Randwick City Council
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Randwick City Council
Draft Submission:

SEPP 65 Review

30 October 2014

Introduction

Randwick City Council welcomes the Department's initiative to review the *State Environmental Planning Policy 65- Design Quality of Residential Flat Development (SEPP 65)* and *Residential Flat Design Code (RFDC),* to take into consideration issues raised by stakeholders since its initial implementation, in 2002.

To date the application of SEPP 65 and accompanying RFDC has had considerable success in Randwick City, making a significant impact on the quality of the built environment, and creating awareness amongst design practitioners and assessors alike for the imperative need for high quality design. The SEPP has been instrumental in improving the design and amenity of apartments across our City and much of this can be attributed to regular input and advice from the SEPP 65 Joint Randwick and Waverley Design Review Panel (DRP) on key residential flat building proposals, as well as feedback on other forms of development that fall outside the parameters of the Policy.

The Review is notably driven by the economic imperatives of development feasibility and housing affordability, reflected in key amendments such as reduced car parking requirements. While these factors are integral considerations in the planning and development process, it is questioned whether SEPP 65 is the appropriate tool to achieve the State Government's broader housing delivery goals. As it stands, development feasibility and housing affordability are beyond the scope of SEPP 65, which appropriately should continue to provide for a policy framework espousing best practice design advice and good examples to guide future residential flat development.

Council would like to reiterate its support for a State-wide mechanism to achieving good design, pertinent given that higher density residential developments will play a larger role in satisfying future housing requirements. Notably good design will be an important mechanism in ameliorating community concerns about higher density residential developments, required to serve population growth and changing demographic characteristics. To this end, the Policy should be retained to serve its intended purpose, which is to achieve a high level of design quality, amenity, safety and sustainability in residential flat buildings across NSW and also extended to include other related major development types.

Accordingly the following comments are provided below. Additional feedback from the SEPP 65 Joint Randwick Waverley DRP is found in **appendix 1.**

Comments

SEPP 65 Legislation

Application of the SEPP

The Review introduces a new clause (clause 4) to SEPP 65, clarifying that it also applies to mixed use and shop top housing developments of three or more storeys (in addition to residential flat buildings). This is consistent with the current SEPP which broadly defines residential flat buildings as buildings over three storeys with four apartments or more, which theoretically also encompasses mixed use and shop top housing.

Comments

The clarification of the SEPP's intended application is supported. Including references to mixed use and shop top housing removes ambiguity as to what constitutes a residential flat building, creates consistency with terminology used in comprehensive Local Environmental Plans (for those uses), and provides greater certainty to applicants and stakeholders as to the SEPP's application.

While the new clause is a step in the right direction, it is considered, nevertheless, that there is scope to better define and broaden the SEPP's applicability. For instance, the revised framework is ambiguous as to whether SEPP 65 applies to serviced apartments and boarding houses, which are separately defined in the Standard Instrument, yet nonetheless can take the form of a residential flat building and are often converted to residential uses over time. Further, inconsistency is noted between the definition of *residential flat building* in the Standard Instrument (which applies to developments containing three or more dwellings) and the SEPP itself which applies to buildings with *four or more dwellings*.

Council in its previous submission on the *SEPP 65 Review Discussion Paper* (letter dated 22 February 2012) recommended that the SEPP's applicability be further extended, recognising that the built environment comprises a wide range of building typologies which would also benefit from a robust design process. Notably in the case of Randwick City, relevant pre development applications, affordable housing developments and large scale developments that otherwise fall outside the scope of the SEPP 65 definition for residential flat buildings have consistently been referred to the DRP for expert input, which has resulted in good quality design and amenity outcomes for the City.

On this basis, it is contended that SEPP 65 should be further transformed to provide a design excellence framework for all major development types including but not limited to, all buildings containing more than three dwellings, Seniors Living developments, boarding houses, serviced apartments and student accommodation (including university residential colleges). This could be achieved by espousing a common set of principles that are integral to good design, complemented with a series of codes for a variety of residential, commercial and institutional development categories.

Design Review Panels

A number of amendments have been introduced pertaining to Design Review Panels (DRPs), including allowing councils to appoint their own panels, removing the maximum requirement of 5 panel members and inclusion of model operating procedures, meeting minutes and advice templates in the Apartment Design Guide (ADG) (which is to replace the RDFC).

Comments

As an overarching comment, Randwick City is supportive of the proposed changes to SEPP 65 which are aimed at promoting the take up and consistency of DRPs across NSW.

Randwick City was the first council in NSW to adopt an independent DRP which has been in operation since 2003, when SEPP 65 was first drafted. The Panel has played a key role in providing independent expert advice on a variety of development proposals, which has been instrumental to achieving high quality design outcomes in the Local Government Area. In recognition of the benefits of the DRP involvement early on in the design and assessment process, the proposed amendments are considered a positive step in the right direction.

The following comments are accordingly made with respect to DRPs under the proposed framework:

- It is agreed that councils should have the power to establish and appoint Panel members, however the draft SEPP provisions do not suitably reflect this proposed procedural change. Clause 19 should accordingly be amended to make it clear that councils can appoint their own Panel, and have the discretion on Panel constitution, member selection and detailed operating procedures under the Minister's delegation.

- The range of templates and guidelines on meeting procedures in the ADG are strongly supported as it will afford greater consistency, efficiency and certainty in the design review process.
- Urban planners have been omitted from the list of professionals that can constitute Panel membership (clause 21); however no justification has been provided for this amendment.
- Allowance should be made for the Panel to finalise the minutes following the meeting to ensure adequate time to reflect on design proposals and comprehensively review and consider plans/documentation. As it stands the ADG recommends that minutes be drafted during the meeting, which may not afford adequate time to fully consider the proposal.

Apartment Design Guide

Structure and Layout
The Apartment Design Guide (ADG) updates and replaces the RDFC, providing a new structure that includes numbering of clauses, more decisive language and revised diagrams.

Comments
The proposed new structure and layout of the ADG is commendable on the basis that it provides a simpler, clearer and more informative format for stakeholders to follow. Of particular note is the inclusion of clause numbers which will facilitate ease of referencing in development assessment and reporting when compared to the current RDFC.

A key matter raised relates to a number of diagrams in the ADG, which appear to contradict the stipulated performance criteria and if translated to a built form would result in poor amenity outcomes for occupants.

For instance, attention is drawn to the diagrams depicting subterranean apartments which offer poor amenity in terms of solar access and ventilation (figs 2C.4 and 3A.5). It is particularly concerning that subterranean apartments are graphically represented in a document that is supposed to espouse design quality and amenity.

Similarly, concerns are raised regarding the diagrammatic floor plans depicting cross flow ventilation options (fig 4Q.10 on page 115). It is questioned whether cross flow ventilation could actually be achieved for a number of these options, particularly given the proposed configuration and layout of the southern apartments. Council's DRP has also raised concerns regarding the accuracy of a number of diagrams (refer to appendix 1).

A number of suggestions are made to further improve the graphic presentation and readability of the ADG, summarised as follows:

- Include a north point to all diagrams and maps.
- Number each appendix on the top right corner of each page, consistent with the format employed for other sections of the ADG.
- Clearly show wall openings in all diagrams.
- Number each alternative design solution.
- Amend font colour inconsistencies (e.g. 4N Apartment layout).

Flexibility
A key change between the RDFC and the ADG is the shift towards greater flexibility by providing a framework based on performance criteria and acceptable and alternative design solutions (formerly Rules of Thumb).

Performance criteria define what the resulting outcome should achieve, whereas acceptable solutions provide possible design responses to achieve the performance criteria. Applicants are permitted to submit alternative design solutions in relation to issues such as solar access, ventilation, deep soil and open space, and balconies, provided it achieves the relevant performance criteria. The ADG also notes that a third option has been established, whereby applicants can put forward a completely different design feature or method (that does not meet the acceptable/alternative design solution), provided it achieves the relevant criteria.

Comments
The introduction of a performance based framework will afford a level of flexibility in the design process, recognising the difficulty in establishing blanket controls across diverse site contexts while also encouraging innovation.

Greater flexibility is particularly integral in the context of complex, highly urbanised inner city locations with historical subdivision patterns such as the northern suburbs of Randwick City. In certain instances, the strict application of the numerical RDFC Rules of Thumb has been problematic, such as where blocks have an irregular shape or less than desirable solar orientation. Similarly, the RDFC separation distances can place constraints on designing for narrow infill or land locked sites adjacent to older flat developments.

Notwithstanding the benefits of a flexible approach, concerns are raised that the performance based framework (allowing for the consideration of design options *other* than acceptable or alternative solutions) is a complicated way of applying the ADG and does not create an incentive to meet the acceptable or alternative solutions, as applicants may simply default to the third option to justify design preferences viewed as being economically more desirable.

Council's DCP acknowledges the difficulty in applying standard numerical controls across a variety of site contexts, recognising that each property has different characteristics based on their unique combination of site conditions, size, aspect and location. The DCP affords a level of flexibility where variations to the controls are considered, limited to those circumstances where a more ***superior*** planning and urban design outcome can be suitably demonstrated.

To address the issue of the ADG performance based framework being potentially exploited in the development process, it is recommended that the Policy be amended to:

- Clarify that design proposals (other than acceptable or alternative solutions) will only be considered if it can be clearly demonstrated that a high quality design and amenity outcome will be achieved, together with supporting criteria; OR
- Omit the third category altogether, leaving design options to be assessed under the ADG acceptable and alternative solution framework.

Performance Criteria 3F - Visual Privacy

The ADG proposes that visual separation distances between sites be shared equally, by measuring the separation distance from the boundary. This differs from the RDFC which provides a blanket separation distance that is measured from the wall of the existing development.

Comments

The proposed visual separation distances as measured from the boundary are strongly supported (Fig 3F.3, page 63). Using the boundary as the point of measure provides a clearer and more equitable approach, particularly in those circumstances where the existing neighbouring building does not comply with the separation distances in the first instance.

Performance Criteria 3E- Deep Soil

The ADG includes a revised set of numerical deep soil provisions, which are based on the site area and expressed on a sliding scale. The proposed deep soil provisions are lower than Council's DCP.

Comments

The ADG requires a limited deep soil provision ranging from 7-20% of the site area depending on allotment size (Table 1, page 60). This is in contrast to Council's DCP for medium density development which requires that 25% of the entire site area be allocated for deep soil provision. The RDFC provides an alternative approach requiring that 25% of the open space component of a site be allocated for deep soil provision.

Concerns are raised that the ADG requirements will result in an overall reduction in deep soil provision, with scope for further reduction through the alternative solution process. This is further compounded by the fact that the performance criteria include paving and pathways in the deep soil calculations, which further reduces the already inadequate requirement.

The provision of deep soil zones on a site offers a number of valuable environmental benefits including promoting the growth of trees, improving the microclimate and reducing storm water runoff. Its importance is even more magnified in built up urbanised areas where trees and vegetation provision is often limited.

In the context of Randwick City, over the last 10-15 years, an increase in urban development has resulted in a reduction in site permeability. Council's DCP controls on deep soil were accordingly introduced due to the resultant increase in storm water run-off and flooding issues in the LGA.

In recognition of these factors, it is strongly recommended that the proposed deep soil provisions be reviewed to:

- Increase the level of provision commensurate with site area.
- Provide more significant amounts of deep soil for sites located outside local and strategic centres; and
- Remove pathways and footpaths from the deep soil calculations.

Performance Criteria 3J- Car Parking Requirements

A key change to the SEPP Policy framework is the introduction of greater flexibility for applicants to reduce or remove car parking spaces, where there is sufficient accessibility to public transport (i.e. if the site is located within 400m of a light rail stop) and where there is market demand to do so (Table 2, page 70). The rationale behind this change is to improve housing affordability on the basis that cost savings (from not providing car parking) would be passed onto buyers. Notably car parking cannot be used for the grounds of refusal under clause 30 of the SEPP.

Comments

From a sustainability perspective, the proposed relaxation of car parking requirements appears reasonable, on the basis that it would encourage greater utilisation of public transport and minimise reliance on private vehicles. This is particularly relevant to Randwick City, where the City to South East Light Rail network will introduce a high capacity and sustainable mode of public transport that will assist in easing pressure on Sydney's roads. It is noted that approximately 23% of R3 zoned land and 35% of business zoned land in Randwick City is located within 400 metres of a light rail stop and thus potentially affected by the proposed car parking reductions (i.e. sites will no longer be required to provide car parking for SEPP 65 developments).

While the encouragement of public transport usage is paramount, it appears that the proposed parking reductions have more of an overt economic focus (as opposed to sustainability), with less emphasis on flow on amenity impacts such traffic and on street parking as well as design outcomes.

Development feasibility and housing affordability appear to be the overarching drivers for the proposed car parking reductions, and while these matters are important planning considerations, the appropriateness of integrating such into a design quality framework is questioned. The emphasis on economic drivers over design principles is illustrated by the fact that a reduction in car parking provision has not been commensurate with improvements in design/amenity. Specifically there is no increase in deep soil or landscaped area provision in the ADG that would typically follow a 'freeing up' of the site from constraints by basement car parking structures. Further, the blanket requirements do not take into account variables such as the size and scale of the development and local traffic and parking conditions.

Declining housing affordability is a critical theme in Randwick City where housing costs are amongst the highest in NSW. This issue is compounded by the fact that the LGA has high numbers of students, key workers and an aging population – key groups typically requiring more affordable housing options. Declining housing affordability is a complex issue and one which requires careful planned involvement and intervention in the housing market. It is questioned, nevertheless, as to whether car parking reductions in SEPP 65 developments close to public transportation, would have a tangible impact on housing affordability in Randwick City.

In particular, the SEPP 65 documentation fails to interrogate both qualitatively and quantitatively how a reduction in car parking will translate to genuine savings for buyers, particularly in desirable inner city areas with high land prices. More importantly, it is questioned whether SEPP 65 should be used to justify a reduction in car parking purely for the sake of housing affordability, particularly when there is a glaring absence of any commensurate design benefit in the ADG.

It is particularly concerning that an evidence base (such as demographic analysis) has not been provided in the supporting documentation to justify the omission of car parking requirements near light rail and bus stops. For instance, consideration should be given to the types of people who reside in residential flat buildings such as young families who may require private transportation. While other Policy frameworks such as the *Affordable*

Rental Housing SEPP, also contain reduced car parking requirements, in such cases it can be justified on socio economic grounds that occupants are less likely to own private vehicles. The same assumption cannot be made for residents of all SEPP 65 developments.

Council's DCP currently contains a suite of car parking provisions that are based on minimums. While the rates provided are higher than the RMS and neighbouring councils, a level of flexibility is integrated into the controls whereby variations can be considered where suitably justified (e.g. site and building constraints, proximity to public transport, the size and scale of the development etc.). This framework allows Council to consider the circumstances of each case on a merit basis, factoring in prevailing local on-street parking and traffic conditions, as well as the provision of integrated sustainable transport options.

The proposed amendments default the provision of parking to Council through the likely increase in pressure for on street parking, such that public streets become defacto car parks for private developments. In this regard, the ADG in effect transfers the obligation for car parking provision from developers to councils and places the burden on existing residents, which is considered inequitable and unreasonable. Placing additional demands on on-street parking places pressure on Council to put the limited parking restrictions in place and then police them. This disadvantages local residents and places additional cost and burden on Council.

Should the ADG car parking reductions be retained, it is integral that the following matters be addressed to ensure implementation does not create adverse flow on effects in local areas:

- Ensure that parking reductions are only implemented in conjunction with on street parking restrictions i.e. require that no residential parking permits be issued to residents of new SEPP 65 developments. This would go some way in limiting the use of public streets for private car parking purposes.

- Limit the application of reduced car parking requirements to developments that contain a majority of studio/ one bedroom apartments, as well as sites where parking provision is already constrained, such as properties fronting classified roads with no rear lane access.

- Review the RMS Guidelines to ensure they are up to date and reflect local traffic and parking conditions.

- Consider the efficiency and frequency of public transport networks and the variations across different Council areas. For instance, inner City areas tend to be serviced with more efficient public transport services than middle and outer ring areas. Weekend timetabling is also an issue as frequency differs markedly to weekday peak hour services.

Performance Criteria 4L – Solar and Daylight Access

The ADG proposes revised solar access provisions which are generally comparable to the RDFC and Council's DCP, except with respect to the maximum number of apartments in a building permitted to have no direct sunlight.

Comments

The ADG proposes that a maximum 15% of apartments in a building be permitted to have no direct sunlight between 9am and 3pm in mid-winter. This is in contrast to both the RDFC Rules of Thumb and Council's DCP for medium density residential development, which limit the number of apartments in a building with no solar access to 10%.

Concerns are raised that the application of the subject solar access performance criteria will result in a net increase in the number of apartments having no access to sunlight. Consequently more apartments will be introduced on the market that have greater reliance on artificial lighting, reduced energy efficiency as well as compromised amenity through poorer conditions to live and work.

It is acknowledged that equitable access to sunlight varies across different urban contexts. For highly urbanised areas the shape and orientation of allotments can, for instance, make it difficult to achieve optimum solar access. On this basis, it is recommended that the solar access performance criteria be amended to provide a range suited to the urban context. For instance a 15% threshold may be more suitable for dense inner city sites, whereas the RDFC limit of 10% be retained for suburban contexts that may not face similar site constraints.

Performance Criteria 4N1- Minimum Apartment Sizes
The ADG introduces minimum sizes for a variety of apartments which are consistent with the Rules of Thumb in the RDFC. Apartment sizes that are smaller than the minimums may also be considered as an alternative solution, provided the usability and functionality of the space can be demonstrated.

Comments
The proposed minimum apartment sizes in the ADG are considered reasonable, provided they are supplemented by stringent performance criteria on apartment layout and can demonstrate a high level of amenity will be maintained (Table 6, page 103). It is interesting to note that while the proposed apartment sizes are consistent with the RDFC Rules of Thumb for 'affordable apartments', they are considerably smaller than the range of 'better design practice' apartment layouts provided in the same document.

The SEPP supporting documentation suggests that smaller apartments will have a positive impact on housing affordability. Smaller apartments also offer advantages in terms of ecologically sustainable development through the use of fewer raw materials for construction, and less energy for heating and cooling.

While the benefits of smaller apartments in terms of sustainability is recognised, the question is raised as to whether mandating smaller 'affordable' apartment sizes will make a tangible impact on housing affordability. Developers may take advantage of the minimum sizes (and potentially propose even smaller apartments through the alternative solution process), however there is no certainty it will translate to reduced market prices.

Anecdotal evidence from Council's DRP suggests that up to 90% of DAs are already using the minimum affordable housing apartment sizes (thus achieving greater yield on sites), which are then being sold off at market rates. This may have the flow on effect of pushing up the price of the existing stock of apartments (that are larger than the proposed thresholds), as being more desirable and providing better amenity, and also impacting on housing choice by encouraging a concentration of a certain type of apartment development.

Performance Criteria 4N1- Minimum Size for Studio Accommodation
The Review proposes to introduce a minimum floor area of 35 m^2 for studio apartments, noting that other minimum apartment sizes are already specified in the RDFC.

Comments
The inclusion of a minimum floor area of $35m^2$ for studio apartments is considered reasonable and would provide consistency in the ADG document given that other minimum apartment sizes are already specified (Table 6, page 103).

It is noted that studio apartment accommodation is becoming an attractive housing option, particularly given the rising cost of inner city locations such as Randwick City. This further emphasises the importance of design quality and environmental sustainability to ensure that smaller sized dwellings are not compromised on amenity such as cross flow ventilation.

An issue worth noting is that the difference between a studio and a one bedroom apartment is simply the addition of a wall. Therefore the inclusion of minimum sizes as a performance requirement would preclude the opportunity for the future conversion of a studio to a one bedroom apartment, unless an alternative solution is sought. More concerning, developers may apply for Section 96 modifications to convert studios to one bedroom apartments by using the third option of arguing their own design methods to justify the variation. This could result in a short cut to the creation of substandard one bedroom apartments that are of the size of a studio.

These scenarios illustrate that mandating a studio size has the potential to impact on flexibility, adaptability and innovative design. To address this issue, consideration should be given to establishing ranges for each apartment category e.g. studios 35-45m2. These sentiments are echoed by the DRP (see appendix 1).

Performance Criteria 4G-Universal Housing
The ADG proposes to include a 20% threshold for universal housing as an acceptable solution, recognising that this form of housing design that is easy to move around and safe to enter is of benefit to all members of the community.

Comments
The inclusion of a 20% threshold for universal housing in the ADG is supported (Table 5, page 88). Universal Housing (which incorporates accessible features such as levelled pathways and entries, hobless showers and wider corridors) offer an array of social, environmental and economic benefits to local communities including:

- Meeting mobility challenges associated with aging, physical disabilities and changing life circumstances.
- Promoting sustainable development by extending the usability of a dwelling to meet 'whole of life needs'.
- Adding to the diversity of housing choice.
- Reducing costs associated with retrofitting dwellings; and
- Potentially reducing health care costs.

Demand for universal housing is set to intensify in Randwick City and across Metropolitan Sydney resulting from the aging population and community desire for social inclusion and aging in place. In recognition of these factors, the Randwick Development Control Plan 2013 (DCP) now contains controls to increase the amount of universal housing in the LGA, requiring that **all** ground floor dwellings of medium density developments incorporate universal design features in line with the Federal Government's guidelines. The proposed thresholds for universal housing in the AGD are therefore aligned with Council's approach, and if applied consistently will facilitate a take up of accessible housing across NSW.

Appendix 1

Joint Randwick Waverley Design Review Panel Comments

SEPP 65 – Draft Amendments - Review

	Issue	Commentary
1	**Functional Status of ADG**	ADG is cited as a development standard within CL6A SEPP 65 [emboldened word below] ***CL 6A*** ***Development control plans cannot be inconsistent with Apartment Design Guide*** *The provisions of a development control plan under Division 6 of Part 3 of the Act, whenever made, are of no effect to the extent to which they aim to establish* ***standards*** *with respect to any of the following matters in relation to residential flat development that are inconsistent with the* ***standards*** *set out in the Apartment Design Guide:* *(a) visual privacy,* *(b) solar and daylight access,* *(c) common circulation and spaces,* *(d) apartment layout,* *(e) ceiling heights,* *(f) balconies and private open space,* *(g) natural ventilation,* *(h) storage.* 1) Does this mean these items are the only areas to be considered as development standards within the ADG? or 2) Is the entire document to be considered as a development standard, or particular parts? The question arises because: • the ADG is intended to be treated as 'flexible' and remain as ‘guidelines’ rather than being 'prescriptive' standards of measure, and • the document itself contains many inconsistencies. Therefore, one interpretation of what might be a standard in one instance may be

		inconsistent with another, and is dependent upon what components of the physical document are considered to be the control standard. For instance, if we look at Part 4, the categories are no longer set out with identified objectives - there is now a 'Description' moving straight to the 'Performance Criteria' and “Acceptable Solutions’. However, the ‘Acceptable Solutions’ are often open to differing interpretations of particular words that would impact their application, they can be overridden by suggested 'Alternative Solutions', which in turn are also open to other solutions not necessarily contained within the ADG. This taken to a logical end could result in there not being any applicable development standard from which to test. Adding to the grey area of which components of the ADG are considered to be development standards is that selected images often do not match the descriptions attributed to them. Would this enable their citation in a DA as being an exemplar contained within the ADG (if the whole document or section is considered a development standard) although it may not in fact satisfy the performance criteria as stated?
2	**Document Inconsistencies**	Images generally throughout the document do not demonstrate the annotated descriptions. Of more concern is that many do not reflect the Performance Criteria or Acceptable Solutions, and at worst case, in fact demonstrate the opposite of what is stated in Performance Criteria.
3	**Universal Design**	The ADG should be advocating all RFBs achieve the performance of Universal Design. The requirement of only 20% of any development to meet Silver level (not Gold,

		Gold+ or Platinum) is manifestly inadequate. It is noted that none of Indicative Layouts within Section 4N demonstrate Universal Design. It is interesting to note that the Universal Design unit example is approximately 121m2 which is already less than the minimum unit size for a 3-bedroom unit under the RFDC. We are currently seeing around 90% of DAs already using the minimum Affordable Rental Housing unit sizes which are not being assessed under the SEPP ARH but are being sold at market. Therefore the reduction in unit size to the affordable rates within the ADG will do nothing to increase housing affordability. There are structural changes required to the tax system that will address housing affordability. Developers will sell these smaller units for the same price they are currently charging and will achieve greater yields on sites. This will push up the price of existing housing stock where it meets current RFDC unit sizes (and if efficiently planned) as being more desirable and providing better amenity. This link demonstrates affordable housing with very high levels of amenity particularly in communal areas. http://www.universaldesign.com/general-content/case-studies/1500-richardson-apartments.html Landcom is promoting Universal Design although using AS4299 Adaptable Housing as its performance base for all future housing. http://www.landcom.com.au/downloads/uploaded/FINAL_Universal%20Housing%20Design%20Guidelines%20Fact%20Sheet_6507_740d.pdf Therefore, it would seem ADG Section 4G Universal Universal Design as quoted below should be applying to all apartments within

		all RFB development. It is equitable to ALL potential users and marks a shift in the idea of people remaining in apartments over the long term, not just a short term gap before moving to a detachable house. Universal design is an international design philosophy that enables people to carry on living in the same home by ensuring that apartments are able to change with the needs of the occupants. Universally designed apartments are safer and easier to enter, move around and live in. They are of benefit to all members of the community, from young families to older people, their visitors, as well as those with permanent or temporary disabilities. Incorporating universal design principles in apartment design is a step towards producing a robust, flexible housing stock. It ensures that simple and practical design features are incorporated into new buildings that would be difficult and costly to retrofit at a later date. Universal design is different to adaptable housing which is governed by Australian Standard 4299 and is specifically designed to allow for the future adaptation of a dwelling to accommodate the occupant's needs. In addition to the specific aims of universal design and adaptable housing, flexible apartment design is also desirable to allow buildings to accommodate a diverse range of lifestyle needs such as different household structures, live/work housing arrangements and future changes in use.
4	**Interpretation of Performance Criteria**	Words such as 'minimize' or 'unavoidable' have no reference point from which to determine whether Performance Criteria have been met. For instance, if an inappropriate/poorly performing building typology is proposed, the design may have minimized adverse

		conditions relative to the poor building typology and comply with a specific section of the ADG but if tested relative to a superior typology the adverse conditions could have been avoided altogether.
5	**Floor Space Ratio**	Support the emphasis within the Description that FSR is a '*theoretical maximum capacity'.*
6	**Status of ADG over LEPs and DCPs**	Generally supported. However, there needs to be a mechanism for Councils to develop controls that address issues specific to their LGA. These may be issues to do with amalgamation due to particular lot and block patterns (one LGA may have shallower lots with wider frontages, while another may have narrow lots that are overly long) which have specific issues for building typology; topography where one LGA is slightly undulating or flat and another is steeply sloping with adverse solar aspect; landscape characters; or whether an LGA is primarily densely urban or others where the character is increasing density in a suburban infill not a major centre and where there may not be adequate accessible/strategically placed public spaces which may impact upon deep soil provision.
7	**Graphic Representation**	All plans and sections should have openings included not be shown as solid walls. North points should be provided on all plans or plans oriented so that up-the-page is north.

Draft Apartment Design Guide		
Item	**Comment**	**Priority**
Overview	The skills of architects, urban designers and landscape architects are essential in the detailed consideration of apartment building proposals. It is essential that all panels which review apartments include these skill sets, including large projects referred to the JRPPs. This expertise also needs to be mandated rather than optioned within membership of JRPPs.	Urgent
Relationship to Other Documents	A new grey area of legal status emerges with the ADG. It is unclear what components of the ADG are considered development standards as the ADG is a guide as described p9 yet within the SEPP the ADG is given status as development standards.	Urgent

I N T R O D U C T I O N

About this guide **Statutory relationship to SEPP 65.**	It is important that the requirements of the ADG prevail over LEP and DCP controls, when they are more onerous, but not when specifically dealing with site-specific conditions which the ADG is not equipped or intended to address. ADG asserts that this 'guide' will "deliver buildings that…" – How can a	Urgent

	guide assure delivery?	
How to Use This Guide **Achieving Performance Criteria**	This does not clarify the development *standards* to be applied as cited under the SEPP due to the level of flexibility. This equates to any design solution providing CL 6A of the SEPP is achieved.	Urgent
Design Quality Principles (DQP)	Clear. These may become the development standards rather than the Performance Criteria as they are contained within the SEPP.	
Relationship of SEPP65 to ADG	This matrix clearly demonstrates the relationship of the ADG to the 9 Principles. 3J Car parking has a 'high' level of interaction to Principle 5 Landscape deep soil, in a suburban street setting with deep soil planting, but not along a mixed use high street. 4B Ground Floor apartments have a 'high' level of interaction with Principle 5 Landscape. 4N Apartment Layout has a 'high' level of interaction with Principle 2 Built Form and Scale	Revise / review

PART 1 IDENTIFYING THE CONTEXT

1A Apartment Building Types **Narrow Infill Apartments** **Narrow Infill Apartments**	This typology has been problematic all over Sydney and in fact is specifically described by Bob Carr in the Preface of the RFDC as prompting the need for design quality in apartment development. The image does not represent narrow infill development as it is a corner site. The graphic as presented is deeply flawed as a typology. This needs to be amended to provide: • Setbacks that enable more (rear) landscaping for tall trees,	Urgent

	• a sliding ratio of site length to acceptable building length, and • a typology that clearly shows a deep articulation between the component fronting the street and the 'tail' This is urgently needed to avoid infill development that transposes the problems of the 3-storey walkups to a greater scale of 5, 8 and 10 storeys.	
Tower Apartments	The image does not show the podiums as described.	Amend
1B Local Character and Context	Of the four common settings described only Suburban Neighbourhoods reference "landscaped setting". For the ecology, climate, happy socialisation and sustainability of our increasingly urbanised city, "landscaped setting", deep soil landscapes and trees are important considerations in the design of quality Urban Neighbourhoods.	Amend
1C Precincts and Individual Sites **Precincts**	Floor space of a precinct plan should not include public domain. "*When determining the floor space of a precinct plan, the net floor space is based on the whole of the site area including streets and open spaces. "…* There may be a typo in p27 – replace the word *net* with *gross* (consistent with Figure2 D.3) "Through the precinct plan design process and testing of proposed building envelopes against site constraints, alternative solutions to some of the ADG performance criteria may be appropriate." These may need to be more onerous than the minimums within the ADG and cited within SEPP 65. Councils need a mechanism to deal with this that holds statutory weight.	Amend

PART 2 DEVELOPING THE CONTROLS

2A Primary Controls **Figure 2A.1**	The figure does not adequately demonstrate controls that allow for deep soil enough to support new large trees. The trees are already established and are to be retained. The setbacks of the new development do not permit any new trees as demonstrated by the area needed to retain the existing trees.	Urgent
2B Building Envelopes	There should be a ratio of boundary length to permitted wall length before either a separate building is required, or clear and deeply articulated building mass is demonstrated to address scale particularly in suburban infill and interface site with lower density development.	Urgent
2C Building Height **Figure 2C.4 – Steep Sites**	It is vital that site-specific building envelopes be provided particularly for steep sites or changing topography. Again this may require adjustments to precinct density for specific sites that are not able to be addressed in the standard LEP instrument and may require more onerous performance criteria than the ADG contains. Councils have the experience of their LGA and need a mechanism to deal with site-specific issues. Uniform building heights over extensive areas can have a deadening effect on urban places. Varied building types, lot area and dimensions can introduce a beneficial variety to building heights. Corner locations, for instance, should reinforce the public domain structure with additional height. Fig 2C.4 needs to be amended urgently so that subterranean units are not indicated. There is a	Urgent Urgent

	reasonable bonus to additional height across the site for 12-18m but amenity and failure of waterproofing for units below existing ground level is appalling.	
2D Floor space Ratio	Description that FSR is a '*theoretical maximum* capacity' is highly supported. Council controls need to define mixed use as a component of FSR for clarity.	
2E Building Depth **Figure 2E.1**	Consider that 18m is too deep. Recommend 16.5 max. Fig 2E.1 to include ADG dimensions 12-18m across the building depth of the residential component.	Amend
2F Building Separation	Figure 2F.4 taken literally is poor built form outcome. Consider 3 small diagrams or 3.0 in table as suffice, rather than section? Remove "where site conditions allow" – final objective	Amend
2G Street Setbacks	Replace "road" with "street". Otherwise supported.	
2H Side and Rear Setbacks	Requires a minimum setback to preserve consolidated landscape and deep soil within blocks. Otherwise supported	

PART 3 SITING THE DEVELOPMENT

3A Site analysis **Figure 3A.5**	Generally supported. Fig 3A.5 Do not include subterranean residential units as appropriate. These achieve appalling amenity.	Urgent
3B Orientation	Supported.	
3C Public Domain Interface	There is no limit to the transparency/opacity of fences or walls to the street. Consider 50% transparency, for example Overall height in also not limited. Consider a maximum above finish ground level 4. Consider more stringent wording	

	surrounding vents, substation, plant and the like to be "not visible" 7. Reword to include "dual address"	
3D Communal and Public Open Space	Communal open space should be commensurate with the density of the proposed development. 25% is insufficient as an all-encompassing amount.	Urgent
Performance Criteria 3D-2.1	"Facilities are provided for a range of age groups *where size permits…"* Delete words "where space permits". All developments need to provide communal space whether at ground level or podium or roof. Where space 'does not permit' indicates proposed building footprint or density is inappropriate.	Amend
Figure 3D.3 Communal Open Space	Nominated area shown on this diagram is less than 25% inconsistent with Performance Criteria 3D-1.1	Amend
3E Deep soil Zones	Deep soil landscape areas are inadequate.	Urgent
Table 1	Outside of Strategic Centres and Local Centres more significant amounts of landscape including deep soil landscapes should be provided for ecology, climate, happy socialisation and sustainability.	
3E Deep soil Zones	Larger sites should be required to provide a higher Percentage of consolidated landscape due to economies of scale.	Urgent
Table 1	The percentages should be revised as follows – <650m^2 - 20%; 650-1500 m^2 - 25%; >1500 m^2 - 30%, >1500 m^2 and significant tree cover - 35%.	Urgent
Performance Criteria 3E-	Tall trees contribute to visual and climate amenity. Require trees comparable in height to the building. One large tree for every 50 m^2 deep soil landscape.	

2.1	Delete point 1. All paving and paths should be excluded from the deep soil calculation as this further reduces the already inadequate requirement by 10%.	
3F Visual Privacy	On Fig 3F.2, 3m minimum separation between a non-habitable room and a blank wall seems unnecessarily large. A paved pathway could be as little as 2m wide and be edged by a secondary bedroom above ground level. The blank wall open to the sky above can reflect light beautifully to the interior. (OA+MW Banksia example) Consider 3F.4 as separate diagrams or table only. Form shown is poor.	
3G Pedestrian Access and Entries	Supported	
3H Vehicle Access	Figure 3H.3 is a poor example. Width of impermeable surface is excessive. Remove image and reference to offset alignment. Direct alignment will produce minimum	
3J Bicycle and Car Parking **Table 2 and Reference in Performance Criteria 3J-1.1** **Figure 3J.8**	Clarification required for car parking requirement of *RMS Guide to Traffic Generating Development* as this appears to be a survey of car movements rather than providing car parking requirements. Fig 3J.8 while demonstrating a solution for above ground car parking, the unit typology appears to present a non-functional living area. 1. Reduced on site car parking rates are supported. Consider increasing distance to station to 800m 2. Limit the number of car spaces in areas well served by public transport. 3. Shared secure parking area for	Clarify Amend/ clarify

	bicycles, motor bike and scooters is also supported. On site visitor car parking is **not** supported. Visitor spots should not be required. If so, ratio should consider 0 for smaller buildings (<30 apts) and 1:30 or less above that threshold.	

PART 4 DESIGNING THE BUILDING

Configuration		
4A Apartment Mix	The reduced minimum apartment sizes will reduce housing choice as developers will take advantage of the reduced sizes but will not reduce market prices. Anecdotal evidence supports this. Current DAs in many LGAs are proposing affordable housing unit sizes but are not being lodged as affordable housing schemes. The ADG setting a lower threshold size will remove housing choice by encouraging a concentration of unit developments that are likely to have poorer amenity than is currently achieved under the RFDC. It is essential this section consider "ageing in place"	Urgent
4B Ground Floor Apartments **Figure 4B.3**	Figure 4B.3 is the same as that used in Figure 3J.8. This is a poor example as the living space is either non-functional with no room for a dining table or more than two chairs, or if SOHO, there is no provision for a kitchen area. Delete and replace with a functional example.	Amend
4C Facades	Section does not reinforce "high quality, enduring materials" consider.	
4D Roof design	Supported. Standard Instrument LEP allows Councils to approve roof elements that could also function as shade structures for communal spaces where maximum building height is	

Performance Criteria 4D-2	proposed. Acceptable Solution 2. Add: acoustic privacy.	
4E Landscape design **Table 3**	Table 3 – requires opinion of landscape architect Larger sites should be supporting more trees commensurate with the scale of development. All sites to require 1 large tree/50m2 at minimum.	Landscape opinion needed
4F Planting on Structures **Table 4**	Evidence needed to demonstrate the long term maintenance costs of maintaining green walls, electricity and water usage. Also whether water seepage has been an issue. Table 4 – requires opinion of landscape architect	Clarify/ amend
4G Universal Design **Figure 4G.1** **Figure 4G.4** **Performance Criteria 4G-1**	This should be the benchmark of the ADG. Fig 4G.1 is much larger than any of the minimum unit sizes. Fig 4G.4 contradicts the minimum unit sizes by up to 35m2 for 3-bedroom unit in the example shown and demonstrates the inadequacy of the minimum unit sizes proposed. Requirement of 20% of total apartments achieving (silver) universal design is manifestly inadequate. The description of universal design is what ALL units should be delivering under design quality and is consistent with the government policy to provide real housing choice with the intention that people are able to remain living in apartments over the long term – rather than the current expectation that it is a short-term solution before moving to a detached house.	Urgent Urgent Urgent Urgent

	This inadequate requirement equates to only 20% of ALL proposed development being able to cater to the needs of ALL age groups and changes in life situations. This will not change behavior to consider apartment living as a long-term option. Where the Department is resistant to amending this as seems to be the case, it is suggested that a minimum of 50% of every development meets the requirements of universal design – (following the lead of Urban Growth's policy change). This would deliver 50% of units as 'affordable' with the remaining flexible and more attractive to a greater number of people. Adaptable units would then form 10% of each of these.	
4H Adaptive reuse	Supported	
4J Mixed use	Supported	
4K Awnings and signage	Supported	
Amenity		
4L Solar and Daylight Access **Performance Criteria 4L-1** **Performance Criteria 4L-4**	4L-1 Acceptable solution 5 re: number of units receiving no sunlight: Amend to provide a range suited to urban context. Dense inner city situations may be appropriate to allow 15% but on suburban sites this is not acceptable and should retain the RFDC limit of apartments receiving no sunlight at 10%. Add additional point: 7. No habitable rooms are to be excavated more than 1 metre below natural ground level. Acceptable solution 1: Interpretation of 'unavoidable' needs to be clarified as an inappropriate building type may result in	Urgent Urgent Urgent

	'unavoidable' lightwells, whereas the lightwells may be avoidable where an alternative building typology is proposed.	
4L Alternative Solutions	After last paragraph: Where buildings face within 20 degrees east or west of south, apartments should maximise dual aspect, or have narrow depth for single aspect apartments. Replace '*or*' with '*and have narrow depth'*: And add: *'and provide large areas of glazing to maximize indirect light.'*	Urgent
4M Common Circulation and Spaces **Performance Criteria 4M-1** **Figure 4M.6**	Add to the last paragraph of the Description: '*and building character.'* Acceptable solution 4 : remove "*where possible*", and specify exceptions such as basement car parks. Fully internalized common lobbies are generally avoidable unless an inappropriate building typology is proposed or yield is excessive. Internalised common circulation spaces are unpleasant spaces, do not achieve performance criteria of creating meeting places, achieve poor amenity, poor residential character and place constant high energy demands on the life cycle of apartment buildings. This also unnecessarily increases carbon emissions and building costs over time. Fig 4M.6 does not meet Performance Criteria 4M-1.1 which requires a maximum of 8 unit off a circulation core. This figure shows 10.	Amend Amend
4N Apartment Layout	Apartment sizes could be given as a preferred range to suit various	Urgent

Performance Criteria 4N-2 **Figures 4N.2, 4N.5 and 4N.6**	locations and pricings as well as promoting efficient urban consolidation and inclusions such as sunrooms or studies. Studio 35-45m2, 1-Bed 50-65m2, 2B 70-85m2 and 3B 90-110m2. This is still less than the RFDC and less than needed for Universal Design. Acceptable solution 1: supported but Fig 4N.3 also needs to be referenced 4O-1 as well as 4O-3. Dimension lines do not match with internal faces of walls. Either dimension is slightly wrong or apartments are larger than dimensioned.	Amend
4O Ceiling Heights **Performance Criteria 4O-1** **Performance Criteria 4O-1**	The ceiling height to room depth of Fig 4N.3 is clear and appropriate but also needs to be referenced 4O-1. Acceptable solution 1: 3.3m FL-CL height for ground floor uses in mixed use zone is insufficient and inconsistent with Fig 4O.1 that nominates 4.2m. Replace 3.3m in table with 4.2m. Acceptable solution 1: Add: *"3. Ceiling heights are measured clear of all services and structure."*	Amend Amend Amend
4P Private Open Space and Balconies **Performance**	Generally supported, however, more generous balcony sizes add more amenity to smaller units. Figure 4P.6 does not demonstrate a combination of solid and transparent balustrade materials. Figure 4P.10 does not demonstrate any soffit detailing other than the top floor roof. Performance solution 7: Add	Consider Amend Amend Amend

Criteria 4P-1	*"and fully waterproofed."*	
4Q Natural Ventilation **Performance Criteria 4Q-1**	All apartments should be cross-ventilated to maximise amenity, minimise energy use and reduce reliance on air conditioning. As a concession to urban consolidation and in support of small footprint apartment towers, 80% of apartments should be required to have dual orientation cross ventilation. Acceptable solution 3: 5% of area of serviced room as opening size needs to be confirmed as adequate by a mechanical engineer. Clarification necessary so that window types provide differing amounts of 'Effective Openable Area' such as sliding versus awning. Reference Glossary?	Urgent Amend
4R Storage	Storage should be calculated <u>in addition</u> to apartment sizes not included in already tight room sizes.	Urgent
4S Acoustic Privacy	Figure 4S.5 does not demonstrate acoustic seals.	Amend
4T Noise and Pollution **Performance Criteria 4T-2**	Figure 4T.5 does not demonstrate acoustic louvres. None of the Acceptable solutions in 4T-2.1 include noise barrier planning principles. This should be included.	Amend Amend
Performance		
4U Energy efficiency **Performance Criteria 4U-2**	Supported status of BASIX. Acceptable solutions 1: Add specific reference to common circulation spaces.	
4V Water Management and Conservation	Generally support.	L'scape opinion needed

4W Waste Management	Figure 4W.3 does not demonstrate a compost bin or a community garden.	Amend
4X Building Maintenance **Performance Criteria 4X-1**	4X Topic description to include "and minimise likelihood of building defects". Acceptable solution 1: Add an additional point: *"no external wall of an apartment is to have direct contact with soil above the proposed floor level."* Extensive UNSW research has identified water penetration as a leading cause of building defects. Ensuring there is a physical separation of walls of habitable rooms from soil will alleviate problems with substandard waterproofing either due to poor construction detailing, poor construction methods. Water penetration is very costly to remediate, affects building value over time, and is preventable. Figure 4X.3 has expanses of rendered painted walls requiring scaffolding to maintain which is inconsistent with Performance Criteria 4X-2.3 and 4X-3.1 The ability of materials (i.e concrete) to age in an enduring manner without being painted should be encouraged. The rendering or painting of high quality base material imposes an ongoing monetary and environmental cost on body corporates.	Amend Urgent Amend
PART 5 DESIGN REVIEW PANELS		
5A Function of design review panels	Supported.	
5B Membership and Establishment	Supported. Needs to be extended to require that consent authorities including PACs, JRPPs include equal representation of similar design expertise.	

5C Roles and Responsibilities	Supported.	
5D Meeting Procedures	Supported.	
5E Templates	Supported.	

A P P E N D I C E S

App1 Site Analysis Checklist	Supported.	
App2 Pre-Development Application Checklist	Supported.	
App3 DA Documentation Checklist	Supported.	
App4 Apartment Building Example Schemes	Schemes mostly do not achieve minimum deep soil areas – they are significantly higher than ADG minimums which support the need to increase deep soil requirements within 3D and 3E of the ADG.	Amend
Glossary	Is there a need to clarify the meaning of words such as ‘minimise’, ‘unavoidable’	Consider