SEPP 65 ASSESSMENT OF DA APPLICATION FOR 28-32 DUMARESQ STREET GORDON

The following report is broken down into 3 sections.

- Section **A** which contains an overview of the project, documentation and summary of the assessment.
- Section **B** which provides a summary of the Key Standards of the SEPP and review against the 9 Design Quality Principles.
- Section **C** which provides a compliance table against all objectives of SEPP 65 with comments where necessary to inform compliance.

A. PROJECT SUMMARY & PARTICULARS

1.0 Project Information

Site Details
Address: 28-32 Dumaresq Street Gordon
Site Area: 2425.5 sqm

Reference to Development Standards
Permissible Height: 17.5 Metres (Clause 4.6 Exemption has been submitted with the application)
Permissible GFA: 3153.15sqm (1.3:1)
Proposed GFA: 3110.41sqm (1.28:1)

2.0 Documentation Overview

Overview of documentation and other issues
The proposal constitutes the resubmission of an earlier Development Application prepared by Tzannes Associates which Council have advised has since lapsed. The earlier proposal was prepared, and assessed under the Residential Flat Design Code (RFDC), the former companion document to SEPP 65 legislation. The RFDC has been recently superseded by the Apartment Design Guide (ADG). The requirements of the RFDC vary from the ADG, and accordingly the proposal is assessed here against the ADG.

Since submission of the resubmitted DA application amendments have been undertaken by the applicant to address several non-compliances with the ADG.

A key discussion point at a meeting with the applicant was in relation to the character of the proposal and the balustrade treatment. Gelder Architects have sought to redefine the character of the building from that of the original application with the new DA which is within their right. The provision of obscure glazing (as identified on revised drawings) addresses issues of privacy to the balconies and Living Rooms.

The landscape plans do not reflect the current Architectural layouts and should be updated. The discrepancies have created some confusion in the assessment of the application (since resolved). The assessment contained in this report is based on the revised Architectural documentation provided. The landscape drawings should be revised to reflect the current arrangement.

3.0 Summary of SEPP 65 Assessment

An important aspect of SEPP 65 is that design integrity is maintained throughout the design/construction process. The proposal's broad compliance with SEPP 65 was established by the quality of the original proposal and has been substantially retained with regard to the proposal's residential amenity. However, as the proposal has been resubmitted as a new DA reference to a prior Development Consent is not applicable.

There are some areas of non-compliance noted within the attached compliance table; notably the eastern setback of the middle portions of the building at the fourth floor. In the context of the proposal a single terrace at the fourth floor, the slight increase in setback of the proposed neighbouring proposal (as demonstrated by the applicant) and general

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openness above this level is not cause for concern, and does not significantly diminish the amenity of the proposal or effect its impact on neighbours.

There is however cause for some concern in the configuration of the storage spaces. As storage is consolidated into a single room and not distributed throughout the apartment, a subsequent revision of the units (either with or without Council consent) may lead to alternate use of the allocated storage rooms that may not comply with the relevant codes and standards, while also diminishing the units' capacity for any storage.

4.0 Suggested Amendments to the Design & Identified Discrepancies in Documentation

The following amendments could readily be integrated into the design, but are not cause for concern:

- Ground Floor terraces to units 4 and 8 have not been amended to provide terrace dimensions that are consistent with item 4E-1 of the ADG and could readily be adjusted to comply. Please note that there are provisions in the ADG in addition to those quoted by the Applicant (refer letter dated 19 February 2016) that require ground floor terraces to provide a minimum of 15sqm and 3 metres depth.

The following discrepancies are noted and should be identified with the Development Determination:

- That the landscape plans do not reflect the current Architectural drawings.
- While the Solar Access study has been amended and the proposal complies with ADG requirements for Solar Access, there are still discrepancies in the table (relative to inspection of the 3D Solar Studies) - refer notes against provision 4A-1 within the Compliance Table.

B. SEPP 65 KEY STANDARDS & PRINCIPLES ASSESSMENT

1.0 **Key Standard requirements** (Design Criteria)

These items constitute the Key Standard requirements of the ADG and should be complied with for all Apartment Development. Further detail is contained within the compliance table in Section C.

3F Visual privacy	Building Separation generally complies with the ADG but there are some deviations noted in the compliance table. These are technical non-compliances that do not appreciably compromise the amenity of 3 non complying units at level 4 or the adjoining site.
3J Bicycle and car parking	Parking complies with Council requirements. Parking is also provided for alternate means of transport consistent with Council's requirements.
4A Solar and daylight access	The proposal achieves the minimum ADG requirement of 70% of units with 2 hours sunlight access. The layout of the apartments provides for reasonable sunlight, good daylight, good cross ventilation and the capability to provide good passive environmental performance of the internal environment.
4F Common circulation and spaces	Complies. There are only 3 apartments per circulation core (up to 8 permitted by the ADG).
4D Apartment size and layout	Apartment sizes comply. Some room sizes should be adjusted to provide broader compliance. Refer Compliance table for details.
4C Ceiling heights	A 3.15 metre floor to floor height is nominated. While ceiling levels are not indicated, compliance should be readily achievable.
4E Private open space and balconies	Generally comply. Some improvement is readily possible particularly to ground floor terraces which should be increased to provide greater usability.
4B Natural ventilation	Complies with ADG minimum requirements.
4G Storage	Adequate storage appears to be indicated for most units including separate “Box storage” within the lower ground level of the building.

2.0 Assessment against SEPP 65 Principles

Principle 1 - Context and Neighbourhood Character

- The adjoining context is undergoing rapid change with redevelopment from suburban homes on individual lots to a neighbourhood of consolidated lots for the redevelopment of 4-5 storey apartment buildings while generally retaining a generous landscaped context. The project anticipates the future character of the neighbourhood, and the adjoining development which will have some impact on the building's amenity following redevelopment of the adjoining site, notably the higher eastern neighbour.

Principle 2 - Built Form & Scale

- The scale of the building is appropriate to the developing future character of the area. The scale of the building is articulated by stepping down towards the south to follow the topography of the site.
- The proposal responds well to the creation of the new street (west of the subject site).
- The minor encroachments of the building over the permissible height due to the sloping site and stepping form of the building are not inappropriate, and well managed within the form of the building.

Principle 3 - Density

- The density is consistent with the anticipated future character and other recent development.

Principle 4 - Sustainability

- The proposal meets BASIX requirements for water and energy efficiency.
- The internal layout of the apartments generally respond to orientation although some apartments have prioritise outlook to thermal performance.
- Lobbies are naturally lit and ventilated which assists with minimising energy consumption.
- There do not appear to be any active systems (solar panels / grey water recycling) over and above minimum BASIX requirements.

Principle 5 - Landscape

- The proposal provides a landscaped curtilage to the building that should provide a suitable context consistent with the developing character of the area.
- The retention of trees to the rear will assist with providing a mature context and preserve amenity to properties at the rear.
- Deep soil has been well managed in the design and by substantially confining the basement to the building footprint.

Principle 6 - Amenity

- The Amenity of the proposal is generally good. The 2 lift cores provide opportunity for a high proportion of cross ventilated apartments, and the associated recesses in the facades at the lift lobbies provide further opportunity to light and ventilate bathrooms that would otherwise be confined to the building interior.
- There is further opportunity to improve solar access to some apartments but recognition is noted that the southern and central eastern apartments have been configured to make the most of the leafy outlook and to take advantage of elevated views.

Principle 7 - Safety

- The streetscape context, including the assignment of the main building entries to the new street are well considered to provide “eyes over the street” and optimise safety of the street and the associated building curtilage.

Principle 8 - Housing Diversity & Social Interaction

- A broad mix of units sizes and types is included offering a variety of accommodation to suit different lifestyles and accommodation preferences.
- The generous, naturally lit lobbies and communal terrace provide opportunities for social interaction amongst residents.

Principle 9 - Aesthetics

- Gelder Architects have chosen to differentiate the balconies in the elevational treatment (relative to the Tzannes Proposal). While this is a variation to the original scheme submitted it is no less justified, but it does appear that the applicant is seeking to use more generic (off the shelf) elements in the construction and composition of the facades.

C. COMPLIANCE TABLE

Objectives	Summary	Compliance	Comments
	SITING		
3A-1	Site Analysis illustrates that design decisions have been based upon the opportunities and constraints of the site.	Yes	
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development	Yes	
3B-2	Overshadowing of neighbouring properties is minimised during mid winter	Yes	Within difficult site constraints of a southward sloping site.
3C-1	Transition between private and public domain is achieved without compromising safety and security	Yes	Proposal provides good overlooking of existing existing and proposed streets
3C-2	Amenity of the public domain is retained and enhanced	Yes	A new street is proposed as part of the redevelopment of the site which will improve neighbourhood connectivity.
3D-1	An adequate area of communal open space is provided to enhance residential amenity and provide opportunities for landscaping	Yes	
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	No	Consideration could be given to providing Communal open space at the garden level. There is little opportunity for active recreation within the spaces provided but the slope of the site makes this difficult to achieve.
3D-3	Communal open space is designed to maximise safety	Yes	
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Yes	The new street will be a valuable asset for the neighbourhood
3E-1	Deep soil zones allow for and support healthy plant growth. Min. deep soil zones: < 650sqm — No min. dimensions — 7% site area 650 – 1500sqm — 3m min dimension — 7% site area ≥ 1500 — 6m min dimension — 7% site area	Yes	
3F-1	Adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy Height — Habitable Rooms/balconies — No habitable Rooms Up to 12m — 6m — 3m Up to 25m — 9m — 4.5 >25m — 12m — 6m	No	The eastern balconies at the fifth floor do not strictly comply with the 9 metres separation requirement, but there is sufficient amenity at this level of the building. The bedrooms and balconies of Apartment no. 29 also do not comply but provide a uniformity of street address to the Dumaresq Street frontage and the benefit of outlook towards the street.
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views between habitable rooms and private open space.	Generally	Reversal of Apartment numbers 7, 14, 21 & 27 could be considered to reorient the balcony towards the northwest to prioritise solar orientation over view.
3G-1	Building entries and pedestrian access connects to and addresses the public domain	Yes	
3G-2	Access, entries and pathways are accessible and easy to identify	Yes	
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations	N/A	
3H-1	Vehicle access points are designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Yes	Carpark entries are generally well supressed.
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Yes	
3J-2	Parking and facilities are provided for other modes of transport	Yes	
3J-3	Car park design and access is safe and secure	Yes	

3J-4	Visual and environmental impacts of underground car parking are minimised	Yes	
3J-5	Visual and environmental impacts of on-grade car parking are minimised	N/A	
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised	Yes	While 2 driveways are provided, the proposed solution is an appropriate response to minimising excavation and maximising deep soil when compared to an internal ramp between the 2 carparking levels.
	DESIGNING THE BUILDING		
4A-1	Optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. 70% of apartments in a building receive a minimum of 2 hours of direct sunlight between 9am and 3pm mid winter in the Sydney (and other) metropolitan areas. All other areas – a min. of 3 hours* A max. of 15% receive no sun in mid winter * Note: 2 hours min sunlight midwinter in Sydney/Newcastle/Wollongong All other areas a min. of 3 hours A max. of 15% of apartments can receive no sun in mid winter	Yes	A table has been provided indicating that 82.3% of achieve a minimum of 2 hour minimum sunlight in mid winter (taking into account the adjoining development proposal). But there are further units identified in this table that don't achieve the minimum 2 hour solar access requirement bringing the number of complying units down to 70.6%. Units 4, 5, 10 & 11 do not achieve the requesite 2 hours of solar access as the adjoining proposal would obscure sunlight to these apartments. Some balconies have been oriented towards the view which is not unreasonable (Refer notes against objective 3F-2). In the context of the site's circumstances compliance is not considered obligatory as the apartments provide good amenity.
4A-2	Daylight access is maximised where sunlight is limited	Yes	
4A-3	Design incorporates shading and glare control, particularly for warmer months	Yes	
4B-1	All habitable rooms are naturally ventilated	Yes	
4B-2	The layout and design of single aspect apartments maximises natural ventilation	Generally	The only single aspect apartments are confined to the central eastern portion of the plan and a couple of atypical apartments on the ground floor. Most are 1 bedroom units to suit atypical conditions.
4B-3	The number of apartments with cross ventilation is maximised At least 60% of apartments are naturally cross ventilated Over all depth of cross over apartments in 18m max.	Yes	Proposal achieves 70.6% Windows in the southern wall of Apartment no. 2 would improve the proportion.
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access. Min height of: Habitable rooms 2.7m Non habitable rooms 2.4m Two storey apartments 2.7m main living floor 2.4m for second floor (max. 50% area) 1.8m at edge of room 30º ceiling slope Attic spaces	Yes	Min 2.7m ceiling height achieved.
4C-2	Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Yes	
4C-3	Ceiling height contributed to flexibility of building use over the life of the building	Yes	
4D-1	Layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Yes	
	Min. Apartment areas: Studio 35sqm 1 bed 50sqm 2 bed 70sqm 3 bed 90sqm	Yes	

	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes	
4D-2	Environmental performance of the apartment is maximised	Generally	
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Yes	
	In open plan layouts the maximum habitable room depth is 8m from a window	Yes	
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs	Yes	
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobes)	Yes	
	Bedrooms have a minimum dimension of 3m (excluding robes)	Yes	
	Living rooms or open plan living have min width of 3.6m for studios/1beds 4m for 2/3beds	Yes	
	Width of cross over apartments are at least 4m internally to avoid narrow layouts	N/A	
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Yes	
	Primary balconies Studio 4sqm - 1 bed 8sqm 2m min depth 2 bed 10sqm 2m min depth 3 bed 12sqm 2.4m min depth	Yes	
	Apartments at ground level or on podium have a private open space instead of a balcony. Minimum area is 15sqm and minimum depth is 3m	No	Apartment 4 and 8 could comply with some modification (as previously noted).
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Yes	
4E-4	Private open space and balcony design maximises safety	Yes	
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments	Yes	
	Maximum number of apartments off a circulation core on a single level is 8	Yes	
	For buildings 10 + storeys, maximum number of apartments sharing a single lift is 40	N/A	
4F-2	Common circulation spaces promote safety and provide for social interaction between residents	Yes	
4G-1	Adequate, well designed storage is provided in each apartment	Yes	
	Studios 4m3 1 bed 6m3 2 bed 8m3 3 + 10m3	Yes	
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.	Yes	
4H-1	Noise transfer is minimised through the siting of buildings and building layout	Yes	
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments	Yes	Subject also to BCA code compliance.
4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through careful siting and layout of buildings	N/A	
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	N/A	
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	Yes	
4K-2	The apartment mix is distributed to suitable locations within the building.	Yes	

4L-1	Street frontage activity is maximised where ground floor apartments are located.	Yes	
4L-2	Design of ground floor apartments delivers amenity and safety for residents	Yes	
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	Yes	
4M-2	Building functions are expressed by the façade	Yes	
4N-1	Roof treatments are integrated into the building design and respond positively to the street.	Yes	
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Yes	
4N-3	Roof design incorporates sustainability features	Generally	
4O-1	Landscape design is viable and sustainable	Note	Subject to comments by Council's Landscape Officer.
4O-2	Landscape design contributes to the streetscape and amenity	Yes	Subject also to comments by Council's Landscape Officer.
4P-1	Appropriate soil profiles are provided	Note	Subject to comments by Council's Landscape Officer.
4P-2	Plant growth is optimised with appropriate selection and maintenance	Note	Subject to comments by Council's Landscape Officer.
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces	Note	Subject to comments by Council's Landscape Officer.
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members	Note	Not Apparent
4Q-2	A variety of apartments with adaptable designs are provided	Yes	
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs	Yes	
4R-1	New additions to existing buildings are contemporary and complementary and enhance an areas identity and sense of place	N/A	
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse	N/A	
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A	
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	N/A	
4T-1	Awnings are well located and complement and integrate with building design	N/A	
4T-2	Signage responds to the context and desired streetscape character	N/A	No information provided.
4U-1	Development incorporates passive environmental design	Yes	
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Yes	The rear (southern) and Central western apartments could be reconfigured to improve passive solar response, but have been planned to favour outlook over solar access.
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation	Yes	Bathrooms have been located on exterior walls where possible.
4V-1	Potable water use is minimised	Generally	Some low water use species incorporated.
4V-2	Urban stormwater is treated on site before being discharged to receiving waters	No	
4V-3	Flood management systems are integrated into site design	Yes	
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Yes	Internalised storage and Pick-up is shown.
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling	Note	Details not provided. Recycling bins could be included in apartments.

4X-1	Building design detail provides protection from weathering	Yes	Insufficient information provided at DA for a thorough Assessment. To be developed with Construction documentation.
4X-2	Systems and access enable ease of maintenance	Note	Insufficient information provided at DA for a thorough Assessment. To be developed with Construction documentation.
4X-3	Material selection reduces ongoing maintenance costs	Yes	