

Architectural Excellence & Design Review Panel

Meeting Minutes & Recommendations

Site Address:	477 King Street, Newtown
Proposal:	Alterations and additions to existing building including additional dwelling. Strata subdivision of existing lot into three (3) strata lots.
Application No.:	DA/2021/0642
Meeting Date:	16 November 2021
Previous Meeting Date:	None
Panel Members:	Dr Michael Zanardo – chair Jean Rice Michael Harrison
Apologies:	-
Council staff:	Niall Macken Keeley Samways
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Peter Brooks – 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 understands that the application relies upon existing use rights to enable the proposal of a residential flat building on this site (a prohibited use in the B2 zone under MLEP), however the appropriateness of this was yet to be confirmed by the Council planning officers. The Panel notes that its recommendations below are made 'on merit' in accordance with the relevant NSW L&EC case law (*Stromness Pty Ltd v Woollahra Municipal Council* [2006] NSWLEC 58). However the Panel would also note that the planning principle on existing use rights (*Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71) asks specific questions in the assessment of existing use rights developments including relating to bulk and scale and to internal amenity.

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 documentation is unclear. The Panel recommends that separate drawings documenting the existing building should be provided as well as clearly and completely identifying the demolition proposed in order to properly understand the application. This should include (but not be limited to) the internal layout of Unit 2, the existing layout of Unit 1, the shop stair to be removed and should identify original and early fabric. The Panel generally supports the apparent level of retention of the existing building subject to clear documentation.
2. The Panel notes that the site is a contributory item in a heritage conservation area. The Panel considers that Heritage Impact Statement does not adequately analyse the documentary and physical evidence of the existing building and its neighbours. The Panel recommends that further evidence be provided regarding the previous historic form of the building and the group it is part of. An upper-level verandah is proposed and the HIS should discuss any former verandah (if there was one), or suitable precedents for such a verandah (if there was not) to inform the design of the proposed verandah. It is noted that the two properties to the south, that were part of the same group, appear to have originally had verandahs and similarly for the building on the opposite corner on Camden St. The Panel is concerned that the verandah will be a prominent element in the streetscape and its detail is important to the outcome. Confirmation should also be provided of whether or not there is a cellar, whether or not the upper-level corner window was originally blind and had painted signage, and whether or not the café stair is original. Further heritage justification should be provided for the design approach.
3. The Panel notes that the application lacks contextual analysis. The Panel recommends that a site analysis be provided in line with objective ADG 3A-1 to demonstrate that design decisions are based on the relationship to the surrounding context, in particular to the King Street streetscape and any impacts on properties to the south. The Panel also notes the development application submission requirements of EP&A Regulations Schedule 1 (2)(5).

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 MDCP 8.2.4.23 suggests that the built form should step down towards the rear of the property and illustrates this particular site as an example. The Panel understands that the volume of the rooftop top addition is contained within the envelope of a previous approval for the site. The Panel considers the rooftop addition to be relatively recessive in the context, including the higher building on the opposite corner on Camden St. However, the Panel notes that the documentation provided does not demonstrate the extent of any overshadowing on properties to the south. The Panel recommends that shadow diagrams be provided to aid assessment.

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 application seeks to vary the permissible floor space ratio. The Panel notes that the floor space ratio appears to be calculated based on the size of the whole lot, however the MLEP FSR Map indicates that the floor space ratio only applies to the front portion of the land and not to the rear portion where a land reservation acquisition is mapped. This may alter the proposed floor space ratio calculation and the percentage non-compliance.

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 notes that no communal open space has been provided and that the majority of private open spaces are below minimum area or dimension. The Panel notes that the space to the rear is zoned SP2 Local Road and is subject to future land acquisition. The Panel recommends further justification be provided to support this approach. The Panel considers that the ground floor café alone does not provide a suitable substitute for communal open space.

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 King Street is mapped by TfNSW as a busy road having a traffic volume of between >20,000 and < 40,000 vehicles per day. The site is also located within an ANEF contour of 20. The Panel notes that SEPP Infrastructure 102 requires that certain sound levels must not be exceeded in residential accommodation. The Panel also 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.
2. The Panel recommends that a skylight, if possible ventilated, be incorporated over the communal stair.
3. The Panel notes that the amenity of Unit 1 is highly compromised. The dwelling is undersized for a 2 bedroom apartment, has the kitchen and dining space within the hallway (former external side passage) with only borrowed light, one bedroom has a window with a low sill directly onto the footpath, and one bedroom is provided with only a small fanlight for light and air. The Panel

recommends amendment to this unit to improve amenity, perhaps as a 1 bedroom apartment which would not necessitate the need to extend for the bathroom. The Panel also encourages that this unit be designed to Silver Level LHDG in line with objective ADG 4Q-1. It is noted that this unit would not be permissible were the application for shop top housing.

4. The Panel notes that the Unit 3 living room floor-to-ceiling is 2.4m. The Panel recommends that the living room floor-to-ceiling be 2.7m in line with objective ADG 4C-1, particularly to allow for the use of a ceiling fan.
5. The Panel recommends that adequate storage volume be provided within each unit in line with objective ADG 4G-1.

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 notes the waste enclosure under the stairs. The Panel recommends that this enclosure be fire rated in line with the NCC requirements and that it be appropriately ventilated. The Panel encourages that an external location may be more appropriate for both residential and commercial waste areas.

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 supports the provision of no vehicular parking on this tight urban site located close to a train station and bus routes. The Panel recommends however the inclusion of bike parking to the satisfaction of MDCP

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 materials proposed for the rooftop addition are unclear. The Panel encourages that this modest addition could be of a more contemporary design (if well detailed). The Panel also recommends that the pergola detail be reconsidered to be of a more sympathetic material and integrated with the form of the rooftop addition.

Conclusion:

The Architectural Excellence & Design Review Panel notes the applicant seeks to utilise existing use rights and seeks a variation to the permissible floor space ratio control.

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.

Note:

The SEPP 65 statement needs to be amended to apply to this property. It refers to another building with reference to 115 Victoria Rd Gladesville, side setbacks, landscaped areas and Sunnyside St. The FSR and height limits noted in the SEE differ from other documents submitted.