

# SEPP 65 Urban Design Review Panel Recommendations

<b>Property Details:</b>	114, 116, 118 and 120 Cary Street, TORONTO NSW 2283, 1, 2, 3 and 5 Bath Street, TORONTO NSW 2283, 3 Arnott Avenue, TORONTO NSW 2283  Lot 4, 5, 6, 7, 8, 9 and 10 Sec 6 DP 2505, Lot 101 DP 1110774, Lot 100 DP 847314
<b>SEPP Application No.:</b>	SEPP65/20/2016/B
<b>Development Application No.: (if applicable)</b>	DA/419/2018, SEPP65/20/2016 and SEPP65/20/2016/A
<b>Proposal:</b>	Mixed Use Development
<b>Responsible Officer:</b>	Georgie Williams
<b>Applicants Name:</b>	MARK LAWLER ARCHITECTS PTY LTD
<b>Applicants Address:</b>	35 Smith St, CHARLESTOWN NSW 2290
<b>Panel Members Present:</b>	David Ryan Robert Denton Alison McCabe John O'Grady
<b>Applicant/Proponents Present:</b>	Mark Lawler – Mark Lawler Architects (Architect) Stephen Coon – Mark Lawler Architects (Architect) Nick Vranus – Owner/Developer Helen Mansfield – Mansfield Urban (Urban Designer/Landscape Architect)
<b>Council Officers Present:</b>	Georgie Williams Michael Little
<b>Apologies:</b>	NA
<b>Chair:</b>	David Ryan
<b>Date of Meeting:</b>	13 June 2018

## **Introduction**

The Design Review Panel (the Panel), comments are to assist Lake Macquarie City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The Panel draws the attention of applicants to the Apartment Design Guide (ADG), as published by NSW Department of Planning & Environment (June 2015), which provides guidance on all the issues addressed.

The nine design quality principles to be addressed in SEPP 65 are grouped together where relevant, to avoid the unnecessary repetition of comments.

## **Panel Comments – Previous Meetings**

The nine design principles as set out in SEPP 65 were considered by the panel in discussion of the development application. These are: Context & Neighbourhood Character, Built Form & Scale, Density, Sustainability, Landscape, Amenity, Safety, Housing Diversity & Social Interaction, and Aesthetics. **Note that the Panel's comments for the meeting of 13 June 2018 have been consolidated at the end of these previous minutes.**

## **Recommendations of Meeting – 8 February 2017**

### **Approach to Urban Analysis**

The current document does not clearly articulate a strong link between the site context and the clear understanding as to what is the best design approach to the site.

The documentation lacks the “story” as to how or why a particular approach is or isn't better.

This is arrived at through an understanding of the opportunities and constraints of the site, physical characteristics of the site, limits placed on development by a planning framework and innovative design approaches. The site's likely future context is an important consideration when assessing its constraints, particularly in respect to the perceived bulk of any subsequent proposed development on the site.

The purpose of this document is to identify key design principles that would be reflected in a detailed design. For example – identification of mature vegetation and perhaps its retention that is reflected in a design approach.

## **Recommendations of Meeting – 10 May 2017**

The revised block massing of the proposal was considered to be a substantial positive development on the earlier scheme, and many aspects of the approach were broadly supported.

The maximum height of the proposal, the western block fronting Cary Street, is of 7 storeys with a communal roof garden above. This contrasts quite markedly with the Town Centre Plan, which has the Cary Street-facing section of the site some 3 to 4 storeys lower in scale.

This relationship, coupled with further consideration of the nearby heritage items, is considered to be potentially the most significant aspects of the proposal warranting further urban design attention.

The Panel was of the view that the consultants' arguments in support of a building of greater height facing Cary Street had merit, and potentially offered a better urban outcome than the previously approved low-scale development proposal, which was considered to be a rather understated response, and at a scale that did not fulfil the aim stated of the Town Centre Plan for the site to be a northern gateway site to the Toronto business area. Further, the suggestion that this site could readily "bookend" the recently completed Anglican Care seniors-living development located just under the ridge to the southern end of the township, was considered sound.

It was also agreed that it was preferable that the two residential blocks not be equal in height, and that a differentiation of one to two storeys was desirable, with the eastern, Arnott Street section of the site preferably being the lower.

While the eastern block's height is around one floor above that of the previous DA approval and was considered to be of a height potentially acceptable, the overall height of the western block was significantly higher than the controls. The building as proposed was considered to be moderately taller than the likely future context of the Toronto central area. From a first principles consideration of the site, the Panel formed the view that a building of five or possibly six levels above ground would be the maximum appropriate for the western part of the site. A roof garden above this level was considered to potentially be a positive provision that, if well detailed, need not further increase the apparent height of the building. This consideration of the Cary Street block's appropriate overall height was informed by a number of contextual considerations, one of the more significant of which was the canopy height of trees on the hill to the north of the site around Renwick Street, which was noted in the provided Site Sections. Other considerations informing this consideration included the topography of the area, the heritage Hotel above the waterfront to the site's south, other nearby heritage items, and the "gateway" Aged Care building on the southern entry to the business area.

The opening of the southern end of the development has successfully reduced the earlier visual bulk of the scheme, which now offers a more sympathetic background to the heritage area accommodating the former rail line, to the site's south.

The Panel noted that its consistent practice in respect to proposals that fall well outside some of the pertinent controls for a site, was to suggest the Applicant's seeking a change in the controls, or to otherwise broach the departure preemptively with Council. The extent of the suggested departure from the height controls, though gaining qualified support from the Panel, was considered to be too extensive to permit a simple recommendation of any forthcoming DA, in spite of the proposal's merits.

## **Design Principles**

### **Recommendations of Meeting – 8 February 2017**

The Panel would expect to see a set of key design principles that influence or drive the end design outcomes – e.g. setback to reserve, relationship to public domain, through site links, etc. These would be the outcome of an understanding of opportunities and constraints, physical characteristics of the site and design excellence principles and context.

### **Recommendations of Meeting – 10 May 2017**

The principles addressed in the updated documents and presentation made good progress in outlining the principles sought.

The Panel considered the proposal's relationship with the public domain had good potential to be strong, subject to design development. Setbacks were generally reasonably appropriate, although on Cary Street the relationship with the level of the public footpath and the ground floor of the development appears to need some further consideration, and it would be a useful inclusion given the western orientation and the busy nature of the road, if room was provided for suitably scaled street tree planting. In relation to the Arnott Street frontage, it had been previously noted that there may be a need for road widening in this area, and in any case, there appeared to be insufficient width in the public footpath for the illustrated pines (which were considered too large for the location) or other usefully scaled trees to be provided. This setback may need to be increased to ensure adequate room for street tree planting.

The Panel saw no adverse issues arising at this stage from the development in relation to any heritage item or the overall heritage context. It was noted that any fully complying development and the likely future character of the township generally would be of a substantially greater scale than the heritage items. However, this is not an inherently adverse relationship, providing appropriate site planning, and sensitive design are applied. Furthermore, in the case of the subject site, it is some distance removed from the items, and is provided with a useful setback on the Reserve side of the development. Landscaping adjacent to the Reserve has good potential to provide an opportunity for reinforcing the heritage railway line and its embankments and cutting. A good opportunity also exists in the proposal for appropriate interpretive artworks and information to be included in landscape planning.

It would be appropriate for the proponent's Heritage Consultant to flesh out in greater detail how the proposal relates to the heritage context, and to its impact on each of the listed items in the vicinity. His detailed comments should be provided on the proposed height of the development.

### **Massing Options**

#### **Recommendations of Meeting – 8 February 2017**

Once a set of design principles has been identified the Panel would see a set of massing options. These options should include:

- Setbacks.
- Scale Relationship.
- Height.
- Articulation of Building Mass.
- Landscape Opportunities.
- Relation to public domain.

The current scenarios presented have no massing option that considers the retention of any vegetation on site.

### **Recommendations of Meeting –10 May 2017**

The massing option presented assumed that no trees currently on the site would be retained in-situ in the development. The specifics of the massing proposed are discussed above, and it is unfortunate that a viable option for the site that retained one or more of the trees could not be found. The Panel noted after the meeting with the proponents, a reference in background documents in respect to the existing approval, that suggested that the existing Oak tree on site was required to be relocated under that approval. If it is at all practically possible for this to occur, this is something that the Panel considers to be very worthwhile – both because of the history of oak trees planted in the immediate area, and because it would be a far more advanced specimen than could be acquired by normal landscape procurement and road delivery methods.

### **Testing of Options**

#### **Recommendations of Meeting – 8 February 2017**

How these options measure against the desired future characteristics of the area, expressed in the Block Plans and Council controls needs to be articulated.

#### **Recommendations of Meeting –10 May 2017**

No further comment.

### **Limits to Development**

#### **Recommendations of Meeting – 8 February 2017**

The combination of height, landscape and SEPP 65 / ADG controls provide for a volume or density of development that would be articulated by controls, and one reflective of the desired future character.

How this “volume” is located on the site is the purpose of this exercise.

#### **Recommendations of Meeting –10 May 2017**

This remains to be determined, particularly in regard to the height of the western, Cary Street block.

### **Justification of Design Approach**

#### **Recommendations of Meeting – 8 February 2017**

This always needs to be in the context of the appropriate urban design outcome to the site in the context of the setting and an area in transition

To this end the document should provide discussion and arguments for:

- Built Form Mass.
- Siting of development.
- Setbacks.
- Access points.
- Landscape approach.

- Relationship to reserve and public domain.
- Capacity to meet SEPP 65, solar access, building separation and amenity requirements.

The Panel acknowledges that the documents have provided a good start – but are yet to properly provide the design guidance to the site – it particularly has failed to acknowledge the role of the existing landscape on the site.

### **Recommendations of Meeting – 10 May 2017**

These issues were considered to generally have been broadly addressed, although each needs to be developed further as part of any ensuing design development process.

The landscaping proposals for the central courtyard and rooftop area would benefit from a greater extent and integration of living landscape material with the spaces. Options for providing drop-down elements for deep soil in the courtyard floor slab, or creating a deep soil zone across the full central courtyard area were encouraged. The use of high-sided planters, and artificial turf was discouraged. Relocation of the existing Oak tree on site was strongly supported.

### **Recommendations of Meeting – 10 May 2017**

The Panel noted the departure of the proposal from the controls, in particular, in regard to extent of non-compliance of the height of the western, Cary Street block. While it was agreed that a better urban design outcome could be achieved with a taller building on the Cary Street frontage than the controls permit, the illustrated building was one to two floors higher than the Panel considered desirable for the context. That said, the Panel also expressed concern as to the process by which Council might consider this (lesser) departure, and noted that the most straight forward approach might be for an amendment to the height control to be undertaken for the site. The Panel would support an amendment as described if this were determined the most appropriate way to proceed.

Site setbacks for Cary Street and Arnott Street may need to be increased moderately to accommodate footpath and street planting needs, and this needs further investigation.

While the Panel observed that there were no adverse impacts on any Heritage Item, or on the heritage context generally from the proposal, more extensive and detailed input in respect to heritage was required from the Proponent's heritage expert in order to progress site planning, landscape design and building design.

### **Panel Comments – 13 June 2018**

This is the third iteration of this scheme reviewed by the Panel. The Panel is generally satisfied with the manner in which many of the issues raised previously by the Panel have been resolved.

However, there remain or have now arisen, certain aspects that the Panel considers require further attention before it is able to fully support the development.

Some of these issues have been brought to the Panel's attention by Council as a result of internal and external referrals of the DA. Key issues that may impact upon the overall layout and design of the scheme are whether Arnott Avenue requires widening and whether Hunter Water requirements will impact on parts of the development site.

The Panel has previously commented upon Arnott Avenue in terms of design issues, but we now understand that widening may also be required for traffic management reasons.

The Panel has no role to play in the resolution of either the traffic or the Hunter Water issues, and simply notes that the outcome of those issues could potentially have significant flow on effects to the overall design of the development, including separation distances between the buildings.

In relation to the current layout, the Panel is not satisfied that the relationship of the development to the adjoining McDonald's site to the north has been adequately justified.

It cannot be assumed that the current use of that site will remain in perpetuity. It is a large site with the same zoning and development controls (fronting Cary St) as applying to the subject site and must be considered as having potential to develop in accordance with those controls. Indeed, if the subject site is developed to a greater height than those controls specify, it can be expected that the McDonald's site would seek to use this as a precedent for development that may be appropriate for its own site.

The currently proposed buildings are set back approximately 3 metres from the northern boundary, with balconies encroaching to within 1.8 metres. This is significantly less than specified in the ADG.

On such a large site, the Panel sees no site-specific reason for setbacks not being consistent with the ADG.

It would be appropriate for the applicant to provide analysis to demonstrate how the McDonalds site may be developed in the form of at least a complying development under the current LEP controls, but also contemplating development applying similar principles to those proposed on the subject site. In particular, this should show how the ADG principles of building separation and privacy between future buildings on the two sites can be achieved. This will also demonstrate the appropriateness or otherwise of the proposed height of the western building within a potential future context.

Not only do the current setbacks potentially adversely affect the future development potential of the McDonalds site, they also impact on the internal design and amenity of the buildings on the subject site.

Whilst recognising the future redevelopment of the McDonald's site, further separation from the existing operational drive-through on that site is also likely to benefit the amenity of unit occupants on the subject site.

The Panel notes that internal corridors are very long (up to 50 metres in the eastern building), provide access to several more units than specified in the ADG and have insufficient access to natural light and ventilation relative to their length.

The Panel also notes that several units are marginally below the minimum areas specified in the ADG.

Again, for such a large and relatively unconstrained site, the Panel sees no reason why the development cannot achieve these guidelines and considers that increasing the setbacks from the northern boundary may benefit the design by reducing the overall length of the building. This may inevitably have some marginal impact on unit yields, but this will be offset by improved internal and external amenity.

It was unclear to the Panel whether deep soil areas on the site achieve ADG sizes and dimensions (relevant to a site significantly greater than 1,500m<sup>2</sup> as specified in the ADG) and this should be confirmed by the applicant. Given the context of this site, the Panel considers that a greater landscape setting is appropriate, rather than achieving bare minimums.

In conclusion, the Panel considers that it will be important in the first instance to confirm if the site will be affected by any widening of Arnott Avenue or Hunter Water requirements and assess the implications for the layout and design of the development. Once this is established, the Panel would wish to review the outcome of the resulting design review (if any is necessary) and the design responses to the Panel's comments above.

Council Reference No.	Details	No. of Pages
D08778307	SEPP65 Nine Design Principles	
D08778304	Design Verification Statement	
D08778362	Plans	
D08778364	Floor Plans	
D08778366	Landscape Plans	