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30 March 2021

Ms Abbie Galvin  
Government Architect  
Government Architect NSW

Via: NSW Planning Portal

Dear Ms Galvin

## **Georges River Council Submission – Design and Place SEPP Explanation of Intended Effect**

Thank you for the opportunity to provide feedback on the launch of the Explanation of Intended Effect for the new *Design and Place State Environmental Planning Policy* ('SEPP').

Georges River Council ('Council') welcomes the development of the Design and Place SEPP and the emphasis afforded to promoting good design within the NSW planning framework. Specifically, Council supports the proposed consolidation of *SEPP No 65 – Design Quality of Residential Apartment Development* and *SEPP (Building Sustainability Index: BASIX) 2004* as well as the revision of the Apartment Design Guide and the preparation of a new Urban Design Guide.

Council agrees that environmentally sustainable design should be a core component of well-designed places and buildings and the initiative of placing design at the forefront of the planning and development process will create opportunities to enhance the quality of the built environment across the Georges River LGA.

However, Council has identified a number of areas that require further consideration and refinement in the development of Design and Place SEPP and the supporting Design Guides. The detailed comments are provided in **Attachment 1** for your consideration and have been categorised under the following heads of consideration:

- Baseline residential density target in urban areas
- Minimum non-residential floor space in R3 and R4 zones
- Apartment Design Guide and its scope of application

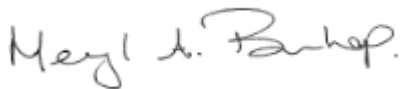
- Green infrastructure provisions in the Apartment Design Guide
- Floor-to-floor height requirements in the Apartment Design Guide
- Wind tunnel effect and pedestrian amenity in the Apartment Design Guide
- Connecting with Country in precinct planning
- Environmental and sustainability expertise in design review panels
- Passive design solutions and future-proofing BASIX

Where there is no comment, it can be assumed that Council has no substantial concerns with what is being proposed and can be taken as general support.

We look forward to future opportunities for additional input during the exhibition of the draft Design and Place SEPP.

If you require any further explanation of the issues raised in the submission, please do not hesitate to contact Anne Qin, Urban Designer / Strategic Planner on 9330 6266.

Yours faithfully



Meryl Bishop  
**Director Environment and Planning**



## **Attachment 1 - Georges River Council Submission**

### **Explanation of Intended Effect for proposed *Design and Place State Environmental Planning Policy***

Council's submission has been categorised under a number heads of consideration. Each heading is supported by a set of comments and a recommendation to assist with the drafting of the Design and Place SEPP and the development of the Apartment Design Guide ('ADG'), the Urban Design Guide ('UDG'), the Design Review Guide ('DRG') and BASIX reforms.

#### **General comments - Design and Place SEPP**

##### **Baseline residential density target in urban areas**

Council recognises the need to implement a hierarchy of residential zones to ensure there is a clear distinction in the urban form between low, medium and high density areas. However, the proposal to introduce a baseline residential density target for the R1, R2, R3 and R4 zones raises significant concerns in its 'one-size-fits-all' approach which neglects the nuanced methodology that is required for local plan-making.

One of the key objectives of local housing strategies is to identify the appropriate housing density for the local government area ('LGA') in response to local character, environmental constraints, amenity and the local community's expectations. The proposed blanket policy of mandating a minimum residential density is considered to be inconsistent with the intended purpose of preparing local housing strategies.

The proposed minimum density of 15 dwellings per hectare equates to an average lot size of 667sqm. A notable portion of existing residential allotments within the Georges River LGA are located along the foreshore, where the average allotment size is larger than 1,000sqm due to environmental constraints such as coastal hazards and riparian lands affecting up to 50% of the total site area. If the subdivision of these lots is enforced under the proposed 'one-size-fits-all' approach, the developable site area will be further reduced and unrealistic built forms will be created as the result. Council cannot ensure that the proposed minimum density will be consistently achieved across the LGA.

Furthermore, Council is currently in the process of preparing a local character review with the aim of developing Local Character Statements in accordance with DPIE's *Local Character and Place Guideline*. The findings of the review to date have identified that the local character of an area is closely linked to lot size due to the latter's influence on building setbacks and the landscaping provided within greater setbacks and by extension, the streetscape character. Accordingly, enforcing a minimum density target poses a significant threat to both the LGA's natural environment and its highly valued local character. This proposal is considered to be inconsistent with the emphasis placed upon the importance of place-based planning.

In addition, it is unclear whether the proposed baseline residential density target will affect Council's ability to make changes to planning controls applied to urban areas where the existing density does not meet the proposed target. Clarification is also sought regarding the calculation of 'density' and whether developments that cannot be subdivided like secondary

dwelling and boarding houses will be treated as only one dwelling despite the accommodation of multiple households on one lot.

**Recommendation:**

- *Provide the baseline residential targets for guidance purposes only to ensure the planning framework can be developed in response to local character, environmental constraints, amenity and the local community's expectations; and*
- *Provide further clarification on the method of calculation for residential density when taking into consideration of development typologies which cannot be subdivided like secondary dwellings and boarding houses.*

**Minimum non-residential floor space in R3 and R4 zones**

Concern is raised in relation to the proposal to mandate the provision of non-residential uses across all R3 and R4 zones due to the impacts on nearby business zones and residential amenity.

Council has adopted a hierarchy of residential zones to ensure the prevailing development typology within the zone reflects its objectives:

- R2 Low density: dwelling houses and dual occupancies
- R3 Medium density: attached dwellings, multi dwelling housing, terraces and manor houses
- R4 High density: residential flat buildings

The proposed requirement for 40% of ground floor area to be dedicated to non-residential uses cannot be achieved in the R3 zones of the Georges River LGA due the absence of a central 'entrance' to medium density dwelling typologies like townhouses and terraces.

The proposed non-residential floor space requirement is also unsuitable for the R4 zones. The majority of the R4 zones in the LGA are located on the periphery of commercial centres. Minimum non-residential floor space requirements are currently enforced by Council in business zones to ensure these areas are activated through redevelopment and will provide sufficient capacity to meet the demands of the existing and future populations. The mandated provision of non-residential uses will present R4 zones as direct competitors to the adjoining centres, which will undermine the integrity and objective of land use planning.

It is worthwhile noting that Council has already adopted the approach of actively exploring opportunities to expand existing centres wherever there is a known shortfall/retail gap and/or a demand for additional employment floor space. This work is being carried out through the preparation of the *Georges River Commercial Centres Strategy*. An economic study has been prepared as part of this Strategy. Existing evidence shows that non-residential activities tend to be less viable in locations away from centres and existing retail localities, reinforcing the need to link commercial activities to business zones.

Furthermore, Council is concerned about the land use conflicts that will be generated by the essential activities of non-residential uses in residential zones. Residential uses generally exhibit heightened sensitivity to amenity impacts generated by as additional noise, traffic, loading, servicing and late-night / early morning trading hours. The majority of the R4 zones in the LGA do not have rear lane access. The concentration of both pedestrian and vehicle

activities at the street frontage will lead to increased safety issues arising from traffic and pedestrian conflicts in quiet, suburban neighbourhoods.

**Recommendation:** *Review the enforcement of non-residential floor space in residential zones and provide councils with the ability to vary this requirement on a locality-by-locality basis to mitigate undesirable impacts on the viability of business zones and residential amenity.*

### **Targeted Comments - Apartment Design Guide**

#### **Scope of application**

In July 2020, the Housing Diversity SEPP EIE was exhibited. However, there appeared to be an absence of controls within the proposed Housing Diversity SEPP to address issues such as built form, internal and external amenity, storage, solar access, natural ventilation, visual and acoustic privacy for boarding housing developments. New generation boarding houses are typically advertised as studio apartments to the rental market. This is reinforced by the internal layout which includes the provision of a self-contained kitchen, bathroom and laundry. This trend can be similarly observed in student housing and serviced apartment products. Therefore it is considered essential to guarantee a minimal level of amenity to the internal occupants by expanding the application of the ADG to these development typologies.

**Recommendation:** *Expand the application of the ADG to include new generation boarding houses, student housing and serviced apartments.*

#### **Green infrastructure provisions**

The proposed increase in the minimum deep soil landscaping area and the target of achieving net zero emissions by 2050 are both strongly supported by Council. However, the majority portion of the development industry in NSW is inexperienced in the delivery of 'net zero ready' buildings, while local councils are inexperienced in the assessment of these developments.

The revision of the ADG presents an opportunity to include guidance through the provision of case studies and/or examples of residential developments that have successfully incorporated measures for better building performance such as rain gardens, solar voltaic cells built into glazing panels, etc. These examples could also be supported by a hierarchy of efficiency and cost to assist building designers and assessors in selecting the most appropriate mechanism.

**Recommendation:** *Provide a hierarchy of measures/mechanisms to assist in the delivery of 'net zero ready' buildings and include examples of successful developments.*

#### **Floor-to-floor height requirements**

Council welcomes the proposal to clarify the existing ambiguity over ceiling heights for non-residential uses. However, one of the key issues experienced by Council is the insufficient floor to floor heights proposed by development applications for the purpose of

accommodating an extra storey within the prescribed maximum building height. The insertion of this additional storey always results in a bulky building that exceeds the prescribed maximum floor space ratio. These buildings also feature a non-compliance with the minimum floor to ceiling height of 2.7m currently specified by the ADG for habitable residential areas.

To achieve the specified ADG ceiling height, a floor-to-floor height of 3.1m is required when measured from the top of one floor slab to the top of the next. This will ensure all necessary construction considerations are addressed including slab thickness and the cavity required for electrical and mechanical services in ceilings. Due to the rudimentary nature of development application drawings, many developments are lodged with floor-to-floor heights of less than 3m as construction details are not required to be presented, resulting in the delivery of apartments with reduced amenity due to non-compliant ceiling heights.

***Recommendation:*** Mandate a minimum floor-to-floor height of 3.1m for residential levels to ensure the minimum ceiling height for habitable residential areas can be delivered.

### **Wind tunnel effect and pedestrian amenity**

The wind tunnel effect is an emerging issue for the Georges River LGA, especially in areas where the urban renewal process has been dominated by the construction of tall residential towers. A notable example of this phenomenon is within the Hurstville Strategic Centre. The close proximity of these towers has generated an undesirable outcome whereby wind tunnels are created on the street and within the setback spaces around these buildings. As a result, the pedestrian amenity is significantly compromised. This is a major concern for Council as these localities possess great walkability and has the potential to be better activated with increased pedestrian activity.

Council requests that the review of the ADG be expanded to include considerations of the wind tunnel effect at street level and include design criteria and/or guidance to ensure pedestrian amenity is treated with equal attention to occupant amenity.

***Recommendation:*** Develop criteria and guidance to mitigate the impacts of the wind tunnel effect generated by residential towers to ensure a good level of pedestrian amenity is achieved at ground level.

## **Targeted Comments - Urban Design Guide**

### **Connecting with Country**

Council is supportive of the proposed integration of Country and culture within the precinct planning process. Council's Aboriginal Advisory Committee currently plays an active role in contributing to the development of a variety of policies and strategies relating to community development. However, embedding the draft *Connecting with Country Framework* within the planning legislation raises concerns relating to the additional timeframe and technical expertise required to conduct the required consultation. Council's existing Aboriginal Advisory Committee has acknowledged the deficiency in their expertise concerning environmental and planning matters.

#### ***Recommendation:***

- *Provide local councils with access to additional resources and technical expertise to enable meaningful engagement with the Traditional Custodians of Country as part of the precinct planning process; and*
- *Support local councils by allowing additional fees to be collected for the purpose of engaging specialist expertise to enable assessment and referrals.*

## **Targeted Comments - Design Review Guide**

### **Design review panel expertise**

Council recognises that in order to fulfil the NSW Government's objective of achieving net zero emissions by 2050, all new multi-unit residential developments will be required to reduce carbon emissions during construction and throughout the building's ongoing operation. The issue of environmentally sustainable design is at the forefront of Council's considerations during the development assessment process as demonstrated by the proposed inclusion of an additional local provision within the *draft Georges River Local Environmental Plan* to ensure new buildings in business, industrial and high density residential zones demonstrate principles of best practice environmentally sustainable design.

However, Council does not possess the technical expertise to conduct in-house assessments of a building's environmental performance. This is a similar issue experienced by other councils across NSW. In light of this, the scope of the design review panel should be expanded to provide expert advice on sustainability in addition to architecture and landscape design.

#### ***Recommendation:***

- *Review the composition of both local and State-level design review panels to include a qualified environmental sustainability expert to provide advice on environmentally sustainable design and other measures to reduce carbon emissions; and*
- *Support local councils by allowing additional fees to be collected for the purpose of engaging specialist expertise to enable assessment and referrals.*



## **Targeted Comments - BASIX**

### **Passive design solutions and future-proofing**

Council welcomes the proposed reforms to the BASIX tool. This is an opportunity to review the existing deficiencies of the online tool, especially in the area of passive heating and cooling design solutions. The existing calculator experiences limitations in certifying dwellings that employ environmentally sustainable design solutions such as using different construction materials in response to the site's orientation, overshadowing caused by perennial vegetation, special roof treatments like rain gardens and passive cooling through cross ventilation.

Furthermore, Council encourages the recommendations of the *Future Proofing Residential Development to Climate Change Project* carried out by Waverley, Woollahra and Randwick Councils to be incorporated as part of the proposed reforms to further strengthen the BASIX energy targets. This will ensure that new homes are future-proofed to adequately respond to the thermal comfort and energy demands that will be required in the coming years as the result of climate change.

### ***Recommendation:***

- *Incorporate greater recognition of passive heating and cooling design solutions within the BASIX online calculator; and*
- *Increase the minimum energy targets to ensure new homes are adequately constructed and future-proofed to respond to climate change.*