



10 June 2016

Ms Elizabeth Kinkade
Executive Director Planning Policy
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Kinkade

Re: State Environmental and Planning Policies Review

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of twelve municipal and city councils. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member Councils cover a population of over 1.6 million, or one third of the population of Sydney.

In order to make this submission within the timeframe of the review, it has not been possible for it to be reviewed by councils or to be endorsed by the SSROC, therefore, consider this submission a draft, and we will contact you further if any issues arise as it is reviewed.

The details of SSROC comments are as below.

GENERAL COMMENTS

SSROC welcomes the opportunity to contribute comments to State Environmental Planning Policies (SEPPs) review exercise.

The process of the SEPPs review should be more collaborative. An open-minded collaborative engagement and partnership with councils in the review exercise that goes beyond provision of comments, could lead to more responsive SEPPs.

Some SEPPs that are of interest to the SSROC member councils were not listed for review or comments. Examples include SEPP 33 (Hazardous and Offensive Development) 2011 and SEPP 65 (Design Quality of Residential Flat Development). For example, in relation to SEPP 65, rather than prescriptive standards, there should be “deemed to comply” standards and “alternative solutions” with guidance on the principles that guide alternative solutions.

Another SEPP that is missing on the list and that are relevant to many SSROC council members is the Exempt and Complying development Codes SEPP 2008. The SEPP and accompanying building codes are not well suited to infill development in many cases. They seem to work well in green fields estates, but in established areas there are conflicts with adjacent heritage items, heritage conservation areas and character areas.

SPECIFIC COMMENTS

Housing Related SEPPs

SEPP 70 (Affordable Rental Housing) 2009

This SEPP has limited application but has the potential to more efficiently provide affordable housing within NSW. A number of SSROC members councils, including the City of Canada Bay

are seeking to have their councils included in the SEPP to provide affordable housing, in the case of Canada Bay, at Rhodes precinct.

The SEPP is supported. There is need to emphasise *affordable rental housing* in contrast to the broader affordable housing concept. In a recent report, the *Liveability Benchmarks for central and southern Sydney*, the member councils of SSROC identified that affordable housing targets should be based on proportion of dwellings in urban development and renewal precincts that are targeted to *affordable rental housing*.

Although the SEPP is supported, there are a number of concerns that need to be addressed in the review. These concerns include that:

- the provision of Affordable Housing has a 10-year limit
- the SEPP does not apply in Mixed Use zones
- it allows Boarding Houses in a wide variety of locations, and
- arguably lacks adequate ongoing management controls.

Councils in the inner city and as expressed in the SSROC Affordable Housing Session report, would like the Department of Planning and Environment (DP&E) to ascertain the impacts of the SEPP on the following:

- 'new age' boarding houses' - who are renting these facilities (tenant profile) to ascertain if the intended targets of the SEPP are the beneficiaries.
- the scale and regional pattern of affordable housing development such as secondary dwellings and new generation boarding houses facilitated by Affordable Rental Housing SEPP.

Related Infrastructure

The DP&E needs to undertake, if yet to do so, research to ascertain the impacts of the SEPP on the following:

- the built form education establishments complying development provisions on adjacent residential development (where applicable);
- how educational establishments provisions are impacting on schools which have a student attendance limit (generally private schools). This is because, under the SEPP, existing schools can continue to add classrooms under the complying development provisions. However, there is no link between the SEPP and other restrictions on student capacity that is associated with an existing development consent.

SEPP (Housing for Seniors or People with a Disability) 2004

Councils rely on the development standards to assess DAs. It is needed and could be retained in the current form.

Other SEPPs or Deemed SEPPs

SEPP (Urban Renewal) 2010

Local councils are important key stakeholders in urban renewal precinct identification, planning and development. It is important that the aim of the SEPP (Urban Renewal) clearly makes reference to role of councils in the aims of the policy. In particular, the sections on “proposals for potential precincts” and “development in potential precincts” should reinforce in specific terms key role for councils in collaborative planning of the precinct futures and planning of the surrounding areas.

SSROC councils believe that urban renewal should be collaborative and transparent. Councils and state agencies should work in a collaborative partnership manner on issues such as nomination of potential housing renewal precincts and best practice guidelines for integrated urban renewal, including assessment of urban capacity for intensification assessment (e.g.

housing, jobs, transport). Others include, determination of immediate or long-term priority for renewal precincts and detailed structure and infrastructure plans of priority renewal precincts.

SEPP (Sydney Drinking Water Catchment) 2011

This SEPP requires developments in the Sydney drinking water catchment to have neutral or beneficial effect (NorBE) on water quality. Proposed developments need to demonstrate that their proposal has a neutral or beneficial effect on water quality. To assist councils and developers, WaterNSW developed an online assessment tool (the NorBE Tool) to enable NorBE assessments.

The Clause 64 Notice means councils can assume concurrence of WaterNSW (former Sydney Catchment Authority). This could be replaced with a Standard Instrument clause in Standard Instrument (Local Environmental Plans).

SEPP (Kurnell Peninsula) 1989

There are two lots of land remaining that are subject to this plan. Until the application for State Significant Development is determined this SEPP may not be repealed.

Sydney Regional Environment Plan No. 33 (Cooks Cove)

Rockdale City Council is engaged in negotiations with the DP&E, land owners and other government stakeholders to determine the appropriate planning pathway. It is recommended that the SEPP be retained while the future and planning of the precinct is determined.

SEPP 19 and SEPP Building Sustainability Index (BASIX)

These SEPPs are in place to entrench precinct and broader sustainability. The SEPPs need to be revisited. Currently, the threshold is believed to be too low to make any real difference in the protection of bushland in urban areas and sustainability of the built form or environment. The SEPP 19 could be replaced with a Standard Instrument clause.

SEPP (Exempt and Complying Development Codes)

Though generally supported, there exists some contradicting situations that lead to arguably inconsistency between the standard Instrument LEP and the SEPP. A targeted review of the SEPP will eliminate the inconsistency.

SEPP (Infrastructure) 2007 (ISEPP)

There are potential gaps and contradictions in the current approach to infrastructure planning and implementation. Requirements of the ISEPP for a utility should be in conformity or otherwise provide pathway to address inconsistent utility provisions in other regulations.

Conclusion

Thank you for the opportunity to provide comments on the SEPPs Review. If you have any queries please contact Vincent Ogu, Strategic Planning Manager on 8396 3800.

Yours sincerely,



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GENERAL MANAGER
Southern Sydney Regional Organisation of Councils

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