

28 April 2021

Mr Jim Betts, Secretary  
Department of Planning, Industry & Environment  
4 Parramatta Square  
Parramatta, NSW 2150



**Built  
Environment**

EMERITUS PROFESSOR JAMES WEIRICK

Dear Mr Betts,

**Proposed Design & Place SEPP  
Comment, Based on Explanation of Intended Effects, February 2021**

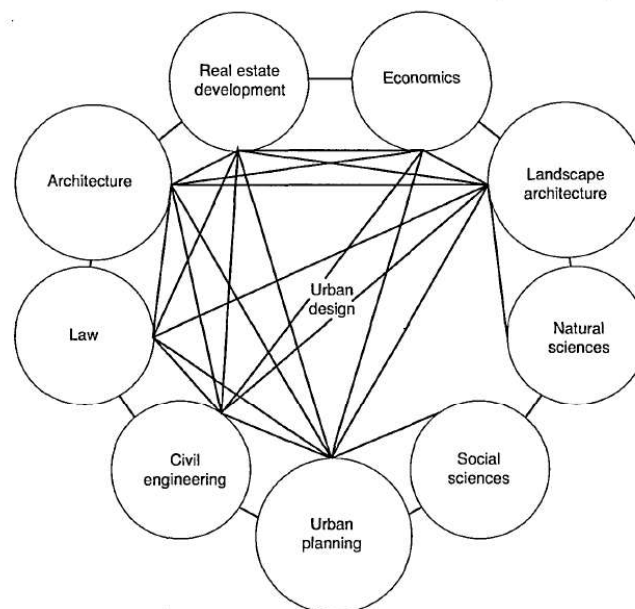
In 2000–2003, I served on the Urban Design Advisory Committee of the then–NSW Department of Urban Affairs & Planning, which advised on the preparation of SEPP65 – Design Quality of Residential Apartment Development, and the *Residential Flat Design Guide* (forerunner of the 2015 *Apartment Design Guide*).

I am pleased to see the NSW Government extending the application of design principles to the process of urban development across the State under the proposed Design & Place SEPP. I am concerned, however, that in the detailed provisions of the SEPP, put forward in the Explanation of Intended Effects (EIE) document of February 2021, there seems to be a critical weakening of the provisions introduced in SEPP65.

For clarity, I will number my comments:

- (1) The five ‘Principles of Design & Place’ defined in the SEPP must be underpinned by evidence–based Development Standards contained in the proposed Urban Design Guide so there can be no ambiguity in the operation of the SEPP.
- (2) The Development Standards of the Urban Design Guide must be mandatory, not mere guidelines.
- (3) The nineteen ‘Considerations across design principles’ must apply to all five ‘Principles of Design & Place,’ i.e. they must not be arbitrarily divided among them, as shown in the EIE (pp.28–33).

- (4) The Design Principles of the SEPP and the Development Standards of the Urban Design Guide must apply to all scales of development, i.e. they must not be arbitrarily divided among 'Precincts', 'Significant Development' and 'All other Development,' as shown in the EIE (pp.28–33).
- (5) Only with such a robust structure will it be possible to implement the SEPP outside the realm of conflicting opinions.
- (6) To clarify the issues at stake, the SEPP should clearly define 'Urban Design'.
- (7) Urban Design operates at the intersection of Politics, Finance and Design. As such it is a highly contentious field. A clear, unambiguous definition is needed that embraces the many dimensions of urban design practice, as diagrammed below:



Source: Schurch, T.W. 1999, 'Reconsidering urban design: thoughts about its definition & status as a field or profession,' *Journal of Urban Design*, 4(1), p.25.

- (8) Introduction of a robust, effective, unambiguous 'Design & Place SEPP' must be complemented by reform of the lower instruments of the *NSW Planning & Environment Act*.
- (9) In particular, Building Height and Floor Space Ratio Controls must be removed from the Local Environment Plan (LEP) Standard Instrument. These controls, mandated at LEP level by an amendment to the *NSW Planning & Environment Act* in 2005, have been introduced across Local Government Areas without design testing of their implications.

(10) The result has been thoroughly compromised physical outcomes in terms of 'Place', a high-degree of inflexibility in terms of process, and the institutionalisation of 'spot development' across the State through a plethora of 'Planning Proposals' in attempts to overcome this inflexibility. All this has undermined purposeful, transparent city making. Building Height and Floor Space Ratio Controls need to be established by means of a much more flexible, informed design process responsive to Place at Development Control (DCP) level or equivalent

Engaging with the realities of urban development and the complexities of urban design practice, as outlined above, will be essential for the 'Design & Place SEPP' to be an effective instrument, capable of delivering truly improved physical conditions in urban settlements across New South Wales.

Yours sincerely,

A handwritten signature in black ink that reads "James Weirick". The signature is written in a cursive style with a large, stylized initial 'J'.

Emeritus Professor James Weirick

Director, Urban Development & Design Program, 2007–2020