



HUNTER'S HILL COUNCIL

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31 October 2014

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

Dear Sir/Madam,

REVIEW OF SEPP 65 AND THE APARTMENT DESIGN GUIDE

Thank you for the opportunity to provide comments on the proposed State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Building (SEPP 65) and new Apartment Design Guide (ADG) documents.

Listed below are Council's key concerns regarding the challenges of implementing the draft ADG within Hunters Hill's local government area (LGA).

'Performance-based Approach'

While the ADG's performance-based controls provide greater flexibility for applicants to propose alternative design solutions, the 'performance-based' approach may create too many hurdles and fail to assist with the goal of ensuring design excellence for higher density development. The reason for this is are:

- complexity and rigidity negates its intention to effect more-efficient planning of multi-unit developments
- assessments which are already complex will become even more complicated, in particular 'alternative solutions' will impose greater demands on Council's assessment systems and staff
- the numeric solution methodology departs from accepted development practice that has been proven to deliver positive design quality outcomes
- unnecessary removal of objectives stated in the current Residential Flat Design Code (RFDC) that accommodate viable 'alternative solutions' without compromising design quality, and
- failure to accommodate a significant number of current design solutions which are delivering high quality outcomes.

Design Review Panel

While use of a Design Review Panel will assist in assessing 'alternative design' applications, Council considers the following flexibility is required:

- recruitment should be a option of local government which most commonly operates as the consent authority – rather than the Minister as based on the assumption that the Minister already has authority to do so, it is significantly more efficient and practical for councils to have delegation to constitute Design Review Panels and
- three-member panels should not be specified as the standard size for panels as resources need to be taken in consideration.

While Hunters Hill Council does not currently have a Design Review Panel, we would like to have the opportunity to investigate suitable models that would take into account Council's local context and its resources, including the possibility of convening a joint panel with neighbouring councils.

Mixed Developments

The draft ADG should address design opportunities for mixed developments in main street or town centre locations. Mixed use developments are becoming more common in Hunters Hill on narrow sites where amalgamation cannot be achieved.

Apartment Layout

While the minimum apartment sizes are nominated as part of the draft ADG's 'acceptable solutions', developers are permitted to seek approval for an 'alternative solution' with smaller sized apartments providing the spatial arrangement and layout is functional, well organised and provide a high standard of amenity. Council requests clarification on how to assess that a proposal will achieve 'a high standard of amenity'?

Car-parking

With regards to car parking a new requirement is proposed where Council's Development Control Plan requirements cannot be inconsistent with the Apartment Design Guide. Additionally, if the applicant meets the state requirements for carparking Council cannot make carparking a ground for refusal.

Council's car parking controls take into account its demographic and existing infrastructure and public transport options. A one size fits all approach is not acceptable for carparking standards.

It is not clear that reducing car parking requirements will help with housing affordability. Yet the impact on local streets and businesses will be large. Council maintains that local car-parking provisions should prevail.

Qualified Professional

The proposed amendment removes the current requirement for SEPP 65 buildings to be design by a "qualified" person who is registered as an architect in accordance with the Architects Act 2003. Council seeks clarification as to whether this requirement will be included in any other amendment, if not this change may be an issue and step back towards achieving excellence in design, therefore is considered unacceptable.

The new Apartment Design Code has been described in the exhibition material as 'moving toward greater flexibility in the design of building'. However Council is concerned that the current draft offers less flexibility, impedes design innovation and is more prescriptive than current Residential Flat Design and current Council controls.

Based on the concerns and recommendations expressed in this submission, the Department is encouraged to explore further opportunities to encourage high quality design solutions for high density development, improve processes designed to regulate these building types, and to increase certainty around the outcomes for developers, Council staff and the community.

Should you would like to discuss this matter in further details please contact Council's Strategic Planner Edna Grigoriou on 98799448.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Kourepis', with a stylized flourish at the end.

Steve Kourepis
GROUP MANAGER
DEVELOPMENT AND REGULATORY CONTROL