

REVIEW OF THE DESIGN AND PLACE SEPP

COMMENTS BY LSPM

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Objective of this paper:

To outline key issues and implications of the draft Explanation of Intended Effects (EIE) of the new Design and Place State Environmental Planning Policy (SEPP) on the Initiative 2.3 Planning reform - streamlining process associated with planning proposals.

Background

The new Design and Place State Environmental Planning Policy (SEPP) is part of a broader review of all SEPPs and aims to simplify and consolidate how to deliver good design in NSW. The Design and Place SEPP puts place and design quality at the forefront of development, and also includes the shared responsibility to care for Country. The SEPP is to ensure places of all scales, from precincts, neighbourhoods and sites, to significant developments, and buildings to infrastructure and public space are well designed. The SEPP is to apply to the consent authority of local and state government, as well as the local and state panels.

The SEPP is on exhibition until 28 April 2021.

Issues and Implications on streamlining the planning proposal (PP) process

A review of the EIE for the Design and Place SEPP was undertaken with the program objective to reduce the overall timeframe for processing planning proposals by 33% by 30 June 2023, ensure good quality proposals and streamline the process.

Following a review of the EIE SEPP, the following issues and implications are identified:-

Proposal in the EIE	Implication
Design process, whether design skills, design evaluation or design panel review (pg 25/26) is required for PP	There is no clarity provided as to when or how the design process or design review panel occurs for a PP, in comparison to the DA or SSD/SSI process. This could have timeframe implications, especially if a PP needs to go to a design panel post gateway.
Precinct supporting documents (pg 27) require many technical reports and good design reports with a PP	A significant amount of additional reports not normally submitted with a PP are requested, which means possible additional cost and time upfront. This should be assessed in relation to the complexity or type of PP.
The nineteen (19) mandatory matter of consideration (pg 28) are required as part of the development assessment process, with no reference to their applicability to PP.	The matters of consideration could significantly assist the assessment of the PP process, and together with strategic merit may assist with improved quality PP. There may however be a significance cost impact, particularly depending on the level of detail required, for proponents (whether council or industry).

<p>New guidance is to be developed for planning for natural hazards (pg 33) for informing strategies and proposals to rezone land</p>	<p>It is unclear if this is to be included into S9.1 Ministerial Directions, and/or inform Regional Plan and District Plans, and their associated level of integration and liaison with state agencies. This could have an impact on resourcing and capacity in agencies, and thus have an indirect impact on the timeframes.</p>
<p>The SEPP states that LEPs and DCP, when undergoing review, will need to align with the SEPP.</p>	<p>Many LEPs are being undertaken over the next year, and hence the SEPP goals may miss this iteration of the council's LEPs.</p>
<p>The EIE states (pg 38) that the SEPP may give affect to amend clause 4.6 of the LEP standard instrument Order 2006, with the requirement that any variation to the development standard will need to result in an improved planning outcome and public good.</p>	<p>"Planning outcome and good design" This may need to be a consideration in PP, particularly to be consistent with a criteria for CI 4.6.</p>
<p>As part of the PP process, relevant SEPPs are identified and a preliminary assessment undertaken (see page 42).</p>	<p>This is standard practise, however the Gateway assessment will provide considerations and conditions to address the consistency with the SEPP (pg 42), may require the proponent/council to provide further detail up front. The adequacy test through the assessment process by DPIE will need to be reviewed. DPIE internal gateway and finalisation templates may need to be updated with relevant criteria or assessment, as a result of the SEPP.</p>
<p>The SEPP may also require targeted engagement with local Aboriginal community (pg 44) as a requirement of the Gateway</p>	<p>This may require a process explanation, or possibly guidelines and education for many Aboriginal community groups in order that they understand the objective of the PP, versus that at DA stage. Proponents would also need to understand how the engagement should occur, and in what timeframe.</p>

Way forward and Recommendation

- A workshop/meeting session between LSPM and GANSW should be held to discuss the key issues and implications during the month of April 2021 in order to ascertain if Initiative 2.3 need to include any aspect associated with the SEPP, or some amendments/clarity needs to be included into the Design and place SEPP.