



DOC21/200659

Department of Planning, Industry and Environment
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Email: designandplacesep@planning.nsw.gov.au

Attn: Government Architect NSW

Dear Sir/Madam

Design and Place State Environmental Planning Policy Explanation of Intended Effect – EPA Submission

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

The NSW Environment Protection Authority (EPA) understands that Department of Planning, Industry and Environment (DPIE) seeks to simplify and consolidate the way design is delivered in NSW, and to apply the Design and Place SEPP to precincts, significant developments, and all other developments throughout NSW.

As the primary environmental regulator for NSW, the EPA supports the intended aims of protecting human health, preventing degradation of the environment, and facilitating ecologically sustainable development. The EPA also supports consideration of the NSW Government's objective to achieve net zero emissions by 2050 as set out in Net Zero Plan Stage 1: 2020–2030.

The EPA provides the following comments for your consideration to assist in progressing the Design and Place SEPP.

Design and Place SEPP principles

The EPA supports the intent of the proposed principles outlined in the EIE. As you may be aware, if an activity triggers Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act), it will require an environment protection licence (EPL). Once consent is granted, the EPA regulates these activities to ensure compliance with specific requirements under an EPL.

The EPA supports the early consideration of the proposed principles during the planning phase. If proponents will be required to demonstrate how they meet these principles, such as compliance with design specifications, this may assist the EPA in determining whether relevant proposals meet relevant licensing requirements.

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Design and Place SEPP considerations

Proposed considerations

The EPA supports the inclusion of the following proposed considerations that respond to potential environmental issues; water management, impacts on public space, emissions, and resource efficiency. The EPA welcomes further consultation on these considerations and how they could be practically applied.

Additional considerations

The EPA proposes three additional considerations.

A pollution reduction consideration for both construction and operation could be relevant to all scales of development addressed by the Design and Place SEPP. This consideration could target air, water, noise and waste, and look at practical measures to prevent, control, abate or mitigate pollution. This consideration would intersect with several of the proposed principles, including designing sustainable and greener places, designing inviting public spaces, and designing places with beauty and character.

A circular economy consideration could help the Design and Place SEPP to accelerate the adoption of sustainable development practices. One way of achieving this is to minimise the amount of waste generated and increase the material reuse and recyclability during the design and construction of places. Embedding circular principles in the design and construction of built environments can provide long term environmental, social and economic benefits. A circular economy consideration would assist in actualising the principle of designing sustainable and greener places.

A circular economy consideration would also help embed directions outlined in the [NSW Circular Economy Policy Statement](#) and in the forthcoming [20-Year Waste Strategy](#), which is expected to be released later in 2021, in the design phase of developments. In this regard, the following working definitions for 'circular economy' and 'circular economy design' have been developed and could be used in the Design and Place SEPP:

- Circular economy is a whole-of-system approach that requires accounting of the full cost and lifecycle of materials, which retains the value of materials in the economy for as long as possible, reducing the unsustainable depletion of natural resources and impacts on the environment.
- Circular economy design is a set of principles applied to buildings, infrastructure and public domain precincts that maximise the circularity of the materials used in construction. This includes designing in a way where the materials can be easily identified for future recovery; designing buildings and infrastructure so they can be disassembled or demolished in a way that will maximise the value of the recovered materials; designing public spaces and precincts to allow for the separation of waste materials in a way that will maximise their value; designing to maximise the inclusion of recovered materials.

A third consideration of adopting a 'soundscape' approach to the design of public spaces could align with the principles of the Design and Place SEPP and the Premier's priorities of greening our city and greener public spaces. While the EIE refers to noise as a nuisance or an aspect of pollution to be controlled, a soundscape approach seeks to enhance sound quality in a public space to improve amenity.

To design places with beauty and character that are inviting and productive, the acoustic quality of the space should be considered alongside the aesthetic components. For example, through the selection of trees which encourage native birdlife and provide tranquil wind sounds, and by

incorporating sounds from water features, this not only controls unwanted noise from roads or nearby industry, but also enhances sound quality. Physical noise control in the form of noise barriers could also be integrated with public artwork.

Design and Place SEPP guidance

The EPA recommends the Design and Place SEPP references the forthcoming 20-Year Waste Strategy as a relevant guidance document. The strategy will provide a long-term strategic focus where communities, industry and all levels of government are working together to build resilient services and markets for waste resources.

The EPA is currently consolidating and centralising its assessment guidelines and policies. If any other EPA guidelines are relevant to the final Design and Place SEPP, the intent is that this guidance will be available in a centralised location of Planning Portal. The EPA welcomes opportunities to discuss this project as it evolves.

Relationship with other planning instruments

The EPA notes that The Design and Place SEPP proposes to transfer and repeal the provisions from State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP). It is understood that sustainability targets, currently captured in the BASIX SEPP, will be updated and incorporated into, and exhibited in, the final Design and Place SEPP. The EPA looks forward to the opportunity to comment on these revised targets later in 2021.

SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)

It is understood that the relationship between the Codes SEPP and the Design and Place SEPP is still being determined. The EPA supports the alignment of principles in the Design and Place SEPP with the Codes SEPP if it can be achieved across these development types. As highlighted in the EIE, this will enable a wider range of developments to contribute to a greener built environment.

SEPP (Sydney Region Growth Centres) 2006, SEPP (Western Sydney Aerotropolis) 2020, SEPP (Activation Precincts) 2020, and SEPP (State Significant Precincts) 2005

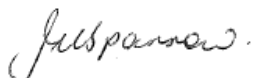
Aligning precinct SEPPs with the Design and Place SEPP precinct-scale considerations will require clear definitions and guidance. There are requirements under the proposed Design and Place SEPP which have potential to impact existing SEPPs (for instance the precinct SEPPs). It would be helpful for the Design and Place SEPP to note these and be clear on expectations; and for updates to precinct SEPPs to also be clear on any links or expectations. This will help streamline the planning process and make it more transparent.

It is noted some of the above precinct SEPPs, especially the Activation Precincts SEPP, may also require collaboration with other government agencies including the Regional Growth NSW Development Corporation if it is to be updated.

The EPA is available to meet at a mutually convenient time to discuss any of the above comments and looks forward to commenting on the final Design and Place SEPP later in 2021.

Should you require any further information, please contact Anthony Knox on [REDACTED]

Yours sincerely



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 26/04/2021