



13466  
27 May 2014

Mr Angelo Falato  
Manager Development Services  
Mosman Council  
573 Military Road  
MOSMAN NSW 2088

Dear Angelo,

We write to you on behalf of Centuria (the Applicant) in regard to the Development Application (DA) for a mixed-use residential development at 339 Military Road, Cremorne DA Reference number (008.2014.00000042.001).

As you are aware the DA was submitted to Mosman Council on the 11<sup>th</sup> March 2014 and subsequently placed on public notification for a period of 14 days between the 24<sup>th</sup> of May and 11<sup>th</sup> of April 2014. A number of submissions were received expressing both support and objection to the proposal.

From our correspondence with Council officers to date we understand that a meeting date of 10<sup>th</sup> June 2014 has been arranged with the Sydney East Joint Regional Planning Panel (JRPP) to determine the application, although this has not been confirmed formally with the applicant or ourselves. We understand that Council is unwilling to engage in any meaningful dialogue or negotiations on the DA, but would rather finalise the assessment report on the current scheme and present this to the JRPP in early June.

We reaffirm that it has always been our desire and intention to consult and collaborate with Council in seeking an appropriate and acceptable design outcome for the site. The Applicant, who has owned the property for over a decade (and other properties in the municipality), has spent a considerable amount of time and effort developing a measured, well considered DA. The Applicant has met with Council on several occasions and the adjoining owners many times and has altered its DA in direct response to issues raised. As you are aware the Applicant engaged a top tier, pre-eminent architectural and urban design team to work up the scheme.

The applicant is disappointed with Council's unwillingness to contact them or work with them during the assessment process.

Given the above the applicant has been unable to obtain a clear understanding of Council's concerns and have therefore been unable to definitively identify what amendments, if any, they might undertake to the proposed building.

The purpose of this letter is to identify and respond to some of the key matters raised in the submissions. We request that Council consider this response as part of their consideration of the application before preparing the report for the JRPP.

In total approximately 60 public submissions and two local and state government agency submissions (both positive and negative) were received in response to the public notification of the SEE. We provide a response below to some of the more prominent concerns raised in the submissions. These include:

- Building height, bulk and scale;
- FSR and density;
- Residential amenity, solar access and overshadowing;
- Heritage Impacts;
- Impacts on the character of the surrounding area; and
- Traffic and parking.

We discuss each of these matters below and advise that the response below should be read in conjunction with the accompanying supporting documents:

- Letter prepared by Bates Smart (**Attachment A**);
- Supplementary urban design statement prepared by Architectus (**Attachment B**);
- Supplementary Statement prepared by OCP Architects (**Attachment C**); and
- Supplementary traffic statement prepared by Colston Budd Hunt and Kafes (**Attachment D**).

### **Building Height, Bulk and Scale**

A number of submissions raised concerns with the height, mass and scale of the proposed building, in particular that the height of the proposed development is not compliant with the numerical height control for the site.

A request to vary the development standard under Clause 4.6 of the *Mosman Local Environmental Plan 2012* (MLEP) accompanied the DA. This document together with the independent Urban Design Study prepared by Architectus and their supplementary statement (**Attachment B**) demonstrates that despite non-compliance with the numerical height standard, the proposed building satisfies the relevant building height objectives under Clause 4.3(b) of MLEP. Of particular relevance was the fact that:

- a) The height of the existing building is similar to that of the proposed building. While the existing building does not have as much building mass at the upper levels, nonetheless it is of a similar height and has an incongruous design that clashes with the surrounding area and fails to make a positive contribution to the street. The proposed development represents a substantial improvement on the existing building.
- b) The proposal will improve visual and physical links with the Cremorne Junction Business Centre.
- c) The existing surrounding area, particularly along Military Road, is already characterised by a number of buildings that are 5 storeys and above.
- d) The building will reinforce the street wall and contribute to the creation of a more cohesive streetscape whilst providing activation to Military and Belmont Roads.
- e) The building will contribute to the northern gateway entrance to the Cremorne Junction Business Centre, whilst also acting as a western entrance to Mosman LGA when travelling east along Military Road.
- f) The development is consistent with Clause 4.3.4(h) of the Mosman Business Centres DCP which seeks to '*Enhance the business centre with landmark buildings on corner sites and significant landscaping*'.

We also raised other important points, such as the fact that

The preliminary design that was originally presented to Council had height, bulk and scale along the common boundary with Alma House, however after consultation with the adjoining owner the proposal was significantly altered so as to transfer the building mass to the Military Road frontage.

Despite the above the Applicant together with the design team has investigated ways that some of the submitter concerns may be addressed through amendments to the building design, and is willing to work with the Council to identify an appropriate design solution.

### **FSR and Density**

Submissions raised concerns about the proposed Floor Space Ratio (FSR) being non-compliant with the FSR control under MLEP. At present the proposed development has a FSR of 2.2:1 which exceeds the 2:1 numerical standard for the site, though not by any significant amount.

A request to vary the development standard under Clause 4.6 of MLEP accompanied the DA and illustrated that despite the numerical non-compliance, the proposed FSR was appropriate as the development still satisfied the relevant FSR objectives under Clause 4.4 of MLEP. In particular it is noted that:

- The proposal is for a high quality mixed-use building that responds to other buildings within the local area, in particular those that characterise Military Road many of which are five storeys and above.
- The site is a prominent corner site with frontages to Military Road and Belmont Road and is therefore a highly suitable and appropriate location for a building of greater scale reinforces this corner location. The design solution proposed is also consistent with Clause 5.1 of the DCP which states that *'A greater building height and bulk is generally encouraged on larger sites located near to public transport'*.
- The additional scale being sought will be used to deliver new residential apartments and in this regard will contribute to achieving the Council's residential strategy and provide opportunities for economic growth.
- As illustrated in the architectural plans by Bates Smart and Urban Design responses prepared by Architectus, the proposal does not prevent any of the surrounding buildings from receiving a minimum of two hours sunlight during mid-winter.

In light of the above, the proposed minor variation to the FSR control is considered reasonable and acceptable in its current form. The applicant is however open to engaging in a dialogue with Council with the intention of achieving a mutually acceptable design outcome.

### **Residential Amenity, Solar Access and Overshadowing**

Submissions raised concern about the potential for the building to result in the loss of sky views to Alma House, solar access and overshadowing impacts.

Shadow diagrams submitted with the DA illustrated that the overshadowing caused by the proposed development is not of a scale or area that significantly exceeds the impacts caused by the existing building or that of an MLEP compliant scheme.

The proposed 'L' shaped building relocates building mass to the front of the site which allows for the creation of a central open area. This site layout and massing differs from the existing building and allows for an increase in sunlight to the courtyard and the rear yard of Alma House as well as a greater extent of sky views. The relocation of building mass to the front of the site does result in some additional overshadowing during the earlier parts of the day, this is considered to be acceptable however as there will be an overall net gain in sky exposure and solar access, particularly to the rear of the property. Despite what may have been alluded to in submissions the Applicant has consulted extensively and over a protracted period of time with the neighbours of Alma House.

In addition to the above we note that the shadow study diagrams included in the Urban Design Report, submitted with the SEE, illustrated that a compliant scheme would not provide any significant reduction in overshadowing.

## Heritage

Concerns were raised about the potential impact of the proposed development on the heritage significance of the adjoining State Heritage listed Alma House, of particular concern was the potential for the proposed building to restrict views to and from Alma House from Belmont and Military Road.

As highlighted in the accompanying statement prepared by Architectus & OCP Heritage Consultants, views to Alma House from Belmont and Military Road are primarily partial narrow angled views through existing mature trees. The substantial setback of Alma House and the 'kink' in Belmont Road results in predominantly screened or hidden views until standing directly in front of the building.

In light of the findings of the view analysis it is clear that the proposed development will have a minimal impact on views to Alma House.

With respect to the siting and design of the building and its relationship to Alma House it is noted that the inclusion of a central open space will provide a greater sense of setback and curtilage to Alma House than the existing building and in this sense will improve the relationship between these two sites. The proposed development is therefore considered to be acceptable in this regard.

## Character of the Surrounding Area

Concerns were raised regarding the potential impact of the proposal on the character of the surrounding area. These concerns were predicated on the building's scale and design and the belief that this would adversely impact the lower scale residential character of Belmont Road and Glover Street.

The proposed building design does not include a 45 degree height plane as per the DCP, but rather unapologetically presents as a solid street wall to Military Road. The design solution proposed is a deliberate response to the site's Military Road context and its highly prominent corner location. The Military Road frontage incorporates a recessed fifth storey to articulate the building and reduce its perceived bulk and scale whilst achieving the intent of the 45 degree height plane control. The proposed built to boundary design is therefore considered to represent the most appropriate solution for the site.

The building design becomes more residential in its expression as it turns the corner to face Belmont Road. This has been achieved with through the incorporation of different materials and façade treatments, in particular the terrace units, which support an architectural form that is complementary and responsive to the character and scale of existing dwellings within Belmont Road. Further to this it is noted that the 'kink' in the street results in the site being somewhat visually divorced from the rest of Belmont Road. As a result additional scale in this location has limited, if any, impact on the visual character of Belmont Road as a whole.

The building will also not be visible from the Glover Street streetscape and the impact on character in this regard is therefore not a consideration.

## Traffic and Parking

Submissions raised concern that the proposed development would result in additional traffic impacts on the local road network. A supplementary statement on traffic, and additional quantitative traffic analysis, has been prepared by CBHK and is provided at **Attachment D**. As set out in this statement:

- The existing building is largely unoccupied and therefore traffic generation from the site is currently minimal.
- The existing building has a total commercial GFA of 4,100m<sup>2</sup> and based on RMS trip generation rates, when fully occupied would generate some 85 vehicles per hour two-way during peak times.

- In comparison the proposed mixed use development is estimated to generate some 35 vehicles per hour two-way during the morning and afternoon peak periods, being some 50 vehicles per hour (two-way) **less** than the existing commercial development.
- The proposed development will provide 96 spaces in comparison to the 102 spaces required under the RMS parking guidelines. A shared parking arrangement for residential visitors and the non-residential uses is proposed, which as demonstrated in paragraph 11 of the CBHK statement is sufficient to cater for the expected future demand.

In light of the above the proposed development is considered to be acceptable from a traffic and parking perspective.

#### **Other Matters**

- The Applicant, after a request by and consultation with the adjoining owner, offered to remove the existing electrical substation from its position directly in front of Alma House, to an alternate location within the proposed new development (at considerable cost to the Applicant);
- The Applicant also consulted with the adjoining owners landscape designer and agreed to a revised landscape design along the boundary to accommodate the requirements of the owners of Alma House (again, at its cost);
- The owners of Alma House negotiated a financial compensatory amount with the Applicant for extinguishing the shared Right of Way and the inconvenience of the development, pending the outcome of the DA process;
- Several issues raised and assertions made by some submissions, particularly by the adjoining owners and others, are, in our opinion factually inaccurate. However we have not sought to address these in this letter, except to make mention of them in the absence of being able to meet with Council to discuss or set right.

#### **Way Forward**

This letter seeks to respond to some of the matters raised by submitters in response to the public notification of the application. Despite no modifications to the proposed scheme being proposed at this time the applicant recognises there is some concerns within the local area and has, with its design team, investigated ways that these concerns may be addressed through amendments to the building design.

As outlined in this letter the Applicant extends again a willingness to work with Council to gain a clearer understanding of the exact nature of these concerns and develop a design solution that responds to the key issues and which is mutually acceptable. We would appreciate an opportunity to meet with Council at its convenience to discuss the proposal prior to any further advancement in the building design.

We trust this is what you require at this stage, and look forward to hearing from you. Please contact myself or Ben Craig (Principal Planner) on 9409 4953.

Kind Regards



James Harrison  
Director

C.C.

Centuria – Andre Bali, Head of Development

Centuria – Nicholas Collishaw, Director

Bates Smart – Guy Lake, Director

Architectus – Michael Harrison, Director

OCP Heritage – Otto Cserhalmi, Director