

2011SYE005 – 558-566 President Avenue, Sutherland
DA10/1359

ASSESSMENT REPORT APPENDICES

Appendix	A	Report from Architectural Review Advisory Panel Meeting of 20 January, 2011
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	C	Applicant's SEPP No. 1 Objection

Architectural Review Advisory Panel

Proposal:

**Residential Flat Building Development - Demolition of Five (5) Dwellings,
Construction of a Residential Flat Building consisting of 31 Units and
Consolidation of Five (5) Allotments**

Property:

558-566 President Avenue SUTHERLAND NSW 2232

Applicant:

Cuzeno Pty Ltd

File Number:

DA10/1359

The following is the report of the Architectural Review Advisory Panel Meeting held on 20 January 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"3. Consideration of Development Application No. 10/1359 – Residential Flat Building at 558-566 President Avenue, Sutherland

Council's Andrew Conacher and Christine Edney outlined the proposal, including providing details of Council's relevant codes and policies.

Stuart Gordon, Angelo Candalepas and David Mitchell addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site

During the site inspection it was observed that the subject site consisted of an amalgamation of five (5) lots with a total area of 2,787 square metres. The site is located on the south-eastern corner of the intersection of Merton Street and President Avenue.

The site falls to the south i.e. away from the primary street frontage. There are twenty four (24) mature trees of various species found on the site, most of which are proposed for removal.

Information was supplied by council officers explaining that the site is zoned Zone 6 - Multiple dwelling B under SSLEP 2006. This zoning allows for various forms of medium density residential development and this proposal is permissible with development consent.

Project Description

The applicant advised that while the project is not "spectacular architecture", nevertheless it sits comfortably on the site. When considering the building's context significant weight was given to the school buildings located to the north. It was explained that this site provides the transition from the institutional buildings to the north through to the lower density residential development to the south. This transition is reflected in the

change of building form, with the main northern building showing an institutional influence while the rear buildings refer to the adjoining townhouses.

When explaining the concept for this proposal the applicant argued that the response in this case is to provide a “robust urban form” which, while it looks commonplace on drawings, will be extraordinary in built appearance.

The project’s final success will rely on the competency of construction and for cost control reasons various elements, such as the timber louvres to the northern elevation of the main building, will be well articulated and have a sumptuous quality.

From the architect’s perspective the louvres’ appearance will be repetitive but not bulky and will create a modular articulation of the building façade and a “crafted” appearance to the project.

The character of the southern buildings is different to the major building. These two buildings are presented in a townhouse form and are visually distinct from the main building so that the proposal has two characters i.e. the major building has a strong “block” form that creates an urban edge and the smaller southern buildings relate well to the Department of Housing buildings located to the rear of the subject site.

Overall Site Layout

In principle, the concept of a larger “urban” unit block and smaller secondary buildings is acceptable, however in this case the Panel is concerned about the consequences when this concept is implemented. Specifically, the southern buildings and especially the courtyard are substantially overshadowed. It is unfortunate that the options for this site were not discussed with the Panel prior to the application being prepared. Other design solutions could have been considered which the Panel believes would have been superior. A design which eliminated the southern units would have been a good outcome.

Context

The concept of a large rectangular box results in a strong likeness to the adjacent school buildings, but conflicts with the articulated residential buildings surrounding it. There is merit in the argument that a strong urban form will illustrate that this building is located at the entrance to the commercial centre with its higher density development. Nevertheless, in itself the building is not an institutional building and does not have the height and scale of the commercial centre.

Scale

While the height and overall mass of the building were felt to be appropriate, it is felt that the long rectangular proportions and relative closeness of the front facade to the street, lead to an “oversized” scale.

Built Form

Incorporation of the proposed louvres is considered by the Panel to provide a “privacy coat” to the building and a sense of enclosure, but the impact on the apartments is questioned, with views and solar access being restricted. There was discussion about the use of alternative orientations and forms of glazing that would provide diagonal views along President Avenue. In this case the applicant argued that the building’s public expression was more important than the individual amenity of the units. Although the

intent of this position was appreciated, the Panel was not convinced that this was the correct approach.

The roof is traditional in form, but has a modern edge.

Some Panel members concluded that the long rectangular form is intellectually and visually incorrect for this context. The townhouses to the south are visually dominated and overshadowed.

Density

Although the development standards are satisfied, the large building form gives the impression of excessive density.

Resource, Energy, Water Efficiency

The northern orientation for the major building will provide reasonable outcomes for solar access however the southern townhouse buildings will perform poorly.

Landscape

The information supplied does not indicate where the existing twenty four (24) trees are located on the site. It is also unclear which trees are recommended for retention. Tree 8- Lemon Scented Gum, and Tree 24 –Jacaranda were both noted for retention by the project Arborist. The Lemon Scented Gum is on the neighbouring property, and together with the Jacaranda, provides a canopied backdrop to the development as viewed from President Avenue. There is no indication on the landscape plan where these trees are located, or if they will be retained – or how these mature trees will be incorporated into the new landscape setting. Because the communal open space is located to the south of the major building this will be a dank space and grass will not grow successfully here.

The landscape design approach to both the main entry and to the President Avenue frontage seems very linear and does not relate well to the adjacent built spaces.

The small areas of lawn to the front gardens of the major building will require high maintenance for little resulting amenity. The resulting character of these spaces collectively is more of a linear edge to the building rather than garden spaces that residents can access.

The streetscape to President Avenue has not been well addressed. There is an opportunity for street trees along this boundary. If implemented, this would provide more pleasant filtered views to President Avenue.

The proposed earth berm has not been sufficiently considered. The berm is insufficient in width to be successful in this location and ground levels do not relate well to floor levels to Units G.01 and G.02. It is doubtful that there is currently sufficient space between the President Avenue front boundary and the facade of the (larger) building to successfully deliver the intended outcome and a greater front setback should be considered.

Amenity

The amenity of units in the major unit block can be improved by a better resolution of the louvre elements as well as the exposed southern access stair and balconies.

Clarity of access arrangements and entries should be further considered and resolved, particularly entries to townhouse dwellings to the south-east of the site. Closer evaluation is also required of detailed design issues such as the location of post boxes, management of garbage and mechanical ventilation impacts.

For the southern units amenity is compromised by overshadowing.

Safety and Security

These principles are not well addressed by the design of the front landscape strip or the southern stair access to the units.

Social Dimensions

The proposed development is well located with respect to shops, community facilities and public transport. A reasonable mix of one, two and three bedroom units has been provided. Unit types provided include dual aspect, corner and townhouse. It is considered that this proposal will provide good quality housing stock within an area of high demand.

Aesthetics

The initial design approach is supported by the majority of the Panel only in that it makes a bold statement. Some Panel members felt that the aesthetic choices made in this case do not reflect the intrinsic qualities of living spaces and are inappropriate for residential development.

It was agreed that the aesthetic success of the building strongly relies on the selection and detailing of the building materials and finishes, and how successfully these issues are developed in the design and documentation process and subsequently implemented on site. In this case, further detailed information is required.

Recommendation/Conclusion:

Fundamentally, the Panel is not convinced that the site planning has produced the best solution. Elimination of the southern townhouse units could have produced improved landscaped spaces with better solar access and overall amenity could have been improved. This proposal represents an opportunity where the full potential is not being realised.

A major issue for the Panel is the extent to which the success of the proposal relies upon embellishments to the buildings rather than the imbedded quality of the design. If the development proceeded but the louvres were abandoned or quality landscape planting was not achieved, the entire project could be a poor outcome. There is always concern that the vision and inspiration of the architect may be lost during construction.

The applicant accepted that some elements of the design need further review. These include the presentation of the building to President Avenue, the amenity of the smaller townhouse units and the quality of the landscape design overall. It is recommended that

these issues be resolved promptly due to the time constraints imposed by the Joint Regional Planning Panel (JRRP) process.”

Colleen Baker
ARAP Coordinator

07 February 2011

Architectural Review Advisory Panel

Proposal:

Demolition of Five (5) Dwellings, Construction of a Residential Flat Building Consisting of 31 Units and Consolidation of Five (5) Allotments

Property:

558-566 President Avenue SUTHERLAND NSW 2232

Applicant:

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File Number:

DA10/1359

The following is the report of the Architectural Review Advisory Panel Meeting held on 17 March 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

**"3. Informal Referral - Consideration of Amended Plans for Development
Application No. 10/1359 – Residential Flat Building at 558-566 President
Avenue, Sutherland – No Interview With Applicant**

Council's Andrew Conacher, Christine Edney and Paul Styman briefed the Panel on the amended plans. This scheme was previously presented to ARAP on 20 January 2011. In response to these comments from ARAP and the responsible Council assessment officer, revised drawings have been submitted by the applicant. This report comments on the merits of the amended proposal.

Project Description/Generally

It was noted that the amendments to the proposal are relatively minor, although there has been some attempt to respond to the previous ARAP comments. Rather than overcoming the sources for the identified shortcomings, the amendments seek to reduce the adverse consequences.

The application remains deficient in previously requested information. More sections are required to better understand the building's relationship with the street and the communal open space and more information on the proposed construction techniques, materials and detailing would provide confidence in the quality of the final outcome. Note that detailed sections through the building façade are required by the EPA Regulation.

There is insufficient analysis of the surrounding context and the scale and form of the northern building is felt to be an inappropriate contextual approach.

The Panel remains unconvinced that the development's master plan maximises the project's amenity while reducing impacts on neighbouring properties.

Overall Site Layout

Although the site planning principles are rational and logical, through the execution it is apparent that this approach does not produce a satisfactory outcome; the Panel remains

unconvinced that this is the most appropriate layout. However, the revised landscape design now addresses the built forms more successfully.

Context

The contextual analysis and response are poorly described and do not inform the design. Providing a transition from the school opposite to the lower scale development to the south is sound. However, the extent to which prominence has been given to the bulk of the school building opposite is felt to be ill conceived.

The proposed building bears no relationship to the form of apartment buildings further to the east.

Scale

While the contrasting scale between the “large” rectangular northern block and the more “articulated” townhouses is visually uncomfortable, the overall scale of the development is considered acceptable.

Built Form

Although the revised scheme is considered to be an improvement on the previous scheme, there is further scope for the building to express the different internal functions of the units.

In summary, options should be explored.

The rear ‘townhouse’ units remain heavily overshadowed and have poor views and amenity.

Density

The Panel generally accepts the proposed density but noted both the poor integration with the landscape design and the poor amenity associated with the “open” southern stairs. Inclusion of the southern townhouse style units also indicates that the desire to achieve the permitted floor space results in a poorer design solution. It is suggested that a reduction in either unit size or number may be beneficial in achieving a better overall outcome.

Resource, Energy and Water Efficiency

The living areas of the north facing units are surprisingly poorly served by daylight given that they are north facing. The rear units receive less natural light. Some bedrooms to these units only have natural light from light wells.

Landscape

The present scheme is slightly improved. The entry and communal areas are now beginning to relate better to the buildings but these spaces need further design development, particularly to enliven and activate the central space.

The removal of the berm to the northern boundary is supported, however the wide verge to President Avenue has not been adequately addressed and this represents a wasted opportunity to better “set” the building into the site and provide a valuable landscape feature to the streetscape. Along this northern boundary the seven (7) proposed

“scribbly gums” partially provide a “filtered” view to the north from the main building and this effect should be enhanced with additional plantings.

To the north of the ground floor units (adjacent to the terraces) the narrow strips of turf provide the only opportunity for these units to access the landscape. This area has poor amenity although there is considerable potential.

The “backyard” landscaped areas to the “townhouse” units provide poor accessibility and poor privacy screening to neighbouring properties.

The previous landscape scheme integrated poorly with the units. Some progress has now been made, however further design development and attention to detail are still required.

Amenity

This quality varies between buildings, but is generally poor. Causes are the adopted site planning, inconsistent orientations of units and poor relationships between buildings and landscapes.

Safety and Security

Continuous northern balconies and the open nature of the southern access stairs could create problems in terms of security (passive surveillance of the street).

Social Dimensions

As noted previously, this proposal has the potential to provide well located, good quality housing stock within an area of high demand. While not explicitly stated it appears that it is intended to satisfy a demand for more affordable housing, which is a desirable goal.

Aesthetics

Revisions to the street elevation of the northern building are supported however the Panel's comments remain similar to those previously noted. Success relies heavily upon elements that have been applied to the building and which could just as easily be removed as they are not clearly described in detail in the documentation provided.

The continuing lack of information regarding the selection and detailing of building materials and finishes remains a concern.

Recommendation/Conclusion:

The response to the Panel's previous comments, while generally positive, has only been incremental. Fundamental issues remain unaddressed and the Panel remains unconvinced of a successful outcome. This is a site which should generate a high quality development, but the current proposal falls well short of realising that potential. Consequently, it is not possible to support the current proposal and refusal is recommended.”

Colleen Baker
ARAP Coordinator

24 March 2011

Appendix C

SJB Planning

Statement Of Environmental Effects



Attachment 1

SEPP 1 Objection to Minimum Landscaped Area Development Standard



Address: 558-566 President Avenue, Sutherland

Proposal: The proposal involves the demolition of 5 existing single storey, free standing dwellings and the consolidation of the 5 existing allotments. The proposal also involves excavation and the construction of a basement level car park, 31 residential units and associated landscaping

STATE ENVIRONMENTAL PLANNING POLICY NO. 1 DEVELOPMENT STANDARDS – OBJECTION TO LANDSCAPED AREA DEVELOPMENT STANDARD

Introduction

This is a SEPP 1 objection to Council's landscaped area development standard for residential development.

Clause 36 outlines provisions relating to the minimum landscaped area requirements for new development.

Clause 36(5)(h) of the SSLEP 2006 identifies a minimum landscape area of 40 per cent for development for the purpose of residential flat development at the site.

In accordance with the Dictionary in SSLEP 2006 landscaped area means:

Landscaped area is defined under SSLEP 2006 as:

"landscaped area means that part of a site that is used for growing plants, grasses or trees (including bushland), but does not include any building, structure, hard paved area, driveway, garbage storage area or swimming pool, or any planting over a basement, on a podium or roof top or within a planter box."

In accordance with the above definition the development achieves 1067m² of landscaped area which equates to 38.3% of the site area.

This SEPP 1 objection seeks a variation to the landscaped area standard applying to the residential development at the site. The decision of Justice Lloyd in *Winten v North Sydney Council* identifies the principles for which a SEPP 1 objection must be made, as follows:

- Is the planning control in question a development standard;
- What is the underlying object or purpose of the standard;
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act;
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case; and
- Is the objection is well founded.

The above principles are addressed in detail below.

Is the planning control in question a development standard?

The planning control in question is a landscaped area standard set out in Clause 36(5) of SSLEP 2006. Clause 36(5) nominates a minimum landscaped area for development for the purpose of a residential flat building in Zone 6 - Multiple Dwelling B.

The minimum landscaped area requirement is numerical development standard and therefore is capable of being varied under the provision of State Environmental Planning Policy No. 1 – Development Standards.

What is the underlying purpose of the standard?

The underlying purpose of the standard is to assist in controlling the overall density of development at a given site in order to influence and constrain the bulk, scale and massing of the development in order to preserve the amenity of the area and manage the impact upon the streetscape, setting, and character of the locality. In addition the standard seeks to improve the ecological sustainability outcomes of development by increasing vegetation, reducing stormwater runoff from sites and to provide for private areas where outdoor entertainment and activities can occur.

The objectives for the landscaped area development standard are found in Clause 36(1) of SSLEP 2006.



Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the EP&A Act 1979?

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are as follows:

"To provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or necessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act."

The objects set down in Section 5(a)(i) and (ii) are as follows:

"(a) to encourage

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land..."*

Compliance with the Policy would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate orderly and economic use and development of land.

The DA satisfies the zone and development standard objectives and therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Further and in accordance with the assessment of the DA as outlined in the Statement of Environmental Effects and within the expert technical reports and architectural documentation submitted with the DA, the proposal will not result in significant adverse impacts upon the amenity of adjacent properties or the future occupants and tenants of the site. Strict compliance with the development standard therefore is not required in order to minimise adverse impacts.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development.

The development as proposed is consistent with the provisions of orderly and economic development.

Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

Yes. In the circumstances of the case, the provision of strict numerical compliance would be unnecessary and unreasonable on the basis of:

It is noted that 47m² of land above the proposed OSD facility in the south west corner of the site cannot be included in the landscaped area calculations. This land will have a depth of soil of 900mm above the OSD facility and will be incorporated into the landscape plan and will be used as recreational space within the development. It is noted that the 47m² of land over the OSD facility represents the margin of non-compliance of the development with the landscaped area standard. If this space was to be included in landscaped area then the total would equal approximately 1114m² and represent 40% of the site.

Further, it is noted that the landscaped area calculation does not include 599m² of area that will form part of the private open space and communal open space across the development site. This area will be planted out with an array of vegetation and will be incorporated into the overall landscape theme and plan, but cannot be calculated as landscaped area for the purpose of the development standard because it sits above a basement car park.

If landscaped areas above the basement and the OSD facility were included in landscaped area calculations then the total would equal approximately 1666m² and represent 60% of the site.

Notwithstanding, the proposal seeks a variation to the standard. The variation is considered acceptable for the following reasons:

- The development satisfies the objectives of the development standard;
- The proposal will achieve a series of meaningful outdoor landscaped spaces which will allow for entertainment and recreation opportunities for future residents;



- The proposed outdoor landscaped spaces have been designed to provide sufficient deep soil zones and areas that will allow for substantial plantings and vegetation;
- The landscaped area deficit is considered a technicality to a degree as the margin of non-compliance is represented by the area (47m²) above the proposed OSD facility. The OSD facility has been positioned in the optimum location so that it operates effectively, responds to the topography of the site and can readily connect with existing stormwater drainage infrastructure. It is also noted that bedrock has been encountered at the depths at which the OSD facility will be installed so the even in the event that the OSD facility was not installed the depth of soil that would be naturally achieved in that area would be approximately the same as the depth of soil (900mm) that will be achieved above the OSD facility;
- The proposal complies with all other key built form standards and controls including height, FSR, side setbacks front and rear setbacks and site coverage;
- The deep soil landscaped area achieved is significant (1067m²) and will facilitate the establishment of a canopy of trees and vegetation around and across the site;
- Notwithstanding the LEP definitions, the proposal will achieve a total area of outdoor landscaped space which can be used for one or more functions (i.e. garden, entertainment, recreation, etc) equal to approximately 1559m² or 56% of the site area;
- The deficit in landscaped area will not result in a development that will have significant impacts upon the amenity of the adjacent residential properties or the streetscape;
- The proposal will not set a precedent of non-compliant development in the locality; and
- The proposed development is commensurate with the landscaping arrangements and totals achieved at residential properties within the immediate vicinity of the site and in the wider locality.

Given the circumstances of the case, the provision of a strict numerical compliance would be unnecessary and unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard. The development, if complying with the landscaped area development standard, would appear the same and have similar impacts.

Is the objection well founded?

Yes. The proposal will result in a development comprising of practical outdoor areas in an arrangement and of size that make them suitable for the various functions associated with landscaped area and private open spaces in the urban environment of Sutherland. The margin of the variation sought is small and is considered acceptable having regard to the objectives of the development standard the aims of the LLEP 2000.

The proposed outdoor spaces and landscaped areas will be functional and will serve the future occupants well. It is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable and would tend to hinder the attainment of the objects of the Act.

Conclusion

The proposed variation is based on the reasons contained within this objection.

The proposal is for the demolition of 5 existing single storey, free standing dwellings and the consolidation of the 5 existing allotments. The proposal also involves excavation and the construction of a basement level car park, 31 residential units and associated landscaping.

The proposal will result in a residential flat building development of a height, form, scale and density which is compliant with Council's fundamental built form controls.

The development will not result in unacceptable impacts with regard to the amenity of adjacent residential properties and will result in a development that is what could reasonably be expected of a development that is compliant with Council's desired future character for the site (as represented by the FSR, Height, Site Coverage, and Setbacks controls specific to the site).

The proposal will achieve a series of meaningful outdoor landscaped spaces, of which will fulfil the purpose and function of landscaped area and private open spaces by allowing for outdoor entertainment, recreation and gardening opportunities as well as a high degree of natural drainage from the site.

The proposal accords with the stated objectives for Zone 6 - Multiple Dwelling B and the Landscape Area development standard.

The non-compliance is not considered to result in any precedents for future development within the Sutherland LGA given the pattern of development and approvals, and it is concluded that the objection is well founded as compliance with the standard is both unnecessary and unreasonable.

The objection to the standard is considered well founded and is worthy of support.