DRAFT SEPP 65 and Urban Design Assessment Report

5-7 Wilga Street, Burwood

For Burwood Council

October 2010

Contents

1. Introduction

GM Urban Design and Architecture (GMU) has been appointed by Burwood Council to undertake a SEPP 65 and urban design assessment of a proposal for a residential flat development at 5-7 Wilga Street, Burwood.

The development proposal has the potential to offer good amenity for residents can respond well to the future of surrounding properties pending modifications to the design. Outstanding issues that remain with the proposal centre on the resulting isolation of the neighbouring site to the west at 9 Wilga Street, as well as the relationship of the proposed development to its side boundaries and at ground level, to Wilga Street.

1.1. Description of the proposal

The Development Application is located at 5-7 Wilga Street, Burwood. The area of the combined lots is 1318.7 sqm with a frontage of 24.75m. Approval is sought for the following development proposal:

- A residential development with underground car parking comprising:
    - Two residential apartment buildings to the north and south of the site with heights 10 storeys and 4 storeys respectively.
    - 40 residential units ranging from 1 bedroom to 3 bedroom units plus one home office
    - 51 off street car parking spaces over two basement levels.
    - Vehicle and pedestrian access from Wilga Street
    - A floor space ratio of 3:1

2. Applicable Controls

The proposal is affected by the following planning instruments. The applicable controls at the time of lodgement of the application were:

- SEPP 65 and the Residential Flat Design Code
- Burwood Town Centre Local Environmental Plan 2008
- Development Control Plan (DCP) Part No 36 – Burwood Town Centre.

Burwood DCP Part No 36 was adopted by Council on 02/06/2009, prior to lodgement of the development application on 06/08/2010 and therefore is the appropriate instrument for assessment of this application.

Therefore this report concentrates on the requirements of the LEP 2008, DCP 2006 and SEPP 65 (and the Residential Flat Design Code) considerations.

2.1. The Key Urban Design Controls-

The key urban design controls that need to be considered in relation to Wilga Street and this site are as follows:

- The site is zoned for B4 Mixed Use which means that the proposed use is permissible.
- The site is located within the Perimeter Area of the Town Centre rather than the core areas of the town and has discreet specific controls in relation to its role at the town edge.
- The controls that apply to the adjacent area under the DCP are a relevant consideration as they will inform the sort of development that will occur on the other side of Wilga Street
- The site is not in proximity to any heritage items that might affect its massing response
- The allowable FSR is 3:1

- The max height allowed for the northern side of Wilga Street is 30m. The lots to the rear of the Wilga Street site are able to achieve a height of 15m and will share the rear boundary.
- The southern side of Wilga Street can achieve a height of 60m but additional setbacks are required above 15m (6m setback) to ameliorate the scale of this additional height and introduce podium forms. Podiums can be built to side and rear boundaries with towers required to meet the numeric separation distances required in the Design Code. There is also a limit on the length of towers at 45m.
- A building height plane limits maximum building heights along the eastern end of the block where it abuts Shaftesbury Road below a plane taken at 36° from a point 1m above ground at the eastern street boundary. This imposed height restriction applies to lots up to and including 3A & 3 Wilga Street, but not the subject site.
- The controls seek to achieve a vibrant centre and an urban design driven built form that achieves architectural design excellence and high quality pedestrian amenity.
- The architectural response in terms of modeling, articulation, materials and colours is important as is the response to the context. Special attention is required for the positioning of towers whether on the same or adjacent sites to ensure appropriate setback, separation and amenity is achieved for the urban form.
- The development potential for adjoining sites is also important. In the new controls, rather than impose a site area minimum for the Perimeter Area, controls are introduced that discuss site isolation and require a small site or site located where potentially site isolation may occur to demonstrate how it will be possible to achieve the development potential on the adjoining site, achieve satisfactory amenity and not detract from the character of the streetscape. The subject site is one such a site.
- Activation to the public domain is also an important consideration and direct entries that are clearly defined and offer a separate street address for residential are required with non residential uses encouraged at the ground level.
- The specific area based controls for the Perimeter require a minimum street setback of 3m but do not stipulate any secondary setbacks or tower form requirements. Side and rear setbacks refer directly to the RFDC and only minimum unit size requirements are provided for Burwood Town Centre:
    - Studios – 40sqm
    - 1 bed – 50 sqm
    - 2 bed – 70 sqm
    - 3 bed - 95 sqm
- Building depth, natural ventilation, storage and daylight access are also referenced to the Residential Flat Design Code.
- Specific requirements are included for private open space which exceed the RFDC requirements with minimum depths of 2m for 1 bed, 2.5m for 2 or more bedrooms and minimum area of 8 sqm for 1-2 bed and 10 sqm for 3 beds.
- Vehicle access points are also to have high quality finishes to walls and ceilings and high standard detailing to achieve attractive entry points and there are limits on vehicle entry widths.
- Where the DCP relies on the RFDC it means that the objectives within the code become important with numeric standards and the rules of thumb. However some of the referenced sections in the Code do not actually provide numeric standards at all (as the Code is a state wide document and different standards are appropriate for different situations).
- The requirements for side and rear setbacks is one such point where the Code discusses the need to

minimize the impact of the development on amenity and to respond to the existing rhythm of the street. Reference is made to the building separation standards in the code which are repeated below and by definition would introduce a side setback distance based on the development height.

The Code does contemplate zero setbacks where continuous street frontages are desired. The Council controls however are silent on the streetscape form that is desired for the perimeter area.

Building separation distances are referenced and are quite specific relative to building height. They are:

- For buildings up to 4 storeys or 12m –
    - 12m between habitable rooms/balconies
    - 9m between habitable/balconies and non habitable rooms
    - 6m between non habitable rooms
- For buildings 5-8 storeys or up to 25m
    - 18m between habitable rooms/balconies
    - 13m between habitable/balconies and non habitable rooms
    - 9m between non habitable rooms
- For buildings over 9 storeys or above 25m
    - 24m between habitable rooms/balconies
    - 18m between habitable/balconies and non habitable rooms
    - 12m between non habitable rooms
- Building Depth is also a code requirement and is limited to between 10-18m and encourages dual aspect apartments.
- The standards for natural ventilation and daylight access within the code set a requirement for a minimum of :
    - Living rooms and private open space for 70% of apartments is to receive min 3 hours between 9am and 3pm.
    - Single aspect apartments with SW_SE aspect to a max of 10%
    - 60% of units to be cross ventilated
    - 25% of kitchens to have natural ventilation.
- Storage requirements vary from 6 cubic metres for studios up to 10 cubic metres for 3 bed apartments.

CONCLUSION:

Assessment of this proposal is complicated by the lack of definitive controls in the new DCP on exactly what streetscape response is required for new development in Wilga Street. The existing pattern of development has a range of residential development from small lot housing to 3-4 storey apartments with different orientations for the buildings depending on the development type. All lots do appear to benefit from side boundary setbacks of varying dimensions. On the opposite side of Wilga Street however is the Westfield development which introduces a large monotonous box with continuous street frontage hard on the street.

The character of the development in this street varies considerably so it is at Councils discretion to consider whether the new development form should emulate a continuous street wall or should provide side setbacks and a solid to open rhythm down the northern side of Wilga Street. This consideration also needs to be mindful that the 30m height limit will deliver roughly 10 storey residential buildings, which is a contrasting scale to the existing strata development in the street. Further, the building height plane restriction will deliver

either sloping or stepped form to the eastern end of the block rising to 10 storeys either at or to the east of 5 Wilga Street and consideration must be given to the potential long term visibility of the top and side of the building from Shaftsbury Road.

The DCP as it currently stands does not direct the applicant in either direction particularly other than relying on the separation distances within the Code. Based on a 10 storey development height, separation between buildings would be likely to vary between 12 – 24m maximum subject to the interface of the two developments on the side boundary and the actual height of the new development in this location.

The controls place significant emphasis on urban design outcomes and high quality amenity and architectural solutions. They recognise that the town centre will be subject to substantial change under these controls.

3. SEPP 65 Assessment

3.1. Principle 1: Context

'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.'

COMMENT:

The site is located in close proximity to the main street of Burwood and is a reasonable walking distance to Burwood Station. It is immediately adjacent to retail facilities and is well connected to the centre. The location certainly justifies an increase in density and this is reflected in the new controls intended for the Town Centre. Wilga Street becomes part of the edge area transitioning from the much taller core to the lower scale residential area to the north and east.

Both Wilga Street and Meryla St are likely to be subject to change due to the new controls for the area. The Westfield development will be able to achieve tower development above the existing podium up to a height of 60m (which will equate to roughly 20 residential storeys (from street level) setback 6m from the podium edge. The lots in Meryla Street will be able to develop only to 15m which equates to approximately 4 -5 storey residential development. The northern side of Wilga Street where the site is located is able to develop up to 30m which equates to a 9-10 storey built form.

The current context of the site varies from the large Westfield retail development on the southern side of Wilga Street to fine grain single storey dwelling houses which are likely to develop over time. Several lots on the northern side of Wilga Street have been redeveloped and are occupied by 3 storey pitched roofed apartment buildings (roughly a 4 storey scale) with varying numbers of strata units. To the eastern end of the street is single storey residential development fronting to Shaftesbury Road.

Small lot single dwelling houses occupy much of the street such as on the subject site

Three storey masonry apartments with pitched roofs (roughly a 4 storey scale) also occupy lots within the northern side of Wilga Street, which limit short-to-medium term amalgamation

Comment [PA1]: Thi is the only picture we have of the aparment building next to #9 Wilga Street. There are no pictures of the subject site in Tony's photos from atop Westfield.

The Westfield development to the southern side of Wilga Street is 4-5 storeys, built to the site boundary, with no setbacks or break in the built form.

Beyond Wilga Street to the north currently are low scale apartment buildings and single storey dwellings. Therefore this portion of Wilga Street is making the transition from the future 4 storey development to the north through to the future tower forms that may occur on the Westfield development which also dealing with the existing strata development in the street itself. It is notable that in Wilga Street where this existing

apartment development has occurred it has involved site consolidation. The new controls do not include a minimum site area control. This development proposes to amalgamate two lots. Therefore it is not dissimilar to the lot frontages that occur with through the existing development pattern.

So to respond appropriately to the context the development needs to achieve a sense of transition, ensure it does not isolate any adjoining lots, respond to the lower scale strata development that exists in the street and also respond to the new taller development achievable under the controls.

The subject site is located near the eastern end of the block. To the west at 9 Wilga Street is a single storey dwelling house with pitched roof of approximately 1960s construction, on a lot of narrower width than the adjoining lots – it is only 9.78m. To the east at 3-3A Wilga Street is a long single storey dwelling house on a narrow lot. Beyond that lot is another narrow lot that currently stands vacant.

Site location plan

The aerial above shows the existing situation. It can be seen that 9 Wilga Street is sandwiched between the existing strata flat development at 11-15 Wilga Street and the amalgamated lots of this site. To the east there are 2 narrow lots and a duplex type lot all of which could potentially amalgamate and redevelop.

The proposed development achieves a positive response to context in a number of areas. These are:

- Providing two buildings one addressing Wilga Street and the other located to the rear of the lot rather than a long building down the lot which would have serious overlooking and overshadowing problems
- Providing the northern building as a low scale 4 storey building with a minimum of 6m rear setback that allows deep soil planting which allows an appropriate transition to the lots to the north and good landscape screening.
- Providing a central courtyard space that provides outlook and amenity for both the site and the adjoining lots with new residents looking into their own courtyards rather than across side boundaries.

- Providing at least some response to the lower scale of the existing strata buildings by expressing a datum at the 4th floor due to the change in screen proportion over the buildings balconies.

However there a number of areas of concern with the proposal that is not mindful of the context. These are:

- The failure to demonstrate how the adjoining narrow lot at 9 Wilga Street could achieve a reasonable development outcome.
- The failure to investigate the likely development pattern that could result in the street and justify the scheme as proposed on the basis of achieving a high quality outcome (this is discussed further under scale)
- The likely streetscape that would result from this development considering the likely development pattern.

Considering the first issue above the lot at 9 Wilga Street will be isolated between a strata development and this development. The proposal provides a blank side wall to its eastern boundary which would enable the lot to develop directly abutting the subject site. However it is questionable whether such a narrow lot could achieve a workable development solution as it would be unable to achieve any sort of sensible underground parking layout, the driveway would occupy 6m of the 9.78m frontage leaving insufficient space for entry, fire egress, storage for waste, access to services, quite apart from any other use to the ground floor.

Further the proximity and arrangement of the adjoining existing residential building to the west of 9 Wilga Street could require some side setback from the western boundary to achieve an appropriate amenity, tree retention or separation which would further reduce the usable frontage on this lot.

Therefore it is considered unlikely that 9 Wilga Street could develop to a reasonable scale and given the lack of evidence to the contrary the proposal is considered to isolate that site.

To the immediate west of the subject site is 9 Wilga Street. This lot is narrower than the two lots comprising the development and will be presented with a blank side wall to the east and an existing 3 storey plus pitched roof apartment building to the west. This lot is only 9.78m wide so its capacity to redevelop in isolation is a concern.

The second issue is the impact of the proposed development in terms of the streetscape and development pattern. This is a direct result of the side boundary relationships as well as the scale of the development. These issues are discussed below.

CONCLUSION:

Overall the building footprint, location of open space and provision of two buildings with a taller form to Wilga Street and lower form to the rear of the site is supported.

However the proposal is considered to isolate the adjoining lot as it would be arguably impossible to develop alone. Therefore it is recommended that the applicant amalgamate with this adjoining lot or amend the proposal to allow the future development of the adjoining lot so that it is able to use the car park access of the proposed development. This approach could also extend to designing the central open space so that the adjoining lot could also eventually connect to the sites communal space which would tie the two developments together appropriately at a future date.

The scale issue is discussed below.

Therefore whilst the proposal satisfies some elements of context the issue of site isolation and scale is considered to be significant. Therefore the proposal does not satisfy this principle.

3.2. Principle 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.'

COMMENT:

It is likely that the low scale single dwelling houses in the street will redevelop over time however this may be unlikely for the more recent 3 storey apartment development.

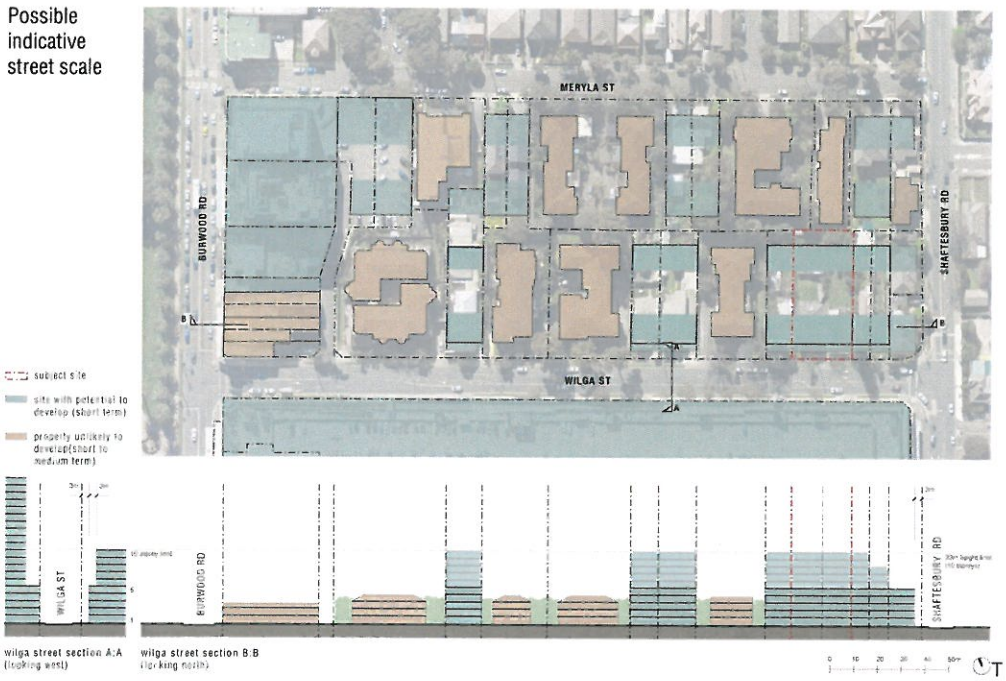
The success of the development footprint proposed in the DA is dependent on its relationship with existing and potential future development at the side and rear boundaries. For the streetscape this relationship also includes any front setback requirements as this will establish the street edge scale.

Front setback -

The southern side of Wilga Street requires a setback above 15m or in the case of Westfield, above the existing building for any future tower forms. The front setback requirement for the northern part of Wilga Street is a 3m setback to the building and the proposal complies with this requirement. There is no requirement for any further setback i.e. the development is able to reach 10 storeys on the street subject to considerations of response to context under the RFDC. *Side Setback or separation distances -*

The proposal offers no side setbacks to either of the side boundaries. The resultant development envelope that would be likely to result from the lack of setbacks is that any redevelopment of 9 Wilga Street and of 3, #a, 41, 41A would directly abut the proposed development. On the assumption that it would be possible to develop 9 Wilga Street (which is questionable) this will create a continuous streetwall 10 storeys high for a length of roughly 87m then stepping down to approximately 8 storeys and then to 5 storeys as the height plane affects the sites to the east.

An indicative representation of the envelope that would create is shown below and in the appendix at larger scale.



his approach is not supported for a number of reasons as follows:

- It does not deal with the fact that the existing strata developments in the street are unlikely to redevelop and that this should be acknowledged in the response to the development.
- It creates a continuous streetwall that is not responsive to this likely medium term or possibly long term rhythm of the street as required by the underlying objectives of the Residential Flat Design code (in that it ignores the development pattern in the street that comprises development separated by green space along side boundaries)
- It adopts the continuous streetwall of the Westfield development (but to a much higher scale) which is a totally different development model implied by the new controls – that of a tower and podium form rather than a transitional form from towers to the residential lower scale context beyond.
- It will create a very dominant and long built form if followed as a precedent that would not deliver an appropriate response to scale or context.

To achieve a more appropriate outcome and response to the street it is considered necessary for there to be a side setback to the eastern boundary of the proposed development. If such a setback was provided it would enable this development and any future development of 9 Wilga Street (assuming the issue above is resolved) to read as one continuous frontage with an overall development width that would not be too out of scale with the rhythm of the street or other development solutions being considered further to the west in Wilga Street. The separation would also allow future development of the remaining three sites to the east to also develop as either one or two developments with some relief in the streetwall scale. A representation of how this might be achieved is shown below and is repeated in the appendix at larger scale.

Preferred envelope for the development site

The image above requires a side setback of 3m to the eastern boundary of the 10 storey built form. A further 3m setback is suggested to the top two floors of the building in addition to this side setback to reduce the apparent scale of the development to something that is more responsive to the scale of the Westfield development (which ranges from the equivalent of approximately 6-8 storeys). This sort of setback to the

upper floors has been recommended and agreed to by the applicant for 17 Wilga Street. This setback should also extend to the top two floors at the front facade of the development so that the top of the building reads as a lightweight setback element.

CONCLUSION:

It is considered that an improved streetscape and more equitable outcome would be achieved if the development was amended to provide:

- A nil setback to the western side boundary for the height of the development to enable the adjoining lot to abut this proposal on the condition subject to satisfying the issue of isolation and amalgamation under context.
- A 3m setback for the 10 storey building to Wilga Street for its full height and length
- A further 3m setback to the top two floors of the development from the eastern facade and a 3m setback from the southern front facade to reduce the street wall scale to a maximum of 8 storeys.

This will create a more acceptable street scale and response to context and will ensure that an 87m long 10 storey streetwall does not occur.

Therefore the proposal does not satisfy this principle and it is recommended that the above amendments be adopted in addition to either requiring amalgamation with 9 Wilga Street or amendments to the design to enable sharing of vehicle access and services etc so a workable development can be achieved on the adjacent lot.

3.3. 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 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.'

COMMENT:

Side blank walls -

As discussed under context and scale the lack of setbacks is an issue that needs to be addressed. The provision of no setbacks also creates a built form implication that will be discussed here. The western boundary (subject to comments above) is likely to result in a blank wall on the boundary for some time to come unless the site amalgamates with 9 Wilga Street. Therefore the appearance of this wall is important to ensure that it does not create a poor outcome until development occurs adjacent to it.

The proposal does little to create any visual interest. It proposes a blank wall with only an inset screening element to a blank wall behind. This is a very poor design solution and is not supported. The design should be amended to create more visual interest and articulation so that the wall presents attractively to the street whilst it is exposed.

This is also the case with the side walls to the lower scale building which are also on the boundary and the side wall to the eastern side of the development. Under scale it is suggested that the 10 storey wall be setback which would enable the wall to be developed as a full façade with fenestration and more articulation than is proposed at present. However designs should be provided to demonstrate how this would be achieved and how the key alignments to the front façade would be carried through and expressed in the side facade.

The front façade -

The proposed front façade treatment responds to an assumption that the surrounding lots can develop in a similar format to produce a 10-storey street wall. This has been shown not to be an appropriate outcome and a treatment that provides a clearly defined and attractive top to the building would be more appropriate.

The architectural modeling of the front façade proposes a slatted / louvered treatment to the majority of balconies and a regular pattern of windows to bedrooms. This creates little interest and nearly no articulation, does not moderate the effect of the 10 storeys. Whist it does divide the building mass into two symmetrical halves which assists in suggesting a taller, more slender proportioning this is not considered sufficient. The Westfield on the other side of the road offers no modulation so it is particularly important that the northern side of the road creates interest. Whilst it is appropriate to express the original lot configuration through the slot more could be done to create modeling in this façade and this should be further investigated.

Activation at ground level -

The proposal is for a mixed use building which is supported. However the proposed development does not satisfactorily achieve activation of the ground level. Whilst the proposed home office has glass to the street there is no direct address to Wilga Street. Rather visitors would be required to enter the building lobby and enter effectively the apartment to access this space. This will undermine the use of this space as a small commercial office with its own address and therefore is not considered appropriate.

Much of the remainder of the ground level has been devoted to services, fire escape and refuse which is a poor design solution for two amalgamated lots. The proposal should be redesigned to achieve an increased frontage for the home office type uses.

Building separation -

The proposed development provides two landscaped courtyards – one occurs between the buildings and the other to the rear boundary. This provides a good outlook for both buildings and preserves the privacy of the neighbours to a reasonable degree.

The separation distances between the two buildings are slightly under the recommendation of the Residential Flat Design Code but this is considered acceptable given the urban location and the fact that subject balconies and bedroom windows are offset from each other. The roughly 6m setback to the rear boundary if replicated on the lots to the north would result in a 12m separation for a 4 storey building. This meets the requirements of the Code and is supported.

The proximity of this proposal to adjoining development and the future streetscape has been discussed above and will not be repeated here.

CONCLUSION:

Issues exist with the design treatment of the side walls and front facade, activation at ground level and also with the setbacks etc as discussed above. To address these issues amendments would be required to the design including:

- Redesign of the entry arrangements to the home office to provide a direct street address
- Redesign of the refuse and service arrangements to provide a greater extent of small commercial starter space and active frontage
- Redesign of all the side facades to achieve better visual interest and for the eastern facade of the tower full redesign as a full facade setback from the side boundary.

Therefore the proposal does not satisfy this principle.

3.4. 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.'

COMMENT:

The proposal offers a Floor Space Ratio equivalent to the maximum allowed for the site. The amendments proposed to the proposal above are likely to reduce the floor space ratio. The location of the site is suitable for density given its proximity to rail, town centre and open space.

CONCLUSION:

The proposal satisfies this principle and offers a variety of living options.

3.5. Principle 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 reuse of water.'

COMMENT:

The proposal satisfies Basix and appears to perform well in regards to solar access. This design achieves a northern orientation for all apartments except the studio apartment facing Wilga Street. However, a sun access study has not been provided to demonstrate whether sufficient units on the lowest levels of the 10 storey building (block A) receive a minimum of 3 hours sun between 9am and 3pm mid winter to comply with the code requirement of 70%.

In terms of orientation 70% of dwellings (28 out of 40) benefit from at least two orientations and there are arguably no south facing apartments. However the studio portions of the dual keyed 3 bedroom apartments will be rented separately so in actual fact up to 11 additional units will be single (northerly) aspect. This means that in fact only 55% (28 out of 51 apartments) will be dual aspect and able to be cross-ventilated. Three apartments (7.5%) of the dwellings are two storey and will achieve a stack effect in addition to the cross ventilation.

A rainwater tank is also provided.

CONCLUSION:

The proposal partially satisfies this principle but is not particularly innovative in relation to sustainable measures beyond those mentioned above. The proposal achieves reasonable solar access but should be amended to achieve compliance with cross ventilation.

3.6. Principle 6: Landscape

'Good design recognizes 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-coordinating 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.

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.'

COMMENT:

The proposal provides ground level open space to the street but the communal open space is barely landscaped and is totally dependant on planters to achieve a reasonable landscape character. Given this is the main outlook for all the apartments in the taller building and is a secondary outlook for the smaller building

this is a poor outcome. Consideration should be given to providing some space in the first basement level centrally in the courtyard to allow a mature tree to be planted.

Also the communal open space is provided on a variety of levels – this creates the potential for overlooking from the southern apartments to the northern apartments. The result is that the northern apartments have planters hard against walls and windows or have almost no window at all. This is a poor design solution. In addition there is a section of raised communal open space over the driveway that is very disconnected to the rest of the courtyard and is questionable in its utility.

The extent of communal open space provided on the site is a total of 227.75 sqm including 31 sqm of covered communal space located above and overlooking the car park entrance. No roof terrace is provided. An additional 51 sqm of open space at the front of the building facing Wilga Street which would bring the total to 278.75 sqm. However this space is not suitable for communal open space given its public character and should not be counted.

In total this means that the development does not meet the Residential Flat Code requirement of 25% of the site area for communal open space in the RFDC.

The proposal provides deep soil to the front and rear setbacks and to the side for the central courtyard. The extent of deep soil provided on the site is 25.7% of the site area and therefore complies with the RFDC.

CONCLUSION:

The proposal does not achieve the highest quality of open space and does not meet the communal open space requirements in terms of the area % of the RFDC. Therefore the proposal is not considered to satisfy this principle.

3.7. Principle 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.'

COMMENT:

The principle of amenity applies to both the internal amenity of the development, the amenity of the public domain and of adjoining development.

Internal amenity

The proposal provides a reasonable level of internal amenity. All apartments face north but only the larger units have north facing private balconies. No apartment is solely dependent for its outlook on Wilga Street which is a positive outcome. However the studio apartments have no private open space at all which is not acceptable. These are the smallest units and will require some external space.

The visual connection between the main entrance and internal courtyard and entrance to the rear building could be improved. An offset lobby partly obscures the corridor through to the rear and does not provide a sense of address or way finding for the rear block. Also the extension of the lobby that serves the lift in block A is enclosed with double doors. These are an unnecessary obstruction to the lift and pose potential difficulties for wheelchairs and furniture movers.

Privacy is reasonable with habitable areas offset from facing windows where separation distances are 1m less than required in the code. The proposal provides open plan living areas with the rear wall of kitchens located between 7.5m – 9m from a window. However a number of the kitchens are tucked behind other habitable rooms away from the windows which is a poor outcome.