



28 April 2021

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Via: [designandplacessepp@planning.nsw.gov.au](mailto:designandplacessepp@planning.nsw.gov.au)

Dear Abbie,

**RE: Public exhibition: Explanation of Intended Effect for a Design and Place SEPP**

We write this submission in response to the Government Architect NSW (GANSW) and the NSW Department of Planning, Industry and Environment's (DPIE) call for feedback on its Explanation of Intended Effect for a Design and Place SEPP. We would firstly like to commend GANSW and DPIE for commencing this initiative to deliver healthy and prosperous places for people, community and Country.

Leamac Property Group (Leamac) is a property development and investment company based in Sydney. Founded in 2010, Leamac has worked alongside institutional capital for a range of large complex development projects across Sydney and has developed a reputation for delivering quality development outcomes by working closely with all stakeholders through the development process.

With a range of large landholdings in Marsden Park, Turrella, Liverpool and Greater South Western Sydney the proposed Place and Design SEPP and its supporting guides will have a significant influence on how we deliver new jobs and homes within Greater Sydney. For this reason, we have prepared this submission and would welcome the opportunity for any further targeted stakeholder engagement in the future.

**Feedback on the Explanation of Intended Effect (EIE) for a Design and Place SEPP and supporting guides**

We understand that the release of the Explanation of Intended Effect (EIE) for a Design and Place SEPP and supporting guides is the initial stage before preparation of the draft SEPP and supporting guides, which will also be placed on exhibition in late 2021. We look forward to making further representation upon the release of these documents.

Based on reviewing the EIE for the Design and Place SEPP and supporting guides, we make the following comments.

**1.1 The principles of the Draft Place and Design SEPP**

Generally, we support the five principles of the draft Place and Design SEPP, which are intended to replace the current nine design quality principles of SEPP 65.

As these principles are intended to form part of an environmental planning instrument, there is concern over the interpretation and application of these principles with instances of subjective terms being used (such as 'beauty'). The final drafting of the proposed principles should look to be as clear and transparent as possible, where these can be interpreted as clearly as possible by an assessing authority or the Land and Environment Court.

## 1.2 Proposed amendments to the Apartment Design Guide (ADG)

The EIE notes that the aims of the revised ADG will address key areas of industry concern and enable greater design flexibility in relation to solar access, natural ventilation, common open space and car parking. Despite this, the design criteria for amenity matters contained within the EIE appear to still maintain a high degree of specificity and be more stringent than the current ADG. We make comments on the following matters.

### Solar access and natural ventilation

It is noted that the EIE is considering increasing the number of apartments required to achieve solar access and the proportion of naturally ventilated apartments, subject to design testing and industry feedback. There are serious concerns on the impact this will have on future development proposals, in particular the impact this will have on development yields and how buildings and apartment types are sited and configured.

We strongly support the need to undertake further design testing to understand the potential implication of amending solar access and natural ventilation requirements. This should involve industry professionals as part of the design testing process to ensure a thorough consideration and understanding of the current design criteria, and whether this will be further exacerbated by these changes.

### Deep soil zones

We understand that the revised ADG intends to increase the minimum deep soil zones from 7% to between 14% to 25% depending on the size of the site area. The EIE further notes that any increased targets will need to be appropriate for a diverse range of development typologies and scales.

Leamac would like to emphasise this point, and the need to retain flexibility in the design criteria to allow for consideration of alternate solutions for typologies that require a large development footprint (e.g. sites in the CBD or centres, constrained sites where there is 100% site coverage or non-residential uses at ground floor level). The current ADG provides this flexibility, allowing for a lower deep soil requirement where acceptable stormwater management can be achieved and alternative forms of planting provided such as on structure, which should be translated across to the revised ADG. Notwithstanding above, the calculation of minimum deep soil requirements should also factor deep soil landscaped areas provided on structures (i.e. above basement or podium levels) provided it's a certain number of metres in depth to allow for unincumbered vegetation growth to maturity.

## 1.3 Proposed New Public Spaces and Urban Design Guide (UDG)

Overall, we support the preparation of the new design guide that is intended to support a more consistent methodology for master planning precincts and larger sites. Based on a review of Appendix B of the EIE, we make comments on the following matters.

### Alternate ground floor non-residential uses

As currently drafted, the proposed design criterion (no. 5) of the revised ADG seeks to support local business patronage in response to more people working from home and is primarily focused on community spaces and retail uses. We believe there is an opportunity for the draft ADG and UDG to champion the prospect of supporting alternate non-residential ground floor uses (e.g. creative industries, maker spaces, light industry/urban services) that can also contribute to local area needs and support street activation.

Given the NSW Government's recent emphasis on productivity and the need to relieve pressure on industrial and urban services lands, the draft Place and Design SEPP and supporting guides should seek to look beyond the status-quo activating uses at ground level and encourage the consideration of alternate employment generating uses at ground level, which will better achieve 'Principle 3 - Design productive and connected places'.

### Activation of ground floor uses in medium-density and high-density residential zones

We understand the proposed UDG will seek to encourage the activation of ground floor uses in medium-density and high-density residential zones to inform site planning, such as non-residential ground floors in new apartment development. Specifically, this suggests 40% of ground floor space for non-residential use in R3 and R4 zones, and centres.

While generally supportive of active ground floor uses, these should be targeted toward appropriate locations that are suitable for greater public domain activity. There is a concern of potential oversaturation of non-residential ground floor uses across lands zoned for R3 and R4 zones which typically frame existing centres. This could lead toward vacant unoccupied ground floor spaces or dilute the competitiveness of existing local and strategic centres where active ground floor uses should be prioritised. Give the above, we recommend the revised ADG avoid any minimum non-residential floor space requirement on land zoned R3 and R4.

### **The flexibility of the Urban Design Guide (UDG)**

We note that the new UDG will introduce design criteria and guidance to shape the planning of precincts and significant development. With the proposed application of design criteria in the proposed guide, assuming these are mandatory prescriptive measures, there is a serious concern that the design and planning of precincts in NSW will move-away from a more place-led and performance-based outcome in the design of future precinct plans in NSW. Flexibility, particularly at a precinct-scale is needed to allow the design process to better respond to its context and character and allow for opportunities to foster creative design solutions during the urban design process.

It is recommended that the proposed UDG avoids the application of prescriptive design criteria, with any measures solely being objectives and design guidance. This will deliver place-led and performance-based outcomes through guidance that can be flexibly applied.

## **Conclusion**

We again would like to commend GANSW and DPIE for their work to date on the draft Place and Design SEPP and supporting guides. Based on our review, we reiterate the following recommendations:

- the revised ADG and proposed UDG (once drafted) should seek to champion the delivery of alternate employment ground floor uses for residential buildings (e.g. creative industries, maker spaces, light industry/urban services) that can further contribute to local area needs and support street activation
- the revised ADG should avoid any minimum non-residential floor space requirement for medium-density and high-density residential zones
- the proposed UDG should avoid the application of prescriptive design criteria to support more place-led and performance-based outcomes through objectives and guidance that can be flexibly applied
- further design testing should be undertaken informed by engagement with industry professionals to understand the potential implication of the proposed changes to the amenity design criteria, in particular for solar access and natural ventilation
- the need to retain flexibility in the design criteria to allow for consideration of alternate solutions for typologies that require a large development footprint (e.g. sites in the CBD or centres, constrained sites where there is 100% site coverage or non-residential uses at ground floor level).

We look forward to seeing the ideas that come out this engagement process and would welcome the opportunity to contribute further as GANSW and DPIE begins to develop the Place and Design SEPP and supporting guides. Should you wish to discuss any of the above matters above, please feel to contact me at the undersigned.

Yours sincerely,

**Erika Pawley**  
*Director, Projects*  
*Leamac Property Group*