Attachment 1 Detailed Recommendations

Explanation of Intended Effects	Recommendation/Comment
	Recommendations are in bold Recommended modifications to EIE text are in red
Executive summary Incorporating BASIX into the Design and Place SEPP will: — recognising emerging technologies — include updated sustainability targets and — provide flexibility in the available assessment pathways — continue to drive energy and water efficiency, and sustainability commitments for housing in NSW	Support proper reinvestment in BASIX scheme Support improved tool functionality and recognition of new technologies **History of poor scheme governance must be addressed – refer to Attachment 5.**
2.2 Aims of the new SEPP	
Give effect to the objects in s.1.3 of the EP&A Act	Supported
Start with Country as a foundation for place-based design and planning as set out in the draft Connecting with Country Framework	Supported **The Connecting with Country Framework should be identified as a Principle and matter for consideration with different requirements for each of the development scales (detail follows).**
Respond to the relevant Government priorities Premier's Priorities for a Better Environment (Greener Public Spaces and Greening our City) NSW Government's objective to achieve net zero emissions by 2050 as set out in Net Zero Plan Stage 1: 2020–2030 (DPIE 2020) Better Placed – An integrated design policy for the built environment of NSW (GANSW 2017) which sets out key considerations for design of the built environment and defines characteristics of a well-designed built environment	Supported
Deliver healthy and prosperous places that support the wellbeing of people, community and Country and reflect the culture and character of their communities through integrating good design process into planning and development to achieve the 5 design and place principles	**Health (and safety) and wellbeing should be given their own principle and MMfC- they are not just a function of open space.** **Include a clear statement to "Deliver places that are walkable".** **The cultural contribution of artists to making engaging and inspiring places, that reflect the culture and character of places and their communities should be addressed.**
Enable the delivery of quality design, integrated outcomes and innovation for people and places in NSW.	Supported

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Create a consistent set of principles, considerations and guidance for the design of the NSW built environment.	Conditionally supported **Considerations should generally be documents and another layer added to the SEPP where the draft MMfCs become *Matters that the consent authority must be satisfied have been achieved.***
2.3 Principles of the new SEPP	
A principle-based planning system is one that is focused around achieving a desirable outcome through a reasoned and considered approach. It is aimed at moving away from a system governed entirely by prescriptive controls. This allows for, and encourages, innovative and creative approaches to achieve an outcome. It is proposed the principles will be given effect through matters for consideration and application requirements. … The principles will be given effect through matters for consideration and application requirements.	Conditionally supported **The framework for considering how to vary from the "prescriptive controls" must be much clearer, more certain, ensure delivery of good design (performance) outcomes and rely significantly less on discretion which will lead to uncertainty, delay, conflict and higher costs (and can lead to corruption- see ICAC 2012 below). Consideration of the SEPP must not be subject to determination only or mainly on the basis of consistency with the Principles as they cannot be consistently interpreted in a way that supports good design outcomes.** **Alternatively more specific Principles could be provided in each guide (like the existing SEPP 65 Design Quality Principles) and if these are met, then the proposal is deemed to comply with the higher level Principles. Note that the SEPP 65 Principles link strongly to the objectives, DC and DG of the ADG.** **Remove subsidiary italicised text that modifies and limits the meaning of the primary text of the principle as marked-up below. Expand the subsidiary text to capture all aspects of the UDG, ADG and BASIX.**
1. Design places with beauty, high levels of amenity and character ~~*that people feel proud to belong to*~~ Through a considered response to context, character, heritage, culture and Country, well-designed buildings and spaces create places people can engage and connect with. Attractive built environments are *attractors*, and powerful tools for economic growth. Significance The quality of our neighbourhoods, towns and cities has a significant impact on our daily lives. Visually attractive and physically comfortable places that respond to a community's needs, culture and desired future character feel connected, sensitive and relevant, are inclusive and make a positive contribution to their context.	**If amenity is not given its own Principle include "high levels of amenity" (or delight) here.** **Also address:** — **High levels of amenity for streets and open spaces** — **Engaging fine grain (human scale) streets that with active frontages** — **Ensure the design of streets and places serve the community day and night** Clear guidance will be needed for consistent interpretation of the term beauty.

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Intended effect The Design and Place SEPP will: elevate the role, importance and value of design to ensure design quality of new neighbourhoods and precincts, streets, public spaces, new architecture, landscape architecture, public art and the environment	**The need for a cultural contribution to make engaging, inspiring and inclusive places, that reflect the culture and character of their communities should be addressed.** **The cultural contribution of artists contributing to making engaging and inspiring places, that reflect the culture and character of places and their communities should be included in the document.** **Include public art within this Principle.**
2. Design ~~inviting~~ comfortable public ~~spaces~~ places for everyone *~~to support engaged communities~~* High-quality streets and public spaces are inviting, accessible, diverse and comfortable. They encourage a healthy public life for our communities, fostering active lifestyles and social connections.	**Replace "inviting" with a word that indicates environmental quality: suggest "comfortable public places" and include "for everyone".**
3. Design productive and connected places *~~to enable thriving communities~~* Places with sufficient densities, and sustainable and active transport connections to a wider network of jobs, services and attractors, enhance local economies and communities, enabling them to thrive.	Supported
4. Design sustainable, greener and climate responsive places *~~for the wellbeing of people and the environment~~* Environmentally sustainable places reduce emissions; adopt water, energy and material efficiency; adaptively reuse structures, and integrate green infrastructure, including urban tree canopies, to support the health and wellbeing of present and future communities and natural systems, including habitat for biodiversity.	Supported including: — the intended effect of the principle of setting future energy performance targets to reach net zero emissions — alignment with the NSW Government's Net Zero Plan by requiring development to contribute to the existing state-wide, whole-of-economy target of 35 per cent reduction in construction and operational carbon emissions by 2030 (compared to 2005 levels) Energy use in buildings is a significant contributor to greenhouse gas emissions in Greater Sydney. **Create a mechanism in the SEPP to adopt the performance standards and timing to net zero energy buildings developed by City of Sydney with industry and government for some land uses to achieve net zero emissions sooner than 2050 (detail in Attachment 1).** **Include "climate responsive" if it is not given its own Principle.**

Explanation of Intended Effects	**Recommendation**/Comment
	Capture "passive sustainable design", "adaptive reuse" and "contextually/situationally responsive design".
5. Design resilient and diverse places ~~*for enduring communities*~~ Resilient places are designed with adaptive capacity to respond to shocks, chronic stresses, and climate change. Diverse, compact neighbourhoods support inclusive, socially resilient communities and ageing in place. Climate change will exacerbate many of these conditions, making it difficult to manage landscapes and ecosystems and the human activities that depend on them	Supported **The cultural contribution of artists to inclusive places, that reflect the culture and character of places and their communities cannot be underestimated in supporting socially inclusive and resilient communities.** **Strongly support recognition of these contemporary challenges.**
2.4 Application of the new SEPP	
Application of the SEPP where the consent authority is a local or regional planning panel or the Independent Planning Commission, and for proposals made under Part 5 of the EP&A Act, will be determined during development of the Design and Place SEPP. types (such as items 1 to 10 of Schedule 1(State significant development – general) of SEPP (State and Regional Development) 2011. These exclusions will be refined during development of the Design and Place SEPP.	**The SEPP should apply to all development regardless of consent/approval authority including provisions for some types of complying development.** **The considerations must be consistent to avoid engineering different approval tracks to avoid dealing with the SEPP.**
It is proposed the Design and Place SEPP will apply to urban land, and therefore will either define land to which the policy applies, to exclude certain zones (such as rural zones as defined by the Standard Instrument (Local Environmental Plans) Order 2006), or exclude development	Supported
Development scales The matters for consideration and application requirements proposed by the Design and Place SEPP will apply to three development scales: — precincts — significant development and — all other development.	Conditionally supported **All the MMfCs should apply to all scales of development but the UDG and ADG should specify how they are to be applied.**
Precinct considerations would apply: — wherever a requirement for 'precinct plan', 'precinct study' or 'master plan' is specified in another instrument — to any planning proposal under s.3.33 of the EP&A Act greater than 10 ha or 1000 people — to any community scheme subdivision or subdivision into more than 50 lots — to areas identified for local strategic planning including amendments to local environmental plans (LEPs) (that are not planning proposals)	Conditionally supported Ensure these are "or" conditions. **Consider reducing the 10ha threshold to 5ha.**

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— to any other similar plan or spatial arrangement greater than 10 ha or 1000 people.	
Significant development considerations would apply to: — development on a parcel of land within a precinct or on a site bounded by streets on all sides — on a site greater than 4000 m2 or 500 people — on a site greater than 1500 m2 in a metropolitan centre. — State significant development (SSD), as declared in the State and Regional Development SEPP, on urban land — regionally significant development, as declared in the State and Regional Development SEPP, on urban land — State significant infrastructure (SSI) on or adjacent to urban land.	Conditionally supported **Consider reducing the 4000 m2 threshold to 2500 m2.**
Application to complying development will be determined during development of the Design and Place SEPP.	Supported **Most development for the "missing middle" and any development that could substantially affect tree canopy targets should be subject to the SEPP.**
Development types In NSW, considerations of design and place quality are addressed variously in the planning system, including through environmental assessment requirements required by the Secretary of the Department of Planning, Industry and Environment (Secretary's environmental assessment requirements: SEARs), design excellence clauses, and in SEPP 65, which apply to a narrow range of development typologies. The Design and Place SEPP proposes to expand the need for design and place quality to a broader range of development typologies, from individual buildings, to public spaces, to whole neighbourhoods, to improve the delivery of well-designed precincts and the buildings and spaces within them. The proposed structure of the Design and Place SEPP will allow for new design requirements to be added in response to different scales and types of development as they arise.	Supported **See comment relating to development types above all the exhibited MMfCs should all be able to be considered in relation to all development types.** Very intense development may in some cases require consideration equal to precinct level.
3.1 Design processes	
The requirements proposed to enable this process are: provisions for design skills and expertise in the design and review of planning and development proposals provisions for a design-led, place-based approach to planning and development provisions for design evaluation and review.	Supported

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3.1.1 Design skills	
Qualified designers are defined by cl.50 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The EP&A Regulation identifies the requirement for qualified designers in cl.50(1A) in relation to SEPP 65. The requirement for qualified designers is also identified in SEPP (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). The Design and Place SEPP proposes aligning the existing requirements for qualified designers with the NSW Design and Building Practitioners Act 2020.	Supported **Work with the ARB, PIA, AILA and Universities to ensure that practitioners have requisite skills to deliver good design as required by the SEPP.**
To ensure places and spaces are designed by suitably qualified design professionals, the Design and Place SEPP proposes that: — a registered architect (qualified designer, same definition as presently used) will be required for all buildings with three or more storeys, and in the case of multiresidential buildings, four dwellings — a registered landscape architect (qualified designer, new definition) will be required for all open space greater than 1000 m2 — a qualified designer, i.e. urban designer, architect with master planning skills or landscape architect, will be required for master planning of all precincts — and significant development (qualified designer, new definition).	Supported **Complement the height in storeys threshold for involvement of an architect with GFA "or" triggers.** **Transitional arrangements will be required noting that there are currently poor pathways for registration for urban designers (currently a field rather than a recognised profession).** **Consider requiring a landscape architect to be involved in the design of all buildings requiring an architect (including all apartment buildings).**
A statement to accompany planning and development applications can be used to verify this requirement. For precincts and significant development, it is proposed this statement also describes the collaboration and integration of design professionals with multidisciplinary skill sets (e.g. architecture and landscape architecture, urban design and planning, engineering, etc.) to achieve high-quality design of the built environment.	Supported **The statement must also verify <u>how</u> the objectives of the ADG and UDG (with reference to design criteria where applicable) and any other required matters for consideration have been achieved (<u>how</u> is the key word in the EP&A Regulations 50(1AB)(b)). The consent authority should not be able to give consent to any development where this verification has not been made.** Refer to recent LEC decisions by Commissioner Horton in relation to the importance of properly made design verification statements. **Best practice (less wordy) statements should be modelled that focus on demonstrating <u>how</u> compliance has been achieved not just asserting that it has.**
The mechanism for other design professionals to be registered and deemed qualified designers will be determined during development of the Design and Place SEPP.	Conditionally supported subject to sufficient design skill

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3.1.2 Place-based approach	
The proposed Design and Place SEPP will strengthen the correlation between place and site analysis and the design outcome by requiring a clear demonstration of how the information is synthesised and interpreted to inform the site planning strategy, overall design response, and contribution to place through considering Country and addressing the identified principles.	Supported **This point is extremely important and must be linked in SEPP provisions and guidance describing the process for departing from numerical requirements.** **The place analysis must demonstrate that there are contextual or situational or adopted strategic constraints that require a different response and how this is to be documented. These sorts of constraints must be differentiated from arbitrary constraints like not wanting to provide more vertical circulation or to dig a deeper basement because it is more costly.**
3.1.3 Design evaluation and review	
The NSW Government acknowledges the effectiveness of design review depends on consistent implementation at State and local levels. The Design and Place SEPP presents an opportunity to define a process for design review and to provide new guidance for State and local government through a Design Review Guide (DRG) to ensure this process is undertaken with robustness and consistency across NSW. The DRG will: — address the required expertise on design review panels, clarify the scope of a panel's advice and the requirements for consistency of panellists across project reviews — address the role and expertise of a panel chair — clarify the importance of panellist advice being informed by the relevant planning framework — give consideration to review timeframes commensurate with project complexity — clarify the role of the panel as an advisory service to planning assessment teams — provide case studies of exemplar processes and examples.	Supported **The DRG must describe mechanisms for DRP Chairs to report back to the department in relation to advice to vary from standards to ensure uniformity of approach.** **Advice from panels must be clearly defined as not creating precedents until a practice note is circulated and practice notes should be issued regularly.** **Advice should be made publicly accessible from a centralised location.** **Panel membership must be defined by local government subject to skill requirements.** **Local Governments must be able to maintain their own versions of design review (panels) and to set their own terms of reference.** **Shortage of skilled design review panellists is a problem that the government should consider.** **Consider how to address possible corruption where panellists in one jurisdiction are applicants in another and potential for unequal treatment.**
To support the use of design review processes in proportion to the impact of a development proposal, additional thresholds for design review will be determined during development of the Design and Place SEPP and may include consideration of: — project locations e.g. projects on prominent sites and or sites of heritage / cultural / social significance — project types — capital investment value	Supported **Local government must be allowed to define specific local criteria and thresholds.**

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— development height — site area. Thresholds may vary for projects in urban and regional areas and may be set by: — the Design and Place SEPP (providing consistency across NSW), or — individual councils (depending on their circumstances and urban condition), or — a combination of both.	
3.2 Design and place considerations	
The proposed Design and Place SEPP will require applicants to demonstrate through application requirements that the SEPP principles and considerations have been met. It will also inform matters for consideration by the consent authority.	Conditionally supported **Applicants should not directly address the Principles; they should address the requirements of the UDG and ADG etc and by meeting those requirements they should be deemed to have met the Principles.**
3.2.1 Application requirements	
It is proposed the Design and Place SEPP will require applicants to demonstrate through application requirements that the SEPP principles and considerations have been met. Many of these requirements currently exist within the planning system, however they are not consistent in their application. The Design and Place SEPP will enable a consistent and regular approach to submissions which will provide greater certainty for applicants and consent authorities. Those requirements are summarised as:	Supported
site analysis for all development – including site analysis drawings, site planning strategy, phasing or staging plans (where applicable)	Supported This documentation must capture all the contextual/situational constraints that may lead to some numerical standards not being able to be met.
a precinct structure plan for all precincts and significant development – including a green infrastructure map, public spaces map, heritage map, movement and place map and local character area map, and design documentation and phasing or staging plans (where applicable)	Supported
a design statement for all development – including consideration of site analysis, Country, local character, design and place principles, Better Placed objectives; resilience strategy; embodied energy; dwelling adaptability; safety by design; site planning strategy; in conjunction with plans, sections and elevations of design, 3D representation (image and digital 3D model)	Conditionally supported **This document must include the designer's verification that the MMfC, objectives, DC, DG etc have been met/achieved.**

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precinct planning supporting documents for all precincts and significant development – including a design statement, draft planning controls, local character statement, travel plan, needs assessment of public space and green infrastructure, sustainability plan, and a resilience risk assessment and implementation plan.	Supported **This document must include flood, heat and fire risk assessments.**
3.2.2 Mandatory matters for consideration	
It is proposed the initiatives and guidance outlined in this EIE are mandatory matters for consideration for the purposes of s.4.15 of the EP&A Act and will be required to be considered as part of the development assessment process.	Conditionally supported **The City recommends that the exhibited Mandatory Matters for Consideration be reframed as *Matters for which the consent authority must be satisfied are achieved in order to determine that the development represents good design* and that development may not be approved if it does not represent good design (see discussion above).** **The SEPP should reference Matters for Consideration being documents like Better Placed, Connecting with Country, the UDG and ADG etc that contain objectively measurable criteria and issues, where the way they are satisfied or not is defined in a very precise manner.**
Similar to the operation of SEPP 65, requirements to refer applications to design review panels and consider their advice, minimum design skills, and the use of certain guides will be set out in the Design and Place SEPP and associated instruments. The highest priority matters for consideration identified to give effect to the principles are set out in Table 1 below and will be refined during development of the Design and Place SEPP.	Supported
Wording of the considerations set out in Table 1 is subject to change during the SEPP drafting process.	**The City requests consultation in relation to these matters prior to release of the draft SEPP.** **Additional matters for consideration must be introduced to address:** — **Connecting with Country** — **Health** — **Safety** — **Amenity and comfort both in buildings, streets and public places,** — **Accessibility** — **Climate responsive (passive sustainable) design** **The matters for consideration should not be tied to specific principles and should apply to all scales of development.**

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1. Cultural and built heritage Areas of cultural and built importance are celebrated, conserved and protected,including heritage items or areas at risk, and a corresponding strategy has been developed to ensure community use andenjoyment of these.	Supported
2. Public Space Equitable distribution of accessible, well-designed public space has been provided on land fit for purpose with none loss of public space.	Supported
3. Connectivity ~~Connectivity~~ Walking and cycling connections have been provided ~~where possible~~ between green infrastructure including landscape corridors, ~~recreational~~walking and cycling networks, and the network of public space.	This section (and others within the SEPP and appendices) uses 'landscape' in various ways. For example, in this section it refers to 'landscape corridors'. There is no definition for landscape, and it is unclear how it relates / differs to green infrastructure. **Create a new definition for 'landscape' to ensure any ambiguity between the terminology 'green infrastructure', and potentially 'canopy', is removed. Alternatively, amend the other definitions, and remove the current use of landscape as a describing term.** Connectivity is only considered from an anthropocentric view (this issue is pervasive). **Include connectivity for biodiversity as well as people.**
4. Local living All housing in urban areas of newprecincts is within: — ~~20~~ 10 minutes walk of local shops, groceries and primary schools, medical and community facilities, and — 5 minutes walk of local public open space with facilities that serve communities. (eg. Playgrounds, exercise equipment..etc) — ~~Where possible,~~ housing is also within 20 minutes walking distance to primary schools, district open space, public transport, and supermarkets or groceries.	Many people find a 20 minute walk (40 min round trip) difficult. **Suggest adding walking distance metrics in m to increase certainty.** **Include considerations to enable safe walk to school.**
5. Street design The precinct: — contains safe (day and night), direct, accessible and comfortable walking and cycling routes including continuous paths, priority crossings on key desire lines, and locations for end-of-trip facilities — meets a minimum street intersection density (to be determined during development of the Design and Place SEPP)	Supported **Include appropriate speed that supports pedestrian safety through environmental design, modal filtered permeability and speed limits.** **Consider including a required % of total precinct area.** Services, shade and cool streets have not been mentioned. This should be dealt with here as well as

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— does not exceed a maximum block length between intersections (to be determined during development of the Design and Place SEPP).	under green infrastructure to ensure they are designed in an integrated manner. **Consideration of services, particularly locating infrastructure (especially power lines) underground should be stated. Streets should also be designed with consideration of shade and street trees.**
6. Water management The precinct contributes to water security, urban cooling and local irrigation by providing water systems that minimize potable water for non-potable uses, maximise water re-use, and preference natural methods for stormwater control and run off. Precinct-scale water detention and re-use strategies have been integrated such as through integrated water management framework where required.	**Include stormwater quality targets.** Supported but note significant concern regarding precinct water recycling; there are administrative hurdles that Councils have faced often and repeatedly and NSW government have to fix that (via IPART etc) if the SEPP is going to deliver this outcome.
7. Green infrastructure The precinct retains, ~~where possible,~~ and provides additional green infrastructure by: — integrating urban development andgreen infrastructure — contributing to a green grid by establishing an interconnected network ofopen space, waterways and biodiversity — retaining or enhancing existing significant and moderate tree canopy or replacing any removed moderate or significant trees with at least two trees or precinct DCP/council replacement rate, whichever is higher. In Greater Sydney the tree canopy target specifiedby council or in the Greener Places Design Guide (if not specified) is to be delivered (whichever is higher) — giving preference to locally Indigenousand Australian native plant species.	Supported **Include a definition of significant and moderate trees in the SEPP**, as this is the first method of ensuring replacement tree planting in the precinct. If a precinct has high canopy cover, but low numbers of moderate or significant trees, it will be critical that the site achieves its canopy cover. Therefore, the application of the canopy cover targets (especially those from the Greener Places Guide) need to outline where the canopy / trees are located across the precinct. For example, if the medium to high density targets (>25% canopy) applies, this needs to be shared across the different land classifications of streets, parks and private property. If the Greener Places Guide is to remain the reference for this (until Councils develop their own planning controls) it is recommended that further guidance is provides based on the percentage of tree canopy cover that should be provided based on land use classifications, such as develop typologies for private land, and the following for public land; **Land Use Types** / **Minimum Target Canopy Cover (Veg >3m, % of land use area)** **ROADS** State Road — **35%** Regional Road — **40%** Local Road — **60%** Laneway — **40%** **PARKS**

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	<table><tr><td>Iconic</td><td>50%</td></tr><tr><td>Neighbourhood</td><td>55%</td></tr><tr><td>Pocket</td><td>70%</td></tr><tr><td>Civic</td><td>50%</td></tr><tr><td>Sportsfield</td><td>0%</td></tr><tr><td>Golf Course</td><td>30%</td></tr></table> **Include further guidance on the location of the canopy / trees across the precinct – with minimum % canopy targets based on land use classification across streets, parks and private property.** **Delete the requirement for preferential treatment for indigenous / native species. Alternativity, amend to give preference to the indigenous / native species where deciduous species are not required.** Tree species should be selected for the site conditions and requirements. In many instances this requires a deciduous (and therefore exotic) tree to provide summer shade and winter sun. **Practically, tree replenishment (planting rates) by site area are most practical linked to tree sizes (i.e. S, M, L)** whereas canopy cover is more like an objective and is difficult to design and assess against without many defined assumptions. **Suggest the control should be the number of trees planted <u>in deep soil</u> by site area for different typologies and public domain types.**
8. Resilience An integrated approach to site-specific risks has been taken, and strategies taken to reduce or avoid occupants' vulnerability to those risks, particularly bushfire, flooding, extreme heat and coastal erosion. Ensures a risk-based approach to design and adaptation to future risks and vulnerabilities from natural hazards, increasing preparedness for, and mitigation or avoidance of, those vulnerabilities. Fosters climate change adaptation by design	**Support the recognition of resilience** EIE seems to be proposing this apply at precinct rather than **"**Significant development" & "All other development" scales. **Escalate the severity / importance of both extreme heat and extended heatwaves as issues for urban areas.** **Refer specifically of the need to not worsen the "shelter in place" situation – i.e. individual buildings can be made more resilient.** **Also address reflected / rejected heat impacts from buildings (dark masonry) and their HVAC systems.**
9. Fine-grain movement Proposed walking and cycle links connect to designated walking and cycling networks at the site boundary, and provide publicly accessible through-site links for walking	Supported

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and cycling so that no street frontage between paths is greater than the maximum block length set out in Consideration 5: Street design.	
10. Density The massing (height and floor space ratio) and zoning of precincts and significant development on urban-capable land, is capable of achieving the target gross residential densities in R1 to R4 zones (general, low, medium and high density residential zones). Density ranges will be determined during development of the Design and Place SEPP, based on a development's location and transport access, with a minimum density capacity of 15 dwellings per hectare. This consideration must be read together with Consideration 10: Housing diversity, in relation to the need for a range of housing types and tenures within residential areas.	Supported
11. Housing diversity The proposal responds to the local housing strategy and provides an equitable distribution of housing type, accessibility, cost and tenure for the demographics of the local area and to enable ageing in place.	Supported **Include reference to accessibility, cost and/or affordability and differentiate from enabling aging in place.** **Include corresponding need to provide community spaces, public spaces, services and facilities that support the diverse demographic.**
12. Transport and parking The proposal minimizes car parking using the lowest of: — the rates specified in the Guide to Traffic Generating Developments (RTA 2002 (or when revised and retitled, the Guide to Traffic Impact Assessment), — any maximum parking rates or lower minimum rates specified by local controls, maps or guidance, and — any further reductions due to site-specific strategies including unbundling, or the preparation of adaptive travel plans.	**Insert zero minimum car parking rates where PTAL levels are high.** **The wording around maximum and minimum will need careful attention during drafting.**
13. Attractive ~~form~~ (Beautiful) The development has, on balance, positive design qualities, and supports beautiful places (including contributing to the local character, where described), as determined against a number of specific aspects of design, including: — massing — articulation — diversity and mix — scale, views and vistas — 3D expression — entries and setbacks to public space — details and materials	Supported **Detailed guidance will be required to ensure consistency of interpretation.** **Include a bullet point that includes infrastructure and/or landscaping (noting the comments above re landscape definition) into the proposed consideration list.** This section omits any reference to green infrastructure / landscaping which has a considerable impact on attractive form.

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— wayfinding, paths and common areas.	
14. Impacts on public space There is no encroachment on existing public open space, and adverse impacts from adjoining built development, with no net loss of public space.	Supported **Include other amenity impacts on public space like overshadowing, noise and wind and traffic.** **Include a qualitative provision (not just quantitative) that requires the public space provided to be as good, or better, than the sites current public space. This includes the size allocation to ensure the space is prioritised for community use.** This section refers to development encroachment and no net loss of public open space. It applies to significant development and all other development. A 'no net loss' approach does not necessarily ensure that the new overall public space provided is appropriate. For example, an expanse of open space may be divided into smaller, less usable park sizes. **For significant developments, there should be an increase in the extent of public open space provided (e.g. 10% increase).**
15. Impacts on vibrant areas If in or near 'vibrant areas' (including night-time economy areas, major public space and licensed premises) the proposal demonstrates: — siting, massing and acoustic design of residential buildings and mechanisms that safeguard future operation of the area — ground floor uses adjacent to vibrant areas enhance the prevailing uses, and — natural light access to major public space is safeguarded and shade provided to activity streets.	Supported
16. Activation There is non-residential activation on a minimum percentage of frontage of sites facing activity streets, with adequate lighting and passive surveillance (percentage to be determined during development of the Design and Place SEPP).	Supported **Develop a sliding scale to prevent edge effects and consider defining activity streets.** **Ensure non-residential does not include services and car parking etc.**
17. Emissions and resource efficiency The development meets or exceeds the relevant National Australian Built Environment Rating System (NABERS) targets set by the Design and Place SEPP, for: — offices (base building energy) — shopping centres (whole building energy) — hotels (whole building energy) — apartment buildings including common areas	Conditionally supported **Adopt the energy performance standards and timing developed by City of Sydney with industry and government presented at the Planning for Net Zero Energy Buildings Briefing on 11 March 2021 for office, multi-unit residential, hotel and shopping centre developments to transition to net zero energy**

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(common property energy) — all buildings being 'ready for net zero' from 2030 The development meets or exceeds the relevant BASIX targets for: all new homes (water, energy, thermal comfort).	**by 2026. Refer to table of performance standards, development thresholds and timing below.** **Enable a Greater Sydney region to respond to the different typologies in cities, as well as respond to the Greater Sydney Region Plan. Within the Greater Sydney region incorporate the performance standards and timing developed by the City of Sydney in collaboration with industry and government.** **Amend the associated sections in the EP&A Regulations to reference net zero energy by 2026 to support the implementation of the multi-unit residential high-rise targets and timeframes across Greater Sydney.** **Provide options to demonstrate compliance with an energy performance requirement for non-residential development rather than only NABERS Energy. Consider the same options provided in the performance standards as follows:** **— NABERS Energy rating with a Commitment Agreement** **— maximum energy intensity with review by the NABERS Commitment Agreement panel of independent consultants** **— Green Star Buildings rating meeting Credit 22: Energy Use requirements** **— or equivalent** **Expand the multi-unit residential apartment categories above 6 storeys for BASIX Energy. For example for 6-10 storeys, 11-20 storeys and 21-30 storeys. The Planning for Net Zero Energy Buildings Briefing on 11 March 2021 identified strong cost benefit analysis results for those ranges.** **Work with the development industry and councils via a robust, well governed method to regularly update their tools (BASIX and NABERS) to implement the performance standards, maintain relevance as industry adapts to higher standards and to improve compliance.** **Consider using the same methodology for the development of the net zero performance standards pathway for other development uses (eg. industrial, residential aged care, schools etc), as suitable design and planning tools become available that allow options to demonstrate compliance with standards.** Some concern about locking in energy performance targets into SEPP and then finding SEPP is too slow to

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	make changes to respond to industry feedback/innovation e.g. electrification. The only current compliance pathway for Thermal Performance in apartments in NSW is NatHERS approved thermal modelling. NatHERS is not an effective tool for thermal comfort design or passive design for apartments. The Government Architect and DPIE should take this opportunity to redefine 'Thermal Comfort' in BASIX – referring only to thermal performance and embed all aspects of passive design for thermal comfort within the ADG component of the new SEPP and associated design requirements. The NABERS brand is best protected by maintaining: strong governance standards and transparency of process; evidence-based technical calculations; effective auditing procedures; and professional practice / CPD. Also recommend close collaboration with ASBEC regarding setting progressive and timely building performance standards.
18. Tree canopy The proposal retains moderate and significant trees and significant vegetation where possible. Any removed moderate or significant trees have been replaced with at least two trees, or the precinct development control plan (DCP) / council replacement rate, whichever is higher. if in Greater Sydney, the proposal delivers the minimum number of trees to give effect to the tree canopy target specified by the local council or, if not specified, set out in the Greener Places Design Guide, whichever is higher. The proposal demonstrates the use of greening alternatives (such as green roofs, walls, softscape, etc.) particularly where tree canopy targets cannot be met.	Importantly, this Tree Canopy section applies to the significant and all other development scale. It is unclear why this section refers only to the loss of trees and vegetation, and not to canopy (as it does above in section 7 – Green Infrastructure). Canopy cover applies at all scales; precinct, state significant and all others. The section appears to have two thresholds: the first paragraph refers to the replacement rate of two trees for every significant or moderate tree removed, or links to the Council DCP, whichever is higher. The second paragraph refers to being in Greater Sydney, and the need to provide the minimum trees to meet the canopy cover requirements (wherever they sit). It is positive that this is differentiated. **The loss of trees should not be the only trigger for their replacement. This applies to all development types (greenfield, brownfield and infill) and development typologies (house, apartment, industrial).** **Review and clarify the difference of why green infrastructure and tree canopy re proposed to be applied at different development scales.** It is assumed the reference to canopy in the Greener Places Design Guide is the percentage cover for the various land use types (e.g >15% CBD, >25% medium to high density and >40% low density) as outlined on page

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	35 of the Guide. This is a good start for private property, however there have been recent improvements with the canopy cover and tree planting rates based on typology instead. It is considered the typology work is superior for canopy cover percentages and their relative tree planting rates (rather than zoning). Further, canopy cover percentages (and tree planting rates) need to apply to all land classification types – such as streets, parks and private property. The Proposed Consideration also refers to the use of greening alternatives (such as green roofs, walls and softscapes), particularly where canopy targets cannot be met. This proposal weakens the previous requirements on the minimum number of trees / canopy required for the site. Given the Premier Priority to increase canopy (to address heat and community health issues) the canopy targets must be met in all new development (i.e. where new built form is created). Development that needs to retrofit (such as adaptive reuse or alternations and additions) may not be able to achieve the canopy targets, and where this is demonstrated, alternatives may need to be considered. It will be vital that where canopy targets cannot be met, the provision of the other greening is commensurate to offset the canopy. Research has quantified that trees provide an exponential increase in benefits to the community – the larger the tree, the bigger the benefit. As not all greening is created equal, this may lead to a considerable amount of green space required to offset the lost canopy cover. For example, a green factor tool applied in Seattle equates one large tree to 39 shrubs, or 6 smaller trees, or 3 medium trees or a roof top garden 33 square metres in size. **Canopy cover / tree planting provisions based on typology should be included in the SEPP. Further, that this Greener Places Guide is updated, and any other relevant existing and new planning instruments and controls.** **In this SEPP, guidance on the percentage of canopy cover for public space is required. For example, the City's canopy targets for specific public land classification types as outlined in comments relating to Green Infrastructure above.** **The wording should be amended to clarify that canopy cover targets shall be achieved on all new developments, and apply greening alternatives for retrofit / adaptive reuse and alternations and**

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	additions to existing built form where canopy targets have been demonstrated they cannot be achieved. **DPIE should develop a Green Space Factor tool for Greater Sydney, similar to those in Europe, USA and being trialed in Melbourne, to ensure the greening alternatives provide the actual extent required for use only where deep soil cannot be provided. Note that the rate of provision for green roofs has to be far greater in plan area than that of a tree to match the volume.**
19. Affordable housing The proposal provides affordable housing in accordance with affordable housing targets or schemes. Where there are no targets or schemes, the applicant may propose a viable amount of affordable housing for the site, and must provide that amount. Within Greater Sydney, targets generally in the range of 5–10% of new residential floor space are viable and should be delivered (Greater Sydney Region Plan Objective 11).	Conditionally supported **A robust process should be defined to determine what constitutes a viable amount of affordable housing – this must not be a self-assessment by applicants.** **Affordable (rental) housing must be defined as being provided in perpetuity to a Community Housing Provider.** **City feasibility testing suggests that many areas can sustain more than 10% provision.**
3.3 Guidance	
To support the proposed Design and Place SEPP, a suite of existing and proposed guidance (revised and new) has been identified. The guidance is intended to complement the principles and considerations in specialist areas by setting: — objectives relating to specific development typologies and outcomes — criteria relating to outcomes, including performance-based criteria where possible — minimum criteria where required and desirable to help assessment.	Supported **Objectively measurable criteria are preferred in almost all situations and that a Deemed to Satisfy provision and a more complex Performance Criteria should be provided wherever possible.**
3.3.1 Existing guidance	
Greener Places – An urban green infrastructure design framework for NSW (GANSW 2020) Practitioner's Guide to Movement and Place – Implementing Movement and Place in NSW (TfNSW and GANSW 2020) Local Character and Place Guideline (DPIE 2019).	Noted
3.3.2 Guidance to be revised	
Draft Connecting with Country – A draft framework for understanding the value of Aboriginal knowledge in the design and planning of places (GANSW 2020)	**Embedding the Connecting with Country Framework differentially across different scales of development may benefit from the expertise of the City's**

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Draft Evaluating Good Design – Implementing Better Placed design objectives into projects (GANSW 2018) Draft Government Architect's Design Excellence Competition Guidelines (GANSW 2018) Apartment Design Guide – Tools for improving the design of residential apartment development (DPE 2015) and proposed revisions. Further detail is provided in Appendix A. Guide to Traffic Generating Developments (RTA 2002), to be revised and retitled Guide to Traffic Impact Assessments (TfNSW) BASIX website and tools (DPIE).	**Indigenous Leadership unit – engagement is welcome.** Notes relating to the ADG and BASIX are below. The City recommends that the guide for traffic generating development use a methodology that explores the potential for parking supply constraint to achieve mode shift targets and reports rates in such a way as not to create a minimum rate of parking provision.
3.3.3 New guidance	
Draft Greener Places Design Guide (GANSW 2020 and DPIE) – to provide information on how to design, plan, and implement green infrastructure in urban areas throughout NSW including strategies, performance criteria, and recommendations to help consent authorities, designers, and developers to deliver green infrastructure	Supported **Detailed criteria for tree canopy, deep soil, green roofs and walls and biodiversity are needed. The City has undertaken work in all these areas and is happy to share reports.**
Draft NSW Public Spaces Charter (DPIE 2020) – identifies ten principles for quality public space, developed through evidence- based research and discussions with a diverse range of public space experts	**Revise the charter to include actionable statements and objectively measurable criteria.**
Proposed Design Review Guide (DPIE) – to establish consistent terms of reference for the operation of design review panels and the provision of design quality evaluation	Supported. **The guide should include mechanisms to monitor and correct review practice to ensure consistency of approach and establish regular practice notes to achieve this end.**
Proposed Urban Design Guide (DPIE) – to provide design guidance and criteria for large-scale developments, and to complement the revised Apartment Design Guide. Further detail is provided in Appendix B	Supported – comments below
Proposed Resilience Toolkit – to guide identification of risks to address resilience, and to assess compliance with the resilience priority, and requirements of the SEPP	Supported **Please coordinate with the Metropolitan Chief Resilience Officer Beck Dawson and note the urban heat framework just released.**
Proposed strategic guide to planning for natural hazards in NSW (DPIE) – to inform the preparation of regional, district and local strategies and proposals to rezone land.	Supported – as above **Develop Public Art Policy and/or Guidelines to guide development and inclusion of high quality artworks in public space to support the cultural contribution of artists.**

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4.1 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	
replacing the SEPP 65 process for design review, including panels and the application of principles, with the Design and Place SEPP process replacing the SEPP 65 design quality principles with the principles of the proposed Design and Place SEPP incorporating the revised ADG as a matter for consideration under the Design and Place SEPP	Supported **Carefully manage the relationship between the new Principles and the standards in the ADG to ensure the latter are not undermined.**
removing precinct-scale considerations from the ADG including key considerations, criteria, and guidance for DCPs, and incorporating these into the UDG	**The ADG should be referenced directly from the SEPP following a form similar to other guidelines in EPIs e.g.** Sydney LEP 2012 Cl. 6.45 (2) **The consent authority must not consent to development** [involving the construction of one or more dwellings on land at the Waterloo Metro Quarter] **unless**—… (d) **it has taken into consideration** [any guidelines made by the Planning Secretary relating to the design and amenity of the Waterloo Metro Quarter.] **[insert name of Guide etc].**
clearly distinguishing between key considerations, criteria, and guidance for apartment development.	**The key amenity metrics should be elevated to standards directly within the SEPP and varied subject to the equivalent of a Cl. 4.6 variation. Discussed further below and draft standards at Attachment 4.**
4.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
4.2.1 A trajectory for new homes is planned to be implemented through cost effective increases to minimum energy performance standards in the National Construction Code (NCC), starting in 2022. However, in NSW residential energy efficiency standards for new homes and alterations and additions are set by BASIX, not the NCC. Implementing the trajectory will align with the NSW Net Zero Plan Stage 1: 2020–2030, which indicates the NSW Government's commitment to improve BASIX as a pathway to deliver cost-effective, low-emission outcomes for residential buildings	Support continued application of BASIX as a delivery mechanism for residential development in NSW provided the scheme governance is significantly improved including aspects such as: calculation engine, frequency of updates to tool, improved transparency of process. **Agree that alignment with 3 year trajectory approach of NCC makes sense but must not be hard wired to the NCC as NCC often stalls/delays implementation due to industry lobbying.** **Given the extensive time resources the City has invested in this space over the past 5 years at least, we seek involvement in development of governance scheme.** Supported

Explanation of Intended Effects	**Recommendation**/Comment
In summary, the following key provisions are proposed to be transferred to the new Design and Place SEPP: the policy will continue to apply to NSW and Lord Howe Island for all residential development including alterations and additions that meet or exceed a certain value (currently $50,000), or install a pool or spa of 40,000 L or more	
competing provisions in any other environmental planning instrument or DCP will not have effect, maintaining the current policy position	**This is supported as long as it is clear that the ADG is deemed to be part of the same instrument as BASIX.**
sustainability targets that are currently embedded in the online BASIX tool will be included in the Design and Place SEPP	Noted
to promote consistency across the State, councils are currently not able to set their own higher or lower BASIX targets. This provision will continue to apply and is proposed to be transferred to the Design and Place SEPP. However, mechanisms to allow councils some flexibility in this area will be explored during development of the Design and Place SEPP.	Note that there has only been one target change in 15 years. **Creating a mechanism to allow local variation is strongly supported.** **Adopt a target review time frame and transparent review processes.**
Following regulatory impact and cost–benefit analysis in early 2021, updated sustainability targets will feature in the exhibited and final Design and Place SEPP.	Support but with conditions: The BASIX SEPP does not currently contain targets. This was a deliberate decision made in 2004 to prevent targets becoming obsolete in terms of ease of achievability but remaining in place in law via the SEPP. **Recommend developing a mechanism to review energy performance targets in the SEPP regularly to respond to industry feedback/innovation eg electrification.** **Thermal Comfort as an outcome should be entirely removed from the BASIX scheme and leave only Thermal Performance energy modelling to estimate energy needs for mechanical space heating and cooling) within BASIX**
— The policy will continue to apply for all residential development including alterations and additions that meet or exceed a certain value (currently $50,000)	BASIX tool / framework/certificate process is sound but stringency for alterations and additions has barely changed since inception (2005). **Utilise the update to BASIX Alts and Additions transition across to the New SEPP to improve thermal resilience and energy performance of existing building stock.**
4.2.1 In addition to the BASIX provisions being transferred to the Design and Place SEPP, broader reforms to help support sustainability in residential buildings are being developed. These are detailed in Appendix C, which outlines the key areas of reform:	Discussion below **Regularly update and publicly disclose the emissions factors in the BASIX and NABERS tools, in line with the biannual tool update**

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— providing more flexibility in the available assessment pathways to demonstrate a design meets sustainability performance requirements	New pathways must be demonstrably fit for purpose – via a transparent process. There was no transparency around most recent changes to BASIX tool – this is not acceptable going forward. **The Dept must continue to maintain the data capture functionality of BASIX, which has never been used optimally, yet which captures an extensive, valuable data relating to residential development, including completion rates.** **Any alternative pathway must still require applicant to register a project in BASIX and enter highest level (not technical) detail (postcode, number of buildings, number of apartments) and require Certifiers to use the BASIX Completion receipt process so NSW Government knows when a project's final O.C. is issued. To not capture these fundamentals would be a significant backward step.**
— aligning sustainability performance requirements with the principles of the Design and Place SEPP	**Supported subject to:** — **Solution to improved alignment are achieved via simplification** — **Removing the Thermal Comfort / passive design parts of BASIX and relocating these to a stand alone guide to climate responsive design (or embedded within the ADG), with much improved design standards and compliance checking pathways will significantly improve alignment as this outcome should not be split across two parts of the SEPP**
— measuring and reporting sustainability performance requirements in a consistent way to other jurisdictions	BASIX data capture standards are still best practice and well ahead of other jurisdictions even if the data captured is not used to full potential. The hard-wired connection of BASIX Certificates to DA, CC, and OC stages of development, and the BASIX Completion receipt remain national best practice. NSW should not weaken these standards. Other jurisdictions and the federal government report housing outcomes by referring to star ratings that are widely misinterpreted by the public (who assume Star ratings relate directly to predicted whole of home energy use). **The NSW government should not actively enable consumer misinterpretation of housing energy / thermal design information.** **Until the NatHERS Scheme delivers a transparent and easily understandable way of interpreting**

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	dwelling energy performance the simplistic star rating scheme should not be adopted. **For the apartment sector Star ratings for individual dwelling are all the more unhelpful and should be avoided – there will be confusion alongside NABERS Common Area star ratings.** Supported
— improving customer experience and promoting innovation. Some of these will form part of the proposed new Design and Place SEPP while others are proposed to be delivered separately to complement the principles such as: — improved customer experience in using tools — recognising emerging technologies — biannual tool updates.	 Supported Supported Supported
5.1 EP&A Act and EP&A Regulation	
No amendments to the EP&A Act are proposed. Amendments to the EP&A Regulation to enable implementation of the new Design and Place SEPP, including requirements relating to DCPs, design skills and verification statements and provision of additional information, will be determined and refined during development of the Design and Place SEPP.	Noted The regulations supporting SEPP 65 have been critical to its success. **The regulations should be modified in a way that continues to provide strength to the ADG and apartment amenity.** **Amendments to the Act may be required to clarify MMfC.**
LEPs and DCPs It is proposed the new Design and Place SEPP will have no immediate impact on existing LEPs and DCPs. However, when these plans are undergoing five-year review in accordance with statutory requirements it is likely they will be revised where necessary to align with the Design and Place SEPP and for consistency across NSW. As part of developing the Design and Place SEPP, consideration will be given to amending cl.4.6 of the Standard Instrument (Local Environmental Plans) Order 2006 to reflect the need to demonstrate that any variation to development standards will result in an improved planning outcome and public good. State or council design review panels may be involved in determining this.	This needs to be clarified. If substantial changes are required resourcing should be provided. **Supported subject to clear guidance being provided. Care must be taken that the proposal implies a point of reference that does not exist and/or could be constructed specifically to support a variation.**
5.2.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	

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The relationship between the existing Codes SEPP and the new Design and Place SEPP is to be determined. The types of development currently permitted through the Codes SEPP will remain unchanged, but the requirements will be aligned with the principles of the Design and Place SEPP to enable this type of development to contribute to a greener, well- designed built environment. This includes reviewing the Greenfield Housing Code to align its objectives with the Premier's Priorities Greener Public Spaces and a Greening our City. The greening, design and quality outcomes intended by the Design and Place SEPP will need to be tested on the standard development types permitted by the Codes SEPP to ensure they can be achieved.	The Design and Place SEPP highlights the inconsistency in the proposed expansion of the Exempt and Complying categories of development. The Design and Place SEPP describes the need for better design, skill and review. Exempt and Complying development guarantee none of these things. **The Codes SEPP must be brought into alignment with the standards outlined in this EIE not vice versa.**
5.2.3 Proposed Housing Diversity State Environmental Planning Policy	
The proposed Housing Diversity SEPP will consolidate existing state-level planning provisions relating to a range of less common housing types for special social, economic and accommodation needs into a single instrument. This includes housing types currently facilitated by: SEPP (Affordable Rental Housing) 2009 SEPP (Housing for Seniors and People with a Disability) 2004.	
It is intended the Apartment Design Guide will apply to residential apartment development (as currently defined), including the clauses of SEPP 65 and subsequently the clauses transitioned to the Design and Place SEPP. This would include new provisions for market-led housing development and tenure models including student accommodation, co-living and build- to-rent, where accommodated in residential apartment development, with specific provisions to be added for these typologies where appropriate.	Supported **The objective should be to consolidate all housing standards into a single guide to increase amenity in those types that currently have little guidance and few and low standards.** **Other housing types like boarding houses and seniors housing require design guidance.**
5.5 Better Placed	
Better Placed was released in late 2017 to support the new objects of the EP&A Act, in particular the promotion of good design and amenity of the built environment, by setting out good design processes and outcomes, and introducing seven design objectives.	
Better Placed will be updated to reflect developments since its introduction, and to ensure it functions as a complementary policy to the Design and Place SEPP.	Supported
6.1 Development Under Part 4 of the EP&A Act	

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6.1.1 State significant development and precincts Development applications that are deemed State significant (development and/ or precincts) to which the Design and Place SEPP applies, will be required to demonstrate how principles have been met through considerations relevant to the scale of the proposal. The template SEARs will be updated to align with application requirements in Section 3.2.2.	**SSD/SSPs must be required to address the SEPP and all its subsidiary documents etc in the same way as all other development.** It will be insufficient to only address the Principles.
Consideration of the Design and Place SEPP is required throughout the SSD process. Where a development is sited on urban land, it is recommended the SDRP process is incorporated into the preliminary scoping stage. Early engagement with local Aboriginal community members including Traditional Custodians prior to public exhibition is recommended to appropriately respond to the design principles of the proposed Design and Place SEPP. The principles and considerations of the proposed Design and Place SEPP, and the advice of the SDRP (where applicable) will need to be considered as part of any assessment.	Supported
6.1.2 Local council Development applications where council is the consent authority and to which the Design and Place SEPP applies, will be required to demonstrate how design principles have been met through initiatives relevant to the scale of the proposal, this may include early engagement with the local Aboriginal community including Traditional Custodians. If the proposal is expected to require a design review or design excellence process, input should be provided by the relevant design review panel in alignment with the Design Review Guide as part of the pre-application consultation process. The advice of the design review panel (where applicable) should be given in a timely manner and considered as part of the development application assessment.	Supported **Additional guidance regarding best practice engagement will be useful to Councils .** **Pre-application design review is supported but will require clear timeframes for all parties, fees and charges and a description of the required level of design resolution so that change is still easy but sufficient detail is provided to support purposeful review**. **Chairs of DRPs should receive regular briefings and be required to report their decisions to the GANSW.**
6.2.1 State significant infrastructure Development applications that are deemed SSI (and critical SSI) to which the Design and Place SEPP applies, will be required to demonstrate how principles have been met through considerations relevant to the scale of the proposal. The template SEARs will be updated to align with the application requirements in Section 3.2.2. Consideration of the Design and Place SEPP is required throughout the SSI process. Where a development is sited on urban land, it is recommended the NSW SDRP process is incorporated into the preliminary scoping stage. The preparation of the environmental impact	**SSIs must be required to address the SEPP and all its subsidiary documents etc in the same way as all other development.** It will be insufficient to only address the Principles.

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statement will typically involve assessing the impacts of the project in accordance with the SEARs and relevant government legislation, policies and guidelines including the proposed Design and Place SEPP. Targeted engagement with local Aboriginal community members, including Traditional Custodians, as part of public exhibition may be required. The principles and considerations of the proposed Design and Place SEPP, and the advice of the NSW SDRP (where applicable) will need to be considered as part of any assessment.	
6.2.2 Review of environmental factors A review of environmental factors (REF) is undertaken in accordance with Part 5 of the EP&A Act, where the applicant is both a public authority applicant and the determining authority. REFs are prepared in accordance with cl.228 of the EP&A Regulation and include consideration of the relevant legislation and policies applying to the subject land and proposed development or activity, as well as an assessment of the potential impacts of the development or activity on the natural and built environments. Application of the proposed Design and Place SEPP as a matter for consideration when assessing REFs will be determined during development of the SEPP.	**Development subject to an REF must be required to address the SEPP and all its subsidiary documents etc in the same way as all other development including being subject to design review.**
6.3 Planning proposals	
As part of the planning proposal process, any SEPPs relevant to a planning proposal (including the proposed Design and Place SEPP) must be identified and the relationship of the planning proposal must be discussed. In some instances, it may be necessary to a undertake a preliminary assessment to demonstrate how the proposal will satisfy the requirements of the proposed Design and Place SEPP.	**Requirement for preliminary assessment of planning proposals (that affect more than use) is supported.**
Gateway assessment will include consideration of the proposed Design and Place SEPP (where relevant) and conditions may include requirements to address consistency with the proposed Design and Place SEPP.	Supported
Targeted engagement with the local Aboriginal community including Traditional Custodians may be required if relevant. These requirements may be given effect through Secretary's requirements under s.3.33(3) of the EP&A Act.	Supported
6.4 Transitional provisions	
It is proposed transitional arrangements will be put in place for implementation of the proposed Design and Place SEPP to:	Supported

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— allow industry stakeholders to mobilise and get ready for any additional provisions that will be applied under the SEPP — allow councils and other consent authorities to ensure appropriate skills are in place to meet the assessment requirements under the SEPP — allow qualified designers (and other potential design verification experts) an opportunity to ensure appropriate skills are in place to meet the requirements of the SEPP — ensure savings provisions are in place in relation to applications that have already been lodged and are being considered — ensure the consistency and clarify the hierarchy between SEPPs, particularly given the Design and Place SEPP is proposed to include SEPP 65 and BASIX.	Ensure that provisions relating to BASIX do not override any requirements of the ADG.
The Department is seeking feedback on the lead time required by stakeholders for the components of this SEPP to inform the making of these transitional provisions.	The resourcing required to meet the requirements of the SEPP may be significant and depending on final requirements, processes and resources may take up to 6 months to put in place. **The City recommends that resource requirements be estimated for different types of development and funding options be discussed with local government and agencies.**
Glossary (p45-)	
	Include a definition for deep soil. **"Deep soil is a landscaped area with a minimum dimension of 3m that is unimpeded by any building or structure above or below ground with the exception of minor structures. Deep soil zones allow for the retention of exiting trees and sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table."** **Related, define "minor structures".** **Reword definition of 'Open Space' to ensure it clearly relates to spaces providing outdoor amenity, for active and passive recreation and for biodiversity and habitat (amongst other things).** **The definition of "consideration" is noted – it seems to imply that they are standards – if they are they should be called standards.**
	Green cover - Clarify use of terms green cover as distinct to green infrastructure, canopy landscaping etc.

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Green infrastructure is the infrastructure network of green spaces, natural systems, and semi-natural systems that support sustainable communities and includes waterways, bushland, tree canopy, green ground cover, parks and open spaces that are strategically planned, designed, and managed to support a good quality of life in an urban environment.	Proposed "Green infrastructure" definition relates to a precinct masterplan level not to site planning for an apartment block on a private property. **Clarify if Green Infrastructure is intended to be a catch all term for trees, vegetation, landscape design, water sensitive urban design etc.**
	Include a definition for common outdoor space.
Appendix A: Apartment Design Guide	
	The City believes that the core standards from the ADG should be elevated to the SEPP and varied by a Cl. 4.6 process applying to it. The advantages of this approach are discussed at the beginning of the submission and an indicative draft of the controls at Attachment 4.
A.1.2 Recent lessons learnt In relation to economic factors, the Productivity Commission Green Paper and parts of industry call for greater flexibility in SEPP 65 and the 2015 ADG to achieve design quality through removing strict development controls and clarifying where discretion can be applied in assessing development applications.	Not supported **The current SEPP 65/ADG framework provides significant flexibility. Guidance should be provided about how to implement flexibility but the current framework should be maintained or strengthened.** **The City is highly critical of the Productivity Commission paper – an excerpt from the City's response is at Attachment 3.**
A review of recent principle-based planning system reforms across key national and international jurisdictions reveals the need to balance potential uncertainty and costs to both industry and government where clear numeric criteria are not provided (including increased reporting requirements to justify outcomes) against providing the appropriate level of discretion for innovation in development applications, as well as assessment and decision-making processes.	**The City urges that significant caution be exercised in relation to increasing flexibility and discretion. ICAC made recommendations to government in their 2012 paper *Anti-corruption safeguards and the NSW planning system* with additional commentary in the 2021 report into corruption at Cantebury Council noting the importance of checks and balances and transparency in relation to discretion.** ICAC's commentary regarding discretion applies equally to decisions made relying on Principles not guided by standards. *"Providing certainty* *Historically, developments have been assessed against planning instruments, which clearly articulate up front the set of "rules" that apply to a proposal. In recent years, there has been an increasing tendency towards departures from the stated requirements. The existence of a wide discretion to approve projects, which are contrary to local plans and do not necessarily conform to state strategic plans, creates a corruption risk and community perception of lack of appropriate boundaries. A re-emphasis on the importance of*

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	strategic planning, clear criteria to guide decisions and a consistent decision-making framework will help address this issue. *Wide discretion* *The NSW planning system is a recognised area of the law. Planning law in NSW has been established via the EP&A Act, its Environmental Planning and Assessment Regulation 2000 ("the Regulation") and planning instruments, and by the establishment and operation of the Land and Environment Court.* *A core belief in our society is that the law should not be arbitrary; the law should be certain, general and equal in its operation. Sir Ninian Stephen, former governor general of Australia, identified this as the last of four principles of the rule of law. Legal certainty arises from the regular, open and predictable application of the rule of law according to these principles and, so, delivers confidence to society.* *In planning, there has long been a conflict between legal certainty and a desire for flexibility to adapt to unusual or unforeseen circumstances. Flexibility has typically been delivered by providing greater discretionary powers to decision-makers. Such discretion is often not subject to a clear set of criteria.* *…* *Recommendation 1* *That the NSW Government ensures that discretionary planning decisions are made subject to mandated sets of criteria that are robust and objective." pp8-9*
There are opportunities to revise key design criteria and supporting guidance to ensure adequate flexibility is provided for applicants to meet and exceed design objectives based on merit assessment. Five key themes have been identified:	The City is concerned that this response may be at the expense of good design outcomes and dwelling amenity.
Solar access Provision of solar access for a proposed development, and extent of overshadowing to neighbouring development, depends on the site context and should be determined in consideration to these factors. In some cases, the current design criteria can have unintended impacts on design outcomes including apartment mix, location and internal layout, and this can affect development feasibility.	The City supports variation to standards based on contextual consideration however care should be taken in relation to layout as this is often code for pattern books planning following real estate agent advice and is antithetical to innovation. In "B" zones where the context does not allow good amenity then the suitability for residential development is questioned and consideration for guidance to consider non-residential uses that will support the objectives of the zone. **In relation to apartment mix – these outcomes can be corrected with a mix control if required or specific**

Explanation of Intended Effects	Recommendation/Comment
	solar requirements relating to particular apartment types. Feasibility is largely determined by land cost. When regulations are anticipated land value/cost will change and feasibility will be maintained.
Natural ventilation and noise There are differing views on how the design criteria and objectives can be achieved, in particular where alternative methods of ventilation are proposed in areas of lower environmental quality such as along busy roads.	**The City is in the process of developing further guidance based on technical studies in relation to noise and ventilation and will share the work.**
Apartment size and layout Unit size, configuration and mix is not achieving housing diversity. Currently development is providing mainly one-bedroom and two-bedroom units, and there is a lack of family units, and of provision for home businesses or people working from home.	**A default unit mix control should be adopted that local government can override with a local mix if one is developed.** The City's experience is that lack of diversity is due to risk aversion by developers and advice from real-estate agents based on historical sales (perpetuating limited diversity) – lack of diversity has nothing to do with the ADG except insofar as to limit the lowest amenity/smallest/etc apartments.
Deep soil and landscape design There is a need to increase deep soil (to allow for improving tree planting and pervious surfaces to capture stormwater run-off) as current metrics are insufficient without the supporting site- area common open space target, although any increased targets will need to be appropriate for a diverse range of development typologies and scales. Better landscape design and consideration of tree canopy and green networks is required, and children's play areas need to be considered as part of common space provision.	Supported
Parking Parking rates need to be reviewed. Currently they do not take into account public transport amenity or alternatives, and this is contributing to development costs and oversupply of parking.	Supported
—clarify objectives as they relate to the design of housing —review design criteria to ensure they are fit for purpose, place-based and evidence- based, and respond to stakeholder and industry concerns —update design guidance to ensure it provides adequate flexibility for applicants to achieve the design objectives —introduce case studies to demonstrate best practice examples of different apartment building typologies, layouts, design elements, and environmental performance measures, and to provide support for how objectives and design criteria can be met flexibly	Supported **Concern noted above.** **Where amenity is also provided.**

Explanation of Intended Effects	Recommendation/Comment
—simplify the structure and content to focus the guidance according to the predominant user groups —consolidate and reorder sections by scales of design, to align with the Design and Place SEPP —move the majority of Parts 1 and 2 guidance for developing planning controls to a complementary Urban Design Guide (UDG), and amend references in the EP&A —move Part 5 to a Design Review Guide (DRG) for NSW to expand guidance and methods in support of other development typologies	Supported subject to the process being objective and delivering amenity. Supported Supported Supported noting comments from the City's Design Advisory Panel above. Supported
Table A1 Lessons learnt	The City is concerned that very limited discussion occurred with local government prior to the drafting of the EIE. The lessons learnt text is reflective of this and the document's numerous references to [development] "industry" feedback does not seem balanced by a regulator's (consent authority) view. The City agrees with the comments that an increase to deep soil is required. The current metrics are insufficient – in terms of definition, overall site percentages, and minimum dimensions. Further, the impact of parking to deep soil (and canopy cover is another key issue that will be benefited from addressing car parking rates and oversupply. The City agrees that the basement carparking impacts on provision of deep soil. Larger, fatter basements that occupy the site, often result in deep soil areas less than the ADG %, or with fragmented narrow deep soil pockets that are not effective for tree planting and stormwater infiltration within that site boundary. A review of carparking rates, limiting the extent of the basement and increasing in deep soil area % would alleviate deep soil undersupply on private property. Further deep soil areas (outside of basement excavation) are often contaminated soils requiring a RAP and remediation strategies for making of deep soil areas safe for residential / communal use, through excavation, removal and replacement with VENM (virgin excavated natural material) for tree planting and making.
A.1.3 Aims for the revised Apartment Design Guide This revision of the ADG aims to: —respond to industry concerns since 2015 about guidance in relation to solar access, natural ventilation and noise, apartment size and configuration, deep soil and landscape, and parking —enable greater design flexibility in relation to solar access, natural ventilation, common open space and car parking objectives through revised design criteria and further guidance (such as alternative apartment layouts)	 The City is concerned that this response may be at the expense of good design outcomes and dwelling amenity. The City is concerned that this response may be at the expense of good design outcomes and dwelling amenity.

Explanation of Intended Effects	**Recommendation**/Comment
—support the delivery of greater housing diversity, including family apartments	Supported
—strengthen current guidance that contributes to and supports minimising energy use and carbon footprint	Supported
—learn from the use of apartments during COVID-19 and support economic recovery	Supported
—transition apartment design guidance and SEPP 65 to the new Design and Place SEPP, and	Supported
—enable the future consolidation of housing design guidance in NSW.	Supported

Explanation of Intended Effects	Recommendation/Comment

EXISTING SECTION (2015 ADG)	PROPOSED SECTION (REVISED ADG)
	PART 3 URBAN DESIGN AND SITE PLANNI
1A Apartment building types	Response to place
1B Local character and context	
1C Precincts and individual sites	
3A Site analysis	
2A Primary controls	Built form and massing (Relocate strategic planning guidance to proposed Urban Design Guide)
2B Building envelopes	
2C Building height	
2D Floor space ratio	
2E Building depth	
2F Building separation	
2G Street setbacks	
2H Side and rear setbacks	
4C Ceiling heights	
3E Deep soil zones	Green infrastructure
4O Landscape design	
4P Planting on structures	
3C Public domain interface	Ground floor and public interface
4L Ground floor apartments	
4T Awnings and signage	
4S Mixed use	(Integrate with Response to place, Built form and massing, Ground floor and public interface)
3G Pedestrian access and entries	Site access and address
3H Vehicle access	
3J Bicycle and car parking	Parking
	PART 4 BUILDING DESIGN
4F Common circulation and spaces	Common circulation
3D Communal and public open space	Communal spaces
4C Ceiling heights	Apartment mix and configuration
4D Apartment size and layout	
4K Apartment mix	
4Q Universal design	
3B Orientation	Sunlight and daylight access
4A Solar and daylight access	
APP 5 Sunlight access analysis tool	
4B Natural ventilation	Natural ventilation
4J Noise and pollution	
4H Acoustic privacy	Acoustic privacy
4E Private open space and balconies	Private open space and balconies
3F Visual privacy	Visual privacy
4G Storage	Storage
4M Facades	Appearance and materials
4N Roof design	
4R Adaptive reuse	(Integrate with Response to place, Appearance and Materials and Maintenance, Energy)
	PART 5 ENVIRONMENTAL PERFORMANCE
4U Energy efficiency	Energy
4V Water management and conservation	Water
4W Waste management	Waste
4X Building maintenance	(Integrate with Appearance and materials, Green infrastructure, Energy)
Part 5 Design Review	(Relocate to proposed Design Review Guide)
	APPLICATION REQUIREMENTS
APP 1 Site analysis checklist	Application requirements
APP 2 Pre-DA checklist	
APP 3 DA documentation checklist	
	APPENDIX
Glossary	Glossary
APP 4 Apartment building example schemes	Case studies

The City's Design Advisory Panel (Residential) advises that the potential to meet "core" amenity standards is largely locked in at the site planning stage and that key guidance is required at this stage to maximize the potential amenity at later stages.

Coupling deep soil with "green infrastructure" and not site planning and building design (Built form and massing) runs the risk that it is not considered during site planning. Allocation and location of deep soil needs to be understood when the building is designed.

Locate deep soil within the Built form and massing section.

Consider renaming "Green Infrastructure" as "Landscape on the site".

A.2.2 Urban design and site planning

Simplifying green infrastructure requirements by ensuring adequate provision of deep soil landscaped areas, while also revising communal open space requirements so they are more flexible and performance-based according to the development context.

Soil volumes and design criteria will be updated to be consistent with latest practice. To maximise and sustain green cover long term, it is proposed that a landscape

The City agrees with proposed "Response to Place" changes to site planning and considering the site in broader context of the area, in particular, understanding and integration of landscape, blue and green infrastructure networks.

"Simplifying green infrastructure" - The City is concerned with the terminology and use of the term "Green

Explanation of Intended Effects	**Recommendation**/Comment
maintenance plan be submitted as part of development applications, including considerations for the maintenance of planting on structures. Guidance will be provided on the appropriate siting of buildings to support green open spaces, and maximise green cover and tree canopy.	infrastructure" as defined in proposed glossary (page 48) to deep soil/landscape design/ planting on structure is problematic and not supported.
A new section is proposed, to consolidate existing guidance for landscape design considerations and address green infrastructure holistically. This includes an increase in the percentage of deep soil provision to support green cover, including tree canopy, for mitigating urban heat and to safeguard current delivery without relying on common open space. The suggested ranges for these percentages, detailed in Table A5, are based on an analysis of recent development practice, local government development control plans, and their relationship with communal open space provisions.	Supported in principle – note comment about the interaction between site planning, car parking, deep soil and tree canopy.
Preliminary findings indicate that currently more deep soil is delivered than the minimum 7% of site area as a result of the communal open space design criteria – minimum 25% of site area. Therefore alongside an increase to the percentage of deep soil area, it is proposed to replace the communal open space requirement with a new measure, based on unit mix and occupancy, for greater design flexibility and correlation to actual need (see Section A.2.4 for further detail). This will better safeguard the delivery of green infrastructure, in particular tree canopy.	Supported
Table A5 Urban Design and Site Planning	
1. Contribution to place Require development to demonstrate a consideration of Country and positive contribution to place, local character and planning aspirations (local strategic planning statement [LSPS], local housing strategy [LHS], LEP, DCP, local character statements) as well as integration with urban and natural systems.	Supported where the manner in which the matters are demonstrated is clearly defined.
2. Landscape and greening Consolidate objectives. Increase min. deep soil zones as a % of site area (a fixed minimum % within the range being considered below): < 650 m2 min. 14–18% 650–1500 m2 min. 14–18% 1500–3000 m2 min. 14–18% > 3000 m2 min. 21–25% Allow a pro-rata reduction in the targets if retail, commercial and entrances on the ground floor > 85% of the building footprint.	Supported The City supports an increase in the % of deep soil for all development types and the rates proposed. **The SEPP should specify deep soil rates for all non-ADG development.** **The Deep Soil rates should be increased but must be allowed to vary with context (i.e. not be a 6A matter where the local provision is for more deep soil).** **Include canopy cover targets / tree planting rates within the ADG and/or cross reference to the**

Explanation of Intended Effects	Recommendation/Comment
	previous items outlined in the SEPP, or the Greener Places Guide (as a minimum).
G: Update design guidance (tree planting, soil volumes and criteria) to maximise green cover including tree canopy	The City has recently completed a study on canopy and deep soil and is happy to share it. **The Guidance needs to be clear that deep soil is preferred to planting on structure and that this should only ever be supplementing deep soil planting. A pathway to demonstrate that the applicant has made best endeavors to create deep soil is required.** Planting on structure needs to have in the order of 30-50% greater area to achieve similar outcomes.
3. Building form Introduce a new criterion for towers (including any part of buildings of nine or more storeys) of: —maximum gross floor area (GFA) of 700 m2.	Suggest 500sqm GFA and 750sqm Gross Building Envelope
—adjust existing design criteria and guidance to a maximum eight units per core per floor.	Supported – must also note that achieving cross ventilation may require even less units per floor.
G: Consolidate objectives and design guidance in a new section: 'Built form and siting'.	**Supported noting deep soil must be addressed here.**
Note: 8–12 units per core per floor to remain permissible below nine storeys.	**Note that in most circumstances this will require cross-over apartment types to achieve natural cross ventilation.**
4. Building separation Require minimum building separation distance for towers of 25+ storeys of 30 m between habitable rooms. Note: minimum building separation distance for 9–25 storeys: 24 m between habitable rooms (as existing).	**Buildings above 15 storeys should be required to have a 60m separation between habitable rooms and balconies.** The City's Design Review Panel has considered this on many occasions and has consistently formed the view that less than 60m is insufficient separation at this scale. **Building separations are currently defined as providing visual privacy. This should be expanded to include "outlook" and acoustic privacy.** **Setbacks from boundaries should include the centrelines of streets.** **Separation requirements should be clarified to include separations between rooms within the same building and multiple buildings on the same site.** **Clarify that the separation required between two buildings is defined by the lower of the two.**
5. Mixed use development and street activation	Question application in R3 zones.

Explanation of Intended Effects	**Recommendation**/Comment
Allocate 40% of ground floor space for non-residential use in R3 and R4 zones, and centres.	**Ensure that the 40% must exclude car parking and loading, services etc. Consider a sliding scale by height/FSR to ensure that less intense developments are not penalised.** **Add a requirement that the entire length of the street frontage(s) should not include dwellings.**
6. Clarify ground floor ceiling heights Clarify ground floor ceiling heights for all non-residential uses (habitable rooms only) to 4.2 m. G: Improve design guidance for determining floor-to- floor heights to achieve ceiling heights.	Supported 4.2m for ground floor is generous and desirable but may result in the need to recalibrate LEP height controls to accommodate the anticipated number of floors. The City's experience is that 3.15m is required to ensure that 2.7m FtC is achieved with typical construction tolerances and 3.2m for buildings over 15 storeys. **Provide guidance in relation to bulkheads.**
7. Ground Floor Activation Require all ground floor apartments facing a street to have direct access to the street.	Supported
G: Update design guidance for mixed- use development to demonstrate new ground floor non-residential uses can contribute to local area needs and street activation, including indicative depth by type of use.	Supported **Require all B zones to have non-residential ground floor use, note permissibility of residential flat buildings in some zones may need to be adjusted.** **The City's experience is that non-residential uses need to be at least 10m deep to allow reasonable business use.**
Rule of thumb is to provide ground floor uses including community spaces, a neighbourhood shop, neighbourhood supermarket where there are no non-residential uses and amenities within 5 minutes walk.	Supported **Provide distance, 5mins = 500m along streets or 400m as the crow flies.**
8. Car parking	**Override local plans so as to have no minimum rate of private motor vehicle parking in all circumstances the following actions should establish the maximum rates not minimum rates.**
As a minimum, retain the link to the lower of rates in Guide to Traffic Generating Developments (RTA 2002 or its replacement, the Guide to Traffic Impact Assessment) or council rates, and supplement this with:	**Supported – ensure drafting is careful not to increase maximum rates.**
—a reduced minimum parking rate and/or a maximum parking rate that applies to a list or map of locations that meet certain criteria, and/or	Supported
—an ability by applicants to reduce the parking rate by undertaking certain actions	Supported including provision of shared vehicles and higher provision of bicycle parking.

Explanation of Intended Effects	Recommendation/Comment
—as set out in Table A4 above.	
G: Include new guidance (in addition to rates or methods for calculation) including for above- ground parking to be naturally ventilated.	**Supported including strong support for requirement of natural ventilation and general discussion that above ground car parking in most circumstances be counted as GFA since typically controls don't require parking to be provided above ground (parking is only excluded where it is required in the SILEP) and there is an opportunity cost of not using that above ground space for the purposes of units and it will generally add to the bulk and scale of development beyond what was considered at a plan making stage.**
9. Bicycle parking and mobility storage Specify new bicycle parking and mobility storage requirements including number of bicycle spaces per unit, bicycle visitor parking, and access to bicycle parking: —studio and 1-bed units – 1 secure space —2-bed units – 2 secure spaces —3-or more bed units – 3 secure spaces	**Increase bicycle parking to reflect higher occupancies with shared households (2+ beds) and families with children.**
G: Require accessible units to be designed to facilitate parking a mobility scooter near the entrance to the unit. Cross-reference to secure cycle design guidance including location and access from street.	Supported
Table A6 Residential Amenity	
1. Solar access For the avoidance of doubt, clarify that design criteria are mandatory.	Supported – discussed further above.
An increase to the range of hours in which a development may achieve solar access is being considered, subject to design testing and industry feedback.	**Increasing the range of hours is not supported** as it will undermine the control and make approval of further development more complex in consideration of impacts on surrounding development. The current framework considers sun on 21 June between 9am and 3pm when sun angles (altitudes) are relatively high. If the hours are extended then developments may rely on sun at low angles over adjoining private land. When this neighbouring land is subject of a DA then it will almost certainly overshadow the previously approved development. If this overshadowing is allowed this will make a nonsense of requiring solar access to the first development. In addition low angle sun is "less useful" as it is more likely to be experienced as glare.
G: Simplify the method for calculating solar access. Limit east-west single-aspect units, and/or maximise units within 15 degrees of north.	**Not supported.** Measuring of sun is unavoidably technical and is a skill set that all architects have. Documentation using standard solar insolation diagrams produced by most CAD systems is simple and clear for design and compliance assessment purposes.

Explanation of Intended Effects	**Recommendation**/Comment
	Solar access must be achieved based on likely future surrounding development and application documentation must clearly describe what is and should be assumed noting that the existing ADG definition of solar access is "the ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees". **If there is a desire to ensure that some larger units should receive solar access then this should be an additional control, e.g. 50% of 3+ bed units are to receive 2 hours of sun.** **Clarify that the 2 hours of sunlight is required to both living room windows and private open space for each apartment and is required for 1sqm to both areas for the full two hour period (for at least 15min periods).** **Retain the maximum 15% no sun control.**
Shading and glare control Provide additional guidance on achieving shading and glare control including assessment criteria, with practical guidance such as 50% glazing and no glass (or high-performance glazing) for the first metre from the floor.	**Introduction of a shading controls and window to wall ratios is strongly supported.** The City has undertaken work that could assist the drafting of a clear Deemed to Satisfy and Performance Based framework and can share this on request. NatHERS is failing to ensure external sun shading is provided. SEPP level standards will be required to overcome this issue. **Retain the requirement for every habitable room to have a window in an external wall of not less than 10% of the floor area of the room.** **Clear guidance must be provided in relation to overshadowing of adjacent apartment buildings measured in such a way as to make sense with the requirement for new buildings to achieve good solar access.** **Clarify the contextual circumstances where lower solar access may be acceptable and how to establish this in a consistent way.** **Create a numeric requirement for external laundry drying areas to give greater effect to ADG 4U-1 2 that requires "well located, screened outdoors area for clothes drying".** Mechanical laundry drying is a very significant component of apartment energy use. A requirement for private and/or communal drying spaces should be introduced.
2. Natural ventilation	Natural ventilation is critical for both health and safety.

Explanation of Intended Effects	**Recommendation**/Comment
	The current ADG includes objectives, design guidance and definitions that all interact to ensure good natural ventilation. **The objective that "All habitable rooms are naturally ventilated" must be retained (it is effectively a design criteria) and clarified to remove uncertainty that in noisy environments natural ventilation is required to be solved concurrently with noise. The city is doing further technical work and can share it.** **Requirement for an external window with 5% of the floor area served as effective openable area to all habitable rooms and the definition of effective openable area must be retained and elevated to a design criteria (note a winter garden will increase the floor area served).** **The 2.5:1 room depth to ceiling height standard must be retained and strengthened (also relates to daylight). Also retain maximum 18m building depth but clarify that it is max overall depth not glass line to glass line. Consider removing the 8m combined living/dining/kitchen depth and replacing it with a number supported by the science (like 6.75m, i.e. 2.5:1 for a standard 2.7m ceiling).** **The guidance about slot dimensions should be retained and clarified.** **Clarify the guidance for single aspect apartments.**
a. Require ceiling air circulating fans for habitable rooms with 2.7 m ceiling heights.	Strongly supported **Clarify that the 2.7m minimum ceiling height applies to kitchens.**
b. Increase natural cross- ventilation requirements to 70% of units, and apply this requirement across all storeys.	Strongly supported It is interesting to reflect that it is an expectation that all single dwellings are cross ventilated. It is difficult to explain why any form of dwellings would not be. **Ensure a minimum proportion of street wall units are cross ventilated (suggest 60%) to mitigate against large above ground podium car parking structures**
G: Improve definitions and guidance for which units can be counted, including 'dual aspect' and corner units.	**The definition of natural cross ventilation must be retained and clarified so that slots are clearly not external corners that have positive and negative pressure sides and in the process clarify what constitutes an "external corner" (for example when does a T configuration with a very short leg have 6 corners?)**

Explanation of Intended Effects	**Recommendation**/Comment
	Natural cross ventilation should be defined in a way that is desktop assessable. Wind reports should not be required and the City does not support creating a definition or process that would erode the value of cross ventilation to include many single aspect or slot apartment types.
Use benchmarks and guidance to achieve more kitchens and bathrooms with windows.	Supported
3. Livable Housing targets through universal design The requirement for a specified Livable Housing Australia level and percentage will be increased if NSW government research supports higher standards.	**The City supports mandating 100% Silver level and minimum 10% Platinum (increase to 15% for development of 30 or more units) to facilitate aging in place.**
4. Apartment size No change	**<u>Strongly support</u> no reduction in apartment size and the rationale for this.**
G: Provide guidance to assess departures from minimum areas.	**Support clear guidance to assess departures and suggest a standard furniture schedule including circulation spaces around furniture.**
5. Apartment layout Enable varying layouts to support different households, and people working or studying from home, by requiring 20% of 2 or more bedroom units to be 'family units', providing minimum 12 m2 bedrooms for all bedrooms.	Supported **Retain minimum room dimensions and consider introducing a minimum overall sliding scale area for living and dining areas and minimum widths.**
G: Encourage non-structural walls to be used between dry areas of apartments, capable of being modified by the occupants (subject to strata bylaws or consent where necessary).	Supported
6. Local planning considerations Develop specific criteria for responding to local housing strategies. G: Revise objectives and design guidance for development to demonstrate a response to local planning needs, including reference to local housing strategies and contribution to local housing targets through apartment mix.	Supported **The ADG should provide a default mix control that is overridden by local mix provisions if/when they are developed.**
7. Private open space No change to total area. Increase min. depth of private open space: —studio units min. 1 m —1-bed units min. 2 m (no change) —2-bed units min. 2.4 m —3+ bed units min. 2.4 m (no change). G: Revise design guidance for private open space including:	Supported

Explanation of Intended Effects	**Recommendation**/Comment
—recommending air conditioning condensers and hot water units not be located on balconies	Supported – to mitigate urban heat the outdoor units should be located as high as possible to allow breezes to carry the heat away most effectively.
—for towers (apartment buildings of nine or more storeys) provide additional guidance for the design of balconies and wintergardens.	**Supported – ensure wintergardens do not limit natural ventilation and note that they are relatively ineffective for blocking noise. Also clarification so that they are not considered part of the living room for the purpose of calculating solar access.**
8. Storage Increase requirements to: —studio units 6 m3 —1-bed units 9 m3 —2-bed units 12 m3 —3+ bed units 15 m3 Decrease the minimum amount to be provided inside the unit to one third (from 50%) (i.e. the remaining amount can be provided outside the unit).	Supported **Clarify that wardrobes in bedrooms and kitchen storage are required in addition to nominated storage volumes.**
G: Require internal storage to provide for one storage space outside bedrooms: —studio and 1-bed units – 0.6 m deep x 0.9 m wide x 2.4 m high —2+ bed units – 0.6 m deep x 1.2 m wide x 2.4 m high	**The amount of storage space should increase for 3 and 4 bedroom units on a pro rata basis.**
9. External noise & pollution Introduce new requirements for development on busy roads (as currently defined, i.e. > 20,000 vehicles per day) to supplement the Infrastructure SEPP.	Supported **Ensure that natural ventilation and noise are solved concurrently (which is possible in almost all situations) with a preference for this to be done through careful siting and layout and some flexibility for private open space, natural cross ventilation and solar access.** **Establish maximum internal noise levels based on WHO guidance using 1 hour average levels:** **— Bedrooms 35dBA night** **— All other spaces and bedrooms at other times 40dBA** **Clarify that the uncertain +10dBA for open windows from the Interim Guide is not to be applied consistent with health advice.** **Require development on busy roads to have non-residential ground floor use (and first floor for 40K+ AADT roads).**

Explanation of Intended Effects	**Recommendation**/Comment
G: Update design guidance to align with recent best practice developed by local councils.	Supported – the City will share all its current research
10. Acoustic separation To support people working from home or studying: —for 1 or 2-bed units, provide one acoustically separable area from the main living space —for 3+ bed units, provide two acoustically separable areas from the main living space.	Supported
G: Provide new guidance: 'acoustically separable' is a room with sound transmission of < 45 dBA (generally via a solid-core door).	Supported
These spaces may be bedrooms.	Supported
Provide guidance to show how desk space can be accommodated in all apartment configurations, and multiple desks for 3+ beds.	Supported **Clarify that these spaces are habitable spaces and must have a (direct) view to an external window (applies generally to habitable spaces).** **Related** **Define non-habitable rooms as rooms with Fixtures and Fittings consistent with non-habitable use e.g. a darkroom or storeroom with purpose built fixed storage elements.**
Table A7 Common spaces and vertical circulation	**Provide guidance for visual and acoustic separation of habitable rooms from common circulation (possibly excluding kitchens).**
1. Communal open space Replace the site area metric (min. 25% of site area) with a unit mix / occupancy metric, subject to the delivery of specific requirements for communal space in apartment development, including: —new specific requirements for communal open space and communal (internal) rooms to recognise the needs of apartment dwellers, particularly in higher density development —providing covered communal space accessible from the street capable of hosting private or community events and activities, consisting of 2.5% of GFA for non-residential uses min. 250 m2 for residential developments > 1000 m2 G: Requirements to consider flexibility for addressing resident/apartment mix and contextual factors including green infrastructure.	Supported The City agrees that setting new requirements for common open space related to number of residents, providing equitable and dignified access is important. However, the change simplification of terms, combining common spaces and vertical circulation, and removing a need for "common open space" is problematic. There are important benefits of having access to common open spaces with areas of landscaping at grade, on podium or rooftops in apartment buildings (requiring vertical circulation). COVID-19 exacerbated these needs and highlighted deficiencies in current apartment design. **Consider renaming common outdoor spaces.** **Add definition of Common outdoor space to the glossary.**

Explanation of Intended Effects	Recommendation/Comment
	Access to outdoor space is critical and landscape is essential for access to nature, health and wellbeing (not just a green outlook). **A quantum of high-quality outdoor space must be required that is clearly separate from indoor common spaces, access and circulation and left-over landscape spaces and amenity planting**. **Ensure both internal and outdoor communal open space are mandated by quantity to ensure one may not be traded for the other.**
2. Daylight and ventilation Introduce a new requirement to provide adequate daylight and natural ventilation to all common circulation spaces. G: Provide supporting design guidance on adequate daylight and natural ventilation to all common circulation spaces.	Supported This is the City's current practice.
3. Lift requirements Require a lift report to be submitted for development nine or more storeys or over 40 units. G: Provide one lift with a clear internal height of 2.5 m to accommodate movement of furniture, plant and large household items. Clear space in front of the lift to be 2.5 m wide.	Supported
4. Building access, common circulation and spaces Require access and circulation spaces to achieve Livable Housing Australia silver performance level. Ensure equitable access from the street and to on-site facilities for all housing types (social, affordable, open market). G: Note minimum corridor widths to allow a wheelchair to turn.	Supported **Should allow wheelchairs to pass (1.8m) at all points.**
Upgrade fire stairs to meet NCC common circulation requirements by providing hold-open fire doors and natural light to allow residents to access and use stairs daily.	Supported **To support health outcomes the closest stair to each dwellings should have daylight and natural ventilation and security be managed to allow daily use.**
G: Provide new design guidance for fire stairs.	Supported
References to waste and resource recovery and embodied energy	
New objectives and design guidance are proposed to encourage the use of materials with low embodied energy and support the pursuit of green building ratings. A proposed option put forward for public comment is for	General concern that the Waste avoidance theme gets little attention and simply continues the ADG approach of design to 'provide appropriate space and enable collection without impact on resident amenity'.

Explanation of Intended Effects	Recommendation/Comment
development to submit a materials schedule that details how material selection will lower the carbon footprint of a development. Improve space planning for ease of use and to encourage recycling	Precinct scale waste and resource recovery opportunities have frequently missed including in state significant developments e.g. Sydney fish markets redevelopment. Opportunities to deliver in line with Circular Economy, via inclusions such as organics processing on site must be mandatorily considered at early design stages. **Include space allocation and design for collection of bulky goods and for recycling of kitchen organics are critical in the apartment sector if waste targets are to be achieved for real.** **Link to the NSW Government commitments to Circular Economy (2019 policy position) and 20 year Waste Strategy (not yet released).**
pA25 A proposed option put forward for public comment is for development to *submit a materials schedule* that details how material selection will lower the carbon footprint of a development	**Supported but requires clear prescriptive requirements around:** — **Design for de-construction / dis-assembly and re-use** — **Key building materials (concrete, timber, steel) need to have a minimum recycled / lowered embodied energy content expressed in any templates/ schedules developed by DPIE**
Table A2 Best practice waste management needs to be incorporated	**Define best practice with reference e.g. Sustainable Design Guidelines, Guidelines for Waste Management in New Developments** **Ensure provision doesn't just focus on waste space allocation e.g. how to manage separated organics – can be managed well if designed with care.**
pC5 We are examining what other impacts of residential development could be assessed at a building-lot scale. These include: — embodied energy – the energy consumed in producing the materials for the construction of the home	**Supported, however, requires documentation or compliance standards attached.**
Table A8 Environmental performance	**As per previous discussion – the ADG should mandate essential passive design criteria including summer shade, natural ventilation and cross ventilation, window to wall ratios, daylighting ceiling height to depth, minimum window size, albedo surfaces for urban heat etc. These matters must be clearly mandated in addition to BASIX/NatHERS as they are separate to Thermal Performance and must not be subject to "trading".** **Require all-electric buildings (no gas in new buildings).**
1. Energy efficiency	

Explanation of Intended Effects	**Recommendation**/Comment
—Provide a real-time energy use display or smart meter for each apartment.	Support smart meter display – noting that for smart meters to be of genuine value to occupants displays need to be very simple and convey clear messaging, not be overly technical in what is shown.
—Design energy systems to enable choice of energy suppliers.	Supported
—Apply NABERS Common Property Energy requirements to common areas, with targets to be specified in the Design and Place SEPP.	Support requirement for NABERS Common Areas as mandatory and stress that Commitment Agreements are logical enabler.
G: Update objectives and design guidance for development to address energy use more holistically and encourage use of renewable energy, including considering resilience.	Supported
2. Energy efficiency – electric vehicles Specify a target (or general incentive through replacement rates) for EV charging stations and car spaces. (Target to be determined.)	Supported
Require development to be EV-ready, providing sufficient power to the meter board to enable vehicle charging at every car space, and delivering power supply to each car space for future conversion and adoption.	Supported
G: Update objectives and design guidance and coordinate this with car parking guidance.	Supported
3. Heating and cooling infrastructure Require heating and cooling infrastructure (including condensers) to be located in a centralised location in the basement, on each floor plate, or on the roof,	**In most cases it should be on the roof so that heat can be dissipated most effectively and not caught in street canyons.**
and integrated with the building design, using facade and roof elements to screen it from view.	Supported
G: Encourage car sharing, use of electric vehicles and other reduced- emission transport options.	Supported
4. Water management —Introduce minimum WELS standards.	Supported - Minimum WELS Standards welcomed but note that for showerheads (the first or second highest water use within apartments) there is wide perf range (3 diff bands) within single Star rating and thus savings are being missed all the time through people using the higher water using models.
—Require a strategy for on-site water re-use, including % of landscaped area for passive or recycled water irrigation.	Supported - use of passive and (on-site) recycled water to support greening.
G: Update objectives and design guidance to support a holistic approach to water use, recycling and stormwater collection.	Supported

Explanation of Intended Effects	**Recommendation**/Comment
Set new benchmarks for on-site stormwater management and rainwater and grey water harvesting.	Supported
5. Building and landscape maintenance Require a building and landscape maintenance plan to document maintenance regimes for the building structure, soft landscaping, waterproofing, plant maintenance, replacement and repair strategies (including common property) and material life cycles. Require the landscape maintenance plan to identify how landscaping will be periodically maintained after completion (5-year, 10-year planning). G: Provide new objectives and design guidance to support the proposed design criteria.	Support - the landscape maintenance plan to ensure longevity. The proposed new benchmarks for onsite stormwater management must not impact the quantity or quality of open space, deep soil and greening. Detention areas are often design with the intention of ticking as many controls as possible (i.e. a combined detention system, deep soil, private open space and greening targets all in one). This leads to poor design, usage and maintenance issues. It is important that they are standalone from the well-designed open space and deep soil requirements outlined as intended in the SEPP. **Provide guidance that the provision of water management is not at the detriment to open space, greening and deep soil provision.** **Building and landscape maintenance, must clearly include maintenance of green roofs and green walls, ideally creating a mechanism by which green wall maintenance in particular can become the subject of compliance enforcement.**
6. Environmental performance of materials Require development to reduce carbon footprint and contribute to net zero targets and the circular economy including: —pursuing green building ratings —selecting materials with low carbon and embodied energy Require carbon footprint and embodied energy of materials to be set out in a materials schedule documenting types, quantum, source, life span, embodied energy and recycled content of each material. G: Provide new objectives and design guidance to support the proposed design criteria.	Supported **Promote adaptive reuse of existing structures.** Supported **These considerations should apply to all development types.** **Address urban heat in material selection.** **Consider a BASIX like tool for embodied carbon/energy.**
7. Waste management G: Provide new design guidance: waste facilities for residential and non-residential uses to be separated Improve space planning for ease of use and to encourage recycling.	See above
It is intended the ADG will be revised over time to combine all housing design guidance into a single design guide to be used with the Housing Diversity SEPP and Design and Place SEPP. This would include additional	Strongly supported

Explanation of Intended Effects	Recommendation/Comment
design guidance for student accommodation, co-living, boarding houses, and housing for seniors.	
Table A9 Proposed transition from SEPP 65	
Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide This clause will be moved to the Design and Place SEPP, and be updated to reflect the new relevant sections of the ADG.	**Deep soil should not be on the 6A list.**
Clause 28 – Determination of development applications **Clause 29 – Determination of applications for development consent modifications** The application of the Design and Place SEPP will be expanded to apply to a broader range of development and application types including certain State significant development which is referred to the NSW State Design Review Panel.	Supported
Clause 30 Non-discretionary standards for residential flat buildings are intended to be transferred to the Design and Place SEPP. The list will be updated and expanded in accordance with those proposed as part of this revision of the ADG to ensure conflicts with LEPs are removed (summarised below): — car parking rates — minimum apartment areas — minimum ceiling heights — ~~deep soil zones~~ — building footprint — building separation — direct sunlight access — natural ventilation — storage — communal spaces.	**Local increased requirements for canopy and deep soil should be supported and deep soil removed from this list.** The City supports the clause insofar as it clarifies that the Design Criteria are development standards.
Clauses 31 to 33 Transition provisions of policy review clauses will be included in the proposed Design and Place SEPP.	Noted
A.5 Proposed relationship to the Housing Diversity SEPP It is proposed the ADG (including SEPP 65 and its subsequent transition to the Design and Place SEPP) will apply where these housing types are accommodated in residential apartment development (as currently defined), with specific provisions to be added for new housing types where appropriate.	Supported
Appendix B: Urban Design Guide	
Developing guidance	

Explanation of Intended Effects	**Recommendation**/Comment
Reviews of current design and planning processes and industry peak body engagement have identified a range of domains where urban-scale design guidance is desirable, including: — the need to consider, and methods for measuring, gross dwelling density; this is achievable through planning controls (including land use zoning, height, and floor space ratio) — a common place-based approach to design at urban scales, including site and context analysis and mapping — structuring networks of public space and green infrastructure, to ensure urban environments are more permeable, sustainable, responsive to climate change, and adaptable to change over time — planning precincts to ensure that new housing is within walking distance of local and district open spaces, shops, fresh food, schools, and public transport — guiding the design of public space (complement by the Greener Places Design Guide).	
The guide will be informed by the Apartment Design Guide, for example by providing a limited number of key design criteria and design guidance. The guide will incorporate a contextual approach in the design process to enable diverse place-led responses by limiting design criteria to foundational elements such as street networks, access to open space, and key built form parameters. Contextual controls such as development control plans, local character statements, and heritage conversation plans will continue to operate alongside these foundational parameters.	
B.3.3 Proposed structure	
The proposed document structure and general content is outlined below: **Introduction** Purpose and intent Who the document is for and how to use it Design and planning process including site analysis and mapping; setting a vision, principles, and objectives; design development; and evaluation Concepts and definitions	The proposed structure conflates two different hierarchies. The first is the primary urban design structure where the place [part one] is understood and analysed to generates the layout of the public space [part two] that creates the private land for its division [part three] anticipating the building forms [part four]. Environmental performance is an overlay that gives inputs to respond to and measures outputs. Social, economic and amenity performance are similar overlays that should be applied.
B.3.4 Design considerations	
Part 1 Understanding place and Country (pB9)	Country is a deeper understanding of place and is better placed first and separate to context etc.
Connecting with Country Connecting with Country is vital for understanding how Country and culture shape local place identity. This	

Explanation of Intended Effects	Recommendation/Comment
understanding can emerge through being guided by Aboriginal people, developing our awareness and use of language, building mutually beneficial relationships, reawakening memories of cultural landscapes, and sharing knowledge of Country and culture. A collective consideration of people, nature, and landscape can enable us to support the health and wellbeing of Country in design and planning. The guide proposes to set out considerations for relating with and responding to Country in precinct planning. Promoting good design that embeds Aboriginal knowledge into the design and planning of the built environment can help us all to care for Country.	
Understanding context The design process begins with an understanding of the social, environmental and economic context, of which the built environment is only one aspect. The guide will outline specific geographic considerations that apply to the different regions of NSW, and to different built environment settlement types, as the kind and scale of urban design actions are affected by the regional or urban context in which they occur. An understanding of the demography of the existing and future population, current place sentiments, needs and industries also can help inform a place-based design response. The intention is to guide designers to consider the context of the brief – the common challenges and opportunities for different urban design actions undertaken in NSW. The economic context includes the ability for compact urban form to enable greater potential for more vibrant and efficient local economies to develop and deliver people greater access to opportunity.	**Suggest renaming to geography and clarifying through the text that the meaning of geography is the broader meaning capturing social (including cultural and political) and economic as well as environmental (including topographic etc) geographies.** Geography is different but related to both “context” and the concept of large scale.
Resilience by design Urban environments are complex and dynamic systems that change over time. Site-specific pressures may include long- term environmental stresses, social or economic strain, physical constraints, and extreme events. In urban environments, acute shocks and extreme stresses often occur concurrently and are impacted and compounded by each other to create unique challenges for communities. The UDG intends to provide information on how precinct design can actively anticipate uncertain futures and develop strategies for ongoing resilience. This includes consideration of resilience risk assessment and implementation planning required under the proposed Design and Place SEPP (see Section 3.2.2: Application requirements).	**Resilience should be a general overlay that applies across the entire urban design “structure” in the same way that sustainability should.** The content of this section is supported.
Part 2 Structure (pB10)	Structure is a too general term with a wide interpretation. Consider renaming – Laying Out the Public Space (or

Explanation of Intended Effects	Recommendation/Comment
	systems) and Buildings. This clearly demonstrates the primary structural urban design operation – making the street layout and placing the public reserves and parks.
Green infrastructure Landforms, water, and nature are fundamental elements in urban settlements that should be designed in, or around, and restored where possible. We need to ensure natural processes are considered for the environment as well as people.	Supported
Urban tree canopy provides shade, visual appeal, and mitigates urban heat for human health, wellbeing, and comfort – as well as providing habitat and ecological diversity. Intended guidance will cover methods for incorporating natural systems into design, connecting green infrastructure to surrounding green networks, and achieving tree canopy targets.	Supported – inclusion of habitat and ecology is important.
Public space framework Public space is the framework for civic and social life. Streets and public spaces create places for exchange, casual socialising, and active recreation, and make a significant contribution to local place character. The guide intends to inform the arrangement of the network of public space – where nodes like activity streets, open spaces, and community facilities are located and connected together, and how urban systems such as transport, utilities, and smart infrastructure are arranged.	Supported
The amount of public space (streets, open spaces, and community facilities) provides a good indication of the level of permeability and amenity in a precinct, and so it is intended the guide establishes a benchmark for the amount of public space to be provided in a precinct plan. One option for this benchmark is to require a minimum of 25 per cent of urban-capable land dedicated to streets. Another option sets a benchmark as a holistic public space measure, requiring a minimum of 40 per cent of urban-capable land dedicated to public space (streets, open spaces, and community facilities). In either option, additional considerations for public spaces would apply, such as the equitable distribution of public space as outlined in the Design and Place SEPP, and the open space performance indicators listed in the Draft Greener Places Design Guide.	**Supported but the City has found that this number is closer to 50% in urban renewal areas particularly when public buildings are included.**
A key design element of public space is the street, making up some 80 per cent of the public space of our cities. Streets are the key social spaces in a community and provide the address for all residents and visitors, as well as facilitating movement and place activities. Finer grained street networks enable greater walkability	Supported

Explanation of Intended Effects	Recommendation/Comment
and introduce a diversity of street types. New street grids in current precinct planning practice can often be too coarse to facilitate walkability, and the streets themselves, designed for cars, can lack sufficient provision for walking, cycling, and trees within a compact footprint, or lack differentiation of function.	
Methods for calculating performance- based metrics of street intersection density and block sizes will be set out in the guide. Additional guidance on the design and connectivity of pedestrian and cycle networks, and the delivery of council and State government active transport routes will be provided, together with desired dimensions for streets based on their role and function.	Supported
Distribution of intensity and uses Recent studies including the Australian National Liveability Study (University of Melbourne 2016) have demonstrated the need for communities to be well-connected via public and active transport infrastructure to employment, education, shops, and services (including public open space, and social, cultural, and recreational opportunities). The study identified strong correlations between health benefits and walkability to fresh food (supermarkets and grocers), public open space, local living destinations, as well as fine-grain street networks, public transport, and dwelling density.	**Suggest moving this to the next section** Supported
Prioritising walking, cycling, and public transport enables new and existing urban environments to deliver better health and wellbeing, and more sustainable and efficient mobility – the 'walkable neighbourhood'. Existing guidance including Integrating Land Use and Transport – Improving Transport Choice – Guidelines for planning and development (DUAP 2001) is intended to be supplemented with metrics.	Supported
The guide intends to foster inclusionary zoning and mixed communities through setting a maximum percentage of 'single use' zones (such as low-density residential), as well as guiding the activation of ground floor uses in medium-density and high-density residential zones to inform site planning, such as non-residential ground floors in new apartment development.	Supported
Part 3 Grain (pB11)	Grain is a jargon term and should be avoided. **Consider renaming – Division of the Private Land.**
Guidance is proposed to introduce requirements for lot dimensions (depth and width), subject to the typology intended for the site as well as the street interfaces and street wall height. The intent is to facilitate compact urban form and better match subdivision of lots to the housing typologies sought.	Supported

Explanation of Intended Effects	Recommendation/Comment
Guidance will also be provided on other aspects of urban grain, such as methods for introducing new public space and through- site links in infill areas with poor walkability or a lack of public space, and how to design precincts to accommodate change over time, such as progressive development of town centres. This is intended to broaden the toolkit of solutions used when seeking to accommodate growth in brownfield and greenfield settings. The placement of sensitive land uses away from busy roads and rail will also be set out in the guide, consistent with existing guidance (Development near Rail Corridors and Busy Roads– Interim Guideline, DoP 2008).	Supported
Part 4 Form (pB11)	**Form is too general – consider renaming Building and Landscape Form and should include Distribution and intensity of uses.**
Developments contribute to the local character through their address to the street. Site planning, access, and interface guidance is intended to inform front and rear setbacks so that development engages with the street and provides space for canopy tree planting.	Supported
Guidance is proposed on setting urban design parameters that affect the design of buildings and spaces in later stages, such as determining the appropriate massing for different building types, privacy and car parking integration, and the appropriate dimensions for certain open space types (where not otherwise covered in the Greener Places Design Guide), such as squares and plazas.	Supported
Guidance will also be provided on the arrangement of street types such as the ratio of street wall to right of way for enclosure and the arrangement of elements (carriageway, footway, parking, cycling and trees) within the street right of way. These dimensions provide the basic building blocks for new streets to which detailed guidance on roads and streets can be applied. Guidance will also be provided on common methods for designing streets and street elements such as point closures for 'filtered permeability' of walking and cycling.	**Supported – suggest inclusion of interaction with public space, e.g. wind effects and overshadowing.**
Part 5 Environmental performance (pB11)	**Suggest including Resilience in this section.**
Energy, water, and waste Guidance is proposed on how precincts can address energy, water and waste needs in an integrated way at scale, such as local power generation, water re-use, and waste consolidation.	**Include discussion of stormwater.**
Management and maintenance Assessment of the quality of the urban environment includes how it is proposed to be sustained over time,	Supported

Explanation of Intended Effects	Recommendation/Comment
including the periodic renewal of parks and spaces, maintenance of private open spaces and streets, and the design and operation of shared facilities such as school ovals. Considerations for preparing staging, management, and maintenance plans are proposed here.	
Utilities integration Guiding the placement and integration of utilities infrastructure in urban development is intended to facilitate provision of essential services while minimising disruption to other essential infrastructure such as canopy trees.	Supported
Part 6 Documentation (pB11)	**Suggest another section be included on process.**
To guide the formalisation of precinct structure planning under the Design and Place SEPP, a proforma precinct structure plan can show each drawing proposed, the relevant scales of design, and examples.	Supported
Precinct planning will also be encouraged to consider safeguarding the amenity of public spaces in later development stages, such as setting sun plane controls to major open spaces, and proforma clauses for this purpose are proposed to be included here, for use in drafting DCP controls.	Supported
B.3.5 Intended effects	
Proposed design criteria The UDG proposes to provide additional information to explain design and place considerations 1 – 9, including using a risk- based approach to hazards to inform land use planning, integrating precinct- scale water detention and reuse strategies, providing adequate public space, connecting green corridors, and street network structures that achieve the street density and block length targets.	**Inclusion of design criteria are supported but insufficient information is provided. The City requests more consultation in the development of the design criteria.**
Specific metrics proposed to supplement design and place considerations are: —total public space area —average block size —maximum single block size.	
The UDG proposes to introduce design criteria for the integration of streets with surrounding street networks, and for the creation of new streets within precincts. These criteria will include specified right-of- way widths for streets depending on their type (Table B1).	**Suggest reference be made to the NSW Walking Space Guide for footpath widths and that all streets have street tree planting areas.** The inclusion of ‘tree rows’ and ‘landscape zones’ for the various street types is supported. The canopy cover provided by the trees will be a critical factor in the quality of the street.

Explanation of Intended Effects

Table B1 Example of design criteria for streets by type in the UDG

TYPE	RIGHT OF WAY WIDTH	FOOTPATH WIDTH	TREE ROWS	LANDSCAPE ZONES
1 (Grand Street)	25m +	3.2m each side	4 (2 each side)	2.1m
2 (Neighbourhood Street)	16 – 25m	3.2m each side	2 (1 each side)	1.3 – 1.5m
3 (Little Street)	12 – 16m	2m each side	1-2	–
4 (Lane)	4.5 – 8.5m	2m unless shared zone	0-1	–

Recommendation/Comment

Studies have shown that street design can be modified to achieve greater canopy cover, whilst still achieving all other functions, by designing the space for trees to be larger in some areas than others. For example, a substantially larger footpath on the side with larger trees will achieve more canopy cover than two rows of small trees on either side. The same applies for large planted medians, or trees in roads that aren't affected by overhead powerlines.

The design criteria should be amended to provide a percentage of canopy cover for streets, and allow best practice to design the space to deliver the canopy cover (in the configuration that is responsive to the site – e.g. medians, inroad planting, larger verge etc).

Ideally, the following minimum canopy cover percentages should apply:

Land Use Types	Minimum Target Canopy Cover (Veg >3m, % of land use area)
ROADS	
Grand street	**65%**
Neighbourhood	**60%**
Little street	**55%**
Lane	**40%**

The UDG also proposes to introduce design criteria and guidance relating to:
—the preparation of walking and cycling networks, including delivery of the Principle Bicycle Network in Greater Sydney
—complementary design techniques like continuous footpath crossings on key walking routes, and rear lane access to activity streets and key cycling routes to minimise driveway crossovers
—limiting the amount of single use residential zones within new precincts to less than 50 per cent, and the minimum non-residential ground floor space required in R3 and R4 zones and centres
—dwelling lot sizes, including a lot width design criteria that relates to housing typology, and a lot depth design criteria that relates to lot width and rear lane access
—locating sensitive land uses away from busy roads, rail lines, designated freight routes, noxious uses, and facilities that pose a serious risk to life e.g. high-voltage substations

The City recommends more guidance and criteria are required to move to a predominantly walking and cycling city and that the interaction between layout, transport management and land use needs more discussion.

Explanation of Intended Effects	Recommendation/Comment
—front and rear setbacks relating to street type, land use and urban setting —side setbacks, including a mechanism for neighbours to reduce side setbacks to zero by agreement —wayfinding, street wall heights and utility integration.	
The following guidance is proposed to support public space and urban design quality applied in a diversity of situations and contexts: —guidance on when to prepare local character statements and how these differ from heritage conservation areas —guidance on street orientation and street enclosure for solar access and avoiding excessive heat loss, as well as street design techniques for walking and cycling —guidance on how to calculate residential density in R1 to R4 zones to support Consideration 10: Density of the Design and Place SEPP —guidance on site planning and access including minimising driveway crossovers —guidance on locating public community facilities.	Supported
Appendix C: BASIX	
C.2 Objectives of sustainability reforms	
staged and incremental increase in sustainability targets to enable industry to plan for future change and implementation in line with the NSW Government's Net Zero Plan.	Supported The tool and policy framework, since inception, was designed to enable regular review of targets and technologies and especially to signal changes to industry ahead of implementation such that developers could work out most cost-effective compliance pathway even before new targets were introduced. Biannual review of the tool is entirely appropriate long overdue. **Target setting to align with NCC Trajectory for Low Energy Buildings is logical but should not be locked into the SEPP, in terms of BASIX Numerical targets.** **The NSW government must also retain options to review targets outside NCC implementation timeframes which have often been adjusted (deferred) at short notice.** Energy Efficiency uplift in the residential sector is commercially viable and deferral of increased targets undermines the NSW Net Zero Target.
providing more flexibility in the available assessment pathways to demonstrate a design meets sustainability performance requirements	**New pathways must be demonstrably fit for purpose – via a transparent process.** There was no transparency around most recent changes to BASIX tool.

Explanation of Intended Effects	**Recommendation**/Comment
	It is essential that the Dept continues to maintain the data capture functionality of BASIX, which has never been used optimally, yet which captures extensive valuable data relating to residential development, including completion rates. Any alternative pathway must still require applicant to register a project in BASIX and enter highest level (not technical) detail (postcode, number of buildings, number of apartments) and also require Certifiers to use the BASIX Completion receipt process so NSW Govn knows when a project's final O.C. is issued. To not capture these fundamentals would be a significant backward step.
C.2.1.1 An independent, merit assessment pathway The report and documentation would be prepared by a suitably qualified professional such as a member of the Australian Institute of Architects or Engineers Australia, or a Nationwide House Energy Rating Scheme (NatHERS) accredited assessor.	**Significant concern** **The NatHERS Assessor Accreditation scheme is under resourced, the standard of rating work delivered by accredited assessors specifically for the apartment sector has been problematic since inception, auditing standards are not to a public interest standard and the profession does not currently have the required proven competency to be endorsed to perform this function. While the relevant federal agency is working on improving governance, it's too soon to allow this sector to provide this service.** **In 2016 the City commissioned analysis and more recent analysis for Waverley Council by WSP (LGSA Grant funded) provide clear evidence of issues for the apartment sector in terms of compliant documentation for apartment development.** **One possible way forward is for a much more rigorous category of highly experienced assessors to be defined and accredited for larger scale developments, who are held more directly accountable for their work.**
… there are several matters to resolve while developing this pathway. These include: —ensuring the assessment is rigorous – we propose to specify qualification and accreditation requirements for assessors, and design an audit process for such assessments	The City strongly agrees that there are matters to resolve here. **City formal requests to be part of any technical or advisory group that is created to work on this aspect given that City expert sustainability staff have very detailed experience of current documentation issues.**
… maintaining data from such assessments – we will develop a new process to capture the most important data from any developments using the merit assessment pathway.	**The City is strongly urges that any alternative pathways should still require the Creation of a BASIX Certificate and entering of core development information (not design detail) so that the NSW government and councils can continue to access the valuable resource that is BASIX data.**

Explanation of Intended Effects	**Recommendation**/Comment
	The BASIX Completion receipt function must also remain in place for Alternative Pathway projects, again to provide data capture on building completions and assist with audit functions. **To allow alternative pathway projects to bypass BASIX data capture would be a retrograde outcome.**
C.2.1.3 Allowing a tailored approach for thermal comfort and energy performance For sites where compliance is challenging, we are considering allowing minor trade-offs. To achieve trade-offs applicants must demonstrate significant sustainability benefits are achieved through alternative means (such as low-emission materials or integrated site solutions).	**Strongly Opposed** In line with extensive deliberations during the federal government coordinated work on NCC Trajectory for Low Energy Buildings (residential), trading between passive design and active energy systems was widely rejected by diverse stakeholders. A 'Fabric first' approach has been established as the desired outcome during that wide-ranging consultation, albeit with a single dwelling focus. The EIE's proposal to accept poorer performing apartments in lieu of installation of, for example, photovoltaics is not in the public interest as it will be administratively complex if not impossible for the benefits of a strata owned/managed energy system to be transferred to those occupants /owners of poorer thermal performing dwelling units. BASIX 'Thermal Comfort' has consistently been the most problematic aspect of BASIX for apartments. Thermal Comfort is the wrong term for this part of the BASIX tool. Current NatHERS-accredited tools generate a highly theoretical estimate of space heating and cooling needs for comfort, but it is a thermal *performance* model not a thermal comfort model. The BASIX scheme's complete dependence on NatHERS-accredited thermal performance tools has led to poor design outcomes, which combined with very poor governance and auditing. The highest order issue that the NSW government needs to rectify is to only allow fit for purpose modelling tools to be activated by its own legislation and regulations. The ABCB are currently investigating thermal comfort/performance pathways to address a long-held concern about the current modelling method. This could potentially address the modelling issues that occur with current NatHERs accredited tools specifically regarding apartments, although there is no public information available regarding how compliance evidence must be presented for any new method.

Explanation of Intended Effects	**Recommendation**/Comment
	Design for Thermal performance, and Thermal comfort standards should reside in the ADG and the NCC not in BASIX.
C.2.3 Sustainability assessment consistent with other jurisdictions We are working with the NatHERS Administrator and an expert stakeholder group to align the BASIX calculation approach for thermal comfort with NatHERS	**The City requests further information in relation to this matter including membership of the "expert stakeholder group".** The City's extensive experience is that NatHERS-approved thermal performance modelling tools have not been shown to be fit for purpose for apartment buildings.
C.2.4.1 Improving the customer experience	Supported The Lord Mayor and the NSW PCA together wrote to Minister for Planning in 2017 with detailed concerns about the tool. Many of those concerns remain today. Given income generated from the development industry via BASIX Certificates, the NSW government is long overdue to re-invest in its originally leading-edge on-line tool.
C.2.2 Aligning sustainability performance with Design and Place SEPP principles We are examining what other impacts of residential development could be assessed at a building-lot scale. These include stormwater — stormwater run-off – the volume of stormwater that leaves the site, which is impacted by the use of rainwater tanks and green infrastructure.	**Supported** Note: The original pre-regulated version of BASIX contained a stormwater Index developed by the then Stormwater team at the NSW EPA.
C.2.4.2 Promoting innovation and the adoption of new technology We will adopt a more structured approach to further updates and enhancements to BASIX over time. This will involve formally seeking suggestions for changes and making upgrades twice each year, in April and August.	Supported A clear frequency for updates is welcomed. A very clear publicly available governance framework is needed regarding assessment of and acceptance into BASIX of any new technology. An evidence-based framework must be established for 'innovations'.
To recognise higher performing design, we are also considering introducing 'BASIX Plus' certification where the design exceeds the performance requirements by a specific amount. This would give the applicant an opportunity to promote the sustainability credentials of their development	The BASIX Plus concept is supported. The BASIX brand has been eroded over the past decade as a result of a lack of transparency and lack of reinvestment in the scheme. BASIX Plus will only have credibility if these issues are addressed.
C.5 Impacts on the BASIX SEPP	

Explanation of Intended Effects	Recommendation/Comment
Clause 4	**Recommend the term 'Thermal Performance' (as referenced in Clause 8) is defined. Suggest:** ***Thermal Performance means the thermal performance of the buildings fabric as it relates to the predicted energy required for space heating and cooling .*** The above definition would ensure consistency with NatHERS and the NCC.
Clause 7	**Recommend that a hierarchy be introduced for the UDG, ADG and BASIX to assist in the event of any conflicting provisions.** **Given BASIX outcomes may be influenced by the national administrator of the NatHERS tools, we strongly recommend that the ADG takes precedence in the event of any inconsistency.**
Clause 8 The competing provisions of an environmental planning instrument, whenever made, are of no effect to the extent to which they aim: to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of a building to which this Policy applies or in the use of the land on which such a building is situated, or to improve the thermal performance of a building to which this Policy applies. If the development concerned involves: the erection of a building for both residential and non-residential purposes, or the alteration, enlargement or extension of a building that is intended to be used for both residential and non-residential purposes, or the change of use of a building to both residential and non-residential purposes, subclause (1) does not displace the competing provisions to the extent to which they apply to the part of the building that is intended to be used for non-residential purposes.	**The SEPP must clarify that Thermal Comfort is managed by the ADG and Thermal Performance by BASIX and to the extent that NatHERS includes a model of thermal comfort it does not override any provisions of the ADG.** **i.e. that clarity is provided on what elements are to be covered by the Thermal Performance competing provisions. The City strongly recommends that this be restricted in scope to those things that the software is capable of measuring and exclude Thermal Comfort.**
C.6.1 NCC and other jurisdiction requirements	**Note the following inaccuracies in part C.6.1 of the EIE:** The statement that the BASIX requirements apply to residential developments in place of the NCC requirements for thermal comfort is incorrect. The NCC does not include provisions for thermal comfort in Class 1 or Class 2 buildings. The NCC requirements that BASIX replace relate only to Energy Efficiency. The NatHERS scheme used for thermal comfort compliance in BASIX is not used for thermal comfort

Explanation of Intended Effects	**Recommendation**/Comment
	compliance in the NCC. NatHERS uses a measure of energy efficiency for the building envelope. The units of measurement in NatHERS are also not compatible with the NCC definition of thermal comfort. The statement that the NCC 2022 is considering increasing the national requirements for thermal comfort may be incorrect. The NCC has not stated an intent to regulate thermal comfort for Class 1 or Class 2 buildings.

ENDS