

Appendix A

State Environmental Planning Policy Housing 2021 Chapter 4 - Design of Residential Apartment Development Table of requirements

Design of Residential Apartment Development	Discussion	Compliance Yes or No
<p>142 Aims of the chapter</p> <p>(1) The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes—</p> <p>(a) to ensure residential apartment development contributes to the sustainable development of New South Wales by—</p> <p>(i) providing socially and environmentally sustainable housing, and</p> <p>(ii) being a long-term asset to the neighbourhood, and</p> <p>(iii) achieving the urban planning policies for local and regional areas.</p> <p>(b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,</p> <p>(c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,</p> <p>(d) to better satisfy the increasing demand for residential apartment development, considering—</p> <p>(i) the changing social and demographic profile of the community, and</p> <p>(ii) the needs of a wide range of people, including persons with disability, children and seniors,</p>	<p>This is noted. It is considered that the development is consistent with the aims of the chapter especially given that the development is contributing to a revitalisation of the eastern side of the Merrylands Town Centre close to the railway station.</p> <p>In addition, the locality has a high level of services that can support the population load due to the proximity of a major sub regional shopping centre plus a major suburban railway station close by.</p>	<p>Yes</p>

<p>(e) to contribute to the provision of a variety of dwelling types to meet population growth,</p> <p>(f) to support housing affordability,</p> <p>(g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,</p> <p>(h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.</p>		
<p>144 Application of chapter</p> <p>(1) In this policy, development to which this chapter applies is referred to as <i>residential apartment development</i>.</p> <p>(2) This chapter applies to the following—</p> <p>(a) development for the purposes of residential flat buildings,</p> <p>(b) development for the purposes of shop top housing,</p> <p>(c) mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</p> <p>(3) This chapter applies to development only if—</p> <p>(a) the development consists of—</p> <p>(i) the erection of a new building, or</p> <p>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</p>	<p>The development is for the erection of a new building complex comprising Towers B, C and D. Given that the three buildings exceed 3 storeys in height and comprising more than 4 apartments per building, the Chapter must be applied to the development.</p>	<p>Yes</p>

<p>(iii) the conversion of an existing building, and</p> <p>(b) the building is at least 3 storeys, not including underground car parking storeys, and</p> <p>(c) the building contains at least 4 dwellings.</p> <p>(4) If particular development comprises development for the purposes specified in subsection (2) and development for other purposes, this chapter applies only to the part of the development for the purposes specified in subsection (2).</p> <p>(5) This chapter does not apply to development that involves only a class 1a or 1b building within the meaning of the <i>Building Code of Australia</i>.</p> <p>(6) To avoid doubt, development to which Chapter 2, Part 2, Division 1, 5 or 6 applies may also be residential apartment development under this chapter.</p> <p>(7) <i>In this section—underground car parking storey means a storey used for car parking that is—</i></p> <p style="padding-left: 40px;">(a) below ground level (existing), or</p> <p style="padding-left: 40px;">(b) less than 1.2m above ground level (existing).</p>		
<p>145 Referral to design review panel for development applications</p> <p>(1) This section applies to a development application for residential apartment development, other than State significant development.</p> <p>(2) Before determining the development application, the consent authority must refer the application to</p>	<p>The development application has been referred to a design excellence Panel as part of the assessment process given that the three buildings exceed a height of greater than 25 metres from natural ground level to the rooftop ridges.</p>	<p>Yes</p>

<p>the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</p> <p>(3) This section does not apply if—</p> <ul style="list-style-type: none"> (a) a design review panel has not been constituted for the local government area in which the development will be carried out, or (b) a competitive design process has been held. <p>(4) <i>In this section - competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023.</i></p>	<p>The details of the procedure and fully documented within the report. It is conserved that the applicant has addressed the issues raised in a satisfactory manner for Panel consideration.</p>	
<p>146 Referral to design review panel for modification applications</p> <p>(1) This section applies to a modification application for residential apartment development, other than State significant development.</p> <p>(2) If the statement by the qualified designer required to accompany the modification application under the <i>Environmental Planning and Assessment Regulation 2021</i>, section 102(1) does not verify that the qualified designer designed, or directed the design of, the original development, the consent authority must refer the modification application to the relevant design review panel for advice before determining the modification application.</p> <p>(3) The consent authority may also refer a modification application for residential apartment development to the relevant design review panel for advice before determining the modification application.</p>	<p>Clause 146 will not apply to the development application.</p>	<p>N/A</p>

<p>(4) The design review panel must advise whether the modification—</p> <ul style="list-style-type: none"> (a) diminishes or detracts from the design quality of the original development, or (b) compromises the design intent of the original development. <p>(5) Subsection (2) does not apply if—</p> <ul style="list-style-type: none"> (a) a design review panel has not been constituted for the local government area in which the development will be carried out, or (b) a competitive design process has been held. 		
<p>147 Determination of development applications and modification applications for residential apartment development</p> <p>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</p> <ul style="list-style-type: none"> (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide, (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel. <p>(2) The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</p>	<p>The development has been assessed in full using the Apartment Design Guide. The development is achieving a high level of compliance with the provisions of the Apartment Design Guide.</p> <p>Minor variations are occurring but these are acceptable and reasonable given the scale of the development sought.</p> <p>The assessment report addresses the variations in an appropriate manner.</p>	<p>Yes</p>

<p>(3) To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</p> <p>(4) Subsection (1)(c) does not apply to State significant development.</p>		
<p>148 Non-discretionary development standards for residential apartment development—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The following are non-discretionary development standards—</p> <p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>The development is providing for:</p> <ul style="list-style-type: none"> • An adequate number of car parking spaces as shown elsewhere within the assessment tables. • Adequate internal habitable living spaces for each apartment and residents. • Appropriate floor to ceiling heights for each building and apartments to be constructed. <p>An appropriate outcome is achieved for all 3 components.</p>	<p>Yes</p>

<p>149 Apartment Design Guide prevails over development control plans</p> <p>(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</p> <ul style="list-style-type: none"> a) visual privacy, b) solar and daylight access, c) common circulation and spaces, d) apartment size and layout, e) ceiling heights, f) private open space and balconies, g) natural ventilation, h) storage. <p>(2) This section applies regardless of when the development control plan was made.</p>	<p>A thorough assessment has been undertaken using the relevant planning controls as well as the Apartment Design Guide.</p> <p>The development is considered appropriate for the location. The assessment tables are comprehensive in relation to:</p> <ul style="list-style-type: none"> i) visual privacy, j) solar and daylight access, k) common circulation and spaces, l) apartment size and layout, m) ceiling heights, n) private open space and balconies, o) natural ventilation, p) storage. <p>The three buildings exhibit a high degree of residential amenity for the location with all relevant services being provided for each apartment.</p>	<p>Yes</p>
<p>Schedule 9 Design Principles for residential apartment development</p>		
<p>1 Context and neighbourhood character</p> <p>(1) Good design responds and contributes to its context, which is the key natural and built features of an area, their relationship and the character they create when combined and also includes social, economic, health and environmental conditions.</p> <p>(2) Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>(3) Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site forms part of a larger redevelopment. As part of the redevelopment, a significant urban renewal project is underway to activate the eastern part of the Merrylands Town Centre close to the railway station and a bus interchange.</p> <p>In addition, the site is located close to Merrylands Mall.</p> <p>As part of the redevelopment, public parkland will be provided.</p> <p>The development is consistent with the applicable planning</p>	<p>Yes</p>

<p>(4) Consideration of local context is important for all sites, including sites in the following areas—</p> <ul style="list-style-type: none"> (a) established areas, (b) areas undergoing change, (c) areas identified for change. 	<p>controls that allows for the form of development to occur.</p> <p>While certain variations are identified with the planning controls, overall, the form and pattern of urban development shown is broadly consistent with desired outcomes for the locality.</p>	
<p>2 Built form and scale</p> <p>(1) Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>(2) Good design also achieves an appropriate built form for a site and the building's purpose in terms of the following—</p> <ul style="list-style-type: none"> (a) building alignments and proportions, (b) building type, (c) building articulation, (d) the manipulation of building elements. <p>(3) Appropriate built form—</p> <ul style="list-style-type: none"> (a) defines the public domain, and (b) contributes to the character of streetscapes and parks, including their views and vistas, and (c) provides internal amenity and outlook. 	<p>The form of the development, including built form massing, setbacks, materials are consistent with the planning controls for the locality.</p> <p>In particular, the development is oriented towards a future park area and Building D will assist in activating the park area in the form of neighbourhood shops across the ground floor level.</p> <p>Building entrances are facing the west and towards the future park areas.</p> <p>The vehicle entrance to the development is towards the south west portion of Building D which is not directly visible from the important public domain areas.</p>	Yes
<p>3 Density</p> <p>(1) Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>(2) Appropriate densities are consistent with the area's existing or projected population.</p> <p>(3) Appropriate densities are sustained by the following—</p>	<p>The floor space ratio, density (For 303 apartments) and setbacks are generally acceptable for the location.</p> <p>The development achieves a compliant floor space ratio for the site.</p> <p>The site is within an appropriate location being adjacent to Stockland Mall Merrylands which has an array of discount department stores, 3</p>	Yes

<p>(a) existing or proposed infrastructure, (b) public transport, (c) access to jobs, (d) community facilities, (e) the environment.</p>	<p>supermarkets and upwards of 200 specialty shops as well as a major railway station which is supported with a bus interchange.</p> <p>The location of such a development is appropriate for the form of development proposed.</p>	
<p>4 Sustainability</p> <p>(1) Good design combines positive environmental, social and economic outcomes.</p> <p>(2) Good sustainable design includes—</p> <p>(a) use of natural cross ventilation and sunlight for the amenity and liveability of residents, and (b) passive thermal design for ventilation, heating and cooling, which reduces reliance on technology and operation costs.</p> <p>(3) Good sustainable design also includes the following—</p> <p>(a) recycling and reuse of materials and waste, (b) use of sustainable materials, (c) deep soil zones for groundwater recharge and vegetation.</p>	<p>The development is exceeding the minimum BASIX Certificate requirements for water and energy. In this regard, a score of 41 and 27 is achieved for water and energy which exceeds the minimum provisions of 40 and 25 for both elements.</p> <p>Electric vehicle charging facilities are to be provided within the development as well as water tanks for watering common areas and for use within the car wash bay. Various commitments are provided within the BASIX Certificate addressing energy conservation including:</p> <ul style="list-style-type: none"> • 4 star air conditioners. • 3 and 4 star fixtures for toilets, taps and showerheads. 	Yes
<p>5 Landscape</p> <p>(1) Good design recognises that landscape and buildings operate together as an integrated and sustainable system, resulting in development with good amenity.</p> <p>(2) A positive image and contextual fit of well designed development is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p>	<p>The site will form part of a broader redevelopment of an area within the eastern side of the Merrylands Town Centre south of Neil Street.</p> <p>As part of the redevelopment, local parklands will be established for the longer term.</p> <p>The parklands will form part of an open space corridor from Neil Street to the north to the railway station.</p>	Yes

<p>(3) Good landscape design enhances the development's environmental performance by retaining positive natural features that contribute to the following—</p> <ul style="list-style-type: none"> (a) the local context, (b) co-ordinating water and soil management, (c) solar access, (d) micro-climate, (e) tree canopy, (f) habitat values, (g) preserving green networks. <p>(4) Good landscape design optimises the following—</p> <ul style="list-style-type: none"> (a) usability, (b) privacy and opportunities for social interaction, (c) equitable access, (d) respect for neighbours' amenity. <p>(5) Good landscape design provides for practical establishment and long term management.</p>	<p>The landscaping shown on the plans are supported.</p> <p>Council is working through a separate development application for the broader area involving provision of the public park and landscape corridors as well as infrastructure and access roads.</p>	
<p>6 Amenity</p> <p>(1) Good design positively influences internal and external amenity for residents and neighbours.</p> <p>(2) Good amenity contributes to positive living environments and resident well-being.</p> <p>(3) Good amenity combines the following—</p> <ul style="list-style-type: none"> (a) appropriate room dimensions and shapes, (b) access to sunlight, (c) natural ventilation, (d) outlook, (e) visual and acoustic privacy, (f) storage, (g) indoor and outdoor space, (h) efficient layouts and service areas, 	<p>The apartment layouts, room sizes, balconies and means of internal access are consistent with the provisions contained within the Apartment Design Guide.</p> <p>Given location and how the site functions, the development is being oriented towards the future public parkland to be established for the long term.</p> <p>The development is providing 61 adaptable dwellings which is over 20% of the total number of dwellings within the development.</p>	<p>Yes</p>

(i) ease of access for all age groups and degrees of mobility.		
7 Safety (1) Good design optimises safety and security within the development and the public domain. (2) Good design provides for quality public and private spaces that are clearly defined and fit for the intended purpose. (3) Opportunities to maximise passive surveillance of public and communal areas promote safety. (4) A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	The development application was referred to the Cumberland Police Area Command for a thorough CPTED Assessment. As per the correspondence dated Thursday 9 February 2023, the development is determined as being acceptable subject to conditions addressing crime prevention and safety. As such, the provisions of Principle 7 are complied with.	Yes
8 Housing diversity and social interaction (1) Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. (2) Well designed residential apartment development responds to social context by providing housing and facilities to suit the existing and future social mix. (3) Good design involves practical and flexible features, including— (a) different types of communal spaces for a broad range of people, and (b) opportunities for social interaction among residents.	The development is providing for: <ul style="list-style-type: none"> • 28 x 1 bedroom apartments. • 228 x 2 bedroom apartments. • 47 x 3 bedroom apartments. For a total of 303 apartments. The development is split into 3 separate buildings with each building having a different and distinct design. There are 61 adaptable apartments being provided for within the development. It is considered that Principle 8 is complied with across the broad form of the development.	Yes
9 Aesthetics (1) Good design achieves a built form that has good proportions and a balanced composition of elements,	The development is split into 3 separate buildings with each building having a different and distinct design. This includes different use of materials and	Yes

<p>reflecting the internal layout and structure.</p> <p>(2) Good design uses a variety of materials, colours and textures.</p> <p>(3) The visual appearance of well designed residential apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>colours which proves each building a unique and distinct built form.</p>	
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