

APPENDIX P

Review of the Town Centres DCP and Belmont Area Plan for 32 Brooks Parade Belmont



Brooks Parade

INTRODUCTION

The purpose of this review is to provide a Council staff strategic land-use perspective on the provisions of the Town Centres DCP and the Belmont Area Plan as it applies to the assembled site known as 32 Brooks Parade, Belmont.

The intention of the review is to determine if the process and provisions outlined in the Council's Town Centres DCP and the Belmont Area Plan (2012) in its current form can support a viable development of this significant site in Belmont, or if the Area Plan requires amendment and re-exhibition.

The view of the SEPP 65 Design Review Panel, Councillors and the community may vary from the Council staff perspective presented in this review.

Background

The Subject Site comprises 13 lots (mostly used for residential purposes) in a high amenity location on the western edge of Lake Macquarie within Belmont town centre. The site is bounded by Brooks Pde, Sharp St, Edgar St and the midblock stormwater channel from Edgar to Brooks Parade (see figure opposite).

Council's Town Centres DCP adopted in 23 July 2012 includes both general town centre provisions and specific block layouts for the Site within the Belmont Area Plan.

Council previously received a proposal from Illawarra Retirement Trust for a Seniors Living development on the site, and the current proposal from Coeve Design is for a mixed use commercial and residential development. It is noted that neither proposal was formally lodged as a development application to Council.

Council's SEPP 65 Design Review Panel has previously provided comment on both the IRT Seniors Living proposal and the current Coeve Design proposal in relation to the 10 design principles in SEPP 65 and the Residential Flat Design Code provisions. The DRP has consistently emphasised the need for an urban design analysis of this significant site to inform the scale, massing and character of a development proposal.

The current proponents maintain that the assembled site is too small and irregular in shape to deliver a viable development that meets the 4 tower concept and the building massing envisaged in the Belmont Area Plan, without a relaxation of one or more of the DCP controls and possibly the RFDC provisions under SEPP65.

Council's Integrated Planning Department has used information and analysis submitted for pre-lodgement meetings about the previous IRT Seniors Living proposal and the current Coeve Design proposal to prepare this review.

SEPP65 Design Quality of Residential Flat Development

Under State Environmental Planning Policy 65 a residential flat building must address 10 specific design quality elements and the more detailed requirements of the Residential Flat Design Code. The RFDC provisions apply to any residential flat building of 3 or more storeys or any development of 4 or more dwellings excluding villas, townhouses and hostels.

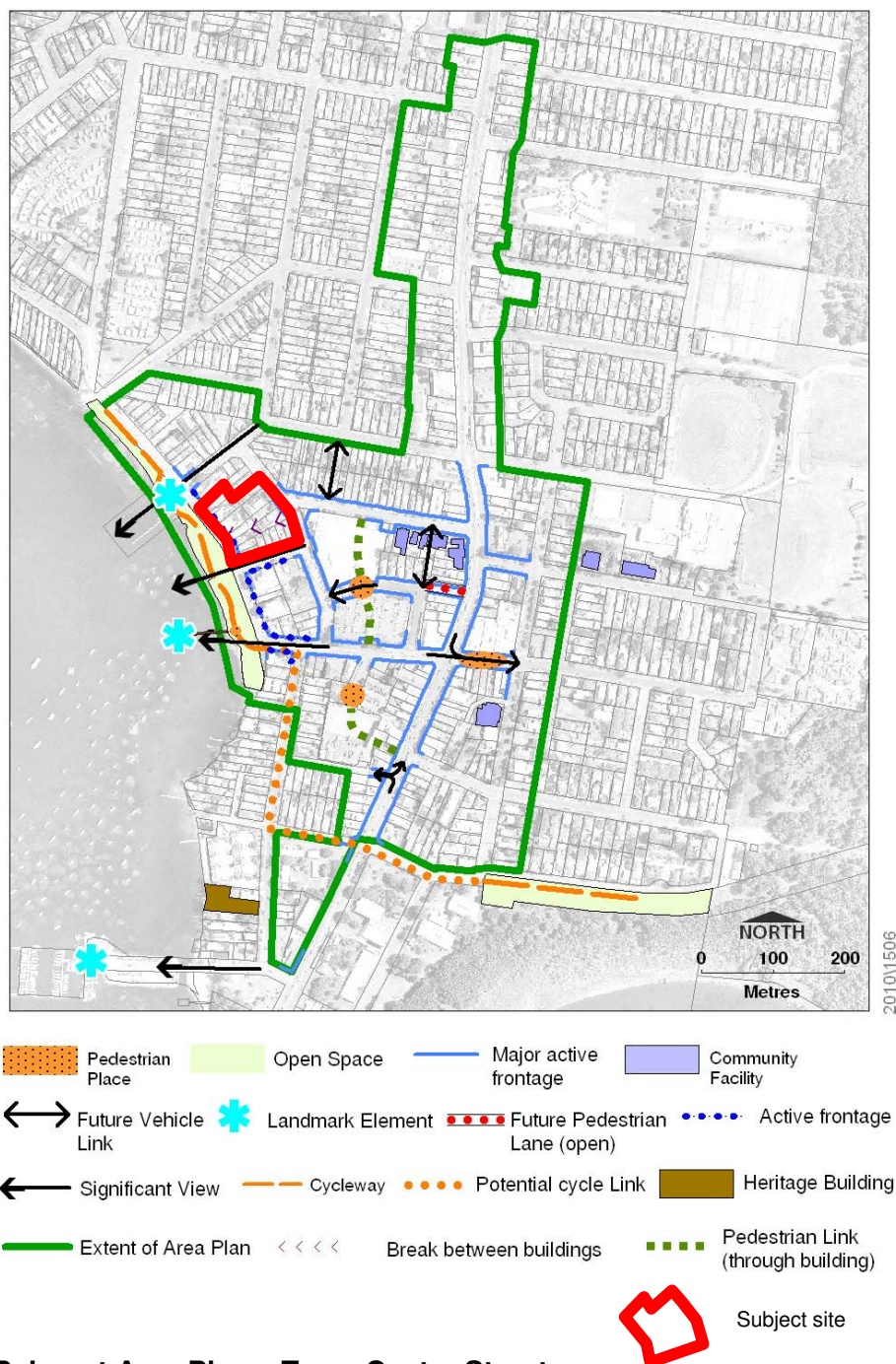
SEPP 65 and RFDC are higher level planning policies that guide Council's DCP. The RFDC was developed as an important resource to be used by Council's for creating plans relating to residential flat buildings.

A Council Plan is required to align with the RFDC requirements rather than override, reduce or negate any RFDC requirements.

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Any reduction to the SEPP65 RFDC requirements(including building separation distances) in a Concept Plan proposal may be justified in a Development Application and considered in the merit assessment process.

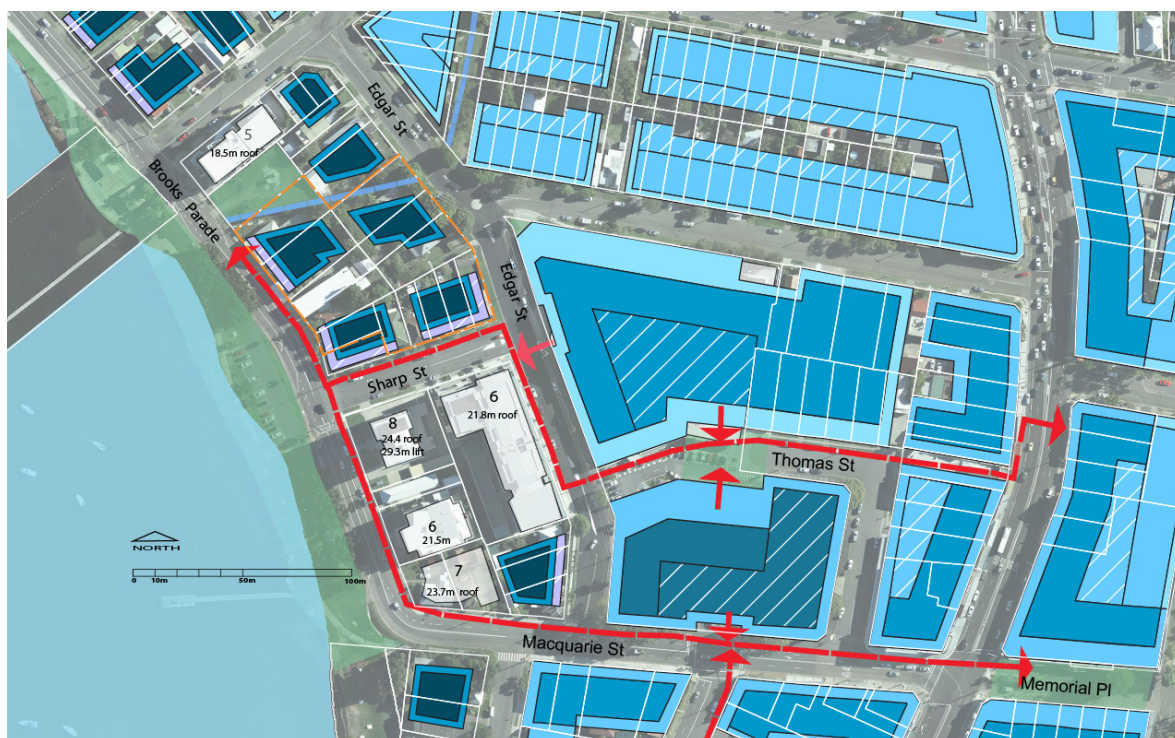
However this document and a DCP cannot fetter the consideration of SEPP 65 and the RFDC by the SEPP 65 Design Review Panel and Council's assessing officers at the DA stage.



Belmont Area Plan – Town Centre Structure

URBAN DESIGN CONSIDERATIONS

The following urban design considerations for the Brooks Pde site are derived from the existing Area Plan, the Residential Flat Design Code and the previous Design Review Panel commentary.



Site Context

Brooks Parade is emerging as precinct of higher commercial-residential mixed use buildings located between the future retail core (Pacific Highway Macquarie Street, Herbert Street and Edgar Street) and the lake and foreshore.

Buildings are generally higher than the remainder of the centre but are separated to maintain a permeable zone between the town core and the foreshore leisure area. The recent Wharf Apartments development on Edgar St is an exception and creates a continuous built mass along Edgar St to the Sharp St corner.

Sharp and Macquarie St are the most direct pedestrian and vehicle connections from the retail core to the Lake foreshore.

Diagrams

1. All diagrams are for illustration purposes and not to scale.
2. Minimum setbacks and building separations are as detailed in following text and these are shown diagrammatically on plan views.



Subject Site

Isolated Lot

The assembled site does not currently include the corner lot at 44 Brooks Parade despite extended efforts of the owners of the assembled Site to acquire this property. This review assumes that agreement cannot be reached regarding purchase of the isolated lot and explores an alternative approach to the Sharp St and Brooks Pde corner.

TOWN CENTRES DCP PROVISIONS

Concept Plan Sites

The Town Centres DCP adopted by Council 23 July 2012 (the DCP) includes both general provisions in Part 2 and locality specific provisions in the Belmont Area Plan section of the document.

The site at 32 Brooks Parade (the Site) is identified as a Concept Plan site in the Belmont Area Plan. The Town Centres DCP specifies a particular process for any Concept Plan site, in recognition of the scale and significance of these larger and strategically located sites.

The intention of this process is to provide more surety for the applicant and Council about the main parameters of the development before proceeding to detailed design stage.

The process involves

1. undertaking a thorough urban design analysis of the site and its context
2. using the outcomes of the analysis to guide the location massing and height of green space, the podium, the buildings and the space between building
3. developing a Concept Plan that indicates extent of deep soil, site access points, extent and height of podium, extent of building footprints, building heights, transition from street to podium and open areas.
4. preparing and lodging the Concept Plan proposal as a Stage1 DA.
5. a merit based assessment of the Stage 1 DA.

The results of urban design analysis may highlight conflicts between controls in the Area Plan. As a result the Concept Plan may present a scheme that includes variations from the current Area Plan controls such as additional height or reduced building separation and setbacks that would meet the objectives of the Area and support a viable development to be assessed on its merits.

DCP and Yield

The current provisions in the DCP have a direct bearing on the development form, height, bulk and therefore potential yield of a proposal.

The previous DCP 1 provisions for the Site included a 3 storey height limit on the lots facing Edgar St and a 4 storey limit on lots facing Brooks Parade with potential for up to 6 storeys for a building of architectural merit. No guidance was provided on building footprints or separations.

The current Belmont Area Plan allows 6 storeys on all lots. At the same time it indicates a significant gap through the site in the east – west direction. Generally it is agreed that the potential yield of the site has increased compared to the provisions in DCP 1.

The calculations provided by Coeve Design demonstrate that an FSR of 2.0 is achievable on the subject site under the current Area Plan and site controls. This is less than that achieved by other recent nearby developments such as the Santorini development (FSR of 3.28) at 24 Brooks Pde and for the Wharf Apartments (FSR of 3.91) in Edgar St.

This may be attributable to a combination of

1. the Area Plan block controls for the subject Site,

2. Different site constraints or characteristics and
3. variations to development controls approved in the merit assessment process for the existing developments.

Only the first issue is addressed in this review.

Social and Economic Factors

Belmont locality includes a TAFE, local hospital, retail services including 2 supermarkets and associated specialties, professional services, the lake and sailing facilities, cycling and the Fernleigh Track, beach and surf attractions, Belmont Sporties Club, Belmont 16 footers, recreation events and more immediately the Brooks Pde foreshore.

The economic and social factors that affect liveability and the demand for residential and commercial floor space in Belmont would have a direct bearing on the target market, the project scheme and its feasibility.

Given demographic change and housing mobility a site of this size has the potential to lead a change in the demographic mix and social fabric of Belmont. An economic analysis could explore where are the emerging markets? would younger singles and couples rent or buy in Belmont given the local attractions and access to employment? is there a demand for serviced apartments?

A justification of the social and economic benefits of the proposal would be considered at the Development Assessment phase and are not specifically part of this review.

Ground Floor Uses

Ground floor uses might include retail or other non-residential uses such as health and lifestyle facilities, offices or professional consultation rooms. The potential commercial operations on the site could include health and recreation facilities, lifestyle services or classes, personal services, café or restaurants, or professional offices and consulting rooms.

Market Demand for Parking

The DCP stipulates parking generation rates. These are considered as the desired quantum of parking for each use currently adopted by Council.

The proponent argues that the vast majority of people that will reside in a multi storey mixed use development in this location will own a car. As such, if insufficient car parking is provided on site, residents will be forced to park in the streets or in the visitors and commercial car parks. Coeve states that additional car parking over and above the minimum standards in the DCP should be encouraged even if it involves a larger basement area than could be constructed if the strict interpretation of the DCP standards were applied. It is also argued that insufficient parking will result in apartments not being desirable or not being able to attract an adequate price to make a viable development.

Dedicated visitors parking spaces could be reduced by allowing dual use of some commercial parking spaces, if those commercial spaces are required primarily for daytime trading.

Any departure *below or above* the DCP parking generation rate has implications for the built form and street amenity and should be justified as part of the DA process.

Scale of Residential Towers

Coeve Design note that a commercially viable building floor plate should accommodate between 5 and 8 units per floor and that any less than 4 units per floor becomes unviable.

When larger floor plates are possible, it is then possible to tier the building and reduce the top 2 floors to a lesser amount. With small floor plates it is necessary to reduce the number of apartments on these upper levels to a point where development viability may be compromised.

BROOKS PARADE CHARACTER

The Area Plan states that future development should reinforce the desired future character of Brooks Pde which includes separate mid-rise apartment buildings that have green landscape areas on the podium, between buildings and in the street setback areas.

The Wharf Apartments development in Edgar St has a ground floor level about 900mm above the footpath and a basement wall hard up against the street boundary with no landscape planting on the site (see photo below).

The Santorini development has a front terrace level built to the boundary and about 600mm above the footpath, and a main ground floor level approximately 1.1m above footpath level. It includes a narrow landscape treatment to the Maude St boundary (see photo below).

The Deck Apartments has a restaurant area about 900mm above footpath level and some landscape planting within a larger front setback area (see photo below).

The Area Plan objective is to achieve a higher streetscape amenity and improved landscape treatment than in these previous developments.

Coeve design maintain that seeking to achieve the streetscape and landscape objectives of the new area plan significantly impact on potential development on the subject site and its viability.



Wharf Apartments basement wall on Sharp Street

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Brooks Parade Santorini Apartments with lower front terrace



Deck Apartments on Brooks Pde with ground level café close to street

Gaps through the Site – Building Separation

The Area Plan requires buildings to have an 18m separation at ground level in the E-W direction to achieve the local character objective of greater openness in the block between the future retail centre and the Lake.

The RFDC sets out objectives for building separation including:

- To ensure new development is scaled to support the desired area character
- To provide visual and acoustic privacy for existing and new residents
- To control overshadowing of adjacent properties
- To provide deep soil zones for stormwater management and tree planting

To achieve these objectives the RFDC recommends that building separation increase in proportion to building height so as to ensure appropriate urban form, adequate amenity and privacy for building occupants.

The Area Plan requirement for building separation in the E-W direction exceeds the the RFDC rules of thumb set out below.

A reduced separation that meets the RFDC rule of thumb may be adequate to achieve the local character objective of the DCP subject to further testing with 3D modelling.

RESPONSE

The separation space between buildings should be aligned so that there is an open corridor in both an E-W and a N-S direction between the building masses.

The minimum distances as set out in SEPP65 RFDC rules of thumb have been adopted to ensure residential amenity.

For levels 1-4

- 12m separation between habitable rooms and balconies ,
- 9 metres between habitable balconies and non-habitable rooms
- 6 metres between non-habitable rooms

For levels 5-8

- 18m separation between habitable rooms and balconies ,
- 13 metres between habitable balconies and non-habitable rooms
- 9 metres between non-habitable rooms

For levels 9 and above

- 24m separation between habitable rooms and balconies ,
- 18 metres between habitable balconies and non-habitable rooms
- 12 metres between non-habitable rooms

This implies that levels 2 to 4 of the towers must be at least 12m apart and increased separation is largely achieved by setbacks from the main facades at levels 5 and above.

It is important to note that SEPP 65 and the RFDC are higher level planning policies whose requirements cannot be reduced by Council's Area Plan and DCP.

However a reduction to the SEPP65 RFDC building separation distances may be justified in a Development Application and considered during the merit assessment of a proposal.



Gaps through the Site

Alignment to Street Frontage

Brooks Parade has a broad curving alignment. Sharp St is a pedestrian through street. Edgar Street is characterised by a deflection near Herbert. The Town Centres DCP advocates using built form to reinforce the street boundary alignment.

RESPONSE:

Ground floor building alignment and setback is used to reinforce the curve of Brooks Parade and the alignment of Sharp and Edgar Sts. Upper levels of the residential towers could then be oriented for maximum design efficiency, solar access and views.

The street alignment is reinforced by establishing frontages parallel to the street for the ground floor level. The Area Plan allows for setbacks to be reduced to 2m for 50% of the frontage for commercial trading space only. Towers should be setback a minimum of 6m from the street boundary.

The alignment of buildings along Edgar street is less important than Brooks Pde and Sharp St. The requirement to align the building frontage parallel to Edgar St has been relaxed which provides design flexibility for vehicle access, deep soil landscaping, planting at the visual termination of Herbert St and service areas.

Setback from Street Boundaries

Brooks Pde, Sharp St and Edgar St have different roles in the town centre structure. Accordingly, it is considered appropriate that the building setbacks to Brooks Pde, Sharp St and Edgar St are different.

In Brooks Pde, streetscape and amenity are highly important. It is agreed that a 6m setback on Brooks Parade is reasonable. This setback is measured from the street boundary to the main façade of the tower (as shown in Section C-C of the Area Plan). Balconies may project 3m into the setback area under the provisions of the Area Plan.

The eastern portion of Sharp St and Edgar Street are closer to the shopping area and the street has a more urban character. On this basis a 4m setback to each tower face could be supported if the development design provides suitable deep soil planting along the street edge, suitable access to ground floor non-residential space and if balconies project no more than 2m into the 4m setback area.

Basement wall must be any closer than 2m from the street boundary (as shown in Section C-C of the Area Plan) and should be setback further to meet deep soil requirements. The basement wall should be articulated both vertically and horizontally.



Alignment to Street Frontage

Deep Soil Areas

Deep soil planting is essential for suitable scale planting that reflects the scale of proposed development. It is the means to enhance precinct character and maintain the extension of green vegetation from the lakefront to the built environment.

Town Centres DCP requires 10% of the site for deep soil landscaping.

RESPONSE

It is considered that deep soil planting is suitable at NW and NE corners of the site, along part of the channel, and in the narrower areas between the street boundary and the podium wall.

Setbacks along the section adjoining the Hunter Water owned land are not essential given the adjoining land is unlikely to be developed and it provides a green open space between development at the corner of Maude St and Brooks Pde and the subject Site.

Development of the north-eastern part of the Site adjacent to the drainage channel should provide for building separation to a future building on the north side of the channel. Assuming a minimum 12m separation for the lower 4 levels and a channel width of 2.5m the setback on this section should be 5m. This 5m setback is also an opportunity to achieve deep soil planting.

A reduction in the required deep soil area from 10% to between 7% and 8% would be considered where this is offset by extensive and larger scale podium planting and street planting.



Deep Soil Areas

Level Changes from Footpath to Podium

Natural ground level is 1.0m to 1.4m above lake level. Council's Sea Level Rise policy requires that the ground floor level is 1.0m to 1.4m above the foot path.

The City wide DCP 2013 provides solutions to handle the transition from footpath to podium while still maintaining activation and connection between the footpath and ground floor level.

RESPONSE:

Council's Sea level Rise Policy requires commercial floor levels to be a minimum RL 2.36. An acceptable solution may be to design interim level terraces that that would tolerate short term inundation. This would provide both trading space and access to the commercial floorspace. Council's DCP 2013 contains a provision that allows for variable floor levels to accommodate both sea level rise requirements and street activation. See Part 4 section 4.1 of DCP 2013.

An acceptable solution for managing the level change between the footpath and ground floor would be to use a combination of paved terrace areas and horizontal planting beds. Planting areas could be on low terraces or at street level with low ground cover plants interspersed with taller stemmed tree planting. This would serve to visually break up the impact of the podium wall.

Long continuous wall sections as viewed from the footpath should be avoided.

The development Concept Plan should establish:

- location of pedestrian access and trading areas and the transition of levels
- areas available for deep soil planting adjacent the basement wall
- general design for footpath to ground floor in areas of deep soil planting

A raised walkway parallel to the footpath is not a desirable outcome.



Level Changes from Footpath to Podium

Building Height and Bulk

Belmont Towers is the highest building on Brooks Pde. It also has a moderate frontage length. The elevational area of this building (as perceived from the lake) provides a useful reference point for acceptable visual bulk of new development.

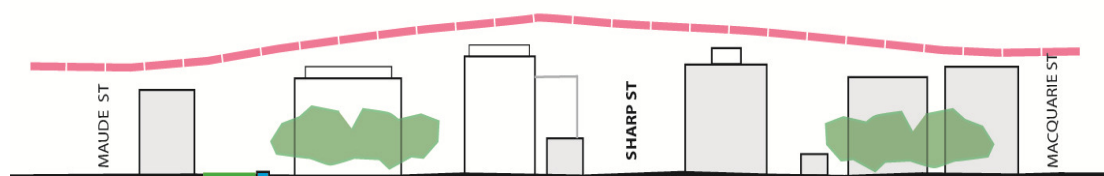
RESPONSE

The highest building on the Site should reflect the height and width of Belmont Towers so it serves to emphasise the Sharp St and Brooks Pde intersection as the key public access point to the lake foreshore. It is not desirable to shift the 'bump' to the north and away from Sharp St but rather to bookend the Sharp St entry.

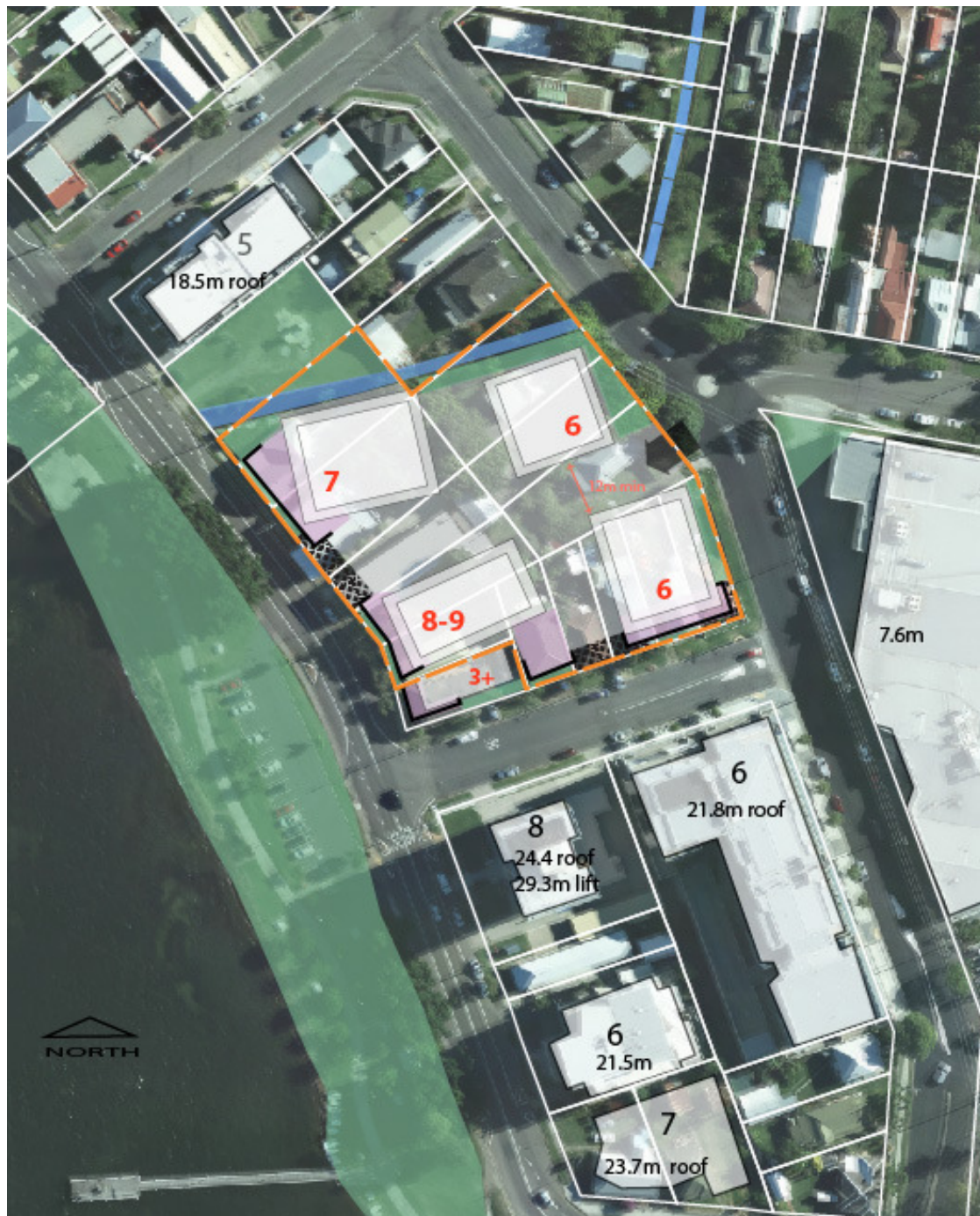
Belmont Towers has a roof height of 24.4m AHD with central lift overrun structure. The lake building frontage is approximately 22m.

The subject Site could reasonably support 8-9 storeys close to Sharp St and height should reduce going north to integrate with the Santorini development on the corner of Brooks Parade and Maude St. This more northern building could have a wider facade.

Whilst new development will not overshadow the adjoining undeveloped sites to the north, shadow analysis at DA stage would be necessary to determine the impacts of the proposed northern towers on the sunlight access of new apartments in the towers along the southern boundary of the Site.



Building Bulk: Belmont Towers as the reference point for visual bulk.



Building Height

Note:

Setbacks for upper levels of each tower will be guided by the SEPP65 RFDC requirements under Primary Development Controls for Building Separation.

Provisions for Future Development of the Isolated Lot

It may not be possible to reach an agreement with the owner of the property on the corner of Brooks Parade and Sharp Street to amalgamate this site into the overall site and that this property may become an isolated site.

If this occurs, then it will be unreasonable to meet the 12m building separation between habitable floor space as set out to in RFDC.

However the RFDC stipulates that for levels 1-4 a separation of 6m is adequate between non-habitable rooms. This would serve as a reasonable guide for addressing the boundary between 44 Brooks and the subject Site.

At ground level a potential solution would be to permit both sites to be developed to the EW site boundary and allow for future connection of commercial trading space fronting Brooks Pde.

The design of the current proposal should consider:

- Future basement parking link to 44 Brooks
- Building to boundary on EW boundary with 44 Brooks on the ground level (with no windows or openings to this elevation)
- Setback of 3m for level 2 and above
- Future connection of front terrace level at Brooks Pde

A proposal for the successful future development of the isolated lot would be considered as part of the merit assessment of a DA.

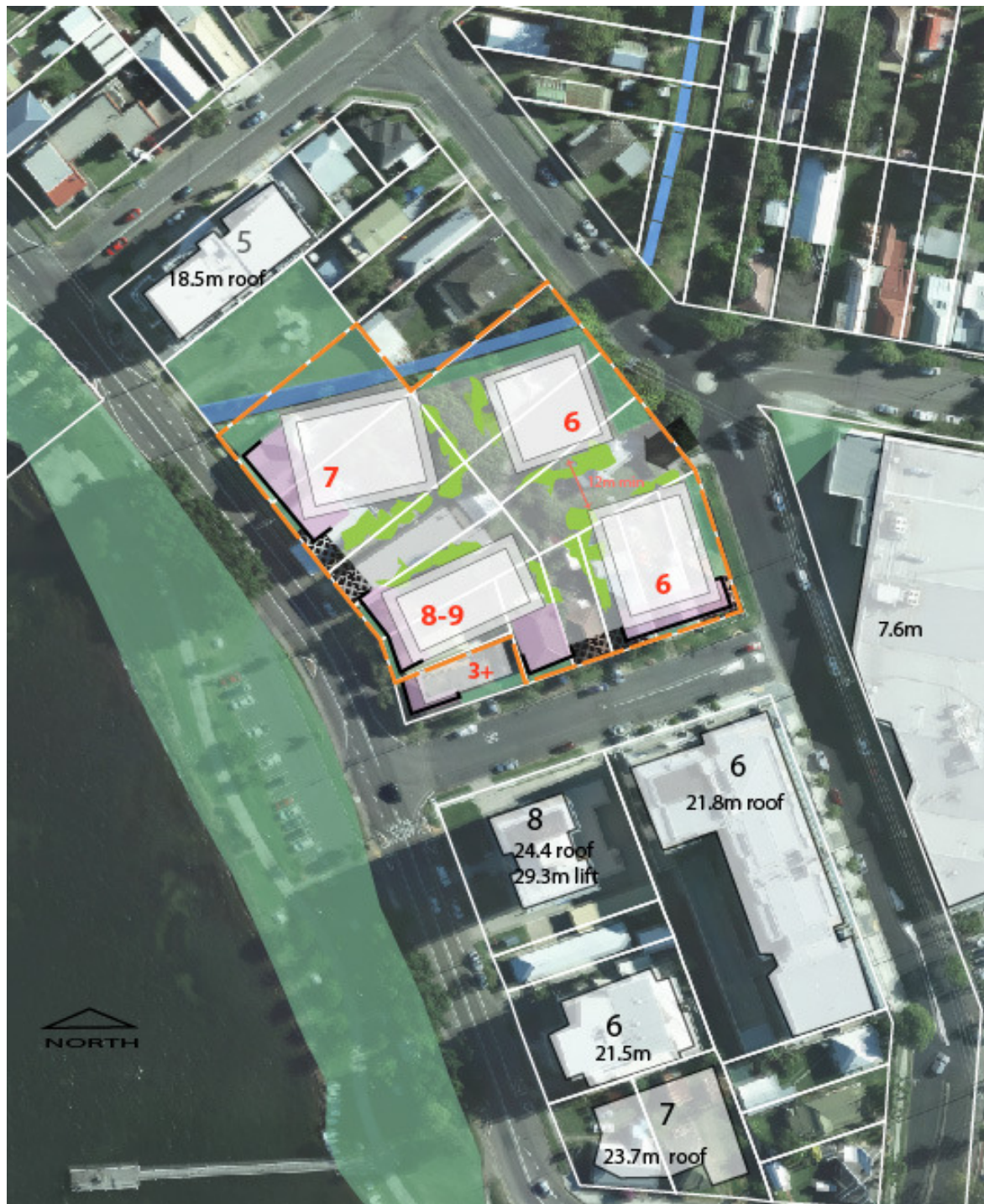
Landscape on Podium

The desired character is for separate buildings, with green areas between.

RESPONSE

Use landscape mounding and generous areas of mass planting to establish amenity, and privacy, ameliorate impact of large paved areas, manage pedestrian flows and reinforce character.

The landscape design would need to be justified at the time a design is considered by Council.



Landscape on Podium

3D MODEL OF BUILDING ENVELOPES



Area Plan 2012 Building Envelopes



Envelopes proposed in this review

MATTERS TO BE ADDRESSED AT DA STAGE

Vehicle access

DCP highlights primary active street frontages and vehicle access is not preferred on Sharp St or Brooks Pde.

Pedestrian Access /linkages through site

Prefer pedestrians to use streets and public access is only required for access to commercial areas.

Ground floor uses on Sharp St and Brooks Pde

LEP and DCP require commercial uses on both these frontages.

Apartment size mix

The DCP requires a mix of apartment sizes based on market demand and providing housing mix to meet community needs.

Public transport

A bus stop is located on Brooks Pde and public transport facilities should be integrated with ground floor uses and access.

Proposed building character and materials

RFDC provides adequate guidance on building articulation, modulation, treatment of balconies.

Detail of materials to be considered in Stage 2 of the DA.

CONCLUSIONS

In order to support a reasonable yield on the subject site and maintain the concept and character of 4 towers with separation in an east-west and north-south direction it is necessary to relax the requirements for a larger building gap in an E-W direction.

To deliver a viable development it may also be necessary to consider additional height provided that this is located close to the Brooks Pde and Sharp St corner.

It was agreed that there is a tension between the number of parking spaces (that determines the size of the parking basement) and the area available for deep soil planting and the subsequent impacts on streetscape. Given the high amenity streetscape and the visual sensitivity of the site and the desired future streetscape outcomes, deep soil planting and streetscape issues should take precedence over providing parking that exceeds the DCP requirements.

Coeve Design maintain that in this location the market currently demands parking above the parking rate requirements in the DCP. Coeve design state that if parking was provided at the rate set out in the DCP there would be parking impacts on surrounding streets and other nearby car parks, as residents who do not have a parking spot in the development seek other alternative parking locations.

Notwithstanding the view of Coeve Design, parking provision in excess of the DCP is not advocated in this review where it negatively affects desired deep soil planting and streetscape outcomes. If additional parking is proposed an application would need to address any adverse impacts of basement bulk, basement walls fronting the street and restriction of deep soil planting areas on the desired streetscape.

To allow efficient basement design the quantum of deep soil planting could be reduced to 7-8% of site area, provided this is offset by larger scale planting in available areas, extensive podium planting and larger scale street tree planting.

SUMMARY OF RECOMMENDATIONS

In summary, the conclusions of this review are that Concept Plan could reasonably include the following variations to the Area Plan controls for the purpose of a merit assessment provided that the proposal addressed any adverse impacts identified in this review.:

- Reduced setback to 0m for north western half of site fronting drainage channel.
- Reduced setback to both street elevations for the tower at corner of Sharp and Edgar St and the Edgar St elevation of the NE tower.
- Setback of minimum 2m to basement wall. Greater setback should be provided to meet deep soil requirements.
- Building separation that meets the RFDC recommendations as opposed to the larer Area Plan separation required for the E-W direction. Deep soil area in the vicinity of 7% and 8% of site area that could support larger scale planting combined with larger scale planting on podium.
- Additional height to both towers fronting Brooks Pde.

NEXT STEPS

To proceed to a Concept Plan proposal being considered by Council that takes advantage of the variations detailed in this review, 2 options have been identified each with certain risks and implications.

OPTION 1

Generally a Concept Plan and Stage 1 DA could be considered within the provisions of the existing Belmont Area Plan and Town Centres DCP guidelines for Concept Plan sites with the variations cited above. The proposal would need to demonstrate the social and economic benefits of the development for the town centre of Belmont and the Brooks Pde precinct and how development would align with the desired future streetscape character..

Option 1 carries the risk of adverse community and Councillor response to a development application with additional height and variations that differ from the current Area Plan, even where the proposal demonstrates the social and economic benefits of the development for the town centre of Belmont.

OPTION 2

Prepare an amended Area Plan and seek Council resolution to place a draft Belmont Area Plan on public exhibition.

Option 2 involves more time and associated cost implications. An adverse community and councillor response to extra height is also possible in this option, but allows better opportunity to address these concerns.