



23 October 2014

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Acting Director, Local Plans, Codes and Development Guides

Dear Sir/Madam

Draft amendments to SEPP 65

The purpose of this letter is to request an extension of time to provide a submission on the changes to SEPP 65 due to Council reporting timeframes.

A draft report on the proposed amendments to SEPP 65 and the Residential Flat Design Code has been prepared for consideration at Council's meeting on 12 November 2014 (copy attached). The draft report recommends that a submission be prepared indicating Council's general support for the draft amendments subject to the Department of Planning and Environment (DP&E) addressing the major issues identified in the report.

A draft submission based on the draft report has been prepared and is attached. A final submission will be forwarded after Council's consideration of the report at its meeting on 12 November 2014 and in accordance with its resolution.

Council officers attended the SEPP 65 briefing in Parramatta on 8 October 2014 where DP&E representatives advised that extensions of time would be permitted to accommodate Council reporting timeframes. I would be pleased if you would confirm an extension of time to allow a final submission to be lodged after Council's meeting on 12 November 2014.

Should you have any further enquiries concerning this matter, please contact Katherine Vickery, Principal Strategic Planner on 9847 6728.

Yours faithfully

Fletcher Rayner
Manager
Strategic Planning Branch

Attachments: Draft Submission
Draft Council Report

TRIM Reference: D03902066

Hornsby Shire Council

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GPO Box 39
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Attention: Acting Director, Local Plans, Codes and Development Guides

Dear Sir/Madam

Submission - draft amendments to SEPP 65

Thank you for the opportunity to make a submission on the draft amendments to SEPP 65 – Design Quality of Residential Flat Buildings and the Residential Flat Design Code (RFDC).

A draft report has been prepared for consideration by Council at its meeting on 12 November 2014. The report recommends that a submission be prepared indicating Council's general support for the draft amendments to SEPP 65 and the RFDC subject to the Department of Planning and Environment addressing the major issues for Hornsby Shire identified in Group Managers Report No. PL78/14, including:

1. Clause 6A in the draft SEPP should be deleted. The SEPP should not override Council's controls and preclude Council from applying higher than minimum standards.
2. Car parking should not be added as a standard that cannot be used as grounds for refusal.
3. The internal unit areas in the current RFDC should be retained to promote good design rather than placing the sole emphasis on affordability.
4. A numerical control requiring a mix of unit types should be inserted to increase housing choice, including minimum requirements for dual key units.
5. The RMS Guide to Traffic Generating Development should be updated if this document is to be relied upon for setting parking standards within 800 metres of a train station.

The following comments from Council's report expand on the points above or are offered in addition for your consideration.

1. SEPP 65

Standards that Cannot be Used as Grounds for Refusal

- 1a Car parking should not be added as a standard that cannot be used as grounds for refusal. Council should be permitted to refuse an application if it does not comply with local minimum requirements and is not supported by a local parking study.

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- 1b The wording of Clause 30(b) in the draft SEPP requires review and clarification. The apartment area standard which cannot be used as grounds to refuse an application refers to internal areas which are contained in the current RFDC and does not correspond with the new table in the ADG.

Statutory Weight of the Apartment Design Guide

- 1c Clause 6A in the draft SEPP should be deleted. The SEPP should not override Council's controls and preclude Council from applying higher than minimum standards. Council should retain the ability to set local development standards based on the needs and expectations of the community and future residents of new development.
- 1d Where a council has an adopted policy concerning the design and development of residential flat buildings which has been prepared having regard to SEPP 65, those controls should be the primary development standards to be considered during the assessment of applications.
- 1e If Clause 6A is retained, it needs to be reviewed to clearly identify when provisions in the Guideline under each heading have precedence.
- 1f If a council does not have an adopted policy concerning the development of residential flat buildings, then the RFDC standards should be applied with similar weight as DCP controls.
- 1g Alternatively, the development standards which are to be applied to residential flat development should be either those contained in a DCP, or the RFDC, whichever is the greater.

2. APARTMENT DESIGN GUIDE

Apartment Layout (Size)

- 2a The internal areas in the current RFDC should be retained in the ADG. The draft minimum standards place sole emphasis on affordability rather than good design and amenity for future residents. The newly inserted aim to contribute to the provision of affordable housing should not outweigh the overall aim of the SEPP to improve the design quality of residential flat development.
- 2b A maximum allowance (no more than 30%) of smaller units should be provided at the "affordable" size. However, Council prefers to promote affordability through increasing the supply of housing and mandating a mix of housing to provide housing choice.

Dwelling Mix

- 2c A numerical control requiring a mix of unit types (for example at least 10% of each 1, 2 and 3 bedroom units) should be inserted to increase housing choice and assist meet the new aim of the SEPP to contribute to the provision of affordable housing.
- 2d A numerical control that establishes a maximum mix of dual key units and appropriate development standards is required to manage the impacts of this emerging unit type.

Private Open Space

- 2e The sliding scale for the provision of open space in the ADG should be increased to require the minimum area to start from 10m² and minimum dimension to be 2.5m to provide for the amenity of future residents.
- 2f Alternatively, Council should not be precluded from setting local development standards higher than the minimum based on the needs and expectations of the community and future residents of new development.

Car Parking

- 2g The RMS Guide to Traffic Generating Development is a dated document which should be revised and reissued if it is to be relied upon for car parking standards. For example, parking standards for dual key apartments are not addressed.
- 2h Application of the RMS parking rates in the absence of local parking studies will further increase pressure on off-street parking.
- 2i Clarification is required concerning which areas in the RMS Guide are identified as Metropolitan Regional (CBD) Centres and which are Metropolitan Sub-Regional Centres as different parking rates apply, which may cause confusion when applying the ADG within 800m of a railway station.
- 2j The objective of a reduction in car parking rates for sites with good proximity to public transport is supported and embodied in the Hornsby Development Control Plan with the inclusion of separate rates of car parking dependent on proximity to railway stations. However, the RMS rates are significantly lower than those required by Council.

Deep Soil Zones

- 2k The sliding scale for the provision of deep soil areas in the ADG is inadequate.
- 2l Width and location requirements for deep soil planting provide a better way of optimising deep soil areas.

I trust these comments are beneficial to the Department in finalising the amendments to SEPP 65 and the RFDC. A final submission will be forwarded after Council's meeting on 12 November 2014 and in accordance with its resolution.

Should you have any further enquiries concerning this matter, please contact Katherine Vickery, Principal Strategic Planner on 9847 6728.

Yours faithfully



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