



DA No: 215/23
PAN: 318964
ADDRESS: 45 McLaren Street North Sydney
PROPOSAL: Mixed use building, part 10 storeys and part 14 storeys
DATE 10 October 2023

ATTENDANCE

Chair Dave Tordoff
Panel Members Kylie Legge, Peter St Clair
Council staff Jim Davies
Applicant Max Walton, Matt Davis, Sophy Purdon, Sam McGough Stephen White, Ash Roberts, Kimberley Brooke, Jill Woodley

PANEL COMMENTS**Introduction**

The proposed development has been considered and this report was prepared based on a site inspection, a review of the plans and supporting information submitted with the DA, discussions held during the Panel's meeting and deliberations following the meeting.

This report provides the Panel's evaluation of the proposal with regard to the Design Quality Principles of SEPP 65.

Principle 1: Context and local character

The site contains an existing residential flat building and over 30 mature trees, with 4 large, mature trees in Walker Street and 2 smaller specimens in McLaren Street. The site is fronted by these two streets to the east and north, and Harnett Street to the west. The land falls from north-west to south-east and drains to Walker Street. A narrow pedestrian path along the southern boundary connects Walker Street and Harnett Street.

In the site's immediate vicinity:

- A 25+storey apartment building, of over 380 units, is under construction on the northern side of McLaren Street (168 Walker Street),
- An application subject to an appeal to the Land & Environment Court has been submitted for land on the corner of Walker and Hampden Streets, east of the site, to build a 27 storey building of some 170 dwellings, and
- To the site's west the existing heritage-listed building at 41 McLaren Street is the subject of an undetermined State Significant Development application to change the use of the building from commercial premises to an educational



establishment, proposed to be a private school. Another application has been recently submitted to Council, to fit out the premises for planned school use.

Generally, in the locality, land around the site is used for residential and commercial purposes. A variety of built forms characterise the locality, ranging from 2 and 3 storey terraces, 3 and 4 storey older-style residential buildings (some being heritage-listed) to high-rise (over 20 storeys) mixed use, apartment, and commercial buildings. Several other private schools occupy other land in the locality.

Southwest of the site, Council has adopted a rejuvenation plan for the adjacent area known as the Ward Street Precinct Master Plan, which centres on redevelopment of a public car park and surrounding land. Part of this scheme includes creating two public plazas, their location having been pivotal in determining the two-step height controls that apply to the site, to preserve winter sun penetration to these planned spaces.

Principle 2: Built form, scale and public domain/ urban design response

a) Height, bulk and scale

The building's size and dimensions are satisfactory, complying with applicable dual height controls.

b) Street, side and rear setbacks

The proposed setbacks are set out below:

0.0m	McLaren St podium
3.5m	McLaren St tower (excluding cantilevered balconies)
1.0m	Harnett St whole building
9.93m	Walker St tower lower levels
4.95m	Walker St podium
4.55m	Southern boundary tower
1.74m	Southern boundary podium

All comply with site-specific DCP provisions, except:

- the podium levels to Walker Street where the setback must be "...5m to Walker Street, consistent with the setback of buildings located at 144, 146, 148 and 152 Walker Street", and
- the above podium setback to Harnett Street where 1.5m – 3.0m is required unless the consent authority is satisfied Apartment Design Guidelines can be achieved for building separation (visual privacy).

Podium setbacks to Walker Street and more generally the design of the south-eastern corner of the building do not appear to relate appropriately to the adjacent heritage buildings. This is further discussed below.

On Harnett Street, proposed apartments are opposite the 2-8 storey building at 41 McLaren Street, to be used as a school, subject to approval. Despite not completely



meeting ADG criteria, the applicant proposes use of privacy screens and angled louvres to divert views on oblique angles, to reduce direct lines of sight between the school and the proposed apartments.

Proposed podium heights are consistent with applicable DCP provisions.

c) Building separation

Building separation and complementary visual privacy measures are satisfactory except for the proposed building separation to the south between the subject site and 150 Walker Street. 150 Walker Street has habitable windows facing the side (northern) boundary. Habitable rooms are proposed within 1.5m – 4.8m from the south boundary, which will result in unacceptable privacy concerns. The windows may also not be able to be operable due to fire separation. Habitable windows proposed to face south should be a minimum of 6m from the south boundary and be able to be operable for natural ventilation.

d) Public domain interface

Interfaces with McLaren Street and Harnett Street are acceptable. The Panel observed that the improved pedestrian path on the southern boundary provides some community benefit. Opportunities to increase the width of the through site link to improve passive surveillance and activation of this space should be considered such as the creation of a small public space with natural light and air. There is an additional opportunity to engage with the adjacent land owner to investigate a pocket open space to the south, to serve both sites. Increasing the width of the through site link to align with the building form on level 1 looks achievable and would also substantially improve the amenity and functionality of the commercial tenancy on the lower ground floors.

On Walker Street, especially at the south eastern corner, improvements to the design could be considered to activate the frontage by introducing a non-residential use and improving connection to the commercial space's entry from the path, and also better relate the building to adjacent heritage buildings.

Principle 3: Density

a) Adjacent low/high density development

Taller development to the north reduces amenity for development on the site.

The testing that was completed as part of the planning proposal appears to have overestimated the amount of density that could be accommodated within the site's building envelope. This has resulted in a considerable amount of non-residential floor space being accommodated underground, and compromised residential floors, both of which is unacceptable. A reduction in both residential and commercial density may be required in order to achieve acceptable amenity.

b) Site coverage, deep soil and landscape area

The paucity of deep soil was noted, making planting larger trees difficult.

**Principle 4: Sustainability, building performance and adaptability**

- a) Energy efficiency initiatives – façades rely heavily on full height performance glazing, particularly to the east and west facades. External solar shading should be incorporated to limit the dependence on heavily tinted performance glass.

Principle 5: Landscape Integration

- a) Public domain – .
Landscaping on a steep slope is challenging. Greater use of cascading plants and lowering planter levels and increasing terracing would improve the softening of the building at its edge to Walker Street.
- b) Communal open spaces
The deck proposed on level 8 is unacceptable, in terms of area and amenity offered, particularly given the reduced solar access to other areas of the proposal. The space seemed to have a poor relationship with the internal and external living areas of apartments next to the communal space. The deck should be significantly enlarged and better connected to the main circulation and a genuine internal communal space.

It was also noted that with the local residential population growing, demand for finite public open space in the locality would increase in the next 5 years and beyond, highlighting the need for improved on-site communal space. The underground communal space is not considered appropriate, it should be located above ground.

- c) Deep soil
A lack of deep soil was noted as one of the key site constraints. Increased deep soil areas should be considered, with preserving trees T1 Grevillea robusta (15x12m) T2 Howea forsteriana (6x4m) and Magnolia sp. (10x8m), as referred to in the submitted arboricultural impact report and as recommended by Council's landscape officer.

Such an amendment would require reducing the building's footprint and have the benefit of providing an additional space to open-up and improve amenity of the space on the southern side of the building. Increased communally accessible landscaping on the podium should also be considered, to off-set still limited deep soil areas

Principle 6: Building configuration, planning, and amenity

- a) Configuration and planning –
The fact that the building is overshadowed means a relaxation of the ADG mid-winter solar target is appropriate. The dwellings have generally been designed to achieve acceptable daylight.



In broad terms however, the Panel considered that built form could be reduced in particular to the south to enhance communal and informal open spaces, opening them into the public domain adjacent to the site.

b) Apartment size and layout

Some apartments such as those on Level 00, could be termed 'snorkel apartments' with potentially poor amenity. These should be further developed. Opening skylights from upper levels was suggested. The generous size of the majority of apartments was noted.

Single-sided units on the building's western side would have poor ventilation. Those central units shown as cross ventilated from Levels 2-6, are unlikely to comply with Clause 4B-3 of the ADG, instead being single aspect units. Strict compliance with the ADG cross ventilation requirement should be achieved given the reduced mid-winter solar access.

c) Common circulation –

The excessive length of corridors was noted and the Panel advised another core or window should be considered to the southern portion of the building. The architect responded, advising this would overly compromise the design.

The 35m long internal corridor serving up to 10 apartments per floor is unacceptable. The ADG limits this to eight dwellings. A second core and / or an open stair should be considered up to level 6, which could also allow enhanced daylight penetration to the corridor.

It is also noted that egress to a single point of choice is up to 15m and the deemed to satisfy provisions of the NCC would require this to be 6m. Whilst some exceedance of the 6m can be achieved by fire engineering, the proposal seems excessive and written advice from a fire engineer should be sought*.

(*A Fire Engineer's advice that the building would comply with BCA performance requirements, without significant redesign, was submitted with the development application. This advice was not provided to the Panel at the time of the meeting).

d) Subterranean spaces and excavation –

Below ground commercial spaces would have poor amenity and may be too large. Alternative uses were suggested, such as subdividing the spaces for home-based workspaces or studios (provided they would satisfy LEP requirements for non-residential floorspace), noting the large floor plates provide numerous opportunities. Alternatively the quantum of floor space may need to be reduced if appropriate amenity cannot be demonstrated.

Basement level 'back of house' areas beneath the tenancies facing McLaren Street are too large.

The Panel suggested cutting voids into the spaces from levels above to improve



daylight penetration.

e) Vehicle access and parking

Additional details regarding the vehicle access proposed between two mature street trees, and how these would be protected during and after construction should be provided, for example, truck access and impacts.

End of Trip facilities appear to require entry/exit via the driveway only; safe and direct access to vertical transport is required.

f) Visual Privacy

Addressed above.

Principle 7: Safety

a) Entry and security

Satisfactory.

Principle 8: Housing diversity and social interaction

a) Apartment Mix - .

Increasing the number of smaller apartments was recommended. Any variation of DCP requirements would require support by submitting an economic/market analysis report.

b) Interaction at the public/private interface

An alternative use to the apartments at the south eastern corner would improve activation on Walker Street and the pedestrian path.

Principle 9: Architectural expression and materiality

a) Material palette

The architectural response to a constrained site and context was commended, as was the choice of materials and finishes.

Recommendations to Achieve Design Excellence

The Panel does not support the proposed development in its current form, significant amendments are required. An amended proposal should be prepared, satisfactorily addressing the identified issues.

Development Services Manager's Note

The outcome of this review by the Design Excellence Panel is not determinative and is but one of many inputs into the assessment process. Applicants are urged to have high regard to the panels input and respond accordingly.