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Our reference: InfoStore
Contact: Glen Weekley
Telephone: 4732 7415

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Department of Planning, Industry and Environment

Sent by email: [online submission]

Submission on the draft Design and Place State Environmental Planning Policy and supporting policy framework

Thank you for the opportunity to comment on the draft Design and Place State Environmental Planning Policy (draft DP SEPP) and supporting policy framework.

Please find our submission attached for your consideration. This submission was formally endorsed by Council at the Ordinary Meeting of 21 February 2022.

Whilst we are supportive of the intent of the draft DP SEPP and surrounding policy framework to facilitate and ensure a priority is place on good design, we believe the issues raised in our submission need to be considered and addressed prior to the finalisation of the draft DP SEPP and surrounding policy framework. As some of the issues raised in our submission require additional information to be provided, we request that additional consultation with Council is undertaken.

If you have any questions about this matter, please contact Glen Weekley, Executive Planner on 4732 7415.

Yours sincerely

Natasha Borgia
City Planning Manager



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ISSUE RAISED IN OUR PREVIOUS SUBMISSION ON THE EIE THAT HAVE NOT BEEN ADDRESSED

The following key concerns raised in our submission on the Explanation of Intended Effects (EIE) on the Design and Place SEPP have not been addressed:

- Design Review Panels - The draft DP SEPP, through the draft Design Review Panel Manual is still proposing a one size fits all approach to local design review panels. No acknowledgment is given to existing design review panels, such as Penrith's that are successful in providing positive outcomes for both the community, Council and developers,
- Local Character - The ministerial direction requires planning proposals to give effect to any relevant residential density, connectivity and open space design criteria and guidance of the draft Urban Design Guide (draft UDG) which reduces Council ability to influence local character,
- Sustainability - There is little consideration about urban heat management targets. The draft DP SEPP still appears to enable trade-off between thermal comfort and energy performance, which isn't supported,
- Assessment times and capability – No consideration appears to be given to the increased requirements for experienced practitioners to design and verify, particularly in regard to the draft UDG that will increase requirements on Council to staff and review. No consideration or concessions have been provided for the additional layer of reporting that is required for Planning Proposals,
- The draft DP SEPP still requires further work on the legal drafting to strengthen the links between the companion guidelines,
- Greater consideration of urban heat management targets, particularly for Western Sydney has not been incorporated into the proposed changes to BASIX, and
- There is still no ability for councils to set their own sustainability targets above those set by BASIX.

GENERAL COMMENTS ON THE DRAFT DP SEPP AND SUPPORTING GUIDES AND DOCUMENTS

Impact on Council's Urban Heat Planning Proposal and proposed Development Controls

Council is about to exhibit a Planning Proposal that seeks to introduce a new provision in Penrith LEP 2010 to ensure that the mitigation of the urban heat island effect is a major consideration for development. It is proposed that the new provision will require a consent authority to be satisfied that planning and design measures will be taken as part of a development to reduce the urban heat island effect.

We are concerned that the draft DP SEPP limits Council's ability implement measures that were specifically designed to mitigate the urban heat island affect in the Penrith LGA and may override new DCP controls that are intended to complement existing energy efficiency and thermal performance outcomes



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for buildings under the NSW Government's Building Sustainability Index (BASIX).

Whilst we acknowledge that the draft ADG, draft UDG and proposed changes BASIX have considered the impacts of the urban heat Island affect, a standardised approach has been taken to address this issue and this approach does not take into consideration variations that occur in local climates such as Penrith's.

Requirement for Councils LEP's and DCP to be consistent with the Draft DP SEPP

The requirement that Council's LEP and DCP need to be consistent with the draft DP SEPP places an additional administrative burden and cost on Council. It appears little consideration has been given to Council's other responsibilities, that include:

- Ensuring their planning controls are consistent with both the Greater Sydney Region Plan and District Plans, and
- Processing proponent led planning proposals and DCP amendments within mandated timeframes.

Importantly, the need to be continually updating our planning controls to be consistent with State Government Planning Policy, impacts on Council's ability to focus on our own planning controls to ensure they are providing the best outcomes for our own community.

Impact on existing Urban Design Review Panels (UDRP)

Council existing UDRP is unlikely to meet the new requirements as members need to be appointed by the Minister and Council employees and officers are not permitted to be on the UDRP if Council is the consent authority.

It is of great concern that no acknowledgment has been given to existing design review panels, such as Penrith's, that are successful in providing positive outcomes for both the community, Council and Developers.

We firmly believe that existing UDRP's that are operating successfully and are providing advice that is consistent with the UDRM should be exempt from the provisions of Draft DP SEPP.

The likely need to set up a new UDRP will also place an additional administrative burden and cost on Council.

Reduced ability for Council to address Local Character

We are concerned that a standardised approach promoted by the draft DP SEPP limits Councils ability to consider and apply specific controls to protect local character as Council's LEP and DCP cannot be inconsistent with certain design criteria of the draft Apartment Design Guide 2021 (draft ADG) and draft UDG.



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Draft DP SEPP and draft ADG 2021 reference RMS "A Guide to Traffic Generation Development"

The RMS's "A Guide to Traffic Generating Development" (the Guide) is from 2002 and over 20 years old and not reflective of contemporary requirements. Transport for NSW needs to update the Guide to coincide with the draft ADG 2021 if parking requirements are derived from the Guide to then inform building footprint, access and circulation arrangements.

Until as such time as the Guide has been reviewed and updated, Council's car parking controls should apply to all mixed use and residential flat development.

Requirement to refer a planning proposal to the UDRP

We do not support the draft Direction's requirement to refer a planning proposal to the UDRP. This would need to take place pre – gateway as it is unlikely that DPIE would issue a Gateway Determination for a Planning Proposal that did not address the ministerial direction.

It is considered that referring a Planning Proposal to the UDRP pre gateway is not the appropriate time to be seeking advice from the UDRP. The level of detail provided to support a planning proposal differs from the level of detail required for a development applicant and justifies the strategic merit of a proposal.

The Local Planning Panel already provides advice on the strategic merit of a planning proposal and would consider a planning proposals consistency with the draft DP SEPP and draft UDG. Advice from the Design Review Panel is best provided at the DA stage when there is certainty on design.

The requirement to refer a planning proposal to the UDRP would also significantly affect Council's ability to process a planning proposal within proposed processing timeframes for Planning Proposal of 90 days. We do not believe it is feasible to undertake an initial assessment of a planning proposal and seek advice on a planning proposal from the UDRP and the Local Planning Panel, prepare a VPA or Contributions Plan, as well as seeking endorsement from Council all within 90 days of receipting a planning proposal.

DRAFT DP SEPP

Prior to the finalisation of the draft DP SEPP, the follow matters should be considered:

Design Principles and Design Considerations

- Clauses 14 – 21 makes references to "the consent authority must consider" which has no lawful enforcement or obligations for compliance. The clauses should read the same as Clauses 22 – 23 being "the consent authority must be satisfied" with each design



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- consideration then re-written to require deliverable elements to be demonstrated in the achievement of design excellence. The current clauses are interpretative with no security of quality outcomes,
- Clause 15 – requires rewording and explanation of design intentions. Clause 15(b) states “development incorporates inclusive design measures that are appropriate for the purpose of the development” with no direction or explanation of what is deemed inclusive, and what constitutes appropriate,
 - Clause 17 - Public space and public open space should be separated and have distinct design considerations under the draft DP SEPP, as they perform different social functions, and the operation and management of these spaces is often different. Both have high social value and should be treated accordingly. Buildings over a certain construction value should be required to provide a social impact statement that incorporates consideration of these spaces, particularly in commercial centres and high-density residential areas. This would also have the effect of supporting the design consideration “Deliver inviting public spaces and enhanced public life to create engaged communities”,
 - Clause 19 and 20 – an additional provision should be included to the effect that, for urban development involving subdivision, the subdivision patterns must accommodate deep soil areas in the verge must be wide enough to allow planting of medium-to large trees of an appropriate species. A specific canopy target should be set for all new subdivisions within the Design and Place SEPP. This would ideally be supported by minimum numbers of canopy trees by land area and deep soil zones for each development type and should require consideration of clustering and layering plantings,
 - Clause 21 – clause 21(a) is not a matter to be considered as part of a subdivision development application and has limited capability at a master planning stage. The availability of energy services is a matter to be addressed at a precinct planning stage or planning proposal noting that future built form on a lot is more often than not captured via separate development applications or complying development certificates. This clause should be deleted as it is not easily assessable at the DA stage involving a subdivision element, and
 - Clause 22 – this clause provides no guidance on what measures should be incorporated to reduce or avoid exposure to natural hazards. Further, the impacts of development to the risks of climate change cannot be easily quantified at a DA stage for individual development. The implications of climate change on a development can be more readily understood at a planning proposal or precinct planning stage, but specifically limited to such impacts as increased rainfall and flooding risk. This clause should be deleted, or more specific requirements outlined as to how compliance with this clause can be assessed, let alone satisfied.

Division 2 BASIX standard for residential development

- It is not clear how an assessment of embodied emissions from construction materials stemming from occupancy rates can be assessed. This requires explanation and supporting assessment methodology if it is to be an assessable element in the consideration of a development application.



Division 4 Miscellaneous

- Clause 33 sets up for post occupation certificate green travel planning that is unenforceable and the implications of diminished onsite parking and greater reliance on alternate transport modes is a critical consideration at the DA stage. The Draft Policy has not been exhibited with the corresponding map so the implications of the areas to be identified as “Public Transport Accessibility Level PTAL 6” are unknown. Further, it is not clear why this is a requirement in the SEPP and not a design consideration reflected within the Draft ADG 2021, and
- More broadly it is not clear why only the objectives of the draft UDG and draft ADG 2021 are called upon by the draft DP SEPP when the principles in the draft DP SEPP have informed the draft UDG and draft ADG 2021 provisions. If the Guides are expected to influence design outcomes, then compliance with the Guides as a whole (not just the objectives) should be referenced by the draft DP SEPP noting that the Guides allow for numerical variation where excellence is otherwise demonstrated.

Part 4 Design Review

- Clause 35 suggests that the constitution and management requirements of Design Review Panels is outlined in the Environmental Planning and Assessment Regulations (whereas this was previously outlined in SEPP 65 and the ADG). A review of the Regulations has not identified such provisions further noting that Ministerial Directions from 2015 make reference to SEPP 65 which is intended to be repealed. This requires urgent clarification noting concerns have been previously raised with the onerous impost of Panel Membership requirements and costs where capability for Council officers to be part of the Panel process is expressly excluded. The Department should also clarify if there is an intention to establish a Minister approved Panel List that Councils can draw upon without the need for individual Ministerial endorsement.

THE DRAFT EPA (DP) REGULATION:

We recommend that further consideration is given to the following clauses of the Draft EPA (DP) Regulation:

- Clause 57(ii) Design Verification Statements - The requirement to demonstrate how the development incorporates the intellectual property of the local Indigenous communities may be difficult to assess as there is not a definition of what constitutes the intellectual property of the local indigenous community,
- Clause 57(C) Embodied Energy Statement - This clause needs to be redrafted to be more definite. Words from “time to time” should be removed,
- Clause 99 – Condition relating to charging facilities for electric vehicles - This clause is complicated by the use of the Building Code of Australia building class designations and could be simplified through the use of Standard Instrument definitions,



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- To future proof Hotel and Motel Accommodation it is recommended that all car spaces for visitors and staff are capable of supplying 12 kilowatt hours of electricity to charge electric cars for each car parking space between 11pm and 7am every day, and
- Clause 99 Green Travel Plan – The requirement to review a green travel plan every two years could place an undue compliance burden on Council as a consent authority.

DRAFT ADG 2021

We believe that further consideration needs to be given to the following:

Built Form and Siting

- Building separation and setback indications on Page 15 for a town centre are contradictory to the minimum separation standards in Table 1.21. It is agreed that an urban core and city centre environment need not provide separation distances equivalent to a more suburban context. However, this vastly different context requires distinct design controls for the built form depending on the context being residential in nature of mixed use / commercial core,
- Building floor plates, depth and articulation provide no standard for minimum depth or building length which was a major omission from the current ADG. The controls outline considerations to inform building floor plate design however maximum building lengths and depths should be prescribed with capability for variation upon demonstration of superior design and internal amenity outcomes, and
- Building Height makes reference to building separation negating application of the separation controls. This is poorly located and needs to be moved to the separation control commentary with distinction between developments in a residential suburban context vs a commercial city centre core.

Site Access and Address

- Concern with encouragement of through site links for all sites as through site links are only successful where they are anchored at each end (with destinations / attractors) and can be activated at the ground / street level. It is recommended that this clause be revised to establish a clearer criteria for when a through site link is important or beneficial rather than only making reference to where a site is sufficiently sized to support the inclusion of a through site link.”

Relationship to Street

- The draft ADG 2021 should make more specific references to sleeving requirements for above ground parking similar to what is indicated in the draft UDG – Clause 8.4. This includes the creation of sleeved spaces that can accommodate suitable uses via tenancy depths and floor to ceiling clearances. The references to active uses is more suggestive in nature rather than a specific design requirement to mitigate the poor visual presentation of above grade / podium parking, and



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- Above ground infrastructure (substations, hydrant boosters and the like) are almost always exposed in front setbacks and poorly disguised. The proposed draft ADG 2021 controls suggested to ensure services are integrated into the building are supported however the practicality of this and feasibility of this requires investigation as the local development industry within Penrith indicates this is unachievable and cost prohibitive. The references to exclusions to services being in the “primary building frontage” is also strongly supported but contrary to service authority requirements according to the Industry. This suggested prohibition requires further evidence of consultation and agreement from those service authorities to empower Council’s taking a definite line on service locations and design treatments during the design and assessment phases.

Communal Spaces

- The quantum of required communal open space should be informed by the context separating a mixed use / commercial core character from that of a residential suburban context. In mixed use arrangements, communal open space is typically provided via limited ground open space and reliance on upper floor roof top open space. A ratio of 25% of the site area is challenging in city centre environments. Considerations to less communal open space in commercial cores but increase minimum unit private open space areas should be considered and reflected within the draft ADG 2021, and
- Further suggestions that communal open space need not be co-located with deep soil is only relevant for a city centre / commercial core environment and is highly inappropriate for a residential suburban neighbourhood. This suggestion requires deletion or refinement to still require an element of ground floor communal open space in combination with roof top open space for residential zoned land, especially given 6m setback requirements are established in the draft ADG 2021 provisions and basements should not protrude within them.

Apartment Mix and Diversity

- The suggestion of max 50% dwellings being studio or 1 x bedroom in this covid climate still seems high. It is suggested that this should be reduced to a lesser amount given encouragement of work from home arrangements and greater adaptability of spaces to function as residential dwellings as well as small business or other ancillary uses.

Waste

- The draft ADG 2021 indicates “where applicable” waste servicing should be on site which is at odds with the design objectives to minimise streetscape and residential amenity impacts of waste servicing. Even basement servicing requires a clearance height on the descending driveway that adversely impacts the streetscape unless the decent and height difference can be absorbed by the topographic rise of the site from street level. The suggested clause inclusion in the ADG further inhibits attempts to provide design quality outcomes that are not dictated by a waste collection arrangement. If the guide is intended to insist upon onsite collection, very specific design controls (not loose objectives) would be required to address the resulting floor to ceiling



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clearance implications, gradient transitions for access, swept path requirements and entry gate / door impacts to the street and public domain.

DRAFT UDG

General Comments on the draft UDG

- Evidence has not been included for key design criteria and standards, such as density, walking catchments, block sizes, tree canopy coverage and energy performance. As the draft DP SEPP and ministerial direction add weight to the design criteria, evidence is required to allow Councils to determine the suitability of the design criteria and guidance of the draft UDG, especially when the design criteria and guidance are inconsistent with Councils existing planning controls,
- The requirements for open space provision of the draft UDG that are based on a percentage of site area are inconsistent with Council's Sport and Recreation Strategy. Council's Sport and Recreation Strategy utilises population to determine open space provision. We are of the firm believe that open space provision needs to be based on future population and not a percentage of land area as it is the population that determines the need and demand for open space,
- Open space criteria in the draft UDG does not include a separate criteria for sporting space. It is unclear how the draft UDG addresses the need for sporting facilities. The draft UDG appears to focus on providing passive and informal active recreational space rather than sporting facilities for organised sport,
- Council does not support assets within the 1 in 100-year flood lines. The draft UDG allows for Open Space assets, up to 10% to be located within the 1 in 100-year flood line,
- The draft UDG supports increased housing density in locations with access to high frequency public transport. However, there is no definition or criteria for High Frequency Public Transport. The draft UDG needs to include a definition or criteria for "High Frequency Public Transport",
- Where flexibility for car parking rates is proposed, it should be sufficiently justified to ensure suitability for the proposed location and development type, and
- The draft UDG does not specify what walking distance is. Walking distance is a relative term and will mean different things to people of different ages and abilities. The draft UDG needs to be clearer about 'walking distances' and provide numerical guidance of what is considered to be an appropriate walking distance.

Comments on Objective 1

- Design Guidance 1.2 needs to clarify the type of new elements, and how they should respond to natural elements, and
- Design Guidance 1.7 Point 5 – streets and public open spaces are mentioned separately however streets are a type of public open space. Add a note that streets are a component of open spaces and should be considered holistically as part of the public domain.

Comments on Objective 2

- Design Guidance 2.2 – Point 1 ‘Identify routes that need to go around places, considering neighbourhood catchments, scale, and the potentially divisive character of large or busy roads and heavy vehicles’ is vague and needs to be rephrased,
- Design Guidance 2.2 - Points 2, 4 and 5 repeat a lot of information and can be consolidated, and
- Design Guidance 2.3 - In points 2 and 3, mention why 800m and 400m are chosen as distances for locating homes within public transport nodes (i.e. talk about pedestrian travel times).

Comments on Objective 3

- Design Criteria on neighbourhood density needs to be provided further evidence as to why 30 dwellings/ ha and 15 dwellings/ha densities are considered appropriated densities. Additional justification needs to be provided on why 30 dwelling/ha density is also considered to be an appropriate dwelling density ‘In areas of greater intensity or where there are excellent active and public transport,
- Clear definitions also need to be provided for “excellent active and public transport network. The draft UDG should include a minimum standard for “excellent active transport” and a minimum service provision for “excellent public transport”. The current wording is too subjective, and
- Design Guidance 3.3 – Further detail is required around walking catchment sizes. The draft UDG needs to provide guidance on what appropriate walking catchment is.

Comments on Objective 4

- Design Guidance 4.2 - details need to be provided around locating and designing safe zones, including minimum size, distance from key destinations etc.

Comment on Objective 5

- Design Criteria – We have concerns that the criteria that ‘All homes are within 15 to 20 minutes’ walk of a collection of local shops, a primary school, public transport, a supermarket or grocery store’ will not support a contained, compact neighbourhood as stressed in Objective 3. Distance to local shops of 20 min from new residential and mixed-use developments is too great for the types of development that will be assessed as part of the Urban Design Guide. As mentioned previously, walking distance is a relative term and will mean different things to people of different ages and abilities. The word ‘or’ also keeps it too vague as developments within 20minutes walk to a bus stop would be able to meet the criteria, and
- The Design Criteria also needs to address areas with high net dwelling densities and the need for bigger parks. Access to a small park within 200m is unlikely to provide usable open space for the future population. The quantum open space provision needs to be based on the future population of an area and the parcels of open space large enough to accommodate a variety of user groups.



Comments on Objective 6

- Evidence needs to be provided for proposed maximum block lengths in industrial, residential, and mixed-use areas,
- Design Guidance 6.1 needs to specify that the addition of new streets and decrease in block lengths is for better accessibility and reduced travel time for pedestrians and not vehicles, and
- Provide evidence in point 4 supporting the recommendation about intersection density per hectare.

Comments on Objective 7

- Evidence should be provided supporting a maximum of 130m between mid-block connections and through site links in catchments of key destinations,
- The draft UDG needs to identify the need to support both recreational as well as utility cycling by promoting cohesive and integrated cross-LGA boundary bicycle networks,
- The draft UDG needs to include that cycle facilities on high speed/ high traffic volume streets should not only be dedicated but also physically separated. Narrow on-street painted bike lanes although dedicated will not feel as safe as a physically separated wide bike path,
- Design Guidance 7.2 - an additional point needs to be added about street tree canopy,
- Design Guidance 7.3 - other treatments for traffic calming need to be added including chicanes, vertical deflections in road surface etc, and
- Design Guidance 7.4 - Promoting cycling as a safe and comfortable choice for local trips up to 5 km will mean that the bicycle should be the quickest and most direct mode to get from point A to B in comparison with other modes.

Comments on Objective 8

- Design Guidance 8.2 - Minimum 2% parking with EV charging equipment and minimum 2% car share parking spaces seem quite low, especially when wanting to encourage an uptake of electric vehicles and car sharing.

Comments on Objective 9

- Design Guidance 9.1 – an additional point needs to be added to discuss diversity among trees including fruit-bearing trees to support different forms of urban wildlife and to address the importance of using native vegetation in landscaping, and
- Design Guidance 9.2 - an additional point needs to be added to discuss the balance between solar access and shade in the public domain as a way to offer delight across different seasons.

Comments on Objective 10

- Design Criteria - Provide evidence supporting tree canopy targets in public open spaces and streets and the justification lower minimum tree canopy targets for industrial streets compared to residential streets.



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Industrial areas in Penrith LGA are amongst the hottest areas and need as high amenity as residential areas. Lower minimum tree canopy targets for industrial streets are not supported,

- The draft UDG should specify whether public car parks (as a part of public open spaces) should have a minimum 45% tree canopy cover,
- Further explanation needs to be provided for how street tree canopy percentages are calculated, especially when it comes to long streets stretching across several blocks,
- Design Guidance 10.2 – additional information should be provided on passive irrigation of street trees using stormwater, and
- Design Guidance 10.5 - Consider moving guidance around tree size and frequency of planting in the road reserve width to design criteria.

Comments on Objective 12

- The draft UDG needs to specify that the minimum public open space provision criterion does not include streets, shared zones and other excluded types,
- Design Guidance 12.2 - This section should address both physical and social safety in public spaces and should consider:
 - Addressing the need of activated edges and/or passive surveillance around public open spaces, and
 - the safety of vulnerable users in open spaces abutting busy regional roads,
- Design Guidance 13.2 – needs to specify that street design should follow the determined movement and place functions and accordingly serve different modes and activities, and
- Design Guidance 13.4 – needs to address the need to have footpaths of a certain minimum width (minimum clear path of travel for pedestrians) in order to be protected, walkable and sociable.

Comments on Objective 16

- More detail needs to be provided around designing with Country and Indigenous narratives around place, and
- Design Guidance 16.2 - Include how additions to heritage premises should not only respect and respond to urban/ landscape features but also built form features such as scale, proportions, architectural building elements and materiality.

Comments on Objective 17

- Design Guidance 17.1 - This section needs to address how built form and landscaping can contribute to rainwater collection, surface percolation and site drainage.

Comments Objective 18

- Design Guidance 18.3 – It is unclear if the guideline around 70% of active frontage is in relation to the length of a facade or its surface area,
- Design Guidance 18.3 – The design guidance should address the need for passive surveillance of rear lanes when possible – one way to allow it would be through ancillary dwellings or small retail pop-ups opening out onto the laneways, and



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Design Guidance 18.5 – the design guidance should address the use of sustainable and local materials for construction including recycled materials with a view of reducing energy consumption.

Comments Objective 19

- Evidence supporting why 20 per cent of energy demand to be met using onsite renewable energy (and not higher) was chosen as the standard should be provided, and
- Design Guidance 19.1 – the design guidance should address how building envelope design should consider incorporating natural lighting with a view of minimising energy demand.

GLOSSARY

- Add definition of Net Developable Area and explain how it is calculated

PROPOSED CHANGES TO BASIX

General Comments

- The proposed changes to Basix, through the “Your Home” Website provide design responses for climate regions, however these home designs respond to Sydney regional conditions and fail to respond directly to the needs of a climate like Penrith, where extreme heat days are a significant concern, and
- The proposed updates to the BASIX tool and MAP calculation tools must be designed with the ability to factor in the effect of local variation in climate.

Materials Index

- To make the Materials Index a tool which can be used to support the NCC and to help home builders determine appropriate materials for their build, the Materials Index should also:
 - include Solar Absorbance and Solar Reflectance Index of materials used externally,
 - include any materials to be used for landscaping purposes. The permeability factors of these materials should also be considered,
 - identify where materials shouldn't be used (eg, how thermal mass can affect internal temperatures depending on material placement within a building),
 - address the predicted lifespan of the material, to support improved longevity and resilience of dwellings, and
 - define the origin of the material as a contributor to embodied carbon, as a result of transportation requirements,
- Addressing these factors in the Materials index will increase the value of the materials index tool and enable multiple applications that can be used to inform and support local policymaking. In turn, this will have the effect of enabling overarching sustainability responses to improve circular economy, urban heat and thermal comfort outcomes, and



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- The minimum standard and materials index introduced should also enable the introduction of recycled materials to the new build, with a low or 0 embodied carbon, as well as the referenced “end of life” factor.

Merit Assessment Pathway Modelling Rules

- The effectiveness of this tool will be highly dependent on both the efficiency and appropriateness of the proposed accredited modelling software and the effectiveness of the proposed “recognised professionals” to complete assessment of this. Significant further detail and testing of the proposed new approach is required to demonstrate that it is effective,
- Council does not support privatisation of mechanisms for delivering development consent or certification, as past experiences have highlighted the ineffectiveness of private certifiers to ensure systems are maintained for monitoring compliance. Allowing a MAP to be completed by a private certifier will make monitoring near impossible,
- Fire certification is required for larger buildings with multiple dwellings or rooms, such as boarding houses, residential flat buildings and hostels. Allowing AIRAH accredited certifiers to sign off on MAP plans which incorporate for ventilation and air conditioning under BASIX prior to fire accreditation may create conditions under which inconsistencies between MAP-level certifications and final constructed developments are unavoidable, and
- The implementation of a merit-based assessment pathway, where individuals are considered to be certified with an understanding of a single element of the total sum of the requirements under BASIX and with a limited understanding of other applicable legislation, such as fire safety legislation and the NCC is concerning.