

Design Excellence Panel Review – 26 February 2020

DA/65/2019: 22-32 Park Avenue Waitara

1. Introduction

- This review relates to amended plans dated 2 December 2019 that were submitted in response to DEP comments which followed a meeting with proponents on 21 March.
- This review notes that proposed amendments are extensive, and evaluates those amendments in relation to the applicable controls as well as in relation to comments and recommendations which were provided by the DEP meeting notes for 21 March.

2. Character of the locality

- The DCP provides substantial directions for the evaluation of Principles One, Two and Five in SEPP No 65 which relate (directly or indirectly) to compatibility with the locality's character:
 - Elements of desired (future) character which are supported by key development principles;
 - A maximum height of five storeys - which supplements the LEP's maximum building height of 17.5m;
 - Minimum deep soil and built form setbacks;
 - Maximum floorplate dimensions, minimum separation between buildings upon the same site, together with requirements for the articulation of forms and facades.
- Numerous elements of the proposed development demonstrate pronounced inconsistency with local controls that have a direct bearing upon the DCP's desired future character:
 - In particular, the proposed building forms are massive, and their scale does not comply with numeric local controls which define fundamental elements of desired character;
 - Scale and mass of proposed building forms are accentuated by the uniformity of street setbacks, by the proximity of adjacent buildings (that is, by insufficient landscaped separation), by the repetition of building forms which fail to provide sufficient setbacks for the top-most storeys, and by top-most storeys which display two storey forms that are not screened by pergolas or similar elements;
 - Noting that setbacks do not comply with the DCP's minimum-minus-encroachment rules, there is insufficient space for landscaping that might screen or moderate visual impacts of buildings which are approximately 18m to 19m high;
 - In summary, the 'aggregated' mass and consistency of proposed building forms result in a development that displays pronounced inconsistency with the DCP's character controls which seek to avoid "the appearance of a continuous wall of development" – in particular, as a backdrop to Mark Taylor Oval which accommodates substantial community gatherings.

3. Built form and facades

- Amended building forms display pronounced inconsistency with local numeric controls that define essential aspects of desired character:
 - The roof plan confirms heights that are up to 1.2m taller than the permissible maximum of 17.5m;

- Sections and plans confirm six storey buildings which, in terms of scale, are one storey taller than the DCP's maximum (noting that the top storey does not conform with the LEP definition of "mezzanine");
 - Front setbacks for exterior walls of buildings C, D and E are uniformly 8m, as opposed to 10m with encroachments to 8m over one third of any facade;
 - Side setbacks for buildings A, B, C and E are predominantly 4.5m, rather than 6m with encroachments to 4m across one third of any facade;
 - Buildings A and B have floorplates which are 10m longer than the DCP's limit of 35m, and also do not provide 4m recesses which are the minimum for effective articulation of large floorplates;
 - Separations between buildings A and B, A and C, C and D, D and E, E and B are 6m – significantly less than the DCP's requirement of 9m;
 - Supplementary setbacks for top-most storeys typically range from 1.5m to 4.5m, and are appreciably less than the DCP's requirement of 6m.
- For elevations which face the street or other boundaries, mass and scale are accentuated by near-identical forms and heights, together with the repetition of design elements.
 - Scale and bulk are accentuated by 'heavy-weight' design elements such as 'splayed portals', and there are no light-weight screening or pergola elements that might moderate visual impacts (as well as climate or privacy).
 - For internal elevations, scale and bulk are accentuated by the predominance of blank walls which represent the primary design solution to provide satisfactory privacy for opposing apartments.
 - Because the amended plans have not provided detailed design sections (as required by the EP and A Regulation), there is insufficient information regarding the viability of structural dimensions, the alignments and construction of architectural components, or the locations of building services.

4. Common areas

- Within such a substantial development, the quantum and arrangement of common areas are fundamental to amenity, security and the potential to encourage social interaction between residents.
- Dimensions and arrangement of the amended common areas remain fundamentally unsatisfactory:
 - The central open space provides the sole recreation area which would be extensively overshadowed during midwinter (a likely maximum of one hour sunlight to half of the proposed area), is a long narrow space flanked by tall walls, is not sufficiently separated from ground floor apartments or pedestrian routes, and also would not provide a range of secure and attractive recreation spaces that are likely to attract concurrent use by unrelated individuals or groups of residents.
 - Primary pedestrian routes through the Site are threaded between four storey blank building-ends which fail to provide satisfactory surveillance and which fundamentally-compromise the amenity of these important routes.
 - Buildings A to C have no direct access to the central open space.
 - Although windows are provided for upper storey corridors, those windows do not face the central open space – hence they fail to contribute to surveillance or social interaction.
 - Unrestricted access is available from the central open space to side and rear setbacks, but plans do not indicate any recreation purpose for those areas.

5. Residential amenity

- There is no assessment of shadow impacts for residential neighbours:

- Eye of sun views have been provided to evaluate sunlight to the proposed apartments, and those views indicate that the eastern neighbour would be overshadowed progressively from 1.45pm, and also that various apartments in the neighbouring development to the south would be affected throughout the day – however, there is no graphic or numeric evaluation of the likely shadow impacts.
- Various apartments are exposed to unsatisfactory amenity:
 - Notwithstanding a positive evaluation of solar access, the development cannot satisfy ADG requirements: because ‘exterior’ east facing apartments barely meet the two hour minimum to living areas and balconies, and because interior apartments would be exposed to overshadowing by buildings within the development, it is not possible for 70% of apartments to receive the requisite sunlight.
 - An insufficient proportion of apartments have floorplans which are inherently suited to natural cross ventilation, and the highly technical analysis of ventilation does not clearly demonstrate how satisfactory ventilation would be achieved by more than 60% of apartments (which comprise a large number of single aspect floorplans).
 - Due to unsatisfactory interfaces between public or communal areas and private ground floor terraces, privacy and security of ground floor apartments are likely to be compromised.
 - A number of mezzanine apartments have narrow entries which are squeezed between kitchens and stairs.
 - Lower storey apartments in buildings A and B rely upon indented light wells (snorkels) which are 3m deep, and which would be likely to compromise daylighting and ventilation.

6. Sustainability

- The amended proposal has not demonstrated features which would contribute to sustainability:
 - Generally, it appears that the amended development meets minimum standards for deep soil, energy and water efficiency.
 - However, no creative, special or extraordinary solutions have been identified.

7. Conclusions and recommendations

- The amended proposal has not remedied concerns which the DEP raised in relation to the original proposal:
 - Visual impacts in terms of mass, scale and bulk would result in pronounced incompatibility with desired character;
 - Landscaped setbacks and areas between the proposed buildings are insufficient to accommodate canopy trees that might screen or moderate visual impacts;
 - Although communal areas are essential elements of the proposed development, they fail to provide satisfactory amenity or security and, consequently, would not encourage positive social interaction between residents of such a substantial development;
 - A substantial proportion of the proposed apartments would be exposed to unsatisfactory amenity in terms of sunlight and ventilation, outlooks, security and spatial layouts.
- The amended proposal fails to comply with local controls that have a direct bearing upon desired character.
- The amended proposal has not satisfied design quality principles of SEPP No 65 or the LEP’s design excellence provisions.
- Consequently, the amended proposal appears to be an overdevelopment of the Site which, in terms of urban design considerations alone, would not warrant the granting of a development consent.