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SUBMISSION ON PROPOSED DESIGN AND PLACE SEPP EXPLANATION OF INTENDED EFFECTS

Second submission - APRIL/MAY 2021 - Part 4 & APPENDICES A & C

PART 4 - SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

4.2.1 Sustainability in residential (and other) buildings

RECOMMENDATION: The proposed consideration must include the phrase "performance standards" as well as "performance targets", so that it reads *"All new homes and all other developments must meet or preferably exceed the performance standards and relevant targets of BASIX"*.

RECOMMENDATION: Mandatory consideration of Emissions and Resource Efficiency must also apply to precincts and all other development.

RECOMMENDATION: Competing provisions in BASIX targets, other environmental planning instruments or DCPs, should be allowed to exceed the current policy position standards if they achieve better environmental outcomes.

RECOMMENDATION: Sustainability targets currently embedded in the online BASIX tool should be converted to mandatory requirements.

RECOMMENDATION: The SEPP's applicability should be for all development including alterations and additions that exceed a value of say \$30,000 (not the current \$50,000) and for the installation of a pool or spa of more than say 30,000 litres but no more than 40,000 litres.

RECOMMENDATION: Although the requirement is for non-residential development to meet or exceed relevant NABERS targets, including for emissions reductions by 2030, 2040 and 2050 is supported, these targets should be made a mandatory minimum rather than "where possible". This is essential as the *"zero net emissions by 2050 target"* is assessed by the United Nations Intergovernmental Panel on Climate Change to give an unacceptably high 33% chance of exceeding a dangerous runaway 2°C of global warming.

RECOMMENDATION: The proposed use of "thermal comfort" is opposed as it is too subjective and should be replaced by the measurable use of "thermal performance".

RECOMMENDATION: Newly proposed measures for BASIX performance assessment and compliance must be designed to result in better measurable local outcomes.

APPENDIX A - PROPOSED AMENDMENTS TO THE ADG & SEPP 65

Section A1 - Introduction

- Most of the Sections in the Apartment Design Guide are followed by a Table of specific criteria that are referred to in that Section. Rather than repeating the BPN recommendations within the Sections and also for the Tables, the majority of BPN recommendations are addressed on a Table by Table basis. Only those particular issues that are not addressed in the Tables of criteria, are referenced and recommended on a Section by Section basis.

Section A1.1 - Better housing, better places

- BPN agrees that better design is required to ensure apartment development provides a desirable alternative to detached housing. It currently does not. However BPN considers that reducing the prescriptive controls in the Apartment Design Guide and allowing more "flexible solutions", will not provide better design outcomes, just larger profits for the development industry.

RECOMMENDATION: Prescriptive controls must remain throughout the ADG.

Section A1.1 - COVID-19

- It is noted that there is no reference in this section for the need for reliable internet and communication services. Indeed nowhere in the ADG criteria is there any mention of communication systems.

RECOMMENDATION: An additional criteria must be included in "Residential amenity" in relation to installation of reliable communication systems.

Section A1.1.2 - Housing supply, feasibility, and affordability

- It is doubtful whether construction of unit blocks could be described as "*complement or improve that (neighbourhood) amenity*". Nor that they "*introduce new housing choices that are attractive, high-quality and sustainable*". The ADG has been around for many years and yet still the majority of unit blocks are ugly and monotonous, many of them are poor-quality (eg Opal and Mascot Towers) and rarely could they be described as sustainable (flammable cladding).

The amenity of residents cannot be supported by the ADG when the prescriptive foundations are removed and replaced *with "considerations"*. If developers cannot ensure the affordability of housing that is financially feasible, then perhaps they should not be in the industry. Then again when the community looks at the lavish lifestyles attained by most players in the property industry, the term financially feasible developments seems quite subjective.

Section A1.1.3 - Healthy, sustainable, resilient communities

- Good building design for healthy outcomes is not supported by simply changing the definitions to provide different outcomes. For example changing the definition of cross-ventilation to allow more units to be claimed as having sufficient ventilation will not increase the number of units with healthy airflow (see criteria Table).

Section A1.2 - Recent lessons learnt

- While it is agreed that *"lifting the standard of apartment development and residential amenity in NSW"* is urgently needed, the *"industry call for greater flexibility"* is the very antithesis of that objective. Nowhere is it explained or justified how achieving good design quality can be attained by *"removing strict development controls"*.

Surely one of the main lessons learnt recently should have been that the development industry does not self-regulate. It appears that the State Government and DPIE has not learnt any lessons from the flammable cladding towering infernos, the pink batts debacle, the Opal and Mascot Towers, nor the numerous submissions made to the Building Inquiry. To reiterate, the development industry does not self-regulate. Removing strict development controls is inviting further disasters, particularly when it comes to unit towers. In an age when residents can be, and have been, locked into these towers, either metaphorically, financially, or because of a pandemic, development controls must become stricter not more flexible.

While Treasury and the Productivity Commission, as well as the development industry, may call for greater flexibility and discretion (subjective judgement) to *"give certainty to developers"* (but not to purchasers), good design is judged in the final instance by those that live within and near to developments. So far, that judgement is mostly in the negative. The day when applicants *"exceed design objectives"* will only come when the development industry is properly regulated. The only positive merit assessment under the ADG as mooted, will be from the developer themselves.

RECOMMENDATION: Key design criteria must be mandatory, not simply considerations to be ignored when supported by an "innovative" report about a "flexible" solution.

Table A1 - Lessons learnt from the 2015 ADG: key themes

- Solar access - The availability of access to sunlight must not be determined by developers' usual catch-cry of a purported risk to "development feasibility". Solar access is fundamental to the health of the occupants of unit blocks. There SHOULD BE impacts on internal layouts, setbacks and location from this requirement. That is the point of the criteria. A particular developer's bottom line should not be the deciding factor in whether residents will have solar access or not.

RECOMMENDATION: There must be no reduction in requirements for solar access in the new ADG.

- Natural ventilation and noise - No *"alternative methods of ventilation"* have been described, so it is impossible to comment on their desirability or the impact on residents' amenity.
- Apartment size and layout - While this key theme states that *"unit size, configuration and mix is not achieving housing diversity"*, no criteria are proposed to regulate unit size or unit mix to address this issue. Only the low-hanging fruit of being able to change the internal configuration of a unit is proposed. Akin to moving deck chairs around on the Titanic. Unsurprisingly, this suggestion of adaptable configurations will have little if any cost impact on the developer themselves. On one hand the ADG EIE states that families with children, larger families, intergenerational households, the elderly, and those with a disability *"generally require more space to live comfortably"*. On the other hand it says that the revised ADG proposes to retain the allowance for departures from minimum apartment sizes, for smaller apartments. It's contradictory

RECOMMENDATION: As this is a key theme, DPIE must bite the bullet and set mandatory targets for unit size and mix to address housing diversity in apartment sizes.

- Deep soil and landscape design - As the ADG EIE states, there is a need to increase deep soil to allow for improving tree planting and to capture stormwater run-off. However putting this into the "consideration" only basket, instead of mandatory targets, will see this criteria fail dismally.

RECOMMENDATION: Mandatory targets must be applied for deep soil zones, tree planting, green networks and children's play areas. Different scales of targets can be provided for different scales of development.

- Parking - The concept of "oversupply of parking" is not a concept heard out in the community. It is a complaint made by developers who simply want to increase profit margins by building less underground carparks. Oversupply of parking is a theoretical construct on graphs and tables, not the lived experience of the community.

The relatively new Cherrybrook Metro Station is a case in point. Some bright spark decided that if they built minimal parking then there would be less cars driven to the station. In an even bigger brain snap, it was decided to cut bus services in the local area at the same time, as the Metro was providing an increase in public transport. The result? An unmitigated disaster. The carpark is full by 7am leaving drivers to fill the surrounding streets, including illegal parking across driveways and on corners. The local council is having to consider parking restrictions in suburban streets that were once, and should still be, quiet neighbourhoods.

Those that can't find a park by 8am? They travel to the Metro stations further and further north west. The situation is so dire that LED signs have been installed on local roads around Cherrybrook Station, to advise commuters which is the nearest station (further west) that still has parking. So in the end, commuters drive further than they would have if sufficient parking had been provided in the first place. The reason for the debacle? It appears no one considered the fact that the surrounding suburbs are all widely spread low density with insufficient bus services.



This situation is going to become exponentially worse when hundreds of units are built on the Cherrybrook Station Landcom site. No doubt the amount of parking provided for the units will *"take into account public transport amenity"*. No doubt the creators of the graphs will fail to realise if parents want to take their children to sports, the Metro doesn't go to the sports fields and the parents will therefore need ... wait for it ... yes, A CAR.

And before any bright spark suggests car sharing, try doing that with one child going to ballet, another to netball and an third to rugby. How many others in the building will be going to the same range of activities at the same time? (that's if sufficient 3-bedroom units for families are built under this new ADG). Factor that into the graph and it is clear that what is still needed for many FAMILIES is a FAMILY CAR, even if they live in a unit.

RECOMMENDATION: Any reduction in parking rates must be made by local councils not left to the self-serving discretion of the developer, done under any "flexibility" in the new ADG.

Table A2 - Additional themes from review of the 2015 ADG

- Communication and interpretation - If the ADG is a guide, then there can be no mandatory requirements, which there are, scattered through the EIE.

RECOMMENDATION: Numerical values MUST become compliance requirements, otherwise the ADG is not worth the paper it's written on.

- Innovation - *"Innovation"* and *"flexibility"* are words that the development industry loves and the community hates. It is shorthand for laissez faire self regulation which has not worked in the past and will become exponentially worse with the ADG as mooted.

RECOMMENDATION: "Innovation" and "flexibility" must not form the backbone of what is essentially supposed to be a document to guide good design.

- Identifying the context - The EIE does not give any indication that there will be a diverse range of housing within apartments, as no guidance, mandatory or otherwise, is provided on apartment mix.

RECOMMENDATION: Mandatory targets must be provided for apartment mix across various development scales.

- Primary controls - This point says that there are inconsistencies between desired minimum **STANDARDS** in LEPs, DCPs and the current ADG. If the ADG is to be a **GUIDE** only, and the LEP is a series of development **CONTROLS**, then the ADG has no place in setting minimum standards to override LEPs. Therefore it is irrelevant if the ADG is inconsistent because it is a guide only. DPIE can't have its cake and eat it too.

RECOMMENDATION: If the ADG is to be a guide only, then it must not and cannot override LEPs, and should not override DCPs.

- Communal and public open space -

RECOMMENDATION: Public open space, deep soil zones, internal meeting rooms and play spaces for children must all be mandatory requirements of the ADG, not just be "considered" (and summarily explained away) by developers.

- Public interface - Poorly defined methodology.

RECOMMENDATION: Better explanation of design solutions is needed.

- Building performance -

RECOMMENDATION: "Active encouragement" will not engage the development industry. Mandatory regulations are required.

- Design review panels - The statement "*Design review panels could be used to support variations to numerical design guidance*" is very concerning. It presupposes that the panels will support the variations. Furthermore, if the advice of the panels is only advisory, then neither the developer nor the assessor (delegated authority) needs to even give more than a passing consideration to their recommendations. On one hand DPIE is suggesting that the principles and recommendations are not always considered and on the other hand it states that because the Panels and the ADG are advisory the principles and recommendations do not have to be taken into account. Again, DPIE cannot have its cake and eat it too. Either the Panels' recommendations become requirements or they do not.

RECOMMENDATION: The design review panels' recommendations must become mandatory requirements for the developer. The panels must not become simply a "support" mechanism for developer "flexibility".

Section A1.3 - Aims for the revised ADG

- It is very, very concerning that the first and foremost aim is to "*respond to industry concerns*". DPIE should not be more concerned with "*industry concerns*" than with community concerns about the ADG. Yet response to community concerns does not factor anywhere in the aims for the revised ADG. There is "*greater design flexibility*" which assists the developers. There is NO support for the delivery of family apartments. The ADG should concern itself with good apartment design, NOT economic recovery. Was this document written by DPIE or by Treasury?

RECOMMENDATION: The ADG should focus on resolving the numerous valid concerns that the community expresses about the design of apartments, instead of focusing on the purported concerns of a very profitable industry.

Table A4 - Options for revising guidance on car parking rates

- Review of existing minimum ratios - It is difficult to comprehend the concept of an "*over supply of parking*" in most areas Sydney. It is doubtful that surveys of residents would identify lots of empty car spaces as being the normal or regular situation. Of course, any "*applicant-led analysis*" could quickly rely on dodgy statistics to make their case for not having to provide sufficient car parking, particularly expensive underground car parking. Policy should not be applicant-led but instead be based on the needs of the community.

The suggestion that being "*within 800m of a train station*" would make a development eligible to reduce the minimum ratio of car parks is unacceptable. It would preclude many elderly from downsizing to apartments, as well as discouraging families with young children. In such an ADG automatic eligibility, topography of the neighbourhood is not even considered. Yet outside of the CBD bubble, Sydney is a city of hills.

A typical example of the types of problems such a change would create is a recent development that is more than 400m from a train station, where more than half the distance was up an extremely steep hill. The applicant's justification was that it was downhill on the way home!! That does not help the elderly or mothers with strollers. A one-size-fits-all ADG is not applicable.

RECOMMENDATION: The decision on any specified location where minimum ratios might be applied must be left to local councils who have local knowledge. It MUST NOT be based upon applicants' vested interests to provide an analysis. 800 metres is a ludicrous distance from public transport to suggest. DPIE has no right to limit people's access to shops and services to those that are young, fit and healthy enough to walk 800 metres uphill in the rain.

DPIE needs to better consider unintended consequences rather than simply applying the simplistic dogma of two-wheels-good, four-wheels-bad, across the whole of the NSW demographic. Likewise what is good for developers' profit margins is not necessarily in the best interests of the community.

- Apply maximum ratios - Again local councils, who have local knowledge, should be the authority that determines maximum ratios dependent on the circumstances of the area. A State-wide SEPP should NOT mandate maximum ratios.

RECOMMENDATION: The decision on any specified location where maximum ratios might be applied must be left to local councils who have local knowledge.

- Unbundling - Ownership of parking spaces being separated from housing would have the 'unintended consequence' of pushing the sale or lease price for parking spaces through the roof. Sydney particularly will become a city of those that can afford to park a car and those that cannot. There is no spare parking capacity on streets around even existing stations let alone new ones.

This would become an elitist scheme whereby massive profits are made buying, selling and leasing to those that can afford it, while families or the elderly on pensions who a downsizing will not be able to afford to have a car space. DPIE should stop listening to developer schemes for mega-profits and start considering the impact on the people it claims the new developments should be built for - families and downsizers. The carparks for residential developments must only be for the residents of the development. The unintended or ill-considered consequences of unbundling make it an unreasonable and unacceptable developer-led proposition.

RECOMMENDATION: Car spaces must not be unbundled from residential housing. If an owner wishes to lease their carpark, that is entirely their prerogative. Business should not get involved as it would simply push the price out of reach of families and downsizers.

- Adaptive travel plan - The concept of developers providing "evidence" to "substantiate" anything more than the sky being blue is an oxymoron, let alone that public transport meets travel demand. The developer 'surprisingly' would not have to build anything but the basic minimum of car spaces. Why does DPIE trust developers to decide what is needed but it doesn't trust local government to make the decisions? If DPIE was to do a survey of who was trusted less to make decisions in the best interests of the community, developers or councils, it is doubtful whether there would be more than one in a hundred people that trusted developers more than councils.

RECOMMENDATION: The decision on any reduction in the number of spaces mandated must be left to local councils who have local knowledge.

- Increased provision of car share spaces - Electric vehicles are not necessarily car share vehicles and car spaces should not be traded off against charging docks.

RECOMMENDATION: The provision of electric vehicle charging docks should be mandatory, and not be used as a trade off against car spaces.

Table A5 - Summary of proposed changes to the ADG in relation to urban design and site planning

- 1. Contribution to place - This is either very badly worded or an indication that councils may be stripped of all planning powers in the future. LEPs are NOT "*planning aspirations*", they are development standards. Likewise it is disappointing to read that the LSPS and local housing strategy are just considered to be aspirational.

RECOMMENDATION: This criteria should be reworded to read "*Require development to demonstrate a positive contribution to Country, place, local character and consistency with local strategic planning statement (LSPS), local housing strategy (LHS), LEP, DCP and local character statements, as well as integration with urban and natural systems*".

- 2. Landscape and greening - Currently the communal (or common) open space is a minimum of 25% of the site area. "*Decoupling*" of the common open space control from the site area does not appear to have substantially "*increase(d) min. deep soil zones as a % of site area*". Instead as little as 14% of the site area is being considered.

< 650 m ²	min. 14-18%
650-1500 m ²	min. 14-18%
1500-3000 m ²	min. 14-18%
> 3000 m ²	min. 21-25%

Furthermore, allowing a reduction "*if retail, commercial and entrances on the ground floor > 85% of the building footprint*", will reduce the opportunity for tree canopy cover even further.

RECOMMENDATION: A minimum of 18% of the site area must be provided for sites < 2000m² and a minimum of 25% provided for sites > 2000m² to accommodate sufficient space from tree planting.

- 3. Building form -

RECOMMENDATION: A maximum of eight units per core per floor must be applied for all storeys, not just those over nine storeys, "*to improve urban and public space amenity; open space; sky view; solar access; reduced bulk, scale, and wind impacts*", as well as improving "*cross-ventilation (and) natural light*" to the units.

- 4. Building separation -

RECOMMENDATION: Habitable rooms must continue to include balconies. Apartment separation for less than 9 storeys must also be included in the new ADG, using the same separation distance as in the current ADG (below).

Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

- 5. Mixed use development and street activation - It is considered to be unprofessional for the ADG to suggest that the type of ground floor uses to be considered is a "rule of thumb" guide.

While the concept of 40% of the ground floor space being set aside for non-residential use in R3 and R4 zones is reasonable in theory, it is considered impractical. Even in town centres ground floor space is often empty, with the developers requesting amendments to change to residential use within a short space of time.

It is impractical to suggest that a development "provide space that is matched to the kinds of services mission from a local area" when neither the State Government or councils can enforce that. Furthermore, as different developments are built, one may provide a service that another development had intended to provide. What happens when a business leaves, can councils refuse to allow yet another neighbourhood shop? Unlikely.

RECOMMENDATION: DPIE should not promote concepts that are impractical.

Table A6 - Summary of proposed changes to the ADG in relation to residential amenity

- 1. Solar access - This design criteria is mandatory. That should apply to all criteria in the ADG.

The aim of the solar access criteria are "to improve direct solar access to a greater number of apartments for improved liveability and health". Yet the only method proposed for doing this is extending the number of hours of solar access that is considered. So instead of using the current 9am to 3pm at the winter solstice, when there is the least amount of sun available as the basis, DPIE is simply going to extend that time. That doesn't improve access to sunlight any more than extending daylight saving fades curtains. It just means that developers can CLAIM that more units have sunlight access, so that their numbers look better. That appears to be a statistical fudge.

RECOMMENDATION: Design criteria across the whole ADG must be mandatory.

RECOMMENDATION: The range of hours for solar access must not be increased. Instead the number of units that achieve solar access from 9am to 3pm at the winter solstice must be increased instead.

- 2. Natural ventilation - To increase resilience during days of peak electricity load, apartments must incorporate ceiling fans in habitable rooms to reduce the reliance on air conditioning. It is agreed that 70% of units must have cross-ventilation. However changing the definition of cross-ventilation to include dual aspect and corner units will not provide more units with actual cross-ventilation. Cross-ventilation means just that - it is across an area, not around a corner. Anyone that opens their windows to get fresh air knows that opening windows in rooms that are at right angles to each other does not provide air circulation. Changing the definition doesn't increase the number of units, it's just another statistical fudge.

It is unclear if the reference to removing the specification for cross ventilation "*below nine storeys*" is just badly worded, but **it appears that DPIE is consigning all R3 developments and a huge number of R4 developments to having NO CROSS-VENTILATION WHATSOEVER.** If that is the case it is totally unacceptable. If it is not the case then DPIE should word its documentation better because every developer could and would argue that meaning in Court.

RECOMMENDATION: Ceiling heights in habitable rooms must be 2.7m and incorporate ceiling fans. The definition of cross-ventilated rooms must not be changed; the number of rooms with cross-ventilation must be increased instead.

RECOMMENDATION: The specification for cross-ventilation below nine storeys MUST NOT be removed.

- 3. Liveable Housing targets through universal design - Families and the elderly should not be disadvantaged by living in units that are not suitable for them and they should not have to wait for a Government report to say it supports higher standards.

RECOMMENDATION: The number of apartments benefiting from universal design must be increased without the requirement for further government research.

- 4. Apartment size - It is incomprehensible that despite the Section A.2.3 Residential amenity stating that "*families with children, larger families, intergenerational households, the elderly, and those with a disability*" "*generally require more space to live comfortably*", the only design criteria is to "*improve the range of layouts*". There is NO criteria regarding the apartment mix, no requirement for more space to live comfortably. Just "*no change*" to apartment size or mix, which suits the development industry perfectly.

RECOMMENDATION: Apartment sizes must increase.

RECOMMENDATION: A new criteria must be included to mandate the apartment mix. This could be quantified according to the number of storeys in the building.

- 5. Apartment layout - It is insufficient to have only 20% of 2 or more bedroom units having all bedrooms a minimum of 12m². That does not cater for enough families. The percentage must be higher.

RECOMMENDATION: At least 30% of 2 or more bedroom units must be 'family units', providing minimum 12m² bedrooms for all bedrooms.

- 6. Local planning considerations -

RECOMMENDATION: The "specific criteria" for housing strategies and targets must be provided to be able to comment.

- 7. Private open space - It is clear that one of the lessons to be learned from the COVID-19 pandemic was that people needed private open space during lockdowns. Given that the pandemic is still an issue and further pandemics likely, then it is only logical to provide greater private open space for people. To keep costs down, that could be applied to a stated percentage of units.

RECOMMENDATION: The total area of private open space should be increased for a 20-30% of each unit category (by number of bedrooms).

- 8. Storage - It is difficult to understand how on one hand this dot point states that the criteria should "*increase storage*" and in the same paragraph it states that there will be "*no change to requirements for internal storage*". Furthermore the minimum amount to be provided within the unit is being reduced from 50% to 33%. How storage can be increased with no change to internal storage which is being reduced, is difficult to see.

RECOMMENDATION: Quite simply, increase storage both within and outside the units.

- 9. External noise & pollution -

RECOMMENDATION: An explanation of how it is proposed that the amenity and consistency of development expectations can be improved must be provided to be able to comment.

- 10. Acoustic separation - It is quite simply laughable that the answer provided for an "*acoustically separable*" room is to just include a solid-core door, when the walls within a new unit, and even between units, are wafer thin and even bathroom sounds can be heard between units, let alone within the unit.

RECOMMENDATION: Mandatory criteria must be provided for "*acoustically separable*" rooms that includes walls as well as doors.

Table A7 - Summary of proposed changes to the ADG in relation to common spaces and vertical circulation

- 1. Communal open space - Agree with the requirement for an indoor communal space capable of hosting community events and activities. Sizes provided appear to be reasonable.

RECOMMENDATION: Indoor common space for community events and gatherings must be a requirement for all apartment developments. This must be independent of requirements for outdoor deep soil zones.

- 3. Lift requirements - While it may be reasonable to only require a lift report for larger developments, it does not appear reasonable to only be able to accommodate movement of furniture, plant etc in developments of nine storeys or more or over 40 units. People in six or eight storey apartment blocks still need to move furniture.

RECOMMENDATION: Under the Lift requirements criteria include "*Provide one lift with a clear internal height of 2.5m for all developments over four storeys*".

- 4. Building access, common circulation and spaces - Agree with silver performance level for access and circulation spaces. However concern is raised at the potential discrepancies between requirements for fire doors and NCC common circulation requirements. Activating residents must not come at the expense of fire safety.

RECOMMENDATION: Fire stair and door safety regulations must take precedence over any consideration of using fire stairs for daily use for residents to be more active.

Table A7 - Summary of proposed changes to the ADG in relation to environmental performance

- 1. Energy efficiency -

RECOMMENDATION: All areas must meet or exceeds the performance standards and relevant targets of BASIX.

- 2. Energy efficiency - electric vehicles - If developments are required to be EV-ready, delivering power supply to each car space for future adoption, then no incentives should be needed for the simple act of making that power supply socket-ready. A target percentage of EV car spaces should be mandated. A trade off should not be provided for every small design concession that a developer makes.

RECOMMENDATION: A target percentage of EV car spaces should be mandated without the use of incentives.

- 3. Heating and cooling infrastructure - Agreed. However the Guidance column is incorrect as it refers to electrical vehicles, not heating and cooling.

RECOMMENDATION: Provide Guidance for heating and cooling infrastructure.

- 4. Water management - Agreed. However,

RECOMMENDATION: Targets must be set for a certain percentage of stormwater environmental flow to ensure the local waterways are not depleted in areas of infill or new development.

RECOMMENDATION: Grey water harvesting must not be used on landscaping without the installation of adequate filtration systems.

- 5. Building and landscape maintenance - Agreed. Additionally,

RECOMMENDATION: Timed automatic watering systems must be installed for all landscaped areas to ensure plant survival.

- 6. Environmental performance of materials - Agreed

- 7. Waste management - Agreed. Additionally,

RECOMMENDATION: Bin storage to be screened from street view. Area must not be included in communal open space nor impact on deep soil zones.

Section A3 - Transition from SEPP 65

- BPN is very concerned about the expansion of Clause 30, "*Standards that cannot be used as grounds to refuse development consent or modification of development consent*", to include:
 - car parking rates
 - minimum apartment areas
 - minimum ceiling heights
 - deep soil zones
 - building footprint
 - building separation
 - direct sunlight access
 - natural ventilation
 - storage
 - communal spaces.

In other words, there is virtually NOTHING that can be used as grounds to refuse development consent of apartments. This is an unacceptable power grab from councils. Virtually NOTHING in the Apartment Design Guide requires developers to do comply with ANYTHING and there is NOTHING that councils can refuse a development on. Carte blanche. This is a disgraceful proposition.

RECOMMENDATION: ALL OF THE ABOVE must be able to be used as grounds to refuse development consent.

Section A5 - Proposed relationship to the Housing Diversity SEPP

- **RECOMMENDATION: BPN does not agree with the intent to combine all housing design guidance into the one SEPP based on the ADG, for student accommodation, co-living, boarding houses, and housing for seniors. The lack of numerical controls, development standards and mandatory requirements makes the expansion of the use of this SEPP unacceptable in its current form.**

APPENDIX C - SUSTAINABILITY IN RESIDENTIAL BUILDINGS

- BPN expresses great concern that the wording in this document seems to imply that the proposed move away from BASIX will be done regardless of feedback during this so-called "consultation" and that the community is expected to comment on alternative "flexible" pathways when a lot of the work in relation to these alternatives has not even been completed.
- BPN also expresses its concerns among others, about the so-called "independent pathway" outside BASIX using a "suitably qualified ... accredited assessor" instead of a BASIX assessment. BPN members' experiences with "independent" private certifiers has left the community extremely wary of any such new experiment.

RECOMMENDATION: There must also be a requirement for residential development to exceed proposed sustainability outcomes (not just "targets" or "where possible"), including for necessary emissions reductions by 2030, 2040 and 2050.

This is essential as the "zero net emissions by 2050 target" is assessed by the United Nations Intergovernmental Panel on Climate Change as creating an unacceptably high 33% chance of exceeding a dangerous runaway 2°C of global warming.

RECOMMENDATION: No commitment should be made to move away from BASIX until all of the unfinished work that is referred to in this Appendix C is complete and further submissions are sought.

RECOMMENDATION: The current BASIX process for energy and water benchmarking should be continued and improved, rather than transferring it to the weaker national standard of NatHERS, which has no BASIX equivalent water use requirement planned.

RECOMMENDATION: The new SEPP must include enforceable standards for stormwater retention in all developments and for environmental flows.