



**Four Towns  
Planning**

*Planning and property consultant*

# **SEPP 65 and Apartment Design Guide Assessment Report**

**Demolition Works and  
Construction of a Mixed-  
Use Development  
(Ground Floor Commercial  
and Upper Floors Co-Living  
Housing)**

**29-37 Dobroyd Road,  
Balgowlah Heights, NSW  
2093**

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## **Introduction**

The proposal is for a mixed-use development comprising ground floor commercial and upper floor Co-Living Housing. As the proposal relates to the use as Co-Living Housing the provisions of the *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP65) and the Apartment Design Guide (ADG) are not applicable to the development unless specifically mentioned within the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). It is noted that under the controls for Part 3 – Co-Living Housing, Clause 69 2(b) under the Housing SEPP, the following is referenced to the ADG:

### *State Environmental Planning Policy (Housing) 2021*

#### *Clause 69 2(b)*

*(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—*

*(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and*

A review of the ADG – 2F Building Separation is provided below:

## **ADG - 2F Building Separation**

### *Aims*

- ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*
- assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook*
- provide suitable areas for communal open spaces, deep soil zones and landscaping*

### **Comment:**

The proposal enables a development with a diverse housing type that will support the residential locality of Balgowlah Heights. The proposal provides a stopgap for members of the community with a new housing development which provides residents with a reasonable level of amenity in a convenient area with a range of services and facilities and a regular bus service.

The proposal supports short-term rental accommodation as a home-sharing activity and contributor to the local community. The proposal will allow a maximum 18 residential if at full capacity which will utilise the existing neighbourhood centre and adjoining café, including the frequent bus services and also the open space areas of Balgowlah Heights such as Tania Park.

The site is located within a neighbourhood centre with the adjoining property recently developed as a three-storey shop-top housing development. The existing streetscape consists of a mixture of one to three storey scaled buildings all of which varies in terms of building configuration, front, rear and side setbacks and building heights. The proposal implements a contemporary approach and will positively contribute to the quality of the existing streetscape. The project architect has considered the existing shop-top housing development and has strategically designed this proposal to remain consistent with the streetscape and locality of Balgowlah Heights, in particular the Dobroyd Road precinct.

The development is of a scale which supports the desired character of the locality and provides massing and spaces applicable to a neighbourhood zone. The proposal provides amenity with no adverse impacts to visual or acoustic privacy with access to natural ventilation, sunlight and

outlooks. The proposal has also been designed with deep soil areas and communal areas as required under the Housing SEPP.

The proposal is consistent with the immediate locality, in particular 31 Dobroyd Road, and will enhance the area, noting the current commercial building which is out of context and character with the area. The proposal complies with the aims of 2F Building Separation.

*Considerations in setting building separation controls*

*Minimum separation distances for buildings are:*

*Up to four storeys (approximately 12m):*

- *12m between habitable rooms/balconies*
- *9m between habitable and non-habitable rooms*
- *6m between non-habitable rooms*

**Comment:**

Minor variation proposed – the proposal has been designed with a blank party wall and the addition of a void area which does not comply with the minimum separation. It is our professional opinion that the variation is acceptable as it relates to a void area and an open walkway to the individual units. The proposal will provide adequate screening and will not result in amenity impacts or overlooking to the adjoining development.

*Building separation may need to be increased to achieve adequate sunlight access and enough open space on the site, for example on slopes*

**Comment:**

The proposal has been designed with adequate sunlight access to both the proposed development and adjoining properties. Refer to the Shadow Diagrams prepared by Woodhouse & Danks Architects which show compliance.

*Increase building separation proportionally to the building height to achieve amenity and privacy for building occupants and a desirable urban form*

**Comment:**

The proposal has been designed with adequate setbacks as required for a neighbourhood centre. The proposal is of high quality and achieves amenity and privacy for both the building occupants and a desirable urban form which is consistent with approvals granted for bulk and scale along Dobroyd Road.

*At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m*

**Comment:**

Not applicable – the site fronts Commerce Lane which is zoned B1 Neighbourhood Centre.

*No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres*

**Comment:**

The proposal includes a blank party wall with a void area with adequate separation. The site is constrained by the existing non-complying building separation of the development to the west (31

Dobroyd Road). The void area will be screened and provides adequate separation, privacy and amenity to the adjoining development.

*Required setbacks may be greater than required building separations to achieve better amenity outcomes*

**Comment:**

The proposal implements a contemporary approach and will positively contribute to the quality of the existing streetscape. The project architect has considered the existing shop-top housing development and has strategically designed this proposal to remain consistent with the streetscape and locality of Balgowlah Heights, in particular the Dobroyd Road precinct.

The development is of a scale which supports the desired character of the locality and provides massing and spaces applicable to a neighbourhood zone. The proposal provides amenity with no adverse impacts to visual or acoustic privacy with access to natural ventilation, sunlight and outlooks. The proposal has also been designed with deep soil areas and communal areas as required under the Housing SEPP. It is our professional opinion that the proposal achieves the required amenity outcomes.

**Conclusion**

It is important for Council to acknowledge that the requirement to review 2F Building Separation under Clause 69 2(b) of the Housing SEPP is to only “consider” whether the proposal complies with the requirements under 2F Building Separation. In this regard, it is our professional opinion that the development meets the aims of the control and has considered the relevant requirements under the ADG. The proposal has been strategically designed considering the adjoining approved development which constrains the site and the parameters of a neighbourhood centre. It is submitted that the proposal meets the requirements of building separation and is of a high-quality architectural design and therefore, consent should be granted as submitted.