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

Our Ref:
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Dear Sir/Madam

REVIEW OF SEPP 65 AND THE APARTMENT DESIGN GUIDE

Thank you for the opportunity of providing comment on the proposed review of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) and the proposed new Apartment Design Guide.

Council officers have reviewed and identified the following issues with respect to the proposed amendments to SEPP 65 and the proposed Apartment Design Guide:

- The lands zoned and sites within 400 metres of land zoned B3 Commercial Core and B4 Mixed Use within the Wollongong City Centre (Regional Centre) and the Warrawong sub-regional centre are affected by the nominated regional centre car parking provisions contained in the Apartment Design Guide. However, it is unclear as to whether the nominated regional centre car parking requirements under the Apartment Design Guide should also extend to the B3 Commercial Core and B4 Mixed Use zones contained within the Dapto Town Centre given that Dapto Town Centre is also a sub-regional centre and similar to the Warrawong sub-regional centre.
- The Roads and Maritime Services 'Guide to Traffic Generating Developments' contains car parking rates for both Metropolitan Regional (CBD) Centres and Metropolitan sub-regional centres but is silent on car parking rates for Regional Centres. Therefore, it is assumed that the Wollongong City Centre will be subject to the Metropolitan Regional (CBD) Centre car parking requirement and that Warrawong sub-regional centre will be subject to the Metropolitan sub-regional centre car parking requirement. It is recommended that section 3J (Bicycle and car parking) of the Apartment Design Guide be amended to clarify this issue.
- The performance based controls in the Apartment Design Guide provide greater flexibility for applicants to propose alternative design solutions. However, the use of alternate solutions places greater demands on Council's assessment systems. The use of a Design Review Panel would assist these forms of applications in particular.
- The Apartment Design Guide (Part 5) and the NSW Department of Planning & Environment's Frequently Asked Questions provide advice that councils can appoint Design Review Panels and also decide who sits on the Panel. However, clause 19 of the draft SEPP 65 (Amendment No.3) legislation states that the Minister for Planning may constitute a Design Review Panel for a particular local government area or 2 or more local government areas. Clause 21 of the draft SEPP 65 (Amendment No.3) legislation also states that a Design Review Panel is to consist of 3 or more persons appointed by the Minister. Therefore, it is assumed that the Minister already has the power to delegate to Council the function to appoint a Design Review Panel and to appoint the members of the panel.

- It would seem far more efficient and practical for councils to have delegation to constitute Design Review Panels to ensure locally appropriate design outcomes that reflect community expectations.
- The proposed amendments to SEPP 65 have removed the current requirement for a SEPP 65 building to be designed by a “qualified person” being a person registered as an architect in accordance with the Architects Act 2003. However, Council seeks clarification as to whether this requirement will be included in any simultaneous amendments made to the Environmental Planning and Assessment Regulation 2000. If not, this change is considered a retrograde step.
- Orientation (3B-2.2 – Solar access to living rooms, balconies and private open spaces of neighbours is protected) - The term ‘protected’ is subjective and should be clearly defined. It is recommended that this acceptable solution be amended to add the following words after the word “protected”, “for a minimum continuous period of 3 hours between 9.00am and 3.00pm.”
- Orientation (3C-1.5 – Length of solid walls is limited along street frontages) – It is recommended that a maximum percentage or other measure be included to clarify the maximum length of solid walls.
- Visual privacy (3F-1.2 - Separation distances from buildings to side and rear boundaries) – It is recommended that this acceptable solution include a notation that a zero side setback may be required in cases of B3 Commercial Core or B4 Mixed Use zoned land where a continuous street frontage is desirable.
- Pedestrian access and entries (3H-1.8 - The width of vehicle access points is limited to the minimum) – Unclear what this acceptable solution means – Rewording is recommended.
- Car parking (3J-1.2 - Number of visitor spaces are limited, particularly in basements to 1 space per every 10 apartments) – This acceptable solution applies not only to the B3 Commercial Core and B4 Mixed use zones in Wollongong City Centre and Warrawong sub-regional centre but also to the R3 and R4 zones in the City of Wollongong. In Council’s view, the reduced parking ratio of 1 space per every 10 apartments should only apply to the B3 and B4 zones in Wollongong City Centre and the Dapto and Warrawong sub-regional centres.
- Car parking (3J-4.2 point 2 – Cars are screened from view of streets, buildings, communal and private open space) – This acceptable solution may not be practical in a variety of circumstances and it is recommended that it be reworded to ensure car parking does not dominate streets and public areas and is positioned to screen from street frontages.
- Facades (4C-1.5 – Shadow is created on the façade throughout the day with building articulation, balconies and deeper window reveals) – In it unclear why building façade shadows are recommended – It is recommended that this solution be reworded to clearly explain and better define what is required.
- Solar and daylight access (4L-1.3 - The number of single aspect west and south facing apartments is minimised) - It is recommended that a percentage be provided for west and south facing apartments to clarify the maximum number of west or south facing apartments permitted in a development.
- Common circulation and spaces (4M-1.1 – The maximum number of apartments off a circulation core on a single level is eight) – The ‘rule of thumb’ in the Residential Flat Design Code allowed for an exception to the maximum of eight apartments off a circulation core in cases where the adaptive reuse of buildings was envisaged. A similar exception is recommended in this case.
- Apartment Layout (4N-1 - The minimum apartment sizes are nominated as part of the ‘acceptable solutions’) - The developer may choose to satisfy that ‘acceptable solution’ or by

seeking an 'alternate solution'. Therefore, a developer may propose even smaller apartments as 'alternate solutions' provided that the spatial arrangement and layout of the apartments is functional, well organised and provide a high standard of amenity. However, Council is unsure as to how it will measure 'what is a high standard of amenity' in the event that an applicant proposes apartments below the 'acceptable solution' standards. In this regard, Council requests that the Department consider relevant points to clarify what constitutes a 'high standard of amenity'.

- Storage (4R-2.3 – Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages) – This solution does not include the Residential Flat Design Code provision to ensure that basement storage does not compromise natural ventilation in the car park or create potential conflicts with fire regulations. Recommend similar wording to this acceptable solution point.

Should you have any enquiries or wish to discuss this matter further, please contact Mr Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods or Mr Ron Zwicker, Special Projects Manager on (02) 4227 7284 or (02) 4227 7639, respectively.

Yours faithfully



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