

MINUTES OF NSROC DESIGN EXCELLENCE PANEL MEETING LANE COVE COUNCIL 9th November 2022

DEP PANEL MEMBERS

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|-----------------------|--------------|---------------------|
| Peter St Clair (PSC) | Chairperson | Architect |
| Michael Harrison (MH) | Panel Member | Urban Designer |
| Jason Cuffe (JC) | Panel Member | Landscape Architect |

APPLICANT REPRESENTATIVES

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|--------------------|-----------|-------------------------|
| Cameron Hay | Applicant | Altis Property Partners |
| Hilary Apitz | Applicant | Altis Property Partners |
| Carlo Digiulio | Applicant | Gyde Consulting |
| Penny Fuller (PF) | Architect | Silvester Fuller |
| Jad Silvester (JS) | Architect | Silvester Fuller |

COUNCIL STAFF

| | |
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| Mark Brisby | Executive Manager, Environmental Services |
| Rajiv Shankar (RS) | Manager Development Assessment |
| Chris Shortt | Senior Town Planner |

APOLOGIES

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| Aldo Raadik | Panel Member | Architect |
| Matt Durning | Landscape Architect | RPS Landscape |
| Angela Panich | Panel Secretary | |
| Greg Samardzic | Senior Town Planner | |

ITEM DETAILS

Property Address: 11-19 Holdsworth Av., 10-20 Berry Rd. St. Leonards NSW 2065 (Areas 16/17).
Council's Planning Officer: Chris Shortt
Owner: Altis Property Partners
Applicant: Altis Property Partners c/- Gyde Consulting
Proposal: Demolition of existing houses and related structures and the construction of a mixed-use development featuring 129 residential apartments, a childcare centre, a community hall and associated landscaping and parking.

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

RS and PSC welcomed the Applicants and Design Team. All Panel members, Council staff and Applicant's representatives introduced themselves and described their respective project roles. PSC provided an acknowledgement of country.

2.0 DECLARATIONS OF INTEREST

Attending Panel members had separately indicated that there were no conflicts of interest.

3.0 INTRODUCTION

This design review forms part of the St. Leonards South Pre-DA process. The Panel is engaged by Council to provide independent and impartial advice on the design of development proposals and applications to lift the design quality of projects. The Panel's comments and

recommendations are intended to assist Council in their design consideration of an application against SEPP 65 principles and where relevant the requirements of the St. Leonards South Landscape Masterplan dated October 2020, Lane Cove LEP 2009 (including Clause 7.6 Design Excellence) and Lane Cove DCP Locality 8 (Parts A & B), dated 22nd October 2020. The absence of a comment under a particular heading does not imply that particular matter to be satisfactorily addressed, more likely the changes are suggested under other principles to generate a desirable change.

Your attention is drawn to the following;

- SEPP 65, including the 9 Design Quality Principles and the requirements for a Qualified Designer (a Registered Architect) to provide Design Verification Statements throughout the design, documentation, and construction phases of the project.
- The Apartment Design Guide, as published by Planning NSW (July 2015), which provides guidance on all the issues addressed below.

Both documents are available from the NSW Department of Planning.

1. To address the Panel's comments, the applicant may need to submit amended plans. Prior to preparing any amended plans or attending additional Panel presentations, the applicant must discuss the Panel's comments and any other matter that may require amendment with Council's assessing Planning Officer.
2. When addressing the Panel's comments by way of amendments, if the applicant does not propose to address all or the bulk of the Panel's comments and wishes to make minor amendments only, then it should be taken that the Panel considers the proposal does not meet the SEPP 65 requirements. In these instances, it is unlikely the scheme will be referred to the Panel for further review.

4.0 DESIGN REVIEW

4.1 Presentation

The Applicant and Design Team were invited to present the DA proposal for the subject sites. PF and JS presented the architectural proposal *Berry Holdsworth Design Excellence Panel Presentation* dated 9th November 2022.

4.2 Panel comments and recommendations

The Panel commends the Applicant and Design Team on the high quality of the design development and the innovative strategies applied to the context and built form.

The design continues to include proposals for several variations to the DCP and related Masterplan building envelopes. Some of these are supported by the Panel, subject to the continued inclusion of design excellence elements including the apartment planning, naturally ventilated lift lobbies, face brickwork detailing and continuous shelf angle detail at slab levels, Sto or similar exterior render system to upper-level facades, double glazing throughout and the communal roof facilities to both buildings.

It is noted that some of the Panel's views below are inconsistent with the DCP, however the law is that DCP's are guideline documents. Therefore, while they should be seriously applied, flexibility should also be considered in response to different site circumstances and the greater level of design scrutiny provided at the architectural design and DA stage compared to the DCP/Master Plan preparation stage. Sometimes design excellence is achieved by limited non-compliant design. The Panel considers that the FSR limit should be generally achievable given it is an LEP control, has been derived from a detailed Master Plan, and is a primary way that land is valued.

The Panel makes the following specific comments and recommendations in relation to the project.

4.2.1 Principle 1 Context and Neighbourhood Character

PF described the team's further development of design principles, that respond to Country and the existing local context and neighbouring properties.

The engagement with a First Nations consultant and the material strategy including the re-use and re-purposing of existing sandstone and articulation of the natural ground line in the building facades, is supported by the Panel. The Connection to Country Strategy prepared by WSP is commended.

4.2.2 Principle 2 Built Form and Scale

Childcare and Community space

The Panel supports the opening up and re-orientation of the childcare centre and community spaces, towards the northern frontage. Whilst this provides a partly subterranean character to the childcare, this condition is offset by the increased solar access and daylighting and the major orientation being towards the communal open space.

Building setbacks

The DCP applies a 6m setback from the northern façades to the boundary of the east-west pedestrian link, while the proposal is for an approximately 1.38m setback. While other developments fronting such open spaces within the precinct generally comply, the Panel considers the non-compliance is acceptable in this case because:

- the setback is on the south side of the east-west pedestrian link and therefore not over-shadowing public space,
- the proposal provides for visual and physical activation of most of the southern edge of the east-west pedestrian link through the location of the community space, childcare centre, and the north-south communal open space,
- the proposal provides publicly accessible pedestrian amenity and building entrances to the northern facades and
- the maximum FSR would otherwise be an unreasonable shortfall.

Definition of storeys

The Panel notes the proposal does not appear to comply with the definition of part storeys and therefore exceeds the maximum number of 10 storeys prescribed in the DCP Clause 6.2.7. In order to be considered a part storey at least 50% of the space should be used as non-habitable space ancillary to the main purpose for the building (refer to DCP Attachment Dictionary as amended 23rd August 2022). However, the Panel considers the non-compliance is acceptable in this case and that this control should be applied flexibly because:

- the proposed building heights are below the LEP height control,
- of the significant topography,
- the southern building envelopes are well set back to roof levels 9 and 10, in order to provide communal open space, thereby limiting any additional overshadowing that may otherwise occur to the south,
- the maximum FSR would otherwise be an unreasonable shortfall.

This would be acceptable subject to the removal of townhouses B.CL 03 and B.CL 04, B.CL 05, their modification to each form a single storey at the current proposed upper level, or the adoption of the alternative design option.

The Panel notes that compliance with the part storey definition may be achieved through a redesign of the courtyard level to the Berry Rd. building. This may involve the repositioning of the childcare to fully occupy the eastern area of the plan, the removal of the townhouses to the south-west corner and the provision of storage areas to the western areas of the plan, thereby limiting the overall habitable area of this storey to 50%.

Balconies

Several balconies project 1m into the central communal open space. The Panel supports this non-compliance because the balconies give visual relief to the otherwise uniform building alignment suggested by the DCP.

Below ground townhouses

The three town houses to the south-west corner are up to 2.8 m below the adjacent public footpath level. This Panel has not accepted more than 1m on other developments in the Precinct. The proposal provides poor amenity to these townhouses and results in overlooking from the public footpath. It is noted that the proposed additional ceiling height of 3.6 m would provide some improvements to amenity and therefore a level difference of up to 1.5 m would be supported in this case.

The alternative option shown by the architects, to align the ground level of these townhouses with the public footpath, is preferred by the Panel, noting that the change in level would then be addressed within the townhouse.

4.2.3 Principle 3 Density

The proposed density and FSR is supported subject to the comments and recommendations described in other sections being satisfactorily addressed.

4.2.4 Principle 4 Sustainability

The Panel supports the ongoing development of a sustainability strategy and the façade performance studies are commended. The Panel supports the proposed adoption of double glazing throughout and further recommends external solar shading to the middle and upper levels of the western facades and minimum 7 and 8 star NatHERS ratings to all apartment's, thereby going beyond minimum compliance and representing the required level of design excellence.

The Panel recommends that full site electrification without gas cooking be explored, in order to support a Net Zero (zero carbon emissions) outcome. Whilst not distinctly a DCP requirement, it remains an expectation that design excellence mitigates climate change and enables the future community to access clean and affordable renewable energy whilst enjoying pollution-free indoor environments. Consideration should be given to the future electrical load of the development should the project become fully electrified, inclusive of electric vehicle charging. The Proponent should consider the potential substation size required to support this.

4.2.5 Principle 5 Landscape

The Panel commends the design team for the further refinement to the design of the green spine with greater clarity between the childcare and private open space. The approach to deep soil and general arrangement of the green spine and the wide variety of outdoor space characters and program are supported by the Panel. While the extent of proposed tree canopy is supported, the tree sizes shown are relatively small and is recommended that these be larger.

The Panel recognises that further development has been completed to improve the appearance of the carpark ventilation. However, it is recommended that these be better integrated within the built elements of the landscape strategy and not read as separate components. A better

solution may be the incorporation of exhausts within the building footprints or their separation into a number of smaller exhausts.

Further development of the east-west pedestrian link's broader public role should be considered, particularly given the significant change proposed to the overall master plan as a result of the reduced building setbacks to the northern boundary. The Panel is concerned that the current 'zig-zag' arrangement is not consistent with a precinct wide approach and reduces the legibility of the east-west link.

The use of sandstone as both a podium material and historical trace of the original ground line is supported. The Panel recommends a greater use of sandstone to the ground level street walls, in lieu of Palisade fencing, to better respond to the local context, reinforce the Country themes identified by the design team and enhance privacy to ground level apartments.

4.2.6 Principle 6 Amenity

The Panel appreciates the provision of additional solar studies and views from sun. However, it is not clear that a complete two hours of solar access will be achieved to the living room interiors to the east facing apartments. Additional detail studies are requested to demonstrate internal solar access particularly between 10:30 am and 11.00 am.

It is noted that large areas of un-shaded glazing continue to be provided to living rooms. While this will be moderated by the proposed use of double glazing throughout, external sunshade devices are recommended to west facing windows consistent with Part 4A of the ADG, in order to better manage summer heat loads and potential glare. The Panel also requests that the sun shading locations be easier to read on the elevations.

PF confirm that visual privacy screens will be provided to all windows to the south elevation where less than 6 m separation is provided to the boundary.

4.2.7 Principle 7 Safety

No comments.

4.2.8 Principle 8 Housing Diversity and Social Interaction

No additional comments.

4.2.9 Principle 9 Aesthetics

The Panel commends the more developed material selections and overall façade designs. The vertical transition of materiality from darker and more textured materials in the podium, to lighter and smoother materials towards the roof is supported.

The façade materials and detailing are considered important in achieving design excellence and should be reflected in a DA condition. These include the use of alternating recessed brick courses, shelf angles with brickwork concealing all slab edges and the use of Sto render finishes to the upper areas of the buildings.

5.0 OUTCOME

The Panel provides qualified support for the proposal and has determined that design excellence can be achieved subject to resolution of the issues detailed under each Principle. Revised drawings and reports should be prepared and provided to Council.