

10 September 2018

Carolyn McNally  
Secretary  
Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

Dear Carolyn,

**PEER REVIEW OF PROPOSED PLANNING PROPOSAL FOR 10-14 MERTON STREET, SUTHERLAND**

Urban Wave Pty Ltd (the proponent) has requested Stanisic Architects to undertake a 'high level' peer review of the concept designs submitted with the planning proposal and later generated for 10-14 Merton Street, Sutherland with specific reference to density, height, built form, amalgamation, solar access, communal open space and public domain benefits.

**Background**

In 2014 the proponent lodged a planning proposal for the site to Sutherland Shire Council. It sought approval to amend the Sutherland Shire Local Environmental Plan 2015 (SLEP2015) in relation to 10-14 Merton Street, Sutherland by increasing the FSR from 1.5:1 to 3:1 and increasing the maximum building height from 20m to 36m. The site is zoned R4 High Density Residential under SLEP2015 which allows a range of residential uses including residential flat buildings and shop top housing.

The site has a combined area of approx. 3,132 sqm and currently contains 2 single storey detached houses. The site is bounded by Merton Street to the west; 3 storey residential flat building to the south; St Patrick's College to the east; and a medical centre, single storey house and two storey residential aged care centre to the north, along Flora Street.

The development site comprises two sites: 10 Merton Street and 12-14 Merton Street, both of which have recently approved development applications. 10 Merton Street has an FSR of 1.5:1 (2,697 sqm GFA) for 36 apartments; and 12-14 Merton Street has an FSR of 1.45:1 (1,975sqm GFA) for 24 apartments. The sites have a total GFA of 4,672 sqm on a total site area of 3,132 sqm, and individual site areas of 1,798 sqm and 1,342 sqm respectively.

On 21 March 2016 Sutherland Council resolved not to support the proposal. On 06 July 2016 the proponent lodged a Pre-Gateway Review. On 13 February 2017, the proponent requested the Department and Planning and Environment to support a maximum FSR of 2.5:1 (as opposed to 3:1) and maximum building height of 30m (9 storeys) (as opposed to 36m). On 26 September 2017 the Deputy Secretary of the Department of Planning and Environment determined that *“it is considered the site is suitable for some increase in height and floor space above the current controls, where the site is subject to amalgamation.”*

Subsequently the DPE commissioned Architectus, an independent consultant, to undertake urban design testing. Architectus recommended a maximum building height of 21.7m, maximum FSR of 1.8:1 and no change to the current R4 High Density Residential land use zone. Council had proposed a maximum height of building of 25m (8 storeys) and maximum FSR of 1.8:1. Refer to Urban Design and Planning Report issued May 7, 2018.

A revised proposal of 29m (8 storeys) and 2.3:1 FSR was proposed by the proponent. Refer to amended envelope submission prepared by the Aleksandar Design Group issued May 25, 2018.

#### **Architectus Preferred Option 4**

The Architectus Preferred Option 4 is a dual aspect, L-shaped east-west orientated podium built form with a higher L-shaped north-south built form at the west edge of the site fronting Merton Street. Maximum building depth is 22m for the 4 storey (12.4m) high podium with a reduced building depth of 3 storeys (16m) above the podium. Maximum FSR is 1.8:1 and maximum height of building is 21.7m.

This option has a 4 storey (12.4m) building height street wall along Merton Street with a 3m setback for the above podium storeys. Site access is along the southern edge of the site. There is potential communal open space at the southeast corner of the site with an additional above podium communal space.

#### **Commentary**

##### **FSR and height of building**

The Architectus Preferred Option 4 fails to acknowledge the impact of the future urban form and future planning context of the area to the north of the proposed development permitted by the SLEP2015. The site immediately north of the site, at 152-154 Flora Street, on the corner of Merton and Flora Streets, allows for maximum FSR of part 3:1 and part 2.5:1 and maximum height of building of 30m (9 storeys). Land further north of Flora Street, allows for the greater maximum FSR of part 4:1 and part 3.5:1 and greater maximum height of building of part 30m and part 40m (the tallest height of building in the town centre). Nor does the Architectus report adequately factor in the increased height of buildings of 30m and 40m proposed at the nearby train station, which will dramatically change the scale and character of the town centre.

In my view, the future planning context would support a transitional height of building of 25m (8 storeys) - as opposed 21.7m (7 storeys) for the development site fronting Merton Street correlating to a transitional FSR of 2.2:1 (as opposed to 1.8:1). Based on the street views of the amended envelope by the proponent increased height of building to 30m (9 storey) would have minimal impact on the streetscape, and due to the 3m setback of the upper built form from the lower podium form, visually register as an 8 storey form. It will not detract from the visual character and perceived scale on Merton Street and would result in an increased FSR of 2.3:1;

It should be noted that the Council's Preferred Option 3 has a height of building of 24.8m (8 storeys).

Architectus dismiss the prospect of sites to the north achieving the maximum FSR and height of building. There is no commercial or urban design basis for this conclusion or assuming diminished compliance. No testing of reduced FSR in the built form of the adjoining sites has been provided.

The Architectus Preferred Option 4 fails to acknowledge the existing approved height of building on the eastern boundary in proposing the height of building of 12.4m (4 storeys) for the podium building. The developments at 10 Merton Street is currently approved at 20m (6 storeys) along the eastern boundary adjacent to the St Patrick's School buildings following a comprehensive and detailed assessment of environmental impacts.

This would support the height of a podium building of an amalgamated development of 20m (6 storeys), as opposed to 12.4m (4 storeys), proposed by the Architectus proposal. Screening of windows in the east elevation will minimise any overlooking of the school.

Transition to the existing 3 storey townhouses at 18 Merton Street to the south is still achieved by the lower 4 storey podium on the west and south edges, and increased setback and open space on the east edge. The sites to the south of the townhouses are zoned maximum FSR of 1.5:1 and maximum height of building of 20m (6 storeys) and indicate that the height and built form of the existing townhouses is a 'disruptor', i.e. a break with the future planning framework for Merton Street.

### **Amalgamation**

The Architectus Preferred Option 4, fails to offer adequate incentive for the amalgamation of the sites at 10 and 12-14 Merton Street, an outcome supported by the DPE for the sites.

The approved development at 10 Merton Street has an FSR of 1.5:1 (2,697sqm GFA) and at 12-14 Merton Street has an FSR of 1.45:1 (1,975 sqm GFA) on site areas of 1,798 sqm and 1,348 sqm respectively, giving a combined GFA total of 4,672 sqm on a total site area of 3,146 sqm.

Architectus proposed 1.8:1 FSR (5,576sqm GFA), an increase of 904 sqm or 19% over the approved GFA. This would not be an adequate incentive to shelf the existing development approvals and amalgamate the sites given factors such as commercial risk, timeframe for obtaining a new approval and holding costs. An increased FSR of 2.2:1, correlated to the increased height and building form, would result in GFA of 6,921 sqm and achieve a further increase of ca. 24% above the proposed GFA of 5,576 sqm (1.8:1 FSR) in the Architectus Report - a more realistic and commercially appropriate density that would ensure delivery of an improved outcome.

### **Solar access**

The lower 4 storey podium on the west and south edges, increased setback and communal open space on the east edge will improve amenity such as solar access and outlook of the 3 storey townhouses to the south.

The reduction in the height of building from 6 storeys in the approved DA for 10 Merton Street reduces the overshadowing of the north facing living areas to the west part of the townhouses and the communal open space at the rear substantially, and eliminates overshadowing to the east part of the townhouses.

### **Communal open space and landscape setbacks**

The communal open space in the southeast corner of the site creates more useable open space than the currently approved strips of communal open space in the 6m setback zones which are overshadowed for most of the year.

The proposed communal open space would be partly overshadowed at mid winter and would need to be supplemented by a roof top communal space on level 6 to ensure compliance with the solar access requirement of the Apartment Design Guide for 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm at mid winter. The increase in building height of the rear podium building from 4 to 6 storeys, would not impact on solar access to the roof top communal open space.

### **Public domain benefits**

The Architectus Preferred Option 4 fails to acknowledge the substantial benefits to the public domain, activation and building interface on Merton Street arising from a single development due to the amalgamation of the sites at 10 and 12-14 Merton Street.

The benefits of amalgamation include a single ramp access from Merton Street to the basement carpark effectively allowing additional width of 6.6m for another apartment to front Merton Street; a single entry lobby accessed directly from the street with enhanced amenity and presentation (as opposed to multiple cores with access to the rear entry core from the side setback zone); shared fire hydrant and sprinkler valves to the street; and increased planting on the street due to reduced vehicle footpath crossing.

The appearance of the building to Merton Street can still achieve a fine grain appearance on the 35m width of building façade allowing for 6m side setbacks.

### **Building configuration**

The indicative typical plans of the Architectus Preferred Option 4 lack the rigour and accuracy to provide confidence in the physical outcome, dwelling yield and FSR projection for the site.

1 and 2 bedroom apartments are drawn the same size, even though the useable area may vary from 50-55 sqm for 1 bed to 75-80 sqm for 2 bed; 1 bed apartments are massively oversized; the lift lobby is oversized, being the size of a studio apartment, which reduces the saleable GFA; the external recesses do not comply with the 2:1 width to depth aspect ratio required by the ADG; and most significantly the plan does not comply with the 60% cross ventilation requirement of the ADG, achieving only 42% making it difficult to offset the shortfall on the lower levels.

It is doubtful that projected FSR of 1.8:1 and resultant GFA would be achieved in the projected height of building of 7 storeys, given the discrepancies in the indicative typical plans. Additional height of building and more accurate correlation with the FSR and built form as proposed in this Peer Review Report is required.

### **Recommendations and Conclusion**

The following recommendations achieve an appropriate built form, height and density that fits within the emerging future context while providing sufficient incentive to amalgamate the Merton Street sites. They identify public benefit as well as improved amenity for adjoining buildings compared to the existing approved individual DA approvals.

In consideration of site specific factors at 10-14 Merton Street and the planning context generally, I recommend and support a concept design and planning proposal with the following attributes:

1. No change to the current R4 High Density Residential land use zone;
2. Maximum FSR of 2.2:1;
3. Maximum height of building of 25m (8 storeys).  
*Increased height of building to 30m (9 storey) would have minimal impact on the streetscape, and due to the 3m setback of the upper built form from the lower podium form, visually register as an 8 storey form. It will not detract from the visual character and perceived scale on Merton Street and would result in an increased FSR of 2.3:1;*
4. Maximum height of the podium building at the rear of 20m (6 storeys);
5. A dual aspect L-shaped east-west orientated built form with an L-shaped form orientated north- south at the west edge of the site fronting Merton Street;
6. Maximum building depth of 22m for the 12.4m (4 storeys) high podium at the west edge of the site and 20m (6 storey) at the eastern edge (rear) of the site, with a reduced building depth of 18m for the 5 storeys built form above the podium;
7. 12.4m (4 storeys) building height street wall along Merton Street with a 3m setback from Merton Street for the above podium storeys;
8. Site access along the southern edge of the site;
9. Potential communal open space at the southeast corner of the site with an additional above podium communal space;
10. Single entry lobby from Merton Street; and
11. Single vehicle access from Merton Street.

Yours faithfully  
**stanisic architects**



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