

MINUTES OF NSROC DESIGN REVIEW PANEL MEETING

LANE COVE COUNCIL

Tuesday 4th April 2023

DEP PANEL MEMBERS:

Peter St Clair (PSC)	Chairperson	Architect
Brendan Randles	Panel Member	Urban Designer
Digby Hall	Panel Member	Sustainability consultant
Aldo Raadik	Panel Member	Architect

APPLICANT REPRESENTATIVES:

Adam Haddow (AH)	Architect	SJB
Lishi Li	Architect	SJB
Jeff Mead	Planner	Planning Ingenuity
Simon Truong	Developer	Hyecorp
Stephen Abolakian	Developer	Hyecorp

COUNCIL STAFF:

Mark Brisby	Executive Manager, Environmental Services
Greg Samardzic	Senior Town Planner

APOLOGIES:

None

ITEM DETAILS:

Property Address: 13-19 Canberra Avenue St Leonards NSW 2065 (Area 5)
Council's Planning Officer: Greg Samardzic
Owner: Hyecorp Property Group
Applicant: Hyecorp Property Group
Proposal: Provision of two additional residential levels to an approved building, to a total of 16 levels. Includes 3 additional apartments and 8 additional car spaces.

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

GS 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

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

3.0 PRESENTATION

AH presented a revised proposal for 2 additional floor levels over and above the approved DA proposal of 2021 previously reviewed by this Panel. The presentation was based on the Urban Design Report dated January 2023 by SJB.

4.0 DRP PANEL COMMENTS & RECOMMENDATIONS

4.1 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 (the Masterplan) dated October 2020, Lane Cove LEP 2009 and Lane Cove DCP amended 2016. This review also assesses compliance with the LEP design excellence requirements Parts 7.6. 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 back to the Panel for further review.

4.2 Panel comments and recommendations

The planning process for this audacious masterplan (undertaken by the Council) has featured a high degree of cooperation, coordination and good will between developers, our professional colleagues and the Design Review Panel. All the participants have been dedicated to achieving the highest aspirations of this remarkable precinct. During this process, it has occurred to most applicants that target densities – conceived at master planning stage – are not necessarily able to be met if a high-quality urban design outcome is to be achieved.

The Panel understands that Clause 4.55 variations are explicitly prohibited – a contract with the public who so gracefully agreed to the massive uplift that drives the master planning process. Understandably, Council is committed to this contract – as is the Panel – as it represents the same spirit of openness and collaboration that has characterised a very positive development process. Against this background, the current proposal - to add more bulk and scale to an approved scheme - appears to push back against these aims, objectives and generosity that the Panel has encountered so far. No doubt, this proposal will

disappoint and offend the many residents and stakeholders who have been part of the process, who would expect virtually all developers to follow suit. That would be highly regrettable.

4.3 Principle 1 Context and Neighbourhood Character

The proposal is not consistent with the existing nor future, proposed scale and character of the neighbourhood. An additional two storeys would constitute a significant increase to the otherwise uniform building heights within the South St Leonards Precinct.

The visual assessment provided from street level is limited to the south-east corner. Other equally important analysis should be considered from the south-west and the north-west corners within the green spine and the north-east corner from Canberra Avenue.

The proposal does not consider diminished sky-view impacts on the north-south green spine neighbourhood. The additional height and mass is stacked to the north-west corner where it has significant visual impact on its immediate neighbours at low and mid-levels.

4.4 Principle 2 Built Form and Scale

It has become apparent that the north/south green spine has attracted the most scrutiny and commentary, with each proponent struggling to meet admittedly ill-defined objectives, while optimising public and private outcomes through high quality and built form and open space. The Panel is therefore disappointed that the current proposal appears not to prioritise its visual and physical impacts on the green spine, which in many ways is the most crucial interface with the broader master plan and its future scale and character. Already far too flat and excessively glazed, the proposed built form now includes an uncomfortable ziggurat like silhouette that steps up to a clearly non-conforming height. This provocation (the DCP actually specifies singular stepping), is exacerbated by an apparently inaccurate height plane representation on the western elevation. This should be reviewed by the Applicant.

The lack of northern setback is also of concern. While the Panel supported the original ADG non-compliant separation (6m to boundary infers 12m between built form), it did attract a great deal of discussion, especially regarding visual and acoustic privacy. This led to extensive internal replanning to remove side facing bedrooms. The Panel is therefore concerned that the north facing built form is raised by an additional two levels, including side facing bedrooms, as if the sensitivity of this tight interface is no longer of concern.

The lack of western setback is a poor outcome. A minimum of 2.5 m setback would be recommended, as a zone for balconies, sun-shading and articulation.

The proposal comprises increased massing and height, which goes against the spirit of the precinct plans and provides lesser outcomes for the precinct's broader community.

4.5 Principle 3 Density

The proposed building density appears to be within the maximum permitted FSR. The increased density continues to be at the expense of providing communal open space to the extent required by the ADG Part 3D-1.

4.6 Principle 4 Sustainability

The Panel is concerned with the very small dedication to communal open spaces which appears to be only on Level 13.

The Panel recommends that the proposal be further developed to achieve a net-zero environmental impact in comparison to the approved DA.

4.7 Principle 5 Landscape

Refer to Principle 4.

4.8 Principle 6 Amenity

The Panel does not accept that the proposal represents a public benefit. The original development application was approved on the basis of the mandated community facilities, such as the childcare. With the facilities secured by the approval, the Panel cannot concur that the chief public benefit of the proposed variation is their delivery.

The Panel is concerned that the proposal results in a number of additional impacts:

- Additional overshadowing to the northern elevation of Area 8
- Minor additional shadowing to Newlands Park.
- Insufficient solar shading continues to be a concern to the proposed additional levels and approved building. Design excellence in this regard was granted, subject to further development of solar shading to the north and west facades and the returning of this to council and Panel for consideration. External roller blinds are not supported by the Panel.
- Visual and acoustic privacy would be compromised to the north facing bedrooms, which are not consistent with the ADG. These should be removed, or the windows re-oriented towards the east or west.
- The additional floor levels and lack of any building setback to the west, reduces the overall sky-view factor of the north-south green spine.
- View impact studies from adjacent towers, appear to be taken from the upper residential level. These should be adjusted to indicate view impacts from roof level communal open space. The Panel is unable to assess the view impacts without independent verification.

4.9 Principle 7 Safety

No comment.

4.10 Principle 8 Housing Diversity and Social Interaction

The Panel notes a proposed reduction in the number of 1 and 2 bedroom units, which results in reduced housing diversity.

4.11 Principle 9 Aesthetics

The west facing façade is excessively glazed and lacks relief or articulation. The shortcomings of this façade are now exacerbated by an additional two building levels. This elevation requires further design development to resolve this overly flat and unarticulated façade. The upper datum line of the approved scheme should be acknowledged and the same level of concealment strategies should be applied to all facades, as to the hero corner opposite the park (SE building corner).

5.0 OUTCOME

The Panel has determined the outcome of the DEP review and provides final direction to the Applicant as follows:

- The Panel does not support the proposal for the reasons described.