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RE: DA2018/0149 - 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100

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Allambie Heights
20 March 2018

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I respectfully ask Council to reject the above mentioned DA application on the following grounds:

- Incorrect Bushfire APZ indicated on proposed plans. The correct APZ of 65m radius from the SW corner of the boundry should be redrawn to determine the building footprint. Investigate the need for a APZ on eastern boundry of property.
- No dispensation for driveway slope from Nargong Road verge to underground car parking must fully comply with BCA slopes.
- I think the Council can successfully argue that the State Government has just spent over \$500 million in defining what is considered regular transport & that is the B-line bus service running along Condamine Street. Within the scope of works for this project the Government identified the need for parking stations that allow commuters in adjacent suburbs that do not have regular services to park and Allambie Hts was named as one of those suburbs. Therefore the proposal is not within 400m of regular transport & doesn't comply with AHR SEPP clause 4. This is also in line with the NSW governments mission statement "to encourage higher density living located near public transport corridors " Allambie Road is not identified by the NSW government as a public transport corridor.

Regular transport (accessible area) can be a subjective subject as can be seen by the extract below from a Sydney South Planning Panel meeting dated 31-01-17 which refused DA consent for a boarding house in Canterbury- Bankstown DA104/2016.

REASONS FOR THE DECISION - "The majority of the Panel (B McDonald, P Smith and J Fielding) having considered legal advice and submissions provided by the parties and the report prepared by Council's planning assessment staff concludes that the subject site is not situated in an "accessible area" as defined by Clause 4 of State Environmental Planning Policy (Affordable Rental Housing) 2009 and accordingly the use is not permitted under the terms of the SEPP.

A minority of the members of the panel (N Gurrán and M lemma) were of the view that the proposal meets the substantive accessibility requirements of the SEPP due

to the number of bus stops and movements in close proximity to the development and therefore is able to be assessed under the provisions of AHR SEPP".

- Review garbage collection/procedure/ location - 17 bins placed on a blind rising corner is unsafe & may need a separate commercial/industrial operation especially when all of the roadside in front of the property will be parked out.

- Loss of amenity & privacy of neighbouring properties with children's swimming pool due to 3 top floor units (beds 32,33 & 34- eye level @RL84.330) with full floor to ceiling glass windows minimum 2400mm wide, also the common outdoor area noise which could reasonably accommodated 50 people due to no air conditioning in the rooms or building. There are a few small trees that may provide some cover but due to the size of the building & earthworks required to be undertaken they could fade away during construction.

- Retain Tree No.12 in the Arborist report. Out of the 24 trees identified on site only 1 is to be kept. The arborist has identified this tree to be in the "high retention value" section & states in the report "These trees are considered important for retention & should be retained & protected".

- The primary building setback of 6.5m on Binalong Avenue is correct. The secondary building setback of 3.5m on Jennifer Avenue is correct, but the Nargond Road setback of 3.5m is incorrect as they have used up their secondary setback allowance on the Jennifer Road side. The Nargong Road setback should revert to the primary setback of 6.5m to align with the existing street scape.

- Provide a safety egress report showing how disabled (wheelchair bound) tenants can safely get to & from the proposed commercial boarding house to the nearest public transport system . (Maybe the Council needs to do this for reasons listed below)

The applicant is only attempting to deal with disability access within the proposed building block. The slope from where the Binalong Road (non existent path) meets the disabled entry point is approx. 1 in 1.75 (2000mm height difference - see survey drawing). The maximum slope allowable is 1 in 14 for disable access. Would the Council let the applicant backfill approx. 1000mm on Council land to achieve compliance - I think not. Yet their BCA reports give this a CRA compliance readily achievable ? The 3D view drawing DA 050 - Section 3 "View up Binalong Avenue slope" has not represented this entry slope to the property properly (even though they had the 3d survey data file) & as such shows no way of entry into the property from Binalong Avenue, just a unbroken white picket fence. There needs to be a sectional view drawing across Binalong Avenue showing how entry into the property with the correct access slope is achieved. (See survey data vs artistic interpretation.)

What happens when these people get outside of the building? Who is responsible? Both reports provided by the applicant "Section J" (1.4) & "Access Assessment " (1.3) in their limitations section say "this report does not imply compliance with the Disability Discrimination Act".

If you look at how the applicant used the local character assessment to determine how their development fits into the local area, then we can also use this same

principle to see if there is an existing area that provides for people with disabilities & what control measures have been put in place to provide safe egress to & from public transport to place of residence /work.

The Sunnyfield Association & the Cerebral Palsy Alliance are located in Allambie Heights & is approx. 2-3 km away from this proposed development. They have fully paved footpaths & TRAFFIC LIGHTS to enable them to get safely across the road to public transport. These control methods used are considered mandatory.

The Council could impose a condition that requires the applicant to provide a concrete footpath to Council's specification from their proposed development site to the nearest bus stop but what about traffic lights in this location?

It would be considered ludicrous to ask a government department to install traffic lights (if at all possible) so a private commercial development can achieve compliance in a area that had the Council been able to address this application on it own merits without the SEPP intervention would never have seen the light of day.

The applicant has made their decision in haste & picked the wrong location to conduct their business.

If somehow this proposal manages to gets through without the above mentioned control measures in place & a disabled person gets severely injured or killed while trying to cross the busy Allambie Road, would the approving authority be deemed to have failed in their duty of care?

- The Council should apply a caveat on the title of the property denying any air conditioning to be installed in the future as this proposal is being assessed without any. If the applicant thinks this is too harsh, then a full energy audit of the proposal to Ausgrid standards should apply to determine if there would be any detrimental effects to existing residences with respect to voltage drop, current fluctuations & loss of inertia etc. in the power lines due to a potential excessive load being drawn to a single address in a residential area. It would not be unreasonable to expect that on a cold winters night when all the units were full & people were cooking on their stoves, using the heat mode on reverse cycle air conditioning, having hot showers, using the clothes dryer etc that 5kW+ per unit could be achieved. A total of 180kW+ could well be drawn compared to 2 normal houses on each of the blocks totalling approx. 20kW. Ausgrid may require additional equipment (applicant to purchase) to eliminate possible deviations in supply to local residences. Did the Ausgrid report take scenarios like this into account?

- Having viewed the low level of competency in the applicants' previous reports giving misleading information ie traffic & bushfire (traffic report didn't take into account local character of the area, bushfire report used wrong Building class , incorrect slope & possibly incorrect vegetation formation to obtain a false APZ?). I think the Council has every right to challenge the applicants BCA report wherever it sees "CRA" compliance readily achievable - if the report writer hasn't been given sufficient information to determine that the proposal fully complies , then they are unlikely to put doesn't comply as they want to please their client & get paid. No one would put a report in saying "Does not comply" so they can conveniently allocate these grey issues in the CRA designation whether it could comply or not & assume they can fix up after receiving approval. The report writer links Annexure C in the status bar to all the CRAs. Annexure C describes what needs to be achieved not how the applicant can achieve this in most cases. The BCA report should have 2 levels of verification by separate people. The "checked by" & "approved by" are the same person in this report. This is where mistakes occur. Out of the 269 clauses in

the "Deemed to satisfy assesment" in the BCA report only 10 are considered as complying & 122 are CRA & 1 of Further information needed, the rest N/A or noted. The ratio of CRA to complying clauses seems far to high.

Regards,

Tony Barnwell