

Article Information

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The Relationship Between Community and Place: Sustainability, Resilience and Quality at the Forefront of the Proposed Design & Place Framework

The NSW Department of Planning, Industry and Environment (Department) have placed their new Design & Place framework on public exhibition. The framework will be interspersed in the NSW planning system through the nine documents and guides available for review.

The proposal shadows the introduction of the Minister's Planning Principles by the NSW Minister for Planning and Public Spaces (**Minister**) in December 2021, and signal a changing tide in the NSW planning system. The stated goal is to deliver "well-designed places that enhance quality of life, the environment and the economy".^[1] This new set of values reflects the growing importance placed on the relationship between community and place in order to promote "healthy and thriving communities".^[2]

Proposed Changes

The focus on sustainable and resilient places featuring quality design permeates through the proposed changes.

Of particular importance to the framework are the legal instruments intended to be promulgated under the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**), namely the:

- *Design and Place State Environmental Planning Policy 2021 (DP SEPP)*;
- *Environmental and Planning Assessment Amendment (Design and Place) Regulation 2021 (Regulation)*; and
- *Environmental Planning and Assessment (Design Principles and Considerations) Direction 2022 (Minister's Direction)*.

There are other documents currently on exhibition, including a new *Urban Design Guide* and a *Design Review Panel Manual for Local Government*, which will enhance the implementation of the framework.

The full list of documents is available on the Department's website.^[3]

The framework will apply across the State other than in specified zones. Proponents of residential apartment developments, urban precinct developments and other large-scale non-residential developments will be confronted by significant and substantial changes to the requirements for green infrastructure and design, energy efficiency and cultural engagement.

New development proposals will be required to prioritise sustainability, resilience and quality design. This ethos underpins the framework with the integration of environmental, social and economic considerations demonstrating the increased focus on the relationship between community and place. At the outset, the framework has the makings to empower a progressive shift in the lifestyle of NSW inhabitants and promote positive social and environmental outcomes.

Next Steps

The Design & Place framework documents were on public exhibition until 28 February 2022. With the public exhibitions now finalised, the Department will consider the submissions made by the public before finalising the DP SEPP.

The changes are considerable and detailed. Once the DP SEPP is finalised, the framework will apply across the State and reshape the nature of large-scale development. Importantly for proponents, the exhibition-phase presents an opportunity to assess the changes and adjust their development plans. For the time being, the framework will not be a relevant consideration for a consent when evaluating a development application under s 4.15. of the EP&A Act.

However, proponents would benefit from an early engagement with the proposed framework because its principles and considerations will be mandatory considerations for a consent authority in the near future.

Over the coming weeks our Planning & Environment Team will release further updates, first canvassing the potential new requirements under the DP SEPP before detailing the role of the Regulation and Minister's Direction in the implementation of the framework.

*This insight has been written for general educational purposes only and is not to be taken as legal advice. Should you require legal advice on your specific situation, **please contact Paul Vergotis on +61 2 9253 3880 or <pvergotis@piperalderman.com.au>.***

[1] NSW Department of Planning Industry and Environment, *The Minister's Planning Principles* (Policy Paper, December 2021)
<<https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/Policy-and-legislation/The-ministers-planning-principles-2021.pdf>> 10.

[2] NSW Government Architect, *Design and Place SEPP* (Web Page)
<<https://www.governmentarchitect.nsw.gov.au/policies/design-and-place-sepp>>.

[3] NSW Department of Planning Industry and Environment, *Design and Place SEPP - Public Exhibition* (Web Page)
<<https://www.planning.nsw.gov.au/Policy-and-Legislation/State-Environmental-Planning-Policies/Design-and-Place-State-Environmental-Planning-Policy>>.