



Ref: 6404902
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Mrs Josephine Wing
A/Director Planning Frameworks
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mrs Wing

Submission regarding State Environmental Planning Policy No 65 Design Quality of Residential Flat Development Draft Amendments

I refer to the proposed amendments to the State Environmental Planning Policy No 65 (SEPP 65) Design Quality of Residential Flat Development released for public comment on 23 September 2014. Thank you for the opportunity to comment on the draft amendments.

Initially the submission deadline was set at 31 October 2014. This did not allow sufficient time to consult with our Councillors about the proposed changes. Representations were made to the Department and it was agreed that an initial copy of Council's submission should be submitted by this deadline with the opportunity to provide a final submission by 28 November 2014.

We anticipate reporting the submission to Council's Policy and Review Committee in November and providing our final submission by the 28 November 2014.

Overall the changes are positive and offer an obvious improvement. Penrith City Council supports the streamlining of the document and controls with the exception of one issue being car parking. These critical issues are detailed in the attached submission along with key recommendations.

I would be happy to discuss our submission further with you at your convenience.

Yours sincerely

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Penrith City Council Submission

**Draft Amendments: State
Environmental Planning
Policy No.65 Design Quality
of Residential Flat
Development**



General

The draft amendments to SEPP 65 provide a welcome update of this policy which was originally published over 12 years ago in 2002. The modifications appear to offer increased useability and interpretation of controls for residential flat development. The document is easier to understand and implement for developers, the community and assessing officers.

The change in terminology from “rules of thumb” to performance criteria makes the objective of each control clearer and providing a list of acceptable solutions is also an easy and flexible approach to documenting the design controls.

The single exception to this is the proposed changes to car parking space requirements. An objection to the proposed car parking standards for a number of technical reasons forms the central tenets of our submission.

The submission detailed below addresses specific clauses of the draft amendments to SEPP 65 and Apartment Design Guide individually.

Draft State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development

Clause 6A

Clause 6A of State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Flat Development provides that development control plans cannot be inconsistent with the “standards” set out in the Apartment Design Guide.

The Apartment Design Guide should make it clear what are considered “standards”. The Apartment Design Guide provides controls and performance criteria but does not specify whether these are considered standards.

Recommendation

1. The Apartment Design Guide should be amended to make clear the relevant standards that are being referred to in Clause 6A of SEPP 65.

Apartment Design Guide – Bicycle and car parking (Part 3J)

Reduced car parking demand and providing less car parking spaces for residential flat development in locations that are well serviced by public transport is commonly considered during the assessment of development applications. Applications for residential flat development in Penrith are required to be submitted with a traffic and transport assessment. These assessments consider, in detail, local traffic and parking conditions and for many applications a variation is sought to the car parking requirements.

Penrith Council continues to drive increased housing density in our major centres of Penrith City Centre and St Marys Town Centre. The principle of applying reduced car parking rates in these centres has been applied to a several developments over recent years. In a number of development proposals a lower car parking rate has been approved based on the availability of public transport, the frequency and quality of services and in consideration of other available local infrastructure.

Proximity to a train station, in itself, is not a sufficient reason to require a mandatory reduction in car parking provision. There are train stations in Penrith where there is

only small-scale local shopping facilities and other local infrastructure nearby and where the frequency and quality of public transport is poor. These train stations are not directly comparable with stations where densities are higher and a high standard of public transport and other infrastructure is available. In such cases, a reduction in car parking provision cannot be justified.

As a localised issue, car parking can easily be separated from other design standards such as balcony size and building separation distances. Balcony size and building separation distances are both amenity and privacy issues that can be transferable across all Council's in the State and should be equitably afforded to all future residents.

The previous Residential Design Flat Code did not contain car parking controls. The proposed car parking standards require further review and refinement. In the interim it is suggested the draft controls be deferred from the Apartment Design Guide until a more sophisticated standard or mechanism for considering reduced car parking rates is developed.

Should car parking controls be retained in the SEPP in their current form, there are a number of technical concerns in the way these are proposed to apply. These concerns are detailed below. It is imperative these issues are resolved to ensure the revised SEPP 65 provides both local government and the industry with a contemporary, workable document.

Car Parking Requirements for Development Close to Public Transport

Table 2 of the Bicycle and Car Parking section of the Apartment Design Guide provides criteria for sites within 400m of a railway station or light rail stop within Metropolitan Sydney. Outside of Metropolitan Sydney criteria is provided for sites within 400-800metres of a railway station or light rail stop.

The criteria used in this table is confusing and it may be interpreted to mean that for sites outside of Metropolitan Sydney there is no criteria for residential flat developments within 400m of a train station or light rail stop as the third criteria listed in the table only applies to sites between 400 and 800m.

Should the table be used in the final policy, it is suggested the controls provided in the table can be simplified as follows:

Location	Minimum requirement
Sites within 400m of a railway station or light rail stop in nominated inner and middle ring metropolitan Sydney areas.	No specific requirement
Sites within 800m of a railway station or light rail stop in the remainder of metropolitan Sydney areas.	The relevant requirements set out in the RMS' Guide to Traffic Generating Development or the car parking requirement prescribed by the relevant council, whichever is less.
Sites within 800m of a railway station or light rail stop outside of metropolitan Sydney.	The relevant requirements set out in the RMS' Guide to Traffic Generating Development or the car parking requirement prescribed by the relevant council, whichever is less.

The table is also confusing with regard to the first criterion which says "no specific requirement". The understanding is to allow developments in nominated inner and middle ring metropolitan Sydney areas to have the option not to provide car parking for future residents. However the use of the terminology "no specific requirement" may be interpreted to mean there is no criteria set under SEPP 65 and in that case the local

DCP would apply. This appears to be inconsistent with the aims and intentions of the new car parking requirements as shown in table 2 of the Apartment Design Guide.

RMS Guidelines

The use on the RMS' Guideline for Traffic Generating Development raises the following significant concerns:

- The RMS Guidelines referred to are out-of-date. These standards were last updated in 2002 and the Guidelines make no commitment to being regularly updated.
- The terminology used by the RMS Guidelines is inconsistent with terms used in the Standard Instrument. The RMS Guidelines refer to some residential flat buildings with less than 20 dwellings as medium density development. In the Standard Instrument medium density development is generally associated with two storey townhouse developments rather than residential flat buildings.
- The RMS Guidelines use terms such as "Metropolitan regional centres (CBD)" and "Metropolitan sub-regional centres" – yet no clarification about these particular centres is provided in the document. It is therefore not clear the correct criteria to apply.
- As a result of the "centres" terminology remaining undefined in the RMS Guidelines, it is not clear whether areas near train stations such as Kingswood, Werrington and Emu Plains have any relevant car parking criteria. If these centres are not specifically defined as "Metropolitan sub-regional centres" then reduced car parking criteria only applies for residential flat developments with less than 20 dwellings.

Frequency of Public Transport Services

Car parking considerations should not only be based on distance to stations but also the adequacy of the services provided to the particular stations. Models for assessing public transport accessibility have been used internationally for many years. One such example is the PTAL (Public Transport Accessibility Level) system used in the UK since 1992 to calculate not only the distance to the nearest public transport stop but also the frequency of services at those stops.

Some train stations in Penrith receive only one train per 30 minutes which cannot be compared to stations that receive higher frequency trains. The fact that some developments will be within 800m of a station does not necessarily result in the reduced reliance on private vehicles. Reduced reliance on vehicles in Penrith remains a site specific consideration based on local conditions for residential flat developments.

The new car parking standards provided in the Apartment Design Guide are recognised as minimum car parking standards, however the concern is that developers will generally provide only the minimum without proper consideration of the community needs leaving a legacy of parking problems for the local council to manage.

Recommendation

2. The proposed car parking controls should be deferred from the Apartment Design Guide.
3. Further consultation with key stakeholders should be undertaken to refine car parking controls.
4. Should the Department proceed with the policy changes without further consultation then the following recommendations are made:
 - i) Table 2 of the Apartment Design Guide should be simplified as detailed above.
 - ii) Clarification must be given regarding categories and terminology used in the RMS Guidelines.
 - iii) The new car parking standards should incorporate a mechanism so that frequency of services can be considered.

- iv) Given the above technical issues regarding the RMS Guidelines highlighted above, the revised car parking standards should be incorporated into the Apartment Design Guide itself. This would also be beneficial as this policy is required to be updated every five years.

Apartment Design Guide - Apartment Mix (Part 4A)

The apartment mix performance criteria provided in the Apartment Design Guide is supported. The performance criteria provide sound objectives for development of an appropriate apartment mix. Further detailed controls can then sit within local DCPs where needed depending on local demands and challenges into the future.

Apartment Design Guide – Noise and pollution (Part 4T)

The addition of this new section of the Apartment Design Guide is a welcome improvement. It has become increasingly popular to develop sites within proximity of railway lines and busy roads. These controls provide welcome assessment criteria for apartment developments in these challenging environments.

Apartment Design Guide – Design Review Panels (Part 5)

Currently 'formal' SEPP65 Design Review Panels are State appointed by the Minister with up to five consultant members of the panel. Penrith City Council has established its own Urban Design Review Panel comprised of a maximum of four in-house experts from Planning, Architecture and Landscape Architecture in addition to 'independent' consulting urban design experts. This has the following benefits for Council over the State appointed panels:

- Council's panel's consideration of proposals is not limited to Residential Flat Buildings under SEPP 65 but extends to include significant commercial, industrial, mixed use and gateway site proposals;
- in-house expertise provides for an improved appreciation and knowledge of local strategic and statutory planning contexts;
- a significant reduction in operating costs to the Council in terms of administration and consultant fees;
- Proposals can be reviewed prior to a Development Application being lodged to enable more significant and productive feedback and responses at concept stage which can be linked and consistent with pre-lodgement meeting advice relating to other disciplines.

The proposed changes to SEPP 65 include that Councils would be able to appoint their own Design Review Panels and determine who is on the panels. This recommended change may be partly attributed to Council staff enumerating the above benefits in submissions and workshops during the earlier stages of the review dating back to 2011. This change is therefore considered worthy of support and is seen to represent recognition that Penrith City Council has led the way in facilitating an efficient and responsive Design Review Panel process.