



# Architectural Excellence & Design Review Panel

## Meeting Minutes & Recommendations

Site Address:	6 Livingstone Road Petersham
Proposal:	Section 4.55(2) Modification Application to MOD/2022/0331 dated 28/10/2022, to further modify the approved mixed-use development, including changes to the internal and external built form, including materials and finishes and retention of heritage fabric.
Application No.:	MOD/2024/0062
Meeting Date:	20 May 2024
Previous Meeting Date:	-
Panel Members:	Matthew Pullinger – chair Russell Olsson Diane Jones
Apologies:	-
Council staff:	Vishal Lakhia Camille Guyot Kaitlin Zieme Andrew Newman Kaitlyn Attard
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Martin Bednarczyk from Archispectrum – Architect Ilya Sender from Archispectrum – Architect George Kazzi – Owner/Developer Anthony Nader from NorthFace Projects – Builder Andrew Daher from NorthFace Projects – Builder George Nehme from Pivotal Planning – Town Planner David Scobie from David Scobie Architects – Heritage Architect

## **Background:**

1. The Architectural Excellence & Design Review Panel (AEDRP) reviewed the subject Modification Application (MOD) documents, the previously approved Development Application (DA) documentation, earlier approved MODs and approved Construction Certificate (CC) documentation, visited the site and met with the applicant's team to discuss the proposal.
2. The Panel understands that a previous DA/2015/00365 for alterations and additions to the warehouse building and to convert the premises into a mixed-use development containing 18 dwellings above two ground floor commercial tenancies was approved by the Inner West Council on 8 January 2016. This DA was prepared by an earlier architect, and was reviewed and supported by the Architectural Excellence Panel for its architectural, urban design, amenity and heritage merits.
3. As explained by the applicant during the meeting, there has since been a change in project ownership post the DA consent. Subsequently, the applicant has engaged a new architect (Archispectrum) for the executive and delivery stages of the project. The Panel understands that three earlier Modification Applications submitted by the applicant between 2021-2022 have been approved by Council. Construction has commenced and is well advanced.
4. The Panel was made aware during Council's briefing that Council staff contacted the project's Principal Certifying Authority (PCA) on 23 January 2024, raising concerns that the development as constructed is inconsistent with the approved and stamped DA plans (prepared by the original architect), and the three approved MOD plans (prepared by the current architect).
5. Council staff visited the site on 6 February 2024 and identified significant departures from the approved documentation and recommended that the applicant should discuss rectification strategies in the pre-DA environment seeking to agree a pathway to a potential resolution. The applicant has instead lodged a MOD rather than engage in the pre-DA process. Formal lodgement of the MOD has triggered this review by the independent AEDRP.
6. The Panel has reviewed the complex suite of documents including the original DA approval, the three earlier approved MODs and CC documentation. Accompanied by Council officers and the applicant's representatives, the Panel visited the subject site and understands that all the proposed works forming the current MOD/2024/0062 have been constructed without consent, and Council's Development Assessment officers are currently waiting for legal advice from to confirm whether a MOD can be approved retrospectively.
7. Notwithstanding this background, the Panel acknowledges its advisory role in the informal pre-DA and/or formal DA process, offering independent expert advice on architectural, urban design, landscape design and design excellence matters. Unusually, in this instance the Panel is being asked to review an already-constructed building that is inconsistent with the various approved documentation at an advanced stage in the construction process.
8. The Panel appreciates that Council's intention is to try to identify possible remedies to the situation and potentially assist the applicant with an appropriate extent of possible rectification works. However the Panel notes that the approval pathway and any rectification works for the project should be properly informed by legal advice.

## **Discussion & Recommendations:**

9. The Panel notes there are a significant number of inconsistencies evident between the relevant approved documentation, the architectural drawings submitted as part of the current MOD and the as-built conditions inspected at the subject site. Given the limited involvement of the Panel and its independent advisory role, it is outside the Panel's remit to exhaustively identify all of these inconsistencies. The Panel recommends that a detailed audit of all departures from the most recent approved documents be prepared by a suitably qualified expert.
10. In the Panel's high level assessment, there are a series of design issues representing the most significant departure from the approved documentation, which can be grouped and discussed as follows:

- a. The primary building form - described in the DA consent by the external screen system and particularly the alignment of these screens as a simple geometric 'extrusion' above the retained heritage facades to meet the triple gabled roof
  - b. The material, colour and detail of this external screen system - described in the DA consent as a relatively uniform, frameless mesh, face-fixed over the supporting sub-structure, with some operable sliding panels, finished in a dark bronze powder coat colour
  - c. The extent of heritage fabric retention - its reuse, adaptation and interpretation throughout the project and inconsistencies with heritage-related DA conditions of consent
  - d. Other, more minor design issues - generally related to internal planning of kitchens and stairs within individual apartments
11. The Panel is concerned for the as-built external screen system, which is a defining feature of the approved DA (and which, to a meaningful extent, is also evident in the latest CC documentation). The design quality of the project depends on the creation of a simple, regular form 'extruded' above the retained existing heritage brick facade. The approved DA situates the external screen system generally along the site boundary following the brick facade below and tying into the eave fascia of the triple gabled roof above. The Panel notes that in comparison, the as-built external screen system is highly inconsistent with the approved design intent, faceting around the primary building fabric, particularly along the Livingstone Road facade and its two corners, resulting in an unresolved building form that sits uncomfortably above the brick heritage.
  12. Exacerbating this unresolved and faceted building form is a combination of more detailed factors including the expressed framing of individual screen panels evident in the as-built project, panel junctions, divisions, composition and horizontal and vertical banding, along with the selected gauge, pitch and profile of the screens, incorrect colour selection, and the absence of approved operable sliding screen panels. The approved DA incorporated a regular, panellised, frameless screen system, face-fixed over supporting sub-structure to result in a uniform and singular appearance. The as-built version of the screen system - heavily framed and poorly composed - significantly diminishes the quality of the architectural form and its expression.
  13. In light of this, the Panel recommends the currently installed screens be removed and replaced with an external screen system that is compliant with the original DA documentation in terms of its form and alignment, detail, material quality, assembly and colours (The original DA-stamped drawings nominate a screen equivalent to the proprietary system manufactured by Webforge Locker – Hi-Light louvres).
  14. On the eastern elevation, portions of the primary facade have not been constructed in accordance with the DA approval and - at the upper levels adjacent to the atrium - the facade should be rectified to follow the approved extent of corrugated steel built to the site boundary up to the primary eave line.
  15. The Panel further notes that the triple gabled roof has been constructed with a geometry that appears to depart from the approved documents. The approved design intent is for the gable line of the existing brick facade to be geometrically repeated at the new, elevated roof line above. The Panel's visual inspection suggests that the gable valleys may have been 'lifted' relative to the gable ridges, resulting in a 'flatter' roof form that does not exactly mirror the heritage gables below. The Panel's view is that this may not be readily perceptible from the public domain and could - potentially - be retained in its current form subject to other recommendations in this report.
  16. Nonetheless, the as-built roof may require some (relatively minor) modification in order to allow the external screen system to properly align with both the retained brick base and the eave fascia line above. The Panel's visual inspection suggests that the eave line may not consistently follow the face of the brickwork below and may need to be modified to return to the approved alignment necessary to capture the rectified external screen system.
  17. The applicant stated that there are a series of engineering and construction challenges associated with the approved external screen system, including the proximity of overhead powerlines along Livingstone Road and the need to support the screen system on structural sub-framing held off the face of the primary building line in some instances. However, the Panel expects there is a viable engineering and construction methodology available and would anticipate the applicant work with relevant specialist consultants such as the architect, structural

engineer, façade engineer and others, in consultation with Ausgrid, to achieve the approved design intent. This is an integrated design, engineering and construction exercise, which requires the architect as lead consultant to resolve and document, rather than a generic solution proposed by a sub-contractor.

18. The Panel is aware that a number of the expected heritage outcomes are not evident in the as-built project and depart from the approved documents and conditions of consent, including but not limited to – retention of the approved extent of timber columns and herringbone ceiling at the ground floor level, relocation of roof trusses to the top floor level, repointing and conservation of the original brickwork and openings (particularly in the vicinity of the Livingstone Road awnings, where original openings appear to have been bricked in), and the extent of retention and reuse of salvaged corrugated steel sheets along the north and eastern elevations.
19. While the Panel appreciates that any Heritage Interpretation Strategy should appropriately evolve over the construction phase of the project, it must be done in concert with the approved works and relevant conditions of consent. Given that a number of approved heritage features have not been implemented, and because heritage fabric has now been compromised, the Panel recommends a detailed heritage review should be undertaken to agree upon a strategy that most faithfully represents the DA approval and related conditions of consent.
20. The Panel recommends that secondary drainage elements associated with the downpipes connected to the Livingstone Road street awning should be concealed within the masonry walls leaving only the two primary valley gutters, each with a rainwater head and downpipe being exposed.
21. A number of other, more minor internal modifications such as kitchen configuration and internal stairs are capable of being supported, subject to the other recommendations made in this report.
22. Finally, the Panel recommends that all other identified inconsistencies between the approved documentation and the as-built condition, including any rectification works, should be appropriately documented and provided to the Panel for further review.

## **Conclusion:**

23. The Panel offers its independent expert design advice to Council, while the approval pathway is subject to legal advice being separately obtained by Council's Development Assessment officers.
24. The Panel does not support the MOD as currently documented given the significant diminution in design quality evident in aspects of the as-built project noted in this report.