

20th June 2024

Ruth Ormella
Queanbeyan Palerang Regional Council
PO Box 90, Queanbeyan
NSW, 2620

RE: Additional Information Required Before Determining Application
Development Application No. DA.2023.0044 for land/premises at
LOT 31 DP771673, LOT 2 DP 748338, LOT 18 DP 548244 AND LOT 2 DP 1179998
257 CRAWFORD & 6 RUTLEDGE STREET QUEANBEYAN NSW 2620

Dear Ruth,

Further to the recent briefing by the Southern Regional Planning Panel, Village offers the following additional information to address the key issues raised:

1. Removal of Trees

A revised landscape plan is provided to demonstrate that one tree is required to be removed.

2. Treatment of the well

A revised plan has been provided to provide certainty to the treatment of the existing well to demonstrate compliance with the panel's requirements.

3. Treatment of the Podium to Level 2

Revised elevations are provided that have been amended to address the concerns of Council's Heritage Advisor.

4. Non compliance with Direct Sunlight Requirements

The plans demonstrate that out of 178 Residential units proposed, approximately 3 residential units exceed the design criteria 4A-1 point 3. That amount represents 1.85% of the total residential units in the proposed development.

Unit Amenity

SOLAR AND DAYLIGHT ACCESS (9am - 3pm):

0 Hours (Required Max) 27	15%
0 Hours (Provided) 30	16.85%

Amount of units in excess of requirement	3
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The design maximises north aspect facing apartments without compromising the utility and functionality of apartments which is nonetheless a key requirement of the Apartment Design Guide, namely relevant segments of Part 4. This accounts for approximately 45% of residential units within the development.

Despite the front boundary for the subject site being South facing, a total of 62.36% of units incorporate a North, & North East or Easterly Aspect. Minimisation of single aspect south facing apartments has been achieved by incorporating multiple aspect facing apartments on each corner of the buildings. This has resulted in the Minimisation of single aspect South facing units in the East building by 50%, and in the West building by 33%. Ancillary to the reduction is the incorporation of split level apartments which also contribute to the Minimisation.

Optimisation of direct sunlight to habitable rooms has been achieved by ensuring that living areas and bedrooms are located to the north, with service areas situated south, central, and or west within design layouts. Incorporation of dual aspect apartments (corners of buildings), and two storey apartments also contribute to the optimisation.

Although achieving design criteria 4A-1 point 3 (excess of 3 apartments) is challenging as a result of the south facing orientation, significant views to be enjoyed by occupants are offered away from the desired aspect for direct sunlight. Complimentary to the offered views, south aspect apartments (by virtue of balcony size and location of living areas) also provide important function of promoting passive surveillance on Rutledge Street and Crawford Street upholding principals of 4E-3.

In sum, fulfillment of design criterions 4A-1 point 1 and 2 have been achieved. Although 4A-1 point 3 is marginally in excess of the requirement, various design techniques have been prudently applied to achieve the objective being to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and Private Open Space that are offered in the design guidance.

This includes;

- Maximising North aspect apartments without compromising functionality & utility,
- Apartment design locating living areas located North where possible, service areas south and west,
- Incorporating dual aspect apartments,
- Incorporating two storey or mezzanine apartments.
- In addition, South facing apartments offer opportunities for significant views (Rutledge St & Crawford St and promote the important fundamental of passive surveillance.

Objective 4A-1 is considered to be achieved by a combination of Design criteria (points 1 and 2) and the prudent implementation of components forming the Design Guidance. It should also be noted that the ADG is not intended to be and should not be applied as a set of strict development standards. As per the attached planning circular, it has been demonstrated that whilst the design criteria for direct sunlight has not been met for three of the proposed apartments, Objective 4A-1 has still been achieved.

5. TfNSW Requirements

A revised Traffic Impact report has been provided to address the requirements of TfNSW.

We trust that the information provided within the body of this response, together with the additional information supplied within the Appendices should satisfy QPRC's needs and allow you to progress with the final assessment of DA.2023.0044.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jamie Cregan', with a long horizontal flourish extending to the right.

General Manager – ACT Region

Attachments:

Attachment A – TfNSW Response

Attachment B – Revised Tree Management Plan

Attachment C – Revised Perspectives and Elevations

Attachment D – Revised Well treatment plan.

Using the Apartment Design Guide

This Circular provides guidance on the application of the Apartment Design Guide (ADG) in the development assessment process under *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65).

Introduction

As more people in NSW choose to live in apartments, good apartment design is vital. Good apartment design delivers better living environments for residents, and enhances streetscapes and neighbourhoods across the state.

SEPP 65 and the ADG encourages a more consistent approach to apartment design across the state, more certainty for councils, architects and applicants, and promotes design innovation through Design Review Panels.

The purpose of this Circular is to:

- explain the relationship between SEPP 65 and the ADG and the application of the ADG to the assessment of development applications under SEPP 65;
- provide guidance to consent authorities regarding the application of the objectives and design criteria in the assessment of development applications; and
- clarify the role of Design Review Panels.

Relationship between SEPP 65 and the ADG

SEPP 65 provides a consistent planning framework to improve the design quality of residential apartment development in NSW. It gives legal force to the ADG, which is to be used in conjunction with SEPP 65. Further clarification on this relationship is set out in **Figure 1**, below.

The ADG is a guide containing design guidance to improve the planning and design of residential apartment development in NSW.

SEPP 65 and the ADG applies to residential flat buildings, shop top housing and the residential component of mixed use developments. They apply to

buildings that are three or more storeys and that have four or more dwellings where the development consists of the:

- erection of a new building;
- substantial redevelopment or refurbishment of an existing building; and
- conversion of an existing building to a residential flat building.

Apart from the non-discretionary development standards in SEPP 65¹, the ADG is not intended to be and should not be applied as a set of strict development standards.

A summary of how SEPP 65 and the ADG work and their effect is provided in **Figure 1** below.

¹ Clause 30 of SEPP 65 identifies non-discretionary development standards: car parking, internal area, ceiling heights which, if complied with in a DA, cannot be used as grounds to refuse the DA.

Figure 1 – How SEPP 65 and the ADG work

**State Environmental Planning Policy No 65 –
Design Quality of Residential Apartment
Development (SEPP 65)**

Apartment Design Guide (ADG)

Effect

Aims

Clause 2 SEPP 65

The overarching aim of SEPP 65 is to improve the design quality of residential apartment development in NSW.

The ADG helps to achieve better design and planning for residential apartment development, by providing benchmarks for designing and assessing these developments.

The ADG is to be used in conjunction with SEPP 65 which sets out the NSW Government's policy direction for residential apartment development in NSW.

SEPP 65 gives legal force to the ADG.

The ADG is a guide containing objectives, design criteria and design guidance to improve the planning and design of residential apartment development in NSW.

Application of the design quality principles

Schedule 1 SEPP 65

Schedule 1 sets out nine design quality principles, which must be considered when designing proposals, and during the development assessment process:

- context and neighbourhood character
- built form and scale
- density
- sustainability
- landscape
- amenity
- safety
- housing diversity and social interaction
- aesthetics

The ADG provides objectives, design criteria and design guidance on how residential development proposals can meet the principles through good design and planning practice.

The SEPP 65 design quality principles must be considered by design professionals when designing residential apartment development, by design review panels when giving advice on proposals and by consent authorities.

**State Environmental Planning Policy No 65 –
Design Quality of Residential Apartment
Development (SEPP 65)**

Determination of development applications

Clause 28 SEPP 65

When determining a development application, consent authorities are required to take into consideration:

- advice (if any) from a design review panel;
- the ADG; and
- the development's design quality in relation to the design quality principles.

The extent of this consideration is a matter for the consent authority to consider under section 79C of the *Environmental Planning and Assessment Act 1979* (NSW), given the particulars of the application.

Apartment Design Guide (ADG)

The ADG is a matter for consideration for consent authorities when determining a DA.

Parts 3 and 4 of the ADG set out:

- objectives;
- design criteria; and
- design guidance;

for the siting, design and amenity of residential apartment development.

A development needs to demonstrate how it meets the objectives and design criteria set out in Parts 3 and 4. The design criteria sets a clear and measurable benchmark on how the objective can be practically achieved.

If it is not possible to satisfy the design criteria, applications must demonstrate how, through good design, the objective can be achieved. The design guidance can be used to assist in this.



Effect

When determining a development application, consent authorities are required to take into consideration:

- advice (if any) from a design review panel;
- the ADG; and
- the development's design quality in relation to the design quality principles.

In determining a development's design quality in relation to the design quality principles², the consent authority is to consider:

- how the development meets the objectives and design criteria set out in Parts 3 and 4.

If it is not possible to satisfy the design criteria, the consent authority is to consider:

- how, through good design, the objective can be achieved. Design guidance can be used to assist in this process.

Apart from the non-discretionary development standards³, the ADG is not intended to be, and should not be applied as, a set of strict development standards.

² Schedule 1 SEPP 65

³ Clause 30 of SEPP 65 identifies non-discretionary development standards: car parking, internal area, ceiling heights which cannot be used as grounds to refuse a DA

**State Environmental Planning Policy No 65 –
Design Quality of Residential Apartment
Development (SEPP 65)**

Apartment Design Guide (ADG)

Effect

Standards that cannot be used as grounds to refuse development consent

Clause 30(1) SEPP 65

SEPP 65 identifies non-discretionary development standards relating to minimum requirements for:

- car parking;
- internal area;
- ceiling heights;

which, if complied with, cannot be used as grounds to refuse a development application or an application to modify a development consent.

The ADG sets out minimum requirements for:

- car parking;
- internal area; and
- ceiling heights

If the proposal satisfies the design criteria in clause 30(1) of SEPP 65, the consent authority:

- is not entitled to take those standards into further consideration in determining the application;
- must not refuse the application on those grounds (however the consent authority can refuse the application on other grounds); and
- must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards.

Development Control Plan (DCP) cannot be inconsistent with the ADG

Clause 6A SEPP 65

SEPP 65 identifies that some provisions in the ADG prevail over any similar provisions in a Council DCP:

- visual privacy
- solar and daylight access
- common circulation and space
- apartment size and layout
- ceiling heights
- private open space and balconies
- natural ventilation
- storage

Parts 3 and 4 provide detailed objectives, design criteria and design guidance of provisions siting a development and designing the building, including the provisions identified in clause 6A of SEPP 65:

- visual privacy
- solar and daylight access
- common circulation and space
- apartment size and layout
- ceiling heights
- private open space and balconies
- natural ventilation
- storage

If a DCP contains provisions that specify requirements, standards or controls in relation to the following:

- visual privacy
- solar and daylight access
- common circulation and space
- apartment size and layout
- ceiling heights
- private open space and balconies
- natural ventilation
- storage;

those DCP provisions will have no effect, and the relevant ADG provisions will prevail.

**State Environmental Planning Policy No 65 –
Design Quality of Residential Apartment
Development (SEPP 65)**

Design Review Panels

Part 3 SEPP 65

Part 3 sets out the rules for:

- membership and function of Panels;
- requirements for consultation with Panels; and
- other procedural matters for Panels

Apartment Design Guide (ADG)

Section 5 of the ADG explains:

- functions, membership and constitution of Panels;
- roles and responsibilities of councils and Panel members;
- operating procedures and guidelines;
- templates (meeting agenda, development assessment and meeting minutes).

Effect

SEPP 65 allows for the establishment of Design Review Panels as an important tool to improve and enhance design quality of residential apartment developments.

The ADG is a toolkit for the establishment and operation of Design Review Panels, including details about:

- functions, membership and constitution of Panels;
- roles and responsibilities of councils and Panel members;
- operating procedures and guidelines;
- templates (meeting agenda, development assessment and meeting minutes).

Design review panels

SEPP 65 establishes the Design Review Panel as an important tool to improve and enhance the design quality of apartment developments. Section 5 of the ADG explains the role of Design Review Panels in the development assessment process, and provides the specific procedures and templates councils can use to establish and administer Panels.

A Design Review Panel advises the consent authority on the design quality of applications with reference to SEPP 65's nine design quality principles and the ADG, amongst other things.

Design Review Panels comprise of design experts able to debate the merits of the application of the design quality principles in relation to the ADG, amongst other things.

The Panel may identify and recommend improvements necessary to achieve consistency with the design quality principles and the ADG. The Panel may also provide advice on how to improve design quality. In some instances, this may include recommendations that contradict individual clauses in the ADG where the Panel are convinced this would achieve a better design outcome. However, these recommendations cannot be inconsistent with the non-discretionary development standards in clause 30(1) of SEPP 65).

The Panel's advice is a relevant consideration for the consent authority when assessing a development application or modification for apartment development under SEPP 65.

The ADG encourages pre-development application discussions, including early input by a Design Review Panel. Early panel advice on a proposal can allow applicants to address issues early on, and save time later in the application process.

Further Information

For further information please call 1300 305 695. Department of Planning and Environment circulars are available from planning.nsw.gov.au/circulars

Authorised by:

Carolyn McNally
Secretary

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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