



31 October 2014

Acting Director, Local Plans, Codes and Development Guides
Planning & Environment
Via online submission: <http://www.planning.nsw.gov.au/proposals>

Re: Improving apartment design and affordability – SEPP 65

SSROC is an association of sixteen member Councils that collectively represents over a quarter of the population of Greater Metropolitan Sydney. We appreciate the opportunities and challenges presented by urban renewal and consolidation in our already densely built region and seek to work collaboratively with the NSW Government to ensure quality development outcomes for our communities.

We therefore thank you for the opportunity to review the proposed changes to State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings (SEPP 65) and draft Apartment Design Guide that succeeds the 2002 Residential Flat Design Code.

The Guide emerges from a lengthy review process that commenced with an exhibition of a Discussion Paper on the Residential Flat Design Code between November 2011 and February 2012. The revision of SEPP 65 and the drafting of the Guide are welcomed by SSROC member Councils, who feel that it has proven to be a very effective assessment tool by which the design quality and residential amenity of apartment buildings has significantly improved.

We would like to offer the following comments about the proposed changes to SEPP 65 and the associated Apartment Design Guide (the Guide).

1. Definitions and Inclusions

SSROC is pleased that the proposal includes expansion to include more varied multi-dwelling developments including mixed use development and some forms of shop top housing. We would like to see SEPP 65 expanded further to include serviced apartments, student housing and boarding houses, as these types of dwellings are at particular risk of poor design quality and amenity.

Lvl 2, Suite 2E, Hurstville House
34 MacMahon Street
Hurstville

PO Box 536
Hurstville NSW 1481

Ph: 9330 6455
Fx: 9330 6456
Email: ssroc@ssroc.nsw.gov.au
Web: www.ssroc.nsw.gov.au

We support the application of BASIX to apartments and are pleased that SEPP65 will clarify this issue for our member Councils.

SSROC member Councils feel the SEPP and Guide could be further enhanced if the design quality principles also referred to guidelines for:

- heritage conservation and adaptive re-use;
- land use and transport integration;
- accessibility guidelines, including through site links and shared zones for pedestrians, cyclists and vehicles;
- good practice parking management, including car sharing, resident parking schemes, mobility parking, public domain parking and bicycle storage; and
- the same energy efficiency standards in RFBs that are required in commercial developments;
- disclosure of a Building Energy Efficiency Certificate in the sale and lease of all new apartments, providing NABERS Energy Star ratings and general energy efficiency guidance for prospective new owners and tenants.
- waste audit projections and management plans as a requirement of all new RFBs;
- minimum configurations for service entrances and spaces to permit garbage trucks to enter, operate and exit safely;
- resources for design review panels.

SSROC considers that SEPP 65 has proven to be a very effective state policy in improving the design quality and residential amenity of residential apartment buildings. However, with metropolitan Sydney shifting toward higher density living, SSROC considers it a missed opportunity that NSW planning policy does not address these themes.

2. Controls

Overall there is a sense that it is difficult to have both consistency and flexibility in the planning system and we should acknowledge that this is a very challenging path. Feedback from some Councils has been that the relationship between the SEPP, the Guide, and local controls (DCPs) is muddled with hierarchical inconsistency - for example sections of the Guide override DCP controls (clause 6A). Yet the Guide provides for only minimum standards and the number of exceptions and alternative measures could help justify bad buildings. Councils may be unclear as to the requirements for applications to satisfy “alternative solutions” and their own ability to accept and merit assess them.

Some SSROC member Councils would then like to see the certification process extended to the specific controls within the Guide. Signoff at the level of guide controls would provide greater certainty that applicants had considered all elements of the Guide in their submissions.

SSROC suggests that once this clear standard is established, there could then be a pathway provided for site-specific, merit-based assessment to enable some flexibility within the approvals process.

Given the likely increase in RFBs in metropolitan Sydney and the requirement for sustainable development, it would be appropriate for some aspects of the Apartment Design Guide to be given statutory weight, particularly in relation to the key design principles under SEPP 65 which provide extensive information covering all aspects of apartment buildings design. It is disappointing that the performance framework in the Guide is not robust, with no enforceable nominated standards.

If the intention is for the policy to provide and clarity, then the empirical basis upon which the standards are based is needed. SSROC suggests that once a clear standard has been achieved, then a pathway should be provided for site-specific, merit-based assessment to enable some flexibility within the approvals process.

3. Mix and spacing of dwelling types

Further on the issue of controls, SSROC is concerned that the NSW planning system does not provide assurance that the right mix of apartment types or sizes is being developed for Sydney's present and future population requirements. With high demand for housing, particularly in our region, it is understandable why developers would seek to maximise profits by only catering for the smaller apartment sizes.

SSROC would like to see the revised SEPP providing controls over the mix of apartment sizes to cater for a variety of demographics and the diversity of contemporary households. This would require the Department to invest in a more empirical understanding of population, immigration and social trends.

Similarly, there is no provision for the spacing of RFBs. The combination of large numbers of small units in high-density developments clumped together rather than distributed throughout the community can result in social stratification and poor community health outcomes. Housing may become more affordable as a result, but achieving affordability in that way would also bring significant social disbenefits.

4. Parking

The SEPP 65 review has identified the provision of some parking as adding unnecessarily to the cost of apartments. Consequently the review proposes to reduce car parking in proximity to rail stations either to no minimum standard in inner and middle ring suburbs or to the lesser of Council/RMS guidelines in outer suburbs.

Most SSROC member Councils would support this option, but those with train lines operating at near to full capacity would be less enthusiastic and may question the economic viability of units in areas where there is no access to private parking, restricted on-street parking and overcrowded and unreliable public transport. The appropriateness of reduced parking facilities should also be considered in the context of each individual development, where accessibility to shops, schools, medical centres and recreational centres needs to be practicable by alternative means. Again, while this might reduce the cost of housing, it is not an ideal way to produce affordability outcomes.

It is timely for the NSW Government to revisit the delivery of a metropolitan parking strategy to support land use and transport integration. Such a strategy would provide the strategic context and evidence base necessary to support the SEPP 65 car parking standard and Council DCPs and improve consistency across the region.

5. Housing affordability

Policies for achieving affordability should extend beyond increasing housing supply and reducing costs of development. As indicated above, affordability should not come at the expense of social health. There is a need for a national approach to housing policy for low income workers, many of whom provide essential services in our region and yet cannot afford to live anywhere near their place of employment.

SSROC member Councils look forward to working with the NSW Government to deliver more affordable housing opportunities for our present and future residents. Councils have considerable skill, knowledge and willingness to assist in planning expertise, community consultation, strategic site identification and the facilitation of local affordable housing development projects.

6. Waste Management

Lack of sufficient controls in relation sustainable waste management is of specific concern to local government, and SSROC wishes to make the following brief comments:

a. In regards to pg. 126 4W – 1 Waste Management criteria:

- i. *Adequately sized storage areas for rubbish bins are located discreetly away from the front of the development or in the basement car park.* SSROC feels this criterion should be more prescriptive in terms of guiding developers to provide a certain minimum storage area based on the number of apartments. There is also no specific allowance for recycling bins.
- ii. *Garbage storage areas are well ventilated.* The term 'garbage' sends the wrong message. *Waste and recycling or waste resources* would be more appropriate.
- iii. *Temporary storage is provided for large bulk items such as mattresses.* There needs to be minimum per capita space thresholds so that enough room is put aside for collection of household clean up items, including problem waste e.g. E-waste and chemicals.
- iv. *A waste management plan is prepared.* Non-specific language makes this open to interpretation regarding the standard of preparedness. A Waste Management Plan should be referred to here in addition to a Site Waste Minimisation and Management Plan (for demolition/construction and ongoing management).
- v. Suggested criteria addition – Waste & Recycling storage areas have adequate signage on acceptable items and their appropriate location.

b. In regards to pg. 126 4W – 2 Waste Management criteria:

- vi. 1 & 2 – Suggest change to waste and recycling cupboards and for 'communal garbage rooms' and change to waste and recycling resource rooms for same reason as item ii above.
- vii. 2 - *Communal garbage rooms are in convenient and accessible locations related to each vertical core* – unclear as to what 'convenient and accessible' actually means. A clear standard should be referenced here to make it meaningful.
- viii. Overall design needs to allow waste and recycling trucks to enter, operate and exit safely.

Overall, SSROC acknowledges that SEPP 65 has proven to be a very effective state policy in improving the design quality and amenity of residential apartment buildings and the revisions are generally well supported. However, with metropolitan Sydney shifting toward higher density living, and the desire for new developments to be appropriately sized, affordable and sustainable over the long term, it would be appropriate for state planning policy to address these issues through SEPP65 and the Apartment Design Guide.

Thank you for the opportunity to provide these comments. SSROC looks forward to participating in future consultations regarding state planning policy and the NSW planning system more broadly. Should you wish to discuss any of the issues raised, please contact me or SSROC Program Officer, Gina Ross, on 02 9330 6455 or at ssroc@ssroc.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink that reads 'Dougall'. The signature is written in a cursive style with a large, looped 'D'.

Namoi Dougall
General Manager