

Attachment A

Letter from Applicant

The following reasons support deleting Condition 2(a):

- The building bulk has been reduced and the first floor amended twice to fully comply with the DCP overshadowing requirements, in ongoing consultation with Council;
- As shown in the attached plan, the first floor has been modulated and articulated, while also considering mutual privacy;
- The average weighted first-floor side setback is currently approximately 2.2m;
- The FSR of the proposal is unusually around 6% less than the LEP standard;
- The objective of the setback control in the DCP is to “Ensure that new development relates to the existing setback patterns”. The following table shows setbacks for all the properties in Coneill Place:

Property	Side Setback	Source
1	1100-1600mm	DA Plans
2	900mm	DA Plans
2A	900mm	DA Plans
3	900mm	DA Plans
3A	900mm	DA Plans
4	900mm	DA Plans
4A	900mm-1800mm	DA Plans
5	Varies	Varies
6	1500mm	CDC/visual
6A	800-1400mm	Visual/tape
7	800-1400mm	Visual/tape
9	Varies	Varies
9B	Varies	Varies
10	Varies	Varies

- The proposed setbacks at first floor exceed existing setbacks in the area, as shown in the table above;
- The proposal fully complies with the DCP overshadowing controls (demonstrated in detailed analysis provided to Council, as requested).

If the above request is not agreed, it is then requested the wording be changed to: “The **weighted** setback from the southern boundary is to be increased to 2.5m for the first floor”.

2. Condition 3 – Affordable Housing Contribution

The required contribution in Condition 3 is over \$213,000. After a quick review, I cannot see an error in the calculation, but ask Council and the Panel review the fairness and appropriateness of such an extraordinarily large contribution given:

- The proposal is for a replacement single dwelling;
- The Contribution Plan is aimed at increased demand for affordable housing and increases in density. The dwelling density is unchanged;
- No credit for the existing floorspace demolished is given and the existing dwelling and shed have an area of approximately 200sqm;
- The definition in the Plan is different to GFA and includes voids and wall thicknesses. If voids were excluded this would reduce the contribution significantly.

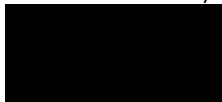
It is understood the Panel cannot change conditions that have a financial impact without prior consultation with the Council's General Manager. But it is hoped the Panel would agree that an affordable housing contribution of over \$213,000 for a replacement dwelling is astounding. It is also hoped Council staff can review this matter to find a more equitable outcome.

3. Condition 24 – Tree 15 TPZ radius

Our arborist has advised that the 11m TPZ radius from Tree 15 (a Canary Island Palm) is over-calculated in terms of the applicable Australian Standard. The following should be added after the table in Condition 24: *"The above radii from the trunk (last column) are approximate and shall be calculated in accordance with the Australian Standard 497p (2009). In the event of an inconsistency, the Australian Standard 497p (2009) shall prevail"*.

We look forward to your consideration and determination. As mentioned I am unable to attend the Panel meeting I am available by phone on 0448-413-558.

Yours sincerely



Jason Perica
Director