

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

## **DA2024/0499 – 116, 118, 120 Frenchs Forest Road West & 11 Gladys Avenue FRENCHS FOREST**

### **PANEL COMMENT AND RECOMMENDATIONS**

#### ***General***

The proposed development was previously referred to DSAP as a pre-lodgement through PLM2023/0050 on 25 May 2023.

Section 16 of SEPP Housing 2021 (SEPP) has been introduced and in this re-submission the Applicant seeks to implement the 30% building height and FSR uplift available under the SEPP.

In this re-submission the development has been significantly increased in height, scale and intensity. In addition to the 30% height bonus available under the SEPP, this re-submission includes a further height variation of up to 5.9% beyond the 30% height bonus. The DSAP defers this issue to Council Planners.

This Panel report does not make comment on whether height can be further varied or not and comments are based on an understanding of the objectives in the SEPP 'to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households' in accordance with the principles of the Policy, and in particular the design based principles in Section 3 which are;

- (c) ensuring new housing development provides residents with a reasonable level of amenity,
- (e) minimising adverse climate and environmental impacts of new housing development,
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,

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

The site slopes down approximately 8m from Frenchs Forest Road West to Gladys Avenue. The site slopes down approximately 2m along Frenchs Forest Road West from the south-west corner to the south east corner.

The site and the surrounding context are comprised of detached houses on irregularly shape lots. The area is zoned R3 Medium Density Residential. No sites in the vicinity of the subject site have been re-developed under the medium density zoning. Adjoining sites have the potential to be re-developed to a similar development intensity as the proposed development.

Under the provisions of clause 8.5 of WLEP 2011 development consent cannot be granted unless the consent authority considers that the development exhibits design excellence. The relevant matters for consideration in clause 8.5 (3) of WLEP 2022 include (but are not listed in full below):

*b) Whether the form and external appearance of the development will improve the quality and amenity of the public domain;*

*d) how the development addresses*

*iv) the relationship between the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form;*

*v) bulk, massing and modulation of buildings;*

*vi) street frontage heights*

- vii) environmental impacts including overshadowing, wind and reflectivity;*
- xi) the quality and integration of landscape design.*

The development offers a poor outcome to Gladys Avenue and while the interface is limited given the short frontage, the precedent set by this type of access and treatment to Gladys Avenue may result in this street becoming a poor-quality rear access street dominated by traffic and garbage collection.

## Recommendations

1. Resolve issues such as the overshadowing of communal open space, the long-term health of trees and grass in shadow (especially all mature existing trees that are to be retained) and the overshadowing impacts on neighbouring sites.
2. Amend the design by reducing building height and increasing building separation (as required) so that access to northern sunlight can be maximised to all COS and landscape and so that access to sunlight on surrounding sites is not unduly compromised. Amendments like setting back the upper levels of the buildings (in full compliance of the ADG), reducing excessive height, increasing building separation by widening and/or tapering Building B towards the south should be explored to ensure viability of both the retained landscape and COS.

## Scale, built form and articulation

The proposal breaches the 30% height uplift and is considered here on the basis of environmental impacts rather than permissibility/compliance.

The scale of the proposal has increased substantially since the previous Pre-DA submission due to the 30% (plus 5.9%) uplift in height and extra FSR. This creates additional environmental impacts including:

- Overshadowing of communal open space;
- Insufficient setbacks from site boundaries and;
- Insufficient building separations on site

The building separations proposed should consider the aims of ADG 2F which are to:

- ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings
- assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook
- provide suitable areas for communal open spaces, deep soil zones and landscaping.

The ADG requires that 50% of communal open space is to receive at least 2 hours sun between 9am and 3pm in midwinter. The proposal does not meet this requirement as the great majority of the communal open space is overshadowed.

Side boundary setbacks for Buildings B and C do not comply with SEPP 65 ADG setbacks above 4 storeys. Whilst blank walls are proposed on upper floors to overcome potential privacy issues, these add to overbearing building bulk and are unattractive. Providing sufficient side setbacks for Buildings B and C is necessary, as the adjoining sites to the east are relatively narrow and their future development will rely upon adequate building separations in terms of privacy and built form.

Buildings A and B are separated by 12m for 7 floors, from ground to level 6. Considerations in the ADG for minimum building separation distances include privacy, built form and sunlight access to open spaces. A 12m separation is insufficient to satisfy these considerations.

## Recommendations

3. Set back upper levels of Buildings B and C in accordance with ADG setbacks;
4. Avoid narrow separation between Buildings A and B;
5. Avoid overshadowing communal open space by reviewing site layout.

## ***Access, vehicular movement and car parking***

Vehicle access from Gladys Avenue is a functional response to gaining access, however the resulting streetscape is car dominated and lacks softening by landscape. The basement carpark is cognisant of providing a substantial amount of deep soil area.

### **Recommendations**

6. Enhance the Gladys Avenue streetscape through the removal of the bin holding area and providing truck access into the basement for collection;
7. Consider site amalgamation to enhance the residential character of Gladys Avenue.

## ***Landscape***

Generally, meeting the high-level numeric recommendations related to landscape appears to be achieved, such as deep soil and communal open space areas. The more detailed recommendations, including the qualitative aspects are however not met. For non-compliances to be considered, such as the building scale, then suitable mitigation and design excellence that demonstrates quality and amenity both within and surrounding the development is necessary. Landscape and resident amenity are a key opportunity in achieving excellence.

The ADG requirement for solar access to 50% of the communal open space is not met. The COS receives almost no solar access at mid-winter, which is not acceptable. In addition, this space is located close to the main road which further impacts the amenity.

Due to the COS being co-located with the existing trees and deep soil, the functionality of the space is limited by the need to maintain permeable surfaces (no-paving) and existing levels. The provision of a fully grassed surface in this area maintains permeability however will not withstand the intensity of use for communal purposes. Being fully shaded is not practical and will likely over time result in compaction, impacting the long-term health of the trees.

The communal open space provided must demonstrate both numerical compliances including solar access and provision of suitable amenity as described in the ADG.

The proposed tree planting on the south boundary, while positive to incorporate the replacement trees, does exacerbate the lack of natural light to the south facing units. There also does not appear to be sufficient setback to allow for the mature growth of the larger tree species selected. These will likely conflict with the building and private open spaces as the trees grow.

Generally, the landscape treatments are responsive to the site conditions available with the current site layout and architectural design. This is limiting the ability of the landscape architect to provide a design that provides suitable amenity. With a revised design it is expected that the landscape design will be able to offer better overall outcomes.

Rainwater collection for irrigation is incorporated which is positive.

The pre-DA submission in March 2023 had less intense development than the current proposal. Whilst the proposed site layout at that time was supported, development intensity and the scale of buildings has increased to the extent that further consideration should be given to revising the site layout. The current scale of buildings and site layout creates poor amenity for residents in communal open space areas and may lead to the long term degradation of landscape quality.

### **Recommendations**

8. Consider a revised site layout that provides more solar access to communal open space and avoids long term impacts on the health of grass and trees, while achieving outcomes sought for FSR, building height and amenity;

9. Re-consider the retention of the existing landscape pocket on Frenchs Forest Road West to allow for a revised site layout with the resolution of design issues identified in this review.

## ***Amenity***

Building A is approximately 26m wide and includes

- apartments with un-named internal rooms without windows, which could be used as bedrooms not complying to the BCA;
- kitchen walls more than 8m from a window;
- a long central corridor with a right angle turn at one end which would be dark and poorly ventilated;
- 11 apartments per lift core, exceeding the recommended 8 apartments per core in the ADG.

Building A is also too close to Building B at the upper levels to provide good amenity and avoid an overbearing built form.

A number of sub-terranean apartments – ALG01, AL G02, BL G02, CG01 and CG02. These would require tall retaining walls in close proximity to the living areas and would receive little direct sun, creating poor amenity.

Basement exits to Frenchs Forrest Road are in close proximity bedroom windows. The levels are not clear however amenity and privacy of these apartments appear to be compromised.

Balcony forms / sizes do not all appear to meet ADG minimums. The AGD notes that the minimum usable width to be counted is 1m. Apt B206 for example is a 2 bed and has 10m<sup>2</sup> as required however it is a triangular form and in removing the areas below 1m, this would no longer comply.

Many apartment's private open spaces and living spaces are facing south or to the main road which does not enhance the amenity of these spaces.

## **Recommendations**

10. Reduce the floor plate size of Building A to resolve the amenity issues identified above;
11. Consider amending the layout and form of Buildings A and B to enhance building separation and amenity.
12. Avoid subterranean apartment;
13. Consider dimension and size of private open space areas.

## ***Façade treatment/Aesthetics***

The façade treatments are generally appropriate, with the exception of the eastern facades of Buildings B and C.

## ***Sustainability***

The layout of the buildings needs to be reconsidered to improve solar access and passive design. Building C overshadows the north facing units in Building B, and the north facing units in Building A are likely to be overshadowed by whatever development happens on the site to the north on Gladys Ave. the claim of solar access to the apartments therefore needs to be validated.

As noted in the previous scheme, the following advice should be incorporated into the modified design as it develops.

With the regulatory environment changing now – for efficiency, electrification, zero emissions and mandatory disclosure – these investments at this time will be worthwhile both for future residents and the developers' reputation, market position and marketability of the project.

With regards to induction cooktops, this healthier and more sustainable approach to cooking will very quickly become the norm as the negative health, cost and sustainability consequences of gas become better understood. Good marketing people should be able to promote this asset.

## Recommendations

The following aspects of design and servicing can be easily and cost effectively considered for inclusion:

### 14. Decarbonisation of energy supply

- **All services should be electric** – gas for cooking, hot water and heating should be avoided. See note above re cooking.
- Heat pump systems or instantaneous electric systems for providing electric hot water should be considered.
- The storage of hot water can be considered a de facto battery if heated by PVs during the day.
- As much onsite power generation as possible should be included. Additionally, on site battery storage has benefits for the grid and may be a highly desirable back-up during the transition to a de-carbonised grid.
- Unshaded roof space is a valuable resource for PV installations. Their efficacy can be greatly enhanced when placed over a green roof, which has additional visual, thermal and ecological benefits.

### 15. EV charging: Provide EV charging points for each unit (Min 15 amp) to suit level 1 charging. Also consider charging and storage for E Bikes and E Mobility Scooters.

### 16. Passive design and thermal performance of building fabric

- Higher BASIX thermal performance standards that commenced on 1 October 2023 require an **average 7 stars NatHERS, with no unit below 6 stars**. Given the coastal location a very comfortable indoor environment should be achievable.
- Particular attention is required for the south facing apartments to ensure they meet this requirement.
- The inclusion of ceiling fans to all bedrooms and living rooms will provide comfort with minimal energy while reducing the need and energy required for air-conditioning.

### 17. Water use minimisation

- All fixtures and appliances should be water (and energy) efficient
- Water storage for rainwater from the roofs should be included and plumbed to at least the landscaping and toilets
- Landscape design and planting should be water tolerant and suitable for the microclimate

## PANEL CONCLUSION

The Panel does not support the proposal in its current form. Increased intensity of development due to the introduction of SEPP Housing 2021 and subsequent built form, landscape and amenity issues requires re-consideration of site layout, built form and landscape design. As noted, any breaching of the bonus height controls will need to be approved by Council's planners but in its current iteration could not be supported by the Panel.