

Public Exhibition for the Explanation of Intended Effect New State Environmental Planning Policy (Design and Place)

Your Name	Kate Wooll, Business Manager Strategic Planning
Your Organisation	Goulburn Mulwaree Council
Postcode	2580
Phone	02 4823 4444
Email	kate.wooll@goulburn.nsw.gov.au
Stakeholder group	<input type="checkbox"/> Industry <input checked="" type="checkbox"/> Council <input type="checkbox"/> Aboriginal Community <input type="checkbox"/> Community <input type="checkbox"/> State Agency
Age demographic	<input type="checkbox"/> 18-25 <input type="checkbox"/> 26-45 <input type="checkbox"/> 46-65 <input type="checkbox"/> 65+

Your feedback

How to make a formal submission

We welcome your feedback on the Explanation of Intended Effect for a New Design and Place State Environmental Planning Policy. **Submissions close on 31 March 2021 (extended to 28 April, 2021).**

Feedback is sought on all parts of the document. Please consider if the proposal:

- Reflects contemporary understanding and practices
- Clearly articulates the intentions of the policy
- Should consider other opportunities.

Explanation of intended effect (EIE)

PART 1 Introduction

It is understood that this phase of consultation is only in relation to the Explanation of Intended Effect for the Draft SEPP (and associated Guidelines), however, without a draft instrument being provided (which specifies the exact nature of the changes) it is difficult to provide a specific response. Furthermore, whilst the introduction of design principles are supported, are they intended to replace development control plan provisions? No mention is made of the types of LEP and DCP provisions which may become irrelevant or require change. The EIE is suggestive that only applicants for development will need to demonstrate compliance with considerations and principles (although this may apply to councils also at the planning proposal phase). So what does this actually mean for other provisions that are in place or where council's themselves have yet to undertake detailed precinct planning?

Generally Council is concerned that the Draft SEPP and considerations will not provide sufficient flexibility to allow for appropriate regional local area planning.

Reliance on detailed precinct planning may not be reasonable outside high growth metropolitan areas.

PART 2 Proposed new State Environmental Planning Policy (Design and Place)

Council is generally supportive of the Draft Design and Place SEPP, its aims and the introduction of principles for the design and assessment of places in urban and regional NSW.

It is unclear outside of Metropolitan areas how far the "precinct" or significant development "controls would be applied. Would the precinct need to be identified in Council's LEP or DCP?

The following comments are made in blue in relation to precinct considerations which would apply (as per the EIE):

— *wherever a requirement for ‘precinct plan’, ‘precinct study’ or ‘master plan’ is specified in another instrument*

GMC Comment: Generally many regional LEPs do not have these requirements/triggers. It may be the case that council’s will need to draft relevant provisions for precincts to make it clear where these controls will apply.

— *to any planning proposal under s.3.33 of the EP&A Act greater than 10 ha or 1000 people*

GMC Comment: 10ha in a regional context is tiny. A density of 1000 people is also not that intensive if spread over a large area?

— *to any community scheme subdivision or subdivision into more than 50 lots*

GMC Comment: A 50 lot subdivision is not very large? If in a dense urban area the need for full precinct controls may be reasonable. Some subdivisions on the fringe of rural towns and villages may not warrant this level of scrutiny.

— *to areas identified for local strategic planning including amendments to local environmental plans (LEPs) (that are not planning proposals)*

GMC Comment: This is vague and could almost apply to anything?

— *to any other similar plan or spatial arrangement greater than 10 ha or 1000 people.*

GMC Comment: Again, 10ha is a really small area and may in regional or rural areas be associated with a development that is relatively insignificant (depending on the circumstances).

The following comments are made in blue in relation to significant development considerations which would apply (as per the EIE):

—*development on a parcel of land*

- *within a precinct or on a site bounded by streets on all sides*

GMC Comment: This could be quite a small area depending on the circumstances and not be significant? Some flexibility needs to be provided?

- on a site greater than 4000 m² or 500 people
- on a site greater than 1500 m² in a metropolitan centre.

—*State significant infrastructure (SSI) on or adjacent to urban land.*

GMC Comment: Wouldn’t the Infrastructure SEPP generally pick up on relevant considerations or referral requirements for significant infrastructure? For instance the Hume Highway and Federal Highway runs through the Goulburn Mulwaree LGA, but developments do not necessarily warrant “significant” status along these corridors?

Section 3.1.1 Design Skills

The benchmark for a registered designer for open space over 1000m² may be a bit inflexible depending on the circumstances. In a regional area, a small local park may be 1000m² or more, however in a higher density or CBD type setting such a space becomes more significant and need an urban designer and landscape architect to ensure appropriate fit for the location. A different regional benchmark should be set depending on the context.

Section 3.2.1 Application Requirements

The various application requirements (site analysis, a precinct structure plan, a design statement, precinct planning support documents) are supported but should potentially be relevant depending on the scale of the project? Generally for all projects outside of Exempt and Complying Development, a site analysis should be required with a DA, however, precinct structure plans, design statements and precinct planning supporting documents may be overkill depending on the scale of the proposal (or due to the level of planning in Council’s DCP etc.)?

PART 3

Key components of the new State Environmental Planning Policy

Section 3.2.2

Table 1 – Mandatory Matters for Consideration

1. **Cultural and built heritage:** This consideration is supported and aligns with Council's approach as set out in the LSPS, Heritage Study Review 2018, LEP, DCP, Local Infrastructure Contributions Plan 2021 – effective 1 June, 2021 (in relation to heritage exemption for adaptive reuse). It is not clear what is meant by "*and a corresponding strategy has been developed to ensure community use and enjoyment of these*", is this generally in the LGA or a community use strategy in relation to the specific development/DA? Such a strategy may be more or less applicable to individual proposals depending on the site etc.?
2. **Public Space:** This approach is supported and generally aligns with Council's approach. Given the centralized nature of Goulburn, public space is assumed to be open space for residential areas on the periphery of the town. Given the historic layout of the own and centralized road and active transport system, public facilities (library, museums, civic and community centres) tend to be located in the town centre – noting that these are often regional facilities serving other LGAs also, so need to be near public transport hubs such as central bus stops and train station.

The EIE discusses proposed new targets to retain or increase the provision and diversity of public space with no net loss of public space. The value and importance of available public space is recognised however, not all areas of public open space hold the same value and amenity to the local community. There are instances where the loss of public open space can result in significant public benefit in other spheres. In terms of Goulburn Mulwaree LGA, there are numerous small pockets of open space which serve little to no public utility. The Council's Draft Recreational Needs Strategy denotes some of these pocket parks for disposal in favour of focusing resources into larger multi-use recreational areas which serve a wider catchment of the population. The requirement for no net loss of public space, depending on how it is applied, has the potential to prevent the implementation of this strategy and lead to significant areas of open space which serve little benefit to the community and are a significant resource constraint on Council finances.

The updated SEPP and Guidance should consider the requirements of recreation/open space studies and the strategic direction of council areas. In addition, a size and/or quality threshold should be considered, below which loss would be permissible, especially where better open space alternatives are available in the locality.

The EIE also uses the terms open space and public space interchangeably however these two terms can have very different definitions.

3. **Connectivity:** This approach is supported and generally aligns with Council's approach. Council has constructed an extensive river walkway system along both the Wollondilly and Mulwaree Rivers and has sought to incorporate new open space linkages to Marys Mount release area (North Goulburn) with a new regional park which is partly incorporating drainage reserve area. Council is also preparing an updated Bicycle Strategy to take advantage of opportunities in existing street networks also to facilitate active transport. Use of the "blue grid" or drainage systems for active transport is also flagged in the LSPS. It should be noted that extensive footpaths and cycleways in regional areas account for a significant maintenance cost for small councils. Consideration of increasing rates to assist with the ongoing maintenance of these community recreational assets should be included in any SEPP review if inclusion of these elements is mandatory.
-

4. **Local Living:**

The principle of walkable neighbourhoods is a valuable one and tying development to walking distances is an appropriate response for dense urban environments but can present concerns for a growing regional town such as Goulburn.

Achieving a 20 minute walking distance to local shops/ 5 minutes walking distance to open space/ 20 minute walking distance to primary schools, district open space, public transport and supermarkets/groceries may be unrealistic outside of metropolitan areas? Densities of development outside major growth centres may not be sufficient to support new schools, district open space and supermarkets. It is hard to see any of the opportunity areas identified in the *GM Urban and Fringe Housing Strategy* having the density of development required to justify this infrastructure. These targets are too onerous outside of a metropolitan context and are not supported.

Councils do not determine facilities such as primary schools, whilst LEPs can pre-emptively zone land SP2 School, this needs to be agreed with the school provider i.e. State or private provider. This issue alone in smaller regional areas could prevent fringe development where school services may be ample and provided in existing centralised locations?

Ambiguity of walking distances: - a 20 minute walk or a 5 minute walk is defined in relation to distance and considered too ambiguous for consistent application. Walking times varying from individual to individual and can make determining distance from services a point of argument, rather than fact. A more appropriate response would be a distance threshold or range which could be applied, perhaps by typology. A walking framework should be established with these ranges. For example a 400m walking distance from shops equates to approximately a 5 minute walk for most, it is accepted that this may vary depending of the individual but it establishes specific measurable distances to be complied with. As previously stated, however, this type of target may better left to metropolitan areas only as the outcomes in regional areas could be to stifle development.

5. **Street design:** There seems to be a lot of motherhood statements used in this section “crossings on key desire lines, and locations for end-of-trip facilities”. The appropriateness of some of these controls may vary depending on the location and scale of the development/density of housing proposed? In some locations where the topography is constrained due to drainage/water courses etc., longer sections of residential fronting open space may be a more logical outcome? It may be that a large range of development scenarios should be modelled before apply any prescriptive stands/targets? Ideally there may need to be some flexibility around this to deal with site specific considerations?
6. **Water management:** GM is within the Sydney Drinking Water Catchment with controls in the SEPP dealing with many of these matters. Council agrees with trying to achieve a blue grid as a part of an integrated water management framework. As previously stated, maintenance and cost or proper management of these systems needs to be considered and review of rates caps should be undertaken. Even if on private development ultimately Council is typically the one to follow up complaints or end up with the maintenance of this infrastructure.
7. **Green infrastructure:** This consideration aligns with Council’s LSPS and is supported.
8. **Resilience:** This consideration aligns with Council’s LSPS and is supported.
-

9. **Fine –grain movement:** Whilst the intention of this provision is supported there may be instances due to topography and constraints where maximum block lengths may not be appropriate?
10. **Density:** The development of target gross residential densities for all residential zones would be a complex task? In existing urban areas (such as those which may have constraints due to historical development (such as flooding, heritage, existing road network), establishment of target densities could be difficult and not necessarily lead to a realistic figure.
11. **Housing diversity:** It is agreed that housing diversity should be a goal and a response to the local housing strategy. Given the centralised nature of Goulburn, the *GM Urban and Fringe Housing Strategy* tends to focus medium density development around the Goulburn CBD with actions including consideration of more residential development within the CBD (on streets which are not identified as activation areas).

The provision of a diverse housing stock to enable more mixed and inclusive communities is, in principle, supported. However the application of this requirement for a range of dwellings should be carefully considered as these needs vary significantly between areas and particularly between metropolitan areas and regional areas.

For example, a mandatory requirement to provide for a broad mix of dwelling types within one development would do very little to address existing imbalances in housing types in Goulburn. Goulburn's housing stock is overwhelming single detached dwellings of three bedrooms or more. The provision of studio, one and two bedroom apartments in Goulburn CBD would serve to redress this imbalance in the round and provide a particular housing type within walking distance of the concentration of services in the CBD. There are concerns that this proposal could lead to greater imbalance of housing types by prescribing housing types which are already in abundance in the LGA. Council Housing Strategies generally address issues such as this and have area specific actions to address imbalances. It is not clear how these provisions will improve upon area specific strategies?

12. **Transport and parking:** Council supports the use of car parking rates based on established demand. Council has recently undertaken a car parking survey for the Goulburn CBD which found an excess of car parking and is currently reviewing the DCP rates down to reflect this and to incentivize development. It is understood that issues surrounding car parking will vary significantly from area to area, therefore having demand based controls is a suitable tool for ensuring location based planning outcomes. The "benefit column" in this section is not really reflective of regional NSW as public transport, car share and managed car parking stations do not reflect the transport requirements or limitations in regional areas.

Notwithstanding the above, where public transport and car share services are to be taken into consideration it needs to be demonstrated that sufficient access, capacity and directional availability is available. In many urban areas, whilst public transport is available, it only provides links in one direction (i.e. to the predominant center) and does not cater for the needs of all future residents. The result of which is a demand for car parking which is then not served by development resulting in increased pressure on existing car parking resulting in land use conflict.

13. **Attractive form:** Council supports this consideration.
 14. **Impacts on public space:** Council supports this consideration.
-

15. **Impacts on vibrant areas:** Council supports this consideration. Council is updating the mapping identifying activation areas in the Goulburn CBD to which this provision would apply.
16. **Activation:** Council agrees with this consideration on streets which are identified as activation areas. Council would not support this consideration outside of areas nominated as activation areas.
17. **Emissions and resource efficiency:** Council supports this consideration but would seek to ensure that in order to provide sustainable and resilient building stock that the provisions for emissions and resource efficiency should be extended to complying development. BASIX needs to be updated climate data and factor in the regional variability to climate. This is a significant issue in regional areas where the level of social and economic disadvantage can be relatively high and the ability for individuals to make adaptive changes to existing dwelling stock is less. It is not clear that if the thermal and water efficiency targets in the BASIX SEPP are repealed, how this measures will be implemented with complying development (if the SEPP does not apply to complying development)?
18. **Tree canopy:** Generally the intention of this consideration is supported and consistent with the grid aims of the LSPS and is important to ensure reduction of urban heat island affect. Council's generally require either a landscape plan or condition the planting of street trees as relevant with any DA. Planning agreements are also used as a mechanism where appropriate to gain improvements to public spaces. The Codes SEPP is an obvious area where the extent of landscaping/ tree cover is limited to the minimum specified. Council's control of land under the Greenfield Housing Code etc. is limited to the subdivision phase and the public domain only. Provisions or standard conditions relating to maintenance and care of street trees/public domain landscaping for an appropriate specified period will still be required.

How will this be defined? Will it be by square metre i.e. 1 tree per 100m² of a lot?

This requirement needs careful consideration as the density of trees within a lot can afford some shading benefits but can also serve to create shadow, limit soil areas for domestic gardening opportunities, introduce additional maintenance costs to householders and create potential for damage to property from debris and roots.

As a general rule preference should be given to locally indigenous and Australian native plant species however Goulburn's character, particularly in the urban core is partly derived from its exotic tree species which reflect the historic character of the area and its early foundations as Australia's first inland city. This 'preference' should not become an absolute requirement and should be flexible enough to enable the planting or replating of exotic species currently evident in the LGA and which contribute to its character.

19. **Affordable housing:** As previously stated adaptable housing should also be a consideration. This provides an affordable pathway for aging in place and provision of accessible housing.
-

PART 4

Proposed amendments to existing State Environmental Planning Policies

Refer to comments in Appendices section.

There is insufficient information in this section to understand the full impact of the SEPP. A draft instrument will be required to inform all stakeholders of the full impacts of the proposed changes.

PART 5
Relationship with other planning instruments and policies

5.2.2 SEPP Exempt and Complying Development Codes

The EIE states that the “*relationship between the existing Codes SEPP and the new Design and Place SEPP is to be determined*”. This is a fundamental issue to be addressed and the relationship clarified? The Codes SEPP is not a design based document and essentially allows for development of the most basic design to be facilitated through a set of specified development standards which are less than those standards applied typically found in LEPs and DCPs. There is a fundamental disconnect between the way the Codes SEPP operates and the principles based approach outlined in the EIE?

As a minimum BASIX type provisions should be enhanced and applied to Codes based development otherwise a significant sector of the market will be missed.

6.2.2 Review of environmental factors

The EIE does not provide clear direction on whether the SEPP will apply to REFs? REFs are used in a variety of circumstances, some which may relate to the achievement of infrastructure provision and improvements that would support the design outcomes in the SEPP. However, in a regional area, it could be as basic as upgrading an urban road. REFs can be undertaken in house or by consultants and typically (for Councils) entails a cost. It would appear unnecessarily onerous and counterproductive to require assessment of this SEPP for basic REFs. Where this could be more beneficial is where development for residential or other significant urban design projects are undertaken by the Crown where greater design principles could be reasonably applied, however, it would be potentially easier to add this to corresponding SEPP amendments rather than to REFs?

6.3 Planning proposals

The benchmarks and targets specified in the Design and Place SEPP must allow for regional circumstances. It would be unreasonable in many circumstances to use the metropolitan based benchmarks in regional areas where they simply cannot be achieved and are not relevant. Consideration needs to be given to ensuring benchmarks in regional areas (especially where number based, such as a specified walking distance to open space, public facilities/shops, or length of residential blocks) are only applied in metropolitan areas.

PART 6
Planning pathways

6.4 Transitional provisions

It is understood that proposed transitional arrangements will be put in place for implementation of the proposed Design and Place SEPP to :

— *allow industry stakeholders to mobilise and get ready for any additional provisions that will be applied under the SEPP*

GMC comment: A long a lead in time would be fair, depending on the scale of the development the lead in time may need to be fairly generous (for precinct or significant development). Possibly between 6 – 12 months?

— *allow councils and other consent authorities to ensure appropriate skills are in place to meet the assessment requirements under the SEPP*

GMC comment: this is also a resourcing and funding issue? Many regional councils find it difficult to attract planners, certifiers and engineers and do not have urban designers or architects on staff. Design panels can also be an expensive exercise for a regional council. It is suggested that possibly a two tiered approach to this may need to be taken in relation to Metropolitan versus rural/regional?

— *ensure the consistency and clarify the hierarchy between SEPPs, particularly given the Design and Place SEPP is proposed to include SEPP 65 and BASIX.*

GMC comment: The actual detail around how this will work exactly has not been provided which makes it difficult to comment on this?

APPENDIX A

Proposed Amendments to the Apartment Design Guide and SEPP 65

Council supports a review of both SEPP 65 and the Apartment Design Guide.

It is noted that adaptable housing is not an area proposed to be added in the design criteria. It is considered that adaptability is a design issue which if addressed at the outset would make a significant impact on producing housing stock that reflects the changing needs of our population. The current “opt in” approach or minimum target/component approach to adaptable housing is not working.

Table A1 – Lessons learnt from the 2015 Apartment Design Guide: Key Themes

Parking

Council agrees that the car parking rates need to be reviewed and that proper accountability of public transport needs to be considered including demonstrating its usability and effectiveness in reducing the need for car parking.

Council does not agree that there is likely to be an oversupply of car parking based on the current rates (depending on the location). Any change to the existing rates needs to evaluate the use of visitor parking and on-street in apartment buildings constructed under the existing code where conflict regularly arises.

Table A4 Options for revising guidance on car parking rates

Review existing minimum ratios

Council supports the movement away from mandated minimum ratios. The reduction in car parking should only be based on where it can be demonstrated that there is existing car parking capacity within the locality and that this capacity has not been allocated to previously approved development.

Council would not support the use of a measurable distance from a train station or other forms of public transport. The development would need to demonstrate that the needs of future residents are being met by the service provided and not just have it based on frequency. Location destination also needs to be considered.

Regional railway stations and bus timetables do not always allow for commuting due to infrequent or limited services. The presence of an actual station does not equate to a full level of public transport being a viable alternative to car usage.

Apply Maximum Ratios

Council would not support the introduction of maximum ratios. Car parking requirement needs to be demonstrated on need by location specific constraints.

Un-building

Council supports further exploration of “un-building” or separating car parking and unit ownership. Car parking should be available on a lease term to residents who have a demonstrated need and not just be based on the highest and best price. However, it would be appreciated if further investigation was undertaken to explore the pros and cons of this approach in a variety of circumstances.

Adaptive travel plan

Council supports the consideration of controls in relation to the use of adaptive travel plans to determine parking demand for proposed development.

Increased provision of car share spaces

Any provision of additional car share spaces where they are to be leased to a private service provider should be on top of any demonstrated car parking demand not at its expense.

Table A5 – Summary of Proposed Changes to Apartment Design Guide

1. Contribution to Place

Consideration of Country can be challenging as Country may differ when there are various First Nations which may be associated with the site?

5. Mixed Use development and street activation: The requirement to allocate 40% usage of the ground floor area of apartments for non-residential use in R3 and R4 zones as a general rule is not supported. Council currently only has a small area zoned R3 which adjoins land zoned B2 (with an approved supermarket and shops), however, land identified for R3 in the *GM Urban and Fringe Housing Strategy* is within 400m (walking distance) of the Goulburn CBD which is over 100 ha (including the B3 and B4 zoned areas). There is no need to add a stipulation for a non-residential component? This is also questionable where streets are not identified for activation.

8. Car parking: Car parking should be required to be provided on a demonstrated need that specifically addresses the characteristics of the locality not on a minimum or maximum rate. It is essential that sufficient private car parking is provided that will meet the needs of the development to ensure that land use conflict does not result in the locality or surrounding areas. Where demonstration of need is not provided then minimum rates should apply.

Table A6 Summary of proposed changes to the Apartment Design Guide in relation to residential amenity

1. Solar access
Solar access has been determined as an essential part of residential dwelling liveability. The requirement for calculation of solar access should be consistent with the existing guidance issued by the department and that determined by the Court.
2. Natural ventilation
Council supports the increase in the requirement for natural ventilation.

3. Liveable Housing Targets - As per previous mention of adaptable housing targets, this would be the appropriate location for this?

5. Apartment Layout – this could also be extended to include consideration of adaptable housing such as minimum door widths, hall widths, bathroom dimensions etc.

6. Local planning considerations –

8. Storage

Council supports the inclusion of minimum dimension and height to ensure that the storage provided is useable.

APPENDIX B Proposed New Public Spaces and Urban Design Guide

Council agrees with need for the introduction of a design guide for new public spaces and urban design. This guide appears, however, to have a number of motherhood statements which are generally acceptable but it is not clear how this will be implemented and whether there will be allowance for rural regional context?

B.1.3 states: “...*planning precincts to ensure that new housing is within walking distance of local and district open spaces, shops, fresh food, schools, and public transport*”.

As previously stated in this submission, the design should be flexible enough to be universally applied and not introduce targets which may act as de facto limitations to development outside major metropolitan growth areas.

B.1.4 states:

“The pandemic has revealed new challenges for healthy activity in the urban realm, and has highlighted the need for:

—increased space on streets for safe and well-connected walking and cycling paths to encourage healthy independent mobility

—increased space on streets for physical distancing of outdoor social activity and outdoor retail trade to maintain social connections and support local economies

—connected networks of local green infrastructure that encourage healthy recreation by enabling more activities, such as physical exercise, to take place outdoors

—community places that can be flexibly used and repurposed for a range of activities

—frequent public transport services for COVID-safe transit (particularly when capacity is reduced) and to facilitate a sustainable return-to-work for those that choose to do so.

Recent events have also highlighted the influence our urban environments have on communities’ physical and mental wellbeing. There is increased need for our urban realm to be designed to support greater resilience, sustainability, equality, and liveability”

Given the provisions of the various Codes under SEPP Exempt and Complying Development Codes, there is a lack of control in the design area outside of public spaces. Increasing pressure is being placed on the subdivision phase to ensure road networks to offset the overdevelopment of sites that these Codes allow for, thereby putting pressure on street parking and increasing dependence on street planting. A review of Transport for NSW standards for road/streets should also be considered in light of these demands. Typically developers want to narrow streets to reduce costs regardless of the eventual density of development which may occur in future.

B.2.5 states: *“It also avoids the creation of new neighbourhoods in areas where it will be difficult to achieve good liveability outcomes, service new housing, or provide connectivity to existing urban areas.”*

As previously stated, there should be some flexibility here for regional context. Standards applied for metropolitan growth areas may not be reasonable in a rural and regional context/interpretation?

B.3.3 Proposed Structure

Part 1 involves understanding place and country including:

—Natural environment context e.g. coastal, ranges, western plains

—Built environment context e.g. city, town, neighbourhood, regional

—Social and economic context e.g. demographics, local sentiment, character, social and recreation needs, industry and employment sectors, and investment

—Urban design actions e.g. urban infill (intensification), urban renewal, change of use (brownfield), urban extension (greenfield)

—Responding to risks, climate change, and building in resilience by design”

This understanding needs to be reflected potentially in each of the other proposed parts of the guide to ensure flexibility in approach to regional/rural areas, development patterns and growth expectations.

B.3.4 Design Considerations

B.3.5

Table B1 refers to right of way width this is typically referred to as pavement width or carriageway width, a right of way has a different meaning in law as opposed to a dedicated public road —or is it in relation to lot frontage width? Is reference also to be made about the level of traffic generation appropriate for each of these streets? Are the tree planting guides meant to be based on road frontage width per lot? This table is not clear and should be supported with diagrams? What happens if parking bays are introduced?

APPENDIX C

Sustainability in Residential Buildings

Council as identified in its *Social Sustainability Strategy and Action Plan* supports measures which improve the sustainability and resilience of residential buildings given the impacts of climate change and the difficulties for less advantaged communities to adapt to extremes of weather.

Whilst flexibility in available pathways to demonstrate the achievement of performance criteria would be good, this should not allow any reduction in overall sustainability. BASIX standards in particular are quite low for single dwellings often without achieving significant long term benefits. Simple changes such as the increased requirements for insulation and glazing could have long lasting benefits in hot, temperate or cold climates.

The underlying climate data for BASIX needs to be updated and factor in climate changes reflecting the regional climate change snapshots. In our region extremes of both heat and cold occur and in some instances, the requirement of increased insulation, or double glazing can be of benefit throughout the year. BASIX standards in this region are too low and not regionally appropriate and add to the ongoing cost of housing during the lifetime of the development. In regions, where incomes are lower and aging population is an issue, having more appropriately built housing stock for the climate can significantly improve social outcomes and resilience to climate change. Another key unexplored benefit of regionally focused and strengthened BASIX commitments is the macroeconomic benefit it would provide to the broader NSW economy, where cumulative reductions in the cost of living for tens of thousands of new households statewide may amount to millions of dollars of previously unavailable expendable income to be spent on NSW businesses. For example, 100,000 newly built homes saving their occupants an average of \$500 a year on heating/cooling costs due to better BASIX commitments, means \$50,000,000 worth of newly found expendable income to be spent on NSW businesses each year, every year.

C2.2. – The Codes SEPP with its minimalistic provision for trees and landscaped open space does not offer a positive contribution towards sustainability in relation to the build-up of urban heat. Landscaping controls in relation to the urban heat affect should be improved for complying development.

C4 Table C1 – Trade-offs should only be considered for structural items that are permanently a part of the building. Items which are easily transportable and can be stripped off and removed (such as some water saving fixtures) without damaging the building should not be tradeable.

Additional comments

- Council is concerned that these design and assessment principles will not be applied to complying development and will exclude development subject to the relevant complying development codes within SEPP (Exempt and Complying Development Codes). In regional NSW the vast majority of housing and green field development will be developed with detached dwellings, secondary dwellings, dual occupancies or multi dwelling housing. All of these housing typologies are covered to some extent by the complying development codes. Furthermore, in industrial zones a significant amount of development can be undertaken under the Industrial Code. Therefore, the exclusion of complying development is a significant gap in the application of these design standards. Arguably it is in the realm of complying development that poor design outcomes are more common, as the test of acceptability from a design perspective is lower and there is no opportunity for community input for design review. “Greening Our City” objectives are unlikely to be met when landscaping requirements in codes such as the Greenfield Housing Code are minimalistic at best.
 - Inclusion of adaptability targets is considered a design issue, currently the voluntary or “opt in” approach to adaptable housing is not effective. Adaptability needs to be considered at the design phase and as it has implications for sizing of apartments/access/circulation areas/bathrooms etc. Increased adaptability also provides benefits towards improving the resilience of housing stock and the reuse of existing supply over a long term thereby also being a more sustainable approach to housing stock and is a “whole of
-

life” approach as per the objects of the Act s.1.3 (h). This is clearly also an affordability issue as well as a social and design issue.

- It is understood that the approach is to have a more “principles based planning system” in order to move away from prescriptive controls. In regional areas where there is less access to appropriately qualified designers and where councils do not have designers on staff (nor even design review panels). This approach need to be thoughtfully considered as it could lead to worse design outcomes than currently achieved. Importing designers from Sydney may add to the expense of projects and Council's may not be budgeted to contract out design assessment for relevant applications. The outcomes may therefore differ considerably to that within a metropolitan area by being more expensive and with less control over the standards applied. If councils are required to have an assessment by qualified designers this would need to be an additional fee that Councils should be able to charge above the scaled DA assessment fee set in the Regulations.
 - How will mixed development be achieved? Currently there is a large amount of flexibility in the GM LEP 2009 which allows neighbourhood shops and home industries in the dominant R1 General Residential and R2 Low Density Residential zones. In addition to this, Goulburn as a regional centre is highly centralized and has a historically large CBD covering 48 hectares with a broader CBD area covering 132hectares. Council is currently working on a CBD Renewal Strategy that considers a range of place based planning amendments to its LEP and DCP to also incorporate recommendations from its *Urban and Fringe Housing Strategy*. The Strategy identifies R3 Residential Areas adjoining the CBD and potentially allowing residential flat buildings in the B3 zone where not located on activated street frontages. Requiring new urban areas to have specific business zones may not be appropriate in locations such as Goulburn as these areas may compete with the existing CBD which is already struggling. There is also a potential double up in this approach with the current Employment Land Zone Reform under review. It is considered that there is sufficient flexibility to provide for mixed development with the existing zonings (and flexible land use tables).
 - Council has recently undertaken a Car Parking Survey for Goulburn to determine a more needs based approach to car parking rates as a part of its CBD Renewal Strategy. Council supports a needs based approach to car parking requirements. It is however essential that when considering the availability of public transport, the destination and travel times of public transport are included in determining the calculation of car parking demand.
 - Sufficient flexibility to allow for the regional application of mandatory matters for consideration needs to be included, as many of the matters raised may not be realistic outside of a metropolitan growth area. What mechanism can be used to allow for individual development circumstances where the application of such controls may be unreasonably onerous?
-