

Attachment H

<p>Clause 6.21C Design Excellence Assessment</p>

Design Excellence assessment

Clause 6.21C Design excellence	Assessment
<p>(1) Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</p> <p>(2) In considering whether development to which this Division applies exhibits design excellence, the consent authority must have regard to the following matters—</p>	
<p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p>	<p>Satisfied.</p> <p>Smart Design Studio have undertaken a local character analysis within the Design Report which forms part of the development application before the court. It demonstrates that the selected brick materiality and detailing is characteristic of the location. The proposed brick detailing provides subtle decoration and architectural expression to the facades. This is a contemporary interpretation of the adornment that is typical of surrounding early 20th century apartment buildings.</p> <p>The form and design of the proposed buildings, including the curved balconies (to Billyard Avenue) and solid to void ratio, with rectangular windows within solid walls (to Onslow Avenue) respond to characteristic architectural features.</p> <p>Details of the proposed bricks and facade detailing are included in the architectural plans to ensure they are approved as a key feature of the design.</p>



Figure 4.1 - Artist impression of the proposed development fronting Billyard Avenue



Figure 4.2 - Artist impression of the proposed development fronting Onslow Avenue

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

Satisfied

The proposal includes street setbacks to the public domain that are characteristic of this location. The brick facade is a low maintenance material that will weather well and have a good appearance from the public domain. The driveway crossing is to be

	removed from Onslow Avenue, which allows for better flood mitigation measures at the boundary. The new driveway to Billyard Avenue is narrow – suitable for a single vehicle.
(c) whether the proposed development detrimentally impacts on view corridors,	<p>Satisfied</p> <p>The proposal does not have an impact on any established view corridors identified in the controls.</p>
(d) how the proposed development addresses the following matters—	
(i) the suitability of the land for development,	<p>Satisfied</p> <p>The land is considered suitable for development.</p>
(ii) the existing and proposed uses and use mix,	<p>Satisfied</p> <p>The existing residential flat building is proposed to be replaced with a new residential flat building.</p> <p>There is no applicable planning mechanism which prohibits a reduction in the number of dwellings overall on a development site. There is no applicable planning mechanism that requires the adaptive re-use of the existing building.</p> <p>It is noted that the City of Sydney dwelling retention planning proposal received gateway determination on 5 April 2024, was publicly notified between 11 July 2024 and 23 August 2024 and is still under review and not yet in effect. The development application was lodged 14 August 2023 and therefore no weight can be given to this draft policy.</p> <p>As the development incorporates only 20 dwellings, the dwelling mix provisions of section 4.2.3.12 of the SDCP 2012 are not applicable.</p>

<p>(iii) any heritage issues and streetscape constraints,</p>	<p>Satisfied</p> <p><u>Heritage:</u> The existing building, which is identified as a neutral item, does not make a positive contribution to the established character, setting, or significance of the Elizabeth and Rushcutters Bays HCA. Its proposed demolition would therefore not adversely impact the established significance of the HCA.</p> <p>The proposed replacement building has been found to meet the requirements of infill buildings in HCAs as outlined in the Sydney DCP 2012 (including those related to siting, external form, character, and detailing).</p> <p>The proposed brick facade demonstrates a sympathetic response to traditional materials and finishes and take cues from adjoining Inter-War residential flat buildings. This will enable the new development to present as a sympathetic contemporary infill building within the setting of the HCA.</p> <p><u>Streetscape:</u> The proposed buildings are considered to sit well in their streetscapes. The building to Onslow Avenue is perceived as 6 storeys within the streetscape. The building has a further 2 storeys below street level, which is characteristic in this location and is not perceptible in the streetscape.</p> <p>The Billyard Avenue building is 5 storeys. Both buildings have adequate regard to the DCP building height in storeys control of 6 storeys.</p> <p>The street setbacks, materiality of the building, solid to void ratio and scale of fenestration are all considered to demonstrate a high degree of architectural skill and responsiveness to the context.</p>
<p>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with</p>	<p>Not applicable</p> <p>The site is not considered to contain any towers.</p>

<p>other towers, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p>	<p>The guidance on <i>Tower apartments</i> in Part 1A of the Apartment Design Guide (ADG) notes that tower apartments are “typically more than nine storeys”.</p> <p>The tallest building on the site is eight storeys.</p>
<p>(v) the bulk, massing and modulation of buildings,</p>	<p>Satisfied</p> <p>While the proposed development does not meet the separation distances in the design criteria in part 3F – Visual privacy in the ADG, the experts agree that Objective 3F-1 is satisfied. This requires that <i>“adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy”</i>.</p> <p>The proposed side setbacks of the building are similar or greater than those of the neighbouring buildings and are considered characteristic of the location. The architectural design incorporates brick screening and careful location of windows to manage overlooking from within the apartments. Overlooking from balconies and rooftop open space is managed by increasing separation and managing view angles with planters, nib walls and where required, screening.</p> <p>Changes to the building bulk and massing have been made during the assessment process to increase solar access to apartments at 23 Billard Avenue and 12 Onslow Avenue. These apartments will now receive compliant solar access as per the DCP requirement.</p> <p>The experts agree that the bulk, massing and modulation of the proposed buildings is suitable for the site and location.</p>



Figure 4.3 - This diagram demonstrates that the building siting and footprint is characteristic of the location.

<p>(vi) street frontage heights,</p>	<p>Satisfied</p> <p>There is no site specific street frontage height control in the DCP for either street frontage. As noted above, the proposed Onslow Avenue building has a street frontage height of 6 storeys (with some building articulation at 4 storeys to break down the perceived scale), while the proposed Billyard Avenue building has a street frontage height of 5 storeys, with some articulation of the facades and form to distinguish the top level from the 4 levels below.</p> <p>The experts agree that the design complies with the general height of building in storeys DCP control (6 storeys) and therefore appropriately addresses the street frontage. It is noted that the proposed Billyard Avenue building is a storey lower than the control, to better address the streetscape and other constraints of the site.</p>
<p>(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic</p>	<p>Satisfied</p> <p><u>Overshadowing</u> : DA807-DA813 and DA820-DA826 in the Architectural Plans prepared by Smart Design Studio demonstrate that</p>

<p>privacy, noise, wind and reflectivity,</p>	<p>changes have been made to the design to ensure overshadowing to neighbours at 23 Billyard Avenue and 12 Onslow Avenue is acceptable and complies with DCP and ADG requirements.</p> <p><u>Solar access:</u> DA811-DA813 demonstrate that solar access to the subject site living room windows, private open spaces and communal open spaces receive the required solar access as per the DCP and ADG.</p> <p><u>Visual privacy:</u> Amendments to the building during the joint conferencing process have resulted in changes to the design to better address overlooking and privacy to the neighbouring building. These are outlined in the response to Contention 8 –Residential amenity.</p> <p><u>Acoustic privacy and noise:</u> The rooftop open spaces, which are for resident use, will be managed by an agreed condition limiting the maximum number of users at any one time using each of the common terraces. The condition also limits the hours of use.</p>
<p>(viii) the achievement of the principles of ecologically sustainable development,</p>	<p>Satisfied</p> <p>The proposed new building is supported by an ESD report which demonstrates a commitment to sustainability throughout the project.</p> <p>This framework has been informed by the sustainability measures outlined in the Sydney LEP 2012, Sydney DCP 2012 and the Building Sustainability Index (BASIX), and includes:</p> <ul style="list-style-type: none"> - Improving upon minimum legislated BASIX benchmarks in line with City of Sydney Design Excellence guidelines: a) Energy 35% b) Water 50% - Delivering a high level of thermal performance.

	<ul style="list-style-type: none"> - Following a range of sustainability initiatives across the site spanning energy efficiency, water efficiency, indoor environment quality, materials selection, waste management and user/visitor comfort.
(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	<p>Satisfied</p> <p>The proposed development removes a vehicle crossover on Onslow Avenue and locates a new vehicular entry to the basement carpark on Billyard Avenue. The width of the driveway has been minimised. Impact on the pedestrian network is acceptable.</p> <p>The site will have waste collected by council from the Billyard Avenue frontage. The internal waste room is where the bins and bulky waste are stored. On waste day, the bins are temporarily located in an external holding area while awaiting collection. They are to remain in the holding area a maximum of 24 hours. This arrangement is clarified by a condition of consent which is agreed by the experts.</p>
(x) the impact on, and any proposed improvements to, the public domain,	<p>Satisfied</p> <p>As noted above, the impact on the public domain is considered acceptable</p>
(xi) the impact on any special character area,	<p>Not applicable</p> <p>The subject site is not in a special character area.</p>
(xii) achieving appropriate interfaces at ground level between the building and the public domain,	<p>Satisfied</p> <p>The proposed development offers a ground level interface that is characteristic of the location and consistent with neighbouring buildings.</p> <p>During the assessment process, the design was amended to increase street setbacks to</p>

	<p>both frontages to better respond to the streetscape and on Billyard Avenue, to achieve increased deep soil within the front setback to support tree planting.</p>
<p>(xiii) excellence and integration of landscape design.</p>	<p>Satisfied</p> <p>Minimum canopy cover and deep soil requirements are achieved in the proposal, resolving Contentions 9 and 10.</p> <p>Changes have been made to address the details contended under Contention 4 – Design Excellence in relation to landscaping</p> <p>The drawings have been amended to ensure the landscape drawings utilise the most recent architectural drawings as their base plan.</p> <p>The landscape plans have been amended to depict required distances for the Lemon Myrtle trees</p> <p>Details of the retaining wall verify deep soil minimums will be provided.</p>