



## Location Plan

Site



Notification Area



Objectors





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**HERITAGE ADVICE**

MEMO TO: Ms. Breda Kelly, Mr. Atalay Bas, Mr. Shakeeb Mushtaq, Ms. Amanda Faulkner  
FROM: Robert Moore  
RE: 11-13 Hercules Street Ashfield – proposed development  
DATE: 17<sup>th</sup> January 2010

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I refer to Council's request by mail for comment upon the latest proposals for the subject site, which includes the old Ashfield Post and Telegraph Building. There have been previous meetings and comment on this scheme, and at the most recent meeting, concern was expressed about the nature of works proposed for that part of the old Post Office being retained, and on the way in which it was proposed to integrate the retained building with the lower levels of the new multistory building to its rear. There were other issues of urban design and compliance on which I will not comment here and now, these being more urban design issues than heritage, but the two are inter-related, and the over-riding concern is the success of the retention of the heritage-listed building amongst the proposed substantial development.

The new application sent to me is again difficult to interpret and in some of the plans it is noted that the heritage building is to be the subject of a separate DA. However, to the extent that comment can be offered, I would make the following observations :

- The application in respect of the heritage listed former Post office building is supported by a Statement of Heritage Impact prepared by Perumal Murphy Alessi, dated September 2009. This refers to an earlier document, a Draft CMP for the property which was prepared by Architectural Projects Pty Ltd., dated July 2008, and which was prepared in support of an earlier project for the site. As may be seen from the text of that report, it was unsupportive of the heritage listing of the building by Council – indeed, in my opinion, almost hostile – and opposed to Council's objectives. In my opinion, that report was and remains of limited assistance, while it must be acknowledged that the document was not ever finalised.
- At page 35 the HIS summarises the actual work proposed for the extent of the former Post Office Building that is to be retained, and at page 36 considers its impact upon the significance attributed to the building by Council. It concludes that the work is acceptable and that Council should accept and approve it, but I cannot agree that such tacit acceptance is possible on the basis of the application material. There are three matters in particular that are of concern, in my opinion :
  - the rear wall of the retained building is significantly composed of a large, two storey high glazed window-wall, whose depictions in the documents are inconsistent between elevations and plans ; since this window wall will be a major element in the appreciation of the listed building from both its exterior and interior, as well as from the proposed new building, it is a design matter of considerable importance and should be clear for assessment ; the rest of the building being quite solid, the treatment as proposed could be argued to be anomalous in the context ;
  - a basement car park escape stair with solid balustrade walls appears to emerge into the rear courtyard area immediately adjacent to the proposed rear wall of the retained listed building, and in fact against part of its glazed area ; this does not appear properly resolved ;

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- the roof of the retained building, through removal of the present lightweight addition and its surrounding pitched roof structure and iron cladding, is to be made a trafficable,
  - accessible area which is partly covered by a new post-supported skillion roof along its rear wall line. The brick parapet wall will act as a balustrade. Again its depiction is not consistent but the appearance of this element is in my view, unsympathetic and inappropriate in context, and it will be visible from the street in skew angles from across the road in front of the property. In my opinion this element needs to be reconsidered, and redesigned.
- I find it troublesome that Council is asked to accept plans for heritage items which show less and less of what is actually going to be done to them – with less and less information and detail of the way in which the listed building will appear, be changed, and be impacted upon. While much can be shown in greater detail at CC stage, Council may well not see this, and is expected to sign off on plans which leave much to the imagination, and may not show what is to be wrought upon the fabric of the heritage item. This extends from the design of key elements in proposals, to the detail of influential windows and doors. The expense and complication of retaining an item will be undermined if its adaptive re-use is not pursued with the sound perspective and excellence that the heritage status of the item deserves. The asset which is its site will have been exploited leaving the heritage item as diminished hangover which has lost its context and frame of reference.
  - In response to the low, excavated ground floor design of the new tower building of the previous scheme for this site, Council officers and I had concerns as to the safety and functionality of the proposed plan arrangement, levels and issues such as public safety. A ramp of excessive slope was proposed as a pedestrian connection up to Hercules Street. The current scheme has addressed these issues to better effect, and the context being suggested for the retained heritage item is much preferable. The proposed “interpretive wall device” is not a placebo however, and I am not sure how Council might propose to deal with this given the incomplete design. The sections suggest that the relative heights along the access way are at least reasonable.
  - On the design of the tower block itself, I do not think any heritage comments arise, but there will surely be further comments to be made on the urban design success of the proposal. The tower is similar to, and possibly of more interesting design than other nearby residential towers, and the expression of its mixed use in the treatment of its elevations is to be welcomed – a very large building is visually broken up and modulated, to the extent that some commentators might think it too diverse in its detail.

However, the principal concern from a heritage viewpoint is whether or not the proposed scheme means that the retained building will remain of heritage significance and of interest to the community. This would appear to be the case, subject to the concerns I have raised above.

I trust these comments will assist in the progress of this matter.

**Robert A. Moore Pty. Ltd.**  
Robert Allan Moore



01 02 2010

Attention: **Martin Amy**  
Planner, Development Assessment  
Ashfield Municipal Council  
260 Liverpool Road, Ashfield

Dear Mr Amy,

**RE: Development Application 11-13 Hercules Street, Ashfield.  
SEPP 65 COMMENTS AND RECOMMENDATIONS**

Thank you for inviting me to comment on this project.

The following comments have been prepared based on the drawings and documents supplied by Council including: Drawings by CMT Architects DA00-DA30 inclusive dated 07.12.09 Shadow diagrams and perspective views, also by CMT architects, Statement of Heritage Impact by Perumal Murphy Alessi Dated September 2009, Basix Certificate No. 274791M, Design verification Statement by Chris Tsioulos Reg. 5143 Stamped 23 Dec 2009. Pedestrian Wind Environment Statement by Windtech dated 15 10 2009, ABSA certificate 35148486 by Paul Brennan of House energy Rating co 30 10 09. I have visited the site and made my own observations of the site and context.

We take on face value the accuracy of all the documents given to us and rely on them to form our assessment.

**DESIGN QUALITY PRINCIPLES**

Part 2 of SEPP 65 sets out the following design quality principles as a guide to assess a residential flat development. The 'Residential Flat Design Code' (The Code) is referred to as an accepted guide as to how the principles are to be achieved.

**1. Context**

*Good design responds to and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's character or, in the case of precincts undergoing a transition, the desired future character as stated in Planning and design policies. New buildings will thereby contribute to the quality and identity of an area. (SEPP65)*

Ashfield Town centre is a vibrant town centre with good transport infrastructure relatively close to the city. Hercules Street is the road that links the Railway station to Liverpool road and therefore has very high levels of Pedestrian Traffic. It is also an important Taxi stand.





Ashfield has seen sporadic development near the Railway Station and along Liverpool Road. It is sensible and desirable to increase residential densities and office densities near Major transport infrastructure. Increased populations can contribute to positive developments that enhance the amenity and safety of the area.

Hercules Street is Normal to Liverpool Road and to the train line. Hercules Street are generally 1 and 2 storey Shops with Awnings, however the awnings are discontinuous in front of the subject site.

There is no clear statement from Council regarding the desired future character of this part of Ashfield in the DCP or the LEP. The Department of Planning's 'Metro Strategy' encourages densification around rail corridors. One assumes that the demand for housing in proximity to infrastructure such as the shopping precinct and the railway station combined with the precedents of other development in the area would point to a densification of the area and of sites such as this. The future character of the Ashfield town Centre will, in a significant way be shaped by such developments. It is inevitable that, as neighbourhoods transition from small-scale single dwellings to larger scale multi-unit residential and commercial, there will be areas that are undeveloped next to areas that are. Unless a whole precinct is master planned, controls are needed to ensure that a democratic opportunity exists for neighbouring properties to be developed or to continue to exist in their current form.

The lack of a general Master plan means that each proposal has to be assessed on its merits. One should therefore apply set back principles that allow for adjacent and affected properties to have equal development potential. In many cases, amalgamations result in larger landholdings being next to smaller holdings. The potential development of the larger holding often affects the potential of the smaller holding. The resulting urban form is inconsistent and disparate. Amalgamations that result in smaller adjacent landholdings attempt to acquire the development potential of the smaller site and to lock them out of future development potential. This application is a case in point.

The development of sites such as this one is to be encouraged. Apartment living close to a transport node such as Ashfield is one of the most sustainable city housing choices. However, the lack of a master plan that foreshadows the desired character and built form means that the applicants will attempt to take all the liberties they can. Council has then to assess each proposal defensively on first principles. An anticipation of a desired built form can allow for the controls to be varied so that there is equitable development and better control of heights.

**The proposal meets the objectives of this principle in terms of the proposed use but is an over development in terms of height and impact on neighbours.**

## **2. Scale**

*Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*



*Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area. (SEPP65)*

It is inevitable that the area around Ashfield station will be redeveloped. Some developments have already occurred both east and west of the subject site, which start to establish a pattern. The introduction of modern apartment buildings will be a marked change in scale from the existing shop-top housing typology. The proposal retains the existing streetscape at ground level and the proposed building is set back a good distance from both the Hercules and Brown Street frontages (Brown street because these properties are not part of the subject site). The retention of the active street frontages, awnings and scale at the street is to be commended, however the bulk of building above the existing buildings is very present and dominating and does not disappear in to the background as is suggested by the applicant.

The DCP has some clear controls about the floor space ratio and building heights, which are there to control the scale of development. The applicant seeks an FSR of 3.45:1 instead of the 2:1 in the Council DCP. The applicant also seeks approval of a height of RL 58.2, well above the DCPs maximum RL 46.8.

The applicants seek consideration for an increase in FSR and an increase in height from 6 storeys to 10 storeys on the basis of the provision of a community benefit. It is not clear what the proposed community benefit is in this case.

Even if some significant community benefit could be demonstrated, the maximum FSR to be increased to is 3:1 and the Maximum height RL 52.8

The applicant seeks both FSR and Building height well beyond the maximum allowable. The resulting building is too high and too bulky and is out of scale with the immediate surroundings and with the already approved developments in similar proximity to the railway line.

**The proposal does not meet the objectives of this principle.**

### **3. Built form**

*Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of the building elements.*

*Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook. (SEPP65)*





The configuration of the site and the lack of a general master plan that might promote perimeter block typologies mean that the resulting built form on sites such as this takes the form of a tower with openings on all four sides.

The Residential Flat Design Code is the accepted standard for setbacks between residential flat buildings. The Code specifies setbacks between buildings of various heights. These are intended as minimums and are on the small side by international standards. They are designed to give adjacent neighbours the same opportunity to develop. It is therefore important that these building separations be respected.

The proposal does not respect the recommended setbacks on the north, east or south sides of the development. It could be argued that the two properties north of the Northern boundary, have limited development potential, however the proposal, if built as documented, would certainly preclude any development on those sites. The application of standard set backs to this boundary would result in significant loss of floor space.

The sites to the west and south of the site on the other hand are quite developable and standard setbacks as listed below should be applied. The Fox Lane façade should be set back 6m from the centre line of the lane for the first 4 storeys of the building and then be set back 9m from the centre line of the lane for any storeys above that (assuming a maximum allowable of 8 storeys with community benefit included)

The Shadow diagrams provided show significant overshadowing to properties to the southeast, south and Southwest of the subject site. Future developments in these locations will have compromised amenity due to loss of sun in the winter.

The proposal retains the existing 1926 Post office building on Hercules Street. An active use in this building and the reinstatement of the entrances that address Hercules Street are positive elements of the proposal. The through site link at the southern side of the proposal could also be a positive attribute, as long as the alleyway has sufficient passive surveillance and adequate lighting.

The retention of the post office results in the Building being set back from Hercules Street by approximately 12 m. this allows the form of the existing building to be legible and reduces the impact of the new building on Hercules Street.

**The proposal does not meet the objectives of the principle.**



#### 4. Density

*Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents)*

*Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality. (SEPP 65)*

It has already been established in assessing context and scale design principles that higher residential densities are desirable in this area and consistent with the future desired character for the area. Additional commercial space is also desirable, offering potential places of employment. The applicant has argued however, that the DCP's FSR of 2:1 should be increased to 3.45:1 on the basis of the addition of a community benefit (not defined) and that the additional floors will not have an adverse impact on the surrounding streetscape or amenity of surrounding properties. Based on the shadow diagrams supplied by the applicant, it is clear that the proposed additional floors will impact on the properties to the south of the proposal.

Once the lack of setbacks on the building (as discussed above) has been addressed and the height brought under the allowable maximum, the density will be less than the FSR sought in this proposal.

If the DCP's FSR and building height are observed, the density will meet the objectives of the principle.

**The proposal meets with the objectives of this principle except that the additional density sought results in additional height and therefore additional overshadowing.**

#### 5. Resource, energy and water efficiency

*Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and re-use of water. (SEPP65)*

The proposal has mostly well ventilated apartments, good sun-control and retains and reuses the historic Post office. Some concern is raised over the effectiveness of the ventilation of the cross over apartments units 28 & 29, however as there are only 2 of them this is not considered a major problem. A water collection system has been integrated into the project. Little deep soil planting is provided however on a small site close to the railway station where 100% site cover is not uncommon, this is not seen as a major concern.

**The proposal meets the objectives of this principle**





## 6. Landscape

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.*

*Landscape design builds on the site's natural and cultural features in responsible and creative ways. It enhances the development's natural environment performance by coordinating water and soil management, solar access, microclimate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.*

*Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbours' amenity and provide for practical establishment and long-term management. (SEPP65)*

Given the limitations of the site due to its location and configuration on a small block in a highly urbanised area next to the station, large amounts of ground level landscaping are not expected. The proposal provides for some trees on the Fox Lane side and a landscaped through site link which will add to the street landscape.

A roof top terrace is provided as communal open space on the seventh floor. This terrace is not generously landscaped and would be far more likely to be utilised if more landscaping was included. The formal arrangement of four benches and planter boxes will do little to encourage the use of this space.

**The proposal can meet the objectives of this principle with some additional landscape design.**

## 7. Amenity

*Good design provides amenity through the physical, spatial and environmental quality of a development.*

*Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility. (SEPP65)*

Set backs to neighbouring properties have been commented on above.

16 of the apartments have bedrooms with no windows, the most problematic being the mono orientated ones on the northern side of the building, (2,6,10,14,18,22,26,31). Windowless bedrooms adjacent to the entrance will not receive adequate light or ventilation. Air will stagnate in these spaces and they would be very unpleasant places to sleep.



The other 8 bedrooms are in the adjacent apartments on the northeast corner of the building, (3,7,11,15,19,23,27,32). These appear to have a small window to the southern courtyard . however they are immediately adjacent to private balconies that are no more than 1.5m away. This relationship is unacceptable for privacy reasons. Any bedroom window would need to be obscured and closed which would negate the benefit of a window. In order to make these windows count, the terraces in question would need to be deleted and the opening where they attach to the subject apartments (4,8,12,16,20,24,29) deleted also as there is only 6m between habitable rooms.

The communal terrace on the southern part of the building mentioned in the landscape section does not provide good amenity. It will be shaded a lot of the time being on the south side of the building. In winter it will be exposed to cold southwest winds and be inhospitable. Its access is via level 7 and is between apartments 28 and 29. These apartments have terraces on the same level as the terrace. There would be no acoustic or visual privacy between the private and communal terrace.

Of concern is the loading dock and car park entry area. A right of way exists to the rear of Nos 7 and 5 Hercules Street. The car park entry and garbage bin collection area occupies this ROW. It is unclear if the ROW will be maintained satisfactorily to allow safe and practical access to the rear of these properties.

Also of concern is the practicality of manoeuvring a garbage collection vehicle in this area and how the simultaneous ingress and egress of other vehicles is to be managed. More information is required here including swept path analyses.

**The proposal does not meet the objectives of this principle. Some re-design is required.**

## **8. Safety and security**

*Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces. (SEPP65)*

There is the potential for perceived or real personal safety risks around the entry off Fox Lane and in the pedestrian thoroughfare between Hercules Street and Fox Lane.

The main residential entry off Fox lane is in a lane that has no other pedestrian entries. Despite the treatment of the building itself, the lane will still feel like a service lane. The entry is isolated some 15m from Brown Street. The building itself has nooks and crannies that could conceal people. This entry represents a real potential security risk. Even though there is an intent to provide active uses at ground level on this side of the building, it is not certain that these premises will be taken up with active uses or that they will remain open at night.





The proposed thoroughfare also has the potential to be security risk. The gesture of providing such a public passage way is generally a good idea when there is a destination at either end. In this instance the presence of the residential entry will not generate enough pedestrian traffic to make it feel safe. I suggest that it be closed with a security gate until other properties are redeveloped and Fox Lane becomes a desirable pedestrian destination whereupon the gates could be left open or removed.

**The proposal does not meet with the objectives of the principle**

**9. Social dimensions**

*Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs of the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. (SEPP65)*

The proposal has a mix of one, two and three bedroom apartments. This is an appropriate mix for this location. The proposed commercial component is a positive in terms of generating other activity in the area, as is the retail components that will animate Hercules Street.

**The proposal meets the objectives of this principle.**

**10. Aesthetics**

*Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area. (SEPP65)*

The proposal will improve the streetscape at ground level. Opening up the fine Post office building to use will be aesthetically pleasing.

The new building is broken down into three parts that are treated differently. This visually breaks down the overall scale of the building, which is a good strategy. The facades are generally treated with appropriate materials and overhangs to reflect the solar orientation.

The new building has an egg crate type grid on the east and west façades of the tall part of the building. Whilst it is understood that this is to accommodate vertical sun louvers, the overall effect is austere. A reduction in height of the building will reduce the amount of this façade and will make it acceptable.

**The proposal meets the objectives of this principle**



## Conclusion

The proposal satisfies some of the principles of good design under SEPP 65.  
There are, however, some concerns, which are summarised as follows:

- The building encroaches on the accepted setbacks from side boundaries on the South , West and North.
- The building overshadows properties to the south
- The additional floor space sought impacts on the overshadowing of properties to the south of the proposal.
- The building has some serious security and safety issues at ground level especially on the Fox Lane side
- The building has some ventilation and privacy issues that need to be addressed.
- The communal open space has poor amenity and underdeveloped landscape scheme.

Tim Williams  
Architect RAIA