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

DEVELOPMENT APPLICATION : 9 /2014
PROPERTY: 268-270 Liverpool Road Ashfield
FROM : Senior Strategic Planner and Projects

REGULATIONS PERTAINING TO SEPP 65

Column 2 contains Council officer comments.

Column 1	Column 2
EPA Regulation 50 (1A) (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: (a) that he or she designed, or directed the design, of the residential flat development, and (b) that the design quality principles set out in Part 2 of *State Environmental Planing Policy No. 65 – Design Quality of Residential Flat Development* are achieved for the residential flat development.	As required under the EPA Act, a "Design Verification Statement" has been submitted stating that the design has been produced by a "qualified designer" (Registered Architect).
EPA Regulations Schedule 1, 2(b) (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 *State Environmental Planing Policy No. 65 – Design Quality of Residential Flat Development*, (b) drawings of the proposed development in the context of surrounding development, including the streetscape, (c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations, (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, (e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts, (f) photomontages of the proposed 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,	Generally, the required information has been submitted. A rendered photomontage for the Elevations along Liverpool Road has been submitted.

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SEPP 65 –ASSESSMENT TABLE

Column 2 contains officer comments.

Column 1	**Column 2**
Clause 1 Name of Policy This policy is State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.	
Clause 2 Aims, objectives, etc. 2. (1) This Policy aims to improve the design quality of residential flat development in New South Wales. (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. (3) Improving the design quality of residential flat development of New South Wales: (a) to ensure that it contributes to the sustainable development of New South Wales: (i) by providing sustainable housing in social and environmental terms, and (ii) by being a long-term asset to its neighbourhood, and (iii) by achieving the urban planning policies for its regional and local contexts, and (b) to achieve better built from and aesthetics of buildings and of the streetscapes and the public spaces they define, and (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 (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions. (4) This Policy aims to provide: (a) consistency of policy and mechanisms across the State, and (b) a framework for local and regional planning to achieve identified outcomes for specific places.	Note: There is no "regional policy" for building and landscape aesthetics.
Clause 6 Relationship with other environmental planning instruments 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.	Noted

Clause 7 Design quality principles The design quality principles for residential flat development are the principles set out in this Part.	Noted.
Clause 8 Introduction to the principles Good design is a creative process which, when applied to towns and cities, results in the development of great urban places,	Noted.

buildings, streets, squares and parks. 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. God design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. 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.	Noted. Noted. Noted.
Clause 9 Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	The Key contextual issues are: Maximum Building Height and Scale parameters Maximum heights are identified in the Maps in the Ashfield LEP 2013, as being 23m , being the equivalent of 6 storeys for the reasons explained in the Interim Development Assessment Policy 2014 diagrams, including in order to take into account high ground level ceilings and rooftop plant room areas. This height is to be accommodated within a FSR of 3:1 as shown on the FSR map. Clause 4.3A of the LEP allow a 7 metre (2 storey) bonus above the 23m height plane for the objective of providing a component of "affordable housing" , which naturally means there will be more floor space arising which can be entertained as a "variations" under Clause 4.6 "Exceptions to development standards" of the Ashfield LEP, providing the clause's criteria is adequately met. Building "Street Scale" Council has translated from the previous DCP 2007 the "Street Wall Height" control into the Ashfield LEP 2013 in clause 4.3B – "maximum height for street frontages" , in order to bring more "certainty" to this issue. This requires a maximum 12 m building scale along Liverpool Road, for a depth distance of 12m. This means that the building scale along the road as perceived by pedestrians will be "relatively low" and "humanistic". (The control also leads to "high buildings" placed to the rear of the site). Architects may also chose to take architectural cues from the existing building stock, or otherwise pursue high level (degree) contemporary architectural compositions. Visual exposure of taller parts of building. It is inevitable that when individual sites are developed, that new buildings will have exposed sides, and these simple elevations will require "special treatment " so that they do not create "visual eyesores" in the period up until when neighbouring sites redevelop (which might be a considerable time span).

	Amenity Principle The site is "heavily exposed" to the noise impacts of Liverpool Road, and so buildings will require "special design' to solve this "Amenity" problem for any apartment located adjacent Liverpool Road. This is a relevant consideration affecting health issues for occupants . The site is also exposed to the noise impacts of the rear private laneway which is a traffic route for vehicles entering and exiting the Mall and adjacent properties. This access occurs 24 hours a day. Public Domain Directly outside the site is a bus stop catering for several bus routes, which during peak times is used by numerous people, and there is footpath seating for these people. The footpath directly around this bus stop caters for high levels of pedestrian traffic. The existing footpath width is therefore relatively narrower than would be ideal.
Clause 10 Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	The building generally fits within the maximum heights stipulated in the Ashfield LEP in association with the height bonus clause, and complies with the "12m envelope " required in clause 4.3 B – "maximum height for street frontages".
Clause 11 Principle 3: Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. 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.	There is a front low building form along Liverpool Road, which also provides "screening" for the separate rear tower building. Both these buildings have a northerly orientation. See further comments under Aesthetics.
Clause 12 Principle 4: Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). 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.	Floor space ratio The Residential Flat Design Code has no criteria regarding density which would mathematically determine maximum FSR. Council's LEP or DCP controls would apply. Appropriate Density is a matter for Council's assessment town planners to assess.

Clause 13 Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. 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.	It is understood a BASIX certificate has been submitted which indicates that the proposal complies with this Principle. "BASIX aside ", in terms of passive solar design, approx two thirdsof apartments have a northerly orientation, and are capable of having passive solar design.
Clause 14 Principle 6: Landscape 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. 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. 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.	The Residential Flats Design Code recommends in 'Site Configuration" (pg 49) there should be a communal open space area in the range of 25-30 percent of the site. This "rule of thumb" is not normally applied in places like "town centres", given the obvious congested building nature of such places. A rooftop communal open space area is being proposed for the front building. In theory this communal open space area concept could also be applied for the rear 8 storey building's roof top. For the rooftop garden, conditions could be applied requiring more planting, in order for it become more of a "sustainable roof top garden" . A comparable new policy for Sydney City Council recommends a minimum 30 percent roof top area for this.

Clause 15 Principle 7: Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. 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.	Most of the apartments have a northerly orientation. Front low building off Liverpool Road. This has 4 x dual aspect apartments, with northern "winter garden" balconies for noise screening/ control, and also windows also facing the southern quiet side thereby enabling ventilation, (and also the ability to have the interior design of the living area design amended to have a link to "quiet side"). A "winter garden" balcony is a situation where the open part of the balcony has glazing applied (eg can be louvered glass), and so this produces some noise

reduction when sitting in the balcony, provides additional noise protection for the living areas, but also allows some ventilation by manually adjusting the glazing components. (This also assists in winter where the balcony glazing can heat the balcony area and distribute warm air to the living areas hence the term "winter garden").

This front building also has two one bedroom apartments which face Liverpool Road , and which will be "cocooned " in that they only have an outlook onto Liverpool Road and windows will likely need to be kept shut for noise reasons. These apartments will have very poor amenity. In theory it would have been possible to instead have 5x two storey maisonette apartments, with winter garden balconies, dual aspect living areas, and accessed from the lift lobby of the rear tower building via a corridor. The apartments could also have had roof skylights and roof top gardens. This would have resulted in satisfactory amenity for all the apartments in the front building off Liverpool Road.

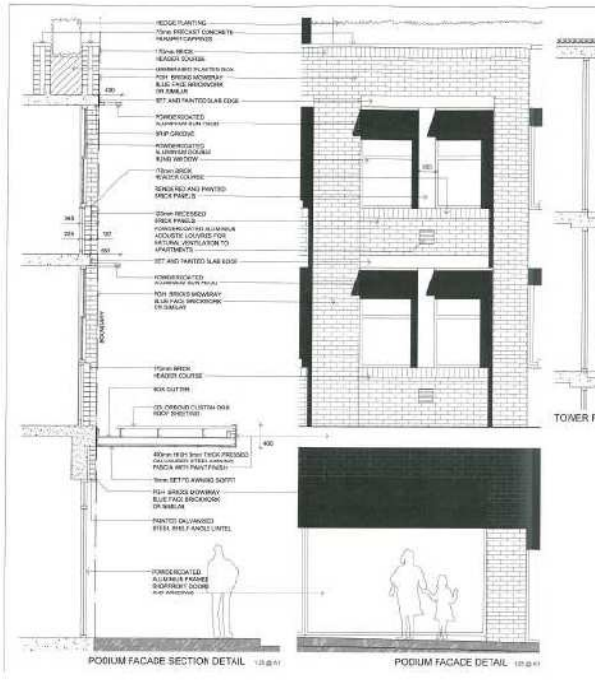
<u>Rear building with 7 levels of apartments.</u>

Approx. Two thirds of apartments have a northerly orientation and access to winter sun, and are well screened from traffic noise due to the front building, except for the following apartments:

Typically for each level , at the rear, there are 3 apartments oriented to the south, and also facing the private vehicular access laneway. These constitute approx one third of all the proposed apartments , and this percentage exceeds the Residential Flats Design Code guidelines which recommends a maximum of 10 percent (pg 85). In addition, the lower apartments are severely exposed to the noise nuisance impacts from the right of way and traffic, and have only a view onto proposed bush containing planter boxes, and the blank wall of the Mall. Some of the upper level apartments, only , have a view onto the blank Mall carpark (others do have attractive side distant views to the historic church grounds). In theory, amendments could occur to the design (see conceptual sketch below), for example (using Level 1) where the side units are changed to be 2 bedrooms, leaving one rear two bedroom apartment whose living areas are oriented to look toward Knox Street . (Council has approved similar layouts in the past for buildings along Liverpool Road toward in the vicinity of Frederick street). At the upper levels such a single rear unit would receive afternoon sun in winter , as well as having "middle ground distance " views to the Church heritage item.

	Another option, for the rear facing apartments, is to have window and balcony openings to the their side walls in order to get more morning or afternoon sun. To address privacy for the flats at Knox street, there could by "highlight" level type openings. At Level 1 , Units 102, 103, 105, 106, will not have direct winter solar penetration because of the configuration of the rooftop structures of the front building causing some blockage. This could eb addressed by moving the living room glazed area closer to the building edge/overhang. However those apartments will received northerly solar access likely during the September – March period, and in the circumstances this is acceptable.
<u>Clause 17</u> Principle 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. 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.	This is satisfactory.

Clause 16 Principle 9: Social dimensions and Housing Affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. 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.	The RFDC provides no guidance on the what is 'optimisation', or what is 'desired'. A key main objective of the SEPP is : "*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".* (i) Housing Affordability Many of the apartments are a smaller size, and so this usually means they are more affordable ("cheaper" to buy or rent than large two or three bedroom types). The Ashfield LEP 2013 requires a percentage of apartment to be provided as 'affordable housing "pursuant to the relevant SEPP , which in essence means that for 10 years they must be operated by a Community Housing provider. Any approval will require Conditions requiring this to eventuate. (ii) Access The Building Code of Australia has provisions for requiring "access to the point of entry" of dwellings (for those dwellings affected by the BCA). The proposal achieves this, using lifts and hallways. It follows that if a person with disabilities is able get to the dwelling entry, that person should be able to get into an apartment (eg adequate door width) and be able to generally use the apartment, see comments below. Noting that internal dimensions are not provided on plan for all the apartments, in terms of Universal Accessible Design, the proposal in principle, generally satisfies most of the basic design requirements, but would require more detail and fine tuning at the Construction Certificate stage , and to ensure this occurs at Construction stage. The proposal has: - for the living areas and kitchen areas, most of the apartment have layouts which have an open plan layout, making them "universally accessible" . - for the laundry room areas, most apartment have access of a hallway, making these "universally accessible". - for the bathrooms, most apartments have the minimum room sizes, indicating that they are not likely to be required to demolish walls in order to make them "universally accessible". - most apartment have wide enough balconies. Noting the above the proposal could be conditioned to require apartments to comply with Universal Accessible Design by having the necessary minimum wall width dimensioning shown on their Construction Certificate drawings.

Clause 18 Principle 10: Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. 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.	Lower building fronting Liverpool Road The lower building part fronting Liverpool Road has employed a traditional architectural composition intended to be sympathetic to the more historic building types along Liverpool Road. The compositions on the general arrangement drawings are backed up by larger scale drawings of particular building components , so that the design intention can be translated into any future Construction Certificate drawings, and for the later more detailed actual construction drawings for use by a builder. This is shown in the drawing extracts below. The Liverpool Road elevation is well composed,- it has a "high level " of composition.  View of Liverpool Road facade 

Detailing for component of Liverpool Road facade

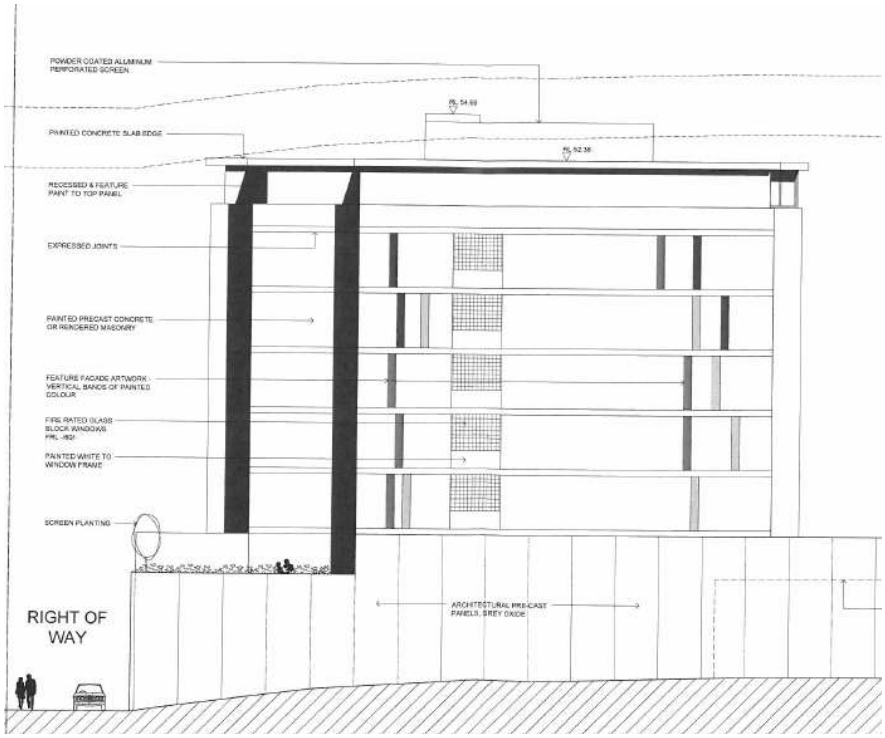
Rear Tower Building East Elevation

The rear tower buildings have adequate levels of architectural composition. Inevitably, the side wall which are located on the boundary, see perspective below, will be visually exposed until such time as new buildings are constructed on adjacent sites. It is proposed to give "visual relief" to those walls with some glass block surfaces above contrasting painted squares, with vertical painted strips which are differentiated from the painted wall finish background (see similar building treatment below supplied by Architect), scored horizontal lines, and to have the last storey recessed (according to the proposed elevations) in order to differentiate the "top " from the main body of the buildings. This treatment is considered acceptable, however if the application were approved conditions would have to be for the following:

- Elevations are required to have shadowed surfaces depicted in black removed in order to make the depiction of the actual building clear. Additional notation is required to describe the grooved lines in terms of depth and width so that they are able to be visually discerned and "work".
- Floor plans and room layouts of Level 7 (last storey) need to be amended to show that the eastern and western side walls are recessed from the edge, as claimed on the elevations. Such a recess should be around 500 mm in order to be effective when seen from a distance.
- A colour scheme needs to be approved by Council for the painted parts of the building.

North (Liverpool Road) Elevation

Perspective view of side east wall of rear tower building.

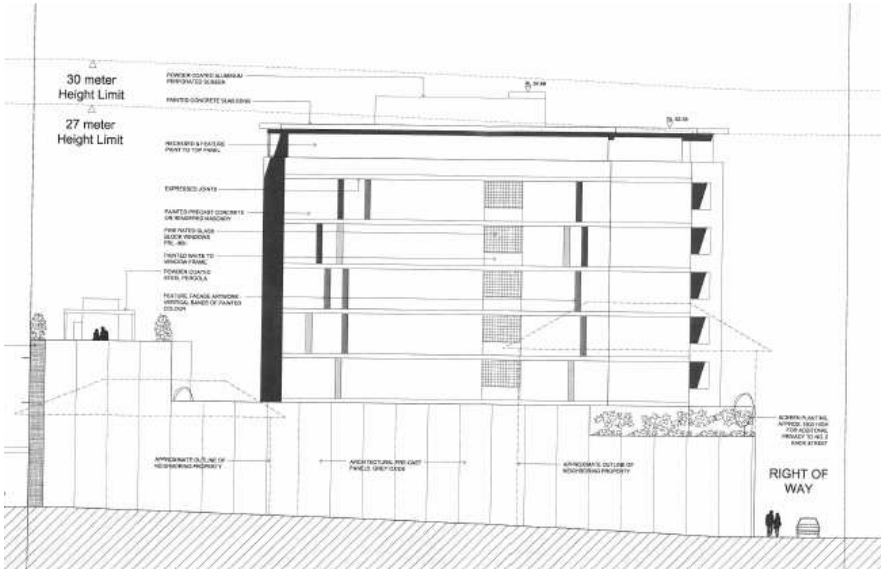


East elevation

Example of side wall painted treatment , with contrasting vertical strips against plain background.

Rear Tower Building West Elevation

For the west elevation similar comments apply to that explained above for the East Elevation. For the long term, the West elevation will visually exposed from Knox Street, including seen over the top of the building at 2 Knox Street , and between that building and the Mall walls, so it is important to "get the details right" at construction stage.



East Elevation

The lower parts of the building have exposed concrete precast walls and these provide the visual background to the Heritage Item at 2 Knox Street, and will be also seen when viewed by pedestrians from a street position between the 2 Knox Street building and the Mall walls. The proposal should therefore be conditioned to provide an attractive visual treatment to those walls on the boundary with 2 Knox Street. Given these are boundary walls, any treatment will need to be long lasting and needs to be more than a painted decorative finish.

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: (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)	The Residential Flats Design Code guidelines have been noted where relevant. **<u>Conclusion</u>** Generally it is considered that the proposal complies with SEPP 65, except for those parts identified above, which include: - Poor Amenity for some apartments, and the need to reconfigure the layout of some apartments to solve this. - Minor amendment to floor plans for Level 7 to have side setbacks which match the notes on the Elevations regarding the treatment of upper parts of the building. - Some improved visual treatments of the lower levels of the west elevation. - Approval of a colour scheme for the painted parts of the elevations, noting the high degree of exposure of the side walls of the rear buildings. - Some amendments to the elevation and additional notation describing the wall treatments. Conditions to address particular issues could be applied as explained in the above report END