

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

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| Stakeholder group | <input checked="" type="checkbox"/> Industry <input 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 checked="" 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.**

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

Local focus – the document tends to talk a lot about Greater Sydney but regional areas should be given equivalent focus as they are now growing especially in regards to Principle 3 – baseline residential density targets may need to be re-evaluated post Covid – p18.

Principle 3 talks about walkable neighbourhoods and car parking but there is no mention of public transport integration. I appreciate that public transport infrastructure is outside the scope of the SEPP but how such walkable neighbourhoods connect to the public transport network is important and precinct scale projects should be providing for future expansion of the public transport network or at least consider how it is to be integrated.

PART 2

Proposed new State Environmental Planning Policy (Design and Place)

Principle 4 mentions 35% reduction in construction and operational carbon emissions by 2030. It is great that this is finally being considered but how do we do the constructional carbon emissions reduction? The Principle mainly talks about trees and greening with little discussion about more efficient buildings or low carbon construction methods. There is no further mention later in the document about carbon reductions during construction. Will this be done by encouragement and incentive or regulation? The impact of this target if it is to be achieved will be very significant especially on the supply chain of materials. Industry needs to prepare for this and so some indication of how this is to be achieved is important.

Principle 5 covers resilience which is becoming more important all the time. However there is no mention of avoiding or restricting development in high risk areas for flooding, bushfire and tidal inundation.

2.4 Application of the new SEPP

States that the SEPP will only apply to urban zones and not to rural zones. Does this mean that a separate BASIX pathway is required for housing in rural zones?

3.1 Design Process

3.1.1 Design Skills. There is no mention of registered NatHERS assessors as a design professional

3.2.1 Application requirements. Precinct planning mentions providing a 'green infrastructure map'. This seems to exclude other infrastructure – public transport, energy grid and reticulation, water management systems as opposed to natural waterways and systems. There is no water cycle management mentioned? The integration of all infrastructure so it is all as 'green' and sustainable as possible is very important. Just concentrating of 'natural' only elements is too narrow a view. there needs to be a much greater holistic view so that natural elements are a fundamental element of the whole design if we are to achieve the biodiversity and urban cooling that are mentioned as goals..

Also, a design statement is also required which includes 'embodied energy' which is good but how is this assessed? There is no mention of solar or climate planning, energy efficiency etc.

3.2.2 Mandatory matters for consideration

1. Cultural Heritage – no mention of consulting with local indigenous community which is essential if true understanding of cultural heritage is to be achieved.

2. Public Space – mentions no net loss of public space. As the community grows the need for public space should increase proportionally especially as areas densify. The demand for public spaces is already overstretched especially in regards to open space, playing fields and other facilities are already undersupplied in a lot of urban areas where densification has occurred.

3. Connectivity – there is no mention of public transport and how that is integrated. This is a big oversight.

4. Local living – nominates 20 minutes walking time to public transport, shops, schools etc if possible. It would be much better with 15 minutes if possible. with 20 minutes as the absolute limit if people are to reduce their car use. People will not walk for 20 minutes carrying shopping or with kids etc.

5. Street design –there is no mention about layout of streets being optimised for solar planning or local climatic, biodiversity, arable land/food growing or topographical considerations. This is covered under 7 Green Infrastructure but the concern is that the two issues will be considered separately and not integrated to ensure the most sustainable outcome. If we are to design high performance energy efficient homes then it is essential to have subdivision designs that optimise solar and climatic planning. There needs to be some regulatory control over this otherwise it will not be considered by developers. Over 20 years ago, the NSW Government through SEDA had a Subdivision Solar Planning tool which was used by some Councils as a requirement for subdivision planning. This tool should be updated and re-introduced or a new similar tool or set of guidelines provided.

12. Transport and parking. This item seems to be only focussed on car parking rates. There is no real mention of integration with public transport, provision for future public transport corridors, longer distance commuter cycle routes and facilities instead of just local neighbourhoods, car share facilities, larger precincts providing internal public transport options such as minibuses etc. etc. There needs to be a much broader consideration of transport especially as the technology is changing with the potential future of greater use of car ride options and driverless vehicles which may create a whole new transport paradigm.

14. Impacts on Public Space – again this item mentions no net loss of public space. As the community grows the need for public space should increase proportionally especially as areas densify the demand for public spaces is already overstretched

16. Activation - no mention is made of how the development of new 'high streets' are to be encouraged or ensured.

PART 3

Key components of the new State Environmental Planning Policy

17. Resource and Energy efficiency – there is no mention of working at precinct level to achieve resource and energy efficiency through things such as precinct scale water recycling, distributed grids, community batteries etc. Again like transport, the electricity grid is about to undergo during the next few decades a huge transformation. This SEPP should consider the impacts of that potential massive change.

The item also mentions incorporating BASIX targets but no mention of updating those targets to make buildings ready for net zero by 2030 or to align with NCC stringency increases in 2022 and possibly 2025

PART 4

Proposed amendments to existing State Environmental Planning Policies

PART 5

Relationship with other planning instruments and policies

PART 6

Planning pathways

APPENDIX A

Proposed Amendments to the Apartment Design Guide and SEPP 65

APPENDIX B

Proposed New Public Spaces and Urban Design Guide

APPENDIX C

Sustainability in Residential Buildings

Alternative pathway – there are no details about what the process for the alternative pathway would be. This seems to be paving the way for the Building Reference Building Verification method to be adopted in NSW which is serious concern. It is also likely to be brought in for Class 2 and from a developer perspective this would be a much more preferable option. The use of this method has led to poor quality ratings in both WA and Victoria. Although the revamping of the NCC

requirements and specification for this method has been tightened, the main concern is there is no accreditation requirements for who carries out the assessment.

The adoption of an alternative pathway does provide more flexibility and having this option will match the options available nationally within the NCC and so makes sense. However, NSW is currently unique among the states and territories in that it requires accreditation of NatHERS assessors. It is important if an alternative pathway for thermal comfort allows that the process is regulated to the same level as the current NatHERS pathway with full accreditation of assessors that use the pathway.

C2.1.3 – considering the use of trade-offs for thermal comfort. It is disappointing if this is being considered. This has been discounted as an option at the National level with the proposed upgrades to the NCC in 2022. It is important with a changing climate that the thermal comfort of homes is maintained. It is much more costly to alter or modify the construction of a home to make it perform better thermally in the future than it will be to add more efficient appliances or add solar panels. This is important from a health and amenity perspective as much as energy efficient. It is most important that houses that are going to be used for the next 50-100 years function well now as they will be facing much harder conditions in coming decades.

C2.2.2 Aligning sustainability. This item could also include health and amenity in regards to material choice, opportunities for food growing, biodiversity within back yards and common gardens.

C2.4.1 Improved consumer experience – one aspect that would be most beneficial is an update of the actual BASIX certificate format which is very confusing and hard to understand. Currently the statement on what needs to be demonstrated is separated from the particular requirements for that item for the project - a much simpler format with clearer language would assist all to understand the requirements. The layout is not intuitive.

C2.4.2 Promoting innovation – the BASIX Alterations and additions tool is woefully out of date – it has only some minor updates since inception 15 years ago. For example:

- water efficiency, it specifies 3 star fittings - this is the bare minimum that is available in the market place by regulation and has been for a long time. So, for this particular item BASIX is not creating improvement in performance at all.
- Insulation - the insulation options within the BASIX Alterations & Additions tool have not been updated since inception 15 years ago and so have outdated materials and do not include options such as breathable membranes. There should be more flexibility as to how the overall Total R value is achieved.
- The thermal comfort component of the BASIX Alterations and Additions is very simplistic only looking at reducing summer cooling load on windows. The shading component does not consider wing walls and is very simplistic with vertical screens which can result in some perverse outcomes where a window which may only get sun for less than two hours a day is forced to install a shading device which cuts out the minimal winter sun it gets. This happens often with the rear of terrace houses.
- although the range of window/glazing options within the BASIX Alterations & Additions tool has recently been expanded, it is still very limiting.

Additional comments

Thank you for your time in preparing this submission.