



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

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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 checked="" type="checkbox"/> 18-25 <input checked="" type="checkbox"/> 26-45 <input checked="" 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

PART 2

Proposed new State Environmental Planning Policy (Design and Place)

- **Page 13 – 2.2.1 Connecting with Country. Concern:** Whilst the inclusion of this section is highly admirable in the advancement of Aboriginal awareness it is unclear how this provision might be applied directly in the context of assessing a development application. Moreover, the examples shown in the document (Street art in Dubbo) whilst being an empowering representation of Aboriginal history and culture may serve to compartmentalise Aboriginal issues within projects to simple tokenistic outcomes. This is in contrast more systemic issues around empowerment and participation of Aboriginal people more broadly across the community which requires multiple levels of proactive government action.
- The biggest concern is that fulfilling this section of the SEPP is done through tokenistic gestures rather than meaningful engagement. Clarity is needed on how this is going to be done and assessed. In particular the resource that will be made available to Council to determine appropriate representation of Aboriginal communities and interests within projects. Presently there is very limited to no capability within Burwood Council to respond to this issue. More detail and information is needed.
- **Page 16 – Principle 1: Design places with beauty and character. Note:** Not all councils, such as Burwood, currently have local character statements as part of their statutory controls. Until they are implemented, alternative guidance on what constitutes places with beauty and positive character need to be provided.

PART 3
**Key components of the
new State Environmental
Planning Policy**

- **Page 27 – 3.2.1 Application requirements. 1. Site analysis.** Suggestion: Make a distinction between green-field and urban infill development. Analysis should comprise density, streetscape and built form analysis for the purpose of understanding the context. The site analysis should explain how the proposed development is to achieve a positive contextual fit. The documentation should demonstrate their thorough understanding of the context, and to move away from the mere inclusion of north point, solar and wind direction. It should include analysis on density, built form, and a response to the contributory element of the physical and the manmade environment.
- **Page 28 – 3.2.2 Mandatory matters for consideration.** Suggestion: Mandatory matters to be worked into more prescriptive and numerical controls that are easy to be understood and measured by both applicant and council.
- **Page 28 – 3.2.2 Mandatory matters for consideration.** Concern: these proposed considerations are minimums. We would recommend that discussion be inserted into the SEPP to outline how minimum standards should be treated. For example, it is typical for applicants to rely upon meeting minimum standards as demonstrating compliance with the ADG SEPP 65.
- Concern: a lot of these mandatory matters would be difficult for Burwood Council to follow. These do not give consideration to the individual Local Government Areas, which are very different.
- **Page 28 – 3.2.2 Mandatory matters for consideration. Table 1 proposed design and place considerations. Consideration 4: Local living.** Concern: The Requirement for all housing in urban areas of new precincts to be within 5-minute walk of local public open space. This requirement would be onerous to small LGAs, in particular Burwood.
- **Page 30 – 3.2.2 Mandatory matters for consideration. Table 1 proposed design and place considerations. Consideration 10: Density.** Request: Council will require more details on this. The minimum density capacity of 15 dwellings per hectare can only be supported if it is proposed hand in hand with clear built form controls that evince optimum built form outcomes. Matters such as this cannot be put as minimums as they lead to overly long built forms, lack of communal open space, sunken ground levels and reduction of floor to floor heights in order to maximise density.
- **Page 32 – 3.2.2 Mandatory matters for consideration. Table 1 proposed design and place considerations. Consideration 18: Tree canopy.** Request: Council will require more details on this. How will these provisions work with tree canopy targets specified by Council.
- **Page 32 – 3.2.2 Mandatory matters for consideration. Table 1 proposed design and place considerations. Consideration 19: Affordable housing.** Note: Small councils are not adequately resourced to be able to manage affordable housing schemes, policies and strategies. The resources required to make these work are onerous and unavailable currently. We would require NSW Government to manage and deliver any affordable housing delivered under this provision.

PART 4
**Proposed amendments to
existing State
Environmental Planning
Policies**

PART 5
**Relationship with other
planning instruments and
policies**

- **Page 38 – 5.1.2 LEPS and DCPs.** Note: Councils are currently in the process of updating these to implement the District/Regional plans. The mention that these will likely need to be revised to align with the SEPP will have a large impact on the current process. Additional funding and resources would be required to add this to the scope of the current LEP
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and DCP review. Recommendation: Allocation of assistance and funding to cater for the additional workload by The Department to enable additional adjustments to be undertaken beyond current amendments already underway. Current budgets and resourcing may not allow for the additional revisions.

PART 6

Planning pathways

- **Page 42 – 6.3 Planning Proposals.** Concern: Required engagement with the local aboriginal community for relevant applications. Detail is required on how Councils will be able to determine and advise applicants that they have successfully considered Aboriginal communities.
- **Page 42 – 6.4 Transitional provisions.** Suggestion: Burwood Council would like to suggest a 12 month lead time.
- **Page 42 – 6.4 Transitional provisions.** Suggestion: Burwood Council would like to suggest a minimum of 12 months for the savings provisions.

APPENDIX A

Proposed Amendments to the Apartment Design Guide and SEPP 65

- **Page A12 – A2.2 Urban design and site planning. Built form –** Concern: The proposed changes to building separation is sending a message that the slender ratio is only applicable for buildings above nine storeys. Clarity is needed on what slenderness proportion ratio is and what is acceptable built form in height and width. However, a precedent should not be created where buildings below nine storeys do not need to observe and achieve elegant built forms.
- **Page A12 – A2.2 Urban design and site planning. Table A4 Options for revising guidance on car parking rates.** Recommendation: In general, car parking requirement reduction and/or car share should only be considered within the 400m/ 800m walking distance catchments to major railway or metro stations.
- **Page A14 – A.2.2 Urban design and site planning. Table A5 Summary of proposed changes to the Apartment Design Guide in relation to urban design and site planning. 1. Contribution to place.** Note: Not all councils such as Burwood currently have local character statements. Interim provisions should be included until these are implemented in statutory controls and strategies.
- **Page A23 – A.2.4 Common spaces and vertical circulation.** Request: The definition of communal open space needs to be brief and specific being clear of what can be included, and what can be excluded as communal open space. Minimum dimensions need to be included. The roof top Communal Open Space should be in addition to complement the Ground Floor Communal Open Space. The revised Apartment Design Guide should discourage the roof top COS to be converted into private open spaces or enclosed lettable/ sellable space, which has been experienced by Burwood Council and many other Councils where Applicants submitted modification applications or building certificate for their conversion.
- **Page A30 – A.5 Proposed relationship to the Housing Diversity SEPP.** Request: Clarity is needed on whether SEPP provisions will apply to boarding houses.

APPENDIX B

Proposed New Public Spaces and Urban Design Guide

- How will the new Urban Design Guide (UDG) relate to the new character?
 - If Chapters 1 and 2 of the Apartment Design Guide become the basis of the new Urban Design Guide, the UDG will have a real utility for Council, especially in the L&EC. However, the guide should defer to Council's local planning controls and character statements, when in place, in understanding and/or deciding on future desired character. Weight should be given to the local character statements under this SEPP, especially given that controls will be derived from an understanding of the contributory man-made and natural elements of each locality.
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APPENDIX C

Sustainability in Residential Buildings

Additional comments

Individual sites should have the opportunity to provide pocket parks and public open spaces, through-site links, pedestrian amenity, and public furnishings i.e. sitting.
