

CUMBERLAND DESIGN EXCELLENCE PANEL

MEETING MINUTES

DATE OF MEETING	15 February 2023
MEETING LOCATION	Via teleconference (MS Teams)

PROPERTY ADDRESS	2 Neill St. and 4-4A Terminal Pl. Merrylands
Application No.	DA 2022/0722
FILE No.	
PANEL MEMBERS	Mr Jon Johannsen – (Chair) Mr Glenn O’Loughlin Mr Aldo Raadik
APOLOGIES	nil
ATTENDEES	Ms Siobhan McInerny – PTW Architects Mr Jonathan Wood – Think planners. Mr Anas Rahhal - ALand Mr Kim Tan - ALand Mr Charlie Robinson - Landform
COUNCIL STAFF	Mr Michael Lawani – Senior Planner Ms Rashika Rani – Development and Building Systems support Officer Mr Harley Pearman – Planner Ms Maria Dsouza – Senior Administrator
APPLICANTS	Merrylands 88 Development Pty Ltd
DECLARATION OF INTEREST	Nil
REASONS FOR CONSIDERATION BY CDEP	DA Lodgement review by DEP and presentation of proposal by Architect

BACKGROUND/PREVIOUS MEETINGS/SITE MEETINGS	Nil
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GENERAL INFORMATION

Cumberland Design Excellence Panel (the Panel) comments are provided to assist both the Applicant in improving the design quality of the proposal, and Cumberland Council in its consideration of the Development Application (DA) when it is submitted.

The nine design quality principles provided in SEPP65 Apartment Design Guidelines (ADG) are generally used as a datum to guide the Panel's assessment, notwithstanding that SEPP65 may not directly apply to the application.

The Panel's focus is on design excellence and, primarily, reviews the amenity of the proposal for occupants as well as the quality of the proposal in the context and setting of its location as well as its visual and impact on the place in which it is located. Absence of a comment related directly to any of the ADG principles does not, necessarily, imply that the Panel considers the particular matter has been satisfactorily addressed.

PROPOSAL

Council is in receipt of Development Applications prepared in two stages consisting of one 21 storey building (Building A), one 16 storey building (Building B) and two 12 storey buildings (Buildings C and D). This DA is Stage 2 of the development for the construction of Buildings B, C and D.

The site is zoned Part RE1 Public Recreation, part R4 High Density Residential and part B6 Enterprise Corridor zones pursuant to the Cumberland Local Environmental Plan (CLEP) 2021.

The application is referred to the Design Excellence Panel in accordance with the Cumberland Design Excellence Panel Policy as the proposal incorporates a building with a height greater than 25 metres.

A pre lodgement application Number 2022/0059 for a "Concept Development Application" was reviewed as a 2 stage development by the Design Excellence Panel meeting on Wednesday 24 August 2022 for:

- One x 20 storey building (Building A) as Stage 1.
- One x 16 storey building (Building B) and two x 12 storey buildings (Buildings C and D) as Stage 2.

Site Description

The site is legally identified as:

- Lot 2 in DP 1217412 being 2 Neil Street.
- Lot 1 in DP 229589 being 4 Terminal Place.
- Lot 1 in DP 1173048 being 4A Terminal Place.

The subject site has a frontage to Neil Street (Northern frontage) and has a southern frontage that adjoins Terminal Place and the associated commuter car park.

There is also a boundary to the railway line along the eastern side that will be relevant to the development application.

The site is irregular in shape and according to Council records, the site occupies an area of 16,289 square metres. The applicant is identifying a site area of 6,156 square metres applicable to the development application as “Site 2”.

Land adjoining the site to the immediate west will become a new future road known as Mc Leod Road and a future park which includes an open space corridor. The plans show the larger area named as “Neil Park” while the smaller areas are shown as “Boulevard Park” (To the north west) and “Terminal Place Park” to the south west. The architectural plans show the development works abutting such land but not crossing into the acquisition area.

PANEL COMMENTS – SITE 1

General

The Panel appreciated the design development that had been undertaken for this DA and presented by the Applicant based on feedback from the pre-DA submission. This is a key site in this evolving precinct of Merrylands and has important relationships and connections both between Stage 1 and 2 and with adjacent sites. The proposed development will be well located adjacent to the town centre and high-quality transportation links and offers a unique opportunity to create a large area of open space in and around the potential built forms.

This curtilage, combined with the site’s position adjacent to the railway and the Neil Street overpass, affords extensive views of the development from the public realm and increases the importance of the view corridors it bounds. The site is also large in size, with a height limit of up to 65m, and the development envelope focuses a substantial building mass along the rail line.

The project therefore represents an opportunity to create a distinctive mixed-use and residential community that benefits from sizeable adjacent landscaped open space whilst serving as a major element in the skyline of the evolving Merrylands town centre.

The Panel believes that a high standard of design is critical to the success of the development for the benefit of all stakeholders (the owner/applicant, the architect and design team, Cumberland Council, potential future occupants, immediate neighbours and the public) exhibiting design excellence should achieve more than minimum standards, exceeding the ADG and providing realizable and measurable sustainability outcomes.

While the direction of the development intentions is recognised by the Panel design refinement has followed in response to pre-DA feedback, there are significant areas of non-compliance with Cumberland planning controls and the ADG. To achieve the expected level of design excellence there still needs to be further review of the proposed built form massing, façade detail and ground plane activation in conjunction with access paths and use allocation to achieve the expected quality for urban, architectural and open space elements.

It is therefore the Panel’s opinion that further clarification and design resolution is required to achieve an improved outcome and address the following areas of concern:

Urban Strategy

The lodgement of concurrent Development Applications for 2 Neil Street and 4-4a Terminal Place is acknowledged, however the Panel encourages the applicant to submit a design for the entire site for approval to confirm the quality of the development will meet the required standard to obtain Panel support.

As the Applicant noted their ongoing liaison with Council regarding the significant public spaces, drainage easements and adjacent public realm across the whole site, it is expected

that both Site 1 and Site 2 DA applications should show the full context of the proposed public open spaces and other related infrastructure that are part of the site.

The Panel requires a full understanding of the commitment to the entire site before being able to fully assess the design excellence of these proposals. This must include more detailed environmental analysis including clearer shadow diagrams that assess impacts on the proposed open space network from Tower A, and also on Towers B, C & D and their related private and communal open spaces in Site 2.

Additional urban interface information is to be provided showing neighbouring context correctly modelled and incorporated into shadow studies, particularly the buildings on the northern side of Neil Street. These tall buildings do not appear to be included in the models and will result in additional overshadowing to the proposal, particularly to the lower levels fronting Neil Street.

Public Domain and Ground Plane

While larger context drawings with urban and site analysis help explain the interfaces with the open space network, urban connectivity, flood mitigation and retail patterns across the existing and developing urban area, there needs to be further resolution on the scope for edge activation. Podium levels of buildings are ideal for enhancing public access to the perimeter of this site, and communal rooms together with retail should be located in such prominent locations overlooking the park to provide surveillance and activation that can help create a 'place making' heart for this evolving precinct.

The Panel has determined that following items require attention:

1. Ground floor residential units are not permitted under the zoning and are not considered the best possible use in this location due to poor amenity.
2. The developments immediately surrounding 2 Neil Street all include ground floor commercial/retail tenancies and the expectation is that this precinct will incorporate an active and vibrant ground plane.
3. Non-residential uses should be explored that do not rely on direct Neill Street frontage, and consideration should be given to inclusion of other uses such as childcare, work-share spaces, gym or internal community rooms that would respond to likely increased needs for the variety of residents and cultural background within this development.
4. Relocation of the driveway is appreciated however the gun barrel throat is now emphasised by the relationship with the street intersection and the uncomfortable alignment on the building corner. The pedestrian crossing increases a safety issue due to the angle of approach / departure relative to the park, and further review of this is needed in liaison with Council.
5. Retail zone is now smaller, less prominent and more fragmented. Replanning of building entries, fire control room, exits and waste bin store would yield increased retail space and street activation opportunities to the McLeod Street public domain.
6. It would be beneficial for the retail space fronting the park to be extended towards the drainage easement, and this would also address privacy issues to the end unit. This could also be a suitable location for community related uses with direct access to the adjacent park.

7. The depth of the terraces on the ground level apartments proposed along the drainage easement façade appear very deep and colonnade style and result in reduced natural light and sunlight to internal spaces.
8. Residential entries should be legible from the street, scaled to suit the size of the development (typically double height) and provided with high quality details and weather and wind protection. Lobbies should incorporate sufficient space and furnishing to foster activity and opportunities for casual interaction of residents.
9. Ground floor units facing North and East are still accessed by long single sided corridors that are excessive in length, with convoluted access to a lift foyer that has no daylight. There should be clear lines of sight in and around entries, avoiding lengthy corridors with extensive changes of direction.
10. Additional detail on the design of cycle path and driveway crossovers, including visual cues and clear lines of sight to avoid risk of collision between cyclists and cars.

Built Form

The Panel acknowledges that significant design development had been undertaken to improve the configuration of the Tower A development massing based on the pre-DA feedback. However, it was noted there were still large variances from the relevant statutory controls in terms of height that, if agreed by Council, will need to be justified through design excellence and the VPA negotiations and demonstrate the amenity benefit of this redistribution of floor space/height and to show that there are no adverse impacts.

Relocation of a substantial amount of GFA into the McLeod Road tower based on the lowering of the Neill Road wing is contrary to the LEP Height Controls and has created a very dominant elevation wall facing west. As the pre-DA façade strategies were very conceptual, the Panel was encouraged that there is now greater variety of architectural expression and materiality within the massing configuration, but this will require more fine-tuning and use of composition elements to create more differentiation in identity between individual towers for both Sites 1 and 2.

Envelope modelling, detailing and proportions should be more consistent across the various facades around Tower A, whilst addressing environmental responses for solar control, wind etc. and maintaining a high standard of materials in differing colours and finishes that can appropriately balance homogeneity with variety.

The Panel has determined that following items require attention:

1. The west elevation to McLeod Road should be further progressed with studies to ensure it is able to provide the necessary solar protection to large areas of glazing.
2. Building entry points should be more legible and clearly defined by building forms.
3. The tower should incorporate a setback to differentiate upper levels from its podium and to help mitigate wind impacts.
4. The proposed full height window slots incorporating small awning windows are inconsistent with the scale of the facades and reduce their quality. The design should be amended to avoid this detail and drawings provided at 1:20 or greater for this and other typical façade sections.

5. Small mechanical exhaust grilles punctuating solid façade planes should be amended to avoid this condition, with grilles either relocated, detailed differently or the mechanical strategy amended to vertical risers integrated at roof level.
6. Finishes/opportunities for detail on the non-accessible rooftops needs clarification. These rooftops should ideally be landscaped (green/brown roof) or provided with an appropriate finish to maintain visual amenity for residents of the development's upper levels.

Apartment Planning

The Panel considered that generally the apartment configuration at upper levels was well resolved although there are still internal corners where further analysis is needed to ensure unit privacy and solar access is not compromised.

The Panel has determined that following items require further attention:

1. Apartments should incorporate recessed entries to improve amenity, privacy and break up long corridors.
2. Apartment layouts should be improved further to avoid bedrooms substantially recessed back from the building line with narrow window frontages.
3. The drawings should be updated to show how apartment balconies and courtyards may be appropriately furnished.
4. Details are needed to show how upper-level lift lobbies are naturally ventilated with only have one window orientation, or are they assisted mechanically?
5. AC condensers on balconies do not achieve design excellence unless they are appropriately incorporated into the building design for both visual and acoustic amenity. Ideally condensers should be consolidated in unobtrusive locations on each floor or other appropriate locations without compromising amenity.
6. Subject to review of the ground floor uses any units subject to overlooking from the rising Neil Street must be addressed with landscaping the road bridge berm to ensure privacy and acoustic amenity.
7. A full schedule of GBA and GFA figures for each building and overall building dimensions is to be provided at DA stage, and clear indication of how FSR has been determined.

Landscape

As noted above and raised in the pre-DA there must be an overall landscape strategy that fully addresses the significant impact of the s/w drainage culvert with greater detail to assist understanding of the inter-relationships between the swale, street, retail and park. This must provide for adequate tree canopy with deep soil provision and be integrated into the pedestrian link and park to ensure generous natural shade to help mitigate urban heat impacts.

The Panel has determined that following items require attention:

1. The landscape concept on McLeod Road needs inclusion to understand how this contributes to the quality of the Retail spaces, and how vehicle / pedestrian conflicts can be resolved.
2. The landscaped space between Tower A and B in Site 2 remains a concern as to how this space will not present CPTED issues. If it is to be secured and publicly inaccessible the DA proposal must more clearly resolve the quality of common open space potential and whether this can be better integrated into a precinct wide strategy including the public domain around Neill Street.
3. The landscaped rooftop terraces must have sufficient shade, amenity and details regarding landscape treatment, with consideration of microclimatic conditions and overall amenity through design with multi-use capability and amenities.
4. Demonstrate how rainwater will be harvested from the buildings to irrigate the communal open spaces and public park.

Sustainability

The Panel was encouraged by the range of passive environmental measures to be included to improve residential amenity and minimise energy consumption. This scale of development must incorporate comprehensive sustainability outcomes to minimise its impact on the environment and contribute to the pathway to be carbon neutral by 2050. Consideration should also be given to adopting a sustainability tool to measure the performance of the development such as Greenstar, Living Building Challenge or an appropriate equivalent. For a development of this size and scale it is critical to understand.

As a minimum the proposal should aim to include the following in order to achieve design excellence:

1. An uplift beyond minimum BASIX requirements.
2. Optimise building electrification with exclusion of gas appliances, inclusion of solar panels (and batteries where possible) to augment energy generation and management, and ceiling fans to all living areas and bedrooms.
3. Capacity for EV charging in basement parking.
4. More than ADG minimums for solar access and cross-ventilation performance.
5. Glazing to be of appropriate dimensions with incorporated shading.
6. High levels of insulation and air-tightness coupled with a breathable façade.
7. Extensive landscaping and allowance for a continuous tree canopy.
8. Reductions in embodied energy via use of sustainable materials.
9. At least one substantial building element designed for disassembly at end of life.
10. Details of sustainability measures adopted are to be added to the drawings with solar, cross-vent and sun diagrams confirming how the ADG targets are achieved.

General Overview

The Panel's assessment is that this DA proposal does yet not meet the criteria for 'design excellence' on a large and complex scheme, and requires additional design resolution with a to address the above recommendations and as outlined in the following commentary:

Considerations	Comments
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.	The proposal requires further review and design resolution to achieve design excellence and the recommendations above must be addressed in the architectural and landscape design of the proposal.
Whether the form and external appearance of the development will improve the quality and amenity of the public domain.	Refer to the Panel recommendations above regarding building form and public domain design. If these recommendations are addressed in the design, then the development should be able to contribute positively to the public domain. Coordination is required with Cumberland Council's officers to realise a seamless integration of private and public domain.
Whether the development detrimentally impacts on view corridors.	Some potential negative impacts were identified with respect to adjacent built form, and the public realm interface would improve with recommended changes.
How the development addresses the following matters:	
The suitability of the land for development;	Land is suitable.
Existing and proposed uses and use mix;	There is need for reconsideration of retail and commercial configuration within ground level and podium environment, and possible inclusion of other uses that would benefit the community as noted above.
Heritage issues and streetscape constraints;	No immediate issues related to heritage. At DA stage the Panel recommends that street frontage elevations together with ground level views are prepared of the proposal showing the relationships to desired future built form and character, and with consideration of how podium treatments can improve street activation.
The location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation,	At this stage the proposed development requires further consideration to better integrate with the surrounding built form, and further design and detail is required for the service access link, communal open spaces and public domain.

setbacks, amenity and urban form;	
Bulk, massing and modulation of buildings;	See above recommendations.
Street frontage heights;	See above recommendations.
Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;	See above recommendations.
The achievement of the principles of ecologically sustainable development;	See above recommendations.
Pedestrian, cycle, vehicular and service access and circulation requirements; and	See above recommendations.
The impact on, and any proposed improvements to, the public domain.	See above recommendations regarding public domain issues and concerns over the through site access.

RECOMMENDATION

Overall, as per the commentary above, this DA proposal does not yet demonstrate sufficient design resolution and detail to achieve design excellence. Further design development, including clarification of ADG compliance will be required to address the various design issues raised by the Panel, in order for this DA to be supported. The Applicant must address the Panel's recommendations with amendments made accordingly for further review.

SUMMARY

The Panel is not satisfied that the proposal has met the criteria to award 'design excellence' at this DA stage for the reasons outlined in the commentary.

Jon Johannsen - Panel Chair



Glenn O'Loughlin

Aldo Raadik