

Contact: Kimberley Kavwenje

Ref: DA0578/14

1 April 2015

Wzrm Pty Ltd
50 Wayne Ave
LUGARNO NSW 2210

Dear Wally,

Application No.:	DA0578/14
Proposed development:	Demolish existing structures and construct a mixed use development consisting of retail and commercial spaces, 33 residential units, basement parking and stratum subdivision
Property:	43 Lindfield Avenue LINDFIELD NSW 2070 9 Havilah Lane LINDFIELD NSW 2070

Council has undertaken a preliminary assessment of the proposed development. Consideration has been given to the proposal, development currently proposed on adjoining sites and the potential development of 51 Lindfield Avenue. The proposal has been considered by Council's relevant experts and there exists several fundamental concerns which require addressing. The proposal in its current form is not supportable and further design consideration is required including increasing the setback from the northern boundary, building separation to the southern boundary, and the design of 1 bedroom units facing Lindfield Avenue. Areas of concern are detailed below including a summary of information and design changes which may address the concerns identified:

Lindfield Avenue Setback

The proposed street setback of the retail component to Lindfield Avenue is approximately 1 metre and appears to incorporate a planter box for most of the setback. This planter box is not considered to be a building design element that *'encourages the presence or movement of people'* or *'encourages interaction between the inside of the building and the external public areas adjoining the building'*. The shop windows onto Lindfield Avenue elevation (at street level) are currently setback around a metre from the footpath/property boundary. It would be preferable for the windows not to be setback as *KDCP Local Centres Volume A Part 8C.14 Clause 3* the current arrangement creates a potential hidden alcove off the footpath.

Lindfield Avenue is a 'main street.' The retail frontage is required to be more prominent by bringing it out to the street edge and providing shopfront glazing coming down to the

meet the footpath with any level change resolved internally within the tenancy. Alternatively, bringing the proposed windows forward to the street edge, making them openable with bifold windows, and provide a deep reveal to the openings for display or seating would be more engaging.

The proposal provides for a four storey (13.8 metres -15metres) high street wall to Lindfield Avenue with a 1.8 metres setback to the next three levels. This does not meet the three storey (11.5metres) street wall and 2 metre setback to upper storeys required by the controls. The variation to the 3 storey street wall height in line with *the KDCP Local Centres Volume B Part 1E.4* should be justified with elevations along Lindfield Avenue showing the future context of the streetscape elevations to demonstrate that the proposed variation will be in character. A street elevation should be prepared (DA 8.01 could be updated) to show the street wall relationship between these two adjacent proposals so that an informed assessment can be made. This aspect should be addressed.

Northern setback

The proposal provides a 1.8 metre – 3 metre building setback to the northern boundary with 51 Lindfield Avenue. This site is zoned R4 High Density Residential, with a maximum height of 20.5 metres and a maximum floor space ratio of 1.6:1. Whilst a nil or 3m setback is allowed within the B2 zone, this control appears to be intended for party wall conditions along a street wall. The application proposes a through site link which does not meet the 5 metre building setback required by 1E.3.

Mixed use buildings are also required to provide adequate building separation for spacing between buildings and visual and acoustic privacy. In this respect, it is considered that the building separation from 51 Lindfield Avenue (zoned for residential flat buildings to a height of 6 storeys) will be deficient and impose upon any future development on that site.

Using the principle of sharing building separation equitably across the boundary, the setback to the northern boundary with 51 Lindfield Avenue should be 6m to levels 2, 3, 4 and 5 (4 storeys above the commercial podium) and 9m to levels 6, 7 and 8 to meet the controls and the RFDC Rule of Thumb (p28 via p59).

This distance is measured to the face of balconies or to the windows of habitable rooms, whichever is the closer. Commercial windows should be treated as habitable windows. It is suggested that screens should not be relied upon to resolve this issue.

If a 6 metre setback from the boundary were to be incorporated down to the ground floor, it may allow for some screen planting to be incorporated on site, as well as a 3 metre wide through site link. This through site link could also incorporate an awning that would assist with visual privacy. This aspect could be given further design consideration.

The proposal has provided for a site link and appears to be glazed to the boundary. Concern is held regarding this as it has the potential to severely compromise the amenity of the adjoining property. Access to natural light is imperative however this should be done through the use of obscure glazing or skylight to ensure that the privacy and amenity of the adjoining development is not compromised. The architectural treatment of both ends of the through site link should be prominent to ensure that it is evident to the public that the pedestrian link is available for use and is a high level of amenity.

Southern Setback

Windows to unit 2.1 (and typicals over) are located 1.5metres from the southern boundary. These windows should be setback a minimum 3 metres from the boundary if they are to non-habitable rooms or 6 metres if they are to habitable rooms (4.5 metres and 9 metres respectively at levels 6 and 7). Alternatively, these rooms could be built with walls to the boundary and windows facing east or west.

Also, habitable room windows and terraces to units 6.2, 6.3, 7.2 and 7.3 should be located at least 9 metres from the southern boundary with 39-41 Lindfield Avenue.

The proposal will compromise the development potential of future development to the south on the basis of solar access. The most sensitive properties are 39-41 Lindfield Avenue as they will rely on 2 hours of morning solar access from the rear across their north-eastern side boundary with the subject site. With reference to the solar access analysis (DA10.00), particularly the 11am diagram, it can be seen that the two storey volume of unit 7.2 has the most potential impact on this future neighbour. On balance, it is considered possible that adjustments could be made to unit 7.2, particularly the upper storey, which would be beneficial to the neighbour without affecting the design substantially. This aspect should be given further design consideration.

The adjoining property has requested the sandstone cladding used on the front façade frame of the proposed development be returned around the corner to face south for the same width as the frame on the front façade to provide visual relief. The remainder of this wall to be treated using a honed or polished finish with expressed horizontal joints or similar.

Matters to be clarified and additional information

- It is unclear whether the proposal provides for the widening of Havilah Lane as indicated by the controls. The proposal appears to be built hard to the existing Havilah Lane boundary. The proposal for the neighbouring development to the south appears to be set back approximately 1m from the same boundary line. This should be clarified.
- Calculation plans are required to be submitted which nominate which areas have been included and excluded from the FSR calculation. The floor space

ratio is stated as 3:1 (Statement of Environmental Effects p20). Areas to check which may increase gross floor area include: additional retail car parking spaces; semi-internalised residential corridors and lobbies, particularly those that could become more enclosed by neighbouring development to the boundary; and the WC at roof level. The inclusion of access to car parking and loading at basement 1 should also be verified.

- A communal external air clothes drying facility should be provided within a common area as not all apartments have adequate balcony dimensions to provide individual external air clothes drying facilities.
- An ESD report does not appear to have been submitted with regards to the retail component of the proposal.
- The proposal provides for 41 retail car spaces including 2 disabled car spaces. This exceeds the maximum 1 space per 26m² of shop required by the controls. The additional 6 spaces should therefore count towards total GFA. The proposal provides for 52 residential car spaces including 4 visitor spaces and 15 disabled spaces allocated to 9 adaptable apartments. This does not meet the 6 visitor spaces required by the controls and spaces should be reallocated. One visitor space should be allocated as a car wash bay.
- The proposal provides for a public toilet at basement 2. The location of this facility is inconvenient as a shower cubicle and bathroom for cyclists as it is not adjacent to the bicycle parking at basement 1, or near the lifts servicing basement 2. The location is also inconvenient for customers and retail staff. This aspect should be given further design consideration.
- The proposal provides for an area for residential bicycle parking at basement 3, however the design of the parking is unclear. 10 or 11 bicycle spaces designed to AS2890.3 are required to meet the controls.
- A Design Verification Statement, in accordance with clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 is required to be submitted.
- It is noted that 3 of these 24 units (2.3, 3.3 and 4.3) receive solar access to a kitchen and island bench area rather than the living room. It is suggested that the open plan living area 'flip' so that the living room has the benefit of the direct sunlight and the larger terrace area. This aspect should be given further design consideration. It is also noted that the solar access analysis provided here is based on the floor plans. The model shown in the solar access analysis (DA 10.00) does not appear to be accurate and should be clarified.

- The proposal provides for 21 of 33 (64%) apartments as being naturally cross ventilated. It is noted that 3 of these 21 units (2.5, 3.5 and 4.5) are marginal in this regard. It would be preferable if the northern living room window of these apartments increased in size towards the stair core and were to be designed to be openable as far to the east as possible. This aspect should be given further design consideration. The 3 units with ventilation chimneys (2.8, 3.8 and 4.8) have not been included.
- Three 1 bedroom units (2.5, 3.5 and 4.5) appear to be less than 50m². This does not meet the minimum unit sizes in the RFDC Rule of Thumb (p69).
- The proposed living room width for all west facing 1 bedroom apartments is 3.2 metres. This does not meet the minimum 3.5 metres required by the control 8C.6.1(ii). It appears that if the second lift core to the western building were to be removed and the stair core relocated, that additional width for living rooms would be available along this frontage.
- The proposed second bedrooms to three units (2.3, 3.3 and 4.3) are 2.7 metres wide. This does not meet the minimum 3 metres required by the control 8C.6.2. It appears that the laundry could be relocated to resolve this issue or the studies which satisfy this requirement be used as a bedrooms.
- The proposed balconies for all west facing 1 bedroom apartments are less than 10m² at a minimum dimension of 2.4metres wide. This does not meet the controls 8C.11.2(i) and 4.. The proposal should be amended to ensure compliance.
- The proposed storage to three 1 bedroom units (2.5, 3.5 and 4.5) is less than 4m³. This does not meet the control 8C.21.
- The proposed second, northern lift to the western building does not appear to be necessary. It connects with the retail car park and may create undesirable safety and security issues. It is suggested that it is removed as it does not appear to assist with building circulation. This could allow northernmost units facing onto Lindfield Avenue to be similar to the other adjacent units, increasing their size and assisting with natural cross ventilation. It could and also allow for a window on axis at the end of the corridor.
- The application proposes 20 of 33 (61%) apartments as visitable. This does not meet the 70% required by the control 8C.5.5. Visitability would be improved by ensuring that 1250mm clearance is provided in front of toilet pans unobstructed by door swings.

- The proposal shows two fire egress door facing directly on to Lindfield Avenue. This does not meet the requirement for no fire egress to face the principle active frontage as desired by the controls. The fire egress doors could be clad in timber-look battens, similar to the hydrant and ATM along the street frontage, to better integrate the doors into the streetscape design and resolve this issue.
- The inclusion of turf within elevated private gardens is considered impractical. It is recommended these turfed areas be paved or planted out.
- The proposal provides approximately 288m² of communal open space at a minimum of 5metres wide. This does not meet the 330m² required by the control 8C.10.1.
- No details have been provided for the proposed green wall design. As this is part of the proposed landscape works and covers a large area of the northern building façade it is required that details including plant selection be provided. It is also required that detail be provided as to what surface finish is proposed behind the green wall.
- No detail has been provided regarding the vertical wire trellis on the southern façade. To enable assessment it is requested that the proposed plant selection be provided.
- The provided stormwater plan is conceptual bubble diagram only and is not site specific. From a landscape perspective there is insufficient detail. While it appears there is no landscape conflict on site, clarification is requested as to whether drainage works are required off site eg within Havilah Lane. For certainty and clarity it is requested that a Stormwater Management Plan be submitted
- The Stratum Plan appears to be inconsistent with the architectural plans and BASIX certificate regarding private/residential and common areas. For example Level 3 Unit 3.4, Level 2 Units 2.3 & 2.4 and access ways on floors 5, 6 & 7.
- Details of the location of mechanical ventilation plant associated with the comfort conditioning systems for the residential units is required to be provided. The acoustic report prepared by Day Design Pty Ltd indicates the installation of individual packaged units located on the external balconies of the residential units. Air-conditioning units on balconies is not supported and should be relocated to the basement of plant room.
- The location of the exhaust points for the residential and commercial car park, waste storage areas, plant rooms and toilets throughout the building are required to be identified on plan. The plans submitted do not provide adequate

detail to determine if there may be likely noise or odour impacts for neighbouring properties or the occupants of the subject development in particular when using the open space areas proposed on the roof of the building.

- Details of the means of ventilation to the plant rooms throughout the building are required to be provided. The plant rooms are not to be designed with louvers opening onto the boundary in the direction of neighbouring properties.

The submitted plans indicate dedicated plant rooms containing mechanical plant associated with the commercial use and other services throughout the building. Some of these plant rooms are located on the boundary of the property and potential noise impacts to adjoining property occupant's needs to be addressed.

- An awning above the car park entries to Havilah Lane is not required.
- Water management plans.
- The Stream Flow and Water Quality Report should be amended to include the correct area of irrigation and confirm that the small tank volume will achieve Council's runoff reduction target.
- If the application includes **strata** subdivision as well as **stratum**, then strata plans are required. If not, the applicant should confirm that strata subdivision is not included. They are two different things.
- Bike lockers and showers to be shown in Basement 01 as required under Volume A Part 8B.3 of the Local Centres DCP.
- The applicant should confirm the number and breakdown of parking spaces, as the architectural plans and traffic report do not seem to be consistent.
- A minimum headroom of 4.5 metres to be provided for access by Council's waste collection vehicle to the retail delivery dock. Traffic report to confirm access by an 11 metre vehicle.
- Additional information is required regarding the operation of the roller shutters and how vehicles using each driveway will be prevented from turning across the paths of vehicles using the other driveway. The location of controls such as intercoms, etc and associated median islands should also be shown.
- An internal layout should be provided if possible for the retail floorplate to demonstrate use and activation of through site link/ secondary entry.

BASIX

The following inconsistencies between the architectural plans and BASIX certificate have been identified:

- Common area of garden
- Private areas of garden and lawn for Units 2.2, 2.3, 2.4, 3.4, 4.4, 5.3, 6.3, 7.2, & 7.3.

As BASIX is a SEPP compliance cannot be conditioned. An amended BASIX certificate is required. For clarity and certainty it is requested that a BASIX compliance plan and calculations be submitted to assist assessment and ensure consistency.

NOTE: BASIX calculations shall include the vertical area of the proposed green wall.

We believe that the above issues may be resolved through the provision of additional information and amended plans. Should you choose to amend your application, you need to provide us with eight (8) sets of plans and written particulars identifying the changes made to the original application.

The submission of amended plans will result in an additional assessment and administrative fee (30% of the statutory DA fee) being \$4494.48. This fee must be paid at the time amended plans are lodged. If any of the required information and/or fees are not provided, the amended plans will not be accepted.

If you do not provide us with amended plans or respond within 14 days of the date of this letter your application will likely be refused.

Should you choose to withdraw your application, this needs to be done in writing within 14 days of the date of this letter and we will refund **30%** of the development application fee.

Should you have any further enquiries, please contact our assessment officer Kimberley Kavwenje on telephone **9424 0000** or facsimile **9424 0001** Monday to Friday between 9.00am and 10.00am.

Team Leader
Development Assessment