

File no: 145-112-22

31 October 2014

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

Dear Sir/Madam,

Improving Apartment Design and Affordability

Thank you for allowing us to make comments on the amendments to SEPP 65 and the Apartment Design Code.

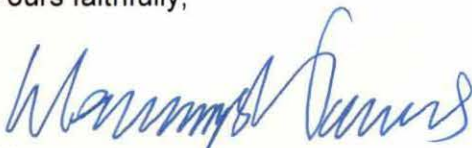
We fully support the principle of improving apartment design and affordability, however we object to:

- the proposal to limit Council's ability to set car parking requirements within 800 metres of a Railway Station
- the use of the RMS' Guide to Traffic Generating Development to set car parking standard for residential flat buildings
- Clause 6A of the SEPP introducing mandatory requirements that must be satisfied as part of any DA
- the onerous requirements of the Apartment Design Code that add additional layers to the approval process.

Please find attached Council's submission on improving apartment design and affordability which discusses our objections in greater detail.

Should you require any further information regarding this matter, please contact Council's Manager Strategic and Precinct Planning, Chris Shannon on 9839 6229.

Yours faithfully,



Glennys James
Director City Strategy and Development

Submission on Draft State Environmental Planning Policy No. 65 and the Apartment Design Code

1. Car parking

Blacktown City Council objects to the use of car parking rates from the RMS' Guide to Traffic Generating Development to set minimum car parking requirements within 800 metres of a railway station as:

- It is not feasible within the Blacktown LGA and other parts of Western Sydney to allow apartments to be constructed without the provision of at least 1 car parking space per apartment.
- In Western Sydney there is a reliance on the car due to the poor provision of public transport, especially after peak periods and on weekends. Due to the sprawling nature of urban development in Western Sydney, there are considerable distances between key centres, services and infrastructure and car ownership is still a necessity.
- Until such time as the urban form has changed with services and infrastructure also concentrated around key transport nodes, car ownership will always be higher in Western Sydney than in other parts of Sydney and car parking requirements for Residential Flat Buildings in Western Sydney will need to be greater than in other parts of the metropolitan area.
- The Guide to Traffic Generating Development is currently under review and it is not appropriate to exhibit a policy that constrains Council's ability to set car parking requirements around its railways stations, when the guide that determines the car parking requirement is under review and may be subject to change. It would be more appropriate to wait until the Guide to Traffic Generating Development has been reviewed. This would allow Councils to confidently assess the impact of a reduction of car parking requirements within 800 metres of a railway station and would ensure more transparent consultation.
- Councils are already experiencing parking problems around their railway stations due to an undersupply of commuter parking by the NSW Government. Any further reduction in the car parking requirement around railway stations will create conflict between the needs of residents and those commuters that are required to find on-street parking due to a shortage of commuter parking.
- The Guide to Traffic Generating Development does not take into consideration that higher density residential developments can be constructed in lower order centres where shop top housing is a permissible land use. Additional car parking requirements, with a higher level of car parking provision, are required for neighbourhood centres, village and local centres that are zoned B1 Neighbourhood Centre or B2 Local Centre, where it may be possible to construct a shop top housing development of more than 20 units. Car ownership is a greater necessity in these lower order centres as these centres

do not contain the range of services and infrastructure of larger metropolitan centres.

- The Guide to Traffic Generating Development provides a basic definition of a Metropolitan Regional Centre (CBD), but does not clearly define a Metropolitan Subregional Centre. How do Councils and developers define the difference between the two types of centres and what car parking requirements apply?

2. Mandatory Requirements

Blacktown City Council objects to Clause 6A of the SEPP introducing mandatory requirements that must be satisfied as part of any DA as:

- The introduction of mandatory requirements contradicts the objective of the Apartment Design Code to introduce further flexibility. Not only do these new mandatory requirements provide less flexibility, they will also add an additional layer of assessment to the DA process.
- Development feasibility and housing affordability are key considerations of the amendments to SEPP 65 and the RFDC review. Using the acceptable solutions of the Apartment Design Code as mandatory standards will increase submission requirements and will add further delays to the assessment process. Any savings made by the developer as a result of the proposed reduction in car parking requirements are unlikely to be passed on to purchasers given DA costs and land holding costs are likely to increase. Given costs will be incurred elsewhere in the development process, it is unrealistic to conclude that apartments will become more affordable as a result of this new guide.
- An additional 665,000 new homes will be required in Sydney over the next 20 years. It is important that the assessment process is streamlined and that additional layers of assessment are not added unnecessarily to ensure this housing target can be met. To achieve these housing targets, we recommend that the requirements under parts 4L-2.1, 4N-2.1 and 4Q-1.3 be deleted or replaced with a general requirement for the registered architect to certify that the development has been designed to satisfy the specific requirement. The checking of such things as window sizes and room dimensions could then be undertaken at the Construction Certificate stage.

3. Apartment Design Code - additional requirements

Blacktown City Council objects to the onerous requirements of the Apartment Design Code that add additional layers to the approval process.

We consider that a number of mandatory provisions of the Apartment Design Code will add additional layers to the approval process and increase the time that it will take to assess a DA for a residential flat building.

Part 3F Visual privacy

- Part 2F 'building separation' provides considerations for setting building separation controls within any DCP. Part 2F, however, is not one of the

sections that must be complied with and applicants do not need to demonstrate compliance with these numerical requirements. Instead the building separation requirements within any DCP will prevail. For example, Blacktown Growth Centres DCP requires a distance separation of 12m between apartment buildings regardless of whether the separation is to a habitable or a non-habitable part of the building. Apartments within the Growth Centres area are also to comply with the 6m minimum side and rear setback requirements. These controls ensure that not only the privacy of future occupants is maintained, but that issues relating to amenity, bulk and scale and overshadowing are also addressed.

- Part 3F 'visual privacy', however, allows non-habitable rooms to be setback 3m from any side and rear setbacks. Ultimately this could result in a 6m distance separation requirement instead of the current 12m requirement. The reduced side/rear setbacks will also erode other objectives and will potentially result in increased bulk, fragmented open spaces, and decreased opportunities for deep soil zones.
- Provisions have been included for an increased separation of 3m when an apartment is located adjacent to a zone permitting lower density residential development. However, if 'non-habitable' rooms are provided adjacent to the zone boundary, the apartment block will only be required to be setback the standard 6m from the common boundary. The goal of having a greater separation and a more sympathetic streetscape is therefore not achieved. To address this, the increased 3m separation should apply to the standard setbacks regardless of the adjacent room types.

Part 4L Solar and daylight access

- Acceptable solution 4L-2.1 is onerous and will result in applicants having to produce potentially hundreds of additional cross-section plans (consistent with figure 4L.1) and for assessing officers to then review and check these plans. This requirement should be deleted and replaced with a requirement that the registered architect be required to certify that 70% of the units comply with the 3 hours solar access requirement. At the very most, 4L-2.1 should only apply to those units that do not have a northerly aspect. Furthermore, this point should be reworded to specify that the requirement is for a minimum of 3 hours between 9am and 3pm and not the full 6 hours as currently implied.
- The mandatory shading and glare control devices (part 4L-3.1) (e.g. fixed louvres, awnings, pergolas, balconies screen panels, horizontal shading, tree planting, etc.) appear to be in direct conflict with the solar access requirements under parts 4L-1 and 4L-2 which specifically require that it be demonstrated that a person is able to sit in the sun of a habitable room or balcony. Of the acceptable solutions provided, it appears that the operable shading solution (e.g. adjustable louvres) would be the only solution that would satisfy the other requirements under Section 4L. This will result in very little design variation between future apartment buildings.

Part 4N Apartment layout

- Acceptable solution 4N-2.1 requires that the habitable room depth complies with the acceptable ceiling height to room depth ratio shown in figure 4N.3. "Habitable room" includes a bedroom, living room, lounge room, kitchen, dining room, etc. It is unclear, however, in an open plan layout if the combined living room, dining room and kitchen is considered to be the "habitable room" or if each area is separately calculated. If the combined area is to be used then the "room" depth will well exceed 6.75m, thereby resulting in the need for increased ceiling heights. In turn, this means that less number of storeys can be achieved within the permissible height limit. The definition of "habitable room" under 4A-2.1 must therefore be made clearer as potential densities/yields on site will be impacted by this requirement.
- Acceptable solution 4N-2.1 is onerous and will result in applicants having to provide potentially hundreds of additional calculations (consistent with figure 4N.3) and for assessing officers to assess and check the height to room depth ratio data. This requirement should be deleted and replaced with a requirement that the registered architect be required to certify that the development has been designed to satisfy this requirement.
- Acceptable solution 4N-3.3 requires that all bedrooms have a minimum dimension of 3m (excluding wardrobe space). Concerns are raised that any "bedroom" with a dimension less than 3m will be nominated as a "study" and therefore argued that it should not be included when calculating car parking, open space or Section 94 contributions. It is therefore recommended that a notation be added stating that any room still capable of being used or converted to a bedroom will still be considered as such for assessment purposes.

Part 4O Ceiling heights

- Acceptable solution 4O-1.1 should be expanded to include minimum ceiling heights for basement car parking levels, especially where on-site garbage collection is proposed and an increased ceiling height is required for the collection of bins. The minimum ceiling height should exclude any services, beams, ducts and the like along the garbage truck path of travel and within the collection zone.

Part 4P Private open space and balconies

- Acceptable solution 4P-2.1 should clearly state that the requirement for a 16sq.m courtyard with a minimum dimension of 3m is for all apartments regardless of the number of bedrooms.
- Acceptable solution 4P-3.5 suggests that clothes drying is supported on balconies. While screening would help to address aesthetic issues, clothes drying on balconies should not be encouraged in any circumstance.

Part 4Q Natural ventilation

- Acceptable solution 4Q-1.3 is onerous and will result in applicants having to provide hundreds of additional calculations and for assessing officers to separately check that each window opening serving a habitable room satisfies the 5% requirement. This requirement should be deleted and replaced with a general requirement that the registered architect be required to certify that the development has been designed to satisfy this requirement. Detailed checks could then be undertaken at the Construction Certificate stage. It should also be clarified whether multiple windows can be provided to meet the 5% requirement.

Acceptable solution 4Q-3.3 states that the building depth should not exceed 12-18 metres. The 6m range provides uncertainty and confusion. A maximum building depth (e.g. 18m) should be specified.

Part 3J Bicycle and car parking

- RFBs typically provide 2 or more levels of basement car parking. The new car parking requirements will result in less parking spaces being required on site. There is the potential for developers to propose a single basement level that extends to the property boundaries, rather than providing a second level with very few spaces. Ideally the basement level/s should be contained within the building footprint to allow deep soil planting. This requirement (or a minimum deep soil requirement) should be introduced as a mandatory requirement.

4. Other matters

- The alternative solution under Part 3D Communal and public open space implies that the recommended 25% of communal open space is to be provided at ground level in the first instance. This, however, is not specified under the "acceptable solutions".
- Acceptable solution 3H-1.10 (Vehicle access) states that the requirement for large vehicles to enter or turn around within the site is to be avoided. This requirement fails to recognise that the majority of apartment developments are designed for garbage collection to occur on site. Instead of having a requirement that restricts medium rigid trucks on site, further guidelines and controls should be provided to ensure on-site garbage collection is appropriately designed and managed.
- The acceptable solutions provided under Part 4E do not make reference to Table 3 "Tree planting in deep soil zones".
- Acceptable solution 4K-2.3 (Awnings and signage) restricts the number of signs on the primary street frontage to a single façade sign. While this is acceptable for residential development, it is unrealistic for mixed-use development containing several ground level and/or first floor commercial/retail uses.
- Acceptable solution 4U-2.1 encourages the use of tiled and timber floors. The use of these materials will create other potential issues such as noise.

- The EPA guidelines provide practical advice for the management and design of waste collection areas. The EPA guidelines could be referenced within Part 4W as a guide for developers.
- Under Appendix 3 it should state that models should be provided at a minimum scale of 1:200.
- Page 15 of the ADG provides a matrix demonstrating how the 9 principles under the SEPP relate to the ADG. It is therefore suggested that any assessment of the 9 principles should give consideration to each of the relevant sections of the ADG. On average, 14 sections of ADG have been identified as relating to each principle and therefore the length of the required assessment is considered to be onerous and unnecessary.