

Our Ref: 11003/140612ltr

18/06/2012

The General Manager
Newcastle City Council
PO Box 489
Newcastle, NSW, 2300

Att: Chris Speek

Dear Chris

Re: ADAMSTOWN RSL CLUB – RESPONSE TO URBAN DESIGN REVIEW PANEL

Please find the following responses to the Panel Meeting of 23 May 2012, in which the proposed development at 282 Brunker Road Adamstown was discussed. This has been broken down into subsections, as per the report itself, in order to provide clarity in our response to the Urban Design Review Panel

1. Context

The proposed unit development responds to the height controls in the Draft LEP and the current Development Control Plan established for the Adamstown Renewal Corridor. For example, the built form is consistent with Section 6.13.4d xviii of the DCP which requires the existing open air RSL car park to be provided at lower levels. This development has been designed to comply with the DCP.

It is noted that the proposed development is different to the existing streetscape and context of the area. However, this area has been identified by Council as being an area which will undergo substantial transformation over coming years. As such, the context of the area cannot simply be measured against what is on site at this point in time; that is excessively onerous to the first development in any transitional area. Instead, such a development needs to be considered against the desired future context of an area. The Draft LEP sets the building heights of the properties on the western side of Date Street at 14metres. The DCP itself shows a building of a similar form to that proposed on the RSL site, with a 4 storey building on the opposite side of Date Street. When considered in this context, the proposed development is not “substantially unrelated” but is in fact meeting the desired future context of the area.

2. Scale

As per the response to the context of the site above, the scale of the proposed development is designed to reflect the expressed desire of Council to regenerate and increase the density of this area. It is noted that the properties on the western side of Date Street are currently predominately single and two storey dwelling houses. However, the Height Mapping of the Draft LEP clearly shows the desired future scale and height of this area. And that desired future scale is for medium and high density residential development. This will mean that the maximum height of the area will increase to 14m. This is illustrated in Figure 1 below.

It is considered excessive to criticise the first development to be undertaken under new controls that seek to meet the requirements of Council controls. The proposal is setting the desired future scale and character of the area, and is responding to the controls placed by Council over the site, under both the DCP and the Draft LEP.

Despite the above, the proposal has been designed to address the transitional nature of the area, with two storey terraces with landscaped courtyards addressing Date Street. This significantly reduces the overall impact of the development.

Amendments have been undertaken to the proposal to minimise the bulk and scale. It is noted that the Panel has recognised these amendments as reducing the visual bulk of the building.

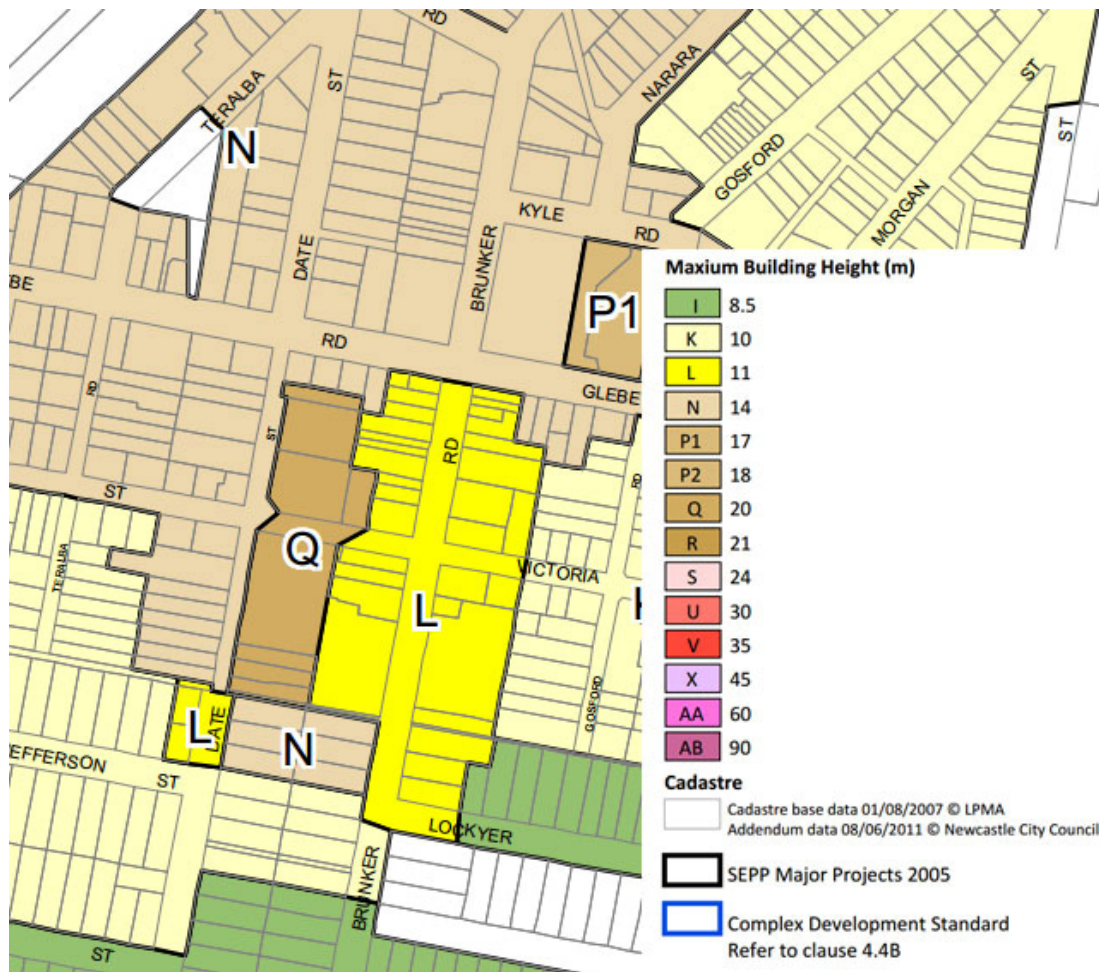


Figure 1: Extract from Newcastle City Council Draft LEP Height Maps.

The height and scale of the proposed development forms a transition between the commercial development along Brunker Road and the proposed 14m maximum height residential area to the west of the site.

3. Built Form

The Adamstown Renewal Corridor DCP recognised that the feasibility of the site was reliant upon the registered clubs carpark becoming incorporated into the development. This was demonstrated in the DCP document. Significant feasibility studies were undertaken in an attempt to push the carpark further below ground. This move is unrealistic as the ground is water charged and the costs of tanking the carpark make the entire development economically unsound.

The Adamstown Renewal Corridor DCP allows for a variation in height on this corner by allowing the building to make use of the 20 metre overall height. This is proposed in the DCP to reinforce the corner. However, as a result of a previous panel request, the full extent of this building envelope has not been utilised.

The two apartments that exceed the height controls by 2.5m have been deleted. The other minor (500mm) encroachment to height controls is in order to service venturi shafts, previously recommended by the panel.

Minor amendments have also been made to the design of the roof to respond to the Panels comments.

4. Density

The Panel has raised concerns over the density of the proposed development, with the key area of concern being over the role of carparking in creating additional bulk and density. It is critical for their understanding of the proposal that the Panel notes the following information:

- The Floor Space Ratio has been calculated in accordance with the standard method and is compliant. The proposal cannot be penalised for utilising accepted means of calculating Floor Space Ratio
- The Adamstown Renewal Corridor DCP clearly notes that the carpark for the registered club forms part of the development site. In addition, it needs to be recognised by the Panel that without this design solution the project is not economically viable, placing significant pressure on the RSL Club, which could force its eventual closure.
- The scale of the building would be the same regardless of whether or not the club carpark was included. The development generally fits within the building envelope set by Council for the site and satisfies the requirements of Council in regards to the Floor Space Ratio of the site.
- Additional height has been provided through the introduction of skylights to the top floor in order to provide additional natural light and ventilation. Additional ventilation shafts have also been provided, as per the request of the Panel.

It is important for the Panel to note that the Adamstown Renewal Corridor DCP identifies the need for population growth in Precinct 2 to occur. The DCP identifies the need to accommodate an additional 700 dwellings in this precinct. This development will only accommodate 13.5% of that need and is one of the few sites, ready for development immediately, that can commence implementation of the objectives of the DCP. One such objective identified in the DCP requires:

Maximising redevelopment and infill opportunities for high and medium density housing within walking distance of Adamstown 'commercial core' and public transport

This site is ideally located and of a scale to meet these objectives.

To maintain that a proposed development that meets the criteria in regards to providing additional dwellings, generally meets the height requirements and has been designed in accordance with Councils recently adopted DCP is an untenable position. The area has been identified as a transitional area by Council and as such, future development in the area will be similar in size and scale to that proposed on the site. As such, claims that the development appears "out of cohesion with the setting" are not justified.

5. Resources, Energy and Water Efficiency

As the Panel would be aware, the original orientation of the subdivision pattern in Adamstown was orientated due west. This provides for certain limitation on the site. It is noted that the Panel would prefer dual aspect apartments. However, these would significantly exacerbate other areas of concern, such as visual privacy, acoustic privacy and required building separation. It is also noted that the provision on separate towers on the site has been suggested by the Panel. This is unsuitable for the site, as it would create significant overshadowing and would result in a failure to meet minimum natural daylight levels.

As the Panel would be aware, the requirements of BASIX recognises that passive design is not feasible, practical or realistic in all situations. In this case, the use of energy efficient glass and other measures can significantly reduce the impacts of the western sun and allow for light penetration and have been proposed in this situation.

6. Landscape

The comments from the Panel are noted and have been incorporated. Taller street trees are to be provided, and details of this are to be discussed with Council.

7. Amenity

Noted.

8. Safety and Security

Safer By Design considerations have been included in the Social Impact Assessment prepared for the site, and the recommendations made within this report have been incorporated into the design.

The proposed security, particularly in regards to the movement between the club and residential parking, is to be improved through more effective surveillance mechanisms and better separation of spaces.

It is noted that concerns are raised over traffic movements on the site. Services like garbage collection will be arranged with a private contractor to be carried out at such a time as to minimise potential conflict with club patrons. In much the same way, the provision of deliveries to club will be carried out earlier in the morning to minimise conflict with both residents as well as club patrons.

9. Social Dimensions

The roof top garden and terrace will be provided with sun and wind shelters in order to provide higher levels of amenity and increase the chances for social interaction.

It is important to note that the club does not provide the only point of social interaction, with the site being located in a community hub, with many other areas of social interaction located nearby.

10. Aesthetics

It is noted that the Panel has concerns over the appearance of the proposal in terms of the context with the surrounding area. However, given the information detailed above, which outlines the controls that apply to the subject site, the proposal clearly has been designed in accordance with the desired future character of Adamstown, as defined by Council. The surrounding area will be undergoing a similar transition in coming years, and this desired future character is reflected in Council documents, including the Draft LEP. To argue that such a development is not in keeping with the character of the area is to neglect the recognition that urban areas are continually changing and evolving. Council has identified this area as being one in which urban regeneration, and a corresponding increase in density, is perfectly suited. The proposed development has been design around these controls.

A number of amendments have been made at the Panels request, to help ameliorate these impacts, and it is contended that these are largely successful.

The highly subjective nature of design means that concepts such as “aesthetics” sit outside the traditional scope of development. *Architects Marshall v Lake Macquarie City Council [2005] NSWLEC 78* sets out the broad planning principles of the weight to be given to aesthetics:

(41) The majority of development control plans, however, are silent on architectural style and character. In such cases the only evidence before the Court is that of one or more architects or urban designers. It is not always easy to decide when an aesthetic opinion represents a widely accepted professional view rather than an individual opinion. However, generally held professional views tend to be expressed in articles, publications or policies of professional institutions. Experts criticising the architectural design of a building should, where possible, refer to these for validation, in order to demonstrate that the criticism amounts to more than a statement that the expert would have designed it differently?

Senior Commissioner Roseth concludes with:

(58) The proposal has been the subject of a large number of objections from the Rathmines community. I have read all the objections and listened to the evidence of twenty-four objectors. It appears that to a large extent the objection is to the zoning of the land. However, the zoning exists and the applicant can reasonably expect to submit a proposal within the controls that the zoning imposes.

As such, considering that the proposal has been amended, two (2) units have been removed in order to meet the height requirements in one small portion of the site, transitional elements have been incorporated from the outset, that the project clearly meets the desired future character of the area, as defined by Council in their own adopted planning controls, and that surrounding areas have been identified for a similar scale of development, the comments from SC Roseth need to be taken into account – that is, the proposed development responds to the zoning of the land, and the applicant can reasonably be expected to submit a proposal that is within the controls that the zoning imposes.

If you have any questions in regards to the above please do not hesitate to contact me on (02) 4324 8554 or andrew.neil@thedesignpartnership.com.au

Yours faithfully,

Andrew Neil
Senior Urban Planner