

Changes to SEPP 65

30 JULY 2015

gadens

Issues changes seek to address

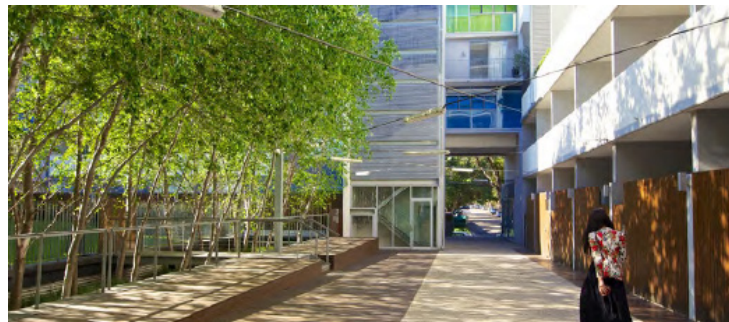
- RFDC dates from 2002
- Need for further detail, decisive language, more diagrams and pictures, and overall update
- Flexibility vs prescription
- Clarifying how the Design Code relates to local DCPs
- ‘Rules of thumb’ being inflexibly applied
- Uncertainty about type of building the code applies to
- Low take up of design review panels

Key features of amendments

- SEPP to now clearly apply to shop top housing and mixed use development that include apartments
- Renaming from “Code” to “Guide” to emphasise that the Apartment Design Guide is a *guide* to be applied *flexibly*
- Prevents consent authority from refusing DA if design criteria met and complies with Guide for ceiling heights, apartment size and car parking
- Guide requirements re certain key issues override DCP controls
- Residential flat building applications must comply with BASIX

Aims and objectives

- Three new aims under clause 2(3), contributing to:
 - variety of dwelling types being provided to meet housing and population targets
 - affordable housing options
 - facilitating timely and efficient assessment of development applications



Overrides certain provisions of DCPs

- Requirements of a DCP will have no effect if they relate to:
 - apartment size and layout;
 - visual privacy;
 - solar and daylight access;
 - common circulation and access;
 - ceiling heights;
 - private open space and balconies;
 - natural ventilation; and
 - storage.



New “design quality principles”

Current principle	New principle
1. Context	1. Context and neighbourhood character
2. Scale	2. Built form and scale
3. Built form	--
4. Density	3. Density
5. Resource, energy and water efficiency	4. Sustainability
6. Landscape	5. Landscape
7. Amenity	6. Amenity
8. Safety and security	7. Safety
9. Social dimensions and housing affordability	8. Housing diversity and social interaction
10. Aesthetics	9. Architectural expression



Part 3 - Design review panels

- Aim to encourage uptake of design review panels
- Members to be qualified and experienced in fields of architecture, landscape architecture or urban design (planners no longer welcome!)
- Panel advice to be provided within 14 days of first panel meeting (previously within 31 days of referral to panel – possibly no real abridgment of time)
- Increase in fees Council can charge for referral to design review panel - from \$760 to \$3,000 (max)
- Panel advice has legal weight = mandatory consideration

Template of advice

Development assessment overview		
Proposed development		
Street address		
Applicant/owner		
Report by		
The proposal	[Brief and succinct summary of proposal]	
Background	[A summary of relevant background information establishing history of the proposal to date including response to context and site; photos may also be useful]	
Assessment summary		
Council's key development standards		
	Proposed	Assessment
Floor space ratio		
Height		
Front setback		
Side setbacks		
Rear setback		
Other (e.g. building depths or envelopes)		
SEPP 65 key standards		
	Proposed	Assessment
3F Visual privacy		
3J Bicycle and car parking		
4A Solar and daylight access		
4F Common circulation and spaces		
4D Apartment size and layout		
4C Ceiling heights		
4E Private open space and balconies		
4B Natural ventilation		
4G Storage		
Key issues	[Summary / dot points]	

Design Quality Test	
Nine design quality principles	Apartment Design Guide
	<i>This section must discuss all the relevant aspects of the Apartment Design Guide. Where design criteria is included, this must be discussed</i>
Principle 1 - Context and Neighbourhood Character	
[Record of discussion]	[Discussion of related section(s) of the Apartment Design Guide]
Principle 2 - Built Form and Scale	
Principle 3 - Density	
Principle 4 - Sustainability	
Principle 5 - Landscape	
Principle 6 - Amenity	
Principle 7 - Safety	
Principle 8 - Housing Diversity and Social Interaction	
Principle 9 - Aesthetics	
Amendments	[Identify any recommended amendments necessary to achieve design quality and the related design quality principle]
Recommendation	[Insert recommendation]

Car parking

- New “cannot refuse” ground (added to apartment size and ceiling height)
- Council can’t refuse DA based on car parking, provided development complies with minimum requirements
- Change from draft controls – backed down from proposition that zero parking OK within 400m of transport hub
- Essentially just means that in specified areas, a developer can choose the lower of RMS or Council parking minimums

Car parking minimums

Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

Design criteria

1. For development in the following locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

The car parking needs for a development must be provided off street

Design guidance

Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site

Where less car parking is provided in a development, council should not provide on street resident parking permits

Nominated regional centres:

Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong and Wollongong

Sydney Metropolitan Area:

The Local Government Areas of Ashfield, Auburn, Bankstown, Blacktown, Blue Mountains, Botany, Burwood, Canada Bay, Camden, Campbelltown, Canterbury, Fairfield, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku–Ring–Gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, The Hills, Warringah, Waverley, Willoughby, Wollondilly and Woollahra

Apartment size

- Clarification re apartment sizes as a “cannot refuse” ground – now relates to the *internal* area only.
- Note that balconies are a matter specified in clause 6A where the Guide requirements will override DCP controls.

Apartment Type	Area under Code (Rule of Thumb)	Area under Guide
Studio	Not addressed	35sqm
1 bedroom	50sqm	50sqm
2 bedroom	70sqm	75sqm
3 bedroom (single bathroom)	95sqm	90sqm
3 bedroom (2 bathroom)	95sqm	95sqm

Elevation of objectives

- Design verification must now address not just the design quality principles but must also demonstrate how the 80 objectives in Parts 3 and 4 of the Apartment Design Guide have been achieved
- Development consent must not be granted if, in the opinion of the consent authority, the development does not demonstrate that adequate regard has been given to not just the design quality principles but also the objectives specified in the Apartment Design Guide for the relevant design criteria

Transitional provisions

- Changes apply to all applications lodged after 19 June 2015. Applications lodged before that date will be determined under the unamended SEPP
- Changes will apply to any modification application lodged after 19 June 2015



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The logo for 'urbis' is located in the top right corner. It consists of a white square containing the word 'urbis' in a lowercase, sans-serif font. The 'u' is dark blue, and the 'r' is a lighter blue. The 'b' is dark blue, and the 'i' is a light blue. The 's' is dark blue.

The Apartment Design Guide

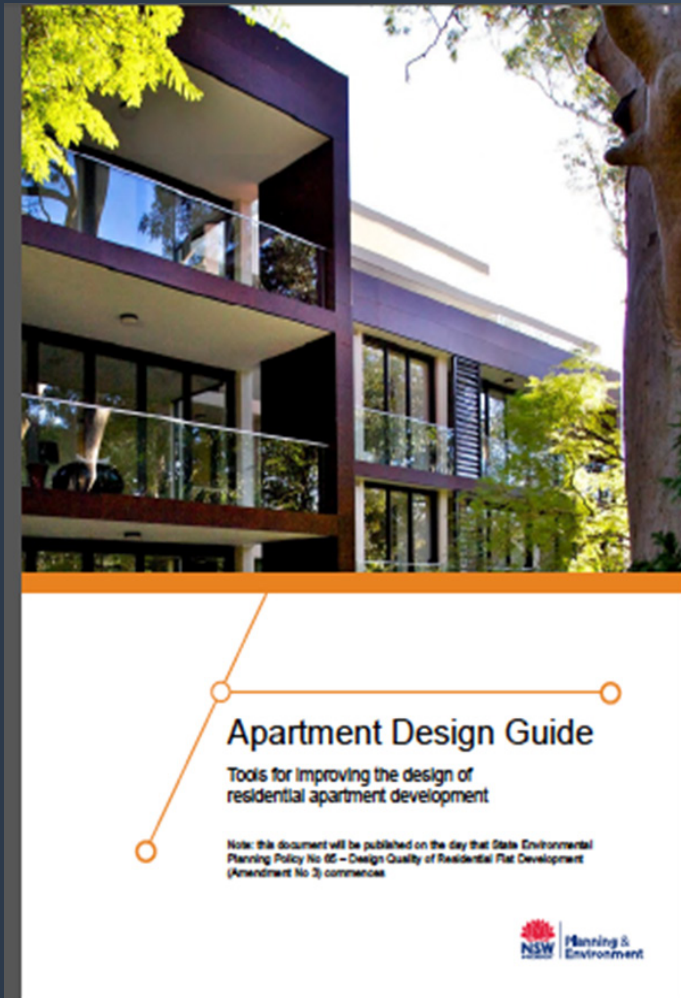
30 July 2015

Presentation by:
Stephen White, Director - Planning

Overview



Apartment Design Guide



Part 1 - Identifying the context

Part 2 – Developing the controls

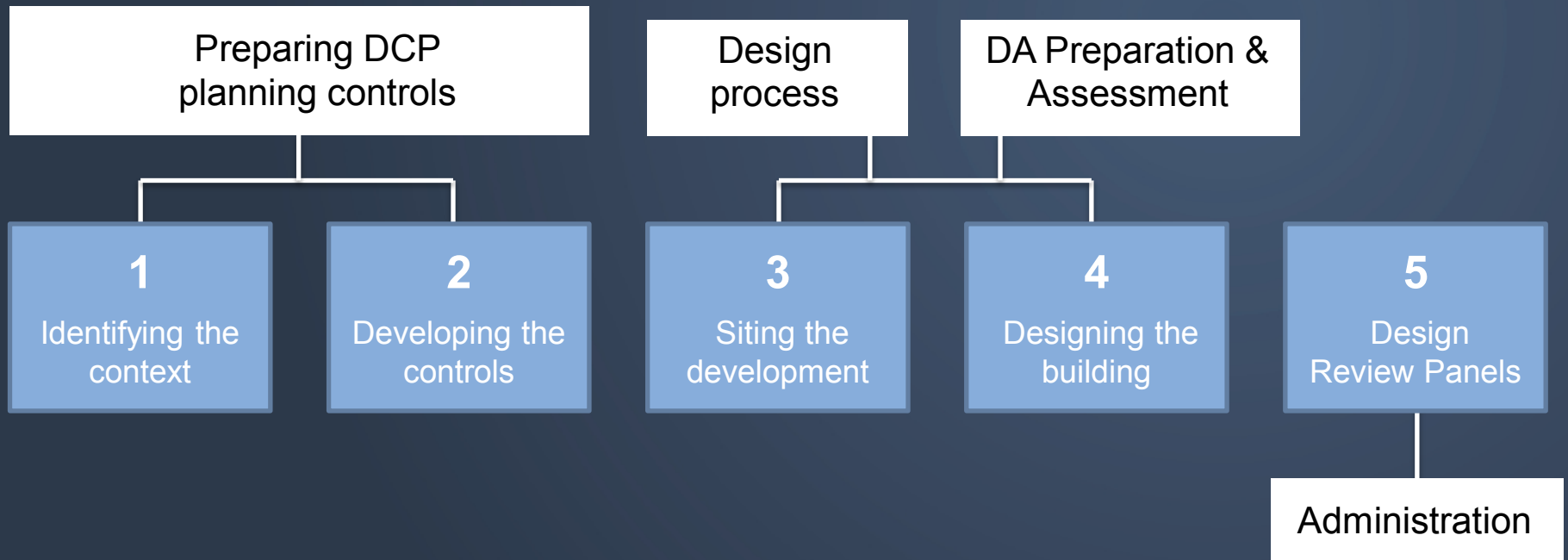
Part 3 – Siting the development

Part 4 – Designing the building

Part 5 – Design Review Panels

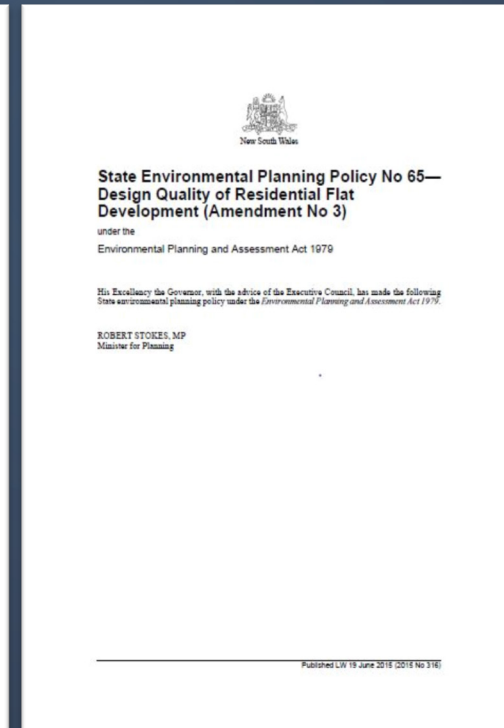
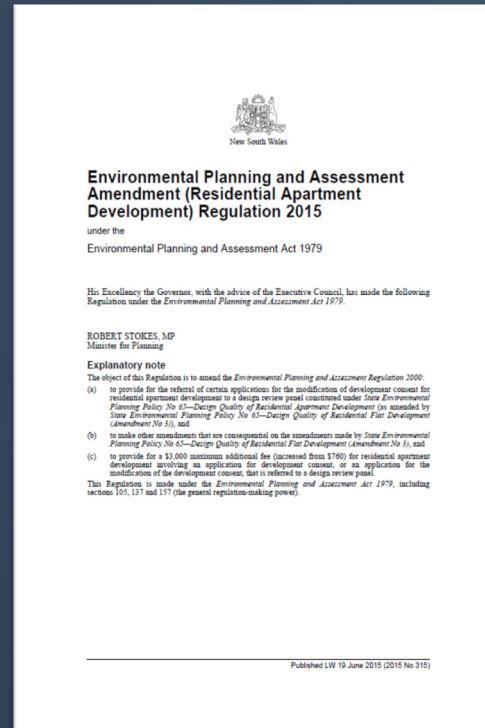
Appendices

How to use the ADG

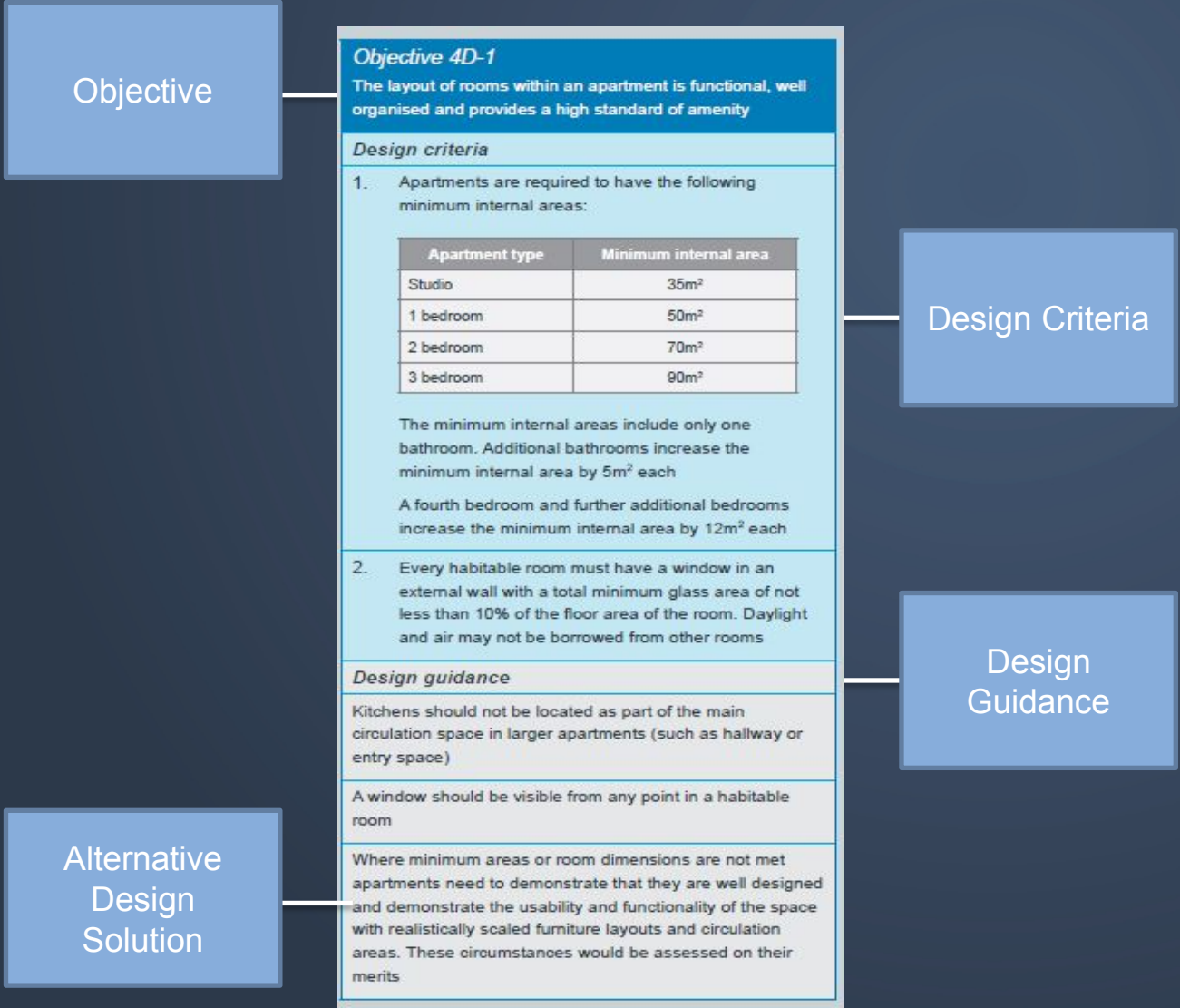


What's New ? – Statutory Effect

- No development consent granted without regard to the objectives
- No approval of draft DCPs unless considered Parts 1 & 2
- DAs + S96 applications **must** have verification statement from a qualified designer demonstrating achievement of objectives in Parts 3 & 4



What's New ? – Criteria Layout



Acceptable minimum standards

Standards that cannot be used as grounds to refuse consent (of DA or S96):

- Car parking (3J)
- Internal apartment area (4D)
- Ceiling height (4C)

If equal to or greater than the minimum amount in the ADG

Relationship to DCPs

DCP provisions **have no effect** in relation to 8 key design elements :

- Visual privacy (3F)
- Solar and daylight access (4A)
- Common circulation & spaces (4F)
- Apartment size and layout (4D)
- Ceiling heights (4C)
- Private open space & balconies (4E)
- Natural ventilation (4B)
- Storage (4G)

3F VISUAL PRIVACY

- Building separation criteria (no change)
- But now also applicable to:
 - side & rear boundary setbacks
 - Separation from retail / commercial
- New - separation to lower density zone provision

**4A
SOLAR &
DAYLIGHT
ACCESS**

- Minimum 70% with 2 hour midwinter sunlight
- All habitable rooms external window.
- Alternative design solutions

**4F
COMMON
CIRCULATION
& SPACES**

- 8 apartments off a core (max 12)
- 40 apartments per lift - 10+ storeys
- Daylight and ventilation to all common circulation spaces
- Alternative design solutions

**4D
APARTMENT SIZE
& LAYOUT**

- Cant be used as grounds for refusal
- Reduced studio size – 35m².
- Reduced 3 bedroom size – 90m²
- BUT +5m² for second bathroom
- Window for every habitable room
- Room depth max 6.75m for 2.7m ceiling height (8m if open plan)
- Minimum room widths

4C CEILING HEIGHTS

- Can't be used as grounds for refusal
- Min 2.7m habitable room
- Min 2.4m non habitable + 2nd floor for 2 storey apartment (max 50% area)
- Min 3.3m ground/1st floor mixed use
- Min 1.8m attic at edge of room

**4E
PRIVATE OPEN SPACE
& BALCONIES**

- Now min areas not depths to primary balconies:
 - Studio - 4m²
 - 1 bed – 8m²
 - 2 bed – 10m² (increased)
 - 3+ bed- 12m² (increased)
- Alternative design solutions for 10+ storey buildings

**4B
NATURAL
VENTILATION**

- All habitable rooms naturally ventilated
- 60% apartment naturally ventilated Ground- level 9.
- Suggested solutions for single aspect apartments

4G STORAGE

- No change from previous guide in volume sizes
- Allows storage on balconies if integrated into design and weather proofed

3J CAR PARKING

- Can't be used as grounds for refusal
- RTA Guidelines or DCP (whichever less):
 - 800m Sydney rail
 - 400m Regional B3 & B4

Other Key Design Criteria

3D
Communal
open space

50% direct
sunlight to the
principal usable
part 2 hours in
mid winter

3E
Deep soil
zones

Minimum deep
soil now 7% of site

Alternative
solutions
available

4R
Adaptable
reuse

Alternative
solutions available
where design
criteria unable to
be achieved

4Q
Universal
design

Benchmark 20%
apartments
achieve silver level
universal design
features

4J
Noise &
Pollution

Alternative
solutions available
where design
criteria unable to
be achieved

Potential Issues and Implications



Design Impacts

- 1st Floor ceiling heights – 3.3m may trigger non-compliances. How realistic?
- No solar access maximum – more non-residential in lower floors in centres?
- Apartment typologies with study/media room – potentially gone?
- Meeting Solar Access criteria – potentially inferior flow of indoor living spaces and balconies
- New side separation distances – if applied create poor ‘wedding cake’ forms
- Desired apartment depths reduced – issue if cross ventilation criteria not met

Tickbox Assessment?

- More criteria to meet - Less innovation and flexibility?
- Satisfying Design Criteria will need to be ticked off in assessment
- More Design Panels likely, greater onus on architects to justify design – potentially more scope to consider alternatives
- In the absence of Design Review Panel – planners likely to default to numeric compliance.
- Boarding houses/Student housing & Serviced apartments (will LEPs change?)

Cost Implications

- Potentially less floor space (NSA) efficiency – to meet apartment amenity and circulation requirements.
- Slightly larger apartment sizes for “2 bathroom” apartments – affordability issue?
- Additional time + costs for Design Review Panel meetings and potentially technical advice to support alternative solutions
- Positively – potentially less basements for car parking if desired by applicant

