



Australian
Institute of
Architects

Options for Low
Rise Medium
Density Housing as
Complying
Development

**Submission to Department of
Planning & Environment**

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SUBMISSION BY

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PURPOSE

This submission is made by the NSW Chapter of the Australian Institute of Architects (the Institute) to the Department of Planning & Environment in response to the Options for Low Rise Medium Density Housing as Complying Development Discussion Paper.

At the time of the submission the office bearers of the NSW Chapter are:

Shaun Carter (President), Joe Agius (Immediate Past-President), Sarah Aldridge, Melonie Bayl-Smith, Nigel Bell, Callantha Brigham, Jacqui Connor, Chris Jenkins, Alex Kibble, Debra McKendry-Hunt, Andrew Nimmo, Kirsten Orr, Shahe Simonian, Howard Smith, Ksenia Totoeva, Paul Walter.

The Office Manager of the NSW Chapter is Audrey Braun. This paper was prepared by Peter Smith, Russell Olsson and Sophie Solomon (respectively Deputy Chair and members of the NSW Chapter Built Environment Committee) and Murray Brown, Policy Advisor, for Chapter Council.

INFORMATION

Who is making this submission?

- The Australian Institute of Architects (the Institute) is an independent voluntary subscription-based member organization with approximately 11,553 members who are bound by a Code of Conduct and disciplinary procedures.
- The Institute, incorporated in 1929, is one of the 96 member associations of the International Union of Architects (UIA) and is represented on the International Practice Commission.
- The Institute's New South Wales Chapter has 3,348 members, of which 1,951 are registrable architect members – representing 43% of all registered architects in NSW.

Where does the Institute rank as a professional association?

- At 11,553 members, the RIAA represents the largest group of non-engineer design professionals in Australia.
- Other related organisations by membership size include: The Design Institute of Australia (DIA) - 1,500 members; the Building Designers Association of Australia (BDAA) - 2,200 members; the Australian Institute of Landscape Architects (AILA) - 1,435 members; and the Australian Academy of Design (AAD) - 150 members.



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CONTENTS

		Page
1	General comments	1
2	Design guidance	1
3	The need for further testing	2
4	Responses to questions	2
4.1	2 dwellings	2
4.2	Manor homes	3
4.3	3-10 dwellings	4
4.4	Implementation issues	5

1 General comments

The Institute commends the Department and its consultants for preparing this well-argued proposal. We strongly supported the introduction of the Housing Code under the Exempt and Complying Codes SEPP. We have also presented several sessions on the Code as part of the annual Continuing Professional Development Program for members.

The discussion paper is a logical extension of a development approval regime that has already allowed more than 30% of all development approvals to be fast tracked, saving costs for applicants and freeing up local government planners to undertake more complex development approvals and strategic work. It also complements the work undertaken for the high rise housing market by the Department last year in revising SEPP 65 and releasing the *Apartment Design Guide*.

2 Design guidance

The paper sensibly divides development standards into three categories:

- Primary;
- Design; and
- Amenity

The design standards provide the metrics that will prevent inappropriate developments at this scale.

What is needed in addition to these standards, however, is design guidance that is comparable with the quality of advice provided by the *Apartment Design Guide*. In some instances – particularly solar and daylight access and cross ventilation – the guideline could use information directly from the existing guide.

Many of the other sections of the *Apartment Design Guide*, however, provide guidance that is appropriate only for larger scaled buildings. Factors that need to be covered in a new guideline include:

- Driveways for medium rise buildings - detailed guidance is needed to prevent the degradation of the streetscape;
- Crime and safety issues;
- The importance of site analysis;
- Quality landscape; and
- Needs analysis of good examples of each kind of development covered by the SEPP.

The language and terminology of the new guideline need to be the same as those of the *Apartment Design Guide*, so that the two documents provide a seamless set of guidelines for both medium and high rise residential developments

Good examples will help to explain what the guideline is trying to achieve. For example Fig. 4.5 in Part 4 of the Sydney DCP 2012 explains the council's objectives clearly by the use of a single well-chosen photograph of two adjoining properties.

3 The need for further testing

The Institute acknowledges the excellent work already done to develop a widely applicable code for multi-dwelling developments. But further testing is required in view of the range of building types and lot sizes that need to be encompassed within the SEPP.

Context is all-important, and a range of design approaches will provide good amenity for residents and a good 'fit' within the neighbourhood.

The Institute has also identified specific areas for further testing in the responses to the questions in the discussion paper.

4 Responses to questions

The Institute's responses to the questions in the discussion paper are outlined with borders:

4.1 2 dwellings

Should the development of dual occupancies on a single lot as complying development be permitted in R1, R2 and R3 zones? (p.12)

In general, yes. But only where this form of housing is currently permitted by the LEP. The SEPP should not override the LEP.

Should the minimum frontage be reduced to 14m so that the construction of 2 dwellings on a single lot can be carried out as complying development on more existing lots? (p.13)

15m is the ideal width for minimum frontages. In the examples given, the left hand development is appropriate, whereas the right hand development needs a wider site.

Should the height be limited to 8.5m?

No. The height could be greater than 8.5m, subject to testing for the inclusion of attics.

Should attic rooms be permitted?

Yes. But “attic” needs to be carefully defined. The Institute suggests testing for a requirement that attics cover a maximum of 50-60% of the area of the floor beneath them.

Should 2.7m floor to ceiling heights be imposed? (p.14)

No. Bedrooms could have a height of 2.5m if they are properly ventilated. Attics could be required to comply with BCA controls – 2.4m in a habitable room for 2/3 of the room – as they make good additional bedroom and study space.

Should eaves and roof overhangs be required to comply with the envelope control?

No. The same provisions that apply to the BCA and Housing Code should continue to apply.

Would the application of a 1.2m setback and no building envelope be easier to implement? (p.16)

It may be administratively easier, but a building envelope usually minimises amenity impacts while maximising height.

Should Torrens title subdivision of 2 dwellings on a single lot be permitted as complying development?

Yes. It encourages a better fine grain urban environment.

Should subdivision be permitted only after the buildings are completed? (p.19)

Yes. It's required by law in any case, and would avoid speculative subdivision

4.2 Manor homes

Which zones would be appropriate for manor homes?

R1, R2 & R3. The SEPP should not override council zonings. A manor home could be considered as another form of multi-dwelling housing or a dual occupancy.

Should manor homes only be permitted on corner lots or lots with dual street access?

A consistent pattern of manor homes on corner lots is desirable in a greenfield development. The appropriateness of this form of development on infill sites will be determined by vehicle access issues – it should not be restricted to corner lots. The arrangement of the car parking can also depend on the site. Sloping sites are very different from flat sites in regard to opportunities for basement parking that does not impact on private outdoor space.

Should manor homes on lots that do not have rear lane access be required to have a basement car park? (p.22)

Landscape controls will determine what is appropriate in these instances. More modelling and testing is required. Car parking should not be permitted in the front setback. Deep soil and the setback of basement parking controls also need to be tested.

Instead of council certification of On-Site Stormwater Detention (OSD) and waste, could certification by appropriately qualified specialists be provided? (p. 22)

No. Council needs to be involved in stormwater decisions. Multi-dwelling developments involve more infrastructure than single dwellings – and there can also be problems with easements.

How should the proposed car parking controls be designed to ensure that adverse impacts on the transport network (including on-street parking) are minimised and active transport options are encouraged? (p. 27)

The updated Guide to Traffic Generating Developments may help to resolve this issue. In some council areas the DCP may not take into account the recent provision of more public transport options. Nevertheless, the refusal to provide on street resident parking permits may stifle development; it will in any case help to determine the potential market for these developments.

Should subdivision only be permitted after the buildings have been completed? (p. 28)

Yes. It's required by law in any case, and would avoid speculative subdivision

4.3 3-10 dwellings

In which zones should the development of 3-10 dwellings be permitted? (p.30)

R3, or where multi-dwelling housing is permitted in a LEP.

Instead of council certification of on-site stormwater detention (OSD) and waste storage, could certification by appropriately qualified specialists be provided? (p. 31)

No. Council needs to be involved in stormwater decisions. Multi-dwelling developments involve more infrastructure than single dwellings – and there can also be problems with easements.

The proposed controls do not permit the use of attic rooms. Should attic rooms in the roof be permitted to be carried out as complying development? (p. 32)

Yes. But “attic” needs to be carefully defined. The Institute suggests testing for a requirement that attics cover a maximum of 50-60% of the area of the floor beneath them.

Is the building envelope necessary in this instance? A minimum 2.0m setback already dictates a maximum height of 7.5 above ground level before the building envelope would be breached.

A building envelope usually minimises amenity impacts and maximises height.

As development is limited to 8.5m (2 storeys), is it necessary to also have an envelope control?

Yes, as the Institute recommends a height greater than 8.5m.

Is the building envelope control as proposed easy to apply? (p. 34)

Yes.

Should the proposed car parking controls be consistent with the requirements of the Guide to Traffic Generating Developments or should the relevant council controls for parking apply? (p. 38)

The updated Guide to Traffic Generating Developments may help to resolve this issue. In some council areas the DCP may not take into account the recent provision of more public transport options. Nevertheless, the refusal to provide on street resident parking permits may stifle development; it will in any case help to determine the potential market for these developments.

NOTE – The Institute disagrees with the proposed front and side setbacks for townhouse developments. A shorter front setback will encourage greater surveillance of pedestrian activity. The 2m side setback is excessive and will limit the feasibility of this kind of development. More testing is required.

4.4 Implementation issues

Is it appropriate to permit excavation for basement car parking as complying development?

Yes. Basement car parking is desirable for many forms of multi-dwelling housing as it allows more ground space for landscape and reduces the visual impact of car parking.

What provisions or controls should be in place and information required to accompany an application? (p. 43)

This should not be a problem, as permission will depend on geo-technical issues and certification and monitoring by a structural engineer.

Is up-front certification by council for On-Site Stormwater Detention (OSD) appropriate?

Yes, consistent with current council requirements.

Is it acceptable to have independent certification of OSD against council's policies? (p. 44)

No. Council needs to be involved in stormwater decisions

Should proposed waste management facilities be certified by councils as part of the process?

Yes, but only at Occupation Certificate stage.

Could independent certification of compliance with a council's waste management provisions in their DCP be the appropriate mechanism? (p. 44)

Yes. Certification by Council should only be required prior to the issuing of an Occupation Certificate.

What proportion of new housing should be adaptable housing? (p. 45)

As a guide, 1 dwelling in a manor house comprising 3 or more dwellings, 1 in a multi-dwelling housing development of 4 or more dwellings. This needs to be tested. A lift may be needed for a sloping site.

How easy is the envelope control to understand?

It should be OK, but testing is required.

Is an envelope control necessary given the combination of controls proposed?

Yes. A building envelope usually minimises amenity impacts while maximising height.

For development involving 2 dwellings, should the side setback control simply be mandated at 1.2m for ease of implementation and assessment?

Yes.

Should the setback be 1.5m for easier BCA compliance? (p. 45)

It will make no difference, as the BCA starting point is 3m to avoid the fire rating of walls and windows.

Does the suite of suggested controls provide sufficient certainty of the built form outcome and management of potential impacts?

Not yet. Further testing is required.

Are there further controls that may assist in delivering positive outcomes? (p. 45)

Design advice is critically important, particularly for multi-dwelling housing where more than 4 dwellings are provided.

Site layout and interaction of topography, existing urban pattern and providing a quality amenity through the sensitive location of private and communal open space are often difficult to codify and cover all the many possibilities. However, if they are not resolved appropriately they are often impossible to correct when the development has been completed.

Well-designed multi-dwelling housing will ensure that this form of development is attractive to the market and will result in the public acceptability and hence the success of the proposed code. The Institute recommends design review panel input ideally for all townhouse developments. This review should take place prior to submitting the CDC. It would only be required where the Council has a Design Review Panel already in place. If advice is not received by the proponent within 10 days the proposal is considered to be acceptable.

Consideration should be given to the mandatory provision of communal open space for developments larger than 6 dwellings.

Should guidance on dwelling size be provided? (p. 45)

Yes.

Are there other forms of supporting information that may be required? (p. 46)

An acoustic report may be required for developments in heavily trafficked streets.

Are there other matters that should be addressed as conditions of consent? (p. 46)

No.