# **Douglas Cunningham**

#### Subject:

FW: Council response 22/10: Department Urban Design Testing - 407-511 King Georges Road, Beverly Hills

#### Hi Renee

Thanks for providing an opportunity to comment on Scenario B generated by the Department's Urban Design (UD) team. Based on the information provided, please see Council's comments below:

### Context

- Council agrees with the UD Team that the proposed FSR of 3.5:1 cannot be accommodated within the maximum building height controls set by the Panel (12m, 24.1m and 31.4m).
- Based on the in-house urban design testing undertaken by Council, the proposed FSR of 3.5:1 can only be accommodated if a consistent HOB of 31.2m is applied across the whole site. This assumes the provision of the following:
  - 2 storey podium for non-residential uses at a GBA to GFA efficiency ratio of 50%
  - 6 storeys above podium for residential uses at a GBA to GFA efficiency ratio of 75% 0
  - Setback distances as per the indicative massing diagram attached (note: the rear setback includes a 3m widening of Dumbleton Lane) 0 0
    - Floor-to-floor height as follows:
      - Ground floor: 4.5m
        - Level 1 non-residential: 3.6m
  - Subsequently residential storeys: 3.1m
  - Communal open space provided entirely on the rooftop 0
  - Lift overrun of 2.5m to accommodate rooftop access
  - Ground floor level elevated by 2m in response to Council's flood planning controls (see explanation below) 0
    - The Georges River Stormwater Management Policy requires that "All floor levels to be 1% AEP plus free board, or equal to or greater than the PMF level plus freeboard, whichever is the greater." (see Section 6.8.2 of the Policy).
    - To identify an appropriate flood planning level which can be used for the purpose of envelope and massing testing, the site of the proposed hotel development (443-445 King Georges River, Beverly Hills) is used as a case study. The subject site can be considered to be the worst affected due to the presence of the open concrete-lined drainage channel on the site. The Flood Impact Assessment (dated July 2018) which accompanied the DA indicated the peak PMF level across the site to be approximately 27.9m AHD and the development provided a finished ground floor level of RL 28.25 in response. The RL of the site at natural ground level is approx. 26.5m AHD – this means the ground floor of the proposed development is elevated by 1.75m in response to Council's flood planning controls.
    - In light of the above case study, a more conservative elevation of 2m is applied in the case of this referral as it does not appear that the typical freeboard of 0.5m has been sufficiently provided by the case study.
- The attached massing diagram (BHMP 8 storey envelope) is reflective of the typical development trend within the Georges River LGA, where mixed use developments favour nil setback from the side boundaries with the exception of the top 2 floors. These developments also tend to provide minimal to nil deep soil zones with the communal open space located at the rooftop.

## **Comments on Scenario B**

In light of the existing context within the Georges River LGA, Council raises the following comments in relation to Scenario B:

- The average FSR of 2.92:1 does not appear to be consistent with the calculation of GFA divided by site area as shown by the document titled "King George Road Yield summary 02092024" - GFA of 55,074sqm divided by site area 17,437sqm equates to 3.16:1 FSR.
- The GFA uses a 'GBA to GFA efficiency' of 72% whilst typically 75% is utilised the GFA should be 57,480sqm instead, equating to 3.3:1 FSR.
- Despite the increase in the overall average FSR to 3.3:1, there is still a significant mismatch in the HOB (34m and 44m) and FSR proposed by Scenario B, noting the Council's own testing demonstrates a 3.5:1 FSR can be accommodated within 31.2m HOB.
- Within the lot-by-lot breakdown provided by the document titled "King George Road Yield summary 02092024", it is evident that the overall average FSR has been skewed by the approved hotel development on Lot C with its maximum FSR of 1.25:1. If Lot C is removed, the average FSR increases to 4.1:1 which is more compatible with the proposed HOB of 34m and 44m.
- Based on the yield analysis conducted by DPHI, it is reasonable to conclude that Scenario B does not represent the likely development outcome. Despite applying a maximum FSR of 2.92:1 in the LEP, the resulting development is likely to approach 4:1 FSR due to the excessive HOB of 34m and 44m provided in comparison. This leads to significant concerns regarding the number of non-compliant DAs and the delays caused to the assessment process due to the anticipated Clause 4.6 variations. Additionally, this will lead to perceptions of uncertainties and is likely to undermine the confidence of development activity within the LGA.

Additionally, it should be noted that Lot A is located entirely within the area where the individual risk of fatality associated with the Moomba to Sydney Ethane Pipeline exceeds 1 x 10-6 p.a. (1 in a million individual risk of fatality per year). In accordance with the draft Hazard Analysis prepared by Arriscar (and forwarded to the Department on 27 September), no residential population intensification can occur on land where the location specific individual risk is greater than 1 x 10-6 p.a. There are no existing dwellings within Lot A. Therefore, no residential uses should be permitted on Lot A (resulting in the loss of residential floorspace of 7094sqm in Lot A).

Please let me know if you have any questions and also advise when the Planning Proposal would be considered by the Panel.

Regards Harkirat