

Bayside Design Review Panel

REPORT OF THE BAYSIDE DESIGN REVIEW PANEL

Meeting held on Thursday 19 November 2020

Panel Members:

Matthew Taylor (Landscape)

Stephen Collier

Brian Zulaikha

Jim Koopman

ITEM # 1 – DESIGN EXCELLENCE

Date of Panel Assessment:	Thursday 19 November 2020
Applicant:	Zhinar Architects
Architect:	Zhinar Architects
Property Address:	17 – 35 King Street, Rockdale
Description:	Integrated Development - Demolition of existing buildings and construction of an eleven (11) storey mixed use development consisting of 133 apartments, six (6) commercial tenancies and basement car parking with access via Crofts Lane.
No. of Buildings:	2
No. of Storeys:	11
No. of Units:	133 apartments & 6 commercial tenancies
Consent Authority Responsible:	Bayside Council
Application No.:	DA-2020/12
Declaration of Conflict of Interest:	Nil

The Panel inspected the site, reviewed the submitted documentation and met with representatives of the applicant including Ian Conry – Architect (Zhinar), Ben Black – Town Planner, Peter Smith – Urban Designer and Marta Gonzalez-Valdes & Patrick Nash.

Minutes of previous meeting held on **2 March 2020** are highlighted in yellow below.

Design Principle	Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Set one block back from the Princes Highway, the emerging King Street retail precinct and public arcade is vital to the future of Rockdale, especially in terms of pedestrian amenity, retail activity, external amenity, social life, character, landscape and scale. For such a large project - it will more than double the length of this precinct in fact - a thorough and insightful context and site analysis is crucial, so as to inform :</p> <ul style="list-style-type: none"> - how the precinct currently functions - scale and character of adjacent streets and adjoining buildings - opportunities and constraints to be addressed by the proposal <ul style="list-style-type: none"> e.g. possible overshadowing of existing residences and means to contain likely impacts e.g. existing large trees and how they can be incorporated into the proposal - how the proposal should contribute to the future development and urban life of the overall precinct. <p>Instead, a very limited two page description of the precinct has been provided by the applicant, with very limited information about the precinct, its character and scale, adjacent buildings, existing trees and urban context. No opportunities and constraints analysis has been provided and no objectives established to inform the design proposal. Hence, it is not clear to the Panel why certain design decisions have been made that have resulted in poor outcomes, such as the one large and significant tree on the site to be removed; a relentless wall of built form proposed (clearly exceeding ADG's recommended building depth); the envelope breaches the front setback on the north east corner; and severe impacts on existing dwellings to the south – accepted as if this outcome is inevitable.</p> <p>For a project of this scale, this is unacceptable. Therefore, the site and context analysis needs to be completely redone in accordance with the ADG, pages 44 – 47 and ADG 3A-1. It is recommended that a number of block options are flagged and the preferred option demonstrated as achieving the best amenity for the site and its context.</p> <p>Due to its "Special Precinct" designation, the proposal must achieve the goals and standards of Design Excellence. However, the proposal fails to identify and address key features of the site, such as :</p> <ul style="list-style-type: none"> - the existing large and significant tree on George Street (which should be retained) - the close proximity to existing apartments to the south (many of which will be severely impacted by the proposal) - the sheer length of the block, which severely constrains pedestrian movement - adjacent building heights, with which the proposal should mediate along lane and street frontages <p>The Panel notes that due to its amalgamated size, the site receives a significant height bonus. However, in subdividing the site for phasing purposes, the proposal removes a number of benefits that this bonus was intended to reward (such as rationalization of services, minimization of vehicle entries and ramps etc). Considering that the bonus contributes significantly to the proposal's excessive bulk and resultant impacts on adjoining properties, the Panel suggests that the eastern portion of the site <u>only</u> should receive the height bonus.</p>

Design Principle	Comments
	<p>The Panel notes the previous Panels comments and generally concurs with the comments and in particular:</p> <ul style="list-style-type: none"> • Retention of the existing large and significant tree on George street, • The concerns to the loss of amenity to the existing apartments to the south, • The concerns that due to its amalgamated size, the site receives a significant height bonus. However any subdivision of the site for phasing purposes removes a number of benefits that this bonus was intended to reward. <p>The Panel considers the transfer of the deep soil zone from the boundary of George street could be transferred to the area around the existing substantial tree, which should be retained.</p> <p>The proponent contextualizes the site as a 'gateway site' when in the Panel's view it should be treated as a transition site to the lower R2 zoning to the east, in accordance with the DCP 7.5.2 building form and character – local edge requirement. This would require any built form to be set back above the four storey podium in accordance with the DCP setback controls.</p> <p>The Panel notes the provision of the through site link.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>While the proposal appears to sit within the height plane afforded by the site (including its height bonus due to site size – see notes above in Context), the Panel believes that the built form and scale proposed is excessive. This is demonstrated in a number of ways :</p> <ul style="list-style-type: none"> - the proposal will significantly impact on existing dwellings in the recently completed building south of the site – mainly due to the height bonus and minimal rear setback proposed. The Panel notes that the number of dwellings impacted has not been shown (see note below). - the proposal is excessively long; although its site frontage exceeds 80m and forms part of a block exceeding 160m, the built form proposed comprises a single infill building, without breaks in the built form either above the podium (as multiple forms) or at street level to increase permeability - with a constant architectural language from levels 1 to 11, the proposal does not incorporate a defined four storey base as required by the DCP. Nor is any argument made to support an alternative compositional device to mediate with existing public and private domain - the proposal's depth is excessive; the depth of the proposed cross through apartments for example greatly exceeds the ADG's building depth requirement for maximum 18m distance between glazing - the proposal breaches its front setback on the north eastern corner of the site - although the proposal does not show the low scale residential precinct to the east of the site (see North Elevation), it is clear that no attempt has been made to relate the proposed built form and scale to existing low scale cottages - the proposal does not retain the one existing large and significant tree on the site – despite the fact that this tree

Design Principle	Comments
	<p>would assist in mediating scalar differences within the existing and proposed streetscape</p> <ul style="list-style-type: none"> - the proposed built form fails to mediate with existing built form at its western boundary, either on its street or lane frontage - there is no deep soil provided on the site <p>In the light of these issues, it appears that the development constitutes a significant over development of the site. It is recommended that the built form is reassessed and reduced in bulk. The Panel also recommends that the height bonus be afforded to the eastern portion of the site only (as stated above in Built Form) and that the existing large tree be retained.</p> <p>Crucially, the revised built form strategy must be based on a thorough assessment of the existing dwellings impacted by the current proposal south of the site; these units must be clearly identified, to verify especially that the number of apartments impacted by an amended built form does NOT breach the ADG's requirements (Refer to 3B-2 objectives, pp 49 ADG).</p> <p>A revised built form strategy could incorporate a number of built form elements above a continuous podium form for example; or a cross-site link or new public open space onto which new units can face. To achieve design excellence, a number of massing options may need to be studied in order to establish an amenable outcome – not just for the site but for its adjacent public domain, adjoining and adjacent properties and broader precinct.</p> <p>The Panel generally concurs with the comments of the previous Panel and in particular;</p> <ul style="list-style-type: none"> • That the development constitutes a significant over development of the site, notwithstanding the amendments in the latest submission. <p>The Panel notes there are no FSR controls applicable to the site and in this circumstance the building envelope controls are the key design criteria which will ensure acceptable amenity and built form are achieved. Where any non compliances are proposed they would have to be on the basis of merit and would have to deliver better impacts to the amenities and public domain.</p> <p>For example the Panel would strongly support some modifications of the built form envelopes along King and George street if the existing significant tree was able to be retained.</p> <p>The Panel accepts that the street wall along King Street is generally in accordance with the outcome sought by the DCP for Local Core frontages. However there should be a stricter compliance with the 3 metres setback in levels above the fourth storey.</p> <p>At the corner of King and George Streets the building above the fourth level should be setback in accordance with the DCP above the fourth storey.</p> <p>The built form on the George Street and Crofts Lane must comply fully with the DCP controls and setbacks and the ADG separation with the building to the South.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p>	<p>Although there is no density standard governing Town Centre sites generally, a numerical assessment provides a useful insight into a site's capacity to accommodate yield and bulk.</p> <p>While the numerical density is impossible to gauge (the applicants have not provided an area break down), it is clear from the proposal's</p>

Design Principle	Comments
<p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>many impacts and amenity failings, that the density proposed is excessive and cannot be supported by the Panel.</p> <p>The Panel considers the floor area of this development to be excessive due to significant impacts on the adjoining residential apartment buildings.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>There are limited sustainability measures proposed. It is not clear if water storage and reuse is proposed. The Panel notes that there are further opportunities for including sustainability initiatives in the design above and beyond those required by BASIX, such as solar energy generation, rainwater harvesting, etc.</p> <p>While solar access appears to comply with the mid-winter solar requirements of the ADG, excessively deep balconies to some units may unnecessarily constrain light to living spaces. It is also noted that impacts on solar access to the residential building directly south of the proposal are liable to be significant (see notes above).</p> <p>Natural ventilation is likely to be impeded by excessively deep cross through apartments, which exceed the ADG's requirement for maximum 18m building depth between glazing.</p> <p>No deep soil is provided, taking out potential for absorption and trees.</p> <p>The one existing large tree on the site is being removed.</p> <p>The Proponent did not offer any sustainability initiatives and it was pointed out that in the context design excellence provisions of the LEP, sustainability initiatives should be commitments beyond mere compliance. The Panel recommends commitments for water energy and thermal comfort deliver a high performance than the minimum requirements.</p> <p>The Panel would recommend as a minimum the provision of photovoltaic panels to all the roofs to provide energy to the common areas of the building, EV Charging to 5% of the car spaces, and central heat pump hot water systems to replace the use of the gas.</p>
<p>Landscape</p> <p>Good design recognizes that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimizes usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and</p>	<p>The landscape outcomes are limited to rooftop terraces, green walls to selected apartments and balcony planters to the podium sections of the proposal.</p> <p>The rooftop terraces essentially provide limited amenity with dining and seating areas divided by potted plants with some pergolas and covered areas. Opportunities for a range of recreation activities (both singular and group) without conflict with adjacent uses are extremely limited. Vegetated mass is limited to pots and some linear planters, leaving users exposed and providing minimal options for recreational opportunities. This has resulted in a poor outcome for the use and enjoyment of open spaces provided.</p> <p>There is an over dependence on green walls to ameliorate the extensive façades of the proposal, particularly to King Street. All the green walls are in private open space and are subject to maintenance by the individual owners. This is not a sustainable outcome, particularly when the green walls face north and are subject to high evaporation rates in this aspect. Similarly, the balcony planters to the podium are subject to the predilections of individual owners. There appears to be no to minimal landscape treatment to the Crofts Lane.</p>

Design Principle	Comments
<p>provides for practical establishment and long term management.</p>	<p>The panel concurs with the previous panel's comments and notes the improvements to the design of the rooftop terrace areas as these areas are the major open space for residents. It is noted that that the deep soil area to George Street has a degree of built form that overhangs this area, thus prejudicing the intent of the deep soil area to provide a landscape volume commensurate with the scale and bulk of the proposal. The vertical green walls inserted into the façade are aligned with private open space with a northerly aspect creating maintenance and sustainability problems. The removal of the significant tree as noted above is not supported due to its good health as noted by the arborist and visual prominence.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>It is positive that the proposal has substantial retail tenancies along its street frontage, generally spacious units, naturally lit lobbies and well-considered roof terraces. However :</p> <ul style="list-style-type: none"> - with cores buried deep in the site, entries are generally long narrow corridors, which could be very unpleasant - servicing only dominates the lane frontage, which will impact on public domain quality, passive surveillance and safety - the block is excessively long, greatly impeding pedestrian movement and safety - the one large tree on the site is being removed - excessive impacts on properties south of the proposal - excessive depth impacting on apartment amenity and the ADG's natural ventilation requirements <p>The Panel considers:</p> <ul style="list-style-type: none"> • The lift and staircase of the eastern most building should be reversed , so that on exiting the lift, one is able to see out – otherwise the window is hidden from view. • The depth of apartments should not exceed ADG Guidelines, noting that certain apartments have just been extended with rooms that have no use. <p>removal of existing tree, andf thus removal of a potential urban gift to the City.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The lane interface is very long, does not incorporate any break in the built form or public link to the street and is dominated by services. Without passive surveillance or any meaningful interaction with public networks, the lane could become an unsafe and difficult to manage environment.</p> <p>The Panel notes the improvements to safety including the ground floor tenancy to Crofts Lane.</p>
<p>Housing Diversity and Social Interaction</p>	<p>The mix of retail and residential uses is supported.</p>

Design Principle	Comments
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The communal terraces appear to promote social interaction but with limited opportunities for a range of recreational uses (refer to landscape above) .</p> <p>Drawings showing adaptable units (in before and after adaption state) need to be provided.</p> <p>The proposed mix is acceptable.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>As described above, the site appears excessively long to be treated as one infill building. Rather than modulate the scale of the proposal, the currently proposed projections, fins, breaks and slots exacerbate the proposal's homogeneity and visual bulk. It may be better for the proposal to read as a composition of forms above a unified podium or two well-composed buildings incorporating a new public lane or plaza; there are many ways to reduce the relentless wall like expression of the building and these design strategies should all be investigated.</p> <p>The building does not provide a clearly expressed four storey podium as required by the DCP. While there are certainly alternative ways to successfully articulate and modulate built form, the massing strategy proposed does not argue for an alternative but simply appears generic – and relentless. If a podium were to be established, it could incorporate specific unit types and materials that work at street level and complement the built form above. With a continuous podium, it may be easier to separate built forms and allow them to cross ventilate to the side. The podium could house gardens and communal facilities.</p> <p>Although it is a great opportunity for expression and contextual cohesion, the proposal does not refer to the height, form or character of its adjacent buildings. To the west, the built form could meet the existing building at the same height for example, or create a setback to allow the height increase to be expressed in the round. To the east, the existing low scale residential precinct may suggest a finer grain of units – narrow duplexes to the podium for example – to achieve some compatibility.</p> <p>Rather than providing a continuous decorative surface (in this case render) to a high yield massing outcome, a well-considered expression would express an intelligently resolved built form strategy that addresses all the opportunities and constraints that the site presents, including environmental, performance, operational, legislative, construction, material etc. This should influence how the elements of the building – its surfaces, structure and materials - are composed and expressed.</p> <p>The Panel is concerned at the external wall finishes, it recommends the removal of the vertical gardens as their incorporation into the face is superficial and they do not contribute to the amenity of the place.</p>

Design Principle	Comments
	<p>Finishes. The Panel recommends finishes that are natural, such as face brick, concrete not painted, or finishes not requiring ongoing and regular maintenance.</p>

Design Excellence – Clause 6.14(4) of RLEP 2011

In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	(a) NO No. The Panel remains concerned that the architectural design, as well as the proposed materials and detailing, have not yet reached a high standard. Therefore the panel does not believe that this Design Excellence criteria has been satisfied.
(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,	(b) NO No. In its current (amended) form, arrangement and external appearance, the panel believe that the development will have significant adverse impacts on the amenity and quality of the public domain. Therefore, it is of the view that this Design Excellence criteria has not been satisfied.
(c) whether the development detrimentally impacts on view corridors,	(b) YES – the building is too long and will significantly impact on properties to the south Yes. The development will have a detrimental impact on view corridors, especially to and from the south-east.
(d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,	(d) Four storey podium not provided; no counter strategy expressed The panel notes that the development is generally in accordance with the DCP. It also accepts that the “street wall” built form along King Street is made in response to the DCP. However there should be a stricter compliance with the 3 metre setback in levels above the fourth storey.
(e) how the development addresses the following matters:	
(i) the suitability of the land for development,	(i) Good suitability; poor proposal The panel’s previous comments remain unchanged. The land has good suitability. The proposal is poor.
(ii) existing and proposed uses and use mix,	(ii) Good mix of uses There would appear to be a good mix of uses.
(iii) heritage issues and streetscape constraints,	(iii) Poor relationship with existing built form and streetscape; removal of large and significant existing tree not supported The relationship between built form and streetscape remains poor. The removal of the large and significant existing tree is NOT supported. The proponent needs to amend the development so that this tree can be retained (and flourish) and to provide a better relationship between the eastern edge and the adjacent low-density R2 zone.

<p>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p>	<p>(iv) Significant impacts on adjoining properties need to be clearly identified; proposal needs to be modified to significantly reduce these impacts and comply with the ADG.</p> <p>Justification for Height Bonus appear to be thwarted by site's division into two components; this should be reviewed as described above</p> <p>The panel acknowledges that the proponent has made a series of changes to ameliorate the impact of the development on neighbouring residences (especially to the south-west). However it remains concerned about the impacts to surrounding existing buildings (especially in terms of overshadowing, building separation setbacks and urban form). Full compliance with the ADG is expected.</p> <p>The height bonus can only be justified if the development satisfies the the DCP and is treated as one site.</p>
<p>(v) bulk, massing and modulation of buildings,</p>	<p>(v) Four storey podium not provided; no counter strategy expressed; little reference to neighbouring built form; hit and miss horizontal alignments, fins and voids are similarly expressed from level 1 – 11; this treatment extends right across the façade; this homogenizes the façade and exacerbates building length</p> <p>The setbacks along King Street need to be fully in accordance with the DCP. The eastern edge needs to acknowledge the adjacent low-density housing zone. Full ADG compliance needs to be demonstrated along the south-western boundary (Crofts Lane).</p>
<p>(vi) street frontage heights,</p>	<p>(vi) see comments re height bonus and excessive bulk</p> <p>See comments above.</p>
<p>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p>	<p>(vii) see comments above regarding over shadowing and removal of one existing tree</p> <p>See comments above regarding over-shadowing and removal of one existing tree</p>
<p>(viii) the achievement of the principles of ecologically sustainable development,</p>	<p>(viii) insufficient : no deep soil, questionable depth for natural ventilation, no ESD measures, green walls not sustainable</p> <p>In the context Design Excellence provisions of the LEP, sustainability initiatives should be commitments beyond mere compliance. The Panel recommends commitments for water energy and thermal comfort deliver a high performance than the minimum requirements. The Panel would also recommend as a minimum the provision of photovoltaic panels to all the roofs to provide energy to the common areas of the building, EV Charging to 5% of the car spaces, and central heat pump hot water systems to replace the use of the gas.</p>
<p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p>	<p>(ix) doubling up on service requirements may question justification for Height Bonus</p> <p>No additional comment.</p>
<p>(x) the impact on, and any proposed improvements to, the public domain,</p>	<p>(x) Positive activation of street, poor entries, poor response to lane, excessively long block impedes pedestrian movement</p> <p>See previous comments above</p>
<p>(xi) achieving appropriate interfaces at ground level between the building and the</p>	<p>(xi) Acceptable</p>

public domain,	Generally acceptable accept for the south-east (in the area of the existing large tree).
(xii) excellence and integration of landscape design.	<p>(xii) Not a sustainable outcome, poor resolution of terraces, green walls and planters to podium and tower in private owners, green walls face north</p> <p>Improvements to the design of the rooftop terrace areas are noted. However the deep soil area to George Street is overhung, thus prejudicing the intent of the deep soil area to provide a landscape volume. The vertical green walls inserted into the façade present maintenance and sustainability problems. The removal of the significant tree as noted above is NOT supported due to its good health.</p>

RECOMMENDATION – DESIGN EXCELLENCE

- The Panel considers that the current proposal requires substantial amendment to its built form and proposed density to achieve Design Excellence in accordance with *Clause 6.14* of the *RLEP 2011*.

RECOMMENDATION – DESIGN EXCELLENCE

- The Panel considers that the current proposal requires substantial amendment to its built form and proposed density to achieve Design Excellence in accordance with *Clause 6.14* of the *RLEP 2011*.