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Date: 28 April 2021

Dear Department of Planning, Industry and Environment,

SUBMISSION FOR THE DESIGN AND PLACE SEPP EIE

Please find attached Wollongong City Council's submission on the Explanation of Intended Effect (EIE) for the proposed Design and Place SEPP. The submission has been produced with the input of Council staff across various divisions and has not been endorsed by Council.

The promotion of good design and amenity of the built environment is one of 10 objects of the *Environmental Planning and Assessment Act 1979*. Council is supportive of good design and actively promotes the raising of the design standard for buildings and precincts, together with many issues that need to be considered in other processes.

A summary of the feedback from Council on the EIE is provided as follows:

- Generally, Council officers are supportive of the principles outlined within the EIE, but further clarification and definition of a range of terms is required so they are not misconstrued or misappropriated by either an assessor or applicant;
- Council requests a variety of worked examples and case studies to ensure that our assessment processes and the integration of the proposed SEPP into our planning documents runs smoothly, achieving the best outcomes for both council and the community;
- Further clarification around the role of the Design Review Panel (DRP) is requested. Council is of the view that assessment, including of the design matters outlined in the SEPP, remains under the control of Council's assessment team.
- Briefing and regulation of certifiers regarding the proposed SEPP and the desired design outcomes is required, to ensure that new requirements are being enforced in final built outcomes;
- Council officers generally support the changes to the Apartment Design Guide. However, the proposed extension of hours through which solar access is achieved is generally not supported, although there may be site by site circumstances where an extension is appropriate.
- The Urban Design Guide requires further clarification generally as very little detail has been provided, though the idea is supported in theory, and a series of considerations have been outlined as such;
- Finally, Council officers support the update of BASIX, which is working to outdated data, so long as it is tested against real world case studies and does not facilitate poor design outcomes which "tick boxes".

Council is open to system and process improvements that will achieve positive design and planning outcomes for industry and community. However, the potential complications arising from resourcing the policy and process changes triggered by the Design and Place SEPP are of concern and require further consideration, testing and engagement with Councils.

Council looks forward to seeing the draft legislation and providing further input into the process.

Please contact me should you require further information.

This letter is authorised by

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

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Stakeholder group	<input type="checkbox"/> Industry <input checked="" type="checkbox"/> Council <input type="checkbox"/> Aboriginal Community <input type="checkbox"/> Community <input type="checkbox"/> State Agency
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)

Principle 1

Design Places with beauty and character

- Council is concerned this principle will require planners to spend longer times assessing a DAs, particularly those who are not trained in design processes, who may struggle in relation to expressing these requirements in terms which don't invite criticism or comment from applicants or objectors.
- Council also suggests that this section include the promotion of Shared Zones where pedestrians have priority over vehicles.
- It should be clarified whether the DRP will have a role in reviewing whether 'a good design process has been undertaken' or will this be satisfied through a list of requirements/processes required with the development application and assessed through the development assessment process?
- Council feels the language within the EIE could be strengthened around reinforcing responses to existing local character, as the focus is too often placed largely on the "Desired Future Character" at the expense of the historic and locally significant character attributes. It is important that the locally significant character attributes (often reflected in heritage buildings or natural features within local areas) must be drawn through to the desired future character for this to be effective. Yet, desired future character statements are often at such a high level that they fail to draw in these key character attributes such as local precinct materiality, colour schemes, architectural forms, massing, setback, and other building arrangements.
- Council understand that developments (of all scales) will be assessed against the matters for consideration, which will give effect to the Principles. However, when the SEPP is released for comment it would be beneficial to include

worked examples of how applications (at different scales) will show that they have addressed the principles, and how the different levels of assessment and review (DA, DRP, PP) will assess whether this has been done adequately.

Principle 2
Design Inviting spaces

- Council is concerned with how the new public space targets will be apportioned between one development and the next/local authorities? More detail should be supplied.
 - In this principle, there may be a need to reference 'street' or 'road reserve' specifically to clearly outline the need to protect and increase place making outcomes of road reserves, and to actively pursue the improvement/expansion of space based on its 'staying' and through transport objectives.
 - Council feels the emphasis on 'recreational' walking and cycling networks should be removed. We are seeking modal changes, so direct reference to recreational trips may not lead to decision making that sees modal shift or convenient active/transport serving trips being made by walking or cycling. For example, an open space could have a path system that is convoluted or inconvenient for walking/cycling transport but be great recreationally. The SEPP should outline that paths should serve multiple purposes.
 - This document will need to inform Council's strategic document which is currently under review. There is concern that the SEPP will not align with this, and "NSW Movement and Place" considerations should also be included or potentially referenced.
 - Finally, there should be consideration for spaces that are inviting during the day remaining so during the night.
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Principle 3
Develop productive and connected places

- Council would like to note this principle may be particularly difficult for regional councils. While Council supports the reduction in car parking rates and a maximum capped rate to incentivise residents to use other modes of transport, regional areas do not have the same infrastructure provision, uptake or positive perception of public transport and car share programs, leading to reduced street parking and congestion issues where adequate parking is not provided.
 - While Council encourages the uptake of public transport and other modal changes, there are still many residents who have cars which then spill over into public parking, limiting council's ability to repurpose these areas in the future. As such there may need to be a control whereby on-site concessions should only be made where on-street parking is fully controlled, and no residential parking is permitted (for lengths >8-12 hours for example).
 - Council currently has whole new lower-density land release areas approved (such as West Dapto) which directly compete with this objective. Guidance on how these areas are dealt with moving forward would also be beneficial for many councils with large vehicle dominated developments already approved.
 - The SEPP should provide information regarding occupancy and capacity of certain types of paths. This will allow planners to create more integrated multi-mode transport networks when renewing urban design and planning documents.
 - Council would like clarification in relation to housing density targets - are these a minimum or maximum? And will these be developed in consultation with local councils? In addition, supporting infrastructure needs to be built prior or concurrently to intensification to ensure that higher density is not associated with poor infrastructure outcomes. This is often out of the control of Local Councils.
 - The definition of walkability should include the convenience of walking route, and factors such as steep topography which greatly influence walkability, regardless of 'crow flies' 400-800m walking catchment assessment.
 - When focussing on increasing walkability and cyclability, there needs to be a consideration of capacity of networks in much the same manner as roads, ensuring there is not undue congestion.
 - Finally, Council feel the construction of well-designed footpaths should be required, not encouraged.
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Principle 4
Design sustainable and greener places

- These principles are welcomed by Council, as it will lend weight to enforcement of sustainability goals with developments. However, there is concern about how sustainable design and net zero outcomes will be achieved. Further detail documenting these outcomes and real case studies of how these goals are achieved would be useful for assessment teams.
- The introduction of carbon reduction targets is wholly supported, however current environmental assessment programs are basic and often favour “esky” development (high insulation, no windows), rather than supporting best practice passive solar design outcomes. Council is concerned that any system which is introduced to measure carbon offset does not have similar adverse effects – for example, replacing carbon intensive materials like concrete with CLT may reduce carbon footprints, but can create acoustic or maintenance issues which are pushed onto residents and can be hard to certify in regard to fireproofing, etc.
- This principle will reinforce our existing strategic planning framework of the Illawarra Escarpment Strategic Management Plan, Urban Greening Strategy, Sustainability Strategy and Biodiversity Strategy, and is supported by Council.

Principle 5
Design resilient and diverse places

- Enforcing non-location specific housing diversity targets on applicants does not lead to the best outcomes for residents or the community. Council supports the principle but wants to ensure councils are working from appropriately sourced data which is backed by research (especially in relation to regional areas).
- Resilience is a relatively new concept for Council which is not yet integrated into our planning considerations, but it is likely to be consistent with our upcoming Climate Adaption Actions. Information regarding the integration of these concepts into planning documents would be welcomed.

2.4 Application of the new SEPP

- Council is concerned that occupancy rates may be taken too literally and be a maximum number, rather than a guiding figure. It must clearly be stated that these rates are a median or average only (thinking back to the RFDC where suggested floor plates were used as minimums). In addition, is this number for residential populations only or does it also include commercial/employment populations? Clarification and consideration to this is needed.
 - Council strongly supports a clear set of process requirements for the Precinct scale of development. Many developments of this scale exist within a broader structure plan or development process (especially greenfield developments) where there are multiple providers responsible for delivering liveability items such as neighbourhood shops, schools, public space etc. Consideration should be given to how the required outcomes/targets will be apportioned amongst the various providers, and how 'liveability' might be considered in the context of 'feasibility'.
 - The justification for the exclusion of items 1 to 10 of Schedule 1, including mining, should be thoroughly explained. The consideration of Country in the design and development of mining and post-mining landscapes is a significant issue.
 - While Council supports the application of the SEPP across a broad scale of development typologies, the focus seems to be on housing. There is much need for improved design and place quality in commercial development and/or precincts. Council feels that the SEPP should include more on typologies other than residential.
 - The creation of the Design and Place SEPP (and Better Placed etc) highlights the need for improved design processes in NSW. Whilst the need for efficient development approval is understood, Council would like clarification on how the Codes SEPP can 'codify' the bespoke, place-specific design response that the EP&A act et. al. requires? Consideration of site and context must be stronger in the Codes SEPP and the requirements proposed for design professionals should be mirrored in the certification industry. Additionally, design training for certifiers (and planners or other professions) under the SEPP would be highly encouraged.
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PART 3

Key components of the new State Environmental Planning Policy

3.2.1 Application Requirements	<ul style="list-style-type: none"> • Currently site analysis drawings submitted with DA's for significant developments rarely document how these considerations have informed the design, to the detriment of good design. Instead, setbacks and yield are the major drivers for almost every development. Council supports mandating requirements to show how the site analysis has informed pedestrian amenity, solar access, vehicular movement, etc. We feel this should also be a requirement at any Pre-Lodgement or DRP, prior to floor plans to ensure they are not "post engineered". • Council suggest that site analysis requirements should also include demonstrating an understanding and appreciation of unique local character attributes to ensure there are no adverse effects on local communities. • Council notes that the requirement for draft planning controls and a character statement can often suggest that a development will exist as an island, separated from context. A better approach would be asking for statements that describe how the precinct will knit into the surrounding area and create a new place within in it. And equally, which of the existing controls in the surrounding area will need to be modified due to the circumstances of the development - rather than a whole new DCP chapter. • Finally, it would be very useful for councils to have example applications that demonstrate how these requirements will be met across different scales – particularly those tested against industry response, and useability.
Table 1.1 Cultural and Built Heritage	<ul style="list-style-type: none"> • Council supports that heritage is acknowledged in the EIE as a key aspect of the design process, however it is also important to acknowledge that often the heritage listed buildings and sites contribute to a broader local character that is not necessarily captured in the listings themselves. Further, design responses to heritage significance must be conscious of the broader historic context and relationships between items and features. It is also essential that architectural heritage features and built forms are not the only matter for consideration, and that where appropriate, the Design framework considers the significance of local cultural landscapes. • Additionally, Council would suggest that this proposed consideration is applied to more than precincts alone.
Table 1.2 Public Space	<ul style="list-style-type: none"> • Council would like clarification as to whether 'equitable distribution' extends to areas outside the extent of the precinct? Many new precincts put pressure on existing facilities outside their area (i.e. libraries, open space) but tend to compensate for that within their areas, sometimes creating 'utopian' enclaves rather than enhancing the wider areas (through VPAs etc).
Table 1.3 Connectivity	<ul style="list-style-type: none"> • Council also supports the application of this consideration to Significant scale of development also, as many large developments (1 or 2 large buildings in a town centres) absorb large sites with zero side setback controls. These sites can contribute to better block permeability by allowing for through-site links where appropriate.
Table 1.4 Local Living	<ul style="list-style-type: none"> • Council would support the addition of a retail demand analysis to inform this metric, as certain densities are required to drive demand for local shops. • The liveability outcome that is required here must be defined, particularly as current planning instruments do not prevent developers from proposing service stations and fast-food vendors as "village centres." Council does not feel these meet the liveability outcome sought and would like definition and/or clarification to prevent this in the future.
Table 1.5 Street Design	<ul style="list-style-type: none"> • Council supports this consideration but would like consideration also given to connections with surrounding networks.

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<p>Table 1.7 Green Infrastructure</p>	<ul style="list-style-type: none">• Council supports the Green Infrastructure initiative, which will lend further weight to our own Urban Greening Strategy.• In addition, precinct scale developments are often not 'establishing' networks but restoring or connecting into them. Council believes the onus should be on the restoration of these networks, rather than their creation.
<p>Table 1.8 Resilience</p>	<ul style="list-style-type: none">• Council feels that the resilience consideration could be more clearly detailed - for example, indicating that built form should accommodate the requirements of reducing vulnerability to natural hazards including heat waves. Case studies could also be provided to demonstrate these considerations.• In addition, current BASIX requirements are not sufficient to meet the goal of resilience to natural hazards (for example, thermal performance is not adequate for future heat conditions), and Council would welcome further input in this area.
<p>Table 1.9 Fine Grain Movement</p>	<ul style="list-style-type: none">• Council supports this principle, however, believe there should be additional mid-block connections for pedestrians only, which should occur at greater frequency than street intersections - especially in dense urban settings and centres.
<p>Table 1.10 Density</p>	<ul style="list-style-type: none">• Council would like clarification as to whether this principle is intended to trigger a review of all of the LEP height and FSR controls? Density controls only within new precincts seems to be at odds with whole of LGA dwelling targets.• It is unclear from the EIE how the density ranges will be determined, and Council would like to see this clarified.• Council is concerned about using proximity to transport as a trigger for higher density. Often in regional areas (esp. in the Illawarra) a trainline in physical proximity does NOT mean a frequent service or proximity to other town centre services. If increased frequency of public transport were to occur, Council would be wholly supportive.
<p>Table 1.11 Housing Diversity</p>	<ul style="list-style-type: none">• Council would welcome guidance on how to enforce the equitable distribution of housing type and tenure, and how this might achieve affordability outcomes. Currently, most developments are driven by real estate figures and data, and a perception of what banks will lend on, rather than research into what residents need (which may not make developers more money). Council would support any strategy towards housing diversity which is based on area-specific research, particularly post-pandemic.• This consideration should also support existing local strategies, as well as support the creation of local housing strategies if none exist already.
<p>Table 1.12 Transport and Parking</p>	<ul style="list-style-type: none">• The RTA GTTGD parking rates currently only apply in the Wollongong, Warrawong, and Dapto suburbs of the Wollongong LGA under SEPP 65. However, it is suggested that these rates should be applicable to all residential flat developments LGA-wide.• Council also supports maximum parking rates being mandatory in town and city centre areas that meet certain criteria, so long as it is linked to housing diversity outcomes rather than profit and adaptable and accessible parking spaces are not compromised. Timed paid parking restrictions can be expanded to reduce the impacts of displaced car parking into local streets if necessary.• The further reduction in parking for developments which offer site-specific strategies, Green Travel Plans, unbundling of car parking etc is supported, so long as there is detail around acceptable solutions (for example, Council has experienced developers suggesting stackers in low-density areas to achieve maximum yields which is inappropriate).
<p>Table 1.13 Attractive Form</p>	<ul style="list-style-type: none">• Council feels that the term 'Attractive Form' is going to be a problematic term to assess – attractiveness is highly subjective and will be contested even with qualification of what it consists of. For example: Sirius Building in the Rocks, Sydney – many architects will agree it is an architectural icon which is well designed and responsive to context, but many of the public do not think this is attractive.• Council would like clarification of the role of the DRP in advising/determining this proposed consideration? Many local councils will lean on their DRP's for

this kind of advice. If the onus is on development assessment staff, then many regional councils will not have the in-house skills to make this assessment. What assistance is proposed to address this?

Table 1.14
Impacts on Public Space

- Council would like clarification regarding diminishment by overshadowing: to what extent? Will this require Sun Access Planes for all Public Spaces? What is defined as a public space?
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Table 1.15
Impacts on Vibrant Areas

- Council would like clarification/definition of 'vibrant areas' when utilising this term in our own planning processes, and how this will affect Night-time economies (which also needs to be defined within the SEPP).
 - In addition, will this require council to map vibrant areas or will there be a defined list of attributes supplied so the applicant can assess whether they are in proximity to one? Council currently include a notation on Planning Certificates (s10.7) for properties in proximity to Wollongong City Centre and Town Centres to make owners aware of potential evening economy impacts. This expansion of potential 'vibrant' areas will have far-reaching impacts on residents – has the management of this been considered?
 - The 'natural light' comment here seems out of place in this context.
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Table 1.16
Activation

- Council would like clarification as to how the SEPP defines 'activity streets.' 'Active frontages' are currently triggered through a number of processes: active frontage maps in the LEP, LEP clauses mandating 'non-residential uses' on the ground floor of buildings in business zones. This inflexible approach has led to diluted retail cores and many ground floor vacancies. Permitting limited residential at ground - with excellent active presentations to the street - is often a better option (including individual entries and/or communal spaces such as shared office spaces, gyms, communal kitchens, etc).
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Table 1.17
Emissions + resource Efficiency

- Overall, Council supports these goals, and believe they are required to drive improvement over current BASIX and NABERS requirements that are inadequate to meet climate change mitigation goals. However, the SEPP has a strong focus on residential accommodation, and could be used as a means for strengthening sustainable and energy efficient outcomes in offices and commercial spaces. Council would strongly support a move such as this.
 - While Council supports NABERS targets, they currently tend to be encouraged or enforced through office leasing requirements, rather than any planning instrument. This addition would be welcome.
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Table 1.18
Tree Canopy

- It should be acknowledged that some local Councils outside Greater Sydney have canopy targets.
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Table 1.19
Affordable Housing

- Currently Council has no affordable housing targets, although Council is working through DPIE's process for affordable housing.
 - Clarification will be required around what the term affordable housing encompasses – is it social housing, subsidised housing (under CHP or government ownership), or affordable market rate housing (sold or rented below median value). This needs to be clearly defined so it can be enforced with developers, potentially with a requirement for all regional centres to provide 5%. Delivery models should also be considered, is there any advice given on whether housing is to be delivered in place, in-kind, as a contribution. Also – 5% of what? The number of dwellings? Floor space? A monetised rate? Could Section 88b covenants be utilised similar to Seniors?
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3.3 Guidance

- Council notes that most of these guides are draft, proposed, or to be revised. What influence should they have on strategic planning documents?
 - Council recommends that the finalisation and implementation of these guides needs to be in place at the same time as the SEPP to provide guidance for designers and assessors to know what is expected of them, particularly for those without design expertise and to ensure they align with planning instruments.
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PART 5

Relationship with other planning instruments and policies

5.1.2 LEPS and DCPs

- DRPs may be able to review Clause 4.6 variations to ensure they "demonstrate that any variation to development standards will result in unimproved planning outcome and public good." However, DRPs are often independent of planners and not always in concurrence. How will these issues be resolved?
 - Council would like to better understand the likely extent of review required. A worked example would demystify this and help assessors and strategic planners.
 - The proposed changes to 4.6 are welcomed by Council, although more information is required to understand how it will function differently to how it does currently. Will the DRG include specific instructions on how the DRPs are to be involved in this process? A definition of 'public good' would be a good place to start - perhaps guided by the objects of the EP&A Act? A separate submission is being prepared by council in regard to this.
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5.2.2 SEPP (Exempt and Complying Development Codes) 2008

- Council supports the alignment of the Codes SEPP with the Design and Place SEPP, ensuring that developers working on medium density developments are also held to a design standard as well as numbers. However, PCAs might not be best suited to assessing the design and place outcomes, and design training in SEPP controls would be highly encouraged.
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5.2.3 Proposed Housing Diversity SEPP

- The Seniors SEPP is currently a contentious document for assessment within council, as many of the controls are vague and SEPP specific (including vertical villages are not defined, no height limit, etc). The new Housing SEPP will need to clarify this, but also work in conjunction with the Design and Place SEPP so they are not contradictory.
 - Clarification about the place of the ADG being triggered by both the Design and Housing SEPPs is unclear – will they work in parallel with the same controls or will both SEPPs need to be applied to housing developments?
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PART 6

Planning pathways

6.1.2 Local Council

- Clear advice is needed on what role the DRP advice will pertain to specifically (from the SEPP) and what role it has in the assessment is suggested by Council. Are there certain sections of the SEPP that the DRP advice should have 'authority' on, over the assessment planner? Or should councils have this role in-house? If so, how will this be funded?
 - Worked examples required of how an application (of different scales) demonstrates how the design principles have been met, and how it can be assessed against them, is welcomed, and highly encouraged by Council.
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6.3 Planning Proposals

- Many developments classed under the SEPP as 'significant' or 'precincts' may come to council (or be generated by council) as planning proposals. Given the proactive intentions of the SEPP, clear advice and examples showing the process required to deliver the development of a planning proposal in line with the SEPP would be helpful. Further to this, examples of how a 'preliminary assessment' and Gateway assessment (of the parts relevant to the SEPP) would be helpful.
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6.4 Transitional Arrangements	<ul style="list-style-type: none"> Council believe this will be dependent on the assistance and tools provided when the SEPP is finalised. There are several areas of the SEPP that will trigger amendments to existing planning instruments, and councils will need to understand what these are and have a plan in place for amending them to bring them in line with the SEPP. Council suggests 12 months minimum to achieve this.
Definitions	<ul style="list-style-type: none"> Council is concerned that the definition of “Sustainability” is not necessarily aligned with other planning and policy documents, creating confusion for applicants about how to demonstrate their 'sustainability' in projects.

APPENDIX A Proposed Amendments to the Apartment Design Guide and SEPP 65

Table A1 Apartment Size and layout	<ul style="list-style-type: none"> Council welcomes and encourages diverse apartment layouts and notes there is an over emphasis on two-bedroom units within our LGA, many of which are "cookie-cutter" and do not provide diversity in living and working arrangements. The comment is often that this is what “the market dictates” – how will the SEPP respond to this comment, and will applicants be able to change the diversity with sufficient evidence? What does sufficient evidence constitute?
Table A5.1 Contribution to place	<ul style="list-style-type: none"> Council is concerned assessing how an applicant has responded to place can be difficult and contentious, adding complexity and uncertainty without clear instructions for applicants on HOW this can be demonstrated. While architects may be trained in this area, it is less common within planning education, and Council encourages clear guides or examples.
Table A5.3 Building form	<ul style="list-style-type: none"> Council supports a gross floor area maximum, as it will help to ensure that residential apartments have higher amenity and achieve more solar access and ventilation, rather than developers pushing the envelope to the maximum setbacks. However, it must be noted this is not a right, but a maximum and many developments will fall below this maximum. In addition, there is concern about its relationship to existing controls, and which will take precedence (ie if a developer meets the GFA, and ADG setbacks, and LEP height limit but is then over on FSR. What takes precedence? How should these conflicts be dealt with?)
Table A5.4 Building separation	<ul style="list-style-type: none"> Council supports further setbacks for taller towers and already requires 28m between towers above 45m in the LEP, but this is regularly ignored due to competing ADG requirements. This clause could be strengthened in areas of high significance to maximise view lines and amenity for residents of tall towers.
Table A5.5 Mixed use development and street activation	<ul style="list-style-type: none"> The definition of centres should be clarified – does this include all B zones? If so, what will be the relationship of this requirement to existing requirements for completely non-residential development at ground in centres? R3 medium density zones are utilised to facilitate increased housing density and often don't have significant height limits (13m). Active <i>residential</i> frontages are often more important and more feasible here than loading these zones up with swathes of vacant ground floor commercial space. The 'market' may be better placed to decide where a discrete non-residential or commercial offering will work. The control may focus more on ensuring active frontages (residential, communal, or commercial) and ensuring that Council is satisfied this requirement is provides the greatest good for the community. However, Council would like clarification as to whether non-residential uses mean communal spaces as well? Because activating the ground floor of residential apartment buildings at street level through shared WFH/study spaces and exercise rooms may be a good use of this control rather than empty commercial. It provides amenity to residents without excessive additional costs to developers and reduces issues of privacy and increases activation.
Table A5.7 Ground floor activation	<ul style="list-style-type: none"> Council would like clarification as to how this will relate to accessibility requirements. Ground floor apartments are generally raised above street level

	<p>for privacy, or flood requirements. Whilst it is simple to provide direct access stairs perpendicular to the street, and it is assumed that these apartments will be additional accessible access from the rear to parking and communal circulation, will there be any DDA requirements which will result in accessible access being provided from the front facade?</p> <ul style="list-style-type: none"> • Council notes that this may require adjustments to the amount/type of structures permitted within articulation zones. • Again, design advice/worked examples across different conditions would be helpful here.
Table A5.8 Carparking	<ul style="list-style-type: none"> • Council has already adopted this carparking rate in Wollongong, Dapto and Warrawong, and believes it is a good way to encourage residents to prioritise alternative options over car ownership (though there are also issues of parking congestion which could be dealt with through paid or timed parking options). Council encourages utilising this parking rate across the entire council and supports this suggestion. • Additionally, the RTA GTTGD was written in 2002, and could present with an opportunity to be updated.
Table A5.9 Bicycle parking and mobility storage	<ul style="list-style-type: none"> • The proposed bicycle parking storage requirements are supported by Council and it is noted that these storage requirements are already required to some degree by AS2890.3 and implemented by Council's Development Engineering Section. • However, in regard to design, bicycle parking is often worked into left over spaces in the basement by applicants, and it is difficult to enforce the proper design of these spaces to meet use and accessibility requirements. Council would support further controls around this, including a maximum percentage of bicycle spaces in the basement (vs in communal or ground floor accessible spaces) or the need for direct access to bicycle parking spaces so they do not have to go through lifts. • Mobility scooter storage for adaptable dwellings is also supported.
Table A6.1 Solar Access Shading and Glare Control	<ul style="list-style-type: none"> • The Council LEP requires 3 hours (to the 2 outlined in the ADG). This contrasts with SEPP requirements, and we would not welcome a further reduction in this requirement. • However, Council supports increased hours of solar access in theory, as morning and afternoon sun can also provide amenity. However, there is concern that poorer solar access outcomes may arise due to increased southern facing apartments which get sun only very late or very early. However, it is understood some sites' orientation or abnormal amalgamation patterns do not facilitate best solar access outcomes. As such, if longer hours are used, a larger requirement of hours (say 3 in city centres and 4 elsewhere) should be incorporated as part of this measure to provide more amenity to residents rather than easier outcomes for developers. • Council agrees east-west single aspect apartments should be discouraged, though it is understood this may be the only option on certain sites. In addition, east and west sun in winter should be welcomed, with stronger controls for shading measures to prevent summer sun put in place as part of the solar access outcomes. • Council agrees glazing controls can be useful with poorer designs, however full height windows (contrasted by solid panels) provide good amenity to certain rooms. It is likely that a percentage control would create better outcomes for residents, and the overall building articulation, pushing away from "glass towers" which produce glare and minimise privacy. However, Council believes flexibility in this control would be helpful for design excellence in outcomes.
Table A6.2 Natural Ventilation	<ul style="list-style-type: none"> • Council wholly supports the requirement for ceiling fans; however, certification of these issues is difficult. Often certifiers will allow apartments to be built without storage, let alone electrical fixtures. How will these matters be enforced? Will there be special SEPP certifiers?
Table A6.3 Liveable Housing Targets	<ul style="list-style-type: none"> • Council suggests that liveable housing targets be based on population breakdown and future need - i.e. areas with higher percentages of ageing people require higher amounts of liveable and adaptable apartments.

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Table A6.6 Local Planning Considerations	<ul style="list-style-type: none"> • Council feels this consideration could be contentious, and requirements for development to demonstrate good housing outcomes rather than just more housing should be included, otherwise it may become an excuse for poor development solely because it contributes to housing stock. This may be enforced by ensuring Housing strategies reflect need not just demand (which may be driven by developers and investors rather occupiers). • Many councils are still in the process of completing Housing Strategies, so what will be the interim arrangement until council complete through local housing strategies? Also, if the baseline residential targets defined in the SEPP differ from those in the LHS, which will have authority?
Table A6.8 Storage	<ul style="list-style-type: none"> • Storage is one of the controls most likely to be removed following DA approval, before construction. Setting standard dimensions and increasing sizes is admirable, but there also might need to be a clause regarding making sure it is meaningfully integrated (and not stuck in the middle of walls) so it is less likely to be removed during "value engineering" processes.
Table A7.1 Communal Open Space	<ul style="list-style-type: none"> • Council supports communal open space being meaningfully related to occupancy, particularly as some sites have large footprint but few apartments in comparison to other taller towers with more apartments. Yet these tall towers may have a smaller site size and provide less amenity for residents. • Further clarification about how this occupancy is calculated is required before full support, as occupancy rates could be problematic and under/overestimate numbers.
Table A7.4 Building access, common circulation, and spaces	<ul style="list-style-type: none"> • The introduction of additional internal communal spaces is welcomed by Council and already encouraged within our council and the DRP process. Mandating this is useful, particularly as people work from home more often and have changing lifestyles post-pandemic.
Table A8.1 Energy Efficiency	<ul style="list-style-type: none"> • Council recognise that energy efficiency is broader than considered or defined within this section. • Also, while individual apartment level metering is a sensible reform, centralised design of heating/cooling is encouraged for efficiency and increasing the possibility of using systems not currently utilised. However, this is not currently possible with individual apartments choosing their heating/cooling systems. • In addition, how these requirements are achieved in reality is still to be determined. Case studies would be welcomed.
Table A8.2 Electric Vehicles	<ul style="list-style-type: none"> • Council supports the targets for electric vehicles.
Table A8.4 Water management	<ul style="list-style-type: none"> • Council notes that water management needs to have contingencies for local climate conditions which are less predictable e.g. where local rainfall is very low, or extremely high (flooding).
Table A8.5 Building landscape management	<ul style="list-style-type: none"> • Council recommends that building and landscape management be integrated with a Vegetation Management Plan in projects with natural area interface.
A8.7 Waste Management	<ul style="list-style-type: none"> • Clear guidance around what is (and is not) acceptable in regard to waste management is strongly encouraged. The facilitation of minimum medium rigid vehicles for onsite collection, as well as details about the storage, location and access to waste, are needed at a minimum, as Council regularly sees large scale developments with waste storage stuck into inaccessible parts of basements, necessitating residents to take waste via lifts to bins.
A.3 Proposed Transition from SEPP65	<ul style="list-style-type: none"> • Will the Build-to-Rent assessment process be similar to that of residential apartment buildings? How will this interface with the Housing Diversity SEPP? More clarification on this process would be appreciated. • Curious that the principles that apply to everything can replace those that were developed exclusively for Apartments?
A.5 Proposed relationship to housing diversity SEPP	<ul style="list-style-type: none"> • There needs to be considerations of the differences between standard apartments and build-to-rent or co-living apartments, with the ADG being a baseline but allowing flexible living arrangements such as micro-units for well-designed co-living arrangements aimed at the growing single person household market, or higher environmental and liveability standards for Build-to-Rent models which are more than likely going to be a luxury product in

APPENDIX B**Proposed New Public Spaces and Urban Design Guide****B.1 The need for an urban design guide**

- Council agrees that design and place need to be elevated within planning policies and processes, and that the need for guidance on urban scale context analysis and mapping is essential.
- The introduction of an Urban Design Guide is supported in principle, but Council require more clarity around the relationship between the design guide, LEP and DCPs.
- Although gross dwelling density is somewhat measurable through height, land use and FSR controls, a significant 'efficiency' should be built in to account for place specific variation (topography, heritage, flooding, sensitive environments etc) in order to prevent unrealistic 'potential dwelling numbers' driving development outcomes.
- Ensuring that new housing is within walking distance of local and district facilities is easier said than done. Whilst open space can be provided for by local councils, securing the provision of shops (by developers), fresh food (who has control over that?), schools (by the Department of Education who will not secure land for schools in the structure planning stage and often leave it too late), and public transport (by a myriad of government and private providers) is often impossible. Who will ensure this happens?
- Sometimes, prescriptive controls are needed along with principles. Real life testing of potential outcomes against principles within multiple planning contexts should be undertaken with Councils to understand if principles once interpreted by various built environment professionals achieves the intended outcomes.
- The guide should be applicable to more scales of developments such as DA's; Masterplans; Planning Proposals, Neighbourhood Plans. This would ensure continuity against principles as you move from strategic planning and policy creation to detailed design and will elevate the requirement to achieve public benefit and consider context and impacts.

B.1.1 Implementing best practice

- This guide mentions alignment to and commits to meeting UN Sustainable Development Goals. It is not clear how the targets and benchmarks associated with these goals will be integrated into or applied to the principles and guidelines within the new SEPP? Will these targets be considered at a micro scale and be quantified into how individual developments should contribute to meeting these broader targets? If the application of these targets and benchmarks has been not considered, how useful is linking to them if there is no requirement to apply them?

B.1.3 Developing guidance

- Under 'Developing Guidance' add a point about the impact of the quality, form and aesthetic on the community and feeling of place.

B.1.4 Responding to contemporary strains

- Council agree with the need for flexibility of community places in response to contemporary strains. In respect to public places (e.g. Council land) there are multiple considerations such as land categories and uses identified through Plans of Management (POM) which can impact how flexible we can be with activities on public land. Has this been considered?
- Where we see an increasing need for public spaces, and with large developments relying on nearby public spaces, can we add in an assessment requirement to understand not just access to but suitability of surrounding open space? If a development is set to increase density greatly and therefore change the demand on local open spaces and what they provide, can there be a trigger that requires local government or the applicant to look at what changes would be required e.g. connections to that space, facilities within that space? Could this also trigger some form of tailored contributions? Certain open spaces are under existing leases and licenses and may not be able to cater to community needs as desired or relied on within an application.

B.1.5 Delivering value

- Council support the approach to consider developments and their potential to deliver value to surrounding areas.

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B.2 How the Urban Design Guide can work	<ul style="list-style-type: none">• Council requests clarification around the statutory status of the SEPP and the guides it references, as while the GANSW guides so far are helpful, they hold little weight in assessment of projects, and applicants rarely refer to them (or know they exist),• The addition of these guides is likely to mean the DRP and DA officers must assess applications against the various guides produced by GANSW as well as Council's local planning policies? If so, will an assessment pro-forma be provided?• The UDG should clearly outline expectations and assist in consistent approaches through the use of good visuals and graphics. However, many council staff are not versed in reading architectural plans and require good written explanations alongside the drawings so there is no confusion.• What is the timeframe expected for Councils to review all of their documents (LSPS, LEP, DCP, DA requirements etc) to bring them into alignment with the Design and Place SEPP?• Whilst access to public transport is important to support density, within Wollongong LGA not all stations are close to Town Centres, and therefore access to other key services is often lacking. Transport oriented development will look different across metro, suburban and regional contexts, the SEPP should acknowledge this.
B.3 What the Urban Design Guide Can Cover	<ul style="list-style-type: none">• Council recommends testing alongside various councils to identify issues which may hamper the process of streamlining the approval process. This includes ensuring flexibility in assessment to ensure applicants are not pushing boundaries for profit rather than community benefit, and processes for withdrawal or refusal of applications due to non-compliance with the SEPP.• The level of rigor proposed for precinct scale development is often needed for sites that may fall within the 'significant' category – such as those nominated within LEPs as 'Key Sites'.• The potential to exclude some specific zones from the SEPP, such as SP1 zones, is of great concern to Council. Within our LGA our SP zones have some of the most significant sites in regard to their location, size and current use e.g. Innovation Campus and the WSEC stadium on the Wollongong Foreshore. Development of these sites is likely to end up as State Significant. These sites have remained under single land ownership for extended periods of time, are often large amalgamated lots and do not work within the defined structure of their surrounds. Seeking Concept DA or site specific DCPs to set in place a strong agreed structure is an integral step in their redevelopment. Having the guidance for site analysis and design process required for precinct developments for these sites would be very helpful.
B3.3 Documentation	<ul style="list-style-type: none">• Council supports the inclusion of a checklist but would like it to clearly outline that applications will not be considered if each of the requirements have not been satisfied (mentioned above – process of withdrawal and refusal may also include not accepting applications).
Part 01 – Understanding place and country	<ul style="list-style-type: none">• Council recommends not to focus documents and guides on 'designers' only as it is fundamental that this SEPP and supporting guides are for everyone within the built environment, acknowledging the vast array of disciplines which need to appreciate the approach and apply the standards of the SEPP and Urban Design Guidelines.
Part 02 – Structure	<ul style="list-style-type: none">• This control is generally easier to implement in large green field and brown field sites where a new structure is set, while increases to density in existing centres within defined and less-flexible structure will make this harder to achieve. The SEPP should address these differences appropriately.• Council is supportive of metrics and benchmarks to assist in prioritizing public space outcomes and to set clear expectation to developers and plan makers. However, benchmarks should be broken down to understand what type of public space is required.
Part 5 – Environmental performance	<ul style="list-style-type: none">• Council supports a numeric trigger or requirements for updates to key public spaces in line with density increases. These are often funded through VPAs, but as Council cannot request a VPA, what will be the process for ensuring these requirements are met?

B.3.5 Intended Effects

- Council supports these criteria in principle, however the is concern there is a risk that the criteria will result in monotonous designs across NSW. It is recommended that the criteria are tested by multiple Councils as well as private practitioners, to ensure there is flexibility to respond to context and achieve desired outcomes.
- This guide, like the SEPP generally, focuses on residential developments and supporting housing. In the past, the lack of advice for commercial or all other development types other than residential has resulted in issues for Councils. The role of the DRP and the SEPP should extend across land use types not just focus on residential outcomes (again moving from ADG principles to the new SEPP or Better Placed principles).
- Under the final paragraph of proposed guidance, Council requests the inclusion of “Guidance on the application and preparation of solar access planes to protect and enhance public open spaces”.

APPENDIX C

Sustainability in Residential Buildings

C.2.1 Providing more flexibility in the available assessment pathways

- Council supports this control, so long as there are minimum standards that can be met and Council officers don't need to compare apples with oranges.

C.2.2 Aligning sustainability performance with Design and Place SEPP principles

- Council advocates a push for minimum provisions of green space developments, as current minimum subdivision sizes do not encourage significant vegetation to be present within private blocks.

C.4 BASIX Policy Initiatives

- Council has concerns regarding the lowering of thermal efficiency based on mechanical cooling and does not support this.
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Additional comments

Thank you for your time in preparing this submission.