

DESIGN VERIFICATION STATEMENT

DESIGN QUALITY PRINCIPLES OF RESIDENTIAL FLAT BUILDING

(State Environmental Planning Policy No. 65)

This statement verifies that Joe El-Sabbagh Nominated Architect under the NSW Board of Architects registration number 8707 has directed the Section 4.55 design of the project and that the proposed modification adheres to the design principles set out in Part 2 of State Environmental Policy No 65 - "Design Quality of Residential Flat Development (SEPP 65)" as applied at the time of the determination of Development Consent DA14/0513. Prior to determination of DA14/0513, SEPP 65 was amended and the Residential Flat Design Guide (RFDC) was replaced by the Apartment Design Guide (ADG). Under the applicable savings provisions for applications lodged prior to 15 June 2015 the provisions of the RFDC were applied in the assessment of DA14/0513. Under the provisions of the Environmental Planning and Assessment Act Regulations 2021 where a Design Verification Statement was submitted and it is proposed to modify the consent a Design Verification Statement must be submitted. This Design Verification Statement provides an assessment of the 9 principles as contained within Schedule 1 of SEPP 65 which replaced the previous 10 principles which applied under SEPP 65 at the time of the determination of DA14/0513. This Design Verification Statement indicates that the approved building as modified satisfies the objectives of the principles.

1.0 The Proposal

The proponent seeks to modify consent No. DA14/0513 which was granted for demolition of the existing structures and construction of Four (4) x Eight (8) Storey Residential Flat Buildings (289 Units), Two (2) Level Basement Car Parking Area, Landscaping, Drainage Works and Earthworks. The development is located at 12 Carson Lane, ST MARYS NSW 2760.

As mentioned above, this is a section 4.55 application to modify the original DA plans prepared by Dickson Rothschild. The section 4.55 has been prepared to amend the following;

- Increased Floor to Floor height to 3.1m (Max Height of the proposed buildings is now 26.505m)
- Improved Façade treatments with revised Material Schedules and removal of green walls
- Basement car park general arrangement redesign with revised Reduced Level (RL) and basement perimeter walls towards the Western boundary. This is mainly to accommodate councils waste collection vehicle on Basement 2.
- Multiple Lift cores relocated and building services coordination to suit amended basement layout
- Basement entry ramp dropped to RL of 30.250, below the free board level as per the original DA Flood Report (RL31.200) with an introduction of a flood gate.
- Internal modifications to apartment layouts to improve residential amenity.
- Minor update to Unit Mix. Total number of units (289) remains the consistent with the original DA.
- Introduced centralised location for AC Condensers per level for Buildings A, C & D
- Amended Landscaping design
- Amended Stormwater design

The proposed modifications to the previously approved DA14/0513 scheme primarily relate to bringing the design in line with the new requirement for Building Code of Australia (BCA) Class 2 building in New South Wales recently introduced under the Design and Building Practitioners Act 2020 and Regulations. The proposed S4.55 modification enforce a more detailed DA set to ensure the buildings are realised at construction stage and there aren't substantial changes to what is approved in terms of overall development scheme. The modifications are proposed to improve amenity for residents whilst maintaining minimum impact on the surrounding environment as well as to comply with the latest BCA and Australian Standards and remain substantially the same as that of the approved development.

The proposed residential flat buildings are designed to integrate into the site and the locality and reflect the style and design of character provided for in the Council's future vision for the local centre area consistent with Development Consent DA14/0513. The proposal is permissible within the B4 zone and satisfies the relevant statutory framework for the proposed use of the land. On balance, the development is considered to be ecologically sustainable and in the public interest.

1.1 Introduction

This report should be read in conjunction with the architectural drawings provided in the S4.55 modification application. It responds to each of the nine SEPP 65 Design Quality Principles in SEPP 65, and includes an attached compliance table which responds to the Rules-of-Thumb (Based on Residential Flat Design Code).

“The Council Assessment Report indicated that “the subject proposal can reasonably satisfy the design quality principles of SEPP 65 and the guidelines contained within the associated ‘Residential Flat Design Code’. Not all Rules of Thumb are satisfied, however they are not mandatory controls and the intent of the code has been met by providing a high standard of design and amenity for future occupants. The buildings have excellent solar access and cross ventilation and the setbacks of levels 4 upwards increase the separations between the buildings. The setbacks are well landscaped and contain deep soil zones and the three areas of common open space will be suitably embellished. A good mix of unit sizes and types is proposed and clear access is provided for both vehicles and pedestrians throughout the development”

This assessment seeks to take into account the principles set out in SEPP 65 (previously Part 2 now Schedule 1) in determining the quality of the design proposed.

1.2 Summary: Rules-of-Thumb Table – Key Issues *(Based on Residential Flat Design Code)*

Please note that the below table only summaries the design changes made by Section 4.55 modification.

Based on the original DA, the SEPP 65 assessment was carried out based on the Residential Flat Design Code (RFDC) at that time. Hence, the updated assessment intends to demonstrate the compliance with the RFDC and the form of the development as approved by DA14/0513.

	Rules of Thumb	Proposed S4.55 Modification	Compliance
1. Solar Access	Living rooms and private open spaces for at least 70% of units in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter	As per DA approval	No Change
	Max 10% south facing single aspect	As per DA approval	No Change
2. Building Depth	In general, a unit building depth of 10 – 18 metres is appropriate.	As per DA approval	No Change
	Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.		
3. Cross Ventilation	Sixty percent (60%) of residential units should be naturally cross ventilated.	As per DA approval	No Change
	Twenty five percent (25%) of kitchens within a development should have access to natural ventilation.	As per DA approval	No Change
4. Unit Layout and Sizes	Single-aspect units should be limited in depth to 8 metres from a window.	As per DA approval	No Change
	The back of a kitchen should be no more than 8 metres from a window	As per DA approval	No Change
5. Corridor	<p>In general, where units are arranged off a double loaded corridor, the number of units accessible from a single core / corridor should be limited to eight (8). Exceptions may be allowed:</p> <ul style="list-style-type: none"> - for adaptive reuse buildings - where developments can demonstrate the achievement of the desired street scape character and entry response. <p>Where development can demonstrate a high level of amenity for common lobbies, corridors and units (cross over, dual aspect units)</p>	As per DA approval	No Change
6. Finished Floor to Finished Ceiling Heights	The recommended minimum dimensions from finished floor levels (FFL) to finished ceiling level (FCL) for a residential flat building with single storey units is:		
	a) in residential flat buildings in mixed use areas: 3.3 metre minimum for ground floor to promote future flexibility of use	Not Applicable	
	b) 2.7 metre minimum for all habitable rooms on all floors,	<p>Proposed Floor to Floor – 3.10m</p> <p>Floor to ceiling of habitable rooms – 2.7m</p>	Complies

	c) 2.4 metre minimum for all non-habitable rooms (however, 2.25m is permitted).	As per DA approval	
	Rules of Thumb	Proposed S4.55 Modification	Compliance
7. Open Space	Deep Soil Zone Min. 25% of open space should be a deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	The approved development provided for 21% deep soil in excess of the 10% required at the time of determination The proposed deep soil area is 2,429m ² – 23% of the total site area (10,720m ²) The deep soil area is consistent with the DA approved plans.	Increase from approved development
	Communal Open Space The area of communal open space required should generally be at least 25 to 30% of the site area.	As per DA approval	No change
	Private Open Space Ground floor units — min. area 25sqm, with min. width of 4m. Provide primary balconies for all units with a minimum depth of 2 metres. Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.	As per DA approval	No change
8. Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> One bedroom 6m² Two Bedroom 8m² Three Bedroom 10m² 	Based on the revised internal layouts, the storages are provided with at least 50% within the unit and the remainder provided in the basement	Complies
9. Building Separation	Up to four storeys/12 metres 12 metres between habitable rooms/balconies - 9 metres between habitable/balconies and non- habitable rooms - 6 metres between non- habitable rooms	As per DA approval	No change
	Five to eight storeys- up to 25 metres 18 metres between habitable rooms/balconies 13 metres between habitable rooms/balconies and non-habitable rooms 9 metres between non-habitable rooms	As per DA approval	No change
10. Pedestrian Access	Provide barrier free access to at least 20 percent of dwellings in the development.	As per DA approval	No change
11. Vehicle Access	Generally limit the width of driveways to a maximum of 6 metres	As per DA approval	No change

	Locate vehicle entries away from main pedestrian entries and on secondary frontages.		
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2.0 Design Quality Principles (SEPP 65)

As the proposal involves the modification of an approved residential flat building development, Council is to consider the proposal against the provisions of SEPP 65. The proposed development has been assessed against the relevant design quality principles contained in Schedule 1 of SEPP 65 as follows:

2.1 Principle 1 – Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comments

The proposed development responds and contributes to the context of the built environment surrounding. The location of the site is in local centre area and very close proximity to St Marys Train Station and St Marys Shopping Centre. The residential flat development is an ideal proposal for the demand of housing whilst also providing shops along the street. The proposal will be in context with the surrounding developments and consistent with the zoning based on future desired outcomes for this region.

There are many desirable elements within close proximity to the site, nearby schools, public library, churches, multitude of clubs, bus services, railway station, and petrol stations etc. The rear of the site backs onto St Marys Public School. The northern boundary fronts Lang Park, adjacent to which is St Marys Village Shopping Centre. Also the site is highly accessible to the Great Western Highway.

The site orientation and the surroundings provide the favourable opportunity for the majority of units within the proposed building to gain solar access.

The proposed development was considered at the time of determination of DA14/0513 to meet the objectives of the proposed future character for the area as well as meeting the objectives of the prescribed zoning. The modifications proposed are consistent with the form of and the development remains substantially the same as the approved development

The site is located within an area of St. Marys which currently contains numerous open spaces including school grounds and Lang Park. In the site's future context Lang Park may be eliminated with open space providing nearby in association with the St Mary's Village redevelopment. The modified development maintains suitable landscape setbacks along Carson Lane as approved. The primary communal open spaces remain located centrally between four apartment blocks and make direct visual link to Lang Park on the northern side. Deep soil area is concentrated within the common open space between Building C and D which adjoins the school boundary at the western interface of the site, as approved. The modified landscape treatment is consistent with the high density residential development proposed and incorporates amendments required by conditions of DA14/0513.

2.2 Principle 2 – Scale and Built Form

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation 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.

Comments

The bulk, scale and height of the proposed development was modelled to ensure compatibility with other existing and proposed buildings in the immediate and surrounding locality as well as being sympathetic with Council's street building envelope controls when approved.

The siting of the building has been carefully planned to comply with the objectives of Council's setback policy and LEP controls as well as site's land fall. The proposed modifications to the previously approved DA14/0513 scheme relate to ensuring the design is consistent with the Building Code of Australia (BCA) Class 2 building in New South Wales recently introduced under the Design and Building Practitioners Act 2020 and Regulations introduced following approval of DA14/0513. The approved building would require bulkheads for the provision of servicing within the building at a lesser floor to ceiling height than 2.7m. The increase in floor to floor heights will enable the provision of 2.7m minimum ceiling heights within all residential units and a rational structural solution for the construction of the buildings. The apparent scale of the buildings remains as 8 storeys as proposed.

The height of the approved buildings was determined by the approved common basement and overland flow impacts and servicing within the basement for Council's waste vehicles.

The development remains with built form broken into four separate blocks symmetrically and proportionally positioned within the development site. Buildings are set back from each boundary allowing the landscape treatment along the boundaries. The buildings set back further away from the boundary above level 3. The tapered effect of the building setbacks creates visual interest and visual corridors.

Due to flooding constraints, the eastern entry of Buildings A and B are elevated above the natural ground level. Main accessible entries into each building are located off the internal side of site with easy accessible drop offs via the internal road within the site.

Each building maintains the three sections with the central podium portion and upper level setback of the approved development, which reduces the apparent bulk and provides articulation and variation to the design. The modified proposal will be of a scale that is keeping with the future development of the surrounding built environment and provides a gradual transition of building height to surrounding development as anticipated by DA14/0513.

The modification maintains the setbacks and landscaped areas of DA 14/0513. To assist in the integration of the building form with the future built form within the locality. The rear common courtyard is maintained for residents. The detailed elements of the approved scheme are maintained including framed windows, balcony elements, glazing and screening to provide a lighter weight character to the mid and upper sections of each building.

The proposed development has been designed with a simple rhythm of built form, with contemporary notions using limited yet high quality building materials to ensure textural qualities are maintained within the façade treatment. Balconies have been used on all elevations to soften the façade by introducing combination of solid balustrades and glass balustrades to enhance the articulation of the façade

We consider that the scale of the building will be in keeping with the emerging buildings within the immediate vicinity, the scale of the existing residential flat buildings nearby and that the scale of the proposed design complies with current codes and building envelope guidelines.

The proposed building form, selected colours and material are introducing a fresh contemporary perspective along the existing streetscape. The proposal positively contributes to the streetscape, providing a unique, well designed building in a nostalgic yet changing setting.

2.3 Principle 3 – Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comments

The proposed development provides a total of two hundred eighty-nine (289) residential units within a locality that is zoned for the local centre. The proposed development is compatible with Council's and State Government's strategic vision for the development of localities within retail centres and public transport systems, promoting sustainable transport options for the residents.

Density on the subject meets council's vision for high density residential and the proposed building is considered to have an appropriate density and unit mix for the site and the locality. The FSR of the development at 2.43:1 remains lower than the maximum FSR of 2.5:1.

2.4 Principle 4 – Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

Comments

The proposal has been designed to maximize energy and resource efficiency, with all dwellings designed to promote the principles of passive solar design and natural ventilation where possible. The solar access of the modified development is consistent with DA14/0513

All living areas open directly onto balconies/courtyards and the use of covered terrace areas will provide shading during the summer months and allow sunlight to penetrate during winter as anticipated and provided in the approved scheme. Solar shades are carefully positioned on eastern and western facades to block intensive sun during the summer.

The proposal provides at least 60% of apartments achieving full cross ventilation and dual aspect as approved by DA14/0513 and consistent with the provisions of the former RFDC and now ADG. Furthermore, the building is to be constructed of a concrete structure which shall provide thermal mass. The built form is responsive to not only the site constraints but also to the surrounding environment. The initiatives outlined in the BASIX Certificate will further aid in providing residential amenity and efficient use of natural resources.

2.5 Principle 5 – Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

Comments

The approved development provides generous setback to enhance the amenity of adjoining public spaces, which is maintained. The, setback to the street front creating a continuous landscape strip along Carson Lane linking into Lang Park located toward the northern side of the site. The proposed driveway located centrally between Building A & B off Carson Lane and basement car park entry is recessed into Building B. This allows seamless visual corridor towards into a large landscape area of deep soil between Building C & D and further into the school ground located beyond the western boundary.

Whilst the overall landscaped areas are substantially the same as DA approved plans, the amended landscaping design has been updated to suit the updated architectural plans and introduces levelled planter areas and more activated breakout spaces for residents.

Large landscaped areas are located on ground floor between Building A & C and B & D which serve as communal outdoor areas for the residents. The landscape scheme has been updated in a manner whereby soft landscape treatment will assist in the softening of the built form and aim to improve the visual amenity of the residents of proposed developments.

Furthermore, landscaped communal garden is provided to maximise opportunity for positive environmental outcome which suits with the local context as well as to optimise improve usability, opportunities for social interaction within the residents while providing passive surveillance for safety and security.

2.6 Principle 6 – Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

Comments

The internal unit layouts have been reviewed and revised to maximize the internal amenity for residents within the approved scheme as well as protect and enhance the amenity of adjoining public spaces.

The proposal continues to provide compliant internal layouts of the apartment units which ensure appropriate room dimensions, access to light, ventilation and acoustic privacy, storage, and outdoor spaces. The proposed apartments adopt well designed spaces with comfortable room dimensions, with positive outlooks.

3.1m floor to floor levels are proposed to ensure buildability of 2.7m high ceilings to the habitable spaces. This will allow for the engineers and builders to install the services and avoid having unwanted bulk heads in living space and bedrooms. Large external openings will ensure light and air penetrates deep into the floor plan. The driving force into the design has been to create interesting and highly desirable interior volumes with sight lines to natural light.

Each building is serviced by two lifts and garbage chute facilities are in a central location of each building.

The modified development maintains 10% adaptable units as approved totalling twenty nine (29) adaptable units and all common areas are accessible, catering to both young and aging population and the disabled. This is further outlined in the Accessibility Report accompanying the Section 4.55 modification.

2.7 Principle 7 – Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

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.

Comments

The proposed building has been designed with direct presentation to the street, having balconies and windows overlooking street setbacks and communal open spaces on ground floor to maximize opportunities for passive surveillance. The incorporation of clearly defined and well-lit entrances shall both provide a highlight design feature allowing ease of introduction to the entrances of the buildings as well.

There are no areas for concealment and a clear demarcation between public/communal and private spaces has been adopted. Subtle level changes and divisions between private and communal zones provide clearly defined zones within the common open space as well as at the entrance into the development.

Intercom systems are provided for the pedestrian entrances of each building and the main entrances and the vehicular entry. The size and location of mailboxes complies with the requirements of Australia Post being located near each lobby entrance. Due to the size of the site, special arrangements have been made with Australia Post, to allow access to the internal road and the mailboxes.

2.8 Principle 8 – Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

Comments

The proposed development provides for a total of two hundred eighty-nine (289) units.

This shall suit the social mix and needs of the neighbourhood. The apartment mix provides for a range of budgets/tenures in terms of dwelling sizes. With the greater housing need within the locality, the proposed development meets a demand for providing this apartment type within close proximity to main transport stations.

Unit Type	Original DA	S4.55 Modification
1 Bed	14 (4.8%)	15 (5%)
1 Bed + Study	38 (13%)	34 (12%)
2 Bed	214 (74%)	217 (75%)
3 Bed	23 (8%)	23 (8%)
Total	289	289

The development has been focused around an outdoor common space which also contains an internal road and cul-de-sac for ease of manoeuvring in and out of the site, to aid with waste collection and to give ease to future occupants to move into units. The orientation of the site allows for areas of shade and solar access for future occupants to enjoy. Easy access from the site to public open space further enhances the amenity and quality of life for future residents.

Accessibility is priority for the site to enable equitable access. Accessible car spaces are provided near the main entrances and lift accesses to allow ease of use. These lifts connect throughout every level of the building. Bicycle parking is also provided to provide an alternative mode of transport and consideration should also be given to the site's proximity to the train station. To help reduce the cost of living, the numerous transport options provided increases convenience to future occupants

The development features step free access with the 10% of all units being adaptable to allow for the possibility of people with mobility impairment and the elderly. The development will provide suitable housing for a variety of people including younger, disabled and older people who are seeking to down-size from their large suburban homes to a home which is affordable and accessible to public transport, local shops and services.

2.9 Principle 9 – Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comments

The modified development will continue to provide a positive urban design outcome for the site, providing a well-designed development with direct presentation to the street frontages improving the street aspects.

The modified buildings are structured to reinforce its location and typology through materials, textures and colour palette proposed. The amended colours and materials used, and re-articulation of façade language will be complementary to the surrounding streetscape in this area. The modified development will positively contribute to the streetscape quality and is likely to set a good architectural element for future development in the locality and other infill type developments.

Components of the proposed development will be seen in the round and as such as driven a highly detailed design of all visible facades to promote visual interest in the skyline which complements the surrounding developments and locality.

SECTION 4.55 DESIGN VERIFICATION STATEMENT

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We believe that the above-mentioned modifications are made to satisfy the various requirements and have very minor impact in nature. The design quality and its intent from the original DA approval have been effectively retained and improved without making any compromise.

Regards



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