



25<sup>th</sup> February 2014,  
addendum to report dated 28 January 2014,

Attention: Rebecka Groth  
Assessing officer,  
Lane Cove Council  
PO Box 20 Lane Cove  
NSW 1595

Your ref: DA 13/205

Dear Rebecka,

**RE: Revised SEPP 65 report for Development Proposal 390–398 Pacific Highway Lane Cove,  
Following further information supplied by Council regarding potential overshadowing impact  
on the subject site by approved development in North.**

I refer to your letter of the 7<sup>th</sup> of January 2014 requesting my comment on the matter.  
I refer also to our exchange of e-mails on the matter dated 21 February 2014 requesting an  
addendum to this report. the addendum can be found under principle 5, Resource, energy and  
water efficiency.

The following comments have been prepared based on the drawings and documents supplied by  
Council including:

- Drawings by Nettleton Tribe partnership proprietary Ltd, including DA 002,003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 0 to 1, 0 to 2, 031, dated December 2013 Rev a \_
- statement of environmental effects by Mersonn proprietary Ltd dated December 2013
- Sepp65 report and design verification statement by architect Jeremy Bishop
- Traffic report, accessibility report, landscape plan, survey plan, drainage plan, basix report.
- 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)*

This site is located on the western side of the Pacific Highway close to the intersection with the cordial freeway. The site is an amalgamation of 3 allotments, which front both onto the Pacific Highway and Mafeking Avenue. The site is fairly regular in shape and is approximately 42 x 61 m and has a total site area of just over 2500 m<sup>2</sup>. The site is currently occupied by commercial buildings orientated towards the Pacific Highway.

The site has an unusual constraint in the form of the Lane Cove Tunnel, which passes below the site at a level approximately 3.5 m below the lowest part of the site. This constraint limits the depth to which the site can be excavated. Car parking levels and subsequently forced upwards.

Access to the site for car parking would be via Mafeking Avenue. The significant height difference between the Pacific Highway and Mafeking avenue makes vehicular entry into the site straightforward. However, it is unclear if the rather narrow Mafeking Avenue is well suited to the significant increase in traffic numbers that would result from large developments fronting the Pacific Highway.

The area is zoned R4 for high-density development. The proximity to major transport routes and relatively short distance from the Lane Cove town centre make the site a logical one for higher density developments. The desired future character of the area is for mixed use and higher density residential buildings. Of some concern, however, is the impact on and scale difference with the (R 2 low-density residential) properties on the other side of Mafeking Avenue.

Whilst a buffer between the noisy highway / freeway and the low-density residential area is welcome, the nature of this buffer should not impact detrimentally on the amenity of the properties in the low density areas. This is an example of where three-dimensional envelope planning can be used to determine the potential built form and resulting impacts on the immediate surroundings.

In my opinion, the scale of this development may seem appropriate from the Pacific Highway but is seriously out of context with the low-density residential adjacent.

The height difference between the Pacific Highway and the low density zone to the Southwest exacerbates the significant overshadowing impacts created by developments on the subject site.

Council's LEP identifies the subject site as having a maximum floorspace ratio of 4:1 and a maximum building height of 12 m. It is not possible to achieve the maximum FSR with a 12 m high building that also respects required setbacks and SEPP 65 requirements. The height constraint has been completely disregarded. Only the FSR control has been observed (more or less).

**The proposal does not meet 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)*

As mentioned above, the proposal departs from councils height control and is therefore out of scale with the desired future character of the area.

The proposal is not just a little bit higher than the 12 m height limit, it is 46.15 m higher.

If one was to only consider the scale of the Pacific Highway and the intersection with the Gore Hill Freeway, buildings of this height and scale may be justifiable, however the site also has a local context in which the building of this scale would have detrimental consequences.

**The proposal does not meet 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 proposed building follows the council's setback requirements and those recommended in the Residential Flat Design Code. The building has 3 main components, a base, which contains the car park in which rises above the height of the Pacific Highway and would be clad with a green wall, a lower section which provides 9 m setbacks from the site boundaries and a higher section which provides 12 m setbacks as per the RFDC.

Were this building in another context where 58 m high buildings were permissible, its form would be appropriate.

One of the major consequences of the building's form is its overshadowing impact on the properties to the South and West. The properties immediately to the south of the subject site that front onto Gatacre will be severely impacted, being progressively overshadowed from 11 AM onwards. The properties to the West on the other side of Mafeking Avenue will be overshadowed in the morning all year round due to the length of shadows at that time of day. It should also be noted that the site to the North of the subject site is also the subject of a development application and the cumulative effect of the overshadowing of Mafeking avenue must be considered

The other consequence is one of privacy for the dwellings in the low density residential areas. A tower that looms 60 m above one's house would be unsettling.

**The proposal does not 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 proposal is for 123 units at an FSR of 4.1:1.

The floorspace ratio is Just over the maximum allowable, however in order to achieve this, the building must be almost 5 times council's maximum height limit.

Buildings of this height are not part of Council's desired future character. The desired future density must therefore be brought into question.

**The proposal does not meet 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 proposed building achieves the cross ventilation and solar access rules of thumb in the RFDC. It should be noted, however, that it is the higher portion of the development which performs better. The lower section of the development would not meet the minimum rules of thumb on its own.

The proposal will be impacted by a development on the site to the North. There is no approved development for this site so it is not possible to anticipate the extent of impact on Solar access on the subject site.

***Report addendum. This section has been added on 25<sup>th</sup> of February subsequent to the information regarding an approved development to the North.***

*Method,*

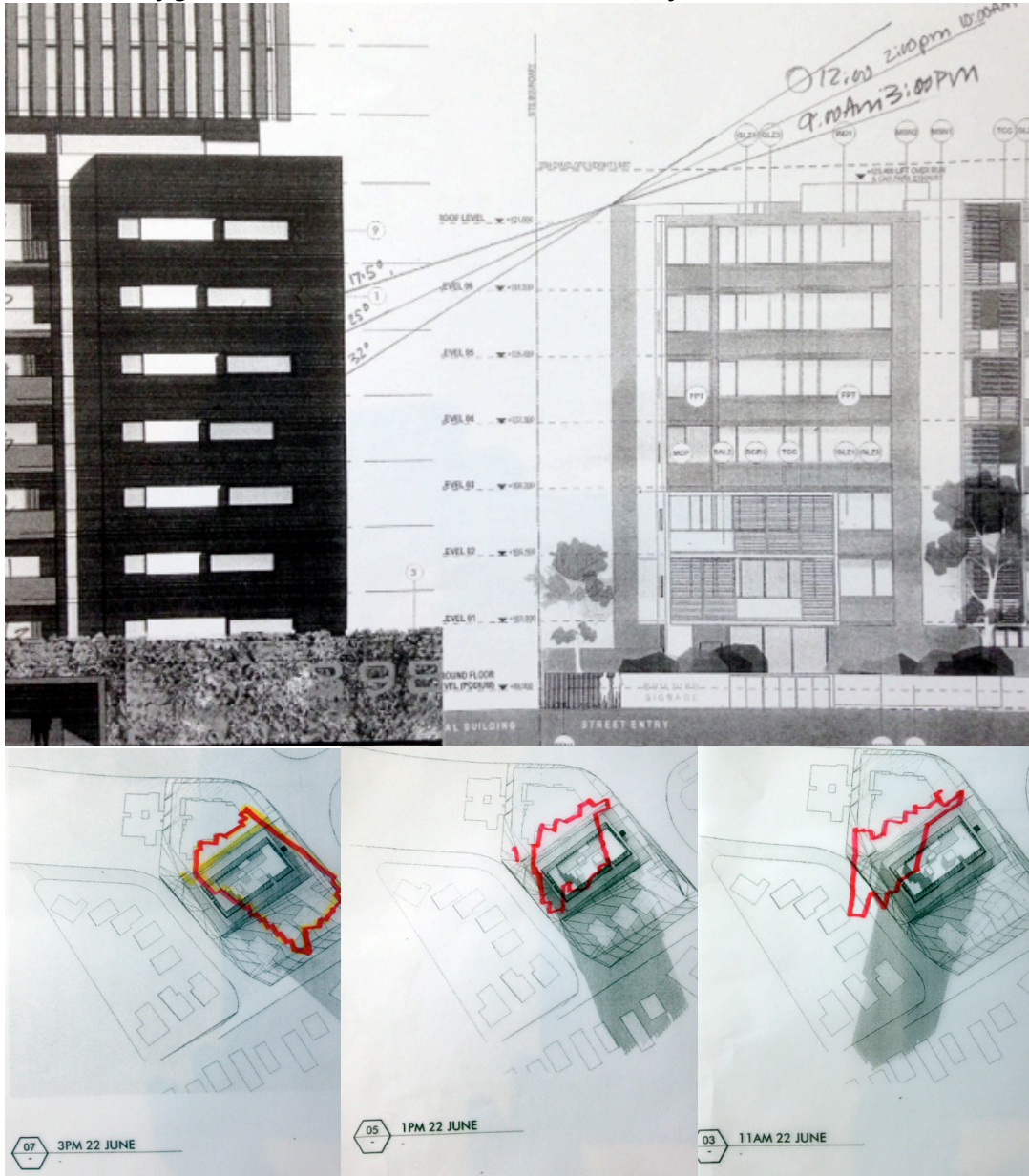
*I have been able to superimpose the shadow diagrams of the approved development at 9 Mafeking on those for the subject site at 390 Pacific Highway.*

*I have also plotted the sun angles at 9 AM, 10 AM, 11 AM, 12 PM, 1 PM, 2 PM and 3 PM and therefore been able to extrapolate the shadows cast on the north façade of 390 Pacific highway proposal .*

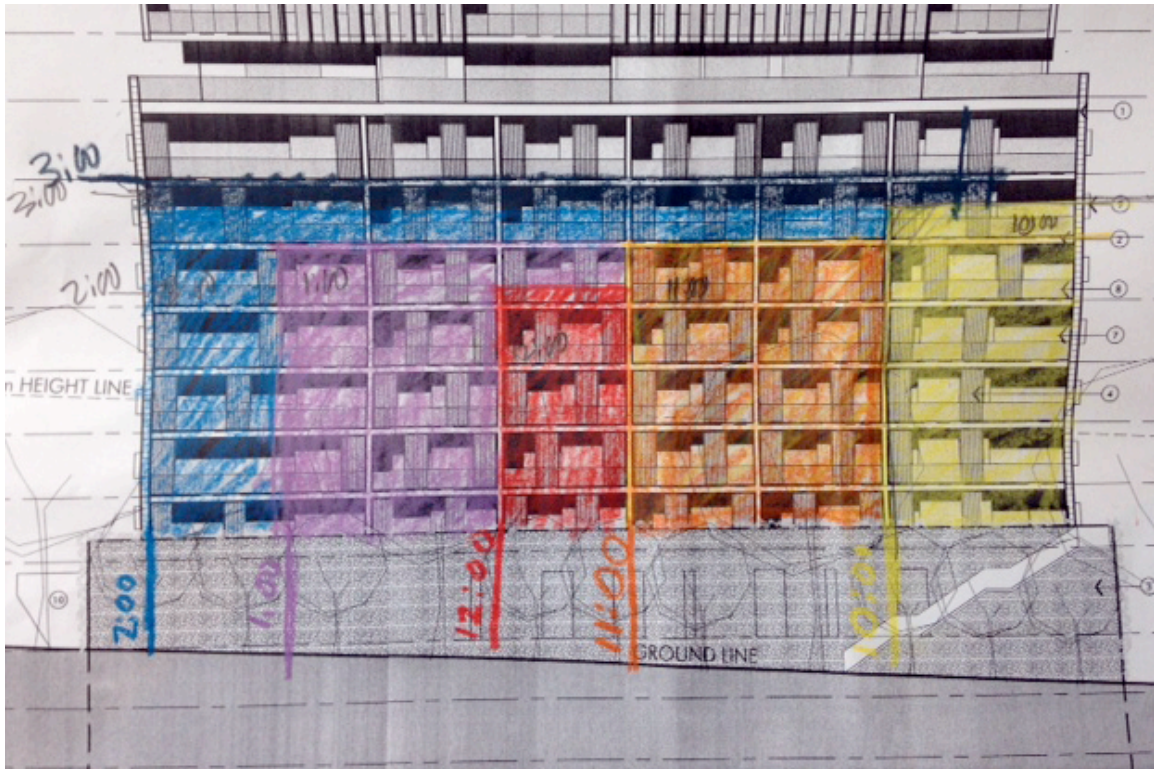
*This shows that the 9 Mafeking Avenue building would significantly overshadow the 390 Pacific highway building. I estimate ( although it would be more accurately measured by a CAD model of both projects) that at least an additional 25 units would not receive 3 hrs of sun on 21 june on the north façade of the building on the subject site.*

*This would make 62 in all or 50% of 123 apartments not receiving sufficient solar access.  
This is well in excess of the maximum recommended 30% in the RFDC.*

***I include the figures mentioned above as an illustration of the method used.***







**The proposal does not meet 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)*

If buildings of this scale and type were anticipated for this site then the landscape plan, which accompanies the proposal, would be appropriate.

**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)*

*This principle is now amended in light of the findings under principle 5*

Notwithstanding the height issue, the proposal is well designed with well planned units with excellent amenity.

The impact of the proposal on the amenity of others is significant as described above

**The proposal does not meet 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)*

The proposal has the potential to address this principle. See principle 9.

**The proposal could meet 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 site addresses the Pacific Highway, historically, a major commercial corridor in the metropolis. The proposal is for housing only. In my opinion, it is important to maintain the active frontage along the Pacific Highway, otherwise the Pacific Highway will become a lifeless and unsafe environment.

In my opinion, developments of this size should also provide communal facilities.

**The proposal does not meet 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)*

If buildings of this scale were permissible in this location, I would consider this to be a handsome piece of architecture. The vertical shading devices of the upper section would give the building a distinctive and iconic character. The parts of the building are well articulated.

The green wall is not a good idea. These walls require an extensive and expensive expert maintenance programme. Without this, it would die.

**The proposal would meet the objectives of this principle.**

## **Conclusion**

This proposal seeks to vary the height controls. This is not a slight variation but a complete departure from the desired future character for the area. The resulting overshadowing and privacy impacts are not in the public interest and is therefore not justified.

The height of the proposal is the single most important issue. The tower is otherwise well-designed. The proposal does not meet the objectives of good design of the principles of Context, Scale, Built form, Density, Amenity and Social dimensions.



*In addition, information regarding the Shadow impact of the approved development at 9 Mafeking Avenue shows that the subject site will be impacted on the north side up to and including level 5 resulting in the proposal not meeting the minimum requirements for Solar access.*

Tim Williams  
Architect AIA