PROPOSED AMENDMENTS TO

STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

SUBMISSION BY

AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS &

LOCAL GOVERNMENT LANDSCAPE DESIGN FORUM

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Australian Institute
of Landscape Architects

SUBMISSION BY

Australian Institute of Landscape Architects (AILA)
Vanessa Trowell
Advocacy Manager
Level 5 68 - 72 Wentworth Avenue Surry Hills NSW 2010 Australia
Telephone +61 2 9427 4669
Email vanessa.trowell@aila.org.au

At the time of the submission the office bearers of the AILA NSW Group are:

- President James Grant
- Vice President Roger Jasprizza
- Treasurer Vikram Mukherjee
- Secretary Julie Lee

This paper was prepared by:

- AILA Deborah Eastment, Jane Irwin, Helen Mansfield, Vanessa Trowell
- LGLDF David De Fina, Trevor Ryan, James Frawley

ABOUT AILA

AILA is the peak national organisation representing and harnessing the collective interests of the Australian Landscape Architecture profession and oversees the professional recognition of Registered Landscape Architects. AILA has a rapidly growing membership with current membership of 2,000 professionals.

AILA is the vehicle by which the Landscape Architecture profession is able to raise awareness, initiate and lead engagement with the wider community on issues of strategic importance to the natural and built environment. AILA works actively in the service of the public interest in creating living places.

AILA provides leadership in the education, professional development and ethical behaviour of members and to influence decision making in response to the evolving knowledge, understanding and requirements of people, natural and built environments.

AILA actively anticipates and develops a leading position on issues of concern relating to the design, planning, management and stewardship of the natural and built environment. It seeks to be comprehensively acknowledged in this role by allied professions, political and community leaders and the wider public.

ABOUT LGLDF

The NSW Local Government Landscape Design Forum (LGLDF) is a group of approximately 135 members representing landscape architects, landscape and urban design professionals who work in the NSW public sector mostly in local government but also including some other statutory authorities.

LGLDF members are employed in a number of different positions with responsibility for open space management, landscape design and project management, strategic planning, and development assessment and regulation.

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1 EXECUTIVE SUMMARY

SEPP 65 and the Residential Flat Design Code (RFDC) have significantly improved the design quality and amenity of residential apartments over the last 10 years. AILA and the LDLDF support the ongoing development and refinement of this policy.

AILA has a number of significant issues regarding the exhibited SEPP 65 and Apartment Design Guide (ADG) and provide the following recommendations.

Recommendation 1: Incorporate numeric standards into SEPP 65

AILA recognises landscape amenity and quality and high quality architectural design are interrelated. Building and landscape numeric standards have a significant impact on development quality, and strengthening these standards will provide clarity and certainty. To achieve quality and certainty AILA recommends that that these core numeric standards be placed in SEPP 65. AILA also recognises that the NSW planning system already includes mechanisms that allows for the ability to vary development standards contained within environmental planning instruments (Clause 4.6 of the Standard Instrument Local Environment Plan).

Recommendation 2: Remove ambiguity from assessment

The current terminology of performance criteria used in the ADG is unclear and imprecise. Performance criteria are numerous and have not been classified according to importance, thereby further increasing confusion in application and assessment. The absence of numerical standards and the allowance of various interpretations of performance criteria through an undefined *different design feature or method* make it difficult to assess the acceptability of the design. AILA recommends that the current performance criteria in the ADG be substantially revised and renamed objectives, and as noted above that key numeric standards are elevated into SEPP 65.

Recommendation 3: Recognise the importance of landscape and building controls in addressing the urban heat island effects and improving climate adaptation

Deep soil zones/landscape on natural ground is inadequately addressed and needs more weight in the site planning process to achieve the right outcomes - it is a site planning as much as a landscape issue. The idea that deep soil zones need to be contiguous areas of undisturbed natural soil, allowing hydrological water movement to support nutrient levels, needs to be made very clear. They can be achieved on one site and, ideally, across site boundaries. Disparate and small areas of deep soil are not useful. Incentives for proponents to provide satisfactory deep soil zones need to be developed. Deep soil controls should be elevated as a minimum requirement to development standards in SEPP 65 but allow for LEP overrides that reflect local council controls. Deep soil should be elevated into primary controls (Part 2). Deep soil dimensions should be increased from a minimum of 3 metres to 5 metres. Tree replenishment requirements should be incorporated into development controls.

Recommendation 4: Strengthen requirements to improve the public domain

High quality streetscapes and public domain are directly linked to landscape and building design. This is one of the most important aspects of apartment design whereby poor building design has the capacity to erode the quality of streetscapes, through the creation of blank facades, walls and fences. This should be addressed through internal apartment design, improving apartment address to streets, and requiring design variations for ground floor apartments to improve passive surveillance. The ADG inadequately addresses this issue and principles (page 12-13) and section 3C be substantially revised to address these issues.

Recommendation 5: Elevate communal open space requirements as minimum controls to development standards in SEPP 65

AILA recognises that with increased urban density, the provision of adequate space and quality of communal open space is fundamental for amenity. Therefore the exclusion of communal open space from development standards is not supported and should be incorporated, with an allowance for LEP overrides that respond to local context and conditions.

2 INTRODUCTION

The Australian Institute of Landscape Architects (AILA) and the NSW Local Government Landscape Design Forum (LGLDF) supports in principle the proposed review and redrafting of SEPP 65 and the new Apartment Design Guide (ADG).

Landscape architects play a fundamental role at all levels of planning and design in the natural and built environment. The complexity of environmental, economic, social and cultural outcomes is managed through working collaboratively with allied disciplines, in creating productive, liveable and sustainable places.

AILA and the LGLDF believe that the SEPP and ADG need to work more seamlessly. ADG needs to address site planning issues first, followed by more detailed building design issues in accordance with the natural design process. This will ensure site planning issues have the required weight to achieve the right site planning outcomes.

It is important that collaboration with local authorities continues to be encouraged on issues relating to aesthetics, amenity, context, landscape, streetscape, and heritage. The SEPP needs to be very clear about the issues on which the ADG can prevail, and the issues on which it cannot. Alternatively, the ADG needs to clearly/deliberately direct proponents to collaborate with local authorities to determine local historical issues, context, transitional character, future desired character, setbacks and other place based contextual/aesthetic considerations. This submission by AILA and the LGLDF addresses both the SEPP and ADG.

3 SEPP 65

Detailed commentary on the draft SEPP 65 document is presented below.

3.1 PART 1 PRELIMINARY

Clause 6A _ Relationship with other environmental planning instruments.
This clause seeks to ensure that the ADG prevails over local DCPs against a range of controls including visual privacy, solar and daylight access, common circulation and spaces, apartment layout, ceiling heights, balconies and private open spaces, natural ventilation and storage. The objective to simplify requirements for new apartment development and to streamline the range of applicable documentation for developers and consent authorities is understood, but there is concern that a blanket approach for some issues is not appropriate, especially where local policies already reflect the aims of the SEPP.

The change promotes application of a minimum standard based on affordability, rather than local development standards based on the needs and expectations of the community. This has the potential to remove flexibility for the differing application or interpretation of guidelines to suit varied localities and contexts. It may impact ability to preserve/create different characters in different places if development proponents are not directed to collaborate with local councils to assist understanding of relevant local issues, particularly character and context issues. It may also lead to an erosion of council influence in on local development in the future. This will potentially have a knock on effect to the way in which councils can contribute to the future development and landscape characters in a local LGA context.

An area of concern is the Identification of local context, areas in transition, and desired future character which are usually best articulated in local DCP's. Controls in the ADG that have a bearing on these issues should not prevail over local policy requirements. More weight should be given to the importance of identifying and responding to local context. Adjustment in hierarchy of document to elevate importance of defining broad contextual setting and scale issues before detailed building considerations (Parts 1, 2 and 3). Deletion of ‘desired future character’ as a criteria in identifying context.

3.2 PART 3_DESIGN REVIEW PANELS

Clause 21_Membership of Panels
Existing Clause 21(3) seeks to include *at least one member of each design review panel [with] an appreciation of the design issues of the region or area for which the panel is constituted.* This is removed by the proposed amendment. This change is consistent with the emphasis of changes in Parts 1 and 2. The combined effects may lead to a general erosion of the potential for local government to demonstrate responsiveness to regional or contextual differences or to respond to locally specific concerns or regional concerns about development proposals.

A landscape architect should be included in all DRP’s.

3.3 PART 4_APPLICATION OF DESIGN PRINCIPLES

Clause 28_Determination of development applications

Sub-clause (3) - The time frame for design panels to consider whether an application adequately addresses the design quality principles and the performance criteria in the Apartment Design Guide is 14 days – reduced from 31 days in the current SEPP. Whilst it is ideal to streamline the time frame for the application approval process, this time frame is challenging for professionals likely to be juggling other commitments and may jeopardise the realistic capability of design panels to undertake the necessary reviews, especially if review by a design panel is not mandatory under the legislation (refer sub-clause (1)).

Clause 30_Standards that cannot be used as grounds to refuse development consent or modification of development consent.

These include new minimum and zero car parking requirements depending on the location of the proposed development relative to rail transport options and regional centres. It is ideal to encourage residents to use public transport where it is available by restricting car parking but this provision should respond to the *scale as well as the location* of the proposed development. Zero car parking for a small 3-4 townhouse development is manageable, even desirable, but zero car parking for a 80-100 unit development or a larger urban regeneration project is likely to cause significant parking issues for council and existing residents. While the objective of reducing parking requirements is good, it should be in accordance with tailored targets. Concerns are raised where targets may not be assessed on the basis of local car parking studies.

Again, the diminished relevance of local DCPs means that all development is held to consistent standards across the State and that DRP's will only assess against a single standard rather than against standards developed to better suit locally significant factors.

3.4 SCHEDULE 1_DESIGN QUALITY PRINCIPLES

Principle 1: Context and Neighbourhood Character (page 12)

A good summary of the important characteristics of context and neighbourhood character but note that the reference to desired future character as defined in local planning and design policies, referenced in the current Residential Flat Design Code, has been deleted in this paragraph and in other parts of the document. It is important that in considering this issue the new ADG still directs proponents and consent authorities to local planning and design policies which identify local and desired character based on local community, industry and other key stakeholder consultations, and which allows local authorities some control over locally significant issues.

The amended principle shifts emphasis from understanding current character elements to viewing these elements in the context of changing conditions. Taken together with other minor changes, the amendments may alter the emphasis away from preserving, renovating and valuing existing elements of character or cultural significance and increase an emphasis on new buildings defining future character.

Principle 5 – Landscape

Landscape Principle definition – this needs strengthening. The language is too weak and has become weaker in the most recent proposal. Suggested wording:

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Well planned landscapes should support the broader context of the proposal and respond positively and sympathetically to the existing landscape character of the neighbourhood. An appropriate landscape response to site will achieve the important 'sense of place' required to engender and optimise useability, privacy and opportunities for social interaction specific for the site and site context, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Good landscape design should contribute to improved interface outcomes, particularly at the public street interface, to engender opportunities for increased habitat, shade and seasonal solar access, human scale mediation and increased social interaction outcomes.

4 APARTMENT DESIGN GUIDE

The changes in the ADG generally appear to be a reasonable update of the RFDG document and extends the range of housing types considered under the guideline. The following comments focus primarily on issues relating to amenity, context, landscape, and aesthetics.

Generally, the changes appear to be a good update of the Residential Flat Design Code, however they do reduce minimum standard requirements, for instance, unit sizes. The main objective is couched in terms of affordability. However affordability can be achieved in other ways such as the provision of a mix of unit types and choice. Achieving affordability should not simply reflect the application of a minimum standard. It may be more useful to set controls around an appropriate mix of unit types and a permissible percentage of units being constructed at those recommended minimum sizes.

4.1 PART 1- IDENTIFYING THE CONTEXT

This section would benefit by elevating the importance of defining broad contextual setting and scale issues, in the first instance, so that they inform the best possible design quality outcomes in site development and apartment building design. Built form outcomes that positively respond and contribute to context strengthen outcomes for the public domain, streetscape interfaces and general character setting. An adjustment of the hierarchy of this section looking at broad scale character and context issues first before delving into precinct, individual site and building typology considerations is recommended.

Similarly, Parts 2 and 3 address developing building controls before siting of the development. Suggest again that the broad scale analysis issues in Part 3 should be addressed before the more detailed building controls (currently Part 2).

Part 1B_Local Character and Context.

Under *Wider* and/or *Neighbourhood Scale* (page 24) text should also include a requirement to locate surrounding public open space and recreation facilities to strengthen understanding of relevant local contextual issues (note - this is included on the example drawing Fig 1B.4). This is typically a DCP requirement as provision of communal open space within a development should be considered in the context of what is available nearby. The relationship of developments, particularly large developments (described as precincts), to available recreation/open space amenity is vital in building communities. Analysis plans for larger developments should include existing open space/parks/playgrounds within walking distance - 800m not 400m as a minimum (refer Fig 1B.5).

4.2 PART 2_DEVELOPING THE CONTROLS

Part 2E – Building Depth (page 36)

Text definition of overall building depth dimensions (page 36) should include 'basement car parking'. The term 'building depth' in this section generally does not differentiate between 'overall' and 'residential component' building depths. This should be clarified throughout. Criteria for determination of 'overall building depths' including basement car parking appears not to be addressed and should be identified here as a maximum to ensure that adequate setbacks and deep soil zones are preserved at the site planning stage. Providing adequate deep soil zones should be a focus of site planning endeavours and should have weight against other criteria (eg visitor car parking) so that deep soil zones are not just disparate left over spaces.

Incentives for greater ceiling height may be achieved at the expense of available landscape on natural ground (ie greater building depth may be permissible). Instead incentives to maximize landscape on natural ground should be included and should not be compromised.

The terminology is used to recommend “incentives” is ambiguous and could lead to further confusion, allowing for further issues related to assessment of appropriate incentives. I would recommended that this be rephrased as I had previously noted above, as strong and unequivocal statement of the importance of deep soil and tree replenishment and elevation of minimum numeric standards to the SEPP.

Point 6, Page 37 - states that developments with greater ceiling heights need greater building depth to achieve satisfactory solar access implying this compromise to be a permissible option. There is concern that building depth creep achieved in this way would be at the expense of landscape area on natural ground (deep sol zones). Suggest instead there should be incentives for the proponent to maximise landscape on natural ground.

2F_Building Separation (page 38)

Building separation objectives (page 38) and considerations (page 39) should also include incentive for proponents to provide suitable areas for shade tree planting in natural ground at a scale that will provide temperature control, shade, visual and general amenity for residents and buildings where site conditions allow (refer preliminary notes).

2G_Street Setbacks (page 40)

Street setback objectives (page 38) and considerations (page 39) should also include incentive for providing a suitable setback areas for shade tree planting in natural ground at a scale that will provide temperature control, shade, visual and general amenity for residents and buildings where site conditions allow. The requirement for articulation/projections on buildings should not impact the ability of the street configuration to support shade trees (private front or side setback, o in the public realm) in suburban settings.

It would be ideal to show larger trees and more consolidated tree plantings in indicative plans and sections to demonstrate a more desirable scale of private lot and street tree planting (refer page36, 38, and 41).

This section includes positive references to *landscape* and *streetscape* outcomes but no actual incentive to accommodate *shade trees* in the private street frontage (in relevant suburban development). These will provide shading, cooling (heat island effect), and general amenity for the long term benefit of residents, the streetscape, and prevailing micro-climatic conditions. The term *landscape* is typically interpreted by proponents/developers as screen or decorative planting (refer comments at 3C, 3F and 4B on privacy, surveillance and ground floor apartments) as opposed to more substantial shade tree planting. There needs to be more tree planting on private land in deep soil zones. Streetscapes are too compromised to support the shade coverage necessary to achieve temperature control, shade, visual and general amenity for people in urban areas.

Urban forests have been found to be very effective methods for city heat mitigation. However, vegetation takes a long time to grow and may not be as appropriate in every part of a city, so we need a greater diversity of solutions.

It is important to design at the street level scale: particularly in those places used the most. The spaces between buildings are necessary to urban functionality and where people spend most outdoor time.

A recent study in Sydney found that streetscapes have higher minimum temperatures than rooftops indicating the importance of cooling this highly used part of the city. Streets, train stations, even car parks can be designed to contribute towards much cooler experiences.

Fig 2G.3 - it would be useful to show the street setback zone on this section to clarify that it is the area of private space behind the site boundary.

Consideration (page 41) - should include a recommendation allowing for the provision of canopy trees within the front setback where potential exists to encourage planning for shade in the streetscape.

Figure 2G.1 - is a poor setback example showing conflict between awnings and street trees to the detriment of the streetscape setting.

4.3 PART 3_SITING THE DEVELOPMENT

3A Site Context and Survey Plan (page 46)

Point 4 (page 46) – additional landscape features to be shown on the site survey plan should include: mature trees on adjoining sites; RL at the base of existing trees on site; TPZ's of large trees on development or adjoining site within the influence of the proposed development, and the location of the invert and top of bank (both sides) of any natural watercourses on the site including contours and regular spot levels as required.

Point 6 – should also require that analyses show findings/constraints from relevant ecological, heritage and hydrological studies such as ecologically valuable trees/vegetation, heritage items, core riparian zones etc that may also constrain development.

Wider Context Plan (Page 47) - Suggest the wider context plan should show a larger walkable distance area of 800m to capture additional relevant local and regional facilities, especially public open space, to inform better understanding of site context.

3C_Public Domain Interface (page 52)

Public domain interface issues are addressed in the principles (page 12-13) and within sections dealing with landscape and building design, including section 3C. This is one of the most important aspect of apartment design that has the capacity to erode the quality of streetscapes. This is evident now in many streets that have blank walls and fences that kill a street dead with no way to retrofit. The reason for the wall effect is two-fold: apartments at ground floor are not designed for privacy and so higher fences and planting are necessarily used to block views from the street and results in a lack of interaction and passive surveillance.

Text in this section (page 52) suggests that variations in planting and fencing can create an attractive and active public domain. Suggest that relying on landscape elements to achieve a good interface that provides good street interaction and surveillance is not adequate. Consideration should also be given to the design of ground floor apartments to promote privacy ie less habitable rooms with large window openings, balconies and private open space areas.

Performance Criteria 3C-1 dot point 4 (page 53) - visually permeable front boundary treatments will not be enough if the building has large openings onto habitable rooms or private open space. This section should also include a requirement for a finer grain at the interface with different fence and landscape styles along the front of large buildings/developments.

Performance Criteria 3C-1 and 3C-2 - should include a consideration of buildings overshadowing public domain - parks in particular. Should also encourage proponent to provide *tree planting* in the front setback for applicable development (not just *planting*/*plant species*).

3E Deep Soil Zones (page 60)

Deep soil zone requirements in the ADG are reduced from that required in the RFDG and are not sufficient to meet best practice standards. Deep soils should cover as much of new development sites as possible and should be as contiguous as possible across sites to achieve the benefits set out in Part 3E. Keeping realistic and appropriate deep soil zones is critical to the future landscape character of all development whether it be town centre or suburban. Deep soil zones can provide meaningful landscapes that provide a setting and sense of place. Front setbacks are an opportunity to provide real landscape opportunities not just token softening of the built form. Where there are zero front setbacks, side and rear setbacks and open space areas become more important. Priority should be given to maintaining areas of natural soil profiles as opposed to layers of imported fill and retained edges on boundaries to achieve the required deep soil zones.

These benefits may be better served by expressing basement areas as a maximum rather than deep soil zones as a minimum to protect contiguous deep soil areas around a development (refer also recommendations under Part 2E).

Table 1 (page 60) - minimum 3m width deep soil zones for 650-1500sqm lots (refer Table 1 page 60) is not adequate to support a large tree near any significant built infrastructure. A minimum width of at least 5m would be required. Any new multi-unit development, with very few exceptions, should be able to accommodate at least a few large trees in deep soil zones for shade and amenity for the building and for residents.

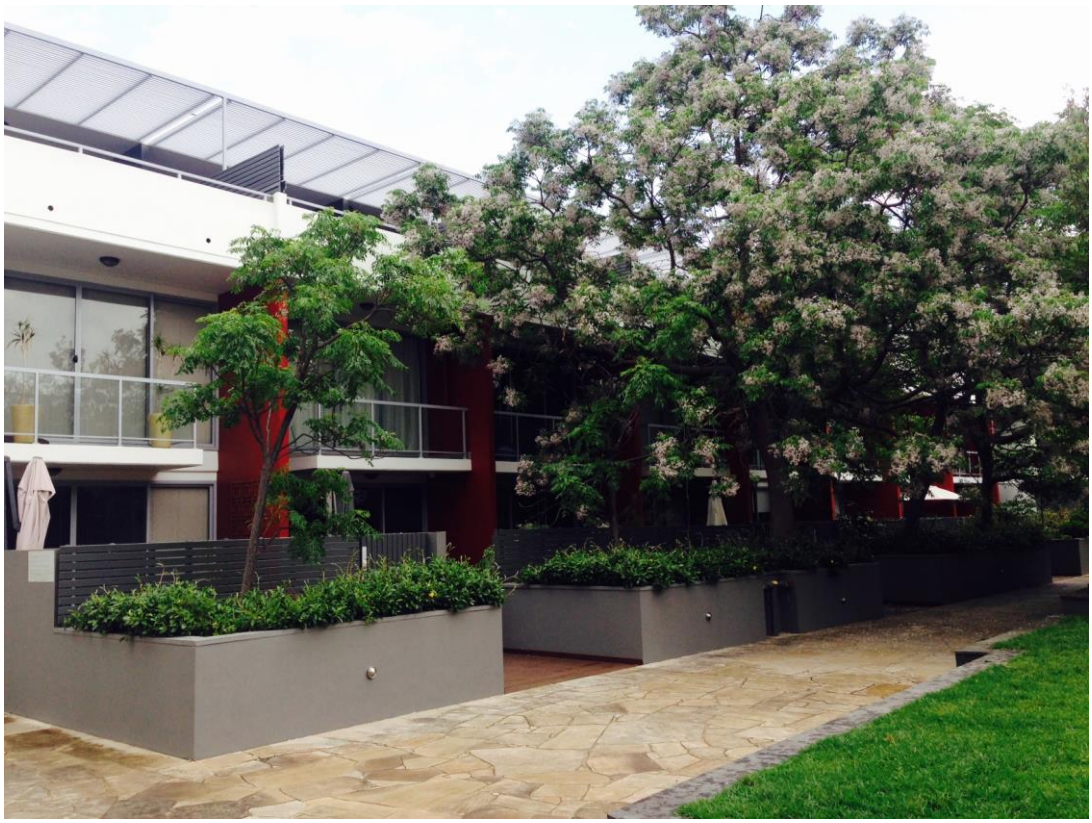
The '% of site area' requirements *(Table 1)* need to be more generous and this matrix is too coarse for the range of development types that will be assessed against it. The percentages shown are likely to be significantly less than the area of front, side and rear setbacks required under Part 2 depending on the size and setting of the development (it should reasonably be expected that basements do not extend beyond the building footprint in these setbacks). Where possible deep soil zones, sufficient to support significant shade tree planting for suitable developments, should be maintained in the front and rear setbacks to benefit development and the public domain (refer comments under 2G). Tree planting in side setbacks, where suitable, is also desirable and should be encouraged. Larger sites should be required to accommodate a significant number of large (existing or new) trees in deep soil zones.

The ADG and SEPP 65 can improve adaptation to rapidly changing urban climates. The urban heat island effect with its accompanying impacts on public health and urban infrastructure, presents a significant threat for urban populations in NSW. These climatic effects can be amplified or ameliorated through design measures. Tree canopy cover, particularly the provision of large trees within private land in urban areas vulnerable to increased heat has been shown to substantially improve local microclimates as well as provide direct shading to buildings thereby reducing household electricity usage. The capacity for large trees to be provided on private land is directly related to deep soil allowances and built form controls including building separation, depth, and setbacks. Consolidated deep soil zones therefore are essential in providing capacity for adaption and mitigation of the urban heat island effect.

Core numeric measures related to deep soil are excluded from SEPP 65. In many instances, local councils in regional locations or in localities with limited capacity to develop appropriate local controls rely on minimum design standards. If there is no numeric measures provided, this in turn leads to inadequate deep soil being provided for apartment developments. AILA therefore recommends that deep soil numeric standards be provided and clearly nominated as minimum and that a clause be included that allows local LEP controls to override these controls, if they are greater than these minimum allowances. Built form controls applied collectively (including building depth, setbacks and apartment layout and amenity) alongside deep soil standards can ensure their provision. AILA therefore recommends that all numeric standards including deep soil are elevated into the SEPP. AILA also recommends the inclusion of deep soil into primary controls within the ADG.

The loss of large trees on private land and replacement by small tree species is evident in apartment developments across NSW. Tree replenishment policies, such as those employed by Ku ring gai Council are essential in allowing for replacement of lost large scaled trees on private land. AILA recommends that section 3E be revised to include tree replenishment criteria within deep soil provisions.

The dollar value of trees related to the contribution to the development in terms of saved cooling /heating costs, reduction in glare, aesthetic value, visual screening etc should be calculated as an asset figure either contributory to the development or if trees are to be lost on site, as an asset deficit which needs to be offset as a dollar figure with increased deep soils zones or similar as an incentive for developers to retain existing tree or allow sufficient space for replacement trees.



A series of Melia Azederach (White Cedar) planted in Alexandria in 2004 . The trees to the right of the image are planted in deep soil (planter box is effect only) with the trees to the left planted over basement car parking.

IMAGE CREDIT: Peter Smith

Performance Criteria 3E1(3) page 60 – need to clarify the meaning and intended application of this table. Is it a reference for existing/new trees at grade, or new trees in planter boxes? What depth of soil is intended in the volumetric calculation? Does it limit the number of trees that can be planted or retained? This could be easily misunderstood by many users and cannot be applied as a blanket control for different soil types and species. It may lead to confusion and frustration.

Performance Criteria 3E-1(4) page 60 – need to clarify the meaning and intended application of this performance criteria.

Performance Criteria 3E-2(2) page 60 - services are required in deep soil zones need to be installed in accordance with best horticultural practice particularly where there are existing trees.

Alternative Solutions (dot point3, page 60) - the opportunity to 'bargain' away the requirement to provide DPZ by replacement with a rooftop garden or a vegetable patch is a poor outcome if that were to be the interpretation applied to an application.

3F_Visual Privacy

Performance Criteria 3F-2 (page 65) - more should be said about the design of ground floor apartments in achieving privacy. At ground floor privacy from the public domain cannot be achieved adjacent to habitable rooms with large openings, balconies or private open space without commensurate loss of interaction and passive surveillance (refer comments under 3C). Ground floor apartments must be designed differently to apartments on upper floors, less habitable rooms with large openings and a focus on smaller openings and a clear front door.

3H_Vehicle Access

Performance Criteria 3H-2 (page 69) - more should be said about minimising the design of long solid walls alongside driveway alignments, and within front setback generally, which highlight the car park entry and visually dominate the front setback setting (in applicable developments). Figure 3H.5 is a good example of how a solid wall highlights the vehicle entry to the detriment of the overall building presentation.

4.4 PART 4_DESIGNING THE BUILDING

4B_Ground Floor Apartments

This section would benefit from more text addressing the conflicts that arise between ground floor apartments and good public domain interface. The two examples at 4B.1 and 4B.2 are good but there is no explanation of why (smaller openings to the street, identifiable front door, lower front fence, front fence with reasonable openings). The example at 4B.5 is a poor outcome with respect to public domain interface providing no interaction with the public domain/community space and no potential for passive surveillance.

Performance Criteria - these sections could look at acceptable ground floor uses and treatments in more detail.

4E_Landscape Design

Table 3 (page 85) - the minimum number of trees to be planted in deep soil zones needs to be more generous as a starting point to encourage proponents to provide more consolidated and larger tree planting in deep soil zones where possible, and to support the aspirations implied in the performance criteria noted on the same page. The matrix is too coarse for the range of development types, settings, and site configurations that will be assessed against it.

5 CONCLUSION

In general, the Apartment Design Guidelines are similar to the Residential Flat Design Code and are valuable and well-resolved. However, the changes to SEPP 65 reduce the scope for implementation of quality design principles in responding to differing contexts.

Proposed amendments to SEPP 65 provide consistency for developers however may impact on the ability of Councils to respond to locally significant factors and to their communities. Councils may be restricted in offering protection for existing elements of the environment and restricted in having some input into the character of developments as they respond to specific natural, cultural or aesthetic features of a place, environment, area and/or region.

Arguably, the SEPP 65 changes seek to apply minimum standards across a number of key areas of consideration and place an emphasis on affordability at the expense of good design and amenity for future residents.

AILA and the LGLDF agree that the RFDG has greatly benefitted the design quality and living experience of apartments in NSW over the last 10 years. The two new documents need to operate together more effectively, with greater certainty in the controls to ensure good design outcomes, decision making, and ultimately the creation of sustainable, resilient, liveable and inclusive places.

AILA and the LGLDF look forward to contributing professional and technical expertise in a continued partnership with the Department of Planning and Infrastructure in delivering such a vision.

PRIMARY CONTROLS

Control		*Measure*	*Clause 6A*
Separations and Setbacks			
1.	Visual Privacy	Distances between windows and balconies by building height by angle	Visual privacy
2.	Setbacks, Outlook & Lightwells	Setbacks from boundaries and blank walls by building height include at height change (not zone) boundary (>50% change) Minimum light well sizes by building height (m)	Visual privacy
3.	Noisy and Polluted Environments	Separation from busy roads (height to setback by road type)	**No**-Noise & pollution
Apartment Sizes			
4.	Apartment Sizes	Apartment sizes (m^2)	Apartment layout
5.	Ceiling Heights	Ceiling heights and floor to floors (m) including in mixed use areas	Ceiling heights
6.	Living Room Sizes	Living room widths (m)	Apartment layout
7.	Bedroom Sizes	Bedroom sizes (m^2), widths (m^2) and wardrobe sizes (m x m)	Apartment layout
8.	Private Open Space – size, location & outdoor clothes drying	Size (m^2 and m), location and drying space	Balconies and private open space
9.	Storage	Storage size (m^3) and location	Storage
10.	Universal Design	Silver (100%) and Platinum (10%)	**No**-Universal
Amenity			
11.	Daylight and Natural Ventilation		
	i. To apartments	2.5:1 ceiling height to habitable room depth <u>or</u> 8m deep single sided apartments, 15m through apartments	Apartment layout Natural ventilation
	ii. To common areas	Openable external window to all corridors	Common circulation
12.	Solar Access	70% - 2hrs, 15% - 0hrs, (1m x 1m on window only not balcony)	Solar and daylight

13.	Natural Cross Ventilation	Below 35m, 60% cross vent (corner and through apartments only, air path and window sizes, 6:1)	Natural ventilation
14.	A window for every habitable room	External directly visible window, no borrowed light (high sills and lightwells secondary only) 5% effective openable window/door area	Apartment layout
15.	Kitchen windows	25% of kitchens have a window in an external wall <3m to basin	Apartment layout
Social and Safety			
16.	Entry from street	Direct entry from street to ground level apartments	**No**-Ground floor
17.	Dwellings per core	8 per core per level, # per lift (defined by BCA Lift LOS)	Common circulation
18.	Unit Mix	% ranges **[Local over-ride permitted]**	**No**-Apartment mix
19.	Communal Private/Open Space	Low High Size and dimensions (m^2 and m) **[Local over-ride permitted]**	**No**-Communal
Parking and Servicing			
20.	Minimum and Maximum rates near public transport	Minimum and maximum rates near transport, footpath crossovers **[Local over-ride permitted only if lower]**	Cl.30 (min only)
21.	Waste	Collection on site or bin store within 10m for street collection **[Local over-ride permitted]**	**No**-Waste management
Deep Soil			
22.	Deep Soil	% Deep soil **[Local over-ride permitted]**	**No**-Deep soil