

Urban Design Review

for Ku-ring-gai Council

DA0327/13 742, 746-748 Pacific Highway, Gordon - The Lawson Clinic

AMENDED PLANS 2 – Report

Report Date: 23 May 2014

The applicant has submitted amended architectural plans following concerns raised by Council following a Pre-DA meeting, DA assessment, subsequent meeting with the applicants, submission of draft amendments, Council's review of those amendments requiring further amendments, leading to submission of the current amended plans.

The following urban design comments reflect our consideration of the amended proposal DA4 dated 15th April 2014 and is in context of urban design deficiencies identified in the Development Application and subsequent amended plans.

The use of the site as proposed for a mental health hospital is supported in principle as being in the public interest.

To fulfil that public interest the proposed scheme must demonstrate it will not have a detrimental impact upon the surrounding urban character, indeed it should enhance it if possible. In this regard, the importance of understanding the subdivision pattern, building typologies, their scale in terms of the figure/ground spatial relationship is critical to presenting a building form that responds to and does not adversely impact upon the site specific conditions of:

- adjacent low density R2 zone
- adjacent heritage precinct
- adjacent heritage conservation area
- heritage items on the site
- landscape character objectives for Ku-ring-gai
- specific topographical characteristics
- the redevelopment potential of neighbouring sites.

All are consistent with the application of SEPP Infrastructure CL57 in particular 4(a)(i) and (ii) as follows:

SEPP Infrastructure - CL 57 Development permitted with consent

- (1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.
- (2) Development for any of the following purposes may be carried out by or on behalf of a public authority with consent on State land that is in a land use zone identified by another environmental planning instrument as a "special use" zone for a health services facility:
 - (a) biotechnology research or development industries,
 - (b) business premises or retail facilities to cater for patients, staff or visitors,
 - (c) multi dwelling housing.
- (3) Consent must not be granted for development of a kind referred to in subclause (2) unless the consent authority is satisfied that the Director-General has certified in a site compatibility certificate that, in the Director-General's opinion, the development is compatible with the surrounding land uses.
- (4) Nothing in this clause:
 - (a) prevents a consent authority from:
 - (i) granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or
 - (ii) refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or
 - (b) otherwise limits the matters to which a consent authority may have regard in determining a development application for development of a kind referred to in subclause (2).

The following issues remain unsatisfactory in meeting the requirement for being compatible with the surrounding land uses:

1 Built Form

The decision to demolish 742 Pacific Highway is supported.

This was suggested as a means by which the original application could address the deficiencies identified in site arrangement, relationship between new and existing built form, heritage considerations, treatment of massing at the zone interface, and depth of building articulation along the western and northern elevations.

Our urban design review envisaged that demolition of No 742 would enable the northern end of the site to be freed up to provide:

- compliant setbacks that achieve the landscape setting of large trees and garden areas that define the urban character of Ku-ring-gai

- a better resolution of built form with the adjacent heritage items that respects the site arrangement, built form and recognises the zoning of the heritage precinct that, like the subject site, is also R4
- a review of the site access and functional efficiency for vehicles and pedestrians, their relationship to the internal functions in particular building entry, and pedestrian access to landscape areas whether visually or physically, and
- improved engagement of the proposed floor levels with the external ground levels to more satisfactorily address the above.

The amended application has failed to adequately address these issues.

The applicant states the priority of SEPP Infrastructure and KLEP as EPIs over the Ku-ring-gai DCP development controls. This is accepted, however, Clause 57 (4) of the SEPP implies an intent that development controls are necessarily applicable in establishing site compatibility with adjoining land uses.

Hence, consideration of SEPP 65, KLEP and KDCP controls are relevant to the subject site in establishing surrounding land use and in terms of considering the developability of sites adjoining the proposed development.

It is to be noted that an RFB (including aged care) could be constructed both on 744 Pacific Highway to the east or indeed on the R4 zoned St John's Precinct to the north (subject to addressing heritage requirements), in contrast with the heritage context and zone interface with single detached dwellings on R2 zoned properties to the west.

Consideration of site compatibility therefore must consider the land use controls relative to the subject site and adjoining sites under the LEP land-use zone in a context that proposed development does not adversely impact the development potential, amenity and urban character of those adjoining sites.

Building typology on this site needs to be sensitively considered in context of surrounding figure/ground spatial relationships that set a reference for future bulk and scale of development on this site. On the one hand we have the site arrangement of heritage items in the St John's Heritage Precinct, the rhythm of built form to landscape that defines the urban character of the St John's Avenue HCA, and the scale and articulation of single and some double storey detached houses in the vicinity. The arrangement of massing along the western side of the proposed building on the subject site has not articulated the building form

sufficiently to demonstrate a building typology that is compatible with the existing urban character of the adjacent R2 zone.

Demolition of 742 Pacific Highway should have presented opportunities to better arrange the massing such that deep articulation of the western side in particular would communicate a rhythm that interprets the existing urban context of smaller scaled residential building, separated by generous landscape of established gardens of trees and large plant species.

Instead, the built form has been articulated superficially to step in and out but still reads as a single massing and out of scale in an interface context – being over 60 metres long. The stepping has been expressed by changes in materials that assist in the architectural expression of the built form, however, of itself do not provide the overall physical relief of deeply articulated massing. If one looks at the supplied figure-ground information of the proposed development and surrounding development, the contrast is clearly demonstrated. We find the expression of the built form, therefore, incompatible with surrounding development.

The western side of the building should be more deeply articulated so that the scale of proposed massing provides a better interface with the adjoining R2 zone and with the St Johns HCA.

Within a clearly articulated form, the architectural expression should demonstrate a grouping of architectural elements that is rational, consistent and communicates a cohesive architectural language across the proposed development. This includes the articulation of the northern façade that appears more arbitrary rather than as a cohesive design response to the site and neighbouring heritage built form or consideration of possible redevelopment that may occur on the St John's site.

As previously identified, the type of construction selected to deal with the poorly resolved floor levels to ground levels at the southern end of the proposed development needs to be reconsidered. The Car Park/Drop Off level sees a series of columns up to a height over 4.3 metres out of the ground to support the suspended slab. This structural order and structural language bears no relationship to the structural language and order of the northern component. Rather it serves to emphasise the poor resolution of the ground floor level with the existing and proposed ground levels.

Significant amendments are required to adequately address these issues and others identified in the following sections relating to this issue (see Item 4 Variation to Building Height and Item 8 Car Park).

2 Setbacks

Setbacks to the northern boundary remain insufficient at 4 metres. The application still has not accurately provided setback dimensions along the northern boundary. As previously requested, these are to be taken perpendicular to the boundary *not* perpendicular to the wall plane as has been presented. The setback to Fire Stair 2 from the northern boundary is also to be provided.

Our merit based assessment finds that while some improvement has been made to the provision of a garden courtyard to the north-west corner, minimum setbacks (contained within the KDCP – Part 7A.2 Building Separations) have not been achieved.

The need to provide for patient safety by limiting or preventing access to outside areas is not at question being an operational aspect of the development outside the scope of an urban design review. At issue is the proposed setting of the proposed built form in achieving the KLEP and KDCP objectives, the provision of a pleasant landscape outlook to and from the subject site. As such, we find no physical reason for not providing minimal 6-metre setbacks to the northern (western boundaries – now provided) particularly where the southern end of the site proposes setbacks in excess of 27 metres (scaled from plans) and there are no site constraints preventing the required setbacks.

It is to be reiterated that provision of a 6-metre setback as a minimum to the northern boundary represents a significant concession to the 12 metre setback that is otherwise required as building separation between proposed development and heritage items.

We have found that a reduction to the required 12 metre separation between proposed development and heritage items can be supported given the St John's Op Shop has only minimal service windows addressing the subject site.

However, our review finds that the proposed setbacks (4-metre maximum) to the northern boundary do not enable the provision of deep soil landscaping sufficient to support large trees as consolidated landscape zones between properties as required under KDCP Part 7A.4 objectives and DCP Heritage and Conservation Areas Parts B 7.3 and 7.6 in particular.

Furthermore, the adjoining St John's Heritage Precinct is zoned R4 with a permitted building height of 11.5 metres.

The possibility that future redevelopment of the St John's site may occur, specifically the Op Shop, raises the issue of the foreseeable impacts that proposed setbacks on the subject site may have in disadvantaging future redevelopment of the neighbouring site.

Therefore, under the existing R4 zones, the proposed development does not provide for a setback that would enable equitable building separations compliant with SEPP 65 requirements between habitable rooms on the subject site and a residential redevelopment of the St John's Op Shop on the neighbouring site.

It is noted that the applicant has submitted additional information in support of the proposed reduced setbacks on the basis that the subject development is not an R4 building type (RFB) and, therefore, not bound to controls for that building use as the impacts to amenity are viewed to be less than an RFB.

Our review finds that while the building use is not for apartments, people will reside for the duration of their stay – effectively making a permanent rolling population. As such, patient bedrooms, lounges, common rooms, dining rooms and the like within the proposed development are essentially functioning as habitable rooms regardless that the proposed development is a hospital.

While we agree that there will be no *operable* external windows or doors to areas accessible to patients, and no balcony areas, they will reside 24hrs a day and hence impacts upon future amenity to adjoining properties must be considered on that basis. Screening of windows can be supported as long as the screening enables patients the amenity of a pleasant outlook while protecting visual amenity of neighbouring properties. However, these devices do not remove the obligation to provide adequate building separation.

Therefore, setbacks are to ensure that an equitable distribution of setbacks is achieved between sites to meet SEPP 65 RFDC p28-29 building separations such that proposed building separations on the subject site will not disadvantage or place additional and unreasonable obligations on the adjoining sites.

This lends further support to the requirement to provide a minimum 6-metre setback to the northern, eastern (at 744 Pacific Highway) and western boundaries (notwithstanding the zone interface considerations).

Adequate setbacks also contribute to minimising potential impacts on adjoining properties of the physical presence of larger scale development. While changes to urban character are expected where there is a zone interface, SEPP Infrastructure requires that compatibility of proposed development with the surrounding land uses be demonstrated - note in particular Clause 57 (4) (a)(i)(ii) and (b) and hence respectful of surrounding development.

It is to be further remembered that the provisions for interface sites adjoining differently zoned land also apply to this site at the north-west corner (cemetery) and to the south and west (R2 zone).

In this regard, the proposal does not meet the requirements of DCP Residential Flat Buildings - 7A.1 CL9 - Side and Rear Setbacks at the Zone Interface that require 9 metre setbacks.

It is worth noting that zone interface sites for Office buildings in the heart of the local centres also require setbacks of 9 metres between the commercial use and adjoining habitable rooms or balconies. Whether residential or commercial use, Ku-ring-gai's development controls recognise the potential impact of built form upon neighbouring sites of different land use zones and hence require an increased setback. The applicant's supporting information that states "the design does not have any openings on the western elevation" is incorrect. 'Openings' comprise windows as well as doors and the fact that they may not be *operable* does not alter their definition as openings.

Our assessment finds that the proposed setbacks along the northern boundary are likely to negatively impact upon the ability of the neighbouring site to the north to provide SEPP 65 RFDC building separations.

Therefore, the proposed development is to provide for setbacks to the adjoining heritage precinct zoned R4 that will enable compliant building separation between the two sites of any future development. This is likely to be highly significant to the St John's site given the sensitive heritage issues that would need to be addressed.

3 Inconsistent or poorly coordinated ground levels

RLs at the Lower Car Park level require clarification. They appear to be approximately 0.56m higher than the internal floor level of the building and therefore not compliant with BCA access requirements.

Notations for existing and proposed ground levels are confusing. These are to be consistently represented and clearly identified.

Some top of wall heights and bottom of wall heights may be inaccurately located and are confusing.

Item 4 Variation to Building Height discusses issues of the relationship of internal floor and external ground levels.

4 Variation to Building Height

The variation to building height cannot be supported where the proposed Drop-off/Car Park level ranges between 2.35 metres and 4.3 metres above natural ground level.

While it is acknowledged that the topography falls approximately 2 metres across this part of the site, the proposal demonstrates the building's relationship to external ground levels has not been adequately resolved across the southern component of the building.

While the LEP zoning allows for R4 development up to a height of 11.5 metres and permits a maximum of 3 storeys (above a basement). The applicant quotes the KDCP (Part 7C.11 Building Storeys)

"the building storey controls set out in the KMC DCP state that sites with a maximum building height of 11.5m must have a max of 3 storeys above basement".

This is a permitted number of storeys *not* an as of right provision. The LEP control for building height prevails over DCP's number of storeys (consistent with the applicant's submission that SEPP and LEPs are the EPs applicable to the site). Therefore, it will be dependent upon the building typology, functions and specific site conditions as to whether the permitted number of storeys can in fact be accommodated. For instance, the floor to ceiling heights required for a hospital differ from those required for residential or commercial uses. This reflects differing services and functional requirements for different building typologies such as ducted air conditioning for hospitals both of which will influence the number of storeys that may be achieved. Also see previous Items 1 Built Form and 2 Setbacks.

The height variation is also rejected on grounds of poor resolution of the zone interface with the adjoining R2 properties.

5 Truck Turning Area

The truck turning template has demonstrated how the required garbage truck leaves the site in a forward motion. However, the template needs to demonstrate that trucks both entering and leaving the site can do so in a forwards motion particularly as the turning circle required leaving the site extends across both north-bound traffic lanes.

Redesign of the lower car park level may enable a separation of staff and visitor parking from ambulance and services access making for better coordination of internal floor and external ground levels and driveways,

6 Landscape

The importance of the quality of proposed landscape for this development is to be emphasised. The building type proposed is significantly larger in scale and bulk as a typology compared to the surrounding existing and potential development as identified in Item 1 Built Form.

The visual amenity that significant areas of established landscape offer as an interface between all neighbouring sites is critical in assessing the appropriateness of the design response for this site. As such our review finds ongoing deficiencies prevent a thorough assessment to be made.

RLs on landscape plans do not make sense. They appear to be inconsistent with architectural plans in places, numbers of risers of stairs do not seem to match some levels and it is unclear what are proposed and existing ground and path levels – identified in Item 3 Inconsistent Ground Levels.

The following information is required to fully assess the relationship of the proposed landscape to the proposed building:

- All existing and proposed RLs are to be clearly annotated and differentiated.
- Contours are to be clearly indicated.
- All bottom and top of wall RLS are to be accurately located and checked*
- All external stair flights are to be numbered for identification

* For example, there is ambiguous information regarding top of wall levels at the truck turning area. It appears the TOW annotated as RL124.50 is the proposed ground level of the turning area. The TOW height needs to indicate a height and fence construction that will prevent trucks reversing over the platform and dropping some 2 metres to the lower car park level.

The landscape zone separating the truck turning area and No 744 needs to demonstrate that adequate width is provided to enable appropriate planting to screen the raised platform of the truck turning area - which appears to be over 1.5 metres out of the ground and, with a required solid barrier above, will impact upon the visual amenity of the current resident and future residents of that site should it be redeveloped as RFBs.

Pedestrian and vehicle ramps are to indicate the direction of ramp up and nominate all gradients.

There's a missing gradient at the main entry pedestrian ramp.

The main pedestrian ramp appears to rise from RL 127.85 at northern car park landing near Windsor House to RL128.15 at the NE corner of the proposed hospital then fall to RL127.50 at main building entry. This appears to be unnecessary as the high point does not link to any other levels.

7 Fire stairs

Fire Stairs don't indicate direction of stair or breaks between levels.

Fire Stair 3 risers indicate the same number of risers between the Lower Ground and Ground Floor levels as between the Lower Ground and ground floor.

The lift at the southern end appears to offer the only means of entering the building from the lower car park. Provision of stair access for staff from the lower car park should be considered.

8 Car Park

The functioning of the basement car park is confusing. Labelled as 'Staff and Delivery Carpark' there appears to be no visitor parking now provided apart from the existing Lawson Clinic.

The building entry at this level is also annotated as 'Staff and Emergency Entrance Only'.

The southern end of the building at this level appears to be for staff access only as well limiting visitor entry to the ground level only. Therefore, the amount and location of visitor car parking and pedestrian access of visitors from the basement car park to the building entry is confusing and unclear.

The Traffic report seems to contradict itself by firstly seeking to vary Council's car parking on the following grounds:

"The application of Council's Carparking DCP is inappropriate in relation to this DA as the DCP car parking rates are based on general medical facilities and hospitals not on the parking demand generated by private mental health facilities. *It is important to distinguish the nature of the site's function and operation which is very different from typical medical facilities and hospitals*" [my italics]

Additionally, the report states:

"There is no useful comparable data as *no related private mental health hospital* has been established in Metropolitan Sydney for over two decades..." [my italics]

Yet the Traffic Report then states:

"our previous works cover over 30 hospitals and mental health facilities in NSW and ACT"

It makes no sense to claim there isn't any comparable facility in NSW yet the authors refer to over 30 they have been involved in.

As previously requested by Council, figures for other facilities need to be demonstrated – perhaps larger and smaller if exact comparable size is unavailable.

Furthermore, the reference to this site being unique because of the proximity to public transport fails to acknowledge the original DA submission that provided for no pedestrian access to the site such that all visitations were therefore assumed to be by car.

The application remains inconsistent in its intent and fails to:

- adequately communicate how pedestrian and vehicular access is coordinated,
- demonstrate how and where visitor car parking is accommodated above the spaces already associated with the Lawson Clinic. We acknowledge that the supporting traffic information indicates some redundancy in the existing car park but that redundancy does not appear to provide numbers sufficient for the proposed 65 bed facility.

The applicant is to provide the raw car parking figures for other mental health facilities. This information can be supplemented with the Traffic Consultant's opinion as to the anticipated impact for travel by public transport but the raw figures are to be made available to Council so that a full assessment can be made.

The site rationale that proposes a semi-surface level car park accessed from the higher point on the site results in difficulties for the southern component of the building in its relationship to the ground levels, and flow-on inefficiencies of the functionalities.

It may be possible for a basement car park to be accessed from the lower southern driveway connecting to a continuous ramped driveway that exits from the higher point. This would make better use of the wasted space currently below the Car park/Drop Off level, better separate the staff and visitor/patient access once that has been clarified and accommodate additional spaces should Council find the proposed number is inadequate.

SUMMARY

We find there is a public interest in the concept of mental health facilities on the site.

However, the amended application has deficiencies that make it inconsistent with the provisions of SEPP Infrastructure to provide development compatible with the surrounding land use. Significant amendments are required to demonstrate the above issues have been satisfied.

Inconsistencies and lack of clarity in documentation need to be addressed so that a full assessment of relevant urban design, landscape, and traffic issues can be completed in future amended applications.