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Ms Abbie Galvin
Government Architect New South Wales
NSW Department of Planning, Industry and Environment

Stockland Submission to the Design and Place SEPP EIE

Dear Ms Galvin

Thank you for the opportunity to provide Stockland's submission to the *Explanation of Intended Effect for a Design and Place SEPP* (the EIE).

Stockland is Australia's largest diversified property group and largest residential developer, with over \$8 billion invested across NSW within our residential, retail, retirement, logistics and workplace portfolios.

Place-making and design quality are integral to the way we approach the design of our residential communities and town centres at Stockland. In the greenfield communities space, we are a leading residential developer, focused on delivering a range of master planned communities and medium density housing in growth areas across the country, with a residential development pipeline including land, apartment and mixed use developments. Stockland is also a top three retirement living operator in Australia, with 63 established villages. We are one of the largest retail property owners, developers and managers in Australia, and have a growing portfolio of logistics and office assets and development sites and assets, including campus style development in Macquarie Park, and planned CBD landmarks in North Sydney and the City of Sydney.

Stockland is a global leader in sustainability, with sector leader acknowledgement for many years running in the Dow Jones Sustainability Index, the Global Real Estate Sustainability Benchmark (GRESB), the Climate A-List compiled by CDP, and an award for 'Best of the Best', a 10-Year Sustainability Achievement Award by the NSW Office of Environment and Heritage in 2019.

Given the reach of Stockland's investment in NSW, our development history and our commitment to our purpose "*We believe there is a better way to live*", we welcome any policy which seeks to ensure that good design and sustainability is hard wired into the way that development is planned and delivered. As such, we wish to provide feedback on a number of the specific initiatives outlined in the Design and Place SEPP EIE.

Summary Position on the EIE

We broadly support the aspiration and intent of mandating good design in the planning system. While the EIE proposes to introduce some important policy initiatives, including design excellence and the Premier's Priorities for a better environment, it will add further requirement and uncertainty to a system already challenged by its complexity. If implemented, this may disincentivise innovation in design and increase pressure on the cost and affordability of development. These types of measures can act to discourage investment.

Our fundamental concerns and recommendations are outlined below.

1. We have concerns that the EIE will result in a statutory instrument (the SEPP) and concurrent amendments to the Regulation, that will neither support the intended place based 'principles based system', nor reduce regulatory complexity.
2. Substantially increased regulatory burden would arise from the SEPP, if it references - and thereby gives statutory weight - to the 18 different Guidance and Framework documents and Toolkits. This would be a significant undertaking, given the quantum of other State and local controls and policies which will also apply.
3. It is our experience, based on more than 65 years of operation in NSW, that these documents will be applied by Councils and the Courts as rigid matters for consideration if referenced in the SEPP, regardless of any Planning Circular to the contrary.
4. The SEPP will apply to all development in NSW, not just residential, meaning that this additional regulatory burden will apply to all forms of development. Implementing and navigating these documents will create an immense drain on the resources of industry professionals, Councils and the Courts to efficiently process proposals for development throughout the State, resulting in uncertainty, delay and cost escalation.
5. Given these factors, the SEPP will impact on development certainty and planning risk to such an extent that it will discourage investment in NSW, impacting employment, retail and housing development. Particularly when we face headwinds in the economy, this an undesirable outcome.
6. Contrary to the objectives of a principles based planning system and a place based approach, there will be reduced flexibility for site-specific responses and design innovation. For example, rather than address existing, recognised shortfalls with the ADG, the EIE would entrench the shortfalls with more stringent numerical standards which denies the ability to work with site opportunities and constraints, as well as meet the market.
7. The transitional arrangements on projects in planning or already operating are of concern. Large scale projects have a planning and approval timeline of 5 to 10 years when considering early planning, master-planning, planning proposals, DCPs or concept DAs, and DAs / subdivision applications. Introducing significant reforms which will impact on layout, density, yield and delivery cost to projects which are already well advanced, serves to amplify the above mentioned concerns.
8. We recommend that the Government could:
 - A. Ensure that any new SEPP is a streamlined, straight forward legal instrument (more aligned to SEPP 65) which:
 - o Contains simple design principles;
 - o Provides exceptions to local controls, not duplicate them;
 - o Does not reference Guidance and Framework documents or Toolkits.
 - B. Position all guidance documents as guidelines and policies, rather than documents given statutory weight in the SEPP (as is the currently the case with the ADG, despite efforts to the contrary through Planning Circular PS 17-001).
 - C. Address the current issues with the ADG as a priority, in consultation with practitioners and industry groups.

Detailed Commentary Attached

In addition to the concerns and recommendations outlined above, Stockland has prepared a number of more detailed commentaries on the EIE, which are appended to this letter.

- Appendix A: General comments on the EIE
- Appendix B: Comments and queries relating to EIE Appendix B: Apartment Design Guide
- Appendix C: Comments on EIE Appendix C: BASIX Reform

Conclusion

Stockland appreciates the opportunity to comment on the EIE and welcomes any further opportunity to be part of future discussions on this topic. We also support the submissions of our industry groups, including the Property Council of Australia and the Urban Development Institute of Australia.

Alison Brown, Planning Manager NSW [REDACTED] is the contact for your office if you wish to discuss any of the comments or recommendations above.

Kind regards

[REDACTED]

Ben Cantwell
National General Manager
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Stockland

Appendix A: General comments on the EIE

Appendix A: Stockland General Comments on the EIE

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Additional regulatory burden arising from the SEPP

The SEPP introduces a raft of new aims, design principles and nineteen mandatory matters for consideration during the preparation of LEPs, DCPs, Precinct / Master Plans, and development applications, as well as during the assessment and finalisation or determination of each of these documents and applications. Further, in support of these numerous matters, the SEPP will reference a minimum of 19 Guidance documents (as listed in Section 3.3 of EIE).

The EIE proposes to give the guidance materials exceptional legal prominence, proposing that the initiatives and guidance are mandatory matters for consideration for the purposes of s.4.15 of the EP&A Act.

A mandatory requirement under the Act to assess every DA against a huge volume of guidance documentation is simply unworkable. Noting the weight and detailed scrutiny that

is currently given to the ADG due to it being called up by SEPP 65, the fact is that the same level of scrutiny will be focussed upon all nineteen guidance documents and tools.

It is submitted that these documents should not be referenced in the SEPP, but simply retained as Government-led design policy guidance documents, as has historically been the case.

The proposed Urban Design Guide is a particular concern to be a SEPP-mandated document. Based on the document outline, it could potentially run to hundreds of pages, will contain 'criteria and metrics' to apply to ALL development across the State – giving rise to inevitable conflicts with LEPs, DCPs, structure plans, local character and existing approvals. We do not support the development of a mandatory UDG to be given force by a SEPP, but recommend it be prepared as a 'good design' reference document.

Reduced flexibility for site specific responses and design innovation

While the SEPP EIE and ADG review highlight the need for flexibility and site-responsive design, we are concerned that the suite of documents will not achieve appropriate flexibility:

- The SEPP mandatory matters go to a number of highly prescriptive matters;
- the guidance documents are likely to be applied prescriptively, with the Urban Design Guide to contain “specific metrics and design criteria”; and the ADG to contain “mandatory design criteria” (for solar, for example) which apparently cannot be varied; and
- multiple guidance documents with no clear prioritisation will likely result in consent authorities cherry picking their preferred guidance and seeking to apply it in an inflexible manner.

Impact on development certainty and planning risk

- The initiatives in the proposed SEPP will substantially increase the time taken to plan, design, and approve development.
- The addition of multiple new controls, criteria, principles and guidance documents will significantly reduce certainty due to the quantum of matters for consideration, in addition to other SEPPs, and LEPs, DCPs, strategies and policies of each Council – both current and draft.
- Planning risk will increase immeasurably, as the proposed SEPP and draft ADG changes will result in most sites being unable to achieve the mapped FSR under the LEP within the mapped height limit. Clause 4.6 variations are a highly uncertain mechanism to deal with this issue, given that a breach of height limits can give rise to a range of potential impacts which may result in the Clause 4.6 request being refused.
- The SEPP will increase assessment time frames and result in conflict as Councils, Panels and Courts seek to interpret, prioritise and apply new SEPP provisions in addition to the thousands of pages of documents referenced under the SEPP.

COVID Initiatives are taken too far

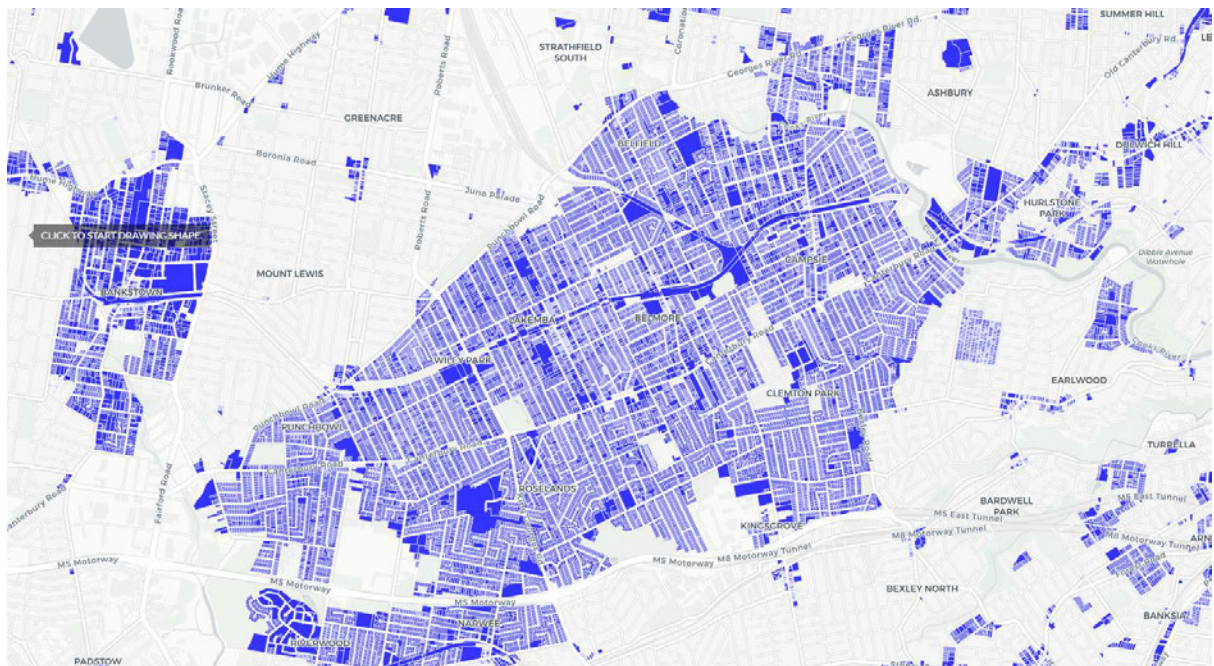
A number of significant initiatives are proposed in response to the COVID-19 pandemic. While we support improved local amenity and high quality open space, in our view the

COVID-related design initiatives go way to far, and assume a permanent move to working and studying from home.

Non-Residential Uses in R3 and R4 zones, and in Centres

A particular concern is the requirement for all development in R3 and R4 zones and in centres to have a minimum 40% of ground floor GFA for non-residential uses. This approach is not supported and raises many issues, including:

- **The areas of land in question are vast.** The following map shows all land zoned R3, R4 and B1 to B4 zones land in the Dulwich Hill to Bankstown corridor. There are 33,000 Lots with this zoning in the below area. Clearly, a proposal to require every site to provide non-residential is unrealistic and should be abandoned.



- A blanket requirement for every site will result in the creation of significant quantities of non-residential GFA across R3 and R4 zoned land for which there is unlikely to be demand, adding to the many vacant tenancies seen in some locations which mandate active frontages or only shop top housing;
- land use permissibility issues, given that R3 and R4 zones are required to permit only 'neighbourhood shops' and no other forms of non-residential uses;
- reduced opportunity for ground floor apartments which are favoured by families, older persons and pet owners;
- CPTED issues with reduced opportunity for casual surveillance of the street due to fewer ground floor units, lack of night time occupancy and likely high vacancies.
- conflict with local character of residential neighbourhoods; and
- conflict with development controls which typically require landscaped setbacks in R3 and R4 zones, in contrast to nil or reduced setbacks for non-residential ground floor uses.

Family Apartments

Another key issue which the SEPP states is required due to work and study from home shifts during the COVID-19 pandemic is the requirement for so called family apartments. The

SEPP indicates that at least 20% of apartments will be required to have larger bedrooms where all bedrooms are a minimum of 12sqm. There are a number of concerns here:

- This approach increases a 2 bedroom unit size by at least 5sqm, undermining the claim that apartment sizes remain unchanged under the revised ADG.
- This increased area will impact on apartment cost where at least 20% of 2 or 3 bed apartment will be more expensive than they would have otherwise be.
- It assumes that every bedroom desires provision the a study area within a bedroom. The approach lacks the flexibility of other options including the provision of study alcoves or multipurpose spaces, or having more but smaller bedrooms thereby facilitating a smaller children's bedroom and a smaller study/spare bedroom.

The certainty, scale and permanence of changes arising from COVID are overstated

- The approach under the SEPP assumes substantial and permanent structural changes arising from COVID. It is not appropriate to hard-bake major planning and design changes based on the pandemic where it is apparent that the scale of impact is temporary. We need to understand what the longer term post COVID trends will be before implementing changes of this type.

Impact on housing affordability

- Contrary to the claimed aims of the SEPP, our concern is that the SEPP and the proposed changes to the ADG will reduce flexibility, removing the ability to respond to the local context and will make apartments more expensive to build, and therefore more unaffordable.
- It is concerning that there is scant reference to affordability. The sole references to housing affordability (as opposed to 'Affordable Housing' as a subsidised product), are in the context of a diverse housing and product mix to promote affordability. However the bulk of the enhanced design measures proposed in the SEPP and ADG review will in fact reduce affordability of all product.

Intended application of the SEPP to consent authorities

- It is proposed the Design and Place SEPP will apply "*where the consent authority is either State or local government*". However, the EIE then qualifies that the "*application of the SEPP where the consent authority is a local or regional planning panel or the Independent Planning Commission, and for proposals made under Part 5 of the EP&A Act, will be determined [during development of the Design and Place SEPP].*"
- A rationale for entirely excluding the application of the SEPP from matters going before local or regional panels is difficult to envisage. Because Councillors no longer have a consent role for DAs, the only DAs where the consent authority is "local government" as opposed to local or regional panels, are minor-mid scale DAs determined by Council staff under delegation, which by their nature or value do not trigger referral to the Local or Regional Panels. So only minor applications would be affected by the SEPP, entirely contradicting the idea that it would apply to Precinct, Significant and all other development.
- In the case of Planning Proposals, limiting the application by consent authority would also have a curious effect, where the Councillors and DPIE would need to consider the

SEPP provisions in making its Gateway determination, but the Local – or in the case of a Rezoning Review request, the Regional Panel – could completely disregard the SEPP.

Variation to development standards Clause 4.6

- The SEPP EIE notes that consideration will be given to amending cl.4.6 of the Standard LEP to reflect the need to demonstrate that any variation to development standards "will result in an improved planning outcome and public good".
- Several of the changes proposed to the ADG will result in an inability to achieve the FSR within the LEP height limits, noting that many Councils also include height in storeys in DCPs as a way of controlling built form. Clause 4.6 will not provide a reliable pathway to address this.
- The NSW Government acknowledges that major reform of Cl4.6 is necessary. However, in our view, adding further matters for consideration to variations of development standards will do nothing to clarify the application of the Clause and is likely to make Clause 4.6 even less useful (in contrast to SEPP 1).

Mandatory Matters for consideration

- Suggest revising the terminology – to clarify that these will be matters for consideration in the assessment of a DA under the Act, not that compliance with the detail of the matters is mandatory
- The mandatory matters are said to be matters which “will be required to be considered as part of the development assessment process”, with reference to s4.15 of the EP&A Act - which covers the assessment of DAs. However, the so called mandatory matters are also intended to apply to Precinct Plans, Master Plans and Planning Proposals. It is suggested that some of the matters better relate to strategic and structure plan making, rather than DAs.
- It will be important to avoid the need to exhaustively address all the matters for every individual DA where a higher level application has already satisfied the matter. For example, Significant development is defined as development ‘within a Precinct’, suggesting elevation of every DA within a ‘Precinct’ to ‘significant’ status.

Mandatory Matters: Local Living

- Requiring a network of corner shops and small local centres in new low density communities, raises issues of economic viability and may undermine the ability of the nominated neighbourhood or sub-regional centres to have a critical mass of uses, better visibility for traders and encourage investment in the public domain and transport infrastructure to service those centres. Consideration should be given to the economic feasibility and a blanket approach should not be mandated through the SEPP.
- Question how this provision will be applied where existing zoning, structure or staging planning does not allow for shops or schools in the required proximity. Even a small scale 50 lot subdivision will be captured by this matter.
- Clarity in application: If there is a vacant tenancy or a planned or approved shop, does this satisfy this requirement? Or is it about proximity to zoned land which can accommodate services or only existing services?

Mandatory Matters: Street Design

- We question the inclusion of controls within a SEPP in relation to ‘minimum street intersection density or maximum block length’. This should be resolved on a site specific basis as it must also have regard to a raft of other controls in general or site specific DCPs, ILUPs and Masterplans, and local and state road design guidelines.

Mandatory Matters: Fine grain movement

- We question the inclusion of controls within a SEPP in relation to maximum block length. Particularly in metropolitan and town centres, through site connections require a more contextual assessment considering pedestrian desire lines, ability to create contiguous connections and quality of alternative routes. Outside centres, the volume of pedestrian movements may not warrant additional connections. Therefore, we do not support a standard SEPP requirement to provide a through site link based purely on a numerical calculation.

Mandatory Matters: Density

- Setting target densities in a SEPP against a matter for consideration largely for development applications, is not supported in urban areas . Densities are set by Council LEPs and DCPs and reflected in such measures as FSR, height, site coverage and setbacks. This cannot be erased by a provision in a SEPP.
- For greenfield areas, setting density ranges is supported as it important to establish servicing requirements and provides a sound indication of land value.

Mandatory Matters: Transport and Parking

- It is clear that the focus for car parking provision throughout the SEPP and ADG review is around minimise private car parking supply. As such, the proposed provisions are focussed entirely on requiring or facilitating fewer parking spaces in new development. However the market reality is that for most new apartment developments which lack proximity to high quality transport hubs, car parking spaces remain in high demand and units without parking spaces do not sell. Car parking spaces are very expensive to build, and are warranted where market demand exists based on location and the nature of the product.
- Therefore, while we support access to low minimum parking rates in well located areas, we do not support the ability of Councils to introduce very low maximum parking rates which will supersede the SEPP and revised RMS rates.
- Car share is not a panacea, as peak times for car share often result in lack of availability. From an equity perspective, families with baby or child seats cannot access car share vehicles, nor are they likely to be suitable for those with mobility needs.
- The idea of unbundling is interesting, and we would be interested in understanding how this could work. The challenge is that the considerable cost provision of basement car parking needs to be recouped, and purchasers will not see the value in purchasing a potential right to own, occupy or lease a parking space in the future.

Mandatory Matters: Activation

- A requirement to activate a minimum percentage of frontages on ‘activity streets’ (not defined) with non-residential uses is a matter which is typically outlined in town centre

and high street DCPs. The precise proportion of activation is agreed at DA stage based on a site-specific merit assessment which will depend the length of the frontage, retention of existing trees, and so on. We do not support the SEPP extending and mandating a requirement more broadly beyond a Council-led DCP and site specific DA approach, as it would come at the expense of ground floor landscaping, courtyards and will increase the quantity of vacant tenancies in some non-core locations.

Mandatory Matters: Affordable Housing

- The suggestion that affordable housing “**may**” be offered and “**must be provided**”, **even if there no approved scheme** under SEPP 70, is concerning. It runs counter to the recently released Practice Note on Planning Agreements which confirms that “to secure contributions through this pathway, councils must establish an affordable housing contribution scheme and arrange for the relevant local environmental plan to be amended to authorise the imposition of the condition”.
- It is also reiterated that this SEPP will apply to ALL development, not just housing.

Proposed Changes to ADG

Refer Appendix B of Stockland Submission.

Proposed Sustainability Changes

Refer Appendix B and C of Stockland Submission.

Fundamental Concerns and Recommendations

1. We have significant concerns that the EIE will result in a statutory instrument (the SEPP) and concurrent amendments to the Regulation, that will neither support the intended placed based ‘principles based system’, nor reduce regulatory complexity.
2. Substantially increased regulatory burden would arise from the SEPP, if it references - and thereby gives statutory weight - to thousands of pages of Guidance and Framework documents and Toolkits, around 18 of them in total. This is an alarming prospect, given the quantum of other local controls and policies which will also apply.
3. Decades of experience in the NSW system has shown us that these documents **will** (regardless of any Planning Circular to the contrary) be applied by Councils and the Courts as rigid matters for consideration.
4. The SEPP will apply to all development in NSW, not just residential, meaning that the additional regulatory burden will apply to all forms of development. This will create an immense drain on the resources of developers, industry professionals, Councils and the Courts.
5. Overall, the SEPP will give rise to an unprecedented amount of regulatory complexity, and give further credence to the widely held perception that planning in NSW is ‘too hard’ compared with any other jurisdiction in Australia.
6. Contrary to objectives of a principles based planning system and a place based approach, our analysis of the EIE indicates that there will be reduced flexibility for site-specific responses and design innovation. For example, rather than address existing, recognised shortfalls with the ADG, the EIE would entrench the shortfalls with more stringent numerical standards which denies the ability to work with site opportunities and constraints as well as meet the market.

7. Without significant changes to the proposed approach outlined in the EIE, the SEPP will impact on development certainty and planning risk to such an extent that it will strongly discourage investment in NSW employment, retail and housing development.
8. Transitional arrangements are of particular concern. Large scale projects have a planning and approval timeline of 5 to 10 years when considering early planning, master-planning, planning proposals, DCPs or concept DAs, and DAs / subdivision applications. Introducing significant reforms which will impact on layout, density, yield and delivery cost to projects which are already well advanced, serves to amplify the above mentioned concerns.

9. We recommend that Government Architect and DPIE:

- A. Take into account the substantial and well considered concerns raised by Stockland, our peers, industry groups and the planning profession about this SEPP, and **fundamentally reconsider the approach set out in the EIE.**
- B. Make the SEPP a **straight forward legal instrument** (more aligned to SEPP 65) which:
 - Contains simple design principles;
 - Provides exceptions to local controls, not duplicate them;
 - Does not reference any Guidance and Framework documents or Toolkits.
- C. Position all guidance documents as true guidelines and policies, rather than documents given statutory weight in the SEPP (as is the currently the case with the ADG, despite efforts to the contrary through Planning Circular PS 17-001).
- D. Address the current issues with the ADG as a priority, in consultation with practitioners and industry groups.

**Appendix B: Comments and Feedback relating to EIE Appendix B:
Apartment Design Guide**

Appendix B: Stockland Comments and Feedback relating to EIE Appendix B Apartment Design Guide

Part 3 - Urban Design & Site Planning (Table A5)			
Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / Feedback
<p><u>Landscape and greening</u> Consolidate objectives. Increase min. deep soil zones as a % of site area (a fixed minimum % within the range being considered below):</p> <ul style="list-style-type: none"> • < 650 m² min. 14–18% • 650–1500 m² min. 14–18% • 1500–3000 m² min. 14–18% • > 3000 m² min. 21–25% • Allow a pro-rata reduction in the targets if retail, commercial and entrances on the ground floor > 85% of the building footprint. <p><u>Existing Criteria:</u></p> <ul style="list-style-type: none"> • 7% of site area for all projects • Minimum width of deep soil zones depending on site area. • Guidance allows for dispensation for sites in CBD locations or with non-resi uses on ground floor. 	<p>Update design guidance (tree planting, soil volumes and criteria) to maximise green cover including tree canopy.</p>	<p><i>Deliver green cover, including tree canopy, to reduce urban heat, and improve the environment, community health, resilience and visual amenity.</i></p> <p><i>Safeguard existing rates of deep soil delivery to enable decoupling of common open space control from site area.</i></p> <p><u>Feedback & Commentary:</u> <i>“deep soil zones to be revised to reflect the amount currently being delivered by a combination of communal open space and deep soil.”</i></p> <p><i>“There is a need to increase deep soil (to allow for improving tree planting and pervious surfaces to capture stormwater run-off) as current metrics are insufficient without the supporting site-area common open space target, although any increased targets will need to be appropriate for a diverse range of development typologies and scales.</i></p> <p><i>“Better landscape design and consideration of tree canopy and green networks is required, and children’s play areas need to be</i></p>	<ul style="list-style-type: none"> • Generally, the intent of these proposed changes is positive, however it will have an adverse effect with regards to the objectives of the SEPP. • Specific numerical controls (linking tree canopy to deep soil) do not offer design flexibility, resulting in generic solutions that don’t respond to site context or local conditions. • The proposed changes refer to soil volume but the criteria refers to site area. • If the intent is to improve the extent of tree canopy and provide more landscape area then it is important to be flexible with regards to the definition of ‘deep soil’ to allow for a greater range of green spaces and planting. I.e. Deep soil planting for trees can be split between a combination of un-obstructed deep soil and deep soil planters (which may have a minimum depth or volume requirement) • Percentage ranges for deep soil areas are the same for sites 650sqm – 3,000sqm (currently targeting 14-18%). This defeats the purpose of having different site size requirements. We assume the intent is to have greater numerical ranges? • Lower end site area ranges are very low and could easily be consolidated for simplicity. Particularly if percentages are similar or the same. • Further detail is required regarding ‘pro-rata reductions’. It is unclear how this will work. • From experience, councils will nominate for higher ranges where ranges are provided? It

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
		<p><i>considered as part of common space provision.”</i></p>	<p>will be important to provide clear performance criteria to assess any proposal against.</p> <ul style="list-style-type: none"> • Criteria should consider context and provide a precinct deep soil requirement which takes into account adjacent/nearby public deep soil? I.e. a deep soil map like the FSR maps. • For new developments, requirements allow for a precinct wide strategy. • Scaling the requirement purely to site area may be unequitable (i.e. for larger sites with lower density or in direct proximity to open space). Perhaps a flat min % of true deep soil and then an additional requirement for deep soil which can be on structure. • In town centre or CBD locations, the target will not be met.
<p><u>Building form</u> Introduce a new criterion for towers (including any part of buildings of nine or more storeys) of:</p> <ul style="list-style-type: none"> • maximum gross floor area (GFA) of 700 m². • adjust existing design criteria and guidance to a maximum eight units per core per floor. 	<p>Consolidate objectives and design guidance in a new section: 'Built form and siting'. Note: 8–12 units per core per floor to remain permissible below nine storeys.</p>	<p>Slender towers reduce building footprint to improve urban and public space amenity: open space; sky view; solar access; reduced bulk, scale, and wind impacts.</p> <p>Incorporation of tower footprints into design criteria provide clarity for a consideration that is already in the ADG but has no numerical criteria, and improves residential amenity, cross-ventilation, natural light, and reduces the number of single-orientation units.</p>	<ul style="list-style-type: none"> • Applying a fixed numeric requirement is not flexible and is not responsive to site context or building configuration. For example, a taller building with a larger core and enclosed wintergarden balconies may appear a lot more bulky than a shorter building with the same GFA but less core and open balconies. • Density and housing affordability may be impacted in some locations due to an unnecessary increases in construction cost as a result of less efficient floorplates. This may impact housing diversity in some locations. • Many sites will be unable to achieve the current maximum GFA/FSR density targets. Clause 4.6 variation is not the solution to this concern. • As an alternative, for example, consider applying restrictions on length of uninterrupted façade to reduce visual bulk. • Wind effected balconies (wintergardens) at upper levels should be excluded from the floor plate area calculation.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<p>Building separation Require minimum building separation distance for towers of 25+ storeys of 30 m between habitable rooms. Note: minimum building separation distance for 9–25 storeys: 24 m between habitable rooms (as existing).</p>		<p>Require greater separation for towers to improve ground plane and urban and public space amenity (open space; sky view; solar access; reduced bulk, scale, and wind impacts) and improve residents' outlook in high-density environments.</p>	<ul style="list-style-type: none"> • May make some sites unable to achieve GFA/FSR resulting in a reduction in density in some urban areas. Clause 4.6 variation is not the solution to this concern. • The intended benefit of this criteria is to improve ground plane and urban form, bulk and scale however the current control refers to distance between habitable rooms which is an issue of occupant privacy and cross-viewing. These requirements are different and should be detached from each other to provide clear performance guidance for design and assessment.
<p>Mixed use development and street activation Allocate 40% of ground floor space for non-residential use in R3 and R4 zones, and centres.</p>	<p>Update design guidance for mixed-use development to demonstrate new ground floor non-residential uses can contribute to local area needs and street activation, including indicative depth by type of use. Rule of thumb is to provide ground floor uses including community spaces, a neighbourhood shop, neighbourhood supermarket where there are no non-residential uses and amenities within 5 minutes walk.</p>	<p>Increase local business patronage in response to more people working from home during COVID-19. Improve neighbourhood amenity and local economy. Provide space that is matched to the kinds of services missing from a local area, to support local living and reduce the need to travel further afield.</p>	<ul style="list-style-type: none"> • This new criteria may have the effect of undermining the objective of the SEPP to improve housing diversity, accessibility and street level safety. Ground level apartments are extremely popular for families, elderly and people with access requirements. The requirement to provide 40% of space for non-residential use along with other requirements for community uses and vehicle/service requirements means that it will minimise the potential for ground level accommodation. • This will also reduce street safety by undermining CPTED principles. Residential dwellings provide better ground floor surveillance with 24/7 eyes on the street. In many cases where retail/commercial is not viable and shops are not leased this may have a significant negative effect on street activation, amenity and safety. • Affordability may be impacted due to the on-cost of building un-sellable retail space in many locations. • Will impact on-going resident and strata fees. • Applying a blanket numerical requirement ignores local context. • Clarify around meaning of 'centres' is required.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
			<ul style="list-style-type: none"> • Clarify that 40% of ground floor space refers to percent of total ground floor GFA? • R3 & R4 are not mixed use as noted in the Proposed Changes • Requirements should be made subject to retail commercial analysis to allow for a more contextual solution. • Should use more flexible language such as “targeting”
<p>Clarify ground floor ceiling heights Clarify ground floor ceiling heights for all non-residential uses (habitable rooms only) to 4.2 m.</p>	<p>Improve design guidance for determining floor-to-floor heights to achieve ceiling heights.</p>	<p>Improve street activation and future adaptability of ground floor levels for non-residential uses (including retail, commercial, community and communal spaces). Clarify ambiguity of two illustrative heights in 4C.1 and 4C.2 drawings vs one height only in the 4C-1 table.</p>	<ul style="list-style-type: none"> • Based on the requirements of other criteria (which would practically see the whole ground floor height raised) this would impose a significant cost to development that would impact affordability. • Impact on overall building height – may result in the loss of an entire level and limit the ability to achieve maximum GFA/FSR on site. This will result in reduced densities.
<p>Ground Floor Activation Require all ground floor apartments facing a street to have direct access to the street</p>		<p>Improve street activation and passive surveillance where street activation is not provided through non-residential use</p>	<ul style="list-style-type: none"> • Generally supported, but may not be possible or desirable in some locations. Should have some flexibility. • Could impact on deep soil and landscape requirements, preference or necessary may be to have a fully landscaped deep soil setback rather than individual paved courtyards and entries. • Needs more flexibility to respond to location and place etc.
<p>Car parking As a minimum, retain the link to the lower of rates in <i>Guide to Traffic Generating Developments</i> (RTA 2002 or its replacement, the <i>Guide to Traffic Impact Assessment</i>) or council rates, and supplement this with:</p>	<p>Include new guidance (in addition to rates or methods for calculation) including for above-ground parking to be naturally ventilated.</p> <p><i>“The prescribed minimum number of parking spaces could be reduced for apartments in defined circumstances, such as:</i></p>	<p>Encourage sustainable transport options, discourage private car ownership, and reduce development costs.</p> <p>Notes from EIE document: <i>“Parking rates need to be reviewed. Currently they do not take into account public</i></p>	<ul style="list-style-type: none"> • The intent of this criteria to reflect different parking requirements for different locations and transport needs is positive, but may have negative impact on certain segments on the community that depend more heavily on cars. For example, families, shift workers, transport workers etc., who rely on cars may be discouraged from apartments due to lack of availability of adequate car parking. This would

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<ul style="list-style-type: none"> • a reduced minimum parking rate and/or a maximum parking rate that applies to a list or map of locations that meet certain criteria, and/or • an ability by applicants to reduce the parking rate by undertaking certain actions • as set out in Table A4 above. 	<ul style="list-style-type: none"> - <i>being in a specified location where there is an oversupply of parking; methodology for establishing oversupply to be confirmed, potentially a map, list of areas, or applicant-led analysis</i> - <i>being in a measurable location (e.g. within 800 m of a train station with a service pattern of a number of services per hour or similar); any development that satisfies the criteria would be eligible.</i> <p><i>“Maximum parking requirements could be mandated for new apartments (possibly subject to criteria such as proximity to specified transport). Developers cannot provide levels above this threshold (but are free to provide spaces below this level).”</i></p> <p><i>Unbundling - “Ownership of parking could be required to be separated from the housing (and therefore from rents or initial housing sale prices). Parking spaces could be centrally managed, or leased or sold separately to residents, thus spaces become a tradeable commodity”</i></p>	<p><i>transport amenity or alternatives, and this is contributing to development costs and oversupply of parking.”</i></p> <p><i>“enable greater flexibility in relation to... car parking rates”</i></p> <p><i>“Revised car parking rates to ensure these are well-matched to local area needs and not oversupplied.”</i></p> <p><i>“Basement car parking can add considerably to development costs, and has an adverse design impact on streetscapes due to large car park entrances and conflicts between vehicles and pedestrians.”</i></p> <p>NOTE: To become a mandatory consideration for all developments</p> <p>Regulation Will give weight to whatever is the lesser.</p>	<p>impact the objective to deliver a diverse range of housing types.</p> <ul style="list-style-type: none"> • Demand for car parking may put pressure on street parking and result in negative impacts on local neighbourhoods and visitor parking requirements. • Cost of basements can be high but this is significantly outweighed by resident demand for car spaces as reflected in sale prices and sales rates. • Practicality regarding ‘unbundling’ of car spaces needs to be considered in more detail if this is to be provided as a viable alternative. Consider implementing ‘test cases’ in specific locations before rolling out to avoid serious negative impacts that may further reduce the attractiveness of apartments as an alternative viable housing typology for diverse households. • Car sharing has limitations – due to practical issues around implementation within building lots. • Positive support for merit based solutions for less than minimums – car-share/travel plans • Zones similar to City of Sydney (i.e. 400m & 800m) work well in proper CBD locations and are generally supported. • Visitor car parking rates – potential for reduction in rates for locations close to transport are supported. • Proximity to infrastructure should be based on existing operational infrastructure. Not future proposed infrastructure.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<p>Bicycle parking and mobility storage Specify new bicycle parking and mobility storage requirements including number of bicycle spaces per unit, bicycle visitor parking, and access to bicycle parking:</p> <ul style="list-style-type: none"> • studio and 1-bed units – 1 secure space • 2-bed units – 2 secure spaces • 3-or more bed units – 3 secure spaces 	<p>Require accessible units to be designed to facilitate parking a mobility scooter near the entrance to the unit. Cross-reference to secure cycle design guidance including location and access from street.</p>	<p>Promote cycling through provision of adequate storage. Encourage sustainable transport options, discourage private car ownership, and reduce development costs.</p>	<ul style="list-style-type: none"> • Intent to increase access to cycle parking is positive, however the proposed target is excessively high and will impact affordability of apartments due to increased size of basement. Any reduction in basement size will be taken up by bicycle and general storage. This defeats the intent of the objective to reduce basement excavation. • A proper assessment of bicycle use should be carried out to determine appropriate requirements. • Criteria needs to be flexible to different locations where bicycle use is less or more predominant due to geographical or demographic features. • Accessibility scooter requirement needs further clarification – i.e. does the scooter need access right up to the front door of an apartment, plus a parking space? • Do scooters need charging points in these locations and will these charging points be metered to private apartments or common property? • This policy is too restrictive. Scooter storage should be included in general basement storage to provide better flexibility. • Should be dependent on location and demographic

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
Part 4 Building Design -Residential Amenity (table A6)			
<p>Solar access For the avoidance of doubt, clarify that design criteria are mandatory.</p> <ul style="list-style-type: none"> • An increase to the range of hours in which a development may achieve solar access is being considered, subject to design testing and industry feedback • it is proposed to increase the range of sunlight access hours that comply, balanced with application of the requirement to a greater number of apartments. • limit the extent of facade glazing to reduce solar heat load • reduce the number of east-facing and west-facing single-aspect units to avoid the potential for apartments to overheat 	<p>Simplify the method for calculating solar access. Limit east-west single-aspect units, and/or maximise units within 15 degrees of north.</p>	<p>Direct solar access to apartments has numerous benefits including providing warmth in winter and improving indoor air and light quality to support people's daily routines and sleep patterns.</p> <p><i>Extending the time period to which the design criteria apply aims to improve direct solar access to a greater number of apartments for improved liveability and health.</i></p>	<ul style="list-style-type: none"> • The intent to create better flexibility is supported but further detail is required regarding the increased number of apartments (%) required to meet solar compliance • Strict mandatory numerical controls is against the objectives to increase flexibility and does not take into consideration context, location or diversity of occupant types. This is also contrary to the intent of the SEPP to respond to place and context and to provide diversity. • The proposal suggests that new projects will need to provide generally north facing apartments. This will lead to a larger number of through-apartments and cores which will in turn lead to higher construction costs and lower affordability. Current purchaser preference (particularly in the owner-occupier market) is for single sided apartments. • It appears that any flexibility arising from the increased range of hours will be negatively offset by the application to a 'greater number' of apartments, changes to single-aspect units; and the proposed mandatory nature of the provisions. • It is unclear how the proposed changes will support faster design and assessment processes? • Proposed reduction in glazing area will make complying with solar access harder. • 'For the avoidance of doubt, clarify that design criteria are mandatory'. Indicates that there is no flexibility to apply the numerical criteria. • Overshadowing to existing apartment buildings control – is this being reviewed? It is a problem in built up areas.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<u>Shading and glare control</u>	Provide additional guidance on achieving shading and glare control including assessment criteria, with practical guidance such as 50% glazing and no glass (or high-performance glazing) for the first metre from the floor.	Reduce solar heat gain and glare from glazed facades exposed to direct sun, to enable better use of indoor space and improve thermal comfort.	<ul style="list-style-type: none"> • The intent of this change/addition is supported but further detail is required. On face value this will have a cost impact on apartments and further potential impact on affordability. • Should this section be moved to BASIX and sustainability section of ADG? • Is the proposed 50% surface area or linear length of façade(per apartment or total façade)? • No glass (or performance glass) for first metre from floor includes sliding doors? • Dependent on aspect? • Dependent on shading?
<u>Natural ventilation</u> a. Require ceiling fans for habitable rooms with 2.7m ceiling heights.	Provide new supporting design guidance.	Improve resident thermal comfort, provide greater choice for enhancing natural airflow, and reduce the need for air conditioning.	<ul style="list-style-type: none"> • This change is generally supported. • Additional cost will add to affordability issues in certain markets. • Inclusion of ceiling fans should be linked to natural ventilation requirements as a potential offset.
b. all Increase natural cross-ventilation requirements to 70% of units and apply this requirement across storeys. <i>This is intended to provide flexibility and encourage a greater proportion of tower apartments with natural cross-ventilation to offset lower-level apartments where building footprints are typically deeper</i>	Improve definitions and guidance for which units can be counted, including 'dual aspect' and corner units. Use benchmarks and guidance to achieve more kitchens and bathrooms with windows.	Increase the number of apartments with adequate fresh air circulation. Improve indoor air quality, liveability, health, and building longevity. Reduce mould growth, absorption of cooking smells, and exposure to material off-gassing. Reduce reliance on mechanical ventilation. Removing this specification for below nine storeys enables flexibility in how % natural cross-ventilation is achieved across the building.	<ul style="list-style-type: none"> • This update is generally supported. However, strict application of mandatory numerical requirements is counter to the objectives of this SEPP update, which proposes greater flexibility and opportunity for innovative site specific solutions. The proposed changes will potentially create more generic solutions, increase costs and reduce affordability. • Performance based solutions should be allowed. This will encourage innovative solutions that are responsive to site and location. This will require development of clear and concise performance criteria. • Further clarity around the definition of 'dual aspect' required. • The proposed criteria would result in maximum tower floorplates of 5 apartments (assuming that only corner apartments are capable of complying with cross-ventilation requirements)

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
			<ul style="list-style-type: none"> • Additional cores will be required which may have significant impact cost and affordability in low-rise apartments. • It should be noted that generally people prefer single sided apartments over through apartments
<p><u>Apartment layout</u> Enable varying layouts to support different households, and people working or studying from home, by requiring 20% of 2 or more bedroom units to be 'family units', providing minimum 12 m² bedrooms for all bedrooms.</p>	<p>Encourage non-structural walls to be used between dry areas of apartments, capable of being modified by the occupants (subject to strata bylaws or consent where necessary).</p>	<p>Improve the ability for apartment residents to adapt their dwellings to suit their changing needs – to enable working from home and support intergenerational and mixed occupancy.</p>	<ul style="list-style-type: none"> • Although generally supported, there should be more flexibility for alternative solutions. For example, if separate study area or study nook is provided as an alternative. Alternatively, where a study is not provided one larger bedroom to be provided. • Strict compliance will increase apartments size, cost and affordability in a market segment that has the least capacity to absorb increase. • Often buyers will select apartments for other reasons not on the basis of bedroom size. Thus this criteria may be ineffective. • Generally this requirement is not flexible – there should be an objective to demonstrate how to meet requirement to support different households – variety of product types
<p><u>Local planning considerations</u> Develop specific criteria for responding to local housing strategies.</p>	<p>Revise objectives and design guidance for development to demonstrate a response to local planning needs, including reference to local housing strategies and contribution to local housing targets through apartment mix.</p>	<p>Ensure development contributes to local housing need as recently determined through new planning instruments (LSPS and LHS).</p>	<ul style="list-style-type: none"> • This is a very broad sweeping criteria. More detail required to understand impact. • Will minimum and/or maximum apartment mix be mandated? • We highly recommend not setting bedroom mix targets as this is often market driven and will significantly impact project viability.
<p><u>Private open space</u> No change to total area. Increase min. depth of private open space:</p> <ul style="list-style-type: none"> • studio units min. 1 m • 1-bed units min. 2 m(no change) • 2-bed units min. 2.4 m 	<p>Revise design guidance for private open space including:</p> <ul style="list-style-type: none"> • recommending air conditioning condensers and hot water units not be located on balconies • for towers (apartment buildings of nine or more storeys) 	<p>Improve residents' quality of life through increased amenity, safety and usability of private open space, in particular for high-rise apartment development.</p>	<ul style="list-style-type: none"> • Generally supported, but may be additional cost for two-bedroom apartments. • Locating condenser units on balconies can save considerable costs in affordable housing situations. • Does it apply to useable balcony definition?

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<p>3+ bed units min. 2.4 m (no change).</p>	<p>provide additional guidance for the design of balconies and wintergardens.</p>		<ul style="list-style-type: none"> Better controls around A/C units on balconies, such as location and screening, would be appropriate. In some locations co-locating condenser units has a significant impact on cost and affordability.
<p>Storage Increase requirements to:</p> <ul style="list-style-type: none"> studio units 6 m³ 1-bed units 9 m³ 2-bed units 12 m³ 3+ bed units 15 m³ <p>Decrease the minimum amount to be provided inside the unit to one third (from 50%) (i.e. the remaining amount can be provided outside the unit).</p>	<p>Storage to provide for one storage space <u>outside bedrooms</u>:</p> <ul style="list-style-type: none"> studio and 1-bed units – 0.6 m deep x 0.9 m wide x 2.4 m high 2+ bed units – 0.6 m deep x 1.2 m wide x 2.4 m high 	<p>Increase storage to provide adequate amenity more equal to detached housing, and support long-term residents and diverse and family households. Note: No change to requirements for internal volume, as amount within apartments is the same as current ADG requirement (50% of 4 m² = one third of 6 m²).</p>	<ul style="list-style-type: none"> Generally supported but requires further clarification regarding storage in bedrooms. Does this mean bedroom storage is included/ counted as storage? This criteria would lead to increased basement cost and resultant impact on affordability i.e a 3 bedroom unit would require an additional 2.3m² (5 cubic metres) of basement to accommodate this.
<p>External noise & pollution Introduce new requirements for development on busy roads (as currently defined, i.e. > 20,000 vehicles per day) to supplement the Infrastructure SEPP.</p> <p><i>recent local government best practice controls for development in noisy or poor quality – Assume this means that the City of Sydney controls for Alternative natural ventilation of apartments in noisy environments</i></p>	<p>Update design guidance to align with recent best practice developed by local councils.</p>	<p>Improve the amenity and consistency of development expectations for apartments where environmental quality is compromised (including road and rail corridors).</p>	<ul style="list-style-type: none"> Generally supported but needs further clarification. Cost impacts - May trigger alternative natural ventilation requirements on projects. May make certain sites harder to develop/get approved. City of Sydney guidance results in significant additional costs. This may be justified in the inner areas where apartment prices are higher however will be cost prohibitive in outer areas.
<p>Acoustic separation To support people working from home or studying:</p> <ul style="list-style-type: none"> for 1 or 2-bed units, provide one acoustically separable 	<p>Provide new guidance: 'acoustically separable' is a room with sound transmission of < 45 dBA (generally via a solid-core door). These spaces may be bedrooms.</p>	<p>Accommodate the increase in the NSW population working from home due to the changing nature of work and increased flexibility, made more acute by COVID-19.</p>	<ul style="list-style-type: none"> Needs further clarification Cost of solid core doors. Potential costs for increased wall performance.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<p>area from the main living space</p> <ul style="list-style-type: none"> for 3+ bed units, provide two acoustically separable areas from the main living space. 	<p>Provide guidance to show how desk space can be accommodated in all apartment configurations, and multiple desks for 3+ beds.</p>		

Common spaces and vertical circulation (Table A7)			
<p>Communal open space</p> <ul style="list-style-type: none"> Replace the site area metric (min. 25% of site area) with a unit mix / occupancy metric, subject to the delivery of specific requirements for communal space in apartment development, including: <ul style="list-style-type: none"> new specific requirements for communal open space and communal (internal) rooms to recognise the needs of apartment 	<p>Requirements to consider flexibility for addressing resident/apartment mix and contextual factors including green infrastructure</p>	<p>Safeguard open space for the needs of residents, while enabling flexibility to provide appropriate and diverse common spaces for residents based on contextual factors. Link open space provision with the need to improve amenity as urban density increases.</p> <p>A quantum of common space is required, independent of any public space or deep soil, to ensure sufficient gathering space</p>	<ul style="list-style-type: none"> A more nuanced approach to the requirements for Communal open space is generally supported. However should be considered on a site by site basis taking into consideration proximity to public space and amenity. An increased requirement for communal space is counter to the affordability intent of the SEPP changes. Consideration for the cost and time impact on body corporates should be taken into account – poorly managed communal spaces will reflect badly on apartment living. More detail required around the min size and the accessibility from the street. Minimum size should be tested against intended uses supported by research into current resident feedback across the spectrum of housing diversity, 250m² is a large area for 1,000m² residential developments and will add considerable cost and reduce affordability- Perhaps incentivise the provision of internal communal space by excluding it from planning GFA. Further detail required

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<p>dwellers, particularly in higher density development</p> <ul style="list-style-type: none"> • providing covered communal space accessible from the street capable of hosting private or community events and activities, consisting of <ul style="list-style-type: none"> ○ 2.5% of GFA for non-residential uses ○ min. 250 m² for residential developments > 1000 m². (assume this is site area) 		<p>for events, childrens play, and strata meetings.</p> <p>One specific space sought will be a common room or event space capable of hosting a range of activities including strata meetings, events, parties and gatherings.</p>	<ul style="list-style-type: none"> • Min. 1,000m² very low. • Cost impact of additional non-saleable space. • Would be a major cost for small apartment buildings. • Should recognise location and context. • Could create headaches for body corporates... especially in projects with a high proportion of renters (some short term) • Purpose of providing communal space at 2.5% of GFA for non-resi uses – what does this mean and why is it in the ADG? • AGM's now held online • What does accessible from the street mean? Does it need to be on ground floor? Detail required • How was the 250m² (≈ 16 x 16m) figure arrived at? • Clarify site area • Assume this will be considered GFA (planning) which will reduce potential saleable area.
<p>Daylight and ventilation Introduce a new requirement to provide adequate daylight and natural ventilation to all common circulation spaces.</p>	<p>Provide supporting design guidance on adequate daylight and natural ventilation to all common circulation spaces</p>	<p>Improve the amenity of common circulation spaces, in particular for adequate fresh air in response to COVID-19, and to reduce energy consumption and building running costs.</p>	<ul style="list-style-type: none"> • The requirement for natural light to common circulation areas is generally standard across projects and is supported in principle. • However it tends to favour particular core configurations with the effect of creating more areas of inactive façade or large slots which limit tower expression and reduced design flexibility. • Requirements should be optional depending on site context, architectural expression, and number of apartments per core. • More detail required for natural ventilation – open corridors have impacts on durability of materials, noise and weather.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
<p><u>Lift requirements</u> Require a lift report to be submitted for development nine or more storeys or over 40 units.</p>	<p>Provide one lift with a clear internal height of 2.5 m to accommodate movement of furniture, plant and large household items. Clear space in front of the lift to be 2.5 m wide.</p>	<p>Clarify current guidance to ensure the suitability of lift provision. Improve lift servicing for high-density apartment development and provide space for moving furniture where there is a higher incidence of rental units.</p>	<ul style="list-style-type: none"> • Ability to move furniture into buildings is a recurrent issue in some apartment developments. • Increased clear height space inside lift is supported – provided the distance is within generally available lift sizes. • The requirement for additional clear distance in front of lifts will increase construction cost & affordability. • Required distance should be tested with real-world scenarios. • More detail being provided about performance requirements. • Perhaps exclude additional area from Planning GFA.
<p><u>Building access, common circulation and spaces</u> Require access and circulation spaces to achieve Livable Housing Australia silver performance level. Ensure equitable access from the street and to on-site facilities for all housing types (social, affordable, open market).</p>	<p>Note minimum corridor widths to allow a wheelchair to turn.</p>	<p>Increase the number of apartments with universal access to cater for residents and visitors of all ages, abilities and household types (including families with children needing prams, the elderly, and people with impaired mobility).</p>	<ul style="list-style-type: none"> • Accessibility is an important and growing issue given Australia's aging population and should be considered across the breadth of housing types and tenures. • Increasing the requirement for universal apartments may have a detrimental impact on affordability for those entering the housing markets. • Some sites are especially hard to provide at grade access due to flooding this should be taken into consideration when evaluating solutions. • More detail required as to minimum corridor widths and clarity around relationship to other controls and guides for accessibility.
<p><u>Upgrade fire stairs</u> to meet NCC common circulation requirements by providing hold-open fire doors and natural light to allow residents to access and use stairs daily.</p>	<p>Provide new design guidance for fire stairs.</p>	<p>Leverage development space for common amenity, reduce reliance on lifts, and improve opportunities for residents to be active.</p>	<ul style="list-style-type: none"> • Active circulation spaces for resident interactions and exercise are an important part of higher density living, but should be considered carefully. • Requirements need to be balanced against issues of security and privacy. • Should be optional instead of required as open fires stairs cost more money to construct due to larger spatial requirements

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
			<p>and upgraded finishes – affecting affordability.</p> <ul style="list-style-type: none"> • .Open fire stairs are unlikely to be used in preference to lifts in buildings above a certain height.

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
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Part 5 Environmental Performance - Sustainability (Table A8)			
<p><u>Energy efficiency</u></p> <ul style="list-style-type: none"> • Provide a real-time energy use display or smart meter for each apartment. • Design energy systems to enable choice of energy suppliers. • Apply NABERS Common Property Energy requirements to common areas, with targets to be specified in the Design and Place SEPP. 	<p>Update objectives and design guidance for development to address energy use more holistically and encourage use of renewable energy, including considering resilience.</p>	<p>Reduce energy use, and carbon emissions, and empower residents to reduce energy costs and switch to renewable energy sources.</p>	<ul style="list-style-type: none"> • Is choice of energy supplier comments with regards to embedded networks? • Requirements may create additional costs for residents.
<p><u>Energy efficiency – electric vehicles</u></p> <p>Specify a target (or general incentive through replacement rates) for EV charging stations and car spaces. (Target to be determined.)</p> <p>Require development to be EV-ready, providing sufficient power to the meter board to enable vehicle charging at every car space, and delivering power supply to each car space for future conversion and adoption.</p>	<p>Update objectives and design guidance and coordinate this with car parking guidance</p>	<p>Contribute to achieving NSW net zero policy goals, and reduce carbon emissions by accommodating sustainable transport options. Encourage car sharing, use of electric vehicles and other reduced-emission transport options.</p>	<ul style="list-style-type: none"> • Suggest allowing cabling and space/capacity for upgrading power supply in future • Potentially more load on power distribution systems = more cost. • Further detail required
<p><u>Heating and cooling infrastructure</u></p> <p>Require heating and cooling infrastructure (including condensers) to be located in a centralised location in the basement, on each floor plate, or on the roof, and integrated with the building design, using facade and roof elements to screen it from view.</p>	<p>Encourage car sharing, use of electric vehicles and other reduced-emission transport options. (this should be located in previous clause?)</p>	<p>Improve environmental impacts of exposed building services on the neighbourhood and residents' amenity in high-density urban environments.</p>	<ul style="list-style-type: none"> • This clause criteria is about visual impact and has nothing to do with sustainability. It should be located with clause A6.7. • Potential cost for centralised plant over A/C condensers on balconies • Significant cost impact for projects in affordable locations (ensure A/C condenser not included in area calculations)
<p><u>Water management</u></p> <ul style="list-style-type: none"> • Introduce minimum WELS standards. • Require a strategy for on-site water re-use, including % of 	<p>Update objectives and design guidance to support a holistic approach to water use, recycling and stormwater collection. Set new benchmarks for on-site stormwater management and</p>	<p>Improve water use and building performance to reduce urban water demands, helping to address the rising frequency of extreme heat and drought periods.</p>	<ul style="list-style-type: none"> • Conflict with BASIX requirements? • Potential additional costs

Proposed Design Criteria	Proposed Changes	Intended Benefit	Comments / questions to DPIE
landscaped area for passive or recycled water irrigation.	rainwater and grey water harvesting.		
<p><u>Building and landscape maintenance</u> Require a building and landscape maintenance plan to document maintenance regimes for the building structure, soft landscaping, waterproofing, plant maintenance, replacement and repair strategies (including common property) and material life cycles. Require the landscape maintenance plan to identify how landscaping will be periodically maintained after completion (5-year, 10-year planning).</p>	Provide new objectives and design guidance to support the proposed design criteria.	Ensure ongoing maintenance of landscaped areas.	<ul style="list-style-type: none"> • Supportive of initiative, but concerned with regards to how will this be enforced? • Additional consultant cost to project. • Provide template to make compliance and approval easy – avoid council delaying approval due to disagreements • Cover specific regime requirements? • Additional cost to prepare maintenance plans and associated documents
<p><u>Environmental performance of materials</u> Require development to reduce carbon footprint and contribute to net zero targets and the circular economy including:</p> <ul style="list-style-type: none"> • pursuing green building ratings • selecting materials with low carbon and embodied energy <p>Require carbon footprint and embodied energy of materials to be set out in a materials schedule documenting types, quantum, source, life span, embodied energy and recycled content of each material.</p>	Provide new objectives and design guidance to support the proposed design criteria.	Encourage sustainable material use and supply chains, and minimise the carbon footprint of development.	<ul style="list-style-type: none"> • More detail required. • Is assessment of all materials included in this requirement? • Needs very clear guidance and specific requirements to avoid different interpretations. • This may require considerable additional reports at DA stage to track low carbon and embodied energy. • Will councils have technical ability to assess these requirements?
<p><u>Waste management</u></p>	Provide new design guidance: waste facilities for residential and non-residential uses to be separated	Improve space planning for ease of use and to encourage recycling	<ul style="list-style-type: none"> • More detail required • Increased space requirements & increased costs.

Appendix C: Comments on EIE Appendix C: BASIX Reform

Appendix C: Stockland comments on EIE Appendix C BASIX Reform

Overall, the direction and integration of the BASIX SEPP into Place and Design SEPP appears to be a positive step for delivering sustainability performance and improved integration of sustainability into design. Initial feedback on the proposed objectives and policy updates are below. We look forward to receiving further detail of the reform so that we may provide a more detailed response.

Objectives and Policy Initiatives	Comments
<p>Providing a more flexible pathway to demonstrate design meets sustainability performance</p>	<ul style="list-style-type: none"> • Flexibility in the available Assessment Pathways – The inclusion of an Independent Merit pathway or a pathway outside of BASIX report that meets Sustainability performance requirements is likely to reduce time and cost of achieving a BASIX certificate and could speed up approval. It is not clear what kind of development this option would apply to. • Alternative Assessment tools that plug into BASIX - eg Passive house Design will satisfy the BASIX thermal performance pathway. Support for this approach particularly the recognition of Green Star Homes Standard and the proposed NatHERS 'Whole of House' tool. This approach is likely to improve flexibility and innovation in design options and support marketability of homes. • A tailored approach for thermal comfort and energy performance - Support the principle of increasing flexibility to achieve Greenhouse Emissions reduction or Net Zero ambitions, however wary that trading off thermal performance and reducing the quality of the building shell will reduce the passive comfort of the structure during most of the year. Understand the objective is to be applied on challenging sites, however challenging sites are not defined. It is not clear how this approach would integrate with the objective 'to align with NCC Thermal Comfort requirements'.
<p>Aligning sustainability performance with principles of the Design and place SEPP</p>	<ul style="list-style-type: none"> • Potential inclusion of Embodied Energy, Green Infrastructure, Stormwater Runoff (Rainwater Tanks) - Supportive of holistic assessment and integrated assessment which will likely expand opportunities to meet BASIX targets. Potential costs associated with additional requirements and assessment would need to be considered.
<p>Measuring and reporting sustainability performance requirements consistent with other jurisdictions</p>	<ul style="list-style-type: none"> • Supportive of BASIX being aligned with other tools, in particular NatHERS and NCC updates. Consistency across Jurisdictions reduces cost of redesign and simplifies measurement and reporting.

Objectives and Policy Initiatives	Comments
Improving customer experience and promote innovation	<ul style="list-style-type: none"> • Rebuilding the BASIX tool to provide a modern look and feel and more intuitive experience is supported • Integration into NSW Planning portal streamlining application process (validation, Audit, information integration) is supported • "BASIX Plus" - over and above certification credentials would be a great opportunity to establish a marketable approach to sustainability and design differentiation • Providing best practice education and case studies will help to establish benchmarks and seed project ideas
Adoption of new technology	<ul style="list-style-type: none"> • More structured approach to further updates and enhancements will enable new technologies and design opportunities to be built into the tool expanding design options, and reducing time and cost of assessment
Staged and Incremental increase in sustainability targets aligned to implementation of Government Net Zero Plan	<ul style="list-style-type: none"> • Support Ambition to deliver against the NSW Government's Net Zero Plan and incremental increases in target over time. It isn't clear when target increases would occur or what the revised target increments might be, however target increases should be reflective of future market conditions. Development of a trajectory of costs and benefit over time and timeline for implementation would provide industry with direction and help industry to forward plan design alterations.