

29 March 2021

Department of Planning, Industry and Environment



Dear Madam/Sir,

### **Design & Place SEPP EoIE - submission**

The Northern NSW Local Health District (“NNSW LHD”) Health Promotion Unit welcomes the opportunity to comment on the Explanation of Intended Effect (“EoIE”) for the proposed Design and Place State Environmental Planning Policy (“the SEPP”).

We strongly support the intention of this SEPP and strongly encourage the Department to use this opportunity to prioritise health and wellbeing in the future design of places and spaces in NSW.

### **Health context**

Evidence shows that Northern NSW residents have high overweight and obesity rates (approx. 57% adults, 24% children are overweight or obese<sup>1</sup>) and poor rates for physical activity (approx. 35% of Northern NSW adults<sup>2</sup> and 62% of Northern NSW children<sup>3</sup> have inadequate physical activity levels). As health professionals, we recognise the importance of the built environment in directly affecting people's health and the central role that planners play in providing environments which support healthy behaviour.<sup>4</sup>

### **Regional context – place and movement**

We strongly encourage the Department to consider the Design and Place SEPP within the context of *movement*, that is, how people move through places as well as how people move to/from places. This is particularly important in a regional/rural context such as NNSW LHD which is characterised by longer travel distances, high car dependence and higher social disadvantage. These aspects can negatively impact people's health and wellbeing, and therefore the design of new developments need to be considered within this context. In this regard, the work of the Government Architect NSW/TfNSW with their *Practitioner's Guide to Movement and Place* needs specific reference to prioritising people's health and wellbeing. Strategies for achieving this include creating more compact neighbourhoods ('complete streets') which are walkable, bike-rideable and encourage greater physical activity (eg. nature trails, green space, sports facilities, outdoor gym equipment etc). Satellite 'sleeper' suburbs which entrench car dependence, or industrial/commercial developments, which do not provide affordable and regular public transport connections, should be discouraged.

We note that the *Urban Design Guide for Regional NSW: A guide for creating healthy built environments in regional NSW* included three strategies relevant to the above and which we strongly support being integrated into the SEPP:<sup>5</sup>

- Integrate with the natural environment and landscape
- Prioritise connectivity, walkability, and cycling opportunities

<sup>1</sup> <http://www.healthstats.nsw.gov.au/>

<sup>2</sup> [http://www.healthstats.nsw.gov.au/Indicator/beh\\_phys\\_age/beh\\_phys\\_lhn\\_snap?&topic=Physical%20activity&topic1=topic\\_phys&code=beh\\_phys%20physstud](http://www.healthstats.nsw.gov.au/Indicator/beh_phys_age/beh_phys_lhn_snap?&topic=Physical%20activity&topic1=topic_phys&code=beh_phys%20physstud)

<sup>3</sup> [http://www.healthstats.nsw.gov.au/Indicator/beh\\_physkid\\_age/beh\\_physkid\\_lhn\\_snap?&topic=Physical%20activity&topic1=topic\\_phys&code=beh\\_phys%20physstud](http://www.healthstats.nsw.gov.au/Indicator/beh_physkid_age/beh_physkid_lhn_snap?&topic=Physical%20activity&topic1=topic_phys&code=beh_phys%20physstud)

<sup>4</sup> Thompson S, McCue P. The CHES Principles for Health Environments: A holistic and strategic game plan for inter-sectoral policy and action. Sydney: NSW Premier's Council on Active Living; 2008 [http://www.pcal.nsw.gov.au/\\_data/assets/file/0003/27651/chess.pdf](http://www.pcal.nsw.gov.au/_data/assets/file/0003/27651/chess.pdf) in <http://www.health.nsw.gov.au/urbanhealth/Publications/healthy-urban-dev-check.pdf> p 8 [hardcopy page numbers]

<sup>5</sup> <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/urban-design-guide-for-regional-nsw-2020-06-03.pdf> p 18

**HEALTH PROMOTION**

31 Uralba Street PO Box 498 Lismore NSW 2480 Telephone 02 6620 7500 Fax 02 6622 2151

<http://nswlhd.health.nsw.gov.au/health-promotion/>

- Increase options for diverse and healthy living

## Health & wellbeing should be a cornerstone principle of the SEPP

We strongly support the EoIE’s reference to “health and wellbeing” and the SEPP being drafted to “enable the design of **healthy** and prosperous places that support the **wellbeing of people, community and Country**” (p 4, emphasis added). Off the back of bushfires and floods around the state, the 2020 COVID-19 pandemic experience has demonstrated that the future health and wellbeing of individuals and communities is paramount (strongly articulated on p 15 of the EoIE and B.1.4 of the *Proposed new Urban Design Guide*). For this reason, health and wellbeing **should be the cornerstone principle of good design** in the SEPP. In this sense it should be noted that ‘health’ is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.<sup>6</sup> Health as a principle of good design has previously been included in publications such as the *NSW Public Spaces Charter*,<sup>7</sup> *Greener Places*,<sup>8</sup> *Movement and Place*,<sup>9</sup> *Better Placed*<sup>10</sup> and the *Healthy Built Environment Checklist*.<sup>11</sup> This should be a cornerstone principle through which development is designed, assessed and delivered in NSW.

## Application to the types of development to which the SEPP applies has not been finalised

We support the five design principles articulated in the EoIE and strongly endorse these principles for delivering “healthy and prosperous places that support the wellbeing of people, communities and Country” (p 14). As a SEPP we understand it will rightfully have the status of an environmental planning instrument (EPI) for the purposes of s 4.15 evaluation considerations prescribed under the *Environmental Planning & Assessment Act*.

However, to which developments the Design and Place SEPP will apply remains undefined (p 21). There are indications that the SEPP may not apply to rural lands or to state significant developments (p 21). We submit that the SEPP should apply to these developments. State significant developments are particularly impactful of communities and the environment and should necessarily adhere to the principles articulated in the SEPP. State significant developments are at times controversial and conflictive within communities, and the SEPP’s reference to respecting Country should be borne through by applying it to such developments. While the SEPP’s application to ‘significant developments’ is discussed in relation to development scales (2.4.1) it is not clear whether this necessarily includes State Significant Developments as defined by the *Environmental Planning & Assessment Act*. The narrative included under 2.4.1 regarding significant developments (p 22) potentially conflicts with the narrative regarding application of the SEPP under 2.4 on p 21. Of note, the thresholds regarding ‘significant developments’ on p 22 of the EoIE would exclude ‘significant developments’ within rural landscapes such as the Northern Rivers.

The SEPP should apply to rural lands. Northern NSW is characterised by a rural landscape which is somewhat populated by small landholders, boutique farming operations, ‘lifestylers/treechangers’ and eco/hospitality tourism operators. There has been a tendency in recent times to see increased pressures placed on rural lands through residential land encroachment, secondary dwellings, weddings and function centres, tourism ventures and industrial developments. Such developments should not be excluded from the requirement

<sup>6</sup> World Health Organisation, <https://www.who.int/about/who-we-are/constitution>

<sup>7</sup> <https://www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/festival-of-place/public-space-charter>

<sup>8</sup> <https://www.governmentarchitect.nsw.gov.au/policies/greener-places>

<sup>9</sup> <https://www.governmentarchitect.nsw.gov.au/guidance/movement-and-place>

<sup>10</sup> <https://www.governmentarchitect.nsw.gov.au/policies/better-placed>

<sup>11</sup> <https://www.health.nsw.gov.au/urbanhealth/Publications/healthy-built-enviro-check.pdf>

for good design as articulated by the intended SEPP. As population densities increase in cities and the after effects of the COVID-19 exodus of people from cities continues, the application of good design principles espoused by the SEPP is paramount. Rural areas such as the Northern Rivers of NSW will see increased pressures posed on infrastructure and liveability which should be addressed through good design.

### **Detail is yet to come – flexibility shouldn't trump certainty**

We note that much of the detail on how developments will be assessed and delivered will be provided in associated publications, detailed in section 3.3 and including the *Urban Design Guide*, *Apartment Design Guide*, *BASIX*, and a future *Housing Design Guide*. While we support such guides and the finer detail they provide to planners, developers and the community, we note that the hierarchy of such publications and their application to development assessment under s 4.15 of the *Environmental Planning & Assessment Act* need to be clearly defined.

Further to this, the aim for flexibility should not trump certainty or some degree of prescriptive thresholds or targets. For example, the revised *Apartment Design Guide* aims to implement “performance-based outcomes through guidance that can be flexibly applied” (p 5). We support the objective of simplifying the planning system but not if it adds more uncertainty or undefined discretion to an already complex and sometimes conflicted planning system. Developers and the community alike need some prescription in how they meet performance based measures.

### **Place based planning**

We strongly support the place based approach (3.1.2) envisaged by the EoIE and the *Proposed new Urban Design Guide*. Understanding place and the context in which a development occurs is critical to delivering good design outcomes, particularly for health and wellbeing. This is most apparent in relation to movement to/from/within place, and our comments made previously in regards to the Northern Rivers' regional context are particularly relevant. In this sense a place based approach will require forging strong partnerships across government departments, notably in the transport, natural environment, land use planning, tourism and rural industries spheres. Place based design is necessarily a holistic approach that requires whole of picture thinking and planning upfront to ensure good design outcomes occur at the finer grain stage of a development.

### **Mandatory matters for consideration**

We are particularly supportive of the mandatory matters for consideration articulated under 3.2.2 of the EoIE (p 28). We are especially supportive of the proposed considerations and benefits identified under this section relating to: Cultural and built heritage; Public Space; Connectivity; Local living; Street design; Water management; Green infrastructure; Resilience; Fine-grain movement; Density; Housing diversity; Transport and parking; Attractive form; Impacts on public space; Emissions and resource efficiency; Tree canopy; Affordable housing.

We note that the EoIE's reference to green infrastructure (consideration 7) uses the language 'where possible' (p 29 and elsewhere in the EoIE) which is in contrast to other performance standards which do not include this qualifier. Green infrastructure requirements should not be optional in light of the health and environmental benefits green infrastructure provides to individuals and communities and articulated in documents like *Greener Places*.

The qualifier 'where possible' risks green infrastructure being relegated by other imperatives and the reasons for including this qualifier should be examined closely and more fully articulated.

In reference to design consideration 15 'Impacts on vibrant areas' (p 31), we note that a cautionary approach should be given to 'safeguarding' licensed premises, particularly in regional/rural areas where land use conflict and impacts upon rural communities may be more pronounced. Understandably we appreciate this imperative for defined 'night time economy areas', particularly in city/urban environments, but we note that regional/rural areas such as the Northern Rivers has seen an increase in alcohol licensed premises (such as 'artisan/micro-breweries'), particularly post-COVID. These licenses increase alcohol availability in traditionally alcohol sparse rural settings (other than country pubs and cafes/restaurants with on-premise licences), posing the risk of increased alcohol related wellbeing impacts on local communities, as well as the risk of more drivers driving intoxicated on rural roads. If this trend in alcohol licensed premises in rural communities continues – coupled with increased rural industry impacts such as weddings, function centres, tourist accommodation and other non-traditional rural industries – there is the risk of increased land use conflict which may be exacerbated if alcohol licensed premises are prioritised over traditional agricultural land uses. The SEPP should therefore clearly designate what land types/areas consideration 15 applies to – and notwithstanding our earlier comments that the SEPP *should* apply to regional/rural developments – consideration 15 should *not* apply to licensed premises in the regional/rural setting where these communities will likely have a different expectation to licensed venues operating within this context. Some of these observations equally apply to consideration 16 'Activation' (p 31) in regards to the provided benefit: "Ensures high streets *retain their function and vibrancy irrespective of intensification or conversion of upper floors to residential uses.*" Once again, residents of rural towns (especially those in shop top housing) may have different expectations of what activation of their high streets entail, particularly in terms of protecting their amenity and wellbeing in relation to impacts from the night time economy. While affordable housing pressures remain acute in Northern NSW, prioritising the night time economy in regional town high streets over residential uses may exacerbate this.

## **Climate change and ecologically sustainable development**

Although design consideration 17 'Emissions and resource efficiency' (p 32) somewhat addresses climate change, emissions and building resilience into future developments it does not articulate sufficiently the existential threat that climate change poses to communities and the associated health and wellbeing impacts. This threat and these wide-reaching impacts are now being more fully understood and articulated by bodies such as the World Health Organization,<sup>12</sup> Doctors for the Environment,<sup>13</sup> the Climate and Health Alliance,<sup>14</sup> the Public Health Association<sup>15</sup> as well as NSW Health through publications such as the *Healthy Development Checklist*.<sup>16</sup> Fundamentally climate change mitigation measures coupled with principles of ecologically sustainable development should be one of the primary principles guiding future development under the SEPP. Considering that the SEPP will likely guide future developments for many decades in a future characterised by an uncertain and increasingly dangerous climate, robust and ambitious climate mitigation and adaptation targets should be prescribed by the SEPP. Adaptation measures to build community resilience in the face of climate change should not only address hard infrastructure requirements but social infrastructure, in order to build community cohesion, increase emergency preparedness (flood, bushfire, drought, extreme weather) and address inequality

<sup>12</sup> [https://www.who.int/health-topics/climate-change#tab=tab\\_1](https://www.who.int/health-topics/climate-change#tab=tab_1)

<sup>13</sup> <https://dea.org.au/our-work/climate-change/>

<sup>14</sup> <https://www.caha.org.au/>

<sup>15</sup> <https://www.phaa.net.au/documents/item/2490>

<sup>16</sup> <https://www.health.nsw.gov.au/urbanhealth/Publications/healthy-built-enviro-check.pdf>, p 80

issues for those who are less able to 'insulate' themselves from the worst impacts of climate change. These aspects should form part of the 'Resilience Toolkit' identified in section 3.3 of the EoIE.

Consideration 18 'Tree canopy' is strongly supported in this context, and will support communities already grappling with the urban heat island effect, heat waves, biodiversity loss and liveability impacts such as lack of shade/cooling or lack of amenity (access to nature/green space). Green corridors/streets and urban forests/parks will go some way to providing climate refuges in times of natural disaster and/or prolonged droughts/bushfire events.

### **Affordable and social housing**

We strongly support consideration 19 'Affordable housing' and submit it is particularly relevant to rural/regional areas such as the Northern Rivers which has limited housing stock, particular environmental constraints and high social and transport disadvantage. In this regard this consideration should give particular weight to the issues facing regional/rural areas like the Northern Rivers (discussed above), relevantly long travel distances, high transport disadvantage, limited public transport options and high car dependence. For this reason, new developments should prioritise affordable and social housing for particular populations - including single parents, elderly people, Aboriginal people and people with a disability/health issues - within close proximity to existing services. Fundamentally affordable housing should be genuinely affordable to low income earners, and not displaced by higher income earners.<sup>17</sup> Northern Rivers residents are generally characterised as having lower incomes, higher social welfare dependence and higher social/health service dependence. Affordable housing should therefore cater for an ageing population, be predominantly medium density single/dual dwellings, within walkable access to fresh food, health and government services. Such housing should be built to a high standard in order to be resilient to climate change accelerated weather impacts, as well as allowing people opportunities for rent-to-buy to avoid the increasing impacts of the post-COVID exodus from cities and increasing homelessness and rental stress faced by many in regional/rural communities.

### **Apartment Design Guide & future Housing Diversity SEPP**

We recognise the need to review the existing Apartment Design Guide (ADG) and strongly support the draft ADG's focus on protecting residences' and neighbours' health and amenity through good design. We are especially supportive of the 'lessons learnt' from the 2015 ADG identified on p 57 of the EoIE relating to: Solar access; Natural ventilation and noise; Apartment size and layout; Deep soil and landscape design; and Parking. From a healthy food and resilience perspective we would recommend an additional consideration be included relating to enabling access to healthy food, particularly through the provision of food growing area, whether these be rooftop gardens, vertical/hydroponic garden setups, or access to nearby community gardens or urban agriculture plots. These are important considerations in a future likely to be increasingly impacted by extreme weather events caused by climate change where food supply chains are disrupted. Supporting localised 'home' food production (despite it being an apartment or tower complex) is also important for nutrition awareness and food education, and encourages healthy eating habits, lessening the obesity burden. Such food production activities also supports improved mental health by providing access to nature (albeit in a truncated form), encourages social interaction, and

---

<sup>17</sup> For example, see: <https://www.dss.gov.au/our-responsibilities/housing-support/programs-services/national-rental-affordability-scheme/national-rental-affordability-scheme-nras-household-income-indexation>

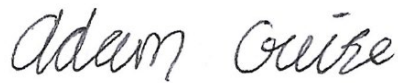
can lessen financial burden on people by allowing them to grow niche/expensive food items (eg. herbs, culturally appropriate foods, off-season fruits etc).

We are particularly supportive of the provisions relating to the use of (fire) stairs for active movement throughout apartments/towers, as well as the communal spaces provisions to allow social events and the potential for commercial or social enterprises.

Although the Northern Rivers will be less impacted by apartment developments in comparison to cities like Sydney, areas on the coast such as the Tweed, Byron and Ballina council areas, will see an increase in apartment style developments because of population growth pressures and to mitigate against rural land use conflict.

We strongly support the development of a future Housing Diversity SEPP and strongly encourage such a SEPP to emulate the principles intended by the Design and Place SEPP. Fundamentally there is an urgency to address good design in low-cost, affordable and social housing, particularly for the Northern Rivers region which is characterised by an ageing and housing-disadvantage population. We are particularly supportive of co-living housing models which build social inclusion, increase community resilience and decrease resource use (building materials, water, energy, private car transport etc). Co-housing models which promote regenerative agriculture and community food-growing opportunities are of particular importance in a climate change affected world.

Yours sincerely,



Adam Guise  
**Healthy Environments Officer**

Health Promotion, Northern NSW Local Health District

