

Department of Planning Industry and Environment

Dear Sir / Madam,

**COVER LETTER – SUBMISSION IN RESPONSE TO PUBLIC EXHIBITION 1 OF DESIGN AND PLACE SEPP
EXPLANATION OF INTENDED EFFECT (EIE).**

Ref: *la/GV Document Set ID 668113*

Thank you for the opportunity to comment and provide feedback on the creation of the Design and Place State Environmental Planning Policy. This legislation is a critical step towards achieving better built form in the state of NSW. I trust Council's feedback is of assistance. Should you require any additional information or clarification, please do not hesitate to contact Council's Integrated Planner, Louisa Agyare, via the details below.

Yours Faithfully,



Gina Vereker
Director, Planning and Compliance

Contact: Louisa Agyare
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20 April 2021

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

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|-------------------|--|
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| Email | Contact: l.agyare@tamworth.nsw.gov.au |
| 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 type="checkbox"/> 18-25 <input checked="" type="checkbox"/> 26-45 <input type="checkbox"/> 46-65 <input 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

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PART 2

Proposed new State Environmental Planning Policy (Design and Place)

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PART 3

Key components of the new State Environmental Planning Policy

- **3.2.2 Table 1 Density**
Council agrees with target density ranges for precincts with minimum requirements. This will encourage minimum density in existing urban areas and contribute to reduced urban sprawl and encroachment upon adjacent prime agricultural land in many rural areas.
- **3.2.2 Table 1 Tree Canopy**
Council supports retaining moderate and significant tree and significant vegetation where possible. Where tree canopy targets cannot be met, use of greening alternatives green walls roofs etc should be encouraged.

PART 4

Proposed amendments to existing State Environmental Planning Policies

- Council supports a requirement that involves both the National Construction Code and BASIX provisions, as in Council's experience BASIX cannot effectively achieve sustainability targets on its own.

PART 5

Relationship with other planning instruments and policies

- Council would have some concerns about the misalignment of this SEPP after its adoption with the Exempt and Complying Development Codes SEPP 2008, Educational Establishments and Child Care Facilities SEPP 2017 and Infrastructure SEPP 2007, in the short to medium term after the adoption.
- Council is also concerned that this proposed SEPP will likely override LEP and DCP considerations that reflect local conditions.

PART 6

Planning pathways

- Council would like further detail about any potential additional studies that might be required for planning proposals. Under the Explanation of Intended Effects, it appears to be left to the applicant and Gateway to manage how much upfront design work is done for a Planning Proposal.

APPENDIX A

Proposed Amendments to the Apartment Design Guide and SEPP 65

- **A1.1 and A2.2**
Council supports the principle of mixed uses on ground floor and access and entry on ground floor for street activation.
- **Table A1 Apartment size and layout**
The majority of the housing supply with the Tamworth Regional LGA is family housing (usually 3-4 bedroom single storey dwellings). In contrast, 1 and 2 bedroom apartments represent a small fraction of the current stock and current supply, leaving a significant undersupply within the market for this type of housing. It is important for the SEPP and accompanying guides to appropriately acknowledge and cater for housing markets within regional areas, particularly within larger regional centres.
- **Table A1 Lessons learned from the 2015 ADG**
Council agrees with the intention of this policy regarding deep soil and tree canopy.
- **Table A1 Parking & Table A4 Parking**
Council supports revised parking rates, including requirements for bicycle storage, parking and unbundling.
- **Table A2 Additional Themes review of the 2015 ADG & A2.2 Urban Design and site planning**
Council is pleased to see the intention of this policy that the planning and design for a site needs to be considered beyond its immediate property boundaries.
- **A2.2 Urban design and site planning & Table A8: Building and Landscape maintenance**
Council supports the intention of this policy regarding landscape maintenance plans. The hot dry climate experienced within much of our LGA means that landscaping and vegetation requires intentional planning and upkeep in order to survive and mature.
- **Table A6: Local planning considerations**
Council supports the policy link to local planning aspirations such as Local Strategic Planning Statement.
- **A2.5 Environmental Performance**
Council agrees with the intention of this policy regarding empowering residents to use less energy and water, enabling a choice of supplier and real time energy and water use displays for each unit.

APPENDIX B

Proposed New Public Spaces and Urban Design Guide

- **B3.3 Part 1 Understanding Place and Country, natural environment, coastal, ranges, western plains**
Council is pleased to see this and agrees that it is important to understand which part of the state the site is in.
- **B3.3 Part 3 Urban repair**
Council supports the Policy addressing existing urban areas.

APPENDIX C

Sustainability in Residential Buildings

- **C2.3. Sustainability assessment consistent with other jurisdictions**
Council supports the alignment of BASIX to updated metrics and National Construction Code.
 - **C.2.4.2. Promoting Innovation and adoption of new technology**
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Council is pleased to see the encouragement of innovation and newer technology in this area and regular updates of BASIX (2 times a year).

Additional comments

Modification

Council is concerned about the issue of modifications to development that is originally designed by a qualified designer. Modification can then occur, either to the consent, or by a building surveyor or builder during the certification and construction process. The Design SEPP should adequately anticipate and address this matter.

Housing typologies in regional areas

The City of Tamworth is a regional centre. However, most of the housing stock consists of single detached dwellings. Council is pleased to see this SEPP and anticipates that it will positively impact development in the coming decades. However, it is noted that in Tamworth the vast majority of our development is under 3 storeys in height.

Resources

Council is currently in the process of preparing to undertake a comprehensive review of our LEP and DCP. It would be of great value to this critical step if the Government Architect could assign an architect to assist our team with ensuring that the intentions and principles of this SEPP are integrated into the Tamworth LEP and DCP.

In addition, Council would be interested in the concept of a Government Architect advisory service and how that might work (within the legislated development assessment processing times) and how that might be managed.

Thank you for your time in preparing this submission.