DESIGN EXCELLENCE PANEL MEETING

Application No:	DA/65/2019	
Proposal:	Construction of 5 x 6 storey residential flat buildings comprising 168 units with basement car parking for 198 vehicles and consolidation of 9 allotments into 1 lot	
Property Description:	22-32 Park Avenue Waitara	
Date:	12 April 2021	
Time:	Commenced: 10am	Concluded: 11.16am
Held:	Microsoft Teams Meeting	

ATTENDANCE

Chair:	Jon Johannsen
Panel Members:	Brett Newbold, Marc Deuschle, Stephen Collier
Council Staff:	Cassandra Williams, Matthew Miles
Proponents:	Aleksandar Jelicic (architect), Rohan Dickson (urban design), Ben Gluszkowski (Landscape Architect), Nathan Pal (developer), Charlie Demian (owner)

PANEL COMMENTS

The Panel noted the extensive background details for this DA and recent amended design from 29 March 2021 submission that was intended to respond to recommended changes from the SNPP review on 15 October 2020. In brief the Applicant was requested to address:

1. Height compliance
2. Communal open space (COS) area and configuration
3. Flood and stormwater issues
4. Legibility of private open space (POS)
5. Compliance with ADG, HLEP and HDCP 2013
6. Desired future character (DFC) within the precinct

While the amended DA did indicate a range of changes including reduction in yield from 181 to 168 units, the amended scheme as presented to this Panel on 12 April 2021 fails to adequately satisfy the SNPP recommendations or meet the design excellence provisions in Clause 6.8 of the *HLEP* and design quality principles of *SEPP No. 65* as noted below.

1. Desired future character

- The most-pronounced character shortcomings are influenced directly by non-compliances and non-conformities with the local controls which contribute to excessive mass and scale that are contrary to contextual character in the immediate precinct.
- As a footprint in 'figure ground' view and consideration of associated negative spaces the layout differs in spatial character from surrounding development in not providing similar permeability with legible through-site open space view corridors.
- The overall built form presents as a monumental like façade expression that includes mezzanine pop-up for the top 2 floors and a range of protruding forms intended to create a cohesive visual framework for varied façade treatments of the 5 buildings. A range of different material treatments has been used for these buildings A, B, C, D and E, and a west facing streetscape elevation along Park Avenue indicates how these facades attempt to present degrees of individuality within a generic structural matrix. Compared to other recent developments of similar scale, this proposal has a higher proportion of glazed facades (particularly on the east elevations) that appears contrary to the established and anticipated desired future character.

2. Height

- Building heights exceed the permissible maximum of 17.5m by between 750mm and 1.35m for the proposed street-front buildings D, C and E, and by 450mm for the proposed rear buildings A and B, and there does not appear to be sufficient justification for the substantial breach.
- Notwithstanding the case put under the Cl 4.6 variation for additional height due to site topography and potential flooding issues, the building height breach diagram clearly shows the considerable extent and unvaried roof outline compared to surrounding buildings.

3. Setbacks

- Front setbacks are uniformly 7m to 8m, rather than 10m for two thirds of the building widths: resulting in a uniform building alignment which not only contributes to a monumental 'scale' but which also prevents clustered canopy landscaping that might moderate building scale (noting that the latter approach is advocated by LEC Planning Principles in Project Venture v Pittwater and GPC v Wollongong).
- Generous setbacks for quality deep soil zones are considered critical to the establishment of generous tree canopies both within front or rear and side setbacks in order to mitigate against increasing urban heat island effects,
- Rear setbacks are uniformly 6m, rather than 10m for two thirds of the building frontage resulting in relatively narrow and linear rear boundary open space which neither accommodates recreation 'destinations' nor provides sufficient space for clustered canopy landscaping that might moderate building scale

4. Building form and separation

- Architectural compositions of most facades fail to satisfactorily moderate scale or address sustainability considerations for design excellence.

- The monumental scale of street elevations for buildings C and E are accentuated by tall portals, and by sheer-sided six storey walls which flank entrance pathways, and the eastern elevations of buildings A and B display a repetitive composition which accentuates their length, linear-alignment and consequently their massive scale.
- Mezzanine elements comprise blocky metal-clad forms which fail to display a coherent architectural relationship with the storeys below, and would benefit from roof overhangs and pergolas that are evident on other recent developments with similar forms in Park Ave.
- Rear buildings A and B exceed the 35m maximum floorplate length by up to 9.5m, accentuating the unrelieved mass and scale of built form elements that provide backdrops to Park Avenue and neighbouring developments to the east along Balmoral Street. These buildings have extensive
- Separations of 5m to 6m between buildings A and C, B and E, rather than 9m further accentuate mass and scale, and compromise amenity of flanking apartments together with the contained open spaces as addressed below. This would be more obvious with 3D views.
- Blank walls in spaces that are 6m wide x 20m+ long x 6 stories (H) may satisfy ADG guidelines, but this solution compromises the amenity of apartments that front onto these spaces (by necessitating blank walls and/or opaque glazing) as well as compromising the useability and amenity of the ground level spaces themselves.
- Long internal corridors with marginal levels of natural light, especially to Buildings A&B, represent a missed design opportunity. If the ends of these corridors could be extended out to the building exterior at both ends, and look directly onto adjacent gardens and open space (rather than the narrow lightwells that dog-leg off one side end), the amenity of the common internal spaces would be improved as well as being more sustainable solutions.
- Building separation should be widened to comply with the DCP 9m minimum and the corners of the buildings stepped back to augment COS provision for the internal courtyard. This would help minimise perception of façade length and enable more generous open space to be achieved with benefits detailed below.
- Removal of rendered surface finishes is supported, along with clear assembly of differing colours and combinations of metal cladding & facebrick (giving a clear, simple and potentially handsome identity to each building). However the predominance of a glazed walling system to the long east facades of Buildings A and B is of concern, and a more varied articulation punctuated by windows set into masonry surrounds would be supported.

5. Landscaping

- Landscaping relies upon ‘hedge-row’ plantings of canopy trees which are unlikely to moderate scale of the proposed buildings, or contribute sufficiently to streetscape qualityContrary to the Roseth planning principles, canopy trees are not arranged as clusters that might accentuate separation between buildings, or that might ‘bookend’ buildings
- The project’s DSZ does not comply with the intent of the DCP, and must be redesigned, with regard to the importance of retaining all suitable trees, as a priority for the following reasons:
    - To retain the neighbourhood character of ‘buildings in the landscape’,

  - To benefit the development's COS by co-locating it near retain existing trees,
  - To combat the urban heat island effect and provide future residents with spaces considerate of seasonal solar access.

- The primary purpose of deep soil zones is to provide the ability for large trees with large canopies to grow, and to allow for existing mature trees to be protected. The following issues exist within the DSZ of this development:
  - Several deep soil zones include structures that result in these areas being excluded from site calculations. The structures include:
    - Retaining walls (some up to 1.5m high) and POS courtyard walls,
    - A path runs around the NE, Eastern and SE portion of the DSZ,
    - Several apartments appear to overhang the DSZ on the northern, southern and eastern boundaries and POS extends into the DSZ along the eastern boundary.
- The intention of the DCP setback controls - to allow existing trees to be kept, and to retain the existing landscape character of the area - has been unacceptably disregarded by this development via the removal of existing trees and the reduction in setback widths. There has to be a compelling reason to remove any significant and healthy trees from the site and this has not been provided.
- An arborist's report has not been provided with this review, however visual site inspections suggest several large healthy trees, worthy of retention, exist on the site. No existing trees were identified on the landscape drawings as either to be retained or removed making it difficult to access if and how existing trees could benefit the project. It was stated that all trees are to be removed irrespective of quality or health – this is a poor outcome and is not supported.
- A large proportion of spaces, including the central lawn, are designated as passive or contemplative spaces. These contain an abundance of seats which come at the expense of other program and uses suitable to this scale and type of development. A much more thoughtful and greater variety of amenity must be provided, including consideration of how the interface with adjacent units can be suitably managed.
- Many of the proposed seats are in lawn either making the lawn difficult to grow/maintain, or, if the lawn is to be artificial, will only exacerbate the urban heat island effect. Only natural lawn should be used and spaces designed to suit.
- All spaces are highly constrained in width and therefore have a tall, narrow and uncomfortable proportion. In particular, considering the central lawn space, once the 12m width is reduced by buffer planting, POS and seating, the proportion of space remaining is very narrow and does not allow any meaningful active or semi-active use. No other spaces exist where any active use is possible. This issue is even worse for several other narrower spaces where the built form is only 6m apart.
- BBQs are provided but no areas exist for people to sit, congregate or eat meals they have prepared in a welcoming external setting that might enhance community interaction.
- It is still unclear how Level 5 rooftop landscape planters will be maintained and serviced, and who takes ownership of these upon completion. These should be maintained by strata in order

for the intended aesthetic of the development to be maintained in the long term. As such a maintenance strategy needs to be provided to show how these areas can be easily accessed, maintained and serviced without the need to enter private residences.

6. Open spaces

- Dimensions and configuration of proposed COS has adverse impacts in relation to amenity and the scale of proposed buildings:
    - Open spaces comprise a central area which has an effective width of less than 10m (nett of flanking private open spaces), and principal portions of that open space would be extensively overshadowed by the proposed building forms
    - The central open space has narrow extensions which are hemmed between sheer vertical walls of four to six storeys, and consequently are unlikely to contribute to residents' recreation or social interaction
    - The rear setback, although technically accessible as a communal open space, is a narrow corridor which presents no opportunities for recreation 'destinations', and consequently also is unlikely to contribute to residents' recreation or social interaction. Being regarded as COS may exclude it from the DSZ area calculation.
- The COS of this project is highly constrained by the built form and lacks suitable program, access and amenity for a development of this scale. Much of the ground plane is characterised as COS when in actual fact it is little more than circulation, compounded by the fact that these in-between spaces are very long (20+m).
- The argument was made by the proponent that the COS was acceptable as it relied on neighbouring parks and public spaces to provide active space to complement those of the development. As the site is not constrained in size, is not in a densely urbanised area, and is not restricted by zoning constraints, this proposition is not supported. If this development and future developments were to rely on public assets to provide a proportion of their COS these public spaces would quickly be overwhelmed.
- Universal access is not provided within the COS, with stairs, decks, stepping stones and lawn acting as obstacles preventing clear connections from space to space. Further to this, there is no direct path from north to south through the centre of the development. Residents need to cross the lawn (which may be wet and non-accessible to those less able), need to exit to the street and re-enter the site, or need to walk around the eastern edge of buildings A+B.

7. Privacy and security

- The proximity of the COS/circulation paths to habitable rooms raises serious privacy concerns. These are often directly adjacent to POS offering no buffer or privacy to residents.
- Some units in Building D have access to bedrooms via the kitchen, and in some cases there are bedrooms opening directly off living areas which is not an acceptable privacy arrangement for family accommodation (also apparent in other buildings).
- Units at ground level facing Park Avenue will rely on landscape treatment for privacy, but Level 1 units with glazed balustrades will be exposed to the street and oval beyond. It would be recommended that these balconies have obscure glazing or solid upstands.

8. Sunlight and ventilation

- The design rationale for the thick splays on the western façades remains unclear. Intended as protection from western sun (verbally confirmed by the architect) but they are not consistently used across the facades and there is no evidence to suggest that they would work against low angles of late-afternoon sun in summer. The northern facades on the other hand have been given little sun-shading attention, and treatment would help to provide more façade articulation.
- Facades do not incorporate sun-control elements which would contribute to sustainability (irrespective of BASIX compliance, sustainability is a design excellence consideration under the LEP which must be addressed in a thorough manner)
- Larger glazed openings around the Level 5 units within the mezzanine pop-up may receive good sunlight but will require sun and weather protection. This could be in the form of strategically positioned pergolas that allow winter sun but screen during summer.
- Optimum mid-winter sunlight to COS areas is predominantly to either front or side setbacks that would provide little benefit based on the landscape amenity, and the central courtyard receives moderate benefit to just over 50% of the available space.
- Thoroughfares where seating is shown along paths to rear buildings A and B receive virtually no sunlight for most of the day in mid-winter.

9. Housing choice

- While there is a good range of unit sizes, the provision of 2 and 3 bedroom units that could suit families might not be effective if there is insufficient provision for kids of various ages to play in supervised or unsupervised areas within the COS without creating potential amenity impacts for other residents.

10. Vehicle Access and Parking

- For this scale of development available access for furniture vehicles will have to rely on kerbside parking at the front as carpark headroom is not sufficient. Allowance for suitable space would need consideration in consultation with Council.

11. Public Domain and Traffic Management

- There is a significant public domain interface along Park Avenue, and it does not appear that the landscape treatment has been appreciative of the potential for this to benefit both residents and passing pedestrians with scope for social bump spaces and better contribution to the overall streetscape.
- If Buildings A&B were made to comply with DCP stipulated length of 35m, several large trees could potentially be retained. Of the two in the middle of the site, 1 provides a benefit to the neighbouring buildings to the east (as well as all buildings on this site) and the other (eucalypt?) might be visible from the street.

12. ESD

- Reducing thermal heat load on facades is an important consideration for lowering energy needs, and the extent of glazing on long east and west elevations with minimal sun protection is not acceptable. Moderation of the façade lengths utilising various sun or weather screens can also contribute to the missing finer grain detail mentioned above.
- There is a significant opportunity to provide exemplary sustainable design elements that might include solar p/v panels, ceiling fans to living areas and bedrooms to assist natural ventilation, and reduce energy needs.

CONCLUSION

As per comments above, there are many numeric non-compliances that would result in poor qualitative outcomes, overall dimensions of proposed buildings remain excessive and setbacks together with building separations remain insufficient and would result in unsatisfactory amenity outcomes.

Although the amended proposal has addressed some concerns which were raised in SNPP review and previous DEP reports, the Panel does not accept that this latest iteration of the DA can resolve design concerns raised or meet the required level of design excellence.