



# Architectural Excellence & Design Review Panel

## Meeting Minutes & Recommendations

Site Address:	37-39 Fisher Street Petersham
Proposal:	Demolition of existing structures and construction of an eight storey shop top housing development with basement car parking, a health services facility on the ground level, rooftop communal open space and 25 apartments, including 4 affordable housing apartments.
Application No.:	DA/2024/0874
Meeting Date:	16 December 2024
Previous Meeting Date:	PDA/2021/0327 – 19 October 2021
Panel Members:	Matthew Pullinger (chair) Peter Ireland Jocelyn Jackson
Apologies:	-
Council staff:	Vishal Lakhia Andrew Newman
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	Rafael Contreras – Architect for the project Mary Aviani

### Background:

1. The Architectural Excellence & Design Review Panel reviewed the architectural drawings and discussed the proposal with the applicant through an online conference.

2. The Panel acknowledges that the proposal is subject to Chapter 4 – State Environmental Planning Policy (SEPP) Housing 2021 - Design of residential apartment development - and the NSW Apartment Design Guide (ADG) applies to the proposal. Additionally, the Panel reviewed the proposal in terms of design excellence as required by the Inner West Local Environmental Plan 2022 – Clause 6.9.

## Discussion & Recommendations:

### Principle 1 – Context & Neighbourhood Character

1. The Panel notes that the DA drawings provide limited urban design and contextual analysis to demonstrate how the proposal achieves an appropriate fit within the immediate context. As a minimum, the applicant needs to demonstrate successful relationships with the Masonic Temple to the east (35 Fisher Street), the boarding house to the west (41 Fisher Street) and the existing residential dwellings to the south (R1 General Residential zone). Additionally, potential future redevelopment scenarios should also be tested for the residential properties to the south, as part of an urban design analysis.
2. The Panel notes that a residential apartment development (subsequently approved) for the subject site was reviewed by the Panel at the 19 October 2021 meeting. The Panel is aware that future vehicular access for the recently constructed boarding house to the west was required to be facilitated through the basement of the subject site. The applicant should inquire with Council whether such requirements still apply for redevelopment of the subject site.
3. While the Panel accepts that the Masonic Temple to the east is a non-residential building, the proposed building separation of 1.25 to 4m for an 8-storey residential apartment building is significantly below the minimum requirements of the NSW ADG Part 3F – Visual privacy. Similarly, the proposed rear/southern boundary setback of 3 to 4m is also significantly below the ADG requirements. In its current configuration, the DA provides inadequate amenity to proposed apartments that address side and rear boundaries and impairs the privacy of neighbouring sites. Overshadowing impacts to the south are likely to be exacerbated by the inadequate rear setbacks.
4. With compromised side and rear boundary setbacks, these adjacencies are further exacerbated because many of the proposed apartments 'borrow' amenity from the adjoining properties to the east and south, where - at lower levels - bedrooms and living rooms will be deprived of acceptable outlook, visual and acoustic amenity.
5. The Panel notes that the proposed 8-storey built form does not align with any positive cues evident in the existing streetscape, and is inconsistent with the form of the adjoining boarding house to the west. Adjustment of the proposed street wall and building form will be required to better resolve the relationship, contextual fit and interface with Fisher Street's built form.
6. The Panel does not support the proposed shortfall of deep soil and notes the generally inadequate landscape area and under-sized communal open space, which is inconsistent with the requirements of the NSW ADG Part 3D Communal and public open space and 3E Deep soil zones. The proposed number of carparking spaces exceeds the minimum Council requirements and the Panel recommends the basement design should be rationalised to provide an ADG-compliant deep soil zone.

### Principle 2 – Built Form & Scale

1. The Panel recommends the applicant prepare a detailed cost plan for the for the project to ensure the proposed architectural design solution is cost effective, and whether anticipated project revenues (including the delivery of affordable housing) mean the project is viable.
2. The extent of glass enclosure along the majority of the building perimeter creates privacy, cross-viewing and environmental performance/heat loading concerns for the Panel.

3. The lack of natural light and ventilation provided to common circulation areas is contrary to the relevant ADG guidance and diminishes amenity within common areas.
4. The Panel recommends the applicant demonstrate the constructability of the proposed part insitu – part prefabricated construction considering the compromised side and rear setbacks for construction access.

## **Principle 3 – Density**

1. The proposal, in its current form, scale and configuration, represents an overdevelopment of the subject site - primarily because it creates too many impacts off site and results in too little amenity within the site - and the proposed density is not supported in this instance.
2. Additionally, the Panel notes concerns regarding significant non-compliances with core LEP controls. As described by the Council's assessment team, the proposed floor space ratio of 3.74:1 exceeds the maximum permissible control by 30.7%, and the proposed height of 28m exceeds the maximum permissible control by 26.7%.

## **Principle 4 – Sustainability**

1. Council should satisfy itself that the DA meets minimum targets set by within the ADG Part 4A Solar and daylight access and Part 4B Natural Ventilation. The Panel is concerned the DA may not meet the target for cross ventilation.
2. The Panel encourages the adoption of ambitious sustainability targets and exceeding minimum BASIX requirements. Additionally, the Panel encourages the inclusion of ceiling fans to all habitable rooms, incorporation of photovoltaic systems, EV charging facilities, and the provision of an all-electric building.

## **Principle 5 – Landscape**

1. The proposal should be revised to accommodate adequate deep soil zones, ideally within the eastern and southern setbacks, of an appropriate size to allow medium-large canopy trees and to improve the interface with existing (or future) neighbouring buildings.
2. A suitably qualified landscape architect should be engaged to develop the design consistent with Parts 4O and 4P of the ADG. The provision of rooftop communal open space needs refinement to lift its amenity and utility.

## **Principle 6 – Amenity**

Recommendations offered in Principle 1 – Context and Neighbourhood Character and Principle 2 – Built Form and Scale.

1. The Panel is concerned for inadequate amenity provided to apartments relying on outlook across side and rear boundaries and the corresponding overshadowing, privacy and cross viewing impacts for neighbours.
2. The Panel is concerned for the inadequate amenity provided to common circulation spaces.
3. The Panel is concerned for the highly glazed expression and its resultant reduced privacy.

## **Principle 7 – Safety**

No discussion - safety and security appear to be acceptable.

## **Principle 8 – Housing Diversity and Social Interaction**

No discussion - the proposed provision of affordable housing is welcome, and the apartment mix is acceptable.

## **Principle 9 – Aesthetics**



Recommendations offered in Principle 1 – Context and Neighbourhood Character and Principle 2 – Built Form and Scale.

1. The Panel is not convinced that the proposed architectural form and expression is appropriate to this part of Petersham and considers it to be 'out-of-character' and 'uncharacteristic' of the area.
2. While the Panel recognises the ambition of the architectural design concept, there are fundamental urban design concerns and statutory planning exceedances which cannot be overlooked by the Panel, and in its current form, the proposal is not supportable.
3. Finally, the stated architectural ambition to adopt an architectural language that reflects technology and embraces new construction methodologies brings with it a greater 'burden of proof' at the DA stage, and - in order to be convincing - demands far more technical resolution than a conventional architectural solution. This technical resolution is currently not evident within the DA.

### **Conclusion:**

Recognising its independent and advisory-only role, the Panel does not support the proposal in its current form, and recommends that an amended proposal be developed to respond to the recommendations made in this report.