

Council Reference: 11653047

21 April 2021

The Manager
NSW Department of Planning, Industry and Environment
/Government Architect NSW

Proposed Design and Place State Environmental Planning Policy (the SEPP) – Explanation of Intended Effect

Dear Sir/Madam

Thank you for the opportunity to comment on the proposed Design and Place State Environmental Planning Policy – Explanation of Intended Effect (EIE).

Council staff have reviewed the EIE and provide the following comments.

As a general comment, while Council supports any new policy that will provide better design outcomes over a wide array of development types, this is premised on being associated with simplifying the NSW planning system.

2.4.1 Development scales

Defining development scales clearly, will be important. Precincts are proposed to be proposals greater than 10ha or 1000 people. Clarification is needed as to what 1000 people means, i.e. does it mean employees, residents, students, tourists etc. Similarly is it 10 ha of developable land, 10 ha including bodies of water etc.?

It is recommended urban land be defined in the glossary.

3.1.3 Design evaluation and review

Regarding Design evaluation and review, many Councils including Shellharbour already have locally developed and appropriate design review processes in place. The development of any Design Review Guide (DRG) should account for Councils' existing processes including related council policies. A link to information on Shellharbour Council's Design Review Panel (DRP), including its DRP policy can be found at the link below.

[Design Review Panel | Shellharbour Council \(nsw.gov.au\)](http://Design%20Review%20Panel%20-%20Shellharbour%20Council%20(nsw.gov.au))

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3.2.2 Mandatory matter for consideration

Regarding the Proposed consideration, Local living – distances to facilities, typically in release areas, the facilities to which walkability relates are the last to be physically installed. Any relevant provision of the new SEPP would need to consider this.

Regarding the Proposed consideration, Street design, reference is made to the term, street intersection density. This term should be defined in the glossary.

Regarding the Proposed consideration, Green infrastructure, it is recommended that efforts to retain or enhance tree canopies be focused on areas other than housing lots and other than land uses where site space is also at a premium. This comment is based on the typical high site coverages/smaller lot sizes, in both existing single dwelling development and multi dwelling development in release areas. Unless suitable site coverage/density provisions are mandated in the proposed design and place SEPP, it may not be practical to have significant trees on private housing lots and the like.

Regarding the Proposed consideration, Fine grain movement as follows:

Proposed walking and cycle links connect to designated walking and cycling networks at the site boundary, and provide publicly accessible through-site links for walking and cycling so that no street frontage between paths is greater than the maximum block length set out in Consideration 5: Street design.

The above italic text is not easily understood, diagram(s) and or simpler text are considered necessary.

Regarding the Proposed consideration, Transport and parking – with public transport lacking and car dependency higher in regional areas such as Shellharbour LGA, Shellharbour Council's preference is to retain the parking provisions/rates in its DCP.

Regarding the Proposed consideration, Activation – this should account for the Local Environmental Plan standard instrument active street frontage provisions.

Regarding the Proposed consideration, Tree canopy – see comment above under proposed consideration, Green infrastructure.

5.2 Other environmental planning instruments impacted by the new SEPP

It is noted that the EIE proposes that the SEPP will interface with multiple other SEPPs, including:

- SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)
- Proposed Housing Diversity SEPP, to be finalised
- SEPP (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- SEPP (Infrastructure) 2007

And that the SEPP will supplement other SEPPs where plan making or development is subject to precinct or master planning controls, including

- SEPP (Sydney Region Growth Centres) 2006
- SEPP (Western Sydney Aerotropolis) 2020
- SEPP (Activation Precincts) 2020

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- SEPP (State Significant Precincts) 2005 and any other SEPPs that require precinct or master planning including the Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005 (a deemed SEPP)).

The EIE indicates the SEPP will impact existing Planning Circulars and Practice Notes and may cause a need for new ones.

The EIE indicates the SEPP will impact existing Ministerial Directions and may cause a need for new ones.

While the EIE may aim to reduce the complexity of the NSW planning system, making the SEPP's relationship with these other state policies easily and practically implementable, would seem to pose a formidable challenge. Further, DPIE and GANSW are urged to investigate the possibility of repealing other state policies (instead of interfacing with them) as part of developing the SEPP.

Proposed Apartment Design Guide amendments – car parking

Regarding the Options for revising guidance on car parking rates, with public transport lacking and car dependency higher in regional areas such as Shellharbour LGA, Shellharbour Council's preference is to retain the parking provisions/rates in its DCP.

Further, Council does not support any reduction in the current rates in Guide to Traffic Generating Developments, as applicable to the Shellharbour LGA.

Proposed Urban Design Guide

Re B.2.1 and B.2.2 Referencing/consolidating existing initiatives, DPIE/GANSW are encouraged to investigate opportunities to where possible, rationalise/supersede existing state government design and place initiatives, with the development of any urban design guide. All relevant guides need to be addressed/acknowledged by DPIE/GANSW. A notable omission is Urban Design for Regional NSW (understood to be in draft form).

It is recommended that the term right of way be defined in the glossary so that it is not confused with right of way legal term. Alternatively the term carriageway could be used instead.

Council notes the EIE's associated FAQs indicate the SEPP would be publicly exhibited later in 2021.

If you would like to discuss further, please contact me on telephone (02) 4221 6126 in the first instance.

Yours sincerely



**Michael Tuffy
Senior Strategic Planner**