

Submitted on Mon, 28/02/2022 - 16:28

Submitted by: Anonymous

Submitted values are:

#### **Submission Type** I am submitting on behalf of my organisation

# Name

First name James

Last name Zehnder

I would like my submission to remain confidential No

# Info

#### Email

Suburb/Town & Postcode Norwest

Please provide your view on the project I object to it

Submission file anglicare-design-and-place-sepp-feb-2022.pdf

Submission Please see attachment

I agree to the above statement Yes



28 February 2022

Mr Michael Cassel, Secretary Department of Planning and Environment 4 Parramatta Square 12 Darcy Street Parramatta NSW 2150 Lodged via the NSW Planning Portal: https://www.planningportal.nsw.gov.au/desi

gn-SEPP-2021

# Submission - draft State Environmental Planning Policy (Design and Place) 2021

Dear Mr Cassel,

I write to you in my capacity as Executive General Manager Property at Anglican Community Services (Anglicare), to register our strong reservation about the Draft State Environmental Planning Policy (Design and Place) 2021 (Draft SEPP).

Anglicare is a significant provider of retirement living, social and affordable housing, seniors housing and aged care services in NSW. In the Greater Sydney Region alone, we employ over 4,000 staff and 2,000 volunteers. Last financial year we delivered \$317 million in constructed final product in the Sydney Basin, we have a planned pipeline of over \$200m this financial year and we have over 3,100 Independent Living Units and over 2,500 aged care beds.

Introducing this Draft SEPP will, in our view, add considerable delay to the alreadycomplex delivery of social and affordable housing. It will also result in significant cost implications, which will create new obstacles for our future projects.

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Indeed, the need for this SEPP is unclear to us as an organisation. We see little requirement to introduce new state policies that may hamper our ability to deliver the very products that the community needs at a time when there is new demand for affordable housing and seniors housing.

It is our view that this SEPP will negatively impact approval timeframes for these housing types by further complicating an already-burdensome assessment process. It is our current experience that delivering care is seriously compounded by significantly-increased regulatory requirements, including all the additional compliance issues now mandated as a result of the Royal Commission into Aged Care Quality and Safety. All these factors are having profound impacts on the feasibility of seniors housing in NSW and around Australia because both seniors housing and independent living, is highly sensitive to both costs and time delays.

This is especially sensitive for Anglicare, as we are a large provider of both social and affordable housing as part of the Government's Social and Affordable Housing Fund within our larger Community Housing Provider portfolio.

# **Anglicare's Concerns**

We are very concerned that the Draft SEPP will add even greater complexity to the assessment process, further delaying the delivery of affordable housing and increasing the risk profile we and other developers would have to manage providing homes for our residents. When delays in the assessment process become extensive, they are likely to lead to poor economic and social outcomes for the State of NSW. We wish to highlight the implications of the Draft SEPP on two of our most critical products:

- (a) Senior Housing; and
- (b) Social and Affordable Housing.

The Draft SEPP, in our view, has significant flaws. It brings into the assessment process, another State Policy that creates new inconsistencies between the Draft SEPP and the

Housing SEPP in relation to seniors housing. This will create confusion for developers and approval authorities.

Our preference is that the Draft SEPP not be introduced at all, but at a minimum, if this is not possible, we request that all residential aged care facilities (**RACFs**) be excluded from the Draft SEPP. We believe that all the provisions in the Draft SEPP are already contained in the Design Principles of the Apartment Design Guide (**ADG**) provisions, and the ADG controls already apply to all seniors housing construction (including RACFs) in NSW. Thus, it is superfluous to require new provisions, as contemplated in the Draft SEPP.

Our concerns with the Draft SEPP in relation to seniors housing, may be further summarised as follow:

- (a) Its application to RACFs will have many unintended consequences, including definitional inconsistencies of what constitutes "residential apartment development".
- (b) There are obvious inconsistencies between design controls for both RACF and Independent Living Units (ILUs) between the Draft SEPP and the recently-introduced State Environmental Planning Policy (Housing) 2021 (Housing SEPP), refer to Table 1 - Comparative Table on page 8. This will have clear impact on both costs and approval time frames. Both are detrimental to the business model for Anglicare.

You may recall that the previously-gazetted Housing SEPP, was introduced after extensive consultation with industry, including Anglicare. The Housing SEPP already provides a comprehensive set of controls and design considerations for RACFs and ILUs, relating specifically to these housing typologies. In our view, the Draft SEPP is not required to guide design or delivery controls for RACFs and ILUs, as these are already fully covered in the Housing SEPP.

We also have particular concerns about the way in which the Draft SEPP would apply more specifically to RACFs, a large part of our principal business. This is because the design of a RACF is driven largely by its function. While achieving a beautiful design is important and a given for the financial success of any project, the design of a RACF is largely determined by its access, circulation and servicing needs. To that extent, having consent authorities assessing development based on broader, less-defined criteria such as beauty, amenity and productivity, is unhelpful. These are a given for the success of RACFs and Anglicare is a proven expert in this field. Including such assessment criteria will simply delay approvals and confuse officials in the assessment determination process. This will have both economic and social consequences in the delivery of our services.

More specifically, in the Draft SEPP:

- (a) clause 13 (of the Draft SEPP) is redundant and should be excluded entirely or amended. Excluding it, would allow the Design Principles to remain as relevant considerations, as is presently the case under SEPP 65, rather than applying new more ambiguous requirements; and
- (b) clause 30(1) of the Draft SEPP, which serves no purpose, as the ADG
  would still apply and already guides consent for all Aged Care and ILUs
  in NSW; and
- (c) the "neutral or more beneficial outcome" designation contained in clause 20(2)(b), is so vague as to not allow a timely DA assessment to occur. How is a "neutral" outcome judged, and what may an assessing officer deem "beneficial"? The best perhaps is simply to ignore the provisions of the Draft SEPP and achieve the objectives of the ADG.

As currently envisaged, the Draft SEPP would apply to:

- (a) "Residential Apartment Development", which includes all mixed-use development with a residential accommodation component. This would also apply to seniors housing, including RACFs, as a type of residential accommodation; and
- (b) Development of all seniors housing, including a RACF, as state significant development under Schedule 1 clause 28 of the State Environmental Planning Policy (State and Regional Development) 2011 cl 8(2)(c).

There is also jurisdictional overlap. For example, the following controls in the Housing SEPP clearly cover the same design principles contained in clauses 14-23 of the Draft SEPP.

#### These are:

- (a) compliance requirements for accessibility and utility for both hostels and
  ILUs, of which a consent authority must be satisfied (cl 85); and
- (b) clause 98 of the Housing SEPP, which prevents the grant of consent without adequate consideration to the design principles in clauses 99-105 of the Housing SEPP. These considerations apply to both RACFs and ILUs and include neighbourhood amenity and streetscape, visual and acoustic privacy and solar access and design for climate; and
- (c) clauses 107 and 108 of the Housing SEPP. These provisions impose nondiscretionary development standards for RACFs and ILUs, which relate to height, density, internal and external communal open spaces, landscaped areas, deep soil zones and parking. None of the above is helpful in achieving either better function or a faster approval.

To illustrate this point, in the enclosed Table we have included a high-level comparison of some of the existing controls under the Housing SEPP and how they compare with what is proposed in the draft ADG. It is clear from this comparison that when assessing a DA for seniors housing, consent authorities will be faced with conflicting considerations, with no clear way to determine which control should prevail.

# Legislative Complexity: Existing Controls vs New Controls

Fundamentally, the Housing SEPP and Draft SEPP, present conflicting requirements. While the Housing SEPP provides some flexibility by requiring "adequate consideration" of the design principles, and imposing some design controls as nondiscretionary development standards, so that a stricter standard cannot be required by the consent authority, the Draft SEPP proposes much stricter legal tests, requiring a RACF to be "consistent with" other design principles (Refer to Table 1 on Page 8). This will become unworkable in our view.

Having two different sets of design principles, many of which appear inconsistent, with varying requirements on application by a consent authority, will likely produce the following:

(a) confusion as to what can and cannot be approved, where the requirements are inconsistent. This would be compounded by the fact that the Draft SEPP and the Housing SEPP are both empowered to equally prevail in the case of any inconsistency.

Also, in cases, a non-discretionary development standard in the Housing SEPP establishes a lesser standard than the Draft SEPP, the consent authority cannot require a greater standard than what is required by the Housing SEPP, but will have to somehow also assess compliance with the Draft SEPP.

(b) Also, since the controls in the ADG are not specific to RACFs, while those in the Housing SEPP are, design considerations for a RACF and its function and servicing needs, such as parking, solar access and private open space are better left in one SEPP: the Housing SEPP.

Further, we firmly believe that there will be delay in the assessment process, if the Draft SEPP comes into force. This would be particularly true for councils that are not adequately resourced to assess the complexity entailed in subjective design matters.

To address the significant issues set out above, the following are suggested:

- 1. Dropping the implementation of the Draft SEPP in its entirety. This is the simplest and best solution in our considered view; or
- 2. At a minimum, allowing RACFs to be excluded from the operation of the Draft SEPP; or
- 3. If implemented, the Draft SEPP should also provide that the Housing SEPP will prevail to the extent of any inconsistency between it and the Draft SEPP, so that the Housing SEPP will prevail for all types of seniors housing.

#### Additional Issues: Draft SEPP and The ADG

We also wish to highlight an additional issue arising from the way that the Draft SEPP proposes to incorporate ADG requirements into the assessment of development applications. When it was first introduced in 2015, the ADG was only ever intended to provide general guidance to achieving the nine (9) Design Quality Principles contained in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (**SEPP 65**). These have now become overriding requirements that often hinder the proper delivery of aged care accommodation to the residents of the State.

The Draft SEPP proposes to impose a total of 22 ADG objectives (as a means of achieving five of its Design Principles). It stipulates that, if not met, development consent cannot be granted. Hardwiring the ADG as a set of mandatory controls would certainly be inconsistent with the intended purpose for which the ADG was originally written. The most obvious consequence of this will be that organisations such as Anglicare will lose the flexibility needed to deliver good design in a social and affordable housing context. This flexibility is necessary for both functionality and viability, of a very important product, that needs to be delivered at an affordable cost to work financially and cater to the needs of our residents.

Further, the Draft SEPP requires that a development may only depart from the ADG where an alternative solution would achieve "a neutral or more beneficial outcome" than the Design Criteria and Design Guidelines in the ADG. It is not clear who will be able to objectively decide what is a "neutral or more beneficial outcome".

The adoption of the Draft SEPP would create confusion between the two legal tests in clauses 13 and 30 of the Draft SEPP. On one hand, a consent authority must be satisfied the development is "consistent with" the Design Principles. On the other hand, five (5) of those Design Principles, remain subject to ADG provisions, and a consent authority must be satisfied that the development "meets" all of those provisions. This, at best, is unhelpful in achieving timely approvals.

# Conclusion

Anglicare is firmly of the view that the Draft SEPP will either delay or stifle the approval of seniors housing, and will likely undo many of the initiatives contained in the Housing SEPP to simplify and improve the assessment of DAs for seniors housing.

Anglicare is also concerned that hardwiring the Draft SEPP's compliance with the ADG denies other types of residential development, specifically social and affordable housing. This, in our view will remove the flexibility that was always intended to apply to the "guidance" given by the ADG. This is in direct conflict with the Government's stated aims of simplifying and consolidating planning processes.

All of the above concerns will directly impact the ability of Anglicare to provide appropriate housing for our residents throughout our operational areas. We therefore urge the Department to either completely abandon the Draft SEPP, or make wholesale amendments prior to its finalisation, in order to address these issues.

I thank you on behalf of Anglicare, for the opportunity to make this submission and would be happy to discuss further if required.

Yours Sincerely

James Zehnder Executive General Manager Property

Control **Existing control under Housing SEPP** Draft ADG Deep Soil 15% of the site area, no distinction as to 10% of the site area for sites with an overall site size (cl 107(f) and 108(f)). area <1500m<sup>2</sup> or 15% of the site area for sites with an area of 1500m<sup>2</sup> or more (section 1.5 table 1.5.1). ILUs Car The minimum amount of parking Parking specified in Traffic Generating 1 space per 5 dwellings or 0.5 spaces Developments (RTA 2002) or under per bedroom if provided by a social an applicable environmental planning housing provider (cl 108(j) and (k)). instrument or development control **RACEs** plan (section 1.6). 1 parking space for every 15 beds (cl 107(h)). Bicycle 1 space per dwelling (section 1.6 No minimum requirement. Parking table 1.6.1). Solar No distinction between Metropolitan Metropolitan Sydney Access Sydney and elsewhere. 70% apartments to receive 2 hours (private / ILUs direct sunlight 9-3 midwinter to living internal) rooms and private open spaces 70% apartments to receive 2 hours (section 2.6). direct sunlight 9-3 midwinter to living rooms and private open spaces (cl Other LGAs 108(g)). 70% apartments to receive 2 hours **RACFs** direct sunlight 9-3 midwinter to living rooms and private open spaces No minimum requirements. Design to (section 2.6). give adequate daylight and makes best practicable use of daylight (cl 101). Solar No minimum requirements. Design to At least half of the communal open give adequate daylight and makes best space to receive 2 hours of solar access practicable use of daylight (cl 101). (communal

Table - Comparative Table (seniors housing)

Control	Existing control under Housing SEPP	Draft ADG
open		access between 9am and 3pm in
space)		midwinter (section 2.2).
Private	ILUs at ground level: 15m <sup>2</sup> per dwelling	At ground level: 15m <sup>2</sup> for each
open	(cl 108(h)).	dwelling (section 2.5 table 2.5.1).
space	ILUs with balconies: 6m <sup>2</sup> for 1 bedroom,	For balconies: each dwelling to have
	otherwise 10m <sup>2</sup> per dwelling (cl 108(i)).	a balcony of 4m <sup>2</sup> (studio), 8m <sup>2</sup> (1
	RACF	bedroom), 10m² (2 bedrooms), 12m²
	No minimum requirements	(3+ bedrooms) (section 2.5 table
	no minimum requirements.	2.5.1).
Communal	ILUs	8m² per dwelling up to 25% of the site
open	No minimum requirements.	area (section 2.2).
space	RACF	
	Internal and external communal open	
	space totalling at least 10m² per bed (cl	
	107(d)(ii)).	

# **Claire Krelle**

From:	noreply@feedback.planningportal.nsw.gov.au
Sent:	Monday, 28 February 2022 10:30 AM
То:	PDPS DRDE Design and Place SEPP Mailbox
Cc:	DPE PS ePlanning Exhibitions Mailbox
Subject:	Webform submission from: The Design and Place SEPP 2021
Attachments:	2022.02.25-design-place-sepp-urban-living.pdf

Submitted on Mon, 28/02/2022 - 10:26

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name Lou

Last name Forsythe

I would like my submission to remain confidential No

# Info

Email arra2350@gmail.com

Suburb/Town & Postcode 2350

Please provide your view on the project I support it

Submission file 2022.02.25-design-place-sepp-urban-living.pdf

Submission Submission To oppose developers becoming applicants in rezoning applications

It's time to put people and nature at the centre of the planning system!

We object to any proposed amendments to the Local Environment Plan which would allow developers to become applicants in rezoning applications at the expense of the community's best interests. This does not equate to good strategic planning as it likens giving mice the key to the hay shed – and we all know from recent history what a mess that can become!

We applaud sensible, sustainable and people-focused planning laws as they have a huge impact on how we all live, work and play. New planning laws must improve the antiquated planning policies' past practice that can be seen in small cramped housing blocks, in equally cramped subdivisions with little inclusion of green space and welcomed natural environmental inclusions. Strong mandatory environmental performance standards must be included. It is imperative that no flexibility, or loopholes are available to developers to allow the profit-driven, developer lobby groups to weaken the consistent, transparent and binding regulations, purely for their own profit with little to no consideration for those in the community who will live, work and play in what they build.

Other means of making the rezoning process less wieldy must be explored to maintain a fair playing field between developers and the community. The developers cannot be given greater control in this process as we all recognize that developer's rarely make the best decisions for all those involved when making money is their sole focus.

Any new planning policy must:

- Protect, enhance and increase biodiversity in urban areas.
- Maximise mature tree and bushland retention, canopy cover and green space.
- Ensure use of energy efficiency and renewable energy to achieve net zero emissions for all new buildings.
- Require full electrification no new fossil fuel gas connections for any new development.
- Recognise embodied carbon in building materials, with a fast pathway to regulation.
- Require comprehensive electric vehicle charging and cycling infrastructure.
- Require design features that will keep people cool and safe in a warming climate.

We encourage you to seek to improve current processes so that the economic and environmental concerns are fully explored without the interference and bias of the developers. Do not succumb to the planning industry's bullying and spin!

Lou Forsythe arra2350@gmail.com For and on behalf of ARRA The Armidale Regional Ratepayers Association 25 Feb, 2022

#### I agree to the above statement

Yes



# Armidale Regional Ratepayers Association Inc.

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We encourage you to seek to improve current processes so that the economic and environmental concerns are fully explored without the interference and bias of the developers. Do not succumb to the planning industry's bullying and spin!

Lou Forsythe For and on behalf of ARRA The Armidale Regional Ratepayers Association Submitted on Mon, 28/02/2022 - 22:23

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# **1.1** NAME

First name Dr Dorothy

Last name Robinson

I would like my submission to remain confidential No

# **1.2** INFO

#### Email

Suburb/Town & Postcode ARMIDALE (NSW)

Please provide your view on the project I am just providing comments

Submission file aaqg\_sub\_wood-heating\_basix\_global\_warming.pdf

**Submission** This submission is on behalf of the Australian Air Quality Group.

I agree to the above statement

Yes

# Sustainability in Residential Buildings (BASIX)

# Recommendation 1 – Local councils should be allowed to set stricter building sustainability standards when there is evidence that this would benefit local communities

Local councils are best placed to understand local conditions. Some local areas have particular problems (e.g. high energy prices, or unhealthy air pollution levels) that cannot always be addressed in a state-wide scheme, even with 8 climate zones.

If local councils can show that the benefits of stricter building sustainability standards in their local area outweigh the costs, the best outcome would be to allow those stricter requirements, so that their communities can enjoy those greater benefits.

# Recommendation 2 – BASIX requirements should apply to all manufactured homes that will be used as private dwellings

Many firms supplying manufactured and transportable homes advertise them as an easy, affordable way of building a permanent home. They are becoming increasingly popular. All homes intended to be used as permanent, private homes should be required to satisfy the same requirements, including BASIX. The method of construction is irrelevant.

# Recommendation 3 – BASIX should take account of the health costs of wood heater pollution.

**Health Costs of New Wood Heaters.** The only tests of real-life emissions of modern wood heaters satisfying the current AS/NZS 4013 were in New Zealand, where their <u>real-life emissions averaged 6.5 grams smoke</u> <u>particles per kg of firewood, 8 times worse than their AS/NZS 4013 laboratory test results</u>. This value probably under-estimates the true situation because participants obviously knew their pollution was being measured and presumably wanted to avoid embarrassment by operating their heaters carefully.

The NEPC's '<u>Consultation regulation impact statement for reducing emissions from wood heaters</u>' in 2013 reported average firewood consumption of 3.43 tonnes of wood per heater per year in Sydney (Table 2.2) and health costs of \$263 per kg of emissions (Table 3.2). Adjusting for inflation, the health costs now equal \$311 per kg. Consequently, the average emissions of a brand new heater in Sydney is likely to be at least 3.43 x 6.5 = 22.1 kg of particle emissions, with estimated health costs of \$311 x 22.1 = \$6,914 per heater per year.

The ACIL Allen Cost Benefit Analysis of the 2022 BASIX proposals includes assessments of the health costs of air pollution from power stations. Such pollution has substantially lower health costs – 620 years of life lost (45 premature deaths) every year in the NSW Greater Metropolitan Region – than the 1400 years of life lost (100 premature deaths) from wood heater pollution (see Figure 20 of the NSW Clean Air Strategy).

BASIX assessments should consider all relevant costs, including the cost of wood heater pollution.

# Recommendation 4 – BASIX should take account of the climate impacts of methane, carbon monoxide and black carbon from wood heaters.

**Chopping down a living tree for firewood can be doubly bad for the climate** because if the tree had been allowed to continue growing, it would have continued to absorb  $CO_2$  from the air, helping to reduce global warming, instead of considerably adding to it when the tree is burned. Even dead trees <u>can take a long time to</u> <u>decompose</u>, and when they do, much of their stored carbon remains in the soil and enriches it.

**Wood heaters increase global warming** by emitting methane (CH<sub>4</sub>), carbon monoxide (CO), black carbon (BC) and CO<sub>2</sub>. The average Australian wood heater is estimated to emit, per kg firewood burned, 18.7 grams of CH<sub>4</sub>, 1.56 grams BC and 209 grams of CO. The table below provides details of emissions per tonne of hardwood and softwood burned for both average wood heaters and new wood heaters (operated as carefully as when people know their emissions are being measured), together with Global Warming Potentials (GWP).

#### Table 1. Australian emissions (kg) per tonne of wood burned and Global Warming Potentials

	PM <sub>2.5</sub>	CH <sub>4</sub>	со	BC	CO <sub>2</sub>
Hardwood, average heater	12.5	18.7	209	1.56	1860
Hardwood, new heater*	6.5	9.72	209	0.81	1860
Softwood, average heater	15.8	30	220	3.20	1900
20-year GWP		80.8	18.6	2400	1
100-year GWP		27.2	5.0	680	1

\*Operated as carefully as when people know their emissions are being measured.

The New Zealand research cited above shows that new heaters are somewhat less polluting than existing models, and consequently emit less methane (estimated 1.495 x PM2.5 emissions) and black carbon (12.5% of PM2.5 emissions), although, as explained above, the values for new heaters in Tables 1 and 2 are likely to be under-estimates.

Table 2 Climate impacts of a wood heater burning Sydney's average of 3.43 tonnes per year						
	CH₄	СО	BC	CO2	TOTAL	
20-year Climate Impact (tonnes CO <sub>2</sub> -eq)						
Hardwood, average heater	5.2	13.3	12.9	6.4	37.8	
Hardwood, new Heater*	2.7	13.3	6.7	6.4	29.1	
Softwood, average heater	8.3	14.0	26.3	6.5	55.2	
100-year Climate Impact (tonnes CO <sub>2</sub> -eq)						
Hardwood, average heater	1.7	3.6	3.6	6.4	15.3	
Hardwood, new heater*	0.9	3.6	1.9	6.4	12.8	
Softwood, average heater	2.8	3.8	7.5	6.5	20.5	

Values in the table are calculated by multiplying emissions (kg) x GWP x 3.43 (tonnes of firewood burned) then dividing by 1000 to convert to tonnes. For example, the 5.7 tonnes of CO<sub>2</sub>-eq (20-year Climate Impact) is calculated as 18.7.5 x 80.8 x 3.43/1000 \* These values probably under-estimate the true situation because participants obviously knew their pollution was being measured and presumably wanted to avoid embarrassment by operating their heaters carefully.

**Precautionary Principle**. The Precautionary Principle requires us to consider all climate impacts. Although there is some uncertainty about the precise GWP values, both BC and CO emissions significantly add to global warming. Consequently, reporting the best available estimate of their impact is much better than ignoring important information and producing misleading results. If the main aim of BASIX is to mitigate the *true climate impacts,* it should use the best available information and so maximize the climate benefits. National Greenhouse Inventories have a somewhat different aim and follow agreed protocols, even if this doesn't always lead to the best climate outcomes.

**"Biomass accounting loophole**". Many scientists describe treating biomass burning as carbon-neutral as an accounting loophole. The New Yorker (8 Dec 2021 [1]) explains: "*Throughout the many decades before the replacement forests can grow enough to remove the extra carbon dioxide from the atmosphere, the previously added gas will thaw more permafrost and melt more ice, make ocean acidification worse, accelerate global warming, speed sea-level rise, increase the incidence of extreme weather, worsen drought and water stress, and hurt crop yields—effects that will persist for centuries or longer." These comments were aimed mainly at power generation. Burning the same amount of wood in domestic heaters is much worse, because high temperature burning in power stations creates only CO<sub>2</sub>, not the CH<sub>4</sub>, CO and BC that are responsible for more than 50% of the global temperature rise from domestic wood heater emissions.* 

# Comparison with other forms of heating, e.g. efficient reverse cycle

In 1999 Choice produced a table of  $CO_2$  emissions for various forms of home heating in Australian capital cities for a 160 square metre house with insulated ceiling. The average new air conditioner is much more efficient in 2022 than it was in 1999. In addition, new homes have better insulation and 31% of electricity was sourced from renewables in 2021. Taken together, this suggests that the climate impact of a typical home heated by a reverse cycle air conditioner in Sydney (1 tonne in 1999) is likely to be less than half a tonne nowadays, with substantial future reductions as coal-fired power stations are replaced by renewables.

# 

Carbon dioxide production (tonnes) and heating cost (\$) per year

Heating type	Ade	laide	Bris	bane	Can	berra	Но	bart	Melb	ourne	Pe	rth	Syd	Iney
	Tonnes	\$	Tonnes	\$	Tonnes	\$	Tonnes	\$	Tonnes	\$	Tonnes	\$	Tonnes	\$
Natural gas — flued (A) (B)	1.3	210	0.3	90	3	520	na (D)	na (D)	2.6	380	0.5	90	0.9	160
Electric radiant and convection	4.5	550	1	120	11	1320	0.7	1380	12.6	1080	1.9	230	3.4	410
Electric off-peak storage	5.2	210	1	40	12.5	500	0.8	520	14.3	410	2.2	90	3.9	150
Electric air conditioning	1.3	160	0.3	30	3.1	380	0.2	400	3.6	310	0.6	70	1	120

This compares with 12.8 tonnes for a new wood heater (100 years Climate Impact) or 29.1 tonnes (20-year Climate Impact), or more if owners operate heaters more carefully when know their emissions are being measured. Consequently, over the next 20 years, heating a Sydney household by burning wood is likely to cause as much global warming as heating 58 households using efficient reverse cycle systems.

# Asthma Australia Survey

Asthma Australia's <u>representative survey of 25,000 Australians</u> showed that people exposed to woodfire heaters said they were largely unable to protect themselves from the smoke, suggesting that the current wood heater regulations are insufficient to protect many people's quality of life. In fact, the survey found that most Australians would support regulations to phase-out woodfire heaters for better, healthier alternatives.

Some peer-reviewed research into the health impacts and costs of wood heater pollution is shown in Appendix 1.

Appendix 1: Some peer-reviewed research into wood heater pollution, showing that one or two nearby wood heaters can have serious health impacts

# **1.** Increased risk of hospital admissions for heart failure (the leading cause of hospitalisation for adults > 65 years

Tasmanian researchers found that hospital admissions for heart failure (the leading cause of hospitalisation for adults aged over 65 years) started to increase as soon as PM2.5 exceeded 4 ug/m3, a tiny fraction of the current Australian PM2.5 standard of 25 ug/m3. The researchers noted that the main cause of elevated PM2.5 in Tassie is biomass smoke from wood heaters during winter and from bushfires and planned burns at other times of the year.

# 2. One additional modern wood heater per hectare increases risk of hospital emergency treatment in children <3 yrs

Also, as noted previously, NZ research demonstrated significant harms from wood heaters meeting stricter requirements than the 2019 Australian 'standard'. The "Growing up in New Zealand " study found that even a single <u>additional modern woodstove per hectare (an area 100 metres x 100 metres) increased by 7% the risk</u> children under 3 would need hospital emergency treatment for everything except accidents.

**3.** Armidale's wood smoke pollution 7 times the 1 ug/m3 found to increase in the risk of dementia by 55%. A Swedish study estimated PM2.5 exposure from traffic and wood stoves (the major source of local emissions) to show that a 1 ug/m3 increase in wood smoke pollution increases dementia risk by 55%. In Armidale, annual population-weighted exposure to wood smoke averaged 7 ug/m3 and 9.65 ug/m3 at one location in south Armidale, many times higher than the 1 ug/m3 found to increase the risk of dementia by 55%, suggesting that Armidale residents are likely to suffer a significant increase in dementia because of wood stove pollution.

# 4. Harvard review – 10 ug/3 PM2.5 increase during early childhood increases risk of autism by 64%

Other research shows significant detrimental impacts on unborn and young children. A review of the published evidence by Harvard researchers found that the risk of Autism Spectrum Disorder increased by 64% with exposure to 10 micrograms of  $PM_{2.5}$  per cubic meter of air (mcg/m<sup>3</sup>) during early childhood and by 31% during prenatal periods. During the prenatal period, the greatest risk was found during the third trimester.

# 5. Lower birthweights, smaller head circumferences, increased carcinogen-DNA adducts (a biomarker associated with increased cancer risk) in umbilical cord blood, a 5 point reduction in IQ when the children started school, increased risk of behavioural problems such as anxiety and attention deficit and reduced inhibitory control and academic achievement from exposure to PAH (main toxins in wood smoke)

Another study by researchers at Columbia University, New York, measured exposure to toxins known as PAH (polycyclic aromatic hydrocarbons) in pregnant ladies and tested the children over the following years. Several PAH are listed as known human carcinogens, including benzo[z]pyrene (BaP), which is also found in cigarette smoke and was featured in TV adverts that claimed "every cigarette is doing you damage" adverts.

The study involved pregnant women recruited between 1998 and 2003. These women were between 18 to 23 years old, non-smokers, non-drug users, and in good health. Prenatal exposure to PAHs was determined from air sampled in the women's home environment was during the third trimester of the pregnancy. The children were divided into two groups, based on the mother's PAH exposure during the third trimester of pregnancy. The low exposure group has PAH measurements below the median of 2.26 ng/m<sup>3</sup> and the high group exposure above the median.

Children of mothers in high exposure group had lower birthweights, smaller head circumferences, increased carcinogen-DNA adducts (a biomarker associated with increased cancer risk) in umbilical cord blood, a 5 point

reduction in IQ when the children started school, increased risk of behavioural problems such as anxiety and attention deficit, reduced inhibitory control and academic achievement as adolescents.

The NSW EPA report: 'Ambient Air Quality Research Project (1996–2001) Dioxins, Organics, Polycyclic Aromatic Hydrocarbons and Heavy Metals' reports PAH measurements for Armidale, showing a relatively safe background level of 0.28 ng/m<sup>3</sup> in summer, but a winter average of 8.62 ng/m<sup>3</sup> (maximum daily average of 24.0 ng/m<sup>3</sup> in winter), much worse than the 2.26 ng/m<sup>3</sup> in the Columbia University study. These results again imply that pollution from just one or two wood heaters can have significant and long-lasting impacts on the health of people living nearby.

6. Armidale Study – average life expectancy reduced by almost a year – estimated costs of over \$10,000 per heater per year. A peer-reviewed research paper, <u>published in the Medical Journal of Australia</u>, concluded that wood heater pollution increases population-weighted PM2.5 exposure by 7.0 ug/m<sup>3</sup> with increased exposure of 9.65 ug/m<sup>3</sup> in some locations (e.g. south Armidale). Using the Global Exposure Mortality Model, average life expectancy is reduced by almost a year, with the estimated cost of the lost years of life amounting to \$33 million annually, over \$10,000 per wood heater per year.[2]

7. **Increased Covid Risk.** Many studies show that all fine particle (PM2.5 pollution) increases the risk of Covid, including wildfire smoke. This includes studies in Northern Italy, where household wood heating is a major source of PM2.5 pollution, and wildfire smoke. The size of the effect is quite staggering. A <u>study</u> <u>published in 2022</u> in a British Medical Journal (Occupational & Environmental Medicine) concluded that an increase of 1  $\mu$ g/m3 in the annual average PM2.5 exposure increased the risk of Covid by 5.1%, implying a 36% increase in Armidale from wood smoke pollution.

# Appendix 2 Detailed assessment of Global Warming Emissions from Wood Heaters

Table 3. Australian emis	sions (k	g) per ton	ne of wood	burned		
Wood & heater type	PM <sub>2.5</sub>	CH₄	со	BC	CO2	
Hardwood, Average heater	12.5	18.7	209	1.56	1860	
Hardwood, New heater	6.5	9.7	209	0.81	1860	
Softwood, Average heater	15.8	30	220	3.20	1900	
20-year GWP		80.8	18.6	2400	1	
100-year GWP		27.2	5.0	680	1	
20-year Climate Impact, tonnes CO2-eq per tonne firewood						TOTAL
Hardwood, Average Heater		1.51	3.89	3.75	1.86	11.10
Hardwood, New Heater		0.79	3.89	1.95	1.86	8.48
Softwood, Average Heater		2.42	4.09	7.68	1.90	16.25
100-year Climate Impact, tonnes CO2-eq per tonne firewood						
Hardwood, Average Heater		0.64	1.04	1.06	1.86	4.60
Hardwood, New Heater		0.26	1.04	0.55	1.86	3.72
Softwood, Average Heater		1.02	1.10	2.18	1.90	6.19

# able 3. Australian emissions (kg) per tonne of wood burned

# **GWP = Global Warming Potential**

**Hardwood emissions**: CH<sub>4</sub> and BC emissions increase with PM<sub>2.5</sub> emissions which are estimated to average about 12.5 grams per tonne of hardwood burned [3], resulting in 18.7 grams of CH<sub>4</sub>, 1.56 grams BC (12.5% of PM<sub>2.5</sub> [4]) and (at 15% of total carbon emissions[5]) 209 grams CO. Brand new heaters have somewhat lower emissions, although the 6.5 g/kg probably under-estimates the true situation because participants obviously knew their pollution was being measured and presumably wanted to avoid embarrassment by operating their heaters carefully. Nitrous Oxide N<sub>2</sub>O emissions – 0.025 grams/kg firewood burned – are noted here for completeness, but not included in the calculations.

**Softwood emissions:** measured emissions from Australian wood heater burning softwood per kg of firewood were  $PM_{2.5}$  15.8 grams,  $CH_4$  30 grams, CO 220 grams and BC 3.2 grams [6].

**Real-life emissions** averaged <u>8 times worse than their AS4013 lab test</u> according to measurements in New Zealand[7]. Consequently, brand new heaters satisfying the standard of 1.5 g/kg (required since 2019 in Australia) are likely to average 8 or 9 g/kg firewood burned even when owners know their emissions are being measured, and perhaps in other circumstances, emissions might be closer to 12 g/kg. With only a small proportion of heaters satisfying the post 2019 standard, and burning softwood generally resulting in even higher emissions, estimating CH<sub>4</sub> and BC emissions using the value of 12.5 grams PM<sub>2.5</sub> per kg firewood still seems appropriate, even for new heaters.

# CH<sub>4</sub> GWP Table 7.15 (left), IPCC 6<sup>th</sup> Assessment Report [8].

# Species	Lifetime (years)	Radiative efficiency (W m <sup>-2</sup> ppb <sup>-1</sup> )	GWP- 20	GWP- 100	
CO2	Multiple	1.33±0.16 ×10 <sup>-5</sup>	1.	1.000	
CH4- fossil	11.8 ±1.8	5.7±1.4×10 <sup>-4</sup>	82.5 ±25.8	29.8 ±11	
CH4-non fossil	11.8 ±1.8	5.7±1.4×10 <sup>-4</sup>	80.8 ±25.8	27.2 ±11	

**CO & BC GWP:** 20-year and 100-year GWP for CO and BC were extracted from the IPCC AR5 report, as described below.

**CO:** Table 8.A.4 IPCC 5<sup>th</sup> Assessment Report: 20- and 100-year GWP of 18.6 and 5.3 including direct and indirect aerosol effects, equal to 18.6 and 5.0 after scaling the 100-year GWP by 0.94, as advised in the heading.

**BC:** Table 8.A.6 shows global estimates of 1600 and 3200 for 20-year GWP and 460 and 900 for 100-year GWP, the values of 3200 and 900 being the most recent. In view of the uncertainty, averages of 2400 for the 20-year and 680 were used to calculate the climate impacts.

# Tables 8.A.4 and 8.A.6, from Chapter 8 of the IPCC 5th Assessment Report [9]

Table 8.A.4 GWP and GTP for CO for time horizons of 20 and 100 years from the literature. Uncertainty for numbers from Fry et al. (2012) and Collins et al. (2013) refer to 1- $\sigma$ . For the reference gas CO<sub>2</sub>, RE and IRF from AR4 are used in the calculations. The GWP<sub>100</sub> and GTP<sub>100</sub> values can be scaled by 0.94 and 0.92, respectively, to account for updated values for the reference gas CO<sub>2</sub>. For 20 years the changes are negligible.

	GV	VP	GTP		
	H = 20	H = 100	H = 20	H = 100	
CO East Asiaª	5.4 (±1.7)	1.8 (±0.6)	3.5 (±1.3)	0.26 (±0.12)	
CO EU + North Africaª	4.9 (±1.5)	1.6 (±0.5)	3.2 (±1.2)	0.24 (±0.11)	
CO North America <sup>a</sup>	5.6 (±1.8)	1.8 (±0.6)	3.7 (±1.3)	0.27 (±0.12)	
CO South Asia <sup>a</sup>	5.7 (±1.3)	1.8 (±0.4)	3.4 (±1.0)	0.27 (±0.10)	
CO four regions above <sup>a</sup>	5.4 (±1.6)	1.8 (±0.5)	3.5 (±1.2)	0.26 (±0.11)	
CO global <sup>b</sup>	6 to 9.3	2 to 3.3	3.7 to 6.1	0.29 to 0.55	
CO global <sup>c</sup>	7.8 ± 2.0 11.4 ± 2.9 18.6 ± 8.3	$2.2 \pm 0.6$ $3.3 \pm 0.8$ $5.3 \pm 2.3$			

Notes:

<sup>a</sup> Fry et al. (2012) (updated by including stratospheric H<sub>2</sub>O) and Collins et al. (2013).

Fuglestvedt et al. (2010).

<sup>c</sup> Shindell et al. (2009). Three values are given: First, without aerosols, second, direct aerosol effect included, third, direct and indirect aerosol effects included. Uncertainty ranges from Shindell et al. (2009) are given for 95% confidence levels.

Table 8.A.6 | GWP and GTP from the literature for BC and OC for time horizons of 20 and 100 years. For the reference gas CO<sub>2</sub>, RE and IRF from AR4 are used in the calculations. The GWP<sub>100</sub> and GTP<sub>100</sub> values can be scaled by 0.94 and 0.92, respectively, to account for updated values for the reference gas CO<sub>2</sub>. For 20 years the changes are negligible.

	GI	VP	G	TP
	H = 20	H = 100	H = 20	H = 100
<mark>BC</mark> total, global <sup>∈</sup>	3200 (270 to 6200)	900 (100 to 1700)	920 (95 to 2400)	130 (5 to 340)
BC (four regions) <sup>d</sup>	1200 ± 720	345 ± 207	420 ± 190	56 ± 25
BC global <sup>a</sup>	1600	460	470	64
BC aerosol-radiation interaction +albedo, global <sup>b</sup>	2900 ± 1500	830 ± 440		
OC global <sup>a</sup>	-240	69	-71	-10
OC global <sup>∞</sup>	-160 (-60 to -320)	-46 (-18 to -19)		
OC (4 regions) <sup>d</sup>	-160 ± 68	-46 ± 20	-55 ± 16	-7.3±2.1

Notes:

- Fuglestvedt et al. (2010).
- Bond et al. (2011). Uncertainties for OC are asymmetric and are presented as ranges.

Bond et al. (2013). Metric values are given for total effect.

d Collins et al. (2013). The four regions are East Asia, EU + North Africa, North America and South Asia (as also given in Fry et al., 2012). Only aerosol-radiation interaction is included.

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- 2. Robinson, D.L., et al., *The effects on mortality and the associated financial costs of wood heater pollution in a regional Australian city.* <u>https://www.mja.com.au/journal/2021/215/6/effects-mortality-and-associated-financial-costs-wood-heater-pollution-regional</u>. Medical Journal of Australia, 2021. **n/a**(n/a).
- 3. Robinson, D.L., *Australian wood heaters currently increase global warming and health costs*. Atmospheric Pollution Research, 2011. **2**(3): p. 267-274.
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- 7. AAQG, *Health Cost of Allowing New Wood Heaters over \$3,000 per heater per year*. 2020, Australian Air Quality Group. Available at: <u>https://www.dropbox.com/s/u7khd6fv19mr0fq/Health\_Costs\_Allowing\_New\_Wood\_Heaters.pdf?dl=0</u>.
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 Myhre, G., et al., Anthropogenic and Natural Radiative Forcing in Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change T.F. [Stocker, D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley Editor. 2013, Cambridge University Press: Cambridge, United Kingdom and New York, NY, USA. Submitted on Mon, 28/02/2022 - 21:01

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name maire

Last name sheehan Bays Community Coalition

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode ANNANDALE

Please provide your view on the project I object to it

Submission file bcc-sub.-design-and-place-sepp-sub.-bcc-feb.-2022.pdf

#### Submission

We do not support the SEPP in its current form. We are also providing comments and proposals. We do support the broad principles and believe there should be clear standards included as outlined in the submission.

I agree to the above statement

Yes

# **Bays Community Coalition**

# Submission to the Design and Place SEPP - February 2022

The Design and Place SEPP on the surface appears to be a long needed and welcome contribution to ensuring that places are designed to ensure that they can provide a healthy living environment for human and other creatures now and into the future. It includes language and principles that sound like they could lead to such results.

However experience has taught us that flexible policies are interpreted by the market in a way that maximises profits. That is after all what business does. A classic example is how the affordable housing legislation has been interpreted by the development market . It ended up providing student housing - the best profit opportunity at the time - and included a clause that allowed developments to revert to the market price after 10 years. The developments were therefore limited to a select section of society where profits were most likely. Some changes have been made to address some of these 'unforeseen' issues more than 15 years after its introduction.

The Design and Place SEPP runs the same risks of market interpretation; that it will not be in the public interest and long term sustainability in terms of health and wellbeing and developers will find loopholes and interpretations that serve their purpose rather than the public interest.

This means that there are matters that need to have clear outcomes rather than aspirational outcomes. A clear rule must be included that the use of offsets are not an option as these can be used in ways that do not provide any outcomes in the place being designed.

The following outcomes should be mandated for place based outcomes.

Biodiversity must be enhanced and increased including the retention of mature trees, bushland and additional tree canopy added to meet standards that maintain and increase green and biodiverse spaces. Green spaces can include human recreational active and passive areas but not at the cost of biodiversity.

All buildings must include requirements to use building materials that have a minimum climate impact in production. This will likely need a short transition period while regulations and standards are put in place. Building materials and design must also be regulated to minimise heat retention and maximise natural cooling as the climate warms

All building to include renewable and efficient energy reduction that reduces reliance on fossil fuel and works to maximise self efficiency. This will include eliminating the use of all fossil fuel energy connections.

Buildings must also include access for all occupants to cycling infrastructure and electric vehicle changing places.

The above proposals can be drawn together into a strong mandatory performance standards for the whole of place development and ensuring that the standards are not sidelined by carbon credits.



Submitted on Fri, 25/02/2022 - 13:04

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name Tara

Last name Cameron

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode Springwood NSW 2777

Please provide your view on the project I support it

Submission file bmcs-bmcs-submission-dp-sepp-final-25-feb-22.pdf

Submission Please see the attached submission.

I agree to the above statement Yes



Department of Planning, Industry and Environment https://www.planningportal.nsw.gov.au/design-SEPP-2021

20 February 2022

# Re : Submission in support of on the Draft State Environmental Planning Policy (Design and Place) 2021

The Blue Mountains Conservation Society supports the draft Design and Place Policy<sup>1</sup>. The Society believes that a small number of amendments and enhancements to the draft SEPP, Regulation, Apartment Design Guide (ADG) and Urban Design Guide (UDG) will significantly assist the Government achieve its Policy objectives.

The Blue Mountains Conservation Society (the Society) is a community-based volunteer organisation with 900 members. Approximately one in every 50 adults in the Blue Mountains is a member of the Society. Our mission is to help protect, conserve and advocate for the environment of the Greater Blue Mountains' National Parks, towns and villages, and rural-residential and agricultural areas. The Society's interest in the Policy is described in Attachment A.

The Society particularly supports:

 <u>The practical and tangible steps towards net zero emissions by 2050</u>. Particularly the comprehensive *net zero statement* required by clause 57D of the draft Regulations, raising the BASIX thermal performance and energy standards and introducing the new embodied carbon emissions standard (SEPP cl.27), improved natural ventilation in residential buildings (ADG 2.7), and storage of renewable energy in non-residential developments (SEPP cl.26(a)).

<sup>&</sup>lt;sup>1</sup> Draft Design and Place SEPP State Environmental Planning Policy (Design and Place) 2021; draft Environmental Planning and Assessment Amendment (Design and Place) Regulation 2021; draft (revised) Apartment Design Guide 2021; draft Urban Design Guide 2021.

- <u>The farsighted deep soil design guidance which will support larger and healthier</u> <u>trees</u> which in turn will make urban areas cooler, more attractive, provide habitat for birds, and reduce stormwater runoff (SEPP cl.20; ADG 1.5; UDG 10.2 & 10.3).
- <u>The tree canopy targets</u> (UDG 10; ADG 1.5) and design guidance to <u>retain mature</u> <u>trees</u> (UDG, 10.1; ADG 1.5);
- <u>The non-discretionary development standards for apartment size and ceiling height</u> which will ensure the construction of liveable apartments (SEPP cl.32(3); ADG 2.4).
- <u>The neighbourhood and development-scale design guidance and objectives to</u> <u>retain rainwater, reduce stormwater runoff and improve water quality</u> (UDG 1.7 & 11; ADG 3.2).

# The Society's recommended amendments and enhancements:

# A. Exemption of class 1(a) buildings

<u>Issue</u>: the SEPP does not apply to development involving the erection of 24 or less class 1a buildings (SEPP cl.8(2)(e)). This will exempt a large proportion of housing developments from the SEPP including many in the Blue Mountains.

<u>Recommended solution</u>: the Society appreciates that the Government is trying to reduce the cost to smaller developers. However development involving the erection of 24 buildings is not small development and the effect is to pass the costs onto the homeowner and the community. The Society recommends that clause 8(2)(e) be limited to development involving the erection of five or less class 1a buildings.

# B. BASIX standards

<u>Context</u>: BASIX has measurably reduced our impact on the environment and has a very important part to play in the future. The Society congratulates the Government on its decision to introduce a new embodied carbon emissions standard, and to revise and align the BASIX thermal performance and energy standards with the *NSW Net Zero Plan*, *Trajectory for Low Energy Buildings*, National Construction Code energy performance standards proposed for 2022, and to achieve an average of 7 stars under NatHERS.

<u>Issue</u>: the BASIX tool is <u>necessarily</u> complex and there is naturally a degree of uncertainty as to whether the revised and new standards will fulfil the Government's aspirations. The embodied carbon emissions standard is both particularly important and likely to change as new ideas, information and models emerge.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Cf. GBCA and thinkstep-anz. (2021). Embodied Carbon and Embodied Energy in Australia's Buildings. Sydney: Green Building Council of Australia and thinkstep-anz: <u>https://gbca-web.s3.amazonaws.com/media/documents/embodied-carbon---embodied-energy-in-australias-buildings-2021-07-22-final-public.pdf</u>

Recommended solution: Establish a panel of government and non-government experts to review the actual performance of the revised and new BASIX standards two years after commencement and report their findings well in advance of the Planning Secretary's review in 2025.<sup>3</sup> The Society hopes that the Planning Secretary will approach the review on the assumption that there is likely to be a need to upgrade the standards, and particularly so the embodied carbon emissions standard.

#### C. Offsetting non-renewable energy use in non-residential development

Issue: clause 57D(1)(e) of the Regulations requires large new commercial buildings, hotels, and shopping centres in the Greater Sydney Region and State Significant Development throughout NSW to purchase 1 megawatt of renewable energy certificates over five years to offset the residual non-renewable energy used by the building. The clause applies to a variety of buildings of a variety of scales some of which are likely to emit more than the offset and some less. Further, to achieve net zero by 2050, the Society believes that these developments should offset nonrenewable energy use until it ceases.

Recommended solution: require proponents to model and identify in the net zero statement the residual non-renewable energy that will be used by the development and, as a condition of consent, require the surrender of renewable energy certificates to offset the whole of the non-renewable energy used until the use of non-renewable energy ceases.

#### D. Supporting native species through biodiversity sensitive urban design

Issue: Sydney is home to at least 124 species of animals and plants threatened with extinction.<sup>4</sup> Greater Sydney and Australian cities<sup>5</sup> generally provide important habitat for nearly half of all listed threatened species.<sup>6</sup> Scientists have found that, hectare for hectare, urban areas contain more threatened species than do non-urban areas.<sup>7</sup> Although the tree canopy and deep soil provisions of the SEPP, ADG and UDG will have benefits to biodiversity/native species, the benefits are incidental and limited.

Recommended solution: with a view to introducing controls and assessment and design guidance in the near future, acknowledge the need and opportunity to conserve native species in urban areas in the SEPP, ADG and UDG. In the meantime commence the development and implementation of a NSW Government framework for biodiversity sensitive urban design (BSUD)<sup>8</sup> including by (for example):

Developing guidelines on BSUD;

<sup>&</sup>lt;sup>3</sup> As required by cl.28 of the SEPP.

<sup>&</sup>lt;sup>4</sup> Ives, Christopher D, et al (2016) 'Cities are hotspots for biodiversity', Global Biology and Biogeography, 25, 1, 117-126: https://onlinelibrary.wiley.com/doi/abs/10.1111/geb.12404 <sup>5</sup> Defined as urban areas with a population of 10,000 people or more: see Ives, D et al (2016) ibid.

<sup>&</sup>lt;sup>6</sup> 'Threatened species live in every Australian city', Conservation this week, University of Washington, January 5, 2016: https://www.conservationmagazine.org/2016/01/threatened-species-live-in-every-australian-city/

Ives, Christopher D, et al (2016) 'Cities are hotspots for biodiversity', Global Biology and Biogeography, 25, 1, 117-126:

https://onlinelibrary.wiley.com/doi/abs/10.1111/geb.12404 <sup>8</sup> Garrard, G et al 'Biodiversity Sensitive Urban Design', *Conservation Letters*, September 2017, 0(00), 1-9.

- Supporting a competition to raise awareness of and annually reward the best examples of BSUD;
- Promoting efforts by urban planners and developers to incorporate BSUD into new or existing developments;
- Working with industry to create a rating system to recognise NSW developments that have incorporated the key elements of BSUD;
- Working with local governments to phase-in standards that require new developments in areas of high urban biodiversity value to incorporate BSUD principles.

# E. Development standards for trees and water

<u>Issue</u>: the tree canopy targets and deep soil, mature tree retention, and water quality and retention design guidance will greatly benefit homeowners and the community. However these measures come at a cost and some local councils and developers may seek to avoid them. The same dynamic has encouraged the NSW Government to adopt non-discretionary apartment size and ceiling height development standards.

<u>Recommended solution</u>: introduce non-discretionary tree canopy, deep soil, mature tree retention and water quality and retention development standards, set at the level of best practice, with developers and consent authorities free to adopt high standards if they choose.

Thank you for the opportunity to provide a submission to this development.

Yours sincerely



Tara Cameron President Blue Mountains Conservation Society mobile

# Attachment A

Towns, villages, and suburbs of the Blue Mountains	The Society expects the number of apartments and town houses in the Blue Mountains to increase gradually, and approvals being sought for subdivisions. In all cases the Society believes that the prescribed design criteria or guidance provided by the Design and Place Policy will benefit those inhabiting new dwellings, their neighbours, and the environment of the Blue Mountains.
Rural-residential areas, agricultural areas, and National Park	The NSW Government is aiming to halve greenhouse gas emissions by 2030 and achieve net zero emissions by 2050 to reduce the impacts of climate change. The Policy contributes to the achievement of those targets and the rural-residential and agricultural areas and National Parks of the Blue Mountains will benefit as a result. Those areas will also benefit from the improved water quality expected to be a result of the Policy.



Submitted on Sun, 27/02/2022 - 11:00

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name Nigel

Last name HOWARD

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode Beacon Hill

Please provide your view on the project I am just providing comments

Submission file design-and-place-sepp-etc.-comments-nz4ncc-campaign.docx

#### Submission

The uploaded submission is made on behalf of the Net Zero Emissions for the National Construction Code campaign - campaign details and participants can be found here https://zeroemissionhomes.com/ Please contact Nigel Howard on with any enquiries. Thanks for the opportunity to comment.

I agree to the above statement

Yes

# Design and Place SEPP Overview of the Design and Place SEPP consultation draft and related guides for public exhibition

Public Comment from the Campaign for Net Zero Emission Homes <u>https://zeroemissionhomes.com/</u> N Howard

20-02-2022

We support the Overview of the Design and Place SEPP subject to the following comments:

# State Environmental Planning Policy (Design and Place) 2021

#### A.2 What's changed since the previous exhibition?

We applaud the high levels of public consultation and the streamlining of policies and guidelines.

We also recommend adopting a performance-based approach wherever feasible, which reduces subjectivity and increases certainty and transparency of decision-making and approvals.

#### A.3 Key features of the policy package

#### **Principle-based approach**

We applaud the principle-based approach, but consider the implied priorities to be inappropriate. The latest science on climate change is truly alarming, so alarming that we all seem to be ignoring it – "DON'T LOOK UP!":

- According to Steffen et al <u>15 climate feedback loops</u> are likely to all be triggered if we cross the threshold of 2DegC of global warming This is likely to happen before 2030. Once triggered the climate will transition unstoppably to unsurvivable 4-6 DegC of warming
- According to Tim Lenton et al, there is real physical evidence from isotope studies of ice-core CO2 that <u>9 of the 15 feedback loops are already triggered</u>
- According to IPCC AR6 we have eleven years to decarbonise globally to keep global warming below 1.5DegC, but a breakaway group of IPCC scientists say that we have far less time than this.
- Professor Sir David King, former UK Chief Scientist, and his Cambridge Climate Crisis Advisory Group say we need radical change in the next three to five years and even if we achieve <u>net</u> <u>zero by 2030</u> our survival will depend on unproven, highly risky geo-engineering.

Accordingly Principle 1 HAS to be to provide a survivable environment for future generations, not an afterthought added to 8 Resource efficiency "and emissions reduction". There is NOTHING more important in the planning instruments than emissions reduction urgently for a survivable future.

Inside this principle, our planning guidance HAS to reflect the extreme urgency of the need to radically decarbonise all aspects of our lifestyle – there is no time left for a "Pathway" to net zero,

we need net zero NOW! Net Zero NOW is immediately more affordable and economic for all except the fossil fuel industries, there simply isn't any excuse for any delay.

Under 5, Sustainable transport is very vague and rather marginalised for importance by being coupled to walkability. The elephant in the room for <u>sustainable transport is electrification</u> of both public and private transport and this should be explicit. Cyclability should be emphasised as well as walkability with big implications for planning guidance.

# Sustainability

We applaud the leadership shown by NSW with whole-of economy targets to reduce greenhouse gas emissions by 50 per cent by 2030 compared to 2005 levels. However, the latest science tells us that this is no longer good enough – we need substantial emissions reductions by 2030 to not trigger the remaining 6 of 15 climate feedback loops that will cause our climate to transition unstoppably to unsurvivable 4-6DegC of warming, net zero emissions by 2050 is complacent to extinction of our entire species perhaps in less time than our buildings and precincts are being planned to last! The latest IPCC AR6 raised particular concerns over methane emissions so our DP SEPP should include eliminating gas and gas appliances to new developments.

Our levels of ambition need to raise substantially, as far as possible mandating net zero NOW – we've run out of time for "pathways"! Moreover, net zero homes are immediately more affordable for homeowners, because the energy savings made exceed the small increases in mortgage costs to pay for the additional net zero measures (principally rooftop solar installed from new).

# BASIX

BASIX should be changed from its current energy efficiency (economic) basis to an emissions (survivable future) basis (CO2-e) and the standard that should be mandated is net zero for all single family homes and for low-rise apartments. A further submission specifically will be made on BASIX.

# Updating the BASIX Tool

# Introducing an alternative merit assessment pathway

This may be merit-worthy for increasing flexibility, but the flip-side of the coin is reducing consistency in complying with the requirements. In other contexts we have seen how greater flexibility can also lead to greater gaming of standards. If the standard being mandated is net zero emissions, then this enforces a consistent standard regardless of the tool used to demonstrate compliance.

# Non-residential sustainability

The targets proposed for non-residential sustainability include energy, water and waste and electric vehicle (EV) readiness but inexplicably exclude the existential threat of emissions, which SHOULD be the first target and set for compliance at net zero.

The requirement for electric vehicle readiness should be boosted to requiring provision for electric vehicles now. <u>By 2027 Bloomberg</u> New Energy Foundation forecast that electric vehicles will be the cheapest vehicles one can buy and we can expect a rapid transition of our 20m cars. Will this SEPP

be out-of-date by 2027 for the uptake of battery electric vehicles? In addition, it is <u>highly strategic to</u> <u>accelerate the uptake of electric vehicles</u> with bi-directional charging, since these will provide the storage needed to mop up excess solar generation through the day to make it available to EV owners households during the evening/overnight. The DP SEPP should be anticipating and planning for this transition. <u>https://johnmenadue.com/myopic-thinking-electric-vehicles-and-renewable-power/</u>

# A.4 About the consultation draft

# **Application of the DP SEPP**

The DP SEPP should apply to Class 7a buildings in relation to the provision of electric vehicle charging from zero emission power sources. Car park owners should be encouraged to install solar PV (doubling as shade) on the top storey of their buildings.

# A.5 Amendments to other instruments

We applaud the intentions to Limiting solar absorptance, but this should be based on a performance threshold of say 0.5 with the subjective "light" colour used as a "deemed to satisfy" requirement where the absorptance is not known. (Some coatings may appear dark in colour but still have a low absorptance (be highly reflective at non-visible wavelengths).

# B. Stakeholder engagement and response

# **B.1 Certainty and flexibility**

We applaud the proposed improvements.

# **B.2** Commerciality and feasibility

We note the comment that "The commerciality and feasibility of development is subject to many factors, including *unforeseen events and changing market preferences*". Accordingly, the SEPP should be taking a longer term view on the extreme urgency for decarbonisation (and the need to keep promoting solar uptake) and the transition to electric vehicles which is now likely to accelerate dramatically. This is highly strategic for the viability of intermittent renewables and reducing to demand on the grid from renewables. As drafted the SEPP is in danger of quickly appearing flat-footed to these rapid transitions.

# **B.3 Sustainability and ambition**

# Designing for the future

# "<u>No developed country has more to lose from climate change-fuelled extreme weather, or</u> more to gain as the world transforms to a zero carbon economy, than Australia does."

# – Climate Council

Once again, transition to net zero is last on the list revealing deep seated denial and complacency to what represents an existential threat to our entire species and the urgency for radical transition could not be greater. If we trigger the last 6 of 15 climate feedback loops (likely within 3-5 years as we cross 2DegC of warming) we WILL set in motion unstoppable climate transition to unsurvivable 4-

6DegC of warming. Without survival all else fails - markets, businesses, jobs, and economies. If you feel tempted to consider this alarmist, then please reconsider it as precautionary given that the stakes just couldn't be any higher. If this proves to be alarmist then we will have transitioned to cheap renewable energy, gained complete energy independence and security and transitioned to renewable transport and industry sooner than we needed to – where's the down-side? If this is not alarmist then the implications are apocalyptic. "DON'T LOOK UP!"

# C.2 Sustainability in residential buildings (BASIX)

We reiterate the NEED to transition BASIX to an emissions basis and to set the standard at net zero. We reiterate that the CRIS for the NCCV2 update didn't even consider the option of net zero and that the economic case, based on affordability for the homeowner is even better for the Net Zero home than for the 7\* energy efficient home that the BASIX update is intended to replicate. For best economic benefit to NSW homeowners, BASIX SHOULD adopt the net zero emissions standard NOW, in addition to not adding to the stock of new buildings and developments that continue to add to the threats to our children and grandchildren's survivable futures. There's simply no excuse!

We applaud that you have responded to public commentary opposing trade-offs of other sustainability measures against the thermal comfort and energy performance requirements

# C.3 Sustainability in non-residential buildings

The DP SEPP should immediately mandate net zero for all new developments or that energy supplied to a new development can only be supplied from renewable energy sources.

The SEPP should include precinct-wide provisions that allow industrial and warehouse buildings with large roof areas, but small energy demands to be able to sell excess generation (Virtual Power Plant) from their rooftop solar installations to other entities (commercial or industrial units, multi-residential tenancies) for whom it is not possible to meet their energy demands from their own solar installations. This might include selling excess solar power for car-park EV charging points.

Thank you for the opportunity to comment.
### Design and Place SEPP State Environmental Planning Policy (Design and Place) 2021 under the Environmental Planning and Assessment Act 1979

#### Public Comment from the Campaign for Net Zero Emission Homes

https://zeroemissionhomes.com/ N Howard 20-02-2022

We support the proposed State Environmental Planning Policy (Design and Place) 2021 subject to the following comments:

#### 12 Design principles and design considerations

We applaud the principle-based approach, but consider the implied priorities to be inappropriate. The latest science on climate change is truly alarming, so alarming that we all seem to be ignoring it – "DON'T LOOK UP!":

- According to Steffen et al <u>15 climate feedback loops</u> are likely to all be triggered if we cross the threshold of 2DegC of global warming This is likely to happen before 2030. Once triggered the climate will transition unstoppably to unsurvivable 4-6DegC of warming.
- According to Tim Lenton et al, there is real physical evidence from isotope studies of ice-core CO2 that <u>9 of the 15 feedback loops are already triggered</u>
- According to IPCC AR6 we have eleven years to decarbonise globally to keep global warming below 1.5DegC, but a breakaway group of IPCC scientists say that we have far less time than this.
- Professor Sir David King, former UK Chief Scientist, and his Cambridge Climate Crisis Advisory Group say we need radical change in the next three to five years and even if we achieve <u>net</u> <u>zero by 2030</u> our survival will depend on unproven, highly risky geo-engineering.

Accordingly Principle 1 HAS to be to provide a survivable environment for future generations, not an afterthought added to 8 Resource efficiency "and emissions reduction". There is NOTHING more important in the planning instruments than emissions reduction urgently for a survivable future.

Inside this principle, our planning guidance HAS to reflect the extreme urgency of the need to radically decarbonise all aspects of our lifestyle – there is no time left for a "Pathway" to net zero, we need net zero NOW! When this is immediately more affordable and economic for all except the fossil fuel industries, there simply isn't any excuse for delay.

### (2) The considerations that guide the implementation of the design principles are as follows— Design principle Design considerations

Accordingly it is just beyond belief that emissions reduction to provide a survivable future is almost a hidden afterthought of the fourth Design Principle - to Deliver sustainable and greener places to Green infrastructure - ensure the well-being of people and the environment - Resource efficiency

and *emissions reduction*. NOTHING should be more important than emissions reduction and providing for a survivable future!

What is the point of beauty and amenity, a sense of belonging for people, inviting public spaces, enhanced public life, engaged communities, productive and connected places to enable communities to thrive, sustainable and greener places to ensure the well-being of people and the environment, diverse places for enduring communities if there's no people to benefit from them. What does resilience mean if you've gone extinct as a species from climate change? "DON'T LOOK UP!"

More generally, there is no serious consideration of energy and other service infrastructure and how this should be integrated. The NSW Government does have a commitment to reduce emissions through energy generation but how this is to be done on a local level needs to be integrated with this policy. Energy infrastructure is changing very rapidly and is on the verge of total transformation to a more distributed, integrated grid. No consideration of this or the changing world of energy purchasing and reticulation, local batteries, impact of EV's etc. is included Any planning on a precinct level needs to properly allow for this to be integrated.

#### 19 Design consideration—sustainable transport and walkability

"(e) supports the installation of infrastructure for charging electric vehicles." This should put emphasis on the provision of bi-directional charging for electric vehicles both for public parking and in the provision of home charging. This is <u>highly strategic</u> for optimising the viability of intermittent renewable energy and displacing fossil fuelled power from our grids.

#### 21 Design consideration—resource efficiency and emissions reduction

For urban design development involving subdivision, the use of gas should not just be minimised, it should be precluded - we know of no examples where electricity cannot perform all of the functions currently performed by gas - for cooking, heating and hot water.

Greenhouse gas emissions should not just be minimised, they should be eliminated with all sources of emissions within their supply chains replaced with renewable electricity and the goal of achieving net zero emission needs bringing forward to 2030 at the very latest.

We welcome the suggestions for passive design, energy efficiency and use of renewable energy, but these must be increased in stringency as mandates for net zero emissions.

We welcome the proposals for water sensitive urban design and maximising water re-use, provided this doesn't entail greater use of non-renewable energy or greater methane emissions.

#### 26 Energy and water use standards for non-residential development

We welcome the provisions for the reduction and shifting of peak demand for electricity, the acceleration of uptake of batteries, metering and monitoring of energy consumption but point out that accelerated uptake of battery electric vehicles with bi-directional storage is likely to <u>overcome</u> <u>all problems of renewable energy storage</u> and minimise the need for grid investment.

**Division 2 BASIX standards for residential development** 

#### **27 BASIX standards**

BASIX should be adapted to an emissions basis and mandate net zero now for all new homes. Compliance to a net zero homes standard requires no new capabilities, is easy to comply with (North facing roofs, with sufficient solar photovoltaics, all electric with no gas connection), provides homes that are more affordable for homeowners from day 1 (in all NSW climate zones) and provides more employment. A net zero standard is consistent in all climate zones requiring no discontinuities in requirements for say neighbours either side of a climate zone boundary.

We consider the lack of a single consistent, universally adopted standard for the production of embodied emissions data for materials and products makes embodied emissions assessments unreliable at the current time. The joint industry/federal government funded BPLCI project established a viable multiple industry consensus standard in 2011 and a database of main construction product data compliant to the methodology. Subsequently though commercial vested interests have lobbied against the standard and key requirements have been compromised. If the original version of the BPLCI methodology was restored and compliant data mandated as the only reliable source of embodied emissions data then these considerations should be included. As we transition fully to decarbonised energy embodied emissions will become the only emissions for us to be concerned about.

Part 3 Assessment of development (c) embodied emissions, (d) thermal performance. (2) Subsection (1) does not apply to development involving a heritage item or within a heritage conservation area if the Planning Secretary is satisfied that the development is not capable of achieving the standard specified in Schedule 2 because of the development controls that apply. Consultation note— The final version of this Policy will include the standards for energy use, water use and thermal performance for other BASIX affected development, such as alterations and additions.

#### 29 BASIX commitments not to be displaced

This should apply to net zero provisions equally.

#### **Division 3 Residential apartment development**

#### 33 Car parking requirements for new buildings and green travel plans

The car parking provisions for new buildings should include the requirement for bi-directional charging of electric vehicles. If this provision is not made now, then the SEPP will rapidly become out of date. If bi-directional charging is mandated, then this will make all of the electric vehicle batteries available to stabilise and minimise demand on the grid and provide distributed storage for intermittent renewable energy. (Once the 20m cars in Australia have transitioned this will provide 2 days of the entire grid capacity as storage making many of the storage and firming investments that we are funding publicly now like Snowy 2.0, Kurri Kurri gas peaking plant and even community batteries etc. all redundant white elephants.

#### Schedule 1 Energy and water use standards for non-residential development

#### 2 Energy use

The basis for assessment should not be energy use (economic), it should be emissions (survivable future) and the criterion adopted should be net zero.

No gas connection should be permitted and all services should be electric for heating, cooling, hot water, lighting and power uses. Any building that cannot service its own loads from on-site renewable energy sources MUST contract for renewable energy decarbonised energy from off-site.

The energy efficiency standards mandated by JP1 (7\* energy efficiency), by Green Star Building ratings or by NABERS energy commitment agreements are not stringent enough to guarantee a zero emission performance.

It should be noted that the energy cost savings from the additional investment in net zero commercial buildings provide a better return on investment than the yield in commercial property, making investment in net zero buildings a good business decision.

# Schedule 2 Energy and water use, embodied emissions and thermal performance standards for BASIX affected development

Part 2 Energy use

#### 3 Energy use

Whilst it is pleasing to note that the underlying rationale for the energy efficiency reductions is really carbon dioxide emission reductions the whole approach is overly complex and under ambitious for the times. ONLY net zero emissions should be mandated for a survivable future and this provides simplicity, clarity of purpose and consistency regardless of climate zone.

Thank you for the opportunity to comment.

### Design and Place SEPP BASIX Proposed Higher Standards

#### Public Comment from the Campaign for Net Zero Emission Homes

https://zeroemissionhomes.com/ N Howard 20-02-2022

Thank you for the opportunity to comment on the proposed higher standards for BASIX. Our comments are as follows:

A **net zero by 2050** target is no longer adequate – it is reckless toward a survivable future for our entire species. Latest science says that even net zero by 2030 is not good enough.

- IPCC AR6 eleven years to decarbonise globally.
- Prof Will Steffen et al and their <u>Hothouse Earth</u> modelling identifying 15 compounding climate feedback loops that once triggered will accelerate climate change unstoppably to unsurvivable 4-6DegC of warming – extinction of our species and 90% of others. Likely all triggered by 2DegC of warming – 2030.
- Prof Tim Lenton et al research revealing from ice core data, there is <u>real physical evidence</u> of the feedback mechanisms already triggered for 9 of the 15 mechanisms.
- There may be other feedback loops phytoplankton recently proposed.
- Professor Sir David King, former UK Chief Scientist, and his Cambridge Climate Crisis Advisory Group say we need radical change in the next three to five years and even with net zero by 2030 our survival will depend on unproven risky geo-engineering.
- Professor Frank Fenner predicts that humans will probably be <u>extinct within 100 years</u>, because of overpopulation, environmental destruction and climate change.
- Scientists see significant <u>potential to reduce methane emissions</u> quickly since these are much more potent greenhouse gases than CO2 if we eliminate gas from buildings, we eliminate the supply chain contributing to these emissions.

#### DON'T LOOK UP!

It is no longer good enough for our population either. Lowy polls say:

- 60% of Australians say 'global warming is a serious and pressing problem. We should begin taking steps now, even if this involves significant costs'
- 55% of Australians say the government's main priority for energy policy should be 'reducing carbon emissions'.
- 74% of Australians say 'the benefits of taking further action on climate change will outweigh the costs'.
- Almost all Australians (91%) say they would support the federal government 'providing subsidies for the development of renewable energy technology'.
- 77% of Australians support the government subsidising electric vehicle purchases.

Accordingly, the "*Trajectory for Low Energy Buildings*" is now recklessly complacent to the urgency of change needed for a survivable future – the timescales proposed need to be accelerated to net zero by 2030 or sooner and in the case of single family housing it is easy to do NOW!

"Fewer carbon emissions" is not good enough – there's no excuse for not mandating net zero now to give our children and grandchildren a shot at a survivable future. No excuse because net zero homes are also immediately more affordable – the savings in monthly energy costs are 8 times greater than the additional costs added to the monthly mortgage repayments for the net zero measures (See calculations below).

Net zero for homes is easy to achieve, requiring no new technology or capability building – all aspects are well established – it requires:

- meeting the proposed 7\* energy efficiency requirements plus
- ensuring the roof is oriented to the north plus
- prohibiting gas connection (gas heating or hot water) plus
- installing sufficient solar photovoltaics to meet building loads (In NSW for the average home, at most 7kWp of photovoltaics are needed in climate zone 65, average 3.5kWp – see calculations below).

Such are the benefits of rooftop solar built-in, most homeowners are likely to opt for additional solar beyond the minimum, to meet building loads and cover their additional energy uses and provide for electric vehicle charging. (Anecdotally 6kW is the most common retrofit solar PV installation).

According to Bloomberg New Energy Foundation, <u>by 2027</u>, electric vehicles will be the cheapest vehicles you can buy.

NSW should also be mandating the provision of bi-directional charging for electric vehicles such that homeowners can use their electric vehicle batteries as a home battery – storing excess generation through the day to power their house through the evening/night and even <u>for providing grid storage</u>. NSW should be accelerating the uptake of electric vehicles to overcome the problems of intermittency in renewables generation. The transition to electric vehicles is inevitable anyway and they will provide 2 full days of electricity storage to the grid once we've transitioned (2.5 Snowy 2.0's). Since car batteries would be distributed around the grid, with bi-directional charging these will mostly reduce not increase pressure on the grid (and reduce the need to invest in grid upgrades). The transition to electric vehicles will make many current investments in storage redundant – there is a worrying lack of joined-up, longer-term, technically sophisticated thinking in government at all levels!

The solar and electric vehicle provisions added to a standard home package will employ more people and provide homebuilders with more opportunities to value-add. The renewables supply chain provides at least 3 times the jobs of the fossil fuel supply chain.

**Cheaper Energy Bills** – whilst it is claimed that the proposed changes to BASIX will provide savings in energy bills of up to \$980, for the average sized net zero home, savings of up to \$1362 (\$239 - \$1362 depending on climate zone) would be realised – see calculations below.

Adopting an emissions basis and a net zero standards is far simpler, less arbitrary (especially close to climate zone boundaries) and transparent than having a set of energy efficiency benchmarks that vary by climate zone. This will almost certainly result in reduced costs to demonstrate and verify compliance and hopefully lead to innovation for buildings that are net restorative. At very least in

2022, our buildings should not be contributing to emissions that may send our children and grandchildren extinct in a shorter period than the life of the buildings.

There's simply no excuse for not changing the basis for BASIX calculations to CO2-e emissions and mandating net zero for homes NOW and adapting BASIX accordingly.

It is accepted that net zero for multi-residential units is more challenging with a larger energy use per unit of roof area – for low rise units net zero may still be possible.

In the case of multi-residential units, a deemed to satisfy requirement might be used where the roof is oriented to the north and at least 80% of the North facing roof area is provided with solar PV.

Planning should mandate North facing roofs and 80% coverage with solar photovoltaics for industrial units such that excess solar from industrial units can compensate for the short-fall for higher rise multi-residential and commercial buildings.

In collaboration with grid providers, regulations should be adapted to permit industrial units to sell excess energy from their large roof areas via a Virtual Power Plant facilitator or grid operator to properties that cannot meet their building loads from their own rooftops. We now need creative solutions to get to net zero for all homes, commercial, public and industrial and all of our transport (Public and Private).

We cannot solve the existential climate change crisis with small thinking – go big or go extinct.

Thank you for the opportunity to comment.

#### Data from Proposed BASIX Standard

https://www.planningportal.nsw.gov.au/sites/default/files/documents/2021/ Proposed%20BASIX%20Higher%20Standards%20document.pdf Table A: Proposed maximum allowable loads for detached and semi-detached dwellings based on floor types

Av. House

NatHERS MJ/m2/yr climate Slab on ground Suspended Floor Slab on ground Heating Cooling Heating Cooling zone Total Heating Cooling 75 52 45 48 53 12220 24.9 64.6 26.3 67 5852 10 20.4 47.1 23.8 45.9 4794 11 26.3 5382 22.9 31.5 30.2 14 120 115 10 110 17 27025 15 51 45.9 29.8 36.1 32.9 10787 17 30 15.5 17.5 25 3643 15.1 18 20 24 61 55 28.1 53.4 32.5 12925 96 90 32.6 85.1 41.1 21150 122 117 30 108 35 27495 25 27 No Max No Max No Max 298 No Max No Max 79 75.6 47.3 17766 64.2 52.8 28 60 54.9 37.5 53.6 43.4 12902 46 75 45.3 44.7 51 47.9 10646 48 79 70.9 20.8 67.1 27.9 16662 56 65 30 24.4 17.9 24.4 18.9 5734 156 150 15.7 149.8 38.5 35250 69 277 No Max No Max No Max No Max No Max No Max No I

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or types		Av. House Cos	it \$	808400				\$ 327.00	CRIS mortga	ge addi	tion \$	
	m2											
J	/yr		Slab on ground	d								
	Suspend	led Floor	MJ/y	yr	Net Zero				Mortgage	Energy	BCR	
	Heating	Cooling	Electric G	Gas	kWh/yr	kWp	PV Cost \$	% Addition	Addition \$/y	Saving \$/yr	1:	
	11280	12455	9903	12892	3945	3.60	3227	0.40%	87	701		8.06
	6181	15745	9137	11895	3640	3.32	2977	0.37%	80	647		8.06
	5593	10787	6891	8971	2745	2.51	2245	0.28%	61	488		8.06
	6181	7097	5554	7230	2212	2.02	1810	0.22%	49	393		8.06
	25850	3995	12762	16613	5083	4.64	4158	0.51%	112	904		8.06
	8484	7732	7728	10061	3078	2.81	2518	0.31%	68	547		8.06
	5875	3549	3369	4386	1342	1.23	1098	0.14%	30	239		8.06
	12549	7638	8484	11045	3379	3.09	2764	0.34%	75	601		8.06
	19999	9659	12517	16294	4986	4.55	4078	0.50%	110	887		8.06
	25380	8225	15008	19537	5978	5.46	4890	0.60%	132	1,063	L	8.06
	No Max	No Max		-	-	· -	* ÷	-	· · ·	-	-	
	15087	12408	12547	16334	4998	4.56	4088	0.51%	110	889		8.06
	12596	10199	9433	12281	3757	3.43	3074	0.38%	83	668		8.06
	11985	11257	9188	11962	3660	3.34	2994	0.37%	81	651		8.06
	15769	6557	9362	12188	3729	3.41	3050	0.38%	82	663		8.06
	5734	4442	4319	5622	1720	1.57	1407	0.17%	38	306		8.06
	35203	9048	16917	22023	6738	6.15	5512	0.68%	149	1,198		8.06
	No Max	No Max	-	-	-	-	-	-	-	-	-	
					Max	6.15	5,512					
					Min	1.23	1.098					

0.277778 kWh/Mi

3.00 hrs/day

300%

Conversion

235 m2

10575

15181

11069

7403

2350

7003

4113

6604

7661

7050

No Max No

11116

8813

10505

4888

4207

3690

235 m2

MJ/yr

Heat Pump COP

Solar Equiv.hrs/day

PV Cost \$ % Addition Addition \$, Saving \$/y kWh/yr kWp Gas ectric 8.06 10311 13424 4107 3.75 3360 0.42% 91 730 8.06 9525 12400 3794 3.46 3104 0.38% 84 675 8.06 7116 9264 2834 2.59 2319 0.29% 63 504 8.06 5768 7509 2298 2.10 1879 0.23% 51 409 8.06 12966 16879 5164 4.72 4225 0.52% 114 918 8.06 7044 9171 2806 2.56 2295 0.28% 62 499 8.06 4094 5330 1631 1.49 1334 36 290 0.17% 8770 11417 3493 3 19 2857 0.35% 77 621 8.06 8.06 12884 16773 5132 4.69 4198 0.52% 113 913 8.06 14599 19006 5815 5.31 4757 0.59% 128 1,034 8.06 15550 4758 4.35 3892 0.48% 105 846 11945 8.06 9903 12892 3945 3.60 3227 0.40% 87 701 8.06 10097 13145 4022 3.67 3290 0.41% 89 715 8.06 9699 12626 3863 3.53 3160 0.39% 85 687

Mortgage Energy

39 313

169 1,362

BCR

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residential/supporting\_documents/Consultation%20RIS%20%20Proposed%20NCC%202022%20residential%20energy%20efficiency%20provision

Net Zero

https://consultation.abcb.gov.au/engagement/consultation-ris-proposed-ncc-2022-

Suspended Floor

4421

19224

5755

25027

Max

Min

Av

MJ/yr

1.50% CRIS mortgage addition %

3,118

Av 3.48

Table B: Proposed maximum allowable loads for multi-unit developments (5 storeys or lower) Av. House

NatHERS			(MJ/m	MJ/yr				
climate	1	ndividual Dwel	lings	A١	erage of All D	wellings	Individual	Dwellings
zone	Total	Heating	Cooling	Total	Heating	Cooling	Heating	Cooling
8	-	47.8	74.9	-	45.6	71.3	11233	17602
9	-	26.4	68.6	-	24.9	64.6	6204	16121
10	-	21.4	49.4	-	20.4	47.1	5029	11609
11	-	24.1	33.2	-	22.9	31.5	5664	7802
14	-	189.2	37.4	-	176.1	34.8	44462	8789
15	-	55.8	33	-	53.3	31.6	13113	7755
17	-	24.8	27.9	-	23.9	26.9	5828	6557
18	-	78.3	33.5	-	73.5	31.5	18401	7873
20	-	133.5	52.1	-	123.6	48.3	31373	12244
24	-	200.5	40.2	-	185.7	37.2	47118	9447
25	-	503	No Max	-	475	No Max	118205	-
27	-	80.4	65.5	-	74.9	61	18894	15393
28	-	61.7	62.2	-	56.2	56.7	14500	14617
46	-	53.3	66	-	51.4	63.5	12526	15510
48	-	94.1	48.4	-	88.4	45.5	22114	11374
56	-	32.3	21	-	30.9	20	7591	4935
65	-	254.4	24.2	-	239.3	22.7	59784	5687
69	-	492.1	No Max	-	455	No Max	115644	-

Multi-unit developments (5 storeys or lower)

N	U/yr	Net Zero				Mortgage	Energy	BCR	
Electric	Gas	kWh/yr	kWp	PV Cost \$	% Addition	Addition \$/y	Saving \$/yr	1:	
1252	7 16308	4990	4.56	4082	0.50%	110	887		8.06
9699	9 12626	3863	3.53	3160	0.39%	85	687		8.06
7228	3 9410	2879	2.63	2355	0.29%	64	512		8.06
5850	7616	2330	2.13	1906	0.24%	51	414		8.06
23134	a 30117	9215	8.42	7538	0.93%	203	1,639		8.06
9066	5 11802	3611	3.30	2954	0.37%	80	642		8.06
5380	0 7004	2143	1.96	1753	0.22%	47	381		8.06
11414	14859	4546	4.15	3719	0.46%	100	808		8.06
18948	3 24668	7547	6.89	6174	0.76%	166	1,342		8.06
24574	¥ 31991	9788	8.94	8007	0.99%	216	1,741		8.06
-	-	-	-	-	-	-	-		-
14895	5 19391	5933	5.42	4853	0.60%	131	1,055		8.06
12649	9 16467	5038	4.60	4121	0.51%	111	896		8.06
12180	15856	4851	4.43	3968	0.49%	107	863		8.06
14548	3 18939	5795	5.29	4740	0.59%	128	1,030		8.06
5442	2 7084	2167	1.98	1773	0.22%	48	385		8.06
28443	3 37028	11329	10.35	9267	1.15%	250	2,015		8.06
-	-	-	-	-	-	-	-		-

Table C: Proposed maximum allowable loads for multi-unit developments (6 storeys or higher) Av. House

							Av. House	235	m
NatHERS			(MJ/m	2.annum)			M.	J/yr	1
climate	In	dividual Dwel	lings	Ave	erage of All D	wellings	Individua	Dwellings	1
zone	Total	Heating	Cooling	Total	Heating	Cooling	Heating	Cooling	1
8	95	68.3	71.9	75	51	50	16051	16897	1
9	-	26.4	68.6	-	24.9	64.6	6204	16121	
10	-	21.4	49.4	-	20.4	47.1	5029	11609	
11	-	24.1	33.2	-	22.9	31.5	5664	7802	
14	158	155	10.7	120	118	6	36425	2515	
15	66	53	33.8	51	45.4	32.3	12455	7943	
17	39	35	20.4	30	28	17.6	8225	4794	
18	81	65.5	34.4	61	56.2	32.7	15393	8084	
20	127	117.2	47.3	96	90	40.9	27542	11116	
24	161	157.2	31.9	122	118	24	36942	7497	
25	366	No Max	No Max	298	No Max	No Max	-	-	
27	103	81.3	54.4	79	68	45.5	19106	12784	
28	79	65.1	61.8	60	59.6	45	15299	14523	
46	94	65.1	61.8	75	51	48.4	15299	14523	
48	104	94.2	30.8	79	75.9	25.2	22137	7238	
56	38	32.5	19.8	30	28.1	18.7	7638	4653	
65	200	183.5	20.6	156	153.3	33.1	43123	4841	
69	339	No Max	No Max	277	No Max	No Max	-	-	

#### Multi-unit developments (6 storeys or higher)

BCR	Energy	Mortgage				Net Zero	r 🗌	MJ/y
1:	y Saving \$/yr	Addition \$/y	% Addition	PV Cost \$	kWp	kWh/yr	as	Electric G
8.	5 1,014	126	0.58%	4664	5.21	5701	18634	14313
8.	687	85	0.39%	3160	3.53	3863	12626	9699
8.	512	64	0.29%	2355	2.63	2879	9410	7228
8.	414	51	0.24%	1906	2.13	2330	7616	5850
8.	1,198	149	0.68%	5512	6.15	6738	22023	16917
8.	628	78	0.36%	2887	3.22	3530	11536	8862
8.	401	50	0.23%	1843	2.06	2253	7363	5656
8.	) 722	90	0.41%	3323	3.71	4062	13277	10199
8.	3 1,190	148	0.68%	5472	6.11	6689	21863	16794
8.	1,367	170	0.78%	6290	7.02	7690	25133	19306
-	) -	0	0.00%	0	-	0	0	0
8.	981	122	0.56%	4514	5.04	5518	18036	13854
8.	918	114	0.52%	4221	4.71	5160	16866	12956
8.	918	114	0.52%	4221	4.71	5160	16866	12956
8.	904	112	0.51%	4158	4.64	5083	16613	12762
8.	378	47	0.22%	1740	1.94	2127	6951	5339
8.	1,476	183	0.84%	6789	7.58	8300	27126	20837
-	) -	0	0.00%	0	-	0	0	0

1761	1.61	1440
7657	6.99	6264
-	-	-

0 18%

0.77%

6.99 6.264 1.49 1.334

3.60 3,225

#### Design and Place SEPP Apartment Design Guide

#### Public Comment from the Campaign for Net Zero Emission Homes

https://zeroemissionhomes.com/ N Howard 20-02-2022

We support the proposed Apartment Design Guide subject to the following comments:

#### Part 1

#### 1.2 Built form and siting

Low-rise apartments may still be able to meet much of their building loads from rooftop solar, but no consideration seems to have been given to this possibility within this section.

#### 1.6 Parking

1.6.3 states "Support sustainable vehicle use by providing 'EV-ready' car parking." – this needs to go further by providing bi-directional car charging to all car parking spaces. Electric Vehicles will be the cheapest cars one can buy by 2027 (Bloomberg NEF) so the transition to electric vehicles is likely to happen very fast. This guide will be rapidly out-of-date if it doesn't anticipate this transition as planning guidance.

#### Part 3 Environmental considerations

#### 3.1 Energy efficiency

The emphasis of this section should be on the existential threat of climate change and the imperative of emissions reduction, not on the economic benefits of energy efficiency. Net zero "readiness" is dangerously complacent to the seriousness and urgency of the climate emergency and where an apartment cannot meet its own energy needs from rooftop solar, renewable energy must be contracted.

The apartments must be all-electric by design, with no provision of gas to new apartments. Rooftop solar should be mandated to the full extent possible, with remaining loads met by contracted renewable energy.

All car parking spaces should be provided with bi-directional electric vehicle charging such that the car batteries also provide some storage of renewable energy to the building/grid for the (typically 97% of the) time that the vehicles are not actually driving. These measures are needed now because otherwise this guidance will quickly go out of date as the electric vehicle transition takes place.

Thank you for the opportunity to comment.

Design and Place SEPP Urban Design Guide

#### Public Comment from the Campaign for Net Zero Emission Homes

https://zeroemissionhomes.com/ N Howard 20-02-2022

We support the proposed Apartment Design Guide subject to the following comments:

#### **Objective 6 Block Patterns and Street Networks & Objective 17 Lot Layouts**

Only one minor non-committal mention in this section of laying out block patterns to optimise solar orientation and local/micro climatic conditions so that the design of buildings on lots is not constrained by the lot layout or orientation. Consideration needs to be given to developing a tool for assessing the performance of lot layouts such as SEDA Solar lot tool.

#### **Objective 19 Development Use Resources efficiently**

No mention is made of the transition to a more distributed energy grid which is already starting to happen and will have significant impact over the next decade.

Thank you for the opportunity to comment.

Submitted on Mon, 28/02/2022 - 16:47

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Ally

Last name Hamer

I would like my submission to remain confidential No

### Info

Email

Suburb/Town & Postcode Woolloomooloo

Please provide your view on the project I am just providing comments

Submission file cancer-council-nsw-endorsement-of-cancer-institute-nsw-submission.pdf

#### Submission

Cancer Council NSW would like to commend the NSW Department of Planning and Environment on the draft Design and Place State Environment Planning Policy (SEPP) and its supporting guides.

Please find attached a letter from Cancer Council NSW endorsing the submission made by Cancer Institute NSW, and its recommendations regarding shade for protection from UV radiation in the Urban Design Guide and Apartment Design Guide.

I agree to the above statement Yes

28 February 2022



NSW Department of Planning and Environment Locked Bag 5022 Parramatta NSW 2124

To whom it may concern,

# Re: Cancer Council NSW endorsement of Cancer Institute NSW submission regarding Design and Place State Environment Planning Policy

Cancer Council NSW would like to commend the NSW Department of Planning and Environment on the draft Design and Place State Environment Planning Policy (SEPP) and its supporting guides.

Cancer Council NSW collaborates closely with key stakeholders to reduce the incidence of skin cancer by improving access to adequate shade in NSW. Cancer Council NSW is a key partner in the implementation of the <u>NSW Skin Cancer</u> <u>Prevention Strategy</u> (2017) which defines a comprehensive approach to reducing overexposure to ultraviolet (UV) radiation and ultimately the incidence of skin cancer in NSW. The Strategy is a multidisciplinary initiative led by the Cancer Institute NSW, an agency of NSW Health.

As part of the delivery of the Strategy, the Shade Working Group is committed to increasing shade across NSW for skin cancer prevention by influencing the planning system and advocating for shade in the local community. Member organisations of the Shade Working Group include Cancer Institute NSW, Cancer Council NSW, University of New South Wales City Future Research Centre, and a strategic and social impact planner consultant. This letter is being submitted by Cancer Council NSW, which is also chair of the NSW Skin Cancer Prevention Strategy Shade Working Group.

The purpose of this letter is to endorse the submission made by Cancer Institute NSW, and its recommendations regarding shade for protection from UV radiation in the Urban Design Guide and Apartment Design Guide.

#### Skin cancer in Australia

Australia has the highest levels of UV radiation and the highest incidence rates of skin cancer worldwide, where two out of every three people are likely to be diagnosed with skin cancer by the age of 70. UV radiation from the sun causes 95% of melanomas and 99% of non-melanoma skin cancers in Australia. This means skin cancer is highly preventable.

#### The importance of shade in reducing the risk of skin cancer

Quality shade, which is defined as a well-designed and correctly positioned combination of natural and built shade, can reduce solar UV radiation exposure by up to 75%. This makes shade a critical component to reducing overall skin cancer risk. Shade availability and accessibility are key to shade use; it needs to be readily available across a range of outdoor spaces where children and adults live, work and



play. We know that when shade is provided, people will use it. However, most frequently the key problem is insufficient access to shade in the right spaces.

Further information on shade is available via Cancer Council NSW's website such as:

- The co-benefits of shade
- <u>Cancer Council NSW Guidelines to Shade</u>

#### The importance of shade in the Design and Place SEPP

With a growing strength of evidence supporting the health, environmental, social and economic benefits of shade, there is now an imperative to use the Design and Place SEPP and supporting guides to incorporate well designed quality shade.

On behalf of Cancer Council NSW and the NSW Skin Cancer Prevention Strategy Shade Working Group, we support Cancer Institute NSW's submission. If you would like any further information or support, please feel free to contact me via

Yours sincerely,

Elizabeth King Chair, NSW Skin Cancer Prevention Strategy Shade Working Group Skin Cancer Prevention Manager Cancer Council NSW



Submitted on Sun, 27/02/2022 - 19:16

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Charles

Last name Lake

I would like my submission to remain confidential No

### Info

Email

Suburb/Town & Postcode Earlwood

Please provide your view on the project I support it

Submission file comments-on-basix-review-2020-canterbury-bankstown-climate-action-network.docx

Submission Submission on BASIX review from Canterbury Bankstown Climate Action Network

I agree to the above statement Yes

#### NSW BASIX Higher Standards submission – Canterbury Bankstown Climate Action Network

NSW must find a clear pathway to achieve **net-zero in existing and new residential housing**. While **BASIX Higher Standards is a move in the right direction it does not go far enough or provide a clear pathway to achieve net-zero housing in NSW**. The current proposal fails on the following key points:

- to provide a pathway to net-zero housing development in line with the Paris Climate Accords to which Australia is a signatory to limit global warming to 2 degrees, preferably 1.5 degrees
- to phase out gas in favour of all-electric buildings powered by renewable energy.
- to increase the efficiency and thermal comfort of multi-unit developments (5 storeys or lower)
- to regulate the emissions associated with the construction process and the embodied energy in building materials

Gas is a high-emissions energy source and new homes should not include gas appliances. New dwellings should exclude the provision of gas supply as research shows that electric powered homes are more efficient, healthier and cheaper to run, averaging over \$10,000 savings over 10 years compared to houses with gas appliances, thereby offsetting the capital costs of solar panels and allowing the uptake of better efficiency measures. (i)

Multi-unit residential development should not be excluded from higher standards. These developments can easily and economically achieve higher thermal comfort standards (ii), in other words they appear to be shifting the NatHERS goalposts with regard to omitting the maximum allowable loads for a single occupancy unit (SOU) instead of tightening up the actual energy budget.

NSW should regulate to use the BASIX tool as an important part of its net-zero strategy. Of new housing in Sydney, increased densities introduced by NSW Planning result in more than 50% of new homes being medium/high density (iii). Multi-unit developments should therefore be encouraged to exceed the NatHERS star band so the majority of new homes in NSW are not excluded from the proposed BASIX Higher Standards and the benefits that increased energy efficiency offers to home owners. BASIX should provide a net-zero pathway for homes that perform better than the bare minimum.

It is inevitable that regulations will have to be tightened substantially more to because BASIX only regulates for energy in operation. To achieve net-zero, there must be regulation of the embodied carbon in new dwellings. BASIX Higher Standards should include measures to regulate embodied carbon.

NSW must find a clear pathway to achieve net-zero in existing and new residential housing. While BASIX Higher Standards is a move in the right direction it does not go far enough or provide a clear pathway to achieve net-zero housing in NSW and avoid catastrophic climate change in accordance with the Paris Accords.

#### (i)https://renew.org.au/wp-

content/uploads/2018/08/Household\_fuel\_choice\_in\_the\_NEM\_Revised\_June\_2018.pdf

(ii) https://www.afr.com/property/residential/we-re-going-to-force-builders-to-start-designing-7-star-20220208-p59ulh

(iii)https://www.nsw.gov.au/sites/default/files/2020-06/a-housing-strategy-for-nsw-fact-book\_0.PDF

### CHIPPENDALE RESIDENTS INTEREST GROUP (CRIG) Proposed DESIGN & PLACE SEPP Package

Email:

Chippendale, is a suburb undergoing significant change.

In recent years, the local population has tripled to more than 10,000 residents living in 0.35 sq. km of area (taking out Sydney railway yards), with parts of Chippendale now housing more than 500 people/ha.

In addition, three university campuses have expanded into Chippendale, i.e. University of Notre Dame campus, UTS and University of Sydney. On top, is a growing business and creative community.

Chippendale also faces major redevelopment as a consequence of the 'Central Precinct Renewal Program' with 200m plus towers proposed for the Western Gateway which will overshadow Central Station's famous clock tower. The result of the government's Unsolicited Proposal process, critically the rezoning serves as a precedent for the remainder of the 12 ha precinct, with the local community still largely in the dark about the plans.

Likewise there are a number of potential sites in Chippendale, where the proposed Design & Place SEPP and the supporting guidelines would apply.

Yet the suburb already faces a number of key challenges.

To this end, we considered the proposed SEPP and supporting guidelines in terms of some of the inherent challenges locally. Our observations follow:

Challenge	Proposed DP SEPP & supporting guidelines
Protecting existing residential communities within	The proposed ADG and UDG dos not
mixed use zones, and adjacent communities.	adequately address some of inherent
	challenges for existing residential
Chippendale is unusual in that the larger	communities.
proportion of the suburb is historically zoned	
mixed use, despite many of the streets being low	Rather, the UDG seeks to protect
rise terrace homes in a fine grained and small	venues/entertainment uses from
street grid intercepted by the odd businesses.	encroachment, with 'vibrant' neighbourhoods
	a priority.
Homes particularly in Chippendale's east which	
are located in the Heritage Conservation Area (off	However, in the case of Chippendale, it's the
Abercrombie) have little if any setback to the	existing residential communities who have
front, side and also the rear of their properties,	long lived here, who need to be protected
Properties are also often back-ended by much	from influx of new businesses and venues –
higher commercial buildings, and often share	and new operators. This has become a key
walls, with no cavity.	issue, where some venues (often a new
	operator) who feels they don't need to give a
Yet a number of sites may be redeveloped (or the	damn.
use of the premises may change. This is a	
particularly sensitive issue. Likewise the existing	Instead the UDG fails to protect residents,
and historic street grid needs to be maintained.	instead making vibrant and active
	neighbourhoods a priority.

Challenge	Proposed DP SEPP & supporting guidelines
	In response, better protections for existing communities are needed, and should be incorporated within the UDG.
	Likewise changes in use, and operational hours should go through a proper DA process, given the inherent challenges a change in use could present for existing residential neighbours.
Very high density and its impact on land prices: e.g. Central Park over inflated land values inflated rental and property prices (this includes consideration for NRAS offsets)	Density thresholds/caps should be included in order to better manage land values, given too much density can be detrimental, and over inflate land values, thereby increasing property and rental prices.
	Further, the absence of independent consultants and assessments at arm's length remains a key challenge (economic studies/business plan).
Unsustainable communities: Very high student population with the substantive increase in rentals (this includes the offset by NHAS) with a disproportionate amount of residents facing	Targets are needed in terms of more sustainable communities, e.g. reducing transient populations.
housing stress, where rentals are more than 30% of their (low) income (ABS, 2016) thereby leading to a high population turnover, as students move out within the first year looking for more affordable accommodation.	Note: The current proposal for Central Precinct is allegedly for tech industry plus high volume student population. Given many of the major renewal precincts will be delivered on government land with their potential sale, independent assessment is critical, particularly given the impetus for the government to look for higher returns to offset its budget shortfall.
Public space provisions. Chippendale has one of the lowest open space provisions, i.e. less than one metre per resident. This is totally inequitable when compared to other suburbs in the City of Sydney LGA, and when compared to Greater Sydney.	The provision of 15% open space indicated in the UDG is inadequate. Any provision should also be in addition to green space along major transport routes where there is noise impact (e.g. linear space next to a main road or major transport route).
Moreover given more than 50% of residents in Chippendale live in studios or 1 BR apartments, most with no balcony, it makes the need for access to sufficient green space and internal open space, a greater priority.	The provision should also consider population density to make it more equitable, rather than rely on a site area and catchment. Moreover to ameliorate the impact from high density high rise precincts, a larger green space provision is a priority.
	Further the open space, should have a minimum of six hours vs four hours, particularly if it's the only open space a locality or suburb has, i.e. one size does not fit all (e.g. where most people live in tiny apartments

Challenge	Proposed DP SEPP & supporting guidelines
	without any balcony as is the case for Chippendale). Moreover new precincts, e.g. such as Central Precinct can help to make up the existing shortfall
	In short, access to open/green space in Greater Sydney needs to be more equitable, particularly where the majority of residents live in small studios or apartments without even a balcony. This became particularly evident during Covid where residents were forced to drive to regional parks in the absence of having sufficient open space locally, where they could comfortably walk.
	In the case of suburbs where there are already a number of challenges, such as very high density areas, open space provisions should be increased. In addition, further consideration should be given for passive space.
	Moreover open space needs to have solar access, and not be wind prone and overshadowed as is the case for Chippendale Green at Central Park during most of winter.
	Provision for open space needs to be better addressed in the UDG to incentivise developers to address the shortfall.
	In particular, where apartments are in areas that have robust green space, or are near the harbour, beaches, or quality open space, have less provisions. And in the case, where there are local challenges, or physical barriers exist, such as a rail line or major roads or existing green space is close to a road or train line (noise impact), there are greater green space and open space provisions, as well as greater canopy cover.
Mixed apartments: More than 50% of Chippendale's population already live in a studio or 1 BR apartment; many typically living and often sharing studio/student spaces that are 12 – 20	The ADG allows for 50% of apartments to be 1 BR, where < 20 apartments. Where already a high volume of apartments in a locality are studios/1 BR, the minimum should be reduced
sqm (ABS, 2016). Imperative for greater diversity, with more 2, 3	to a third to enable larger apartments to be introduced.
and 4 bedroom apartments.	Ine ADG does not address over-population in apartments, an issue that is increasingly a challenge. Appreciate it's difficult to address. However while management vs design is typically needed, is there an option to

Challenge	Proposed DP SEPP & supporting guidelines
	incentivise solutions?
The lack of personal open space within a property, e.g. the absence of balconies or sufficient open space within an apartment. The absence of sufficient internal communal space, increasing demand on local communities.	The ADG allows 1 metre depth for private balconies, where studios. This should be increased to 2 metres. Further there doesn't appear to be an additional provision for private balconies on
	main transport routes (a key issue which has led to poor planning outcomes, and appears to not be addressed).
Insufficient solar access presents invariable challenges. For example, a number of blocks at Central Park only receive early morning solar	Solar access is critical both internally and also externally (open space).
access, then the apartment blocks are in shadow for the remainder of the day, e.g. over 50% of student accommodation in Block 4N Central Park does not receive the minimum sunlight threshold, despite the hours being changed to accommodate Central Park, i.e. changed from 9am to 3pm to 7am to 3pm to accommodate.	In the case of AGD, the changes should be more aspirational, i.e. a minimum of 3 hours, from 9am to 3pm rather than diluting the provision to allow for an 8am start. Further there ALL residential properties should receive direct solar access.
	In the case the UDG, solar access for open space is critical during winter, and cooler months.
Poorly designed buildings that have no fine scale, and do not integrate well with adjacent buildings; or dominate the streetscape, and are out of character with the local heritage conservation area.	This is not adequately covered in the ADG.
Insufficient setback between buildings, and to major arterial roads.	This is not adequately covered in the ADG, particularly where the introduction of a smaller development could have a substantive impact on a small street grid in a heritage area.
	Further, there should be greater setbacks from major road and transport systems, as well as variation to building forms to avoid a street wall, as well as enabling landscaping to the street, particularly on major arterial roads, and transport routes.
Overshadowing on existing buildings/neighbourhood.	This is not adequately addressed.
Despite the many architectural awards, room depth at Central Park, has attracted criticism, particularly as a number of buildings also do not meet solar access provisions.	This is not adequately addressed.
Inaccessible assets, e.g. what should be publicly accessible, in terms of access through a facility, a road and open space (according to the initial consent approval).	This appears not to have been addressed.

Challenge	Proposed DP SEPP & supporting guidelines
One of the key challenges for larger developments is that a number of modifications typically follow, where the publically accessible space is subsequently privatised, with public access denied.	
Urban heat impact to the general surrounds, and the lack of breeze while on the other hand wind impact within a renewal precinct is often extreme.	While more building separation is made, it appears the impact from major developments on the area's surrounds is not addressed, that is the integration between various building forms an adjacent development, and also the impact a larger development has within a suburb.
	This is particularly important given the inherent challenges that have followed, e.g. some low rise streets behind Central Park in Chippendale are now effectively hot houses in summer, with prevailing winds/ventilation blocked, i.e. homes sit behind taller buildings with no setback often on all sides of a building.
	Moreover council records in the case of Chippendale did not accurately reflect where residents live; e.g. a studio may be in a building with the building shown as commercial, where the residents live in the upper section.
	Likewise at the same time, there are major wind tunnels, particularly during winter. This despite some of expert consultants reviewing the plans for Central Park. The upshot is it has made some lower rise heritage homes in Chippendale virtually unliveable for a large proportion of the summer months.
	Last but not least, grass should be encouraged for larger urban spaces, and along primary pedestrian routes and roads, within new developments to reduce the urban heat impact from hardscapes. This will necessitate at least four hours sunlight, but preferably more for the grass to thrive, along with well-placed canopy cover.
Community Amenity	For larger projects (UDG), basic amenities should be included, e.g. seating, bicycle parking.
	For smaller projects (ADG), the opportunity to incorporate green space with pedestrian movements, and neighbouring properties, where should be incentivised. Privately opened public space should be kept as a

Challenge	Proposed DP SEPP & supporting guidelines
	minimum, rather public accessible space encouraged.
Chippendale is effectively split into two, and surrounded by some of Sydney's most highly trafficked roads with major pollution and health challenges as a consequence. Major developments such as Central Park have a profound impact on traffic both within Chippendale and access to Chippendale, e.g. there is a tipping point, where the amount of development cannot be sustained, particularly given plans for the Central Precinct. Prior to Covid which challenge will return, one	Parking provisions are reduced, albeit the absence of parking does not necessarily relate to less traffic given the very high density that already exists in some parts of Sydney, which is generated by other modes of transport (uber). Moreover the bigger issue of traffic management and its influx is not addressed, nor is the subject of apartments on main traffic corridors, despite the growing evidence in terms of the health impacts. Similarly these apartment blocks are unable to meet
block on Central Park regularly had queues of a few hundred metres long returning home during peak hour, with security access to the car park, impacting traffic on major arterial roads. These drivers typically drive out of Chippendale to work in suburbs much further afield and are unlikely to change their mode of transport.	ventilation provisions. This strategy urgently needs to be reassessed.
Local council unable to keep up with demand on local services, e.g. parks, garbage management,	The density provisions appear to fail to take into account the existing density or population, and demand for services, and for example, what could be the lack of green space. This should be addressed, as it may be pertinent to reduce some provisions to accommodate.

#### **Further Comments**

The integration with new development within heritage conservation areas is not specified adequately.

Moreover, the proposed density targets in the Urban Design Guide are not known or understood by the wider public, with further consultation urgently needed prior to finalising any changes.

Furthermore the density guidelines and approach to street networks appear more aligned to the achieving the package objectives rather than recognising and valuing the intricacies of some of the city's smaller street grids.

In addition, enabling greater flexibility for applicants to make the case for alternative options may present some challenges. For example, what are the legal implications?

While the improvements that respond to climate change are well supported along with more robust provisions to the EP&A Regulations, the Package detail is complex, and difficult in part to understand given the amount of change, making its successful application more challenging.

We have all witnessed the disaster bad design and planning outcomes has delivered our city, particularly in the past couple of decades. To this end, we believe more aspirational goals are needed to avoid the mistakes too frequently seen across Sydney.

In the case of Central Park, the changes in the ownership to Frasers provided our local community with the opportunity for fresh consultation about the concept plan. CRIG's ask was for the best in terms of environmental outcomes, the best in terms of architecture, and the best in terms of green space while largely retaining the site's precious heritage. While a number of outcomes were not achieved, we believe, local aspirations raised the bar.

To this end, we suggest the Package should similarly aspire to be best, setting more robust thresholds in terms of some of the detail.

We still remain concerned the SEPP 65 will be repealed. Further, the transition period appears intended to allow developers to finalise existing applications, rather than designed to make further refinements to the Package in response to feedback during a transition period.

Given the proposed Package is not well known or understood by the general public, we suggest the SEPP and accompanying guidelines be finalised after enabling further feedback and refinements following a transition period.

Chippendale Residents Interest Group 28 February 2022



Submitted on Mon, 28/02/2022 - 17:12

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Natalia

Last name Krysiak

I would like my submission to remain confidential No

### Info

Email

Suburb/Town & Postcode Surry Hills

Please provide your view on the project I am just providing comments

Submission file 2022-draft-sepp-recommendations\_cities-for-play.pdf

Submission Please see attached submission with comments on behalf of 'Cities for Play'.

I agree to the above statement Yes

#### The Draft Design and Place SEPP – Formal Submission

Submission to Government Architect NSW

Submission issued February 2022

SUBMISSION BY
Cities for Play ABN
Contact: Natalia Krysiak

#### Information

Cities for Play is a Sydney based organisation which aims to inspire communities, councils, and city planners to create playful and child-friendly cities. We explore how the built environment can promote children's health and well-being with a focus on play and active mobility. We believe that children's needs should be at the heart of city design which will in turn create resilient and sustainable communities.

#### Purpose

The proposed Design and Place State Environmental Planning Policy, including changes to the Apartment Design Guide and the proposed Urban Design Guide, provides a unique opportunity to redefine urban liveability within NSW. The intent of this submission is to *highlight and advocate for the needs of families with children* as a fundamental consideration which should be prioritised within updated Planning Policy and Design Guidance. The draft State Environmental Planning Policy (Design and Place) 2021 (DP SEPP) and in particular the draft Apartment Design Guide provides improved consideration for the needs of families with children, which was greatly needed. Nonetheless, a lot more could and should be done to support the needs of families with children within planning and design guidance, as is outlined in this submission.

#### Context

Over the past two decades, Australian cities have perused policies of urban consolidation intended to improve the environmental, social, and economic impacts that are often negatively associated with suburban sprawl<sup>1 2</sup>. As developers and planners have sought to redesign the 'Australian Dream' into a more vertical and compact vision, there has been significant negligence in planning for the needs of families with children, with "new higher density centres being built essentially for the childless in mind"<sup>3</sup>.

Even though the number of families choosing to live in compact/urban cities in increasing – to date no Australian city has a policy on family friendly high-density housing which signals a substantial gap within planning policy. The effect of neglecting this topic is two-fold. Firstly, it effects the health of children and parents who are currently living in high-density housing (25% of all apartment households in Sydney- ABS 2016) with designs being inadequate to their needs. And, secondly it restricts the long-term viability of the compact city vision as families do not see apartments as a viable option for raising children.

This reinforces the notion that apartments are transitional homes before or after raising a family and moving to the ultimately desirable suburban detached dwelling<sup>4</sup> <sup>5</sup>. If we are serious about creating more compact; walkable, vibrant, and connected urban environments, then we must critically address how families with children can thrive in medium and high-density housing through planning and design policy.

#### Recommendations

The following recommendations are put forward with the aim of creating more liveable higher density housing and urban environments for families with children, including consideration to improve the proposed Apartment Design Guide and the Urban Design Guide.



#### A. Recommendations for the Apartment Design Guide

The proposed changes to the Draft Apartment Design Guide have made significant improvements on addressing the needs of families with children. In particular the section of 'Family-friendly Apartments' notes some important considerations with the requirement to provide 20 per cent of larger apartments to accommodate the needs of families with children (Section 2.3). This is an important step in highlighting the specific needs of this user-group and recognising the long-term importance of ensuring liveability for diverse needs.

Nonetheless there are several lost opportunities in the draft policy to further support and address the needs of children and parents in relation to communal indoor and outdoor spaces.

As outlined in the 'The Place you Live' survey (NSW Department of Planning, Industry and Environment) the top requirement for people who live in a house to consider living in an apartment is "*having my own private outdoor space connected to my home*", with 42% of respondents agreeing that this was the most important factor for them. This highlights the enormous need to create outdoor communal spaces which people use in the same way that they would a backyard in a detached dwelling. Particularly for families with children this takes on whole new meaning, creating significant livability issues when children are not able to freely play outdoors without constant supervision.

This lack of mandated requirements for outdoor and indoor play spaces for children, means that families make the choice of leaving apartments due to the lack of play provision and the significant consequences that this has on children's health and wellbeing. This is already done in many international policy exemplars and can be addressed with changes to the draft policy through simple changes. Without seriously addressing the need for children's play, the viability of apartments as a long-term hosing choice for raising a family is significantly threatened. Our detailed recommendations addressing these needs are outlined below.

Apartment Design Guide			
Design Guidance	Suggested Changes	Why this is important	International guidelines with this requirement
2.1 Common Circulation	<ol> <li>Lobbies and corridors should be designed to encourage play, socialisation and unique identity of homes including consideration for;</li> <li>Design hallways and lobbies with nooks and playful elements to foster play and socialising (Refer. Image 3 &amp; 4)</li> <li>Provide opportunities for residents to uniquely define their front entry with for example the provision for hanging children's artworks</li> <li>Where possible make allowances for flexible furniture, seating nooks and storage of toys to promote interaction and everyday use of communal spaces (Refer. Image 3, 4 &amp; 6)</li> </ol>	Play is critical to the development of children, aiding in their physical, emotional, mental and social wellbeing. Providing opportunities for play to occur within corridors and lobbies will encourage social interaction between children and a sense of community between residents. Welcoming families with children by addressing their needs within communal areas, will also ensure that apartments become a long- term viable housing option for families.	Toronto: 'Planning for Children in New Vertical Communities" (2020) Vancouver: 'High Density Housing for Families with Children" (1992) Tower Hamlets, UK: 'High Density Living' Supplementary Planning Document (2020)
2.2 Communal Spaces: Communal Open Space	<ol> <li>Provide <u>mandated</u> minimum play space requirements for all new multi- unit residential developments including:         <ul> <li>Minimum playable area based on the size of the development. It is recommended that at a minimum 20% of open communal space is designed as playable space</li> <li>Design guidance defining requirements of playable space including best-practice case study exemplars (Refer. Image 1 &amp; 2)</li> <li>Consideration for the needs of both younger and older children, as well as children of various abilities</li> </ul> </li> <li>Provide mandated storage requirements within communal areas (including outdoor storage) for toys, children's bikes, scooters etc. (Refer. Image 5)</li> </ol>	Outdoor play is essential to the development of children aiding in their physical, emotional, mental and social wellbeing. Mandating minimum requirements for designated playable space within communal shared areas ensures that children have direct access to play in lieu of a traditional backyard and feel welcome to use the space for play. Providing storage for loose toys and equipment within communal areas will further enhance the usability of communal spaces and enable play to occur easily and on a day-to-day basis. Suggesting play areas for children (rather than mandating) is simply not sufficient, given the enormous effect this has on housing choice for families and impact on children's health and wellbeing.	Toronto: 'Planning for Children in New Vertical Communities" (2020) Vancouver: 'High Density Housing for Families with Children" (1992) London: 'Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation" (2011)

#### B. Recommendations for the Urban Design Guide

Children and Youth (0- 18 years of age) form 25% of the population, with their needs being extremely unique to their phase of development. A high-quality urban environment can have significant positive impacts on children's health and wellbeing, providing long-term development benefits and an optimal trajectory for their future.

Given the percentage of the population that this user group represents and the vast benefits of good design to their physical, social and phycological development, more focus is required in the Urban Design Guidelines to address their unique needs.



Principles of Child-Friendly Urban Design including; Access to Nature, Social Connectedness, Agency & Decision Making, Playability, Active Mobility and a Sense of Ownership are important considerations for the design of our neighbourhoods.

These principles are currently significantly lacking within the draft Urban Design Guidelines with very little reference to the specific needs of children and youth.

It is recommended that a supplementary "Child and Youth Urban Design Guide" is created to address the vast needs of this user group. This would ensure a comprehensive outline of needs spanning across different ages and abilities.

Additionally, below is a series of recommendations for changes which should be considered for the Urban Design Guide providing long-term impact on the future of our young citizens.

Urban	Design	Guide

Design Guidance	Suggested Changes	Why this is important	International guideline exemplars
<b>Objective 7:</b> Walking and cycling is prioritised, safe and comfortable for people of all ages and abilities	<ul> <li>Additional note to Design Guidance 7.3</li> <li>Provide home-zones for children to encourage the safe use of streets for play and recreation (Refer to Image 9)</li> <li>Additional Design Guidance 7.5:</li> </ul>	A majority of Australian children do not meet the recommended minimum daily physical activity <sup>6</sup> and the number of children using active transport (walking, cycling) has declined by 42% since the 1970s <sup>7</sup> . Today it is estimated, that 60% of Australian children are driven to school <sup>8</sup> compared with only 16% in the 1970s <sup>9</sup> .	Toronto: 'Planning for Children in New Vertical Communities" (2020) Vancouver: 'High Density Housing for Families with Children" (1992)

	<ul> <li>Consider the needs of more vulnerable community members, including children and youth.</li> <li>Allocate Children's Safe Travel Routes within local neighbourhoods which delineate designated safe routes for children. (Refer Image 7 &amp; 8)</li> <li>Encourage way-finding signage and graphics which delineate Children's Safe Travel Routes (Refer Image 7 &amp; 8)</li> <li>Provide playful interventions along Children's Safe Travel Route which encourage play and active mobility (Refer to Image 10)</li> <li>Connect Children's Safe Travel Routes to local schools and child-oriented facilities such as play spaces and community facilities</li> </ul>	Incorporating Children's Travel Routes within urban design strategies, will enable the safe and active movement of children through a neighbourhood. This will have profound consequences on the health and wellbeing of children, improving physical and phycological outcomes for future generations.	London: 'Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation" (2011) Hackney, UK: 'Growing Up in Hackney: Child- Friendly Places Supplementary Planning Document' (2020) Tower Hamlets, UK: 'High Density Living' Supplementary Planning Document (2020) Wales, UK: 'Welsh Assembly Government Play Policy'
<b>Objective 9:</b> Landscape features and microclimates enhance human health and biodiversity	<ul> <li>Additional note to Design Guidance 9.1/9.2</li> <li>Provide opportunities for the community including children to learn about the importance of protecting the environment through signage and environmental graphics</li> <li>Provide opportunities for children to connect with nature through water and nature play elements</li> </ul>	In order to ensure long-term sustainability of our cities, younger generations must have a sense of ownership and collective environmental responsibility instilled within them. Through "city as a learning tool" strategies, the community can learn about environmental initiatives and collective responsibilities.	Play in Barcelona's Public Spaces' (2018) Rotterdam: 'How to Build a Child Friendly City Guide' (2007)
<b>Objective</b> <b>12:</b> Public an open space is high-quality, varied and adaptable	<ul> <li>Additional Design Guidance 12.7:</li> <li>Create a network of play opportunities for children and youth</li> <li>Include a variety of formal and informal play spaces scattered throughout the neighbourhood and connected through accessible Children's Travel Routes</li> <li>Ensure that developmental needs of children are met for various ages groups and abilities. This includes opportunities for children to develop their physical, social and phycological skills</li> </ul>	Over the past few decades, we have seen a significant reduction in the amount of time children spend playing outdoors and independently accessing their neighbourhoods (Chudacoff 2007, Gray 2011). Apart from lowering the likelihood of sedentary-linked problems such as obesity, diabetes and cardiovascular disease, play has been found to bring numerous developmental benefits. Children who regularly play outdoors have more advanced motor fitness (Fjortof 2001), improved awareness,	

	<ul> <li>Provide diverse opportunities for various play typologies including, play streets, nature and water play, adventure play, intergenerational play and more formal playgrounds</li> <li>Provide opportunities for children to feel a sense of belonging to their communities by providing a sense of ownership over play spaces</li> <li>Note on Figure 44.</li> <li>It is suggested to revise this drawing to also include play opportunities (Refer to image 11) and with the amended text below: "Public and private transitions are clearly defined and support incidental surveillance and outdoor play and socialisation"</li> </ul>	reasoning and observational skills (Pyle 2002), a more developed imagination (Louv 1991) and more positive feelings about each other (Moore 1996). There have also been significant correlations drawn between the ability of children to play and explore independently with positive mental-health outcomes and a sense of control over their own lives (Gray 2011). Given that the design and planning of our cities can be fundamental in facilitating healthy lifestyles, design opportunities should be sought which encourage children to partake in active transport, play and incidental physical activity.	
<b>Objective</b> <b>13</b> : Streets are safe, active, and attractive spaces for people	<ul> <li>Additional Design Guidance 13.6:</li> <li>Create opportunities for local streets to encourage neighbourhood play</li> <li>Provide opportunities for children to play-out on streets by introducing playful elements along designate neighbourhood streets (Refer to figure 11 &amp; 12)</li> <li>Where possible, provide opportunities for permanent 'Play Streets' which encourage everyday "door-stop" play for children, while allowing emergency vehicle and delivery traffic (Refer to image 13 &amp; 14)</li> </ul>		
<b>Objective</b> <b>14:</b> Public facilities are located in key public places, supporting community and place identity	<ul> <li>Additional Design Guidance 14.3:</li> <li>Encourage the design of schools as community hubs with enhanced opportunities for shared use of indoor and outdoor facilities after school hours</li> </ul>	Encouraging schools to be the heart of the community does not only create an efficient use of public facilities but it also provides children with a sense of belonging and ownership of community space.	

Other Notes 6.2 Create a fine-grain street layout that facilitates ease of access to key destinations	It is suggested to remove the note under objective 6.2: "Avoid cul-de-sacs to support connectivity and crime prevention through environmental design (CPTED)." And instead revise to: "Encourage cul-de-sacs arrangements to support social connection and children's outdoor play. Provide visual and pedestrian connectivity through cul-de-sacs streets to ensure crime prevention through environmental design (CPTED)."	Research shows that cul-de-sacs, as well as other low-traffic streets, can enhance children's neighborhood experiences and encourage more outdoor play. (Thomas R. Hochschild 2013) Additionally research indicates that adults who live on cul-de-sac streets ar more likely to have positive experience with neighbours than residents of other street types (Brown and Werner, 1985; Hochschild Jr, 2011; Mayo Jr, 1979; Willmott, 1963). For these reasons, we encourage this line to be amended as noted.
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#### Summary of Recommendations

In order for our cities to develop sustainably and with diverse demographics, it is critical that the needs of families with children are central to new planning policy. Amendments to the existing Apartment Design Guide to include provision for the needs of families (in particular addressing the need for outdoor play), will significantly improve livability and future viability of the compact city vision.

This, alongside a strong framework for Child-Friendly Design Principles which is integrated within the proposed Urban Design Guide or as a supplementary document, will ensure that the health and wellbeing of children is seriously addressed within city design. Prioritizing the needs of families with children will have numerous positive impacts to the future viability of our urban cities, ensuring a successful transition to a more compact and sustainable Australian Dream.

#### Supporting Imagery







<sup>5</sup> Whitzman, Carolyn, and Dana Mizrachi. "Vertical living kids: Creating supportive high rise environments for children in Melbourne, Australia." *Melbourne: The University of Melbourne* (2009).

<sup>7</sup> Active Healthy Kids Australia. (2015). 'The Road Less Travelled: The 2015 Active Healthy Kids Australia Progress Report Card on Active Transport for Children and Young People', Adelaide, South Australia: Active Healthy Kids Australia.

<sup>8</sup> National Heart Foundation of Australia. (2012). 'Active Travel to School', Cycling Promotion Fund

<sup>9</sup> Commonwealth Bureau of Census and Statistics. (1970). 'Journey to work and journey to school', Canberra

<sup>&</sup>lt;sup>1</sup> Bunker, Raymond, Laura Crommelin, Laurence Troy, Hazel Easthope, Simon Pinnegar, and Bill Randolph. "Managing the transition to a more compact city in Australia." *International planning studies* 22, no. 4 (2017): 384-399.

<sup>&</sup>lt;sup>2</sup> Easthope, Hazel, Andrew Tice, and Bill Randolph. "The desirable apartment life." In 2010 Refereed papers presented at the 4th Australasian Housing Researchers Conference, Sydney, 5th-7th August. 2009.

<sup>&</sup>lt;sup>3</sup> Woolcock, Geoffrey, Brendan Gleeson, and Bill Randolph. "Urban research and child-friendly cities: a new Australian outline." *Children's Geographies* 8, no. 2 (2010): 177-192.

<sup>&</sup>lt;sup>4</sup> Raynor, Katrina. "Social representations of children in higher density housing: enviable, inevitable or evil?." *Housing Studies* 33, no. 8 (2018): 1207-1226.

<sup>&</sup>lt;sup>6</sup> Centre for Epidemiology and Evidence. (2012). '2009-2010 Summary Report from the New South Wales Child Health Survey', Sydney: NSW Ministry of Health

Submitted on Sun, 27/02/2022 - 23:36

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name David

Last name Alonso Love

I would like my submission to remain confidential No

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Please provide your view on the project I support it

Submission file dp-sepp-and-adg---cohousing-australia-nsw-chapter-submission\_0.pdf

Submission Hello

Thank you for the opportunity to submit a response.

We are supportive of the Design and Place SEPP. An approach with Principles and Objectives and a panel review creates both aims while allowing flexibility for projects that our members, in particular, hope to create.

We particularly support the community and collaborative aspects of the DP SEPP, and revised ADG and UDG as well as the features that will facilitate environmental sustainability in the built environment as well as the way in which construction is undertaken.

Cohousing Australia NSW Chapter

I agree to the above statement Yes



### **Cohousing Australia (NSW Chapter) response to exhibition of:**

### NEW DRAFT (NSW) STATE DESIGN AND PLACE SEPP, REVISED APARTMENT DESIGN GUIDE 2021, AND, DRAFT URBAN DESIGN GUIDE

Cohousing Australia – NSW Branch (CA NSW) welcomes the draft NSW *State Environmental Planning Policy (Design and Place) (DP SEPP) 2021,* the associated *Draft Apartment Design Guide (revised) 2021 (ADG)* and the *Draft Urban Design Guide (UDG).* 

We acknowledge and appreciate the NSW Government's responsiveness to community representations and submissions which is reflected in these three documents.

In particular, we appreciate the more flexible, principle-based approach to planning and design they propose. We share the stated commitment to diverse housing models which are responsive to community expectations, requirements and wishes.

We endorse the vision for reduced complexity, greater consistency and standardised local design review processes to produce better outcomes in a more timely and transparent manner. In particular, we support:

Design Principle	Consideration and specific measures
1. Deliver beauty and amenity to create a sense of belonging for people	<ol> <li>Overall design quality</li> <li>Comfortable, inclusive and healthy places</li> </ol>
3. Promote productive and connected places to enable communities to thrive	<ol> <li>Sustainable transport and walkability</li> <li>Vibrant and affordable neighbourhoods</li> </ol>
5. Deliver resilient and diverse places for enduring communities	9. Resilience and adaptation to change 10. Optimal and diverse land use
See 'A.3 Key features of the policy package', Design & Place SEPP Overview, p. 7.

We envisage that implementation of the draft DP SEPP, ADG and UDG would facilitate approval of the resident-led, collaborative, innovative and creative models that our members advocate to address the issues of environmental sustainability, housing affordability, accessible housing design and social isolation.

We appreciate the opportunity to provide feedback on the draft DP SEPP, ADG and UDG and wish to focus on two key areas – density and diversity.

### Density

The minimum gross residential densities proposed in the draft UDG (*Part 2, Objective 3*) of 30 or 15 per hectare, dependent on certain specified criteria, appear to be reasonably consistent with the medium density model preferred by our members.

Typically, cohousing residents both here and overseas have found developments of between 8 and around 40 households (a maximum of 50 adults) to be effective in delivering optimal outcomes in the areas of enhancing environmental sustainability, housing affordability, accessible housing design and overcoming social isolation.

One example is a development underway in Eltham, Victoria, where members of a cohousing group propose to build 20 residences on a 0.66 ha block: <a href="https://propertycollectives.com.au/projects-archive/collective-10-brougham-st-eltham/">https://propertycollectives.com.au/projects-archive/collective-10-brougham-st-eltham/</a>

However, in light of the possibility of these types of housing being proposed by cohousing groups in the future, we would appreciate clarification of whether these per-hectare minimums will be applied on a pro-rata basis to blocks smaller than one hectare.

We therefore request clearer guidance on the required minimum ratio of density to block size required by the draft UDG.

We note also the draft UDG's reference to Alternative Design Solutions (*Part 2, s.3.5*), to cases where

individual blocks are not capable of meeting a density target of 30 dwellings per hectare

and we seek greater clarity around the requirement, in such cases for:

the development proposal... to demonstrate [that] the average gross residential density across the area defined in the design criteria is capable of exceeding the target ... [and that] ... it may be appropriate to spread density across a wider catchment adjacent to centres or where there are multiple transport nodes.

### Diversity

Cohousing Australia supports and advocates for a range of urban and suburban collaborative housing types, with most featuring a combination of self-contained, private dwellings and shared community space (outdoor and/or indoor). People are already creating more diverse housing options as illustrated on this <u>collaborative</u> <u>housing website</u>. We are optimistic that the Design & Place SEPP will encourage more innovation as residents design and create responses to their lived situation. Diversity could include shared accommodation within larger communities, and buildings that can be adjusted as people's circumstances change (ageing in place, downsizers, growing families, people with disability) and many other possibilities.

We note that a central plank of the UDG centres on Objective 15, which is to ensure that "The lot layout supports green neighbourhoods and a diversity of built form and uses" and the detailed Design Guidance provided on p.73 underpins this Objective by working towards the following concrete goals:

For lot patterns in residential areas... to deliver a mix of building types and tenures, both across neighbourhoods and within each block.

and to

Provide a mix of housing types and sizes that reflect the future needs of the community, to promote affordability for families and ageing in place.

We seek further clarification on how these goals will be achieved via the SEPP.

### Cohousing recognised and defined

We also seek recognition of cohousing as a housing type that meets many of the detailed considerations set out in the ADG section 2.2 'Communal spaces' (pp.44-47) and section 2.3 'Apartment mix and diversity' (pp.48-51) and can deliver on the high-level design guidance to provide "design options for developments that incorporate a range of apartment types, sizes and configurations that can support different household types and stages of life" (p. 49). Cohousing as a form of resident-led development incorporates these principles in a holistic and foundational way, and complements other housing offerings.

To safeguard the resident-led, deliberative development features of cohousing we propose a range of measures be included in a definition of cohousing. These are drawn from experience in other Australian jurisdictions and overseas. These were detailed in our submission to the NSW Government in response to the draft Housing SEPP in September 2021. We share the relevant paragraphs here:

"We request that, either in this iteration or in the subsequent phase (Phase 4), you consider including, defining and recognising "Cohousing" (perhaps defined as "resident-led collaborative housing" to avoid confusion with co-living) as a distinct housing type.

"Here is a more comprehensive list of Cohousing (or *Resident Led Collaborative Housing*) characteristics that could be considered for inclusion in the [Housing] SEPP:

- future residents involved from schematic design onwards
- future residents legally partnered with property developer prior to the DA approval
- intentional neighbourhood design
- proof of resident management in the strata scheme or community management statement or equivalent
- located near public transport/amenity and accordingly car park reduction but spaces for car share
- smaller than standard equivalent housing supplemented by communal spaces
- a variety of dwelling types (i.e. not all studio or one bedroom dwellings) to accommodate a mixture of family types (singles, couples, singles who cohabit, families with children)
- large-shared backyards and outdoor deck areas etc.
- minimum % disability accessible to attract downsizers
- minimum inclusion of a common house, could also include shared laundries, garden sheds, woodwork sheds, music practice room, multi-media room, guest accommodation

### **Cohousing Australia**

Cohousing Australia (CA) promotes a resident-led, deliberative development approach to housing as a model to address the issues of housing diversification, environmental sustainability, housing affordability, accessible housing design and social isolation.

Typically, cohousing communities comprise self-contained, privately-owned dwellings supplemented with shared internal and external shared spaces. They are designed and managed by their residents.

https://transitionaustralia.net/site/cohousing-australia/

### **Contact us**

Cohousing Australia NSW Chapter: <u>nsw@cohousing.org.au</u>



Submitted on Mon, 28/02/2022 - 16:46

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Nell

Last name Graham

I would like my submission to remain confidential No

### Info

Email

Suburb/Town & Postcode Drummoyne

Please provide your view on the project I am just providing comments

Submission file combined-catchment-design-and-place-sepp\_submission-letter\_0.pdf

#### Submission

The combined catchment groups support the SEPP in principal if the document is strengthened by the comments provided in our submission

I agree to the above statement Yes







Parramatta River Catchment Group C/- City of Canada Bay Locked Bag 1470 Drummoyne NSW 1470

28 February 2022

To: Department Planning and Environment

#### Re: Combined Catchment and Coastal Groups Submission to Design and Place SEPP

Dear DPE,

We welcome the opportunity to provide feedback on the Department of Planning and Environment's Explanation of Intended Effect for the new Design and Place State Environmental Planning Policy (SEPP).

Over the last four years significant policy settings have changed including the enactment of the Coastal Management Act 2016 and the development of Coastal Management Programs. Each of our four organisations are leading the development of multi-Council CMPs which represent the majority of Councils in the Sydney metropolitan area (23 of 30 councils):

- SCCG and PRCG Greater Sydney Harbour CMP which involves 20 Councils and multiple agencies
- Georges Riverkeeper Georges River CMP which involves 8 Councils
- Cooks River Alliance Cooks River CMP which involves 4 Councils and Sydney Water.

The new SEPP will be a significant step towards delivering a more environmentally sensitive and greener urban form and is closely aligned with the sustainability, liveability and ecosystem goals established by each of our four organisations.

Each of our four organisations are leading the development of multi-Council Coastal Management Programs (CMPs) which seek to set the long-term strategy for the coordinated management of the coast, with a focus on achieving the objects and objectives of the *Coastal Management Act 2016*. Together we represent the majority of Councils in the Sydney metropolitan area (23 of 30 councils):

- SCCG and PRCG Greater Sydney Harbour CMP which involves 20 Councils and multiple agencies
- Georges Riverkeeper Georges River CMP which involves 8 Councils
- Cooks River Alliance Cooks River CMP which involves 4 Councils and Sydney Water.

The Design and Place SEPP has the ability to greatly strengthen protections for our coastal and estuarine environment and assist in delivering well designed and sustainable built environments. The SEPP is an essential regulatory measure to establish improved environmental sustainability for the entire community delivering improved living conditions that adapt to a changing climate, improved water quality and healthy biodiversity and reduced pressure on the cost of living.

Many of our individual member Councils are providing individual submissions, which strongly supported the draft Design and Place SEPP, but we have included some of their concerns below:

- As a result of the new SEPP will likely cause resourcing challenges for Councils, who will need to appropriately upskill staff or employ specialist staff to do the additional assessment.
- Council are also making the comment about the Design and Place SEPP needing to include consideration of **applicable local** strategies and policies.
- Where new areas are being developed, detailed controls or design criteria may be appropriate, however **in many established areas of Sydney**, standard controls or criteria are unlikely to suit the character of these areas that have developed incrementally over time.
- There is opportunity to strengthen the UDG, noting that the principles in the document are too broad and general, and seem directed for greenfield and brownfield areas, or any other with the potential to change substantially.
- A BASIX Education and Training package is developed for local government and other stakeholders; to ensure the successful implementation of BASIX at DA, CC and OC stages, including new requirements for the BASIX Materials Index.
- Although the ADG and UDG contains positive aims to address climate change and the quality of the built environment, these guidelines can be further **improved with stringent performance-based criteria** to ensure the DP SEPP minimises the shocks and stresses experienced by our communities.

The Parramatta River Catchment Group have done considerable work in reviewing planning reforms and provide a detailed summary of the findings and the context of these findings in the following. The new SEPP has the potential to be a significant step towards delivering a more environmentally sensitive and greener urban form and is closely aligned with the liveability and ecosystem goals established by the PRCG.

We commend your work to achieve strong design focused outcomes that align with the Premier's Priorities, to improve access to quality public space and increase tree canopy and green cover. We also acknowledge that the SEPP employs a water sensitive philosophy by recognising the importance of integrating landform, bushland, hydrology and ecology.

The SEPP is considered crucial to fulfilling the vision for the "central river city" identified in the *Greater Sydney Region Plan* and *Central District Plan* and has the potential to deliver benefits to the people, animals and plants that live in the Parramatta River catchment while balancing the need for growth and development.

We support the principles-based approach taken by the SEPP, which will enable flexibility and creativity in seeking design solutions to deliver great places. However we note that mandatory considerations for water management, green infrastructure, emissions reduction, resource efficiency and tree canopy (through BASIX or other mechanisms) will be required to deliver tangible outcomes from the principles set out in this SEPP.

#### Parramatta River Masterplan

The PRCG is an alliance of councils, NSW government agencies and the community who are all working together voluntarily and cooperatively to improve the health of the Parramatta River. In 2018, the PRCG released <u>Dubu, Budu, Barra: Ten Steps to a Living River - the Parramatta River</u> <u>Masterplan</u>. The Masterplan outlines the suite of reforms required to achieve the goal of making the Parramatta River swimmable again by 2025.

Modelling undertaken by Sydney Water during masterplan development showed that reducing the volume of stormwater reaching the river significantly improves water quality. As a result, much of the PRCG's work is focused on reviewing the policy, planning and funding frameworks that support the delivery of blue green infrastructure and minimise the impact of stormwater runoff on our waterways, by increasing reuse and infiltration of stormwater.

In February 2021, the PRCG completed a review into the planning reforms that are required to create a living river. The resulting report <u>Strategic and Statutory Planning Review to create Our</u> <u>Living River – Final Recommendations Paper</u>, is the result of many months of work between Sydney Water, PRCG partners and NSW government agencies, through workshops and extensive consultation, including with our project partners in DPIE (specifically the Green and Resilient Places team, District Teams, Planning Policy: Environmental Policy, Codes, Infrastructure funding and public space Public Space and Green Infrastructure Team, EES; Place based Science, Water for the Environment, Water floodplains and Coast; Marine coasts Estuaries and Floods, Water Markets).

While the review was undertaken to achieve the PRCG's vision for the river, the resulting report could be applied to any catchment to deliver improvements to water quality and increase green cover.

The paper makes a number of recommendations that strongly align with the principles of this SEPP. In particular, it provides a potential roadmap to enacting the reforms required to deliver against Principle 4 in the SEPP: *Design sustainable and greener places for the wellbeing of people and the environment*.

The diagram below illustrates the main strategies that can be employed on-lot and at precinct scale, to protect our receiving waterway environment and create deep soil and landscaping opportunities, resulting in greener urban environments.



Figure 4: Strategies for improving water quality

Source: Strategic and statutory planning review to create our living river, Parramatta River Masterplan - Step 4 Final recommendations paper, Feb 2021. Accessed 5/3/2021 <u>https://www.ourlivingriver.com.au/content/uploads/2021/02/Recommendations-paper-Rev-F-11-Feb-2021.pdf</u>

#### Potential for a new Blue Green Index Tool

BASIX has been extremely effective in delivering increased sustainability performance from new buildings, however to meet enhanced BASIX targets there may be a requirement to build new assessment tools.

The PRCG's planning review identified a potential new framework to support healthy waterways and green infrastructure implementation that is well placed to meet this requirement. Termed a "blue green index", this framework could drive better Water Sensitive Urban Design (WSUD) outcomes, provide certainty to developers regarding environmental performance and consistency for planners assessing development applications.

<u>Chapter 4</u> of the recommendations paper outlines the proposed structure and content of this tool, and a pathway for development, implementation, and improvement over time. The proposed tool would be similar to existing tools (i.e. Melbourne's Green Factor tool) and could build on the existing models used in BASIX. The strategies within the tool centre on:

- 1. Maximising pervious area and vegetation coverage, on-lot
- 2. Maximising rainwater harvesting
- 3. Maximising infiltration and evapotranspiration, and finally
- 4. Treating any remaining runoff on lot prior to discharge to waterways.

The tool can build upon the performance-based approach and flexibility embedded within BASIX, and could consider other existing rating tools such as Green Star Communities. It could apply to a range of development types and scales and incorporate different performance outcomes and scoring for different catchments. As a performance-based tool it would allow different methods to achieve equivalent outcomes, as minimum standards tend to encourage compliance while a performance-based approach encourages more aspirational outcomes. If required a deemed to comply provision could be included for low density/small scale development. At the forefront we are proposing to develop a tool that is simple to use to guide development design and assessment outcomes. The tool would be suitable for implementation through LEPs and DCPs or in a SEPP.

Our final recommendations paper has outlined the stages of tool development and implementation. The PRCG are working on implementing the tool in a pilot development, with testing by select PRCG Councils in late 2022. We see DPIE as an essential partner to developing this tool and would be interested in understanding how we can progress this work together to align with the release of the Design and Place SEPP.

#### Specific comments on the draft Design and Place SEPP

We are strongly encouraged by the direction of the proposed Design and Place SEPP and the potential review of BASIX as an enabler to healthier waterways and greener urban form. Specific comments on the draft SEPP are provided below:

- Pt 2 12 (2) should include integrated water management to deliver green spaces, reduced stormwater runoff and increase water re-use.
- Pt 2 13-23 in design considerations we are concerned that the wording 'must consider' is not strong language compelling action.
- We support the recognition of integrated water management and the way improved water management contributes to wider liveability outcomes for the community. However, we note that there are opportunities to improve water management at the individual lot and 'significant development' scales that would also benefit from a place-based design approach. Decentralising water management can reduce the requirement for large scale detention infrastructure that has high capital and maintenance costs.

#### Specific Comments on the Urban Design Guide

The Urban Design Guide provides guidance on high level principles in Objective 1, that we

wholly support, in regard to protection of areas of ecological importance, vegetation retention, inclusion of water sensitive urban design principles and the development of a water management strategy.

Care must be undertaken to ensure that a 'compact urban footprint' (Objective 3) is not synonymous to increased impervious surface that will cause a collective decline in the functionality of our waterways. An objective for good urban Design (part 2) should include targets for minimum impervious surface area per lot/development or runoff reduction targets. We support the objectives (9,10,11) under Natural Systems. It is good to see that strong targets proposed for deep soil areas and trees, including specific targets applicable to streets, public open space and private lots, however there is a concerning suggestion in the Cost Benefit Analysis that two options are under investigation that would provide more flexibility by allowing applicants to deviate from prescribed design criteria such as the deep soil and tree provisions. Tree canopy has set targets and we think it would be appropriate to set stormwater runoff reduction targets (similar to flow targets that have been set in the Western Parkland City). To ensure the principles of 9,10 and 11 can be met, that water is retained, fit for purpose water reused leading to improved functionality of our waterways.

We support the objective to improve green infrastructure at the precinct scale. We request that there is consideration of sustainable water management in the establishment of planting in precinct scale development. In particular, this could be delivered through passively watered street trees. (See Designing for a cool city: Guidelines for passively irrigated landscapes). Multi-purpose green infrastructure needs to be integrated in both the public and private domain, including streetscapes that compliment a water sensitive design approach. The SEPP should consider whether codified or more flexible, performance-based methods for water and landscape outcomes are more appropriate in different types of development.

#### **Review of BASIX**

We acknowledge that the current review of BASIX has focused on thermal comfort and energy. We also acknowledge that the review of the water targets in BASIX has been identified in the Greater Sydney water strategy and other regional water strategies.

We note the draft SEPP proposes to extend BASIX to non-residential development. Under the SEPP non-residential development includes offices, retail premises, hotels or motels and non-residential State significant development. We would strongly support the expansion of BASIX or the application of a similar tool such as our proposed Blue-Green Index to assess the full range of development types.

Currently there are no changes proposed to the water targets in BASIX, and we suggest that BASIX should no longer purely focus on water efficiency. Targets around stormwater retention rather than a singular focus on demand reduction would be more appropriate to delivering a blue-green outcome. This can be achieved by:

- Maximising the proportion of the roof connected to the rainwater tank
- Building in a rainwater harvesting tool to quantify the expected reduction
- Set a minimum standard for runoff reduction (% of post-development flows) for different development types.
- Maximise connections to different end uses (e.g. garden, toilets, laundry, hot water)
- Maximise tank volume.
- Encourage "leaky" tanks where water trickles out to a passive irrigation/infiltration area, increasing the potential for rainwater tanks to capture runoff during rain events.
- Build this feature into an infiltration tool.

Research undertaken by Sydney Water has also shown that only two-thirds of rainwater tanks are maintained to standard following their initial installation. The failure of these systems is attributed to:

- 1. Poor understanding by the property owner/occupant about how the rainwater tank should operate
- 2. Lack of a regulatory framework requiring systems to be maintained post installation

3. Inability for councils to resource compliance monitoring.

Reviewing the SEPP and/or other legislation to ensure ongoing compliance of installed systems, supported by a targeted education program could assist in resolving these issues. This needs to be supported by robust data capture through BASIX and/ or any other tools that are developed.

Rebuilding the BASIX tool on an updated software platform, would allow further modules to be included, such as those outlined in our <u>blue-green index tool</u>.

We would welcome the opportunity to continue to work with the Department on integrating the blue-green index tool and the development of potential targets and measures to support green infrastructure.

#### Comments on the Apartment Design Guide

We note that the apartment design guide requires the installation of rainwater tanks, specifying a minimum size and connections. However, there is no requirements to connect to outdoor irrigation which is potentially fit for use and an irrigated landscape is demonstrably cooler for residents.

#### Future collaboration

The PRCG understands that DPE is considering the potential for a new "green factor" tool, which could integrate the PRCG's recommendations for a Blue Green Index.

The PRCG is keen to work with DPE on the development of this tool and sees a potential opportunity to pilot works in the Parramatta River catchment.

We thank you once more for the opportunity to comment on this important piece of work.

Please do not hesitate to contact Nell Graham, PRCG Coordinator on **Sector Sector** should you require any further information.

Yours sincerely,



Nell Graham Coordinator Parramatta River Catchment Group

Andrew Thomas Executive Officer **Cooks River Alliance** 



Sarah Penny Joyce Executive Officer Sydney Coastal Councils Group



Beth Salt Program Manager Georges Riverkeeper



#### Hi,

I'm hoping I can make a late submission to the draft Design and Place SEPP that was recently on public exhibition. I speak to you as a member of the committee for Stormwater NSW and as a practitioner in water management.

We had hoped that the Design and Place SEPP would put measures in place to strengthen the implementation of Water Sensitive Urban Design, in order to achieve the objectives of not only reducing potable water use, but replicating the natural water cycle and increasing infiltration and evaporation, thereby reducing stormwater runoff. Stormwater runoff is consistently recognised as one of the most significant risks to aquatic ecosystems.

The Design and Place SEPP does not achieve these objectives, and the references to stormwater and water management are likely to have superficial if any impact in achieving the objectives of Water Sensitive Urban Design.

#### Water use

The SEPP replaces the BASIX SEPP and does not advance the BASIX requirements, and indeed only promises to begin review of BASIX in 2025.

In terms of water use, the SEPP only requires that applicable developments reduce their average daily water use, with the baseline determined by the Planning Secretary. There is no requirement for reuse or alternative water sources (which are no longer necessary to comply with BASIX due to improvements in water efficient fittings and devices). This therefore does not assist with reducing stormwater runoff, as water quantity consumed simply affects potable water demand and wastewater systems. It would be very simple for the SEPP to include a minimum requirement to plumb stormwater into toilets and laundries. For multi-residential this could perhaps be required for a percentage of lots/units.

#### Water Sensitive Urban Design

More concerning, is the language used in relation to water sensitive urban design in 2 (21): specifically, "The consent authority must consider whether the development...uses water sensitive urban design and maximises water re-use."

This is a very cleverly worded requirement that places all the onus on the consent authority to 'consider' and no onus at all on the developer. The wording doesn't include any requirement for anyone to actually implement anything. This is the only reference to WSUD in the entire SEPP.

The SEPP doesn't recognise the impact the design of developments and open space has on stormwater runoff. Many opportunities have been missed that might perhaps further stormwater management objectives, for instance the density of subdvisions. I'm not sure how it could be worded, but houses are built so closely together that there is no space for vegetation between buildings and all runoff is directed to the piped stormwater network, where in newer developments it may be treated, but more often not. The poor separation of buildings and significant impervious areas lead to a lack of infiltration to groundwater, which becomes an issue for waterway health. At a minimum the SEPP would ideally require that developments minimise impervious area, and particularly connected impervious, using design elements to create pervious areas between impervious to improve drainage.

I hope you accept my submission.

Regards, Ruby Ardren



ref:\_00D90mEHW.\_5005mA2EMn:ref

Submitted on Thu, 24/02/2022 - 11:42

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### **1.1** NAME

First name Karen

Last name Appleby

I would like my submission to remain confidential No

### **1.2** INFO

Email

Suburb/Town & Postcode 2000

Please provide your view on the project I support it

Submission file 202202-cota-nsw-submission-draft-design-and-place-sepp.pdf

**Submission** Please find attached our submission.

I agree to the above statement Yes



# Submission: Draft Design and Place SEPP

Council on the Ageing (COTA) NSW LEVEL 11, 31 MARKET ST SYDNEY | FEBRUARY 2022

### **Council of the Ageing (COTA) NSW**

COTA NSW is the peak body representing people over 50 in NSW. We're an independent, non-partisan, consumer-based, non-government organisation. We work with politicians, policy makers, service and product providers, as well as the media to ensure the views and voices of older people are heard and acted on.

#### Our work is to:

- inform
- educate
- engage
- advocate

#### We work with:

- the community
- service & product providers
- government
- the media

COTA NSW has launched some of the State's most important initiatives for older people, including NSW Meals on Wheels, Carers NSW, and the Retirement Village Residents Association.

Currently COTA NSW delivers a range of services to older people in NSW, including an Aged Care Navigation service, the Legal Pathways program and Strength for Life.

#### **Acknowledgement of Country**

COTA NSW acknowledges the unique status of Australia's First Peoples as the original people of this land. We recognise their cultures, histories and ongoing relationship and obligations to the land, sky and waterways.

In the spirit of reconciliation, COTA NSW acknowledges all traditional custodians of the lands we today know as New South Wales.

COTA NSW PO Box Q349 Queen Victoria Building NSW 1230

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COTA NSW is funded by the NSW Government under the NSW Ageing Strategy.

#### Introduction

COTA NSW welcomes the development of the *Draft Design and Place SEPP* and associated urban and apartment design guides. This legislation and the design guides are critical in creating a framework that will support population growth and a changing demographic mix (including an ageing population) - within the wider context of a changing climate and the challenges that this will bring.

COTA NSW commends the NSW Department of Planning, Industry and Environment and NSW Government Architect in recognising the broader impacts of climate change on public health, amenity and safety. Older people are particularly vulnerable to the effects of extreme temperatures and weather events. Ensuring that there is adequate shade, places to rest and well-designed buildings will allow older people to remain active in their local communities and to remain more comfortable in their homes.

It is however disappointing that the opportunity to mandate Silver Livable Housing design minimum accessibility standards for all new apartments in line with the National Construction Code (NCC) has not been included within the SEPP or design guide. Whilst it is noted that a consideration of universal design methodology is included within the *Draft Apartment Design Guide,* with a guide that 20% of apartments should incorporate these design standards – COTA NSW contests that all new housing should be designed and built to the new NCC standards.

COTA NSW acknowledges that due to the NSW Government decision to not implement the new minimum accessibility standards contained in the NCC, inclusion within the SEPP and design guides would contradict this decision. Whilst COTA NSW strongly disagrees with this decision, we raise the issue that although a portion of new apartment builds will voluntarily meet Silver Livable Housing design standards, there is no way at present for potential buyers - such as older people downsizing - to know where these apartments are. For the benefits of universal housing to be able to be accessed by those that need it the most and to measure the occurrence of these dwellings in overall housing stock – then a methodology must be created to capture this information and make it publicly available.

This submission will focus on the design guidance contained within the *Draft Apartment Design Guide* and the *Draft Urban Design Guide*.

### **Draft Apartment Design Guide (ADG)**

Underpinning any discussion of housing is the importance of design. COTA NSW has long advocated for the introduction of increased minimum design standards of accessibility that will allow older people and the broader community to be able to live in a home that meets their needs as their circumstances change over a life course. COTA NSW supports universal design principles as espoused by Livable Housing Australia that takes a 'whole of life' approach - that is inclusive - regardless of age, ability or background. Taken in this context, universal design should not solely be considered in the realm of 'adaptable' or 'accessible' housing but as a design standard to ensure liveable communities for all.

The *Draft Apartment Design Guide* provides guidance for apartments to be designed with consideration to universal design principles in relation to:

- access to ground floor units,
- common areas e.g. lobbies, open space etc,
- corridors,
- apartment mix,
- transition from interior to exterior spaces and
- access to waste chutes.

Whilst, it is encouraging that NSW Planning recognises the importance of universal design principles in these areas of apartment design and construction, COTA NSW contends that all new apartment builds should be built to Silver Livable Housing design minimum accessibility standard.

The inclusion of minimum accessibility features such as a step-free entry, wider corridors and doorways and a shower and toilet that are easy to use will enable people of all ages and abilities greater choice in where they live. It will also enable older people to age in their own home safely and comfortably and provide a level of surety to increasing numbers of people that rent.

COTA NSW supports the inclusion of design elements, such as glazing, consideration of aspect and cross ventilation, that will improve the energy efficiency of new apartments. The application of these measures in affordable housing, for example, will improve liveability and reduce energy costs for low-income households. NSW Planning should also be commended on the recognition of the impacts that climate change will have on our communities and the inclusion of future technologies within the building such as battery charging and adequate bike storage.

The importance of green space for an individual's well-being, its value to visual attractiveness and contribution to micro-environments is acknowledged within the design

principles and explicitly within the design guide. It is critical that these elements; that will create more sustainable and amenable neighbourhoods are retained in the finalised version of the guide.

The emphasis on walkable access to public transport, public open space and close proximity to town centres should also be commended. For apartments to appeal to older owners or renters, this community infrastructure is essential for social connection and their health and wellbeing. Easy access to these facilities will support older people to age in place.

#### Draft Urban Design Guide (UDG)

COTA NSW broadly supports the principles that underpin the *Draft Urban Design Guide*. COTA encourages a holistic approach to urban design that ensures that our communities are inclusive for all groups and abilities. COTA NSW reiterates the importance of designing the public realm and open spaces to include all those elements that support older people to remain engaged and connected with their local communities such as: safe paths, shade, seating and access to public amenities.

COTA NSW strongly supports the two objectives: 5. Walkable neighbourhoods are vibrant and productive and 7. Walking and cycling is prioritised, safe and comfortable for people of all abilities. This is supported by outcome 13.4. Create streets which are safe, walkable, and accessible. A target of homes within a 15-to-20-minute walk of local infrastructure will ensure that these goals will be more easily met. The inclusion of further actions under 13.5 Design active and defined streets that recommend the incorporation of awnings in high foot areas to shield pedestrians from rain, wind or sun is also important to the comfort and safety of older people.

A consistent theme that is raised with COTA by older people is that a significant impediment to community involvement is the lack of footpaths and/or poor footpath maintenance. In some locations where there are no footpaths, people are forced to walk on the roads. Pedestrian-friendly footpaths has been regularly highlighted as a much-needed amenity that most participants believed would improve their ability to get around, particularly enhancing their ability to walk for leisure and exercise and to get to and from shopping and public transport hubs. Older people have also expressed a lack of confidence about walking safely in their neighbourhoods without paths and this influenced their willingness to leave their homes and contributed to a feeling of social isolation.

The recognition within the guide of the heat island effect, the importance of green space and canopy and linkages to human health are to be commended. Older people are particularly vulnerable to extremes of heat, and climate change will result in increased prevalence of heat waves – particularly in parts of Sydney and regional and rural NSW. The two objectives: 9. Landscape features and microclimates enhance human health and biodiversity and 10. Tree canopy supports sustainable, liveable and cool neighbourhoods and the supporting actions are crucial to create a safer and more liveable communities.

We endorse the following areas of concern raised by Western Sydney Regional Organisation of Councils (WSROC):

- The roles of trees are well articulated with strong principles in their roles in reducing urban heat, however further measures could be included that also improve microclimates, such as street orientation, cool materials. Although briefly mentioned these measures are not support by strong principles, guidance, targets or a clear approach to assessment.
- There is a need for additional guidance within the UDG on estimation of mature tree canopy spread. There is a risk that poor species selection, poor installation and poor establishment could all contribute to actual canopy cover much lower than estimates made at the design stage. The inclusion of rigorous methodology to enable future canopy cover estimation would be advantageous.
- Consider developing more robust targets to form part of the assessment process, suggestions include:
  - o Requirements for total pervious and/or total landscaped area,
  - Requirements for shade (e.g. a minimum % shade cover) in high-activity public spaces,
  - Requirements for irrigation (e.g., a minimum % irrigated area) in certain situations (both private common areas and high-activity public spaces),
  - A quantitative target for the amount of water to be retained in the landscape (a % reduction in mean annual runoff could be a simple measure that aligns well with other quantitative WSUD objectives).

### Conclusion

Thank you for the opportunity to provide feedback on the *Draft Design and Place SEPP* and associated design guides. These design guides address a number of issues that COTA NSW has long advocated for, such as walkable neighbourhoods, energy affordability and accessibility of community infrastructure. As outlined within this submission, we are disappointed by the lack of stronger targets for Silver Livable Design standards and will continue to advocate for the inclusion of this standard in future regulation in New South Wales.

COTA NSW looks forward to working with the NSW Department of Planning, Industry and Environment to ensure that the needs and desires of older people continue to be planned for and addressed.

Submitted on Fri, 25/02/2022 - 17:38

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Ursula

Last name Bonzol

I would like my submission to remain confidential No

### Info

Email

Suburb/Town & Postcode 2070

Please provide your view on the project I support it

Submission file foke-submission-on-design-and-place-sepp-feb-2022.pdf

**Submission** Please find attached the submission from Friends of the Ku-ring-gai Environment (FOKE).

Our submission includes 10 recommendations aimed at improving the DP SEPP outcomes based on the five key principles.

Yours sincerely,

Ursula Bonzol FOKE Committee

I agree to the above statement Yes



Submitted on Mon, 28/02/2022 - 15:23

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Ursula

Last name Bonzol

I would like my submission to remain confidential No

### Info

Email

Suburb/Town & Postcode Lindfield 2070

Please provide your view on the project I object to it

Submission file foke-submission-on-design-and-place-sepp-feb-2022-(amended.pdf

**Submission** Dear Minister Roberts,

Please find attached the amended submission from Friends of Ku-ring-gai Environment on the Design and Place SEPP.

We have made 11 recommendations for improvement and look forward to your response.

Regards

Ursula Bonzol FOKE Committee I agree to the above statement Yes



Submitted on Mon, 28/02/2022 - 19:34

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Ursula

Last name Bonzol

I would like my submission to remain confidential No

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Please provide your view on the project I object to it

Submission file foke-submission-on-design-and-place-sepp-feb-2022-(amended-re-udg-comments.pdf

#### Submission

Please find attached the amended submission addressing UDG objectives 3 and 15 from Friends of Ku-ring-gai Environment.

Our submission highlights 11 recommendations for improvement for the DP SEPP that would better meet its 5 core principles.

Yours sincerely,

Ursula Bonzol FOKE Committee

I agree to the above statement Yes FOKE • P.O. BOX 403 • KILLARA 2071 • TEL (02) 9416 9007 www.foke.org.au www.facebook.com/ friendsof kuringgai Est. in 1994



Minister Anthony Roberts, NSW Department of Planning Industry and Environment Locked Bag 5022, Parramatta NSW 2124

FRIENDS OF KU-RING-GAI ENVIRONMENTINC.

25<sup>th</sup> February 2022

#### Re Draft Design & Place State Environment Planning Policy Submission

Dear Minister Roberts,

Thank you for the opportunity to respond to the Draft Design & Place State Environment Planning Policy (DP SEPP). We have reviewed all the documents and have a number of concerns, or areas for improvement.

Friends of the Ku-ring-gai Environment (FOKE) is a community based organisation aimed at protecting and conserving the natural and built heritage of our area.

FOKE supports the intent of each of the 5 principles underpinning the DP SEPP.

- 1. Deliver beauty and amenity to create a sense of belonging, through improved overall design and comfortable, inclusive and healthy places
- 2. Deliver inviting public spaces and enhanced public life, through addressing culture, character and heritage
- 3. Promote productive and connected places through sustainable transport and walkability, supporting vibrant and affordable neighbourhoods
- 4. Design sustainable and greener places for the wellbeing of people and the environment through inclusion of green infrastructure and resource efficiency and emissions reduction.
- 5. Deliver resilient and diverse places that are adaptable to climate change and optimal and diverse land use.

The areas we particularly support are:

- The requirement for a Design Verification Statement within the Apartment Design Guide (ADG) and for mid to large scale urban developments under the Urban Design Guide (UDG)
- The experience and qualification requirements of the persons preparing the Design Verification Statement for the Review Panel
- The focus on sustainability and the updated Basix requirements for all developments. Especially the inclusion of green spaces, and increased tree canopy to mitigate the heat island effect in existing and future residential and non-residential developments.

However, we have serious concerns regarding the ability of the DP SEPP and the associated Policy document to meet these objectives without amendment.

#### Key areas within the DP SEPP that require improvement are:

#### Resilience and Sustainability

Without a strengthening of the minimum requirements to meet these ambitious climate change mitigation reforms, any improvement above current levels will not be met.

The continued NSW Planning Policy of allowing emission reduction targets to be treated as 'matters for consideration' rather than enforceable will not lead to any significant improvement over and above the current environmentally irresponsible approach of many developers.

The SEPP documents state that there are currently no minimum performance standards and verification methods for energy and water for new non-residential projects. This must be addressed as a matter of priority in line with the application of the DP SEPP.

**Recommendation 1:** Embed minimum emission reduction, water use, thermal comfort and climate change mitigation targets in the DP SEPP for all new and updated developments, both residential and non-residential, in any updated BASIX requirement. Usage of words such as 'preference' or 'consider' to be replaced by 'include' and 'action'.

The principles outlined in the Design and Place SEPP Explanation of Intended Effects should be translated into mandatory requirements and standards in an expanded regulatory framework under BASIX.

#### Community Engagement

'The heart of the document is a Place-Based approach to design that 'requires understanding the physical, environmental, social and cultural attributes of a location.' (Page 7 UDG)

However, The SEPP sidelines input from councils and community engagement at critical stages of the process.

The community is a key stakeholder in the determinant of place. Site analysis and context are essential, but so is the social and cultural history of a place, what the community values and how it interacts with the area.

*Place is the interdependent relationship of people and their environment, made unique by local conditions.* 

The successful design, planning, development and management of place is a sustained and complex collaboration between stakeholders, including government, developers, built environment and landscape professionals and the community.

A vital role for the urban designer is to establish a common understanding of a place with these many stakeholders to help shape the desired future. Great places recognise local characteristics and the qualities people value.' (DP SEPP UDG)

In the Design Process in Practice (Page 88 UDG), the community is to be consulted in the Predesign and the Design Preparation stage, but not then re-engaged as the process continues. References to Stakeholders at various stages do not specifically include the community. The references to community consultation are always cited as separate to stakeholders in the Process phases.

The community's objectives, contribution and concerns need to be included as part of each stage in the development process. How can one say that the community has benefited if the end result has been irrevocably changed during the various stages of stakeholder engagement that excludes the community?

Even more startlingly, the ADG lacks any requirement for community engagement in the site analysis or design process, even though the ADG covers a range of publicly accessible communal space objectives and large-scale developments. The site analysis is predominantly based on physical characteristics and does not include the social and cultural history of the area or how the neighbourhood interacts with the target area.

A process that requires the community engagement to assess the linkages to, and interaction with, the neighbourhood environment as part of its design should be mandatory.

**Recommendation 2:** For a 'place-based' approach, the community needs to be at the heart of any design and development process. The community must be core to the engagement process and needs to be included in the steps to progress a project from design to development, whether residential or not. The DP SEPP should add additional community consultation in the requirements for the UDG and include community consultation as part of the ADG.

#### Heritage Protection

Objective 16 in the UDG highlights the guidance to preserve our cultural heritage places.

- To adaptively reuse heritage buildings where appropriate
- To consider historical street patterns and reinstate where possible
- To protect solar access to places of heritage and cultural significance
- Provide positive transitions and interfaces to areas of heritage with appropriate setbacks.
- Respect and integrate historic lot layouts, street patters, streetscapes and landscapes into the design.

In areas with high levels of built heritage, such as Ku-ring-gai, with both heritage items and heritage conservation areas, it is essential that the Design Review Panel incorporates experts with the skills to protect, conserve and respect the heritage of an area.

The cultural heritage of an area needs to be elevated into the 'place-based' approach. The documents highlight the need to understand Aboriginal cultural history, but built European Heritage items and Heritage Conservation Areas need to be more fully addressed in the analysis and approvals for a Design Verification Statement.

**Recommendation 3**: In areas of high levels of built heritage it is essential that at least one member of the Design Review Panel has accreditation, skills and experience in heritage conservation at all stages of the review.

Heritage is an essential, and irreplaceable, character element in a number of suburbs and towns. It is essential that development is not allowed to isolate pockets for development that will impact on the character of the heritage district.

**Recommendation 4:** Add to the Design Verification objectives across the UDG and ADG that the integrity of the greater area encompassing a number of and/or close proximity to Heritage Conservation Areas, Heritage items, or heritage cultural landscapes are preserved as a larger cultural entity without intrusive or new development 'cherry-picking' sites within the larger heritage area.

#### **Ecology and Greener spaces**

Objective 4 of the UDG aims to strengthen the protection of ecological values. To date, irresponsible development has damaged ecologically sensitive communities and habitats, increasing the number of animals and plants on NSW's threatened and endangered reports.

The local community which has often raised the issues of the impact of development and particularly the cumulative impacts on these areas of ecological value have most often been ignored. This has been to the detriment of our natural environment and its resilience.

### The SEPP allows loss of existing tree canopy to be offset by green walls or rooves or small trees. This is inconsistent with environmental sustainability.

The retention of existing high quality tree canopy is essential to a strong local ecology. Open space targets should be mandatory and not offset by weak alternatives.

**Recommendation 5:** The DP SEPP should ensure that as part of any site analysis in areas of high ecological value, local expertise and consultation with community groups supporting the local ecology are included as mandatory.

**Recommendation 6:** Tree loss should not be negotiable except with replacement of "like for like". The retention of mature trees must be mandatory. A loss of mature trees in any development must be limited to 5%.

**Recommendation 7:** Also under Objective 4, it is essential to add to the Guidance to 'Locate density away from bushfire prone areas where access and evacuation remain an issue. Specifically minimise density near National Parks and Reserves within Sydney.'

The SEPP does not specifically address fire management and density development which is a major omission in NSW urban areas.

#### Apartment Design Guide

Having compared the Explanation of Intended Effects (EIE) with that of the ADG, we are disappointed to note the number of areas where the recommendations within the EIE have been reduced or omitted in this final Draft ADG.

**Recommendation 8:** These are areas critical to the objectives of the DP SEPP, and should be reviewed again for inclusion. They go to the heart of the Place Based Principle underpinning this SEPP.

These are:

- **Building Separation**: The separation for buildings with 25+ storeys to increase to between 24 and 30 metres has been ignored. The ADG Guidance states that setting back higher levels of buildings will improve solar access and bulk among other benefits.
- **Building Form:** A recommended maximum tower floorplate of 700 m2 has been ignored, though more slender towers are proven to provide better air circulation and use of common grounds.
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- **Natural cross ventilation:** Require ceiling fans for habitable rooms with 2.7m ceilings. Plus more kitchen and bathrooms with windows. EIE recommendations have been ignored in the latest draft, though the DP SEPP stresses the improvements in sustainable living incorporated in its objectives. These are missed opportunities.
- Acoustic issues raised in the EIE: Improvements in external noise and pollution on busy roads, to use latest glass/glazing technology. Acoustic privacy and separation for working from home or study areas. Both issues now included only as 'to consider' rather than as a requirement as intended.
- Wheelchair access in common areas: EIE recommendation for all apartment buildings to allow appropriate width of common areas to enable enough turning room for wheelchairs has been ignored.

#### Essential Additional Recommendations:

These are two areas that have not been clearly outlined in any of the documents and are essential to meeting the DP SEPP objectives and building community trust in the planning system.

**Recommendation 9:** The Design Review Panel and the preparation of the Design Verification Statement to accompany a Development Application should NOT include any persons or company associated with the proponent of the Development. **The Design Review Panel must be rigorously independent of any Development applicant.** 

**Recommendation 10:** All State Significant development over which the Minister has discretion, must also comply with the rigour of the UDG and ADG. In essence it must adhere to the DP SEPP design principles and considerations, be considered by an independent design review panel, and meet the full requirements of a Design Verification Statement.

#### Conclusion

The aim of the Design and Place SEPP is supported, however, without mandated minimum standards developers will be free to depart from the provisions and the intended objectives will not be achieved. Community confidence in the planning system will be further eroded.

Offsets, flexibility and loss of prescriptive controls leave the development industry free to circumvent any requirements. Non-discretionary standards should be set to give certainty to the community and to assure the intended principles of the SEPP are achieved.

The essence of the place-based approach requires collaboration with the industry but equally with the community as key stakeholders. Compliance and enforcement are also required to meet an objective of quality design and delivery to promote a city that supports and enhances a 'mosaic of different places'.

Our recommendations are aimed at improving the DP SEPP to meet these objectives.

We look forward to your response.

Yours sincerely,

Kathy Cowley PRESIDENT

cc Mayor and Councillors

- cc The Hon Jonathan O'Dea MP Member for Davidson
- cc The Hon Alister Henskens SC MP Member for Ku-ring-gai

cc The Hon Paul Fletcher MP Member for Bradfield

FOKE • P.O. BOX 403 • KILLARA 2071 • TEL (02) 9416 9007 www.foke.org.au www.facebook.com/ friendsof kuringgai Est. in 1994



Minister Anthony Roberts, NSW Department of Planning Industry and Environment Locked Bag 5022, Parramatta NSW 2124

FRIENDS OF KU-RING-GAI ENVIRONMENT INC.

25<sup>th</sup> February 2022

#### Re Draft Design & Place State Environment Planning Policy Submission

Dear Minister Roberts,

Thank you for the opportunity to respond to the Draft Design & Place State Environment Planning Policy (DP SEPP). We have reviewed all the documents and have a number of concerns, or areas for improvement.

Friends of the Ku-ring-gai Environment (FOKE) is a community based organisation aimed at protecting and conserving the natural and built heritage of our area.

FOKE supports the intent of each of the 5 principles underpinning the DP SEPP.

- 1. Deliver beauty and amenity to create a sense of belonging, through improved overall design and comfortable, inclusive and healthy places
- 2. Deliver inviting public spaces and enhanced public life, through addressing culture, character and heritage
- 3. Promote productive and connected places through sustainable transport and walkability, supporting vibrant and affordable neighbourhoods
- 4. Design sustainable and greener places for the wellbeing of people and the environment through inclusion of green infrastructure and resource efficiency and emissions reduction.
- 5. Deliver resilient and diverse places that are adaptable to climate change and optimal and diverse land use.

The areas we particularly support are:

- The requirement for a Design Verification Statement within the Apartment Design Guide (ADG) and for mid to large scale urban developments under the Urban Design Guide (UDG)
- The experience and qualification requirements of the persons preparing the Design Verification Statement for the Review Panel
- The focus on sustainability and the updated Basix requirements for all developments. Especially the inclusion of green spaces, and increased tree canopy to mitigate the heat island effect in existing and future residential and non-residential developments.

However, we have serious concerns regarding the ability of the DP SEPP and the associated Policy document to meet these objectives without amendment.

#### Key areas within the DP SEPP that require improvement are:

#### Increased Density and LEP override

We strongly object to Objective 15 of the Urban Design Guide. This recommendation to allow apartment buildings in the same block as detached houses, overriding the local Council zoning plans will destroy the integrity of established suburbs and LGAs, such as Ku-ring-gai. R4 High Density and R3 Medium Density should not be allowed with R2 Low Density Residential on lots

over 1ha in metropolitan and regional urban areas. This applies to whether they are higher density greenfield areas or consolidated lots in established suburbs.

We also object to the recommendation within Objective 15 to override any current zoning and reduce detached dwellings to only 30% in areas where the number of dwellings per hectare is currently 15 dwellings or greater.

# Again, this is an assault on the current character of existing suburbs and puts increased density as the key aim of this Policy, it is apparent it is not design and a better sense of place that is the motivation.

This objective totally contradicts ALL of the 5 principles of this SEPP, and is in conflict with Objectives 16 and 17 of the Urban Design Guide and needs to be removed.

#### **Recommendation 1: OBJECTIVE 15 MUST BE REMOVED FROM THE URBAN DESIGN GUIDE**

#### Resilience and Sustainability

Without a strengthening of the minimum requirements to meet these ambitious climate change mitigation reforms, any improvement above current levels will not be met.

The continued NSW Planning Policy of allowing emission reduction targets to be treated as 'matters for consideration' rather than enforceable will not lead to any significant improvement over and above the current environmentally irresponsible approach of many developers.

The SEPP documents state that there are currently no minimum performance standards and verification methods for energy and water for new non-residential projects. This must be addressed as a matter of priority in line with the application of the DP SEPP.

**Recommendation 2:** Embed minimum emission reduction, water use, thermal comfort and climate change mitigation targets in the DP SEPP for all new and updated developments, both residential and non-residential, in any updated BASIX requirement. Usage of words such as 'preference' or 'consider' to be replaced by 'include' and 'action'.

The principles outlined in the Design and Place SEPP Explanation of Intended Effects should be translated into mandatory requirements and standards in an expanded regulatory framework under BASIX.

#### **Community Engagement**

'The heart of the document is a Place-Based approach to design that 'requires understanding the physical, environmental, social and cultural attributes of a location.' (Page 7 UDG)

However, The SEPP sidelines input from councils and community engagement at critical stages of the process.

The community is a key stakeholder in the determinant of place. Site analysis and context are essential, but so is the social and cultural history of a place, what the community values and how it interacts with the area.

*Place is the interdependent relationship of people and their environment, made unique by local conditions.* 

The successful design, planning, development and management of place is a sustained and complex collaboration between stakeholders, including government, developers, built environment and landscape professionals and the community.

A vital role for the urban designer is to establish a common understanding of a place with these many stakeholders to help shape the desired future. Great places recognise local characteristics and the qualities people value.' (DP SEPP UDG)

In the Design Process in Practice (Page 88 UDG), the community is to be consulted in the Predesign and the Design Preparation stage, but not then re-engaged as the process continues. References to Stakeholders at various stages do not specifically include the community. The references to community consultation are always cited as separate to stakeholders in the Process phases.

The community's objectives, contribution and concerns need to be included as part of each stage in the development process. How can one say that the community has benefited if the end result has been irrevocably changed during the various stages of stakeholder engagement that excludes the community?

Even more startlingly, the ADG lacks any requirement for community engagement in the site analysis or design process, even though the ADG covers a range of publicly accessible communal space objectives and large-scale developments. The site analysis is predominantly based on physical characteristics and does not include the social and cultural history of the area or how the neighbourhood interacts with the target area.

A process that requires the community engagement to assess the linkages to, and interaction with, the neighbourhood environment as part of its design should be mandatory.

**Recommendation 3:** For a 'place-based' approach, the community needs to be at the heart of any design and development process. The community must be core to the engagement process and needs to be included in the steps to progress a project from design to development, whether residential or not. The DP SEPP should add additional community consultation in the requirements for the UDG and include community consultation as part of the ADG.

#### Heritage Protection

Objective 16 in the UDG highlights the guidance to preserve our cultural heritage places.

- To adaptively reuse heritage buildings where appropriate
- To consider historical street patterns and reinstate where possible
- To protect solar access to places of heritage and cultural significance
- Provide positive transitions and interfaces to areas of heritage with appropriate setbacks.
- Respect and integrate historic lot layouts, street patters, streetscapes and landscapes into the design.

In areas with high levels of built heritage, such as Ku-ring-gai, with both heritage items and heritage conservation areas, it is essential that the Design Review Panel incorporates experts with the skills to protect, conserve and respect the heritage of an area.

The cultural heritage of an area needs to be elevated into the 'place-based' approach. The documents highlight the need to understand Aboriginal cultural history, but built European Heritage items and Heritage Conservation Areas need to be more fully addressed in the analysis and approvals for a Design Verification Statement.

**Recommendation 4**: In areas of high levels of built heritage it is essential that at least one member of the Design Review Panel has accreditation, skills and experience in heritage conservation at all stages of the review.

Heritage is an essential, and irreplaceable, character element in a number of suburbs and towns. It is essential that development is not allowed to isolate pockets for development that will impact on the character of the heritage district.

**Recommendation 5:** Add to the Design Verification objectives across the UDG and ADG that the integrity of the greater area encompassing a number of and/or close proximity to Heritage Conservation Areas, Heritage items, or heritage cultural landscapes are preserved as a larger cultural entity without intrusive or new development 'cherry-picking' sites within the larger heritage area.

#### Ecology and Greener spaces

Objective 4 of the UDG aims to strengthen the protection of ecological values. To date, irresponsible development has damaged ecologically sensitive communities and habitats, increasing the number of animals and plants on NSW's threatened and endangered reports.

The local community which has often raised the issues of the impact of development and particularly the cumulative impacts on these areas of ecological value have most often been ignored. This has been to the detriment of our natural environment and its resilience.

### The SEPP allows loss of existing tree canopy to be offset by green walls or rooves or small trees. This is inconsistent with environmental sustainability.

The retention of existing high quality tree canopy is essential to a strong local ecology. Open space targets should be mandatory and not offset by weak alternatives.

**Recommendation 6:** The DP SEPP should ensure that as part of any site analysis in areas of high ecological value, local expertise and consultation with community groups supporting the local ecology are included as mandatory.

**Recommendation 7:** Tree loss should not be negotiable except with replacement of "like for like". The retention of mature trees must be mandatory. A loss of mature trees in any development must be limited to 5%.

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The SEPP does not specifically address fire management and density development which is a major omission in NSW urban areas.

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Having compared the Explanation of Intended Effects (EIE) with that of the ADG, we are disappointed to note the number of areas where the recommendations within the EIE have been reduced or omitted in this final Draft ADG.

**Recommendation 9:** These are areas critical to the objectives of the DP SEPP, and should be reviewed again for inclusion. They go to the heart of the Place Based Principle underpinning this SEPP.

These are:

- **Building Separation**: The separation for buildings with 25+ storeys to increase to between 24 and 30 metres has been ignored. The ADG Guidance states that setting back higher levels of buildings will improve solar access and bulk among other benefits.
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- Acoustic issues raised in the EIE: Improvements in external noise and pollution on busy roads, to use latest glass/glazing technology. Acoustic privacy and separation for working

from home or study areas. Both issues now included only as 'to consider' rather than as a requirement as intended.

• Wheelchair access in common areas: EIE recommendation for all apartment buildings to allow appropriate width of common areas to enable enough turning room for wheelchairs has been ignored.

#### Essential Additional Recommendations:

These are two areas that have not been clearly outlined in any of the documents and are essential to meeting the DP SEPP objectives and building community trust in the planning system.

**Recommendation 10:** The Design Review Panel and the preparation of the Design Verification Statement to accompany a Development Application should NOT include any persons or company associated with the proponent of the Development. **The Design Review Panel must be rigorously independent of any Development applicant.** 

**Recommendation 11:** All State Significant development over which the Minister has discretion, must also comply with the rigour of the UDG and ADG. In essence it must adhere to the DP SEPP design principles and considerations, be considered by an independent design review panel, and meet the full requirements of a Design Verification Statement.

#### Conclusion

Though the aims of the Design and Place SEPP appear to be well-meaning, we cannot support it in its current format as it is obvious that its primary objective is higher density throughout metropolitan areas. All other objectives now conflict with this. Only with the removal of Objective 15 of the Urban Design Guide and its associated higher density objectives, will FOKE be able to support a SEPP that better respects the principles of place based design without the overarching emphasis on higher density.

A concern is that without mandated minimum standards, especially with regard to apartments, developers will be free to depart from the provisions and the intended objectives will not be achieved. Community confidence in the planning system will be further eroded.

Offsets, flexibility and loss of prescriptive controls leave the development industry free to circumvent any requirements. Non-discretionary standards should be set to give certainty to the community and to assure the intended principles of the SEPP are achieved.

The essence of the place-based approach requires collaboration with the industry but equally with the community as key stakeholders. Compliance and enforcement are also required to meet an objective of quality design and delivery to promote a city that supports and enhances a 'mosaic of different places'.

Our recommendations are aimed at improving the DP SEPP to meet these objectives.

We look forward to your response.

Yours sincerely,

Kathy Cowley PRESIDENT

cc Mayor and Councillors cc The Hon Jonathan O'Dea MP Member for Davidson cc The Hon Alister Henskens SC MP Member for Ku-ring-gai cc The Hon Paul Fletcher MP Member for Bradfield FOKE • P.O. BOX 403 • KILLARA 2071 • TEL (02) 9416 9007 www.foke.org.au www.facebook.com/ friendsof kuringgai Est. in 1994



Minister Anthony Roberts, NSW Department of Planning Industry and Environment Locked Bag 5022, Parramatta NSW 2124

FRIENDS OF KU-RING-GAI ENVIRONMENT INC.

28<sup>th</sup> February 2022

### Re Draft Design & Place State Environment Planning Policy Submission (Amended comments on Urban Design Objectives 3 and 15)

Dear Minister Roberts,

Thank you for the opportunity to respond to the Draft Design & Place State Environment Planning Policy (DP SEPP). We have reviewed all the documents and have a number of concerns, or areas for improvement.

Friends of the Ku-ring-gai Environment (FOKE) is a community based organisation aimed at protecting and conserving the natural and built heritage of our area.

FOKE supports the intent of each of the 5 principles underpinning the DP SEPP.

- 1. Deliver beauty and amenity to create a sense of belonging, through improved overall design and comfortable, inclusive and healthy places
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The areas we particularly support are:

- The requirement for a Design Verification Statement within the Apartment Design Guide (ADG) and for mid to large scale urban developments under the Urban Design Guide (UDG)
- The experience and qualification requirements of the persons preparing the Design Verification Statement for the Review Panel
- The focus on sustainability and the updated Basix requirements for all developments. Especially the inclusion of green spaces, and increased tree canopy to mitigate the heat island effect in existing and future residential and non-residential developments.

However, we have serious concerns regarding the ability of the DP SEPP and the associated Policy document to meet these objectives without amendment.

#### Key areas within the DP SEPP that require improvement are:

#### Increased Density and LEP override

We strongly object to Objective 3 which states "Compact and diverse neighbourhoods connect to good amenity". There is no support for the statements that achieving a minimum residential density in itself will guarantee a vibrant urban area or high amenity.

Objective 3 effectively ignores current LEPs, environmental, heritage considerations and will impose a blanket density over the entire municipality that will leave extinguish any individual characteristics.

We refer to the Landcom Density Guide which states that Residential density can be measured in five ways: *site, net, gross, urban and metropolitan.* It needs to be better defined in the UDG.

We also strongly object to Objective 15 of the Urban Design Guide. This recommendation to allow apartment buildings in the same block as detached houses, overriding the local Council zoning plans will destroy the integrity of established suburbs and LGAs, such as Ku-ring-gai. R4 High Density and R3 Medium Density should not be allowed within R2 Low Density Residential on lots over 1ha in metropolitan and regional urban areas. This applies to whether they are higher density greenfield areas or consolidated lots in established suburbs.

We also object to the recommendation within Objective 15 to override any current zoning and reduce detached dwellings to only 30% in areas where the number of dwellings per hectare is currently 15 dwellings or greater.

## Again, this is an assault on the current character of existing suburbs and puts increased density as the key aim of this Policy. It is apparent this policy is not about better design and a quality sense of place.

This objective totally contradicts ALL of the 5 principles of this SEPP, and is in conflict with Objectives 16 and 17 of the Urban Design Guide and needs to be removed.

The UDG is much too general and the outcome of Objectives 3 and 15 will be to blanket areas with a mixture of building heights and site coverage without any guarantee of retaining any distinguishing character between suburbs and will fail in delivering good design or vibrant neighbourhoods.

### Recommendation 1: UDG OBJECTIVES 3 AND 15 MUST BE REMOVED FROM THE URBAN DESIGN GUIDE

#### Resilience and Sustainability

Without a strengthening of the minimum requirements to meet these ambitious climate change mitigation reforms, any improvement above current levels will not be met.

The continued NSW Planning Policy of allowing emission reduction targets to be treated as 'matters for consideration' rather than enforceable will not lead to any significant improvement over and above the current environmentally irresponsible approach of many developers.

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Objective 4 of the UDG aims to strengthen the protection of ecological values. To date, irresponsible development has damaged ecologically sensitive communities and habitats, increasing the number of animals and plants on NSW's threatened and endangered reports.

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### Essential Additional Recommendations:

These are two areas that have not been clearly outlined in any of the documents and are essential to meeting the DP SEPP objectives and building community trust in the planning system.

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### Conclusion

Though the aims of the Design and Place SEPP appear to be well-meaning, we cannot support it in its current format as it is obvious that its primary objective is higher density throughout metropolitan areas. All other objectives now conflict with this. Only with the removal of Objective 15 of the Urban Design Guide and its associated higher density objectives, will FOKE be able to support a SEPP that better respects the principles of place based design without the overarching emphasis on higher density.

A concern is that without mandated minimum standards, especially with regard to apartments, developers will be free to depart from the provisions and the intended objectives will not be achieved. Community confidence in the planning system will be further eroded.

Offsets, flexibility and loss of prescriptive controls leave the development industry free to circumvent any requirements. Non-discretionary standards should be set to give certainty to the community and to assure the intended principles of the SEPP are achieved.

The essence of the place-based approach requires collaboration with the industry but equally with the community as key stakeholders. Compliance and enforcement are also required to meet an objective of quality design and delivery to promote a city that supports and enhances a 'mosaic of different places'.

Our recommendations are aimed at improving the DP SEPP to meet these objectives.

We look forward to your response.

Yours sincerely,

Kathy Cowley PRESIDENT

cc Mayor and Councillors cc The Hon Jonathan O'Dea MP Member for Davidson cc The Hon Alister Henskens SC MP Member for Ku-ring-gai cc The Hon Paul Fletcher MP Member for Bradfield Submitted on Mon, 28/02/2022 - 14:37

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Penny

Last name Davidson

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode 2540

Please provide your view on the project I am just providing comments

#### Submission

Currently the planning regulations do not allow our council to require well built, sustainable buildings that fit into the villages/towns. Instead we are told that there are guidelines, but the developer isn't required to follow these guidelines. We have apartments that needed to be cordoned off for substantial repair a few years after completion. We have numerous apartments that do not add / fit into the character of the streets. We have apartments that have no features that mean they will allow the inhabitants to reduce their carbon footprint.

This new SEPP needs to make environmental performance mandatory, and include that energy efficiency and renewable energy will result in net zero emissions from the building once its in operation. Aligned with this no new building should be connected to gas. Buildings should include EV charging facilities, and bicycle parking.

The policy should also require design features that will maximise passive cooling and heating, and have features that maximise safety in high risk environments (against flooding (don't allow builds in flood prone areas), storms (power underground), bushfire (enforce the BAL building standards).

The plan also needs to ensure that urban areas are able to sustain an urban forest for both micro climate and biodiversity, and health reasons. The policy should protect, and increase biodiversity in urban areas. This will require the maximisation of mature tree and bushland retention, canopy cover and green space.

Close all developer loopholes and remove 'flexibility'.

I agree to the above statement Yes



Submitted on Mon, 28/02/2022 - 17:34

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Peter

Last name Newton

I would like my submission to remain confidential No

# Info

#### Email

Suburb/Town & Postcode Kingscliff 2487

Please provide your view on the project I support it

Submission file krpa-submission-design-and-place-sepp.pdf

Submission Please see attached document

I agree to the above statement Yes



KINGSCLIFF RATEPAYERS AND PROGRESS ASSOCIATION INC. Established 1933

PO Box 1164, Kingscliff NSW 2487

#### 28 February 2022

#### Re: Design and Place SEPP – Submission of Kingscliff Ratepayers and Progress Association Inc

Thank you for the opportunity to contribute to the development of the Design and Place SEPP. The Kingscliff Ratepayers and Progress Association (The Association) generally supports the Draft SEPP and acknowledges the positive steps toward good urban design.

The ideas and concepts of 'more resilient places that respond to the impact of climate change...'; 'healthier public spaces and green infrastructure...'; better neighbour planning...'; and especially, 'equitable distribution of amenity...' (which could be applied to key liveability issues such as residential street through traffic reduction) cannot be argued against and have a very real and impactful connection to our Association and community.

Our concerns are primarily around the practicality of implementation and any overriding impact this policy may have on our highly consultative local plans.

In making this submission, The Association acknowledges and supports the work and commitment of Tweed Shire Council (TSC) in the oversight and management of planning and development in our Shire and particularly the coastal village of Kingscliff and surrounds. We have read and considered the TSC's draft response to the draft policy and support the comments made by Council Officers. We particularly echo the TSC's concerns about the increased workload (and therefore costs) associated with the implementation of this policy, Development Industry uptake, possible impacts of 'flexibility' and the lack of a mechanism to leverage costs to cover social infrastructure, open space, public facilities and public domain improvements.

While the Association sees the merits of a State-wide approach in developing overarching design principles, our community is also very committed to our local area planning instruments. The Association recognises and supports the strong connectivity between the various, highly consultative planning instruments which shape (and go to the heart of) the liveability, fabric and amenity of Kingscliff and the surrounding coastal and rural communities (for example, The North Coast Regional Plan, Tweed Shire LEP, Kingscliff Locality Plan and the (draft) Tweed Regional City Plan). We see a place for the SEPP design principles to be embedded in our local plans (which take account of our unique environment) rather than as an instrument that would override our local plans.

We submit the following concerns and queries for your consideration:

- As mentioned above, The Association would be concerned if the SEPP design principles resulted in a 'one size fits all' proposition that did not allow for, or weakened, the full consideration and protection of the unique and diverse environments of the Tweed Shire, eloquently outlined in documents such as the Tweed Shire LEP and the Kingscliff Locality Plan.
- The additional resource implications for the TSC, particularly in relation to the establishment of review panels and what appears to be additional levels of review. Unless there is a consideration of

these resource increases being met by State Government or the proponent, this will have a direct impact on ratepayers and residents (through increased rates/decreased services in other areas/delays in the DA approval processes for small scale projects).

- The double-edged sword of 'flexibility'. While this may contribute to more creative design solutions, it may also lead to an increase in 'ambit' claims within development applications all of which take time for Council Officers to resolve. In the past, our community has seen many examples of proponents submitting DA Plans that fall well outside the threshold of our local plans. Valuable council resources nonetheless need to be committed to negotiations with the proponent. Encouraged 'flexibility' is likely to see this practice increase, particularly if there is limited genuine uptake of the draft SEPP concepts by the development industry. Twisting of the concepts, under the banner of 'creative flexibility', to increase developer yields is not an unlikely scenario.
- We share the TSC's concerns that unless social infrastructure, open space, public facilities and public domain improvements as described in the draft SEPP are 'designed in', Councils rather than developers will be left to carry the additional costs of these urban improvements.
- Medium density townhouses/terrace houses are increasingly a preferred option in Kingscliff and other areas of the Tweed Shire. It is unclear to the Association whether the Apartment Design Guide applies to this type of development (previously exempt from the Apartment Design Guidelines).
- The lean towards 'flexibility' also may provide opportunity/incentive to allow 'self-regulation' in building certification. We believe that any such consideration would have a severe negative impact on planning, design and ultimately the quality of buildings of course leading clearly to impacts on amenity and liveability. There are many recent examples where 'self-regulation', particularly with regards to certification, have impacted major residential works with serious defects resulting in buildings being unhabitable shortly after construction. The Association asks that the SEPP removes any leanings/inference to 'self-regulation' and reinforces the use of independent professionals.

Thank you again for the opportunity to contribute to the development of the Design and Place SEPP. The Association supports and advocates for sustainable, balanced development in our beautiful part of the world and welcomes opportunities that encourage improved amenity and liveability. We look forward to further involvement as this project continues.

Please feel free to let me know should you need any further information or have any queries.

Yours sincerely Peter

Peter Newton President (on behalf of) Kingscliff Ratepayers and Progress Association Inc.

T: www.kingscliff.org.au



Submitted on Mon, 28/02/2022 - 15:50

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name Robert

Last name Jones

I would like my submission to remain confidential No

# Info

#### Email

Suburb/Town & Postcode Beverley Park. NSW 2217

Please provide your view on the project I object to it

Submission file design-place-sepp.pdf

**Submission** See letter on file above.

I agree to the above statement Yes



28 February 2022

NSW Planning Portal

Dear Sir/Madam

RE: PROPOSED NSW DESIGN & PLACE SEPP

I am writing this submission on behalf of the Members of the Kogarah Bay Progress Assn regarding the Draft Design & Place State Environmental Planning Policy 2021.

Our members support planning and development that encourages better design outcomes that will be more sustainable in the future.

This SEPP aims to improve long term design and place outcomes and lists 12 reasons what this SEPP is trying to achieve, which is greater creativity and innovation and to reduce complexity in the planning system.

Our members believe this is a positive outcome for NSW and the Sydney Metropolitan area. However we are greatly concerned that this SEPP will override some of Council's Planning Controls particularly when it relates to Density in Objective 15 of the proposed Urban Design Guide.

To facilitate better design outcomes in a generic way for all of NSW is encouraged but when the SEPP introduces density controls for a 'one fit all outcome' for NSW such as in Objective 15 of the Draft SEPP, this is really concerning and should be deleted from the legislation.

Local Councils and their elected representatives are best placed to introduce density and floor space controls for their respective local government areas through their LEPs and DCPs.

This SEPP is long overdue when it comes to introducing standardised design guidelines that encourages better sustainable buildings and healthier, better quality public spaces and green infrastructure; however we would encourage the Government to not mix these great initiatives with legislation that overrides Council''s planning controls.

In essence ourAssociation supports the new SEPP subject to the density controls as outlined in our submission above being deleted.

Yours sincerely,

Jeff Powys – President Koaarah Bay Proaress Association Inc



25 March 2022

Attn: Government Architect NSW Team Department of Planning and Environment Locked Bag 5022 Parramatta, NSW 2124

Dear Rebecca,

# Submission to the draft Design and Place SEPP Planning Package

The Mamre Road Precinct Landowners Group (LOG) welcomes the opportunity to comment on the draft *Design and Place State Environmental Planning Policy 2021 (DP SEPP)* and its supporting guidelines. Key items raised within this submission further expand on the draft submission issued to NSW Government Architect in February 2022.

The LOG includes Altis, ESR, Frasers, Fife Capital, GPT, Mirvac and Stockland, which make up nearly 50% of the developable lands within the Mamre Road Precinct in Kemps Creek. As established developers in the warehouse and logistics space across Metropolitan Sydney we raise concerns about the application of the DP SEPP on employment land uses and its resultant impacts on feasibility and timeframes for industrial and logistics development in NSW.

Clause 6 of the Draft Design and Place SEPP classifies certain development on industrial land as 'urban design development'. Urban design development is defined as

(a) development on land that is not in an industrial zone that has a site area greater than 1 hectare,

- (b) development on land in an industrial zone that has-
  - (i) a capital investment value of \$30 million or more, and
  - (ii) a site area greater than 1 hectare,

(c) development in relation to which an environmental planning instrument requires a development control plan or master plan to be prepared for the land before development consent may be granted for the development.

The requirements of the DP SEPP as they apply to Urban Design Development therefore must be a consideration for:

- all industrial and warehouse and distribution centre development that is State Significant Development and over 1Ha in area,
- all industrial and warehouse and distribution centre development that is local development with a CIV in excess of \$30million and on land over 1Ha in area
- all development in the Western Sydney Employment Area, notwithstanding lot size or capital investment value (CIV).

It is noted that urban design development does not include exempt or complying development under the Codes SEPP.

Given the size and scale of warehouse and logistics estates and individual buildings, the DP SEPP and UDG will apply to the vast majority of developments undertaken by the LOG, both in the Mamre Road Precinct and across metropolitan Sydney.



The draft policy therefore has significant implications for the obtaining of development consents for this vital land use.

The key concerns with the Draft DP SEPP and its accompanying guidelines include:

- 1. Increased layering of planning provisions
- 2. New 'preconditions' to the grant of consent
- 3. Suitability of UDG design guidelines & metrics provisions
- 4. Increased cost and timeframes with no perceived benefit to the end product
- 5. Reduced competitiveness with other states and reduced certainty for customers
- 6. Suitability of ESD provisions for warehouse and logistics estates.

This submission expands on the above matters and supports the LOG's position that the draft DP SEPP provisions will increase development costs, reduce land supply, discourage infill redevelopment, and further reduce the overall competitiveness of the industrial and warehouse / logistics sector in NSW. The NSW industrial and warehouse / logistics sector is already at a competitive disadvantage in terms of land supply and development cost when compared to other east-coast markets. Further exacerbation of this disadvantage as a result of the DP SEPP and its accompanying guidelines cannot be supported by the LOG.

We strongly request that application of this policy to the industrial and warehouse / logistics sector be revoked.

### 1. Significantly Increased Layering of Design Controls

The design and layout of industrial, warehouse and logistics buildings are driven predominantly by the demand of tenants and their operational requirements. This is different than commercial or residential development. The spatial requirements of industrial, warehouse and logistics buildings go to the very core of the operating practices of tenants and their storage requirements. Existing SEPP / LEP and DCP provisions reflect the operationally-driven designs of buildings and industrial / logistics estates and seek to ensure high quality streetscapes and landscape zones that support the functional requirements of the site.

The Draft DP SEPP proposes to introduce <u>three new layers</u> of design controls which we believe are onerous, duplicative and will not result in any significant change in design outcome for industrial, warehouse and logistics developments.

These new layers include:

- (a) Design criteria and design considerations within the Draft DP SEPP itself,
- (b) The design principles and objectives in the Urban Design Guide
- (c) A Design Review Panel process and response to DRP feedback.

These additional layers will add cost and time to the preparation and assessment of applications. This cost will be borne by the development industry and ultimately passed on to tenant or land sale costs.

Given the limited scope to influence design of industrial and warehouse buildings themselves, we question whether any additional benefit will be gained to the design of warehouse buildings / estates as a result of these new layers of controls.

#### It is the LOG's request that

• Industrial and warehouse building typologies be waived from assessment against the DP SEPP design criteria and the objectives of the UDG.



- DCPs applying to industrial land be updated to reflect any relevant provisions contained in the design criteria and objectives.
- Industrial and warehouse building typologies not be subject to a pre lodgement DRP process.

### 2. Suitability of Design Principles and Objectives as Preconditions to the Grant of Consent

The Draft DP SEPP and UDG appear to have been written through the lens of residential or commercial / mixed use development. They read as though application of these provisions to development on industrially zoned land was an afterthought.

Only some of the DP SEPP design principles and UDG objectives are relevant for industrial and warehouse development, however the wording of clause 13 and clause 24 of the Draft DP SEPP requires consistency with these provisions as a precondition to the grant of consent.

DP SEPP Clause 13 states:

Development consent **must not be granted** for development to which this Policy applies unless the consent authority is satisfied that the development **is consistent with the design principles**.

DP SEPP Clause 24 states

Development consent **must not be granted** to urban design development unless the consent authority is satisfied that the development **meets the objectives of the Urban Design** *Guide*.

The LOG raises issue with the requirement for industrial or warehouse development to *be consistent with* or *meet the objectives of* the design criteria as it potentially jeopardises the ability of a consent authority to grant consent to development. This is especially true where certain design principles or objectives are not relevant to industrial or warehouse development - as there is no avenue whereby an assessment can set aside specific principles or objectives due to the nature of the proposal. This places the ability to grant consent in jeopardy and makes any consent subject to challenge.

Further, sufficient controls can be included in a DCP (and are included within the Mamre Road Precinct DCP) to avoid duplication of controls whilst providing the Consent Authority an opportunity to raise design related matters during assessment. The inclusion of controls in a DCP avoids duplication in the consideration of matters during the assessment phase.

Example of DG SEPP conflict:

#### DP SEPP

*Clause 23: The consent authority must be satisfied that the development, for urban design development – includes appropriate residential density close to proposed or existing amenities, including public transport, open space, schools, shops and other services* 

This provision cannot be complied with or addressed by a warehouse and distribution centre estate, nor is it relevant.

#### UDG

Objective 6: block patterns and fine grain street networks define legible, permeable neighbourhoods.

This provision is specifically worded to reflect the street network typology for residential or commercial areas. Large block sizes are required for industrial and warehouse development, especially in Western Sydney to accommodate the operational needs of future operators. Fine grain street networks are diametrically opposed to the requirements for warehouse and logistics estates.



#### Objective 8: Parking is minimised, adaptable and integrated.

Industrial and warehouse development, especially that in greenfield areas such as Mamre Road Precinct, is often not easily serviced by public transport, and therefore staff rely on private transport for travel to and from work. Car parking on site reflects the demand of the specific tenant staffing levels and includes accommodation of shift change parking.

Car parking rates are currently informed by TfNSW guidelines of 1 car space per 300m<sup>2</sup> warehouse GFA and 1 car space per 40m<sup>2</sup> ancillary office which reflects the general level of car parking provision required for warehouse and logistics uses.

Therefore, car parking must be provided in association with industrial and warehouse development and must meet customer requirements. The ability to minimise car parking is limited.

Objective 12: Public open space is high quality, varied and adaptable.

Industrial land is specifically excluded from the calculation of Net Developable Land, being the metric used to calculate the required public open space provision. It is therefore not possible to demonstrate how warehouse and logistics estates, generally only permissible on industrially zoned land, can address this objective and meet the requirement of clause 24 in order that consent can be granted.

#### Objective 15: The lot layout supports green neighbourhoods and a diversity of built form and uses

Warehouse buildings are designed to specific end-user requirements and are generally large scale buildings. There is generally limited opportunity to provide for a range of building typologies or scales in industrial or logistics estates. Further, land uses are limited to those suitable for industrially zoned land which specifically prohibits commercial and residential land uses.

It will be difficult for warehouse developments to demonstrate how they meet this objective as it is diametrically opposed to the required building typologies and operational layouts required for industrial and warehouse developments.

#### The LOG requests that

- The wording of DP SEPP clauses 13 and 24 be amended to remove the requirement for compliance as a precondition to the grant of consent for industrial and warehouse development.
- If they are to be applied to industrial and warehouse development, that the design criteria in the DP SEPP and objectives in the UDG not be mandatory matters for consideration given the very specific design requirements for this development type.

### 3. Suitability of UDG Guidance and Criteria

Further to the matters raised in Section 2 above, there are a number of UDG design criteria which are not suitable for industrial and warehouse development. Whilst the LOG acknowledges that clause 24(3) of the Draft DP SEPP requires that the consent authority must

- (a) apply the design criteria set out in the Urban Design Guide flexibly and consider alternate solutions, and
- (b) consider the objectives of the Urban Design Guide only in relation to the particular development application,

the current practice of development assessment staff to rely on a guideline as a 'rule' makes the LOG question the practical application of these requirements. Indeed, the extensive range of 'design criteria' and 'design guidance' contained in the UDG suggests that assessment teams require such support to assist them in making merit based decisions. It is therefore likely that they will continue to rely on these to inform their assessment as to whether a proposal meets the relevant objective.



The LOG raises specific concern with the following UDG Design Criteria.

*Objective 6: Block patterns and fine-grain street networks define legible permeable neighbourhoods, and Objective 7: Walking and cycling is prioritised, sage and comfortable for people of all abilities* 

Objective 6 design criteria calls for maximum block lengths for industrial areas of between 220-250m. The Guidance then goes on to require fine grain street layouts and a diversity of block patterns.

Objective 7 design guidance calls for fine grain pedestrian permeability.

These provisions if applied, even loosely, in development assessment of industrial and warehouse estates will have the consequences of

- (a) unnecessarily constraining development opportunity in industrial and warehouse estates which are specifically zoned and set aside for these large scale development typologies
- (b) limiting the ability of the sector to attract international supply chain operators which call for significant warehouse footprints.

Objective 10: Tree canopy supports sustainable, liveable and cool neighbourhoods.

Tree canopy targets for industrial lots, ranging from 25% (all industrial development) to 35% (large industrial land development including streets) will result in a land take significantly increased from that currently utilised. The implications of this will be:

- (a) increased land take for greenfield industrial and warehouse estates, driven by the fixed warehouse footprints based on operational requirements. This will contribute to further urban sprawl and truck delivery kilometres travelled.
- (b) reduced feasibility for redevelopment of infill industrial buildings and estates as development yields will be reduced within a fixed lot size. This is also relevant for infill multi-storey warehousing due to the large areas required for ground level circulation and ramping to service the multi- storey warehousing facility.
- (c) The resultant increase in land costs will be then passed on to future operators / tenants in the form of sales or rental costs.

The LOG requests that the UDG objectives and criteria be reviewed in light of their reasonableness and implications on redevelopment opportunities for greenfield and infill industrial and warehouse sites.

# 4. Significant Timeframe and Cost Impost to Development with No Perceived Benefit

The LOG questions the benefit that will be derived from a pre-lodgement Design Review Panel process given the limited scope of meaningful change to industrial and warehouse building design that can be influenced by such a panel.

As mentioned throughout this submission, the size and proportion of industrial and warehouse buildings are intrinsically informed by the internal layout and operational requirements of future operators. Built for purpose, there is limited influence that a DRP can have on building scale and site layout.

Factors that could be influenced, including external materiality and landscape design, are already covered adequately by DCP provisions.

A DRP process will add 3-4 months to the preparation timeframe for a development application as a result of the following:

- (a) arranging a meeting time
- (b) preparing for the presentation



- (c) receiving comments from the DRP, and
- (d) responding to those comments by the proponent's consultant team.

This timeframe will be extended if multiple DRP meetings are required.

The LOG does not see that any value added by a DRP to an industrial or warehouse building justifies the additional time and cost impost to the development program.

Further, it is possible that the availability of timely DRP meetings will be reduced due to the significantly increased number of matters that the local DRPs will be required to review as a result of the Draft DP SEPP.

Where they are currently utilised, DRPs are under resourced and meeting availability is limited with long lead times. Increasing the remit of DRPs to all Urban Design Development (in addition to current Residential Apartment Development) will place a further burden on the development industry.

The LOG requests that industrial and warehouse developments be exempted from a prelodgement DRP process as it will add substantial time and cost to projects without any commensurate benefit in design outcome.

Removing the requirement of DRPs for industrial and warehouse developments will free that process up for projects that can be more meaningfully informed by such a process.

### 5. Reduced Certainty for Customers, and Decreased Competitiveness with Other Markets

Industrial and warehouse / logistics development is highly influenced by and needs to respond to enduser operational requirements in a way that is not the case for residential and commercial. Industrial and warehouse buildings are purpose designed to accommodate the specific internal storage dimensions, automated racking systems, cold store and external hardstand requirements of the business operating from the building.

Warehouse buildings need to be approved and constructed within strict timeframes to support business continuity. Tenants / end users juggle relocation from old to new premises on tight timeframes. If these are not realised it can affect those businesses in terms of job security for employees, leases and ultimately the ability of that business to locate in NSW.

The increased timeframes and complexity in preparing and assessing development applications for industrial and warehouse buildings as envisaged by the DP SEPP will increase uncertainty in this sector. The policy will also add to increase costs to end users which is ultimately passed on to the consumer, increasing overall cost of living. Each of these factors will:

- (a) further decrease the attractiveness of NSW as a place for investment, and
- (b) exacerbate cost of operating / cost of living in NSW.
- (c) Result in businesses relocating to other States where faster approval timeframes can be achieved.

The LOG requests that the implications on business continuity and NSW's competitive position in the wider logistics sector be considered by NSW Government.

### 6. Suitability of Increased ESD Benchmarks

Schedule 1 of the Draft DP SEPP stipulates energy and water use standards for non-residential development.

Achievement of a Green Star rating is not, as a broad concept, a concern however there are specific challenges in achieving this rating as Schedule 1 specifies minimum requirements:



 On Energy: the specific requirement of "Credit achievement" under the "Energy Use" credit requires buildings to meet the "Minimum Expectation" – a 10% improvement on NCC2019 (or the relevant version) without consideration of solar PV. This will not allow Frasers Industrial buildings to pass. In addition to the "Minimum Expectation", the additional requirement for "Credit Achievement" requires the building to achieve a "20% improvement on NCC2019 design. The Credit Achievement allows the use of solar PV (which will not pose an issue).

It is difficult for industrial buildings to achieve these minimum expectations and so these standards need to be reviewed in light of what is possible for industrial and warehouse buildings.

Further, power usage should be informed by the requirements of each end user, and so flexibility is needed. Enforcing batteries on industrial development is problematic as this needs to tie into the wider energy supply network. Power supply needs to be a collaborative discussion with the relevant energy provider.

• On Water: the specific requirement of "Minimum Expectation" under the "Water Use" credit requires the building to use 15% less potable water compared to a reference case (as defined by Green Star). This provision is challenging for industrial and warehouse buildings to achieve. The water targets need to be reviewed in light of what is possible for industrial and warehouse buildings.

The LOG requests that a review of the DP SEPP Schedule 1 provisions as they relate to industrial and warehouse / logistics development be reviewed.

### 7. Questions to Government

The Draft DP SEPP includes a raft of changes that the LOG acknowledges are aimed, at a high level, at increasing design quality across NSW. However, the LOG questions whether there has been a thorough cost / benefit analysis undertaken of those changes , or if the nature of Industrial development has been contemplated in the preparation of the proposed new controls.

In the LOG's opinion the Draft DP SEPP requirements will

- (a) unnecessarily increase the preparation time and cost of development applications, noting that NSW is already at a disadvantage to other states.
- (b) create an increased burden on the consulting sector in the preparation of such applications in order to address the multiple layers of design considerations contemplated.
- (c) further strain the Design Review Panel process, which is already in high demand. Assessment teams will rely more and more on DRP feedback in making merit assessment of applications and so it is likely that multiple DRP reviews will be required for each application prior to lodgement.
- (d) constrain the ability of consent authorities to grant development consent, where a development typology cannot (reasonably) demonstrate its consistency with the DP SEPP criteria and UDG objectives. This is especially relevant for industrial development where design is based upon the users particular operation, which includes manufacturing, cold storage, automated industries and storage.

The additional assessment requirements will not commensurately reduce assessment timeframes, nor improve the design quality of industrial and warehouse developments to the extent that it would result in a net benefit to the sector. The Draft DP SEPP will likely have the unintended outcome of further constraining the ability of the development industry to prepare, assess and deliver on projects to support economic growth in NSW.

Prior to implementing any DP SEPP provisions, the LOG requests that the NSW Government Architect undertake a thorough review of the economic cost / benefit analysis to the industrial and warehouse / logistics sector, informed by discussions with members of the LOG, to fully understand the resulting implications to project delivery.



### 8. Conclusion

Thank you for the opportunity to provide this submission to the *Draft State Environmental Planning Policy (Design and Place) 2021* exhibition package.

As set out in this submission, the Mamre Road Precinct Landowners Group raises serious concern with the potential consequences on the Industrial and Warehouse / Logistics sector in NSW if the proposed DP SEPP provisions are adopted in their current format.

In light of our review of the Draft DP SEPP package, the LOG requests that

- (a) Industrial and warehouse building typologies be waived from assessment against the DP SEPP design criteria and the objectives of the UDG.
- (b) DCPs applying to industrial land be updated to reflect any relevant provisions contained in the design criteria and objectives.
- (c) The wording of DP SEPP clauses 13 and 24 be amended to remove compliance as a precondition to the grant of consent for industrial and warehouse development.
- (d) If they are to be applied to industrial and warehouse development, that the design criteria in the DP SEPP and objectives in the UDG not be mandatory matters for consideration given the very specific design requirements for this development typology.
- (e) The UDG objectives and criteria be reviewed in light of the reasonableness of their application to infill redevelopment of industrial and warehouse sites.
- (f) Industrial and warehouse developments be exempted from a pre-lodgement DRP process as it will add substantial time and cost to projects without any commensurate benefit in design outcome.
- (g) Industrial and warehouse developments be exempted from the Design Review Panel process as the benefits of such a process are limited to that development type. This will then free up DRP availability for projects that can be more meaningfully informed by such a process.
- (h) The implications on business continuity and NSW's competitive position in the wider logistics sector be considered by NSW Government.
- (i) A review of the DP SEPP Schedule 1 provisions be undertaken as they relate to industrial and warehouse / logistics development.

Despite the above, and at a minimum, we request that NSW Government undertake thorough economic cost / benefit analysis of the impact of the DP SEPP changes on the industrial and warehouse/logistics sector prior to adopting the DP SEPP in any form

Regards,

The Mamre Road Precinct Landowners Group



Paul Solomon Planning and Infrastructure Manager





**Stockland** 





**Stephen O'Connor Project Director** 



Scott Falvey **General Manager - Industrial** 



**Richard Seddon General Manager – Industrial** 



Craig Lenarduzzi **National Development Manager** 



Matt Jordan **Senior Development Manager** 



The GPT Group



Submitted on Mon, 28/02/2022 - 17:31

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name National Trust

Last name of Australia (NSW)

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode 2000

Please provide your view on the project I object to it

Submission file 20220228-nta-submission-for-design-and-place-sepp\_final.pdf

Submission Please see attached document which is the submission from the National Trust of Australia (NSW)

I agree to the above statement Yes



Upper Fort Street, Observatory Hill Millers Point, NSW 2000 GPO BOX 518 Sydney NSW 2001 T +61 2 9258 0123 F +61 2 9251 1110 www.nationaltrust.org.au/NSW

28 February 2022

Department of Planning, Industry and Environment

Submitted online: https://www.planningportal.nsw.gov.au/design-SEPP-2021

#### National Trust Submission on Design and Place SEPP 2021

The National Trust of Australia (NSW) wish to take the opportunity to provide comment on the draft State Environmental Planning Policy (Design and Place) 2021 (DP SEPP) and supporting guides. The National Trust submitted a detailed response to the earlier Explanation of Intended Effects document for this SEPP on 28 April 2021, and we remain concerned by aspects of the proposal.

The Trust indeed wish to see "sustainability, resilience, and quality of places at the forefront of development", and note the way in which our existing historic environments embody these values almost by their very nature, however the proposed move towards a principle-based approach has high potential to create additional complexity in the planning system, and will result in loopholes and adverse impacts for the heritage of NSW.

The DP SEPP has many noble aims, particularly in its ambitions for improved sustainability and environmental outcomes, the need to acknowledge the cultural significance of Country from an Aboriginal perspective, and a desire to make well-designed and well-connected places for people, however the underlying assumption of this DP SEPP is that the current rules-based system does not all ow for such outcomes and restricts creativity. Nothing could be further from the truth, and all of the great urban outcomes across the world's great cities – from Paris' height limits to New York's solar access controls – have benefited from having appropriate, and enforceable, frameworks in which to operate.

The Trust earlier raised concerns that exhibiting a policy, its supporting guides and other documents all together would make for a complex and confusing public exhibition period, and this has proved to be the case. Our submission attempts to comment on these various documents separately.

Our approval authorities rely on being able to enforce detailed controls, not kindly asking proponents to address a set of principles. Not every project will have an enlightened client, an appropriate budget, a skilled designer or a community-minded developer - yet this is the assumption put forward in this document that applies across the entire state of NSW.

The National Trust can see the benefit of the proposed principles supplementing the existing planning legislation in NSW, and making in effect a series of heads of consideration, yet it is our great concern that the proposed DP SEPP cannot replace these existing controls. This is particularly the case for identified heritage items and conservation areas, which we feel will have their protections greatly eroded by this legislation.



#### Proposed draft State Environmental Planning Policy (Design and Place) 2021 (DP SEPP)

The DP SEPP will be the primary source of design principles and considerations for development applications on all urban land for the whole of NSW. It is a document of great importance, yet it at times appears mostly geared towards large scale new development on a greenfield sites at the expense of existing, fine-grain built environments.

The DP SEPP (13.1) requires that consent must not be granted unless the authority is satisfied that it is *consistent with* five "Design Principles", and that in order to satisfy these principles the authority must *take into account* "Design Considerations".

The National Trust do not see how the proposed five general design considerations will "enable a consistent approach to design and place challenges." <sup>1</sup> The five design principles introduced by the DP SEPP are commendable, but to rely on these to actually create good place-based outcomes is a dangerous approach. Already in NSW, the National Trust has pointed out time and again cases where actual listing of a place or building on the State Heritage Register or a Local Environment Plan has not offered protection against demolition. It is difficult to see how a "consideration" of *culture, character and heritage* as part of a "principle" to *deliver inviting public spaces* is going to offer a stronger protection, if any, to some of our most important assets.

The recent (approved) proposal for the Atlassian Tower at Sydney's Central Station – a 211m tall building that is built within the State Heritage Register boundary of this site, on top of a heritage item, on the northern side of a pedestrian plaza, and which will overshadow Railway Square every morning – is but one example of what the Trust fear is the "greater flexibility" in this approach which promotes "alternative solutions" for any place, justified by a swathe of consultant reports. With the Heritage Act being effectively "turned off" time and again for SSDA projects, and heritage but a "consideration" under the DP SEPP, we fear that there will be little to no meaningful heritage protection left in NSW, especially when "future planning proposals, including LEPs, and future DCPs will also need to take into account the DP SEPP and the UDG respectively."<sup>2</sup>

The DP SEPP (Part 2 – Design Principles and design considerations) is fraught with danger from a heritage perspective. For example, does a new building that responds to the "desired character" (14a and 16a) of a surrounding area refer to the existing historic state heritage-listed precinct of Queen Street in Campbelltown, or the "desired" high rise character in the 2020 Masterplan produced by the Council?

The inconsistency in the process and feedback of existing design review panels has been noted in the feedback to the SEPP.<sup>3</sup> When Councils are required to give detailed reasons for departing from the recommendations of the Design Review Panel, a body that is surely as subjective as the "principles" they will be enforcing, there is a very real concern that the voice of the community and organisations such as the National Trust will be made ineffective. Not all Councils will have the skills or resources to argue their case effectively, and some may struggle to constitute one prior to the DP SEPP taking effect.

#### The National Trust recommends

- The protection of heritage, in particular Conservation Areas, be formally included in the aims of the policy (3.1)
- Design Consideration 16 (culture, character and heritage) refers to the NSW Government Architect's *Design Guide for Heritage*
- Existing, highly detailed, well-considered, location-specific heritage principles and controls within current DCPs and LEPs continue to be observed and enforced, not replaced with a single, generic *consideration* that development "incorporates or responds to heritage items or conservation areas."

<sup>&</sup>lt;sup>1</sup> Design and Place SEPP Overview, p.15.

<sup>&</sup>lt;sup>2</sup> Design and Place SEPP Overview, p.21.

<sup>&</sup>lt;sup>3</sup> Design and Place SEPP Overview, p.19.



#### Proposed new Urban Design Guide (UDG)

The Trust note that the Urban Design Guide (UDG) is a resource to improve the planning and design of urban environments across NSW.<sup>4</sup> From the outset, when former Minister Stokes quotes Jan Gehl in his foreword that the approach must be "first life, then spaces, *then* buildings", it is clear that this document is focussed upon the creation of new urban space, rather than the reactivation of existing spaces.

It is equally clear from the Government Architect's foreword that this document has been produced specifically to support the DP SEPP,<sup>5</sup> and not as part of the otherwise very good recent publications series produced by that office, namely:

- Better Placed
- Draft Greener Places Design Guide
- Connecting with Country
- Design Guide for Heritage
- Urban Design Guide for Regional NSW

The fact that any urban space less than 1 hectare in size is not considered to be within the realm of the Urban Design Guide, which promotes a "place-based approach", speaks volumes. On this basis, the new Urban Design Guide for NSW would not even apply Sydney's Town Hall Square (at approximately only 0.3 hectares) – surely one of the places in NSW most desperate for urban design guidance. In fact, most of the sample sites provided in the document, such as Paddington Reservoir Gardens and Marrickville Library forecourt, would not be applicable under this guideline.

From a heritage perspective, particularly in conservation areas, this is a major oversight. The guidance itself (Objective 16) for "heritage and culture" does not actually provide any advice on the best way to respond to heritage buildings and landscapes. Providing guidance to "retain built features" and "adaptively re-use heritage buildings that are no longer in use" is insufficient



Town Hall Square and Marrickville Library - too small to be considered in the Urban Design Guide

#### The National Trust recommends

• The Urban Design Guide be re-written to be applicable to urban spaces under 1 hectare in size.

<sup>&</sup>lt;sup>4</sup> Design and Place SEPP Overview, p. 8.

<sup>&</sup>lt;sup>5</sup> "I am committed to ensuring the DP SEPP, together with its supporting guides, will deliver better housing and urban design outcomes for communities across NSW", Draft Urban Design Guide, p.5.



#### The Local Government Design Review Panel Manual (LGDRPM).

The National Trust is greatly concerned about the integrity and authority of design review panels, especially where they apply to heritage conservation items and areas.

While this DP SEPP recognises the issues and proposes changes that seek to address these concerns, it opens up new issues. Of particular concern is the clause (35.2) which <u>removes</u> the requirement that consent must not be granted unless a design review panel has reviewed the development. This clause states that an architectural design competition jury, in effect, will become a consent authority.

Architectural design competitions are generally reserved only for major projects in NSW. Recent design competition juries for the Parramatta Powerhouse Museum and the Sydney Harbour Bridge Northern Cycleway would thus not require any design review panel input, or even Heritage Council input, even though design competitions are generally for only high level concepts.

The National Trust recommends				
Clause 35(2) be removed.				

#### Summary

Whilst the National Trust of Australia (NSW) commends the high-level objectives and principles of the DP SEPP, we remain concerned that it will fail to meet these objectives, give adequate weight to heritage or understand the complex planning system heritage operates within.

The National Trust of Australia (NSW) expresses its strong objections to the Design and Place SEPP, which we feel will reduce heritage protection in NSW.

Yours sincerely,

David Burdon Director, Conservation



# **JAMIE PARKER MP**

### **MEMBER FOR BALMAIN**

112a Glebe Point Road, Glebe NSW 2037 Tel: 02 9660 7586 jamie.parker@parliament.nsw.gov.au www.jamieparker.org.au



The Hon. Anthony Roberts Minister for Planning GPO Box 5341 Sydney NSW 2001

Monday, 28 February 2022

Dear Minister,

Thank you for the opportunity to make this submission on the proposed Design and Place SEPP. I am making this submission in my capacity as NSW Greens spokesperson on Planning.

While developers have been gifted enormous windfall profits from re-zonings, pushing costs on to rate-payers and enjoying almost no value sharing, their lobbyists continue to oppose even the most modest common sense design standards in the Draft SEPP.

The development industry has failed to deliver housing stock which meets quality design and climate standards.

It is well beyond time to plan for climate change by putting people and nature at the centre of the planning system. The draft Design and Place SEPP has some positive elements and needs to be far more ambitious to address the climate crisis and provide the affordable, healthy and well-designed homes people need.

Significant work has already been undertaken on this issue and I note the important work of the "<u>Tum</u> <u>Down the Heat</u>" project of the Western Sydney Regional Organisation of Councils (WESROC) and the leading efforts of the NGO <u>Sweltering Cities</u>. We fully support the submission from Sweltering Cities and endorse their leadership on these issues.

In order for any SEPP to be effectively implemented there needs to be enforceable numerical standards and targets. Guidelines or principles will be ineffective in the face of an industry which even objects to ensuring light coloured roofs or yards large enough to plant just one tree.

There are some positive tentative elements in the draft around trees, heat islands and glass shading, However, these measures should go further to include steps such as measuring home energy efficiency against future climate projections As extreme flooding events currently unfolding in Lismore and the Northern Rivers demonstrate, planning and development standards will need to go much further as we grapple with the devastating effects of climate change.

We strongly support the call of Nature NSW who have identified a range of key issues that the SEPP should address, in the <u>Nature NSW SEPP submission</u>.

The SEPP must:

- Include strong, mandatory environmental performance standards
- Close all developer loopholes and remove "flexibility"
- Protect, enhance and increase biodiversity in urban areas
- Maximise mature tree and bushland retention, canopy cover and green space
- Ensure use of energy efficiency and renewable energy to achieve net zero emissions for all new buildings
- Require full electrification no new fossil fuel gas connections for any new development
- Recognise embodied carbon in building materials, with a fast pathway to regulation
- Require comprehensive electric vehicle charging and cycling infrastructure
- Require design features that will keep people cool and safe in a warming climate

When the proposed Design and Place SEPP was at the Explanation of Intended Effects (EIE) stage, we raised three primary concerns. These were around the introduction of a **principles based approach**, the need for reform of the **Building Sustainability Index** and greater emphasis on **green infrastructure** within the SEPP.

After reviewing the documents on exhibition, I make the following additional comments:

### Adopting a principles based approach

In the draft SEPP there are five "design principles" that are each underpinned by a set of "design considerations", providing the outcomes that each of the principles are intended to achieve (Part 2, d 12-23 of the draft SEPP).

Development consent must not be granted unless the authority **is satisfied** that a development **is consistent with** the principles, after **taking into consideration** the considerations.

This does give some strength to the principles however there is still an alarming degree of discretion in how they are to be enforced. Developers, whose primary outcome will always be profit, have become expert at circumventing open ended 'principles'.

At a minimum design principles need to be strengthened such that a consent authority should be satisfied that the outcomes intended in the design considerations **will be achieved**, rather than just **taken into consideration**.

### Improving building sustainability requirements

Some of the recommendations we have been supporting concerning the BASIX framework have been taken up in the draft SEPP, with benchmarks to be updated and reviewed everythree years, embodied carbon emissions in building materials to be included in the index, and developers needing to demonstrate how a new building will become capable of operating at net zero emissions by 1 January 2035.

Of course these changes are designed with the Government's target of net zero emissions by 2050 in mind, which will not be enough to limit average temperature rise to 1.5 degrees. More ambitious benchmarks will be required.

There are also a number of additional reforms that must be included in the SEPP - councils should be free to introduce more stringent building sustainability standards to suit local conditions, renovations with a value of less than \$50,000 should require BASIX certification, and the framework should be expanded to include green infrastructure and stormwater runoff.

#### **Green infrastructure**

We remain extremely concerned about the loss of tree canopy cover and native vegetation in built-up urban areas, which displaces wildlife and makes it harder to keep our suburbs cool. We note that some Councils, like the Inner West Council have introduced policies that have seen the widespread <u>destruction of tree canopy</u>. Support and direction should be offered to Councils in order to ensure that the provision of tree canopy in the development and place making process is not subsequently destroyed via poor Council policies.

We are also concerned with poor biodiversity outcomes that come from encouraging open green space to be primarily grassed areas. Landscaping in new apartment sites or large urban developments must provide the three dimensional planting of grasses, shrubs and canopy cover required to provide habitat for wildlife. Without this type of planting, canopy simply becomes the habitat of aggressive invasive species like the Indian Minor bird as other native birds and wildlife have no place to rest, nest and evade aggressive species.

We are pleased to see these issues reflected in the draft Urban Design Guide and draft Apartment Design Guide however again we support far greater ambition in terms of targets and requirements for implementation.

Thank you again for the opportunity to make this submission on the draft Design and Place SEPP.

Please don't hesitate to contact my office on (02) 9660 7586 should you wish to discuss this in any further detail.

Yours sincerely,

Jamie Parker MP Member for Balmain

Submitted on Mon, 28/02/2022 - 23:38

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### **1.1** NAME

First name Ann

Last name Nielsen, On behalf of Parramatta Climate Action Network

I would like my submission to remain confidential No

### **1.2** INFO

#### Email

Suburb/Town & Postcode Winston Hills

Please provide your view on the project I object to it

Submission file design-and-place-sepp-submission-2022-parracan.pdf

Submission I have uploaded the ParraCAN submission

I agree to the above statement

Yes

### This submission is on behalf of Parramatta Climate Action Network, North Rocks 2151

Reading through the Draft Guidelines there is a lot of information about the environment and renewable energy but please mandate this, don't make it optional. These planning rules should not be guidelines but should be binding regulations implemented in a consistent and transparent manner without loopholes.

The new planning policy must include strong, mandatory environmental performance.

Flexibility for developers allows them loopholes and allows them more opportunities to include conditions that are not currently allowed. This is not acceptable.

The Guidelines appear to protect and enhance biodiversity in urban areas but as they are only guidelines this is not assured. Biodiversity is not only essential for the species that still live in our suburbs but must be enhanced for the benefit of these species as well as for the mental health of the people living in the area. Mature trees are important for shade and reducing climate change so must be retained at all costs.

Energy efficiency and installing renewable energy to achieve net-zero emissions for all new buildings. must be mandated to keep the area cooler as well as for saving money. Part of this renewable energy program should be full electrification of all houses and businesses with no gas allowed in these buildings. Part of this electrification will be growing use of electric cars so electric vehicle charging should be installed in all car parks.

It's time to put people and nature at the centre of the planning system, and the draft Design and Place SEPP could be a big step in that direction.

Submitted on Mon, 28/02/2022 - 22:17

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### **1.1** NAME

First name Michael

Last name Rosettenstein

I would like my submission to remain confidential No

### **1.2** INFO

Email

Suburb/Town & Postcode Pennant Hills 2120

Please provide your view on the project I support it

Submission file phdct-submission---nsw-2021-draft-design-and-place-sepp..pdf

**Submission** Note that PHDCT's support is not unreserved, and there are significant qualifications

I agree to the above statement

Yes



Pennant Hills District Civic Trust, Inc.



February 27, 2022

Ms Abbie Galvin

NSW Chief Government Architect Department of Planning, Industry and the Environment Locked Bag 5022 Paramatta NSW 2124

#### Submission – Draft NSW Design and Place SEPP

Dear Ms Galvin

1) The design principles are a good, and merit strong support. It is the right direction for NSW Residents, present and future.

2) To succeed, it must be applied consistently and without loopholes for dilution by special interests. This is the potential "Achilles Heel" of a principles based code.

To illustrate, the Planners of this 1970s Soviet precinct no doubt would have been strongly in favour of the 19 Objectives, and believed they met them in letter and spirit, albeit by "mitigation" on certain points.

https://www.reddit.com/r/UrbanHell/comments/b3d5g5/soviet\_architecture\_in\_moscow\_russian\_f ederation/

The Property Council's published submission is all about demands for "flexibility" to give Communities "less" and Developers "more" <u>https://www.propertycouncil.com.au/Web/Content/Submissions/NSW/2021/Design and Place Sta</u> te Environment Planning Policy.aspx

3) The code for NSW Complying developments applying to existing suburbs is by far the greater part of our urban space, and rapidly getting infilled in a fashion without design principles at all.

HomeWorld Box Hill is a prime example. To prove this point, imagine replacement all the existing housing stock in Sydney (which is currently happening at speed), with drag & drop of those designs, and all of Points 13-19 are grossly violated. The plummeting private tree canopy in our LGA is evidence enough.

The spirit of how piecemeal development is done on small lots are not covered by the Urban Design Guide. This needs to be rapidly brought into line, and we greatly hope the next HomeWorld would accordingly look very different. This would include smaller, and more energy conscious designs which are today conspicuous by their total absence.

4) 14.3 of the UDG on Shared Public Facilities e.g. School Fields is applauded. So the obvious action is for State Government to scale this across the State without further delay using existing facilities. This implies "Share our Space" for the Community before school, after school, on weekends as well as school holiday periods. It would also apply to facilities such as tennis courts, swimming pools.

NSW Private Schools have all benefited equivalently via Federal funding, so there is no reason why they should not open up in equivalent fashion, with a contribution for any additional insurance/maintenance.

5) We do not support 15.3 regarding Apartments in its current form, which is far too vague. This looks like a massive "de facto" rezoning initiative. It needs significantly more detail and discussion, rather than "lurking in the small print" with such modest detail. How should a Panel interpret this?

Previously Apartments were part of the State strategy near major transport corridors which is well understood. This could well evolve at cross-purposes with carefully planned Council Strategy, and Councils would have to "pick up the pieces". There are plethora of issues surrounding the application of Principle 15 that would need much more definition.

5) We are responding to the BASIX replacement in a separate detailed submission. The standard should be very significantly more ambitious to be fit for purpose, defining the dwellings that will house us for the next 2-3 generations.

To illustrate, one of our Member's house built with trivial oncost back in 2010, easily surpasses the proposed 2021 NSW standard. Yet not a single show home in whole of the lastest HomeWorld village in Box Hill has aspired that far or even offers an option in the brochure. The legal minimum is offered as if it was a bonus added feature.

The industry should hang its head in shame at the disregard for the Climate Change topic, and for the householder – comfort and energy costs. Let us have instead a standard that befits a developed country in this day and age.

**Best Regards** 

Michael Rosettenstein President,

Pennant Hills District Civic Trust Inc.,

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e:		
e:		



Submitted on Mon, 28/02/2022 - 09:49

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name David

Last name Palmer

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode Avalon Beach 2107

Please provide your view on the project I support it

#### Submission

Pittwater Natural Heritage Association supports the State Government's initiative in developing planning policy that makes our towns and cities more liveable and sustainable into the future.

In our view, the Planning Department's draft "Design and Place State Environmental Planning Policy" will improve the current planning policies which are responsible for unsustainable suburbs which use huge amounts of energy.

We would like to see in the new policy:

- Strong, enforceable environmental performance standards
- Increased biodiversity in urban areas
- Regulations to maximise tree cover in urban developments
- · A plan to achieve net zero emissions in all new buildings
- · No more gas connections to new suburbs
- · Legislation to achieve the above drafted tightly so as to remove all "loopholes"

#### David Palmer

Secretary, Pittwater Natural Heritage Association

I agree to the above statement Yes

Submitted on Mon, 28/02/2022 - 12:09

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

### Name

First name Douglas

Last name McCloskey

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode 2000

Please provide your view on the project I support it

Submission file <u>22-02-28-piac-sub-to-dpe-on-review-of-basix-and-sustainability-measures---final.pdf</u>

#### Submission

Please contact Douglas McCloskey for any further comments or clarification. Independent work by Renew is presented as part of PIACs submission to accomodate the single file submission restriction.

I agree to the above statement

Yes


# Submission to Sustainability in Residential Buildings: Proposed BASIX Changes

28 February 2022

Public Interest Advocacy Centre ABN 77 002 773 524 www.piac.asn.au

Gadigal Country Level 5, 175 Liverpool St Sydney NSW 2000 Phone +61 2 8898 6500 Fax +61 2 8898 6555

# About the Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) is leading social justice law and policy centre. Established in 1982, we are an independent, non-profit organisation that works with people and communities who are marginalised and facing disadvantage.

PIAC builds a fairer, stronger society by helping to change laws, policies and practices that cause injustice and inequality. Our work combines:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change and public interest outcomes.

# Energy and Water Consumers' Advocacy Program

The Energy and Water Consumers' Advocacy Program works for better regulatory and policy outcomes so people's needs are met by clean, resilient and efficient energy and water systems. We ensure consumer protections and assistance limit disadvantage, and people can make meaningful choices in effective markets without experiencing detriment if they cannot participate. PIAC receives input from a community-based reference group whose members include:

- Affiliated Residential Park Residents Association NSW;
- Anglicare;
- Combined Pensioners and Superannuants Association of NSW;
- Energy and Water Ombudsman NSW;
- Ethnic Communities Council NSW;
- Financial Counsellors Association of NSW;
- NSW Council of Social Service;
- Physical Disability Council of NSW;
- St Vincent de Paul Society of NSW;
- Salvation Army;
- Tenants Union NSW; and
- The Sydney Alliance.

#### Contact

Douglas McCloskey Public Interest Advocacy Centre

Website: www.piac.asn.au



Public Interest Advocacy Centre

@PIACnews

The Public Interest Advocacy Centre office is located on the land of the Gadigal of the Eora Nation.

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# 1. Introduction

The Public Interest Advocacy Centre (PIAC) welcomes the Consultation Paper, '*Sustainability in Residential Buildings: Design and Place* (The Paper). PIAC strongly supports the process to review and upgrade BASIX standards to meet or exceed those of the updated National Construction Code 2022 (NCC).

Improved efficiency of residential buildings will be key to NSW meeting the Government's commitment to cut emissions by 50% by 2030, on the way to a net-zero economy by 2050. Research and modelling from Government, academia, industry and community experts consistently confirms that achieving a zero-carbon energy system and net-zero economy is impossible without significiant improvements to building energy efficiency.

BASIX is primarily focused on improving efficiency to support reduced household related greenhouse emissions. Emissions from household energy usage are associated with the energy needed to support the health and wellbeing of occupants. New housing has a lifespan of decades and decisions regarding the building envelope, fixtures and energy connections continue to have impacts on the owners, occupants and the energy system for decades. Assessment of BASIX must be based on its impact on ongoing outcomes for occupants.

This is no time for incrementalism. Failure to implement future focussed decisions now has serious ongoing implications for household health, resilience and energy related housing costs over the long term. Failure would also have ongoing implications for the NSW Government's emissions reductions objectives. Insufficient action now reduces the efficiency and flexibility of the energy system in the long term, making the transition more expensive for all.

Poor decisions now will have social equity outcomes, disproportionately impacting future renters and other households facing barriers to energy efficiency retrofits. There is no existing market mechanism to ensure that rental homes are upgraded to improve efficiency standards after construction. Once built and rented out, the performance of rental homes, and the impact on the health wellbeing and costs of households, will be locked in.

Addressing the efficiency and long-term suitability of housing through forward-focussed upgrades to BASIX is vital to climate policy, and the future equity of access to affordable, healthy housing for all NSW households. This upgrade of BASIX is an opportunity to ensure the right decisions are made now. BASIX upgrades should regard expended NCC upgrades as a minimum and set NSW as a leader in housing that is ready for the future, now.

PIAC notes the submission from Renew<sup>1</sup> in response to this process and highlights their findings regarding the benefits to households in Western Sydney.

<sup>&</sup>lt;sup>1</sup> Renew '<u>Submission in response to review of BASIX'</u> 28 February 2022

# 2. Ensuring BASIX supports Government policies and objectives

PIAC strongly recommends the NSW Government consider improvements to BASIX in the context of its wider climate policy, energy transition, health and affordability policy objectives. The proposed improvements to BASIX do not consistently support established Governement priorities and policies to respond to climate change, transition the energy system, and support improved household energy affordability, health and resilience.

# Health and household resilience

Efficient housing helps households withstand the more frequent extremes of heat and cold resulting from a changing climate. Importantly, it helps ensure these outcomes require less energy usage. Households in NSW are increasingly vulnerable to winter cold and extreme summer heatwaves. More people die as a result of heat waves than any environmental disaster in Australia<sup>2</sup>. This will only increase with the impacts of climate change. The NSW Government has identified resilience as a key policy consideration in areas such as energy network planning, water, bushfire preparedness and community infrastructure and services planning. However, the importance of the energy efficiency of residences in supporting household health and resilience has not been adequately considered in this process. We believe that the analysis of benefits from BASIX improvements understates the importance of home energy performance to the health, wellbeing and resilience of residents and communities.

# Housing affordability

Electricity is an essential service, the cost of which is inextricably linked to the cost of housing for renters and owners alike. Housing affordability in NSW – and particularly the growth areas of Sydney – is at an all-time low, with serious implications for social equity and household wellbeing. The NSW Government has identified housing affordability as a long term policy priority. While influencing housing purchase prices or rents is complicated, housing energy efficiency standards are an opportunity to reduce ongoing costs of housing by reducing the energy required to make homes livable.

Analysis of the proposed BASIX improvements focuses narrowly on the upfront costs of improved efficiency and overstates the impact of these costs on the overall cost of new housing to consumers. Additionally, the analysis does sufficiently recognise the impact of ongoing household cost reductions related to reduced energy usage and the absence of connecting and maintaining a gas network connection. The median price for a detatched house in Sydney is \$1.5 million<sup>3</sup>, with the median lot-price of land over \$500,000<sup>4</sup>. Any potential increased costs associated with the proposed energy efficiency measures are immaterial contributors to the cost of a new homes in relation to these amounts.

<sup>&</sup>lt;sup>2</sup> Doctors for the Environment Australia <u>'Heatwaves and health in Australia: Fact sheet'</u> 2020

<sup>&</sup>lt;sup>3</sup> ABC '<u>Sydneys median house price now over \$1.6m but massive growth expected to slow</u>' 27 Jan 2022

<sup>&</sup>lt;sup>4</sup> AFR '<u>Sydney land prices surge 27% in a year' 27 October</u> 2021

<sup>2 •</sup> Public Interest Advocacy Centre • Submission to Sustainability in Residential Buildings: Proposed BASIX Changes

Renew recently undertook analysis<sup>5</sup> in response to the National Construction Code update process. This analysis demonstrated that lifting thermal efficiency to the equivalent of NatHERS 7 Stars (and preferably 7.5 stars), ensuring electric only households and introducing a strong energy budget with efficient appliances and solar PV leaves households better off immediately and over the long term through energy cost reductions. Renew modelled the energy use and costs of a medium-large detached home in Sydney. When compared to business as usual (existing BASIX standards with a dual fuel connection), 7 Star all-electric new homes with strong energy budgets reduced annual bills by over \$1650. The bill savings enjoyed by households were greater than the potenitial additional monthly mortgage payments required to cover any upfront costs related to efficiency, meaning that households were \$85 a month better off from day 1 of their loan. These savings would flow through to rent of these properties, benefiting renters by reducing the owners burden of debt and reducing the running costs of the home, while making it healthier and more liveable.

PIAC has included RENEW's tables presenting comparative Sydney findings (East and West Sydney) in Appendix 1 as an attachment to this submission.

## **Emissions reductions**

The proposed BASIX update and its 'fuel neutral' approach locks in further, dangerous methane gas emissions. The NSW Government has strong targets for emissions reductions, with an objective of 50% emissions reductions by 2030 on the way to a net-zero emissions economy by 2050. PIAC strongly supports this objective and believes that more is possible.

Methane is a catastrophic greenhouse gas, increasingly recognised to be more a more significant contributor to climate change over a 20 year timeframe than carbon dioxide<sup>6</sup>. Retaining the possibility of of keeping global warming to between 1.5-2 degrees depends on addressing methane emissions as a matter of urgency. Retaining the option for new gas connections locks in increasing methane distribution (and associated fugitive emissions) as well as associated costs and health risks to households<sup>7</sup>. This is not consistent with NSW Government policy on 2030 emissions or its commitment to support the Paris Climate target to keep warming between 1.5-2 degrees.

The creation of Renewable Energy Zones and the implementation of a range of supporting strategies to decarbonise generation are aiming for a rapid reduction in the emissions intensity of the electricity system in NSW. These policies, alongside the accelerated withdrawal of coal fired generation will dramatically reduce the emissions intensity of electricity generation by 2030. The proposed BASIX improvements make incremental contributions, by improving residential building efficiency. But the proposed improvements do not implement the future-focussed measures that will be required in the coming decades. Retaining the option of gas network connections, assuming that methane is less emissions intensive than grid-sourced electricity, is shortsighted and incorrect, based upon static (and overstated) assumptions regarding the emissions intensity

<sup>&</sup>lt;sup>5</sup> RENEW <u>'Housholds better off: lowering energy bills with the 2022 national Construction Code'</u> August 2021

<sup>&</sup>lt;sup>6</sup> Nature <u>'Control methane to slow global warming – fast'</u> 25 August 2021

<sup>7</sup> Vox 'Gas stoves generate unsafe levels of indoor air pollution' 11 May 2020

Public Interest Advocacy Centre • Submission to Sustainability in Residential Buildings: Proposed BASIX

of grid-electricity. Modelling undertaken by RENEW<sup>8</sup> shows that ensuring all-electric homes through BASIX substantially lowers residential emissions compared to similar dual fuel homes, even when the existing emissions intensity of grid-electricity and gas are used.

PIAC has included RENEW's tables presenting comparative Sydney findings (East and West Sydney) in Appendix 1 as an attachment to this submission.

## Energy transition and energy system efficiency

The proposed BASIX improvements should be considered alongside NSW Government policy to improve the flexibility, efficiency and reliability of the energy system. The NSW Government is currently conducting a process investigating a range of reforms to metering, distributed energy resources, stand alone power systems, electric vehicle charging and community batteries through its consumer innovation consultation. This process is examining measures to integrate distributed energy and ensure the system is capable of optimising the usage of that energy for the benefit of households and the energy system as a whole. Better constructed improvements to BASIX should play an important role.

Residents with solar PV face reduced feed-in tariffs and export constraints to support system stability, reducing the benefit they can draw from their solar generation, and potentially 'wasting' that generation capacity needlessly. Through BASIX newly built homes should be all electric, including solar where possible. Requiring the installation of heat pump hot water and reverse cycle air-conditioning ensures households have the maximum opportunity to:

- Utilise their onsite generation when they have solar, deriving the greatest benefit from their investment, most efficiently, or
- Having large, efficient controllable loads (like water heating) available to use excess daytime electricity generation, to help local network stability for instance, while using low/zero cost energy to store in the form of hot water, vehicle charge or home batteries when they become cost-competive.

The proposed BASIX changes do not go far enough and lock in inefficient decisions that will undermine climate change policy repsonses, increase ongoing costs for households and materially reduce the ability of households to benefit from a more efficient, flexible electricity system.

#### **Recommendation 1**

That the NSW Government consider improvements to BASIX in the context of optimising contribution to other housing affordability, health, climate, resilience and energy system policy objectives and recognise this in cost benefit analyses.

<sup>&</sup>lt;sup>8</sup> NSW Department of Planning & Environment <u>'Promoting innovation for NSW energy customers: consultation</u> <u>paper</u>' December 2021

<sup>4 •</sup> Public Interest Advocacy Centre • Submission to Sustainability in Residential Buildings: Proposed BASIX Changes

# 3. Cost Benefit Analysis Issues

PIAC strongly recommends the Cost Benefit Analysis be revised to more accurately assess the costs and benefits of improved residential energy efficiency. The Consultation Draft indicates the Cost Benefit Analysis (CBA) assessing the proposed BASIX changes follows a similar methodology to that employed for the Consultation Impact Statement (CRIS) for the proposed changes to the NCC. PIAC and other consumer and industry stakeholders strongly disagreed with the assumptions and findings of the NCC's CRIS and highlighted a number of serious concerns in response to it. PIAC is concerned the CBA assessing the proposed BASIX changes has similar issues and contains a range of incorrect and unreasonable assumptions that significantly understate the benefits. The 'qualified' findings of the CBA undermine the ability to make the necessary, robust improvements to BASIX. PIAC is concerned the CBA:

- Undervalues the social cost of carbon emissions
- Does not fully account for the actual emissions intensity of methane gas and its impact on emissions reductions targets. There are also concerns that fugitive emissions from methane production and distribution are materially underestimated<sup>9</sup>.
- Makes conservative assumptions regarding the emissions intensity of grid-sourced electricity that do not account for the increasingly rapid decarbonisation of electricity generation. This does not sufficiently recognsie that houses built now will be drawing on electricity in 2030 and beyond when emissions intensity will be at least 50% less and declining to zero by 2050. The assumptions on grid emissions intensity do not account for the intended withdrawal of Eararing power station and the likelihood of accelerated retirement of emission intensive generations and replacement through renewable energy zone implementation.
- Undervalues the health and wellbeing benefits to households enabled by improved housing efficiency
- Utilises an unreasonably a high discount rate of 7%
- Does not consider the value of the impact of efficiency in affordably supporting better household resilience to extreme weather
- Utilises outdated climate data files that do not reflect current or projected increased temperatures
- Utilises an assumed industry learning rate of 0%, which materially overstates the costs of higher efficiency standards
- Utilises unreasonable and unexplained discount rates for key benefits, such as discounting 70-80% of the benefits of deferred energy network costs

<sup>&</sup>lt;sup>9</sup> SMH '<u>Sydney awash with leaks as reaserch shows the cost of climate gas</u>' September 13 2020

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- Applies rebound effect discounts to energy usage reductions. This is not realistic for home energy use. Extra energy is not used to heat or cool a home that is already comfortable. If extra energy is used, it is providing a health or wellbeing improvement to the household that should be considered a tangible benefit. This is particularly relevant for low-income and other vulnerable households (such as pensioners) who are known to underconsume, with significiant negative health and wellbeing impacts.
- Using wholesale prices rather than retail prices for calculations, which understates the benefits to households from improved efficiency. Assumptions that a benefit to a household is a cost to an energy retailer and therefore a net societal neutral is unreasonable and should not be made in isolation from broader government policy.
- Not including the benefits to society of lower wholesale prices as a benefit.
- The future costs of removing gas connections have not been considered, despite the clear evidence that this will be required to achieve a net zero emissions commitment and retain the possibility of meeting Paris climate targets to keep warming between 1.5-2 degrees.
- The benefits of efficient electrification (including increased load flexibility in response to solar PV generation) have not been appropriately recognized. The opportunity cost of retaining gas connections (including the ongoing fixed costs of maintaining gas network connections, future costs of gas disconnection, and the lost efficiency through inability to utilise large/controllable loads - such as water heating – to absorb onsite generation or assist with periods of daytime minimum demand) have not been accounted for.

#### **Recommendation 2**

That the Cost Benefit Analysis be updated to ensure it correctly assesses the full range of benefits relating to the contribution BASIX improvements make to key Government policy objectives. This update should directly address the concerns raised by PIAC that the current CBA unreasonably inflates costs, does not recognise material benefits and does not consider the long term costs of inadequate action now.

# 4. Stronger BASIX improvements

PIAC recommends the NSW Government take this opportunity to ensure BASIX supports better outcomes for climate change policy, energy system transition policy and household health, wellbeing and social equity policies. BASIX improvements now should deliver the strongest possible standards in residential energy efficiency and ensure that from 2022 all new homes are fit for the future as well as today.

Fuel neutrality is no longer an acceptable position in relation to new residential construction. BASIX must focus on delivering better long term outcomes for households in line with key objectives to:

- Imediately reduce methane emissions and the health impact of methane in homes
- Improve building energy efficiency as part of delivering zero-carbon ready homes now

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- Improve housing cost affordability by delivering better long term household health and wellbeing outcomes through more efficient energy usage
- Support household resilience to the increasing extremes of hot and and cold weather resulting from climate change
- Optimise the capacity of household energy generation and load to contribute to a more flexible, reliable and efficient energy system.

PIAC supports updating the greenhouse emissions factor used when calculating the energy consumption underpinning the models utilised in BASIX. However, considering the extremely long lives of housing assets, and the rapidly acceleration decarbonisation of NSW electricity generation<sup>10</sup>, emissions intensity assumptions must be forward looking. That is, they should be based on what the emissions intensity of electricity will be in 2030 and beyond, on the pathway to a zero-emissions electricity grid. The intent should be to reflect the actual path of electricity system emissions and to strengthen the incentive to make long-term decisions that will optimise the benefits (in affordability, efficiency and climate mitigation) for construction decisions made now.

#### **Recommendation 3**

That the NSW Government make further improvements to BASIX to optimise contribution to housing affordability, health, climate, resilience and energy system policy objectives. This should involve removing the option of gas network connections for new homes and providing a platform for 'zero-carbon ready' homes now.

<sup>&</sup>lt;sup>10</sup> Renew Economy 'Eraring closure will result in more wind, solar and batteries, and less gas' 18 February 2022
Public Interest Advocacy Centre • Submission to Sustainability in Residential Buildings: Proposed BASIX
Chapter • 7



#### Sydney households are better off under higher energy standards

Renew has conducted independent modelling to analyse the costs and benefits to Sydney households of lifting energy standards.

Using the *Sunulator* energy simulation platform, we have compared the energy use of homes under a range of energy scenarios. Using local retail tariffs, appliance costs, thermal shell improvement costs, and emissions factors, we were able to assess in detail household energy bills and savings.

# To account for differences in climate and tariffs, we assessed one home in eastern Sydney (NatHERS climate zone 17) and one home in western Sydney (NatHERS climate zone 28).

Our analysis is of a detached home of 200m<sup>2</sup>.

We have compared a business-as-usual home (a dual fuel home with thermal efficiency equivalent to a 6-Star NatHERS rating) with a similar all-electric home; a dual fuel home with higher thermal efficiency, efficient appliances and solar PV; and an all-electric home with higher thermal efficiency, efficient appliances and solar PV.

The scenarios we examined are as follows:

	6-Star basic dual fuel	6-Star basic all- electric	7-Star efficient dual fuel with solar	7-Star efficient all- electric with solar
NatHERS rating	6	6	7	7
Hot water	Gas instantaneous	Heat pump	Gas instantaneous	Heat pump
Heating	Gas (wall furnace)	Heat pump (basic)	Gas (wall furnace)	Heat pump (efficient)
Cooling	Heat pump (basic)	Heat pump (basic)	Heat pump (efficient)	Heat pump (efficient)
Cooking	Gas	Induction	Gas	Induction
Other appliances	Electric	Electric	Electric	Electric
Solar	None	None	6.6 kW	6.6 kW

Further information and methodology for this analysis is available in Renew's 2021 report *Households Better Off: lowering energy bills with the 2022 National Construction Code*<sup>1</sup>. A similar methodology was followed for this analysis, with updated tariffs and appliance selections.

<sup>1</sup>https://renew.org.au/advocacy/climate-resilient-homes/households-better-off-lowering-energy-bills-with-the-2022-national-construction-code/

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ALTERNATIVE TECHNOLOGY ASSOCIATION TRADING AS RENEW AUSTRALIA

#### Findings

#### Energy bills

Our findings show that more efficient homes reduce bills. Lifting the thermal efficiency of a dual fuel home and adding solar and efficient appliances was found to cut bills by 43% in eastern Sydney and 44% in western Sydney. Meanwhile, all-electric homes led to greater savings: a 7-Star all-electric home with efficient appliances and solar cut bills by 73% in both locations.



#### Investment value

The net present value of the scenarios when compared to the 6-Star dual fuel home as a baseline were positive in all cases. We calculated the NPV over 20 years at a 2% discount rate. Reflecting lower bills and removing the need for the upfront cost of gas appliances and connections, the all-electric scenarios were found to have the highest value.



#### Household cash flow

Using a basic 6-Star dual fuel home as our baseline comparison, we calculate how much of a financial impact each scenario will have on overall monthly household cash flow. For each scenario, we calculate the expected monthly mortgage repayment, including any increased costs of higher energy efficiency standards and appliances. (We have conservatively assumed a 25-year loan term at a 5% interest rate.) We then calculate the expected monthly bills for each scenario, which differ according to energy efficiency and fuel choice. If these savings are higher than any additional costs of monthly mortgage repayments, then households are better off overall. For example, a borrower with mortgage repayments that are \$20 per month higher than the baseline, but with energy bills that are \$50 less than the baseline, is \$30 per month better off from day one of their mortgage.

In all cases, households were found to be better off with higher efficiency when compared to the baseline 6-Star dual fuel home. Savings in energy bills outweighed any additional monthly borrowing costs to meet higher upfront construction costs.



#### Carbon emissions

To determine the carbon emissions of homes in each scenario, we calculated the total gas and electricity required to power each home and applied government emissions factors to calculate total annual carbon emissions associated with energy use. To calculate the impact of having a home solar system, we assumed that energy generated onsite replaced energy purchased from the grid. We furthermore assumed that excess renewable energy generated onsite could be exported to the grid and reduced societal consumption. The emissions impacts of the growth of distributed energy resources (DER) such as solar and the changing structure of the electricity grid have not been considered in this analysis but form an important policy context. Embedded carbon emissions are not considered as a part of this analysis.

We found that increasing thermal efficiency and adding efficient appliances and solar significantly reduced emissions. Due to solar exports to the grid – considered here to be negative emissions – homes with solar had strongly net negative emissions.

Importantly, through solar and other renewables, the emissions of the all-electric homes are expected to fall, while the emissions associated with gas consumed in the dual fuel scenarios are locked in. These findings show that, even with the high amount of coal-fired power generation in the current electricity grid, all-electric homes in Sydney already have lower emissions than a home with gas. Over the lifetime of the house and appliances, as more renewable energy enters the grid, the emissions from all-electric homes will drop further.



#### Comparison of eastern and western Sydney

Our analysis finds that households in western Sydney stand to particularly benefit from increased home energy performance.

Further away from the coast, homes in the western suburbs of Sydney require more heating and cooling to stay at comfortable indoor temperatures. Furthermore, households access different electricity networks, resulting in different tariffs. These factors mean that a household in western Sydney can currently expect to pay more in energy bills than an identical home in the coastal eastern suburbs.

By modelling the two locations, we found that bill reductions from increased thermal efficiency, efficient appliances, solar, and going all-electric are bigger for homes in western Sydney than eastern Sydney.



Setting higher standards would significantly close the gap in energy bills between Sydney's east and west.



#### Appendix: methodology and data

## 1. Energy simulation results

The total annual energy usage and bills of each scenario in **eastern Sydney** are as follows:

Scenario	6-Star dual fuel	6-star all- electric	7-Star dual fuel, strong energy budget	7-Star all- electric with solar
Average daily gas use (MJ)	56.0	0	51.8	0
Annual gas bill (\$)	\$770	\$0	\$730	\$0
Average daily electricity import (kWh)	11.08	14.20	6.64	7.65
Average daily electricity export (kWh)	0	0	20.13	18.25
Annual electricity bill (\$)	\$1,231	\$1,496	\$420	\$546
Total annual energy bill	\$2,001	\$1,496	\$1,150	\$546
Annual bill savings from business as usual	-	\$505	\$851	\$1,455
% savings from business as usual	-	25%	43%	73%

The total annual energy usage and bills of each scenario in western Sydney (Richmond) are as follows:

Scenario	6-Star dual	6-star all-	7-Star dual	7-Star all-
	fuel	electric	fuel with solar	electric with
				solar

Average daily gas use (MJ)	77.0	0	63.7	0
Annual gas bill (\$)	\$969	\$0	\$843	\$0

Average daily electricity import (kWh)	10.52	14.54	5.83	8.03
Average daily electricity export (kWh)	0	0	20.17	17.90
Annual electricity bill (\$)	\$1,177	\$1,511	\$352	\$584
Total annual energy bill	\$2,146	\$1,511	\$1,195	\$584
Total annual energy bill Annual bill savings from business as usual	\$2,146	<b>\$1,511</b> <i>\$635</i>	<b>\$1,195</b> <i>\$951</i>	\$584 \$1,562

2.

#### Tariffs

Gas and electricity tariffs were sought from major retail providers; the tariffs applied in our modelling was the average of retail offerings of three major providers (Origin, Energy Australia, AGL). Tariffs and connection fees differ by location and network, so different tariffs were applied for eastern and western Sydney. Flat tariffs were assumed. The following electricity and gas tariffs were applied:

Location	ELECTRICITY PRICE (\$/kWh)	ELECTRICITY DAILY SUPPLY CHARGE	GAS PRICE (\$/MJ)	GAS DAILY SUPPLY CHARGE	ELECTRICITY FEED-IN TARIFF (\$/kWh)
Eastern Sydney	\$0.233	\$0.791	\$0.026	\$0.654	\$0.059
Western Sydney	\$0.228	\$0.825	\$0.026	\$0.654	\$0.059

#### 3. Appliance and upfront costs

We assumed 7-Star homes to have an additional build cost of \$2,210 over equivalent 6-Star homes, based on ABCB figures.

#### 4. Cooling

We modelled heat pump cooling options (with heat pump units being used for heating as well as cooling in the all-electric scenarios). We assumed non-ducted heat pump systems, requiring one large unit in the living area and three smaller units in bedrooms. Based on online research and previous Renew research, we selected the following models:

Туре	Model	Heat kW	Cool kW	Price	Install cost	Total price
Heat pump (large)	Mitsubishi Heavy Industries SRK63ZRA-W	7.1	6.3	\$1,569	\$800	\$2,369
Heat pump (small)	Mitsubishi Heavy Industries SRK20ZSXA-W	2.7	2	\$1,190	\$650	\$1,840

We included an installation cost for each heat pump unit (a total of four units).

#### 5. Heating

Wall furnace gas heating was assumed. We assumed four heating units required in total, including main living area and bedrooms. Based on industry interviews and previous Renew research, we have assumed a total capital expenditure for purchase and installation of \$4,900. All-electric homes used reverse cycle air conditioners for heating as well as cooling, so an additional heating cost was not added.

#### 6. Gas connection

We assumed a cost to connect the newly constructed home to the gas network, including pipes and meter, at \$1,500. This cost was included for all dual-fuel scenarios but not included for all-electric scenarios.

#### 7. Hot water

The following options were included:

Туре	Model	Price	Installation	Total
Instantaneous gas	Infinity 26	\$1,395	\$600	\$1,995
Heat pump	Stiebel Eltron 302L	\$3,700	\$1,000	\$4,700 (\$3,512) *

\* An STC discount of \$1,188 was applied to the heat pump hot water option, resulting in a total cost of \$3,512.

#### 8. Cooking

Based on online research of common models, we assumed a gas cooktop to have a purchase cost of \$500 and an installation cost of \$170, for a total expenditure of \$670. We assumed an induction cooktop to have a purchase cost of \$750 and an installation cost of \$250, for a total expenditure of \$1,000.

The baseline cost of a mortgage was based on the average loan amount for a newly built home in Sydney in May 2021 of \$669,796.

#### 9. Carbon emissions

Emissions intensity metrics from the National Greenhouse Accounts Factors<sup>2</sup> were used to calculate the carbon emissions in each scenario. It should be noted that these figures are likely to significantly understate fugitive emission from gas. Identical emissions factors were assumed for eastern and western Sydney. The emissions intensity applied was an addition of Scope 2 and Scope 3 emissions, as follows:

<sup>&</sup>lt;sup>2</sup> https://www.industry.gov.au/sites/default/files/August%202021/document/national-greenhouse-accounts-factors-2021.pdf

Location	Electricity emissions factor (kg co2-e / kwh)	Gas emissions factor (kg co2-e / gj)
Sydney	0.85	64.6



Elizabeth Elenius, Convenor

28 February, 2022

Draft Design and Place State Environmental Planning Policy

Submission to Department of Planning Industry and Environment

Pyrmont Action Inc. was established in 2003 to work with State and Local Governments and the local community to improve the physical and social amenity of our suburb.

We generally support the requirements to be met by proponents for development in preparing Master Plans and Development Applications; and to be used by State and Local Government planners in the assessment of those plans. In particular, the policy appears to place strong emphasis on minimization of adverse impacts of development on residents and public amenity. This strong emphasis on communities is commended.

We are unclear whether the provisions of this policy will apply to Sites of State Significance, noting that currently they are exempt from the requirements placed on all other developments. We have seen the results of such exemption in the redevelopment of Darling Harbour, and, more recently, in the draft Master Plan for the Blackwattle Bay State Significant Precinct. DPIE has received an unprecedented number of submissions, mostly opposing this Strategy, and has, only recently lodged its Response to Submissions for public scrutiny.

Unfortunately, another team at DPIE has been required to incorporate the height and other provisions in the draft Blackwattle Bay Master Plan within the Pyrmont Peninsula Place Strategy (PPPS). These are directly contrary to many of the provisions in the Design and Place Environmental Planning Policy which include: overall design quality; the requirement to minimize adverse impacts on residents and public amenity (noting the site's proximity to the Western Distributor and the Hymix batching plant); does not detract from the desired (by whom?) character (noting the PPPS's Direction 2 which calls for development that complements or enhances the area); maximise equitable public access to public spaces; and provide vibrant and affordable neighbourhoods.

The Design Review Panel Manual outlines which projects must be referred to such panels established by Local Governments and, in some instances by the NSW Government (State Design Review Panels). The Department of Planning invited Pyrmont Action Inc to nominate an Observer on such a Panel which was examining the draft Master Plan for a proposed six-star hotel on The Star's current site in Pyrmont. I was that Observer and was invited to provide comments on the proposal but not to ask questions. My participation was covered by a non-disclosure agreement, so I was unable to share any information regarding the proposal with our members. At the second SDRP meeting, at which The Star presented its Response to the initial observations from the first meeting, I did not receive prior access to the changes, which hampered my ability to provide comment. Whilst we were grateful to be allowed to have a representative sit in on the deliberations of the Panel, we would recommend that community representative/s be afforded full membership to enable them to provide constructive input based on local knowledge, and to question proponents.





We note the ability for developers to propose "alternative design solutions" but question how these will be assessed. What may appear to be an "improvement" to a developer, may be the direct opposite to members of affected communities. To what extent will developers have to meet the criteria set out in this Policy. We recommend that **all** developments be required to meet the standards outlined in the Policy. We also note that the policy won't apply to "developments under the Codes SEPP or amend indicative plans under Growth Centres DEPPs or Aerotropolis SEPP. However, "future ILPs and precinct plans will need to take the provisions of the policy into account". Does that mean the Pyrmont Peninsula Place Strategy will need to be amended? Will INSW be required to meet these provisions in its plans for Blackwatlle Bay SS Precinct? We recommend that they should be required to take them into account in implementing and finalizing both these precinct plans.

We strongly support Objective 14 which recommends that "public facilities are located in key public places, supporting community and place identify". This objective promotes the "co-location of public facilities so they activate the public realm". We have been seeking the redevelopment of a moribund City of Sydney community space (Maybanke Community Centre) which is centrally located near public transport and the retail district (which has been suffering since the removal of its 2 banks, and as a result of Covid). The site is close to the popular Pyrmont Community Centre and its use as a regional Sports and Recreation Centre would attract people back to Pyrmont Village and help its revitalization. The PPPS, including the Blackwattle Bay Precinct Strategy, proposes provision of community facilities on the fringes of the Pyrmont Peninsula which is contrary to this objective. At this stage the site is categorized by the City of Sydney for "capacity improvements" and was depicted as a steeply sloping park in the PPPS Implementation documentation. We recommend that DPIE works with the City of Sydney to fulfill the ambitions of Objective 14 by ensuring developer contributions from the implementation of the PPPS can be directed to the redevelopment as the Maybanke Community Sports & Recreation Centre on this centrally-located public site.

We particularly commend inclusion of measures to reduce carbon emissions, including consideration of reduction/minimization of the carbon footprint of building materials. We would also like to ensure that the requirements for the installation of EV charging are incorporated into developments associated with the PPPS, including the new Sydney Fish Markets currently under construction. We have asked INSW and the contractor to ensure the power supply to the new building which includes a large public carpark, is sufficient to support EV charging stations but have been advised that they are not proposed for this important new government facility. Noting that the minimum EV requirements in this policy are for a minimum 20% of EV-ready parking spaces for non-residential uses we recommend that this policy be mandated for this and all other new PPPS developments.

We look forward to the early implementation of this important planning policy.

Elizabeth Elenius, Convenor



Submitted on Thu, 24/02/2022 - 16:18

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation



First name Francis

Last name Breen

I would like my submission to remain confidential No

# 1.2 INFO

Email

Suburb/Town & Postcode 2041

Please provide your view on the project I object to it

Submission file dp-sepp-submission-24-feb-22.pdf

#### Submission

We are writing in relation to the NSW Government's proposed Design and Place State Environmental Planning Policy (DP SEPP), which is currently being exhibited. The proposed SEPP provides for a flexible, principles-based approach to planning. We are concerned about two important aspects of the proposed DP SEPP.

Our first concern is the proposed move to relying solely on a principle place-based approach to deliver healthy and prosperous living spaces for people, community and Country across NSW.

Our second concern is the absence of any specific and firm proposals to protect, enhance and increase biodiversity in our urban areas.

Please refer to the attached letter.

Francis Breen President

24 February 2022

I agree to the above statement Yes



Ryde - Hunter's Hill Flora and Fauna Preservation Society



Member of Nature Conservation Council of N.S.W.

Department of Planning & Environment 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150.

#### Re: Proposed Design & Place SEPP

We are a local environment group established over 55 years ago. The aims and objectives of the Society include-

- Respect for the land and its flora and fauna and original custodians:
- The education of the membership and the community, particularly in the local area, in nature conservation and protection of the environment.
- The promotion of ecologically sustainable land use and development at the local, state, national and international levels.
- Advocating measures at the local, state, national and international level necessary to safeguard the environment from all forms of pollution to ensure, clean air, clean water and a healthy environment and address climate change.

The Society has been actively campaigning over many years on the mitigation of climate change, ceasing further exploitation of fossil fuels, supporting renewable energy, protecting native forests and wildlife, opposing destructive land clearing and preserving our precious biodiversity.

We are writing in relation to the NSW Government's proposed Design and Place State Environmental Planning Policy (DP SEPP), which is currently being exhibited. The proposed SEPP **provides for a flexible**, **principles-based approach to planning.** We are concerned about two important aspects of the proposed DP SEPP.

Our first concern is the proposed move to relying solely on a principle place-based approach to deliver healthy and prosperous living spaces for people, community and Country across NSW.

We agree that ambitious principles are essential, but planning authorities should have clear targets and the community have confidence they will be achieved. The document of Intended Effects treats basic environmental and liveability requirements as 'matters for consideration' by using 'flexibility', 'trade-offs' and 'moving away from prescriptive controls'. Outcomes will be delivered by a 'good design process' using non-binding "guidance" documents. This approach has been adopted as documented in the Design and Place SEPP Overview (December 2021).

In our view this is not satisfactory, as instead of projects being benchmarked against clear best practice targets, decision makers, including local councils and the community, will be required to analyse a complex range of documents that merely consider the environment and liveability. We understand that developers

will be able to use alternative assessment methods that will best suit their own desired outcomes. This severely limits the capacity to fully assess the proposed developments and to put forward alternative proposals that cater to and reflect the best interests of the broader community.

Relying on non binding guidance documents has been problematic following the downgrade of Development Control Plans to this status. Decisions in the Land and Environment Court have been made that are inconsistent with DCPs on the basis that such planning instruments are non-binding. Extending the nonbinding guidance concept via the proposed SEPP will weaken measures for protecting the environment and liveability of our urban areas. The government's SEPPs must be based on established ESD principles in order to genuinely achieve ecological sustainability. Anything less will not provide the improved design quality and environmental outcomes required.

We urge that the proposed Design and Place SEPP adopts a prescriptive approach which sets out specific targets that are required to be met. These specific targets must ensure that the NSW Government target of net zero emissions by 2050 is met. Progress towards these targets must be monitored and action taken to make sure the 2050 target is realised.

As proposed, it appears that the only part of this that is 'mandatory' is the requirement to 'consider' the items under the draft DP SEPP. This will fail us into the future. **The community needs to believe that they can trust in and influence the planning instruments and processes governing built development and the best possible outcomes.** 

Our second concern is the absence of any specific and firm proposals to protect, enhance and increase biodiversity in our urban areas. The draft DP SEPP makes no mention of biodiversity and the relevant design principles and design considerations set out Section 12(d) of the draft DP SEPP simply states,

#### ' to deliver sustainable and greener places to ensure the well-being of people and the environment'

Biodiversity should at least have the same status and emphasis as reducing emissions and water, energy and materials efficiency. It is critical to urgently mitigating climate change that tree canopy providing dense shade, native vegetation plantings and maximum green space (no synthetic turf) is integral to every new development. Habitat corridors and survival for our urban wildlife also need to be taken into account.

We urge that protecting, enhancing and increasing biodiversity and managing for a rapidly changing climate are recognised as primary objects of the proposed DP SEPP.

The Design & Place SEPP is an opportunity to make the built environment greener and healthier for people. In March 2021, Minister Stokes reportedly told a City of Sydney briefing the DP SEPP would be the planning system's biggest lever for making buildings environmentally sustainable and helping the NSW Government reach its target of net zero emissions by 2050.

A strong DP SEPP will be an important step in achieving net zero emissions from buildings and adapting to climate change. This means:

- o no developer loopholes and strong mandatory environmental performance standards
- protecting, enhancing and increasing biodiversity
- o maximum mature tree and bushland retention, canopy cover and green space
- o maximising energy efficiency and renewable energy to achieve net zero emissions for all new buildings
- full electrification no new fossil fuel gas connections
- o recognising embodied carbon in building materials, with a pathway to regulation
- $\circ$  ~ comprehensive electric vehicle charging and cycling infrastructure
- o urban heat-ready buildings, which plan for future heat stress in a warming climate.

We support a strong Design and Place SEPP that reduces emissions from the built environment and prepares for a hotter future, protects, enhances and increases biodiversity and adopts a prescriptive approach which sets out specific targets that are measurable and required to be met. Without mandatory development requirements and a strategic reportable monitoring system the community has limited guarantees that the new SEPP is functioning in the manner intended.

It is critical that NSW has a robust future-ready prescriptive SEPP that is equal to dealing with the scale of the climate challenge that is facing us all.

Sincerely,

Francis Breen President

24 February 2022

Submitted on Mon, 28/02/2022 - 21:43

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name Stefanie

Last name Matosevic

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode Sydney, 2000

Please provide your view on the project I support it

Submission file shelternsw\_dpsepp\_submission.pdf

Submission See attached.

I agree to the above statement Yes



NSW Department of Planning and Environment

State Environmental Planning Policy (Design and Place)

Shelter NSW submission

28 February 2022



### **About Shelter NSW**

Shelter NSW is a non-profit organisation that conducts housing research and advocacy on behalf of households on ordinary incomes — those in low- and moderately-paid work, in casual or part-time employment, or getting by on government support payments. We were founded in 1975 as a member-based organisation that today represents a diverse network of other organisations and individuals who share our vision of a sustainable housing system that provides a secure home for all.

We pursue our vision through critical engagement with policy, practice and thought leadership. We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality. We are especially concerned for lowincome households which struggle to afford good quality and well-located housing in the private market.

### About our submission

Shelter NSW (Shelter) welcomes the opportunity to comment on the <u>draft Design and Place</u> <u>State Environmental Planning Policy</u> (DP SEPP), and associated exhibited documents including the <u>Environmental Planning and Assessment Amendment (Design and Place) Regulation</u> (EPA Amendment), <u>Draft Apartment Design Guideline</u> (ADG), <u>Draft Urban Design Guide</u> (UDG), <u>Draft Local Government Design Review Panel Manual</u>, and <u>Sustainability in Residential</u> <u>Buildings</u> (BASIX changes). These documents have been prepared by the Department of Planning, Infrastructure and Environment (DPIE) and the Government Architect of New South Wales (GANSW).

Shelter's ongoing review of the planning system has presented evidence that the private housing market and a majority of existing planning mechanisms are failing to deliver housing solutions that address the unmet housing needs of affordability, quality, suitability and choice. Shelter NSW is primarily concerned about the impacts of poor-quality housing, particularly on low-income households. Lower-cost properties are being steadily replaced with new ones at higher rents, and the poorest quality housing is filtering down to the lowest income earners, creating new concentrations of disadvantage.

NSW is changing rapidly to accommodate a growing population. In the context of the COVID-19 pandemic, more frequent climate change weather events, and increasing traffic congestion, it is apparent that new development must meet a number of critical challenges facing NSW.

From Shelter's perspective, we see the DP SEPP as an opportunity to address these major challenges and ensure that our homes and neighbourhoods are fit-for-purpose and future-proofed by continuing to deliver and improve best practice design. Overall, we strongly support the intent and direction of the DPSEPP, however we raise some concerns about principles-based assessment, the importance of minimum standards, and issues specific to regional development. As such, we have made a series of comments and recommendations

regarding the provisions in the SEPP which aim to provide potential solutions for consideration.

We commend DPIE and GANSW's commitment and leadership to facing these critical challenges through the DP SEPP. We implore the government to remain committed to continuing to address these issues and recognise the widespread industry support for the DP SEPP.

If you wish to discuss our submission in more detail, please contact Stefanie Matosevic on

rg.au or our CEO, John Engeler, on

Sincerely Yours,



John Engeler Chief Executive Officer, Shelter NSW Stefanie Matosevic

Policy Officer, Shelter NSW

# Key takeaways

- 1. Shelter NSW strongly supports the DP SEPP. We see the DP SEPP and supporting documents as a way to improve housing outcomes for low income households in NSW.
- 2. Minimum standards for core amenities should be retained. There are risks associated with a principles-based system. Minimum standards and design criteria act as a safeguard for DA planners to refuse developments with poor amenity and are important to protect households on ordinary incomes.
- **3. Generally, the language is vague and imprecise.** Examples of vague and ambiguous language leaves too much room for interpretation. All language, including in the principles and objectives should be clear, concise and consistent.
- **4.** There should be more clarity around potential 'trade offs'. We are concerned that trade-offs may be sought for not meeting certain standards of baseline amenity.
- **5.** Non-market housing should be delivered at the same standard. We are concerned flexibility for affordable housing could lead to poorer outcomes.
- **6.** There are some issues around the applicability of the DP SEPP in regional areas. We seek more specificity in the DP SEPP on its application in regional areas, which are significantly different to cities.

# The importance of the DP SEPP

NSW is rapidly evolving to accommodate the growing number of people that wish to enjoy its unmatched lifestyle and employment opportunities. In the context of climate change, population growth and the pandemic, it is critical that new development is designed to meet the critical challenges of the future; development that will last, be comfortable, accessible and energy efficient.

Despite this, we are too frequently faced with the reality that some development is not fit for purpose, adaptable or future proofed. The effects of climate change are being felt with more frequent and severe heatwaves and weather events that require good environmental design to combat<sup>1</sup>. The pandemic highlighted the importance of internal amenity in apartments, and neighbourhood amenity such as quality green spaces, safe walking paths and basic services within walking distance<sup>2</sup>. New greenfield communities have suffered from poor accessibility and walkability, leading to an overreliance on private vehicles and worsening traffic congestion. And while the ADG and BASIX currently set a strong baseline, both are in need of updating to respond to the challenges of 2022 and beyond.

What has become obvious is that good design has important economic, social and environmental benefits that cannot be ignored. Good design can no longer be considered a 'nice to have'. The option to walk or cycle instead of drive, the ability to enjoy green spaces, the knowledge that you can cool or heat your house as necessary, accessibility, privacy, sunlight and fresh air are the right of everyone in NSW. The design requirements set out in the DP SEPP and related documents provide an important standard baseline that ensures new building and communities enhance lifestyles, wellbeing, and productivity, and can meet the unique challenges we face in 2022 and beyond.

<sup>&</sup>lt;sup>1</sup> University of Technology Sydney (2019), '<u>The danger of heat and cold across Australia: Cold temperatures are</u> <u>not nearly as deadly as heat, with around 2% of all deaths in Australia related to heat</u>', ScienceDaily, 11 September, accessed 11 February 2022

<sup>&</sup>lt;sup>2</sup> Bolleter, J., Edwards, N., Cameron, R., Duckworth, A., Freestone, R., Foster, S. and Hooper, P., (2022), <u>'Implications of the Covid-19 Pandemic: Canvassing Opinion from Planning Professionals</u>', *Planning Practice & Research*, Volume 37, Issue 1, pp 13-34, doi: 10.1080/02697459.2021.1905991

# Shelter NSW's interest in the SEPP

One of Shelter NSW's key policy objectives is to advocate for appropriate and high-quality housing for NSW, especially for people on ordinary incomes. As a member of the Good Growth Alliance, we strongly support considered and sustainable growth and development. We seek better quality apartments and communities, especially in the context of large-scale greenfield developments and significant infill revitalisation projects being delivered across the state.

Well over a million households in NSW are in the bottom half of income earners (1.2 million in 2016, an increase of 63,000 since 2011)<sup>3</sup>. Lower income households are increasingly experiencing household stress, paying more than 30% of their household income in rent; unable to accumulate deposits to enter the housing market. In a housing system where over 95 per cent of dwellings are provided by the private market, our primary concern is that new development of poor quality will ultimately filter down to these households.

All housing – whether it be luxury, standard, or subsidised – deserves a minimum standard of design and a consistent baseline of amenity. Without this, ordinary income households will be left to bear the brunt of poor design outcomes, which can include unsafe temperatures, high heating and cooling costs, a reliance on expensive private vehicles, and a lack of access to important basic services. In addition to rising housing costs, we are also faced with increased cost of living - disproportionately felt by lower income households (households with the least ability to adapt and respond)<sup>4</sup>. That is why we see the Design and Place SEPP as so important: it protects these households when they cannot afford an alternative.

<sup>&</sup>lt;sup>3</sup>.id (2016), '<u>New South Wales Household income quartiles</u>', accessed 27 January 2022

<sup>&</sup>lt;sup>4</sup> Deloitte (2021), <u>'The economic impacts of the National Low-Income Energy Productivity Program</u>', report prepared for the Australian Council of Social Services, accessed 27 January 2022

# **Comments and feedback**

## 1. Shelter NSW strongly supports the DP SEPP

Overall, Shelter strongly supports the introduction of the DP SEPP. Not only does it have the commendable goal of simplifying the planning system by consolidating several design controls, it also addresses very real issues facing NSW and will result in better housing outcomes for low income households across NSW.

We see the DP SEPP as also having important benefits for low-income households. The cost of electricity has soared, increasing by 117% between 2008 and 2018<sup>5</sup>. This is leading to real and dangerous consequences for low-income households. In winter 2018, 130 people were admitted to emergency in NSW due to cold-related illnesses (e.g., hypothermia) – a 34% increase from 10 years ago. At the other end of the spectrum, heat waves kill more people in Australia than any natural disaster – and there is a risk that this will increase as urbanised areas are expected to get hotter<sup>6</sup>. Qualitative research conducted in 2017 found that energy efficiency improvements to homes of people living in fuel poverty had a positive impact on wellbeing and quality of life, financial stress, thermal comfort, social interactions, and indoor space use<sup>7</sup>. We therefore support improved environmental design and energy efficiency in new buildings and communities that helps to address the consequences of energy poverty.

In addition, vehicle dependence for low-income households has been linked to poorer health outcomes due to associated financial, health and wellbeing costs<sup>8</sup>. The requirements for walkability, accessibility and parking included in the UDG and ADG are therefore supported as they aim to reduce reliance on private vehicles and encourage use of more affordable and active modes of transport, and have health and economic benefits for low income households.

With regards to specifics of the DP SEPP, Shelter supports the provision that development *"must* meet objectives". Implementing a successful principles-based approach requires development to meets all principles and objectives – otherwise it is meaningless. We also strongly support any improved amenity requirements included in the updated ADG, for example, the introduction of a minimum of 8sqm of communal open space up to 25% of the site area, which increases communal open space for smaller sites (ADG, p44); and the inclusion of ceiling fans for air circulation (ADG, p65).

<sup>&</sup>lt;sup>5</sup> Byrd, J (2018), <u>'Chart of the day: Something has gone terribly wrong with electricity prices</u>', ABC News, 18 July, accessed 11 February 2022

<sup>&</sup>lt;sup>6</sup> Melville-Rea, H. (2022), '<u>Western Sydney will swelter over 35°C 46 days per year 2090 unless emissions drop</u>', *Architecture and Design*, 18 February, accessed 18 February 2022

<sup>&</sup>lt;sup>7</sup> Grey, C. N. B. et al. (2017), 'Cold homes, fuel poverty and energy efficiency improvements: A longitudinal focus group approach', *Indoor and Built Environment*, Volume 26, Issue 7, pp. 902–913. doi: 10.1177/1420326X17703450.

<sup>&</sup>lt;sup>8</sup> Rachelea, J.N., Sugiyamaab, T., Turrella, G., Healya, A.M., and Sallisac, J.F. (2018). 'Automobile dependence: A contributing factor to poorer health among lower-income households', *Journal of Transport & Health*, Volume 8, March 2018, pp 123-128. doi: <u>https://doi.org/10.1016/j.jth.2017.11.149</u>

Notwithstanding the above, Shelter wishes to highlight some concerns and feedback we have on the DPSEPP. We appreciate the value of flexible design standards when it allows better and more innovative design but there are risks associated when proponents are motived by cost cutting and increased yield rather than better design outcomes.

# 2. The importance of minimum standards

While we support the introduction of greater flexibility to promote innovative design solutions, it is difficult to know what a principles-based system means in practical terms. Shelter has identified three key risks in introducing the principles-based system as is presented in the draft:

- 1. Difficulty for local planners in assessing abstract principles versus numeric criteria and the associated unpredictability of approval or refusal reduces certainty
- 2. Potential for corruption in approving development based on interpretation and discretion
- 3. Poorer design quality filters down to lower income households

Minimum standards and design criteria act as a safeguard for DA planners to refuse developments with poor amenity and are important to protect households on ordinary incomes. The use of simple numerical values and linear measurements in the ADG and UDG serves two purposes: firstly, to ensure a standard baseline of amenity is achieved; and secondly, to ensure that development applications are 'desktop assessable'. Shelter do not support the scaling back of minimum standards in the place of design principles.

The current ADG is widely regarded as a best practice document that is balanced, practical and achievable. It sets a strong low bar/minimum standard for apartment design and protects the core amenities of solar access, natural cross-ventilation, visual privacy, acoustic privacy, ceiling heights, unit sizes, private open space, and outlook. There is no reason this line cannot be maintained (note that this is not introducing new minimum standards but maintaining well-established existing standards), while still allowing for flexibility.

### We recommend:

- All core amenity requirements are in the form of quantitative controls.
- All quantitative controls are listed as design criteria, not design guidance. It should be clear that the baseline should not be a suggestion. For example, design guidance in ADG, p53 'Ensure a window is visible from any point in a habitable room' should be a design criteria of 'All habitable rooms (100%) should have a window that is visible'.
- Acoustic privacy measures be reinstated in Section 1.2 Built form and sitting.
- All of apartments should incorporate the Living Housing Australia (LHA) Liveable Housing Design Guidelines Silver Level universal design features; these simple design

measures have very little cost and design implications that will ensure apartments are flexible and adaptable.

• The requirement for an area of 1sqm to achieve a minimum of 15 minutes sunlight is reinstated (current ADG 4A-1 8). There is a risk that without this, the sunlight could simply 'touch' the window to be considered (ADG, pg61).

## 3. Clearer and better aligned principles

While the five principles of the DP SEPP resonate, they are too vague and general. It is also unclear how the five design principles link to the objectives in the ADG and UDG. The principles are particularly disconnected from the ADG objectives as they relate much more to a neighbourhood scale.

Further to this, the reduction of objectives in the ADG from 82 to 36, while a good idea in theory, has resulted in long and convoluted objectives that combine multiple ideas. For example, "(1) *Provide a range of apartment types, sizes and configurations* to (2) *promote flexible housing* that (3) *caters for current and projected housing needs of the community*" (ADG, objective 2.3, p48); and "(1) *Walkable neighbourhoods* are (2) *vibrant* and (3) *productive*" (UDG, objective 5, p34). Wording such as this makes objectives difficult to understand and meet, and waters down their intent. It is imperative that should the DP SEPP be guided by principles and objectives, that the time is taken to craft them in a way that is clear, concise and specific.

#### We recommend:

- Reviewing DP SEPP principles, ADG objectives and UDG objectives so they align more clearly (perhaps graphically represented).
- Reviewing language of the ADG and UDG objectives in detail to ensure clarity and accuracy; do not combine too many concepts.

## 4. Address vague and imprecise language

There are several examples in the ADG and UDG of ambiguous and imprecise language. This leaves design up to interpretation and makes testing and assessment difficult. Use of words such as 'minimise' and 'avoid' does not quantify how much something should be reduced by. Phrases such as 'can't be avoided', 'cannot be met' and 'when it is not possible' give no indication of what the limit is. Wording such as this will have practical implications at the assessment stage.

#### We recommend:

• Imprecise language is clarified to better communicate what is intended (e.g. 'avoid', 'high level', 'sufficiently sized', 'responds appropriately', etc).
• Introduction of numerical qualifiers where possible (e.g. when stating 'larger than minimum width', define what the minimum width is).

## 5. Clarity around potential 'trade-offs'

We are concerned that trade-offs may be sought for not meeting certain standards of baseline amenity. For example, the ADG states 'Balance this with the amenity of habitable rooms in apartments' (ADG, p74); this wording suggests a lack of visual amenity can be traded off with solar access, natural ventilation and outlooks – which is not an alternative solution, but a trade off.

We are concerned this loophole may be used to avoid delivering certain core amenities. Very strictly, these core amenities (solar access, natural cross-ventilation, visual privacy, acoustic privacy, ceiling heights and unit sizes) should be achieved independently of each other and there should be no provision for them to be 'traded off'. They should be linked to strict numerical standards with clear objectives that provide a baseline standard of amenity.

### We recommend that:

- DP SEPP includes 'relevant' or 'applicable' when discussing whether alternative solutions achieve a better or neutral outcome.
- Dual key apartments should also be regarded as two sole occupancy units for the purposes of all ADG design criteria and design guidance, not just BCA (ADG, pA31). Dual key units are frequently rented out separately, so each should function as an independent dwelling.

## 6. Guidance around 'alternative solutions'

The DP SEPP does not include enough guidance on how an 'alternative solution' is pursued. Any variations to the design criteria should have an assessment framework. The minimum standards for core amenities should not be easily varied without ample justification for noncompliance.

We suggest that there is a high onus on the applicant to pursue alternative design solutions which demonstrates why the design criteria cannot be met and why the alternative is an adequate way forward that still achieves the design objectives.

#### We recommend that:

- A clear pathway for alternative solutions is set out in the SEPP that provides guidance to both the applicant and the assessor on what is required.
- The onus is on the applicant to provide sufficient documentation that is easy to understand

## 7. Affordable housing must be delivered at the same standard

The new ADG appears to make some flexibility allowances for affordable rental housing and build to rent apartments, specifically in relation to private open space (ADG, pg59) and storage (ADG, p78). It is unclear what 'flexibility' is referring to and we are concerned this could lead to poorer private open space outcomes for affordable rental housing. Shelter strongly is opposed to any suggestion that affordable rental housing or social housing should be at an inferior design standard to private market housing, and refer to SEPP Housing Part 2 Division 1 In-fill affordable housing and Division 5 social housing residential flat buildings require continued application of SEPP 65 with no modifier.

## We recommend that:

- Remove any suggestion that affordable and social housing should not meet the same standards as private market housing (for example ADG, pg59 and ADG, pg 78)
- There is a requirement for all public dwellings (such as in Communities Plus projects) be located within the minimum percentage of dwellings that meets criteria

## The Regional Perspective

## 8. Applicability of Urban Design processes in the SEPP

Regional councils may not always have precinct plans, masterplans, and DCP land-use overlay plans in place for greenfield areas. This is particularly the case for underutilised residential zoned land not captured by Urban Release Area controls in LEPs. Greenfield development also continues to play a large role in delivering housing supply in many regional councils.

Working through the processes entailed in the applicability of the DP SEPP, we have identified concerns about applicability gaps for subdivision planning. For instance:

- The SEPP applies to "development on land that is not in an industrial zone that has a site area greater than 1ha" (DP SEPP, cl 6)
- The SEPP does not apply to "minor subdivision... or the subdivision [of land] involving less than 1ha of land" (DP SEPP, cl 8)
  - "Site area" is used instead of "lot area". "Site area" is defined not in the DP SEPP but rather in the SILEP.
  - The greater than/less than wording for site area disregards site areas which would equal exactly 1 hectare.

Our understanding of the SEPP process is that if the SEPP applies to a DA, for say, greenfield residential subdivision due to the "site area" threshold, then design considerations for assessment are triggered under Part 2, Part 3 Division 1 Urban Design Development. Thus, the development will need to be cleared by the Design Review Panel under Part 4. However, it is not beyond the realm of possibility that landowners/developers wishing to circumvent the DP SEPP process would utilise the definition of "site area" and 1ha threshold to simply lodge a

residential subdivision DA for part of an allotment (i.e. the "site area") at less than 1ha. Similarly, developers could lodge a 1-to-2 lot DA subdivision of the superlot to create a development lot at less than 1ha with the other lot known as 'residual' to minimise scrutiny under the DP SEPP at the outset.

#### We recommend that:

• Introduce an alternative pathway for applicability of the SEPP, i.e. if the "site area" is below the threshold outlined in the SEPP but the "site area" is not otherwise captured by an existing in-force Urban Release Area DCP or masterplan for subdivision or similar statutory land-use overlay, then the DP SEPP applies.

## 9. Urban Design Guide for Regional NSW (2020)

A design guide known as Urban Design Guide for Regional NSW was released by the Government Architect in 2020, however, no mention of this document is included in the DP SEPP. Regional councils and developers may be confused as to which design guides must be consulted when fulfilling the requirements of the DP SEPP.

#### We recommend that:

- It is made clear in the DP SEPP what design guides apply when and for what locations
- Review the *Urban Design Guide for Regional NSW 2020* to ensure it is fit for purpose considering the DP SEPP objectives.

## 10. Design Review Panels for regional LGAs

The draft Local Government Design Review Panel Manual does not adequately outline how Design Panels will function in regional settings. Many regional councils may struggle to recommend experts to be appointed to a panel, and as such joint regional design panels across LGAs may be required.

#### We recommend that:

• The Local Government Design Review Panel Manual be updated to provide specific guidance to regional councils on the constitution and functioning of joint panels, should joint regional design panels be required to meet the obligations of the DP SEPP.

Document	Recommendation	Example
DP SEPP, ADG_UDG	Clearer alignment between the DP SEPP	NA
ADG, UDG	All core amenity requirements are in the form of quantitative controls	ХХ
ADG, UDG	All quantitative controls are listed as design criteria (not design guidance)	Daylight and natural ventilation requirements (ADG, p41)
ADG, UDG	Review objectives in detail to ensure they are clear and concise	ADG, objective 2.3, p48
ADG, UDG	Imprecise language is clarified to better communicate what is intended.	Wording such as 'minimise' , 'avoid', 'high level', 'sufficiently sized', 'responds appropriately' etc
ADG, UDG	Introduction of numerical quantifiers	'Larger than minimum width' (ADG, p40) should define what minimum width is
ADG, UDG	Include 'relevant' or 'applicable' when discussing whether alternative solutions achieve a better or neutral outcome	ADG, pA2 and pA3
ADG, UDG	A clear pathway for alternative solutions is set out in the SEPP that provides guidance to both the applicant and the assessor on what is required	NA
ADG, UDG	The onus is on the applicant to provide sufficient documentation that is easy to understand	NA
ADG	Reinstate acoustic privacy measures from current ADG	Section 1.2 Built form and sitting
ADG	100% of apartments to incorporate LHA Liveable Housing Design Guidelines Silver Level universal design features	ADG, p49
ADG	Retain current ADG requirement for an area of 1sqm to achieve minimum of 15 minutes direct sun (current ADG 4A-1 8)	ADG, p61
ADG	Specify that dual key apartments are regarded as two sole occupancy units for the purposes of all ADG design criteria and design guidance.	ADG, pA31
ADG	Remove any suggestion that affordable and social housing should not meet the same standards as private market housing	ADG, p59 and p78
ADG	Introduce a requirement for all public dwellings (such as in Communities Plus projects) be located within the minimum percentage of dwellings that meets criteria	NA
DP SEPP	Introduce an alternative pathway for applicability the SEPP	NA

## Summary of Shelter NSW recommendations

DP SEPP	Clarify which design guides apply when and for what locations	NA
Urban Design Guide for Regional NSW 2020	Review to ensure it is fit for purpose considering the DP SEPP objectives	NA
Local Government Design Review Panel Manual	Update to provide specific guidance to regional councils on the constitution and functioning of joint panels, should joint regional design panels be required to meet the obligations of the DP SEPP	NA

## A final note: DP SEPP and housing affordability

We note that some industry lobby groups have criticised the SEPP as containing unworkable thresholds that will be rigidly applied by councils. Contrary to some this commentary, the introduction of the DP SEPP will not have a negative effect on housing affordability. Housing regulations are a large and complex system, and is not significantly affected by additional design requirements.

Planning controls do not cause housing unaffordability; on the contrary, Shelter maintain that planning controls are necessary to ensure a high level of development standards. Although additional design requirements may add some costs to projects, this is an extremely small proportion of construction costs compared to developer profit gained. Typically, design costs account for only 0.3-0.5% of the total lifetime cost of a building, and construction costs only 3% <sup>9</sup>. Additionally, there are minimal actual changes to the ADG that will not result in significant implications for dwelling yield. There are several examples within the exhibited documents that indicate the SEPP does not intent to stifle development or affect yield, for example, in Part 2 Division 14(d) states "the development represents an effective and economical use of space".

Notwithstanding this, the value of good design should consider more than just economic costs, but also social and environmental costs. Any upfront additional costs to design and construction will be offset by long term savings, such as reduced retrofitting to address climate change and reduced energy bills.

The primary reason for the existence of Shelter NSW is to advocate for affordable and appropriate housing for all. It is not in our interest to support a policy that actively goes against this goal.

<sup>&</sup>lt;sup>9</sup> Government Architect of NSW (2017), 'Better Placed', pg 50, accessed 11 February 2022

Submitted on Mon, 28/02/2022 - 14:39

Submitted by: Anonymous

Submitted values are:

Submission Type I am submitting on behalf of my organisation

# Name

First name Tassia

Last name Kolesnikow

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode grays point

# Please provide your view on the project I support it

#### Submission

The Sutherland Shire Environment Centre is an indepedent, not-for-profit community organisation that is actively involved in maintaining and improving the natural areas in and around the Sutherland Shire. The Shire, like many suburbs in Sydney have been negatively impacted by the loopholes in planning policy that allow developers to damage the environment.

We therefore support changes to the Design & Place State Development Planning Policy that prioritise sustainability and nature over developer profits. We believe it is extremely important for this policy to incorporate measures to ameliorate greenhouse gas emissions that are driving climate change.

We support requirements for new buildings and transport to be highly energy efficient and utilise renewable energy. Methane is a potent green-house gas and the phasing out of natural gas can be supported if all new buildings are built without gas connections. Uptake of electric vehicles needs to be supported by amplifying the installation of charging stations.

Thank you,

Tassia Kolesnikow Chair I agree to the above statement Yes Submitted on Mon, 28/02/2022 - 21:54

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

## **1.1** NAME

First name Emma

Last name Bacon

I would like my submission to remain confidential No

## **1.2** INFO

Email

Suburb/Town & Postcode Stanmore, 2048

Please provide your view on the project I am just providing comments

Submission file sweltering-cities-design-and-place-sepp-submission.pdf

#### Submission

Please consider the attached submission on the Design and Place SEPP. We urge the NSW Government to be more ambitious in addressing the challenge of extreme heat in urban environments.

I agree to the above statement

Yes



**RE: Addressing urban heat islands and extreme heat issues** through the Design and Place SEPP,

<u>Sweltering Cities</u> works directly with communities in the hottest suburbs across Australia to advocate and campaign for more liveable, sustainable and equitable cities. We work across Western Sydney in the areas impacted by the urban heat island effect.

We urge you not to delay in regulating higher standards for more energy efficient, sustainable, healthier and safe homes and communities. Specifically, we call on you to go beyond trees in regulating measures for reducing the urban heat island effect in new developments and to consider additional measures for more liveable, sustainable and equitable communities.

Extreme heat, exacerbated by building design and urban planning, is a public health crisis that directly impacts many of our most vulnerable and marginalised communities. We can prevent heat related diseases including dehydration, heat exhaustion, heat stress and heat stroke by cooling our suburbs and homes with more energy efficient and sustainable design.

In our survey of 700 people across the hottest suburbs in Sydney over the 2020-21 summer, we found that 55% of people believe that the way their suburb is built increases the local temperature. Community members told us in their survey responses that they support higher energy efficiency standards, more trees, planning for cooler suburbs and homes, and higher minimum standards for housing to ensure vulnerable communities are living in safe homes.

We call on the NSW Government to show leadership to tackle the challenges of rising temperatures by planning and building communities that keep residents safe in a hotter climate and extreme heat events. The Design and Place State Environmental Planning Policy (SEPP) is an important opportunity to set best practice standards for reducing and adapting to the impacts of heat.

The solutions to extreme heat should be accessible for people across all incomes and differences in accessibility. Many people have reported to us that financial pressures prevent them from using air conditioning. We should significantly increase energy efficiency and sustainable design standards to ensure that all housing is being constructed to a standard that will be safe in a warming climate without relying on mechanical cooling.

Global warming will increase temperatures to dangerously high levels in NSW suburbs in coming decades. Energy efficiency and environmental standards should be measured against projected temperatures.

Sweltering Cities supports WSROC's submission to the Design and Place SEPP, and in particular, their support for measures to address the urban heat island effect and reduce heatwave risk.

We encourage you to consider the following reports

<u>Sweltering Cities 2020-21 Community Survey Report</u> <u>The Australia Institute Western Sydney Heatwatch report 2022</u> <u>Waverley Council Futureproofing residential development to Climate Change report 2021</u>

## **Community Comments**

The following comments were submitted to us regarding the Design and Place SEPP for inclusion here.

We need to start work now to reduce the effects of climate change. Urban heating is a huge problem that we need to address now before it is too late.

### Emily Lawson, Fernbank Creek

I support this SEPP in principle but it does not go far enough to ensure our new residental suburbs are liveable. 1 thing I feel is missing is we need to encourage the use of alternative water sources (rainwater, stormwater, recycled) for irrigation of public open space to promote cooling and greening of our western Sydney growth areas. Many councils only irrigate sporting fields were we should be irritating large areas and street trees to keep our trees and vegetation health during dry periods but also cool during hot times. These councils need funding and support from NSW government and Sydney water to make this happen. And ongoing funding for maintenance and renewal of these systems.

#### Craig Bush, Seven Hills

Dear Members of the Department of Planning. My experience with the Coalition Government after coming to power it's that it is not interested in us living in a Healthy Affordable and Sustainable Dwellings but the contrary. My experience: 2015 the Investors in our building decided to chop down all the trees and greenery in our garden that provided Clean air, protection from the heat and all the benefits Trees bring to our lives. I contacted our Council to let them know but according to former Mayor Sally Betts it did not have anything to do with the Council but the Strata. At the end of last year the Strata Scheme next to ours was demolished with all the trees and greenery growing on it. It seems like the Government is not aware that we need Trees to survive Climate Change. We need Governments to practise Democracy and treat all of us the same. Please listen to the Insurance Companies where it informs the government that it has to be prepared for Climate Change and if it does not do anything people won't be able to insure their dwellings. It does not make any sense to me to destroy instead of repairing and protecting our Natural Environment.

Protecting deep soil areas, restricting the built environment and finding alternatives to footpath/driving paving to increase CO2 capture by healthy soils and vegetation. Protecting existing mature trees by

redesigning platform pathways around them - similar to the grid pathways that they have in the Royal National park - coastal walk (as too many trees are cut down because they are lifting pathways or impacting on fencing). We need to prioritise trees over building development and build around existing mature trees as they do in the UK and other parts of the world. We could put in support beams for older trees where necessary to increase pedestrian safety. We need mist gardens for flying fox roosts and other animal roosting colonies to use during hot days and night to provide relief and save lives. We could capture water run off and create rain gardens including in public streets and areas - to increase biodiversity, to provide water for wildlife and include more water play features using recycled water systems - so children can cool off at the park. **Sophia Platthy, Mortlake** 

# New homes need to have windows that don't face the heat if possible, eaves are preferable and verandahs to add shade to the house. Roof design needs to consider the heat and roof vents should be compulsory. The colour of the house and roof is important, as is the provision of covered outdoor space for residents to enjoy.

Helen Fone, Blackett

We need much less space devoted to cars and more space for parks and public housing. Andrew Chuter, Erskineville

Build smart for a sustainable future. **Beth Charleston, Hemmant** 

One simple suggestion I have is to encourage the use of moss as ground cover rather than lawns. This has many benefits:

https://www.theoxygenproject.com/post/moss-lawns-saving-the-planet-one-yard-at-a-time/ Saul Flaxman, Redfern

# **Specific Feedback**

## **General comments**

I commend the NSW Government for the strong recognition of heat as an issue, and the focus on addressing the impacts of heat through planning and development. I particularly support the following proposed Design and Place SEPP guidance and targets relevant to urban heat, including:

- New cool roof standards
- Improved targets for energy efficiency and thermal performance in BASIX
- Stronger targets for deep soil areas and canopy cover
- The requirement to shade glass façades

However, there are also important gaps and missed opportunities in the draft SEPP and its supporting guidelines. The Urban Design Guide (UDG), in particular, should set up a strong set of principles for addressing urban heat, however:

- Resilience should be central to the planning and design process. Where resilience is mentioned, in the UDG it is lacking a strong framework or clear set of guiding principles.
- Urban heat is mainly covered under the "natural systems" theme, where the role of trees is well supported with strong principles, clear guidance and specific targets. However, this rigour is lacking when it comes to other measures that could reduce the impacts of urban heat. Other measures beyond trees (e.g. street orientation, cool materials) are not supported by strong principles, guidance, targets nor a clear approach to assessment.

Further comments follow on each part of the proposed SEPP and its supporting documents, where relevant to urban heat.

### BASIX

- I support the increase in BASIX energy and thermal comfort targets. Ensuring we reduce energy consumption as well as keeping people safe in their homes is important as the climate warms and the urban heat island effect increases. However, these targets will need to be reviewed every few years to remain up-to-date.
- I am relieved that trade-offs to thermal performance are not allowed. Using air-conditioning to compensate for poor design creates urban heat, increases the likelihood of power outages, and disadvantages people who cannot afford energy costs.
- I would like to stress that we cannot solely rely on air-conditioning to keep people cool. I
  encourage the Government to introduce thermal autonomy design standards which will be
  important to ensure homes are designed to keep people safe even when energy is not
  available or affordable.
- I support the proposed update to BASIX climate data but believe we should go further and use future climate projections to assess new homes. It is important that homes and buildings are designed to keep people comfortable and safe for years to come.
- I encourage the NSW Government to review the water module in BASIX, so that it is no longer purely focused on water efficiency but also for reducing the impacts of heat. This includes encouraging more rainwater harvesting, sustainable landscape irrigation, and other water use for keeping cool.

#### Deep soil and tree canopy

• I strongly support the improved deep soil and tree canopy targets. Trees and green space are important to address the impacts of heat. However, to ensure quality green space, improved guidance on tree selection and a more rigorous methodology to estimate future canopy cover will be required.

#### Rainwater tank requirements for apartment buildings

• I support the requirement to provide rainwater tanks in apartment buildings. In addition, rainwater storage should be connected to irrigation or other outdoor uses because implementing sustainable irrigation opportunities will be important to mitigate the impacts of heat.

#### Urban design guide (UDG)

• While the UDG includes some good principles that address heat, tree canopy has been given greater emphasis and greater weight than other objectives. I recommend that a wider range of targets are included to ensure that trees are not the only measure reliably included in new development to address urban heat. Green cover, shade and water retention in the landscape could all be supported with quantitative targets.

The planning system plays a critical role in delivering safe, liveable communities that support good quality of life. I hope you will ensure that our city remains a place that people want to live and work in future.



Submitted on Mon, 28/02/2022 - 16:25

Submitted by: Anonymous

Submitted values are:

**Submission Type** I am submitting on behalf of my organisation

# Name

First name lan

Last name Stephenson

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode Glebe 2037

Please provide your view on the project I object to it

Submission file design-and-place-sepp-glebe-society-2022-02-28.pdf

Submission 28 February 2022

The Glebe Society

NSW Department Planning and Environment

Re: Design and Place SEPP 2021

The Glebe Society was founded in 1969 to protect and nurture Glebe. Although only 3 kilometers from the Sydney CBD it is Australia's most intact nineteenth century suburb. It's remarkable variety of building types from early colonial mansions to tenements survive along with its broad social demographic.

The protection of Glebe was hard won. In 1974 it was the National Trust's first urban conservation zone. This work was developed by Leichardt Municipal Council and given statutory authority by the NSW government in the 1980s. It has continued to be refined

by the Council of Sydney the current consent authority. Almost the entire suburb is covered by heritage conservation areas.

Sydney City Council's LEP and DCPs provide a highly developed set of planning tools which identify the character and significance of Glebe's heritage conservation areas and objectives for their management. They provide, for example, clear controls about the scale of future development as well guidance in relation to other aspects of design including form, fenestration, grain and siting.

The flaw in the Design and Place SEPP is the way it affects heritage conservation areas. It weakens the existing well considered controls and leaves in their place a vacuum.

Part 1 Section 3 Aims of the Policy should include as an aim the protection of heritage conservation areas

Part 2 Design Principles and design considerations does not include as a principle that new development in heritage conservation areas should be in accordance with the management principles of the heritage conservation area.

Instead there is a weakening of the protection of heritage conservation areas by including Culture, character and heritage as mere design considerations that guide the implementation of the design principle to deliver inviting public spaces and enhanced public life to create engaged communities.

This is a downgrading of heritage.

New buildings in heritage conservation areas must be designed to protect the values of the heritage conservation area. This must be a principle in its own right not a mere consideration.

Part 2 :13 Consideration of design principles and design considerations by the consent authority

As stated above it is not a design principle that new buildings in heritage conservation areas must be designed to protect the values of the heritage conservation area. All the consent authority is required to do is take account the design considerations for each design principle [13 (2)].

Although Part 2: 16 Design consideration- culture, character and heritage sets out points such as contribution to local character and response to heritage conservation areas for the consideration of the consent authority these have to compete with other potentially conflicting considerations.

The Glebe Society is particularly concerned about the threat that Part 2: 23 Design consideration-optimal and diverse land uses of the SEPP poses for the future of neutral low-rise infill in Glebe's heritage conservation areas. This infill was specially designed to be sympathetic to Glebe's heritage.

Part 2: 23 (c) requires the consent authority to be satisfied that:

a development includes appropriate residential density close to proposed or existing amenities, including public transport, open space, schools, shops and other services

Glebe is located close to all these amenities. However, its unique heritage values, the recognition of which were at the vanguard of good social and heritage planning in Australia and internationally, mean it's low-rise scale and character should be preserved. The density objectives of Part2: 23 (c) pose a serious threat to this.

The SEPP is deeply flawed in the way it requires consent authorities to consider 10 design considerations when assessing development in heritage conservation areas.

It is the heritage considerations which must be considered in relation to development in heritage conservation areas and these must be expressed as principles which must be satisfied not merely considered. Heritage conservation areas are about special places which require special planning tools.

Schedule 2 Part 4 Embodied emissions should make it mandatory that the embodied energy sacrificed by demolition be included in the calculations. As it stands the SEPP has an inherent bias favouring demolition and rebuild against adaptive re-use.

#### Conclusion

The successful management of Heritage Conservation Areas requires well thought out controls. In its failure to recognize this by having no principle for managing development in heritage conservation areas and downgrading the assessment of development in heritage conservation areas to one of ten considerations, the Design and Place SEPP threatens to destroy some of the State's most significant heritage areas.

While other aspects of the SEPP have merit it does not work for heritage conservation areas where it runs the risk of place destroying not, as it claims, place making.

The simplest solution to the problem is to make Heritage Conservation Areas exempt from the Design and Place SEPP.

Yours sincerely

lan Stephenson President



I agree to the above statement Yes

#### 28 February 2022

#### **The Glebe Society**

#### **NSW Department Planning and Environment**

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The simplest solution to the problem is to make Heritage Conservation Areas exempt from the Design and Place SEPP.

Yours sincerely

lan Stephenson President The Glebe Society

Submitted on Mon, 28/02/2022 - 10:22

Submitted by: Anonymous

Submitted values are:

Submission Type I am submitting on behalf of my organisation

# Name

First name Geoffrey

Last name Pryor

I would like my submission to remain confidential No

# Info

Email

Suburb/Town & Postcode Central Tilba 2546

#### Submission

Regarding the Draft NSW Design and Place SEPP

This is a short submission by the Tilba Environment Landcarers organisation (TEL) in relation to the draft Design and Place State Environmental Planning Strategy.

Our organisational goal reflects our name, that is to care for and protect the ecology of the Tilba district of the south coast of NSW for the benefit of property owners and residents and future generations.

With this goal in mind, we are therefore especially interested in the results of the new NSW Design and Place SEPP. In general terms, TEL is supportive of the draft issued for public comment. For small regional communities such as those within the Tilba district, TEL supports the need within a finalised SEPP for:

- Strong, mandatory environmental performance standards.
- · Ensuring the protection of, and an increase in, district biodiversity.
- Maximising within our district the number of mature trees and bushland retention canopy cover and green spaces.
- · Ensuring demonstrable sustainability planning and practice with respect to housing and building design and our small urban
- centres.Reduction in all ways of a carbon footprint.
- Maximising the use of renewable energy and obviously from renewable energy sources.

Over the last year or so TEL has been investigating the potential challenges which might face our community through the inappropriate use and development of land. Our aim is to maintain the values of our district, including the small towns and local communities. We are concerned that degrees of flexibility to such organisations or individuals undermines these above principles

#### which we support.

Fearing that planning regimes have in the past, and could in the future, be unresponsive to community desires to protect and preserve the local district values and ecology, TEL has initiated research and local discussion into the potential for our district to establish itself as a Biosphere Reserve under UNESCO guidelines.

Therefore, in regard to the Draft SEPP, TEL proposes that the role of UNESCO Biosphere Reserves should be considered to aid sustainability practice in NSW. It is our considered opinion that a Biosphere Reserve for the Tilba district has considerable local advantages and is consistent with not only local opinion (as evidenced in recent community consultation in our district) but also with the underlying principles of the Draft SEPP.

It is worth noting with regard to the idea of a Biosphere Reserve for a district such as ours, that there are excellent examples of successful Biosphere Reserves around the world. In Australia we know of two such reserves in Queensland, possibly soon to be 3, while in Victoria there is 1 as there is in WA. Interestingly, NSW has lost 3 Biosphere Reserves over the last decade due to UNESCO becoming concerned for such Reserves to more closely fit its criteria.

Would be happy to discuss this matter further.

Regards

Geoff Pryor President Tilba Environment Landcarers Mob

I agree to the above statement Yes



Submitted on Mon, 28/02/2022 - 16:55

Submitted by: Anonymous

Submitted values are:

## Submission Type

I am submitting on behalf of my organisation

# Name

First name Nigel

Last name Waters

I would like my submission to remain confidential No

# Info

#### Email

Suburb/Town & Postcode Nelson Bay 2315

Please provide your view on the project I support it

Submission file 220228-trra-submission-on-design-and-place-sepp.pdf

**Submission** See attached submission

I agree to the above statement Yes



28 February 2022

NSW Department of Planning

# **Design and Place SEPP**

The Tomaree Ratepayers and Residents Association Inc (TRRA) represents the community on a range of issues which affects the Tomaree Peninsula in Port Stephens LGA, including planning and development, economic development, cultural infrastructure and resources, the built and natural environment, tourism and other grass roots issues.

This a complex suite of reforms to the NSW planning system. Overall we support the proposals which we consider have the potential to significantly improve the current outdated planning policies that have allowed the development of cramped, energy inefficient and treeless suburbs and towns across the state, including here in Port Stephens.

There is a risk, however, that lobbying by powerful vested interests will result in amendments and the introduction of loopholes in the guise of greater 'flexibility'. It is essential that the new planning rules in this package be implemented through binding regulations applied in a consistent and transparent manner without loopholes.

The new planning policy (SEPP) and supporting documents must:

- Include strong, mandatory environmental performance standards.
- Close all developer loopholes and remove spurious "flexibility" measures and discretion.
- Protect, enhance and increase biodiversity in urban areas.
- Maximise mature tree and bushland retention, canopy cover and green space.

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- Ensure use of energy efficiency and renewable energy to achieve net zero emissions for all new buildings.
- Require full electrification no new fossil fuel gas connections for any new development, and removing any disincentives for switching from gas.
- Recognise embodied carbon in building materials, with a fast pathway to regulation.
- Require comprehensive electric vehicle charging and cycling infrastructure.
- Require design features that will keep people cool and safe in a warming climate

We note that the government appears to be confident that there is a sound economic case for the changes and that they will yield a net benefit. We see this as a bonus and not the main justification for the changes. The 'sustainability, resilience, and quality of places' professed as objectives should be sufficient justification, even if there was a net cost attached, either for the public sector or for private developers. The government should resist any arguments for winding back any of the reforms based on cost-saving. Additional development costs will mostly be passed on to buyers which is an appropriate way of sharing the costs.

Arguments about the reforms restricting the supply of affordable housing should be treated with suspicion – while the lack of genuinely affordable housing is a major societal problem, the solution lies in direct subsidies and government construction, not in marginal cost savings on mainstream housing, which would likely come at the expense of the public interest objectives of the new SEPP.

We are concerned that the proposed reforms are based primarily on the situation in metropolitan areas, and are not necessarily optimised for regional communities such as ours in Port Stephens. We fear that the new SEPP will be applied so as to promote the case for increased height limits. While this will be an appropriate response in some urban areas as a principal way of increasing housing density while enhancing open space, it will not be appropriate in other communities, particularly those coastal towns where local character is seen as essential both for liveability and for economic success (e.g. in tourist towns which rely on local character).

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We submit that the preferable means of accommodating the modest growth that is desirable in many regional communities is intensification through sub-division and alternative housing styles (duplexes, manor houses, townhouses and maximum 3-4 storey apartments). This can more than provide for future growth without recourse to either high rise apartments or greenfield development encroaching on native vegetation or agricultural land.

We observe that perceptions of 'high rise' are very different between metropolitan centres, suburban settings, and small towns. In smaller towns with high scenic values, anything over 5 storeys is legitimately perceived as (generally unwelcome) high-rise, while 5-8 storeys may be a reasonable fit for suburban centres, and anything from 8 to 40 storeys only acceptable in city centres or along strategic public transport corridors in metro areas. Design guides should acknowledge these different perceptions and 'tolerances' rather than assuming universal definitions of low- medium- and high-rise.

We welcome an enhanced role for expert design panels, but only as providing input – they should not have any final say or veto power over developments. Care must be taken to avoid conflicts of interest – both direct and indirect – for panel members, and design panel briefs and minutes must be publicly available, in time for community submissions on DAs to take panel findings and recommendations into account.

Only minor changes to BASIX standards are proposed and only for some developments. While we welcome any higher standards in respect of energy efficiency and sustainability, we are very concerned that these will not apply to apartments less than five storeys. Lower than 5-storey apartment buildings will in our view be an important part of the future housing mix in areas such as ours, and we see no justification for future occupants being denied the 'running cost' benefit of higher BASIX standards. As mentioned above, we also favour positive incentives for electrification and a ban on new gas installations, as essential measures to mitigate climate change.

We understand the desire to 'front-load' consultation into precinct- or placeplanning, and to expedite individual DAs that meet strategic planning criteria. However, it will never be possible to engage most of the public in advanced

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strategic planning, and meaningful opportunities for community input, and objection, later in the planning process when people wake up to proposed changes must be retained. This is a difficult balance to strike but it is not acceptable to simply say to communities 'you had your chance x years ago, and now it is too late.'

We have no objection to this submission being published in full and unredacted.

Nigel Waters Convenor, TRRA Planning Committee



E: