

NO.	CONTENTIONS TO BE ADDRESSED	RESPONSES BY ARCHIDROME	REFERENCED PLANS BY ARCHIDROME
	PART B – CONTENTIONS		
	The Respondent contends that the development application should be refused for the following reasons:		
	B 1 – CONTENTIONS THAT WARRANT THE REFUSAL OF THE APPLICATION		
1	1. Height The development application should be refused because of its excessive height, bulk, scale and failure to comply with the height of buildings development standard set out in the PLEP 2014.	At the precinct planning stage, the Council have set an elevated level for Lorikeet Grove which has been followed by our neighbouring developments along both side setbacks. This requires us to undertake a 'fill' to our site, to provide appropriate amenity that ensure pedestrian pathways meet accessibility requirements, and that the proposed ground levels are in line with neighbouring development, not 1.7m below neighbours. The neighboring sites have undertaken a similar fill to their site and raised their building level in respect to the 'finished' ground level created by filling their site due to the raised Lorikeet Grove Levels, which is evident by the retaining walls seen on both side boundaries of our site. Therefore our site should be measured from the 'fill' level, i.e. the finished ground level created by connecting Lorikeet Grove to Warriewood Road and ensuring the site is level with adjoining neighbours. The current site levels sits lower than neighbours along both side boundaries and also lower than the Lorikeet Grove finished level. We have undertaken two height analysis plans: a. Height analysis from existing site levels that shows that building exceed the height plane. b. Height analysis based on proposed finished ground level, created by connecting Lorikeet Grove to Warriewood Road and ensuring the site is level with adjoining neighbours, this height analysis indicates that the proposed RFB does not exceed the height plane when measured from a ground plane that lines up with neighbours and the roads.	A 12.1 (Section 01), A 12.2 (Section 2), A 18.1 (Height plane Analysis- Existing site level) & A 18.2 (Height plane Analysis- Proposed finished site level)
	Particulars a. Clause 4.3 'Height of buildings' of PLEP 2014 establishes the maximum height for buildings. The maximum height of buildings permitted on the site is 10.5 metres. b. The proposed maximum building height of the proposed residential flat buildings is 11.61m (Block D) and 12.34m (Block C), exceeding the height of building development standard by 10.6% and 17.5% respectively.		
	c. The proposed building height results in unacceptable visual bulk and overshadowing, as follows: (i) The non-compliant height of Block D results in additional overshadowing of areas of private open space and windows associated with living areas of dwellings to the south-east between 1pm and 3pm in midwinter,	(i) Block D features a 11m setback to the South East boundary, and when measured from the final 'finished' ground level, which aligns with the neighbours backyard levels, the proposed building is within the 10.5m height limitation. The neighbours receive direct sunlight from 8am onwards. The neighbours receive over 3 hours of uninterrupted light to their POS, that meets the DCP requirements for Solar access.	A 12.5 (Privacy, Bulk & Scale analysis - Part 1) A 12.6 (Privacy, Bulk & Scale analysis - Part 2) A 13.1-13.15 (COS Shadow diagram - Analysis & Shadow diagram - Solar access for units)
	(ii) The visual impact and perceived height of both Block C and Block D as seen from adjoining properties is unqualified, as the development application does not demonstrate the relationship between the proposed development and adjoining properties, or the treatment of ground levels surrounding the proposed residential flat buildings.	(ii) By referring to the new sections provided along Block D, it is obvious the design respects the natural ground level along neighbouring lots and adheres to this natural ground level in our proposal. Refer to section vv.xx.yy and zz on Sheet A12.6. Similar details are now provided for Block C, refer to details aa, bb, cc, dd on Sheet A12.5 Refer to the Site Analysis plan that shows height of all surrounding buildings as well as height of our site. Refer to the Shadow diagram model for understanding of three dimensional massing and scale, along with shadow impacts. The site is filled/levelled to match neighboring levels and level of Lorikeet Grove. This is evident in plans in architectural plans A12.5 and A12.6. Therefore the site had to be filled to the new natural ground level. Therefore the new site level. We generally do not have retaining walls to the neighbours. Additional shadow analysis has been undertaken by the addition of fences across the POS and the Site Boundary to understand the impact on the neighbours. It can be seen that the overshadowing of the neighbouring plots shall occur only during certain times of the day, which is due to the fence. Any development would require a fence hence this is	
	d. The written request submitted pursuant to cl.4.6 of PLEP 2014 which seeks to justify the contravention of cl.4.3 of PLEP 2014 is not well founded in that it does not adequately demonstrate that: (i) compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case,	As already justified in Section 1 (Height) above. At the precinct planning stage, the Council have set an elevated level for Lorikeet Grove which has been followed by our neighbouring developments along both side setbacks. This requires us to undertake a 'fill' to our site, to provide appropriate amenity that ensure pedestrian pathways meet accessibility requirements, and that the proposed ground levels are in line with neighbouring development, not 1.7m below neighbours. The neighboring sites have undertaken a similar fill to their site and raised their building level in respect to the 'finished' ground level created by filling their site due to the raised Lorikeet Grove Levels, which is evident by the retaining walls seen on both side boundaries of our site. Therefore our site should be measured from the 'fill' level, i.e. the finished ground level created by connecting Lorikeet Grove to Warriewood Road and ensuring the site is level with adjoining neighbours. The current site levels sits lower than neighbours along both side boundaries and also lower than the Lorikeet Grove finished level. We have undertaken two height analysis plans: a. Height analysis from existing site levels that shows that building exceed the height plane. b. Height analysis based on proposed finished ground level, created by connecting Lorikeet Grove to Warriewood Road and ensuring the site is level with adjoining neighbours, this height analysis indicates that the proposed RFB does not exceed the height plane when measured from a ground plane that lines up with neighbours and the roads.	A 12.1 (Section 01), A 12.2 (Section 2), A 18.1 (Height plane Analysis- Existing site level) & A 18.2 (Height plane Analysis- Proposed finished site level)
	(ii) there are sufficient planning grounds to justify contravening the development standard in clause 4.3(2) of PLEP 2014, and (iii) the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R3 Medium Density Residential zone.	iii)	As per PLEP- R3 Medium Density Residential Zone Objectives Objectives of zone are: • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses. To address this the proposed design will foster the future residential demand within the locality and provide 13 new residential lots and two residential flat buildings to accommodate 34 units, in addition to 11 future dwellings (subject to separate consent). These will: • Achieve an aesthetically pleasing building form that will contribute to the architecture and urban landscape of the Warriewood locality. • Enable the stimulation of regional labour markets and investment during the construction phase of the project and facilitate increased economic activities at adjacent commercial centres. • Achieve the objectives of the Warriewood Valley release area to provide residential dwellings.
2	2. Unacceptable design of residential flat buildings The development application should be refused as the design of the proposed residential flat buildings is unacceptable, in that the design of both Block C and Block D fails to appropriately respond to the existing and desired character of the area and the applicable built form and amenity controls. Particulars: a. a. The proposed residential flat buildings do not appropriately respond to the Design Quality Principles of SEPP 65, specifically: i. Context and Neighbourhood character, as the design of the residential flat buildings inconsistent with the existing and desired character of the locality.	1. Refer to Site Analysis plans which provides setbacks, neighbouring building heights and openings and other contextual data. 2. Also refer to 'Privacy, bulk and scale analysis' , these provide sections cut across the site into adjoining sites and illustrate the scale of our development vs adjoining sites that have a mix of 1, 2 and 3 storey developments, of which the predominant development is 2 storeys. These sections provide an understanding of the relationship between neighbouring development and proposed RFB development. 3. The proposed RFBs are 3 storeys and provide greater than the minimum setbacks to neighbouring developments, refer Site Analysis plans 4. The ADG requires a 6m setback from an RFB to the boundary, plus a 3m additional buffer zone, which we achieve and exceed. 5. Refer to the ADG Checklist provided which indicates compliance against ADG guidelines regarding bulk scale and built form. 6. The Shadow Diagrams also illustrate that neighbours receive the requisite minimum solar access into their POS area. 7. Refer to the Design Verification Statement , principle 2 on page 2 by ARCHIDROME . Additional sheets added in Shadow analysis focusing on dwellings along Bubala St. Also refer to response to 1c.	A02.1 (Site Analysis - Part 1), A12.5 (Privacy, Bulk and Scale Analysis - Part 1), A12.6 (Privacy, Bulk and Scale Analysis - Part 2), ADG Checklist, A13.1-13.15 (COS Shadow Diagram - Analysis & Shadow Diagram - Solar Access for Units)
	ii. Built Form and Scale, as the scale of the residential flat buildings is excessive, with insufficient articulation to adequately break down the apparent size and length of the buildings.	Articulation and Aesthetics: 1. The built form has been enhanced by the use of high quality materials and finishes, updated in response of the contention. 2. The proposed RFBs feature a contemporary aesthetic with a recessed upper storey, and a well articulated external mass that emphasises the lower double storey, refer to view sheets provided. 2. The RFB development looks unlike a typical apartment building, rather it presents as a townhouse development in line with the character of adjoining residential development. 4. Refer to the aerial photomontages, sections. 5. Deep recesses at lobbies and lifts are provided that create large breaks in the length of the buildings.	A16.1-16.5 (3D views), bulk and scale sections,

	iii. Density, as the proposed density and apartment mix detrimentally compromises the amenity of the site and its surrounds.	The density proposed is in-keeping with the allowable density on site.	
	iv. Amenity, as the proposed residential flat buildings result in unacceptable overlooking between dwellings, with substandard levels of solar access and unqualified overshadowing of neighbouring properties.	Refer to Shadow diagrams which have been updated to indicate the minimal impacts on neighbours. Refer to the additional section provide	A13.1-13.15 (COS Shadow Diagram - Analysis & Shadow Diagram - Solar Access for Units) & A12.6 Privacy, Bulk and Scale Analysis - Part 2
		Additional sheets added in Shadow analysis focusing on dwellings along Bubalo St. Also refer to response to 1c.	
	v. Housing Diversity and Social Interaction, as the proposed residential flat buildings do not provide an appropriate mix of apartment types, inconsistent with the minimum requirements for studio (10%), 1 bedroom (10%) and 2 bedroom (10%) units of clause C6.8 of P21 DCP.	Refer to the amended Unit Mix plan, due to the introduction of dual key units, the development now feature a variety of units such as Studios, 1 Beds, 2 beds, 3 Beds and 4 Beds.	A07 (Second floor plan), A09.3 (Second floor plan - Block C), A10.3 (Second Floor Plan - Block D)
		Larger 3 Bed units that were earlier greater than 120sqm have now been reduced to areas ranging between 95-100sqm (4 nos of 2-beds introduced, these replace 4 nos of 3-bed units.) These units is in line with the Design Excellence criteria that is being adopted in many areas across greater Sydney. Example Hill council required a substantial amount of 2 bedroom units to be larger (around 105sqm each) as part of design excellence criteria. Additionally, 4 nos of 3-bed units have reduced in size from 120sqm each to 95sqm each, to increase privacy to neighbours. Overall 234.9 sqm of internal saleable building area has been reduced.	A07 (Second floor plan), A09.3 (Second floor plan - Block C), A10.3 (Second Floor Plan - Block D) A21 (unit Mix breakdown)
	vi. Aesthetics, as the proposed residential flat buildings are excessively bulky, unnecessarily high and comprise large expanses of white and light colours, inconsistent with the desired character.	The overall development has a high-quality aesthetic. The building masses are appropriately articulated, considering massing within the prescribed envelope. The landscaped setting ensures they are integrated well into their surroundings. The buildings have a contemporary architectural style with a balanced composition of frame, glazed walls, recessed balconies and shutters. The form and mass of the buildings have been modelled to reduce the visual bulk of the structure. The topmost level units are setback further from the articulation frame so as to visually reduce their heights and thus, the apparent building bulk as a whole. Visual interest is also introduced through judicious and efficient use of a variety of materials and finishes. The design is in-line with the existing and desired character of future development of the area. An appropriate composition of building elements, material textures and colours has been utilised to reflect the building's residential character. Elements such as large masonry frames, louver shutters, and a combination of subtle colours, with a series of articulated windows and entry canopies provide a contemporary refined aesthetic.	A16.1(3D views), A07 (Second floor plan), A09.3 (Second floor plan - Block C), A10.3 (Second Floor Plan - Block D)
		Units in the upper floor have been further setback to accommodate POS within floor plates. And the referenced unit sizes have now been reduced - C11, 12, 16, 17 and D11, 12, 16, 17. A total saleable area of 234.9SQM has been reduced in the upper floor in total in order to reduce the massing of the buildings as a whole.	
b.	b. The proposed residential flat buildings do not appropriately respond to the requirements of the ADG, specifically:		
	i. Objective 3A-1, in that the Site Analysis does not appropriately convey the site context, or the matters identified in the Site Analysis Checklist.	Neighbouring context has been clearly shown in the views section of the submission with an aerial view of the neighbourhood and the proposed building in context with the built environment. This is to be read in conjunction with site analysis sheets. A02.1-A02.2 The Site Analysis plan now demonstrates a deeper understanding of the site and its context in the immediate surrounding built environment. Including information such as Vehicular and pedestrian access within site is highlighted in the form of circulation arrows. It also incorporates data from the survey including development of adjoining properties, ground levels, including the pattern of buildings, subdivision pattern, setbacks, land uses and building typologies In addition to the above, data from survey has been extracted and incorporated into the site analysis this includes rooflines, ridges, window locations, levels, etc. Window sill and top of window levels marked WS and WT respectively in accordance to survey. Affrescos/ balcony locations have been highlighted in a green box, this information has been extracted from existing approved CC's and their linked Development applications that are available on the councils DA Tracker.	A02.1 (Site Analysis - Part 1) A16.1 (3D view) A12.6 (Privacy, Bulk and Scale Analysis)
	ii. Objective 3B-2, in that the building layout and design does not minimise overshadowing on adjoining properties.		A13.1-13.11 (COS Shadow Diagram - Analysis & Shadow Diagram - Solar Access for Units)
		Additional sheets added in Shadow analysis focusing on dwellings along Bubalo St. Also refer to response to 1c.	
	iii. Objective 3F-1, with inadequate building separation between buildings/lots,	As per ADG: The Building separation achieved is more than- 1. 12m between habitable rooms/balconies. 2. 9m between habitable and non-habitable rooms. 3. 6m between non-habitable rooms. Building separation is increased to achieve adequate sunlight access and privacy on the site. The separation also supports residential amenities and provides suitable open space with adequate daylight access to buildings. The proportional building separation to building height achieves the desired urban form and privacy between building occupants.	A02.1 (Site Analysis - Part 1), A03 (Site Plan), A12.6 (Privacy, Bulk and Scale Analysis)
	iv. Objective 3F-2, with unresolved interfaces between ground floor areas of communal and private open space,	The fencing provided on the Ground floor is semi-solid over the planter box, which allows access to sunlight and air without compromising the privacy of habitable rooms and private open space from communal open space. Planter boxes and vegetation as buffer space are provided at various locations on-site to maintain the privacy of Private open spaces. Screening has been incorporated into the building line to provide privacy and to limit overlooking of lower apartments or private open space.	A03 (Site Plan), A03.a (Site Fencing Plans)
		Additional details of the proposed fencing has been provided to showcase the permeability of light into the POS of the lower ground floor units	
	v. Objective 3H-1, as the proposed location of the access driveway is not supported by Council's Traffic Engineer,	Refer to the traffic response provided by TEF dated Aug 2023. The access arrangements comply with this ADG objective	
	vi. Objective 4A-1, as compliance with the 70% minimum has not been satisfactorily qualified and as 18.6% of apartments receive no solar access,	vi) 28 out of 34 units now receive solar access for atleast 2 hours between 9am and 3pm through balconies and POS which account to compliance of 82.35% of total units. Only Units D12 in Block D (Southern corner) receives no light at any time on their POS - this accounts to only 2.94% of the total units receiving no light at any time between 9am to 3pm All other units other than those highlighted receive some light between 9am and 3pm	A13.5- A13.15 (Shadow Diagram - Solar Access for Units)
		Units that receive minimal direct sunlight have been provided with Skylights in the POS to enhance solar access to the units, thereby achieving solar compliance	A08 (Roof Plan)
	vii. Objective 4D-1, as compliance with the minimum area and dimensions prescribed has not been qualified,	All Units comply with minimum size requirements. Unit sizes - requirements and provisions have been highlighted on Page 5 of the ADG compliance report submitted by Archidrome.	A05-A07 (Ground floor plan, First floor plan and Second floor plan)
	viii. Objective 4E-2, as the primary areas of open space of dwellings in Block D are not predominantly oriented to the north, east or west and are overshadowed for the majority of the day,	Due to the Orientation of the site it is not possible to achieve exact orientation towards Actual North, East or West. Having said that the current design has worked out solar access to different POS either in the frontyards or backyards depending on their location and time of the day. This has been summarised in a detailed fashion in the updated shadow analysis set provided.	A13.5- A13.15 (Shadow Diagram - Solar Access for Units)
	ix. Objective 4G-1, as the provision of storage is not qualified,	Storage calculations in square meters has been depicted on basement plan and architectural Floor plans (Second Floor). It is important to note that all duplex units have storage provision at their entrance lobby which is a secured access to the individual units from the basement. This space has been provided with the storage compartment which exceeds the minimum requirement. The upper floor units have storages demarcated and also meet the requirement within the units. These units are not provided with any storage in basements as compliance is already met.	A04 (Basement Plan) A09.3 (Second floor plan - Block C) & A10.3 (Second floor plan - Block D)
	x. Objective 4K-1, as the proposed development does not provide a suitable variety of apartment types, and	Earlier the DA proposed 14 No's of 3 Bed units and 20 No's of 4 Bed Units. The New updated Unit mix for the RFB has changed this configuration. Now the RFB has 10 No's of 3 Bed Units, 20 No's of 4 Bed Units and 4 No's of Two Bed units. The updated unit mix for the RFB development has been modified to accommodate smaller units by a reduction in the total floor area of the second floor of Block C and Block D. Refer to response for contention 2.v and 2.vi	A21 (Unit mix breakdown) A07 (Second floor plan), A09.3 (Second floor plan - Block C), A10.3 (Second floor plan - Block D)

	xi. Objective 4M-1, as the building facades are not an appropriate scale and proportion to the streetscape and human scale.	The facade and articulation is broken down into two segments which clearly divide the bulk and building mass, creating a townhouse aesthetic as explained below. The lower two-stories form the main articulated structure which frame the duplex units which will primarily be perceived from human scale as a 2 storey build, while the upper floor does not have extruded articulation and therefore seems recessed and subtle to the viewer, mimicking a built mass similar to a recessed attic level often seen in a series of townhouses.	A16.1 (3D views)
	c. The bulk and scale of the proposed residential flat buildings has not been appropriately minimised, inconsistent with the requirements and outcomes of clause D16.1 (Character as viewed from a public place) of P21 DCP.	The overall development has a high-quality aesthetic. The building masses are appropriately articulated, considering massing within the prescribed envelope. The landscaped setting ensures they are integrated well into their surroundings. The buildings have a contemporary architectural style with a balanced composition of frame, glazed walls, recessed balconies and shutters. The form and mass of the buildings has been modelled to reduce the visual bulk of the structure. The topmost level units are setback further from the articulation frame to as to visually reduce their heights and thus, the apparent building bulk as whole.	A 16.1 - 16.5 (3D views)
3	3. Inadequate Water Management	Note: Only items that require Architectural consultant input are retained and responded to below.	
	The development application should be refused as the proposed water management is inappropriate and insufficient for the site and inconsistent with the Water Management Specification.		
	Particulars:		
	a. The proposal does not comply with the following requirements of the Water Management Specification:		
	v. The overland flow path dissects Lot 1 and limits the available footprint for future development.	The overland flow path has been considered while designing the BEP for Lot 1. Lot 1 possesses a setback of 3500 mm from the Site boundary to accommodate the overland flow path.	
		The Lot boundaries have been modified to increase the built area potential for the Lots. Refer to Site plan and Updated Subdivision plan	A03 (Site Plan)
	xvii. The Engineering Report (C&M Consulting Engineers, 4 June 2021) relies upon rainwater tanks on each of the 11 residential lots that are not proposed as part of the proposal, and the assumed rainwater reuse is inconsistent with the submitted BASIX Certificate.	Amended Architectural plans and Engineering plans provide a central Rainwater tanks providing a total capacity of 50000 litres. This is in line with the BASIX requirements	A 03 a (Site fencing and Rainwater Tank Details)
	xix. For the purpose of assessing water management and flooding, is it unclear whether the relevant technical consultants have relied upon the architectural plans or the civil plans, which significantly differ with respect to the earthworks proposed and resultant ground levels.	The consultants have provided the architectural plans, and the engineering plans. The engineer has also updated their bulk earthwork plan and section to reflect the architectural plan levels.	
6	6. Unsuitable access arrangements		
	The development application should be refused as the proposal has not demonstrated appropriate connectivity, with potential adverse impacts upon traffic flow around the site and insufficient infrastructure.	The traffic consultant has provided responses and justifications, refer to report dated Aug 2023.	Refer to amended traffic report
	Particulars:		
	c. Insufficient information has been provided in relation to the location and design of the shared path along the creekline corridor.	Refer to the shared path provided on pg 10-14 of landscape package, amended in Dec 2023.	Refer Landscape design package, Revision F, 14 Dec 2023
7	7. Essential Services		
	The development application should be refused as it does not satisfactorily demonstrate that each proposed lot is appropriately serviced.		
	Particulars:		
	a. In accordance with the provisions of cl.7.10 of PLEP 2014, development consent cannot be issued with respect to the development application, as the proposal does not detail the provision of essential services to each lot.		
	b. Specifically, there are no plans that demonstrate the supply of water, the supply of electricity, or the disposal of sewerage to each lot.		
	c. The lack of essential services is also inconsistent with the provisions of cl.C6.5 of P21 DCP, which requires all new development including the creation of new allotments to be fully serviced by electricity, reticulated water and sewer, gas and communications.	We have obtained Service Reports that indicate that the site can be serviced for all Essential services. Refer to the Essential services plan and feasibility reports from Service engineers submitted	A02.2 (Site Analysis - Essential services plan - Part 2)
	d. Without confirmation of the design and location of services, consistency with the requirements of cl.C6.5 of P21 DCP that require common trenching is unable to be determined. The suitability of tree locations is also unable to be confirmed until the location of underground infrastructure is known.		
8	8. Inappropriate subdivision design		
	The development application should be refused as it does not demonstrate that each of the proposed residential lots can be suitably developed.		
	Particulars:		
	a. Lot 1, a Torrens title lot fronting Lorikeet Grove, has a proposed lot size of 226m ² , with a maximum width of 10.42m and a maximum depth of 22.67m.	The overland flow path has been considered while designing the BEP for Lot 1. Lot 1 possesses a setback of 3500 mm from the Site boundary to accommodate the overland flow path.	A03 (Site Plan)
	b. The lot is proposed to be burdened by the overland flow path that extends from Warriewood Road to the creekline, which unreasonably diminishes the useable portion of the site to a point where the consent authority cannot be satisfied that dwelling that is commensurate with nearby development can be accommodated on the lot.	The Lot boundaries have been modified to increase the built area potential for the Lots. Refer to the Site plan and Updated Subdivision plan	
	c. The development application is not supported by a Plan of Subdivision prepared in accordance with the requirements of cl.C6.9 of P21 DCP.	A plan of subdivision has been submitted by the Surveyor demarcating the Lot boundaries.	A 02.1 (Site Analysis - Part 1). Refer to Stage 1 & Stage 2 Subdivision plan submitted by Surveyor
9	9. Creekline Corridor		
	The development application should be refused as the proposal does not appropriately contribute to the creation of a multi-functional creekline along Narrabeen Creek.		
	Particulars		
	a. The development application does not appropriately identify the 50m creekline corridor, including both the 25m inner and 25m outer creekline corridors, as identified by cl. C6.1 of P21 DCP.	a. The Creekline corridor has been identified on sheet A02.1 and sheet A22	A02.1 (Site Analysis - Part 1), A 22 (Inner and Outdoor Creekline Corridor)
	b. The development application does not propose the dedication of the 25m inner creekline corridor, as required by the Contributions Plan and cl.C6.1 of P21 DCP.	b. The Dedication of the inner creek line corridor to the council has been demarcated in the Subdivision plan by the Surveyor. This has also been identified in Site analysis Sheet A02.1 and sheet A 22.	
	c. The development application does not detail the ownership or management of the creekline corridor, as required by clause C6.8 of P21 DCP.	c. The 25 m outer creek-line corridor has been identified and demarcated in Architectural package sheet A.02.1 and sheet A 22	
11	11. Inconsistencies in Development Application		
	The development application should be refused due to inaccuracies and inconsistencies in the information presented which preclude a proper assessment of the proposed development.		
	Particulars:		
	a. The development application is not supported by a Draft Plan of Subdivision, which is of particular importance to confirm the area and dimensions of land proposed to be dedicated to Council, as required by the Contributions Plan and cl.C6.1 of P21 DCP. The Draft Plan of Subdivision should also include any necessary easements and all matters outlined in cl.C6.9 of P21 DCP.	A draft subdivision plan has been submitted by the surveyor	Refer to Stage 1 & Stage 2 Subdivision plan submitted by Surveyor
	b. The Site Analysis Plan is deficient in that it does not appropriately demonstrate the context of the site, specifically:	b) The Site Analysis plan now demonstrates a deeper understanding of the site and its context in the immediate surrounding built environment.	
	i. development of adjoining properties, including the pattern of buildings, subdivision pattern, setbacks, land uses and building typologies,	i) The Site Analysis plan now incorporates data from the survey including development of adjoining properties, including the pattern of buildings, subdivision pattern, setbacks, land uses and building typologies	A02.1 (Site Analysis - Part 1)
	ii. movement and access for vehicles, servicing, pedestrians and cyclists,	ii) Vehicular and pedestrian access within site is highlighted in the form of circulation arrows.	A02.1 (Site Analysis - Part 1)
	iii. location and height of existing windows, balconies, walls and fences on adjoining properties facing the site, as well as parapets and rooflines,	iii) Data from survey have been extracted and incorporated into the site analysis this includes rooflines, ridges, window locations, levels, etc. Window sill and top of window levels marked WS and WT respectively in accordance to survey. Alfresco/ balcony locations have been highlighted in a green box, this information has been extracted from existing approved CC's and their linked Development applications that are available on the council's DA Tracker.	A02.1 (Site Analysis - Part 1)
	iv. location of utilities and services,	iv) location of utilities and services have been referenced in the site analysis sheet and can be found in the supporting documents provided by Sydney water coordinator and in the Essential services Plan provided by KWF- Orion Group	A02.2 (Site Analysis - Essential Services Plan - Part 2)
	v. ground levels of adjoining sites, and	v) Ground levels of adjoining sites are shown in the background	A02.1 (Site Analysis - Part 1)
	vi. the creekline,	vi) Both inner and outer creek-line corridors have been clearly identified and demarcated	A02.1 (Site Analysis - Part 1), A 22 (Inner and Outdoor Creekline Corridor)
	c. The architectural drawings are inconsistent with the requirements of Schedule A of the Land and Environment Court of NSW Practice Note for Class 1 Development Appeals, as the plans do not include:		

i. a site plan of the entire site,	i) The site plan now shows all the lots within the parent site (Lot 1 to Lot 13 in sequence). To add to this the site analysis plan also shows the whole site and its surrounding allotments.	A03 (Site Plan)
ii. the location of letterboxes, and	ii) All ground floor units have single stand alone letterboxes provided on the fences outside their front-yards. Letter boxes for upper floor units have been provided near the lobby entrances as a group of 3 and 4 letter-boxes depending on the number of units served by each lobby. This has now been denoted in the site plan.	A03 (Site Plan)
iii. the location of adjoining buildings showing address, height, setbacks and other relevant features.	iii) The location of adjoining buildings showing address, height, setbacks and other relevant features have been clearly highlighted in the site analysis plans.	A02.1(Site Analysis - Part 1)
d. The solar access diagrams provided to support the application are deficient and do not comply with the requirements of Schedule A of the Land and Environment Court of NSW Practice Note for Class 1 Development Appeals, in that they do not:	d) Solar access diagrams have been updated and show a detailed analysis of the COS area and also highlight the units receiving Solar Access individually. A detailed summary has been listed at the end of each segment, where the proposal has achieved solar access for way more than 50% of the COS for 2 continuous hours. It is also noted that more than 80% of the total units receive solar access via balconies and P.O.S	A13.1 - A13.15 (COS Shadow Diagram - Analysis & Shadow Diagram - Solar Access for Units)
	It is also to be noted that the units that do not receive direct solar access for more 2 continuous hours have been installed with Skylights in their balconies in order to enhance solar access and therefore achieve 100% solar compliance.	
i. include adjoining and nearby development,	i) Fences have been updated in the shadow analysis. Note that the north facing POS's will always be impacted of the fences regardless of development. The shadow analysis diagrams now also summarise at what times the front or rear POS's receive solar access in the notes section	A02.1(Site Analysis - Part 1)
	Additional shadow analysis has been undertaken for neighbouring developments across Bubala Street.	
ii. incorporate any change in levels between adjoining properties,	ii) The model for shadow analysis uses the design levels. Generally the proposed development is marginally lower (around 90% of the perimeter) or almost at the same level as the neighbouring allotments. At some segments (Less than 10% of the total perimeter) for negligible lengths the proposed site is higher than the neighbouring lots with retaining walls no higher than 400mm. This has been demonstrated in multiple detailed sections. The Site Levels and POS are adjusted in order to avoid flooding in the proposed site. The levels are also proposed in concordance with the neighbouring lots in order to maintain Privacy between the ground floor units and neighbouring structures.	A 12.3 (RW sections across Site Boundary - NorthWest), A12.4 (RW sections across Site Boundary - SouthEast), A12.5 (Privacy, Bulk and Scale Analysis - Part 1), A 12.6 (Privacy, Bulk and Scale Analysis - Part 2)
iii. include fencing proposed under the application, specifically that proposed around areas of private open space, and	iii) Fences have been updated in the shadow analysis, and we have provided detailed sections, refer A12.5 and A12.6, these illustrate that fences are 1.8m height and we do not have retaining walls impacting neighbours POS. Note that the neighbouring lots that have North Facing POS's will always be impacted by fences to the North regardless of development.	A03 (Site Plan), A-3.a (Site Fencing Plan) & Refer Landscape package submitted by CPS A12.5, 12.6 (Privacy, Bulk and Scale Analysis)
	Fences along the walkway behind Block C now have a reduced height of 1500m. Site plan, Fencing plan and Detailed Sections are updated in the latest set reflecting these changes.	A 03.a (Site Fencing plan), A12.5, 12.6 (Privacy, Bulk and Scale Analysis)
iv. provide a table of compliance and non-compliance with known criteria (the ADG).	iv) ADG Compliance table has been added and covers all sections including part 3 and 4 which covers Solar Access for COS and POS	ADG Compliance Table document submitted
e. The Bulk Earthworks Plan 02192_231 (C&M Consulting Engineers dated 2 December 2021) is inconsistent with the architectural plans with respect to fill proposed on the lots fronting Lorikeet Grove (Lots 1-7) and around the residential flat buildings.	The engineer has also updated their bulk earthwork plan and section to reflect the architectural plan levels.	Refer Engineering drawing set dated July 2023
f. The architectural plans, landscape plans and civil plans are inconsistent with respect to the location of footpaths, specifically the shared pathway through the creekline corridor and the pathway connecting the residential flat buildings to Lorikeet Grove.	Refer to the shared path provided on pg 10-14 of landscape package, amended in Dec 2023.	Refer Landscape design package, Revision F, 14 Dec 2023
g. The architectural plans are not consistent with the "Show on DA Plans" requirements of the submitted BASIX Certificate, specifically the required solar panels are not incorporated into the plans.	The Proposed locations of the PV Solar panels has been indicated in the Roof plan and can cater to the 30kW peak load as determined by the BASIX report. A 30kw plant requires a roof area of 200sqm.	A08 Roof Plan
h. The requirements of the BASIX Certificate with regards to rainwater reuse is inconsistent with the assumptions in the Engineering Report (C&M Consulting Engineers, 4 June 2021).	The Proposed Rainwater tank locations have been provided in accordance with the Engineering drawings and hold a capacity of 50kl, as prescribed in the BASIX report	A03.a