

Urban Design Review

for Ku-ring-gai Council

DA0418/15 25, 25A, 27 Bushlands Ave, Gordon

Revision 4

Report Date: 30th January 2017

Summary of issues

- 1 Western wing – forward of No 25 Bushlands Avenue (Birralelee) building line to be moved to align with Birralelee
- 2 Heritage impacts from the combination of proposed building lines, location of modified massing closer to the rear of Birralelee and proximity of the entry wing
- 3 Loss of Courtyard 1 functionality resulting from the modified building footprint
- 4 Extent of excavation for the western wing lower ground level and loss of northern aspect to the communal rooms and deletion of northern terrace
- 5 Solar amenity to the primary communal lounge and dining areas generally
- 6 New building for café and retail impacts on the outlook for up to 8 residential rooms in the eastern wing. (Poor outlook outcome particularly if residents are confined to bed and unable to regularly access communal areas.)
- 7 Northern setback of the eastern wing in context of the St Johns Road HCA and R2 zone setbacks are insufficient to satisfy the heritage context and intended landscape character defined by Council's setback controls for the R2 zone in the vicinity of an HCA.
- 8 Setbacks, rebates of all walls from boundaries, lengths of walls, sizes of courtyards and separations between buildings are insufficiently dimensioned.
- 9 RLs to be shown at regular intervals as: spot levels within landscape areas, internal and external spaces adjacent to the building, existing and proposed levels where finished levels will be different, top and bottom of retaining walls, ramps and landings have not been incorporated into the amended documents.
- 10 Solar access diagrams to demonstrate solar access to communal spaces.
- 11 Clarification of impact of the roof covering the permeable decking in the vicinity of Tree 50.

INTRODUCTION

Refer to previous urban design comments [report (20th November 2015) and Council's letter to the applicant following a meeting (3rd June 2016) with the proponents, and Revision 2 Report (27th October 2016)] for project background description and previous urban design issues.

This urban design report is a stand-alone report following a review of the amended design and supplementary supporting documents received from the project consultants and confirmation that no further requested information would be submitted. This design represents a second round of amendments from the original development application.

The following documents have been reviewed:

- Excerpt of Site Plan DA01 dated 24.01.2017
- Amended Architectural Drawings, prepared by Boffa Robertson Group, (refer to drawing revisions dated 20.09.2016);
- Services Survey, prepared by Durkin dated 11/07/16;
- Arboricultural Impact Assessment, prepared by Footprint Green, dated 23/9/16;
- Resistograph Test Report, prepared by Urban Tree Management;
- Civil Engineering Works Drawings, prepared by C and M Consulting Engineers, dated 27/8/16;
- Letter in response to matters raised, prepared by C and M Consulting Engineers, dated 22/9/16;
- Stormwater Management Plan, prepared by C and M Consulting Engineers, dated September 2016;
- Flora and Fauna Assessment, prepared by Travers Bushfire and Ecology, dated September 2016;
- Vegetation Management Plan, prepared by Travers Bushfire and Ecology, dated September 2016;
- Waste Collection Proposals, prepared by Resource Environmental Solutions, Cleanaway, Veolia and URM;
- Amended Landscaping Plan and Landscaping Elevations, prepared by Site Image.

Urban design consideration of this application has used accepted urban design principles (consistent with previous application documents), SEPP *Housing for seniors or people with a disability; Seniors Living Policy: Urban Design Guideline for Infill Development (DIPNR), March 2004*; Ku-ring-gai's development controls (as would otherwise apply to an R2 development to assist with the intended urban character for the area); and NSW Land and Environment Court Planning Principles (for issues arising from seniors living development occurring in low density residential zones). It is noted that *Housing for seniors or people with a disability – A guide for councils and applicants* (May 2004) NSW Department of Planning and Environment (formerly DIPNR), p20 states:

Design

New development under the Seniors Living policy should achieve a high standard of urban design...

SEPP Housing for Seniors or People with a Disability contains development controls - Cl 48 *Standards that cannot be used to refuse development consent for residential care facilities*:

- building height – 8m
- density and scale: if FSR is 1:1 or less
- landscaped area: if 25m²/residential care facility bed is provided
- car parking: if 1 space /10 beds or 1 space /15 beds for dementia care; 1 space / 2 employees; and 1 ambulance space

The proposed development is able to meet these minimum design requirements.

However, the proposed amendments represent a significant modification to the building footprint that raises new issues while addressing other issues previously identified.

The following summarizes the most significant amendments as referenced from the proponent's letter dated 14th October 2016. Urban design response noted:

- The provision of all services and facilities which would reasonably be required by residents on site thereby complying with Clause 26 of SEPP(Seniors) without depending on Clause 4.6;

UD Response: The proposed Tea House is now accommodated in a new building which has not been dimensioned or properly located on the site, and impacts negatively on resident amenity (outlook) and is not supported as currently proposed.

- An increase in the number of trees to be retained by 15%, including T050 which was identified by Council as being of particular significance; and, a 51% increase in the total number of trees on site and on the road reserve compared to the what was originally proposed;

UD Response: Tree retention is supported in principle. However, this has led to amendments to layouts and solar access amenity to the main central communal area of the lower ground floor level and has negatively impacted on the heritage considerations of the streetscape building line being aligned or behind the heritage item (Birralee).

- The increase in the front setback of the eastern wing so it is behind the rear building line of 25 Bushlands Avenue including further planting behind the cottage;

UD Response: Supported.

- The streetscape outcome will be improved by: the provision of a new front fence across the entire frontage being of a design which is consistent with the original fence for the dwelling at 25 Bushlands Avenue which has since been removed; landscaping improvements to the garden setting and curtilage of the heritage building; and, by the removal of an existing driveway and its replacement with landscaping;

UD Response: The proposed front fence is supported in principle. However, the streetscape is now negatively impacted as a result of moving the western wing forward of Birralee (25 Bushlands Avenue).

- Changes to the proposed materials to divide the buildings on a horizontal axis creating a "base" and upper part to the buildings;

UD Response: Supported.

- The removal of the previously proposed skylights and their replacement with flush skylights incorporated into the roof design;

UD Response: Supported.

- The integration of the plant area at roof level into the roof design;

UD Response: Supported in principle subject to relationship of the western wing to Courtyard 2 caused by moving the building footprint and its visibility from the street.

- The eastern wing is positioned closer to the rear boundary but is satisfactorily screened and is physically separated so as not to introduce any significant impacts to the rear;

UD Response: Not supported. The previous building footprint was acceptable from an urban design perspective.

- The western wing is further setback from the side boundary by at least 500mm and is articulated to comply with the DCP controls which would apply to a dwelling house in this respect;

UD Response: Supported.

- The western wing is positioned closer towards Bushlands Ave with the upper level over sailing the lower level, but is still considered to be consistent with the characteristic street setback in the locality;

UD Response: Not supported in context of streetscape building line and heritage listing of 25 Bushlands Avenue in KLEP 2015.

- The front setback area has been significantly improved by increasing the amount of landscaping and reducing the requirement for changing levels and retaining walls. This has been achieved by removing the vehicular drop off area and by relocating the pedestrian path.

UD Response: Supported.

- The treatment and re-positioning of windows in critical locations to mitigate any significant privacy impacts;

UD Response: Supported.

- The café and retail functions have been relocated to a separate building (called the tea house) at the rear which can now take advantage of the landscaped setting within this area;

UD Response: Not supported in proposed location as a separate building due to outlook impacts of rooms in the eastern wing adjacent to the proposed Tea House. Also the building has been inadequately dimensioned and located on the site enabling it to 'grow' between DA and CC. There appear to be potential impacts to Tree 50 caused by the proximity of the proposed Tea House.

- A low level elevated deck, which has less impact on tree root systems and is permeable to rainwater, connects the tea house with each of the wings. The raised walkways are covered by glazed roofs;

UD Response: Decks may be too wide and comprise a significant component of additional roof structure. Therefore, the percentage area of impact to Tree 50 needs to be clarified so that the area of the permeable decking that is covered by a roof is included in the impact calculation.

- The lower ground floor level is now part excavated for most of the northern face, except for three bedrooms at the rear facing north;

UD Response: Insufficient RLs for adjacent ground levels, courtyard and decking levels around the site and adjacent to internal spaces to make an assessment. In principle support for extending the excavation under the building footprint if for service rooms. A theatre may be acceptable within this basement space only because windows are not usually required for this use. However, this would be subject to details for waterproofing. Construction details should be submitted to ensure there is a physical separation of the internal wall skin from the tanked external skin. Subterranean habitable rooms are not supported as they invariably lead to poor air quality and breaches of waterproofing that can be very difficult to locate resulting in expensive and difficult rectification.

- The lower ground floor has been substantially modified and now includes a larger theatre facility, which is located over the car park below;

UD Response: It is noted that the building will have an effective height of 4 storeys in the centre of the site that must be clarified. This is consistent with the height control (except the lift over-run component) although inconsistent with the neighbourhood character and Ku-ring-gai's development controls for R2 zoned land. From an urban design perspective the central location of this component causes no impacts to the overall bulk as the additional built form is largely below ground. However, there are solar access issues to the communal lounge and dining spaces at the Lower Ground level of the Western Wing that are accommodated as a direct result of excavation below natural ground level. Amendments to the planning layout would address this important communal amenity issue and generally achieve additional internal daylight amenity without impacting on the proposed functional layout.

- The basement has been substantially modified with parking now also located under the eastern wing and includes the addition of 1 further car space.

UD Response: Supported.

Note, the following amendments were not detailed in the proponent's letter:

- The western wing has been moved forward of Birrralee (25 Bushlands Avenue).

UD Response: Not supported.

- The eastern wing has been moved to be in close proximity to the northern side of Birrralee, which now has a local heritage listing in KLEP 2015.

This significantly reduces Courtyard 1 resulting in a) a very different curtilage and setting for Birrralee; and b) a very different relationship between Birrralee and the new building; and c) a

significant reduction to the area thus available for secured outdoor space (now only at the south-eastern corner which will not receive much solar access).

UD Response: Not supported as currently proposed due to the relationship of the massing but some variation to the previous footprint may be acceptable from an urban design perspective where amendments can better address solar amenity of communal indoor and outdoor spaces (see previous comment for the Western Wing lower ground communal spaces).

- All drawings are to be dimensioned consistent with Land and Environment Court Practice Note Class 1 Development Appeals Schedule A and consistent with Council's DA documentation requirements. Insufficient setback dimensions, building lengths, widths, courtyard dimensions, site RLs etc.

Summary of urban design issues SEPP Housing for seniors or people with a disability

Clauses 33 to 39

Clause 33: Neighbourhood amenity and streetscape

(a) Desirable elements

The building line of the northern side along Bushlands Avenue should be maintained. The western wing being moved forward (to the south and closer to Bushlands Avenue) negatively impacts upon the streetscape setting of Birralelee. The western wing is to be either aligned or behind Birralelee's front building line so the heritage item can be viewed from the street as one approaches the site from the west and the western wing does not dominate the view when approaching from the east.

(b) Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items

Previous design had resolved all urban design issues regarding the heritage issues of streetscape, massing, setting and curtilage from an urban design perspective.

The amendments have raised new issues.

The amended location of the western wing is inconsistent with the heritage objectives of KDCP Volume B Part 7 Aims of the Heritage Controls (xii) to (xv) and controls 7.1 (5) and (6) to maintain the streetscape integrity and not visually dominate *or compete with* the item.

While the adaptive re-use of Birralelee is supported, the western wing would achieve the heritage objectives of the desired relationship of new built form if it is retained in the position of the dotted red line (as was presented in documents tabled at the June 8th meeting).

The proposed location of western wing (accommodating the activity room) is also now forward of the neighbouring property No 29 Bushlands Avenue and inconsistent with the building line of Bushlands Ave and streetscape character. While the SEPP uses words 'similar to' rather than 'the same as', the heritage nature of Birralelee places a higher test of 'similar to' in this urban context.

Amendments to move the activity room back to the dotted line that represents the original plans (or very close to it) would likely result in the loss of one bedroom per floor unless they can be relocated elsewhere in the wing.

The western wing is also more prominent in the streetscape because of the driveway, as there is no opportunity for landscaping to screen the protruding massing thus amplifying the impact.

The relationship to Birralelee internal to the site

The amended footprint results in a loss of deep articulation of the eastern building mass that had been achieved in the scheme tabled 8th June. The new massing essentially loses the functionality of Courtyard 1 as a garden courtyard area and results in a loss of 'reading' of Birralelee within the site. From an urban design perspective, I support the principle of a new relationship between communal functions (lounge area of the eastern wing and the new activity rooms to be within Birralelee). However, the combination of proximity of the eastern wing, the building line and proximity of the central main entry finger, and loss of Birralelee's connection to the broader site and landscape appear problematic.

The impact is exacerbated because there are no views through the central entry finger and eastern building lounge area to the bushland beyond that would at least achieve a visual connection with the site. Therefore, the proposed relationship of new built form to the item is not supported in its current form as it is inconsistent with the heritage objectives of KDCP Volume B Part 7 cl 7.2 control (3) that requires *Buildings, structures and garden settings that contribute to the significance of the heritage item must be retained and sensitively incorporated into development proposals.*

The proximity of building mass of the central main entry finger is inconsistent with controls (6) and (7) of cl 7.2 of the KDCP Volume B Part 7 for appropriate transitions in height, bulk and scale.

From an urban design perspective, amendments are required to either provide (a) a more sensitive physical relationship between the new buildings and Birralelee by more deeply articulating the new building to reinstate more of Courtyard 1 and achieve a softer garden setting; (b) providing view corridors from Birralelee, through Courtyard 1, through communal spaces (lounge area), and beyond to the bushland and trees that will provide some visual connection to the heavily forested original setting of the item; or (c) aligning the main entry wing building with the Tea/Activity Room building line of the eastern wing.

The functional relationship of the lounge and activity rooms within Birralelee is potentially positive, it is the dominance of the massing that is the issue.

(c) Maintain reasonable neighbourhood amenity and appropriate residential character

(i) Setbacks – as per comments in the previous items. The front setback needs to align with or be behind Birralelee to reduce bulk as experienced from the street. The northern setback of the eastern wing is a significant departure from the applicable DCP in the R2 zone that requires a minimum 12m setback from the rear boundary and is inconsistent with KDCP Part 4 cl 4A.2 controls (7) and (8). The modified scheme proposes a two-storey component to be only 6.5m from the shared rear boundary with No 40 St Johns Road within the HCA. This is not supported.

From an urban design perspective views from the neighbouring HCA should inform the setback requirements in combination with adequate screen landscaping being achieved to address issues of bulk due to the proximity from the boundary. See additional comments (iv). It would be preferable for a compliant 12m setback to be achieved but a compromise from an urban design perspective would be at the building footprint consistent with the previous scheme (shown in the red dotted line on DA01 as minimum of approximately 10m with secondary setback at 12m) due to the permissibility of the SEPP to enable variations from DCP controls.

(ii) Building form and siting – the proposed massing has generally achieved a rhythm in the streetscape that is compatible with the Bushlands Avenue character. Further information is required to assess the proposed ground levels in context of the new building footprint location and is discussed elsewhere.

(iii) Building heights – are compatible with both Birralelee and adjacent development if taken from the existing ground line. However, the modified scheme results in an effective height of 4 storeys in the central part of the site due to uses accommodated at the basement level and the extent of excavation to accommodate much of the lower ground floor level of the western wing. From the street, these components will not be seen as 4 storeys, however, it should be noted that there are solar amenity issues for the modified lounge area of the lower ground level addressing Courtyard 2. Subject to this issue being resolved, the overall bulk of the massing in the central part of the site appears to be acceptable from an urban design perspective. Details of how the basement is to be waterproofed should be provided.

(iv) Location of massing along boundaries – eastern boundary and western boundary setbacks have adequately considered the neighbouring properties and appear to enable adequate landscaping from an urban design perspective. The northern finger of the eastern wing impacts upon the St Johns Road HCA and intended urban character given the 6.572m setback proposed and as commented in point (i) above.

(d) Front setback to be in sympathy but not necessarily the same as the existing building line

I have reviewed the amended location of the western wing and on merit in the specific circumstances, am not satisfied the proposed location of the southern component is sufficiently sympathetic to the building line of Birralelee. While the SEPP wording does not require the setback to be the same, the specific context of there being a heritage item on the site, the contributory value of the existing detached dwellings at No 29 and No 23 to the item within the existing streetscape, the low density land-use zoning, and the proposed RACF building type being on an amalgamated site is significantly atypical of the desired urban character.

The building line of the western wing is to be aligned with the building line of Birralelee to address the setback.

(e) Embody planting that is in sympathy with but not necessarily the same as other planting in the street

From an urban design perspective, the proposal generally satisfies (or is able to satisfy) Ku-ring-gai's urban character within the context of development controls permitted under the SEPP with the exception of the northern setback requirements being addressed and the Bushlands Avenue building line being amended.

- (f) Retain wherever reasonable, major existing trees

Amendments have sought to retain additional trees within the area of biodiversity significance and identified by Council as being significant, which is supported. This will need to be balanced with the implications raised elsewhere on the site with the amended building footprint and significant modifications to internal layout and relationship to the ground line as discussed in this report.

- (g) Be designed so no building is within a riparian zone

Not Applicable. There is no riparian zone on the site.

Clause 34: Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping

Generally satisfactory. However, the location of the Tea House is not supported. While users of the Tea House will enjoy a positive experience, there are 8 residents' rooms whose outlook amenity will be adversely affected. On the ground floor, there will be of a wall in close proximity to 4 rooms; while the outlook of 4 rooms on the first floor will be dominated by the roof in close proximity. My understanding of frail aged care residents is that they are often either restricted to their bed due to health and mobility issues, or prefer to remain in their rooms for much of the day, therefore, the quality of outlook and visual privacy become more critical. Outlook to a wall or roof is not supported as a means of achieving privacy levels. The Tea House should be either a) relocated away from the building to ensure high outlook amenity for all residents, or preferably b) deleted and the cafe integrated into the building as had the previously amended scheme tabled 8th June.

- (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Satisfactory.

Clause 35: Solar access and design for climate

The proposed development should:

- (a) Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space

Design changes appear to have reduced the levels of solar access that had been achieved in the previously amended scheme.

Ideally all primary communal areas should have a northerly aspect. While the primary communal spaces of the Eastern Wing have a poor aspect to south, it is acknowledged that secondary communal areas do have a northern aspect on all levels of the Eastern Wing, which are adequate if not optimal.

However the lower ground floor level of the Western Wing does not have secondary lounge spaces with a northerly aspect (one is to the west, is quite small and has an outlook to the neighbouring property, which is not ideal for communal spaces. Amendments to the Lower Ground level of the Western Wing will ensure sufficient amenity to that level if the secondary lounge space is relocated to the northern side. It may result in the loss of one room (unless it can be accommodated elsewhere on the site without impacting on heritage values or neighbouring properties).

- (b) Involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

See comments for (a). While the smaller lounge areas are achieving a northerly or westerly aspect, it appears three of the four primary lounge and dining areas are either internalized (dining rooms) or have a southerly aspect (lounge areas), which should be reconsidered.

Clause 36: Stormwater

The proposed development should:

- (a) Control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas

From an urban design perspective, the increased area of biodiversity is supported. There is in principle support given for pervious decking subject to impacts upon Tree 50 that do not appear to have been considered in the supplied documents (roof structure makes the decking impervious).

The Landscape Plan contains no RLs. The plan is to be resubmitted with RLs around the site included as spot levels at regular intervals around the site within landscape areas, adjacent to the building at regular intervals, contours, anywhere there are changes in level, all paths, landings, and courtyards. This information should be coordinated on the landscape plan to ensure consistency with the architectural design and other consultant input.

- (b) Include, where practical, on-site stormwater detention or re-use for second quality water uses.

On site detention and rainwater tanks are proposed and the area of pervious ground surfaces has been increased with the modified scheme. Plant selections and details of stormwater and water re-use are otherwise outside the scope of urban design.

Clause 37: Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) Site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street

Satisfactory.

- (b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked

The site is secured with a clearly defined main entry foyer in the centre of the site and adjacent to Birrale. The path is direct, providing for clear sightlines from the street to the foyer. Once inside the facility, the foyer is generous, provides a reception area close to the entry door and clear sightlines through a gallery for clear way-finding to lifts and the eastern and western wings, and a visual connection through to the bushland beyond.

- (c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door

The main entry and reception area and some communal spaces allow views either to the street and/or through to the main entry gallery that provides for surveillance of the pedestrian access point.

Clause 38: Accessibility

The proposed development should:

- (a) Have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities

Satisfactory.

- (b) Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors

Satisfactory.

Clause 39: Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Satisfactory from an urban design perspective.