

Andreas Olsen, Senior Strategic Planner
8am to 5.30pm Mon – Thu, 8am to 5pm Fri
Phone 9970 1264

30 October 2014

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Secretary

Re: Submission on the proposed amendments to SEPP 65 and the Residential Flat Design Code

Pittwater Council welcomes the opportunity to comment on the proposed amendments to SEPP 65 and the Residential Flat Design Code (proposed Apartment Design Guide) and work with the Department of Planning and Environment to address the local issues facing residential flat building in Pittwater targeted by this state policy and associated design guide.

The enclosed submission outlines a number of the general and specific responses by Pittwater Council to the proposed amendments. Should you need any clarifications of Council's submission I can be contacted on andreas_olsen@pittwater.gov.au or 9970 1264.

Yours faithfully

Andreas Olsen
Senior Strategic Planner, Pittwater Council

SUBMISSION ON SEPP 65 AND THE RESIDENTIAL FLAT DESIGN CODE by Pittwater Council

Pittwater Council welcomes the opportunity to comment on the proposed amendments to SEPP No 65-Design Quality of Residential Flat Development (SEPP) and the Residential Flat Design Code (proposed Apartment Design Guide) (ADG) and work with the Department of Planning and Environment to address the local issues facing residential flat development targeted by this state policy and associated design guide.

The following section outlines a number of the general and specific responses by Pittwater Council to the proposed amendments. Where Council neither strongly agreed nor strongly disagreed the issues are not included in the submission and, as a result, specific sections of the proposed amendments are not addressed.

KEY ISSUES

REVIEW PROCESS

It is acknowledged that the quality of apartment design has improved markedly since the introduction of the SEPP and the Residential Flat Design Code in 2002. However, it is still considered that there are areas in need of improvements and the primary focus on housing delivery throughout the review process has been disappointing. In particular, the State Government's reluctance to introduce any meaningful sustainability requirements through the SEPP (Building Sustainability Index: BASIX) 2004 (BASIX) makes it hard for the SEPP and ADG to achieve improvements "*for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design*", set out in Aims and objectives 2(2) of the SEPP.

SEPP 65

Clause 2 Aims, objectives etc

"Facilitate the timely and efficient assessment of applications for residential flat buildings" should not be included under aims and objectives. It is a separate issue that is not relevant to design quality and the inclusion could make design outcomes worse.

Clause 4 Application of Policy

The inclusion of shop top housing and mixed use developments with a residential accommodation component to be covered by the SEPP is generally supported. However, shop top housing developments are currently only permissible on land zoned for business purposes in Pittwater LGA. Council's DCP controls for business zoned land varies significantly from controls relating to residential zoned land which will create inconsistencies with a number of sections in the ADG (such as 3D Communal and public urban space, 3E Deep soil zones, 3F Visual Privacy and Landscape design). Better clarification in the ADG on business zoned and residentially zoned land would be beneficial as well as further guidance relating to retail and commercial ground floor uses.

It is also considered that Council's controls should prevail in its entirety where a detailed development document has been created (such as a master plan), responding to the local character and constraints (such as flooding, topography etc.). Pittwater Council have several master plans already guiding development for the town centres and is looking to develop similar planning documents for the remaining centres across the LGA. The SEPP should include provisions that allow the master plan (aspects included in Council's LEP and DCP) to be the primary planning instrument guiding the development in these areas, with the ADG guiding aspects of the development not included otherwise.

Clause 6 Relationship with other environmental planning instruments

Clarification of the relationship between the SEPP and BASIX is commended, however relying on BASIX to cover overlapping areas is considered insufficient as the BASIX, in its current form, is inadequate in achieving significant water and energy reductions.

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

The suspension of Council's DCP controls for certain aspects of the ADG is not supported. General guidelines provided by the State government are considered helpful and generally supported, however the ability to articulate and enforce appropriate local controls is considered essential for Local Governments. Balconies and private open space is of a particular concern.

Standards that cannot be used as grounds to refuse development consent or modification of development consent

Standards that cannot be used as ground to refuse development consent is not supported in principle. The SEPP and ADG are about design quality and discretionary development standards are only effective in preventing council planners from achieving high quality design outcomes.

Design Review Panels

Council does not currently use design review panels. Before the introduction of design review panels, Pittwater experimented with a similar setup but found that the the advisory panel did not prove as useful as intended.

Council currently focuses its resources on educating staff to make quality decisions when assessing development applications, such as applying the SEPP and the RFDC. As a result, Pittwater will not look to establish a design review panel in the near future but acknowledges that from time to time advisory comments from a design review panel could prove useful in certain complex applications. If a structure was set up to allow local councils to use a design review panel on a case-by-case basis, without the associated ongoing costs and administration, Pittwater Council would reconsider its current position depending on the structure put in place.

APARTMENT DESIGN GUIDE

General

The shift to a performance based approach is supported in principle. However, assessment against the performance criteria of the ADG will increase the time required to adequately assess development applications. It is considered appropriate that councils are allowed to increase the fees for applications being assessed against the SEPP and ADG to meet the cost of the increased workload.

It is noted that a number of the figures in individual sections do not conform with other sections contained within the ADG (e.g. Figure 3D.3 does not provide any separation distance to the eastern side boundary). To avoid confusion in the application of the ADG, increased consistency of figures throughout the document would be beneficial.

3B Orientation

Orientation is good in theory but experiences from Pittwater LGA suggest that often there are too many site constraints, effectively making it impossible to achieve. Further emphasis on dual aspects in the ADG would help address a number of issues, including 4L Solar and daylight access and 4Q Natural ventilation.

3D Communal and public open space

With the inclusion of shop top housing and mixed use developments in the SEPP, the requirements for communal and public open space are found to be too prescriptive. Introducing a sliding scale for different types of developments would ensure the requirements are reasonable and achievable for different types of developments under the SEPP.

While the overall emphasis should be put on private open space and balconies, the link to communal open space should be further clarified (what level of increase in balcony sizes is considered reasonable if no communal space is provided etc.).

Communal outdoor play areas are essential for families and children. The ADG should require such areas for larger developments.

3E Deep soil zones

With the inclusion of shop top housing and mixed use developments to the SEPP, the one size fits all approach to deep soil zones becomes problematic. It is considered that town centre developments on business zoned land will struggle to provide the amount of deep soil zones set out in the ADG. Conversely, in a suburban context this deep soil zone requirement is considered inadequate, not providing the required landscaping and screening of the built form. The landscape character of Pittwater LGA increases the importance of canopy trees and, as a result, the deep soil zone requirements should reflect the existing character of residentially zoned land. Introducing a sliding scale for deep soil zones (relating to zoning or types of development) would ensure the requirements are reasonable and achievable for different contexts under the SEPP.

Also, an inherent conflict exists between the definition of Deep soil (including minimum dimensions) and Table 1 in 3E (which applies smaller dimensions for deep soil zones).

4A Apartment mix

More emphasis should be put on apartment mix to achieve a variety of choices and price points. Developments across Pittwater LGA have often provided only small and medium apartment sizes. It should be a requirement that developments with 10 or more dwellings provide 10% studio apartments, 10% 1 bedroom apartments, 10% 2 bedroom apartments and 10% 3 bedroom apartments. This would ensure housing diversity and support equitable housing access while allowing the market to dictate the remaining 60%.

4P Private open space and balconies

The requirements for private open space and balconies in the ADG are considered inadequate and councils DCPs should prevail to allow for controls responding to local conditions and desired future character of individual localities. While the overall emphasis

should be put on private open space and balconies, the link to communal open space should be further clarified (what level of increase in balcony sizes is considered reasonable if no communal space is provided etc.).

4Q Natural ventilation

Natural ventilation should be strongly encouraged and that the requirement for 60 percent of apartments to be naturally ventilated should be increased. The ADG should include requirements for a percentage of non-habitable rooms to be naturally ventilated and dual aspects should be further emphasised.

4S Acoustic privacy

Performance criteria 4S-2 appears to focus on the individual layout in isolation. These principles should be expanded to include neighbouring dwellings (across common walls and separation spaces) to encourage the “co-location” of noisy spaces (e.g. kitchens to face kitchens). This will ensure that acoustic amenity impacts are addressed holistically.