Australian Institute of Architects

SEPP 65 Amendment No 3

Apartment Design Guide

Submission to NSW Department of Planning & Environment

13 November 2014

AUSTRALIAN INSTITUTE OF ARCHITECTS, NSW CHAPTER

Submission to the NSW Department of Planning and Environment

Review of SEPP65 and the proposed new Apartment Design Guide

The Australian Institute of Architects, NSW Chapter acknowledges the review of SEPP 65 and the Residential Flat Code that has taken place over the last few years and we welcome the opportunity to comment on the recently released *Proposed amendments to SEPP65 and the Residential Flat Code*, and the draft *Apartment Design Guide* documents.

As we have stated in earlier submissions to the review, we consider that SEPP65 has had a beneficial effect on the design quality of apartment buildings since its introduction more than ten years ago. SEPP65 has made design a central feature in the planning and approval of apartment buildings, unparalleled within Australia. The Institute agrees with the Department's statement that the design of apartments has improved markedly over the last decade and that much of this improvement can be attributed to SEPP65 and the Residential Flat Design Code. This success indicates that design considerations are fundamental to the achievement of high quality building projects.

The Institute believes that the improvements in the quality of Sydney's built environment, fostered by SEPP 65, have and will continue to have beneficial impact for the rest of New South Wales as density increases across other parts of the State.

<u>OVERARCHING COMMENTS ABOUT THE PROPOSED REVISED SEPP65 AND THE APARTMENT DESIGN GUIDE</u>

(i) Continuity between SEPP65 and the Apartment Design Guide(APG)

It is vital that the two new documents (revised SEPP65 and the APG) are clear, consistent and work together seamlessly. Opportunities for misinterpretation by all stakeholders in the built environment must be minimised. Currently the draft documents do not clearly or seamlessly 'work together' and it is noted that the new versions have removed terminology that is widely used and understood amongst built environment professionals and replaces it with language that is not. Further, the language used should be consistent across both documents and should reflect that they will be read and used by practitioners involved in the design and delivery of residential flat buildings. In addition, in a line-by-line comparison of the old and the new SEPPs, we have an overarching concern that the proposed new SEPP 65 may weaken the critical importance of amenity and design through a softening of the language and through the introduction of terminology that is too ambiguous.

(ii) Recommended structural changes to the Apartment Design Guide

Currently the ADG covers two distinct functions; Development Control Plan (DCP) preparation and Development Assessment (DA). This distinction may be better served by dividing the Guide into two volumes. One volume could clearly serve as a DCP Preparation 'how to guide' for use by councils. This can assist councils in developing

local content for context and built form. The other volume could cover the development control code that provides state wide consistency for assessment of development applications. This section could contain the more universal criteria such as solar access, ventilation and amenity. This separation into volumes would also help to distinguish between matters that should be particular to locale (such as roof form or material choice) and those matters which are universal in nature such as light and ventilation.

(iii) Distinguishing primary design controls

Over a decade of experience since the implementation of SEPP 65 and the Residential Flat Design Code has demonstrated that there is a distinct set of measures which significantly influence the design and amenity of apartment buildings in NSW. These measures have gained currency amongst built environment professionals and are underpinned by an established set of precedence and application by the legal system. The two new draft documents do not adequately reflect this experience and precedent as they do not distinguish between the fundamentally important measures of apartment design (such as plate depth) and incidental matters (such as the need for a letter box). We recommend a 'short list' of primary controls should be distilled and given greater prominence.

(iv) Clear measurable performance criteria

The primary performance criteria should be clear and measurable – it should incorporate the metrics so that solutions can be easily determined as complying or not.

DETAILED COMMENTS IN RELATION TO THE PROPOSED REVISED SEPP65

Clause 4 – application of policy

The definition of storeys and basements is still ambiguous. We suggest changing the wording of 4(b) to:

is at least 3 storeys excluding basements

Clause 6A - inconsistency between Apartment Design Guide and DCPs

There is ambiguity in the use of the word 'standards' in the amendment as the basis for defining inconsistencies between the Apartment Design Guide and council DCPs, particularly as DCPs also now have the status of guidelines. This is compounded by the statement in the Apartment Design Guide (p 10) that the document 'provides consistent planning and design **standards** (our emphasis) for residential apartments across NSW'. This contradicts the status of the ADG as a guideline where it was previously a code.

We recommend allowing DCPs to set the numeric standard for those design elements where the ADG currently has no numerics, but also preferably to reduce the number of acceptable solutions in the ADG and to replace some of them with solutions that set a numeric benchmark.

This is the most complex aspect of the amendment requiring resolution; the Institute will be pleased to provide further advice as to how this can be achieved. It is discussed further in our comments on the Apartment Design Guide.

Clause 21 – design review panels

The ability to assess design solutions in accordance with the ADG highlights the importance of appointing suitably experienced professionals as design review panel members.

The Institute recommends that all design review panel members should have experience in the design of apartment buildings.

Clause 23 – term of office

The Institute agrees that design review panel members should be appointed for a minimum of two years.

We recommend a maximum term of eight years on any one panel.

We also note the low fees paid to design review panel members. This means that design professionals are in effect subsidising the development industry. The minimum fee that councils may charge to fund a design review panel should be increased so that panellists are adequately compensated for the deliverables expected from them in their role as members of design review panels.

Clause 27 – functions of panels

The Institute considers that discussions with design review panels before DAs are lodged are more likely to produce better designed buildings than discussions after lodgement. We recommend reversing the order of Clause 27 (1) (a) and (1) (b) to emphasise this point.

Schedule 1 – design quality principles

The Institute appreciates the more specific nature of the principles as set out in the amendment.

Principle 9: architectural expression

The Institute regrets the loss of the word 'aesthetic' as a descriptor for this principle. We consider this is better understood by non-design professionals than 'architectural expression'. The word ‘aesthetics’ has served well to date and has not attracted negative comments from the industry.

The phrase “the architectural expression of facades” in the document should be replaced by “the articulation of facades”.

We recommend amending the wording of the first sentence to: 'Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure, in a resolved design.' (our emphasis)

DETAILED COMMENTS IN RELATION TO THE PROPOSED APARTMENT DESIGN GUIDE

While the design of the Guide is attractive and accessible, we are concerned by the lack of acknowledgment for photographers and the architects of the photographed buildings.

The essential function of the Guide is to demonstrate how applicants will meet the performance criteria. The following comments aim to make this clear.

Part 2 - Developing the Controls

We note that the performance criteria/acceptable solutions approach used in most of the document does not apply to building depth or building separation. The numeric standards for these design elements are in Part 2, which is aimed at councils making DCPs.

One interpretation of this approach is that the Council DCP's will be stronger than in Part 4 of the ADG document, where the Performance Criteria / Acceptable Solutions approach is taken – these numeric standards will be harder to override than if there were Performance Criteria/Acceptable Solutions for them in the ADG. This interpretation is supported by the Design Review Panel Template on p 141, which lists Setbacks and Building depths as being in the Council's key development standards.

Floor space ratio (p 34)

Setting FSR controls is one of the most important roles for planners in the planning system, particularly in relation to building heights. Conflicts between height and FSR blight the current planning system, wasting inordinate amounts of time and money by the industry after the original setting of the controls. FSR must be relatively low compared to height if problems are to be avoided. This issue is particularly important, as the ADG requires building depth to be a maximum 18m, including balconies, external walls, external circulation and articulation. The previous RFDC recommendation was for the 18m to be measured "glass-to-glass".

The Institute suggests that an "approximate FSR of 1:1 should be 3-4 storeys"; an approximate FSR of 2:1 to be 6-8 storeys and an "approximate FSR of 3:1 to be 9-12 storeys". These statements would be more likely to account for all site situations. However, the Institute also recommends that design testing be undertaken by an urban designer to set the controls, and an independent architect to prepare a DA design based on the controls, for a range of scales and site geometries, to ensure that the ADG recommendations are robust.

It is noted that the three illustrations on Page 34 show corner sites, which potentially achieve more FSR within the envelope (due to their greater site coverage) than mid-block sites.

This element needs to allow for more variables, such as landscape, topography, deep soil requirements, etc. A table providing a matrix of considerations may provide better guidance.

Building separation (p 38)

The illustrations at the bottom of the page are not to scale. They show excessively small studio apartments, and should be re-drawn accurately if they are to be more useful. For many developments building separation is a critical aspect that affects the amenity and the quality of the development – although it is used to help create detailed masterplans in DCP's – measures should also be provided in the second part of the document that relates to the design of the building, or more accurately the design of individual projects and building separation on the one site.

Part 4 – Designing the Building

We noted in our comments on Clause 6A of the SEPP amendment that there is ambiguity in the use of the term 'standards' in the amendment and the ADG. Although neither the ADG nor DCPs have statutory force, we assume that applicants will default to clearly stated numerics wherever these are clearly stated. While councils cannot override the ADG standards, the following chart shows how applicants are likely to use the benchmarks and numerics in each document:

Subject	**ADG Performance Criteria**	**Accepted measure of performance**
Visual privacy	"reasonable" levels of visual privacy	12m/18m/24m separation distances etc. – current controls
Solar access	No. of apartments receiving sun is optimised	70% of apartments 3 hours etc. – current controls
Common circulation	Good amenity and variety of apartment types	Max. no. apartments off a lift core is 8
Balconies + private open space	Balconies + POS appropriately located and sized	1BR – 8sqm and 2m deep 2BR – 10 sqm and 2 m deep 3+ BR 12 sqm + 2.5m deep
Natural ventilation	Maximise no. of apartments with natural ventilation	At least 60% naturally cross ventilated
Storage	Adequate storage provided	1 BR + studios – 6 cum. 2 BR – 8 cum. 3+ BR – 10 cum.

The Institute considers that DA documentation is likely to increase because of the 83 performance criteria and 290 acceptable solutions proposed in the ADG. This number of performance criteria and

acceptable solutions is also likely to lead to the increased involvement of lawyers in apartment developments and increased litigation. Some hierarchy in the performance criteria and the acceptable solutions will ensure that appropriate weight is given to the more important measures, eg, solar access vs location of letter boxes.

Adaptive reuse (p 90)

This section is based on the outmoded concept that additions to existing buildings must always be clearly differentiated. It should refer to the Australia ICOMOS Practice Note Burra Charter Article 22 – New Work, which states that 'being readily identifiable does not automatically make new work sympathetic to the place.'

The Institute's Heritage Committee can provide more detailed feedback on how to improve this section, including better illustrations.

Solar access (p 96)

We commend the department on providing clarity to this very important criteria. This section works well on the whole. The definition, based on a person sitting on a balcony, provides a good model for the definition of other elements.

The Institute disputes the ADG's criticism of west-facing apartments, which provide better amenity than south-facing ones. Single aspect south-facing apartments are poor because there is no sun for the occupants. However, west facing apartments are more acceptable, as heat load can be minimised by methods such as screening. This section needs to take context into account.

The solar access control is similar to many others where the urban context and density will require different standards. Lower density development where buildings are spaced further apart can easily achieve 3 hours of solar access, however more urban sites where building to the street edge and zero boundary setback are more difficult to meet this standard (in particular where the street requires a western orientation). Here it is considered more appropriate to have two standards that recognise the different context.

Apartment layout (p 104)

There is an error in the middle illustration in the second row. This is a three bedroom apartment, not two. If the three bedroom plan is retained, the dimensions should be a minimum of 10.4m x 8.6m, not 9.3m and 7.85m.

In setting minimum apartment sizes (and the area of private open space) context should also be taken into account. More urban areas that have higher public amenity and development that have more communal open space could achieve a desirable outcome with smaller apartments, and less private open space. More suburban locations with lower levels of public amenity demand larger private areas. Most importantly developments should also provide a mix of apartment layouts to suit different demographics.