



Australian  
Institute of  
Architects

# Medium Density Design Guide

**Submission to the  
Department of Planning &  
Environment**

**12 December 2016**

## **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 draft Medium Density Design Guide.

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

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## **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.



# Medium Density Design Guide

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## **INTRODUCTION**

The Institute commends the Department and its consultants for preparing this document. 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.

We also support the proposed medium density code as a logical extension of a development approval regime that has already enabled more than 30% of all single dwelling 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.

The medium density code and guide also complement the work undertaken for the high density housing market by the Department last year in revising SEPP 65 and releasing the *Apartment Design Guide*.

## **1. CONSISTENCY OF APPLICATION**

- 1.1. When the new code is gazetted NSW will have a suite of regulations and guidelines focused on design quality that covers dwellings of all typologies, from detached single houses and alterations and additions at one end of the spectrum, through medium density townhouses, dual occupancies, terraces and manor houses in the middle, to apartment buildings at the high density end. This will be a significant achievement for the NSW Government.
- 1.2. The Institute therefore considers that, to be consistent with the Housing Code and SEPP 65, the medium density code should also be universal in its application across the state. It should take precedence over councils' development control plans where there is inconsistency between the two documents. Medium density housing is too important in its contribution to housing diversity to be left to the whim of each elected council to determine whether or not the Medium Density Design Guide applies.
- 1.3. The code also needs the statutory 'teeth' similar to those provided in SEPP 65 if it is going to be effective in delivering high quality medium density development. The Medium Density Design Guide should follow the successful example of SEPP 65 by referencing the design quality principles in a SEPP.

## **2. STRATEGIC PLANNING**

- 2.1. The success of medium density housing relies on quality strategic planning – ensuring that medium density housing is located appropriately with respect to public transport and services and that the change in development scale is managed appropriately, and ensure that appropriate land is available for this form of development.

- 2.2. The strategic planning advice provided in Part 4 is a good start – but further work needs to be done by the Department of Planning to ensure that every council carries out this work prior to amending any existing local environmental plans.
- 2.3. The strategic planning also needs to be supported by works to the public domain that will complement the increased density – such as tree planting, consideration of street parking, block permeability and the design of the network of open spaces. Without this, the development will be serviced and lack amenity in the public domain to support the additional population density.
- 2.4. In the Institute’s view, rear lanes provide a far better parking alternative for terrace housing than garages on the street frontage. We propose that, where terraces are desired, councils should plan for laneways that can be delivered in stages.
- 2.5. Medium density development should not be permitted on R3 zoned land in close proximity to railway stations, public transport nodes and shopping centres within a radius of 800m to two kilometres, as these areas are better suited to apartment development.
- 2.6. The Department could also undertake analysis to determine where car dependency is very high and public transport accessibility is low and use this information to propose where medium density development is not suitable.
- 2.7. All the matters raised above require strategic planning. The Institute considers that there is a window of opportunity for this work to be done in the next few years. On one hand, the Greater Sydney Commission has released district plans that provide the broad context for detailed planning at the local level; on the other, amalgamated councils now have more resources that can be applied to the strategic planning process.

### **3. DESIGN REVIEW**

- 3.1. The Institute strongly supports the principle of complying development and the benefits it provides to developers and home buyers. Those benefits, however, need to be balanced by mechanisms that embed design quality in the approval system. Good as it is, the design guide by definition can only provide guidance. The success of the code will depend on the review of development proposals by players in the system who have the knowledge and skills to uphold the standards it proposes.
- 3.2. We recognise that medium density development raises urban design issues almost as complex as those addressed by the Apartment Design Guide.

For example:

- a. Common area relationships: Siting of buildings and provision of communal open space requires considerable skill and balance of amenity issues with adjoining properties and dwellings within the development, understanding the use and scale of a space and consideration of contextual issues.
- b. Design here is nothing in the documentation released by the Department that would prevent developers from developing large blocks that replicate a single medium density design across the whole block. The guide needs to include street and block typologies and restrictions on multi-lot development to avoid this homogeneity, and to encourage greater design diversity.

The best results are achieved by enabling a design review which is beyond the expertise and remit of certifiers.

- 3.3. Design review panels have proved to be an important means of achieving the highest possible standards of apartment design. The Institute considers they could also play a similar role for medium density development.
- 3.4. All medium density development that contains 4 or more dwellings (consistent with SEPP 65) should go through a design review process. Design quality will support the interests of developers and purchasers and also those of future occupants.

#### **4. USE OF ARCHITECTS**

- 4.1. The Institute proposes that the design of more than 20 dwellings in master planned lots should be restricted to architects, as they have the advanced training and skills to balance amenity issues, the design of dwellings and communal spaces and the relationship of buildings to each other and to the wider context.
- 4.2. Unlike Queensland, Victoria and Tasmania building designers are not regulated in NSW. It is not appropriate that persons with potentially no training in design or documentation could prepare a design or submit plans for this form of development. The only regulated designers in NSW are architects.

#### **5. CAR PARKING**

- 5.1. As noted in 2.4 above, the Institute considers that rear lanes provide a far better parking alternative for terrace housing than garages on the street frontage. We propose that, where terraces are desired, councils should plan for laneways that can be delivered in stages.
- 5.2. The top illustration on p99 shows a poor development outcome because of the street car parking provided that can if not correctly designed dominate the streetscape.

- 5.3. Although street car parking is addressed on p 122 and p 128 the provisions are not strong enough. Consideration should be given to providing a minimum 6m distance between driveways to maximise the available street car parking.

## **6. LOT SIZES**

- 6.1. The Institute considers that a minimum lot width of 6m is appropriate for complying development. Development on smaller lot widths should be determined by merit-based assessment.
- 6.2. The minimum lot dimension should be 4.5m where there is additional design guidance and suggested layouts and where car parking is at the rear - otherwise the minimum lot dimension should be 7.5m.
- 6.3. Allowing two-storey dwellings with an attic on lots as wide as 9m may encourage better development, as this will free up the ground floor for living space.

## **7. CERTIFIERS**

- 7.1. The experience of Institute members working with certifiers on Housing Code developments indicates that certifiers need more training if this more complex form of complying development is going to work.
- 7.2. Developers should not be able to pay for their own certifiers to approve their medium density developments.
- 7.3. The complying development system needs to provide for more frequent inspections following construction of these elements:
- general building set-out and internal layout;
  - window sizes;
  - ceiling height;
  - external materials (prior to installation);
  - balustrades and screens;
  - rainwater goods;
  - flashings;
  - fire protection;
  - waterproofing junctions; and
  - plant and air conditioning services (where relevant).

## **8. OTHER MATTERS**

- 8.1. The design criteria under Objective 3. 3E-3 on p 122 would not prevent the construction of high fences facing public spaces.

8.2. The Institute strongly supports the planting of trees in the front and rear setbacks of medium density developments as proposed on pp 22/23. Landscape plans should be prepared by a qualified landscape architect to ensure quality landscape supports the development.

## **9. FORMAT**

9.1. Part 1 of the guide provides a useful 'how to' road map for users of the complying development system. The design quality principles are awkwardly placed here. They should appear at the beginning of Part 2, where the focus is on design.

9.2. Part 3 is much longer than it needs to be, as all the controls for each development type are spelt out separately. As most of the controls are applicable to all forms of medium density eligible for complying development they should be amalgamated; only the controls specific to each development type need to be listed separately.

9.3. Where possible, all design criteria in the guide should be expressed as minimum or maximum metrics or as questions requiring a yes/no response. Too many of them require certifiers to make value judgments. This reinforces the need for design review panels.

9.4. In Appendix 4 more work is needed to provide additional sample plans and to show how these plans demonstrate design quality.

9.5. As noted above, the Institute acknowledges the value of design quality guidelines for all types of housing development from single dwellings to apartment buildings. We also acknowledge the value of a consistent approach and structure of planning documents across NSW.

9.6. We recommend that the Department reviews these guidelines to ensure there is consistency of format and terminology across all department guidelines (in particular between the Apartment Design Guide and this guide. Particular attention should be given to ensuring consistency with development control plans and that it is clear what document has precedence and where each document applies.

9.7. While we strongly support the need for local controls that take into account locality specific character and site conditions, and that these controls should be developed out of a design based strategic planning process, non-location based matters such as amenity, privacy, terminology and framework should be consistent across the whole state.

9.8. We also strongly recommend that, in parallel with completing the Medium Density Design Guide, the Department prepares a template for development control plans to achieve this. The department has a unique opportunity over the next 6 months given that many councils (particularly in the Sydney Region), will be preparing new DCPs to align with the new district plans and as a result of amalgamated councils.

9.9. Consistency in the planning system across NSW reduces the time and cost in preparing a development application as new rules do not have to be 'learnt' or understood. A clear structure provided by the template can also provide a framework for strategic planning to ensure that new development is appropriately designed for the context.