

24.10.2017

# REFERRAL RESPONSE

## URBAN DESIGN

FILE NO: Development Applications/ 377/2016/4

ADDRESS: 638-646 New South Head Road ROSE BAY 2029

PROPOSAL: Modification to the existing development including additional senior housing within a new upper level

FROM: Tom Jones Urban Design

TO: Ms L Samuels

### Information

Architectural drawings: JPRA dated 8.9.2017

| Drawing No: | Drawing Name  | Revision |
|-------------|---|----------|
| S96-0000    | COVERPAGE   | A        |
| S96-0001    | DRAWING LIST  | A        |
| S96-1000    | SITE PLAN   | A        |
| S96-2005    | THIRD FLOOR - LEVEL 6                                 | A        |
| S96-2006    | FOURTH FLOOR - LEVEL 7                                | A        |
| S96-2007    | ROOF  | A        |
| S96-2300    | SECTION A   | A        |
| S96-2301    | SECTION B   | A        |
| S96-2400    | FINISHES  | A        |
| S96-2401    | SOUTH ELEVATION                                       | A        |
| S96-2402    | WEST ELEVATION  | A        |
| S96-2403    | EAST ELEVATION  | A        |
| S96-2404    | NORTH ELEVATION                                       | A        |
| S96-9000    | GFA SCHEDULE  | A        |
| S96-9001    | PRIVATE OPEN SPACE                                    | A        |
| S96-9002    | STORAGE SCHEDULE                                      | A        |
| S96-9100    | SHADOW CASTINGS 9AM                                   | A        |
| S96-9101    | SHADOW CASTINGS 9AM 3D                                | A        |
| S96-9102    | SHADOW CASTINGS 12PM                                  | A        |
| S96-9103    | SHADOW CASTINGS 12PM 3D                               | A        |
| S96-9104    | SHADOW CASTINGS 2:15PM 3D                             | A        |
| S96-9105    | SHADOW CASTINGS 3PM                                   | A        |
| S96-9106    | SHADOW CASTINGS 3PM 3D                                | A        |
| S96-9200    | SOLAR ACCESS 8am - 11:30am                            | A        |
| S96-9201    | SOLAR ACCESS 12pm - 3:30pm                            | A        |
| S96-9300    | EXISTING AND PROPOSED - SUPERIMPOSED                  | A        |
| S96-9301.0  | No 735 LEVEL 1 WINDOW 3 KITCHEN VIEW ANALYSIS         | A        |
| S96-9301.1  | No 735 LEVEL 3 WINDOW 3 KITCHEN VIEW ANALYSIS         | A        |
| S96-9302    | No 745-749 LEVEL 2 WINDOW 4 DINING ROOM VIEW ANALYSIS | A        |
| S96-9303    | No 624-634 LEVEL 4 BALCONY 2 VIEW ANALYSIS            | A        |
| S96-9304    | No 624-634 LEVEL 5 BALCONY 2 VIEW ANALYSIS            | A        |
| S96-9305    | No 733 LEVEL 2 VIEW ANALYSIS                          | A        |
| S96-9306    | No 733 LEVEL 3 VIEW ANALYSIS                          | A        |
| S96-9307    | STREET VIEW LOOKING UP NEW SOUTH HEAD ROAD            | A        |
| S96-9308    | STREET VIEW LOOKING DOWN NEW SOUTH HEAD ROAD          | A        |
| S96-9309    | WATERFRONT VIEW ANALYSIS SHEET 01                     | A        |

Urban Design Statement: Dickson Rothschild

### Background

This Section 96(S96) is assessed and determined on the basis of the current controls. It is not open to Council to depart from our existing development standards unless an objection properly submitted under clause 4.6 of WLEP 2014 (see below) is upheld. This S96 proposes an additional level over and above the approved development.

## Context

The subject site on the western edge of the Rose Bay commercial centre covers two lots and fronts both New South Head Road and the Harbour. Directly to the west of the site, a late 20<sup>th</sup> century development presents a retail frontage to the street, as required by Woollahra Development Control Plan 2015 (WDCP2015). However, above street level the building is setback 3.6m on the first level and then a further 2m to a round residential tower that rises 8 storeys. This is not a form that is supported by the WDCP2015, but the isolated nature of the building at the edge of the centre and its circular form partially mitigates the negative impact of the development.

Immediately to the east of the subject site is a 2 storey mid-century residential flat building which is setback from the street frontage approximately 2m.

Buildings on the opposite side of New South Head Road are generally 3 or 4 storey residential flat buildings.

## Proposal

The proposal is to add an additional level to the approved four storey development. This referral addresses only the issues relating to the urban design impacts of the proposed additional floor.

## Controls

- State Environmental Planning Policy # 65 (SEPP 65) : Apartment Design Guide (ADG)
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD)
- Woollahra Local Environment Plan 2014 (WLEP2014)
- Woollahra Development Control Plan 2015 (WDCP2015)

## Compliance

The following is an assessment of the proposal against the relevant controls above. This is an application using SEPP HSPD, the urban design referral assesses the development using the design requirements in SEPP HSPD and SEPP 65.

### SEPP 65: 9 Design Principles

SEPP 65 Clause 28(2)(b) provides that the consent authority must consider design quality when evaluating the development taking into account the following 9 design principles. The assessment against the principles has been made with reference to the relevant objectives of the Apartment Design Guide.

#### ***Principle 1: Context and Neighbourhood Character***

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and*

*identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

This proposal relates to two principal contexts. These are; the transitional location on New South Head Road at the western edge of the Rose Bay commercial centre and the shoreline of Rose Bay Sydney Harbour.

The design response is a storey higher the desired future character of the location as identified in WDCP2015

### ***Principle 2: Built Form and Scale***

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

The proposed building's built form and bulk is appropriate in this location, except for the built form addressing the street which is a storey above that identified as the desired future character for the location.

### ***Principle 3: Density***

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

The proposed building's density is appropriate in this well serviced location.

### ***Principle 4: Sustainability***

*Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.*

The proposal performs reasonably with regard to solar access and cross ventilation. There are no significant sustainability initiatives over and beyond those required by Basix. Outdoor clothes drying areas are required by the SEPP and WDCP2015

### ***Principle 5: Landscape***

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.*

The landscape plan is satisfactory, but it should be noted that the four street trees proposed (Tuckeroos) are not the tree indicated by the Council Street Tree Master Plan 2014 and the WDCP2015 which is *Harpullia Pendula*. I have a concern that, although the SEE suggest otherwise, this proposal may not meet the deep soil requirements for this site. Please refer to the assessment officer's report. Outdoor clothes drying areas are not provided but are required by the SEPP and WDCP2015.

#### ***Principle 6: Amenity***

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.*

Two of the nine apartments do not receive solar access directly into the living area. However these two apartments do have satisfactory amenity in my opinion. All apartments have good cross ventilation. Outdoor clothes drying areas are not provided but are required by the SEPP and WDCP2015.

#### ***Principle 7: Safety***

*Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*

The proposal has a complex entry arrangement, which will need to be carefully design.

#### ***Principle 8: Housing Diversity and Social Interaction***

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.*

This proposal provides housing for over 55 year olds

### ***Principle 9: Aesthetics***

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

The aesthetics of the proposal are satisfactory.

### **SEPP 65: 8 Topic Criteria**

SEPP 65 Clause 28(2)(c) provides that the consent authority must take into account particular design criteria in the Apartment Design Guide. Eight topics are listed in SEPP 65 clause 6A and override any controls in the WDCP2015 when the development is being evaluated.

| Topic Area                   | Subject   | Compliance |
|------------------------------|---|------------|
| 3F Building separation       | Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:   | Yes        |
|                              | Building height                  Habitable rooms and balconies                  Non-habitable rooms   |            |
|                              | up to 12m (4 storeys)                                  6m                                  3m   |            |
|                              | up to 25m (5-8 storeys)                                  9m                                  4.5m   |            |
|                              | over 25m (9+ storeys)                                  12m                                  6m  |            |
| 4A Solar access              | 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas | Yes        |
|                              | 2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter  |            |
|                              | 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter  |            |
| 4F Common circulation spaces | 1. The maximum number of apartments off a circulation core on a single level is eight   | Yes        |
|                              | 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40   |            |
| 4D Apartment size            | 1. Apartments are required to have the following minimum internal areas:  | Yes        |
|                              | Apartment type                  Minimum internal area   |            |
|                              | Studio                                  35m2  |            |
|                              | 1 bedroom                                  50m2   |            |
|                              | 2 bedroom                                  70m2   |            |
|                              | 3 bedroom                                  90m2   |            |

|                          | <p>2.Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p> <p>3.In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p> <p>1.Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space)</p> <p>2.Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>1.Living rooms or combined living/dining rooms have a minimum width of:</p> <p>3.6m for studio and 1 bedroom apartments</p> <p>4m for 2 and 3 bedroom apartments</p> <p>2.The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p> |                 |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
|--------------------------|--|-----------------|--------------|---------------|-------------------|--------------|---|----------------------|-----|----|----------------------|------|----|-----------------------|------|------|-----|
| 4C<br>Ceiling Height     | <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height for apartment and mixed use buildings</p> <table> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> </table> <p>For 2 storey apartments 2.7m for main living area floor</p> <p>2.4m for second floor, where its area does not exceed 50% of the apartment area</p> <table> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> </table> <p>If located in mixed used areas 3.3m for ground and first floor to promote future flexibility of use</p>                                     | Habitable rooms | 2.7m         | Non-habitable | 2.4m              | Attic spaces | 1.8m at edge of room with a 30 degree minimum ceiling slope | Yes                  |     |    |                      |      |    |                       |      |      |     |
| Habitable rooms          | 2.7m   |                 |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| Non-habitable            | 2.4m   |                 |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| Attic spaces             | 1.8m at edge of room with a 30 degree minimum ceiling slope  |                 |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| 4E<br>Private open space | <p>1. All apartments are required to have primary balconies as follows:</p> <table> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> <tr> <td>Studio apartments</td> <td>4m2</td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m2</td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m2</td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m2</td> <td>2.4m</td> </tr> </table>   | Dwelling type   | Minimum area | Minimum depth | Studio apartments | 4m2          | -   | 1 bedroom apartments | 8m2 | 2m | 2 bedroom apartments | 10m2 | 2m | 3+ bedroom apartments | 12m2 | 2.4m | Yes |
| Dwelling type            | Minimum area   | Minimum depth   |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| Studio apartments        | 4m2  | -               |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| 1 bedroom apartments     | 8m2  | 2m              |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| 2 bedroom apartments     | 10m2   | 2m              |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| 3+ bedroom apartments    | 12m2   | 2.4m            |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |
| 4B<br>Cross ventilation  | <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>  | Yes             |              |               |                   |              |   |                      |     |    |                      |      |    |                       |      |      |     |

|                          |  |                     |   |
|--------------------------|--|---------------------|---|
| 4G<br>Storage<br>volumes | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: |                     | No<br>there is no<br>indication of<br>storage in<br>the<br>apartments<br>and 7 store<br>rooms in the<br>basement<br>for 9<br>apartments |
|                          | Dwelling type  | Storage size volume |   |
|                          | Studio apartments  | 4m3                 |   |
|                          | 1 bedroom apartments   | 6m3                 |   |
|                          | 2 bedroom apartments   | 8m3                 |   |
|                          | 3+ bedroom apartments  | 10m3                |   |
|                          | At least 50% of the required storage is to be located within the apartment                     |                     |   |

## SEPP 65 Summary

The Proposal performs satisfactorily regarding most of the SEPP 65 design principles. However, the development does not meet the desired future character for the location. The proposal also lacks the provision of outdoor clothes drying and a storage provision for all apartments.

## SEPP (HSPD)

Chapter 3 Part 3 Design Requirements Division 2 of the SEPP identifies seven design principles, these are:

### 33 Neighbourhood amenity and streetscape

*The proposed development should:*

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*  
.....
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
  - (i) providing building setbacks to reduce bulk and overshadowing, and*
  - (ii) using building form and siting that relates to the site's land form, and*
  - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
  - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*  
.....

The proposed development fronts New South Head Road in a location that is referred to as a transition area in chapter D6 of WDCP2015. The strategy for this area is to:

*Create a transition between the Rose Bay Centre core and the recreational/landscape area towards Lyne Park, with a portion of street defined by street trees and a discontinuous wall of buildings on the harbour side.*

The proposal presents to the street with a raised under-croft space which leads through to an open top light courtyard. This arrangement accommodates the ramps and stair associated with the requirement to raise the ground level to protect from flooding and is an appropriate response in this *transition* area that it is reasonable to assume will not attract large amounts of passing foot traffic, but is suited to consultancies and services, which require a less exposed commercial address, but still want a street presence. The four residential levels above the retail/commercial level are built to the street frontage, are appropriately articulated, but are a storey too high to meet the desired character of the street.

The harbour frontage recognises the harbour foreshore building line. The address to the harbour is deferential and will provide an appropriate transition between the residential properties to the east and the multi-level flat building to the west. The scale of the built form is compatible with the desired future character of the location.

The proposed development is unacceptable with regard to this design principle.



Excerpt from WDCP 2015: D6 pg.25 This diagram illustrates the locations

### **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, and*



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

The proposal has been designed to avoid overlooking neighbouring properties. Most windows face towards the Bay or the street. However windows to the lower level eastern bedrooms have the potential to create a privacy impact and will need screening appropriately.

Certain bedroom windows overlook bedroom windows of other apartments in the same development. These have however been appropriately screened with fixed vertical louvres.

The driveway enters the basement parking directly from the street and provides good separation from all the apartments.

The proposal performs well with regard to this design principle.

### **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, and*
- (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.*

The proposed development has no significant impact on the solar access of neighbouring properties. All the apartments on the subject site will get some sunlight, although the lower units facing New South Head Road are not likely to meet the standards expected in SEPP 65 (which does not apply) All units have good cross ventilation.

The proposal performs well with regard to this design principle.

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

Although the SEE reiterates the requirements of the stormwater design principle, the architectural drawings and the soil and water management plan for the proposal do not appear to accommodate these requirements. There appears to be a reduction in the area of the deep soil on site and all stormwater appears to be absorbed on site.

I have a concern that this proposal does not adequately address this design principle. However this is a matter better addressed by Council's engineers.

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

*(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

**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, and*

*(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

I am considering these two principles together.

The front core serves seven apartments on four different levels and the rear core serves four apartments on three levels. The level of access is difficult to determine from the drawings provided, where and how pedestrians gain access to the apartments on the upper ground levels is confusing with multiple doors and awkward spaces. It is not likely that there is a security or safety issue in this location, these well-appointed apartments will be protected with adequate surveillance equipment and personnel.

The proposal provides adequate parking, and services are available close by.

It is probable from reading the information provided that the development meets this design principle.

**39 Waste management**

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

The proposal has adequate waste facilities which are generous enough to accommodate multiple bins to facilitate recycling.

The development meets this design principle.

**Woollahra Local Environment Plan 2014 (WLEP2014)**

The proposed addition exceeds the height limit.

**Woollahra Development Control Plan 2015 (WDCP2015)**

The proposed additional level is outside the envelope controls in WDC2015 chapter D6 which applies to the part of the site on which the additional level is positioned.

**Urban Design Review**

The applicant uses the height of the neighbouring development to justify additional height on the subject site. I consider this to be an invalid justification.

The height of the adjacent development is not envisaged in WDCP2015 section D6.5 which outlines the desired future character of the centre and consistently calls for a maximum of 4 storeys. The 8 Storey tower clearly does that meet this desire.

The justifying of the additional storey based on the tower also fails to recognise that the tower is a completely different form, which was not designed to fit within its urban context. The tower is in fact setback from the street frontage approximately 5.6m and is not part of the envisaged street wall as illustrated in WDCP2015 D6.4.1 *New South Head Road*. The street edge of the adjacent development to the west is in fact only a single storey. A similar transition argument as to that made by the applicant might be made for actually reducing the subject sites height to 2.5 storeys so meeting the height of the existing adjacent street walls. However the WDCP2015 D6 envisages, and has to date consistently delivered, development with a four storey street edge. The consistency of this approach for future development is important in

retaining the urban design qualities of the Rose Bay Centre.

## **Recommendation**

Refusal of the proposed additional floor level, based on the proposal being a poor urban design outcome.

Tom Jones Urban Design