26th November 2014,

Attention: Kristy Welfare
Assessing officer,
Lane Cove Council
PO Box 20 Lane Cove
NSW 1595

Your ref: DA 14/175

Dear Kristy,

RE: Development Proposal 390–398 Pacific Highway Lane Cove

I refer to your letter of the 12th November 2014 requesting my comment on the matter pursuant to provisions of SEPP 65.

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

- Drawings by Nettleton Tribe partnership proprietary Ltd, including 4336–DA 01–03, 02–03, 03–05, 04–04, 05–04, 06–04, 07–04, 08–04, 09–04, 10–04, 11–02, 12–02, 13–02, 72–01
- Statement of environmental effects by Mersonn proprietary Ltd dated October 2014
- Sepp65 report and design verification statement by architect Jeremy Bishop
- Traffic report, accessibility report, landscape plan, survey plan, drainage plan, basix report.
- Solar Access and Natural ventilation compliance report by Steve King dated 4th October 2014
- 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

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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 Lane Cove road and the 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 m². The site is currently occupied by commercial buildings orientated towards the Pacific Highway with vehicular access from Mafeking Ave.

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 is 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.

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, it is unfortunate that the proposal does not include retail or commercial uses at the ground floor onto the Pacific Highway. I think the Pacific Highway should continue to have active uses in order to provide streetscape continuity.

Furthermore, the Pacific Highway is a very busy and hence noisy, dusty and polluted thoroughfare. This site is at the intersection of the highway and the expressway. A ground floor retail or commercial podium that comes to the property boundary on the Pacific Highway would create a separation between dwellings and the highway, thereby reducing the impacts on the dwellings facing the highway. I believe that the lower level apartments facing the highway in this proposal will be very noisy and dusty and I would recommend against them.

I am aware that what I am suggesting does not follow current definitions of "Shop Top Housing" and that a different built form is required. However I feel certain that a design solution can be found.

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. (SEPP65)

The proposed development adheres more or less to the height and set back controls established for the block. Its scale is not dissimilar to the recently approved development to the North West.

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)

I have already expressed my opinion with respect to the desirability of a podium onto the Pacific Highway. This opinion may be contrary to Council's controls. Other than this, the

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built form is determined by Councils setbacks and the setbacks required by the Residential Flat Design Code.

The setback from Mafeking Avenue is 6 m. My understanding of Council's controls is that 7.5 m is the minimum setback from a street frontage. I would support the application of this setback on this development as the encroachment within the setback zones results in overshadowing impacts on the dwellings along Mafeking Avenue.

The proposal, with some modifications can meet 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 additional dwellings provided by this development are not inconsistent with the desired future density of this urban area.

The proposal 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)

Cross ventilation
The proposal meets the minimum 60% standard for cross ventilation.

South facing units
The proposal has less than 10% south facing units

Solar access.
Achieving 3 hours of direct sun to living spaces between 9 AM and 3 PM on 21 June to a minimum 70% of units is difficult on this site, due to the constraints imposed by the

approved development to the North West. Mr King's report on the matter provides views from the sun, which assist in determining which of the units receive the required amount of sun. Unfortunately, the model that Mr King has used appears to only include a floor plate model for the development to the North West. The lack of roof parapets and other protrusions does not allow for an accurate representation of the amount of direct sun which will reach the proposal on the subject site.

My estimation is that this inaccuracy could potentially involve 7 or 8 North West facing apartments on levels 3,4 and 5 at various times during the day.

Leaving this inaccuracy aside, Mr King identifies 20.3% of the units as receiving a full 3 hours of sun between 9 AM and 3 PM and that a further 44.9% of units receive more than 2 hours of sun between 9 AM and 3 PM. In my opinion, the constraints on this site are such that a slight reduction in the number of units receiving a full 3 hours is warranted. Those units receiving more than 2 hours is 65.2%. Mr King also claims that a further 6 units or 8.7% receive more than 2 hours of sun to any habitable room (i.e. a bedroom or private open space) and that this would enable the calculation to reach 71%.

More certainty is needed to determine the exact number of units achieving an acceptable level of solar access. For this to be possible, a more realistic model of the development of the North West is required for the views from the sun diagrams.

It is my view that if the numbers reported by Mr King are confirmed, the proposal achieves a level of solar access that is within an acceptable margin suggested by a "rule of thumb".

I have not found documentation relating to outdoor clothes drying, which would be of significant benefit to the proposal.

The car parking area leaves sufficient deep soil planting zones around the perimeter of the site.

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)

The potential for landscape in this proposal is limited to the areas immediately adjacent to the perimeter boundaries. A small amount of communal open space is provided adjacent to the entry on the south-east side of the building which will be largely overshadowed. Another area of communal open space is identified on the north-west corner of the site however it is unclear as to how this area is accessed.

An area of communal open space is identified along the Pacific Highway boundary and is proposed as a planting bed for medium-size screening trees and so would not be usable as a communal open space at all. Furthermore this is to the Pacific Highway which, as I have mentioned above I consider not to be an appropriate location for dwellings at the lower levels of the development.

The proposal, with some reservations, 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 generally well planned and designed apartments with a high level of amenity, however there are some concerns, which are as follows:

Acoustics

The level of noise on the Pacific Highway has been mentioned above. Unfortunately, solutions for reducing noise also impact on cross ventilation. I fear that the level of noise along the Pacific Highway is such that openings onto the highway, especially at the lower levels of the development will remain closed most of the time and that residents will need to rely on air conditioning.

Balconies

A large proportion of the balconies in the proposed development are adequate however,

the balconies to Apartments 108, 208, 308, 408, 508 are only 6.6 m² which is below the minimum 8 m² for a one-bedroom apartment.

The balconies to apartments 103, 110, 203, 210, 303, 310, 403, 410, 503, 510, are barely 8 m². The minimum size for a three-bedroom apartment is 10 m².

The general amenity of apartment BO2 is poor. This dwelling receives virtually no direct sunlight and does not have any cross ventilation. It is identified as an adaptable unit.

Adaptable units
A range of 1, 2 and three-bedroom units with good cross ventilation and sole access amenity should be included as adaptable units.

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)

The proposal has the potential to address this principle.

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 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 communal open space provided on the roof of the building will be of benefit to the residents. Safe play areas for children should be provided in a development of this scale.

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)

The general articulation and language of the building is crisp and contemporary and would be a positive addition to the area.

The proposal meets the objectives of this principle.

Conclusion

The proposal generally or partially meets the objectives of the principles of good design.

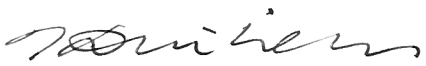
Setting aside the appropriateness of the environment at the lower levels of the development on to the Pacific Highway for dwellings, the main issues that I believe need to be clarified or addressed include:

- Confirmation of the percentage of units receiving solar access
- Adjustment of balcony sizes has identified above
- the setback from Mafeking Avenue
- acoustic treatments to the units facing the Pacific Highway

Please do not hesitate to contact me should you require any further information or clarification.

Yours faithfully

Tim Williams
Architect AIA



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