



Council Ref: Planning & Development Division
21/52909 / SC2593-02

27 April 2021

Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Mr Betts

RE: Exhibition of an Explanation of Intended Effect for a Design and Place SEPP

Woollahra Council staff welcome the opportunity to comment on the exhibition of the Explanation of Intended Effect (EIE) for the proposed Design and Place SEPP.

We commend the Government Architects' Office and the Department of Planning, Industry and Environment (DPIE) for seeking to elevate design and place principles in the NSW planning system with a view to maximising public benefit.

However, we are concerned that that the proposed SEPP and guidelines may have the unintended result of reducing the scope of local planning controls. Local provisions and controls are vital elements in delivering place-based development that meets community needs and delivers public benefits. In summary, our key concerns are as follows:

- that the proposed SEPP will reduce the application of DCPs and character statements
- several of the matters for consideration and proposed prescriptive controls intervene in matters that should be determined by councils and local strategic plans, such as residential density. There is insufficient justification to demonstrate why this should be set by the SEPP and how the considerations respond to local context and character
- the review and repeal of SEPP 65, amendments to the Apartment Design Guide, and introduction of a new Urban Design Guide may unintentionally weaken local provisions
- SEPP BASIX prevents councils from introducing higher place-based sustainability targets than those contained in the proposed SEPP.

The draft SEPP must contain strong links to local provisions, particularly DCPs and character statements, to ensure that development appropriately responds to its context and local character.

The attached submission outlines our feedback on the EIE for the proposed Design and Place SEPP.

If you require any further information about our submission please contact Kelly McKellar, Team Leader – Strategic Planning, on (02) 9391 7140.

Yours sincerely

Nick Economou
Acting Director Planning and Development



Submission to the exhibition of the Explanation of intended effect for a Design and Place SEPP

Part 1 Introduction

In March and April 2021 the Department of Planning, Industry and Environment exhibited an explanation of intended effect (EIE) for a new Design and Place State Environmental Planning Policy (SEPP).

We commend the Government Architects' Office and the Department for recognising the importance of design and place and its role in enhancing the wellbeing of our communities, environment and economy.

In principle, staff support the intent to, among other things, strengthening the relationship between place, site analysis, and design outcomes. However, we are concerned that the proposed SEPP may unintentionally weaken local planning controls by introducing principles and matters for consideration applicable at a broad, state-wide level and override local provisions.

An example of this unintended outcome in the Woollahra LGA is residential flat buildings being constructed in the R2 Low Density Residential Zones under the *SEPP Housing for Seniors or People with a Disability 2004*. Some of these developments are located significant distances from business zones without suitable support services. This is causing community dissatisfaction when apartments are being constructed in residential areas characterised by detached housing and leafy streetscapes, inconsistent with adopted local plans and the desired future character.

Councils are committed to strategic planning, which is led by consultation with the community. This has produced local housing strategies, local strategic planning statements, character statements, place plans, and planning provisions. It is vital that these place-based local provisions reflect local character, context and community aspirations and are not unintentionally undermined by the introduction of the SEPP.

Staff are pleased that the draft SEPP and draft design guides (draft Urban Design Guide, revised Apartment Design Guide) will be publicly exhibited in late 2021. Extensive consultation should be at the core of planning across NSW. We look forward to further consultation with the Department about this important planning instrument.

Part 2 Proposed new SEPP

2.2 Aims of the new SEPP

Council staff generally support the stated intent to give effect to the relevant objects under s1.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). However, it is unclear how the aims stated in the EIE will inform drafting of aims that will be contained in the draft SEPP instrument and guide its application and interpretation.

We support the stated intent to work with Aboriginal communities on a Country-led approach to the design and planning of places. Representative community consultation is core to Woollahra Council's place-based planning approach and helps us ensure we meet the needs and aspirations of our community. We commend the Department and the Government Architect's Office for elevating Aboriginal cultural knowledge in the planning system.

We look forward to future consultation on the aims of the proposed SEPP.

2.3 Principles of the new SEPP

The EIE identifies that the proposed SEPP is framed around five principles. The proposed SEPP will give effect to these five principles through matters for consideration and a requirement for development to demonstrate that the principles and considerations have been met.

Elevating principles for design and place outcomes is commendable. However, some of the proposed principles, such as Principle 1 and Principle 3, do not contain strong links to give effect to existing local provisions, including development controls plans (DCPs) and local character statements. Local place-based provisions appropriately reflect the needs and aspirations of the community and it is important that they are not unintentionally weakened or sidelined by the introduction of the proposed SEPP.

Principle 1: Design places with beauty and character that people feel proud to belong to.

This principle relates to the importance of designing places that respond to a community's needs and desired future character. We support this principle's emphasis of achieving design quality by requiring development to demonstrate an appropriate response to context, site analysis, heritage and local character. However, this needs to make clear that development must be designed in response to site context with emphasis on the local character established by local provisions rather than a generic approach.

Local character and heritage are of critical importance to creating great places for our community. This is reflected in our place based approach to planning and most recently in the *Woollahra Local Strategic Planning Statement 2020* (Woollahra LSPS 2020).

The proposed SEPP must establish a clear link to local character provisions established by councils. We expect the principle and any matters for consideration to give effect to the aspirations of the local community with regard to local character, heritage and public benefits.

Our community is invested in protecting the distinctive heritage and local character of our area and have been engaged in the development of character provisions contained in Council policies and controls. Council is commencing updates to these provisions consistent with the Department's new guidelines and model provisions for local character. This ongoing work must be considered in the new SEPP to give effect to the community's aspirations for their area and ensure that the SEPP promotes good local character outcomes.

Principle 2: Design inviting public spaces to support engaged communities.

We support the intent of this principle with regard to ensuring that public places are designed to meet community needs for recreation, green space, socialising and otherwise engaging in public life in great places. However, we note that the EIE does not detail how the principle or relevant mandatory considerations link to existing and proposed guidance, such as the *Draft NSW Public Spaces Charter* (DPIE 2020).

The new SEPP must clearly establish the relationship between the principles, relevant mandatory considerations, guidelines and local provisions. This will help to ensure that best-practice is considered in the design and delivery of inviting public spaces.

Principle 3: Develop productive and connected places to enable thriving communities.

Council staff do not support the introduction of residential or street intersection density targets. The EIE does not provide any planning justification or evidence to demonstrate why these targets are necessary or how they would respond to local context and desired future character.

Council's future local housing strategy, the Woollahra LSPS 2020 and the Woollahra LEP 2014 are the appropriate mechanisms to identify and support delivery of suitable residential and intersection density that enhances the liveability and productivity of the local area.

Additionally, while it is commendable that the EIE notes the importance of elements such as needs-based car parking and well-designed footpaths we do not support the introduction of any further guidance on these matters. Car parking and footpaths should respond to local provisions which reflect the local context, and have been established in consultation with the community.

Principle 4: Design sustainable and greener places for the wellbeing of people and the environment

We commend the Department and GANSW for seeking to align the proposed SEPP with the NSW Government's Net Zero Plan and to encourage sustainable and regenerative design.

However, it is important that councils have the scope to introduce sustainability targets in excess of those proposed by the SEPP, the Net Zero Plan or BASIX to ensure they appropriate to the local context, best practice, community aspirations and Council programs to enhance sustainability outcomes. For example, Woollahra Council was one of the first in Australia to introduce DCP controls to mandate the installation of circuitry for Elective Vehicle (EV) charging in new developments.

Additionally, we do not support the introduction of prescriptive tree canopy targets or tree replacement rates that would prevent councils from implementing minimum provisions for trees and tree canopy which have been tailored to the local context in consultation with the community. Woollahra Council is in the process of implementing new minimum tree canopy and deep soil landscaping provisions to achieve tree canopy outcomes tailored to the local context. We do not support any provision that would affect this important Council initiative.

Our community is committed to increasing sustainability and enhancing urban greening. We expect that any provisions for these matters would support councils in implementing best practice targets and measures appropriate to the local context and set out in local strategies and planning controls.

Principle 5: Design resilient and diverse places for enduring communities.

We support the introduction of a principle to promote resilience. We expect that this will have regard to the local context, council plans and strategies and the needs of local communities.

We also note the explanation for this principle is quite broad. For example, the EIE states that the proposed SEPP will "*optimise opportunities to address and reduce the impact of wider economic and social trends...*" and create "*welcoming, inclusive and equitable places respectful of people of all abilities and form all walks of life*". However, it is not clear how this will be achieved in the mandatory matters for consideration or how applications will demonstrate consistency with this principle.

2.4 Application of the new SEPP

The EIE identifies that precinct considerations would apply to any areas identified for local strategic planning including amendments to LEPs (that are not planning proposals). However, the SEPP is proposing an approval pathway for local councils to demonstrate that their planning strategies or policies are consistent with the precinct considerations. We are

concerned that this creates additional administration burden for Councils. Councils strive to implement best practice in local planning. The EIE does not provide sufficient justification as to why this precinct approval is necessary for local planning undertaken by councils in consultation with the community.

Part 3 Key components of the new SEPP

3.1 Design processes

3.3.1 Design skills

The EIE identifies that qualified designers (as defined by cl.50 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation)) are required for certain development:

- a registered architect for all buildings with three or more storeys, and multi-residential buildings with four or more dwellings
- a registered landscape architect for open space greater than 1000 m²
- a qualified designer for master planning of all precincts and significant development.

We are concerned that an unintended impact of this provision is that, under the new SEPP, a registered landscape architect will not be required to design smaller open spaces, particularly for residential flat buildings (RFBs) and sites in key locations such as centres.

Many sites in established urban areas, such as Woollahra, do not have the capacity to contribute 1000m² of open space. However, the open space these sites provide is vital for liveability, enhancing local character and achieving positive outcomes for public amenity and wellbeing.

The open spaces of RFBs contribute to residential amenity and are essential to maintaining and enhancing local character. Similarly, the flexible, smaller-scale open spaces of developments in local centres are central to the quality of the public domain and creating great places. As noted above, both of these types of open space are unlikely to meet the 1000m² threshold.

Therefore, we recommend that the requirements are updated to ensure that open space in close proximity to a local centre (or development of a certain scale) and in RFBs is required to be designed by a suitably qualified design professional. This will encourage appropriate design quality for all open space that contributes to amenity and wellbeing in areas where it is in high demand.

We support the proposal to enhance design quality by requiring a statement to accompany planning and development applications to verify that suitably qualified design professionals have been engaged. However, the EIE does not provide sufficient detail regarding the format and content of this statement, how this will be established and how councils can ensure that it suitably addresses local character.

3.1.2 Place-based approach

We support the intention to apply a place-based approach that strengthens the relationships between place, site analysis and design outcomes. However, we are disappointed that local character is not specifically highlighted in the description of a place-based design approach. Local character is a vital aspect of place-based planning and design that must be reinforced in the new SEPP. We look forward to seeing this incorporated in the draft SEPP when it is exhibited later in 2021.

3.2 Design and place considerations

3.2.1 Application requirements

We encourage the development of clear application requirements to ensure that the proposed SEPP principles and considerations have been met. However, the EIE does not provide sufficient detail to link the proposed application requirements to the existing planning framework or policies. We are concerned that the EIE has not clearly demonstrated how this will simplify the development assessment process and not increase the complexity and administrative burden.

We look forward to being further consulted on the application requirements.

3.2.2 Mandatory matters for consideration

We commend the Department and GANSW for detailing how the five principles will give effect in the development assessment process. However, we are concerned about the absence of clear links to local character and local planning provisions in the proposed considerations.

Desired future character is established in local plans and strategies and developed in consultation with the community and is central to a place-based design approach. The character statements set out in local environmental plans (LEPs), DCPs, local character statements, and local strategic planning statements must be referenced in the new SEPP.

We do not support the introduction of any prescriptive targets or provisions in the new SEPP that will limit the ability for Council to implement locally targeted solutions. Prescriptive targets must be place-based and established by relevant local authorities (in consultation with the local community), and in this way contribute to State targets.

The following responses relate to the proposed design and place considerations outlined in Table 1 of the EIE:

1. Cultural and built heritage

We support the intent of this consideration to elevate Aboriginal and non-Aboriginal heritage in design and place processes. We note that councils and the community, in particular the Local Aboriginal Land Councils, should be involved in matters of heritage and heritage interpretation.

The EIE identifies that a corresponding strategy has been prepared but there is no information about what it contains or where it applies. The exhibition of the new SEPP must be accompanied by further detail about the requirements of this strategy and how it promotes the celebration, conservation and protection of areas of cultural and built importance.

We note that this proposed consideration only applies at Precinct level. Aboriginal and non-Aboriginal heritage are important considerations at all scales of development to maintain continuous links with land and local context. We recommend this consideration apply to Precinct, Significant Development and All Other Development consistent with the established heritage framework.

5. Street design

We do not support the introduction of a minimum street intersection density. The EIE provides no planning justification as to why a minimum is needed, how it will be introduced through the SEPP, or how this relates to the local context. Street intersections are critical aspects of street design and planning should respond to desired future character objectives. Density targets should be developed in a place-based assessment in consultation with the community and stakeholders; not a state-wide generic standard.

7. Green infrastructure

We support the intent of this consideration to maintain and increase tree canopy and to design sustainable and greener places. We are pleased that council targets for tree replacement rate and tree canopy are included in the consideration, which have been determined using a place-based in response to the local context.

The provision of tree canopy is influenced by the local context and site conditions including deep soil landscaping, topography and dwelling density. The tree canopy targets contained in the Greener Places Design Guide should remain as guidance. LEPs, DCPs, local strategic planning statements and urban forest and greening strategies are the appropriate mechanisms to deliver appropriate tree canopy targets for each LGA.

We also note that weaker wording, such as '*where possible*', is used in relation to the retention and provision of green infrastructure. We recommend that this is strengthened to ensure additional green infrastructure is provided.

10. Density

The EIE does not provide sufficient justification or planning grounds for the introduction of residential density targets. It is unclear how the minimum density capacity of 15 dwellings per hectare has been reached or how this relates to local context and local character.

Density ranges must be developed at a local level based on a place-based planning approach that considers the site, the local context and local character. We do not support the introduction of density targets. If GANSW wishes to provide advice on density ranges it is more appropriate to provide this in the form of a guideline.

Note: There appears to be a drafting error in this consideration. It references Consideration 10: Housing Diversity, however Housing Diversity is addressed in Consideration 11.

11. Housing diversity

We support the inclusion of a consideration requiring the delivery of housing diversity that responds to the local housing strategy.

12. Transport and parking

We support this consideration in principle and are pleased to see references to existing maximum rates established by councils.

13. Attractive form

We support the intent to ensure developments exhibit high design quality. However, the relationship between this consideration and design excellence clauses in LEPs and DCPs needs to be clarified. Local council provisions contain detailed place-based design guidance to reflect local character and desired future character. The proposed SEPP should not introduce considerations that impact on the application of local planning provisions.

14. Impacts on public space

We support the intent of this proposed consideration to ensure the quality and amenity of open space is not diminished over time. However, the EIE does not clearly establish what constitutes 'encroachment'. We recommend the inclusion of detail about the types of encroachment, for example overshadowing, visual intrusion, and obstruction of public views.

16. Activation

We support the intent of promoting non-residential activation on the ground floor and potentially the first floor in all local centres. We recommend that the concept of mixed use is extended to the entirety of local centres and not limited to activity streets.

Activation should respond appropriately to local and desired future character of an area. The new SEPP must allow for councils to set higher minimum requirements where a place-based analysis has determined they are warranted for the local context and local economy.

17. Emissions and resource efficiency

We support, in principle, the intent of this consideration to provide a pathway to net zero emissions. However, we do not support any targets or provisions that prevent councils from introducing sustainability measures higher than those stated in the SEPP, BASIX or NABERS based on the local context and community aspirations. We note that BASIX currently prevents councils from introducing higher sustainability controls. Councils need to have the ability to develop sustainability controls that respond to the local area and which may be in excess of the targets set by the SEPP.

For example, Woollahra Council was one of the first in Australia to introduce DCP controls to mandate the installation of circuitry for Elective Vehicle (EV) charging in new developments. We would not support any measure in the proposed SEPP that would prevent councils undertaking initiatives like this in the future.

Drafting of the SEPP and revisions to BASIX regulatory controls must incorporate new climate data. Under the *Future Proofing Residential Development to Climate Change Project*, Woollahra, Waverley and Randwick Councils have undertaken detailed research and modelling to develop recommendations to enhance the climate resilient of residential housing in the Eastern Beaches region. This study found that dwellings currently approved under BASIX will be unliveable by 2070 without extremely high levels of mechanical cooling.

We expect that this research and similar studies undertaken by other councils, such as the City of Sydney's performance standards and timing to net zero energy buildings, will be considered in the drafting of the new SEPP and any amendments to BASIX.

18. Tree canopy

We support the intent of this consideration to maintain existing and promote increased tree canopy to design sustainable and greener places. We are pleased that council targets for tree canopy, which have been determined using a place-based in response to the local context, are included in the consideration.

The provision of tree canopy is influenced by the local context and site conditions including available deep soil landscaping, topography and dwelling density.

LEPs, DCPs, local strategic planning statements and urban forest and greening strategies are the appropriate mechanisms to deliver appropriate tree canopy targets.

This consideration also requires proposals to demonstrate that the '*minimum number of trees to give effect to the tree canopy target specified by the local council*' has been achieved. We recommend that this is reworded to require proposals to demonstrate that they comply with the relevant tree canopy target or similar established by councils. Identifying a minimum "number" of trees is a retrograde step.

To strengthen place-based outcomes and give effect to local controls, we also recommend that the terminology is refined as follows:

- ‘*precinct development control plan*’ is replaced with ‘*relevant development control plan*’
- Strengthen the protection of tree canopy by removing the words ‘*where possible*’.

Updating the terminology will encourage consistent application of local controls and policies that have been developed in consultation with the community.

19. Affordable housing

We support the intent of this consideration and recommend that the new SEPP refer to existing SEPPs (such as SEPP 70 Affordable Housing and SEPP Seniors Housing) and other mechanisms related to affordable housing to strengthen the overall policy framework.

As noted earlier in this submission, SEPPs seeking to increase the availability of diverse and affordable housing need to support local strategic planning. Recently, many of these SEPPs are having the unintended outcome of weakening local plans and local character whilst not delivering meaningful levels of diversity and affordability.

3.3 Guidance

We welcome the opportunity to review proposed new guidance during the public exhibition period in late 2021. We note that there is a significant volume of new guidance proposed along with amendments to existing guidance. It is recommended that consideration is given to the potential impacts on development assessment timeframes as a result of the increased volume of guidance that must be addressed.

Part 4 Proposed amendments to existing SEPPS

4.1 SEPP 65

Please refer to Appendix for staff feedback relating to SEPP 65 and the Apartment Design Guide.

4.2 BASIX

Whilst it is not clear why transferring and repealing the provisions of the BASIX SEPP into the new Design and Place SEPP is required, it does present an opportunity for the criteria to be updated to incorporate new climate data. The drafting of the new SEPP must ensure that sustainability provisions are future-focused to deliver appropriately resilient and liveable dwellings.

We note that BASIX currently prevents councils from introducing higher sustainability controls. We reiterate that councils need to have the ability to develop sustainability controls that respond to the local area and which may be in excess of the targets set by the SEPP.

The EIE summarises key existing BASIX provisions that are proposed to be transferred into the new SEPP, including:

“to promote consistency across the State, councils are currently not able to set their own higher or lower BASIX targets. This provision will continue to apply and is proposed to be transferred to the Design and Place SEPP. However, mechanisms to allow councils some flexibility in this area will be explored during development of the Design and Place SEPP.”

We support BASIX as a minimum standard and expect that Councils have the flexibility to exceed these minimum standards to reflect innovation and local community needs.

Part 5 Relationship with other planning instruments and policies

As noted earlier in this submission, State-level planning provisions may have the unintended outcome of weakening local plans and local character whilst not delivering meaningful levels of diversity and affordability.

An example, of this unintended outcome in the Woollahra LGA is residential flat buildings being constructed in the R2 Low Density Residential Zones under the *SEPP Housing for Seniors or People with a Disability 2004*. Some of these developments are located significant distance from business zones without suitable support services. This is causing community dissatisfaction when apartments are being constructed in residential areas characterised by detached housing and leafy streetscapes inconsistent with local plans and the desired future character.

Councils are committed to strategic planning, which is led by consultation with the community. This has produced local housing strategies, local strategic planning statements, character statements, place plans, and planning provisions. It is vital that these place-based local provisions reflect local character, context and community aspirations and are not unintentionally undermined by the introduction of the SEPP.

5.1.1 EP&A Act and EP&A Regulation

Council expects to be consulted on any proposed changes to the Act or the Regulation.

5.1.2 LEPs and DCPs

We note that the EIE states that the new SEPP does not intend to immediately impact LEPs or DCPs. However, we do not believe this will be the case given the scope of the SEPP. Should the new SEPP introduce targets and mandatory matters for consideration, for example residential density or activation, these will diminish the weight of existing LEP or DCP controls which were prepared with significant consultation with the local community in relation to these matters.

We support the consideration of amendments to cl.4.6 of the *Standard Instrument (Local Environmental Plans Order) 2006* (SILEP) that will require requests for variations to demonstrate how the proposal will improve planning outcomes and public good. Good planning outcomes should have regard to the objectives, standards, controls and character statements contained in council plans and strategies.

We recommend that any amendments to the SILEP intended to enhance planning outcomes and public good are clearly defined and can be consistently applied, particularly with regard to interpretation in the Land and Environment Court.

5.2.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

We look forward to working with the GANSW and the Department to better link the Codes SEPP to local provisions, including those for local character, heritage conservation, tree canopy and floor space ratio which have been developed by councils in consultation with the local community.

5.4 Ministerial directions

We recommend that a review is undertaken of all ministerial directions to remove duplication with SEPP provisions and improve efficiency within the planning system.

Appendix A & B: Amendments to the Apartment Design Guide and SEPP 65 and proposed new Urban Design Guide

Relationship with local planning controls

The EIE identifies that the Department is undertaking a review of the Apartment Design Guide (ADG) and SEPP 65 – Design Quality of Residential Apartment Development (SEPP 65). This provides an opportunity to reduce inconsistencies and duplication between these documents. The review must better link principles to development types and scales, local LEP provisions, DCP controls and local character statements.

The new SEPP, ADG and Urban Design Guide (UDG) include similar principles and guidelines. However, the universal approach of these principles and guidelines does not provide the same place-based approach to local context and character as local planning controls. It is therefore important that the value of existing local provisions and community knowledge is highlighted in any amendments made to SEPP 65 and the Guides.

The new SEPP and its supporting guidelines should clarify and strengthen the role of the existing controls and strategies in our local planning system to ensure that we create a unique sense of place that enhances local character. Clarifying these relationships will facilitate consistent interpretation and application of the SEPP, Guidelines and local planning controls.

Principle-based vs prescriptive-based guidelines

We commend the GANSW and Department for highlighting the importance of a principle-based planning system that encourages innovative and creative approaches to design. However, local planning controls are a key element in implementing these principles as they establish expectations and standards to help guide development and ensure high quality outcomes for our community.

The new SEPP should strengthen the role of DCPs to ensure that the guidelines are appropriately interpreted based on local context and character. We do not support any prescriptive design criteria that prevents local planning controls from being implemented with a view to achieving the desired future character.

The UDG and ADG provide consistency across councils, however, they often recommend the same numerical controls (such as landscape, deep soil and separation distances) which may not be suitable for the wide range of different local conditions or the wide range of urban areas, densities and character across NSW. DCP controls provide a place-based approach which addresses the local context and character to support high quality design and place outcomes.

Lack of guidelines for housing types other than apartment buildings

Whilst the ADG provides a comprehensive level of guidance to enhance the amenity of apartment buildings, there are not similar guidelines for other housing types such as boarding houses and seniors housing. We expect that local planning provisions to be the assessment standard for these other housing types, not the UDG or the new SEPP.

Appendix C Sustainability in residential buildings

In addition to the BASIX provisions being transferred to the Design and Place SEPP, the EIE notes that broader reforms to help support sustainability in residential buildings are being developed.

C.2.1 Providing more flexibility in the available assessment pathways

In principle, we support the proposal to increase flexibility for meeting NSW sustainability performance requirements. We recommend that qualification and accreditation requirements and standard document requirements are introduced for any independent assessment pathways. This will help consent authorities to assess the development and avoid delays.

C.2.2 Aligning sustainability performance with Design and Place SEPP principles

We are pleased that consideration is being given to expanding NSW sustainability performance requirements to include other potential impacts of residential development on the environment, such as embodied energy and green infrastructure. We expect that councils will be consulted throughout the process of preparing options for proposed options. We note that there may be existing research undertaken by councils and tools or metrics contained within DCPs or other place-based strategies which should be drawn on.

C.2.4 Improving the customer experience and promoting innovation

We support, in principle, the objective to improve the user interface and experience of the BASIX Tool. However, we are concerned that the integration of BASIX into the NSW Planning Portal will not lead to an optimal user experience. The scope of the NSW Planning Portal has expanded rapidly in recent years, and unfortunately the user interface is complicated and confusing.

If the BASIX Tool is going to be integrated into the NSW Planning Portal, we recommend that the project team engage with regular users, including councils, to ensure that the system is simple and easy to use and not a time-consuming process that deters applicants from using the tool.

Conclusion

Overall, we commend the GANSW and Department for seeking to elevate the importance of place and design quality in the NSW planning system.

As detailed in our submission we believe that the new SEPP provides an opportunity to strengthen local character and provide strong links to local planning provisions. However, we are concerned that some of the provisions proposed will have the unintended effect of undermining local provisions, local character and local innovation. Considered drafting of the proposed SEPP can ensure that better links to local provisions prevent this outcome.

We look forward to further consultation on the development of this important planning instrument.