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Woollahra Municipal Council
536 New South Head Road,
Double Bay NSW 2028

RE: Urban Design Review of 2-6 Conway Avenue, Rose Bay, – SSD- 101842729

Studio GL were asked to review the SSD plans for 2-6 Conway Avenue, Rose Bay. The review identifies the key urban design related matters, identifies concerns and suggests amendments that could reduce these impacts. The review relies on the information provided by the proponent.

The site is located at 2-6 Conway Avenue, 15-15A Fernleigh Avenue & 38-40 Carlisle Street, Rose Bay, and consists of six (6) existing lots. The site is predominantly rectangular in shape with a small triangular portion along the south-western corner of the Conway Avenue street frontage. The northern boundary comprises two cranked segments of 36.4m and 45.7m respectively, the eastern boundary is 36.5m, the southern boundary comprises two cranked segments as well of 35.2m and 45.7m, the western boundary is 42.1m with a site area of 3,105sqm with frontage to Fernleigh Avenue and Conway Avenue of approx. 80m and frontage to Carlisle Street of approx. 35m. The site is located on the higher north side of Fernleigh Avenue, within gently sloping topography to the southeast. Site levels varying from RL 47m at the northwestern corner to RL 37m at the southern corner. The site lies 360m to the north east of the Rose Bay Town Centre.

Applicable controls

- State Environmental Planning Policy (Housing) 2021 & Apartment Design Guide (ADG)
- Woollahra Local Environment Plan 2014 (WLEP)
- Woollahra Development Control Plan 2015 (WDCP)

The principal planning controls for the site, in the Woollahra Local Environmental Plan 2014, are:

- R3 Medium Density Residential zoning,
- 10.5m maximum height of building,
- 0.75:1 maximum floor space ratio.

The site is located within the indicative Low and Mid-Rise (LMR) housing area defined under Chapter 6 of the State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) and within the 400m walking distance and therefore is eligible for the following increased maximum building height and FSR, which override the LEP controls:

- 22m maximum height of building,
- 2.2:1 maximum floor space ratio.

As the site is within 400m walking distance of a bus stop with at least one service every hour, it is also eligible for an additional 20-30% bonus on maximum height and FSR, if the development provides 10-15% affordable housing, under Part 2 of the Housing SEPP. If the full bonus is applied, the development could have a maximum building height of 28.6m and a maximum FSR of 2.86:1.

Key issues

Context and Streetscape Character

The site is a part of the Rose Bay Precinct, located to the north and west of the Rose Bay Centre, which serves the daily and weekly shopping needs of the local community. Key elements of context and streetscape character include large street trees, and apartments and dwelling houses within a heavily landscaped setting.

Conway Avenue is characterised by a mix of one or two storey dwellings and more recent three storey apartment buildings. Buildings are predominantly of light coloured rendered or painted masonry with limited use of face brick. Buildings on the same side of the road as the site have a limited front setback (4m-5m) often with a rendered masonry or stone wall on the street and hedging behind. Older dwelling houses and apartment buildings generally feature hipped and tiled roofs, although more recent three storey apartment developments typically have flat roofs. The heritage listed Fernleigh Castle, Rose Bay is near the site.

Due to the changes to the planning controls, it is anticipated that dwelling houses along Conway Avenue will be replaced with six storey apartment buildings (within a 400m walk of the centre). Some of these developments will choose to access the affordable housing bonus and may be up to eight storeys high. The impact of the controls means the desired future character of the street is likely to be a highly varied streetscape height, with existing and new apartment buildings ranging from three to eight storeys. Without a consistent height along the street, there is a need to create strong datum lines in all new development at 3 storeys and 6 storeys and use recessive upper levels above six storeys to help tie the different building scales together. Taller development also needs to be well designed, incorporating a high level of modulation and a varied palette of materials that will respect and enhance the streetscape character.

The proposed eight storey building height, while permissible, appears out of scale with the current and desired future character. While the bulk of the building has been reduced through articulation, the following recommendations would help reduce the perceived bulk and scale when viewed from the street and contribute to a building façade that better responds to the existing three storey streetscape and the potential future varied streetscape height and character along the street:

- Remove or reduce the size of covered balconies and terraces which add to the visual bulk of the building, especially where they occur off bedrooms and secondary living areas.
- At a minimum facing Conway Street this includes:
    - Reducing the balcony depth off bedrooms and secondary living areas so that they are behind the 4.5m front setback identified in the Architectural Report. This would reduce the bulk and scale and create a more interesting and site responsive design.
    - Increase the area of deep soil in the front setback which can be utilised for landscaping and tree canopy
- Increase and utilize the amount of deep soil and landscape in setbacks (see setbacks below) to ensure the building will appear in a heavily landscaped setting, consistent with the local character.

Building height.

The principles and design strategies in the Design Report appear to consider the site as flat rather than one that has a 3.5m cross fall. It should also be noted that the middle of the site, where the building on 2 Conway Avenue sits, has been excavated to provide a car park under the building. This means the existing ground line is lower than natural ground and therefore in the middle of the site the proposal exceeds the maximum height limit. Refer Figure 1 for the existing ground line in consideration with the proposed development.

The following recommendations would help reduce the perceived bulk and scale when viewed from the side and rear boundary and contribute to a building façade that better responds to the desired streetscape height and character along the street and to reduce the privacy and overshadowing impacts along the southwestern boundary at the rear:

- Consider removing Level 7 (the eighth storey), as it exceeds the permissible height plane. According to the ADG, a 5–8 storey building typically reaches approximately 25 metres in height. This adjustment will help improve the overall building bulk and scale while also reducing potential overshadowing impacts.
- If Level 7 is retained, a Clause 4.6 variation is required to address the non-compliance with the maximum height control, with clear justification provided in relation to the existing ground line determination in the proposal and its impact on the overall building height.
- Reduce the typical floor to floor height from 3400mm to 3200mm (see Built Form and Scale below).
- Remove or reduce the size of covered balconies and terraces which add to the visual bulk of the building, especially where they occur off bedrooms and secondary living areas. At a minimum this includes:
    - Remove or reduce the balconies on Levels 2 to 7 facing the Conway Avenue that are accessed off bedrooms as these are not the primary private open spaces, and they increase the bulk and scale of the development. This would also help to reduce the building depth and increase cross ventilation and sunlight to habitable areas

Figure 1 – Section A by MHNDU with existing ground Line and recommended ADG setbacks shown over

Setbacks

Front or street setbacks establish an alignment of buildings along the street and help define the proportion and scale of the street. They contribute to the landscape character of the street and are important in establishing the character of the public domain. Front setbacks are not specified in the ADG, which instead references the need to comply with the DCP and be consistent with the established pattern in the street.

The WDCP references averaging the three most typical setbacks of the four closest residential buildings that face the same side of the street. The application does justify the proposed front setbacks of 4.5m for Ground to Level 3 along Conway Street and Carlile Street with an increased setback to 7.5m above Level 3 with reference to the established pattern in the street or to the WDCP, However the building form encroaches into these setbacks, especially along Conway Street, which undermines the intended street alignment, landscape opportunity, and public domain character that the front setback is meant to achieve. The reduced effective setback also limits the ability to provide meaningful deep soil and canopy planting at the street edge, weakening the development's contribution to the streetscape and eroding the landscaped transition between public and private realm. The building response the front setbacks along Carlile Street are suitable.

Side and rear setbacks are important to ensure amenity for new development and neighbours. Side and rear setbacks in the proposal are generally consistent with ADG building separation requirements (4H) for habitable uses in an apartment building but there are a few inconsistencies.

As indicated in the section provided (refer Figure 1), the proposed built form along the western boundary does not appear to achieve the required stepped setback distances as the building height increases. A response to these areas of inconsistency is noted below:

- The Design Report states that habitable rooms adjacent to the western boundary are provided with appropriate screening. however, this is not reflected in the architectural drawings which do not identify or detail any screening elements along the western boundary. This inconsistency requires clarification, and it is recommended that the architectural drawings be amended to clearly indicate the location, type, and dimensions of privacy screening measures to demonstrate compliance with the ADG visual privacy requirements.
- The argument that the development does not need to meet the ADG standards as *"No 8 Conway has recently been constructed, and so it is unlikely that this site will be developed in the near future"* and *"the primary facade of any future development of that site would be designed to provide primary aspect to north and west directions for solar access and harbour views and non-habitable facade to the east"* fails to recognise that No 8 Conway Avenue currently has a rooftop open space that would be overlooked by the development and any taller future development on this site is also likely to want to take advantage of the view and amenity possible from the roof.
- If habitable rooms and balconies that are unscreened and have clear glazing below 1.5m are desired facing the western boundary these should be set back a minimum of 6m for levels 0-4 storeys (up to 12m) and a minimum of 9m for levels 5-8 storeys (up to 25m). Given the height of the proposed building, it is recommended that if habitable rooms without screening are desired for the upper levels facing west they are redesigned with a clear and significant step-back from the western boundary to meet this requirement, reduce bulk and scale, and limit overshadowing and overlooking impacts on the adjoining property.
- It is recommended that the depth of balconies and habitable rooms at the lower levels be reduced to eliminate any encroachment into the nominated 4.5m front setback. The setback should be taken from the street boundary to the outside face of the front building wall, or any protruding balcony, deck or the like. At the upper levels, a clear and unobstructed setback of 7.5m along both streets should be maintained.

Built Form and Scale

Chapter 07 - Design Report includes a detailed consideration of the built form of the proposal and identifies strategies to break down the mass and scale and create a base, middle and top to the development. It is a reasonable approach and would be appropriate in a greenfield or infill location where there is an expectation that all surrounding sites would be developed in a similar manner. However, this site has a strong existing context so increased consideration of the likely future context and a design that is more responsive to the location and slope is needed to ensure this development is compatible with its surroundings (see Context and Setbacks above).

The proposal states that the development is within the maximum permissible FSR for development on this site. However, I consider that the FSR is slightly over as storage, garbage and services are only excluded where they are within a basement and large areas of the Lower Ground Floor are more than 1m above the existing ground level and therefore should be included in the floor area calculations. The lobby area in the lower ground floor, connecting the fire staircase, should also be included in the calculation of the gross floor area of the development.

The development proposes floor to floor heights of 3400mm. This is overly generous as generalfloor to floor heights of 3200mm to achieve ceiling heights of 2700mm are more common. If all eight storeys can be reduced to 3,200mm per floor this would result in an overall building height reduction of

approximately 1.6m bringing the roof level to RL 70.30. This would reduce the bulk and scale, overshadowing and view impacts of the proposal.

Landscape and Amenity

The ADG identifies that the purpose of communal open space is to provide outdoor recreation opportunities, enhance residential amenity through connection to the natural environment and provide opportunities for landscaping and valuable 'breathing space' between apartment buildings. The ADG also recommends that communal open space should be consolidated into a well-designed, easily identified and usable area and co-located with deep soil areas with access to sun in winter, shade in summer and shelter from strong winds.

Under the ADG the development is required to provide 25% of the site area as communal open space and 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter). The proposal states the "communal open space" is 70% but this includes large areas of private open space. The true "communal open space" provided by the proposal is 5.14% (159.60 sqm) and is highly fragmented and composed of:

- A 'communal garden' in the southeast corner of the site, behind the Substation and accessed from Conway Avenue and on the north-east corner accessed from Carlisle Street. This is the only area of communal open space co-located with deep soil.
- An indoor Communal indoor space is located at lower ground level near the lobby and the building entry.

The communal open space provided does not meet the ADG design criteria as it does not enhance residential amenity, provide opportunities for high quality landscaping or invite a range of activities, informal recreation and outdoor activities. One reason that the 70 apartments will not receive well landscaped, communal open space collocated with deep soil and with good access to sunshine in mid-winter, is because much of the open space at the ground level are large private open spaces (some with private swimming pools and spas) for the five ground level apartments. It is recommended that the design is reconsidered so that more of the side or rear setback, with deep soil and good access to sunshine in mid-winter, is allocated to communal open space suitable for a range of age groups.

Landscape plays an important role in the streetscape character and the amenity of the local area. Deep soil zones reduce stormwater runoff and promote healthy trees with large canopies. The ADG recommends that all sites achieve 7% deep soil but on larger sites the minimum width of the deep soil zone increases. On a site of this size (greater than 1,500sqm) the minimum width of deep soil increases from 3m to 6m and over 15% of deep soil is encouraged. The proposed development provides no deep soil areas that are 6m wide. As the front setbacks to the basement are less than 6m wide (4.5m and 3.28m wide respectively) the only deep soil areas over 3m wide are provided along the side and rear boundaries. These provide 468.40 sqm of deep soil which equates to 15% of the site. The WDCP requires a minimum of 35% deep soil provision on site; however, the proposed development does not satisfy this requirement, and it is recommended that the landscape design be reviewed and amended to demonstrate compliance with this deep soil requirement.

The Tree Canopy Guide for Low and Mid Rise Housing requires apartment development using this pathway to provide a minimum tree canopy of 15% and deep soil of 7%. The guide encourages sites over 1,500sqm to consider an enhanced deep soil of 15% and tree canopy of 20%. The proposal claims to achieve tree canopy coverage of 33% however many areas identified on the landscape calculation as 'tree canopy' are located within the building envelope, trees planted along the front and rear setbacks are mostly small trees and the trees proposed along the street do not provide canopy coverage to the site. It is recommended that deep soil zones (minimum 3m wide) are provided along the front and rear boundaries, and that taller tree species be incorporated to establish a genuine canopy within the communal open space, improving comfort and usability by providing shade for residents to sit and enjoy the area.

Other Issues

While the design quality of most of the apartments is good, the depth of some of the single aspect apartments is of concern. The depth of a single aspect apartment directly influences the quality of

natural ventilation and daylight access and the maximum recommended depth for open plan layouts (living, dining, kitchen) with a ceiling height of 2.7m is 8m. More than half (36) of the 70 units are over 8.5m from glass line to the rear of the Kitchen and many balconies are more than 2.4m deep. Deep floorplates reduce access to natural ventilation and daylight to living, dining and kitchens. Deep balconies make it difficult for living rooms to receive 2hrs of sunshine in mid winter as is clearly shown in the Sun Eye Diagrams as units 602, 702 and 802 struggle to achieve 2hrs of sunlight. If they don't achieve the 2hrs less than 70% of apartments receive 2hrs of sunlight. It is recommended that the depth of these apartments and balconies is reduced.

Several secondary balconies within the proposal are deeper than the adjacent master bedroom, which significantly restricts the ability of habitable rooms to receive adequate solar access and natural light, contrary to the ADG solar access and daylight objectives. Furthermore, the excessive depth of these balconies contributes unnecessarily to the overall bulk and scale of the building, particularly as they read as prominent projecting elements on the facade. It is recommended that the applicant reduce balconies and balcony depths to reduce the bulk and scale of the development, If deeper balconies are retained provide evidence that living rooms receive minimum solar access.

Bedroom 3 within Units 410 and 510 do not provide window openings, which fails to meet the ADG minimum natural light and ventilation requirements for habitable rooms, along with other NCC requirements. Additionally, bedroom windows in some units are directly facing one another (refer figure 03), with a separation distance of 4.5m between opposing facades. No privacy screening details have been provided to address the resulting overlooking impacts. This breaches the ADG visual privacy requirements and reflects a poor standard of internal amenity and apartment design. It is recommended that all habitable rooms be provided with compliant window openings, that the separation distances between opposing windows be reviewed against the ADG building separation requirements, and that privacy screening details be clearly identified on the architectural drawings to demonstrate that visual privacy is adequately achieved.

Figure 2 – Level 02 plan by MHNDU illustrating direct overlooking between Bedroom 2.

Affordable Housing

The *In-fill Affordable Housing Practice Note (December 2023)* states nominated affordable housing apartments are not to have a lower standard of design quality compared to the rest of the building.

> *It is important that amenity is maximised across a development, and that affordable dwellings are not subject to a lower standard. For example, if 70% of dwellings across a development achieve the ADG criteria for solar access (minimum 2 hours to living areas), then a similar percentage of the affordable dwellings should meet that standard.*

The proposal identifies that 11/70 (15%) apartments receive no sun in mid-winter, however 9/17 (52%) of affordable apartments receive no sun in mid-winter. The proposal also notes 49/70 (70%) of apartments receive 2hrs of sunshine in midwinter, but only 8/11 (48%) of affordable apartments receive 2hrs of sunshine in midwinter. It is recommended that the apartment allocations be revised so a similar percentage of affordable and non-affordable dwellings meet the ADG solar access standards. Beyond

solar access, the design quality of some of the affordable apartments is also of concern. Units 207 and 306 have been configured such that the primary entry opens directly into a bathroom, which is not considered best practice or consistent with the principles of good apartment design, regardless of tenure type.

Summary

The proposal is generally well considered and well documented, however it is a much larger development than existing dwellings and recent apartment developments in the street and additional care is needed to ensure there is cohesion with the local context and along the streetscape, and that residents of both the affordable and non-affordable parts of the development and of neighbouring developments will have a high level of internal and external amenity.

Overall, while the site can access generous height and FSR controls, the location and extent of the proposed bulk and scale is considered unreasonable. The proposal has not adequately account for the impact of levels across the site and does not fully comply with the ADG privacy, amenity, and separation requirements, and contributes to increased overshadowing impacts on neighbouring properties. The proposal also provides a low standard of communal open space, insufficient deep soil and tree canopy, and overly generous floor-to-floor heights and large secondary balconies off bedrooms which contribute to the large visual bulk of the development.

A summary of recommended changes to improve the internal amenity for residents and the external amenity of neighbours is provided below:

- Consider reducing the building by a storey so that it is within the maximum building height. This would also address some of the setback and privacy and overshadowing issues identified below.
- If this does not occur submit a Clause 4.6 variation request to address the non-compliance with the maximum height control, with clear written justification provided in relation to the existing ground line and its impact on the overall building height and building impacts.
- Remove or reduce the size of covered balconies and terraces, which increase the visual bulk of the building especially where they occur off bedrooms and secondary living areas including:
    - Reducing the depth of balconies at the lower levels that encroach into the nominated front setback and maintaining a clear setback of 4.5m along lower levels and 7.5m at the upper levels along Conway Street.
    - Reviewing and reducing all balconies that are deeper than 2.5m to improve solar access to living rooms and reduce unnecessary facade bulk.
- Where possible reduce the floor-to-floor height from 3,400mm to a minimum of 3,200mm across all levels. This may not be possible between Level 3 and Level 4 and Level 6 and Level 7 as the apartment layout changes.
- If habitable windows and balconies are desired facing the western boundary, increase the setback to achieve the ADG minimum separation requirements at each height threshold i.e. 6m for levels up to 4 storeys, a minimum of 9m for levels 5-8 storeys, and a minimum of 12m for levels above 25m.
- Provide window openings to all bedrooms to comply with the ADG minimum natural light and ventilation requirements for habitable rooms and introduce privacy screening details for opposing bedroom windows to address the 4.5m visual privacy breach identified within the building.
- Ensure that the total floor area of the building is within the maximum FSR.
- Reduce the depth of single aspect apartments so the maximum depth of open plan living, dining and kitchen within these apartments is not more than 8m.

- Reconsider the allocation of oversized private open spaces (including private pools and spas) at the ground level and reallocate a portion of the side or rear setback as genuine communal open space, co-located with deep soil and with decent medium to large tree canopy.
- Redesign to ensure the communal open space provided is consolidated, suitable for a range of age groups, linked to deep soil and has access to 2hs of sunshine in mid-winter.
- Increase the amount of deep soil and tree canopy in the front setback to ensure the building will appear in a heavily landscaped setting, consistent with the local character.
- Review and amend the deep soil provision to work towards compliance with the WDCP minimum requirement of 35%, ensuring deep soil zones are a minimum of 3m wide (but preferably 6m) along the front and rear boundaries and are co-located with taller tree species to establish a genuine canopy for shade and amenity.
- Reconsider the allocation of affordable dwellings or redesign the building so that a similar percentage of affordable dwellings and non-affordable dwellings meet the solar access standards.

Figure 3 – Summary of key recommendations for street elevation shown over Photomontage 01 by MHNDU

Figure 4 – Summary of key recommendations for western boundary shown over Photomontage 02 by MHNDU

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