

The proposal however is deficient in internal storage. Internal storage for units 32, 34, 37 & 40 is not accessible from living areas. Where dual key 3 bedroom apartments include a studio apartment, the studios suffer from no internal storage at all including wardrobes. Further they appear to have no laundry facilities either.

The laundry arrangements for many of the apartments are poor. For the southern building many of the apartments have laundries in the kitchens which reduce storage and usable areas in the kitchens and is not considered appropriate. Cupboard laundries are acceptable but should be located outside the kitchen area.

The home office associated with Unit 1 also has no provision for internal storage or a private courtyard but does have its own kitchen, bathroom and laundry. This is a concern as it suggests that this will not be used as a home office but as an independent living unit. Therefore to ensure this does not occur the laundry facilities and full bathroom should be deleted and changed to a disabled toilet only.

The DCP requires private open space to have a minimum width of 2.5m for 2 or more bedrooms. The proposed development provides 2.3m widths as a minimum for 2 bedroom and larger units. The RFDC requires 2m so the scheme is compliant with the RFDC.

#### *Amenity of neighbouring buildings and residents*

The location of built form and the arrangement of the apartments maintain the privacy of the adjoining residences to the east and west. The building is designed to look into its own rear garden, courtyard and Wilga Street as well as having an outlook over its own deep soil zone to the rear. It will provide a 6m setback to the rear which is adequate for a building of the scale proposed. No habitable room windows overlook the side boundaries. Therefore the proposal achieves a high level of privacy for adjoining lots.

The shadow cast by the development is far less than would occur with a configuration that had the building along the length of the lot. The proposal has the advantage of an orientation almost directly north which maintains a minimum of 3 hours solar access to the house and rear garden of 9 Wilga Street from the hours of noon through to 3pm. For the apartment building at 11-15 Wilga Street the proposal will cause additional overshadowing along half the building's depth for a shorter period during the morning only. The side windows facing the proposed development for the residences at 3A and 9 Wilga Street will not achieve any solar access. The respective gardens and north facing windows, however, will achieve a minimum of 3 hrs sun access in mid winter between the hours 9am – 3pm.

The decision to locate the 10 storey component of the building directly on the western boundary is not ideal in terms of its relationship with the adjacent lot, 9 Wilga Street if this lot is not capable of equal development. Unless amalgamated or able to benefit from shared access etc arrangements this adjoining lot will not enjoy the opportunity to develop to a 10 storey scale independently. To ameliorate this issue either a provision for sharing the car park entry and potentially a lift core should be provided or the subject site should be required to amalgamate with 9 Wilga Street. In case of the latter, the amended proposal will need to consider sun access and privacy issues for the apartment building at 11-15 Wilga Street.

#### **CONCLUSION:**

The issues with amenity could be conditioned as part of any approval but do require resolution to satisfy this principle.

### **3.8. Principal 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.'*

#### **COMMENT:**

The proposed development provides a clear definition between public and private areas by locating the principal private and communal open spaces behind the building fronting to Wilga Street. Activation of Wilga

Street could be improved as discussed above. Given the apartments on the first floor have their habitable areas located to the North, away from Wilga Street, provision of some active frontage to the ground level is important.

**CONCLUSION:**

The proposal should be amended to expand the extent of activated space via home office or similar use and if this is achieved then the proposal will satisfy this principle.

**3.9. Principal 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 in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.'*

**COMMENT:**

The proposal provides a good mix of apartments ranging from 1 bed up to 3 bedroom apartments. Dual keyed 3 bedroom apartments are however unable to be successfully occupied independently as a studio and 2 bedroom unit because of lack of private open space and utility for these studios as discussed under amenity. The unit type is mainly homogenous with two layouts repeated across floors of both proposed buildings with the exception of the uppermost two floors. The proposal provides a range of lifestyle choices to the ground floor units with varying types of courtyard which is a good outcome. Two units are fully wheelchair accessible.

**CONCLUSION:**

The proposal satisfies this principle subject to earlier comments for studios under amenity.

**3.10. 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.'*

**COMMENT:**

The design of the development introduces a new aesthetic to Burwood architecture based on a 10 storey street wall. The character of the facade is that of predominantly louvered and slatted balconies which is an unusual treatment to the extent proposed for a residential building.

The lack of articulation to the front facade is less than ideal and the blunt termination of the roof level also does not create a particularly interesting solution. No materials board has been provided for consideration so no comment can be provided on colour or materials.

Flat slab roofs top to both buildings offers no visual interest from the street or for the units overlooking the lower roof. Opportunities should be considered for a green roof for the lower building and more interesting roof form for the taller development in combination with the increased setback.

The development does provide a base element which is responsive to the street scale. The side walls require more articulation and visual interest as discussed under built form.

**CONCLUSION:**

The proposal is not considered to satisfy this principle without further design development.

#### 4. Recommendation

The Development Application for 5-7 Wilga Street provides a reasonable development pattern in terms of the two building model and is of appropriate height generally. However the lack of side and other setbacks is a considerable issue and the implications for 9 Wilga Street are considerable.

The architecture could be more interesting particularly to the side boundaries and roof forms and it does not satisfactorily address some amenity and landscaping issues.

Therefore there are a numerous design issues that need to be addressed prior to approval of the project. These in summary are:

- Provide an opportunity for 9 Wilga Street to share access arrangements and basement car parking and demonstrate that this lot can be developed appropriately or amalgamate the proposal with this lot.
- Redesign the proposal to provide a 3m setback for the 10 storey building to the eastern boundary and a further 3m setback to the upper two floors from the east and south.
- Provide better activation to Wilga Street and a safer, clearer entry.
- Provide visual interest to side walls and roof form
- Redesign the laundries in many units
- Provide balconies to the studio units
- Increase the amount of communal open space to meet the code requirements
- Amend the design to meet the requirements for cross ventilation
- Delete the laundry and full bathroom from the home office

On the basis of the major issue regarding 9 Wilga Street and its development potential, the implications of the setbacks above in addition to the other myriad smaller issues it is considered that this proposal will require significant redesign. On that basis it is recommended that the proposal is either refused or deferred pending resolution of these urban design issues.

Appendix A –

4. Summary of Controls from the Burwood Council draft LEP and consolidated DCP Part 36.
5. Assessment of the proposal against the NSW Residential Design Flat Code
6. Diagrams showing development pattern and possible streetscape massing



1. Summary of Controls from the Burwood Council draft LEP and consolidated DCP Part 36.

**LEP Controls -**

- The site is zoned for B4 Mixed Use.
- The site is located within the Perimeter Area of the Town Centre.
- The site is not in proximity to any heritage items
- Allowable FSR 3:1
- Max height for the northern side of Wilga Street is 30m with the lots immediately to the north of the subject site able to reach 15m and development on the southern side of Wilga Street able to achieve 60m subject to street setbacks.

**DCP Part 36 -**

The objectives of the DCP are to:

- Provide for a vibrant centre and provide a suitable built form that supports appropriate urban design outcomes.

**Design Excellence**

- Development in the centre is to represent architectural design excellence with architectural interest and detail, articulation and good design to conceal services
- Promote pedestrian safety and scale/amenity
  - Form and external appearance is to improve the quality and amenity of the public domain
  - Appropriate composition of building elements, materials and colours
  - Respond positively to the environment and context
  - Location of tower components is to have regard to other towers on the same site or neighbouring in terms of separation, setback, amenity and urban form
  - Consider development potential of adjoining sites

**Materials**

- High quality finishes, visually interesting, integrate service elements, no clear glass balustrades, entries visible from the street
- Roof design integrated into the design
- Painted finishes are not desirable
- Articulate walls of development to provide visual interest when viewed from the street

**Roofs and roof tops**

- Respond to orientation
- Integrate service elements
- Role within skyline

**Street front activities**

- Encourage pedestrian safely, visual interest and activity
- Promote non residential development to ground floors
- Minimise service doors

- Provide access at not more than 20m
- At grade access
- Attractive entries and façade modulation
- Residential must have a clear street address and separate entry

#### Site isolation

- Encourage site consolidation of allotments for efficient development and avoid isolated sites
- Encourage development of existing isolated sites that responds to context and maintains a satisfactory amenity.
- Applicant is required to demonstrate negotiations to amalgamate and that no satisfactory result is achievable
- Where development may result in the creation of an isolated site the applicant must demonstrate development of the adjoining site can be achieved consistent with the planning controls
- Development of an isolated site is not to detract from the character of the streetscape and is to achieve satisfactory amenity including solar access, visual and acoustic privacy.

#### Area based controls –

The town centre is divided into a number of areas that tend to change across streets. Whilst controls applicable to the Middle Ring Area do not apply to the northern side of Wilga Street they are significant in understanding the future character of the southern side of Wilga Street which is within the Middle Ring. The relevant controls that will guide development to the other side of Wilga Street are:

- Podiums are required and are not to exceed 15m
- Build to street boundary unless otherwise indicated – Wilga Street southern side is 0m setback (due to the existing Westfield development).
- Secondary setbacks are required where development can exceed 15m (60m is possible in the middle ring Wilga Street) development must setback a minimum of 6m above the podium level.
- Side and rear setbacks require residential development to comply with the Residential Flat Design Code and other development is to be built to the side boundary and can be built to the rear boundary.
- Building separation is to ensure appropriate massing and spacing and for residential and non residential development the Flat Code is referenced.
- The required setback is to be shared equally with adjoining sites.
- The maximum length of a building parallel to the street above 15 m is to be 45m.

#### Perimeter Area:

- The site is located in the Perimeter Area
- Street front setback required to be a min of 3m
- Secondary setbacks are not applicable to streets other than Burwood Road
- Side and rear setbacks are referenced to the Residential Flat Design Code
- Building separation is referenced to the Residential Flat Design Code and these separation distances are to be shared equally between lots.
- The applicant must demonstrate daylight access, urban form, open space, amenity and privacy can be achieved satisfactorily.
- Communal open space - retain mature trees where possible, if removed 2 new trees per tree must be

provided

- Apartment mix is required and minimum apartment sizes are required:
  - Studios – 40sqm
  - 1 bed – 50 sqm
  - 2 bed – 70 sqm
  - 3 bed - 95 sqm
- Building depth is referenced to the Residential flat Design Code
- Ceiling height - 3.3m for the ground floor and 2.7m for habitable rooms above ground level.
- Natural ventilation and daylight access is referenced to the Flat Code.
- Utilise the site layout to increase building separation and achieve adequate visual and acoustic amenity.
- Private open space is to be accessible from the main living area and is to have a minimum depth 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.
- Orient development to maximize visual privacy by providing adequate rear and side setbacks.
- Storage is to be provided as required in the Flat Design code with 50% in the dwelling.
- Development is to be safe and secure for occupants and pedestrians.
- Development is to meet Basix.
- Vehicle access points must have high quality finishes to walls and ceilings and high standard detailing

It can be seen that the DCP relies heavily on rules of thumb and objectives within the Residential Flat Design Code in relation to the following requirements:

- Side and rear setbacks
- Building separation distances
- Building Depth
- Natural ventilation and daylight access
- Storage

The key requirements in the Code in relation to these topics are as follows:

- Side and rear setbacks
  - Side setbacks are to minimize the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including future buildings
  - Retain or create a rhythm or pattern of development that positively defines the streetscape so that space is not left over around the building form
  - Design in conjunction with building separation, open space and deep soil zone controls
  - Where a continuous street frontage is desired a zero setback is appropriate
  - Where setbacks are limited by lot size and adjacent buildings step in the plan on deep buildings to provide internal courtyards and to limit the length of walls facing boundaries
  - Relate side setbacks to the existing street pattern
  - Rear setbacks are to maintain deep soil zones to maximize natural site drainage and protect water table

- Maximize the opportunity to retain and reinforce mature vegetation
- Optimise the use of the land at the rear and surveillance of the street at the front
- Maximize building separation to provide visual and acoustic privacy.
- Building separation distances
  - To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings
  - To provide visual and acoustic privacy, control overshadowing allow for the provision of open space and deep soil
  - 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
  - Allow zero building separation in appropriate contexts such as in urban areas between street wall building types
  - Building separation controls may be varied in response to site and context constraints
- Building Depth
  - To ensure the bulk of development is in scale with the desired future context
  - To provide amenity for building occupants – solar access and ventilation
  - Provide dual aspect apartments
  - Apartment depth to be between 10-18m.
- Natural ventilation and daylight access
  - 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
  - Studios – 6 cubic metres
  - 1 Bed – 6 cubic metres
  - 2 bed – 8 cubic metres



- 3 bed – 10 cubic metres

## 2. Assessment of the proposal against the NSW Residential Design Flat Code

The table below indicates the topics, objectives or rule of thumb suggested within the design code and the response provided by the design.

Residential Design Flat Code – Topic	Compliance – Y=yes, N=no, NA= not applicable	Comment
<b>Part 01 – Local Context</b>		
Building types	Partial	The development responds to the future desired character for the area apart from its side boundary relationships which do not adequately resolve the streetscape or bulk to the neighbouring property. The proposed use is permitted.
Amalgamation and subdivision	Partial	The development amalgamates 2 sites but isolates the narrow site immediately to the west between the subject site and a strata residential flat building beyond.
Building envelopes	Partial	The building complies with the height controls. Building articulation is minimal to Wilga street and could be improved. No articulation or interest to side walls provides a poor visual amenity from the street and depends on future development to both sides of a similar scale – this may prove difficult for the isolated narrower site to the west and would not be an appropriate streetscape solution.
Building depth – 10-18m recommended	Y	The building complies, with a maximum depth of 15.5m.
Building separation	Y	A non-compliance of 1m for the separation distance between some habitable balconies and non-habitable rooms within the development is considered minor (11m instead of 12m).
Street setbacks	Y	The proposal provides the required street setback.
Side and rear setbacks	N	The proposal provides reasonable rear setbacks and nil setbacks to the eastern and western boundary. This is acceptable to the rear of the site and to the west subject to issues regarding the development potential for the adjoin site but creates streetscape and bulk issues to the east.
Floor space ratio	Y	The building complies with the maximum FSR.
<b>Part 02 Site Design</b>		
Deep soil zones –min 25% of the open space should be a deep soil zone.	Y	The proposal provides deep soil of 25.7% of the open space area. Limited deep soil areas within communal open space only 1.5m wide. Deep soil zone at rear contiguous with existing band of soft landscape to rear of surrounding lots.
Fences and walls – provide definition between public and private, improve privacy and contribute positively to the public domain	Partial	A nominated home office fronts to Wilga street but without direct access to the street. Building separates street from private and communal open spaces.
Landscape design –add value to the quality of life by outlook,	Partial	Communal open space dominated by hard paving, concrete stair well and many steps with scattered planters. Predominance of

privacy and views, habitat for native plants and animals, improve microclimate.		hard landscape may contribute to a coldness of the space in winter as it is in the shade.
Open Space – 25-30% of the site should be communal open space. Minimum areas at ground level are 25sqm, with a minimum dimension of 4m.	N	The proposal does not comply.
Orientation	Y	The orientation of the apartments is excellent.
Planting on Structures	N	No roof landscape to 4 storey building means poor outlook for residents above 4 <sup>th</sup> floor - over 392 sqm of concrete. Additional planter between stair to communal space and centre courtyard would improve amenity for both spaces. 900mm soil depth will be provided over 40.5 sqm of planters in the communal open space over 264 sqm of basement car park. 392 sqm of roof top to lower building unplanted. (15.3% of area above car park, and 6.2 % of total area on structures is planted).
Storm water management	Y	Rainwater is to be collected and reused within the development. Refer to BASIX report. Rainwater tank could be better located.
Safety	N	The new building provides little activation and overlooking of the street.
Visual Privacy	Y	Visual privacy is good due to the configuration of the buildings.
Building Entry	Partial	Building entry separated from car entry. Pedestrian entry could be more clearly defined but is accessible directly from the street.
Parking	Partial	51 spaces provided in basement car park. 52.2 spaces required by DCP unless a monetary contribution is provided in lieu of visitor parking (7 visitor spaces required, 6 provided). Publicly accessible visitor short stay parking encouraged but not provided (all parking within security garage).
Pedestrian Access	Partial	Main access point directly off street with lifts for accessibility. Pathway to lifts slightly convoluted with extra unnecessary doors – these doors make it harder for wheelchairs and furniture movers. Visibility to rear building poor.
Vehicle Access	Y	Vehicle access appears satisfactory – high quality materials are required for the entry and vehicle entry given its exposure to the street.
<b>Part 03 Building Design</b> Apartment layout	Partial	Overall apartment layout generally optimal. Service areas, wet areas & kitchens located within the middle of floor plates. Living rooms to the north. Distance to back of kitchens near compliant with 8.5 & 9m distances to most units located on the boundaries. Kitchens in units 4, 7,10,13,16 obstructed by wall to bedroom.
Apartment mix	Y	The development offers 1, 2 and 3 bed apartments. 3 bed apartments convert to dual key 2 bed and studio.
Balconies – provide all apartments with open space, ensure they are functional and integrated into the	N	No balconies to dual keyed studios within 3 bedroom units. All provided balconies have the 2m depth required by RFDC and



overall architectural form, allow for casual overlooking and address.

comply with increased area requirements under the DCP.

Ceiling Heights	Y	The building has habitable ceiling heights of 2.7m. Ground floor ceiling height in building on street has 3.3m height appropriate to an office use in accordance with DCP.
Flexibility	Partial	Open plan living to all units offers flexibility. Dual key entry to most 3 bedroom units enables conversion to 2 bed + studio. However, space for a laundry, storage and a private open space are not provided within these studio apartments.
Ground floor apartments - optimize ground floor units with separate entries and access to open space as a terrace or garden.	N	Ground floor "home office" (studio apartment) use the main building entry and is only accessed internally. Deep soil planting likely to be used as privacy buffer means connection to street is lost entirely for that use.
Internal circulation	Y	The building has less than 8 units per floor.
Mixed Use	N	"Home office" studio apartment provided but with no direct address to the street. Service, vehicle entry & circulation located within street frontage minimizes portion available for shop windows.
Storage	N	No centrally accessible storage in units 29, 31, 32, 34, 37, 40. Additional storage provided in basement parking.
Acoustic Privacy	Y	Apartments generally well organized. Laundries within / adjacent to many kitchens not an ideal outcome.
Daylight access – living areas and private open spaces to receive 3 hours direct sunlight between 9am and 3pm in mid winter – in dense urban areas 2 hours may be acceptable.  Limit single aspect and south facing units to max 10%	?	Sun access is excellent for most units and appears to meet the standards required by the code. Midwinter sun to private courtyards for units 3, 4 & 5, but no midwinter sun to units 1, 2 & home office or their respective courtyards. Sun access study required to determine number of units that do not enjoy mid winter sun.
Natural Ventilation	N	55% of units cross ventilated. Ventilation to kitchens and wet areas will need to be mechanical and must be demonstrated.
Awnings and signage	NA	
Facades – promote high quality architecture, ensure new developments have facades which define and enhance the public domain and desired character, ensure building elements are integrated into the form and design.	Partial	Proposal provides a new architectural aesthetic to the street based on a 10 storey street wall. Proposed materials are high quality. Limited front and side façade articulation.
Roof design – contribute to the overall quality of the building, integrate it into the design of the building composition and	N	Flat slab roof to both buildings provides little visual interest and poor amenity for residents that overlook lower roof.



contextual response

Energy efficiency – reduces the requirement for heating and cooling, reliance on fossil fuels and minimise green house emissions, support renewable energy initiatives.

Partial

The building meets Basix requirements and also provides a rainwater tank.

Maintenance

Not reviewed.

Waste Management

Y

Access is provided to the waste storage from the lift and to the street.

Water Conservation

Y

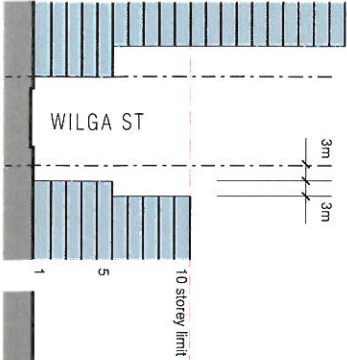
Rainwater will be stored and reused for irrigation.

3. Diagrams showing development pattern and possible streetscape massing

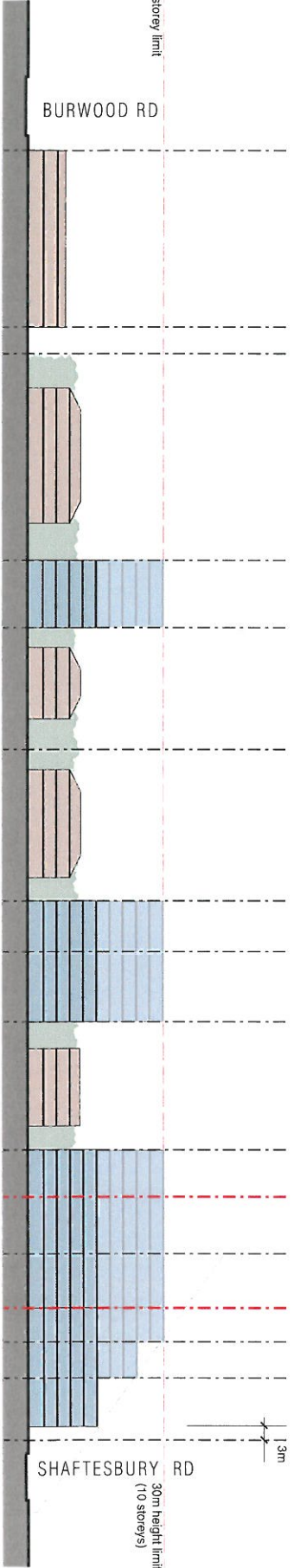
# Possible indicative street scale



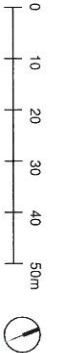
- subject site
- site with potential to develop (short term)
- property unlikely to develop (short to medium term)



wilga street section A:A  
(looking west)



wilga street section B:B  
(looking north)

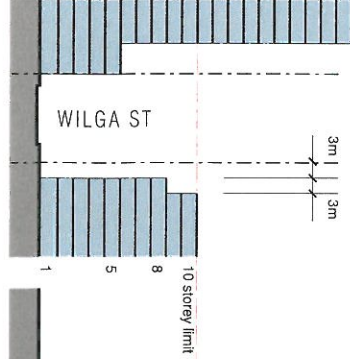




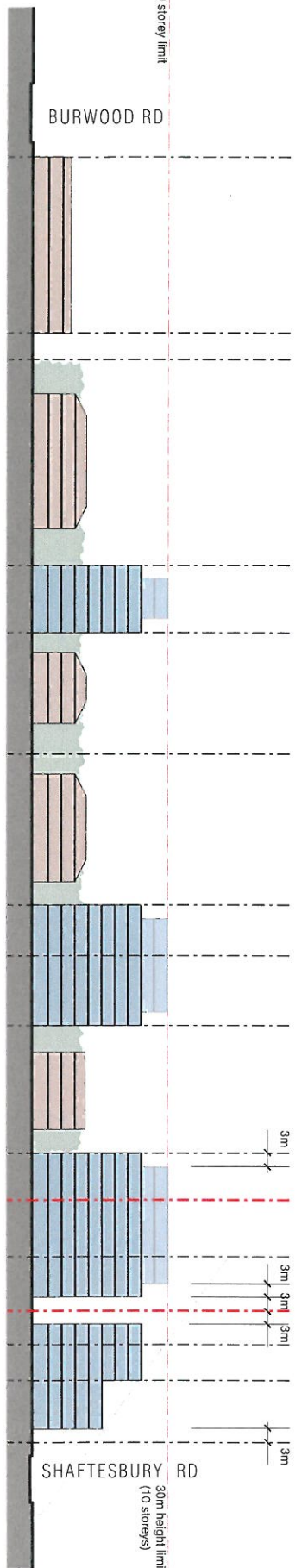
Preferred envelope



- subject site
- site with potential to develop (short term)
- property unlikely to develop (short to medium term)



wilga street section A:A  
(looking west)



wilga street section B:B  
(looking north)

