



Australian Institute of  
Landscape Architects

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## **Government Architect NSW**

### **AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA) SUBMISSION DESIGN AND PLACE EIE**

#### INTRODUCTION

AILA welcomes the publication of the Explanation of Intended Effects (EIE) for the proposed Design and Place SEPP, supports its intent and is grateful for the opportunity to make this submission.

#### LIAISON WITH OTHER STAKE HOLDERS

In preparing this submission AILA has sought to liaise with a number of organisations that are also stakeholders in this critical field including AIA and PIA. Recognising that each stakeholder organisation has a particular focus, we have discussed and shared areas of common interest; consequently, several of the higher-level responses below reflect some of those discussions.

#### MEETING WITH GANSW AND RESPONSES

We were grateful for the opportunity to meet with the GANSW team working on the new SEPP at which we raised a number of high-level issues for AILA on 14<sup>th</sup> April and found the feedback helpful. We have included below the talking points discussed in that meeting.

#### AILA MEMBERS' EXPERIENCE OF SEPP 65 AND THE ADG

Our working group for this submission agreed that at the time at which the current SEPP 65 and ADG were legislated these planning instruments were important progressions in improving built

environment outcomes. In the years since however, many of the unintended consequences of these controls from a landscape perspective have become evident. While there are highlights of excellent responses from some developments, some of the more substantive areas of concern across a large proportion of developments have included:

- **Connection with Country** - any concerted attempt to integrate CwC within SEPP related developments has been largely absent or at best somewhat superficial to date. This absence means that we miss an opportunity to bring meaning and longevity to the places we design.
- **Natural Systems/GI Approaches** – both the SEPP and the ADG have tended to focus more on built form design responses to site than adopting a landscape and natural systems starting point to site response, often resulting in poor contextual outcomes.
- **Local Context and Connections** – these are frequently neglected in the early planning and concept stages leaving developments with limited relationship to their landscape contexts and with missed opportunities for social, cultural and environmental connection.
- **Site Analysis** – often very poorly or inadequately addressed in early building concept stages and with little evidence in built form that the development has responded to the site in any tangible form.
- **Development Layouts** – often carried out by Engineers with no Landscape Architecture input and consequently, more commonly than not, unresponsive to the site's existing character or values nor fostering active lifestyles and connection to place.
- **Topography** –A fundamental basis of PLACE; the default to extensive benching on steeper sites creates highly fragmented landscapes; on more subtle topography (eg Cumberland Plain) the sense of landscape is often entirely suppressed by built form on ridges and crests seeking to exploit views for higher sales values, not for public enjoyment.
- **Public Open Space** – in the absence of best practice guidelines from Government for more than two decades, the provision, distribution, size and location of public open space has been patchy at best and often seriously underprovided. Communal and private open space is also poorly understood. Local Government benchmarks have often progressed little since the standards-based approaches of the 1980s and the increasing density over the last two decades have highlighted and exacerbated these shortcomings.
- **Tree Canopy** - rarely considered adequately at precinct or subdivision planning stage with comprehensive tree surveys and arborist's reports frequently not being completed until the latter stages of DAs, resulting in extensive and unnecessary loss of canopy and ecological values, as well as loss of visual amenity.
- **Deep Soil** – generally inadequately planned or designed, usually not involving Landscape Architects. Often driven by underground car parking locations (not tree health or resident amenity) and with a focus on depth, rather than lateral volume and connection to the natural ground; regrettably, this well-intentioned control has been largely ineffective.
- **Stormwater** – Focused largely on engineered outdated onsite detention processes, the absence of any substantive application of Water Sensitive Cities approaches to the whole stormwater cycle on many residential sites has frequently led to poor environmental and place outcomes.
- **Regional Application** – a number of controls are city-centric in nature and are not always well adapted to regional applications.

It is gratifying to see that the new SEPP is proposing to address many of these issues in a more substantial and integrated manner.

## GENERAL OVERVIEW OF THE EIE

The ‘Explanation of Intended Effect for Design and Place SEPP’ is a very welcome and important move towards the more integrated and sustainable design of our urban environments in NSW. The ALLA supports and welcomes this timely initiative.

We acknowledge that this document is an important precursor to the Draft SEPP (hence the ‘Intended Effect’ of the title) and that it wisely puts forward the Principles and broader directions of the SEPP – citing examples and options of application – for wider review and comment first, before volunteering the detail that will follow under Matters of Consideration in the next draft.

This approach prevents the immediate and often rushed critique that goes straight to the detail and overlooks the critical underpinning of the Principles and the explanation of their significance and intended effect. The feedback on this document should also make the full draft substantially more robust.

This consolidation of a number of presently disparate policies and controls (currently under SEPP 65, the ADG and others) as well as the development of new guidance such as the Urban Design Guide (UDG) into a single SEPP creates a considerably more holistic approach that reflects its place-based design intent.

Encouragingly, at a bigger picture level this is not a standalone document, as it provides the structure around which a series of recently developed guidelines (eg Better Placed, Greener Places, The Public Space Charter etc) which we understand will provide the detailed controls and metrics that have historically rested within a series of SEPPs.

### **What are the Major Wins?**

The most important wins in this new SEPP reside both at big picture level and in some of the detail offered to date. At a big picture level the most encouraging aspects of the SEPP are that it:

- Is Place-led
- Is Principles based
- Integrates the ADG
- Contains an Urban Design Guide

The explanation of the need for involvement of suitably qualified design professionals and greater clarity around the role, scope and terms of reference for Review Panels are also welcome moves.

### **What Remain Areas of Concern?**

This place-led approach immediately draws in a number of heads of consideration that have historically been missing in design and development guidelines for urban lands, including:

- Connecting with Country at the front of the process
- The integration of Green Infrastructure (GI) values and networks
- Links and relationships to the wider landscape and urban context

- More connected and accessible streets and public spaces
- Emphasis on the critical role of urban tree canopy, soil and the water cycle.

While most of these issues are addressed in the EIE, AILA is concerned that these are largely addressed from a design perspective and that a natural systems-based approach that gives primacy to front-ending the creation of the canvas for what truly constitutes Place seems under-played when reading the EIE.

## HIGH LEVEL RESPONSES

At a meeting with the GANSW team during the consultation period on the EIE we indicated that AILA

considered that there were several high-level aspects of the document that we believe will need to be addressed if the objectives and principles in the SEPP are to be effectively realised on the ground. We have restated those high-level responses below and have added commentary where applicable, following the discussions in that meeting with GANSW:

- **Connecting with Country** – not only is AILA strongly supportive of this aspect of the SEPP, but we see critical synergies with the core values and objectives of landscape architecture. We'd like to discuss how CwC can be meaningfully and practically delivered through the SEPP (preferably initially at a district/regional level, not site by site) and how AILA might work with GANSW and the CwC team to evolve this approach, particularly in regard to our ability to bring a broad scale spatial perspective to the table.

### ***Discussion and Response:***

*GANSW indicated that they would welcome AILA's involvement in the Pilot Program being run in line with the details contained in the CwC guideline document. AILA is keen to pursue that offer.*

- **Natural Systems** – we are concerned that while the EIE references Green Infrastructure, natural systems appear not be promoted to the front end of the processes concerning Place (it's 7<sup>th</sup> in the Design and Place Considerations). Further, we are concerned that this will result in many of the targets on aspects such as climate change responses, open space, urban tree canopy and WSUD simply not being achievable or met. The use of the phrase 'wherever possible' in several places in the EIE (particularly with respect to natural systems factors) further undermines the value and perceived importance of natural systems (see also above).

### ***Discussion and Response:***

*GANSW indicated that the 'Considerations' were not listed in priority and recognised the central role of GI. GANSW indicated that in getting leverage on this topic a revised process for the spatial analysis phase has been developed; this involves a series of templated maps on key topics that have to be completed, followed by a Design Response submission that is required to show how those factors can demonstrably be seen to have driven the design concept before proceeding further. AILA supports the*

*process and is keen to assist GANSW in reviewing the details in pending draft SEPP to ensure real outcomes on the ground.*

- **Scales of Development** – the EIE seems to present the three tiers of development in a rather segmented approach (unintentional, perhaps). It seems to be conveyed more as a hierarchy than a continuum (as evidenced in the levels of expertise to be applied to each). The catchment scale which is larger than nominated Precinct scale and the most logical starting point for GI is not considered. Many of the biggest challenges in achieving green infrastructure goals and targets apply at all scales (particularly with respect to built form density challenges) and the above two bullet points emphasise the importance of the SEPP giving primacy to a systems/network based approach to GI for all levels of development.

***Discussion and Response:***

*One of the main areas of concern discussed was the extensive high density zonings driving outcomes that run counter to many of the GI and Place objectives. GANSW agreed that this was indeed a challenge and that the SEPP was looking to address this. AILA is keen to review how this is proposed through the Draft SEPP.*

- **Design Led Approach** – we strongly support the Place-based approach (indeed we think that Place should precede Design in the title) but in many circumstances the critical considerations in evolving suitable metrics for Place and Green Infrastructure (urban canopy, open space, climate change etc) are strategy not design led (see above). Given the need to address the design led dimensions of ADG and The Urban Design Guide in the SEPP it would be worthwhile discussing how these distinctions will play out.

***Discussion and Response:***

*The GANSW team agreed that this was worth reviewing with respect to language around strategy and systems metrics as distinct from design language.*

- **A Common Language and Glossary** – this is a fundamental starting point in achieving clarity from the outset and while it's good to see a Glossary in the EIE we think that more rigorous (and sourced base) definitions - still in plain English – are required for terms and language around landscape and natural systems in particular. Given the frequency of legal challenge on so many developments, this has additional importance here.

***Discussion and Response:***

*GANSW had generally adopted UN definitions as a default, but asked AILA to highlight where this could be improved. AILA also suggested that GANSW might wish to consider adding some of the equivalent indigenous words and phrases that the CwC document offers as parallels to western style project stages (sensing, imagining, shaping and caring). See further detail on Definitions later.*

- **The Role of Landscape Architects** - we are very pleased to see that the role of Landscape Architects has been integrated in the SEPP, but in early discussions with AIA on joint areas of interest in the SEPP we are concerned that a) Registration is a highly problematic qualification basis for all the related professions' involvement, as many with such qualifications have very limited if any relevant experience in critical areas of the SEPP and b)

we believe that Landscape Architects should be involved in all scales of SEPP related projects, not just those over a certain size, if the SEPP's objectives are to be met.

**Discussion and Response:**

*GANSW noted this and said they would be interested to see AILA's submission on this point. AILA was of the view that the related professions needed to collaborate with GANSW in developing a more robust benchmark that assured the intended outcome.*

RESPONSES TO SPECIFIC AREAS OF DETAIL

While the EIE gives a useful outline of some of the Matters for Consideration, we understand that much of the detail will reside in the draft SEPP itself and its associated metrics. The following responses are therefore intended to help inform those details:

- **Walking catchments** - a 20-minute walk to shops and schools seems excessive and in hotter parts of the State, unlikely to be practical. Cycle catchments would be helpful here, especially with the growing use of e-bikes. The 5-minute walk to local open space is welcome but will beg the question as to what the nature of that open space is and what it will offer, relative to user needs, particularly in apartment precincts; at minimum such spaces should allow for some level of free play for children and not solely comprise a planted or bushland corridor
- **No net loss of public space** – while this goal is essential as a baseline, it suggests that existing public open space is adequate, which in many places it is not. Throughout many of the State and Local Government documents over recent years, there has been a consistent suggestion that shortfalls in public space within existing often dense urban environments cannot be reversed. While space can almost always be found or created for essential grey infrastructure (roads and rail etc), if necessary, through compulsory acquisition, the same approach is rarely if ever applied to essential green infrastructure. It is hard to see how the liveability or sustainability of our urban environments will improve if the approach of 'making the most of what we have' persists.
- **Amounts of Public Open Space** –this will hopefully be addressed through the final Greener Places Guide. At present the SEPP refers to this in broad terms only (ie 40% of urban lands might be public space, including open space, streets and public facilities). This is a key consideration for the SEPP if it is to support healthy environments and communities.
- **Tree canopy in developments** – the NSW government ambitious urban canopy targets are laudable and necessary if amongst other things we are to start mitigating the impacts of urban heat island and loss of biodiversity. The wording of the SEPP however suggests that we will struggle to get close to these targets if urban developments are not required to show due cause as to why a development would not be viable if significant trees have to be retained. Furthermore, the requirement of a 2:1 replacement ratio for removed trees will not in practice 'ensure that existing tree canopy is not reduced' given the length of time it takes for most trees to grow to maturity and thus to make good the associated loss of heat mitigation and biodiversity. Stronger requirements for tree retention seem essential here.

Completing comprehensive tree surveys and arborist reports prior to subdivision or concept design would seem to be a critical first step.

- **Full Vegetation Strata/Profile** – Tree canopy is addressed in this document and many others, but the critical layers below of shrub and groundcover are consistently overlooked and often precluded on grounds of factors such as CPTED. Diversity and complexity in terms of vegetation character and structure are extremely important contributors to the capacity of vegetation to both stimulate people and are the drivers of well-being, as well as support non-human life, as also to heat island mitigation. This needs to be implied in areas beyond parks and bush, but in our streets, roads, rail corridors, in our gardens and on our rooftops. A requirement to have x species / m<sup>2</sup>, or metrics about plant “traits” not species could help change this, as implied in the “What Plant Where” strategy being developed by Macquarie University.
- **Soil Networks** – the well-intended but misconceived Deep Soil Zone from the current ADG continues to lead to poor outcomes, particularly on apartment dwelling sites. There is an urgent need for the SEPP to refer to a) the critical nature of connection to ground and the differences implied by differing soil types b) the vital synergies between soil and water, c) adequate soil volume (not simply depth) that reflects the natural lateral growth of tree root plates necessary for trees to reach their full potential and d) the importance of establishing connected soil networks (not isolated boxes) that will help develop the soil biota to promote healthy tree growth, as is well understood by Landscape Architects and Arborists. Finally, the term Deep Soil needs to be changed to reflect more accurately the above. Soil Networks perhaps?
- **Green Roofs and Walls** – the technical and design advances around these contributors to GI are moving at pace and need to be reflected in the SEPP as critical factors in addressing matters such as heat island mitigation, biodiversity and visual amenity. Their visual appeal has tended to foster a preference for green walls (particularly amongst architects) and while design and material advances are making such green walls more effective and enduring, they remain costly to maintain and are vulnerable to failures in watering systems. Green roofs however offer greater heat mitigation outcomes, are less vulnerable to system failures, are more economical in capital and recurrent costs and are becoming increasingly more viable (with the advent of soil-less/ rockwool profiles) for most building types; the more so when developed in concert with passive irrigation/wicking bed systems. These approaches are already well tested in various European countries.

#### OTHER MATTERS

The following are some responses on a range of other matters covered in – or relevant to -the SEPP EIE:

- **Carbon Positive Design and Sustainability Metrics**– the online tools that are being developed across the world to measure the potential carbon count of concept designs even at early stages are already informing selection of low carbon materials and design elements, as well as permitting designers to calculate the timeframe by which the project would return to a climate positive position, before locking in final design.

- A number of such tools are free, such as Pathfinder: <https://www.landscapeperformance.org/benefits-toolkit/pathfinder-landscape-carbon-calculator> (AILA members have been working with this app's Californian-based creator to 'Australianise' the processes, also offering a growing database of Australian projects available for precedent review).
  - It would be helpful for the SEPP to recognise the design value of such tools.
  - On the same topic some serious anomalies in the current BASIX requirements related to soil provision/water management should be addressed.
- **Public, Communal and Private Open Space**  
The differences and critical synergies between public, private and communal open space are often poorly understood and hence rarely well applied. We strongly recommend that some best practice precedents be included in the SEPP to demonstrate the tangible benefits these have to the quality of place
- **Glossary of Terms**  
As previously referred to, we are concerned that some of the terms and definitions in the Glossary in the EIE do not sufficiently encompass their meanings. Some comments on these are set out below.
    1. **Context** – a fundamental component and objective of the SEPP, that development should demonstrate a:
      - recognition and understanding of context.
      - an appropriate response to that context.
      - enhancement of that context.
    2. **Connectivity** – more than just the movement of people and goods and services. Must also include consideration for natural systems ie fauna, flora and water (surface and ground water)
    3. **Green Infrastructure, Green Grid** – these do more than simply 'enhance' or 'support' development; these are not optional, they are essential, no less important to a city than other fundamental infrastructure i.e. potable water, waste water, electricity, road, public transport and health. Their importance needs to be highlighted.
    4. **Mobility** – See Connectivity
    5. **Mitigation** – the SEPP seems not to recognise or provide the mechanisms for future update/change in response to climate change, what works today may not be best tomorrow.
    6. **Resilience, Resilience by Design** – see Mitigation.
    7. **Tree** – definition of tree is inadequate; this needs to recognize scale and application of trees from mass planting of tube stock through to super advance tree planting to relocating off existing trees, planting of trees in various situations and conditions, from broad acre to urban, infrastructure to suburban.
    8. **Public Space** – needs to make consideration for 24/7 free use of that space, private interests cannot supersede local council rules.
    9. **Open Space** – this is not defined by inclusion of a 'building'; if a park has a toilet block within is that park not open space?
    10. **Place** – support the inclusion of 'meaning' (culture) and 'activity' (use) however, 'physical form' suggests 2D/static, a single moment. The definition must be broadened to include 'process', that Place is informed by the dynamic systems and subsequent change. This needs to be recognized repeatedly throughout the SEPP, all metrics must be tested against this objective.



- **The Phrase ‘Where Possible’**

A number of the landscape and Green Infrastructure related Mandatory Matters for Consideration seem unduly caveated, unambitious or open to being easily sidelined by this phrase. ‘Wherever possible’ tends to suggest that these environmental considerations are in some way more discretionary than other controls. Unless any definitions are provided as to what factors would be deemed to make a control or guideline ‘impossible’ to meet, this leaves the related guideline wide open to legal challenge. We strongly recommend that this undermining phrase be removed completely from the SEPP, putting the onus on the applicant to demonstrate why a guideline is not possible to realise, rather than the other way around. This is entirely in line with merit-based arguments in planning.

- **Mandatory Matters (Section 3.2.2)**

In line with the request outlined above that landscape and natural systems be elevated in the upfront site evaluations and initial design responses, we would strongly recommend a re-ordering of the Mandatory Matters in the SEPP to reflect this. We offer the following suggested reordering:

1. Cultural
2. Water Management
3. Green Infrastructure
4. Resilience
5. Connectivity
6. Transport (Parking moved, see in bold)
7. Street Design
8. Public Space
- 9. Built Heritage**
10. Housing Diversity
11. Density (if this is included in Mandatory Matter, this suggests density is a right not a privilege! How does the SEPP manage this expectation relative to other Mandatory Matters?)
12. Local Living
13. Fine grain movement
- 14. Parking**
15. Impacts on public space.
16. Impacts on vibrant area.
17. Activation
18. Attractive Form

While GANSW has indicated that the Mandatory Matters are not placed in any priority order we would suggest that there is merit in including some level of hierarchy here, to reinforce the core purposes of the SEPP.

- **Design Review Panels**

AILA strongly supports the role of Design Review Panels in helping deliver high quality outcomes in our built environments. We are also supportive of a review of and refinement to the terms of reference and relevant expertise (not simply qualifications) of the panel members.

- **The Role of Landscape Architects**

There is no question that the new SEPP will have significant benefits not just for the profession of Landscape Architecture, but more broadly for the landscape and Green Infrastructure values for which we advocate, including through:

- Recognition of the profession's role through regular reference to Landscape Architecture throughout the EIE
- The ongoing and vital role of LAs on Design Review Panels under the SEPP
- The requirements for detailed landscape and local context analysis, as well as integration of the Green Grid, GI, water management and urban tree canopy

It is also encouraging to see that Registered Landscape Architects will be required for open space in developments over 1000m<sup>2</sup> in area, but we question why this should not be applied to all SEPP-related developments.

## CONCLUSION

AILA reiterates its support for the development of the Design and Place SEPP and the broad thrust of the matters outlined in the EIE. We trust that this submission will assist in further refinements for the Draft SEPP and look forward to being involved again as that Draft SEPP is being developed.

Sincerely yours,



Lee Andrews  
AILA NSW President

## SUBMISSION TEAM

*This submission has been prepared by a working group of AILA NSW members, co-ordinated by Crosbie Lorimer and comprising Lee Andrews, Julie Lee, Ingrid Mather and Jon Hazelwood*