



Government Architect NSW
c/o Department of Planning, Industry, and Environment
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To whom it may concern

RE: DESIGN AND PLACE SEPP – PUBLIC EXHIBITION DRAFT | AILA DRAFT SUBMISSION

Introduction

The Australian Institute of Landscape Architects NSW (AILA) thanks the Department of Planning and Environment (DPE) and the Government Architects of NSW (GANSW) for inviting our organisation and members to be involved in - and contribute to - the development of the Draft Design and Place SEPP.

As expressed in our preliminary response we reiterate that AILA commends both agencies and more broadly the NSW State Government for the comprehensive, inclusive and transparent nature of this extensive stakeholder engagement process and its related communications. All of the staff members from those agencies with whom our AILA members have interacted have shown commitment, professionalism and energy in their respective endeavours to explain in detail the objectives and intent of the proposals and to patiently facilitate constructive debate on what is a complex suite of interdependent considerations.

In preparing this submission we also note that AILA NSW has been in close contact with the Australian Institute of Architects NSW (AIA) and the Planning Institute of Australia NSW (PIA) throughout the EIE and Draft SEPP processes. The three organisations have found a high level of alignment in our responses to those areas of the SEPP that are of common interest to us all; consequently, many of the responses below reflect those discussions.

Finally, as has been expressed in a joint news release from AILA and the AIA of 17th March 2022, we are very concerned and disappointed that the nine Design Principles that were contained in the Ministerial Directions for the Draft SEPP have been recently rescinded by the NSW Planning Minister, Mr Roberts: These Principles form a critical anchor and reference point for directing and testing the application of the provisions and guidelines in the SEPP. In particular we are concerned that:

- Without these Principles and their associated Design Considerations, the basis on which a consent authority can establish a design excellence response that is contextual to any given site is largely lost
- Removing the Principles discourages design excellence responses based on a merit case that may still meet the collective objectives of these Principles, whilst potentially being at



odds with specific guidelines within the SEPP. Without the Principles, a merit case assessment becomes largely arbitrary, putting applicants at risk when choosing this option.

AILA believes that the contextual application of the Principles from a design excellence approach should impact neither Housing Affordability nor Housing Supply, as inferred by the Minister. Indeed, the improved liveability and environmental outcomes implicit in the Principles when intelligently applied would likely reduce the overall housing cost cycle for developers and home owners, through factors such as long term energy savings, resale value and lifespan.

Submission in support

We reiterate from our preliminary submission that AILA is in full support of the Draft SEPP, endorses its role in promoting a Connecting with Country framework and urges the NSW Government to adopt its provisions as drafted.

In particular we support the objective of the SEPP to draw together a number of previously disparate controls and guidelines that should rightly be consolidated under a single over-arching SEPP, where a holistic approach to integrated planning and design provisions can be better understood - and where more contextual development responses can be assured.

AILA also welcomes the support for the vital role of Landscape Architects in delivering the objectives of the Design and Place SEPP.

In its earlier submission on the EIE and in subsequent engagement meetings AILA has consistently pressed for the need to promote a systems-based approach to all of the landscape and environmental aspects of the SEPP, which the draft seeks to promote further. In particular, we have focused on the vital role that connected soil and groundwater networks will play in achieving many of the targets in the SEPP.

These two foundations of a healthy green infrastructure network will have a direct bearing on the SEPP's success in addressing climate change mitigation and tree canopy targets as well as microclimate control and amenity of public, communal, and private open spaces, amongst other influences.

Specific considerations and further collaboration

We offer the following observations and commentary on some key aspects of the Draft SEPP.

THE SEPP

AILA supports the provisions of the SEPP and the objectives that these give effect to in the related guidelines, on which we have provided responses below.



URBAN DESIGN GUIDELINES (UDG)

We welcome the focus of the UDG in establishing a higher level of contextual framework for all developments, seeking to achieve a greater level of connectivity between the development and the natural values, urban fabric, recreational networks and cultural values of its setting.

We endorse this approach as being central to the concept of planning, designing, and delivering for place.

We are however concerned that the UDG is unduly prescriptive and compliance oriented. More particularly, we are concerned that the UDG is being integrated into the SEPP as part of the development process and not – as we believe it should be – an upfront informing process generated through local government plan making.

For instance, the extensive contextual analysis of the immediate locality or district and the development-related design constraints and opportunities required of developers in the SEPP is not only unduly onerous but may well result in fragmented development where those responses will inevitably vary across adjoining sites and precincts.

AILA believes that the Local Government Authority (LGA) - or indeed the collective City District LGAs - within which any development is proposed should be the agency responsible for establishing the landscape and urban strategy to which all developments in any given locality or district should respond. This is the broad intent of the Spatial Frameworks that the NSW State Government has encouraged all LGAs to develop.

By way of example, the relevant mapping of strategies for localising the Sydney Green Grid for a given locality/district through the LGA's Spatial Frameworks should be available to developers to direct and inform their site analysis, external connections and development responses.

With the above caveats, AILA also supports the gateway approach to design verification that is intended to ensure that the findings from the site and precinct analysis required in the pre-design phase is evident in the design responses as the concepts evolve. There does however need some greater clarity on the co-ordination of appropriate professional inputs into that verification assessment.

However, AILA does not support the intent of the SEPP to define what constitutes an Urban Designer (see Definition of Urban Designer below).

APARTMENT DESIGN GUIDELINES

We acknowledge the significant body of work undertaken through the development of the Draft SEPP to reconcile the sometimes conflicting objectives of built form controls in the previous ADG.

We also acknowledge that there are some significant technical challenges in establishing synergies between such controls that ensure intended objectives can be achieved on the ground in numerous different site contexts and built forms.

From AILA's perspective we strongly urge that, independent of any revisions/omissions that may of be considered for built form guidelines in the final SEPP, the landscape guidelines relating to all landscape elements such as Deep Soil (we continue to urge that this misleading name be



revisited), open space, solar/shade access, urban tree canopy and the likes be adopted.

While there are many elements of the landscape related guidelines of the Draft ADG that AILA believes would benefit from further refinement, the current proposals in the Draft comprise a significant advance on those in the previous ADG and they have AILA's full support.

BASIX

AILA has always supported the role of BASIX and now supports the proposed improvements that bring the document in line with contemporary science, technology, and research to underpin development sustainability.

DESIGN REVIEW PANELS

AILA supports the role of the Design Review Panel (DRP) process and endorses the proposals for their continued involvement in ensuring that high design standards are consistently applied across all developments.

The relevant experience and expertise of the DRPs professional members, especially Landscape Architects, Architects and Urban Designers is central to maintaining such high standards and relevant tertiary qualifications should be considered a basic requirement for admission to a DRP.

However, we believe that, rather than relying on additional qualifications such as Registration (which does not necessarily reflect experience or expertise in all the areas that the DRPs are required to address) all applicants should perhaps be peer-reviewed by their applicable professional organisation for their relevant experience and expertise.

This peer review process would also ensure that experienced professionals in other disciplines that may be able to bring critical expertise to the DRPs are not excluded.

We also endorse the strengthening of Terms of Reference for DRPs and greater clarity on their role as an advisory body to developers and Councils, rather than as a quasi-approval body.

ROLE OF LANDSCAPE ARCHITECTS

AILA welcomes the requirement for the involvement of Landscape Architects in all development processes associated with the SEPP. We are however concerned with the criterion that this requirement only applies for developments over 1000m².

This arbitrary size-based criterion belies the likelihood that smaller developments – especially in high density environments - can frequently generate more complex design and technical challenges than larger development lots or precincts.

We would recommend that this criterion be reviewed and further refined to include all areas and spaces external to buildings, including streets and public and private open space. This would further reinforce the crucial consideration of connected soil and groundwater networks, as outlined above.



As the peak body for the accreditation of University Landscape Architecture programs and for the assessment and registration of Landscape Architects, AILA recommends that the definition of Landscape Architect should be *AILA Registered Landscape Architect*.

DEFINITION OF URBAN DESIGNER

The matter of what definitions constitute an Urban Designer has been contested territory for some time now; however, the allied professions of Landscape Architecture, Architecture and Planning are liaising with Urban Designers (many of whom are members of those organisations) as to the appropriate definition, qualifications, and definitions of an Urban Designer.

In this light AILA is concerned that the Draft SEPP appears to be making such a definition for the purposes of the involvement of Urban Designers in the SEPP processes.

AILA believes that the profession of Urban Design plays a vital role in all aspects of urban development and the public realm, none more so than in delivering on the Design and Place SEPP. We believe therefore that the definition of an Urban Designer should be generated by Urban Designers themselves. Likewise, AILA would seek to find alignment with these definitions for our members who are also Urban Designers.

We understand that a number of eminent Urban Designers in NSW have recently formed the Urban Design Group (a chapter of the UK based membership organisation) with a view to developing definitions for what constitutes an Urban Designer and a peer recognition process. AILA will be keen to work with the UDG towards a recognition of such definitions and peer review processes.

Consequently, we would recommend that the definition of an Urban Designer be omitted from the SEPP and that Urban Designers, and the related professions continue a more comprehensive dialogue with DPE and GANSW that allows those professions themselves time to establish such a definition for wider application in the broader built environment context.

MORE DETAILS MATTERS FOR ONGOING DIALOGUE

AILA is keen to continue dialogue with DPE and GANSW on many areas of detail in the SEPP. However, we have not sought to expand on all of these in this submission. Instead, the following is a small selection of some more detailed matters that members of AILA (including those on our submission working group) have requested be raised.

Soil Networks

As outlined above, the growing evidence around the crucial role of connected soil network is – in association with ground water and stormwater management – is one of the most important building blocks in establishing a healthy and connected Green Infrastructure. The moves in the SEPP to increase soil volume is appreciated, but AILA would like to discuss how soil connectivity can be further encouraged; moving everyone's understanding well beyond outdated concepts of soil depth being the major determinant.

Open Space

The consider integration of high-quality public, communal and private open space is central to



successful places and the details surrounding quantity and quality (as being evolved in the Greener Place Guidelines) is key in this regard.

Amongst other matters we are keen to discuss the following:

- **15% NDL for Open Space**

There is an inherent difficulty in reaching 15% NDL target area for public open space using metrics provided in draft UDG. From a preliminary review at least two factors affect this calculation:

- a) Inclusion of local & collector roads as well as E2&3 Zoned land increase the amount of land considered NDL and therefore increase quantum of public open space to be provided.
- b) Both the median and minimum sizes of open space types at the distribution stated will not achieve the required quantum without both decrease of walking catchments and increase in size, particularly of district parks, which are key to achieving the quantum provision.

- **Dual Use of Open Space**

The text and method re dual use seems contradictory and potentially confusing. In practice flood prone and riparian can only provide linear/connections with minor other incidental recreation value. We are keen to discuss the details around this.

- **Open Space Integration**

How public, communal, and private open space (especially in apartment developments) can be better integrated to work more closely, both within and external to buildings.

ShadeSmart

AILA has been working with Cancer Council NSW and Cancer Institute NSW on best practice guidelines for Landscape Architects and we are keen to bring these proposals into the evolution of the SEPP in discussion with GANSW and DPE.

Biodiversity

The SEPP rightly places emphasis on the need for clear targets to increase Urban Tree Canopy, in line with the draft Greener Places Guidelines. However, AILA is concerned that increasing residential density and loss of private gardens (as well as the unintended consequences of CPTED) is driving a dramatic loss of the shrub and field layers in urban landscapes. The consequent loss of ecological complexity (particularly in insect and bird populations), biodiversity, amenity and microclimate amelioration need to be swiftly addressed. The SEPP is a good place to start here.

Yours faithfully,

Tanya Wood
AILA NSW State Chapter President