23rd September 2012,

Rajiv Shankar, Manager Development Assessment
May Li, Assessing officer,
Lane Cove Council
PO Box 20 Lane Cove
NSW 1595

Your ref: DA 39/12

Dear Ms Rajiv, May Li,

RE: Newly amended proposal 316–332 Burns Bay Road
S65 COMMENTS AND RECOMMENDATIONS

I refer to your recent verbal instructions to review the recent amended plans and give my opinion with respect to the objectives of the principles of good design under SEPP65.

I refer to my previous reports on the matter dated 26 April and 24th August 2012.

As this is an amendment to a previous proposal, I will not dwell on all the issues that have already been addressed and considered adequate

I have reviewed the new drawings dated September 2012 by Mosca Pserras Architects and the SEPP 65 report by Russell Olsson .

As stated in my previous reports, the proposal achieves a high level of solar access and ventilation . The proposal follows the recommended built form of the LEP and is well within the maximum permitted FSR.

The landscape area has been increased from the previous amendment and use appropriate and well-designed for this site.

I note that the proposal has generally been reduced in height which largely addresses the concerns of the impact of the building on the horizon line and the scale of the proposal with respect to the landscape nature of the peninsula.

I note also that setbacks have been increased in certain areas, thereby addressing those concerns, and that further architectural modulation of the longer buildings will reduce their apparent bulk by creating significant recesses halfway along the facades so that the buildings will appear to be shorter.

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

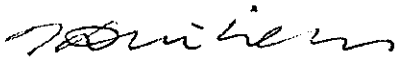
Nominated Architect Timothy Williams NSW 5187 QLD 3966

Conclusion

The major concern with this proposal previously was the size and impact of the development in its location. The architects have been mindful of these concerns and have gone to considerable lengths to mitigate the cumulative impact of the buildings in the context. The design is generally of a high-quality and should be commended.

In my opinion, this proposal now meets the objectives of all the principles of good design.

Tim Williams



Architect AIA

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

Nominated Architect Timothy Williams NSW 5187 QLD 3966

24th August 2012,

Rajiv Shankar, Manager Development Assessment
May Li, Assessing officer,
Lane Cove Council
PO Box 20 Lane Cove
NSW 1595

Your ref: DA 39/12

Dear Ms Rajiv, May Li,

RE: amended proposal 316–332 Burns Bay Road
65 COMMENTS AND RECOMMENDATIONS

I refer to your letter of the 16th July requesting my comment on the matter.

I refer to my previous report on the matter dated 26 April 2012.

As this is an amendment to a previous proposal, I will not dwell on all the issues that have already been addressed and considered adequate with respect to the objectives of the principles of good design as set out in state environmental planning policy 65.

I have reviewed the new drawings dated July 2012 by Mosca Pserras Architects.
I have also seen the accompanying statement of environmental effects and associated annexes.

Context, scale, built form and aesthetics.

I refer to my previous report of 26 April with respect to meeting the objectives of these principles. In my view, whilst there has been some minor modifications to the architectural language, the project still fails to meet these objectives.

The bulk, form and repetition of architectural features for 226 apartments divided into 5 blocks is out of scale with the narrow peninsula of land on which the site is located.

In my opinion, the development is simply too large, in this context, to be designed by a single architect. This is not a question of how good the architect is or how well the buildings are designed. The cumulative effect of the same design hand over such a large scale would be negative, irrespective of the talents of the architects.

Lane Cove is blessed with a landscape of hills and gullies, inlets and waterways, Ridge roads and valley views. This landscape best accommodates smaller units of building that reflect the discrete elements of the topography.

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

Nominated Architect Timothy Williams NSW 5187 QLD 3966

This is the core concern with this application.

I have also made the following observations that contribute to the conclusion.

Setbacks

The minimum building separation required between buildings of 5 to 8 storeys is 18 m. The minimum building separation between buildings taller than 8 storeys is 25 m. This means that the minimum set back from the boundary from habitable rooms is 9 m for buildings up to 8 stories and 12.5 m for buildings taller than this. Block 1, is a 9 storey building. Whilst not parallel to the northern boundary, it is less than 6 m from the boundary at the shortest point and 8.5 m from the boundary at the furthest point. The minimum setback should be 12.5 m.

Block 2 is an 8 storey building and is also only 6 m from the boundary at the shortest point and 9 m at the furthest. The minimum set back from the northern boundary should be 9 m.

Block 2 is also only 6 m from the eastern boundary, overlooking the residential apartment buildings to the east. The minimum dimension here should also be 9 m.

Even though the residential building to the east is built on lower ground, the proximity of the block number 2 will dominate the immediate landscape and overlook the residential building significantly. It could be argued that has blocked 2 is built on higher ground the impact is like that of a much taller building than 8 stories. Nothing less than the minimum setback would be acceptable in this situation.

It is also noted that less than the minimum building separation has been provided between blocks to and for, and 4 and 5. The architects have indicated privacy screening on the Windows facing each block and planned the apartments so that the balconies are facing away from the adjacent block. These building separations are considered adequate in this case.

Sun Amenity

Nearly 80% of the units receive 3hrs or more Sun according to the applicant. I have not been able to make a detailed assessment, however this claim would appear to be reasonable given the orientation of the building and the exposure of the balconies.

Cross Ventilation

By my count, 67% of the apartments have cross ventilation, which meets the minimum standard.

Conclusion

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

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Despite meeting the minimum standards for amenity, the proposal fails to meet some important setback requirements and, as stated at the beginning of this report, will have a detrimental effect on the local and broader context.

The proposal fails to meet the objectives of the principles of context, scale, built form and anaesthetics.

Tim Williams

Architect AIA

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

Nominated Architect Timothy Williams NSW 5187 QLD 3966

26th April 2012,

Attention: May Li, Assessing officer,
Lane Cove Council
PO Box 20 Lane Cove
NSW 1595

Your ref: DA39/12

Dear Ms May Li,

RE: SEPP 65 COMMENTS Development Proposal 316-322 Burns Bay Road

I refer to your letter of the 5th April 2012 requesting my comment on the matter.

- The following comments have been prepared based on the drawings and documents supplied by Council including:
- drawings by Mosca Pserras architects AP01–24, D01, SA 01 dated 21st of March 2012
- survey by Watson Buchan
- SEE vol 1&2 by APP dated March 2012 including appendices 1 to 26
- Landscape Plan by Clouston's Dated 1st of March 2012 SK 1 to 17 issue C

We take on face value the accuracy of all the documents given to us and rely on them to form our assessment.

We have visited the site and seen the model at the Council.

DESIGN QUALITY PRINCIPLES

Part 2 of SEPP 65 sets out the following design quality principles as a guide to assess a residential flat development. The 'Residential Flat Design Code' (The Code) is referred to as an accepted guide as to how the principles are to be achieved.

1. Context

Good design responds to 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 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 an area. (SEPP65)

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

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The site is located between Burns Bay and Cunningham's reach on the promontory known as Linley point the subject site is located just north of Linley point reserve, where the problem entry is at its narrowest. Burns Bay Road runs north-south along the promontory linking Hunters Hill, across Figtree bridge the South, to Lane Cove to the North.

The site is currently occupied by some commercial and industrial buildings that date from the 1960s. There are similar uses to the north of the site. These sites have been identified for high density residential development. Some residential apartment buildings exist to the east of the site, some buildings being up to 8 storeys in height.

Burns Bay Road runs along the ridge of the promontory. To date, there has been no 8 storey buildings built along Burns Bay Road. The buildings mentioned above are close to sea level on Burns Bay. These buildings do not protrude above the tree line and, as such, have little visual impact on the surrounding area. The proposed development, being along the reach of the promontory, will be significantly higher than the tree canopy and will be highly visible from all directions.

Burns Bay Road is a busy arterial road with regular bus services. Whilst it is not close to a town centre, the size and the current low-grade use of the sites in the area lend themselves to higher density residential use.

The council's LEP and DCP anticipate development of this kind on this site, which leads me to conclude that the proposed development is in keeping with the desired future character of the area.

Heritage

It is important to note that the site is immediately north of a state listed heritage item, namely , a handsome sandstone house named Carisbrook, which dates from the 1880s. Whilst the proposed buildings in the new development will be set further away from Carisbrook than the existing brick building on the north side of the house, the significant change in scale from the modest existing 2 storey structure to 5, 8 storey buildings, represents a significant change in scale relationship between the single storey domestic building in its landscape setting and any buildings in its current vicinity.

The proposed development will not only have an impact in terms of relative scale, but will partially overshadow the heritage item and its landscape.

The statement of heritage impact prepared by Rappoport Pty Ltd concludes that the proposed development will have a neutral impact on the house. However, there is no mention of the overshadowing which will cover the house from before 9 AM until about 11 AM and the landscape from 11 AM until about 2 PM on 21 June (according to the Shadow diagrams provided by the applicant). The minimum 3 hour period required by SEPP65 may be achieved, but in my opinion, the overshadowing of Carisbrook during the morning hours will significantly diminish the appreciation of the house and its garden

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
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landscape. It is for this reason that in my view, the proposal only partially meets the objectives of this principle.

The proposal partially meets the objectives of this 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.

As mentioned above, the proposal represents a significant change to the character of the area. No longer will there be a continuous canopy of trees defining the horizon, the proposed 5 buildings will dominate the surrounding landscape.

The proposal is within the prescribed FSR, follows the footprint suggested in the DCP, and his moral less within the prescribed height plane and so must be considered to achieve this scale identified for the desired future character of the area. I question, however if the impact of this scale of development was fully understood during the preparation of the DCP.

Notwithstanding, the scale of the development is emphasised by the repetition of the same architectural treatments. One of the buildings, when considered on its own, would be acceptable. The architectural language is well articulated and skilfully handled however, in my view, there is not enough variation in the design of the 5 buildings. There is" too much of a good thing". All 5 buildings together will have a monotonous institutional quality. I think this is very inappropriate in this location and for this building type.

These buildings, in this very prominent position in the landscape, will be there for a long time. This aspect of the scale consideration is extremely important. It would be preferable if each building had more of a unique character, if for example, they were each designed by a different architect.

The proposal does not meet the objectives of this principle.

3. Built form

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

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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 the building elements.

Appropriate built form defines the public domain, contributes to the character of streetscape and parks, including their views and vistas, and provides internal amenity and outlook.

The form of the buildings more or less corresponds to the footprints set out in the DCP. This site is orientated north-south with and internal Street which separates 2 rows of buildings. The 2 building at the northern end of the site are, at 70 m, very long.

The width of the buildings is in accordance with the maximum recommended in the residential flat design code. The building the separation is also in accordance with the minimum distances recommended in the code.

The internal Street will feel like a public street. However there is only one active use proposed at the ground level, isolated at the southern end of the site near Carisbrook. In my view, the ground level apartments onto the street should the commercial or retail spaces or even studio spaces that could be used as professional suites attached to a dwelling like those in the North western building. The small enclosed courtyards in the proposed on the street are not appropriate to the urban scale of the development and detract from the streetscape qualities.

The buildings have been designed with facade treatments and slab extensions to break down the apparent bulk. This may be appropriate on one of the buildings but, as mentioned above, results in and overly repetitive building form.

The proposal partially meets the objectives of the 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. (SEPP 65)

The density proposed on this site is appropriate to the Council's desired character of the area.

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
48 Ross Street Glebe NSW 2037 AUSTRALIA Tel. 61 2 9660 0667 fax. 61 2 9660 0657

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Public transport options are limited in this area and it is quite a distance to the nearest shopping precinct. Even small retail needs that are not satisfied by the neighbourhood shop will require some sort of transport. There will be a high proportion of residents reliant on private vehicles for transport. In my view, despite the proposal meeting the numerical expectations of the DCP, the density is too high for this location.

The proposal partially meets the objectives of this 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 re-use of water. (SEPP65)

The proposal employs numerous energy and water saving strategies and even harvests water for use on the landscaping. In addition, water sensitive urban design principles have been employed to assist in the filtering of storm water run-off.

The footprints of the buildings have been kept to a minimum in order to maximise the amount of deep soil planting possible on the site. Indigenous plants species have been used in the landscaping enhanced biodiversity.

The NSW government *save power* website suggests a single household's carbon emission is reduced by 1,300kg per year by hanging washing in the sun. In a 10 year period 250 units would produce 3,250,000 tons of additional carbon emission if residents are not able to hang their washing in the sun. No outdoor drying areas are indicated in the plans.

The proposal partially meets the objectives of this principle.

6. Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the site's natural and cultural features in responsible and creative ways. It enhances the development's natural environment performance by coordinating water and soil management, solar access, microclimate, 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. (SEPP65)

I note that the proposal only provides 35% of the site for landscaping instead of the required 40% and that only 4% of the structures are planted, not 15%. Nevertheless, considerable thought and effort has been given to both the hard and soft landscaping elements and the proposal will have an appropriate mix of street related landscaping and enhanced natural bush landscape features, notably on the eastern side of the site towards Burns Bay. Mid block connections have been provided between hall 3 Eastern buildings to the bush land on the eastern side, as suggested by the DCP.

The parking area provided to the north of Carisbrook house will be fringed with feature Jacaranda trees which will highlight the house as a significant place.

As mentioned above, swales have been integrated into the street edges to add a landscaped inch to the streets as well as addressing the necessary filtering of storm water run-off.

Despite the minor numeric deficiencies in the amount of landscaping provided, of the proposal more than meets the objectives of the principal.

The landscape treatment is one of the most positive aspects of this proposal.

The proposal meets the objectives of this 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. (SEPP65)

Overshadowing adjoining properties

As mentioned above, the proposal overshadows Carisbrook House in the morning and overshadows its landscape garden setting in the afternoon. The existing apartment buildings on the eastern side of the site will be overshadowed by the proposal in the afternoons. The additional overshadowing of these properties will significantly reduce their amenity on winter afternoons. These existing buildings may not be affected by the proposal during the morning hours but it is not clear whether they will continue to be able to achieve the required sun once they are overshadowed in the afternoon. I suggest that a study be made to ascertain whether this is the case.

Solar access on-site.

SUMMARY OF UNITS:

	block	affected units	TOTAL		Nbr Flat	flat total	%	% total
Units not receving 3Hrs sun – Max 30 %	1	GF : A (01;02) ; B (01:02) Level (1;2;3;4;5;6) : A (01:05) ; B (01;05) Level (7,8) : A (01:03) ; B (03)	34	176	76	249	44.7%	70.7%
	2	GF : A (01;02;03;04;05) B (01;03;04;05) Level (1,2,3,4,5) : A (01;02;03;04;05) ; B (01;03;04;05) Level (6;7) : A (01;602;03) ; B (01;602;03)	64		72		88.9%	
	3	GF : 01;02 Level (1,2,3,4) : 01;02:05 Level (5,6,7] : 01;04 Level (8) : 01;03	22		37		59.5%	
	4	GF : 01;02;03;04;05 Level (1,2) : 01;02;03;04;05 Level (3,4,5) : 01;02:303;04 Level (6) : 01;03 Level (7) : 01	28		32		87.5%	
	5	GF : 01;02;03:04:05 Level (1,2) : 01;02;103;04;05 Level (3,4.5) : 01:02:303;403;04 Level (6) : 01;03 Level (7) : 01	28		32		87.5%	

	block	affected units	TOTAL		Nbr Flat	flat total	%	% total
Units not cross ventilated – Max 40 %	1	GF : A01;A02;B01;B02 Level (1,2,3,4,5,6) : A (03:05) ; B (03:05) Level (7,8) : A (02) ; B (02)	32	79	76	249	42.1%	31.7%
	2	GF : A (03;05) ; B (03:05) Level (1:2,3,4,5) : A (03;05) ; B (03;05) Level (6,7) : A (02) ; B (02)	28		72		38.9%	
	3	Level (1,2,3,4) : 01;03	8		37		21.6%	
	4	GF : 01;03 Level (1,2) : 01;03	6		32		18.8%	
	5	GF : 01 Level (1,2) : 01;03	5		32		15.6%	

	block	affected units	TOTAL		Nbr Flat	flat total	%	% total
Partially receving Sun 2Hrs.	1	GF : B (01;02) Level (1;2,3,4,5;6) : A (501;601;505;605) ; B (01;05) Level (7,8) : A (01;03) ; B (03)	24	105	76	249	31.6%	42.2%
	2	GF : A (04) B (01;04;05) Level (1,2,3,4,5) : A (04;201;301;401;501;502;503;205;305;405 ;505) ; B (01;503:04;05) Level (6,7) : A (01:602;03) ; B (01;602;03)	45		72		62.5%	
	3	Level (1,2,3,4) : 401 Level (5,6,7) : 04 Level (8) : 01;03	6		37		16.2%	
	4	GF : 03;05 Level (1,2) : 01;03;204;05 Level (3,4,5) : 303;04 Level (6) : 01;03 Level (7) : 01	18		32		56.0%	
	5	GF : 05 Level (1,2) : 01;103:05 Level (3,4,5) : 303;403;04 Level (6) : 01;03 Level (7) : 01	14		32		43.8%	

	block	affected units	TOTAL		Nbr Flat	flat total	%	% total
Partially cross ventilated.	1		0	0	76	249	0.0%	0.0%
	2		0		72		0.0%	
	3		0		37		0.0%	
	4		0		32		0.0%	
	5		0		32		0.0%	

	block	affected units	TOTAL		Nbr Flat	flat total	%	% total
Units receving 3Hrs and 2Hrs sun – Min 70 %	1	GF : B (01;02) Level (1:2,3,4,5,6) : A (501;601;505;605;02;03;04) ; B (01;05;02;03;04) Level (7,8) : A (01;02;03) ; B (01;02;03)	66	178	76	249	86.8%	71.5%
	2	GF : A (04) B (01;02;04;05) Level (1,2,3,4,5) : A (04;201;301;401;501;502;503;205;305;405 ;505) ; B (01;02;503;04;05) Level (6,7) : A (01;602;03;702) ; B (01;602;03;702)	69		72		73.6%	
	3	Level (1,2,3,4) : 401;03;04 Level (5,6,7) : 02;03;04 Level (8) : 01;02;03	21		37		56.8%	
	4	GF : 03;05 Level (1,2) : 01;03;204;05 Level (3,4,5) : 303;04;403;503 Level (6) : 01;02;03 Level (7) : 01;02	20		32		62.5%	
	5	GF : 05 Level (1,2) : 01;103;203;05 Level (3,4,5) : 03;04 Level (6) : 01;02;03 Level (7) : 01;02	18		32		56.3%	

	block	affected units	TOTAL		Nbr Flat	flat total	%	% total
Units cross and partially ventilated – Min 60 %	1		44	170	76	249	57.9%	68.3%
	2		44		72		61.1%	
	3		29		37		78.4%	
	4		26		32		81.3%	
	5		27		32		84.4%	

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The applicants claim that 78% of the apartments receive 3 hours of sun. Our analysis of the plans finds only 29.3% of apartments achieve 3 hours of direct sun. This is due to the orientation of the buildings and to the fact that the buildings over shadow each other either in the afternoon for the morning. If however those apartments that receive 2 hours of direct sun are included,(42.2%) a figure of 71.5% is achieved.

Cross ventilation

The proposed development achieves a satisfactory proportion of cross-ventilated apartments.

The proposal partially meets the objectives of this principle.

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. (SEPP65)

Safety and security appear to be adequately handled.

The proposal meets with the objectives of the principle

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 of the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. (SEPP65)

The proposed mix of dwellings is appropriate to the area and should accommodate a range of occupants. The additional parking provided for Carisbrook house will help to allow for more visitors to access the heritage building.

I am concerned that the large number of dwellings that will be added to this narrow peninsular will not be within close proximity of a town centre or a transport hub. This is not a criticism of the project per se but a concern nonetheless. When one adds up the number of existing apartments in the area to those of the proposal and those of the potential sites to the North, a significant community of over 1000 dwellings may well

TIMOTHY WILLIAMS & ASSOCIATES PTY LIMITED A.B.N. 82 084 003 592 tim@twarch.com.au
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eventuate. This is a population that will require services such as day-care centres, crèches, schools, health facilities and additional retail.

The proposal partially meets the objectives of this 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. (SEPP65)

As mentioned above, I have serious misgivings about the cumulative effect of the repetition of building design across the site. I firmly believe that this proposal is far too large to be treated with the same design language. The scale of the development will be emphasised by the repetitious application of architectural features.

The proposal does not meet the objectives of this principle.

Conclusion

In my view, the proposal fails to meet the objectives of the good design principles of scale, and aesthetics. And only partially meets the objectives of the good design principles of context, built form, resource and energy, amenity, density and social dimensions.

Tim Williams
Architect AIA

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