

3rd November 2020

The Hon Robert Stokes MLA
Minister for Planning and Public Spaces
52 Martin Place
Sydney NSW 2000

Dear Minister

Re: Exhibition of 'Explanation of Intended Effects' for proposed SEPPs

I write on behalf of Urban Taskforce members to raise an issue with the increasing use Explanation of Intended Effects (EoIEs) as the primary, publicly exhibited document for State Environmental Planning Policy (SEPP) development.

The EoIEs are high level documents that are useful in explaining the intended effect of a proposed policy to the broader community.

However, particularly insofar as they pertain to policy SEPPs (like Seniors Living or Housing Diversity or Build to Rent etc etc) these statements do not contain sufficient detail for the development industry and their consultants to be able to ascertain the full implications of the policy if made.

We strongly urge a short period of exhibition on the actual draft SEPP, preferably after it has been drafted by Parliamentary Counsel. The detail of the wording of a SEPP is critical. The lived experience of practitioners (planners and lawyers) as well as those with "skin in the game" (the property development community) are ideally placed to give a quick response to ensure that unintended consequences are not manifest through the drafting process.

Accordingly, Urban Taskforce recommends DPIE exhibits an actual draft SEPP (as prepared by DPIE or Parliamentary Counsel) that includes important details, such as proposed development standards (as opposed to a range as is sometimes the case with EoIEs) and savings and transitional provisions, prior to finalising a SEPP.

The exhibition can be short and not intended to reverse a policy provision. But changing a SEPP once it has been made is a difficult and challenging task – even with goodwill. So as to avoid any unnecessary slowing of the Government's policy development program it is recommended that the draft SEPP could be exhibited for as little as two weeks (or even less).

I look forward to your consideration of this matter and your response.

Yours sincerely



Tom Forrest
Chief Executive Officer

cc. Jim Betts, Secretary, DPIE