

## Submission by Dr Philip Pollard FRAIA MPIA, in response to proposed changes to NSW SEPP65 and Draft Apartment Guide.

I have been a member and deputy chair of the Newcastle SEPP65 panel since the establishment of the instrument, and a member of the Lake Macquarie SEPP65 panel since its establishment approximately six years ago. I previously served 8 years as a member, and briefly as deputy chair, of the Sutherland Architecture Design Review Panel, which functioned as also as an informal SEPP65 Panel.

The Department of Planning and Environment's ongoing consultation with the industry, community and Local Government has clearly confirmed that the instrument has been demonstrably successful in improving the standard of residential flat design in the state. Indeed Victoria is attempting to implement a similar instrument, after a rash of poor development blighted the beautiful city of Melbourne. The support for the SEPP and the RFDC has been demonstrated across diverse interest groups. Therefore any updates to this instrument should be cautious and incremental, in my view. While there is always room for improvement in any instrument, any changes do not unintentionally weaken the SEPP and its support document, the proposed Apartment Design Guide.

I generally support the proposed changes to the minimum requirements to the key elements covered by the controls – in particular, separation distances, hours of winter solar access, the requirement for bedrooms to have access to natural light and ventilation, cross ventilation and ceiling heights, minimum landscape area and provisions for social interaction.

The success of the existing SEPP65 and its RFDC has arisen in part from permitting a reasonable degree of flexibility to the panels and the consent authority in respect to the prescribed/numeric "rules of thumb". This therefore allows what is in functional terms a performance-based assessment in areas where strict compliance is not achieved. However, while I support the intent of adopting a proposed "performance based" approach as an alternative to the numeric and prescriptive aspects of the Guide, I question whether this further step is warranted. The existing instrument in my experience, already functions in quite a flexible manner.

The performance-based alternate solutions as exhibited are very non-specific and readily invite a situation in which the measures will be frequently tested in Court. The core requirements of the RFDC, in particular, adequate visual and acoustic privacy, are inevitably reliant upon achieving a minimum physical separation distance between dwellings. While various design approaches might be applied to offset some impacts that would arise, the nominated minimum separations largely take into account a reasonable application of these techniques or technologies in any case. It is therefore not productive to invite a process that attempts to achieve by alternate means, an outcome that is impossible in any practical sense to deliver. This is likely to lead to a marked watering down of the SEPP via the establishment of legal precedents.

I therefore recommend that for the crucial few “rules of thumb” involving separation distance, access to natural light and ventilation, and winter solar access, be included in the SEPP such that a Section 4.6 objection would be required to apply a lesser standard based upon a specific site and proposed alternate means of achieving an acceptable performance level.

In respect to the proposed reduction to the minimum car parking provisions, I support a reduced quantum of parking in locations in which good public transport already exists as an alternative.

I also support the proposed provisions in the ADG that encourage social interaction between residents of apartment dwellings.

One matter that the panels that I have served on have regularly experienced in the past, relates to a registered architect “signing off” on a design undertaken by a non-architect that he or she has very evidently had little involvement in. Often these architects don’t attend Pre-DA and DA consultations with the panel, and provide non-complying design verification statements. I encourage the tightening of the requirement for a registered architect to be *actively* involved in the design or leading the design of apartment buildings.

In respect to mixed-use developments and medium density residential buildings that currently do not fall entirely under the SEPP, I support any initiative that can extend the demonstrated benefits arising from the RFDC/ADG to other residential types. Boarding houses in particular are a typology that collectively require an improvement in their design standard. While there are very occasional exceptions, most boarding house proposals that I have considered in each of the panels I have served on, fall far short of benchmark standards.

Thank you for this opportunity to provide input to this important process, and for the briefing sessions provided – which I found informative.