

Better Planning Network

Part 2 Submission relating to Sustainability in Buildings and BASIX in the Design and Place SEPP

The Design and Place SEPP is a critically important opportunity to make a significant contribution to Australia doing its fair global share of mitigating dangerous global heating by reducing emissions from buildings. This is important because buildings account for about 25% of Australia's emissions arising from electricity and gas use and embodied carbon in building materials.

RECOMMENDATIONS

1. The SEPP should not just recommend, but require urgent minimisation of energy use and greenhouse gas emissions, maximisation of energy efficiency and provision of essential energy needs with renewables.
2. As the desired life of new buildings is beyond 2050 with its net zero emissions target as set by the Federal and NSW governments, and way beyond the net zero by 2035 fair global contribution target set by the Climate Council, the SEPP should not just recommend, but require all new buildings (residential and non-residential) to be designed to achieve net zero emissions immediately and all existing buildings to be retrofitted to achieve the same by 2035. The evidence clear, that this is cost effective in the medium term and immediately if externality costs of global warming are included. These costs include Australian fossil fuel subsidies worth about \$10 Billion each year, exacerbated extreme weather damage, and increased health care impacts and loss of life arising from these factors.
3. There needs to be a ban on the use of gas in new residential and non-residential buildings, as methane leakage from pipes and at the point of ignition contribute to a greater serious greenhouse gas emissions problem through the whole gas extraction and delivery system. Complete electrification is essential as methane is scientifically recognised as having about 84 times worse greenhouse gas impact than CO₂ over the next critical 20 years for serious climate action. Accordingly, the SEPP must be amended to recognise gas as a high emissions form of energy due to the well established problem of "fugitive" methane emissions. In home leakage also presents an unnecessary health hazard.
4. The Design and Place SEPP must not be voluntary, but be prescriptive in consistently requiring raised sustainability standards with associated metrics across the building sector. Key performance metrics should be included in the SEPP itself and strong linking language should give force to metrics in the proposed associated guidance documents.
5. Contrary to the stated aim of achieving "certainty", the proposed 'principles-based' approach raises flexibility in interpretation and thus uncertainty around effectiveness and enforceability. This approach is thus opposed, as is the concept of inadequately

defined “alternative pathways”, but if this recommendation is rejected, any flexibility provisions must include clear, legally defensible mechanisms that reject poor performance. Inclusion of any alternative pathways should also be qualified by the need to ensure that these can be demonstrated to be beneficial to residents and the wider community, possibly as confirmed by the local Council or an independent design review panel.

6. Standard requirements must allow for review every few years to be consistent with updated scientific evidence so as to adequately mitigate and adapt to increased global warming inertia arising from climate change.
7. The NSW Government should show leadership by exceeding the planned inadequate 2022 updates to environmental performance standards in the National Construction Code, which were scrutinised by a climate change sceptical federal government.
8. Rather than legislation requiring “consideration”, this must include mandatory “performance standards” and avoid voluntary “performance targets”, so that it reads for example “All new homes and all other developments **must** meet or preferably exceed the performance standards and relevant targets of BASIX”.
9. “Mandatory consideration” of Emissions and Resource Efficiency should actually be “mandatory requirements” and must also apply to precincts and all other development.
10. Competing provisions in BASIX targets, other environmental planning instruments or DCPs should rather be allowed to exceed the current policy position highest standards if they are designed to provide better environmental outcomes.
11. Sustainability targets for environmental performance, including those currently embedded in the online BASIX tool should be converted to mandatory quantitative requirements.
12. The SEPP’s applicability should be for all development including alterations and additions that exceed a value of say \$20,000 (not the current \$50,000) and for the installation of a pool or spa of more than say 20,000 litres (not more than 40,000 litres).
13. Although the reference for non-residential development to meet or exceed relevant NABERS targets, including for emissions reductions by 2030, 2040 and 2050 sounds worthwhile, these “targets” should be improved and 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.
14. BPN supports the elimination of the use of “thermal comfort” as it is too subjective and prefers the measurable use of “thermal performance”.
15. Newly proposed measures for BASIX performance assessment and compliance must be designed to result in better measurable local outcomes and sufficient funding provided to Council to do this with expert assessor’s and compliance officers.

16. BPN recommends that the proposed move away from BASIX must not be done despite so-called "consultation" until proper consultation and analysis has been done on alternative "flexible" pathways, and only after the work in relation to these alternatives has been completed, such as in relation to the Sandbox Toolkit, and then further public submissions sought.
17. BPN also expresses its concerns among others, about the so-called "independent pathway outside BASIX using a "suitably qualified ... accredited assessor" instead of an expert BASIX assessment. Our members' experiences with so-called "independent" private certifiers has left us extremely wary of any such new experiment.
18. 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 and should be proposing at least 8 star energy efficiency rating with on-site renewables requirements.
19. The new SEPP should include enforceable standards for stormwater retention and Water Sensitive Urban Design in all developments.
20. There are many other design features that should be required or at least recommended in all new developments such as green vegetated roofs and walls, as in Biophilic Design rather than all too frequent heat absorbing dark coloured tile roofs and unshaded walls. However green roofs and walls should not be used as an offset for other vegetation or tree canopy cover.
21. The SEPP should include increased BASIX water standards and we suggested the need for a review of the effectiveness of the SEPP in say two years.
22. Recognition of embodied carbon and setting a pathway to regulation is also important. This should include comprehensive and transparent reporting frameworks that show emissions from building materials, such as steel and cement, and prepare industry for future decarbonisation.
23. Electric vehicle fast charging points in all new car parking stations, frequent kerbside charging points and electric vehicle ready buildings are important to be mandated, as well as cycling infrastructure.
24. Maximum mature tree retention, canopy cover, planting and green space requirements are referred to elsewhere in this submission, but should preference diverse local native planting and drought tolerant plants where appropriate.
25. Buildings need to be urban heat ready for future increasing heat stress.
26. Building standards must be updated with best available future climate projections, drawing on the recently updated NSW Government NARCLIM climate modelling.
27. It is good that the Cost Benefit Analysis section notes a cost savings over time, but should acknowledge that earlier more significant savings will result from reduced energy and emissions, if the cost impact on more frequent and extreme weather events and health impacts including from extreme heat in Western Sydney & W NSW is factored in as a saving. This consideration would result in small apartment buildings up to 5 storeys NOT being excluded from the increased BASIX standards for thermal performance and energy.