

## Item 3 - DA2025 0077 - 10-28 Lawrence Street FRESHWATER

### PANEL COMMENT AND RECOMMENDATIONS

#### **General**

The project came to the Panel as a pre-lodgement meeting on 25<sup>th</sup> July 2024 (PLM2024 0064). The Panel remains generally supportive of the design direction.

The Panel retains reservations about the planning and treatment of the southern side of the development.

Whilst the site analysis is thorough, further analysis is required enable Council to fully assess the impacts to adjoining properties to the south and west on overshadowing, privacy and views.

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

A key element of the strategic context is the change in zoning from E1 Local Centre to R2 Low Density along the southern (rear) boundary. The proposal acknowledges that the ADG 2F minimum separation to be considered as a benchmark is 9m (6m+3m).

In the context of a low density residential adjacent to an area with higher density, residents living in the R2 zone must accept that a higher density and larger scale residential development can happen in the adjoining zones and whilst impacts must be within reason, they can nevertheless occur.

The Panel acknowledges that the rear boundary is stepped but does not accept that an averaging strategy for setbacks is appropriate for assessing the reasonableness of amenity impacts based on numerical guidelines. A more nuanced approach is required that takes into account factors such as habitable/non-habitable to habitable/non-habitable actual separations (No.4, No.6, No.16 by example), habitable to blank walls (No.2), the nature of private open space in Undercliffe Road rear gardens, the relative height of private open space (for example balconies that are above the level of open space in rear gardens are more sensitive to privacy impacts than those that are lower than open space in rear gardens).

Refer **Amenity** below for detail.

#### **Recommendations**

1. Undertake a more targeted separations analysis, modify the design where appropriate and justify final proposed setback separations on a property-by-property basis. Note: that the *ADG 2F Building Separation* indicates a 15m built form rule of thumb should be applied to separations habitable to habitable built form and 9m to actual boundary for elevated open space balconies.

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

Generally, the Panel's PLM concerns on car park entry have been addressed. The built form scale transition from the E1 zone to the R2 zone along Dowling Street may be better handled by removing the landscaped roof planter garden area over the driveway entry to the roller shutter to create a "shadow line" of an open space recess with the pavement to the roller shutter being of high quality finish. See image in *Figure 40 Artist impression of the proposal as seen from Dowling Street* in the *Ethos View Impact Assessment Report*

The Panel remains generally supportive of the scale and articulation of the built form with the proviso that,

- on the south, the complexity of the three-dimensional built form of the stepped building and stepped buffer garden spaces and their relationship to adjacent gardens is difficult to visualise for thorough design review. The built form here is visually articulated with larger setbacks which, with stepping forms, reduce visual bulk.
- The built form of the communal roof terrace does not result in additional detrimental impacts such as overshadowing of private open space

The aim of *ADG 2F Building Separation* in terms of appropriate built form is to “ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings”.

- On the basis that the south façade building envelope generally relates to the 11m height controls and is set back a minimum of 9m the built form envelope here is acceptable.
- The built form of projecting balconies on Second Floor and Third Floor is effectively a two storey scale, so the setback reduction to a minimum 6m is appropriate as the built form elements relate to the lower density (two storey) scale adjacent.

The Panel is of the view that the overall scale and bulk proposed is acceptable when the articulated recesses are also taken into account, subject to Amenity considerations discussed below in **Amenity**.

Note:

The height lines on the *South Elevation–Site–Rear Neighbours (Dwg. Elevations A-DA-201-04)* are at the boundary and are not for useful assessment of general compliance assumed above.

*Section 4 and Section 3 (Dwg. Elevations A-DA-201-04)* show diagrammatic height planes but are not referenced on the plans. In both these locations the southern built form at the façade is slightly above the 11m height limit and which the Panel assumes that the impacts on views and overshadowing of this non-compliance will be negligible and agrees with PLM Panel’s comments in this regard.

### Recommendations

2. Consider opening the car park entry to the sky and use high quality pavement to articulate the built form transition to the R2 zone.
3. Provide massing diagrams using sun-eye view type 3D modelling with neighbouring fences shown to assist Council further in assessment of built form.
4. Provide height lines on the *South Elevation – Site – rear Neighbours (Dwg. Elevations A-DA-201-04)* at the building roof alignment (approximately 10.1m from rear boundary at Dowling Street.) to facilitate built form scale assessment in relation to LEP heights.
5. Reference Section 4 and Section 3 (Dwg. Elevations A-DA-201-04) on the floor plans for clarity.
6. Provide RL’s on roof plans for clarity.

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

The PLM Panel referred to ensuring appropriate shelter to lobbies. The current design does not provide shelter to mailbox areas.

The proposed development incorporates access to the carpark from the west-side as recommended by the Panel at the PLM.

### Recommendations

7. Consider moving the mail box area closer to the security gates to have full awning shelter.

## Landscape

Generally, the landscape response and integration with the architecture is positive as is the consideration of maintenance to the inaccessible landscape areas. It is noted however that detailed landscape plans showing levels, soil depths and detailed planting plans are not provided with the DA.

Without detailed landscape plans it is unclear if the southern landscape will be feasible (weight) and successful in providing filtered views and privacy to the properties behind.

Several species specified are identified as weeds in the northern beaches and should be substituted. Where possible planting should utilise native / endemic species.

The substation, which appears to be limited in location, results in the removal of a significant street tree. In addition, the impacts of the works on tree 5 and the mitigation to ensure its future health are not clear.

There appear to be opportunities to enhance soil depth and at the same time simplify constructability in a number of areas including under the public courtyard to the street.

## Recommendations

8. Provide detailed landscape plans including planting plans and sections illustrating soil depths. The structural engineer should confirm that the proposed extent and location of tree planting and soil volumes can be accommodated.
9. Planting species to be reconsidered to preference locally endemic species to enhance local ecology and reduce maintenance. It is noted that shaded areas, may require exotic shade tolerant species to be successful.
10. Updated arborist advice and treatments to ensure the health of tree 5 should be provided.
11. Where possible soil depths should be maximised for planting. Sections should dimension soil depths. Soil volumes would be useful to note on the plans for ease of assessment.

## Amenity

Refer also **Strategic context, urban context: surrounding area character** above.

The Panel is of the view that communal open space on the rooftop is supported for residential amenity. It seems to be located far enough away the southern boundary to ensure visual and acoustic privacy. The built form needs to be analysed and modified to ensure the final configuration does not result in additional overshadowing of private open space in Undercliffe properties between 9am and 3pm. More detailed assessment of built forms impact on views of non compliant height components is required.

### VIEW IMPACTS

The Panel is of the view that more detailed view analysis for properties most affected adjacent in Dowling Street and from the south along Undercliffe Road would be prudent.

Whilst the views are largely local to district views mainly of a treed suburban landscape the interface of the land with sky is a key amenity feature. From adjoining sites in Undercliffe Road, it appears that with a compliant 11m envelope these views are lost and the dwellings currently enjoy a borrowed amenity due to underdevelopment of the subject site. On the high side of Undercliffe Road view impacts of non-compliant height components need to be accurately assessed to provide certainty (eg. See Ethos Visual Impact Assessment Report *Figures 26/27. Viewpoint 2: 3 Undercliffe Road, and Figure 28/29 Viewpoint 3: 6-8 Undercliffe Road*).

The more elevated sites include glimpses of the Pacific Ocean and could be sensitive to impacts from height non-compliant built form. (*Figure 33. Viewpoint 5: 48 Lawrence Street (corner with Dowling Street) – proposed view (with trees)*). Again view impacts of non compliant height components need to be accurately confirmed to provide certainty.

## PRIVACY

### To adjoining properties

The Panel's opinion below takes into consideration context, density, separation, use and design. In terms of privacy, there is a reasonable expectation that the Undercliffe Road dwellings' primary windows and some of their private open space will remain private.

Generally numerical separations between apartment windows to the boundary are achieved by the proposal. In this instance we are assessing the privacy impacts between private open spaces.

- Where the private open spaces in the proposal are below the level of the Undercliffe Road gardens, acceptable privacy appears to be achieved.
- Where the private open spaces in the proposal are above the level of the Undercliffe Road gardens, privacy is protected by the proposed use of screening which is not an ideal outcome for the residents of the development in those locations where the balcony is the primary balcony. i.e. Second floor Units A206, A207 and A212.

While the proposed vegetation within the development is valuable, landscaping should not be relied on as the sole protection against overlooking.

### Within the site

The windows to Bed 2 in Units A104, A109, A204 and A209 are in very close proximity to adjacent primary balcony spaces resulting in significant visual and acoustic privacy issues. The adjoining balconies serve 1B apartments and would be able to be reduced in width/area to reconfigure the Bed 2 windows to be north facing. This could resolve both visual and acoustic privacy problems.

### OVERSHADOWING

Overshadowing to living space windows on the Undercliffe Road properties appears to have acceptable impacts for a building on a site adjoining a higher density zoning.

The Panel's assessment of overshadowing considers the additional impacts between 9am and 3pm to private open space on Undercliffe Road properties. Significant open space sunlight impact generally occurs after 2pm with most properties retaining at least 3 hours of mid-winter sunlight which seems reasonable. No.16 has no sunlight in mid-winter but it also does not suffer additional impact as a result of the scale of existing adjoining development and its own reduced setback (less than 6m).

When assessing additional impacts of non-compliant height, shown in blue hatch on the *Shadow Diagrams A-DA-501-04* the Panel cannot clearly understand the 1pm to 3pm (blue hatch) impact on No. 8 (2pm) and No.18 (2pm) Undercliffe. Further understanding of what noncompliant part of the development is creating this additional shadow is worth understanding as a small change may result in the provision of sunlight to the ground adjacent to living areas. From the sun eyes blue hatch overshadowing it appears to be arising from the increase in the height of the stair shaft accessing the communal rooftop.

### Recommendations

12. VIEW IMPACTS: Undertake a detailed view assessment of non compliant height components with the scope and methods to be agreed with Council prior to commencement.
13. VISUAL PRIVACY: Where privacy screens are required on primary balconies they should be minimised to a functional height and designed to enable oblique views from living spaces and bedrooms to the outside world. Consideration should be given to an alternate screen design that ensures full privacy to any principal useable areas of open space in the Undercliffe Road gardens within 9m of the overlooking balconies whilst enabling longer distance oblique views through the buffer landscape areas.
14. ACOUSTIC PRIVACY: Reconfigure the Bed 2 windows in Units A104, A109, A204 and A209 , to be north facing to resolve visual and acoustic privacy conflicts with adjacent balconies.
15. OVERSHADOWING: Consider opportunities to reduce the blue hatch impacts with particular focus on No.8 and No.18 at 2pm mid-winter

## ***Façade treatment/Aesthetics***

Façade treatments and aesthetics are considered acceptable and high-quality design.

## ***Sustainability***

The well-designed complex shop top housing project has the bones of offering many sustainable living opportunities. The following comments are made to help realise that potential.

Firstly, the Panel notes the following responses to the previous panel's recommendations:

15. Rainwater recycling – show what the rainwater will be connected to	While the location of the water storage is clear, what it will be connected to still needs to be clarified.
16. Detail the EV charging strategy and make sure fire safety provisions are going to be accommodated	This appears to have been satisfactorily addressed.
17. Ensure there is enough bike parking for all apartments and the retail spaces	Bicycle parking indicated – unclear on if enough. Also need to ensure it is suitable for heavy e-bikes, which are difficult to lift into a vertical position.
18. Remove any gas from the building, including the retail. Induction cooktops and heat pump hot water is recommended	Gas appears to have been removed from apartments, unclear about retail. Ensure that no gas should be included in the building.
19. The common corridors should be naturally ventilated, make sure the windows to those spaces are operable and weather protected	Most corridors now have windows allocated, need to clarify they are openable.

It is also noted:

- Achieving minimum BASIX requirements is required as a bare minimum. This is not leading in sustainability.
- The inclusion of ceiling fans to all bedrooms and living rooms, which will provide comfort with minimal energy while reducing the need and energy required for air-conditioning.
- All electric services have been specified for the apartments
- The min 4 stars for all water fixtures and appliances

## **Recommendations**

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

Decarbonisation of energy supply

16. **All services should be electric** – in addition to NO gas for cooking, hot water and heating for the residences, ensure this is also the case for retail.
17. Using heat pump hot water systems for hot water instead of instantaneous electric should be considered. They are extremely efficient and the storage of hot water can be considered a de facto battery if heated by PVs during the day. Additionally, they can reduce the impact on peak electricity times.
18. Consider inclusion of on site battery storage, which has benefits for the grid and may be a highly desirable back-up for both residences and retail during the transition to a de-carbonised grid
19. Consider installing PV panels from the start on the roof space allocated for future PV installations to enable their immediate benefit. Their efficacy can be greatly enhanced when placed over a green roof, which has additional ecological benefits.
20. Passive design and thermal performance of building fabric

- Well sealed double glazed windows would be beneficial for both thermal and acoustic reasons, especially in areas located on busy roads.

21. Water use minimisation

- Clearly identify where the rainwater from the roofs will be plumbed to. This should at least include the landscaping and toilets
- Landscape design and planting should be water tolerant and suitable for the microclimate – see landscaping comments.

Materials

22. A new area of BASIX and NABERS, it would be good to understand how you are aiming to reduce the impact of materials.

23. Where is the roof cladding/construction noted?

24. Where is the insulation for walls and ceilings indicated?

25. Consideration should be given to:

- agreeing to the low emissions options for the concrete noted in the BASIX report,
- lean design strategies such as optimising structural layout and slab design, posts to support balconies instead of cantilevers etc
- dematerialisation throughout
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- reducing basement carparking and/or its impacts

The inclusion of cantilevered awnings hosting desirable plants presents a number of issues to be resolved. The design will need to consider:

26. how to minimise the embodied carbon from the concrete and steel reinforcement required to hold them up in their saturated states

27. how to minimise the thermal bridging resulting from the need to connect these to the inside slabs

28. how they will be built to last, not cracking after a short time due to weight, failings of waterproofing, issues arising from maintenance of the plants etc.

## PANEL CONCLUSION

**The Panel considers that the development application has merit subject to implementation of the recommendations above. Key factors including more detailed analysis and assessment of amenity impacts need further attention to guide final design modifications.**