



Georges River Council
PO Box 205
Hurstville BC NSW 1481

Attn: Emma Bell

24 November 2017

Re: Development Application DA2017/0138 – Proposed Mixed Use Development at 166-178 Stoney Creek Road, Beverly Hills.

Dear Emma,

I write on behalf of the applicant with respect to our recent meeting (on 10 October 2017), and subsequent correspondence regarding DA2017/0138 for development at 166-178 Stoney Creek Road, Beverly Hills.

The applicant and project team have reviewed the issues raised by Council, and the comments of the Design Review Panel (DRP), and have sought to address them through amendments to the development and additional explanatory information.

We therefore request, pursuant to the provisions of Clause 55 of the Environmental Planning and Assessment (EP&A) Regulation 2000, the DA be amended in accordance with the particulars of the following attached amended drawing package and documents:

- Attachment 1: Written submission prepared by SJB Planning;
- Attachment 2: Amended Architectural Drawings, Issue B, dated 24/11/2017 and Height Diagram (SK-120 Issue A) prepared by Candalepas Associates;
- Attachment 3: Property Valuations; and
- Attachment 4: Letters of Offer.

We have provided two (2) hard copies, and one (1) electronic copy of the amended documentation.

The following is a schedule of the proposed key amendments to the DA:

- Reconfiguration of the residential apartments at Levels 1 to 4 in the western, five (5) storey element of the proposed development;
- Increase in the area of each of the three (3) voids to Level 1 and Level 2 (residential levels) of the eastern end of proposed development, and inclusion of planters to the three (3) voids at Level 1;
- Reconfiguration of Units 1.17, 1.16, 1.15, 1.14, 1.13, 1.12, and 1.11, including the reduction of one (1) bedroom from each unit;
- Reconfiguration of Units 2.07 and 2.08, including the deletion of one (1) bedroom from each of the units

- Creation of a void at Level 2 between the two (2) abovementioned units, and inclusion of skylights to the new void for Units 1.07 and 1.08 below;
- Reconfiguration of the Level 1 communal open space, including the repositioning of the trafficable space towards the western end to the podium, increased setback of the north east corner of the podium from the boundary with 1 Lee Avenue, and increase in the extent of privacy screening to the proposed communal open space terrace;
- Reconfiguration of the westernmost residential lift core and adjacent fire stair at each level;
- Inclusion of metal, angled, privacy and security screening to the southern elevation of the balconies of Units 1.01, 1.02, 2.01, and 2.02 in response to the proximity to the Stoney Creek Road pedestrian bridge;
- Inclusion of a new communal open space roof terrace (above Level 2) at the eastern end of the proposed development, with associated planters and landscaping;
- Reduction in GFA by 146m², and consequential reduction in the overall FSR from 1.66:1 to 1.62:1;
- Reduction in the FSR of the western end of the site from 2.10:1 to 1.96:1
- Change in proposed unit mix from five (5) x one (1) bedroom, 31 x two (2) bedroom, and eight (8) x three (3) bedroom apartments, to 13 x one (1) bedroom, 27 x two (2) bedroom, and 4 x three (3) bedroom apartments (no change to the overall total of 44 apartments);
- Increase in the percentage of apartments receiving solar access to internal living area and private open space area (POS) for two (2) hours in midwinter to 80% (i.e. 35 apartments);
- Increase in the percentage of apartments that are naturally ventilated to 70% (i.e. 31 apartments);
- Reduction in the percentage of units that do not receive direct sunlight to 13.6%, and compliance with the Apartment Design Guide (ADG) design criteria; and
- Increase of Communal Open Space from 490m² to 951m² (equating to 25.1% of the site area).

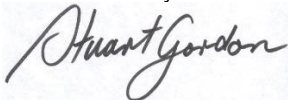
An updated BASIX Certificate and Landscape Plan will be provided under separate cover.

We note that the proposed amendments are in response to Council-raised issues, and the overall effect of the proposed amendments will be to reduce any potential impacts to adjacent properties and the public domain, and we therefore suggest that renotification of the amended DA is not required.

We request that Council accept the amendments to the application, and proceed to undertake an assessment of the amended DA. We request that if further matters arise that the applicant be advised and be given an opportunity to discuss and/or respond to such matters. We also request that the applicant be kept informed of the assessment, and be notified prior to the finalisation of the assessment report and determination.

Should you wish to discuss any of the above matters, please do not hesitate to contact me on (02) 9380 9911, or by email at sgordon@sjb.com.au.

Yours sincerely



Stuart Gordon
Associate Director

Attachment 1: Response to Matters Raised – DA2017/013

Response to Matters Raised – DA2017/0138

The following written submission is in response to issues raised with respect to DA2017/0138. The written responses supplement the amended drawings prepared by Candalepas Associates (refer to Attachment 2).

Council Raised Issues

Issue 1: *“Demonstration that the internal amenity of the proposed units complies with ADG in terms of natural ventilation and solar access.”*

Comment:

The design has been amended to address this issue. Specifically, the units within the western end of the residential component of the development have been reconfigured at Level 1 to Level 4, void areas within the eastern end of the development at Level 1 and Level 2 have been increased in area, and a new void (on the southern side) has been created on Level 2 of the western end of the development.

The outcome of these amendments is an increase in solar access and natural ventilation to residential apartments such that 80% (i.e. 35 apartments) of the apartments will receive a minimum of two (2) hours sunlight to internal living area and private open space area (POS) in midwinter 70% (i.e. 31 apartments) will be naturally cross ventilated.

Additionally, 13.6% of the proposed apartments do not receive direct sunlight, which is less than the maximum 15% allowed under the ADG.

The proposed amended development complies with the ADG design criteria for solar access and natural ventilation and will provide an acceptable level of internal amenity.

Issue 2: *“Amend the design to reduce the impacts of the (central) northern most element of the building, adjacent to the low density residential properties at 1 and 3 Lee Avenue. In particular, address potential visual privacy impacts from the proposed communal open space to the north and north east.”*

Comment:

The design of the northern element of the building and podium communal open space has been amended in response to this issue.

The amendments include the deletion of some floor area on the eastern side of the ground floor Retail Unit 1. This has resulted in an increased setback of the building to the boundary of 1 Lee Avenue. In particular, it has increased the setback of the proposed building to the south western corner (rear yard) of 1 Lee Avenue.

The amended design also includes the reconfiguration of the Level 1 (podium) communal open space by repositioning the trafficable communal open space area further towards the western end of the podium, setting it back considerably further from the residential properties at 1 and 3 Lee Avenue.

Additionally, the amended design includes an increase in the extent of privacy screening to the proposed communal open space terrace, as demonstrated on the amended architectural drawing DA-1105.

A section drawing (i.e. Section C on Drawing DA-1206) has also been prepared, which better demonstrates the relationship of the proposed building (as amended) and the adjacent residential property at 1 Lee Avenue.

Importantly, Section C on Drawing DA-1201 demonstrates that the single storey northern element is predominantly setback by 4.265m from the rear boundary of 1 Lee Avenue. In this regard, the development has a setback that would be equal to or greater than the setback that would be required of a one (1) or two (2) storey dwelling at the site.

Additionally, the amended drawings demonstrate that the space within the 4.265m setback will include a 2.3m wide by 1m deep planter, positioned adjacent to the common boundary with 1 Lee Avenue and 3 Avenue. The planter is proposed to accommodate plantings including various tree species that are capable of growing from between 3m and 15m upon maturity.

The amended drawings also demonstrates that the trafficable area of the Level 1 (podium) communal open space terrace is setback from the rear boundary of 1 Lee Avenue by a minimum of approximately 8.3m and to the rear boundary of 9 Beresford Avenue by approximately 5.3m.

Given also the space between the trafficable area of the communal open space and the rear boundaries of 1 and 3 Lee Avenue and 9 Beresford Avenue will accommodate significant plantings in addition to fixed privacy screening, it is considered that the proposed amended Level 1 communal open space will not result in adverse visual privacy (overlooking) impacts to the north and north east.

Issue 3 *"Increase the area of communal open space."*

Comment:

The design has been amended to include a new communal open space offering through the introduction of a roof terrace above Level 2 at the eastern end of the proposed development.

The roof terrace adds considerable space (i.e. 476m²) to the development, increasing the total area from 490m² to 951m² (equating to 25.1% of the site area).

The trafficable area of the proposed roof terrace is setback in excess of 19m from the southern side boundary of 1 Lee Avenue. Additionally, there is a 1m wide planter positioned along the northern edge of the roof terrace, with plantings also positioned on the northern side of apartments at Level 1, and along the entire length of the northern boundary of the site at ground level, adjacent to the southern side boundary of 1 Lee Avenue.

Consequently, the roof terrace will not result in adverse visual privacy impacts to the residential properties to the north of the site.

All of the communal open space is orientated to take advantage of the northerly aspect, and will receive solar access for almost the entire day in the midwinter period.

The amended proposal complies with the ADG design criteria for communal open space in terms of overall size and amenity.

Issue 4: *“Address ‘pinch point’ where the proposed building is close to the pedestrian bridge on Stoney Creek Road.”*

Comment:

The proposal has been amended to include fixed metal screening devices to all balconies facing the pedestrian bridge. Specifically, the amended drawings demonstrate the inclusion of metal, angled, privacy and security screening to the southern elevation of the balconies of Units 1.01, 1.02, 2.01, and 2.02.

It is considered that the screening devices, combined with the masonry walls to the southern balconies, will provide an appropriate level of privacy and security for the southern facing apartments in the vicinity of the pedestrian bridge.

Issue 5: *“Provide additional information regarding the building height non-compliance – provide a ‘3d’ building plane drawing showing all areas that breach the maximum building height development standard.”*

Comment:

The amended drawing package includes an additional drawing (SK-120), which demonstrate the building height non-compliance, but which also demonstrate that the clear majority of the proposed mixed use building is lower than the applicable maximum building height control.

Importantly it is noted that the element of the proposed development which involves the greatest variation to the height control is positioned in the north west corner of the site, in a location that will have the least impact upon adjacent residential properties and the streetscape.

The non-compliant element will not result in adverse shadow impacts upon any residential properties. Additionally, due to the internal configuration of the uppermost apartment (i.e. by positioning a bedroom at the northern most end and orientating the living room towards the east for Unit 4.03), combined with the significant separation of the upper levels to properties on the northern side of the laneway, the proposal will not result in significant visual privacy impacts.

Finally, in terms of bulk and scale impacts, it is considered that the positioning of the five (5) storey element of the building to the western end of the site, close to the key intersection of King Georges Road and Stoney Creek Road, and away from the low density residential development to the north and east, is an appropriate urban design response to the existing urban context and the likely future context.

On balance, the proposed variation to the building height control is considered acceptable, and will not prejudice future development at any adjacent property.

Issue 6: *“Provide at least two up-to-date market appraisals of the adjacent site and copies of recent offers/correspondence with the owner of that site.”*

Comment:

We have attached the requested information. Specifically, refer to the two (2) separate valuation reports relating to the adjoining property known as 158 Stoney Creek Road, Beverly Hills, prepared by B & C Clisdell Pty Ltd, and Asset Property respectively.

The valuation reports were both undertaken in March 2017 by Certified Practising Valuers.

Also, please see attached copies of recent offers to purchase 158 Stoney Creek Road. The offers were made by Cuzeno to the owners (Mr and Mrs Skopek) of 158 Stoney Creek Road, and it is noted that the value of the offers were all above the market value of the land.

The offers to purchase were made in March 2017, and again as recently at 13 November 2017. These offers follow previous valuations and offers made in August and October 2015.

To date, the owners have not agreed to sell the land.

Conclusion

We trust that the attached documentation is satisfactory for the purposes of addressing the issues raised.

We note that if the approach proposed is satisfactory, the applicant will proceed to amend and submit the Landscape Plan and BASIX Certificate.

Attachment 2: Amended Architectural Drawings prepared by
Candalepas Associates

Attachment 3: Copies of Valuation Reports for 158 Stoney Creek Road

Attachment 4: Offers to Purchase Land at 158 Stoney Creek Road