

21 June 2010

REFERRAL RESPONSE – URBAN DESIGN

FILE NO: DA 257/2010/1

ADDRESS: 88 Newcastle Street ROSE BAY 2029

PROPOSAL: The demolition of 88 Newcastle Street (dwelling), 94 Newcastle Street (dwelling), 96-98 Newcastle Street (St Paul's Anglican Church and former Parish Hall) and the construction of a mixed use development comprising of a new residential flat building, new childcare centre, and the retention of the existing Greek Orthodox Church of the Parish of St George.

FROM: Tom Jones
Urban Design Planner

TO: Ms L McMahon

INFORMATION

This referral is based on the following information:

Planning: Statement of Environmental Effects. 88-98 Newcastle Street, Lockrey Planning and Development Solutions Pty. Ltd. May 2010.

Architectural: Job reference 07113 drawings DA01, DA01a, DA02, DA03, DA04, DA05, DA06, DA07, DA08-A, DA08, DA09, DA010, DA01a, DA11, DA11a, DA013, All Revision A and dated 09.03.10 or March 10. Beraldo Design.

SEPP65 Design Statement May2010, Beraldo Design.

Urban Design Statement dated 27 April 2010 habitation.

Visit to site on the 28 June 2010.

RELEVANT CONTROLS

The above proposal is assessed in this referral with reference to:

Woollahra Local Environment Plan 1995 (WLEP 1995)

Woollahra Residential Development Control Plan 2003 (WRDCP 2003)

DCP for Off Street Car Parking Provision and Servicing Provision (DCPOSCP)

URBAN DESIGN REVIEW

SEPP 65–Design Quality of Residential Flat Development

SEPP 65 applies to new buildings which comprise of three or more storeys and four or more self contained dwellings. The proposal includes a four (4) storey RFB containing twenty three (23) residential units.

The instrument provides for the proposal to be referred to a Design Review Panel. A panel has not been established for the Woollahra area. The instrument requires the assessment of the subject development application against the ten design quality principles contained in Clause 9-18 and against the considerations contained in the publication "Residential Flat Design Code." The proposal has been referred to Council's Urban Design Planner for comment. The full referral response is attached as **Annexure 6**.

Furthermore, SEPP 65 requires any development application that is lodged 12 months or more after the commencement of the SEPP must be accompanied by a design verification statement from a qualified designer. In this instance, Maurice Beraldo of Beraldo Design has provided a design verification statement which concludes that the proposal accords with the design quality principles set out in Part 2 of SEPP 65 (see **Annexure 10**).

Council's Urban Design Officer has provided the following comments in relation to site context and the proposal:

Site Context.

The site is at the fork of Newcastle and Old South Head (OSH) Roads. This location has a significant gateway role. OSH Rd. is the historic route from Sydney Cove to South Head and now a well used regional arterial road. The site accommodates the first built form to the north of OSH Rd. for a distance of over 900m (from O'Sullivan Road to Newcastle Street). This is also the point where the road has crossed the Rose Bay Bondi isthmus, veers to the east and starts to rise to Vaucluse. All these factors combine to make this a highly prominent location.

The site, which is made up of five separate lots, is presently occupied by a low scale ecclesiastic cluster. A brick parish hall addresses the corner. Together the group, particularly viewed from the west, has a strong and dignified character. These buildings and vegetation on this site set the character for the suburb beyond.

Approximately 200m to the north east of the site is the Rose Bay South neighbourhood centre. This is a strip commercial centre stretching another 500m further north east. This centre is split by OSH Rd. between Woollahra and Waverley Councils. The south eastern Waverley side of the road is significantly more developed. The Woollahra side features only a short strip of pavement edge development. Residential development is also more advanced on the south eastern Waverley side. Despite Woollahra Council controls along this section of OSH Rd. allowing medium density development, reflecting the road's usage levels, the present development is low density and low scale.

The site also has a frontage to Newcastle Street which is a secondary road running along the east side of the golf course. This street is predominantly residential but has a grouping of aged care and ecclesiastical buildings to its southern end. The site's frontage to Newcastle Street faces west.

The site, fronting on one side a main road, on another a residential/ecclesiastical street and acting as a significant gateway to the predominantly residential Vauchuse area, is significant and contextually complex.

The Proposal

This proposal consists of two buildings separated by an existing church. I am going to look at each building separately and then consider their combined effect. Between the development sites is the Greek Orthodox Church which is not being physically altered by the development.

The majority of the development is to the site south of the church. This building contains 23 residential units and a 41 car underground car park. The building rises 4 storeys with the top level set back from the road frontages.

The building is shrouded in a steel frame containing a louvre system operated automatically on both Newcastle and OSH Rd. This frame stands clear of the building behind. This frame is unlikely to be able to convey the texture and animation normally associated with a residential building. The frame features to the north, western and south elevations. On the north and west faces it may be justified as a solar control, but its presence on the south face suggests it is simply a visual device since it is unlikely to have any noise abating qualities. This screen considerably increases the bulk of the building.

The principle pedestrian entries are; on the western elevation off Newcastle Street to the western units and along the northern edge of the building to the eastern units. The pedestrian access to the eastern units is extremely convoluted.

The vehicle entry to the underground parking is also to this frontage.

It is noted that this application is actually for two unrelated buildings separated by an existing church which remains unaltered. Considered separately the FSR proposed on the residential (south western) part of the site is in the region of 1.9:1. The controls set a maximum FSR of 0.875:1. The proposed building is more than double the FSR intended on this site. The Day Care Centre has an FSR of approximately 0.36:1.

The building's footprint occupies a considerable amount of the southern part of the site. Similarly, deep soil is site that is free of structure, above or below ground. There is very little deep soil on the southern part of the site, when the location of the underground parking is considered. This proposal does not meet the WRDCP 2003 requirement.

The development capacity of the combined lots has been concentrated onto the southern corner. The result is a building which has compromised access, unit layouts and cross ventilation in a number of cases. The building is too big for the site and the

result is poor amenity for the occupants and a visually bulky building on a very prominent site.

A Day Care Centre is proposed to the northern end of the site facing Newcastle Street. The front setback is used as a car park. This does not comply with the requirements of the WRDCP 2003. It is suggested in the Urban Design Statement, that the design is a response to the neighbouring church. I consider that the proposal compliments none of the qualities of the adjoining building. Indeed its relationship to the adjacent building illustrates the proposal's considerable aesthetic shortcomings.

The two buildings do not, from an urban design perspective, have characteristics which require them to be assessed together. They are visually and physically separated by the Greek Orthodox Church.

SEPP 65

I have assessed the residential component of the proposal against the ten principles of SEPP 65

1. Context

SEPP 65: "Good design responds 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 current 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 the area."

This building proposal is in a highly significant location. The decision to address the building to Newcastle Street and treat OSH Rd. as the side boundary is a basic misreading of the site's position in the urban fabric.

The proponent points out correctly that the site is well positioned close to bus and shops. However the design fails to respond to this proximity, facing away from the local centre.

2. Scale

SEPP 65: "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."

The residential building is enveloped in a steel frame. The proponent claims that this reduces the perceived scale of the proposal. I do not agree. It may be that when viewed from the pavement immediately adjacent to the building the building appears to be two rather than four storeys, but this is from a very limited viewing area. This building is very prominent and when seen from afar this building will be perceived as bulky and out of scale with both the existing

and the proposed character of the location. The model clearly illustrates the contrast in the scale of the development to the surrounding built form.

3. Built form

SEPP 65: “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 building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

The shrouding the building in the steel frame and shading devices mean the building cannot respond to the particular contextural cues of each frontage. This screen also increases the perceived bulk. The proposal overpowers the adjacent church (which traditionally would have a prominent building role) and sits forward of the existing built form on OSH Rd. The built form on the OSH Rd. frontage is not considered satisfactory given the potential future character.

4. Density

SEPP 65: “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.”

The proposal provides an acceptable population density in this location. There is no reason why this well positioned site close to facilities and on a public transport route cannot accommodate the proposed population. The building bulk of the residential building is, however, excessive. The FSR on this part of the site when considered separately is approximately 1.9:1. This results in building bulk which is out of keeping with the desired character for the location as stated in the Woollahra Residential DCP and contributes to the building’s failure to provide a level of amenity which meets the requirements of SEPP 65.

5. Resource, energy and water efficiency

SEPP 65: “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 reuse of water.”

The development fails to meet the standards set by SEPP 65 with regard to solar access. Nine of the 23 units do not get three hours of sun between 9am and 3pm. Of the nine, two units are south facing, the other seven face west. Given the potential provided by the site, this shortfall is considered unacceptable.

The development meets the requirements of the code regarding cross ventilation. Only three out of 23 units have poor cross ventilation.

The development is potentially adequately shaded from solar gain. The use of screens separated from the building does however raise issues as to how controllable and responsive the devices will be.

There is stormwater detention proposed on site. There is no stormwater capture for re use proposed on the residential site. The southern residential site is under supplied with deep soil and site absorption is very limited. The performance of the proposal regarding water efficiency is considered unsatisfactory.

6. Landscape

SEPP 65: "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 existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, 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.

The Landscape design associated with this proposal consists of treatments on the three frontages. The Newcastle Street frontage is treated with a formal row of Chinese Tallow trees. This design works well on this elevation.

The southern elevation has a "landscaped communal courtyard" associated with a communal room and is contiguous with an undercover paved area. One unit faces onto this space. There is a ramp leading down to the courtyard from the eastern units. This space is sunken below busy Old South Head (OSH) Road and will be noisy. It is on the southern face of the building and will receive no direct sun light. It is difficult to imagine how either the communal room or the garden will be used, because neither provide good amenity.

The spaces to the Northern side of the building are described as "central courtyards" in the documents. In fact this space seems to provide the only pedestrian access to the seven eastern units. This means that it is a pathway to a communal front door. There are no substantial usable outdoor spaces on this side of the development.

As previously mentioned the proposal suffers, as a result of the size of the footprint and underground car parking, from a considerable shortfall in deep soil area. The landscape proposal therefore is only able to provide substantial planting in deep soil along the OSH Rd. boundary, where six Tuckroos are proposed.

7. Amenity

SEPP 65: “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.”

The seven units to the east of the development have compromised entry, as previously discussed. This means that these units don't have a satisfactory street address.

There is an unacceptable 35 percent of the development which does not receive the levels of solar access required by SEPP65.

Five of the units feature long winding corridor entries. The layout of the majority of units is satisfactory, however.

There is a 3.0m floor to floor height specified in the proposal. It has regularly proved to be impossible to meet the acoustic separation requirements in the Building Code of Australia (BCA) with a floor depth of 300mm. The proposed floor to floor heights are not therefore likely to provide for the 2.7m ceiling height required by SEPP 65

8. Safety and Security

SEPP 65: “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.”

The entry to the eastern units has been noted before. The path to the door through a garden is a potential safety and security issue, providing opportunity for illegal entry. The lack of a clear entry address is also a serious problem for emergency response teams such as the police and ambulance services.

The units on the ground level facing Newcastle Street will have to address the potential for illegal access directly from the street onto the balconies.

9. Social Dimensions

SEPP 65: “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 in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.”

The development proposes 21 x 2b and 2 x 1b units. Although there is a limited unit mix in the development the emphasis on 2b balances the recent provision of generally larger units in the surrounding area. The development's location on Old South Head Road is suited to low levels of car dependency, however, to achieve this the design needs to engage with OSH Rd. and the local neighbourhood centre. This development presently turns away from Old South Head Road and hence emphasises car use.

10. Aesthetics

SEPP 65: "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."

The steel frame which surrounds this building on three sides creates an anonymous veil which is not suited to a residential building. The modelling of the façade needs to express the use and provide for a level of animation. The fact that the screen is the same on the three sides of development is particularly disturbing, as it suggests that the building is responding to the same issues on each facade. Each side of the site actually presents totally different conditions and the expectation is that the building should response accordingly.

SEPP 65 Clause 30A. Standards that cannot be used as grounds to refuse development consent for residential flat buildings

- (1) A consent authority must not refuse consent to a development application for the carrying out of residential flat development on any of the following grounds:*
 - (a) Ceiling height: if the proposed ceiling heights for the building are equal to, or greater than, the recommended ceiling heights set out in Part 3 of the Residential Flat Design Code.*

The development fails to comply with the 2.7 m ceiling height requirement for habitable rooms, under the Residential Flat Design Code.

- (b) Apartment area: if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code.*

The Residential Flat Design Code recommends internal and external areas for two (2) bedroom units, range from 80m² – 121m² and 11m² - 33m² respectively. For one bedroom units, areas are 50m² and 8m² respectively. The internal and external areas of the proposed units generally accord with the requirements of the Residential Flat Design Code.

The considerations contained in the Residential Flat Design Code are as follows:

Local context

For the reasons discussed in the SEPP 65 assessment above, the proposal is considered to be unsatisfactory with the local context requirements of this Code.

Site design

For the reasons discussed in the SEPP 65 assessment above, the proposal is considered to be unsatisfactory with regard to the site design requirements of this Code.

Building design

For the reasons discussed in the SEPP 65 assessment above, the proposal is considered to be unsatisfactory with the building design requirements of this Code.

The proposal is unsatisfactory with regard to the aims, objectives and provisions of SEPP 65. This forms reason for refusal 1.

CONCLUSION

When considering the suitability of a proposal it is necessary to consider the quality of the built form and the vegetation that is being lost. The development needs to be of a comparable or better quality. This proposal is visually intrusive and provides compromised amenity. This proposal does not replace the existing with built form of comparable quality.

A strong corner building is potentially supported, indeed there is considerable gateway potential on OSH Rd. This proposal however overdevelops this significant site. The convoluted pedestrian entry to units at the furthest point from the shops and transport is indicative of a development which encourages car use. The building on the southern corner site is too big and out of scale with surroundings. This is a predictable outcome of concentrating much of the FSR from the 5 lots on the southern site. If the building volume was reduced, the amenity and aesthetic of the development could be dramatically improved and the required deep soil provided.

The Day Care building is crudely designed and inappropriate in its response to the adjacent Church.

This proposal should be refused in its present form.

Tom Jones

Urban Design