

29 October 2014

The Acting Director
Local Plans, Codes and Development Guides
Department of Planning and Environment
GPO Box 39
Sydney
NSW 2001

Dear Sir/ Madam

**Re: EXHIBITION OF DRAFT AMENDMENTS TO STATE ENVIRONMENTAL
PLANNING POLICY 65 AND NEW APARTMENT DESIGN GUIDE**

I am writing to you regarding the exhibition of the draft amendments to State Environmental Planning Policy 65- Design Quality of Residential Flat Buildings and the new Apartment Design Guide (ADG). Council has reviewed the exhibition material and would like to provide the following comments.

Council welcomes the ongoing review of the SEPP to improve its application, and the proposed amendments clarify some of the existing issues such as specifying which controls in the SEPP override controls in council Development Control Plans, and defining the weight that should be given to the Apartment Design Guide.

The Department has stated that the proposed amendments to the SEPP promote affordable housing, with cost savings of up to \$50,000 per unit. New aim (g) of the SEPP is "to contribute to the provision of affordable housing options". These statements are misleading as the SEPP does not deliver affordable housing as defined in the Environmental Planning and Assessment Act. Changes to the SEPP which may potentially decrease dwelling construction costs (e.g. reduction of minimum car parking rates) are not guaranteed as part of the operation of the SEPP, particularly as the SEPP allows applicants to provide as many car spaces as they want. No basis is provided for the \$50,000 figure.

The SEPP now applies to shoptop housing and mixed use development but the SEPP should also apply to boarding houses, serviced apartments, seniors living and student accommodation. It is noted that SEPP65 currently applies to some boarding houses depending on which class they fall under in the Building Code of Australia.

The proposed move to allowing alternative solutions will result in a loosening of the standards and allow more opportunities for applicants to circumvent any requirements of the ADG. Often the alternative solution does not specify the extent to which variation may occur which may result in poor amenity for residents.

Reference:

Phone: 9777 7690

Submission

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In some sections there are a lot of acceptable solutions which need to be addressed (many of which duplicate existing council DCP controls) and this will create lengthy DA documentation if all of these acceptable solutions are required to be addressed. For example, the section on vehicular access provides a lengthy series of acceptable solutions with no numerical standards or reference to Australian Standards.

With regard to the car parking requirements for inner and middle ring suburbs, referring to the RMS Guide presents a number of issues:

- The parking rates in the RMS Guide are from 2002 and do not reflect current parking studies. Development Applications invariably submit traffic studies which show the parking rates are significantly different to the RMS standard
- The terms used in the RMS Guide are not clearly defined which will make interpretation difficult. It is assumed that "High density residential flat buildings" rates apply to buildings over 5 storeys in height and therefore "medium density residential flat buildings" rates apply to other development to which SEPP65 applies. Within "High density residential flat buildings" there are two subcategories- "Metropolitan Regional (CBD) Centres" and "Metropolitan Sub-regional Centres". The distinction between these is unclear and it is also unclear where a local centre such as Artarmon would fall in this categorisation.
- The RMS Guide does not have a parking rate for studio apartments.
- The minimum parking requirements do not factor in high frequency bus routes such as in Mosman and Neutral Bay.
- The definition of inner and middle ring councils appears to exclude some LGAs and include other LGAs which are further from the Sydney CBD.

The capacity of existing public transport services and whether these services have sufficient capacity to absorb the demand generated by new development is not taken into consideration.

The SEPP appears to allow applicants to provide more car parking spaces than the minimum requirements identified in the ADG "where there is consumer demand", subject to council consideration. This is referred to in the Frequently Asked Questions on exhibition with the SEPP however this statement does not appear to be reflected in the SEPP or ADG. The parking rates specified in the WDCP are neither maximum nor minimum rates but are the rates to be satisfied in any application and applicants must demonstrate the justification for any departure from parking rates. Further clarity needs to be provided to specify that the provision of parking over and above the rates in councils' DCP controls is only at the council's discretion and is not a given. State policy should not override Council maximum parking rates which factor in local parking conditions for each centre including availability of public transport services and aim to minimise traffic in centres.

The ADG limits visitor parking to 1 space per 10 dwellings. This is substantially different to Council's current requirement in the Willoughby Development Control Plan of 1 visitor space per 4 dwellings. Most other councils require 1 visitor space per 4 dwellings and the RMS Guide to Traffic Generating Development (which is referred to for the other car parking requirements in the ADG) require 1 visitor space per 5 dwellings and 1 per 7 dwellings in CBD locations.

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Council supports amendments to allow the establishment of design review panels without the Minister's involvement.

Council requests that the Department consider allowing for a transition period to enable councils to amend DCP controls prior to the commencement of the SEPP.

It appears that the Environmental Planning and Assessment Regulation also requires amendment. Clause 21A requires comments from Design Review Panels to be taken into consideration in the assessment of a Development Application. As the SEPP is to be amended to require the Apartment Design Guide to be referred to in the assessment of DA's, the provisions of Part 2 of the ADG (with relation to the design of planning controls) should be included in Part 3 of the Regulation to assist in the formation of Development Control Plans for residential flat development.

The definition of Residential Flat Design Code should be deleted from the public consultation draft of the SEPP.

Apartment Design Guide

- Part 4A Apartment mix- the only requirement is that "a variety of apartment types is provided". This is despite Principle 8: Housing Diversity and Social Interaction stating that "*good design achieves a mix of apartment sizes*" and is even less specific than the current RFDC Rule of Thumb for apartment mix.
- Part 4G Universal housing- The acceptable solution is for 20% of dwellings to achieve silver level of liveable housing. This contrasts greatly with the current Council requirements within the Willoughby Development Control Plan, which require 50% of dwellings to be adaptable for buildings above 3 storeys in height. Council's requirements came into effect following a study prepared in partnership with the Department of Planning to create a Model Adaptable Housing DCP. The proposed rate of 20% adaptable housing is insufficient to cater for future housing demand, encourage ageing in place and facilitate long term building sustainability.
- Part 4P Balcony size- These balcony sizes are smaller than the balcony sizes in the Willoughby Development Control Plan. This provision overrides the DCP requirement. With more people living in apartments it is essential that these apartments are provided with amenity and useable private open space. The alternative solution "increased communal open space should be provided where number of size of balconies are reduced" does not have any numerical standard attached to it. The ADG should clearly state that wintergardens and enclosed balconies are included as floor space.
- Part 4T Noise and pollution does not mention how this section relates to State Environmental Planning Policy (Infrastructure) which also has requirements for residential uses near noise sources.

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Should you have any questions regarding this submission, please contact Lara Nguyen, Strategic Planner on 9777 7690.

Yours sincerely

Jane Gibson
A/ STRATEGIC PLANNING MANAGER

Per:

A handwritten signature in black ink, appearing to be 'J. Gibson', written over a horizontal line.

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