

Principle 2: Build Form and Scale – could be changed to Urban Form, Density and Scale to allow for assessment of precincts, significant development and all other development

Principle 3: Density – this principle could be incorporated into Principle 2

Principle 4: Sustainability – could be changed to Sustainability and Performance to encompass efficient use of resources, thermal design of developments, consideration of waste disposal and recycling, water and stormwater treatments, etc.

Principle 5: Landscape – is appropriate to all scales of development

Principle 6: Amenity – could be incorporated into Principle 4.

Principle 7: Safety – could be expanded to include Safety and Connectivity assessment of road layouts, pedestrian movements, etc

Principle 8: Housing Diversity and Social Interaction – could be incorporated into various other principles around public open space or amenity

Principle 9: Aesthetics – could be incorporated into Principle 1.

- 2.4.2 Development types p23 – the new SEPP is intended to apply to other building types, not just Residential Flat Buildings (RFBs) like SEPP 65 and the Apartment Design Guide (ADG). I imagine separate controls will need to be developed for each building type/ typology. In preparing a Development Control Plan (DCP) for commercial development, I found there were differing criteria for each type. For example zero building setbacks are fine in a “main street” but not appropriate to bulky goods development where a landscaped setback to the street is desirable.

-
- 3.1.1 Design skills p25 – SEPP focusses on the use of suitably qualified architects/ urban designers to design Precincts and Significant Developments. The SEPP should also mandate that a suitably qualified transport planner/ engineer/ road safety professional be part of the initial planning stages.
 - 3.1.1 Design skills p25 – What are the definitions of registered landscape architect and qualified designer?
 - 3.2.2 Local living p28 – these considerations appear to be Sydney-centric and not practical in regional areas. New housing in existing areas may find it difficult to comply where open space and shops have already been established. New release areas may find it less of an issue to comply but low-density areas in regional areas often don't have the numbers of people to make local shops economically viable. There are a lot of instances where shops have been provided but are vacant due to economic drivers.
 - 3.2.2 Density p30 – This consideration needs to relate to regions as well as metropolitan areas. It needs to consider councils use of zones and character of area which can vary from LGA to LGA.
 - 3.2.2 Transport and Parking p30 – use of minimum car parking rates needs to be balanced against availability of other mode choices (rail, bus, ferry, walk, cycle). Parking rates are only relevant where reasonable public transport exists. In regional cities for example it only results in more residents parking on street, causing traffic issues and parking shortages for visitors.
 - 3.2.2 Attractive form p31 – define the term beautiful? Historically beauty would be gauged in terms of symmetry, harmony, elegance, proportion, etc. Modern architectural movements have challenged the traditional principles e.g. Federation Square in Melbourne which arguably displays none of these. This term wouldn't be able to be agreed to in the Land and Environment Court. Is the intent of the SEPP to be vague enough to allow any design?
 - 3.2.2 Activation p31 – What is the definition of activity streets? In regional areas there is not sufficient density to make all streets and lanes active and viable.
 - 3.2.2 Mandatory matters for consideration – all scales of development require consideration of how “waste” is dealt with in the design. Too often “waste” disposal is an afterthought and local waste management requirements are difficult to enforce when a SEPP does not require consideration and it does not have performance requirements. Suggest including Waste Management in a performance requirement in the mandatory matters for consideration similar to part 4W of the ADG.
 -

PART 3

Key components of the new State Environmental Planning Policy

PART 4

Proposed amendments to existing State Environmental Planning Policies

- SEPP 65 – see comments on Appendix A below

PART 5

Relationship with other planning instruments and policies

- Better placed – as discussed in part 2 I have tried to use this policy document to assess proposals that are not covered by SEPP 65. The “better” objectives have proven to be difficult to assess proposals and argue that there is a “better” way. It has been much more successful to use the appropriate design quality principles from SEPP 65 to demonstrate whether the proposal is appropriate or provides a good design outcome. Strongly suggest that “Better Placed” is retained as a policy document only and that design quality principles from SEPP 65 are used as the basis for the Design and Place SEPP.

- No comment

PART 6

Planning pathways

APPENDIX A

Proposed Amendments to the Apartment Design Guide and SEPP 65

- SEPP 65 has 9 Design Quality Principles that are based on actual things that are assessable and measurable: 1. Context and neighbourhood character 2. Built form and scale 3. Density 4. Sustainability 5. Landscape 6. Amenity 7. Safety 8. Housing diversity and social interaction 9. Aesthetics. These principles are tried and tested through development assessment process and in the Land and Environment Court. Why are these being replaced with 5 ambiguous principles with undefined terms like beauty, inviting, productive, wellbeing, resilient and diverse? Imagine being in a court case where a Commissioner asks you to define Beauty. A whole new area of case law will be created through changing SEPP 65. And for what purpose?
- SEPP 65 and the ADG should be retained as it relates to improving the lives of residents of a specific development type. The UDG could relate to all other large development.
- Part 3 and 4 of the existing ADG has objectives and design criteria that are quite specific and measurable. It is a very useful document for development assessment and has improved the design quality of apartment buildings. Any proposed amendments to these parts of the ADG should be carefully considered.
- Better Placed is simply a policy manual. It should not form the basis of a new SEPP. Assessing proposals against Better Placed is difficult because it is so subjective. The argument can be easily presented either way. It does not have robust design quality principles that can be assessed like SEPP 65. It simply points out the benefits of “better” design.
- Design criteria for Contributions to place seems to be excessive. If proposed apartments comply with LEP controls, then it can be assumed they are in accordance with local plans and strategies. Consideration of country is appropriate to large scale development but not to a small Residential Flat Building (RFB) on an isolated site.

APPENDIX B

Proposed New Public Spaces and Urban Design Guide

- The design criteria should be developed in close consultation with Development Assessment Engineers and Transportation Engineers. For example, the proposed street widths need to reflect the construction approaches to services that vary from metropolitan to regional areas. In higher density areas, services like phone, internet, gas and water are stacked one on top of the other to reduce the amount of area required in the street reserve. In regional areas where space is not at a premium, services are laid side by side within the verge, making them more easily accessible when maintenance is required. A lot of regional councils have a subdivision Development Control Plan (DCP) that outlines the minimum road widths for different types of streets based on the requirements for traffic, pedestrians, cyclists, with adequate area for side-by-side services and space to allow a single turn into a driveway rather than a 3 point turn. This is balanced with the building setback requirements for different street types which allows for off-street parking within the front boundary and not over the footpath.
 - The UDG should have different criteria for regional areas without much public transport versus suburbs of Sydney with a lot of public transport options. There should be categories that allow for this differentiation with flexible criteria that councils can adopt for different areas. In regional areas, lot sizes may need to be larger to allow for more car parking as most working adults require a car or motorcycle to be independent and mobile.
-

- The amount of public open space and the importance on streets have different values in regional versus urban areas and this should be reflected in the UDG. An example of this is that regional areas tend to have access to more open space in the form of National Parks, State Forests, and beach and lake foreshores. Whereas in suburban Sydney there is a higher dependency on the provision of formal public open space. The importance of a “green grid” is different in highly urban areas versus regional areas that enjoy a lot of natural vegetation.
 - If the UDG is to apply to the whole of NSW, there should be distinctions between the design criteria for urban, suburban areas in Sydney, and urban and suburban areas in regional centres or areas.
 - Part 5 of the UDG Waste should reference that there may be specific requirements relating to the waste contractor vehicles and clearance dimensions and availability of recycling in different LGAs.
-

APPENDIX C

Sustainability in Residential Buildings

No comment

Additional comments

- Thank you for the opportunity to provide comment on this SEPP
 - As the SEPP is the overarching framework it is important to get it right
 - As a registered architect assessing development applications, I have major concerns about the proposed principles of the SEPP. I also have concerns that the SEPP is Sydney-centric and may not be the best fit for regional areas where metrics are proposed. There should be a looser or stronger metric as appropriate to areas outside the Sydney Metropolitan Area, and the Newcastle and Wollongong local government areas similar to the ADG requirements for Solar and daylight access in Objective 4A-1.
-

Thank you for your time in preparing this submission.