

Design + Sustainability Advisory Panel Meeting Report – Date 29 September 2022

## Item 2 - DA2022 1431 - 633 Warringah Road FORESTVILLE

### PANEL COMMENT AND RECOMMENDATIONS

#### **General**

The proposed development is across two existing lots which contains the Forestville Veterinary Hospital at 633 and 635 Warringah Road, Forestville.

The application seeks consent for demolition works and the construction of a two-storey seniors housing development containing 6 self-contained units. The development consists of two separate buildings and includes:

4 x 3-bedroom units with double garages; and

2 x 4-bedroom units with double garages.

1 x double width vehicle crossover and passing bay.

The site is zoned R2 Low Density Residential under the Warringah LEP 2011. The application is made pursuant to the provisions of *State Environmental Planning Policy (Housing) 2021 (HSEPP)*.

No Pre-lodgement meeting was undertaken prior to the lodgement of this development application.

A boarding house was approved on site on 3 September 2021 by the Land and Environment Court and the Panel was informed that this design has progressed to full CC documentation and construction can commence immediately.

The SEPP refers to the Seniors Living Policy: Urban Design Guidelines for Infill Development 2004 (UDG 2004) in the following manner:

*Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy—*

*(a) the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004,*

The Panel has referred to this document in formulating the recommendations in this advice.

There are a number of non-compliances with the DCP and the FSR exceeds the 0.5:1 as stipulated by the HSEPP that if not exceeded cannot be the basis for refusal.

In this case the exceedance of the FSR results in a building bulk that has impacts on neighbours, results in minimal useable open space and as noted, does not comply with setbacks.

The Panel's approach to any non-compliance with planning controls is that the applicant should provide evidence of:

- a demonstrable improvement in amenity within the proposal, (overshadowing, privacy, access to rooftop open space etc.)
- reduced impact on adjoining sites (either existing or in relation to future development potential)
- contributions to the public domain or other public benefits (affordability, environmental performance)

In order to demonstrate the benefits of non-compliance the non-compliant proposal should be benchmarked and compared to a complying 'reference scheme'.

It should be noted that this is completely separate from any process associated with a cl4.6 application.

In summary the Panel considers the proposal and overdevelopment of the site that results in low amenity and impacts on the neighbours, and that any advantages of non-compliance have not been demonstrated.

The detailed comments that follow should not be interpreted as the basis for minor amendments that would make the proposal supportable, but rather matters that should be considered if there were a significant redesign and reduction of building bulk and floor area to not exceed 0.5:1

### **Scale, built form and articulation**

The proponent explained that providing underground parking would change the NCC requirements and together with the need to provide lift access would significantly increase construction costs.

Providing car parking at ground level which is not included in GFA has the effect of significantly adding to the building bulk.

The Panel acknowledges that the SEPP does not give consideration to the effect of carparking provided at ground level and not being counted in GFA on building bulk. The 12 car spaces are equivalent to approximately 220sqm of floor space so the overall bulk is equivalent to a GFA of 1,080 or FSR of 0.74:1 in terms of bulk.

The bulk of the building is further increased by the decision to include 4 bedrooms in TH3 and 4. This is a commercial decision that has an impact on the GFA and the bulk of the building.

#### **Recommendations.**

1. Reduce the GFA to not exceed FSR 0.5:1. This could be achieved in a number of ways including reducing the number of units, reducing the number of bedrooms in TH3 and 4, eliminating unnecessary double height voids that do not provide amenity but add to bulk etc.
2. Comply with the 6m rear setback
3. Building bulk on the eastern end needs to respond to infill guidelines:
  - *“Protect neighbours’ amenity by carefully designed the bulk and scale of the new development to relate to the existing residential character, for example by: setting back upper storeys back behind the side or rear building line”*
  - *Design second stories to reduce overlooking of neighbouring properties, for example by: incorporating them within the roof space and providing dormer windows, offsetting openings from existing neighbouring windows or doors”*

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

The whole scheme is driven by the need to provide parking at grade, which compresses space on the edge of the site.

Garage doors dominate the central space that provides a very poor entry experience and has no landscaping, shading or buffers or screen from the units

Basement parking should have been considered or garage doors be configured to reduce visual prominence.

#### **Recommendations.**

4. In any re-design set the garage doors back from the face of the building above and to the side (UDG2004: *“avoid unrelieved, long, straight driveways that are visually dominant by: varying the alignment of driveways to avoid a gun barrel effect, setting back garage behind the predominant building lined reduce their visibility from the street, considering alternative site designs that avoid driveway is running the length of the site”*)
5. Further investigate the potential for basement, semi basement and grouped parking.



## **Landscape**

Although the proposal complies with the 30% open space requirement most of this provide at the front of the property, is inaccessible and subject to high noise levels. So in this case, although the proposal achieves numerical compliance, it is the Panel's view that the proposal does not achieve the objective of the landscape area set out in the SEPP, specifically:

*if practicable, at least 65% of the deep soil zone is located at the rear of the site,*

Although 65% might not be possible, compliance with the 6m setback from the rear boundary would go some way to achieving this and would provide more usable POS.

Private open space amenity is poor:

- TH5 POS is overshadowed and faces south
- TH6 POS is exposed to road noise and with a single door opening to it- not usable
- TH3 + 4 POS not paved

### **Recommendations.**

6. Increase the amount of open space at the rear of the site by complying with the 6m setback requirement (an increase in open space of approximately 110 sqm)
7. Redesign the central access to include tree planting and other planting.

## **Amenity**

The overall amenity of the principal living areas on the ground level is poor.

Entries are directly off the shared driveway.

TH4 dining area directly abuts the driveway with no screening or vegetation

TH5 has no lobby, with entry directly into the kitchen and the only northern light is through the front door and side light on the ground level

Upper habitable areas look directly into the habitable areas of other dwelling across the central access away as shown on Section BB. Even if screened this means the amenity of the rooms are severely compromised.

What is the impact of solar access to the rear houses v a compliant scheme.

Most of the floor area in each dwelling, including the largest living areas is on the upper level, but this is meant to be accessible housing for seniors which raises the issue of cleaning and maintenance.

North, South and East Elevations show windows in the upper levels looking directly into the neighbouring properties.

*(UDG2004: "designed dwellings so they do not directly overlook neighbours' private open space or look into existing dwellings"*

There are many other aspects of the design that could be improved, including provide a skylight to TH5, stepping back of the upper levels of TH4,5,6 to incorporate entry courtyards at ground level etc, but it is not the Panel's role to redesign the proposal that falls short in

### **Recommendations**

8. Give consideration to privacy for adjoining neighbours and mitigate overlooking
9. Give consideration to a more fragmented built form that would provide better light and sun penetration, improve privacy and useable open space and entry sequences.

## Sustainability

SEPP BASIX explicitly precludes the setting of either higher or lower targets by other Environmental Planning Instruments or Development Control Plans.

However, we are living in a climate emergency – all new dwellings should be designed to be as naturally comfortable as possible without heating and cooling (passive design) and should not rely on energy from fossil fuels.

Arguably, the impacts of climate change and the changes to energy supply and security are out-pacing policy and regulation.

There are several aspects of design and servicing that could be easily and cost effectively considered for inclusion in all developments:

- Decarbonisation of energy supply
  - All services should be electric – gas for cooking, hot water and heating should be avoided.
  - Heat pump systems for apartments or other ways of 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.
  - Until technologies for the use of hydrogen are developed and introduced, note the risk of gas reticulation becoming a 'stranded asset' and the possibility of additional costs to remove gas and rewire the building
  - Guidance is also provided by the Australian Green Building Council <https://gbca-web.s3.amazonaws.com/media/documents/a-practical-guide-to-electrification.pdf>
- Onsite power generation and storage
  - Unshaded roof space is a valuable resource
  - Using PV to provide shade to roof top common areas will generally be supported by the Panel if there are no additional adverse impacts
  - PVs over green roofs perform better due to the local lower ambient air temperature
  - 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.
- EV charging
  - Provide EV charging points for each unit
  - Allow for bi-directional (2-way) charging of EV battery for powering the building.

## Recommendations

10. Provide PV on the roof with the aim of achieving carbon neutrality in operation
11. Provide heat pump hot water and induction cooktops – remove gas
12. Consider ceiling fans to improve low-energy comfort options for the apartments, they will also improve the NatHERS scores
13. Provide EV charging points for each unit
14. Allow for bi-directional (2-way) charging of EV battery for powering the building.

## PANEL CONCLUSION

**The Panel does not support the proposal due to excessive bulk, low amenity and impacts on adjoining properties.**

The Panel considers the proposal an overdevelopment of the site without any justification provided for exceeding the FSR of 0.5:1 that, if complied with cannot be the reason for refusal.

A comprehensive re-design that improves internal amenity, useability of private open space, improved solar access, entry experience, shading and softening of the carparking entry and arrangements, privacy and minimisation of impacts on neighbours is required.

The re-design should refer to, and be guided by the Seniors Living Policy: Urban Design Guidelines for Infill Development 2004.