

NORTH SYDNEY COUNCIL URBAN DESIGN ADVISORY PANEL

MEETING: 2 June 2010 – 2.30pm

PANEL MEMBERS:

Geoff Mossemeneer (Chair), Peter Webber, Jack Cleaver, Elisabeth Peet, Alanya Knowles, apology from Marcus Trimble

COUNCIL OFFICER: Andy Nixey, Nicola Reeve

545-553 PACIFIC HIGHWAY, ST LEONARDS

APPLICANT'S REPRESENTATIVES:

Mohammed Chehelabi, Arthur Gartrell (Architects)

PROPOSAL:

Demolition of existing buildings, and erection of multi-level mixed use development with basement parking.

BACKGROUND:

A Development Application was previously before the Panel at its meeting of 1 April 2009 when the Panel made the following recommendation:

"The Panel does not support the proposal as it is out of scale with surrounding development. Although some aspects of the proposal have merit, a complete redesign is required to resolve the context, scale, built form and amenity concerns of the Panel."

The Panel understands that the development application was withdrawn at Council's request.

A new proposal with a lower tower element was before the Panel at its meeting of 3 March 2010. The proposal had not been submitted to Council as either a planning proposal or a development application. The site was inspected by the Panel and Council Officers prior to the meeting.

The Panel commended the applicant for the communal area on the level 4 podium and the cutout on levels 2 and 3 midway along the lane elevation. The Panel considered that the proposal was much better than the previous application with regard to SEPP 65 compliance and amenity of the apartments.

The main issue remained the height of the building and whether it is appropriate with regard to its context.

The Panel made the following recommendation:

“Although the major improvement in amenity of the units is appreciated and the architectural character of the proposal is not at issue, the Panel cannot support the proposal as it is out of scale and context with surrounding development. The increased height is substantially above the desired future character of the area. Any change to the desired future character of the area should be the subject of review of the planning controls and is not a matter for the Panel to determine.”

The applicant has lodged a new development application and the plans are similar to the plans considered by the Panel in March, particularly with regard to the podium and height of the tower. The only major change is the conversion of eight studio apartments facing the Highway on level 2 and 3 to four x two level apartments. The Panel noted that this would improve cross ventilation numbers for the proposal and improve their amenity as the apartments would also benefit from the skylights above them on level 4.

Comments:

The Panel again raised concern about sound proofing and the suitability of balconies (albeit enclosed) facing the Highway. The apartments would need to rely on constant air conditioning to avoid traffic noise which has obvious environmental impacts. It was also noted that there were some planning concerns with the apartments on the upper levels and the orientation of living areas. Further consideration of apartment layouts should be given by the Architect.

The Panel commended the applicant previously for the communal area on the level 4 podium and the cutout on levels 2 and 3 midway along the lane elevation. There are concerns that the communal area may end up being shaded should the adjacent property develop to the maximum height limit. It was also raised that the outlook offered to the apartment block across the lane may be blocked at some time in the future, should the property on the other side of the Highway be developed.

The Panel suggested that apartments could be built over the Highway side of the podium to create an L shaped tower with a reduction in height of the tower (to a compliant height). A smaller communal landscape area could be provided at level 4 with a generous separation distance to the apartments on the opposite side of the lane. A communal roof garden could also be considered which would provide for a sheltered area with better views and solar access. This is considered to be more likely the maximum scale and density of development rather than an envelope derived by minimum setbacks to boundaries without proper regard for SEPP 65 separations.

The Panel considered that the proposal is acceptable to SEPP 65 with regard to the amenity of the apartments.

The main issue still remains the height of the building and whether it is appropriate with regard to its context.

The proposal is not in context with existing surrounding development. The proposed height is some four to five storeys above existing surrounding development and

recent development that has been built under the current controls. The context must have regard to the current character of the area or in the case of areas undergoing a transition, the desired future character as stated in the planning policies for the area. The planning policies or the desired future character are contained within NSLEP 2001 and NSDCP 2002 and the relevant character statement.

The Panel notes that there are specific height controls for the various precincts for mixed use development under NSLEP 2001 with a height limit of 26m for the block containing the subject site and 20m for the block to the south.

The Panel accepts that some minor variation in height could be considered where there are demonstrated benefits for the site and surrounding area, no additional impacts and the variation does not result in increased density. The Architect advised that the dwelling density for a compliant development has been maintained for the site so there is no increase in density with the increase in height. The Panel cannot assume entitlement to the nominated density of a building envelope without proper regard to separation and amenity considerations required under SEPP 65 as well as assuming that potential adverse amenity impacts outside the site may be disregarded. Having regard to existing residential development opposite in the lane and the potential on the site to the north, the Panel does not endorse any reliance on a building volume envelope derived from minimum setbacks in the DCP.

The Panel notes that the increased height will result in additional shadow impacts on development to the south.

The Panel maintains its concerns about the extent of the height breach being four to five storeys. Such a variation should be considered with regard to surrounding sites on a street block basis and not individual sites. Although there are some benefits with the proposal to the mixed use development on the opposite side of the lane and improved compliance with SEPP 65, this does not permit such a proposed variation under the planning policy for the area. The Panel must consider the context under the SEPP 65 Design Principles which allows consideration of desired future character when the proposal is out of context with existing surrounding development. Where there are such clear height controls, only minor variations can be considered. If a better result can be achieved with taller towers with reduced footprints, then the planning policy for the area may need to be revisited.

Panel Recommendation:

The amenity of the units and the architectural character of the proposal is not at issue. The Panel has considered a taller tower on this site on two previous occasions and still cannot support the proposal as it is out of scale and context with surrounding development. Recent nearby developments have complied with the height control and having regard to consistency, non compliance to the degree sought cannot be supported. The increased height is substantially above the desired future character of the area. Any change to the desired future character of the area should be the subject of review of the planning controls and is not a matter for the Panel to determine.

Meeting closed at 3.30pm