

Your ref
Our ref
File ref

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28 April 2021

Dear Abbie,

Submission for the Design and Place SEPP EIE

Arup is excited to see the scope and ambition of DPIE's thinking in development of the new Design and Place SEPP and its Expression of Intended Effects.

This is a pivotal moment in the development of the future design standards for NSW that will guide the development and delivery of public spaces and precincts for current and future generations of people to live in, use and love.

We fully support the intent of the NSW Government to use the five-year statutory renewal of the SEPP 65 to provide a simplified suite of planning documents that will reinforce the role of design quality in delivering economic, social, and environmental benefits for the people of NSW.

We see that the beneficiaries of this Design and Place SEPP are considered broadly – from the people, communities and businesses and Country of NSW to asset owners and investors, government itself and developers. We know that the value created should be realised both at business case and delivery, across generations, and for the whole lifecycle of the assets.

To achieve this long-lived quality, the Design and Place SEPP should include guidance that is economically and commercially compelling to support near-term investment decisions for developers, and the long-term business cases for government and community.

Design guided by clear principles and performance-based place design outcomes, goes beyond compliance-based assessment. Good design ensures that risk is managed, and value is realised.

This approach will assist investors, developers and designers to better understand the benefits, costs and risks of place design that arise from inception and vision through to delivery, operations and on to retirement. This approach will also deliver flexible and scalable place design that can adapt to the rapidly changing physical, social and economic climate of our cities and places.

We have structured our response through the lens of four themes, which we see as complimentary to the Principles within the Design and Place SEPP.

1. **Regional and urban** – How will the document support place outcomes in regional locations as well as urban centres?
2. **Outcome-led design for social value** – What are the methods and outcomes of our design that will respond to the needs, attitudes, behaviours and wellbeing of the communities we design for.
3. **Long-term value** – How can we price in the asset value of climate change, and Environmental, Social and Governance (ESG) risks, to reduce unfunded externalised costs, some of which will be borne by NSW Treasury.
4. **Usability and navigation** – How will the document be best interpreted and used by the widest intended audiences?

The attached submission from Arup responds to sections of the SEPP within this thematic framework. We look forward to the further development of the SEPP, and any opportunity to provide further relevant input.

With best wishes,



Lidia Lewis
NSW/ACT Economics Planning and Design Lead

cc Caroline Butler-Bowdon, Media Hakim

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

Your Name

Your Organisation

Arup

Postcode

Phone

Email

Stakeholder group

Industry Council Aboriginal Community Community State Agency

Age demographic

18-25 26-45 46-65 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 31 March 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)

We have structured our response through the lens of four themes, which we see as complimentary to the Principles within the Design and Place SEPP .

Regional and urban

We know that the intent of the SEPP is to speak to the needs of regional users, proponents and communities as much as to those in urban contexts. There are moments in the document though where this could be made more explicit or be better articulated.

PART 1
Introduction

Outcome-led design for social value

The fundamental role of planning and design is to provide a justified and considered plan to meet the current and future social, environmental and economic needs of the communities that the asset will serve. We need to begin with evidence-based, , outcome-led approaches, that will respond to the needs, attitudes, behaviours and wellbeing of the current and future generations of NSW.

Long-term value

Decision-makers, owners, designers, investors and constructors need to recognise that the places we design now will create a legacy for many generations .

Planning for long term intergenerational value should take into consideration both current and future social, environmental, economic and political needs. The planning and design decisions we make now

need to include criteria for future costs and unmanaged risks to Treasury associated with climate adaptation, environmental resilience and community wellbeing.

This will only be possible if our current cost benefit tools in economic planning are built to measure the full extent of direct and indirect environmental, social, and economic benefits of place.

This is complicated by the fact that every sector has its own way of carrying out economic appraisals and business cases. The reality is that place is never limited to a transport corridor or a housing scheme or a precinct. Instead the benefits of place need to be considered holistically, to enable a more comprehensive cost-benefit analysis and risk assessment that facilitates the innovations that lead to social, environmental and economic benefits.

This holistic approach needs to be considered on case by case basis where each economic model is specific to its context and based on what can be captured quantitatively or qualitatively across the place assets. This long-term planning approach can be integrated with the engines of short-term financial, economic and political cycles.

Using the lenses and tools of long-term value, sustainability and resilience enables us to design today to realise preferable future social and environmental outcomes thereby minimising potential risks associated with shocks and stressors.

Usability and navigation

Arup will be a user of the SEPP in our planning, designing and engineering of the built environment of NSW. As everyday users, there are some clarifications we'd propose to make the SEPP more usable and navigable.

Arup's submission commentshttps://arup-my.sharepoint.com/:w:/r/personal/adrian_wiggins_arup_com/_layouts/15/Doc.aspx?sourcedoc=%7BF6CFB01A-E9D0-400D-9A81-07C9490C2A65%7D&file=Cover%20letter%20for%20DPIE%20Design%20and%20Place%20SEPP%20submission.docx&action=default&mobileredirect=true

2.1 Structure of the new SEPP

Aims and principles

Long-term value

We endorse the aims and principles of the SEPP and propose only a minor adjustment for amplified impact. The term 'better value' is not timebound, which leaves open the possibility that intergenerational benefits (and disbenefits) might not be considered in design decisions.

For this reason, we propose: 'better long-term value'. While we understand that this term is received from the GANSW 2017 *Better Placed* guide, this important adjustment will support the case for wider conceptions of value to be incorporated into design thinking.

Design and place processes

Outcome-led design for social value

We wholeheartedly agree with the importance of design from an understanding of the Country, the place and site analysis.

So that evidence-based, outcome-led social design is entailed in the processes we propose these methods be also included. The actual language can be settled in stakeholder engagement, the terms we turn to are *human-centred design* or *outcome-led design* or *universal design*, depending on the context.

Outcome-led design will require that performance objectives are set, and key results defined.

Considerations

Regional and urban

The *matters for consideration* framing includes three scales: precinct, significant development and all other developments. This arrangement invites the risk that the SEPP may be interpreted as biased toward urban regeneration – notably in-fill, brownfield and urban greenfield sites. There is a need to support regional decision-making, and for this reason we propose the language be broadened: “Across 3 scales of development for urban and regional contexts”.

2.2 Aims of the new SEPP

Introduction

Usability and navigation • Long-term value • Outcome-led design for social value

We see that public benefit is a primary aim of the new SEPP. To strengthen the foundation of the SEPP, an early definition of what is meant by ‘public benefit’ is needed, and also a broadening of the scope of beneficiaries to include those whose design and development activity will deliver the public benefit. Without consideration of the benefits for these other stakeholders we risk a lack of alignment that will quickly undo the delivery of the public benefits we seek.

Arup’s view is that ‘public benefit’ should mean the permanent and continuous improvement in the quality of life and wellbeing of the people of NSW, and that the future risks of climate change, the adaptations and mitigations needed, and the future, otherwise externalised costs to Treasury (of unwanted community health outcomes) are considered in the design decisions of today.

Beyond public benefit we believe that wide acceptance of the SEPP will be underpinned by a definition of value that is expanded to incorporate benefits for the other actors in the system – such as developers and asset owners – so that the intent of the Design and Place SEPP is perceived to be developing sustainable value for their businesses and assets.

Section 1b – to facilitate ecologically sustainable development...

Long-term value

Our understanding is that environmental and social considerations may find a more compelling frame of reference when described as “investor environmental, social and governance risks in decision-making”. Such a shift would introduce contemporary, market-based, financial framework language for sustainability-oriented investment.

Section 1g – to promote good design and amenity...

Long-term value

By introducing here, as elsewhere, the concept of timed value we propose inserting “...near-term and long-term impacts and outcomes...”

Section 1h – to promote proper construction...

Long-term value

A reframing toward ‘whole of lifetime health’ could provide a larger, longer scope for considering the impact to human health of design decisions.

Section 5 – quality, integration and innovation...

Outcome-led design for social value

Definition within the document of the terms 'quality' and 'innovation', including for whom, would help frame other elements that depend on this aim, such as Principle 1. Quality is defined in the glossary, but that is far away from its first meaningful appearance, and innovation is not defined at all.

An improved definition of quality would incorporate long-term, sustained attractiveness of a place or asset to the people who experience, work, use or live within the asset.

A meaningful definition of innovation would include the evidence-based development of new kinds of value, especially design quality, for those same people, and within a compelling business case for the innovation investor.

Innovation is a way to realise new kinds of design quality.

2.3 Principles of the new SEPP

Principle 1: Design places with beauty and character.

Outcome-led design for social value

The intended effect will be more completely realised when 'considered response to context' also includes 'community' alongside 'context, character, heritage, culture and Country'.

Consider placing more emphasis on the social aspects of designing beauty and character to reinforce connection with people and place. Integrating public co-ownership through community design initiatives will help to connect people with place and establish common unifying identity to support social cohesion.

Long-term value

Within both the significance and intended effects sections, include case-making content around the long-term value of this principle to investors, developers and asset owners.

Usability and navigation

The phrase "Attractive built environments are *attractors*" will be confusing to some users.

Principle 2: Design inviting public spaces...

Outcome-led design for social value

Expand this the inclusions of this principle more explicitly to privately-owned public spaces, so that the SEPP safeguards and maintain access to the widest possible open space network, across 24 hours a day. Not only will this contribute to the long-term benefits of green infrastructure but it will be possible to extend the types of programs, activities (and night-time economy) within these privately managed, publicly accessible spaces.

Long-term value

Within both the significance and intended effects sections, include case-making content around the long-term value of this principle to investors, developers and asset owners.

Principle 3: Develop productive and connected places...

Outcome-led design for social value

Extend to consider designing public places for delivery of care services, for population health and wellbeing outcomes.

The provision and creation of healthy cities, and equitable access to amenities will support healthy lifestyles and catering for safe access and movement of vulnerable groups.

Adaptation of place outcomes to include design decisions shaped by public health considerations such as responding to pandemic, and human-centred design, could be further incorporated under this Principle.

Long-term value

Within both the significance and intended effects sections, include case-making content around the long-term value of this principle to investors, developers and asset owners.

Principle 4: Design sustainable and greener places...

Long-term value

Within both the significance and intended effects sections, include case-making content around the long-term value of this principle to investors, developers and asset owners.

We advocate for expansion of this principle to include embodied carbon in the delivery of place infrastructure – both in construction and operations. Further, there is need to incorporate Scope 3 emissions (those generated in the wider economy, not related to energy) as part of the supply chain considerations in the design of new and existing (in-fill) developments.

Extending the principle to include an intent to move new masterplans and regeneration of existing areas towards net zero precincts over the mid to longer term will become an expectation within the life of this SEPP. A roadmap could form part of this principle to guide the design of places towards net zero including how this is defined, measured and applies time frames against design inputs and outcomes required. As part of this, masterplans could consider construction and operation cost of carbon against design scenarios.

As definitions of corporate sustainability are now beginning include human rights in the supply chain, such an inclusion here would add a more complete alignment with Australian government standards (such as those promoted by the Australian Human Rights Commission) and definitions of sustainability used in listed companies.

Usability and navigation

Design review panels could benefit by integrating the framework and intent of industry best practice guides and rating tools, including *Green Star Communities* and the *Creating Places for People – Urban Design Protocol for Australian Cities*. Adoption of these frameworks can provide an objective and clear structure to assess the ability to control and influence sustainable outcomes through varying scales of projects. In creating and refining the processes for Design Review Panels, terms of reference from these guides and frameworks will ensure alignment with other relevant guidance for industry.

Principle 5 Design resilient and diverse places...

Long-term value

Within both the significance and intended effects sections, include case-making content around the long-term value of this principle to investors, developers and asset owners.

Resilient and diverse places should enable spatial and programmatic adaptability over the life of the asset. This includes designing for fixed and removable built forms that enable spaces to be retrofitted and reduce the need for demolition (in-part or wholesale). This also supports the notion of 'evolution rather than erasure' of urban spaces which accords with achieving diverse places.

2.4 Application of the new SEPP

Regional and urban

The intent is to apply the new SEPP to both regional and urban places, however the nature of regional areas does not appear to be fully accommodated in this structure. There might be a challenge in

categorising regional development based purely on scale with typologies more relevant to an urban or city context.

Usability and navigation

The EIE also notes the intent of the Design and Place SEPP to allow for ‘new design requirements’ to be added in response as they arise. It would be valuable to expand on how this would happen – specifically what complementary planning and review mechanisms are required to enable this to occur over time.

The category of “All other development” would benefit from an explanation as to how the application of the Design and Place SEPP to a specific site can facilitate the improvement of whole areas (such as a site in the context of an area undergoing renewal or development).

3.1 Design processes

3.1.1 Design Skills

Outcome-led design for social value

We recommend the addition of a fourth design skill area – nominally human-centred design, the scope of which would include design research into user and community users and use cases, universal design principles and human factors for accessibility and inclusion outcomes, and integrated multidisciplinary vision setting. These skills are complimentary to those of architects, landscape architects and urban designers, and while any of these design capabilities to the aim of designing for humans, there is now a distinct and formalised design practice area that fills the skill area gaps, and maps the user journey across asset boundaries and design specialties.

3.1.2 Place-based approach

Outcome-led design for social value

Extending our earlier note – we believe that designing for place is truly based in understanding Country, the site, and the place as it is, and alongside these understandings, a research understanding of the diverse people and their diverse uses for the site. This introduces the need for design research.

3.1.3 Design review

Urban and regional

Consider expanding the definition and thresholds that dictate required planning and design review pathways for projects in urban and regional areas to better support design and contextual differences. Moreover, in outlining the role and governance of the State Review Panel (governance), there needs to be further understanding of the additional thresholds required for types of projects.

As part of determining thresholds to guide planning and approval pathways, ensure that the design review process structure supports a robust understanding of proposed work’s impact upon built-form and the community so that requirements of the DA process are apportioned appropriately – including for regional contexts.

Consideration should be given to the need for consultation with regional industry groups like the Committee for the Hunter and similar industry groups to connect built developments with local social and economic value and impact of proposals throughout the review process.

Usability and navigation

We note the associated objective of the design review is to streamline the application and approval process. Consider expanding upon the tools and guidance for 'integrated packages' including for risk and resilience work.

We note the intent is for a consistent framework for the design reviews at the council level through shared panels. As part of this, it would be valuable to understand and identify how councils will be supported through resources and any up-skilling to ensure consistency across local government areas. The differing levels of funding and access to resources and skills to undertake design reviews and assess proposals through a performance system may be challenging and unequal across different local government areas.

3.2 Design and place considerations

3.2.1 Application requirements

Outcome-led design for social value

We advocate that the design statement includes an articulation of objectives for the human experience of precinct users, and framed within an articulation of long-term value.

3.2.2 Mandatory matters for consideration

Long-term value • Outcome-led design for social value • Usability and navigation

2. Public space

Extend to address protection of provision and access and management of public spaces in the context of privately owned public space. Further note any complementary infrastructure to support use of public spaces.

3. Connectivity:

Needs to be conceived at an 'urban systems' level with connectivity to social anchors (shops, cafes, schools) to encourage movement across landscape corridors and use of public spaces and create reasons to connect.

4. Local living

Add qualitative metrics to the quantified time to shops, open spaces and other amenities. Walk should be safe, pleasant and comfortable for all residents. Include the value of high streets (economic and social value – reference High Streets for All, Greater London Authority 2017).

5. Street Design

For interpretation there needs to be more definition of what is meant by the term 'minimum street intersection density'.

7. Green Infrastructure

Extend to include opportunities to rehabilitate natural habitats in urban and regional areas as part of precincts.

8. Resilience

Meaningful forward time horizons – for example of 2030, 2040, 2050 – should be used to assess the time-based scoring of risk likelihood and impact, and onset of climate-based scenarios.

10. Density

Expand the quantification of density to include the experience of density so that there is better alignment with global thinking – including the intersection of social science and what it means to experience density. Research including *Experiencing Density* (London School of Economics, 2020) seeks to articulate the varying factors to the successes or challenges from empirical research. It considers the multiple trade-offs and influences on how people respond to living in densified areas - beyond metrics on space.

12. Transport and parking

Link car parking requirements with accessibility indices such as Walk Score and as in other global practice. Where no Australian guidance exists, use external references such as the Public Transport Accessibility Levels London Datastore as a way of measuring the density of the public transport network.

16. Activation

There is an opportunity to expand the definition of activation and use by considering how urban night spaces been imagined, produced and experienced over the 24-hour cycle.

Incorporation of time of day and time of year would strengthen the aim of activation. Activation should be designed for daytime and night-time economy and support year-round economic activity.

17. Emissions and resource efficiency

As relevant infrastructure targets emerge for emissions and resource efficiency, they should be included here. Possible sources include the Infrastructure Sustainability Council of Australia [Net-Zero Initiative](#).

18. Tree canopy

Couple tree canopy with microclimate as an impact upon the utilisation and amenity of public space. Refer other government policies and measure and revise against their success – refer ACT Living Infrastructure targets 30% canopy coverage across the ACT.

Additional elements

Arup advocates that the following elements are incorporated into the table of mandatory matters.

Digital infrastructure

Consider adding digital infrastructure (connectivity, mobile devices, data collection and information sharing) to empower people in how they interact with public spaces and creation of place in digital context and channels.

This includes impacts upon social experience (how people interact online with physical space through wayfinding, interpretive elements), economic (understanding uses including impact of online platform services), and environmental (collection of metering data).

Acoustic experience

To address the objectives of the Design and Place SEPP, not limited to Proposed Consideration 15 'impacts on vibrant areas' (Table 1), new strategic policy and technical criteria will be required with respect to the sound environment, as there are no existing place-based policies or design procedures that enable the holistic planning of mixed-use precincts. Planning of the sound environment is critical to addressing both the character objectives of a place and appropriately safeguarding economic activity and community health and wellbeing.

Currently, consideration of the sound environment in planning policy and regulation is almost solely framed in the context of 'environmental protection' and 'noise', being generally defined as unwanted,

unpleasant or disturbing sound. While the health impacts of noise are of great importance, research has shown that reducing sound levels does not necessarily lead to better acoustic comfort in urban areas. Further, criteria for the regulation of sound are often driven by simplified assumptions, established by negotiated scientific consensus and without concern for their economic or practicable feasibility.

Planning policy therefore needs to acknowledge that sound is a product of an active and thriving place and can be a defining characteristic, contributing to its perceived vibrancy and appeal. Similarly, places of 'quiet', particularly outdoor spaces, while desirable, are unlikely to be realised without significant restriction in activity. These factors cannot be effectively addressed via individual development assessment, as is current practice, as they are influenced by strategic elements such as land use, development patterns, densities, and permissible activity.

To effectively safeguard places, sound policy should be cognisant of broader planning objectives, articulating sounds of potential preference and nuisance, to balance both the function of cities and the amenity of its occupants. To balance these requirements, the future sound environment needs to be defined based on the expected/desired level of activation, in a way that permits sensitive development to be appropriately designed. This can be likened to the approach for aircraft noise, where exposure forecasts are made to guide land use planning and building design, however, a more holistic approach is needed at a fine-grain scale.

More specific to Proposed Consideration 'impacts on vibrant areas' (Table 1), new sound policy is required to address the broader range of sounds characteristic of the night-time economy, as current NSW noise policy is largely limited to transportation and industrial noise. Criteria needs to appropriately reflect the responsibilities of relevant parties and what they can reasonably control, including design, construction, operation, and compliance. It is recommended that increased activity should not be enabled through deregulation, as this is likely to adversely impact community health and wellbeing.

The below provides overall responses to the intent of the proposed amendments to existing State Environmental Planning Policies. Additional detailed responses are provided in the corresponding Appendix.

4.1 SEPP 65 Apartment Design Guideline (ADG)

Overall, support the migration of associate review panels from SEPP 65 to be combined with project level design review will enable a holistic design response that situates the proposed development firmly within its context.

**PART 4
Proposed
amendments to
existing
State
Environmental
Planning
Policies**

4.2 BASIX changes:

Long-term value

The revision of the BASIX tool presents an opportunity to expand how it can address operational versus capital carbon in the context of measuring carbon over time. The revision of BASIX to be expanded to consider challenges arising from the depreciating return on operational energy resulting from the optimisation of system and electricity becoming less carbon intensive over time. Therefore greater onus should be made to the increased importance of addressing and capturing embodied carbon in design and delivery project stage. This could be through advocating for alternative lower carbon materials like timber and steel and link embodied carbon and LCA into the size and function of the proposed building/dwelling.

Outcome-led design for social value

There is a clear opportunity to develop BASIX to apply at a precinct scale. Additional mechanisms and design requirements could enable BASIX to influence designs at a masterplan level by linking place with low carbon outcomes. This could include strategic masterplan overlays for energy, water, waste and carbon that seek to move beyond 'reactive' design to delivering resilience, minimising redundancy

and improving efficiency. From a practical viewpoint, this could include scenarios for masterplans as part of a statutory strategic overlay.

Building upon the core premise for energy use targets, explore how peak uses of energy in BASIX can shift efficiency targets. Explore the premise of BASIX energy efficiency based on a 'stable' energy provision from non-renewable sources, to support the less stable supply of renewables by optimising household consumption with demand flexibility (through times of operations and sources of energy).

Usability and navigation

The repeal of the ADG will allow for a more streamlined and consistent approach to reviewing design – design excellence in place is not limited to apartments.

5.1.2 LEPs and DCPs

Long-term value

Consider adding embodied carbon in planning and design through mandating it in DCPs and development requirements.

Consider mechanisms and processes needed to support to Councils to review DCP/LEPs at time of five-year renewal to align with the Design and Place SEPP.

5.3. Planning circular and practice notes

Usability and navigation

Connect with industry professional bodies e.g. through NSW Architects Registration Board, etc as continuing professional development courses etc. to support with industry upskilling and familiarity of the intent and process of this SEPP.

PART 5
**Relations
hip with
other
planning
instru
ments and
policies**

6.1 Development Under Part 4 of the EP&A Act

Outcome-led design for social value

The significance of *Connecting with Country* within the Design and Place SEPP would carry more weight if “early engagement” is more clearly defined – does early mean prior to design work? Does it *just* mean before public exhibition? Would it be considered meaningful engagement if Traditional Knowledge Holders are not able to influence the design of projects? If the Design and Place SEPP is to recommend that the *Connecting with Country* framework be adapted into design processes, stronger language around engaging Traditional Custodians and local Aboriginal community members is needed.

PART 6
**Planning
pathways**

6.2 Development Under Part 5 of the EP&A Act

Outcome-led design for social value

The requirement for engagement with Traditional Custodians and local Aboriginal community members can be expanded to be timely and targeted, and that where consent is sort, it meets the test of free, prior and informed consent (FPIC) – see the [UN FPIC site for more detail](#).

6.3 Planning proposals

Outcome-led design for social value

The requirement for engagement with Traditional Custodians and local Aboriginal community members can be expanded to be timely and targeted, and that where consent is sort, it meets the test of free, prior and informed consent (FPIC) – see the [UN FPIC site for more detail](#)..

APPENDIX A

Proposed Amendments to the Apartment Design Guide (ADG) and SEPP 65

The below responses provide a more detailed review to the change of existing criteria and new criteria to align with theme focus areas of our review as identified in above sections.

A1 Introduction

Long-term value

Broadly, approach principles of better design and place outcomes over a timescale of impact rather than as a measure of function and need at one point in time. This extends to the design review process where there could be value to expand the ADG to include post occupancy surveys with residents with the purpose to improve existing and future developments. This focuses on the lived experience and reinforces the intent of the ADG review to connect with good design that is sustainable for people and the environment in the long term.

A2 Key components of this revision:

Outcome-led design for social value • Long-term value

Amenity – flexibility in communal spaces and addressing the public interface. Consider designing for the sharing open spaces and amenities with the general public to encourage mixing and pooling of resources with surrounding developments. This accords with creating diverse and vibrant communities.

Response to place - lived experience of apartment types – include qualitative measures and interviews from residents, including through post-occupancy interviews to expand the design of places over the life cycle.

Building performance - to support and further the intent of addressing 'whole of life cost' – explore the option of providing management plans to residents on current and forecast running costs for utilities.

Activation - consider the context and viability of having non-residential uses at ground floor. Only stipulate non-residential (retail/commercial) use only where this will be successful. Non-residential ground floor uses should enable flexibility in tenure type for retail and commercial uses (or social enterprise) to support lease and occupancy of these spaces and avoid remaining empty and encourage meanwhile uses if part of a larger scheme or staged development. Where residential is suggested for ground floor uses, there is an opportunity to look at a greater per centage of appropriate residential at ground floor such as family units/homes.

Design of places should be expanded to respond to demands and needs of changing demographics including the Increase in lone person households (responding social sustainability) as relating to social sustainability aspects of social value.

A2.3 Residential Amenity (focus on acoustic design considerations)

Outcome-led design for social value • Usability and navigation

Regarding the revision of SEPP65 and the ADG, current guidance within the ADG is limited and generally relies upon the SEPP (infrastructure) 2007 ('ISEPP'), which notably is limited to development near rail corridors and

busy roads. As outlined above, it would benefit the design of residential apartments for more holistic acoustic criteria to be developed.

As identified in the EOIE, a particular issue relates to acoustic and ventilation amenity requirements (SEPP65 Principle 6). Currently it is unclear whether passive natural ventilation and noise criteria are to be achieved concurrently. The referred ISEPP and AS2021:2015 (applicable to aircraft noise) allow for mechanical ventilation to be provided when buildings need to be sealed to mitigate noise intrusion. SEPP 65 does not refer specifically to Noise and Pollution, nor does the ADG require concurrent compliance.

Attempting to achieve concurrent compliance is constrained, as the ADG provides only a prescriptive means to achieve passive natural ventilation, being via unobstructed window openings. While guidance is provided in the ADG regarding building orientation and apartment layout, prioritising noise mitigation can unduly impact other amenity objectives.

Provision of acoustically attenuated ventilation paths, while feasible in some cases, would also contravene the unobstructed window opening requirement in the ADG. Providing acoustically attenuated passive ventilation however goes beyond the requirements of current policy and standards, and requires complex modelling, assessment and design of bespoke, often unproven, ventilation solutions. Mandating acoustically attenuated passive ventilation would add additional constraint, complexity, uncertainty, potential negative design impacts, time and cost to projects, which potentially conflict with objectives 2(3)(g) and 2(3)(h) of SEPP65.

It is however not an uncommon expectation that acoustically treated ventilation could require some mechanical assistance. For instance, as part of the UK National Planning Policy Framework, guidance on good acoustic design is provided, which requires the World Health Organisation acoustic guidelines to be achieved while continuous background ventilation is provided either mechanically or in conjunction with other trickle vents.

In any case, to allow incorporation of alternative forms of natural ventilation, either passive or mechanically assisted, performance criteria are required, such as ventilation rates. It is noted that the minimum rates of the National Construction Code, are for adequate air quality only, whereas the ADG describes 'natural ventilation' as sufficient volumes of fresh air through an apartment to create a comfortable indoor environment. Natural ventilation is also related to sustainability objectives and energy usage (ADG Section 4U), which is generally assessable under BASIX. Having background ventilation systems assessed under BASIX could address these objectives.

Accordingly, as part of the SEPP65 and ADG review, an assessment of the natural ventilation and noise objectives should be carried out from the perspective of holistic occupant amenity outcomes. This should inform determination of appropriate performance requirements and any order of priorities as may be relevant. Further, any requirements should be supported by appropriate evidence demonstrating performance criteria can be reasonably and feasibly achieved.

A2.5 Environmental performance

Outcome-led design for social value

We note the intersection with BASIX, sustainable design and increasing sustainable design and reducing carbon footprint. See above section.

APPENDIX B Proposed New Urban Design Guide

Regional versus Urban

Develop the application for rural areas. The majority of the focus is on existing urban areas along with how and where to 'intensify existing areas'

Outcome-led design for social value

Night-time design – greater focus is needed upon the intersection with safety, gender, space utilisation, economic activation/growth, place activation etc. The UDG might be strengthened through this to align with global best practice for 24-hour economy design in the full sense. Reference Arup's 'Tones of the City' (2021).

Draw in the social and economic value of high streets to reinforce the intersection of economic and social strands of value through design. There is an opportunity for the UDG become an enabler to build and maintain social life of communities and cities.

Consider safety of places with quality design outcomes, including for women and safety in which the built environments play a role in reinforcing. Reference XYX Lab gender safety; and transport movement and place intersection Arup 'Walking in a Women's Shoes' regarding transport infrastructure and the inadvertent gender effect of un-inclusive design.

Long-term value

Further address the challenges and opportunities of privately owned public spaces upon access and programming of space, as well as upon design and maintenance. Ability to control the outcome in these types of spaces may reduce throughout the lifecycle. Consider adding the interface with developer contributions.

B.2.5 question the wording around 'fit for purpose public space'. This suggests that this is fixed and poses how the UDG can still enable change and adaptation in response to different user needs, program, etc.

Develop detail in Part 1 and Part 3 of Proposed Structure to include regenerative aspects under 'Understanding place and Country' and as integrate with 'Form' in proposed work.

Usability and navigation (structure of SEPP and approval/delivery processes)

Urban outcomes can be highly variable, and this presents a risk in influencing design and place and this needs to be considered in the structure of the UDG and how outcomes are measured and defined.

Complementary planning – consider 'non-residential ground floor developments' and supporting planning flexibility in tenure types (e.g. short-term retail/commercial, gallery, social enterprise, etc.). Our consultation with community housing providers identified an issue with challenges finding tenancies for ground floor uses in their residential assets.

Application of document appears to favour and support new precincts and rezoning (grey field and brown field). Expand on how approach whilst maintaining structure can extend to address nuances / unique challenges of typology and existing places that may not "fit" the expectations of design excellence. Generic 'other projects' category.

It would be good to see how the proposed Urban Design Guide criteria will fit in alongside the Movement & Place Framework, particularly the Place Framework. At the risk of overdesigning this process, a clear and concise hierarchy of documents and policies should be included in this guide and in the SEPP.

Risk-based approach seems at odds with the rest of the SEPP and feels confusing for a user that would need to deal with both. While there are certainly consequences of poor design, the risks that come along with this are as varied as places are, and a generalised summary may be either too ambitious or lack any real teeth.

APPENDIX C

Sustainability in Residential Buildings

Additional comments

Thank you for your time in preparing this submission.