

Submission on:

Design and Place State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE)

Submission by Canterbury Greens, a local branch of the Greens NSW

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Summary

The Canterbury Greens welcomes this invitation to respond to the Design and Place State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE).

Our objections are outlined in more detail in the document, but can be summarised as follows:

- We reject the overly flexible approach constantly recommended in the SEPP. It invites trade-offs and undermining of fundamental goals. We need to always achieve best practice and provide certainty for industry and the community by providing clear standards and rules, not vague 'motherhood' statements. We reject fuzzy, open guidelines and the inclusion of conditional statements such as 'where possible'.
- We believe that addressing the urgent existential threat of climate change needs to be central to this document. Due to the gravity and severity of the risk, the considerations of addressing and mitigating climate change must always be at the forefront of the minds of developers and builders and must be underlined as the single most important factor in decision-making.
- We reject the SEPP's prioritising of economic considerations over environmental and social considerations. While we recognise that development is important to service the needs of a growing community and that an economy, industry and accommodation are all required for any community, these needs must be balanced against care for the environment. Put simply, there can be no economy without a sustainable environment that provides clean air, clean water and open space for people to live.
- There need to be much stronger guidelines on affordable housing. Developers in all large developments must be forced to provide a stock of high-quality affordable housing according to guidelines set by local council authorities.
- The SEPP needs to be far stronger in providing rules and standards for managing and enlarging green open space in local communities and provide strong guidelines working against the removal of mature trees and the damaging of tree canopy in urban areas.
- The Canterbury Greens believe that it is critical to maintain, improve and enforce BASIX including its energy targets (or an alternative higher national standard) for housing and commercial developments.
- The Canterbury Greens believe that the provision of car parking cannot be left to the whim of developers and needs to be considered on a case-by-case basis and mandated by local council regulations following a detailed analysis of public transport options.

Flexibility of approach outlined in the SEPP

The Canterbury Greens reject the overly flexible approach applied in the SEPP. It invites trade-offs and undermining of fundamental goals. We need to always achieve best practice and provide certainty for industry and the community by providing clear standards and rules, not vague 'motherhood' statements.

The Canterbury Greens believes that instead of the vague statements provided in the SEPP, the community requires:

- clear standards and rigorous, sustainable targets applicable to all developments
- provisions for regular inspections of all developments to ensure that work is proceeding according to standards
- regulatory authorities to police standards
- significant penalties for anyone breaching these standards.

The Canterbury Greens rejects this overly flexible approach on the grounds that allowing more uncertainty will inevitably lead to more unnecessary litigation, disadvantaging local councils who may wish to reject or significantly amend development plans and wasting ratepayer funds.

One example of this 'flexible' approach applied in the SEPP is shown below:

'encourage development to be designed within the context of the existing landscape by introducing a requirement to integrate landform, bushland, hydrology and ecology; retain existing green infrastructure (where possible)'¹

While the language used in the above quote sounds impressive, consider how this phrase might be interpreted by unscrupulous or avaricious developers. They could ignore the requirement to retain existing green infrastructure by simply claiming it was not possible to keep it.

The language could be changed to tighten requirements, for example:

- Change *encourage development* to *mandate development*
- Remove *(where possible)* and replace with *retain existing green infrastructure unless authorised to remove it by council*.

Another example of this overly flexible and laissez faire approach is shown below:

'The proposed Design and Place SEPP will require that developments that are three or more storeys, open space over 1000 m2, and precincts and significant development, are designed by suitably qualified design professionals, particularly where design has a high impact on the environment or community due to its scale or future population.'²

Why are only developments of scale to be designed by suitably qualified design professionals? Why isn't it appropriate for all developments, no matter the size, to have a professional involved in the design?

SEPP principles

The five SEPP principles outlined on page 4 are laudable but so vague as to be useless. The principles are themselves not problematic, but are not strong enough to guide development.

¹ NSW Department of Planning, Industry and Environment, 2021, *Explanation of Intended Effect for a Design and Place SEPP*, NSW Department of Planning, Industry and Environment p19

² *ibid* p25

Consequences of a 'flexible' approach

The flexibility advocated in this SEPP proposal will foster an environment that could lead to corrupt behaviour. It would be an extension of the 'amber light' approach that has been criticised in the NSW Court of Appeal and was also the subject of these comments in the recent ICAC Report into Canterbury Council (p100):

'Although council planning departments are regulators of developers, planners must also work with developers in a negotiating relationship. This is the danger: planners have high levels of discretion, developers are highly motivated to maximise profit, and the two are in an extended relationship of give and take.

This commentary [from an earlier ICAC case] highlights the risks of a solutions-focused approach, where that approach involves becoming too closely involved in achieving the goals of development applicants. There is a risk that those interests could overwhelm the regulatory functions for which council planning departments are responsible.³

Corruption

Reputable economists worldwide now recognise that laissez faire market mechanisms and deregulation in the private sector have failed⁴. They are calling for more regulation, not less. This is particularly relevant to the NSW building sector which has a long and tawdry history of some property developers threatening people, or committing arson and even murder, aided and abetted by corrupt politicians. Prominent examples include:

- Property developer Ron Medich murdering his business rival Michael McGurk in 2009⁵
- Former ministers Eddie Obeid and Ian MacDonald found to be corrupt by the NSW Independent Commission on Corruption (ICAC) over a series of property deals^{6,7}

Yet the SEPP is proposing to give even more leeway to developers!

³ ICAC NSW, 2021, *Investigation into the Conduct of Councillors of the Former Canterbury City Council and Others*, March 2021, ICAC Report, Sydney www.icac.nsw.gov.au p 100

⁴ Biel, R., 2018, *What is wrong with a system of laissez-faire economics?* Apr 11, 2018, The Ecologist, viewed 13/4/2021 <https://theecologist.org/2018/apr/11/what-wrong-system-laissez-faire-economics>

⁵ McClymont, K., 2021, *Property developer Ron Medich to remain behind bars*, Sydney Morning Herald, March 18, 2021, viewed 13/4/2021 <https://www.smh.com.au/national/property-developer-ron-medich-to-remain-behind-bars-20210318-p57bt9.html>

⁶ Jabour, B and Laughland, O., 2013, *Icac NSW Labor corruption reports recommend criminal charges - as it happened* Jul 31, 2013 The Guardian, viewed 13/4/2021, <https://www.theguardian.com/world/2013/jul/31/corruption-icac-reports-nsw-labor-live>

⁷ McClymont, K., 2020, *'How rich was his valley?' Crown closes case in Eddie Obeid's trial*, Nov 24, 2020, Sydney Morning Herald, viewed 13/4/2021, <https://www.smh.com.au/national/nsw/how-rich-was-his-valley-crown-closes-case-in-eddie-obeid-s-trial-20201124-p56hla.html>

Poor adherence to building standards

Successive governments have failed to enforce even the current modest building standards, so that many developers have flouted the rules. In the last twenty years there has been extensive news coverage of lack of proper adherence to building standards prompted by developer greed, including:

- the use of flammable cladding on apartment blocks and other buildings⁸,
- the evacuation of apartment blocks and other buildings due to cracking⁹ or impending collapse¹⁰ requiring extensive repairs, and
- cheap and nasty architecture with the sole purpose of maximising developer profitability¹¹.

Poor quality buildings:

- cost an enormous amount to rectify

*'The cost of fixing the unfolding national building crisis, including widespread residential apartment block defects and the use of dangerous combustible cladding, could soar past \$6.2 billion, according to a new economic analysis.'*¹²

- endanger public safety
- are a waste of materials
- greatly contribute to carbon emissions.

Privatisation of the building certification

The current government's zeal for privatisation means it is effectively abrogating many of its responsibilities for planning to developers. The privatisation of building certification is a recipe for corruption. As noted by journalists Bo Seo and Michael Belby there are many causes of the problems in the building industry, not the least due to conflicts of interest caused by privatisation:

*'The [2018 Building Confidence report](#) found that private certification was part of the "vast majority" of building approvals, and that this carried an "inherent potential for conflict of interest"'*¹³

In the interests of public safety, it is critical for building standards to be clear, robust and rigorous and for these standards to be enforced by independent regulators.

⁸ Rabe, T and Bonyhady, N, 2019, *Cladding list kept secret amid demands for action on 'construction crisis'* Nov 5, 2019, Sydney Morning Herald, viewed 13/4/2021 <https://www.smh.com.au/national/nsw/cladding-list-kept-secret-amid-demands-for-action-on-construction-crisis-20191104-p537dg.html>

⁹ O'Sullivan, M., 2020, *Ashfield apartment building evacuated after cracking fears*, July 24, 2020, Sydney Morning Herald, viewed 13/4/2021 <https://www.smh.com.au/national/nsw/ashfield-apartment-building-evacuated-after-cracks-appear-in-brickwork-20200724-p55f0z.html>

¹⁰ Daly, N., 2020, *Mascot Towers apartment owners still in limbo 17 months after building evacuated due to defects*, 24 Nov 2020, ABC News, viewed 13/4/2021, <https://www.abc.net.au/news/2020-11-24/mascot-towers-apartment-owners-still-living-in-limbo/12911968>

¹¹ Saulwick, J., 2017, *'Noisy, polluted, harsh': Canterbury Road is the perfect lesson in what not to do*, July 26, 2017, Sydney Morning Herald, viewed 13/4/2021 <https://www.smh.com.au/national/nsw/noisy-polluted-harsh-canterbury-road-is-the-perfect-lesson-in-what-not-to-do-20170726-gxj6xv.html>

¹² Gorrey, M. and Saulwick, J., 2019, *Australia's building crisis fix will cost \$6.2 billion: report*, Aug 19, 2019, Sydney Morning Herald, viewed 13/4/2021 <https://www.smh.com.au/national/nsw/australia-s-building-crisis-fix-will-cost-6-2-billion-report-20190730-p52c9x.html>

¹³ Seo, B and Bleby, M., 2019, *The apartment building 'crisis' explained*, Jul 18, 2019, Australian Financial Review, viewed 13/4/2021 <https://www.afr.com/politics/federal/the-apartment-building-crisis-explained-20190716-p527k0>

Increasing litigation

The fuzzy, under-regulated approach advocated in the SEPP will inevitably lead to a multitude of court cases disadvantaging local councils who may wish to reject or significantly amend development plans. This is a lose-lose situation for everyone. No ratepayer wants their rates to go towards fighting unnecessary litigation. Where there are clear guidelines and standards, there is certainty and there is less chance for questioning the requirements.

The existential threat of climate change

Globally there is agreement among major scientific organisations and governments that climate change is an existential threat to life on earth. Global organisations such as [NASA](#) and the [United Nations](#) detail the evidence for climate change and the severe threat it poses.

Australian government departments and agencies including the [Bureau of Meteorology](#) and the [CSIRO](#) clearly state the severity of the threat, outline the scientific data and detail future projections. The Australian Government Department of Agriculture, Water and the Environment website states:

*'Our climate is changing. Observed changes over the 20th century include increases in global average air and ocean temperature, rising global sea levels, long-term sustained widespread reduction of snow and ice cover, and changes in atmospheric and ocean circulation and regional weather patterns, which influence seasonal rainfall conditions.'*¹⁴

The CSIRO simply states:

*'Climate change and variability affect almost every aspect of our lives.'*¹⁵

Urgent action is required

Urgent action is required to mitigate the effects of climate change and ensure that future generations inherit a liveable planet. As stated on the UN website:

*'Limiting warming to 1.5°C is not impossible but it would require unprecedented transitions in all aspects of society. The next 10 years are critical. Global net human-caused emissions of carbon dioxide (CO₂) would need to fall by about 45 percent from 2010 levels by 2030, reaching 'net zero' around 2050. This means that any remaining emissions would need to be balanced by removing CO₂ from the air.'*¹⁶

The [Australian Academy of Science](#) recently reiterated that delaying measures to mitigate climate change is as dangerous as denial, painting a grim picture of what Australia will be like with a 3°C warming. Some of the consequences are double the number of annual heatwaves, leaving many properties uninsurable due to fire and flood.¹⁷ The urgency of action on climate change is not to be underestimated.

Many public and private organisations across the globe proclaim the urgent requirement to change behaviour and patterns of consumption to mitigate the effects of climate change. For example, the journal of the American Institute of Architects comments:

*'The threat climate change poses is existential, and buildings are hugely complicit—even more so than that stock culprit, the automobile. As every architect should know, buildings consume some 40 percent of the energy in the U.S. annually, and they emit nearly half of the carbon dioxide (CO₂), through greenfield development, cement production, and the burning of fossil fuels such as oil, gas, and coal.'*¹⁸

¹⁴ Australian Government Department of Agriculture, Water and the Environment <https://www.environment.gov.au/climate-change/climate-science-data/climate-science/understanding-climate-change> visited 30/3/2021

¹⁵ CSIRO *Climate change* <https://www.csiro.au/en/research/environmental-impacts/climate-change> visited 30/3/2021

¹⁶ United Nations *Climate Action* <https://www.un.org/en/climatechange/science/key-findings> visited 30/3/2021

¹⁷ Cox, L, 2021 'Delay is as dangerous as denial': scientists urge Australia to reach net zero emissions faster, Guardian Wed 31st March 2021 <https://www.theguardian.com/environment/2021/mar/31/delay-is-as-dangerous-as-denial-scientists-urge-australia-to-reach-net-zero-emissions-faster>

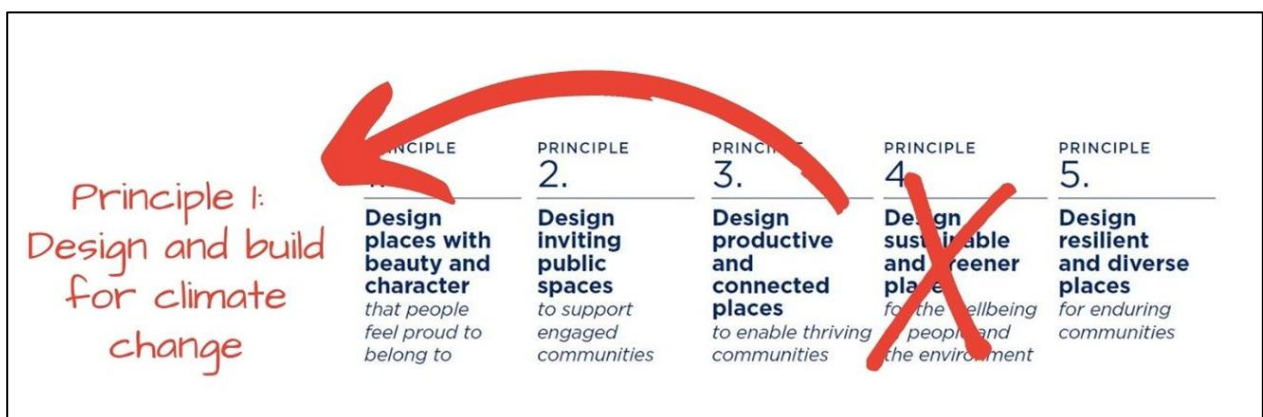
¹⁸ Cramer, N, 2017, 'The Climate Is Changing. So Must Architecture.', *The journal of the American Institute of Architects* Oct 4 2017 https://www.architectmagazine.com/design/editorial/the-climate-is-changing-so-must-architecture_o

Climate change and the SEPP

The Canterbury Greens recognises that climate change is an existential threat to life on earth. Addressing climate change is the most urgent challenge that faces the global community right now. Addressing climate change cannot be diverted into vague pathways that will avoid essential emission reduction and delivery targets. Climate change must be inculcated in all design projects and central to all design philosophies. All development needs to be sustainable. The resilience of our communities in the face of natural challenges is vital and is not just 'a consideration'.

Addressing climate change means urgent action to mitigate its immediate effects and changing patterns of behaviour and consumption that are unsustainable. This necessarily means changing the approach to building and development. As a community, we need to ensure developers build *to higher, more stringent standards*, in line with sustainable principles, rather than allow 'more flexibility' for developers as is proposed in the *Design and Place State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE)*.

Due to the gravity and urgency of the threat, climate change must be at the centre of all design, all building and all consumption. Why isn't 'Design and build for climate change' a guiding principle of the SEPP? Instead, principle 4, as stated in the SEPP is a much weaker 'Design sustainable and greener spaces.' While it is laudable to design for sustainability, surely the more important principle is to ensure that buildings are able to withstand the effects of climate change as well as being sustainable?



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Why isn't the SEPP focused on how developments will withstand a changing climate? Note that *Section 3.2 Design and place considerations* doesn't even mention climate change.

Developers must be required to show how their designs and buildings will be adapted to deal with the projected effects of climate change, which include:

- rising temperatures
- more intense rainfall
- more frequent and more intense cyclones
- more frequent flooding
- more fire events
- more hail storms and
- increased humidity.

¹⁹ Original principles from NSW Department of Planning, Industry and Environment, 2021, *Explanation of Intended Effect for a Design and Place SEPP*, NSW Department of Planning, Industry and Environment p 4

Primacy of the economy over environmental concerns in the SEPP

The Canterbury Greens believe that economic considerations and the contributions that development makes to prosperity are overemphasised in the SEPP to the detriment of environmental concerns.

Introduction

In several places, the SEPP states that economic growth is a major or primary concern, for example:

*'Attractive built environments are attractors, and powerful tools for economic growth.'*²⁰

*'Well-designed public spaces are flexible for a variety of intended uses, integrate well with their context, spark new opportunities for local economic development and are adaptable to changes in climate, ecology, demographics and economy.'*²¹

*'ensure that buildings near vibrant areas, such as licensed premises or major public space, do not impact the ability for those areas to continue to operate.'*²²

*'Protects cultural activity and supports the economy of NSW'*²³

The primary function of buildings is shelter, not to drive economic growth. Similarly, the primary functions of public spaces are to provide social and health benefits, not to drive economic growth.

While the economy is important, the environment and the dire impact of climate change must take precedence over economic considerations. Scientists tell us we – all of us on the planet – are at a tipping point. There will be no economy at all if the environment is irreparably destroyed.

Indeed, many would argue that unchecked economic growth and the continual need for increased profits is largely to blame for the state of the environment and, thus, the significant changes to climate.

Reputational damage

As a result of an unhealthy fixation on unsustainable growth and the continual mining of fossil fuels, Australia now has an unsavoury reputation worldwide because of its lack of action on climate change:

*'In the [latest country ranking published by the Sustainable Development Solutions Network](#), Australia ranks 37th out of a total of 193 countries, with Australia's ranking continuing to be weighed down by high fossil fuel use and lacklustre emissions reduction targets.'*²⁴

Australia is also a global leader in flora and fauna species extinctions:

*'Since colonisation, about 100 of Australia's unique flora and fauna species have been wiped off the planet. The rate of loss, which is as comprehensive as anywhere else on Earth, has not slowed over the past 200 years.'*²⁵

²⁰ NSW Department of Planning, Industry and Environment, 2021, *Explanation of Intended Effect for a Design and Place SEPP*, NSW Department of Planning, Industry and Environment, p17

²¹ Ibid, p17

²² Ibid, p17

²³ Ibid, p31

²⁴ Mazengarb, M., 2020, *Australia ranks second worst in world on climate action, outside top 50 on clean energy*, 6 July 2020, Renew Economy, viewed 13/4/2021 <https://reneweconomy.com.au/australia-ranks-second-worst-in-world-on-climate-action-outside-top-50-on-clean-energy-90879/>

²⁵ Foley, M., 2020, *Why is Australia a global leader in wildlife extinctions?* July 20, 2020, Sydney Morning Herald, viewed 13/4/2021, <https://www.smh.com.au/politics/federal/why-is-australia-a-global-leader-in-wildlife-extinctions-20200717-p55cyd.html>

Environmental concerns long ignored

The Canterbury Greens believes that the concerns about the environment have been ignored for far too long. For example, the [Club of Rome](#), a group of prominent scientists, economist, diplomats and high ranking public officials created to address the multiple crises facing humanity and the planet, published [The Limits to Growth](#) in 1972. Governments did not act on this guidance at the time, arguably due to the influence of vested interests, but the conclusions are still valid today. Belatedly, countries worldwide are taking this advice seriously, even the most extreme of developed countries, who, under the influence of big business, have removed regulation, pursued increased profit, privatisation, and unchecked growth at the expense of the general population.

Green economies are also successful economies

Many governments around the world now recognise that those economies which are not proactive in addressing climate change will suffer the most. There is a substantial cost to inaction on climate change. A recent report by Deloitte Access Economics outlined the likely losses to the Australian economy if climate change was not addressed:

The Australian economy will lose more than \$3 trillion over the next 50 years if climate change is not addressed, according to a new report from Deloitte Access Economics. The report found the economy could shrink by 6 per cent over the next 50 years and 880,000 jobs could be lost.²⁶

On the other hand, Australia is able to benefit from the growth in a range of new sustainable industries such as development of green energy technologies or the export of clean energy from solar, wind or tide sources. In other words, green economies can be very successful ones. Kristalina Georgieva, the head of the International Monetary Fund, recently suggested that the fiscal stimulus currently being pumped into economies around the world following the Covid 19 pandemic could be used to establish a more sustainable world:

'If this recovery is to be sustainable – if our world is to become more resilient – we must do everything in our power to promote a green recovery. In other words, taking measures now to fight the climate crisis is not just a 'nice-to-have'. It is a 'must-have' if we are to leave a better world for our children.'²⁷

Business and climate change

Many of the largest businesses in the world realise that their business will be adversely affected if action is not taken on mitigating the effects of climate change. Deloitte's partner for energy transition and renewables, John O'Brien, had this warning for Australian businesses:

'If you're taking no [climate] action now, and the world is changing fast, companies that don't change with the evolving world are effectively not going to survive.'²⁸

²⁶ Calderwood, K, 2020, *Australia will lose more than \$3 trillion and 880,000 jobs over 50 years if climate change is not addressed*, Deloitte says 2 Nov 2020, ABC News, viewed 13/4/2021 [https://www.abc.net.au/news/2020-11-02/australian-economy-lose-\\$3-trillion-climate-change-inaction/12837244](https://www.abc.net.au/news/2020-11-02/australian-economy-lose-$3-trillion-climate-change-inaction/12837244)

²⁷ Morton, A. 2020, *Seizing the moment: how Australia can build a green economy from the Covid-19 wreckage* 14 May 2020, The Guardian, viewed 13/4/2021 <https://www.theguardian.com/australia-news/2020/may/14/seizing-the-moment-how-australia-can-build-a-green-economy-from-the-covid-19-wreckage>

²⁸ Pupazzoni, R., 2019, *Climate change in corporate Australia as businesses go carbon-neutral*, 26 Sep 2019, ABC News, viewed 13/4/2021 <https://www.abc.net.au/news/2019-09-26/climate-change-in-corporate-australia-as-businesses-go-neutral/11550416>

Many companies are researching and investing in new building and architectural technologies. The Swiss for example are developing a technology to reduce energy consumption in concrete making by 90% and energy conservation to counteract increasing temperatures and climatic change.

Proactive businesses see that climate change is a reality and that the need for sustainable development means that finding solutions for a world experiencing climate change might be lucrative as well as environmentally beneficial.

Affordable housing

The Canterbury Greens believes that state and local councils need to provide a stock of high-quality affordable housing to residents in all locations. All new housing developments must be required to provide a mandatory minimum number of high-quality, affordable houses. This requirement must be clearly mandated in the SEPP.

Skyrocketing property prices have led to ordinary essential workers being unable to afford to live in communities close to employment opportunities. It is essential that affordable housing schemes provide access to housing to people who require it. The SEPP once again provides fuzzy guidelines in this area, for example:

The proposal provides affordable housing in accordance with affordable housing targets or schemes. Where there are no targets or schemes, the applicant may propose a viable amount of affordable housing for the site, and must provide that amount.²⁹

What exactly is a viable amount of affordable housing? And for whom is it viable? The developers or the local community?

Why not propose a minimum amount of affordable housing mandated as a part of the design? This could easily be specified as a percentage of the floor space or as a percentage of the number of apartments in the complex.

²⁹ NSW Department of Planning, Industry and Environment, 2021, *Explanation of Intended Effect for a Design and Place SEPP*, NSW Department of Planning, Industry and Environment p32

Tree canopy and green space

The Canterbury Greens believe that ensuring high quality tree retention, tree canopy and open space targets should be mandatory and not able to be offset by weak alternatives.

Trees are important influencers on local climate and on climates generally. The European Union has a program of planting 3 billion trees planned for completion by 2030 but which is on track to be completed earlier.³⁰

Tree canopy, particularly in urban areas, is known to be important for a variety of reasons including:

- Adding aesthetic value to streets and properties, making a location more pleasant for living
- Reduction of the urban heat island effect, which in turn reduces cooling and heating costs
- Filtration of air pollution
- Generation of oxygen
- Providing shade in summer and protection from the winds in winter; encouraging physical activity such as walking or cycling
- Habitat for birds, insects and other fauna
- Reduction of storm water run-off

Given the effects of climate change, making the regulations for tree removal 'more flexible' is ill-informed and wrong. Once again, the statement in the SEPP is tempered with the phrase 'where possible':

*'The proposal retains moderate and significant trees and significant vegetation where possible...The proposal demonstrates the use of greening alternatives (such as green roofs, walls, softscape, etc.) particularly where tree canopy targets cannot be met.'*³¹

This kind of wording gives developers carte blanche. They can just claim it wasn't possible to keep the tree canopy and remove trees as needed.

Given their role in the production of oxygen, trees need to be regarded as essential to human life. Mature trees cannot be replaced with a green wall or roof.

In a similar way, green space in urban areas is valuable for active recreation and relaxation. In dense population areas or areas with a high number of apartment dwellers, access to open space is vital for mental and physical health. Recent research suggests that among the myriad benefits of green space:

*'...childhood exposure to green space—parks, forests, rural lands, etc.—reduces the risk for developing an array of psychiatric disorders during adolescence and adulthood. The study could have far-reaching implications for healthy city design, making green space-focused urban planning an early intervention tool for reducing mental health problems.'*³²

Green spaces in our cities need to be preserved, valued and enlarged where possible.

³⁰ Vaughan, A., 2020, *EU plans to plant 3 billion trees and massively expand organic farming*, 20 May 2020, New Scientist, viewed 13/4/2020 <https://www.newscientist.com/article/2244115-eu-plans-to-plant-3-billion-trees-and-massively-expand-organic-farming/#ixzz6rt2DIYUF>

³¹ NSW Department of Planning, Industry and Environment, 2021, *Explanation of Intended Effect for a Design and Place SEPP*, NSW Department of Planning, Industry and Environment p32

³² Rocchio L., 2019, *Green Space is Good for Mental Health* <https://earthobservatory.nasa.gov/images/145305/green-space-is-good-for-mental-health>, NASA Earth Observatory

BASIX

The Canterbury Greens believe that it is critical to maintain, improve and enforce BASIX including its energy targets (or an alternative higher national standard) for housing and commercial developments.

The SEPP proposes a repeal of BASIX provisions:

*The Design and Place SEPP proposes to transfer and repeal the provisions from the BASIX SEPP.*³³

However, the SEPP does not appear to provide a reason for repealing BASIX provisions. What is the rationale for the removal of BASIX? Without a rationale for the removal of BASIX, it seems very hard to justify as a sensible move.

We need to maintain, improve, and enforce BASIX including its energy targets (or an alternative higher national standard) for housing and commercial developments. We need more stringent standards, **not** more flexibility as suggested in the SEPP ('providing more flexibility in the available assessment pathways to demonstrate a design meets sustainability performance requirements.')

³⁴

Energy conservation standards

Australian building standards for energy conservation are very poor in comparison to European standards.

*'Unfortunately, Australian standards fall far short of those in Europe and North America and progress is slow. The overall energy intensity of residential buildings in Australia improved by only five percent between 2005 and 2015.'*³⁵

As a matter of urgency, better energy conservation standards must be investigated, legislated and implemented.

³³ NSW Department of Planning, Industry and Environment, 2021, *Explanation of Intended Effect for a Design and Place SEPP*, NSW Department of Planning, Industry and Environment p36

³⁴ Ibid p36

³⁵ Potter, A., 2018, *Home energy-efficiency ratings Can a house's energy efficiency be measured accurately?*, 27 Feb 2018, Choice, viewed 13/4/2021, <https://www.choice.com.au/home-improvement/energy-saving/reducing-your-carbon-footprint/articles/house-energy-efficiency-ratings>

Parking and public transport

The Canterbury Greens believes that the provision of excellent, accessible, safe and affordable public transport should be the ultimate goal for all governments for a sustainable future. However, greater Sydney is *not* well supplied with quality public transport. For many people, including disabled people and people with mobility issues or aged care needs, motor vehicles are vital. We applaud efforts to provide sustainable alternatives such as cycleways and walking paths. We also applaud moves such as the provision of electric car recharging stations to accommodate electric vehicles. However, we feel that the focus on the reduction of parking requirements in the SEPP will allow developers to provide inadequate parking in new developments because parking adds considerably to the cost of a unit and drives up the cost of development.

The Canterbury Greens believe that car parking cannot be left to the whim of developers and needs to be considered on a case-by-case basis and mandated by local council regulations following a detailed analysis of public transport options.

Alternatives to cars

Alternative transport such as walking or cycling are to be encouraged. The provisions of cycle paths, well-lit walkways and alternative public transport such as ride-sharing or mini-buses to local shops for local residents are all great ideas and reduce our community reliance on fossil fuels.

However, they cannot, in all circumstances, replace the need for a personal motor vehicle, so the number and quality of car parking in new developments cannot be easily dismissed with more flexible arrangements.

Electric vehicles

Poor carbon emission standards contribute to unnecessary pollution with grave health consequences. Australia has been slow to react and slow to cut vehicle emissions:

*'New data shows Australia's emissions from transport are soaring and projected to be 82% higher in 2030 than they were in 1990.'*³⁶

One way to cut carbon emissions is to encourage the uptake of electric vehicles in Australia. Provision of recharging stations in parking garages (as proposed in the SEPP) is welcome. The NSW government should also be lobbying the Federal to alter its taxation regarding electric vehicles. Currently less than 1% of cars in Australia are electric compared to 58% in Norway³⁷.

Legislative failure on the part of the government means that it is not worthwhile for car manufacturers to market electric cars in Australia:

*'Managing director of Volkswagen Australia Michael Bartsch says he cannot convince his German head office to supply Australians with the company's top-selling mid-range electronic vehicles because of "embarrassing" local laws.'*³⁸

³⁶ Cox, L., 2019, 'Woefully dirty': government accused over Australia's failure to cut vehicle emissions, 31 Mar 2019, The Guardian, viewed 13/4/2021 <https://www.theguardian.com/environment/2019/mar/31/government-accused-australia-failure-cut-vehicle-emissions>

³⁷ Kopestinsky, A. 2021, *Electric Car Statistics in the US and Abroad*, 6 Apr 2021, Policy Advice, viewed 13/4/2021 <https://policyadvice.net/insurance/insights/electric-car-statistics/>

³⁸ O'Malley, N., 2021, *VW boss says 'embarrassing' rules stop cheap electric car imports*, March 23, 2021, The Age, viewed 13/4/2021 <https://www.theage.com.au/business/consumer-affairs/vw-boss-says-embarrassing-rules-stop-cheap-electric-car-imports-20210322-p57d85.html>

Parking provisions

Increasingly developers provide less and less parking, as outlined below.

*'Urban Taskforce Australia CEO Chris Johnson says that today it's becoming increasingly common for developers to allocate only 0.6 of a car for each two-bedroom apartment, meaning that for every five two-bedders there are only three spaces up for grabs. For one-bedroom units, that figure is even less – or set at zero.'*³⁹

It's really hard to believe that anyone who has actually lived in an apartment in Sydney thinks that there is an oversupply of parking in Sydney apartment complexes.

While it is the Greens position to reduce carbon pollution where possible and avoid using cars, Sydney residents are *NOT* currently well supplied with public transport options. In fact, there are very often few public transport options for many suburban residents. Covid has also shown us that public transport is a significant disease vector in a pandemic. Many people need to drive due to health and mobility concerns, disabilities, child transport and personal safety. Hence car parking cannot be left to the whim of developers and needs to be considered on a case by case basis and mandated by local council regulations following a detailed analysis of public transport options.

³⁹ Williams, S., 2017, *While car spaces disappear from Sydney apartment developments, car-sharing companies step up*, Domain, Aug 28 2017 <https://www.domain.com.au/news/while-car-spaces-disappear-from-sydney-apartment-developments-carsharing-companies-step-up-20170828-gy341x/>

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