

Public Exhibition for the Explanation of Intended Effect New State Environmental Planning Policy (Design and Place)

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Age demographic	<input type="checkbox"/> 18-25 <input type="checkbox"/> 26-45 <input type="checkbox"/> 46-65 <input type="checkbox"/> 65+

Your feedback

How to make a formal submission

We welcome your feedback on the Explanation of Intended Effect for a New Design and Place State Environmental Planning Policy. **Submissions close on 28 April 2021.**

Feedback is sought on all parts of the document. Please consider if the proposal:

- Reflects contemporary understanding and practices
- Clearly articulates the intentions of the policy
- Should consider other opportunities.

Explanation of intended effect (EIE)

PART 1

Introduction

PART 2

Proposed new State Environmental Planning Policy (Design and Place)

While Inner West Council appreciates the intention of using a principles-based approach in the proposed SEPP, as written, the principles and intended effects are general and open to interpretation. Council strongly recommends the inclusion of clear, strong, and measurable standards to ensure that the SEPP's desired outcomes are achieved. In order to allow for genuine evidence-based innovation and creativity, pathways for variation from any standards should be clearly defined.

It is recommended that the 'Principles' are included as (or tied to) the aims/objectives of the SEPP, rather than just being matters to be taken into consideration.

2.2.1 Connecting with Country

Council supports the prioritisation of Connecting with Country when designing buildings and places. However, consideration must be given to the time required, during the planning process, for councils, developers and Aboriginal communities to work together to ensure that Connecting with Country has been adequately achieved. Extended timeframes in the Environmental Planning and Assessment (EP&A) Act, a cultural shift in Department of Planning, Industry and Environment (DPIE) and the development industry may be needed to enable Connecting with Country. Resources must also be allocated to the Aboriginal people and communities whose expertise will be relied upon to help deliver on this outcome.

Currently the Connecting with Country draft Framework is not a methodology. Council understands that DPIE is testing/piloting the consultation and engagement methodology with developers over the next 12 months. This consultation and pilot period is strongly supported.

DPIE needs to ensure that the Connecting with Country draft Framework addresses intellectual and cultural property, remuneration and consultation protocols.

DPIE needs to ensure that the Connecting with Country draft Framework links to the UDG and Design and Place considerations. It should define different requirements for consultation depending on development scale: Precinct, Significant development, All other development.

Transitional arrangements should be considered where councils have already undertaken significant design work towards a precinct, that did not include this early engagement with Aboriginal communities.

Principle 1: Design places with beauty and character

Both “beauty” and “visually attractive” are highly subjective terms which are difficult to objectively assess. Some defining characteristics of what makes beautiful or visually attractive places may need to be outlined. The SEPP must give consideration to how places are to be designed with beauty and character with having a further negative impact on the housing affordability crisis. This principle should articulate that all people, regardless of their income have a right to live in places designed according to this principle.

Principle 3: Develop productive and connected places

Support densities that allow for sufficient populations to sustain economic activity and productivity. Essential services and facilities such as accessible, frequent public transport, schools, healthcare must also be provided to support these densities.

Principle 4: Design sustainable and greener places

Support the 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% reduction in construction and operational carbon emissions by 2030 (compared to 2005 levels).

Support improved connection of bushland and waterways to protect habitat and biodiversity. Support the identification of trees as an essential part of green infrastructure as they not only have the human benefits as stated but also contribute to habitat and overall biodiversity. Opportunities to improve or add to existing green infrastructure including habitat should be encouraged and any loss of existing green infrastructure, not just trees, should be replaced.

Principle 5: Design resilient and diverse places

Support this principle and its intended effect. Buildings and places should be designed to be robust (have longevity) but adaptable. Buildings should be designed with flexible floor plans to facilitate adaptive reuse.

Application of the new SEPP

The SEPP, and all the Mandatory Matters for Consideration, should apply to all development – scales and typologies – including provisions for some complying development.

As written, it is unclear what typologies the SEPP will apply to - reference to “multiple development typologies” is made. It is also unclear what the other triggers for the SEPP will be (for example 3+ storeys).

It is stated that “a registered architect...will be required for all buildings with three or more storeys, and in the case of multi-residential buildings, four dwellings.” Again, it is unclear what typologies other than ‘multi-residential buildings’ this will apply to.

It is recommended that there is a requirement that an architect see the design through the certification and construction phase to ensure designs are not ‘watered down’.

It is stated that precinct requirements apply to Planning Proposals (PPs), ‘to areas identified for local strategic planning including amendments to Local Environmental Plans (LEPs) (that are not PPs)’, and ‘to any other similar plan or spatial arrangement greater than 10ha or 1000 people’. As any amendment to an LEP is a PP, it needs to be clear that the SEPP is consistent with the planning framework.

PART 3
Key
components
of the new
State
Environmental
Planning
Policy

3.1 Design Processes

Design Skills

Resources will need to be directed towards establishing a state government program, in collaboration with architectural schools at tertiary level, TAFEs, and professional institutes to build the design skills required to comply with the SEPP. Consultation with professional institutes, universities, and training/accreditation bodies will be necessary to plan for the skills development required.

Place-based approach

Developments over a certain size should be required to engage with Council in a pre-Development Application or pre-PP, at least at the site analysis stage.

Design evaluation review

Clarification is required for whether the SEPP will make design review mandatory across the state, presently SEPP 65 does not mandate design review panels.

Sources and magnitude of funding, particularly for councils without established design review panels, must be clarified.

Design review panels, design excellence panels and chairs need on-going support, training and as well as being required to report on their practice to ensure advice provided is consistent with Design and Place mandatory considerations. Clarification is required on how this support will be provided and how to ensure consistent and transparent advice from panel members.

It is stated that the Design Review Guide will 'give consideration to review timeframes commensurate with project complexity'. This needs to be undertaken as part of the reform of the EP&A Act, as the guide will not be able to override the requirements of the Act, most notably the 'deemed refusal period' as per Clause 113 of the Regulations.

3.2 Design and place considerations

3.2.2 Mandatory matters for consideration

The Mandatory Matters for Consideration (MMfC) should be framed in a way to make it clear that they are not just elements to consider, but rather elements that must be central to the design. The use of the term "consideration" implies that they are non-determinative thereby undermining their importance. It is recommended that the MMfC are instead framed as mandatory matters that the consent authority must be satisfied have been met before approval is granted.

More mandatory matters should be applied to all scales of development. Precinct-scale development might be the most efficient scale to see a quick transition to well-designed places, but opportunities for incremental change through smaller-scale development must not be overlooked as when added up, these small changes may ultimately result in the greatest positive difference. Recommend mandatory matters 6, 7, 8, 9 and 11 be applied to "all other development" along with matters 12-19, inclusive. Recommend mandatory matters 13-19, inclusive, also be applied to precinct scale development.

The correlation between proposed mandatory matters and single principles is problematic as many of the mandatory matters apply to multiple principles - eg connectivity applies to all five principles. Associating a mandatory matter to only one principle may result in lost opportunities for maximising the effect of how each matter has been integrated into design.

Clarity needs to be provided on how the mandatory matters will be addressed by applicants and assessed by the consent authority. Potentially, the mandatory matters could be addressed in the design statement.

Culture and built heritage

Council supports the elevation of Aboriginal heritage considerations in designing places.

Public Space

Council supports equitable access to high quality public spaces.

Many inner-city public spaces are already at capacity. The proximity of public space should not, by itself, be a rationale for increasing density. Matters such as proximity to accessible services and accessible public transport are more important. The focus should therefore be on means to create additional public open space (not just 'public space' which could be any footpath) close to where there already exist, or are plans for, other services and facilities that can support increasing density.

Any new public spaces must be created with sensitivity to the surrounding natural environment, and not be at the cost of natural areas. Natural areas not only contribute to biodiversity but also provide important health and wellbeing benefits and ecosystem services to the community. Furthermore, designing open space to enhance biodiversity will enable greater connection to nature.

Connectivity

Connected active transport routes should be designed with the smooth, safe, and enjoyable movement of pedestrians and cyclists at the centre, rather than being designed around (or to accommodate) the movement of vehicles.

Local Living

A 20-minute walk to local shops and other services and facilities is too far – trips should be no more than 10-minutes one-way.

The walkable neighbourhood must not only take proximity (10-minute one-way or 20-minute roundtrip) to local services into consideration but also the quality and comfort of the walk. Green infrastructure – especially tree canopy – should be prioritised in the design of active transport corridors.

Street design

Support human-scale, compact and permeable neighbourhoods.

Slow vehicle speeds below 30km/h should be encouraged along unseparated active transport routes.

Water Management

Water management should be addressed at all scales of development. At smaller scales, integrated water management could be included as part of an updated BASIX framework. Decentralising water management can reduce the requirement for large scale detention infrastructure that has high capital and maintenance costs.

Stormwater pollutant load targets should continue to be used to encourage water sensitive urban design (WSUD) and vegetated stormwater treatment systems.

Green Infrastructure

Retaining all forms of green infrastructure is important for protection and enhancement of biodiversity values and to create opportunities for habitat. The focus should not just be on trees. Other forms of vegetation and existing habitat values must be considered and protected.

It is unclear how desirable outcomes will be achieved for biodiversity and habitat where there are no mandatory considerations or targets proposed. If the outcomes are to be achieved through green infrastructure, it must be acknowledged that some green infrastructure types are better than others in providing biodiversity values, eg landscaping with diverse native plants will provide better habitat than including monocultures of exotic plants. To achieve real biodiversity outcomes there should be targets in landscape plans around total % and diversity of local native species, and structural diversity.

In order to “establish an interconnected network of open space, waterways and biodiversity” a network between private and public domain is essential. When setting targets/standards for precincts, allow for targets to be interchangeable between private and public domain when proposals are developed at masterplan stage.

Resilience

Support the focus on these risks which can be expected to increase in frequency and severity with climate change. There must be clarity around how developers will address this matter and how consent authorities will assess proposals against this matter.

All development proposals should be required to explicitly address impacts such as sea level rise, extreme precipitation/hail (eg through roof construction, permeability of landscaping, stormwater capacity), more intense heatwaves, the urban heat island effect (eg through landscaping, vegetation, road surfacing, colours), drought (eg through water capture and recycling, impacts to structures due to low soil moisture), and bushfires (including benefits of on-site generation and grid independence, the need to bury power lines).

Fine-grain movement

Mechanisms for way-finding, particularly for through-site links, must also be addressed to encourage their use.

Density

Consideration must be given to density targets contained in plans determined through substantial community consultation undertaken by local councils (such as Housing Strategies). The imposition of State density targets that override such plans would undermine community confidence in State planning agencies and the NSW planning system.

Clarification needs to be provided as to if/how a minimum dwellings/ha requirement will be applied to established inner-city areas and zones.

Housing diversity

Support diverse housing (type and tenure).

Transport and parking

Support lower minimum parking rates as well as establishing maximum parking rates. Unbundling and decoupling of parking are also supported. If parking is provided it should be shaded from view and result in minimal footpath interruption.

While Inner West Council supports incentives to reduce reliance on driving, any inclusion of zero minimum car parking rates must give consideration to not just the proximity of public transport, but how accessible this public transport is to people with different levels of mobility.

Attractive form

“Attractive” is a highly subjective term and will need a clear definition or description.

A standard set of documentation and level of detail from proponents should be outlined in the SEPP or Guides such as 3D perspectives or detailed materials/finishes schedule or sample boards. Design review panels will need a minimum level of detail to adequately consider a design and ensure timely assessment.

Impacts of public space

Support no encroachment (including overshadowing) or loss of public open space.

Impacts on Vibrant Areas

Consideration should be given to sites in close proximity to closed/vacant venues, historic entertainment areas or identified future entertainment areas.

It is unclear how ‘vibrant areas’ will be defined and identified.

Activation

It is unclear how ‘activity streets’ will be defined and identified.

Encourage re-defining approach to ‘active frontages’ in non-residential buildings to go beyond allocation of percentage of frontage, but to include physical design elements on the ground floor that encourage passive surveillance and activity from street to inside the building. Include precedents for this in the Urban Design Guide (UDG) that can be cross-referenced for designers’ benefits.

Satisfying ‘active frontage’ percentage targets could simply be achieved through glazing which doesn’t always encourage engagement. Rather, larger access points, more operable glazing and engagement with the frontage (non-residential) should be encouraged. This should be articulated in the Apartment Design Guide (ADG) to ensure ‘design’ is the focus for ‘activation’.

Emissions and resource efficiency

Council supports the establishment of higher BASIX and NABERS targets, with frequent reviews of targets to accommodate technology developments/advances. BASIX should be upgraded to be based on future climate, rather than the 20 years prior to 2004.

Demand reduction is of the highest level of importance. The thermal performance of the building envelop should be the foremost consideration in any design.

Passive sustainable design (especially designing for internal cross-ventilation and heat purging) and thermal performance of buildings should be given greater prominence in this principle. The rapid increase of solar and renewable energy generation must be facilitated through the planning process, for example by mandating on-site renewable energy generation where feasible. However, trade-offs between thermal performance, and energy efficiency and generation are not supported.

Precinct and significant development to prioritise all-electric homes coupled with on-site renewable energy generation.

Improve governance and provide further transparency and resourcing for BASIX or other associated tools (Green star), including regulating the training and accreditation of assessors to ensure consistent and robust assessments. Applicants need to provide evidence that their BASIX certificate results are being achieved during the construction process and beyond. Processes to check compliance are also required to ensure commitments lead to real outcomes.

It is not clear how Low Carbon Precincts as outlined in the Greater Sydney Region Plan and Eastern City District Plan will be addressed by BASIX updates. Will there be higher targets and requirements for areas identified as Low Carbon Precincts?

Tree Canopy

Support tree canopy considerations. Where tree canopy targets cannot be met alternatives should be explicit in including other forms of vegetation such as ground covers. Similar to 'Green Infrastructure' considerations, preference be given to **locally** Indigenous and Australian native plant species.

Green walls must be in addition to deep soil planting and should not be used in lieu of trees unless in exceptional circumstances.

There must be clear guidance for the consent authority on how to determine that tree canopy targets 'cannot be met'. A site-specific and merit-based assessment without guidance could be open to exploitation by proponents.

Affordable Housing

The Greater Sydney Commission has previously determined that 5-10% of a development being assigned as affordable housing units was feasible. However, the SEPP proposes no targets for affordable housing but instead proposes that the applicant determines a viable amount. Council is concerned that developers may unjustifiably argue for a lesser provision of affordable housing units which Council might not be able to reject. Council recommends that a minimum of 5-10% affordable housing (over a certain number of dwellings in a development, or over a certain capital investment) be required for all development under the SEPP, with the provision that if there is scheme in place for more, that the scheme overrides this.

PART 4 Proposed amendments to existing State Environmental Planning Policies

It is unclear how the SEPP and new and revised Guides (where relevant) would be practically addressed by the applicant or at the assessment phase and what impact this will have on assessment timeframes of relevant applications.

PART 5 Relationship with other planning instruments and policies

It is stated that 'LEPs will need to be updated to align with the SEPP'. It is unclear how will this be done and what the timeline will be.

Consideration should be given to reviewing well-known problematic Standard Instrument definitions such as 'gross floor area' which have a significant bearing on developments affected by the new SEPP. This is a constant point of contention and parties are often required to refer to ever evolving interpretations given through the LEC.

Consideration could be given to integrating relevant Land and Environment Court (LEC) Planning Principles into the SEPP or Guides.

It is stated that consideration is being given to amending Clause 4.6 of the Standard Instrument to reflect the need to demonstrate any variation will 'result in an approved planning outcome' and public good. This is a significant change to the way Clause 4.6 requests are currently addressed. It is unclear how this change would be implemented.

It is stated that the SEPP will tie into Exempt and Complying Development SEPP through the Principles. Clarification is required as to how this will be done.

More regular Circulars and Practice Notes are welcome to address any uncertainties that arise as the SEPP and Guides are put into practice.

PART 6
Planning
pathways

It must be made clear that both the consent authority *and* the proponent must demonstrate how design principles have been met.

An absolute minimum 3-month transitional period would likely be required for Councils to be prepared once the SEPP is gazetted. Training staff and establishing Design Review Panels would be time intensive.

APPENDIX A

Proposed Amendments to the Apartment Design Guide and SEPP 65

“Table A9 – Proposed transition of SEPP 65 provisions to the Design and Place SEPP”

Council strongly supports including non-discretionary controls (parking, apartment sizes, ceiling heights, deep soil, building footprint, separation, sunlight, ventilation, storage, commercial floor space, and open space) in the new SEPP.

At the same time, the EIE states that feedback has been received that the ADG ‘*must be clear on its status as a guide*’... ‘*numerical values can become compliance requirements if their statutory role is not made clear*’. This would undermine the weight of the controls/provisions that are to remain within the ADG.

Inner West Council supports the inclusion of measures for typologies such as student accommodation and build to rent.

Waste

Use the ADG to embed sustainability standards holistically through design. Effective, ongoing waste management needs to be front of mind and consciously designed into buildings to preserve environmental health and local amenity.

Consideration must be given to waste management as an ongoing requirement for the operation of a residential, commercial or mixed-use building or precinct. We recommend inclusion of a statutory requirement for development proponents to present a waste management plan (WMP) for the construction and development as well as the ongoing day-to-day operation of residential flat buildings.

Strategies should be developed to deal with some type of waste *in situ* when dealing with precincts with multiple commercial use. This would mitigate/reduce issues related to the transport of waste, particularly organic waste that needs to be processed on a daily basis in food precincts.

Strategies should encourage innovative solutions with flexibility for the inevitable changes in amounts and types of waste that will be generated throughout the building’s lifetime. The following could be included in all development types:

- Sharing waste facilities among commercial properties
 - Space allowance to accommodate additional recycling options – for example collection points for textiles and e-waste
 - Underground waste management in precincts where infrastructure allows/supports it (access should be through rear lanes or in ways to not detract from street frontages or interrupt footpaths).
 - Providing areas for waste management in new precincts, when they are within proximity to areas that are subject to issues such as: old RFB’s without on-site collection points, bins crowding footpaths, etc.
 - A designated site for compost bins in any development with communal landscaped area/s
 - Temporary waste storage areas at ground level should be excluded from gross floor area calculations
 - Space in the development or precinct for sharing of items, as well for repair and re-use to reduce “throw out” of household items
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Building Form

It is assumed that the 700sqm requirement is per floor, however this needs to be clarified.

A maximum floorplate of 700sqm for 9+ storey buildings may result in a misalignment with the existing height and floor space ratio (FSR) controls prescribed in LEPs. It is unclear how this would be addressed at the assessment stage or by the LEC.

700sqm gross floor area (GFA) would mean 1000sqm gross building area (GBA) (70% efficiency) which is still a very large floorplate if you are looking at improving cross ventilation in apartments above 9 storeys.

Provide floor plate configurations/examples of how a 700sqm (or less) GFA floor plate, per floor, could achieve 8 units with better residential amenity (especially with infill blocks). Maximum units per core per floor might need to be reduced.

Separation

The criterion in the current ADG which requires an additional 3m setback requirement to lower density residential zones needs to be made clearer and more upfront.

Mixed-use

Vertically discharged mechanical ventilation should be made mandatory for all ground level commercial tenancies in mixed-use and shop-top housing developments to 'future-proof' them for food and drink uses.

Minimum tenancy sizes, dimensions and frontages should be prescribed.

Flexible/adaptable floor plans should be mandated (for example through the use of easily removable partition walls) in order to facilitate smaller and larger uses depending on the needs of the prospective tenant/use.

Universal Design

It is supported that increasing the percentage of universal design to the Liveable Housing Design silver performance level, in line with other government research, but request that a proportion of gold be included, as the silver level is very basic.

Passive means of disabled access should be encouraged – as opposed to (for example) platform lifts.

Ceiling heights

The new 4.2m ceiling height for non-residential (up from 3.3m) may have a negative impact on yield and achievable floor area on some sites given existing LEP height controls. This would go above and beyond the NCC requirements, in a similar fashion to the 2.7m ceiling height requirement.

The current diagram in the ADG is unclear – it suggests that bulkheads can be included with the 3.3m floor to ceiling height. If a similar diagram is to be included in the revised ADG, it must be clarified to ensure that a minimum of 4.2m is achieved PLUS clarification on bulkhead requirements – so spaces remain adaptable.

While 4.2m ceiling heights for non-residential uses are supported, Council is conscious that this may result in either breaches of the LEP height control or a misalignment with the prescribed floor space ratio.

Car Parking

Maximum car parking rates and lower minimum car parking rates are supported.

SEPP 65 currently states that if car parking for a building will be equal to, or greater than, the recommended minimum amount of car parking specified in the ADG, it cannot be refused on those grounds. If a maximum car parking rate is not pursued, this Clause should not be included in the new SEPP as it does not establish a limit of the amount of car parking.

It is Council's experience that it is hard to prevent a development providing car parking in excess of that required even if it results in a breach of the floor space ratio development standard. Satisfying the objectives of the standard and objective is relatively easy when the additional floor space is wholly contained within a basement level.

Electric vehicle (EV) charging stations should be mandatory, not incentivised. As a minimum requirement, the main switch board (MSB) in apartment buildings should have 20% additional capacity to accommodate EV charging.

Offsetting private car parking with car sharing spaces is problematic. For car share businesses to remain viable, they need the general public to be able to access their cars. It cannot be assumed providers will take up the spaces. To prevent crime this also needs to be able to occur without a non-resident being required to go through the building to access the car. Kerb side spaces are also not acceptable, as this essentially privatises the public road space. Any offsetting of private car parking with car share will need to be provided in highly visible and accessible areas within the development footprint.

Bicycle Parking

It should be a requirement that secure bicycle parking be located at the ground level near the entrance to encourage and promote bicycle use.

Currently bicycle parking at ground level is included in gross floor area calculations, it is recommended that the definition of 'gross floor area' in the Standard Instrument be amended to exclude bicycle parking so as not to discourage proponents.

The design guide should also provide for the convenient recharging of electric bikes and other mobility devices.

Solar access

Council supports variations to direct solar access standards based on site context.

The ADG should provide design precedents and built form typology examples for solar access, based on contextual considerations to aid in the design process and encourage innovation.

Cross ventilation

Ensure passive methods of natural ventilation are prioritised. Ceiling fans should be mandated in all habitable rooms where cross ventilation cannot be achieved or where heat pressures can be reasonably expected (eg in west-facing apartments, even if cross ventilated). Ensure that no habitable rooms are only serviced by a door for air.

It should be specified that inlets and outlets must be of a similar size, and that inlets and outlets within close proximity to adjacent walls or semi-enclosed areas and 'split-level apartments' are not considered naturally cross ventilated. Clear guidance and diagrams are essential.

Layout

While larger bedroom sizes are supported in principle, concerns are raised about encouraging people to work from their bedrooms. Anecdotal evidence from the past year indicates people do not like sleeping and working in the same room. Furthermore, increased bedroom sizes will likely come at the expense of living areas.

It is suggested that requiring smaller breakout spaces for studies with access to natural light should be encouraged. Prescribed maximum size with fixed desk would avoid their use as a bedroom. Alternatively, incentives could be used to encourage the inclusion of studies.

Excessively large hallways within an apartment should not count towards the floor area of an apartment as it is not usable floor space. It is Council's experience that poorly configured floor plates frequently result in long meandering hallways to connect the living area to the central core.

Common open space

Requirements based on unit mix/occupancy metric may inadvertently encourage one type of dwelling size to minimise the required amount of communal open space. This could be addressed with a fixed minimum-maximum mix of unit types.

Green Infrastructure

Support a new proposed section in ADG ‘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 quality of the deep soil space should also be considered to avoid isolated bands of deep soil with limited accessibility offering limited opportunity for improved tree canopy. Further detail is required on how much room trees need to grow, and the depth required to be considered deep soil planting (ie can it occur over basements).

To increase the use of endemic species recommended in the ADG, targets should be included for using local indigenous plants both in terms of % of total plants and also targets for number of species used to increase plant diversity to achieve better biodiversity outcomes.

Environmental Performance

Demand reduction is of the highest level of importance. Thermal the thermal performance of the building envelop should be the foremost consideration in any design.

Passive sustainable design (especially designing for internal cross-ventilation and heat purging) and thermal performance of buildings should be given greater prominence in this principle. On-site renewable energy generation should be mandated on feasible multi-unit dwellings and shoptop housing. However, trade-offs between thermal comfort and performance, and energy efficiency and generation are not supported.

Precinct-scale and significant developments should have on-site community/shared battery storage. Inclusion of additional 20% capacity to apartment building meter boards for future provision of electric vehicle charging (if EV charging is not designed into the development).

Smart meters to be mandated or strongly encouraged to allow for future installation of photovoltaic systems (if PV is not included in the original design).

Support the proposed introduction of ‘new design criteria for sustainable irrigation through passive means, e.g. via water-sensitive landscape and urban design and through the use of recycled water.’ Targets and measures for these could be developed using the Parramatta River Catchment Group’s Blue Green Index tool that responds to development scale and context.

APPENDIX B

Proposed New Public Spaces and Urban Design Guide

B.3.3 Proposed structure

Part 3 Grain: provide precedents and guidance for “urban repair”

Part 5 Environmental performance: add Urban Heat Management. Provide guidance on assessment processes at a high level.

B.3.4 Design considerations

Part 2 structure – Public Space framework: The guide intends to inform the arrangement of the network of public space. Include “Active transport” within the urban systems listed and ensure guidance is provided for how pedestrians and cyclists can be prioritised in the public space framework where it is difficult to achieve (I.e., main roads and main streets/grand street).

Part 5 – Environmental Performance: provide additional guidance for implementing WSUD in dense neighbourhoods and town centres, in particular Development Control Plan (DCP) proformas.

Consideration should be given to the extensive work led by WSROC to produce valuable, evidence-based resources – the *Urban Heat Planning Toolkit* and the *Cool Suburbs Tool* - when developing the UDG.

B.3.5 Intended effects

Design criteria

Recommend, as per the City of Sydney's key recommendation 3 to the SEPP EIE, including in the UDG measurable standards that:

- a. require land use intensity and transport alignment to reduce transport energy use (by prioritising walking, cycling and public transport and reduce service for private driving)
- b. introduce a zero minimum rate and even lower maximum parking rates tied to public transport accessibility levels
- c. require local services (10-minute walkable neighbourhoods that support the 30-minute city)
- d. require local area traffic management to make walking safe and easier than driving for local trips
- e. address urban heat (including BASIX), flooding and strengthen tree canopy controls

Table B1

Type column – terms need to be consistent with those commonly used in local government public domain technical manuals, guides and DCP's (see table below).

Table B1 seems to indicate that Street Type 3 (little street) does not need to have any landscape zone, though it recommends that this street type have 1-2 tree rows. This guidance is confusing and should be clarified.

Recommend providing sectional examples and numerical for where footpath widths can be adapted, particularly in areas where mixed-use development and new public transport infrastructure is planned on the road.

Support increased tree and landscape requirements for streets. Increase foliage requirement for Type 3 (Little Street) and 4 (Lane) to achieve greater canopy over the street and reduce urban heat.

The NSW *Walking Space Guide* has footpath types with recommendations for plantings and width, etc. There are various overlapping guides which can create confusion if there is not consistency across all the guides. The UDG must refer to pages 10 and 11 of the *Walking Space Guide* and ensure consistency.

Recommend that all streets have street tree planting areas.

Hierarchy and structure of types should correlate to zones and activity range in areas and be consistent with terminology used in other guides such as the NSW *Walking Space Guide*.

Type	Recommended change
1. Grand Street	Main street (very high -high activity)
2. Neighbourhood Street	Local street (high- medium activity)
3. Little Street	Neighbourhood street (medium - low activity)
4. Lane	(low activity)

APPENDIX C

Sustainability in Residential Buildings

Inner West Council supports higher BASIX requirements (and NABERs pre-commitments).

Inner West Council recommends that, in line with the research conducted by Waverley, Randwick and other councils, BASIX be immediately upgraded to be based on future climate, rather than the 20 years prior to 2004. In doing this, the tool also needs to be designed for thermal safety, and the impact of heat on the sleep of vulnerable people (with impacts starting at as low as 26°C).

Inner West Council supports the City of Sydney's recommendation to create a mechanism in the SEPP to adopt the performance standards and timing to net zero energy buildings developed by the City with industry and government for some land uses to achieve net zero emissions sooner than 2050 (detail in the City's submission on the SEPP).

There is concern that the proposal for a flexible approach to BASIX may lead consent authorities being unable to refuse development that they believe to be underperforming but which claim to be innovative.

Any rating should be calculated following the hierarchy of passive sustainable design and thermal performance of the building envelope, then energy efficiency of building services and fittings, then on-site renewables/low carbon energy, then off-site renewables/low carbon energy.

Consider expanding BASIX to cover embodied emissions of construction material so as to encourage the increased the use of low emissions and recycled materials.

The review of BASIX provides an excellent opportunity to expand the framework to achieve better water quality outcomes in addition to water savings. BASIX can be used to protect and create healthy waterways and increase green infrastructure implementation. As members of the Parramatta River Catchment Group (PRCG), Inner West Council is supportive of their submission on this EIE and recommendations for a Blue Green Index tool that works with BASIX. The details are included in PRCG's submission and include the following strategies:

1. Maximising pervious area and vegetation coverage, on-lot
2. Maximising rainwater harvesting
3. Maximising infiltration and evapotranspiration, and finally
4. Treating any remaining runoff on lot prior to discharge to waterways.

As mentioned in the Part 3 feedback, how will the BASIX updates address Low Carbon Precincts as outlined in the Greater Sydney Region Plan and Eastern City District Plan? Provisions should be made to require higher targets and requirements for areas identified as Low Carbon Precincts.

Merit Assessment Pathway

To provide a different approach to demonstrate the development meets the sustainability performance requirements. This requires expertise at assessment level that a lot of councils would not have. It is acknowledged that this would require rigorous assessment and specified qualification accreditation requirements for assess.

Additional comments

Inner West Council (IWC) strongly supports the development of the Design and Place State Environmental Planning Policy (the SEPP) and the integration of the BASIX SEPP and SEPP 65- Design Quality of Residential Apartment Development (SEPP 65). Overall Inner West Council supports the principles of the SEPP, however the principles and intended effects are general and open to interpretation potentially hindering the attainment of the principles. It is therefore important that there are clear, strong, and measurable standards developed in order to deliver tangible, desirable outcomes from the principles of this SEPP.

Thank you for your time in preparing this submission.