tim williams architects

7th March 2013,

Attention: **Rajiv Shankar**
Manager, Development Assessment
Rebecka Groth, Assessing officer,
Lane Cove Council
PO Box 20 Lane Cove
NSW 1595

Your ref: RS DA 32/13

Dear Rebecka,

RE: SEPP 65 report 15 to 25 Marshall Avenue St Leonards.

I refer to your letter dated 20th of February 2013, requesting my comment pursuant to the provisions of the state environmental planning policy number 65. I refer also to my previous report of 19 November 2012 in response to a pre-DA lodgement meeting held at the Council on Thursday, 8 November 2012

The following comments have been prepared based on the drawings supplied by Council Including:

- Drawings by Nettleton Tribe DA1-00-13, DA1-21,22,23,24,31,32,33,41,42,43,44,45,46,51,52,53,54,55
- a statement of environmental effects by D FP planning consultants dated February 2013 including
- appendices:
- a. Site survey
- B architectural plans by Nettleton Tribe architects and photomontages by Binyan
- C draft plan of subdivision prepared by Denny Linker
- D landscape plans prepared by Site Image
- E geotechnical report prepared by JK Geotechnics
- F architectural design statement prepared by Nettleton tribe architects
- G acoustic assessment prepared by Renzo Tonin and associates proprietary Ltd
- H traffic assessment prepared by Traffix
- I Basix certificate by Basix certificate Centre
- J stormwater plans and sediment and erosion control prepared by Cardno ITC
- K Lane Cove DCP 2009 compliance tables
- L Arboricultural impact assessment prepared by Arboreport
- M waste management plan prepared by loftex
- N BCA assessment prepared by Loftex
- O access report prepared by Loftex

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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.

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)

The site is bound by Marshall Lane to the North Marshall Avenue to the south and Berry Road to the West. The subject site is part of a larger landholding owned by the applicant that stretches east from the subject site to Canberra Avenue which is contiguous with the railway line.

The site is one block south of the Pacific Highway and is zoned for residential flat buildings within a B4 mixed use zone. The properties fronting onto the Pacific Highway, to the north of the subject site are zoned commercial only.

The area is characterised by the commercial zones along the Pacific Highway, largely health related due to the proximity to the North shore hospital. Sites vary in size in this zone from small shop top housing to large floor plates with potential for future development.

The subject site and the residential zones to the south of it, are generally occupied by 1 to 2 storey brick dwellings that appear to date from between the wars. The potential 36 m maximum building height that applies to the subject site presents a potential overshadowing impact on the residential areas to the south.

The application is for the 1st tranche of a 3 stage development that would start at the western end of the site and eventually culminate in a tower development adjacent to the railway line. The applicant has limited the height of his development in the 1st phase to 7 storeys. This will be seen as an intermediate height between the potential tower building at the eastern end of the site and the low scale residential areas to the south.

High density residential development close to public transport is appropriate. Residential flat buildings, one block removed from the busy and noisy Pacific Highway but still closed to the public transport node is to be encouraged.

The proposal 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. (SEPP65)

The proposal is well within the maximum height allowable on-site and has been carefully designed so as to protect the solar access of the dwellings to the south of Marshall Avenue.

The footprint of the building generally has a depth of approximately 20 m which is slightly greater than the recommended 18 m but the architects have used some devices that reduce the potential impact of a deep building, such as deep recesses in the facade so achieve cross ventilation.

The scale proposed development is appropriate in the context.

The proposal meets the objectives of this principle.

3. Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of 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.(SEPP65)

The built form of the proposal responds to the various site conditions. Two-level Terrace type units are proposed along Marshall Avenue, which will relate in size and typology to the 1 and 2 storey dwellings characteristic of the area.

Similarly, the building is splayed on the western side to follow the alignment of Berry Road.

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The building's apparent bulk is reduced by articulating horizontal and vertical elements. The top 2 storeys of the proposal are treated in a metal roofing language, thereby reducing the apparent scale of the building.

The bulk of the building has been pushed to the north of the site in order to minimise overshadowing to the dwellings on the south side of Marshall Avenue.

The proposed building does not provide a set back from the eastern boundary. It is understood that this application is part of a larger master plan that foresees appropriate setbacks on the adjacent site to the east. It would be wise to ensures that these setbacks are provided, even if these sites to the east are sold by the current owner.

Of some concern is the lack of expected setback from Marshall Lane. Generally, the habitable rooms of the development should be set back 9 m from the centre of the lane in order to achieve an 18 m setback from future developments on the sites fronting the Pacific Highway. These sites are, however, zoned commercial and the guidelines in the Residential Flat Design Code do not strictly apply in this instance. Notwithstanding, it is no less inconvenient to be overlooked or overshadowed by a commercial property than a residential one.

It was pointed out by the applicant during the pre-DA meeting that the maximum allowable height is unlikely to be achieved on the commercial properties along the Pacific Highway, due to the relatively Low maximum allowable FSR compared to the potential height. Any future buildings along the highway could also concentrate the bulk the northern edge overlooking the Pacific Highway.

I remain concerned about the design restrictions that maintenance of privacy and solar access on the subject site might be imposed on the sites north of Marshall Lane.

If Council's comfortable that these restrictions can be enforced:

The proposal generally 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)

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The number and mix of apartments is appropriate. This sort of density is consistent with the future desired density of the area.

The proposal meets with 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 has been designed using sound passive solar principles. A maximum number of units face North and have appropriate sun shading which will reduce the need for heating in winter and air conditioning in summer.

The proposed development achieves the required amount of sunlight to 70% to of the units on 21 June. (This situation is likely to be substantially different should substantial developments occurring on the sites to the North)

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I have calculated that 66% of units achieve sufficient natural cross ventilation. .This percentage is slightly above the 60% rule of thumb.

Provision has been made in the basement for on-site storage for the rain water. This water is intended to be used for car washing and toilets.

There is no provision for outdoor clothes drying. Perhaps provision could be made for this on the roof between the plant rooms. Clothes dryers use enormous quantities of energy and contribute significantly to the carbon footprint.

The proposal 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

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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)

The proposal covers most of the site. Some landscaping is provided on the southern side of the development and at the western entrance to the site. The narrow configuration and location of the site, within an urban setting, close to a busy transport node, justify the lack of much deep soil planting.

Street trees outside the property boundary will provide the bulk of the landscape setting of the proposal. The trees on the splayed north-west boundary will provide shade to the proposed café. The desire to protect and retained the significant street trees along Marshall Avenue is noted. There is some concern that the trees will now be largely overshadowed by the development. The change in micro-climatic conditions and reduced exposure to sun for these trees, may affect them. An appropriately qualified horticultural consultant should be consulted.

The proposal generally 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)

The proposal has well designed units with a good relationship between the public and private areas within the building and the active and passive areas within the units themselves.

The proposal has the required number of adaptable units and the adaptability of the units has been demonstrated. Storage units are provided on ground level .

I raised some issues during the meeting regarding disabled access to the entry area on the corner of Marshall Avenue and Berry Road. The application lodged, has addressed these issues.

The Bury Road entrance, adjacent to the proposed commercial cafe will make a positive contribution to the building's relationship with the street and the active corner.

Solar access and cross ventilation have been discussed above.

The proposal 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 have generally been well handled. The passive surveillance of the surrounding streets and lanes will enhance the sense of security in the area.

The proposal potentially 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 provision of a cafe at the western end of the building will be a positive addition to the local community.

It is understood that a through site link at the eastern end of the site, may not be undertaken during the 1st tranche of works. Provision should be made for it however.

The proposal 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)

The proposal has been well considered architecturally. Sandstone walls are retained along Marshall Avenue, providing a base to the building and continuity to the fabric of the area. The facades are well modulated and articulated, reducing the apparent bulk. Materials are contemporary and of a high quality. Demonstrations of the architects existing work suggests that the building will be of a high aesthetic standard and will make a positive contribution to the character of the area.

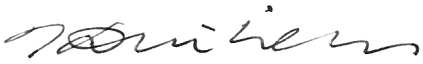
The proposal meets the objectives of this principle.

Conclusion

The main concern with this proposal is the potential for it to be substantially overshadowed and overlooked by future developments to the North. A secondary concern relates to the assumption that the subsequent stages of the development will, in fact, occur.

Except for this qualification, the proposal otherwise meets with the Objectives of the Principles of Good Design.

Tim Williams
Architect AIA



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