

# “Design by Innovation Not Regulation”

SEPP 65 and Residential Flat Design Code Review

Submission to the **Centres and Urban Renewal Branch – Department of Planning and Infrastructure.**

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The **Urban Taskforce** is a non-profit organisation representing Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

## 1. Overview

The Urban Taskforce has taken the review of SEPP 65 and the Residential Flat Design Code as an opportunity to look at the importance of this building type to accommodating a significant proportion of the states' population growth over the next 25 years. This is particularly so in metropolitan Sydney where around 500,000 new apartments will be required by 2036.

The Urban Taskforce believes that demographic changes in our metropolitan areas are meaning more people are looking for an urban lifestyle as an alternative to the traditional suburban house. The Metropolitan Strategy for Sydney states that 770,000 new housing units will be required by 2036 and the Taskforce believes that up to 500,000 of these are likely to be in the form of apartments.

## 2. Leadership from the State Government Required

Significant leadership from the state government is required to help the realisation of this significant change to the character of Sydney.

This is required as our metropolitan communities have become very much against change and against increases in density without realising that Sydney has no other option.

The Productivity Commission Report in April 2011 into Planning surveyed city communities around Australia on the question of their support for change to their neighbourhood and 64% of Sydneysiders were against change well above the percentage for any other city in Australia. Through a variety of reasons the Sydney community has become anti development and anti change and strong leadership is required to demonstrate the value of a more urban lifestyle.

Today's generation X and Y people are far more influenced by the location where they would like to live than earlier generations and it is clear that many are preferring a more urban location close to amenities rather than a larger house on the outskirts of the city. This will increase the demand for new apartment buildings over the next 25 years.

Many planning documents refer to the "desired future character" as an assessment criteria yet it is clear that many communities do not want a different desired future character to their existing one. This can only lead to a major intergenerational equity problem as future generations could find there are no suitable places to live because of the unwillingness to change by this generation.

It is in this context that SEPP 65 must be a planning instrument that champions the increased supply of apartment buildings and sets standards that give communities confidence that this building type will be well designed and provide quality environments. Currently the time taken by NSW councils to determine applications for projects like apartments where the value is above \$10 million is between 200 and 300

days. This has influenced the establishment of Joint Regional Planning Panels who are determining applications in far less time.

The Urban Taskforce proposes that all residential flat development proposals be determined by JRPP's as a way to streamline the supply of apartment buildings. The following seven recommendations outline how the state government could provide leadership to guide the future development of the states urban areas.

### **3. Seven Steps to a Better Planning Process for Residential Flats**

#### **3.1 State leadership**

The State Plan and the Metropolitan Strategy for Sydney must identify the likely future growth in apartment buildings and the preferred locations for these buildings (centres, transport nodes and corridors). The Director General of Planning should issue formal directions to councils to incorporate this future growth in the preferred locations so that LEP's and DCP's reflect the inevitable growth in Sydney's population and nominate where this can occur.

#### **3.2 Involve communities**

Councils in developing LEP's and DCP's to accommodate future growth should extensively involve local communities in the strategic planning process with a full understanding of the change to the character of key precincts through visualisation tools and the trade-offs that will maintain significant no change areas.

#### **3.3 SEPP 65**

A modified SEPP 65 that requires registered architects to undertake apartment design and a reduced set of guidelines in a Residential Flat Design Code become the key planning documents that set the requirements for the design of apartment buildings.

#### **3.4 JRPP to determine**

All apartment building development applications above the threshold established in SEPP 65 be considered by Joint Regional Planning Panels so that a more future focussed approach is taken. To undertake the increased workload JRPPs will need to develop their own planning report capability, possibly by seconding staff from councils.

#### **3.5 Design advice**

Each Joint Regional Planning Panel should establish a design adviser to advise it on design quality on apartment building development applications (and other building types). Design advisers should have skills in architecture, urban design and an understanding of market realities.

#### **3.6 Code assessable**

Apartments below a height of 25 metres should be assessed under a code assessable approach (as defined by the Development Assessment Forum) and be measured against the LEP, DCP, SEPP 65 and the design adviser comments. Applications would not be publically exhibited as they would conform to the requirements of the above planning documents that define the code and they would conform to the future character established by the community at the strategic planning stage.

#### **3.7 Merit assessment**

Apartments above 25 metres and applicants that prefer a MERIT based assessment process should be publically exhibited and assessed against the LEP, DCP, SEPP 65, Design Review Panel comments and public submissions. The assessment process will be longer than that of the code assessable approach.

## 4. Review of SEPP 65

The Urban Taskforce supports the concept but not the detail, of SEPP 65 as a useful tool to give communities confidence that apartment buildings will be of a high design quality. We particularly support the requirement that a qualified architect undertakes the design of these buildings but we believe that the SEPP and the related Residential Flat Design Code are far too prescriptive and need to be significantly simplified.

## 5. Good Design Comes from Innovation Rather than Regulation

The Urban Taskforce believes that once a qualified architect is required to design this building type it is unnecessary to then instruct the architect of the micro design of the building. While the RFDC states it is for guidance and sets broad parameters the Land and Environment Court has virtually made them rules set in case law. Added to this is the increasingly risk adverse nature of local government planners as outlined by the Planning Institute of Australia. What is needed is LESS regulation and a system that sets the important rules and encourages design quality and innovation.

## 6. Proposed Changes to the SEPP

The Urban Taskforce believes the SEPP can be simplified. We believe the Aims and Objectives can be reduced from 14 to 5 clear statements about Demographic Change, Design Quality, Economic Feasibility, Environmental Performance and Amenity. Importantly the aims and objectives need to support development of Residential Flats in appropriate locations.

The Design Quality Principles can be reduced from 10 to 8 including Context, Built Form, Aesthetics, Affordability, Environmental Performance, Landscape, Amenity and Safety and Security.

All issues about Environmental Performance need to be delegated to BASIX which is a far better tool to manage this and set standards.

We are suggesting the Design Advisers are established at a JRPP level only and they also advise on planning instruments related to residential flats – development applications should only be determined by a JRPP and that for proposals under 25 metres in height these be Code Assessable leading to quick approvals.

### 6.1 Aims and objectives

The current aims and objectives should be replaced with the following 5 aims and objectives. Importantly the main aim should move away from improving design quality as the last 10 years has now achieved this to increasing the supply of well designed residential flats. The proposed aims are:

#### Demographics

To recognise changing demographics and the need to increase the supply of well designed residential flats in appropriate locations.

#### Design

To ensure that the built form and the aesthetics of residential flat buildings and their impact on street scapes is of a high design quality.

#### Economics

To ensure that residential flat buildings are economically feasible so that housing is affordable for various levels of the community.

#### Environment

To maximise environmental performance by conforming to BASIX requirements.

#### Amenity

To ensure that amenity, safety and security for occupants and the wider community is of a high order.

### **6.2 Design quality principles**

#### Context

That existing and future characters related to context is considered. As many residential flat buildings will in transition areas they will contribute to the future context.

#### Built Form

That built form, scale and density are consistent with the planning controls for an area.

#### Aesthetics

That appropriate quality materials, colours and design is of a high order.

#### Affordability

That economic affordability be considered at all market levels to minimise the cost of housing to the community.

#### Environmental Performance

That the principles of BASIX be the determinates of environmental performance for residential flats.

#### Landscape

That landscape provide a balance to the built form so that shade and visual relief is provided.

#### Amenity

That good amenity including privacy and good internal space planning be provided.

#### Safety and Security

That safety and security be maximised for occupants and the wider community through good design.

### **6.3 Design advice**

The Minister may appoint design review advisers.

Design advisers should be appointed to each Joint Regional Planning Panel.

Design advisers will provide design advice to applications being determined by a Joint Regional Planning Panel.

Design advisers should be appointed by the Minister from a pool of qualified persons.

Design advisers should have expertise in architecture, urban design, environmental planning, landscape architecture and should have a good understanding of economic feasibility and of the practical construction of residential flats.

Functions of a design adviser are to advise the approval body on development applications for residential flat developments particularly related to design quality as outlined in the Design Quality Principles.

Design advisers should also give independent advice to councils on the design content of draft local environmental plans, development control plans, master plans, similar plans and draft planning policy documents having regard to the Design Quality Principles.

#### **6.4 Preparation for instruments**

1. An environmental planning instrument, a development control plan or a master plan that makes provision for residential flat development should include provisions to ensure the achievement of design quality in accordance with the design quality principles and have regard to the mandatory components of the Residential Flat Design Code.
2. Council must not approve a draft development control plan unless it has been referred to a design adviser as set up under SEPP 65.

#### **6.5 Development applications**

A development application that relates to residential flat development must be designed by or designed under the direction of a registered architect. The architect must verify that the design quality principles have been incorporated in the design.

All development applications that conform to the definition of a residential flat building in SEPP 65 are to be assessed by the relevant Joint Regional Planning Panel.

The consent authority must obtain the advice of the relevant design adviser concerning the design quality of the residential flat development which must be received within 31 days of the request if it is to be taken into account.

The non-mandatory requirements of the Residential Flat Design Code cannot be used as grounds to refuse development consent or to condition an approval.

For residential flat buildings under a height of 25 metres and where the local environmental plan, the development control plan and a master plan define clearly height and FSR maximums and set back requirements and where these planning instruments have been through a public exhibition process then development applications can be treated as being code assessable without further public exhibition.

The code that would be used for code assessment would include the relevant provisions of the local environmental plan, the development control plan, a master plan and SEPP 65 and the mandatory provisions of the Residential Flat Design Code.

## **7. Proposed Changes to the Residential Flat Design Code**

The Urban Taskforce is recommending that the Residential Flat Design Code be reduced to only 12 criteria that are the most important determinants of built form. These are Building Height, Building Depth, Building Separation, Street Setbacks, Side and Rear Setbacks, Floor Space Ratio, Landscape Design, Open Space, Visual Privacy, Apartment Sizes, Internal Circulation and Environmental Performance.

Clearly some of these criteria are quantified in other planning instruments including LEP's and BASIX.

The remainder of the material in the RFDC, the bulk of it, should exist as a reference document only with the clear statement that none of the material can be used as grounds to refuse development consent for residential flat buildings or be used to condition an approval.

## 7.1 General comments

When the RFDC was produced in 2002 it was following forums from 2000 onwards that raised the need to improve the design of residential flat buildings. The introduction of SEPP 65 and of the RFDC has achieved the objectives of lifting the design quality of this building type.

The Urban Taskforce believes the most significant initiative was the requirement to use a registered architect to design residential flat developments above a certain size. The Urban Taskforce however believes that the Residential Flat Design Code has become misused as a guideline and become a formal code and that many of the requirements or rules of thumb are now covered in other planning instruments.

While the RFDC was intended to be a guideline with rules of thumb that set broad parameters it has now become a code with mandatory requirements. The NSW Land and Environment Court has on a number of occasions used the RFDC rules of thumb as the criteria to determine design issues and therefore made the broad parameters become detailed code requirements locked in case law.

The Urban Taskforce is very concerned that well meaning guidelines issued by the NSW government are increasingly becoming formal requirements and assessment criteria. This is being reinforced by an increasingly risk adverse culture of local government planners who are looking for rules to base their decisions on. The NSW chapter of the Planning Institute of Australia has highlighted this trend to risk aversion in a submission to the review of the planning act in NSW.

The result of this "tick the box" approach to assessment is a trend towards standardised "cookie cutter" designs rather than the innovation in design quality that the original forums on design quality 12 years ago were aiming for.

In NSW we have ended up with DESIGN BY REGULATION rather than DESIGN BY INNOVATION.

Clearly a number of rules and regulations are required to protect neighbours and to determine the general built form of an area but once a registered architect is required to design a building they should be able to use their creative skills to resolve the detailed design.

As an example of an unacceptable rule the requirement for 3 hours of direct sunlight in living rooms has forced some designs to provide the main balcony off the bedroom with only a minimal balcony off the living room. Most people want an indoor outdoor relationship from their living room to a good sized balcony where outdoor eating and entertaining can occur.

The Urban Taskforce therefore suggests that the Residential Flat Design Code be broken into two sections. The first section would include MANDATORY CONTROLS that affect the bulk and form of buildings along with setbacks and open space requirements.

The rest of the document would become a NON MANDATORY REFERENCE document with a specific qualification that none of the material can be used as grounds to refuse development consent or to be a condition to an approval for residential flat developments.

## 7.2 Proposed mandatory controls in the RFDC

The following controls are the only ones that should be used as assessment criteria. In the response to questions section we have clarified further how these controls should be defined.

- Building Height (in LEP)
- Building Depth
- Building Separation
- Street Setbacks
- Side and Rear Setbacks
- Floor Space Ratio (in LEP)



- Landscape Design
- Open Space (Flexible deep soil requirements)
- Visual Privacy
- Apartment Sizes
- Internal Circulation
- Environmental Performance (defined in BASIX)

## 8. Feedback on questions asked by the Department of Planning and Infrastructure

The Department has issued a review document on SEPP 65 and the RFDC with a large number of questions. The Urban Taskforces response to these questions is covered in the material above. We have however selected a number of key questions and given a brief comment on these.

### 8.1 Response to questions asked by the NSW Department of planning and Infrastructure

Consultation Question	Feedback provided by UTA
<b>2.1 Aims and objectives</b> <ul style="list-style-type: none"> <li>• Should additional aims be added to SEPP 65?</li> <li>• What additional themes should be included?</li> </ul>	<b>2.1</b> The aims and objectives need to be rethought after 10 years. The UTF has suggested 5 aims. See detailed submission.
<b>2.2 Definitions</b> <ul style="list-style-type: none"> <li>• Should the SEPP definition of residential flat building be consistent with the Standard Instrument?</li> <li>• Are there any additional criteria that should be added to this definition for the specific application of SEPP 65? For example, 2 storey residential flat buildings with a threshold number of apartments?</li> <li>• Should the term 'qualified designer' be replaced with 'registered architect'?</li> </ul>	<b>2.2</b> The current definition in SEPP 65 is fine...possibly other definitions in other planning instruments should match this.
<b>2.3 Application of policy</b> <ul style="list-style-type: none"> <li>• Should the application of SEPP 65 be broadened to other types of developments?</li> <li>• What types of development should it apply to? For example, serviced apartments, lower scale medium density development, student accommodation or boarding houses?</li> <li>• What are the key elements that would need to be in a Design Code for the additional development types?</li> </ul>	<b>2.3</b> No! SEPP65 should NOT be broadened to other types of development.
<b>2.5 Design quality principles</b> <ul style="list-style-type: none"> <li>• Should the design quality principles be amended?</li> <li>• Which principles could be amended, simplified or consolidated?</li> </ul>	<b>2.5</b> Yes the Design Quality Principles should be amended as indicated elsewhere in our detailed submission.

<p><b>2.6 Design verification statements</b></p> <ul style="list-style-type: none"> <li>Should SEPP 65 require that a registered architect verify that they designed a project, as opposed to just overseeing the design?</li> <li>Should design verification statements follow a set format?</li> <li>What key components should a design verification statement include?</li> <li>Should it include an assessment against the Residential Flat Design Code?</li> </ul>	<p>2.6</p> <p>Directing design is fine...there should be an assessment against the modified RFDC mandatory items only.</p>
<p><b>2.7 Statement of environmental effects</b></p> <ul style="list-style-type: none"> <li>Is the information required by the Regulation in addition to that in a statement of environmental effects appropriate?</li> <li>Is too much or not enough information required?</li> <li>Should these information requirements also be included in the Residential Flat Design Code, for example as a checklist?</li> <li>Would a standard table listing all rules of thumb for inclusion with DA documents be useful?</li> </ul>	<p>2.7</p> <p>Check lists are dangerous leading to Design by Regulation</p>
<p><b>2.8 Application of Residential Flat Design Code</b></p> <ul style="list-style-type: none"> <li>What weight should be given to the Residential Flat Design Code by a consent authority when considering a development application for a residential flat building under SEPP 65?</li> <li>Are there particular elements of the Code which should be given statutory weight?</li> </ul>	<p>2.8</p> <p>There are a few elements that should have statutory weight. The rest should have NO weight. See our detailed submission.</p>
<p><b>2.9 Certification and post approval compliance</b></p> <ul style="list-style-type: none"> <li>Is post approval compliance a significant issue with residential flat developments?</li> <li>What measures could be introduced through SEPP 65 to ensure design integrity is maintained?</li> </ul>	<p>2.9</p> <p>Post approval compliance should be no different to any other DA.</p>
<p><b>2.10 Standards that cannot be used as grounds for refusal</b></p> <ul style="list-style-type: none"> <li>Would it be beneficial to identify additional specific issues upon which applications cannot be refused?</li> <li>What issues should be covered this clause?</li> </ul>	<p>2.10</p> <p>Much of the material in the RFDC should not be used as grounds for refusal – see our detailed submission.</p>
<p><b>3.2 Panel membership and terms</b></p> <ul style="list-style-type: none"> <li>What is a suitable number of panel members for a design review panel?</li> <li>How often should membership be reviewed and renewed?</li> <li>Should there be a greater 'pool' of panel members in each panel, with the minimum number of required members drawn from these?</li> </ul>	<p>3.2</p> <p>Our feedback is that panels are not needed but that a Design Adviser appointed to a JRPP is a preferable approach. There can be a pool of Design Advisers</p>

<b>3.3 Panel function and matters considered</b> <ul style="list-style-type: none"> <li>Should panels provide advice on design quality issues for applications other than residential flat developments under the SEPP?</li> <li>When considering applications for residential flat buildings, what is the extent of advice that should be provided?</li> <li>Should it be limited to matters covered in the Residential Flat Design Code?</li> </ul>	<b>3.3</b>  Design Advisers can advise a JRPP on any project that they request advice. Advice should be within the aims and principles in the SEPP and only the mandatory criteria in the RFDC
<b>3.4 Meeting operating procedures</b> <ul style="list-style-type: none"> <li>Should the meeting operating procedures for design review panels be modified to promote consistency?</li> <li>Would a standard format for minutes and reports be useful?</li> <li>Should the meeting operating procedures for panels be set by the department or by the panel members and the relevant council(s)?</li> </ul>	<b>3.4</b>  Set by the JRPP and its secretariat – the use of a Design Adviser is a less formal process.
<b>3.5 Timeframe for advice</b> <ul style="list-style-type: none"> <li>What timeframe should apply to the provision of panel advice?</li> <li>Are there specific ways that the timeframe can be reduced, for example requirement to provide and finalise advice at the meeting, or use of a standard advice template?</li> </ul>	<b>3.5</b>  Within 31 days of the request is reasonable but this should be automatic from the date of lodgement. This allows for monthly meetings. Design adviser reports could be to a standard template
<b>3.6 Fees and panel member remuneration</b> <ul style="list-style-type: none"> <li>Should panel members be remunerated consistently?</li> <li>How should the operational costs of panels be recouped?</li> <li>Should applicants pay a design review panel fee per application, or a fee for each meeting where there application is considered?</li> </ul>	<b>3.6</b>  Up to the JRPP secretariat.
<b>3.8 Relationship between design review panels and other existing panels</b> <ul style="list-style-type: none"> <li>Is there a need for the relationship between design review panels and other panels to be clarified?</li> <li>Would it be beneficial for existing panels to be expanded to also provide design advice on SEPP 65 applications?</li> <li>Are there other overlaps which need to be clarified?</li> <li>Should design competition juries provide advice in lieu of a SEPP 65 design review panel?</li> </ul>	<b>3,7</b>  Up to the JRPP secretariat.
<b>3.8 Future design review panel models</b> <ul style="list-style-type: none"> <li>Should the existing design review panel model be modified?</li> <li>What changes would most benefit councils, applicants and panel members?</li> </ul>	<b>3.8</b>  Design advisers are a more effective way to incorporate specific design advice on projects

<b>4.1 Relationship between SEPP 65 design quality principles and Residential - Flat Design Code</b> <ul style="list-style-type: none"> <li>Should the relationship between the SEPP 65 design quality principles and the Residential Flat Design Code be made clearer and strengthened?</li> <li>What would be the best way to do this, for example through a matrix table, or by listing the relevant design quality principles at the start of each element of the Design Code, or another way?</li> </ul>	4.1  There does not need to be a relationship between the Aims and the RFDC (mostly only for advice, not mandatory)
<b>4.5 Level and consistency of information accompanying development applications</b> <ul style="list-style-type: none"> <li>What is the best approach to ensure that the development applications for SEPP 65 are accompanied by a consistent standard and appropriate level of information?</li> <li>Would standard checklists detailing information requirements for pre DA and DA stages be useful?</li> </ul>	4.5  Level of information is no different to any other DA.
<b>4.6 Implications for housing affordability</b> <ul style="list-style-type: none"> <li>What measures could be refined or added to the Residential Flat Design Code that would further support housing affordability?</li> </ul>	4.6  Affordability is not a design code measure but needs to be in the Aims and Principles. See our detailed submission.
<b>5.1 Structure of Part 1 Local Context</b> <ul style="list-style-type: none"> <li>Would more guidance on the interface of residential flat buildings with their context and streetscape be useful?</li> <li>What type of additional information would assist most?</li> </ul>	5.1.  DCP's should cover streetscape and setbacks...No further information required.
<b>5.2 Defining context and application of the Code to different contexts</b> <ul style="list-style-type: none"> <li>Would defining different contexts be useful?</li> <li>What combination of considerations should be used?</li> <li>Which key components of the Design Code should include variations for different contexts, for example building separation, deep soil zones and natural ventilation?</li> </ul>	5.2  Too detailed to define different contexts....DCP's should cover this.
<b>5.3 Defining development sites and application of the Code</b> <ul style="list-style-type: none"> <li>How could the development site be better defined under the Design Code, what key elements should be included in any definition?</li> <li>Should some key components of the Design Code apply to the whole of a site?</li> <li>Are there some components which should only apply to part of a site, for example in the case of master planned sites?</li> </ul>	5.3  This should be resolved by the qualified architect.

<b>5.4 Residential flat building types</b> <ul style="list-style-type: none"> <li>What other information should be included in case studies?</li> <li>Would case studies for additional building types be useful?</li> <li>What additional key building types should be included?</li> </ul>	<b>5.4</b>  Case studies should not be used to imply approved standards. They should not be in a code.
<b>5.5 Building height and FSR</b> <ul style="list-style-type: none"> <li>Should more guidance be provided on determining FSR and the relationship between FSR and height controls?</li> </ul>	<b>5.5</b>  No, FSR and Height are LEP matters.
<b>5.6 Building depth</b> <ul style="list-style-type: none"> <li>Should the current building depth numerics be amended?</li> <li>Should building depth be varied for different site orientations?</li> <li>Should there be a depth requirement for specific residential building types and what should they be?</li> </ul>	<b>5.6</b>  Building depth is an important criteria but there needs to be exceptions.
<b>5.7 Building separation</b> <ul style="list-style-type: none"> <li>Would additional information and diagrams assist with determining appropriate building separation distances?</li> <li>What type of information would be most useful? Is there a need to address separation between residential and non residential buildings?</li> <li>How could this be best achieved?</li> </ul>	<b>5.7</b>  Separation is an LEP and DCP matter...The diagrams are adequate.
<b>5.8 Relationship between building separation and setbacks</b> <ul style="list-style-type: none"> <li>Should additional information be provided about how to consider building separation relative to side and rear setbacks?</li> <li>Are there particular scenarios that should be specifically addressed?</li> </ul>	<b>5.8</b>  Side and rear setbacks should be in LEP's and DCP's. The standards for privacy should be consistent.
<b>6.1 Site analysis</b> <ul style="list-style-type: none"> <li>Would a comprehensive checklist be helpful in providing guidance for site analysis and responding to context?</li> <li>What key headings should be included? Should the Residential Flat Design Code recommend that registered landscape architects are required to be involved in preparation of a site analysis and in the early stages of design?</li> <li>Are there any other areas of guidance that would benefit this section?</li> </ul>	<b>6.1</b>  Site analysis should be resolved by the registered architect. No further guidance is required.
<b>6.2 Deep soil zones</b> <ul style="list-style-type: none"> <li>What percentage of deep soil should be provided on small (for example 0 – 850m2),</li> </ul>	<b>6.2</b>  While some deep soil is advisable there are areas where this may not be needed. Water tables are

<p>medium (for example 850 – 1500m<sup>2</sup>) and large (for example 1500 – 3000m<sup>2</sup> and &gt;3000m<sup>2</sup>) sites?</p> <ul style="list-style-type: none"> <li>• Should this vary for different contexts?</li> <li>• What exceptions should apply?</li> <li>• Should a minimum dimension, volume or depth be applied?</li> </ul>	<p>also disturbed by underground parking so each case may require different solutions.</p>
<p><b>6.3 Public domain interface (currently fences and walls)</b></p> <ul style="list-style-type: none"> <li>• Should the fences and walls sections be expanded to provide more guidance on the public domain interface generally?</li> <li>• Should numeric guidance be provided on desirable or maximum level changes along streets and sloping sites?</li> <li>• What maximum level changes would be appropriate?</li> </ul>	<p>6.3</p> <p>No... fences and walls should be left to the registered architect.</p>
<p><b>6.4 Open space</b></p> <ul style="list-style-type: none"> <li>• Should the open space section be expanded to provide further guidance?</li> <li>• Should there be flexibility in the percentage of open space requirement for different contexts and in what circumstances?</li> <li>• Should there be a requirement that a percentage of the open space has solar access at certain times of the year?</li> <li>• Should guidance on the number of trees per square metre be provided?</li> <li>• What would be appropriate?</li> </ul>	<p>6.4</p> <p>Open space is adequately covered. The percentage requirement should be fixed unless there are very unusual circumstances. Solar access to landscape should not be a criteria and neither should the number of trees.</p>
<p><b>6.5 Orientation</b></p> <ul style="list-style-type: none"> <li>• Is more guidance needed on how to consider impacts on neighbouring lots, other buildings and communal open space?</li> <li>• What type of guidance is required?</li> <li>• Should there be specific guidance for managing the orientation of multiple buildings on large sites?</li> </ul>	<p>6.5</p> <p>Solar access should be as per BASIX</p>
<p><b>6.6 Planting on structures</b></p> <ul style="list-style-type: none"> <li>• Should the planting on structures section be expanded to provide further guidance?</li> <li>• Should the existing 6 soil depth categories be simplified?</li> <li>• How should this be done?</li> <li>• What soil depths are appropriate for suggested categories?</li> <li>• How should tree categories be defined?</li> </ul>	<p>6.6</p> <p>This should be left to the registered architect.</p>
<p><b>6.7 Parking</b></p> <ul style="list-style-type: none"> <li>• Should there be a reduction in car parking rates for sites with good proximity to transport and centres as is the approach in the Affordable Housing SEPP?</li> <li>• Is more guidance needed for building design incorporating above ground car parking?</li> </ul>	<p>6.7</p> <p>Potential reduction in car-parking requirements in certain locations should be included but this is likely to be in LEPs and DCPs. Above ground car-parking should be allowed in particular circumstances. The design should be the responsibility of the registered architect</p>

<ul style="list-style-type: none"> <li>Should above ground car parking in centres have ceiling heights that will support conversion to another use over time?</li> <li>Should guidance for on-grade car parking be strengthened to provide more assistance about the extent of planting required?</li> </ul>	
<b>6.8 Accessibility (incorporating pedestrian access)</b> <ul style="list-style-type: none"> <li>Should this section be renamed accessibility?</li> <li>What additional specific aspects should be included?</li> <li>Should a proportion of ground floor apartments be accessible from the street?</li> <li>What percentage?</li> </ul>	6.8.  Other planning instruments define accessibility requirements.
<b>6.9 Other matters in Part 2 of the Residential Flat Design Code</b> <ul style="list-style-type: none"> <li>Some other matters that have been raised which may be commented on include:             <ul style="list-style-type: none"> <li>Landscape design – design of courtyards</li> <li>Stormwater management – implications of permeable paving</li> <li>Safety – requirement for formal crime assessment</li> <li>Visual privacy – avoiding use of screens when other design solutions are available</li> <li>Building entry – definition of entry does not include gates, avoiding entries at side of buildings and level changes at street level</li> <li>Vehicle access – access for furniture removal vehicles from street and garbage truck access.</li> </ul> </li> </ul>	6.9  Most of the issues are covered in DCPs or are issues that the registered architects would resolve.
<b>7.1 Apartment layout</b> <ul style="list-style-type: none"> <li>Should the minimum apartment sizes be reviewed, what sizes would be appropriate?</li> <li>Should minimum room sizes and standard furniture size / dimensions be provided?</li> <li>Do apartment depths and widths need review?</li> <li>What preferred outcomes should guide review of depths and widths (for example access to daylight and natural ventilation)?</li> <li>Should space standards be provided for living areas in relation to number of bedrooms?</li> </ul>	7.1  The minimum sizes for affordable flats should be the minimum for all units. Any further size or dimensions should be determined by the market place and the skill of the registered architect.
<b>7.2 Apartment mix</b> <ul style="list-style-type: none"> <li>Should guidance on desired apartment mix be provided for medium and large developments?</li> <li>Should this section address specific considerations for multiple tenures where they are proposed?</li> </ul>	7.2.  Apartment mix should be a market place determination.
<b>7.3 Balconies</b> <ul style="list-style-type: none"> <li>Are there any circumstances where balconies should not be required?</li> </ul>	7.3  Balcony sizes and details should be determined by buyer preferences and the registered architect.

<ul style="list-style-type: none"> <li>Should minimum balcony sizes and widths be set, including a slide scale for apartment size?</li> <li>What should these be?</li> <li>What design elements (for example balustrades and screening) require further guidance?</li> </ul>	
<b>7.4 Universal design (currently flexibility)</b> <ul style="list-style-type: none"> <li>Should this section be refocused and updated to reflect accessibility and adaptability issues?</li> <li>What specific aspects should be included both for guidance and as rules of thumb?</li> </ul>	7.4  Universal design should be covered in other planning instruments.
<b>7.5 Internal circulation</b> <ul style="list-style-type: none"> <li>Are there current requirements in this section that should be reviewed?</li> <li>What other aspects should be covered by the section?</li> <li>Is more guidance needed on natural light and ventilation requirements to corridors?</li> <li>Should a ratio of apartment to lifts be introduced?</li> </ul>	7.5  More apartments than 8 can be achieved off a corridor if well designed. A range of say 8 to 12 depending on configuration and access to natural light.
<b>7.6 Mixed use</b> <ul style="list-style-type: none"> <li>What additional guidance should be included for mixed use buildings?</li> <li>Are there any key aspects that should be rules of thumb?</li> </ul>	7.6  Mixed use should be encouraged but does not need detailed guidance.
<b>7.7 Acoustic privacy</b> <ul style="list-style-type: none"> <li>What other issues and solutions relating to acoustic privacy should be included in this section both for discussion and as rules of thumb?</li> </ul>	7.7  Acoustic privacy is important and the material is considered sufficient.
<b>7.8 Daylight</b> <ul style="list-style-type: none"> <li>What aspects of the daylight section should be reviewed, amended or expanded?</li> <li>Should additional rules of thumb be included?</li> <li>Should the rules of thumb distinguish between daylight and sunlight access?</li> <li>How should sunlight be measured?</li> <li>In what circumstances should there be exceptions in this section?</li> </ul>	7.8  Daylight should be to BASIX standards.
<b>7.9 Natural ventilation</b> <ul style="list-style-type: none"> <li>What design and amenity considerations relating to natural ventilation should be addressed by this section?</li> <li>How should natural ventilation be defined, what key elements should be included in the definition?</li> <li>What percentage of apartments should be naturally ventilated?</li> <li>What building depths / ceiling heights achieve appropriate natural ventilation outcomes?</li> <li>How should natural ventilation be</li> </ul>	7.9  Natural ventilation should be to BASIX standards.



<p>demonstrated and does data currently exist to assist or would site specific data need to be obtained?</p> <ul style="list-style-type: none"> <li>• What percentage of kitchens, bathrooms and laundries should be naturally ventilated?</li> <li>• How should natural ventilation be defined for this purpose?</li> </ul>	
<p><b>7.10 Other matters in Part 3 of the Residential Flat Design Code</b></p> <ul style="list-style-type: none"> <li>• Other matters that have been raised which may be commented on include: <ul style="list-style-type: none"> <li>◦ Ceiling heights – consider current rules of thumb which recommend various height dimensions that exceed BCA minimums</li> <li>◦ Ground floor apartments – consider consolidating content in other existing sections, or consider extending to including podium and roof top apartments</li> <li>◦ Storage – review metrics and consider provision in other areas, for example balconies and allowing storage space to be used for other purposes, for example a study or hobby area</li> <li>◦ Awnings and signage – consider consolidating content into mixed use section</li> <li>◦ Facades – provide more information linking facades with context</li> <li>◦ Maintenance – consider materials that weather well, avoiding paint particularly at higher levels, avoiding moving parts which can break and consider ease of replacement parts</li> <li>◦ Waste management – location of garbage areas and incorporation of recycling initiatives</li> <li>◦ Water conservation – consider consolidating content into stormwater management section.</li> </ul> </li> </ul>	<p>7.10</p> <p>Most of these matters should be determined by the market place other than issues in LEP's, DCP or the Building Code of Australia.</p>
<p><b>8.1 Site coverage</b></p> <ul style="list-style-type: none"> <li>• Would the Residential Flat Design Code benefit from the inclusion of site coverage as a primary development control?</li> </ul>	<p>8.1</p> <p>Open Space is required to be 25% to 30% of the site area on p49 of the RFDC. This could be better defined as Site Coverage.</p>
<p><b>8.2 Lower scale medium density developments</b></p> <ul style="list-style-type: none"> <li>• Should controls be prepared for lower scale medium density developments?</li> <li>• What form would this best take, for example an addition to the Residential Flat Design Code or a standalone chapter or Code?</li> <li>• What key components should be included?</li> </ul>	<p>8.2</p> <p>No. controls are not needed for lower scale medium density developments. Many DCP's and the NSW Housing Code have sufficient detail on this building type.</p>
<p><b>8.3 Families and children</b></p> <ul style="list-style-type: none"> <li>• Should the Residential Flat Design Code include a section on families and children?</li> </ul>	<p>8.3</p> <p>No...the code does not need a section on families and children.</p>

<ul style="list-style-type: none"> <li>What key considerations / components should be included?</li> </ul>	
<b>8.4 Heritage and adaptive reuse</b> <ul style="list-style-type: none"> <li>Should the Residential Flat Design Code include a section on heritage and adaptive reuse?</li> <li>What key considerations / components should be included?</li> </ul>	8.4  No...Heritage and adaptive reuse are covered by other planning instruments.
<b>8.5 Student housing</b> <ul style="list-style-type: none"> <li>Should the Residential Flat Design Code include a section on student housing?</li> <li>What key considerations / components should be included?</li> </ul>	8.5  No...a section on student housing is not needed.
<b>8.6 Noise and pollution</b> <ul style="list-style-type: none"> <li>Should the Residential Flat Design Code include a section on noise and pollution?</li> <li>What key considerations / components should be included?</li> </ul>	8.6  Noise and pollution issues should be covered in other planning instruments. As residential flats are likely to be in areas where noise and pollution is more likely than some advisory notes on minimization techniques would be useful provided they were not binding.

## 9. Further information

The Urban Taskforce is available to further discuss the issues outlined in this submission.

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