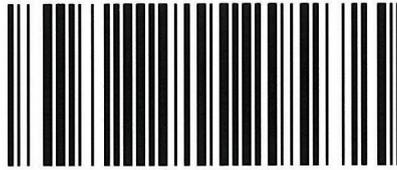


31 October 2014



PCU56760

Frankie Liang

Mr Marcus Ray  
General Counsel and Executive Director, Regulatory Reform  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001



Dear Mr Ray

**RE: IMPROVING APARTMENT DESIGN AND AFFORDABILITY – STATE ENVIRONMENTAL PLANNING POLICY NO 65**

Thank you for the opportunity to provide comment on the proposed changes to the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) and the draft Apartment Design Guide.

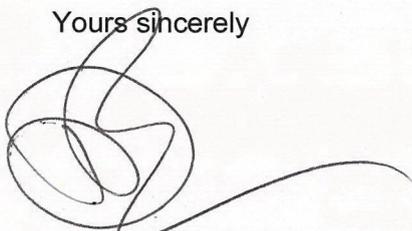
The enclosed submission was endorsed by Council on 28 October 2014 where it was recommended:

*“That Council endorse the draft submission prepared in response to the Public Exhibition of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and that it be submitted to Department of Planning & Environment.*

In addition to the enclosed submission, Council would like to reiterate the concern of the regulatory role of private certifiers and their potential impacts on the final residential flat building outcome (e.g. non-compliance issues). Council has previously raised concern regarding private certifiers such as in Council’s submission on White Paper (June 2013).

If you have any question regarding this letter, please contact Council’s Strategic Planner, Frankie Liang on 9748 9995.

Yours sincerely



**DAVID BACKHOUSE**  
**GENERAL MANAGER**

## ENGLISH

This is important information from your council. If you cannot understand it, please ask a friend or relative to translate it or come to the Council where staff will discuss the information with you using the Telephone Interpreter Service (TIS).

## ARABIC

هذه معلومات هامة من بلدية ستراتفيلد. إذا لم تتمكن من فهمها، يُرجى طلب ترجمتها من صديق أو أحد الأقارب أو زيارة مركز البلدية لخدمة العملاء للحصول على المساعدة باستخدام خدمة الترجمة الشفهية (TIS).

## HINDI

यह स्ट्रैथफील्ड परिषद (Strathfield Council) की ओर से महत्वपूर्ण जानकारी है. यदि आप यह नहीं समझ सकते हैं, तो कृपया किसी दोस्त या रश्तेदार से अनुवाद के लिए कहें या टेलीफोन दुभाषिया सेवा (TIS) का उपयोग करके, सहायता के लिए परिषद के ग्राहक सेवा केंद्र पर जाएँ.

## ITALIAN

Queste sono informazioni importanti pubblicate dal Comune di Strathfield. Se non le capite, fatevele tradurre da un amico o da un parente oppure recatevi presso il Customer Service Centre del Comune e fatevi aiutare usando il servizio telefonico interpreti (TIS).

## KOREAN

이것은 스트라스필드 카운슬이 제공하는 중요한 정보입니다. 이해하기가 힘들시다면, 친구나 친지에게 번역해 달라고 부탁하거나, 카운슬의 고객 서비스 센터를 방문해서 전화통역서비스 (TIS)를 이용하시기 바랍니다.

## MANDARIN

这是一份发自史卓菲市议会 (Strathfield Council) 的重要信息。如果您看不懂，请要求亲友为您翻译或亲临市议会的客服中心安排使用电话传译服务 (TIS)

## TAMIL

இது ஸ்ட்ராஃபீல்டு கவுன்சிலில் (Strathfield Council) இருந்து வருகிற முக்கியமான தகவலாகும். இதனை உங்களால் புரிந்து கொள்ள முடியவில்லை என்றால், தயவுசெய்து நண்பர் அல்லது உறவினர் ஒருவரை, இதனை மொழிபெயர்த்துச் சொல்லுமாறு கேட்டுப் பாருங்கள் அல்லது தொலைபேசி மொழிமாற்று சேவையை (TIS) உபயோகித்து, உதவிக்காக கவுன்சிலின் வாடிக்கையாளர் சேவை மையத்தைத் தொடர்பு கொள்ளுங்கள்.

## VIETNAMESE

Đây là các thông tin quan trọng từ Hội Đồng Strathfield. Nếu quý vị không hiểu được, xin vui lòng nhờ bạn bè hay người thân phiên dịch dùm hoặc ghé tới trung tâm phục vụ khách hàng của Hội Đồng để được trợ giúp bằng cách sử dụng Dịch Vụ Thông Ngôn qua Điện Thoại (TIS).



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**STRATHFIELD COUNCIL SUBMISSION  
PROPOSED AMENDMENTS TO SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

	Main points/Themes	Section/Part	Relevant Amendments/Provisions	Comments
<b>1</b>		<b>SEPP 65</b>		
1.1	Aims and Objectives	Part 1 Clause 2 (3)	<p>Three new aims:</p> <p>(f) to contribute to the provision of a variety of dwelling types to meet housing and population targets, and</p> <p>(g) to contribute to the provision of affordable housing options, and</p> <p>(h) to facilitate the timely and efficient assessment of applications for residential flat development</p>	Council supports the addition of three new aims to leverage SEPP65's function in implementing the State's housing objectives.
1.2	Definitions	Part 1 Clause 3; Glossary (Apartment Design Guide)	Clarification and provision of additional definitions to be consistent with the definitions as per the LEP Standard Instrument	<p>In accordance to Strathfield Council's 2012 submission on the review of SEPP65 and RFDC, clarification on the definitions for 'residential flat development' and 'shop top housing' to be consistent with the LEP Standard Instrument definitions is supported. Whilst definitions for 'daylight' and 'universal design' (among others) are provided in the Glossary of the ADG, it is suggested that standard definitions for the following items be established:</p> <p>(1) 'mixed use development' - Part 1 Clause 3 to include definition consistent with the definitions as per the LEP Standard Instrument</p> <p>(2) 'studio apartments' - standard definition to clarify constitution and difference between other apartment types</p> <p>(3) 'live/work units (SOHO)' - 'Live/work units involve the provision of integrated living and working accommodation within a single self-contained unit'.</p>
1.3	Application of the SEPP	Part 1 Clause 4; Amended Part 4	Clarification on the application of the policy to resolve inconsistencies between the SEPP and other planning policies, and clarify development types to which the policy applies to.	<p>Council supports the broadening of SEPP 65 to address other types of development including residential flat buildings, shop top housing, and mixed use developments (with a residential accommodation component), consistent with its aims and objectives to maximise housing choice and affordability.</p> <p>As mentioned in 1.2, Part 1 Clause 3 of the SEPP should be expanded to define 'mixed use developments', consistent with the LEP Standard Instrument definitions.</p>
1.4	Design Quality Principles	Part 2; Amended Part 4	Consolidation and simplification of design quality principles into nine updated principles and relocating them to their own schedule (SEPP Schedule 1)	Council is supportive of measures undertaken to simplify and make the Design Quality Principles more concise to assist better implementation and interpretation. Notwithstanding, the sustainability considerations should be updated to reflect the implementation of the BASIX SEPP and should encourage sustainable built form measures in excess of BASIX requirements and targets.
1.5	Standards that cannot be used as grounds for refusal	Amended Part 4 Clause 30 (c)	Addition of car parking as a standard that a consent authority cannot be used to refuse development consent or modification of development consent	<p>Council does not support increasing the provisions of Clause 30 as this will be contrary to the principle of subsidiarity where precedence should be given to local government as the nexus of decision-making.</p> <p>Instead of providing parking as a standard which cannot be used to refuse consent, it is recommended that consideration be granted to buffer zones within which lower parking rates may be applicable to residential flat development. However, such measures would be required to take into consideration the regularity of services to the nearby railway station and dispensation only granted where regular services (e.g. 15min peak hour interval) are available.</p> <p>Please refer to additional comments on 2.5 Parking (ADG).</p>

**STRATHFIELD COUNCIL SUBMISSION  
PROPOSED AMENDMENTS TO SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

	Main points/Themes	Section/Part	Relevant Amendments/Provisions	Comments
1.6	Design Review Panels	Part 3; Part 4 Clause 28-29 (SEPP); Part 5 (Apartment Design Guide)	Provision of guidelines and delegation of all functions relating to the constitution of SEPP 65 design review panels to councils. This will formalise the creation of design review panels and allow Councils to have discretion in terms of panel composition and detailed operating procedures	<p>For development with a considerable Capital Investment Value (CIV), peer reviewing of proposals should be required where a Council is not subject to a Design Review Panel under the SEPP.</p> <p>Further clarification is needed in relation to the implementation of the proposed delegation of all functions relating to the constitution of DRPs to councils (as indicated in the <i>Overview - Proposed amendments to SEPP 65 and the Residential Flat Design Code</i> document). Accordingly, this should be adequately reflected in the draft SEPP65 instrument.</p> <p>Further guidance is also required to identify which Development Applications need to be referred to the relevant DRP prior to determination, in reference to Clause 28 (1) and 29 (1):</p> <p>"...before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the residential flat development".</p> <p>"This clause applies if a consent authority is required by clause 115 (3A) of the Environmental Planning and Assessment Regulation 2000 to refer an application for the modification of development consent (other than in relation to State significant development) to a relevant design review panel (if any)"</p>
1.7	Additional fees (Design Review Panel)	Amendments to the EP&A Regulations 2000 (Clause 248) / Part 5 (Apartment Design Guide)	Establishes a maximum additional fee to be charged for development applications that will be referred to a design review panel, allowing councils to determine within their own fee policy how much to charge up to the maximum.	As indicated above, peer reviewing of proposals should be required where a Council is not subject to a Design Review Panel under the SEPP for development with a considerable Capital Investment Value (CIV). The operating costs of the Design Review Panel should be borne by applicants. Part 5 of the ADG should include a framework relating to the additional fee to be collected by Councils (i.e. specification of the maximum additional fee, additional fees for extra meetings, indication that fees are non-refundable even when an application is refused, etc).
1.8	Review clause	Amended Part 4 Clause 33	New clause requiring the SEPP to be reviewed at least every 5 years	<p>Whilst Council fully supports the introduction of a review clause, further information is needed on procedures relating to its implementation including, but not limited to:</p> <ul style="list-style-type: none"> <li>- specifying consent authority or body to which the Minister will delegate responsibility of the review process</li> <li>- provisions on the composition of the review committee/panel</li> <li>- framework for the review including criteria to which certain provisions will be reviewed against (based on quantitative or qualitative performance)</li> <li>- provisions on stakeholder/public consultation to be undertaken</li> <li>- specific procedures in relation to the review process and adoption of potential amendments</li> </ul>
<b>2</b>		<b>Apartment Design Guide (ADG)</b>		
2.1	Public Domain Interface	3C	<p>New section pertaining to the transition area between an apartment building and the public domain.</p> <p>The performance criteria in this section address various treatments which can be used to create successful public domain interfaces, while also achieving a balance with the requirements for residential privacy and safety.</p>	As emphasised in Council's 2012 submission on the review of SEPP65 and RFDC, better focus on the proposed developments' interface with the street or adjoining properties is encouraged. This is required to ensure that Design Verification Statements and Statements of Environmental Effects provide adequate justification on how the development will contribute to the public domain.

STRATHFIELD COUNCIL SUBMISSION  
 PROPOSED AMENDMENTS TO SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

	Main points/Themes	Section/Part	Relevant Amendments/Provisions	Comments
2.2	Communal and public open space	3D	3D-1 Communal Open Space should be consolidated, well configured and designed, and can be used for a range of activities.	<p>Council supports the social values that the Communal and Public Open Space promotes and is achieved through various performance criteria and acceptable solutions.</p> <p>To achieve the outcome of Performance Criteria 3D-1, the communal open space is preferred to be co-located with the adjacent communal open space/s as an alternative.</p> <p>Consolidated communal open space/s can create a linear green corridor across high density residential zones (e.g to the rear of properties) and has more significant biodiversity, stormwater management, climate adaptation values compared to fragmented open spaces.</p> <p>Council is developing this strategic footprint approach in designated B4 and R4 zones to promote and improve green amenity.</p>
2.3	Deep soil zones	3E	Provision of definition, requirements, and alternative solutions for Deep Soil zones.	<p>Council supports the clarification on the deep soil area and the sliding scale of provisions depending on site area. Alternative solutions in place of deep soil are also consistent with the direction sought by Council's Green Amenity Factor (Interim Planning Policy).</p> <p>A minor error on the alternative solutions section:                      Omit - "4U water management and conservation"                      Insert - "4V water management and conservation"</p>
2.4	Visual Privacy	3F	(3F-1.4) Apartment buildings adjacent to a zone permitting lower density residential development should have an increased distance of 3m (additional to the requirements set out in 3F-1.2).	<p>The visual separation distances at certain zone boundaries indicated are acceptable. However, it should be clarified whether the additional 3m separation suggested in 3F-1.4 refers to apartment buildings adjacent to R2 Low Density residential zoned areas only or includes all apartment buildings adjacent to areas with lower density zoning (e.g apartment buildings on R4 next to an area zoned as R3).</p>
2.5	Parking	3J	No minimum requirement for sites within 400m of a railway station or light rail stop in nominated inner and middle ring metropolitan Sydney areas (including Strathfield)	<p>Council objects to having no minimum parking requirements for sites within 400m of a railway station or light rail stop in the Strathfield LGA. Council has recently undertaken the Parramatta Transport and Mobility Study (draft version is currently on public exhibition), which recommends parking provisions based on proximity to accessible transport nodes with a minimum parking requirement of 0.4 - 1.2 spaces per unit depending on its type.</p> <p>Inconsistencies within this section also need to be addressed. It is indicated that parking requirements should be determined in relation to the availability, frequency and convenience of public transport. However, the car parking requirements indicated are determined solely on distance from a public transport node.</p> <p>This is a concern for Council particularly in areas close to Homebush Station and Flemington Station, where there are existing parking and connectivity issues despite being close to public transport nodes. The removal of car parking requirements needs to be supported by adequate justification and should be implemented in conjunction with infrastructure improvements (improved frequency of service, capacity of transport nodes, intermodal connectivity, availability and affordability of alternative transport options, etc).</p> <p>In addition, the claim indicated in the <i>Frequently Asked Questions</i> document released by the Department that the new car parking requirements will reduce the purchase cost of apartments by at least \$50,000 is not supported by sufficient evidence. This is an assumption of the marketplace and does not guarantee that the savings from reduced parking requirements will be passed on to buyers.</p>
2.6	Apartment Mix	4A	Guides the percentage of apartments with different numbers of bedrooms in a development.	<p>Council commends the addition of detailed Performance Criteria to ensure that the mix of apartments provided in a development will respond to the housing needs of the local area.</p> <p>This section should additionally include:</p> <ul style="list-style-type: none"> <li>- stipulation of desirable dwelling mix percentages as a guideline (e.g. 10% - studio; 15% - 1 bedroom; 60% - 2 bedroom; 15% - 3+ bedroom apartments)</li> <li>- 'acceptable solution' pertaining to the location of larger apartment types to focus on access to open space and available frontage instead of upper levels. This would ensure that larger apartments do not become unaffordable penthouse units.</li> </ul>

**STRATHFIELD COUNCIL SUBMISSION  
PROPOSED AMENDMENTS TO SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

	Main points/Themes	Section/Part	Relevant Amendments/Provisions	Comments
2.7	Ground floor apartments	4B	Provides guidance on ground floor apartment layouts supporting small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas.	Council is supportive of the intent of this section. However, a standard definition for 'live/work units (SOHO)' needs to be provided for consistency (please refer to 1.2).
2.8	Landscape Design	4E	Tree Planting in Deep Soil Zones	It is recommended to change the site area requirement from 850m <sup>2</sup> to 650m <sup>2</sup> on Table 1, consistent with the site area requirement in 3E Deep Soil Zones.
2.9	Planting on Structures	4F	Performance Criteria 4F-1	Council encourages planting on structures that can be a usable open space to residents. It is recommended to include an additional design solution in 4F-1 "Lawn Area at ground level over structure suitable for child play".  Waterproofing issues also need to be addressed as poor construction standards traditionally have led to ongoing issues for body corporates.
2.10	Universal Design	4G	Silver level universal design features should be incorporated into a proportion of all new apartments	Council is supportive of the incorporation of universal design features, however clarification should be provided as to whether this will replace the required proportion of 'Adaptable Housing' units, which is required in most Council DCPs.
2.11	Solar and daylight access	4L	"A maximum of 15% of apartments in a building have no direct sunlight between 9am and 3pm in mid winter"	Council is not supportive of a further reduction to the solar access guidelines of the SEPP. Clarification as to the density at which a reduction from three (3) hours solar access to two (2) hours solar access is acceptable should be included in the revised document. Consideration should also be granted to the solar access provided to Common Open Space, particularly providing a readily accessible area of common open space (e.g. northerly orientated shared courtyard/balcony) at the same level as units which receive little or no sunlight
2.12	Common Circulation and Spaces	4M	"Maximum number of apartments off a circulation core on a single level is eight"	Consideration should be given to minimum corridor widths.
2.13	Apartment layout	4N	Introduction of a minimum apartment size for studio apartments (35 m <sup>2</sup> )	Council is supportive of clarifying the minimum standards for studio apartments. However (as indicated in 1.2), a standard definition for 'studio apartments' should be provided to clarify its constitution and difference between other apartment types.
2.14	Ceiling heights	4O	Minimum ceiling heights:  Cafes/restaurants - 4.2m  Residential (habitable) - 2.7m  Residential (non-habitable) - 2.4m  2 storey apartments - 2.7m main living area floor; 2.4m for second floor (with an area not exceeding 50% of the apartment area)  Attic spaces - 1.5m at edge of room with a 30 degree minimum ceiling slope  Ground level in mixed use areas -	Often when a DA is lodged, Council is not aware of the future use of commercial tenancies (i.e. whether a café/restaurant will be the future tenant or an alternative commercial use). A standard floor to ceiling height for commercial tenancies would therefore be more appropriate. There should also be a provision for commercial ventilation, which has an outlet to the roof of the residential component of the building, as retrofitting for commercial vents may often be complicated and cost prohibitive.  Council is generally supportive of the minimum ceiling heights for residential development. Guidelines should also be provided for floor to ceiling heights relating to live/work SOHO units.
2.15	Storage	4R	Additional storage (excluding storage in kitchens, bathrooms, and bedrooms) required:  Studio apartments - 6m <sup>3</sup> 1 bedroom apartments - 6m <sup>3</sup> 2 bedroom apartments - 8m <sup>3</sup> 3+ bedroom apartments - 10m <sup>3</sup>  * 50% located within the apartment	Lockable storage cages within basement areas should be encouraged and designated on title to each unit. Provision should be made at the DA stage and plans should indicate the volumetric capacity of the storage (regular issue as DA plans generally only include dimensions in m <sup>2</sup> for storage areas).

**STRATHFIELD COUNCIL SUBMISSION**  
**PROPOSED AMENDMENTS TO SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

	Main points/Themes	Section/Part	Relevant Amendments/Provisions	Comments
2.16	Noise and pollution	4T	New section providing guidance on alternative solutions for sites that are highly constrained due to noise and pollution impacts, including solar and daylight access, private open space and balconies, and natural ventilation.	The provision of alternate solutions for constrained sites is encouraged. The ADG should also be careful not to repeat the provisions of the Infrastructure SEPP in relation to the impact of rail/road noise and vibration on residential receivers. If glass louvres are to be encouraged to enclose balconies, clarification as to whether this constitutes FSR should also be provided.
2.17	Waste management	4W	4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  (Figure 4W.6) "For taller development, garbage chutes can be located on floors to allow for convenient disposal of waste"	Council encourages a provision for on-site waste collection, linked to the density of the development (i.e. where a development provides more than 50 residential units, an on-site loading dock shall be provided for waste collection to avoid the need for kerb side collection). This could be a guideline/suggestion without statutory weighting as it is acknowledged that waste collection arrangements vary across different Council areas.  In relation to Figure 4W.6, what is referred to as 'taller development' should be adequately defined for consistency of interpretation.