

Architectural Excellence & Design Review Panel

Meeting Minutes & Recommendations

Site Address:	265-273 Illawarra Road, Marrickville
Proposal:	To modify the mixed use development approved under DA201700349 to modify the layout of all levels of the building to provide 4 retail tenancies at ground floor and 42 apartments at upper levels.
Application No.:	PDA/2021/0380
Meeting Date:	16 November 2021
Previous Meeting Date:	None
Panel Members:	Dr Michael Zanardo – chair Jean Rice Michael Harrison
Apologies:	-
Council staff:	Niall Macken Asher Richardson
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	David Benson and Jin Soon Ng – Architect

Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings, were briefed by the Council planning officer, and discussed the proposal with the applicant through an online conference.
2. As a proposal subject to the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), the Panel's comments have been structured against the nine Design Quality Principles as set out in SEPP 65 Schedule 1 and the NSW Apartment Design Guide (ADG).
3. The Panel notes that application is intended to be made as a Section 4.56 modification to a previous Court approved scheme. The Panel appreciated the inclusion of comparative plans and found them to be useful in discussion. The Panel is concerned however that the application may not be 'substantially the same' in several significant respects and may instead constitute a new development application. The Panel understands that the status of the application in this regard is yet to be confirmed by the Council planning officers.
4. The Panel notes that the existing building on site is currently under demolition.

Discussion & Recommendations:

Principle 1 – Context and Neighbourhood Character

“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.

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.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.”

1. The Panel notes that the general design approach to the application is based on a Court approved scheme (see below Principle 2 – Built form and scale for detailed discussion).

Principle 2 – Built Form and Scale

“Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

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.

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.”

1. The Panel notes that there are several significant differences between the previous Court approved scheme and the present application. These include a reduced setback to Illawarra Lane (approximately 1.1m less), a single consolidated lift core (rather than two split cores), a longer double-loaded corridor, and the employment of different unit types with a different distribution on the floor plate. The Panel considers that the level of these built form changes may constitute a new development application, subject to planning assessment by Council officers. The Panel considers that these amendments have the potential create bulk and scale and overshadowing impacts to neighbouring properties to the south. The Panel recommends that view studies and shadow diagrams be undertaken to demonstrate any difference to the Court approved scheme and the acceptability of any impact.
2. The Panel notes that the height non-compliance of the previous Court approved scheme remains, however in a reduced form. The Panel supports this reduction in height.
3. The Panel notes that the previous Court approved scheme had a step in the floorplate whereas the present application rationalises this to a ‘flat deck construction’. The Panel considers that a split core scheme could also have a ‘flat deck construction’ if that were desirable.

Principle 3 – Density

“Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

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.”

1. The Panel notes that the floor space ratio non-compliance of the previous Court approved scheme remains and has been substantially increased. The MLEP floor space ratio is 2.5:1. The proposed floor space ratio has been increased from 2.64:1 to 2.75:1 (10% exceedance of standard). If the overprovision of car parking is taken into account, the floor space ratio has been increased to 2.93:1 (17% exceedance of standard – approximately 638m²). The Panel recommends that any associated impacts resulting from increased density such as reduced setbacks and reduced internal amenity should explore resolution through reduction of the floor space ratio.

Principle 4 – Sustainability

“Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability 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."

1. The Panel encourages that ceiling fans and natural ventilation should be provided to all habitable rooms.
2. The Panel encourages the inclusion of an appropriate rooftop photovoltaic system.
3. The Panel encourages the inclusion of a rainwater tank to allow collection, storage and reuse within the subject site.
4. The Panel recommends the inclusion of well-located screened outdoor areas for clothes drying in line with ADG 4U-1 2.

Principle 5 – Landscape

"Good design recognises 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"

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.

Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management."

1. The Panel considers that the Level 4 communal open space will provide good amenity for the residents above the busy street below. The Panel notes that the communal open space area is not in line with objective ADG 3D-1 however represents a small increase over the Court approved scheme. The Panel considers the Level 1 garden to Illawarra Lane to be an improvement and supports its inclusion. The Panel recommends the involvement of registered landscape architect in the design of the communal open spaces. Selection of suitable species will be important to the success of the outcome. Communal open space facilities should be provided in line with objective ADG 3D-2.

Principle 6 – Amenity

"Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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."

1. The Panel notes that 12 of 42 (29%) units do not appear to receive any direct sunlight to their living room window which is not in line with ADG 4A-1 3. The Panel notes that the Court approved scheme appears to have only 8 of 44 (18%) units without direct sunlight to their living room window. The Panel considers that this represents a substantial reduction in amenity.
2. The Panel notes that 9 of 42 (21%) units appear to be naturally cross ventilated which is not in line with ADG 4B-3 1. The Panel considers that units relying on 'slots' cannot be considered naturally cross ventilated. The ADG Glossary defines natural cross ventilation as 'natural ventilation which allows air to flow between positive pressure on the windward side of the building to the negative pressure on the leeward side of the building...' The Panel considers that the proposed units do not have a leeward side as the units only have air pressure acting on them from one direction. The ADG Glossary defines corner apartments as being '...commonly located on the outermost corners of buildings'. The Panel considers that the corners created by 'slots' are not on the outermost corners of the building. The Panel notes that ADG 4B-2 2 indicates that natural ventilation (as opposed to natural cross ventilation) can be achieved by 'building indentations with a width to depth ratio of 2:1 or 3:1'. The Panel considers however that the 'slots' have a ratio of 1:4 or greater (ie are deeper than they are wide) and would not assist materially in this respect either. The Panel notes that the slot at the front does not line up with the slots at the rear. The Panel notes that the Court approved scheme appears to have 23 of 44 (52%) units naturally cross ventilated using both corner and cross through apartments (or potentially 27 of 44 (61%) units utilizing the roof plane). The Panel considers that this represents a substantial reduction in amenity. While it is noted that the proposed apartments are generally wider than they

are deep which is good for internal amenity, access to daylight and natural ventilation, the high proportion of south only facing apartments is a poor result.

3. The Panel notes that the typical lower floor now includes 9 or 10 units per floor. The Panel considers that the number of units per floor should be reduced in line with ADG 4F-1 1. The Panel considers that the common corridors do not provide a high level of amenity for apartments in line with ADG 4F-1 8, in particular because adequate sunlight and natural cross ventilation is not achieved in apartments. The Panel notes that the ADG allows up to 12 apartments per floor in certain circumstances – therefore it is important to achieve good amenity to the common corridors by wider corridors with daylight and natural ventilation.
4. The Panel notes the introduction of a new typical unit on the lower floors (units 106, 206 and 306) which faces solely to Marrickville Lane. The Panel considers this typical single orientation unit type with limited openings to have poor amenity and poor outlook. The Panel considers that the layout of the Court approved scheme with only two corner units at this end of the floor plate is superior.
5. The Panel notes that amenity should be considered an essential and material aspect of the development and this level of reduction in primary amenity constitutes a substantial qualitative change to the application. The Panel considers that there is no design reason why adequate solar access and natural cross ventilation cannot be delivered on this site given the inherent site attributes (and demonstration by the Court approved scheme that they were achievable). The Panel notes that the EP&A regulations 115 require that the qualified designer 'verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which development consent was granted.'
6. The Panel notes that the site is located within an ANEF contour of 20. The Panel notes that objective ADG 4B-1 requires that all habitable rooms are naturally ventilated. The Panel recommends that consideration be given to appropriate noise shielding or attenuation techniques as suggested by objective ADG 4J-2.
7. The Panel can generally support the proposition of less but larger units. The Panel notes that the internal unit layouts are shown as indicative only and that further comment cannot be offered on this aspect given the documentation provided.

Principle 7 – Safety

"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."

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."

1. The Panel considers the clarity of residential address, extent of retail frontage, and approach to rear lane servicing is acceptable.

Principle 8 – Housing Diversity and Social Interaction

"Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets."

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix."

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents."

1. The Panel notes that the internal unit layouts are shown as indicative only and that further comment cannot be offered on this aspect given the documentation provided.

Principle 9 – Aesthetics

"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."

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape."

1. The Panel notes that the 3-dimensional depictions of the proposal are almost entirely white and could be mistaken for painted white concrete. The Panel acknowledges the verbally stated intention to incorporate a material palette similar to that of the Court approved scheme (face brick and exposed concrete). The Panel considers that this use of materials would be appropriate and that it should be demonstrated in future application drawings. The Panel considers that painted white masonry would not be an acceptable outcome.
2. The Panel considers that the amended approach to the general building form has the potential to be attractive with rounded corners and a softer expression overall. The Panel recommends that the corners may be too solid and additional openings could be introduced to lighten the form and improve internal amenity. The Panel notes that these corners are on the highly desirable north aspect of the site and that this should be taken advantage of to improve the amenity of the apartments
3. The Panel notes that air conditioning has not been included on the plans. The Panel recommends that, if they are used, any air conditioning units should be screened from public view and integrated with the built form in line objective ADG 4E-3.

Conclusion:

The Architectural Excellence & Design Review Panel notes the applicant seeks a significant variation to the permissible floor space ratio control and some significant departures from the Court approved scheme in terms of built form and amenity.

The Panel notes that the proposal is greater than 14m in height and may also trigger the design excellence provisions under MLEP.

The Panel recommends the proposal should only be supported once it satisfactorily demonstrates improved design quality in line with the recommendations provided in this AEDRP Report.