

9 April 2021

Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Contact: *Stuart Little*
Telephone: [REDACTED]
Our ref: *D2021/33533*

Dear Sir/Madam

RE: Design and Place SEPP

I refer to the exhibition of the Explanation of Intended Effect (EIE) for a Design and Place SEPP (February 2021) which is intended to provide a single point of reference for design-related considerations and performance criteria in the NSW planning system.

WaterNSW is a State-owned Corporation that manages 42 large dams supplying two-thirds of water used in NSW to regional towns, irrigators, Sydney Water Corporation and local water utilities. We also have responsibilities under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* for protecting water quality within the Sydney Drinking Water Catchment. WaterNSW operates and manages critical bulk water supply infrastructure such as the Warragamba Pipelines and Upper Canal that transfer water from the catchment to Prospect Water Filtration Plant. This infrastructure is under increasing pressure from development in Western and South-Western Sydney, and associated environmental impacts such as from stormwater runoff. With these responsibilities in mind, we have focused our comments on the implications of the proposed Design and Place SEPP on water quality and quantity.

We understand that the new SEPP will be principle-based and establish matters for consideration and application requirements that respond to each of the principles. It will replace both SEPP No 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX) 2004. It is also to be supported by existing, revised and new guidance, including a revised Apartment Design Guide (ADG; Appendix A), a new Urban Design Guide (UDG; Appendix B), and revisions to BASIX (Appendix C). Additional guidance will be developed alongside the Design and Place SEPP as required.

Overall WaterNSW is supportive of the proposed SEPP as it will consolidate urban design related considerations into a single SEPP and offers positive outcomes for water quality. The SEPP and its associated revised and new guides places increased emphasis on adopting water sensitive urban design measures (via Principles 2 & 4) in public spaces or green infrastructure in the developments. This will help deliver improved water retention and water quality outcomes through urban design.

Our specific comments on the Design and Place SEPP and its supporting guides are provided in Attachment 1. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [REDACTED]

Yours sincerely

A handwritten signature in black ink that reads 'Clay Preshaw'.

CLAY PRESHAW
Manager Catchment Protection

ATTACHMENT 1 – DETAILED COMMENTS

The proposed SEPP: Scope

Draft SEPP provisions have not been included at this stage but are intended to be exhibited in late 2020/21 for further comment (page 5). We understand that the SEPP will establish principles to form the design and assessment of places in urban and regional NSW (page 4). However, it is unclear whether the SEPP is intended for urban areas only or inclusive of rural environments, or whether it is intended to apply particularly to land use zones. It is therefore difficult to ascertain its relevance to regional and peri-urban areas.

Currently, the EIE suggests a strong focus on urban environments. The overall package and sustainability outcomes would benefit by extending guidance to cover rural residential and peri-urban environment. This could be assisted by an additional guide on large lot, low density residential development and rural residential developments. Such guidance could consider designs that would help minimise impacts on water quality (such as from on-site wastewater systems and stormwater), biodiversity, public amenity, as well as provide for effective bushfire safety. This would help reduce environmental impacts and the social and economic costs of such development to the community and councils that can arise when such subdivisions are poorly planned and designed.

Design Review Guide

The EIE refers to a new Design Review Guide (DRG) (see pages 5, 26, 33 A2, A4, A28), with information on page 5 inferring that this forms part of the SEPP and the supporting guides. The EIE includes a supporting Apartment Design Guide (Appendix A), a new Urban Design Guide (Appendix B), and revisions to BASIX (Appendix C). However, there is no supporting DRG. It is unclear whether the proposed DRG is in preparation, whether it will be publicly exhibited and whether it will be given effect by the SEPP or other regulatory instruments. In the absence of the DRG, the relationship between the SEPP and the proposed DRG is difficult to ascertain. Any further revisions to the EIE would benefit by including the proposed DRG or allocating a dedicated section in the EIE describing the scope, intent, purpose and functions of the DRG. If the SEPP proceeds without the supporting DRG being exhibited, then it would be useful for DPIE to provide a Circular outlining the role and function of the DRG at the time of its release.

Relationship to other SEPPs and developments

At this stage it is not clear how the proposed SEPP will relate to other SEPPs (e.g. SEPP (Sydney Region Growth Centres) 2006; (Western Sydney Employment Area) 2009; SEPP (State and Regional Development (2011); SEPP (Western Sydney Aerotropolis 2020). It would be useful for the principles advocated to be adopted in State Significant Development (SSD) and across urban release and other growth areas across the State that have yet to be developed.

Water-Related Considerations – General Overview

The EIE integrates consideration of water sensitive urban design, water efficiency, water re-use, water quality and connection of bushland and waterways (BASIX).

2.1 Structure of the new SEPP.

Figure 2 (page 11) outlines a number of aims and principles for the proposed SEPP. We suggest that consideration be given to including the following matters in the aims of the proposed SEPP:

- Promote development in accordance with the principles of ecologically sustainable development (ESD).
- Promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design.

2.3 Principles of the new SEPP

Section 2.3 establishes five principles and advocates for a principle-based planning system delivering desirable outcomes through a reasoned and considered approach, thereby moving away from prescriptive controls. We have limited our comments to the principles that concern water-related issues.

Principle 2: Design inviting public spaces

The concept of Water Sensitive Urban Design (WSUD) is mentioned in the 'Significance' section of Principle 2, but not in the 'Intended effect' (page 17). The intended effect section would benefit by including separate water management that seeks to promote WSUD in urban design and integrate water management measures within the landscape to support/ promote liveability (amenity, recreation etc).

Principle 4 Design sustainable and greener places

We note and support the intended effect of the SEPP which will 'encourage development to be designed in the context of the 'existing landscape by introducing a requirement to integrate landform, bushland, hydrology and ecology; retain existing green infrastructure (where possible), particularly habitat and significant vegetation; and maintain and enhance the quality of our watercourses'. The term 'existing landscape' could be extended to include 'existing environment'.

WaterNSW also notes and supports the intended effect of the SEPP that relates green infrastructure and tree canopy targets to WSUD measures (page 19). We note that the green infrastructure outcomes are intended to be realised through mandatory considerations for water management amongst other measures. WaterNSW is supportive of this approach.

3.2 Design and Place Considerations

3.2.2 Mandatory matters for consideration

Table 1 (pages 28-32) lists the proposed design and place considerations that are intended to be incorporated into the SEPP and operate as mandatory matters for consideration under s 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Table 1 includes Item 6 Water management. The proposed consideration includes that the precinct contributes to water security, urban cooling, use of water systems that minimise potable water for non-potable uses, maximise water re-use, and preference being given to natural methods for stormwater control and run off'. It also advises for 'precinct-scale water detention and re-use strategies to be integrated such as through integrated water management framework where required [sic]'.

The reference to 'precinct-scale wide detention and re-use strategies' suggests that precincts will be designed to accommodate 'large-scale detention and re-use in lieu of local detention within precincts' as stated in the 'Benefits' column. This advocates an approach whereby stormwater management will be reliant upon large-scale, end-of-pipe stormwater treatment measures. Such measures can require extensive maintenance and/or incur difficulties if later modification is required. The framing of Item 6 also alludes to developments being potentially able to offset stormwater detention measures onto public lands. This would implicitly allow greater imperviousness across the precinct and increase the risk of exacerbated stormwater runoff during major storm events. This is likely to have cumulative impacts on stormwater runoff over time in terms of volume, velocity and water quality. It also means that other principles advocating green places may be less achievable. WaterNSW believes that the management of the quantity and water quality of stormwater can best be addressed by managing stormwater at multiple scales including on-site as far as possible.

In light of the above, Item 6 would benefit by replacing the emphasis on 'large-scale detention and re-use in lieu of local detention' to one which integrates stormwater management across multiple scales. Specifically, we suggest that Point 2 of the 'Benefits' be amended to read:

Promote the integration of stormwater management across multiple scales.

Taking into account the above, we also suggest additional 'Proposed Considerations' for Item 6 to improve the management of stormwater across precincts:

- Stormwater management measures are applied at multiple scales including lot-scale, street scale stormwater interventions or other recycled water schemes.
- Development within the precinct is based on an analysis of water demands and well-projected water balance.
- Stormwater is managed in such a way as post-development flows equate with pre-development flows.
- Stormwater management measures integrate with the landscape and promote liveability.
- Stormwater management strategies seek to maximise permeable and natural surfaces to maximise infiltration and slow water flows in the landscape.
- Natural drainage patterns are retained in the landscape and natural drainage features retained and enhanced wherever possible.
- Water detention, re-use strategies and other stormwater management measures are designed in such a way as to be easily managed and maintained.

Table 1, Item 7 Green infrastructure (page 29) advocates that the 'precinct retain, where possible, and provides green infrastructure by contributing a green grid by establishing an interconnected network of open space, waterways and biodiversity'. WaterNSW is supportive of this approach.

Table 1, Item 13 Attractive form. (page 31). The 'Proposed Consideration' could be improved by adding 'incorporation of the natural environment (or natural environmental features)'.

Table 1, Item 18 Tree canopy (page 32). Mention could be made in the of combining trees and other vegetation with WSUD measures wherever possible.

Other

In Table 1 (pages 28-32), the third column relates the 'Proposed Consideration' to one of five 'Precincts'. These 'Precincts' are the high-level 'Principles' canvassed in section 2.3. To minimise confusion in terminology, the third column of Table 1 would benefit by referring to the term 'Principles' rather than 'Precincts'.

Appendix A - Apartment Design Guide ADG

Table A5 (page A14) Item 2 Landscaping and greening. We note and support the proposed minimum deep soil zones. This will provide physical space to accommodate green infrastructure and will help deliver effective water cycle management via natural infiltration and by providing more space for natural systems to deliver stormwater treatment.

Table A8, Item 4 Water management. Greywater harvesting and reuse needs clear guidance, especially in medium-high density areas, due to potential the public health risks from possible contaminants.

Appendix B Urban Design Guide

B1.2 Implementing best practice

Page B3 lists a number of UN Sustainable Development Goals. UN Goal 6 - safe drinking water could also be added to the list.

Section B.3.5 Intended Effects discusses precinct-scale water detention and re-use strategies. As raised earlier, management of the quantity and water quality of stormwater can best be addressed by managing stormwater at multiple scales including on on-site as far as possible. Our preceding comments on this matter equally apply to the proposed Urban Design Guide.

Appendix C Revisions to BASIX

WaterNSW strongly supports DPIE exploring the expansion of BASIX to cover stormwater runoff and associated volume controls. We would welcome the incorporation of stormwater management measures into the build-lot scale covered by BASIX. This would help reduce stormwater volumes and velocities. It would also implicitly assist in a neutral or beneficial effect on water quality being achieved by new development within the Sydney drinking water catchment. Integration with small-scale stormwater quality modelling could be considered as this is already being used in some Sydney councils (like Blacktown City Council) as well as within the Sydney drinking water catchment.
