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28 April 2021

Department of Planning, Industry & Environment

[Sent by- Online submission]

Submission – Exhibition of Explanation of Intended Effect of proposed Design and Place SEPP

Please find attached Penrith City Council's submission to the Exhibition of Intended Effects in regard to the proposed Design and Place State Environmental Planning Policy. This submission was endorsed by Council at its meeting of 26 April 2021. Part 1 of the submission summarises the key matters of interest for the Penrith LGA. Part 2 provides more detail, including recommendations in relation to the matters for consideration which are relevant to Council.

We appreciate the opportunity to provide feedback in relation to this matter and look forward to the next round of consultation when the SEPP is developed. If you have any further questions on Council's submission, please contact Natalie Stanowski, Principal Planner on 47327403 or natalie.stanowski@penrith.city

Yours sincerely

Natasha Borgia
City Planning Manager

Attach. *Penrith City Council endorsed submission*

PART 1: SUMMARY OF RESPONSE: KEY MATTERS

- 1. Quality Design Outcomes** – The proposed SEPP brings the opportunity to deliver good design across a wide range of development types is supported. The introduction of Design with Country in the design process is supported.
- 2. Application of SEPP** – There is significant potential to affect the outcomes of the built environment through the proposed policy and changes should be made holistically to ensure a consistent approach that simplifies the pathways to ensuring good design, design review and master-planning. This includes the timely revision of supporting and referenced documents. The EIE is unclear on the final relationship between the SEPP and other policies. In relation to Penrith City Council LGA, broadly speaking a key question will be how the different pathways for planning will interface. Testing and clear guidance of such overlaps and processes will be critical in finalising the SEPP. There is also ambiguity around the coverage of the proposed SEPP. The proposed development scales list a third category as ‘other development’ and it is unclear how this will apply to development that is prevalent in Penrith City Council LGA, for example increasing uptake in R3 and R4 zones for medium density / affordable housing and consequent pressure on character areas.
- 3. Limited Detail** – The EIE represents a preliminary outline of the proposed SEPP and does not contain the detail that Council and other stakeholders require to properly assess the benefits and impacts of such policy reform. The approach to the response to the EIE is further outlined within Section 2.
- 4. Complexity** – The concept of the proposed new SEPP is aligned with the aim of simplifying and streamlining existing policy, however, there is concern that the overall intent of the proposed SEPP to provide concise, tangible and legislative directions may not be achieved in its proposed form. The creation of multiple new guides has the potential to increase document size and complexity. There are issues with the relationship of the 5 key principles and the matters for consideration regarding how they are used, the relationship between the principles and the matters for consideration, the considerable repetition, use of jargon text, etc.
- 5. Councils Strategic Direction** – The proposed SEPP appears to require precinct planning and planning proposals to demonstrate compliance with the SEPP. The SEPP will require changes to Councils LEP and DCP, which may expect a more standard approach to

certain matters like density. The matters for consideration and other items within the proposed SEPP ask for developments to comprehensively integrate with city infrastructures. Council will require further detail on this matter to fully understand the implications of this change.

6. **Design Review Panel** – There are indications that more developments would move to a SDRP with a loss of local DRP representation. A one size fits all approach to design panels may not be effective or desirable.
7. **Design Verification** – The verification of design is an important element of the proposed SEPP and is supported however the the practical linkage between use of the UDG and ADG and the relevant design verification is unclear as well as how and who will be required to verify at what stage and what the result of separate practitioners undertaking ownership of each separate verification will be.
8. **Local Character** – There is concern that adequate provisions for local character and context assessment will not be legislated or enable councils to enforce a position on this.
9. **Sustainability** – There is support BASIX to be included in this SEPP, however there is little consideration about urban heat management targets. The SEPP appears to enable trade-off between thermal comfort and energy performance, which isn't supported.
10. **Assessment times and capability** – The increased requirements for experienced practitioners to design and verify, particularly in regard to the UDG, will increase requirements on Council to staff and review. Further support will be needed from DPIE to ensure staff are equipped to implement the new SEPP.

PART 2: DETAILED COMMENTARY AND RECOMMENDATIONS

The comments and recommendations are provided in table form, as follows:

- table headings (top left) correspond to the proposed SEPP table of contents for ease of reference
- explanatory text (top right) summarises the stated intent of the particular section
- ‘considerations’ are those matters or issues of particular importance to Council, whether outcomes or processes
- ‘recommendations’ cover both broad and, where relevant, Penrith-specific issues and focuses on successfully implementing the SEPP.

2.1 Structure of the new SEPP

The proposed Design and Place SEPP is to be structured broadly across Aims and principles, Design and place processes and finally Considerations. The SEPP will be supported by a revised Apartment Design Guide (ADG), a new Urban Design Guide (UDG) and revisions to BASIX. There may be additional guidance developed as required

Considerations

- **The proposed structure of the SEPP should aim to simplify and distil the processes by which to influence outcomes design quality.**
- **The proposed SEPP challenges the established way of practice.**
- **The SEPP is expanded from one supporting guide to now include three, potentially increasing complexity for users.**

Recommendations

- Successful implementation of the SEPP will depend on the ability of all practitioners to traverse a document suite that describes clear outcomes and follows a working order that is approachable. The documents should form a structured hierarchy that clearly establish higher and lower order statutory order.
- Consider the restructuring of the 5 principles and the matters for consideration so that the aspirational aims of the principles are not isolated and are either given statutory significance or elevated to provide ‘instrument aims’.

- **Matters for consideration, the highest priority, mandatory statutory details provided to achieve the desired outcomes are not directly related to the SEPP’s 5 guiding principles and are disconnected within the document’s structure.**

2.2 Aims of the new SEPP

The proposed SEPP aims to integrate design and place requirements into one instrument through the consolidation and repeal of existing SEPPs. The SEPP proposes starting with Country as a foundation for place-based design and planning

Considerations

- **The consolidation of planning instruments is logical and desirable.**
- **The inclusion of Country as a fundamental initial and on-going place-based process and design practice is welcome and desirable; however, designing with Country is not expressed as a matter of consideration or as a legislative requirement to be explored.**

Recommendations

- The formation of a new SEPP that repeals two existing SEPPs is welcomed; however it is noted that an effective process to streamline the design and assessment process could be undermined by the unnecessary creation of explanations and guides. Assessment of this effectiveness is not possible at this stage until detailed structure and wording is provided.
- Designing with Country should be explicitly defined within the matters for consideration.

2.3 Principles of Guiding principles are provided within the SEPP with the aim of encouraging innovative and creative outcomes the new SEPP

Considerations

- **Proposed *design and place principles* provide an aspirational foundation for the proposed SEPP.**
- **Aspirations are expressed in broadly-qualitative and non-technical terms.**
- **Read in isolation, the five principles would not facilitate consistent evaluation of design quality for development proposals or contribute directly to efficient and effective planning and assessment procedures.**
- **Structural coherence is essential to guide desirable outcomes.**

Recommendations

- Careful legal drafting of the proposed SEPP could avoid complications observed.
- Aspirational principles should be treated as ‘instrument aims’.
- To avoid duplication and ambiguity, matters for consideration should not refer to instrument aims.
- Principles which provide an aspirational structure for the proposed SEPP should be identifiable at all levels of that SEPP as well as the companion documents.
- Principles should underpin matters for consideration which provide essential statutory weight for the proposed SEPP but should not duplicate the application of those statutory considerations.
- Principles should aim to inform design and assessment practices – which include the operation of design review panels; and
- Guide court deliberations that represent the ‘highest-order’ of planning and assessment scrutiny, resulting in judgements that influence future planning and assessment practices.

2.4 Application of the Design and Place SEPP to all urban land and a variety of proposal scale and typology of the new SEPP

Considerations

- **The new SEPP will apply to all urban land. The precise application of this term is undefined and has considerable implications for the extent of this instrument.**
- **The SEPP identifies 3 primary scales of development. Precinct and significant development are defined and are familiar as they relate to development scales that trigger a planning pathway due to scale and or cost. The other is not.**

Recommendations

- The application of the SEPP needs detailed consideration. Clear understanding of where and when the SEPP is to be utilised will be critical in its successful implementation.
- Consideration should be made for land that is not urban in character but is included within the definition of urban land within the application of the proposed SEPP.
- All other development needs further definition particularly in relationship to other planning instruments and policies.

3.1 Design Process

To assist in achieving good design outcomes, proposed requirements within the new SEPP include: 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

Considerations

- **The design of specified developments will require a qualified designer. This requirement is carried over from SEPP 65 and has proven to generally be an effective**

Recommendations

- The timing of required review by DRPs should be developed to align with outcomes in place-based design considerations. Outcomes of review by the panel have greater effect on place design if incorporated at an earlier stage.

process. The alignment of qualified designers with the forthcoming NSW design and Building Practitioners Act 2020 is logical.

- **The coverage of the development type requiring a qualified designer looks to be expanded though further details are still to be provided.**
 - **The inclusion of qualified landscape architects for open space is welcomed.**
 - **The inclusion of a qualified designer for master planning and precinct design is acknowledged but application of this term is not defined.**
 - **It is assumed but not defined within the SEPP that the qualifications of those within DRPs would be aligned with the requirements for the design. This may place onerous requirements for councils where budget or availability of staff with relevant qualifications may not be available.**
 - **The inclusion of a design statement which verify quality is carried over from SEPP 65 though this may have new application regarding open space design, master planning and precinct design.**
- Qualification and requirement of designers for landscape design and master planning needs to be further developed.
 - The role of design verification statements should align with the DRP process. To give substance to the statement and ensure it represents a true reflection of the proposed outcomes there should be reference to the review process and outcomes included within it.
 - The operation of Penrith's *UDRP* demonstrates practices and outcomes which are effective and desirable:
 - The Panel has operated for 12 years, and consequently provides a highly-reliable administrative reference
 - The Panel has operated efficiently with a minimum of three members:
 - Chaired by a senior council manager with knowledge of development assessment and urban design;
 - Assisted by two independent members with specialist expertise in relation to architecture, planning and / or urban design;
 - Informed by council specialists with relevant expertise – according to the scale and nature of each development proposal
 - The Panel has provided high-order advice regarding statutory considerations and design guidelines:
 - Contributing to the negotiated resolution of planning and design quality considerations, typically via the suggestion of effective design amendments
 - Proven effectiveness of Penrith's *UDRP* confirms that a single model for design review panels is neither necessary nor desirable.

- **Thresholds for review by DRP needs definition.**
- **An emphasis on place-based design here seems to repeat the order proposed for matters for consideration.**
- **Design evaluation will continue through with the utilisation of a State Design Review Panel (SDRP). In-principle changes are mentioned and include new guidance by way of a Design Review Guide (DRG) as well as amendment to the thresholds for design review though details of these have not been given**
- **Current EIE documents refer to in-principle changes at section 3.2.3, but that section has not been included in the exhibition document.**

3.2 Design and Place considerations

The proposed Design and Place SEPP provides mandatory matters for consideration as well as application requirements and revised supporting guidance

Considerations

- **The EIE identifies 19 separate design and place considerations which are qualitatively-worded, and which provide a statutory foundation for the proposed SEPP.**
- **The 19 considerations:**
 - **do not relate directly to the five *design and place principles* which provide aims for the proposed SEPP;**
 - **present a ‘strategic sequence’ which is more complex than the five principles as well as differing from their implied hierarchy of significance;**
 - **incorporate a degree of repetition;**
 - **Do not explicitly address character in terms of existing or desired patterns of buildings and their landscaped curtilages;**
 - **most likely would complicate planning and assessment without delivering clear improvements – noting that, after almost 20 years operation, SEPP No 65’s nine**

Recommendations

- Condensing the 19 considerations would streamline planning and assessment without eliminating rigour.
- Experience in relation to the operation of SEPP 65 suggests that matters for consideration should be reduced to a few key headings which provide a logical framework for more-detailed considerations.
- Experience of SEPP 65 also confirms the need for a strategic hierarchy of considerations that demand structured analysis followed by sequential design decisions.
- The following *heads of consideration* are recommended to provide a simplified framework which would accommodate the 19 considerations which currently are proposed for the SEPP, together with a few significant items that have not been specified:
 - Context and character:
 - Designing with Country – implied but not explicitly stated as an element of the current considerations
 - European heritage – also implied by the current considerations
 - Resilience (current consideration 8)
 - Tree canopy (current consideration 18)

qualitative principles continue to be interpreted and applied with widely-differing degrees of integrity.

- **The current SEPP 65 has nine design quality principles and this is proposed to be replaced with 19.**
 - **Relationship between guiding principles and matters for consideration is lost.**
 - **Considerations place a degree of emphasis of delivery outside of the majority of application types and on new precinct design, such as public space and connectivity. This puts responsibility back to councils to provide or to have prepared plans for such infrastructure.**
- Green infrastructure (current consideration 7)
 - Streetscape – incorporating (current consideration 5) – in part
 - Patterns of buildings and garden curtilages – noting that patterns (existing or desired) are not clearly identified by the current considerations
- Social and employment places:
 - Street design (current consideration 5) – in part
 - Connectivity (current consideration 3)
 - Public space (current consideration 2)
 - Impacts on public space (current consideration 14)
 - Activity and activation (current consideration 16)
 - Impacts on vibrant areas (current consideration 15)
 - Attractive form (current consideration 13) – which should be limited to streetscape elements that support the preceding matters
 - Housing and residential environments:
 - Local living (current consideration 4)
 - Density (current consideration 10)
 - Housing diversity (current consideration 11)
 - Affordable housing (current consideration 19)
 - Attractive landscaping – not explicitly stated by the current considerations
 - Attractive form (current consideration 13) – which should be limited to internal and inter-allotment facades that support the preceding matters

- Fine grain movement (current consideration 9) – which should be retitled ‘pedestrian and cycle pathways’ to avoid obscure urban design jargon
- Resource efficiency and building services:
 - Emissions and resource efficiency (current consideration 17)
 - Water management (current consideration 6)
 - Transport and parking (current consideration 12)
- Condensing and resequencing of the 19 considerations would achieve several benefits:
 - Early identification of considerations that might limit floorspace potential according to locational, social or environmental constraints, or that are necessary to secure satisfactory open or communal spaces;
 - Confirmation of façade design as a concluding response to the comprehensive analysis of each site and surrounding locality – compared to current architectural design practice where attention to form and facades frequently is premature;
 - An opportunity to set aside considerations which might not be relevant to the circumstances of all development proposals.
- Designing with Country and other heritages could be included as matters for consideration.
- Considerations could be adjusted to respond to the 3 scales of development identified within the EIE (p21) to ensure a refined pathway for smaller scale development proposals where there is less opportunity to influence precinct wide infrastructure.

- Considerations need to allow enough room for innovation, while being tightly defined in terms of outcome.
- Specific input into each consideration also includes;
 - Consideration 2: Public space should emphasise the accessibility and distribution of public space over what may be defined as privatised open space. This allows a focus on providing legacy spaces that are equitable and not subject to erasure over time as well as the ability to co-ordinate amalgamation of public spaces rather than fragments of public space as 'left overs'. Consideration should be aligned with consideration 14 to ensure there is no duplication
 - Consideration 3: Connectivity may not be relevant to all proposals, particularly infill and smaller scale developments. It has a degree of overlap with considerations 9: Fine grain movement and 12: Transport and Parking. There is the opportunity to streamline these considerations.
 - Consideration 4: Local living. Suggest structuring of this consideration to be an opportunity for investigation within existing precincts where there is a desire by councils to do so. Considerable repetition with other considerations such as 3, 9, 12,
 - Consideration 5: Street design is not often applicable to smaller scale developments and assumes no retrofitting within existing context
 - Consideration 10: It is unclear how potential density targets will align with local council visions for such zoning. Density targets should emphasise the required response to context, particularly for established precincts
 - Consideration 11: Suggest included analysis and demonstration that demographics and local community housing needs are being addressed.

Opportunity to support innovation in tenure type and mixed tenure, truly diverse developments

- Consideration 13: Unless there are well defined, local character assessments this consideration may produce varied results that are difficult to assess. Consider the inclusion of local character and place to the criteria for assessment
 - Attractive form is related to attractive use of materials and the ageing of building stock over time. Consideration should be given to designs and materials that require low maintenance.
 - Opportunity to cover waste servicing as a consideration within attractive form
- Consideration 14: Impacts on public space. This should be aligned with consideration 2. Recommend that future public space is protected from encroachment and that no net less in the quality of open space is also considered.
- Consideration 15: Impacts on vibrant areas. Developments should consider areas that are not defined as vibrant areas but are local centres or may have street activation. This will allow vibrancy and street activation at more opportunity as developments are prepared for the additional use. This should align with consideration 16.
- Consideration 16: Activation will require support and preparation from local councils to establish and align planning policy prior to development application
- Consideration 18: Tree canopy could include appropriate strategies to ensure the success of landscaping and green places over time.

4.1 Incorporation of SEPP 65

Incorporation of SEPP 65 within the new Design and Place SEPP

Considerations

Recommendations

- Streamline matters for consideration which not only provide a clear indication of desirable outcomes, but also establish a consistent pathway to evaluate design quality
- Effective legal drafting of considerations to clearly specify how companion guidelines should be applied.
- Expansion of current minimum standards which apply to multi-storey residential would underscore the weight of *ADG* elements that have a fundamentally-important bearing upon design quality, as well as clarifying their interpretation:
 - This initiative would eliminate many of the debating points which currently arise in relation to ‘proper’ application of the *ADG*
 - Because the specified list of minimum standards has significant implications for design quality, it is logical and desirable that the proposed SEPP should treat the specified list as ‘development standards’ which are subject to variation requests per clause 4.6 of the Standard Instrument
 - That approach would demand careful legal drafting of objectives – either for the for the combined suite of development standards or for individual standards

4.2 Incorporation of BASIX

Incorporation of the existing BASIX SEPP within the new Design and Place SEPP

Considerations

- **Alignment of sustainability performance requirements with the principles of the SEPP is a positive step**
- **No ability for councils to set their own targets above those set here at this stage**
- **It is unclear what the relationship will be between UDG sustainability goals and those that relate to building design**

Recommendations

- In principle support depends upon well-considered technical and legal drafting of the incorporated instrument:
 - Accommodating technical complexities which are a feature of *SEPP BASIX*;
 - Providing for periodic and progressive refinement of technical parameters;
 - Allowing for additional metrics to be inserted without complex amendment of the parent document.
- Greater consideration of urban heat management targets, particularly for western Sydney should be provided in the proposed SEPP.
- Precinct and master planning represent significant opportunity to make sustainability achievements. Consideration of this should be made through the alignment of objectives within the UDG and ADG so that sustainability goals can be aligned within a project across scales.
- Allow for developments to achieve net zero sooner than anticipated within the new SEPP.
- Biannual tool updates.
- Support innovation through the ability to meet desired outcomes without specific predefined guidance.
- NatHERS, BASIX or any modelling tool eligible for use must be grounded on future climate projections (eg. 2030, 2050 or 2070)
- Development must be able to exceed Basix targets for water, energy, thermal
- There must be a transitioning of development to net zero, and new buildings must be net zero ready by 2030

- We do not support the trade-off between thermal comfort and energy performance targets. Buildings should be designed or modified to require minimal auxiliary heating or cooling in the climate they are built and to deal with a changing climate.

5.1 EP&A Act, EP&A Regulation, local environmental plans and development control plans

Amendment to the EP&A Regulations, Local LEPs and DCPs

Considerations

- **Amendments to the EP&A are to be determined during development of the new SEPP**
- **Immediate impact on local LEPs and DCPs is not anticipated**
- **Consideration to amend cl.4.6 of standard instrument to reflect the need to demonstrate improved outcomes**

Recommendations

- The EIE notes that revision of local LEPs and DCPs to align with the new SEPP will occur at 5-year review points. Councils may need greater certainty in respect to any requirements to amend these documents, and what amendments would look like.
- Significant development growth is currently occurring in Penrith LGA, and certainty on the application of the SEPP to future development is paramount to streamline processes and consistency.
- There are considerable resource challenges for Councils to revise local Plans. Education and governance towards the revision of local Plans should be considered in the timeframe for a new SEPP's implementation
- Amendment of cl.4.6 to include the demonstration of improved planning outcomes and public good is desirable. Revision of this should give Council a clear mandate to control potential variations

5.2 Other environmental planning instruments impacted by the new SEPP

The proposed new SEPP will interface with existing SEPPs

Considerations

- **Amendments to other planning instruments is proposed over a 1-3 year timeframe**
- **The new SEPP will supplement other SEPPs where master planning controls are present**
- **The relationship between the existing Codes SEPP and new Design and Place SEPP is yet to be determined**
- **The ADG will be revised to include provisions for other market-led housing that is not within the Housing Diversity SEPP**

Recommendations

- The EIE notes that revision of other SEPPs to align with the new SEPP will occur over 1-3 years from implementation. This timeframe is considered too substantial as there are areas with significant development growth occurring and there is a chance that inconsistency between policies will allow undesirable development results.
- Previous Council experiences with SEPP integration have seen cases of undesirable results being presented as a result of unforeseen applications. Adequate time for review should be considered as well as clear testing of potential interface scenarios.
- A clear relationship between the proposed new SEPP and Exempt and Complying Development Codes needs to be developed. Alignment of Principles to achieve better design outcomes is desirable but as these codes are highly represented within Western Sydney LGAs the SEPP should not diminish Councils ability to pursue design and contextual results.
- Amendments to the ADG and any forthcoming interface with the Housing Diversity SEPP should relate to the matters for consideration, particularly around open space and amenity.

A. Proposed amendments to the Apartment Design Guide

The Apartment Design Guide (ADG) will continue to support the proposed new SEPP in the same manner as SEPP 65. The ADG will be reviewed and revised with the aim of streamlining and improving the apartment design process

Considerations

- **The ADG will be a pivotal companion to the proposed SEPP and, consequently, effective operation of that SEPP will depend upon structure and content of the amended ADG.**
- **Transfer of Part 2 of current ADG into the new Urban Design Guide is a logical division of the current structure.**
- **Transfer of part 5 of current ADG into a new Design Review Guide. This division in structure ultimately creates an additional guide whose precedence and relationship with other guides and instruments needs to be clearly defined.**
- **The extent of proposed changes to the ADG is logical and welcomed.**
- **Amendments to numerical data within the element objectives will result in inconsistencies with current DCP targets.**
- **Design requirements relating to local needs, character and context are welcomed but further details are required to assess.**

Recommendations

- The current ADG does not fully support the nine design principles within Sepp 65 in its current form. The Revised ADG should inform the proposed matters for consideration and provide tangible design guidance and outcomes that directly relate to the design principles.
- The ADG should assist application of the proposed SEPP by:
 - Streamlining planning and assessment procedures via a consistent framework;
 - Facilitating negotiated and arbitrated conclusions to development assessment via a highly-consistent hierarchical framework which commences with high-order statutory requirements that are complemented by guidelines.
- Application in compliance applied to the current ADG design element objectives vary in practice. Clarification of the structure and wording of how the design element objectives are to be applied is required. Simplification of the objectives should not diminish clear requirements to demonstrate how the outcome can be achieved.
- Response to context should be clearly included as a key factor at both building design and master planning stages. This should particularly be aligned with objectives around quantity of deep soil and outdoor communal open space, car / bicycle parking, solar access and overshadowing.
- Objectives that would have varied impact within different tenure models should anticipate and allow for higher standards in these areas. This would include;

additional storage space and common space within build to rent models, improved communal circulation areas within build to rent models.

- Further In order to ensure consistency of outcome for companion elements, as well as to eliminate current shortcomings, further refinement of the current amendments is recommended:
 - Positive design responses to context should be clearly-stated as a primary requirement:
 - Distinctions between existing and desired characters should be stated plainly: desired characters are indicated by local character overlays, suites of permissible uses and development standards which will be provided by local planning instruments.
 - Situations where neighbouring or nearby properties might not be capable of achieving desired character should be identified, in which case contextual responses must address existing character – for example, isolated sites or strata-titled multi-unit developments of less-than-permissible height or density.
 - Building separation should identify outcomes in addition to privacy, and the relationship between separation and boundary setbacks should be clarified:
 - Objectives should reinstate the suite of matters which were identified by the preceding Residential Flat Design Code: adequacy of landscaped curtilage and minimisation of overshadowing for communal areas and neighbouring properties.
 - Design criteria should clearly-indicate that setbacks from side and rear boundaries must not be less than half of the required separation for lower storeys.

- Design criteria also should state that building separation should accommodate pockets of deep soil which are sufficient for 'canopy-curtilage' that would demonstrate compatibility with existing or desired characters of the locality.
 - Design criteria also should identify numeric limits for overshadowing of residential neighbours or significant communal open spaces which might be proposed.
 - Building separation should expand upon outcomes that are in addition to privacy. Quality of outlook should be related to the requirements for separation and setbacks to minimise creation and outlook of blank wall elevations.
- Simplified solar calculations are desirable, but details have not yet been provided:
- Desirable outcomes within a specified range of daily hours should adopt elements of a previous LEC principle: the required amount of sunlight should be sufficient for occupants to appreciate.
 - Sufficient sunlight may be evaluated by reference to furniture layouts that are logical for proposed living areas – recognising, in practice, that apartment dimensions typically accommodate a limited range of furniture layouts.
 - Sufficient sunlight should be available for an individual seated upon a lounge chair, or at a dining table, or upon an outdoor lounge or dining chair.
 - Revision to solar calculations to better respond to site context including orientation and topography. Solar calculation considerations should be well integrated into precinct and master planning design requirements.

- Dimensions for private open spaces should be increased where air conditioning condensers are proposed to be located on balconies or terraces:
 - Minimum areas should be increased by 2m².
 - Private open spaces above ground should consider a suitable area with minimum dimensions for intended use rather than minimum widths only. This would permit innovative balcony and façade design.
- For communal open spaces:
 - Proposed replacement of site area requirements with an area per dwelling is logical and desirable;
 - Proposed provision of common open spaces in several ways also is logical: a combination of deep soil and landscaped areas at ground level, above-ground outdoor areas, and indoor or undercover areas;
 - Design guidance should confirm expectations for communal open spaces: to create 'outdoor rooms' which are suitable for concurrent occupancy by unrelated individuals and groups, as well as places which achieve satisfactory visual amenity and climate comfort;
 - Design guidance also should encourage provision of a hierarchy of communal open spaces throughout each development, including larger centralised areas and smaller localised garden and sitting areas near lift lobbies.
- Clear guidance is required to minimise current outcomes of overly sun-exposed glazing at the sake of sun shading to achieve solar access requirements. Thermal performance and associated cooling costs could be better aligned within BASIX to encourage favourable outcomes here

- Deep soil and open space should be considered in relation to available open space within the context of a development
- Increases in access to ground floor dwellings from the street is welcomed but guidance should be improved around the quality of entry sequence and quality of street frontage, particularly where entry is through required private open space and fronting busy roads etc.
- Waste management should be an integral part of the spatial design, streetscape character and servicing strategy of a development. Waste and servicing should not be the primary drivers of outcomes but should have sufficient guidance to improve street quality and amenity.

B. Proposed new Urban Design Guide

A new Urban Design Guide (UDG) is proposed to complement the ADG within the proposed new SEPP. The UDG will focus on precincts and significant developments

Considerations

- **The outline for a proposed new Urban Design Guide is aspirational and anticipates high level alignment with all other Department materials and guidance**
- **Designing with Country as well as response to context have great potential to be brought forward within the structure of this proposed guide.**

Recommendations

- Outcomes for good design should be directly related back to the matters for consideration within the proposed new SEPP. In the proposed form, the UDG will at times be used independently to the ADG and should not rely upon comprehension through another guide to describe required outcomes.
- The proposed structure of the SEPP should aim to simplify and distil the processes by which to influence outcomes design quality.
- Further detail is required on the specific application of the UDG to land zonings and development types. This should include application within existing built form context

- **The UDG will follow a similar structure to the ADG**
- **Successful implementation of the SEPP will depend on the ability of all practitioners to traverse a document suite that describes clear outcomes and follows a working order that is approachable.**
- Objectives around contextual response should clearly differentiate between existing and proposed context (See A – ADG response)
- It is unclear on the final relationship between the ADG and new UDG and how the interface of these will work in practice. While expansion of contextual response and design objectives to structure and precinct planning is welcomed, there is considerable potential for repetition between the guides to allow them to act both independently and in conjunction. The case for a separate guide is not yet made.
- It is unclear how design verification will work within the UDG and how this verification will interface with verification as required within the ADG when applied towards the same project. There is potential for overlap of coverage that would diminish responsibility when tested legally. Clear delineation between guides will be required with clear and concise structure to identify extent of design verification.
- It is unclear how environmental performance will be measured within the UDG and how verification of forthcoming outcomes will be delivered. There is potential to link environmental performance outcomes within the UDG to those within the ADG and to BASIX to achieve a holistic response.

C. Sustainability in Residential Buildings

Incorporation of the existing BASIX SEPP within the new Design and Place SEPP

Considerations

- **Refer Section 4.2 considerations**

Recommendations

- Refer Section 4.2 recommendations



PENRITH