

Warringah Council

**Submission in response to the exhibition of proposed changes to Improving
apartment design and affordability - State Environmental Planning Policy No 65**

October 2014

Part 1 of Submission

Apartment Design Guide

General comments

1. Renaming 'code' to 'guideline' – Changing the name to 'guideline' will have less credibility especially when referred to in the Land and Environment court.
2. Deep soil zones in Town Centres and Mixed-use Business Zones should be exempt from deep soil requirements, as they are difficult to achieve.
3. There are clarification that the SEPP applies to residential flat buildings, as well as shop top housing and mixed use development that includes apartments – Does it apply to SEPP Seniors Housing or SEPP Affordable Housing?
4. Affordable housing is covered by other policies and controls. Inclusion in SEPP 65 could and would lead to inconsistencies and double up in the assessment process. Whether one particular SEPP overrides another SEPP continues to be an issue of contention.
5. Assessment times are subject to separate legislation. Inclusion in SEPP 65 could lead to inconsistencies.
6. There are clearer design advice for natural ventilation and daylight to reduce the need for consultant reports however acceptable solution will still need to be submitted by 'expert' consultant.
7. New guidelines, procedures, templates and supporting documents have been provided to assist with design review panel operation – Please provide additional template for assessment compliance to assist applicant and Council as part of the Environmental Impact Statement submission.
8. Alternative solutions have been provided for deep soil/ communal open space requirement in certain locations (small sites, dense urban areas, in centres) – Please also include alternative solution of landscape over building structure to be 1m deep clear of drainage layer.
9. The guide introduces achievable universal design benchmarks to 20% of apartments to improve home safety, reduce renovation costs and enable access for wider sectors of the community – 20% will be difficult to achieve, please consider 'minimum 10%'.
10. Relationship between building separation and setbacks needs to be clarified. Please provide design solution for privacy screens for windows in habitable rooms that are less than 12m apart if they cannot be avoided.
11. Please consider design verifications to be submitted at Construction Certificate stage to ensure quality design has been carried through to construction from Development Application stage.

Comments in relation to:

Item 1B – Local Character and Context

- The 'range of scales' required to be considered should be refined to address specific types of residential flat buildings. Large scale towers would need consideration over a wider scale than a 3 storey walk-up.

3B-2 – Overshadowing

- Performance Criteria "Buildings are orientated at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development" assumes regular lot shapes and is not practical in many circumstances. This should be removed.

4A-1 – Apartment Types

- Acceptable Solutions "Flexible apartment configurations, such as dual key apartments, are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households" could be problematic in areas which do not have capacity to reduce on-site car parking requirements. Dual key effectively doubles population in an apartment. This works in inner city areas but not in suburban areas where car parking and public transport options are limited.

4R-1 – Storage

- Acceptable Solutions 3 "Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street" should not be encouraged as this will impact upon private open space and potentially, the aesthetics of the building facade.

4S-2 – Noise

- Acceptable Solutions 6 "Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas are located at least 3m away from bedrooms" is too generic and too short a distance as noise produced varies depending on the source and environmental factors peculiar to the site/area. It should be based on good design principles and be at least 5m away.

Part 5 – Design Review Panels

- A set Council Design Review Panel should be established which reviews Residential Flat Buildings at key stages (Pre Lodgement Meeting & Lodgement to ensure consistency with SEPP). Please consider the Panel to consist of Urban Design, Planning, Landscape, Engineering & Waste.

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- 'Deep soil' definition on should read '6m wide'

Part 2 of Submission

Draft SEPP 65 Amendment

Comments in relation:

Clause 2(3)(h)

- Is this onerous? As this is a performance issue, how can this be considered as an aim or objective of the SEPP? What is "timely and efficient assessment"?

Clause 4(a)(ii)

- Can 'substantial' be quantified in the SEPP as a percentage to remove any ambiguity?

Clause 6

- Subclause 1 does not currently exist but I presume that Subclause 1 will refer to the existing clause? If so, should subclause 2 include references to other related SEPPs (Seniors/Affordable) where similar Standards may apply.

Principle 3

- Refers to dwelling density. The density definition should be added to the glossary and should adopt the definition of dwelling density from the Standard Instrument LEP.

Clause 30

- Three clear issues that consent authorities cannot use to refuse a DA (ceiling heights, apartment size and car parking rates) – Would SEPP 1 objections be required? Can the LEP 4.6 Exception to development standards be used to justify non-compliance?