



28 February 2022

NSW Department of Planning

## Design and Place SEPP

The Tomaree Ratepayers and Residents Association Inc (TRRA) represents the community on a range of issues which affects the Tomaree Peninsula in Port Stephens LGA, including planning and development, economic development, cultural infrastructure and resources, the built and natural environment, tourism and other grass roots issues.

This a complex suite of reforms to the NSW planning system. Overall we support the proposals which we consider have the potential to significantly improve the current outdated planning policies that have allowed the development of cramped, energy inefficient and treeless suburbs and towns across the state, including here in Port Stephens.

There is a risk, however, that lobbying by powerful vested interests will result in amendments and the introduction of loopholes in the guise of greater 'flexibility'. It is essential that the new planning rules in this package be implemented through binding regulations applied in a consistent and transparent manner without loopholes.

The new planning policy (SEPP) and supporting documents must:

- Include strong, mandatory environmental performance standards.
- Close all developer loopholes and remove spurious "flexibility" measures and discretion.
- Protect, enhance and increase biodiversity in urban areas.
- Maximise mature tree and bushland retention, canopy cover and green space.



- Ensure use of energy efficiency and renewable energy to achieve net zero emissions for all new buildings.
- Require full electrification – no new fossil fuel gas connections for any new development, and removing any disincentives for switching from gas.
- Recognise embodied carbon in building materials, with a fast pathway to regulation.
- Require comprehensive electric vehicle charging and cycling infrastructure.
- Require design features that will keep people cool and safe in a warming climate

We note that the government appears to be confident that there is a sound economic case for the changes and that they will yield a net benefit. We see this as a bonus and not the main justification for the changes. The ‘sustainability, resilience, and quality of places’ professed as objectives should be sufficient justification, even if there was a net cost attached, either for the public sector or for private developers. The government should resist any arguments for winding back any of the reforms based on cost-saving. Additional development costs will mostly be passed on to buyers which is an appropriate way of sharing the costs.

Arguments about the reforms restricting the supply of affordable housing should be treated with suspicion – while the lack of genuinely affordable housing is a major societal problem, the solution lies in direct subsidies and government construction, not in marginal cost savings on mainstream housing, which would likely come at the expense of the public interest objectives of the new SEPP.

We are concerned that the proposed reforms are based primarily on the situation in metropolitan areas, and are not necessarily optimised for regional communities such as ours in Port Stephens. We fear that the new SEPP will be applied so as to promote the case for increased height limits. While this will be an appropriate response in some urban areas as a principal way of increasing housing density while enhancing open space, it will not be appropriate in other communities, particularly those coastal towns where local character is seen as essential both for liveability and for economic success (e.g. in tourist towns which rely on local character).

We submit that the preferable means of accommodating the modest growth that is desirable in many regional communities is intensification through sub-division and alternative housing styles (duplexes, manor houses, townhouses and maximum 3-4 storey apartments). This can more than provide for future growth without recourse to either high rise apartments or greenfield development encroaching on native vegetation or agricultural land.

We observe that perceptions of 'high rise' are very different between metropolitan centres, suburban settings, and small towns. In smaller towns with high scenic values, anything over 5 storeys is legitimately perceived as (generally unwelcome) high-rise, while 5-8 storeys may be a reasonable fit for suburban centres, and anything from 8 to 40 storeys only acceptable in city centres or along strategic public transport corridors in metro areas. Design guides should acknowledge these different perceptions and 'tolerances' rather than assuming universal definitions of low- medium- and high-rise.

We welcome an enhanced role for expert design panels, but only as providing input – they should not have any final say or veto power over developments. Care must be taken to avoid conflicts of interest – both direct and indirect – for panel members, and design panel briefs and minutes must be publicly available, in time for community submissions on DAs to take panel findings and recommendations into account.

Only minor changes to BASIX standards are proposed and only for some developments. While we welcome any higher standards in respect of energy efficiency and sustainability, we are very concerned that these will not apply to apartments less than five storeys. Lower than 5-storey apartment buildings will in our view be an important part of the future housing mix in areas such as ours, and we see no justification for future occupants being denied the 'running cost' benefit of higher BASIX standards. As mentioned above, we also favour positive incentives for electrification and a ban on new gas installations, as essential measures to mitigate climate change.

We understand the desire to 'front-load' consultation into precinct- or place-planning, and to expedite individual DAs that meet strategic planning criteria. However, it will never be possible to engage most of the public in advanced

strategic planning, and meaningful opportunities for community input, and objection, later in the planning process when people wake up to proposed changes must be retained. This is a difficult balance to strike but it is not acceptable to simply say to communities 'you had your chance x years ago, and now it is too late.'

We have no objection to this submission being published in full and unredacted.

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