

Bayside Design Review Panel

REPORT OF THE BAYSIDE DESIGN REVIEW PANEL

Meeting held on Wednesday 23 September at Bayside Council

Panel Members

Matthew Taylor (Landscape)
Brendan Randles
Stephen Collier
Paul Walter

Coordinator

Marta Gonzalez-Valdes

ITEM # 1

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| Date of Panel Assessment: | 23 September 2020 |
| Applicant: | Da Vito Ferro Apartments Pty Ltd |
| Architect: | Squillace |
| Property Address: | 16-18 John Street, Mascot & 23 Church Avenue, Mascot |
| Description: | AMENDED PROPOSAL – Retention of part of Church Street façade, demolition of all remaining structures, excavation for basement parking levels and construction of two (2) x thirteen (13) storey mixed use buildings comprising ground level commercial and 122 residential units and rooftop communal open space. |
| No. of Buildings: | 2 |
| No. of Storeys: | 13 |
| No. of Units: | 122 |
| Consent Authority Responsible: | Bayside Council |
| Application No.: | DA-2019/359 |
| Declaration of Conflict of Interest: | Nil |

NOTE: This item was reviewed by the Design Review Panel (DRP) at the request of the Sydney Eastern City Planning Panel (SECPP). To assist the applicant and SECPP, DRP comments have been provided in an additional column in table submitted by the applicant in response to previous advice by the DRP.

| DRP Comments (Meeting 4 April 2020) | Proposed Amendments (Comments by Applicant) | DRP COMMENTS (Meeting 23 September 2020) |
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| 1. Context and Neighbourhood Character | | |
| <p>While some minor modifications have been undertaken since the last panel meeting, the proposal is much the same as previous iterations. Rather than relocating loading and waste to basement – as suggested – and having vehicular entry from one side only, the cross site link continues to facilitate vehicular movement right throughout the site with loading facilities at grade. Hence, an acceptable level of urban design quality, amenity, safety and pedestrian comfort has not been achieved. The severe constraints and vehicular dominance of the space was confirmed to the Panel by the fly through presented at the meeting.</p> <p>As advised previously, the Panel is especially concerned that lobbies are located at a considerable distance from the street, requiring all residents at day and night to traverse this space. This is a major issue for the entire proposal. Despite two different Panels' recommendations, the existing brick building still protrudes into Church Street.</p> <p>The panel does not agree with the Heritage Architect's assertions that this is a good outcome for the evolving street context – for reasons previously tabled.</p> | <p>We note that the Sydney Eastern City Planning Panel (Panel) support retaining the existing brick building façade and the provision of a through- site link providing that additional details were provided with respect to the treatment of the façade and how the façade sits within the road widening reservation.</p> <p>Squillace Architects has provided drawings (DA- 800, DA-801, DA-802) detailing how the retained façade will relate, activate, and improve the public domain of the Church Street streetscape.</p> <p>In addition, a through-site link elevation has been provided (DA-803) which details how the pedestrianised through-site link will seamlessly integrate with the proposed development.</p> <p>The following amendments are proposed to improve the façade and the through-site link:</p> <ul style="list-style-type: none"> ▪ The Church St façade of units A201 and A202 has been recessed to provide a visual termination between the brick warehouse and the residential tower above (refer to DA-801) ▪ Vehicular access has been removed from Church Avenue to improve pedestrian safety, access and amenity along the through site link. Vehicular access to the site is now via John Street (refer to notation 1A on DA-100). ▪ Additional retail areas have been provided along the through-site link to promote pedestrian activity and safety (refer to notation 1B on DA-100). ▪ Lobbies, fire stairs and lift cores have been revised for improved visual and physical connection to both Church Avenue and John Street (refer to notation 1C on DA-100). ▪ All ramps and turning areas to the basement have been adjusted to improve traffic flow and passing (refer to notation 1D on DA-100). ▪ The voids to the through link have been increased from approximately 45% to 54% of the total site length (refer to notation 1E on DA-100). | <p>The DRP has seen this proposal on numerous occasions and on each occasion, DRP members (many of them well known and respected architects and urban designers) have NOT supported the retention of the brick building and the through site link. It is not clear why the SECPP (the Panel) – with no architects or urban designers currently serving – has now provided support. Nor is it clear why the DRP have been asked to assess the proposal again.</p> <p>The public domain of Church Street – currently being rolled out at huge public expense - will be obstructed and adversely impacted by the retained brick façade.</p> <p>For the numerous amenity and urban design reasons - stated on many different occasions - the DRP does not support the through site link.</p> <p>In view of the sheer scale of the proposal, the minor modification to A201 and A202 is an inadequate design measure to articulate the junction between the retained brick façade and the huge tower above it. The tower has no visual alignments or other design elements that can possibly relate the two.</p> <p>The DRP repeatedly criticised the vehicular access previously proposed through the lane as potentially dangerous, lacking in amenity and absolutely unnecessary; it was never a feasible idea. Only now has it been removed.</p> <p>The removal of through traffic does not change the DRP's view that the link is neither warranted nor feasible in this location – for the many reasons previously stated.</p> |

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| 2. Built Form and Scale | | |
| <p>Although a Heritage Architect has added his support for the proposal, the Panel does not support the retention of the brick façade for the reasons stated above.</p> <p>The proposal's expression and the meeting of towers to podium is largely unchanged</p> | <p>As noted above, the brick façade is to be retained as supported by the Sydney Eastern City Planning Panel.</p> <p>As detailed above, the Church St façade of units A201 and A202 has been recessed to provide a visual termination between the brick warehouse and the residential tower above (refer to DA 801).</p> <p>Refer to detailed drawings DA-800, DA-801 and DA-802 which clarify how the façade will integrate and activate the Church Street frontage.</p> | <p>Inadequate response - See notes above</p> |
| <p>The proposed retail space, its depth and access to amenable outdoor space is unchanged.</p> | <p>The warehouse has been decreased in length, and additional indicative restaurant/retail spaces have been provided along the pedestrian through-site link to promote pedestrian activity and safety (refer to notation 1D and 2E on DA-100).</p> | <p>The DRP has no confidence that the new retail units will succeed, proposed so far down an obscure and unamenable pedestrian link.</p> |
| <p>Rather than relocating loading and waste to basement and having vehicular entry from one side only, the cross site link continues to facilitate vehicular movement right throughout the site with loading facilities at grade. Hence, its urban design quality, amenity, safety and pedestrian comfort – remains a significant concern.</p> <p>Loading and waste are still at grade and the cross-site link continues to facilitate vehicular movement right throughout the site. Activation along the length of the link has not been attempted. This is not supported.</p> | <p>The recommendations relating to loading and waste entry have been implemented via the following amendments to the architectural plans:</p> <ul style="list-style-type: none"> ▪ Vehicular access is now only provided from John St (refer to notation 1A on DA-100) ▪ Loading dock access to the site has been relocated to John Street with physical separation to pedestrians to improve safety (refer to notation 2G on DA-100). ▪ Residential waste rooms have been relocated to basement level 2 (refer to notation 2H on DA-099). A bin lift has been provided for transportation of bins for collection from the loading dock. <p>The above amendments will address the DRPs concerns relating to design quality, amenity, safety and pedestrian comfort.</p> | <p>The DRP repeatedly criticised the vehicular access previously proposed through the lane and the loading and waste arrangements. Only now have they been removed.</p> <p>The removal of through traffic and waste room relocation does not change the DRP's view that the link is neither warranted nor feasible in this location – for the many reasons previously stated.</p> |
| <p>Lobbies remain in the same locations, which is not supported. While alternative plan options were flagged, there has been limited investigation of alternative tower forms.</p> | <p>As discussed above, lobbies, fire stairs and lift cores have been revised for improved visual and physical connection to both Church Avenue and John Street (refer to notation 1C on DA-100).</p> | <p>The lobbies are not accessed from the street, which is normal and expected urban design practice. The lobbies are extremely narrow and patently inadequate for the number of residents they serve. There is no reception or concierge to provide passive surveillance.</p> <p>Poorly located away from the public domain and poorly designed, the proposed lobbies are not supported.</p> |

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| <p>Larger voids have been provided above planters. However, this has marginal impacts on overall amenity and urban design quality of the cross site link.</p> | <p>As discussed above, vehicular access has been removed from Church Avenue to improve pedestrian safety, access and amenity along the through site link. Vehicular access to the site is now via John Street (refer to notation 1A on DA- 100).</p> <p>In addition, wider pedestrian areas, larger voids and additional planter beds have been provided to improve amenity.</p> <p>The amendments detailed above will reduce noise impacts to the residential units above and improve the pedestrian safety to the pedestrian only through link.</p> | <p>See notes above regarding vehicular access, through site link and pedestrian amenity.</p> <p>Potential noise impacts through narrow light wells over 14 storeys, have been identified by the DRP on various occasions.</p> <p>Not one of the many DRP members can support these light wells as they are contrary to the ADG, seemingly without precedent (for their height and form) and liable to result in very poor residential amenity.</p> |
| <p>The cross site link continues to facilitate vehicular movement right throughout the site. While this may resolve vehicular movement and servicing, it severely impacts on the capacity of the link to function as a publicly accessible pedestrian thoroughfare.</p> | <p>As detailed above, vehicle movements have now been entirely separated from the through-site link such that it now functions solely as a pedestrian walkway.</p> | <p>See notes above regarding vehicular access, through site link and pedestrian amenity.</p> |
| <p>Communal open space and tower forms are largely the same as originally proposed.</p> | <p>The proposed communal open space has generally remained the same as they provide the required communal area with minimum 2 hours solar access under the ADG on both towers.</p> <p>The remaining communal area is not required to provide 2 hours solar access has been provided to the podium level.</p> <p>It should be noted that the proposed communal open space is now 44.5% of the site area, which is in excess of the 25% required.</p> | <p>The major communal open space has been consistently criticized for its lack of solar access and open space amenity. On many occasions it was pointed out that the courtyard's over shadowing and poor amenity was created by both buildings' orientation, excessive length, excessive bulk (with excessive circulation around internal light wells) and non-compliant density – all of which could have been amended</p> <p>However, the applicants refused to develop alternative forms to explore how improved solar access and open space amenity could be incorporated into this space.</p> |
| <p>The tower forms – their length, their excessive open circulation, their potential maintenance issues, light wells, ADG compliance, outlook constraints and access issues - are largely the same as originally proposed.</p> | <p>The revised proposal has taken into consideration the DRP's recommendations as follows:</p> <p>Tower Forms Tower A and Tower B have been reduced in length.</p> <p>Circulation The excessive open circulation achieved in the proposed design is good design outcome.</p> <p>Maintenance Issues In regard to the potential maintenance issues, it should be noted that the advantages of natural light access,</p> | <p>Minor reductions to tower length changes very little – it is basically the same scheme. The DRP on many occasions has expressed amenity and urban design concerns - on several occasions.</p> <p>Excessive circulation (most of it not included in the proposal's area calculations) – and the bulk of the internal light wells - contributes greatly to the excessive bulk of the towers, which then impact on the entire context and central</p> |

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| | <p>amenity and natural ventilation far outweigh the minor additional maintenance concerns associated with large open corridors.</p> <p>ADG Compliance Refer to the SEPP 65 Design Verification Report and revised architectural plans which demonstrate that the proposal complies with the objectives of the ADG.</p> <p>In areas of the proposed development where there is a numerical non-compliance in building separation, visual and acoustic impacts have been mitigated by means of privacy louvres and blank walls.</p> <p>In addition, to improve privacy to the building located at 19-21 Church Avenue, levels 2-6 of Tower A have been adjusted.</p> <p>Outlook constraints It should be considered that a site that has a length of 122m and a width of 21m (6:1 ratio) and extensive blank walls to the western boundary will require the majority of units to orientate the units to the eastern façade. The proposed design has reduced the impacts of this orientation by splaying the building to provide a more north- eastern orientation. The proposed design provides solar access to the units as well as improving outlook to these units.</p> <p>Access As discussed above, Lobbies, fire stairs and lift cores have been revised for improved visual and physical connection to both Church Avenue and John Street (refer to notation 1C on DA-100).</p> | <p>space. This is NOT a good outcome.</p> <p>The amount of glazed balustrading proposed to the internal light wells and the amount of relentless unsupervised floor space is highly unusual in a residential apartment building. It is liable to be dusty and unkempt and in constant need of cleaning – which is not how apartment buildings operate generally. The Applicant’s appear not to understanding of this issue.</p> <p>The light wells proposed do NOT comply with the ADG, which states that :</p> <ul style="list-style-type: none"> - “where courtyards are used, use is restricted to kitchens, bathrooms and services” (4A-2) - “where courtyards are used, acoustic privacy, fire safety and minimum privacy separation distances (see 3F visual privacy) are achieved” (4A-2) - “light wells are not the primary air source for habitable space” (4B-2); - “courtyards or building indentations to have a width to depth ratio of 2 : 1 or 3 : 1 to ensure effective air circulation and avoid trapped smells” (4B-2) <p>The orientation of the units to the eastern façade is the Applicant’s choice. It does not reflect best practice urban design (which would have units facing north and south in this case) and results in numerous amenity failings and urban design issues.</p> <p>On numerous occasions it was suggested to the client that explorations of alternative built form arrangements, with units facing north and south only, may lead to vastly superior outcomes with :</p> <ul style="list-style-type: none"> - greatly reduced circulation areas |

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| | | <ul style="list-style-type: none"> - no 14 storey light wells : non compliant, poor in amenity and wasteful - greatly reduced bulk with smaller footprint towers - increased solar access to the central space <p>Lobbies in the link are not supported – see notes above.</p> |
| <p>Apart from three simple diagrams flagged at the meeting, there is no evidence of further investigation of how new built form can complement and respond to adjacent built form.</p> <p>Hence, the tower forms' excessive length and open circulation, potential maintenance issues, light wells, ADG compliance issues, outlook constraints and residential access issues at grade are largely the same as noted by the previous Panel.</p> | <p>The following amendments have been made to ensure that the proposal complements and responds the built form of adjacent development:</p> <ul style="list-style-type: none"> ▪ Tower A has been reduced in depth in the southern corner ▪ The top three (3) storeys of Tower B have increased setbacks to John Street. | <p>These amendments are inadequate. The scheme remains the same, despite being rejected many times by all DRP members who have seen the scheme.</p> |
| <p>3. Density</p> | | |
| <p>The Panel does not support density in excess on the permissible FSR of 3.2:1 – especially in view of the many unresolved issues in the proposal, almost all of them exacerbated by increased density.</p> | <p>We note that the Sydney Eastern City Planning Panel requested that amended plans be submitted to Council to address a greater compliance with the Floor Space Ratio (FSR) control. As detailed on the amended plans, the FSR has been reduced from 3.77:1 to 3.46:2. This equates to a variation of the standard of 0.21:1 or 8.1%.</p> <p>The reduction in FSR has been achieved in part by implementing the recommendations of the DRP. The proposed amendments include:</p> <ul style="list-style-type: none"> ▪ Reducing the depth of Tower A in the south eastern corner; ▪ Increasing the setbacks of the top three (3) storeys of Tower B to John Street; ▪ Reducing the internal area of units; and ▪ Relocating garbage rooms to the basement. | <p>Given the numerous poor amenity outcomes, non-compliances and urban design issues that have plagued the scheme from its inception, the DRP does not support density in excess of the permissible FSR of 3.2:1.</p> <p>In addition, the DRP notes that many of the volumes that contribute to the proposal's bulk are not even counted as GFA. These volumes include :</p> <ul style="list-style-type: none"> - excessive circulation at all levels - non compliant light wells - cross site link - ground level services <p>If the link was incorporated into commercial space, the circulation reduced and counted as GFA and the light wells removed entirely, a much smaller envelope would result.</p> <p>In view of this unsatisfactory and distorted outcome, the minor reduction proposed is totally inadequate.</p> |

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| 4. Sustainability | | |
| No additional | A BASIX Certificate has been provided for the revised architectural plans. | Inadequately addressed |
| 5. Landscape | | |
| <p><i>The built form and resultant open space structure is largely the same as originally proposed.</i></p> <p>Previously, the DRP commented that:</p> <ul style="list-style-type: none"> - <i>deep soil requirements should be addressed</i> - <i>podium communal open space is inadequate</i> - <i>roof top communal terraces may better serve residents</i> - <i>planters within undercroft spaces should be removed</i> - <i>green walls to adjoining properties are not possible and/</i> - <i>the retention of existing street trees is favoured</i> - <i>open space amenity along the cross site link is very poor</i> | <p>It should be noted that the Apartment Design Guide (ADG) design guidance acknowledges the deep soil design criteria may not be possible on some sites including high density areas or in centres. We also note that the adjacent sites do not include deep soil.</p> <p>Although the site is located in a high density area and deep soil zones are not strictly required, deep planting areas have been provided with depths up to 6m proposed in some areas. This will enable substantial planting to the centre of the podium level.</p> <p>Further, As recommended by the DRP, the revised development now includes rooftop communal areas have been provided to both Tower A and Tower B, which will provide improved amenity for residents.</p> <p>The revised development has also taken into consideration the DRP comments regarding planters, green walls and the through-site link.</p> <p>Planters located within under croft areas have been retained to areas where direct access to natural light and air is available as it will provide better amenity to the pedestrian through-site link.</p> <p>Green walls are no longer proposed.</p> <p>The single existing street tree to Church Avenue, is unable to be retained as it will impact the width of the pedestrian path. As such, it is proposed to remove this street tree.</p> | <p>The DRP does not support the proposal – its built form and light wells, its cross-site link and the impacts on streetscape, the result of keeping the brick façade. All of these elements have an adverse impact on the landscape network of the scheme, including its internal courtyard, streetscape and open space amenity. This has been discussed at length and largely ignored.</p> <p>Hence, the amendments now proposed do not change the fundamental issues with the scheme, or the DRP’s major concerns with the proposal.</p> |
| 6. Amenity | | |
| <p>Rather than relocating loading and waste to basement and having vehicular entry from one side only, the cross site link continues to facilitate vehicular movement right throughout the site with loading facilities at grade. Hence, its urban design quality, amenity, safety and pedestrian comfort – remains a significant concern.</p> | <p>As discussed above and detailed on the revised architectural plans, the DRP’s concerns relating to the amenity of the through-site link have been addressed.</p> | <p>The DRP’s numerous amenity concerns have not been addressed by these simple amendments. The proponent has chosen to selectively respond to various symptoms of the proposal’s innate issues, rather than address the layout, circulation and massing of the proposal – which are the key problems. The proposal is not supported.</p> <p>See notes above.</p> |

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| 7. Safety | | |
| The cross site link and all its urban design and amenity issues, remain the same in the current proposal. | As discussed above and detailed on the revised architectural plans, the DRP's concerns relating to the safety of the through-site link have been addressed. | Inadequately addressed. See notes above. |
| 8. Housing Diversity and Social Interaction | | |
| <p><i>The many issues previously raised and identified above remain.</i></p> <p>Previously the DRP commented that:</p> <p><i>The Panel believes that with so apartments oriented to the eastern boundary, their internal amenity, outlook, separation compliance and privacy are compromised.</i></p> <p><i>The Panel is also concerned that excessive circulation space introduces management issues at each level, with likely adverse impacts on the visual and physical amenity and safety of lobbies and circulation spaces throughout the building.</i></p> <p><i>As excessive circulation creates an over sized built form - impacting adversely on lower levels especially - the towers are also liable to constrain social interaction at ground levels.</i></p> <p><i>It is therefore recommended that residential towers are completely redesigned as described above.</i></p> | Refer above to '2. Built Form and Scale', which details how the amended architectural plans have addressed the DRP comments. | Only partially addressed. See notes above |
| 9. Aesthetics | | |
| <p><i>The Panel still concurs with the above comments.</i></p> <p>Previously, the DRP commented that:</p> <p><i>The Panel is seeking a more consistent design expression across the whole of development including the following:</i></p> <ul style="list-style-type: none"> - <i>The retention of the existing façade is not supported, an interpretation of this into a new façade would be a more appropriate design outcome</i> - <i>The use and expression of steel within the façade is encouraged to be further explored and expressed both in form and colour</i> - <i>The juxtaposition of square and curved forms, in the current iteration, is not supported</i> - <i>The current arrangement, expression and wayfinding to residential lobby entries should be further explored.</i> | <p>We note that the Panel supports retaining the existing façade. Squillace Architects have provided detailed drawings (DA-800, DA-801, DA-802), which provide further information of how the retained façade will relate, activate and improve the public domain of the Church Street streetscape.</p> <p>As discussed above, the residential lobbies have also been relocated to improve expression and wayfinding.</p> | <p>The retention of the brick façade obstructs and contradicts the public domain objectives of the street.</p> <p>The DRP does not believe that the retention of this item improves the public domain. In fact it is an obstruction to the streetscape, which is being currently built at enormous public expense. The retained brick façade does not substantially represent the space or the quality of the existing building. It is just a façade, which will now be overwhelmed by a poorly designed tower, which has no relationship with the brick façade below.</p> <p>The lobbies are not supported – see notes above.</p> |

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| 10. Design Excellence | | |
| Clause 6.14(4) of RLEP 2011 | Refer to the SEPP 65 Design Verification Statement and the revised architectural package prepared by Squillace Architects which details how the design exhibits design excellence. | <p>For the many urban design, amenity and non compliances, described consistently over many DRP meetings, the DRP does not support the built form layout proposed, including its towers, its cross site link, its circulation and retention of the brick façade.</p> <p>The proposal is well over the allowable density for the site and unnecessarily creates additional bulk through its excessive circulation, non-compliant and wasteful internal light wells, unsupported cross site link and the general arrangement of its massing.</p> <p>As noted above, the proposal's light well does not comply with the ADG. Side facing units restrict outlook. The excessive circulation increases bulk and will lead to management issues. The courtyard is completely over shadowed and lacking in open space amenity. The cross site link is not warranted in this location, creates poor pedestrian amenity and is liable to fail commercially.</p> <p>The proposal therefore fails to meet the standards of design excellence required for the site.</p> |