

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

**DEVELOPMENT APPLICATION :**

**PROPERTY: 168 Liverpool Road Ashfield , DA 14/242**

**FROM : Senior Strategic Planner and Projects**

**REGULATIONS PERTAINING TO SEPP 65**

Column 2 contains Council officer comments.

| Column 1   | Column 2   |
|--|--|
| <p><b>EPA Regulation 50 (1A)</b></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>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).</p> |
| <p><b>EPA Regulations Schedule 1, 2(b)</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 development in the context of surrounding development,</p> <p>(g) a sample board of the proposed materials and colours of the façade,</p> <p>(h) detailed sections of proposed facades,</p> | <p>Generally, the required information has been submitted.</p> <p>Photomontages have been submitted.</p>   |

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**SEPP 65 –ASSESSMENT TABLE**

Column 2 contains officer comments.

| Column 1   | Column 2   |
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| <p><b><u>Clause 1 Name of Policy</u></b></p> <p>This policy is State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.</p>   |  |
| <p><b><u>Clause 2 Aims, objectives, etc.</u></b></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</p> <p>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</p> <p>(e) 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> | <p>Note: There is no “regional policy” for building and landscape aesthetics.</p>  |
| <p><b><u>Clause 6 Relationship with other environmental planning instruments</u></b></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>   | <p>Noted. This assessment has also taken into consideration the draft amendments to SEPP 65 and the referenced “Apartment Design Guide”.</p> |
| <p><b><u>Clause 7 Design quality principles</u></b></p> <p>The design quality principles for residential flat development are the principles set out in this Part.</p>   | <p>Noted.</p>  |
| <p><b><u>Clause 8 Introduction to the principles</u></b></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</p>  | <p>Noted.</p>  |

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| <p>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>Noted.</p>   |
| <p><b><u>Clause 9 Principle 1: Context</u></b></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>The Key contextual issues are:</p> <p><u>Maximum Building Height and Scale parameters</u></p> <p>Maximum heights are identified in the Maps in the Ashfield LEP 2013 as being 23 metres. This height is to be accommodated within a FSR of 3:1 as shown on the FSR map.</p> <p>Clause 4.3A of the LEP allows a 7 metre (eg 2 storey) bonus above the 23m height plane where a component of "affordable housing" is provided, 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.</p> <p>The assessment planner will check compliance with the above.</p> <p><u>Building "Street Scale"</u></p> <p>Council has a "Street Wall Height" in the Ashfield LEP 2013 in clause 4.3B – "maximum height for street frontages" . This requires any new building to have a maximum 12 m building scale along Liverpool Road, for a depth distance of 12m . The objective is that the building scale along the road as perceived by pedestrians will be "relatively low" and "humanist". The control also leads to "high buildings" placed to the rear of the site.</p> <p>The proposal introduces a new building along Liverpool Road, whose bulk and scale generally complies with the above "street wall height".</p> <p><u>Building Separation.</u></p> <p>As defined by the Residential Design Flats Code , minimum levels of "separation" (being setbacks between buildings and affecting the location of windows and balconies) must be achieved in a way which does not affect the amenity of nearby buildings and development potential of adjacent sites. The proposal does not comply with the RDFC guidelines. See further comments below under the Amenity Principle.</p> <p><u>Acoustics</u></p> <p>The site is "heavily exposed" to the noise impacts of Liverpool Road. Most apartments are located in the rear tower building .</p> <p>Residents of 6 apartments in the front building along Liverpool Road will be heavily exposed to the noise impacts of Liverpool Road, and so special design is</p> |

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|   | <p>required to address this. See further comments below under the Amenity Principle.</p> <p><u>Public Domain</u></p> <p>(i) Ground level areas will need “active frontages “ for pedestrian safety , and as identified in the Ashfield IDAP 2014. The proposal provides for this.</p> <p>(ii) The rear taller building is in a prominent location, highly visible, and it is desirable and an axiom to have a high architectural composition . See further comments under the Aesthetics Principle below.</p> |
| <p><b><u>Clause 10 Principle 2: Scale</u></b></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>The assessment planner will check compliance with the maximum building heights of the Ashfield LEP 2013..</p>  |
| <p><b><u>Clause 11 Principle 3: Built Form</u></b></p> <p>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.</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>Proposed is a front low building form along Liverpool Road which provides a human scale and sympathetically responds in terms of general bulk and scale to the adjacent buildings along the road. The tower part of the building is located at the rear .</p>  |
| <p><b><u>Clause 12 Principle 4: Density</u></b></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><u>Floor space ratio</u></p> <p>The Residential Flat Design Code has no criteria regarding density which would mathematically determine maximum FSR. Council’s LEP controls would apply. Appropriate Density is a matter for Council’s assessment town planners to assess.</p>   |

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| <p><b>Clause 13 Principle 5:<br/>Resource, energy and water efficiency</b></p> <p>Good design makes efficient use of natural resources, energy and water 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>It is understood a BASIX certificate has been submitted which indicates that the proposal complies with this Principle.</p> <p>“BASIX aside “, in terms of passive solar design, a large percentage of apartments have a northerly orientation, and are capable of having passive solar design.</p>  |
| <p><b>Clause 14 Principle 6:<br/>Landscape</b></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>The Residential Flats Design Code recommends in ‘Site Configuration” (pg 49) that 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.</p> <p>Noting the above , a rooftop communal open space area is being proposed for the rear taller building. For this area, 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.</p> |
| <p><b>Clause 15 Principle 7: Amenity</b></p> <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><u>Front low building off Liverpool Road.</u></p> <p>(i) Apartments have a northerly orientation and so direct solar access throughout the day.</p> <p>(ii) Those front apartments (1.01, 1.02, 1.03,1.04,1.05, 1.06) are heavily exposed to traffic noise from Liverpool Road. It is noted those apartments have roof skylights suggesting that their front glazing will be noise resistant and that some ventilation of the living areas will be achieved through use of the skylights. However they should also have “winter garden” balconies for noise screening/ control and this would</p>  |



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require some reconfiguration of the elevations. (This would also assist with reducing heat loads in summer). This noise reduction principle is also identified in the Draft Apartment Design guide. This could be addressed by applying conditions to any consent

Rear tower building

- (i) Many of the apartments have a northerly orientation, with the percentage fitting within the rule of thumb of the Residential Flats Design Code.
- (ii) Upper level apartments will have panoramic views and so good visual amenity for residents.
- (iii) With regard to the RFDC guidelines - “Primary Development Controls - Building Separation”, apartments to the rear do not appear to comply with the minimum separation requirements, as measured to the residential flats building at 55 Norton Street. Also, the applicant has not provided floor plans of the building at 55 Norton for one to be able to measure precisely the separation distances from affected existing balconies and windows.

There is also a major development affectation from the proposal to adjacent side properties, mostly for 162 Liverpool Road (east side), and to a smaller degree 176 and 178 Liverpool Road. Those adjacent sites under the Ashfield LEP may take building up to 23-30 metres in height, and this might be compromised if the present design was approved and constructed. To elaborate: the proposal provides windows and balconies that face those properties, many within close vicinity to the boundary (and less than even the Building Code of Australia’s usual 3m setback). Normally on development sites with a north south orientation or similar, side walls are made “blank”, with windows and balconies placed to the north and south , so as to not affect the future development potential of adjacent sites. To solve this , theoretically, it might be possible to rearrange the proposal’s apartment layouts to address this, and this would require a major redesign of each floor layout.



- (IV) Many of the apartments which are labelled as one bedroom apartments, actually have a studio apartment layout, since they have a bedroom space which has no windows and is part of the open plan arrangement of the living areas. The description of these apartments will need to be clarified in any potential development consent.

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| <p><b><u>Clause 17 Principle 8: Safety and security</u></b></p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by,<br/>maximising overlooking of public and communal spaces while maintaining internal privacy,<br/>avoiding dark and non-visible areas,<br/>maximising activity on streets,<br/>providing clear, safe access points,<br/>providing quality public spaces that cater for desired recreational uses,<br/>providing lighting appropriate to the location and desired activities,<br/>and clear definition between public and private spaces.</p> | <p>The proposal provides good levels of surveillance of Liverpool Road.</p> |
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| <p><b><u>Clause 16 Principle 9: Social dimensions and Housing Affordability</u></b></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</p> <p>optimise the provision of housing to 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>The RFDC provides no guidance on what is ‘optimisation’, or what is ‘desired’.</p> <p>A key main objective of the SEPP is : <i>“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>.</p> <p>(i) <u>Housing Affordability</u></p> <p>Many of the apartments are a smaller studio size, and so this usually means they are more affordable (“cheaper” to buy or rent than larger two or three bedroom types).</p> <p>The Ashfield LEP 2013 requires a percentage of apartment to be provided as “affordable housing” pursuant to the relevant SEPP when the building exceeds the 23 m height limit , and they must be operated by a Community Housing provider. Any approval will require relevant conditions requiring this to eventuate.</p> <p>(ii) <u>Access</u></p> <p>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.</p> <p>It follows that if a person with disabilities is able get to the dwelling entry, that a person should be able to get into an apartment (eg adequate door width) and be able to generally use the apartment in terms of Universal Accessible Design. This is now a relevant consideration with the Draft SEPP 65 amendments and the Draft Apartment Design Guide. The proposal has many apartments which have:</p> <ul style="list-style-type: none"> <li>- living areas and kitchen areas which are part of an open plan layout</li> <li>- most apartment have wide balconies</li> <li>- laundry rooms compartments which have access of a wide hallway</li> </ul> <p>However it is unclear whether the bathrooms are adequately sized, conditions could be applied to any potential approval to address this.</p> |
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| <p><b><u>Clause 18 Principle 10:</u></b><br/><b><u>Aesthetics</u></b></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><b><u>Lower building fronting Liverpool Road</u></b></p> <p>The lower building part fronting Liverpool Road is best portrayed in the photomontage below . It employs a “crisp” modernist aesthetic , relying on the precise use of cladding materials (eg metal and glass is portrayed) and careful building detailing (eg the treatment of the balcony balustrades and slab edges, vertically emphasized glazed partitions between apartment balconies, a “green wall”). In order to carry the compositional intentions portrayed in the photomontage through to construction stage , more detailed elevation portraying (“certifying”) what is depicted on the photomontages are required. A condition could be applied to any development consent to address this.</p>  <p>View of front building adjacent Liverpool Road</p> <p><b><u>Overall Building</u></b></p> <p>The photomontage below portrays the general composition of the building.</p> <p>In terms of basic principles, the proposal provides for a type of base , middle , top –a tripartite relationship. This is achieved by having the last storey emphatically differentiated from the main body of the building (including having a prominent roof) , and differentiating the lower “street wall height” building along Liverpool Road.</p> <p>The main body of the building , which will have the dominant visual impact, simply expresses the slab edges and adds vertical strips. This is an “ordinary” architectural aesthetic solution and is capable of improvement in complexity.</p> |
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|  |  <p>View looking west along Liverpool Road</p> |
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| <p><b>Clause 30</b></p> <p>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"> <li>(a) the advice obtained in accordance with subclause (1)</li> <li>(b) the design quality of the residential flat building when evaluated in accordance with the design quality principles, and</li> <li>(c) the publication Residential Flat Design Code (RFDC) (Department of Urban Affairs and Planning and NSW Government Architect 1998)</li> </ul> | <p>The Residential Flat Design Code guidelines , and Draft Apartment Design Guide have been noted where relevant.</p> <p><b><u>Conclusion</u></b></p> <p>It is considered that the proposal complies with some of the design principles of SEPP 65, and draft SEPP 65 amendments, but does not comply with the following:</p> <ul style="list-style-type: none"> <li>- Context Principle, for the reasons stated above .</li> <li>- Amenity Principle, for the reasons stated above.</li> </ul> <p>It might be that conditions of approval can be applied to address the above issues, and other issues identified above suggesting some design amendments or further detailing.</p> <p>END</p> |
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