Design + Sustainability Advisory Panel Meeting Report – Date 27 June 2024

# 3 - DA2024 0597 - 21 Oaks Avenue DEE WHY

# PANEL COMMENT AND RECOMMENDATIONS

## *General*

The proposed development was previously referred to DSAP as a pre-lodgement through PLM2022/0226 on 23 February 2023 and PLM2023/0087 on 24 August 2023. The DSAP Report issued in relation to PLM2023/0087 included a total of 32 recommendations some of which have been implemented.

In making these recommendations the Panel is aware that approval would result in a departure from LEP development standards and DCP built form controls that is likely to inform the pattern of future development in Oaks Avenue to adjoining sites.

For this reason, any design proposal for this site or departures from the development standards must result in the achievement of design excellence as set out in WLEP 2011 Clause 7.5. Fundamental concerns remain which prevent the Panel from confirming that design excellence has been achieved.

## *Strategic context, urban context: surrounding area character*

The site currently accommodates a two-storey commercial building, with a drainage easement and vegetation in the rear setback area. The site is constrained in width to 15.24m and has a depth of 44.49m. The site dimensions suggest that amalgamation would result in a better urban outcome. Since this has not been possible the maximum potential development yields will be constrained significantly by the requirement of the WLEP to achieve design excellence.

The site is adjoined by two-storey commercial developments, one to the east (13 strata lots) and one to the west (1 lot).

The Panel is advised that to the west developments on Nos. 7 and 9-13 were developed well before the current LEP & DCP (in excess of 13 years ago), so not approved under current planning controls. They both have a 3-storey podium with greater upper-level setbacks than in the proposal for No. 21.

On the northern side of Oaks Avenue recent development forms a 4-storey street wall with tower forms well set back to be visually recessive at street level.

To the south, a three-storey residential flat building is also in the MU1 zone and is prone to detrimental solar and privacy impacts by new development to the north.

The Panel is of the view that the urban form proposed of a 4 storey street wall can achieve the objectives of the WLEP Clause 7.6a and will result in a more consistent street edge suited to the width of the street and make the tower forms more visually recessive if the recommendations set out below are implemented.

However, the current arrangement of the courtyard tower forms is likely to result in unsatisfactory outcomes in built form and amenity and cannot be supported in its current arrangement, partially on the basis that it will result in a development pattern for adjoining sites that will result in cumulative detrimental impacts in solar access, privacy and outlooks from adjoining sites.

### Recommendations

1. This proposal is likely to become a precedent project because its configuration of setbacks and open space will likely inform future adjacent development which will need to replicate its urban form. Therefore any development on this site will need to achieve design excellence.

2. The configuration of built form needs to be tested for urban form, privacy and solar considerations in the context of adjacent future development. The building configurations should demonstrate that the objectives of appropriately scaled open space, solar access and natural cross ventilation can be achieved when adjacent sites have been developed. This includes the solar testing of future development in the MU1 zone to the south.
3. Undertake a residential visual amenity assessment on views to be experienced within the courtyard space based on replication of the typology to adjoining undeveloped sites, to demonstrate the effects of the development on Residential Visual Amenity are not of such nature and/or magnitude that it potentially affects 'living conditions' or residential amenity.

## *Scale, built form and articulation*

**Development typology**: The Panel notes a single building typology (I form – Option B) was explored and tested prior to proceeding with the courtyard typology. The Panel were of the opinion that a single building typology using the (T form with the narrow elevation to Oaks Ave) would result in better amenity as a replicated development pattern however recognise that this would impact potential residential development yields. The courtyard typology enabled by the 4-storey podium forms may be able to achieve design excellence subject to testing the recommendations set out below.

**Podium Height and Tower Setbac**ks: The Panel are in broad agreement with the opinions set out the Clause 4.6 Variation justification for podium heights. Whilst it is agreed that a 4-storey podium provides greater visual screening to the tower behind, the setback dimension is 2.6m which is inadequate for a 3-storey upper-level setback and will not result in adequate articulation of the podium and tower forms when viewed from Oaks Avenue.

Subject to implementation of the recommendations below, the Panel is of the opinion that the form and external appearance of the proposed development with a 4-storey street wall will improve the quality and amenity of the public domain. However, it needs to be noted that Council Planning Staff will be responsible for the assessment of this variation.

**Building separations**: The building separations in a courtyard typology should be minimum 12m between all built form for the first 4 levels above the open space courtyard and increased to 18m at the fifth level to improve residential visual amenity from within the site and from future development.

Solar access to residential apartments in the development need to achieve the ADG 4A solar and daylight access objectives in the (likely) scenario that the courtyard typology is replicated over adjoining sites.

**Interface with the public domain**: There is a poor interface with public domain areas at the pedestrian level due to the requirement to provide a driveway with a waiting bay within the building footprint. This results in minimal active frontage and an undersized retail space.

### Recommendations

4. Provide an upper-level setback of minimum 4m to the tower element. This will reduce the kerb setback from 16m required by (DCPG1(5)) to13.9m.
5. Demonstrate that the solar objectives of ADG 4A can be achieved by modelling duplicated courtyard typologies to adjacent sites. (**Consider a reduction of one storey to the north building** to provide communal open space with good solar access, resolve current upper-level building separation amenity impacts, improve urban form in public domain for a 4-storey street wall, and improve solar access to south buildings on subject site and future adjoining sites).
6. Building separations need to comply fully with the ADG to deliver appropriate visual privacy and built form outcomes when the typology is replicated.
    a. Remove intrusions of elements such as stairwells within the 12m separation in the courtyard space between buildings.
    b. Ensure the Level 4 setback from the rear boundary to balconies areas and habitable rooms is 9m or is designed prevent overlooking equivalent to a 9m setback.
7. Given the that the development makes for provision for a shared driveway and basement access in the future, the street level planning should be configured to enable the waiting bay to be an interim

facility that is designed to be incorporated into a consolidated retail space to improve the design quality of the interface with the public domain.

## *Access, vehicular movement and car parking*

Vehicle Entry: The site has a public frontage to Oaks Avenue, however there is currently no vehicle access to the property from this frontage and an electrical EV charging station is located within the road reserve adjacent to the frontage of the site. The development makes for provision for a shared driveway and basement access arrangement to facilitate shared access to any future development on these adjoining properties. The development should re-configure the waiting bay and street level planning in accordance with Recommendation 7 above to maximise active shopfront in the future.

Pedestrian Entry: ADG 3G-2 requires access, entries and pathways are accessible and easy to identify. The limited street frontage width has resulted in a design solution whereby the foyer is narrow and kinks between the stair, retail tenancy and bin room. To access apartments above Level 1 requires residents and visitors to use two lifts. Residential and commercial entrances are not separate. Residential bin removal requires use of the entry lobby space which is unacceptable.

### Recommendations

8. Redesign access in accordance with the design guidance set out ADG 3G-1 and ADG 3G-2 and in particular "*where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries*.' Consider extending the second lift to ground floor level and providing a single gallery space to service both lifts.
9. Residential bin storage and removal needs to be adjacent to the commercial waste area and not serviced for loading through the residential foyer.

## *Landscape*

WLEP Clause 7.5 requires that the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere. This has not been achieved.

Communal open space maybe suitable at less than 25% given the limited number of units and local amenity, however the very small extent and lack of the required 50% solar access to the principal useable area are an issue. There is also the need for equitable access to the communal open space and the rear building has not direct access without changing lifts and accessing through the front building, this is not acceptable.

The accessible WC in a development of this scale does not seem necessary, except that there is no direct access to the southern block. If this could be rectified and the WC removed this would allow additional space for communal landscape.

Main private open spaces and living areas to the south on the rear block are a concern, as are the bedrooms located on the less private side (visual and acoustic) into the central courtyard. This is counter intuitive to amenity of these units. The stair projecting into the communal open space is imposing and also takes up this valuable north facing orientation.

As previously noted, the provision of high quality private open space in a small development, could offset the provision of communal open space however the amenity of the POS does not demonstrate a high level of amenity as designed.

There are no major concerns with the species or other details of the landscape plans, these respond to the conditions presented by the architecture suitably. The structural changes required to create suitable amenity on the development would require the amendment of the landscape plans.

### Recommendations

10. The scheme requires reworking to consider the amenity of residents and visitors centred around the central communal open space. This is pivotal to the amenity within the dwellings in terms of outlook,

solar access and privacy, access between the two blocks, as well as the provision of external communal space.

11. The fire stair and accessible WC (if possible) should be removed from the communal open space.
12. The raising of the communal open space, or provision on the rooftop is required to achieve amenity including solar access. Either option is likely to result in a reduction of yield and the resolution of this should prioritise best provision of amenity for residents.

## *Amenity*

The benefit of the courtyard typology is that the apartments have excellent natural cross ventilation. For the courtyard model to work issues of residential visual amenity and solar access to communal open space needs resolution.

Common circulation space (ADG 4F-1): Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Lift lobbies to the southern building above ground level need to be provided with natural daylight.

Access to the Level 1 apartments in the south building is circuitous and unduly complex. Access to all apartments on the south building is poorly resolved and needs redesign.

The deep entry corridor remains a poor outcome for CPTED and the fact that it doubles as the bin corridor makes this even less desirable. The entry from the car park is also difficult with multiple doors as tight spaces. The entry experience should be considered as an important aspect of the quality and amenity of this development as people's home.

South building Level 1 apartments: These are single sided, south facing units, with limited outlook, accessed through the storage area corridor, would have poor amenity.

Mixed commercial and residential access is not a positive outcome as it presents issues with resident's sense of security.

Fire stair is taking valuable north facing façade on the rear building.

Refer **Landscape** for recommendations on communal open space amenity and **Built Form Scale and Articulation** for recommendations on the location of communal open space.

### Recommendations

13. Consider replacing the Level 1 South facing apartments with commercial space to increase daytime activation of the Dee Why Town Centre and resolve current apartment accessibility and amenity issues
14. Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core.
15. If a single lift to car park areas is proposed access to the south building, the carpark lifts must enable transfer to the south lift at ground level from an entry lobby designed as set out in Recommendation 8 above.
16. The security line on the street for the residential / commercial entry should be at the front building line.

## *Façade treatment/Aesthetics*

The standard of architectural design, materials and detailing are appropriate to the building type and the contrasting treatment between podium and upper levels are supported. The use of brick to the podium is supported but the visual character and articulation of openings would improved by ensuring all brick reveals are minimum 230mm deep.

Louvre treatments to the upper level podium seem to be decorative (unnecessary embodied carbon)

### Recommendations

17. Brick forms should have deeper reveals to window openings

18. North facing windows should have appropriate sun control devices.
19. Design upper level north façade screening according to functional needs

## *Sustainability*

The Panel appreciates that the courtyard typology achieves excellent natural cross ventilation and is intended to increase northern sunlight access by splitting the building, however the 12m separation only allows sunlight to adequately access the level 5 and 6 units on the southern tower. Therefore the layout needs to be improved to increase solar access to apartments and communal open space.

The proposal includes rainwater harvest for toilets and landscaping, and solar panels on the roof, which is supported, however the following recommendations that have already been provided in the past still remain un fulfilled:

### Recommendations

20. Provide EV charging connections
21. Remove gas and replace with electrified services – induction cooktops and heat pump hot water systems
22. Improve the northern sunlight access

# PANEL CONCLUSION

**The Panel does not support the proposal in its current form as it does not achieve design excellence as set out in WLEP 2011 Clause 7.5**