



Design + Sustainability Advisory Panel Meeting Report – Date 22 August 2024

DA2024/0936 – 45 - 45A Oaks Avenue DEE WHY

PANEL COMMENT AND RECOMMENDATIONS

General

A previous development proposal subject to Pre-lodgement Meeting PLM2023/0157 was before the Design + Sustainability Advisory Panel (DSAP) on 14 December 2023.

The DSAP report prepared for PLM2023/0157 included the following concluding comments in relation to this proposal:

“The Panel does not support the proposal in its current form which is considered an overdevelopment of the site. The Panel considers the site is able to be developed for the purpose of residential flat buildings of reasonable amenity with a substantially reduced yield.

Design development should consider alternate typologies established by analysis of design constraints and prepare a comparative analysis of alternatives considered to justify a preferred approach to future pre lodgement meetings”.

The current development application (DA2024/0936) is for a residential flat building development that has a similar floor plate to the development proposed under PLM2023/0157 and key recommendations for an alternate typology with increased setbacks to side boundaries have not been incorporated in the revised design.

This application proposes the inclusion of affordable housing units and an additional storey (4 storeys) under the *State Environmental Planning Policy (Housing) 2021 – Part 2 Development for affordable housing*. It seeks to implement the 30% building height available under Section 16. This Panel understands the objectives in the SEPP are to *‘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

Applicant representatives did not make themselves available for the entire meeting which proceeded with a briefing by Council attendees to the design advisory panel members.

Strategic context, urban context: surrounding area character

As stated in PLM2023/0157, *“The site is located adjacent to the Dee Why Town Centre and has a frontage of 15m which is similar to 5 adjoining sites westward from No.35 to No.43. The sites mostly aging apartment stock built around the 1970’s. These building are generally 8-10 pack walk ups apartments mostly with basement carparking. Whilst the apartments have the benefit of being dual aspect cross through apartments, they do not achieve the amenity objectives sought by the ADG due to reduced side setbacks.”*



The desirable elements of the area include significant Brush Box tree planting. The spatial separation of existing 3-4 storey residential flat buildings, whilst not compliant with ADG guidelines, results in the current pattern of built form and allows for the development of landscape between buildings over time as the modes of mobility (Sharing and CAV) begin to reduce reliance on private car ownership. Any reduction of the separation between buildings needs to be justified by reference to the objectives of the ADG and the Warringah DCP.

The site is approximately 15.2m wide. The desired future character of the area is based on the provision of 6.5m front setbacks and 4.5m side setbacks which are to be landscaped and free of above ground structures to

- Create a sense of openness
- Maintain the visual continuity and pattern of buildings and landscape elements.
- Protect and enhance the visual quality of streetscapes and public spaces
- provide opportunities for deep soil landscape areas.
- ensure that development does not become visually dominant.
- ensure that the scale and bulk of buildings is minimised.
- provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- provide reasonable sharing of views to and from public and private properties.

The application proposes reducing building side boundary separations from 4.5m minimum required by the DCP to 2m.

The ADG 2F notes that “*separation between buildings contributes to the urban form of an area*” and sets out building separation in relation to building height to “*ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*”. ADG 2F proposes separations of a minimum 3m to a side boundary, subject to testing for amenity. The application proposes reductions to 2m to blank walls/glass block windows.

The Panel is of the opinion that the application, by virtue of the reduced building separations, is not compatible with;

- (a) the desirable elements of the character of the local area, or
- (b) the desired future character of the precinct,

as required by *SEPP (Housing) 2021 - Section 20 Design requirements*

Scale, built form and articulation

The application does not comply with the side boundary building envelope controls of the Warringah DCP 2011 (WCP 2011) Clause B3 which increases setbacks in relation to building height. As a result of this substantial non-compliance the application is not capable of providing the desired future character of the area and would result in unacceptable amenity impacts.

The Panel is of the view that a reduction in building bulk and scale and additional separation is required and that this could have been achieved through consolidating the side-by-side apartments to enable the side boundary setbacks to be increased. The Panel is of the view that this would require a substantially different typology, as referred to in the PLM2023/0157 recommendations, and accordingly a new application would be required.



Access, vehicular movement and car parking

The excessive quantum of development & yield results in increased car parking requirements. On this narrow site the design relies on a combination of car stackers and turntables to provide parking spaces. The Panel notes that the land is adjacent to the Dee Why Town Centre which has reduced parking rates. Those reduced rates could be considered to minimise basement excavation and carbon emissions, as well as eliminate expensive technical solutions such as turn tables and car stackers.

Sight lines for access to the lift lobby are not acceptable due to the step in the footprint and the reduced 2m setback. Refer also ***Landscape***

Bicycle parking is required for each dwelling.

Recommendations

1. The applicant might consider discussing the possibility with Council to reduce parking and provide alternate transport solutions to minimise carparking basement volume
2. The design should provide an entry lobby location which is clearly identifiable with clear sight lines to the entry doors as required by ADG 3G-2.
3. Provide secure bicycle parking in the form of a Class B enclosure or individual storage areas capable of secure bicycle storage.

Landscape

The proposal appears to result in a significant tree canopy loss but details of existing tree impacts were not analysed. Landscape area and communal open space amenity is not sufficient for the scale of the proposed development. Extent of basement will not allow for new trees to be planted and grow to substantial scale.

Communal area on the roof is exposed and does not demonstrate quality outdoor amenity.

The entry sequence is poor and impacts the privacy significantly for the front unit. This arrangement will not be acceptable.

Landscaped Area as defined by the Housing SEPP means 'the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area.'

The ADG definition for Deep Soil is an area of soil within a development that are unimpeded by buildings or structures above and below ground and have a minimum dimension of 6m. Deep soil zones exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas (ADG).

The ADG is very clear on the soil volumes, depths and square metres required for planting on structures and the current documentation does not appear to calculate the soil volumes for the raised garden beds to fulfill these planning controls in ***Part 4P Planting on Structures***

The proposed development takes great liberties when calculating the areas by including items nominated above as excluded and the minimum dimensions are also in question.

Recommendations

4. The basement footprint should be reduced to allow for landscaped areas on all sides of the development in line with the definition in both the SEPP and the DCP.
5. Consider deep soil, retention of existing trees (at the rear) and provision of 50% landscape area. Reduce basement to accommodate.



6. Obtain an arborists assessment of the existing trees for retention / removal.
7. Communal open space, assuming it is on the rooftop needs to demonstrate provision of quality amenity for residents.
8. Include the entry experience and privacy in the redesign of the proposal.

Amenity

The building footprint proposes setbacks that are not compliant with DCP B3/B5 Side Boundary, and DCPB7 Front Boundary resulting in detrimental amenity impacts. The reduced setbacks are not supported.

An encroachment of the building height utilising the slope of the land to enable accessible communal roof gardens on a lower built form could be supported subject to there being no unreasonable amenity impacts to neighbouring properties in terms of solar access and overshadowing, privacy/overlooking or view impacts.

The proposal does not provide an appropriate analysis of privacy impacts and building separation to habitable rooms on adjacent sites.

Recommendations

1. The application needs to be modified to a configuration which is capable of providing setbacks that comply with the ADG 3F Visual Privacy separations. Screening primary windows to habitable rooms to reduce separation distances to boundaries are not acceptable
2. If the application is modified to be compliant with ADG 3F with side boundary setbacks less than those identified by the DCP then envelope testing of a building envelope compliant with the DCP is required to enable the assessment of additional overshadowing impacts to adjoining development and demonstrate impacts are reasonable in the circumstances of this site.
3. Ensure the principle useable area of communal roof space are setback a minimum 6m from any boundary and designed in a way that will prevent overlooking.

Façade treatment/Aesthetics

The façade aesthetics to street frontage are generally acceptable but since the typology proposed will not result in Panel support for the current design approach and significant modifications would be required to side elevations it is not addressed in detail here.

Sustainability

The approach to sustainability has not been discussed the provided documentation.

The role of the Panel is to advise on 'design (quality) and sustainability' and is not confined to existing legislation or the approaches of the past. Accordingly, the Panel believes it is appropriate and necessary for it to provide 'forward-thinking advice' to both proponents and to council staff involved in the assessment of development.

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 units.

Refer comments above in ***Access, vehicular movement and car parking*** on the potential to reduce the number of car parking spaces required given its location immediately adjacent the Dee Why Town Centre zoning.



Recommendations

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

4. Decarbonisation of energy supply
 - a. **All services should be electric** – gas for cooking, hot water and heating should be avoided.
 - b. 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.
 - c. Onsite power generation and battery storage. 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
 - d. 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 ecological benefits.
5. EV charging: **Provide EV charging points for each unit** (Min 15 amp) to suit level 1 charging
6. Consider E bike storage, acknowledging their heavy build and need for security.
7. Passive design and thermal performance of building fabric
 - e. Higher BASIX thermal performance standards commenced on 1 October 2023 will be an **average 7 stars NatHERS, with no unit below 6 stars**. This is consistent with the National Construction Code for 2022. Given the coastal location a very comfortable indoor environment should be achievable.
 - f. 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.

PANEL CONCLUSION

The Panel does not support the proposal in its current form which is considered an overdevelopment of the site. The Panel considers the site is able to be developed for the purpose of residential flat buildings with a modified typology which would result in a substantially reduced yield.

Future applications should consider alternate typologies established by analysis of design constraints and prepare a comparative analysis of alternatives considered to justify a preferred approach to future proposals.