



14 November 2014

Ms Josephine Wing  
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Dear Ms Wing

**RE: DRAFT 2014 APARTMENT DESIGN GUIDE AND AMENDED SEPP65**

Thank you for meeting with Mirvac and JBA representatives to discuss the proposed amendments to SEPP65 and the Draft Apartment Design Guide.

Mirvac has more than 40 years of experience in the real estate industry, is one of the leading brands in the Australian residential market and has an unmatched reputation for delivering quality residential apartments. Mirvac supports the original objective of SEPP65 to promote design excellence and the new direction of the Draft Apartment Design Guide allowing for increased flexibility in achieving this aim through alternate solutions is welcomed. However, there are a number of areas in the draft document that we suggest should be further refined:

- The number of performance criteria and new regulations is likely to result in reduced innovation and increased costs and hence impact affordability. We recommend the acceptable solutions be minimised to no more than 4 clear objectives with an equal number of alternate solutions. For example, the current draft document has 14 acceptable solutions for Natural Ventilation, which is excessive. The increase in metric compliances reduces flexibility and will reduce the scope and diversity of design solutions.
- Even though the document is now called an "Apartment Design Guide" and Rules of Thumb have been renamed "Acceptable Solutions" it is likely that these will be interpreted as requiring strict compliance, which is not compatible with the principle of a 'Guide' document. This is significant as the terminology of the 'Acceptable Solutions' limits the outcome resulting in reduced innovative design solutions.
- The statutory weight allowing certain performance criteria to prevail over Council self-regulations is supported for consistent outcomes across the various Council jurisdictions. We recommend sections that prevail over DCP's require full compliance, whereas all others should be flexible to suit site specific constraints and opportunities. The instrument could elevate the few items that override DCP's to one section for clarity and weight of 'required compliance'.

- We suggest the non-core design guideline sections require, say, 75% compliance to allow this flexibility. This could be done through a weighted Score Card (tick box) to provide flexibility (similar to BASIX).
- It is recommended the guidelines include urban and non-urban requirements and recognition of requirements for tall buildings and buildings below 25m i.e. for solar access and building separation, open space requirements, deep soil zones, balcony sizes, building depth, etc.
- We recommend specific emphasis is given to the paragraph on page 11 of the draft document titled 'Achieving the performance criteria' where it is stated that '*Applicants can use either the listed acceptable solution, the alternative solution (where available) or put forward a different design feature or method that achieves the relevant criteria*'. The use of an alternate solution and alternate design method is important for flexibility and should be given equal weight to the acceptable solutions.

In addition to the above, our key comments and recommendations in relation to the Draft Apartment Design Guidelines are contained in the attached report. These comments are based on Mirvac's extensive experience in the design and construction of apartment buildings, much of which has been since the introduction of SEPP65 and the RFDC.

Should you require further information please contact Julian Venning (Design Director Mirvac Design) P: (02) 9080 8691 or Jennifer Cooper (Senior Development Manager) P: (02) 9080 8322.

Yours sincerely



**John Carfi**  
**Group Executive Residential**

Enc.

## 2014 DRAFT APARTMENT DESIGN GUIDE & AMENDING SEPP 65

### KEY COMMENTS AND RECOMMENDATIONS

SUBMISSION TO THE NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE

14 NOVEMBER 2014

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#### Part Two: Performance Criteria and Design

##### 2E - Building depth

###### **Comment:**

Maximum apartment building depth of 12-18m limits diverse building design solutions and impacts:

- Core locations
- Common circulation spaces
- Apartment depths
- Building articulation
- Use of internal atria and other innovative design solutions.

*Example: Constance Street affordable housing, Brisbane.*



*An internal atrium providing ventilation and natural light to common circulation spaces resulting in increased resident amenity results in a building depth greater than 18m and would not be permissible under the building depth control metrics.*

###### **Recommendation:**

- Remove Building Depth metrics and use apartment depth and common circulation space to determine building depth.



### 3E - Deep soil zones

*Deep soil zones as a percentage are increased to 10% to 20% of site area.*

#### **Comment:**

- The increase from a percentage of the common open area to a percentage of the site area, dramatically increases the requirement for deep soil and limits the building footprint.
- While the ecological value is recognised and the benefit of significant trees is supported, the increase impacts on underground basement parking efficiencies and may not be possible on tight infill and urban sites.

#### **Recommendation:**

- Retain the existing deep soil zone provisions.

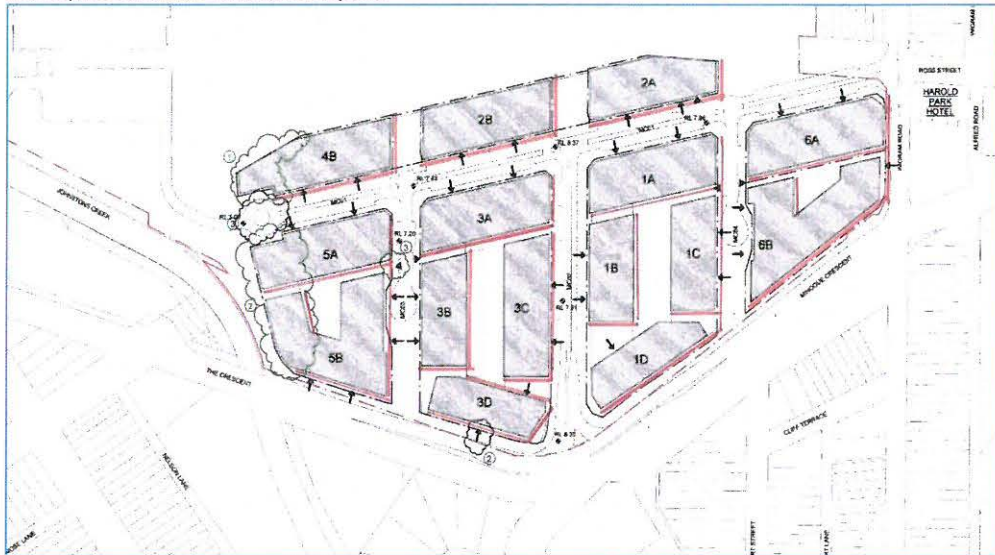
### 4L - Solar and daylight access

*70% of apartments to receive 2hrs of sunlight between 9am and 3pm midwinter*

#### **Comment:**

- 70% compliance has been difficult to achieve on sites where a masterplan has been pre-determined and delivers building orientations, heights and massing and a gross floor area which can only be achieved using double loaded corridor planning.

*Example: Harold Park Masterplan*



*The facades highlighted in red do not meet the solar access requirements of 3 hours sunlight between 9am and 3pm.*

- Current solar access requirements maintained in the Draft Apartment Design Guide result in the balconies being located adjacent to the living area with the glazing line moved to the building edge to allow for solar access to both the living area and the balcony. This results in balconies located in front of bedrooms. Good amenity and the market desire balconies to be associated with, and directly in front of, living rooms.

*Example: Typical apartments- Harold Park and Rhodes*



*Balconies located in front of bedrooms so that both the balcony and living area meet solar access requirements resulting in private outdoor living spaces being located off bedrooms rather than living rooms.*

- Buildings below 25m require spandrels or horizontal projections for fire separation therefore impacting on solar access and resulting in internal views looking into spandrels where balconies are relocated to be to the side of the living room.

**Recommendation:**

- Expand compliance period from 8am to 4pm with a 2 hours solar access requirement.
- Amend acceptable solution 4L-1(4) to 'Living rooms or private open spaces'.
- Delete acceptable solution 4L-1(2) requiring single aspect apartments to have a northerly or easterly aspect as this is far too restrictive.
- While the alternative solutions are strongly supported, reinforce that alternate solutions are equal to acceptable solutions in achieving compliance.

#### **4M - Common circulation and spaces**

*The maximum number of apartments off a circulation core on a single level is eight.*

##### **Comment:**

- Apartment locations within tall buildings often vary according to height, access to views and vertical village concepts. The number of apartments can vary from floor to floor while maintaining a consistent population, floor plate area and structure.

*Example: Lumiere, Sydney*



*Lumiere delivers 18 bedrooms to 9 apartments with 2 apartments having bedrooms on a second level*

##### **Recommendation:**

- Specify the number of bedrooms rather than apartments based on the floor population. This would allow plates with increased diversity and more flexible solutions. Suggest 18 to 20 bedrooms which would allow a typical mix of 3 bed apts. 2 bed apts. and 1 bed apts.
- Taller buildings with multiple lift cores allow for increase in bedroom or apartment numbers.



#### 4N - Apartment layouts

*Habitable room depths comply with ceiling heights commencing at 6.75m depth with a minimum 2.7m ceiling height. Note kitchens are classed as habitable rooms in the glossary.*

- Current apartment planning provide 9.6m deep apartments allowing for 4m living, 3m dining and 2.6m kitchens (with benches) as an industry standard and expected by the market. The proposed 6.75m depth will reduce amenity with smaller living and dining rooms and kitchens located to the side of living areas, or buried within apartments. The limitation will increase apartment frontages resulting in a decrease in apartment yield and increased apartment cost to recoup land costs.
- Kitchens typically require bulkheads for service transfers and air conditioning systems reducing the ceiling/bulkhead height to 2.45m. The proposal will increase this to a minimum 2.7m resulting in the general ceiling height of apartments to be 2.95m.
- The control limits planning outcomes and diverse apartment plan solutions.

*Example: Harold Park, Sydney*



*Room depths are 9m and 8.5m to the back of kitchens.*

- Under the proposed amendments these typical apartments will require ceiling heights of 3.45m and 3.6m which is excessive and will reduce the number of floors within building height controls, reducing apartment yield and increasing apartment cost.

#### **Recommendation:**

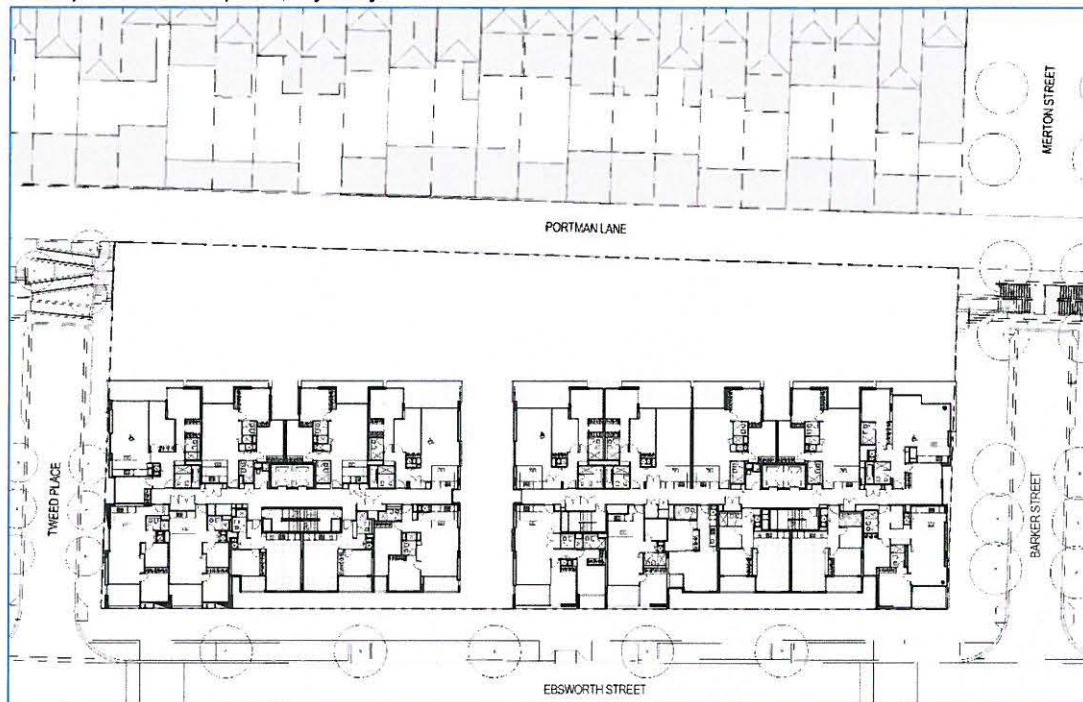
- Commence room depth ratio to 9.6m at a 2.7m ceiling height, or
- Increase depth for north, northeast and northwest facing apartments to 9.6m at 2.7m ceiling height with remaining orientations being 8.5m deep at 2.7m ceiling height.
- Allow for bulkheads for services below the acceptable ceiling heights.
- Include a sliding scale based on frontage, i.e. wider frontage allows deeper apartment.
- Amend text to provide a concession where there is a side window within the depth of the apartment (For corner apartments why is there any limit on room depth where access to light is achieved from side windows).

#### 4Q - Natural ventilation

*At least 60% of apartments are naturally cross ventilated.*

- The 60% compliance has been difficult to achieve on sites where a masterplan has been pre-determined and delivers building orientations, heights and massing and an gross floor area which can only be achieved using double loaded corridor planning. Infill sites and urban sites often restrict the available configuration of building foot prints resulting in double loaded corridors.
- On long linear buildings corner apartments, limited through apartments organised around multiple circulation cores and building indentations provide apartments with facades of different aspect allowing for cross ventilation. These solutions are only viable for buildings below 25m.
- The deeper the indentation the more effective the air flow through the apartment is. The proposed amendment requiring a ratio of 2:1 or 3:1 is not practical resulting in indentation widths ranging from 2m to 9m.

*Example: Green Square, Sydney*



*The building is arranged around 2 cores, using corner apartments and 2m width indentations to achieve cross ventilation.*

- We note the floor plan examples are only suitable for low buildings up to 4 storeys. The examples on page 115 only allows for four apartments per core which does not correlate with the 8 apartment per core maximum which will be adopted as the most efficient service arrangement for buildings up to 25m in height. The same plan arrangement with 8 apartments would only result in 50% cross ventilation.



**Recommendation:**

- Removing design solutions shown and prescribe the performance criteria only as the number of air changes per hour to achieve a comfortable indoor environment.
- Nominate the 'qualification' required for a professional consultant to determine design solutions to achieve the required air movements per hour.

*If current Performance Criteria is pursued:*

- Remove window opening section.
- Amend wording to allow selection of one option in 4Q-2(3); Current wording indicates "a number" of options to be used.
- Amend building indentation with to a minimum of 2m with no ratio.
- Reduce cross ventilation requirement to 50% compliance.

**4U - Energy Efficiency and 4V - Water Management****Recommendation:**

- Remove these sections from the document as these criteria are covered by BASIX and BCA legislation.

**CONTACTS:**

Should you require further information please contact:

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