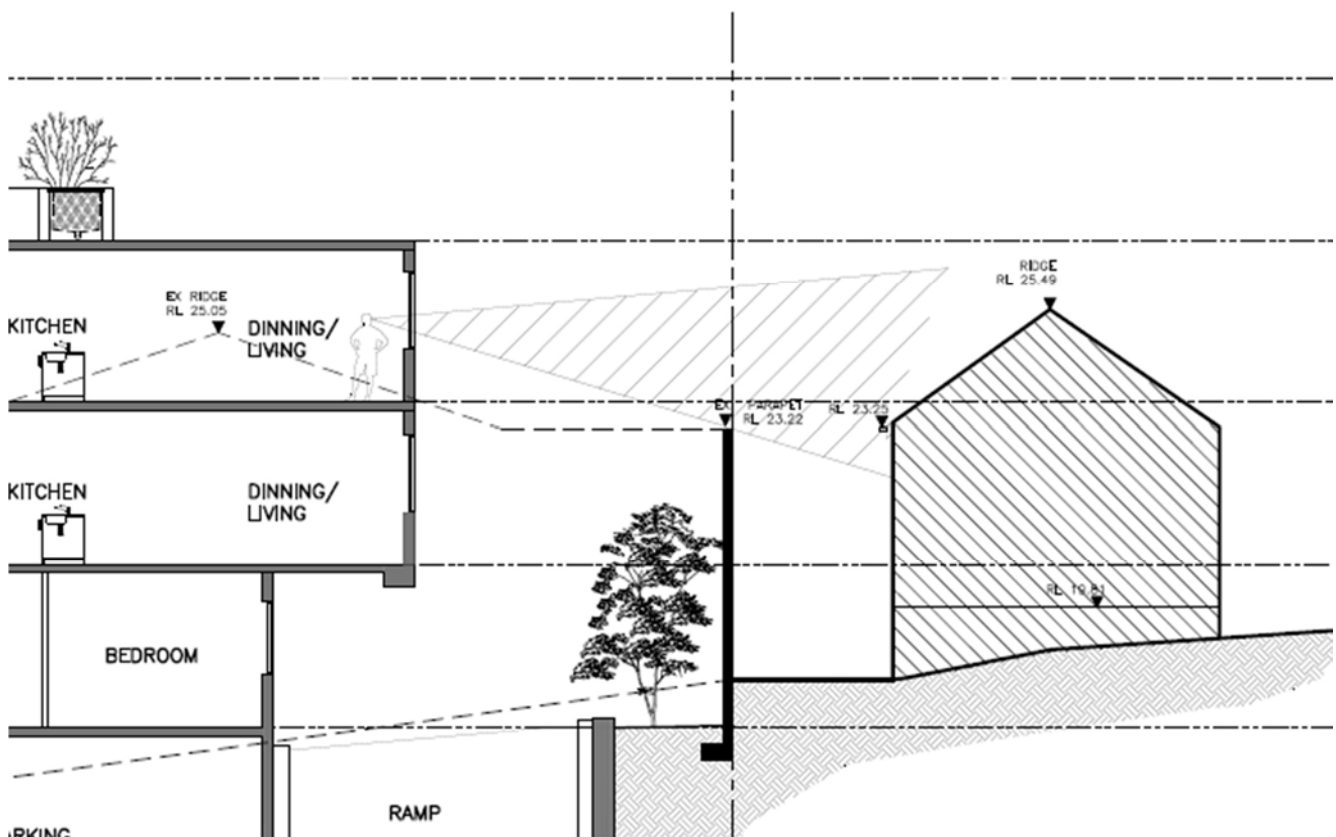
As discussed above, the current design adopts the maximum building height established by Council of RL33.2 which provides a buffer of 1.2m for building elements well above the figure of 500-700mm discussed in your letter.

The proposal as amended provides a suitable in the context of the IGA building, does not overshadow adjoining properties and includes increased setbacks to address overlooking. All which is absent from your analysis. It is also disappointing that Council when considering transition has not taken into consideration the 3-4 storey building at 13-29 Russell Street and rather focused on single storey dwellings only at the exclusion of potential transition in the future for larger building forms.

Context and Amenity for Neighbours

Overlooking: there is no opportunity for overlooking and this has been made abundantly clear in cross sections provided to council in the various proposals.

Council is in receipt of the following diagram which clearly illustrates there is no overlooking of southern properties. Council has this information on record and it is unclear why council adopts the position that privacy is compromised when it is clearly not.



Likewise, as amended there is no opportunity for overlooking for eastern properties.

In summary,

- The proposal adopts Council's building height with a buffer of 1.2m for building elements. Elements which may exceed this allowance are placed on lower roofs.
- There is NO increase in overshadowing nor would this change in a development proposal with refinement of building elements.
- The proposal does not adversely impact neighbours by overlooking as discussed above.
- The proposal as amended provides good private and communal open space over the site.



- The imposition of a 3m landscape buffer or 'U' shape design is an unreasonable restriction on the ordinary use of the property

We trust the amended design for communal space and additional information stated above will allow council to finalise its report so that the project council proceed to consideration by the Council.

Sincerely,



Derek Raithby.

Director, ARBN 7469

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