

Matthew Rosel - Shepherds Bay - Council Report 25 February 2014 and Proponent's Response to Council's Issues

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To: Matthew Rosel <Matthew.Rosel@planning.nsw.gov.au>, Ben Lusher <Ben.Lusher@planning.nsw.gov.au>
Date: 26/02/2014 2:05 PM
Subject: Shepherds Bay - Council Report 25 February 2014 and Proponent's Response to Council's Issues
CC: "Amy.Watson@planning.nsw.gov.au" <Amy.Watson@planning.nsw.gov.au>, "SueFrancis" <suef@cityplan.com.au>
Attachments: Proponent's Response to Council'sIssues_Concept Plan s75W_25 Feb 2014.pdf; Proponent's Response to Council'sIssues_Stage 1 s75W_25 Feb 2014.pdf; 2. Council Report re refusal Feb 2014.pdf

Hi Ben and Matthew,

I am writing with regard to the Shepherds Bay s75Ws, which was considered by Council at their meeting yesterday. The Council officers report is attached for your reference.

Also please find attached two documents prepared on behalf of the Proponent for your consideration. These documents address the issues raised in the Council officer's report in relation to the S75W Modification Application for the Concept Plan and the Stage 1 Project Application.

This document aims to provide a summary overview of changes, why they were made and what they mean in terms of the final buildings.

We appreciate your consideration of Council's report and the Proponent's response to the issues raised.

At this time, are you be able to indicate when your assessment of the proposals will also be available? Thank you for your ongoing assistance with this project.

Please feel free to contact me with any queries.

Regards,

Holly Palmer
 Senior Project Planner

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PROPONENT'S RESPONSE TO COUNCIL'S ISSUES – CONCEPT PLAN S75W (Shepherds Bay)

During detailed design deliberations, changes to the levels of buildings and the relationship of the buildings to the public domain have resulted in the need to seek a formal modification of the approval.

This document aims to provide a summary overview of changes, why they were made and what they mean in terms of the final buildings.

There is a change in the total number of apartments proposed, responding to market testing indicating a higher demand for a smaller product; however this is balanced with a reduction in overall bedroom and parking space numbers, in line with promoting the site's close proximity to public transport and the existing stressors of the road network during the peaks.

The application seeks the increase of height of only one corner of one building, in comparison with the permissible heights.

Changes to Yield

The proposed modifications result in a **reduced** yield both in terms of parking and bedrooms due to a change in the dwelling mix. The PAC did not specify dwelling mix and size in the Concept Approval being cognisant of enabling the development to be responsive to the market. This is demonstrated in the Table below.

	Apartments	Bedrooms	Car Parks
As Approved (Stages 1-5)	805	1,649	2,213
Proposed (as per Stage 1 S75W & Stage 2-5 Pre-DAs)	991	1,416	1,790
Difference	+186	-233	-423

Indicative Staging

Indicative staging has been amended so that the 3,000sqm park is delivered when it will be safe and comfortable for it to be used, after the surrounding buildings are built and not during construction.

Building Heights to Constitution Road

The building at the corner of Belmore Street and Constitution Road is a main entry point to the site and surrounding road network, and design advice suggests this should be afforded the opportunity to be architecturally designed to its full 6 storey height for this minor corner point at this location. This is seen as a better urban design outcome.

Basement Levels above Ground Levels

Where the site slopes excessively to the foreshore, the concept plan incorporated basement levels to be 1m above finished ground level; this resulted in blank walls and an unattractive design solution. The design of the building has now been enhanced so that ground floor units and commercial premises can be incorporated, providing a more active and attractive outcome.

Compliance to Building Height Map

Other than the Constitution Road corner (discussed above) no increase to the approved RLs (height) is sought. Storeys will only change due to lower level units being located level with the public domain links.

This modification gives Council the ability to determine the acceptable levels, by way of this flexible condition.

ESD Targets

The proposed wording in this condition seeks flexibility in applying the extensive guidelines whilst also satisfying the industry wide BASIX Commitments.

Condition 21 Residential Amenity

The building shape and orientation was approved by the PAC. It assumed a level of amenity where most units have a water view. The proposed modifications maintain that same level of amenity.

Delivery of the Community Space

The Concept Approval does not require a specific area. The proponent is happy to maintain dialogue with Council for the community space, subject to it being delivered at an appropriate stage.

Amended Statement of Commitments

The SoC have been updated to reflect the revised indicative staging references, and **do not seek to change these requirements.**

Housing Choice – this item is **not proposed to be amended.**

Road Verges and Footpaths – noted.

Publicly Accessible Open Space - the Proponent is committed to continuing to engage with Council's officers to form an acceptable foreshore link, and consider its construction staging.

Road Works – the SoC has been revised to reflect the Concept Approval, with several key items conditioned within the approval. The Proponent is open to considering these items with Council's officers during ongoing discussions.

Voluntary Planning Agreement

It is noted that the s75W does not relate to a VPA.

Correspondence from Council re the Proposed Road Connection

The items raised in this letter are subject to continued detailed consideration. The Proponent is happy to continue to engage with Council to resolve these issues with regard to the public domain and infrastructure.

Suggested Resolution Option 3:

That the Council note the matters in the report and that staff be encouraged to maintain their consultation with the proponent to ensure the issues relating to the public domain are to Council's reasonable satisfaction.

PROPONENT'S RESPONSE TO COUNCIL'S ISSUES – STAGE 1 PROJECT APPLICATION S75W (SHEPHERD'S BAY)

During detailed design deliberations, changes to the levels of buildings and the relationship of the buildings to the public domain have resulted in the need to seek a formal modification of the approval. This document aims to provide a summary overview of changes, why they were made and what they mean in terms of the final buildings.

Foreshore Link

The design considerations of the foreshore link has resulted in amendments to the levels and accessibility through the link and adjoining units at those levels. The proposed modifications reflect the Proponent's interest in seeking a balance between maintaining public access to the foreshore and resident access to the public domain in a way that will enhance and help develop a sense of community.

Relationship with the Public Domain

The overall public domain treatment is improved, and the adjoining units maintain the amenity as approved by the PAC building envelopes and orientation of the buildings. The proposed modifications create a sense of connection between the private and public spaces.

As demonstrated in the section below (taken along the Foreshore Link and showing the western elevation of the Stage 1 building) the **red line** demonstrates the Ground Line as per the approved Project Application. The proposal seeks to adjust the ground line to provide disabled access to lift lobbies and throughout the Foreshore Link. Thereby improving the public domain treatment and accessibility whilst maintaining the overall RL height.



Dwelling Yield

Car Parking

The amendments to the Project Application involve a change in dwelling mix which does increase parking and bedrooms for this Project, as shown in the Table below. The increase in dwelling numbers reflects a change in the dwelling mix, not an increase to additional GFA to the value of 39 apartments. Only the equivalent of 12 additional units worth of GFA at the lower levels are proposed.

Stage 1	Apartments	Bedrooms	Car Parks
As Approved via Cond B2	207	392	246
Proposed s75W	246	444	342
Difference	+39	+52	+96

However, overall as per the table below the yield for the whole concept site (Stages 1-5) is reducing.

Stages 1-5	Apartments	Bedrooms	Car Parks
As Approved (Stages 1-5)	805	1,649	2,213
Proposed (as per Stage 1 S75W & Stage 2-5 Pre-DAs)	991	1,416	1,790
Difference	+186	-233	-423

Dwelling Amenity

The amended design maintains the approved building envelopes and. The dwellings maintain the amenity as approved by the PAC where most units have a water view.

ESD Measures

The proposed wording in this condition seek flexibility in applying the extensive guidelines whilst also satisfying the industry wide BASIX Commitments.

Disabled Access

The design **increases** the areas which are accessible for people with disabilities to the foreshore link public domain and introduces disabled access to all lift lobbies from the foreshore link public domain.

Rewording of Condition B27

The modification seeks flexibility in terms of certification consistent with the EP&A Act 1979.

Amended Statement of Commitments (SoC)

Publicly Accessible Open Space

The Proponent is committed to continuing to engage with Council's officers to form an acceptable foreshore link, and consider its construction staging.

Waste Management Plan

This commitment is not proposed to be modified.

Construction Management Plan

This Construction Management Plan can be referenced as requested.

Suggested Resolution Option 3: That the Council note the matters in the report and that staff be encouraged to maintain their consultation with the proponent to ensure the issues relating to the public domain are to Council's reasonable satisfaction.