Attachment 5: Compliance – SEPP 65: Design Quality of Residential Flat Development

A design verification statement and an assessment of the proposal in terms of the "rules of thumb" contained in the Residential Flat Design Code have been prepared by the Architects. In conclusion by the applicant, the proposed design represents an appropriate design response to the opportunities and constraints offered by the site and its setting and is consistent with the design quality principles articulated in Part 2 of SEPP 65. The proposal will achieve the aim of improving the design quality of residential flat development.

In determining the application, consideration of the design quality of the residential flat development have been evaluated in accordance with the 10 'design quality principles' set out in Part 2 of the SEPP. The 10 design principles are listed below, together with Town Planning comments thereon.

Principle 1: Context	
Control	**Town Planning Comment**
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 site is located within an area that is characterised by a diversity of town centre land uses. The Mount Street / Zoe Place streetscapes are currently characterised by a range of retail, entertainment, motor vehicle servicing / bulky goods and fast food land uses with, hospital, educational, recreational, community facilities and public transport interchange facilities further afield in the immediate locality. Over the last decade there has been a strong interest in residential development within the Mount Druitt CBD. To date, a 9 storey high-rise residential / commercial building has been approved in Ayres Place (JRPP-11-541), but not constructed. Additionally a 9 storey mixed-use development was approved in January 2004 at the corner of Mount Street and North Parade (opposite the railway line), however that DA has now lapsed as it was not acted upon. In approving this development the JRPP must ensure that any building reflects the desired future character of the area. The desired future character of the area is largely determined by the current planning controls applying under BLEP 2015 (previously BLEP 1998) and the provisions of DCP 2006. The proposed development has been designed in accordance with the provisions of Council's planning instruments so as to ensure an appropriate design solution is derived to reflect the desired future character of the precinct as a mixed-use Sub-Regional Centre. The building is well designed, has architectural integrity and will contribute to the future quality and identity of the area. The site's close proximity to services and facilities, and good public transport, also makes this a highly desirable redevelopment area. The proposed development also establishes an appropriate built form to guide further redevelopment in the area.
Principle 2: Scale	

Control	Town Planning Comment
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 10 storey development reinforces Mount Druitt as a Sub-regional Centre and sets the standards for future developments in the town centre transiting to high rise mixed use development under the BLEP 2015 to achieve a scale identified for the desired future character of the Mount Druitt Sub-regional Centre. The DCP does not contain numerical controls for height within the Mount Druitt CBD. The proposed height of the mixed use building is 32 metres (to the Level 10 Mezzanine roof). The proposed height is not considered unreasonable in a town centre context, particularly as the scale of previously approved 9 storey residential flat buildings within the Mount Druitt Town Centre. The proposed 32 metre height would also remain consistent with the provisions of the BLEP 2015. It is noted that Council approved a 9 storey mixed use development in January 2004 on the corner of Mount Street and North Parade, to the south of the site of the current proposal. That DA, however, has now lapsed as it was not acted upon. The proposed height of the building has been designed having regard to a number of State Government strategies including: - Metropolitan Strategy – A Plan for Sydney's Future - Metropolitan Strategy – North West Subregion – Draft Subregional Strategy - Metropolitan Plan for Sydney 2036. The North West Subregion – Draft Subregional Strategy identifies Mount Druitt as a "potential major centre." A major centre under this draft strategy should contain many contributing factors and these include: *"a major shopping centre and business centre serving the immediate subregional residential population usually with a full scale shopping mall, Council offices, taller office and residential buildings, central community facilities and a minimum of 8000 jobs."* The subject site is ideally located within the Mount Druitt CBD in close proximity to public transportation, services and community facilities. It is therefore considered that the proposed height is acceptable. Adequate setbacks within the constraints of the subject site have been provided to ensure a transition in height, minimise any potential visual and acoustic privacy concerns and maximise solar access to the proposed residential units.
Principle 3: Built Form	
Control	**Town Planning Comment**

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.	The proposed architectural design has been developed in keeping with the requirements of the RFDC, BLEP 1988 (in force at the date of lodgement) and BDCP 2006 requirements in relation to building alignment, setbacks and building type. The proposed buildings have been architecturally designed and provide for a selection of high quality materials, colours and finishes as well as architectural design elements to define the ground floor retail and podium with three residential tower forms above. The boundary alignment of the ground floor retail / commercial uses ensures the activation and casual surveillance of the public domain. The provision of awnings to the surrounding Mount Street and Zoe Place frontages will also provide all weather shelter for pedestrians. The building arrangement, apartment layout and orientation provides for adequate solar access and outlook and the creation of a high quality built form. Additionally, adequate common open space areas are provided at the Level 2 podium and Level 9 terraces for residents' use and enjoyment. The common open space areas are also embellished with landscaped gardens and furniture elements to encourage their use.
Principle 4: Density	
Control	**Town Planning Comment**
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.	The proposed density achieves the desired future character of the Mount Druitt sub-regional centre. The high density development can be accommodated and serviced by the area's availability of infrastructure, public transport, and community facilities. Under the provisions of BLEP 1988 (in force at the date of lodgement) and BDCP 2006 there are no requirements for site densities in the Mount Druitt CBD in terms of floor space ratios (FSRs), site coverage or maximum building height. Instead, compliance with the requirements of SEPP 65, the car parking controls in DCP 2006 and the on-site Common Open Space (COS) provisions for City Centre sites consistent with other planning approvals, all together generally determine the maximum density potentially achievable on the site at the present time. An assessment of the DA against the requirements of BDCP 2006 is provided under **Section 6** of the Assessment Report and at **Attachment 7**. The proposal is compliant with the numerical controls of BDCP 2006 for residential flat development. The density of the proposed development fits in with the objectives of Council's applicable planning instrument and controls which aim to cater for an increasing population through the expansion of the Mount Druitt Sub-Regional Centre. The density proposed is compatible with the evolving future character of the area and can be comfortably accommodated on the site. Given the massing

	and articulated building form, it is believed that the density achieved will be appropriate for the site. The proposed density is also considered sustainable given the proximity of current infrastructure and services, including recreation facilities, support services and employment opportunities as the subject site is located within comfortable walking distance of the Mount Druitt Railway Station and Bus Interchange.
Principle 5: Resource, Energy and Water Efficiency	
Control	**Town Planning Comment**
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, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	The proposal is designed to achieve the BASIX ratings required for water, thermal comfort and energy. Additionally, the orientation and exposure of the proposal, the choice of appliances and fixtures will greatly enhance the sustainability of the proposal with regard to energy and water consumption. The proposal has been designed to gain as much sunlight as possible, with each unit receiving maximum natural light and ventilation. This has been achieved through the manipulation of orientation, using open planning conducive to assisting with cross – flow ventilation and through various design elements such as balcony and window orientation. In particular the majority of the units will be provided with at least 3 hours of solar access, achieved through either the northern aspect or east-west orientation.
Principle 6: Landscaping	
Control	**Town Planning Comment**
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 proposed landscaped areas and private open space provides amenity for the occupants. The landscaping and buildings will operate as a sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. The landscape requirement is achieved and it contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character within the commercial and retail precinct adjoining the site. The landscape design will be integrated with the proposed building, creating niches of high aesthetic quality on the development site, which additionally will bring a high level of amenity of future occupants of the development. The proposal provides useable common open space areas located on the Level 2 podium and Level 9 roof terraces, which are accessible by lifts, are separate from private open space areas to maintain residents' privacy and will receive sufficient levels of solar access. These areas also include furniture and facilities to encourage social interaction and provide an increased level of amenity for residents.

	The common open space areas contribute to the overall design of the building. These spaces create interest through its layout and design (e.g. planter box shapes and locations) and include the use of vegetation.
Principle 7: Amenity	
Control	**Town Planning Comment**
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 and service areas, outlook and ease of access for all age groups and degrees of mobility.	The proposed design provides favourable levels of internal amenity for future residents. The layout of the apartments is spatially adequate, functional and well organised, and generally promotes good visual and acoustic privacy. The design principles utilised for this proposal include solar access and sun shading, natural cross flow ventilation, and efficient yet spacious layouts to provide a high quality life for all residents. Unit sizes have been coordinated to provide spatial arrangements appropriate for current living standards, and each unit is provided with an adequate outdoor private open space in the form of a balcony or terrace that is directly accessible from the internal living area. Adequate storage areas have also been provided within the basement carpark. Visual privacy has been achieved through the architectural design and orientation of all units. Acoustic privacy has been attained by giving careful thought to the appropriate location of rooms within each unit. The provision of adequate Common Open Space to serve the needs of residents in the development is also an important amenity factor. The proposed Common Open Space is limited to a total of 2,617.5sqm comprising of: 2,016sqm at Level 2 podium; 190sqm at Level 9 Building C; and 411.5sqm at Level 9 Building B. Most units (264/268) are provided with a balcony that complies with the minimum 2.5m x 3m dimensions, of which 30% of the total COS requirement may be provided within balcony areas that meet the minimum dimensions. The COS requirement for the site is a minimum of 10,900sqm Common Open Space (based on a rate of 30 sqm for each 1 bedroom unit (8 unit), 40sqm for each 2 bedroom unit (255 units) and 55sqm for each 3 bedroom unit (5 units) at clause 7.5.4), the proposal provides 2,617.5sqm (representing 24%) of COS located at the Level 2 podium of Buildings A, B & C and Level 9 roof terrace of Buildings B & C, connected with a pedestrian bridge, plus 3,270sqm (being 30% of the required COS located within allowed balcony areas greater than 3 m x 2.5 m). The development as proposed therefore provides a combined 5,887.5sqm of Common Open Space, representing 54% of the required 10,900sqm as set out in Part C of BDCP 2006.

	Whilst the proposal fails to comply with this numerical control, Part D indicates that in the sub-regional centre controls, COS for the use of all residents of the development shall be provided at the minimum rate of 42% of the total COS required by the BDCP 2006 in Part C. Further, Section 4.12 of Part D states that whilst residential development in a Business Zone must comply with the residential standards outlined in Part C, it is acknowledged that due to the unique nature of residential flat development in Business Zones, some of the requirements may not be appropriate. In other words, a merit approach will be taken as to what level of compliance with the residential standards is desirable. This merit assessment is consistent with similar developments in the Blacktown LGA, and is satisfactory in this instance.
Principle 8: Safety and Security	
Control	**Town Planning Comment**
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.	The development provides legible circulation systems, which ensure the safety of users by: • isolating commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook. • residential entries directly from the public street; Zoe Place. • The commercial and residential entries and vertical access points are clearly distinguished, maintaining safety and security for the residential component. The building has been designed with consideration for the safety and security of both occupants of the building and adjoining public areas. In this regard the design solution affords good casual surveillance of Zoe Place and Mount Street and provides direct pedestrian access from the basement car parking levels into the building. With regard to the parking areas, secure access is to be maintained with security roller shutter entry/exit to residential and visitor car parking spaces at all times to ensure that the residential car parking provision is reserved solely for the occupants of the building and their visitors. NSW Police raise no objection to the proposal and recommend Crime Prevention Through Environmental Design (CPTED) principles be applied to the development, in particular, CCTV, lighting, casual surveillance of the public domain and security during construction (**Condition 3.4**).
Principle 9: Social Dimensions and Housing Affordability	
Control	**Town Planning Comment**
Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and	The proposed development provides predominantly 2 bedroom unit sizes to respond to current local market demands and provides the following mix:

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 developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	- 8 x 1 bed unit - 255 x 2 bed units - 5 x 3 bed units 10 % (28) of the units are adaptable units and are allocated accessible parking spaces. A **condition** of consent is recommended be imposed to ensure that all common open space areas are fully accessible with ramps and walkways in lieu of steps (**Condition 4.3.1**). The development would provide high levels of amenity to future residents and adaptable housing opportunities in the Mount Druitt Sub-Regional Centre. The apartments are varied in layout and orientation and will provide a suitable mix of dwelling designs for people. The proximity to town centre uses including medical, retail, commercial, entertainment, recreational and public transport will also add to the future occupants' quality of life.
Principle 10: Aesthetics	
Control	**Town Planning Comment**
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 respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The proposed development provides building elements, textures, materials and colours that differentiate the mixed uses of the building. The 3 separate tower forms minimise the bulk and separation of the development, the proposed building materials respond to the transitioning appearance of the surrounding precincts and provide a high quality finish and appearance which is befitting to this Town Centre location. The building design and appearance is considered to compliment the Mount Druitt Town Centre and be of an appropriate aesthetic appearance for such a Sub-Regional Centre location. The proposal has a well resolved building form and architectural definition, with a design that positively responds to the provisions of SEPP 65. The façade treatment of the building reflects contemporary architectural initiatives consistent with the objectives of this principle. The design solution also appropriately defines the base, middle and top of the building, and provides an interesting streetscape. The building has been architecturally designed and represents a desirable planning outcome for the site and the desired future character of the Mount Druitt Sub-Regional Centre. The development also proposes the use of quality finishes, which add to the visual interest of the building. The materials and colours have been selected to give the building an identity and to soften the impact of the development's bulk and scale.