

Inner West Council
Housing and Affordability Advisory Committee

Submission to
Department of Planning, Industry & Environment
on
Draft Design and Place SEPP and supporting guides and
documents

Disclaimer: This submission reflects the views of HAAC members only,
not the Inner West Council.

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Housing Affordability Advisory Committee

The Housing Affordability Advisory Committee (HAAC) is a standing committee of the Inner West Council.

Members are drawn from the community and act in a voluntary capacity. The current membership is David Collins-White (Chairperson), Dr Hazel Blunden (Deputy Chairperson), Paul Adabie, Assoc. Prof. Louise Crabtree-Hayes, Rachael Haggett, Liza Sloan and Queenie Tran. This submission reflects the views of HAAC members only and does not represent the views of the Inner West Council.

HAAC submission on Draft Place and Design SEPP

Introduction

The Housing and Affordability Advisory Committee (HAAC) would like to thank the Department of Planning, Industry & Environment (DPIE) for the opportunity of commenting on the draft Design and Place State Environmental Planning Policy 2021 (**draft DP SEPP**) and supporting guides and documents.

The draft DP SEPP aims to support the planning principle of ‘design and place’, which in turn is intended to promote quality design for new developments, public spaces and the environment, as well as to create “healthy, sustainable, prosperous and supportive design for people, the community and Country”.

The DP SEPP policy package comprises:

- The proposed [draft Design and Place State Environmental Planning Policy 2021](#) (draft DP SEPP)
- Proposed changes to the [Environment and Planning Assessment Regulation 2021](#) (EPA Regulation)
- Proposed direction by the Minister under section 9.1 of the [Environmental Planning and Assessment Act 1979](#) (9.1 Direction).

The policy package is also supported by:

- The revised [Apartment Design Guide](#) (ADG)
- The proposed new [Urban Design Guide](#) (UDG)
- Updates to [residential sustainability](#) (BASIX)
- [BASIX sandbox tool](#)
- [Design Review Panel Manual for Local Government](#) (DRPM)
- Design & Place - [Cost Benefit Analysis](#) (Summary)

Focus of the submission

As our primary concern is to address the ongoing lack of affordable and appropriate housing in the Inner West region, particularly for very low to moderate income households, our submission focuses on the implications of the proposed Design and Place SEPP in that context. We note the SEPP includes a design principal of promoting ‘productive and connected places to focus on design quality and enable community to thrive’ and a design consideration of ‘vibrant and affordable neighbourhoods’. We also note the aspects of the draft DP SEPP that focus on design and resource efficiency and emissions reductions.

In relation to affordability, we note that section 18(b) suggests the consent authority must, in relation to urban design developments, consider whether the development contributes to the housing needs of the local population. We would argue that ‘housing needs’ requires a proportion of affordable housing. In particular, within the Greater Sydney Region, targets generally in the range of 5–10% of new residential floor space are viable and should be delivered (*Greater Sydney Region Plan*, Objective 11). In areas outside precincts associated to schemes requiring affordable housing contributions, for example, Affordable Housing Contributions Schemes, developments should be assessed in terms of their contribution to achieving the recognised 5-10% affordable housing target.

Further, parts 23(b) and (c) suggest a consent authority must consider that developments include different lot widths and sizes to support diverse residential accommodation types and appropriate residential density close to proposed or existing amenities. Dwelling size and location also contributes to affordability.

We have two overarching concerns.

Firstly, the current and intensifying context of climate change and responding to COVID must bear on design principles, especially with regards to housing for lower income households. Challenges such as climate change and COVID speak directly to the need for habitable and equitable living environments, given the increased prevalence of working from home and issues such as air quality, weather extremes, and pathogen control.

Lower income households spend more of their time in the home, so poor design more significantly impacts these households. Further, historical housing construction and market dynamics are such that low-cost rentals are often poorer quality homes. This means that 'cheap' low-quality housing may be the only housing that is available (although it is usually still not affordable) and may create or exacerbate health and wellbeing issues amongst lower income households. This is a pattern that the ADG has the capacity—and arguably the responsibility—to prevent in future housing stock.

Lower income people typically pay higher proportions of their income on energy bills (as these are largely unavoidable costs). Living in poorly designed housing including rental dwellings that are harder to heat and/or cool decreases energy efficiency. Basics such as being able to maintain a liveable home environment without high energy bills are fundamental to equitable cities in a changing climate as well as impacting on housing affordability.

Climate change also drives the requirements for issues such as greater canopy cover and deep soil targets, which seem basic to building the resilience of the built environment to warmer conditions and providing equitable and amenable spaces.

Secondly, the proposed ADG clauses include many vague and generalized statements rather than prescriptive requirements. These have the potential to generate additional administrative burdens in the assessment and approval process due to greater uncertainty and dispute, which would translate into extended timeframes for the delivery of affordable housing.

The proposed changes to the DP SEPP, EPA, and ADG may be perceived as cutting red tape and a welcome improvement to the assessment and approval process to increase residential dwelling development activity. However, in providing unclear, general principles that obscure basic amenity principles, it provides a short-sighted response to the problem as such uncertainty will create further delays and potentially poorer outcomes.

1. Proposed Design and Place State Environmental Planning Policy 2021

The draft DP SEPP introduces new 'design principles' and 'design considerations' which are too general and do not clearly align with the ADG design objectives. This means the nexus and consistency between the draft DP SEPP and ADG will be broken, introducing scope for discrepancy, confusion, and consequent delays to delivery. It is also questionable whether the ADG will maintain its current legislative strength and achieve its purpose as the formal status of the ADG within the planning system is not provided.

We are concerned about the introduction of flexibility via proposed s24 clause whereby the development may meet the objectives of the Urban Design Guide by (a) meeting the applicable design criteria set out in the Urban Design Guide, to the extent possible, or (b) an alternative solution that the consent authority considers achieves a neutral or more beneficial outcome than

meeting the design criteria set out in the Urban Design Guide. This introduces scope for criteria to not be met and quality to subsequently fall, which may especially happen as a way to make homes 'affordable'.

This is deeply problematic from an equity perspective, as lower income households can least afford to compensate for poor design, whether through dwelling modifications or energy efficiency measures. Likewise, while 'alternative solutions' will be allowable we are concerned by their potential adverse impacts if these lead to reduced quality as a cost-saving measure, even though the clause is ostensibly drafted to prevent this. Without clear regulation, there is latitude for inferior 'alternative solutions' to be deemed 'neutral' to sidestep the design criteria.

We also highlight the related issue of subjective requirements in the SEPP, such as 'beauty', which are not clear in the overall design quality consideration. This again will cause delays in delivering new dwellings and developments if disputed.

2. Proposed changes to the Environment and Planning Assessment Regulation 2021

We note that under the proposed changes to the EPA Regulation, certain development applications including residential apartments must now go to a Design Review Panel and that design review panels must be constituted, and members appointed, by the Minister. While we note that the Minister must 'consult with the council for the local government area, including in relation to the members of the panel' (s. 268B (2)) before constituting it, the Minister 'may abolish a design review panel at any time and for any reason' (s268B (3)). This is concerning as it has the potential to further erode local council input into design decisions.

We also note that design review panels must review against the draft DP SEPP's design principles and not ADG objectives. We are also concerned that this may erode quality and lead to confusion amongst applicants.

3. Revised Apartment Design Guide

The revised ADG introduces several issues of concern regarding the maintenance of quality in housing. The overall framing has shifted towards flexibility and a vagueness that will lead to delays and/or poor design (i.e. living) outcomes. The guide's objectives have been reduced from 80 to 36, with the resultant objectives appearing very condensed and improperly drafted, and many being unclear. The general language is more 'open', with suggestions – for example – to 'maximise' or 'optimise' solar access rather than 'provide adequate' solar access. Such softening of language may lead to lesser outcomes in terms of basics such as sunlight and ventilation. Similarly, there is a provision for 'alternative solutions' where stated objectives cannot be met, or when an outcome 'cannot be avoided', which will result in reliance on specialist technical reports that again builds on uncertainty to downgrade quality, create delays and reliance on reports that may not be assessable by Councils.

Liveability: indoor environments and climate control

There are some core liveability concerns raised by the proposed ADG. Given that lower income households are more likely to be in smaller dwelling, in particular apartments, and/or spend greater amounts of time at home, high quality indoor environments that can be kept habitable at low cost are especially important in the context of affordable housing. Energy efficiency standards have a large impact on utility bills for lower income households.

It is concerning that the new deep soils and canopy clauses are 'targets' rather than requirements and the deep soil targets are less than recommended by other State Government documents (e.g., Greener Neighbourhoods). This has implications for urban heat and amenity, which are

demonstrated to more significantly impact lower income neighbourhoods and households due to needing to use more heating/cooling devices in inefficiently designed dwellings in hot, treeless suburbs.

The ADG proposes that habitable room depths may be made deeper and kitchen ceilings could be lower. Given that kitchens generate heat, deeper habitable rooms with lower ceilings represent the very real risk of generating heat traps within apartments. Again, workarounds would be expensive and would most likely rely on air-conditioning, which is costly and contributes to both local external heat and emissions production.

While the provision of study rooms of 7m² is a welcome acknowledgement of the need for work from home spaces, there is concern about these becoming unhealthy work spaces if adequate ventilation is not required.

Similarly, the natural ventilation window measurement is too complex and the natural cross ventilation control unworkable. It does not take heed of noisy environments in which opening windows might not be possible or desirable. Also, the definition of natural cross ventilation encourages air path through an open gallery, rather than considering or including bedrooms or study rooms. Given the likely persistence of warmer nights and impacts on sleep, as well as work from home arrangements, greater requirement for adequate ventilation is required.

The new shading control is unworkable and the extension of sunlight hours to start at 8am is unacceptable, as such light in winter is minimal and will not warm spaces adequately.

Liveability: liveable/universal/adaptable design and healthy ageing in place

The draft guidelines for liveable design are at odds with the reality of Australia's ageing population.

Design should maximise residents' autonomy and quality of life, be adaptable to changing circumstances and foster social interaction. Changing circumstances include significant demographic trends such as a rapidly ageing population.

The NSW Ageing Strategy 2016-2020 states that in 2011, more than one million people in NSW were aged 65 and over, and more than 1.3 million were aged between 50 to 64. By 2031, around 20 per cent of NSW, or 1.8 million people, will be aged 65 and over, and more than 1.5 million will be aged 50 to 64. Together, more than one in three NSW residents will be aged 50 or above by 2031.

The adoption of Silver Livable Design guidelines seems an obvious feature to enable people to age in place and remain living in their home for as long as possible and reduce demand for residential aged care. It seems ill-conceived to limit the guidelines to just 20% of stock. Further, these are guidelines only – there is a notable lack of design criteria for universal / adaptable housing.

The suggestion for 20% of dwellings to be Silver LHA aligns with council DCPs, which typically require 10-20% adaptable units. However, given that the requirements for adaptable units and Silver LHA are quite similar, this is unlikely to increase the number of adaptable or universal units as proposals would usually count adaptable and universal units for both categories rather than certify them independently.

In addition, design features that are specifically address the changing needs of an ageing population need to be recognised. In particular, an appropriate percentage of apartments should incorporate the following design features:

- Be responsive to reduced mobility and common health problems, for example, level entries, wider doors & hallways, safe bathrooms and flooring, kitchen with switches, cupboards & windows within easy reach

- Guest area to cater for a family member or care-worker to stay for short periods
- Storage space for equipment
- Built-in cabling to minimise cost of installing 'smart' technology
- Spaces for electric scooters to facilitate sitting and socialising

Inclusion of the above design features would add significantly to healthy ageing in place, that is, places where older people can live on their own throughout the changes and challenges of later life with a sense of autonomy and purpose and connection with the local community.

Implications for diverse housing cohorts

Lastly, we note that there is a lack of clarity in the application of ADG across other housing types such as seniors and disability housing. The SEPP clause that explicitly deals with boarding houses has been removed. This would imply that 'New Generation Boarding House' (NGBH) developments may come under the auspice of the ADG. Some of the existing micro apartments built as NGBH are already highly questionable in terms of floor space and amenity, so there is concern the removal of the exclusion will lead to further erosion of dwelling quality in future stock.

Recommendations

HAAC submits the following recommendations to help fulfill the aims of the draft Design and Place SEPP:

- Explicit affordable housing targets of 5-10%, in keeping with the *Greater Sydney Region Plan*, Objective 11, should be included
- Greater consistency and connection between the draft DP SEPP and ADG
- Specification of design requirements and compulsory minima rather than vague statements of 'optimisation' etc.
- Removal or revision of proposed s24 clause regarding flexibility to reduce the possibility of poor design outcomes or circumvention of requirements
- Revision of deep soils and canopy clauses to be consistent with other urban greening policies
- Revision of allowance for deeper habitable rooms and lower kitchen ceiling heights
- Revision of ventilation clauses
- No adoption of sunlight hours commencing at 8.00am
- The Silver Living Design guidelines should be applicable to a greater proportion of stock and accompanied with specific design requirements
- Incorporation of broader design objectives to allow for ageing in place such as storage spaces for equipment and scooter parking etc. as outlined above.
- Greater clarity regarding treatment of boarding houses, seniors housing, and disability in the ADG.

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