



**PORT STEPHENS**  
COUNCIL

Department of Planning, Industry and Environment  
4 Parramatta Square  
12 Darcy Street,  
Parramatta NSW 2150

By online submission: <https://www.planningportal.nsw.gov.au/design-and-place-sepp>

Dear Sir/Madam

### **Re: Design and Place SEPP - Explanation of Intended Effect**

Thank you for the opportunity to provide a submission on the Explanation of Intended Effect (EIE) for a new Design and Place State Environmental Planning Policy (the SEPP). Council supports the move towards simplification and consolidation of environmental planning policies that support design and place.

A wide range of topics are discussed in the EIE and this submission focuses on:

- Aims of the SEPP
- Application of the SEPP
- Design and Place Considerations
- Planning Pathway

#### Aims of the SEPP

Port Stephens Council supports the intention of a new SEPP to incorporate state-wide principles for design of places and the assessment of development proposals. The SEPP will guide design outcomes through mandatory design considerations to achieve well-designed built environments.

The SEPP is also likely to assist Council in achieving outcomes of the Port Stephens Local Housing Strategy (Live Port Stephens), specifically increasing diversity of housing choice and facilitating liveable communities.

However, it is unclear how the SEPP will achieve the aim to simplify design and place considerations in the planning system. The SEPP consolidates the existing SEPP 65 and BASIX SEPP, but at the same time proposes to develop a new Design Review Guide (UDG) to complement the Design and Place SEPP. This UDG will not only reference a wide range of existing documents like Better Placed, the Local Character and Place Guideline and the Practitioner's Guide to Movement and Place. The UDG will also introduce new documentation, new design criteria, and new design processes which will not necessarily simplify the design and place considerations for developers and local

#### **PORT STEPHENS COUNCIL**

116 Adelaide Street  
Raymond Terrace NSW 2324

PO Box 42  
Raymond Terrace NSW 2324

Phone: 02 4980 0255  
Email: [council@portstephens.nsw.gov.au](mailto:council@portstephens.nsw.gov.au)

[www.portstephens.nsw.gov.au](http://www.portstephens.nsw.gov.au)  
ABN 16 744 377 876

government. Most local governments already have an existing design framework in place through Development Control Plans and urban design panels. It is likely that the UDG will result in inconsistency between state and local policies, creating confusion for applicants. There is a risk that the SEPP introduces more red tape, increased time frames for development and development assessment and increases cost to both applicants and local government.

### Application of the SEPP

The EIE proposes that the SEPP will apply to all urban land in NSW, including urban and regional localities, and to planning and development proposals of different scales and typologies.

The term 'urban land' requires a definition to clarify the application of the SEPP. For example, does the SEPP apply to industrial, commercial, and other land areas that can be considered urban? If this is not the intent, the SEPP should make this exclusion more explicit. Alternatively, if the intention of the SEPP is to include non-residential land uses, the mandatory design and place considerations should better reflect how they apply to developments like industrial estates, office parks, and shopping centres.

Finally, the SEPP needs to clarify if it applies only to land currently defined as 'urban', or if it also applies to land proposed to be rezoned for 'urban'. For example, does the SEPP apply to rural zoned land that is proposed for future residential development (or other 'urban' land use) through a planning proposal?

### Design and Place Considerations

The EIE outlines a range of mandatory matters for consideration as part of the development assessment process. These considerations give effect to the design principles and will be refined during development of the SEPP.

Affordable housing considerations will need to better specify how an affordable housing target (% of new development) can be applied on the scale of 'significant development' or 'all other development' where single lots are developed by individual lot owners. It is unclear why this consideration does not apply to precincts which is a scale on which this could be achieved much easier.

While the provision of affordable housing is supported, it is unclear how a SEPP which focusses on design, will give effect to this consideration. Therefore, in preparing the SEPP, the link between housing affordability and design will require further investigation. This includes the possible effect of the design principles and requirements for qualified designers on the cost of relatively small projects like small scale open spaces and projects classified on the scale of individual buildings and spaces ('all other development' scale).

### Planning Pathway

The EIE states that the Design and Place SEPP will apply to planning and development proposals. However, the EIE (6.3 'Planning proposals') does not provide any specifics on how the SEPP will apply to planning proposals and which considerations of the SEPP will be included in Gateway assessments.

A planning proposal explains the intended effect on an LEP amendment (usually to permit a change in permitted land uses) and sets out the justification for making the plan by demonstrating strategic and site-specific merit. In most circumstances, the detailed design of likely future development on a site is rarely available or necessary at the planning proposal stage. The Department of Planning, Industry and Environment's 'Guide to preparing planning proposals' (the Guide) recommends that planning proposals do not include site specific detailed matters that would ordinarily form part of a development application.

The SEPP and the Guide should align, and the Guide amended with the information requirements for planning proposals as outlined in the future SEPP. Alternatively, the SEPP could not apply to planning proposals and assessment against the considerations of the SEPP will be undertaken only at development application stage.

The EIE seeks feedback on the lead time required by stakeholders for the components of the SEPP to inform the making of transitional provisions. In our view, a minimum of 3 months would be required.

For further information, please contact Rogé Kempe, Strategic Planner on 4988 0508 or by email [roge.kempe@portstephens.nsw.gov.au](mailto:roge.kempe@portstephens.nsw.gov.au)

Yours sincerely,



**Brett Gardiner**  
**Acting Strategic Planning Coordinator**

28 April 2021

Telephone enquiries  
(02) 4980 0508  
Please quote file no: PSC2015-01647