

06232
3 September 2007

Mr Jason Perica
Executive Director
Department of Planning
GPO Box 39
Sydney 2000

Dear Jason

**MAJOR PROJECT APPROVAL NO.MP 06_0094 – CONCEPT PLAN FOR ANGLICAN
RETIREMENT VILLAGES AND STOCKLAND RESIDENTIAL DEVELOPMENT AT SANDON POINT**

I refer to the Major Project Approval No.MP 06_0094 and in particular to the Concept Plan approval for a retirement village on land at Bulli near Sandon Point.

We are writing on behalf of the proponent, Anglican Retirement Villages (ARV), to advise you of our intentions in relation to satisfying the intent of Condition B4 – Design Excellence of the Major Project Approval and seeking a modification to the condition in the delivery of design excellence.

Condition B4

Condition B4 of the Major Project Approval states the following:

- “(1) The Statements of Commitments are to be modified to include measures outlined below.*
- (2) The Proponent commits to holding a design excellence competition for any building proposed to take advantage of the maximum FSR and heights permitted by the Sandon Point Concept Plan, as modified.*
- (3) The Proponent shall establish a jury panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:*
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*
 - (d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.*
- (4) The Proponent is to submit the report of the jury panel as part of any future application for development.*
- (5) For the purposes of this modification, a jury panel:*
 - (a) means a 5 member panel comprised of appropriately qualified design professionals chaired by a registered architect, and*
 - (b) may include an officer of Council.”*

In essence, Condition A4(b) requires that for any proposal to take advantage of the additional built form controls beyond the 0.5:1 FSR and maximum height of 3 storeys, design excellence must be demonstrated in accordance with Condition B4. These measures comprise:

- a design excellence competition;
- a jury panel of 5 appropriately qualified design professionals chaired by a registered architect and a report from the panel; and
- specific design excellence considerations for the jury panel.

ARV'S PROPOSAL FOR DESIGN EXCELLENCE

ARV proposes to satisfy the intent of Condition B4 and deliver design excellence by:

- relying on the competitive tender process conducted by ARV in 2005 for the selection of the lead architect for the project at the concept plan stage; and
- establishing a design review panel to review and prepare a design excellence report on the architectural plans for buildings in the project application stage.

Competition Tender

In the process of engaging suitable architects to prepare the Concept Plan ARV engaged in a rigorous tender process, whereby three architects were required to submit a detailed concept design as part of their tender.

In preparing their proposed concept plan for the site each architect was required to take in to consideration the site's constraints and opportunities and to exhibit options for outstanding architectural design to provide a greater level of detail to the concept plan. A copy of the tender brief and the client design brief is attached at **Attachment A** for further reference.

Design Review Panel

In recognition of the requirements under Condition B4, ARV has engaged a group of experts to form a Design Review Panel, which is considered the same as the requirement for a jury panel. The Panel are required to review and critic the proposed detailed designs for the proposed development for the project application in accordance with the Concept Plan and the design considerations stated in Condition B4(3).

The Design Review Panel has been setup and operates in accordance with the guidelines/terms of reference included at **Attachment B**, and includes the following members:

- Mr Peter Lonergan – Architect (Chair)
- Prof. Peter Droege – Urban Designer
- Ms Oi Choong – Landscape Architect
- Mr Matthew Fraser – Barrister
- Mr Andrew Robinson – Town Planner

The first of two Design Review Panel workshops was carried out on 23 August 2007. This workshop provided the opportunity for the Jones Sonter Architects to explain design options that were explored and outline the design philosophy of the proposed architectural designs. In response, the Design Review Panel will issue a report of their findings and a further workshop will be held to provide detailed feedback to ARV and Jones Sonter Architects and to canvass improvements to the proposed designs.

Between workshops, the Panel shall issue an interim report which responds to details, issues and queries raised during the first workshop. The Panel shall then deal with the architect's response to the interim report with sketch design responses prepared by the Panel members and collated by the Panel Chair. This will allow a contiguous process whereby the architect incorporates Panel's recommendations, or provides responses, during the design development process.

It should be noted that this process has been commenced due to the logistics of arranging all panel members to meet at the one time.

ARV acknowledges the importance of excellence in design and in satisfying the intent of Condition B4, and believes that the abovementioned proposal delivers design excellence and satisfies the intent of the condition in a reasonable and practical way.

At this stage in ARV's planning and detailed design process, the requirement in Condition B4 for a design competition at Project Application stage is impractical and unreasonable for the following reasons:

- ARV has already conducted a competitive design process in the selection of its preferred architect which involved the preparation and evaluation of concept designs by three architects.
- Following this competition process, ARV have entered into contracts with the design consultants. Another design competition would be an unreasonable imposition on ARV's existing contractual obligations with its architect and consultants which were finalised a year prior to any suggestion of a government requirement for a design competition in the process. Were ARV aware that a design competition would be required prior to the design development phase of the project, it would have drafted consultant contracts accordingly.
- Following their appointment, the selected architect was required by ARV to test a number of options based on their winning design. The purpose of the different options was to examine the impact of such issues as block size and orientation on the configuration of the village and how the resultant physical arrangements would affect individual ILU amenity and the overall quality of the community spaces. The outcome of this process of rigorously testing the initial design was a scheme which formed the basis of the proposed building envelopes that set the building form controls for the Concept Plan.
- As it now stands, contracts are in place and the requirement for another design competition at this stage would in effect be repeating the steps in ARV's planning and design process.

Conversely, in accordance with the intentions of Condition B4 the proposed Design Review Panel process will aid in providing quality feedback to ARV and Jones Sonter Architects in order to:

- improve the development's design; and
- qualify that design excellence is achieved in accordance with the parameters set out by B4(3).

PROPOSED MODIFICATION TO CONDITION B4

In order to implement ARV's proposal for design excellence, we intend to lodge a request to the Minister to modify Condition B4 of the Major Project Approval by replacing the requirement for a design excellence competition and jury panel with a requirement for a Design Review Panel to comment on a project application for any building in a way that is consistent with the related provisions in SEPP 65 - Design Quality of Residential Flat Development.

We propose to lodge a request to modify Condition B4 as shown below with deletions struck through and additions underlined:

- “(1) *The Statements of Commitments are to be modified to include measures outlined below.*
- (2) *In circumstances where a design review panel established under SEPP 65 – Design Quality of Residential Flat Development does not consider a building on the ARV site, the Proponent commits to ~~holding a design excellence competition~~ conducting a design review panel for any building proposed to take advantage of the maximum FSR and heights permitted by the Sandon Point Concept Plan, as modified.*
- (3) *The Proponent shall establish a ~~jury panel for the design excellence competition~~ design review panel that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:*
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*
 - ~~(d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.~~*
- (4) *The Proponent is to submit the report of the ~~jury panel~~ design review panel as part of any future application for development.*
- (5) *For the purposes of this modification, a ~~jury panel~~ design review panel:*
- (a) means a 5 member panel comprised of appropriately qualified design professionals chaired by a registered architect, and*
 - (b) may include an officer of Council.”*

ADVICE FROM DEPARTMENT OF PLANNING

It would be greatly appreciated if the Department could provide us with comments on ARV's proposal for design excellence, and advise on whether we should submit a formal request for the Minister to modify Condition B4 immediately or as part of the Preliminary Environmental Assessment Report for the first Project Application for the ARV site.

Please call me on 9956 6962 if you would like to discuss this matter.

Yours sincerely



Amanda Harvey
Principal Planner

Enc. **Attachment A** - Architect's tender brief and the client design brief
Attachment B - Design Review Panel guidelines/terms of reference