

Submission by the Committee for Sydney for SEPP 65 and the draft Apartment Design Guide

Submitted November 2014



The Committee for Sydney

The following is a submission by the Committee for Sydney on the draft SEPP 65 and the jointly exhibited Apartment Design Guide (ADG).

The Committee is an independent champion and think tank for Greater Sydney. It has members from across the private, public and not for profit sectors and develops evidenced-based policy for Sydney beyond the electoral cycle.

The Committee's 2014 Priorities are:

- 1. Managing the growth of Greater Sydney: planning, housing and governing a global city**
- 2. Keeping Sydney moving: An integrated transport network for a global city**
- 3. Competitiveness and productivity for the city and the nation: promoting Sydney's key economic sectors**
- 4. Protecting and enhancing the appeal of Sydney: its liveability and loveability**
- 5. Sydney as a global talent hub – retaining and attracting the world's best talent**

It is against these priorities and our mantra of '*density done better*' that we assess the suitability of proposed policy or initiatives such as revision to SEPP 65 and the Apartment Design Guide.

Our members

The Committee for Sydney's members includes the range of professional involved in the design assessment, development, sale and management of residential apartments across Sydney. We also have in membership five of the State's community housing providers. Our comments do not only reflect the views of professionals involved in the delivery of housing but those that are concerned about the availability of diverse range of accessible and affordable housing for their staff.

Committee strongly supports SEPP 65 and welcomes the review

The Committee strongly supports the principles contained in SEPP 65. The Committee believes that the SEPP has been instrumental in improving the quality of Sydney's built environment and the standard of residential apartment buildings across Sydney since it was originally introduced in 2002.

A number of our members have highlighted that because of the introduction of SEPP 65, that NSW, particularly Sydney's higher density housing, has been of a higher standard than other states and in fact that Victoria is looking to introduce similar policy and guidelines as NSW. Members also agree that the provision of well-designed apartments with good levels of amenity in accessible locations has had a positive impact on the take up of apartments and has been a catalyst for the culture change we are now seeing to more compact living, and not just by renters but also owner occupiers.

However, it is always useful to review planning and development controls, to learn from our successes and mistakes, and to ensure that such controls reflect innovation and changing circumstances. Even positive innovations such as SEPP 65 can also have unintended consequences which can be remedied in subsequent revisions to policy or improvements to training: there is for example, some evidence that inexperienced local planners have inappropriately and inflexibly sought to implement what were meant to be mere 'rules of thumb' in SEPP 65 as hard and fast regulatory

requirements for all local apartment development, adding unnecessarily to costs or delays. Also changed circumstances and market demand will always need to be reflected in effective policy tools.

The demand for smaller units, for example, should be enabled by public policy where appropriate while still insisting on the best design standards. So called purpose built studios or 'micro-apartments' can enable social sustainability and mixed communities close to services and transport connectivity and have beneficial public policy outcomes. A reformed SEPP 65 needs to embrace this concept and help deliver what the Committee sees in its vision for Sydney as being critical to successful, mixed community living and inter-generational equity in Sydney in the next generation: 'smaller homes, shared spaces and bigger lifestyles'.

We stress that the importance of good design increases with density and particularly where new higher density abuts existing communities. We recognise the importance of promoting design quality in the apartment building process as critical to ensuring that the broader Sydney community supports the growth of higher density development. We also believe that such objectives can be achieved flexibly, depending on local circumstances and specific developments but will require that the reformed SEPP 65 really does stress the difference between the elements which are core to achieving design excellence and those which are advisory. The process also requires that the planning profession really absorbs the lessons of the implementation of the existing SEPP 65 and that best practice in delivering design quality locally, and flexibly, is promoted by the Department for Planning and indeed by PIA. SEPP 65 has had the added benefit of 'standardisation' of some basic expectations in relation to amenity and size with minimum standards having been helpful to protect buyers purchasing 'off the plan'.

While certain aspects of SEPP 65 are in need of review the broad principles behind it – of setting parameters to be followed and identifying best practice to be inspired by, have served the test of time. In renewing SEPP 65 we anticipate that the best principles and guidance from the original are improved on and informed by the experience of implementation over the last decade or so and indeed by what changes there have been in the market, technology and consumer expectations which have made the objective of high quality, higher density urban development even more important to achieve.

1. Context

The need for a diverse mix of housing types and tenures

Providing a diverse mix of housing types including studios and apartments particularly in accessible locations is essential to maintaining Sydney's liveability and therefore our competitiveness. This is especially important as the proportion of 1 and 2 person household continues to increase and an increasing premium is being placed on accessibility to jobs and other opportunities. Our members are also concerned about the affordability of housing and the need for a range of tenure options.

We also stress the relationship between increasing the number of homes, jobs and people in and around transport nodes and the potential to increase patronage on Sydney's public transport services and therefore increase and improve transport services.

The Committee for Sydney is working with members to establish a vision for Sydney in 2054. The vision includes a well-connected polycentric city focused on 2 CBDs in the short to medium term and a larger number of centres in the longer term. Essential to this vision is the provision of a diverse range of housing with good amenity, in well-connected places with access to jobs and other opportunities.

It became clear early on in the process that our vision for 2054 needed to step away from pre-conceived notions of cities in order to understand what kind of city we want Sydney to be, and to embrace the ideas and expectations of:

- younger generations who will inherit our city,
- the rapidly increasing proportion of single and two person households, and
- an aging population who will increasingly require accessible and more affordable housing in locations where they can access support.

We identified **'Smaller homes, better shared spaces and bigger lifestyles'** as the new mantra and the need for **'density done better'**.

Our vision for Sydney is not only **'bigger but better'**.

To support this vision, and particularly to maintain Sydney's competitiveness and liveability, it will be essential to attracting existing and future Sydneysiders to apartment living. To do this we must ensure that the design of new development is of a high standard and that investors, home owners and renters are not just attracted by price but by great design, amenity and lifestyle.

As such we support a focus on communal spaces in developments includes common rooms and outdoor spaces and the need for wider precinct planning to ensure that development sits within a lively neighborhood with access to parks and public places.

Recommendation

- **There needs to be a focus on the amenity of wider precincts and not just individual buildings and developments. It is suggested that once the revised SEPP and ADG is adopted that consideration be given to the best way to deliver master planning for precincts, particularly those in and around transport hubs that are not identified as 'Priority Precincts'.**

2. Our comments

Our submission focusses on the more strategic issues and has left more details comments on specific controls to our individual members who are working with these on a daily basis. We have however, highlighted some suggestion to a small number of standards where we think they have a significant impact on the liveability of precincts and potentially the affordability of homes.

Amendments to SEPP 65

The Committee for Sydney welcomes the following additions to SEPP 65:

Clause 2

(f) contribute to the provision of a variety of dwelling types to meet housing and population targets

(g) to contribute to the provision of affordable housing options and

To facilitate the timely and efficient assessment of applications for residential flat development

Mixed use and shop top housing

We also welcome the addition of mixed use and shop top housing in the SEPP as this form of development will become increasingly important in a lively compact city. It is essential that Sydney 'masters the art' of mixed use development as we focus on urban renewal of transport corridors, Transit Oriented Developments and town centres.

The Committee is keen to include best practice examples of mixed use in our *density done better* project.

Recommendation

- **The public and private sector should collaborate to identify global best practice on mixed use development particularly where it forms part of wider urban renewal schemes**

Design review panels

Our members are generally supportive of the approach to design review panels but stress the need for members to have the suitable experience of the design and assessment of residential apartment buildings.

It has also been suggested that the panel be involved in the pre applications discussions with proponents to create greater certainty about the key design issues with a site.

One of our local council members raised the cost associated with employing the panel whilst we note that the Institute of Architects submission highlighted that the low fees being paid to design review panel members was subsidising the development application process.

As all agree that the panel is an important feature of the development approval process and that there is a need to speed up the planning process it may be an appropriate time to review development application fees.

Recommendation

- **As part of improving the planning process the department should consider a comparative review of development application fees and services**

Clarity and certainty - Guidelines and best practice versus controls

It is important that both the revised SEPP and the ADG be as clear and consistent as possible to avoid dispute over their applicability. As currently drafted there appears to be some ambiguity and inconsistent use of the terms 'standards' and 'performance criteria' which if not resolved will lead to disputes being resolved in the courts. This will in turn result in delay, extra cost and have an impact on reputation of planning and development process.

We note that the original intention of SEPP 65 and the design guide was to provide guidelines and examples of best practice for developers and councils. Since its adoption, a number of guidelines and examples of best practice are now being enforced as hard and fast rules.

To avoid potential confusion and the 'standards' and 'guidelines' being applied inappropriately, greater clarity is required as to the status of the requirements in SEPP 65, the ADG and how they relate to other planning instruments and building controls. This means greater clarity between what is mandatory and what is suggested as best practice

Recommendation

To provide greater certainty we suggest

- **better definition and consistent reference to 'standards', 'performance criteria', 'guidelines' and acceptable solutions across all documents**
- **focus on a smaller number design standards with suggested numeric benchmarks that are essential to get right; and**
- **a reduced number of acceptable solutions and performance solutions in the ADG**

Encouraging innovation

The SEPP and ADG should not be seen as static and promote and support innovation, new technologies and design approaches and most importantly consumer expectations which have made the objective of high quality, higher density, highly accessible urban development even more important to achieve.

Recommendation

- **Specific reference should be made in the design guide to encouraging innovation**

Better guidelines for towers

Considerable best practice has been established for tower blocks, particularly in CBD and waterfront locations over the last 10 years in Sydney. Much of this has been reinforced in the courts.

We are concerned about the trend in some locations, particularly along road corridors for independent towers to be built side by side with little focus on creating new places and building new communities or integrating with existing communities. We are impressed by the outcomes in Vancouver where redevelopment of neighborhood which include towers have created great new places with high levels of amenity. As such we are very interested in the planning of the wider precinct in which towers sit and the relationship between developments. We suggest that as a second phase of this review of SEPP 65 and ADG that we investigate options for promoting best practice for precincts as well as individual buildings.

Recommendation

This best practice should be collated and reflected in the ADG but allow for continuing innovation

It is suggested that specific more detail thinking is presented on

- **Slenderness objectives**
- **Building separations**
- **Building depth and floor plates**
- **Natural ventilation and apartment depth**

A number of these are discussed in more detail below

It is also suggested that as a second phase of the review of SEPP 65 that Planning NSW work with stakeholders to identify best practice for high density precincts including mixed use

Suggested inclusions to increase flexibility, retain amenity and reduce costs

The Committee is also keen to ensure that standards do not adversely impact on the supply and affordability of housing stock including residential apartments. We are also keen to promote innovation that supports the reduction in the cost of bringing housing to market.

We believe that reducing the uncertainty about planning controls, the time taken to process applications and avoiding spending time in courts has potential to contribute to reducing the cost of development and speeding up the delivery of new stock.

We have also suggested a small number of amendments and clarifications to standards which we consider will reduce the costs. These have been suggested and supported by a range of members who are involved in both assessing and promoting development applications and have had a hands on role in implementing and monitoring the impact of SEPP 65.

When considering affordability we note also that the whole of life cost of building which are handed onto to the owners should be considered not just upfront delivery costs.

We also strongly support reduced car parking in accessible locations to allow greater choice in the market and at reduced costs which is covered in more detail later in the submission.

Recommendations

Building depth

- Building depth should be defined as between the glass line as in the RFDC - members agreed that 18m max is acceptable and greater with balconies

Natural ventilation and apartment depth

- Natural ventilation standards do not need to apply above 30m high where natural wind pressure provides adequate amenity for single aspect apartments (note this was adopted by the CSPC)
- A maximum of 8m depth for single aspect apartments to the back of the kitchen unnecessarily onerous and reduces flexibility – this should be reviewed and could be increased

Sunlight

- Members agreed that greater flexibility was required in term of access to sunlight – it was suggested that a minimum of 2 hours in winter would be acceptable for high density development
- The ADC should also acknowledge the potential to deviate from this when sites have views or an aspect to the south
- Solar access guidelines should be applied with discretion and not be sufficient grounds to refuse a well designed development especially in high density and city centre locations.

Above ground car parking

- Caution is required with allowing above ground car parking because of the impact it can have on amenity of the wider precinct. We acknowledge however that there may be increased options for repurposing of car parking if is provided above ground when Sydney becomes less car dependent.
- Where above ground is permitted it must be convertible to useable space, screened from the street with useable spaces and not have a negative impact on the amenity of the precinct

Number of units per floor /lift shaft

- The limit of 8 units per floor when administered bluntly is considered to be a significant constraint on reducing the cost of units and is not always enforced by Councils or the Courts. It may be better to include a range say 8 – 12 but include a requirement to increase amenity as the number of units increases eg wider corridors, natural light, external outlook.

Orientation

- There needs to more flexibility with orientation controls. More important is the inclusion of suitable well designed external sun shading.

We note that there is an issue with creep on all the numerical benchmarks listed above and that if you increase a minimum standard or guidelines that there is a risk that they will be continually eroded. In this case it is probably better to amend the benchmark and then stick to it.

Perhaps a culture of mutually beneficial tradeoffs should be encouraged to allow proponents to increase amenity elsewhere on site.

3J Bicycle and Car parking standards

The Committee strongly supports new standards that allow a reduction in car parking and in some cases permit no car parking in areas with good levels of public transport accessibility. It is a great opportunity to provide people with choice and support a culture shift toward non private car travel.

This approach is already being implemented in many of Sydney's progressive councils in locations with good public transport. We note that this is a minimum standard and that Council may want to include maximum standards in local planning controls in accessible areas.

We heard from a number of speakers at Make New - the Bays Precinct conference this month including Copenhagen that maximum and zero car parking had supported real improvements to amenity and an important cultural shift to public transport.

Alternative transport options to support reduced car parking standards

We believe that reducing car parking standards should go hand in hand with encouraging alternative transport solutions, especially through the transition phases as new public transport is being delivered or improved. Currently the alternative transport requirements in this section are vague and should be included as requirements, rather than possibilities.

Recommendation

- **The ADG should include guidelines for alternative transport options where car parking is reduced**

The following guidelines are provided as suggestions:

- Provision of car share space or spaces that are publically accessible for development above a certain threshold say 50 or low a number if they are larger family size apartments
- Minimum acceptable standards for bicycle parking similar to the City of Sydney
- Motorcycle spaces equivalent say to 1 car parking space per 20 apartments

Definition of public transport accessibility

The proposed amendment in the ADG which allow for minimum or no car parking within 400 -800 of train and light rail stations should be applied to a wider definition of areas with high levels of public transport accessibility. Instead reduced car parking should also be encouraged around transport nodes and routes with high frequency of public transport services including strategic bus routes and ferry series. For example, areas along Victoria Road such as Gladesville have high frequency bus routes throughout the day and evening and higher levels of public transport accessibility than residents living around a train station with a low frequency of services such as the Carlingford line. The same could be said of Manly which has both bus and ferry services, to a range of centres including the CBD, North Sydney, Brookvale and St Leonards.

Recommendation

- **Reduced car parking should also be encouraged up to 400m from stops on high frequency strategic bus routes on RMS main roads (where it is unlikely that bus routes will change) and at well established ferry terminals.**
- **It may be useful to establish a new accessibility metric which includes the level of public and active transport. This could include frequency, range of destinations etc.**

PETALS - UK measure of accessibility

The UK have developed a range of tools to measure accessibility, but the most commonly used is PTALS. The PTAL of a site will influence factors such as the appropriate density of development on a site, the level of car parking and the need for additional public transport services.

PTALs effectively measures a combination of how close public transport services are from a given point and the frequency of services (ie walking times plus waiting times).

<http://www.tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/transport-assessment-inputs/accessibility-analysis>

Definition of distance from station

To avoid dispute, there needs to be greater clarity on what is meant by a site being 'within' 400 or 800 metres of a railway or light rail station. For simplicity, it is suggested that where at least the edge of a site is within an 800m radius measured 'as the crow flies' from the station or bus stop that the reduced parking requirements apply.

Reference should be made to the need for applications being considered on their merits if there are barriers between the site and the station eg busy roads, railway lines or private impermeable estates.

We commend the reference to 'where less car parking is provided councils are encouraged to limit on street residents car parking for the new residents' page 70 (ADG). Whilst this only applies to areas with controlled on-street car parking schemes it will help with objections from existing residents. It is anticipated as densities increase that the management of on-street car parking it will be increasingly important.

Recommendations

- **A different approach to identifying areas with high levels of public transport accessibility is required which includes high frequency bus and ferry routes**

Green roofs and accessible roof space

The use of roof space to provide additional amenity and shared open space for residents should be encouraged particularly where ground floor open space is limited or has reduced amenity because of traffic or limited sunlight etc.

Making better use of roof space is also an opportunity to incorporate screen of roof top paraphernalia and improve views across the city skyline.

Recommendation

- **Additional guidelines and best practice should be provided for the use of roof space**

Whole of life costs

More thought should be given to whole of life costs of buildings to reduce ongoing maintenance costs for residents. For example external finishes should be self-finishing to reduce expense associated with painted or rendered surfaces

3. Recommendations for additional initiatives

Additional Guidance

Villa, town houses and dual occupancy

The department should consider developing further this SEPP or another specific controls for other multi occupancy dwelling including villas, town houses and dual occupancy which are often being developed in existing neighborhoods where there is sensitivity in relation to design and amenity. Providing greater certainty for both the developer and the existing residents is important.

Precinct/place development

A key factor in providing good amenity in residential apartment building is place making. It is suggested that as a next stage the department should work with developers and local councils to identify best practice on delivering wider place making and the integration of transport and accessibility improvements.

Sydney-wide review of car parking standards

A review of car parking standards and levies should be initiated and the controls managed by NSW planning and those responsible for land use rather than RMS. This should include on-street car parking as well as private car parking stations.

Developing a culture of ‘development done better’

Opportunities to reward good design and development

The department should consider sponsoring awards for good and innovative residential apartment development

Education

Finally, improving the skills of development professional, planners and councillors will be fundamental if we are to continue to drive up the quality of residential apartments in Sydney. Amendments to the SEPP and ADG should be accompanied by training particularly for planners in less well-resourced councils.

The Committee for Sydney in rolling out a program of site visits to promote ‘density done better’ and share lessons learnt. We hope that these visits will raise the profile of good design and the importance of an effective collaborative process to deliver good development.

Review of planning resources and application fees - UK resources

This submission referred to the need to look at the cost of assessing planning applications and fees currently charged.

The following reports are part of a suite of documents prepared to inform the review of planning application fees in the UK for the Department for Communities and Local Government

'Planning Costs and Fees' was prepared by ARUP - November 2010.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6381/1769333.pdf

'Benchmarking the costs to applicants of submitting a planning application' - July 2009

<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/benchmarkingcostsapplication.pdf>

It makes recommendations on changes to fee structures for planning applications particularly in light of changes to legislations and maybe helpful to determine if this is something that it would be useful for the Department to carry out for NSW.