

COMPLIANCE TABLE –STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

DEVELOPMENT APPLICATION: 98/2013

PROPERTY: 43-49 Queen Street Ashfield, Ashfield Baptist Homes

FROM: Senior Strategic and Projects Planner

REGULATIONS PERTAINING TO SEPP 65

Column 2 contains Council officer comments

Column 1	Column 2
<p>EPA Regulation 50 (1A)</p> <p>(1A) A development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:</p> <p>(a) that he or she designed, or directed the design, of the residential flat development, and</p> <p>(b) that the design quality principles set out in Part 2 of <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</i> are achieved for the residential flat development.</p>	<p>A “Design Verification Statement” has been submitted stating that the design has been produced by a “qualified designer” (registered architect).</p> <p>The DVS is quite detailed and self explanatory. The architect gives an explanation that a “Village” concept for the site has been pursued which has dictated the building and landscape site layout arrangement (with pathways through the site for promenading, access to the future park, a landscape including some colonnades and shade structures and central open space, and the open spaces given definition by various plantings). Most apartments having a northern orientation with good sunlight access and outlook, and buildings have a high degree of modelling (as compared to bland engineered monolithic blocks). Buildings off Queen Street have taken some architectural cues from adjacent houses.</p> <p>Irrespective of compliance with SEPP 65, there are town planning contextual matters that must be evaluated under statutory considerations, as required in the “Seniors SEPP” (being the SEPP Housing for Seniors or People with a Disability 2004), Division 2, Design Principles. Since the application is subject to assessment under the Seniors SEPP, the assessment town planner will make conclusions as to whether the additional building bulk proposed (being floor space and building height which exceeds the Seniors SEPP design standards and creates larger buildings) is compatible with surrounding development and can be supported.</p>
<p>EPA Regulations Schedule 1, 2(b)</p> <p>(5) In addition, a statement of environmental effects referred to in subclause (1)(c) must include the following, if the development application relates to residential flat development to which <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</i>,</p> <p>(b) drawings of the proposed development in the context of surrounding development, including the streetscape,</p> <p>(c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,</p> <p>(d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,</p> <p>(e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,</p> <p>(f) photomontages of the proposed</p>	<p>Generally, the required information has been submitted.</p>

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development in the context of surrounding development, (g) a sample board of the proposed materials and colours of the façade, (h) detailed sections of proposed facades,	
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SEPP 65 –ASSESSMENT TABLE

Column 2 contains officer comments.

Column 1	Column 2
<p><u>Clause 1 Name of Policy</u></p> <p>This policy is State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.</p>	
<p><u>Clause 2 Aims, objectives, etc.</u></p> <p>2. (1) This Policy aims to improve the design quality of residential flat development in New South Wales.</p> <p>(2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.</p> <p>(3) Improving the design quality of residential flat development of New South Wales:</p> <p>(a) to ensure that it contributes to the sustainable development of New South Wales:</p> <p>(i) by providing sustainable housing in social and environmental terms, and</p> <p>(ii) by being a long-term asset to its neighbourhood, and</p> <p>(iii) by achieving the urban planning policies for its regional and local contexts, and</p> <p>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</p> <p>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</p> <p>(d) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.</p> <p>(4) This Policy aims to provide:</p> <p>(a) consistency of policy and mechanisms across the State, and</p> <p>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</p>	Noted.
<p><u>Clause 6 Relationship with other environmental planning instruments</u></p> <p>In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.</p>	The Development is made permissible by the Seniors SEPP which is therefore the primary planning instrument for consideration. It's Division 2, Design Principles, are key considerations - see comments below under context.

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<p><u>Clause 7 Design quality principles</u></p> <p>The design quality principles for residential flat development are the principles set out in this Part.</p>	<p>Noted.</p>
<p><u>Clause 8 Introduction to the principles</u></p> <p>Good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, squares and parks.</p> <p>Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.</p> <p>Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.</p> <p>The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.</p>	<p>Noted.</p>
<p><u>Clause 9 Principle 1: Context</u></p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p><u>Responding</u> to context involves identifying</p> <p>the desirable elements of a location's current character or,</p> <p>in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.</p> <p>New buildings will thereby contribute to the quality and identity of the area.</p>	<p><u>Seniors SEPP - Primary Consideration</u></p> <p>Given there is an overlap between SEPP 65 and the Seniors SEPP, the following needs to be noted.</p> <p>As stated above, the Development is made permissible by the Seniors SEPP which therefore is the primary planning instrument for evaluating the proposal. This permits aged person's housing which includes flat buildings, and has various design standards and considerations. The proposal largely exceeds the FSR and Height standards of the Seniors SEPP, resulting in additional building bulk for Buildings 2 (off New Street) and Building 3 (middle of site).</p> <p>The Senior's SEPP Division 2 Design Principles, has clauses which are intrinsically about "Context", and are key considerations for examining the parts of the proposal that exceed the design standards of the Seniors SEPP. The development assessment officer, pursuant to the Senior's SEPP, will need to assess :</p> <ul style="list-style-type: none"> (i) whether the development sympathetically fits in with the neighbouring environment, including the additional building bulk and whether the scale of the proposed buildings is acceptable. (ii) whether the amenity of adjoining residences has been protected.

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	<p><u>SEPP 65 considerations</u></p> <p>For architectural compositional impacts on streetscape in New Street and Queen Street, see comments under the “Aesthetics Principle”.</p>
<p><u>Clause 10 Principle 2: Scale</u></p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development.</p> <p>In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>See comments above under Context and reference to the Seniors SEPP Division 2 Design Principles.</p> <p>.</p>
<p><u>Clause 11 Principle 3: Built Form</u></p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms</p> <p>of building alignments, proportions,</p> <p>building type and</p> <p>the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>See comments above under Context and reference to the Seniors SEPP Division 2 Design Principles.</p>
<p><u>Clause 12 Principle 4: Density</u></p> <p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>Good resolution of the matters for consideration under the Design Principles of the Seniors SEPP will lead to a reduction in bulk and so floor space.</p>
<p><u>Clause 13 Principle 5: Resource, energy and water efficiency</u></p> <p>Good design makes efficient use of natural resources, energy and water</p>	<p>Most of the apartments have a northern orientation and achieve acceptable energy efficient outcomes. As explained by the Architect's Design Verification Statement, there are also various additional technological devices proposed to be installed. It is understood a BASIX compliance certificate has been submitted which demonstrates technical compliance with this SEPP 65 Principle.</p>

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<p>throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, (PSD) efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	
<p>Clause 14 Principle 6: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>Noting that the development is primarily for apartment buildings, the following is relevant:</p> <p>The Residential Flats Design Code recommends in Site Configuration (page 49) that there should be a <u>communal open space area</u> in the range of 25-30 percent of the site. Such a quantum of area of communal open space, located in one communal location, which is free from interference of vehicles, has not been provided within the site. It is, however, relevant that there is a potential future public park adjacent the development.</p> <p>Also proposed (for areas which are free of vehicles) are:</p> <ul style="list-style-type: none"> - communal gardens for growing of plants and vegetables which will assist in creating social interaction (instead of walking past or simply looking at vegetation). - communal area (off middle Building 3). - community terrace forward of the community rooms (building 1) off Queen Street (which needs some conditions applied to ensure there is no noise nuisance for the adjacent house). - pathway between Queen Street through the site into the future park which will make a pleasant (useful) pedestrian promenading route for walking and exercise through the local area, for the residents of the site.
<p>Clause 15 Principle 7: Amenity</p>	<p>In Building 3, there are a small number of apartments which have a southern orientation, and so poorer amenity. However, this small</p>

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<p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, outlook and ease of access for all age groups and degree of mobility.</p>	<p>percentage of apartments does not warrant refusal of the application.</p> <p>Most apartments have a northern orientation and so good sunlight access, good outlook and good amenity.</p> <p>Whilst not a consideration under SEPP 65, achieving good amenity for apartments in the complex has come at the expense of the following neighbouring properties :</p> <ul style="list-style-type: none"> - with regard to Building 2, off New Street, adjacent houses in New Street will suffer a loss of amenity, including privacy and noise, from the proposed balconies. Whilst Building 2 has large side setbacks to neighbouring houses it also has some balconies directly facing adjacent houses. <u>This could be solved by applying conditions of consent to have those balconies redesigned to face into the site, and not directly into adjacent houses.</u> - The side pathway entry location to Building 1 will cause noise nuisance for the adjacent house. <u>This could be better designed to require this 3m wide space to have a 900 mm wide soil zone along the boundary, to take dense plantings, with the remaining part being paved. This could be conditioned on any approval.</u> - <u>The front balcony/ terrace of Building 1 (facing Queen Street) off the community room, should have a solid full height screen along its southern side to minimise noise transfer to the adjacent house.</u>
<p><u>Clause 17 Principle 8: Safety and security</u></p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by, maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>Most public spaces will be under surveillance. The Design Verification Statement explains that the development, which contains mostly flats, will be a gated one for security.</p>
<p><u>Clause 16 Principle 9: Social dimensions and Housing Affordability</u></p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to</p>	<p><u>Social</u></p> <p>The proposal is on behalf of a type of community housing provider, with the housing supplied being part of the site owners philanthropic social contribution to society.</p> <p>The proposal is mostly for self care standard apartments, similar in size to other typical similarly sized apartments one would find, but designed to comply with the access requirements of the Seniors SEPP. In addition, future occupants will have access to various medical facilities in the existing complex, and have access to communal entertainment rooms and</p>

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<p>suit the social mix and needs in the neighbourhood</p> <p>or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New development should address housing affordability by optimizing the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>so have more social interaction.</p> <p><u>Housing Affordability</u></p> <p>There are very few small or one bed room apartments, which are dwelling types that would normally be considered more affordable.</p> <p><u>Access</u></p> <p>The Seniors SEPP has specific design standards for access for people with disabilities, including standards for interior design of rooms, and assessment is required under that SEPP. Generally, apartments have lift access and access to the point of entry as required under the BCA, open plan layouts and larger room sizes.</p>
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<p><u>Clause 18 Principle 10: Aesthetics</u></p> <p>Quality aesthetics require</p> <p>the <u>appropriate</u> composition of building elements, textures, materials and colours and</p> <p>reflect the use, internal design and structure of the development.</p> <p>Aesthetics should also relate to the context, particularly responding to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p><u>Seniors SEPP</u></p> <p>The Senior's SEPP Division 2 Design Principles have clauses which are key considerations for examining the parts of the proposal that exceed the design standards of the Seniors SEPP. The development assessment officer, pursuant to the Senior's SEPP, will need to assess:</p> <p>(i) whether the development sympathetically fits in with the neighbouring environment</p> <p>This includes the additional bulk (and so floor levels), primarily generated by:</p> <ul style="list-style-type: none"> - Building 2 and the relationship of that building to New Street. - Building 3 (middle building) and the relationship to the neighbouring car park, and to houses off Robert Street. <p><u>SEPP 65 considerations</u></p> <p>Generally, the buildings have a high degree of modelling, however, the 'busy composition' aspect of a building is not the only criterion for assessing architectural composition.</p> <p>With regard to the primary buildings that will be highly visible from public spaces:</p> <p><u>Those buildings and front gardens where there is a close visual impact on New Street the following is noted.</u></p> <ul style="list-style-type: none"> - New Street is a suburban street containing primarily detached dwellings. The opportunity to have the proposed New Street Building no 2 appear as 'two large houses' as implicitly recommended in the Residential Flats Design Code has not been pursued - see the Diagrams below. Such building types would be smaller in height and floor space, noting the proposal exceeds the design standards of the Seniors SEPP. - Hypothetically, if New Street primarily contained residential flat buildings, one could state that the proposed flat building was a sympathetic fit with that built form character and the level of architectural composition was 'fair to good'. However, this is not the built form character of New Street. <p><u>Those buildings and front gardens where there is a close visual impact on Queen Street.</u></p> <p>The middle part of the development's open space interface with Queen Street inevitably has a large amount of driveways and hard paved surfaces, with there being a dominant view of the car park entry into the basement. These areas will have considerable servicing activity. Given this scenario, <u>the driveway pavement finishes should be conditioned to require high quality finishes superior to a plain concrete or bitumen finish, such as stencilled painted concrete or paving.</u></p> <p>Building 1 (south side) and Building 5 (north side) have an architectural dialogue with adjacent houses, and so have an adequate sympathetic fit with those houses - see the Diagrams below. However, the following conditions would need to be applied:</p>
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- the front visitor car space, parallel to Queen Street, should be deleted as it is located in an area that would normally be a front garden. There is on street parking in Queen Street and a basement parking area.
- front fencing details need to be provided at a large scale to show specific detail.
- complete elevations need to shown without any trees obscuring them and give more notation and colouring to show explicitly the final finishes.

continued on next page, showing Diagrams

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Diagram of proposed elevation s shown as montages

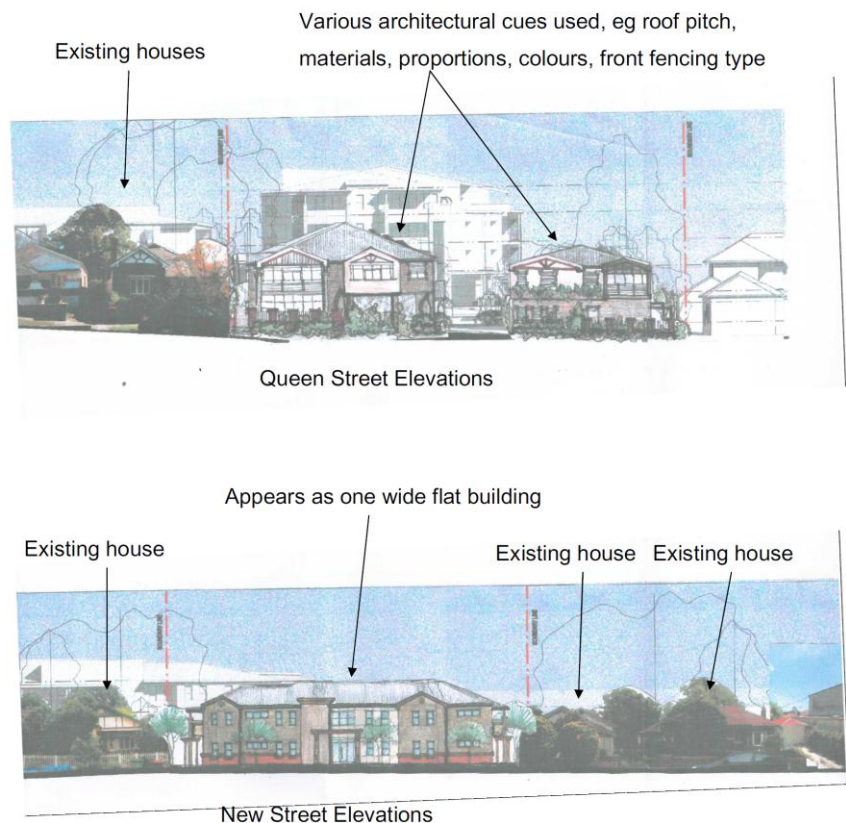


Diagram: Extract of Residential Flat Design Code referenced in SEPP 65, showing the 'big house apartment' building type, for use in suburban streets.

.Big House Apartment



A big house apartment is a residential flat building, which has the proportion and scale of a large detached dwelling. It is a freestanding building in a landscape setting. The big house can range in size from one to three dwelling units per floor and is typically two or three storeys high. The big house can also be an existing large house, internally subdivided into separate apartments.

This building type is best used when:

- the context is detached dwellings or similar architectural forms, which are likely to remain
- the character of the street, in terms of consistent building form and front gardens, needs to be maintained
- rear landscape areas and mature tree plantings are desired
- there are existing large heritage houses on the street
- large houses, often heritage listed, are available to be internally subdivided.

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<p>Clause 30 In determining a development application for consent to carry out development for the purpose of a residential flat building, a consent authority is to take into consideration:</p> <ul style="list-style-type: none">(a) the advice obtained in accordance with subclause (1)(b) the design quality of the residential flat building when evaluated in accordance with the design quality principles, and(c) the publication Residential Flat Design Code (RFDC) (Department of Urban Affairs and Planning and NSW Government Architect 1998)	<p>The Residential Flat Design Code has been noted where relevant.</p> <p><u>Conclusion</u></p> <p>As stated previously, the application is subject to assessment under the Seniors SEPP and the development assessment officer will address matters relating to additional building bulk which exceeds the design standards of the SEPP.</p> <p>If the application were to be supported it is recommended that conditions be imposed (as detailed in the underlined text in this report) to address satisfactory compliance with SEPP 65.</p>