

28 August 2020

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Dear Ms Galvin

## Greener Places – Design Guide

The Property Council welcomes the opportunity to provide the Department of Planning, Industry and Environment (Department) with comments on the draft Greener Places – Design Guide.

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes. We are pleased to provide the attached comments to the Department regarding the proposed design guide.

Greener Places represents a significant opportunity to bring together guidance for the planning, design and delivery of green infrastructure within NSW's urban areas. The Property Council generally supports the aims, intent and overall purpose of this design framework. However, we do question the intended process for implementation of parts of the Greener Places Design Guide. We have some concerns that parts of the design guide will add further complexity and regulation to the current planning framework that applies to the development of housing in NSW. In the current COVID-19 induced recession it is critical that processes are streamlined and no further regulatory burden placed on business at this time.

Within these general comments, we are pleased to provide the attached comments to the Department on the draft Greener Place Design Guide.

Should you have any questions regarding the content of this submission please contact Troy Loveday, NSW Policy Manager, on 0414 265 152 or [tloveday@propertycouncil.com.au](mailto:tloveday@propertycouncil.com.au)

Yours sincerely



**Belinda Ngo**  
**Acting NSW Executive Director**  
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# **Submission to the Office of the NSW Government Architect**

## **Draft Greener Places – Design Guide**

28 August 2020

## 1.0 Introduction & General Comments

The release of Greener Places Design Guide by the Government Architect has come at a unique time for NSW. COVID-19 has increased the community's appreciation and awareness of both quality and quantity of open space and space available for recreational activity. An opportunity to harness that awareness to improve the way we plan, design and deliver our open spaces is available.

We support the Government's view of Green infrastructure as being a critical element of the city just like our transport network and other important infrastructure. The aims of the design framework, to create a healthier, more liveable and sustainable urban environment by facilitating better community access to useable open space, are generally supported.

The draft design guide provides useful direction for decision makers around the planning and delivery of Green Infrastructure. However, we note that there is a risk that it will add further complexity to the planning system at a time when streamlining of processes is business critical.

The selection of the three components (open space for recreation, urban tree canopy and connecting bushland and waterways) for inclusion in the draft guide is appropriate.

We anticipate the draft Design Guide will formalise much of the planning for green space that in the past has traditionally been very ad hoc and inconsistent. It is very important that the guide's implementation is clear and efficient. Further information about how the draft Design Guide will be implemented is required.

## 2.0 Section One - Open Space for Recreation

### 2.1 Planning for recreation opportunities

Open space for recreation is a very broad concept that includes, but not limited to, natural areas, foreshore areas, informal parklands, sports grounds and facilities such as netball courts, children's playgrounds, formal gardens and linear walking tracks and cycleways. The planning and delivery of these facilities are normally managed by local councils and with some areas developed by the State Government. It is unclear if local councils will be required to use Greener Places as part of their strategic planning for recreation and open space.

The draft Design Guide proposes a shift away from spatial standard and percentages of land area towards a more performance-based approach. We generally support this change as it accurately reflects how people use and access different types of open space and accounts for the need to provide a greater level of accessibility to open space in high density areas.

Capacity guidance is provided for brownfield sites and redevelopment areas in section 1.6 of the draft Design Guide. We are concerned the application of a capacity threshold is too prescriptive and would be difficult to apply. This may not necessarily lead to better open space outcomes. Ideally the draft Design Guide should provide some analysis on how these thresholds were determined and some case studies that could demonstrate their application and suitability, particularly relevant to urban renewal contexts.

It is also unclear how the capacity thresholds would be applied where higher densities are proposed, and delivery of new open space may be constrained. Further clarification is needed on how the thresholds would be applied, particularly where they cannot be achieved by individual developments. Consideration is also needed on how the application of a capacity threshold would impact precinct planning, including the implication for wider development contributions framework and recovered open space acquisition costs. Greener Places should become a vehicle for resolving a complicated issue associated with housing supply rather than restrict it.

Given the policy position adopted by the draft guide is to remove the application of a spatial standard to open space planning, any consideration of capacity should be made on a case by case basis. This would need to be informed by survey data on actual and intended usage of open space and analysis of how open space is likely to be used by future occupants of new communities. Greener Places should become a tool to provide guidance on how this could occur and how it would be assessed.

## 2.2 Criteria

On pages 16 to 19 of the draft Design Guide there are 6 criteria provided to guide the performance outcomes for green spaces. These include important considerations such as accessibility, quantity, quality and diversity. We consider these to be appropriate benchmarks for the determination of successful recreation opportunities.

Most of the criteria provide performance indicators that will help to determine the successful provision of recreation opportunities. In some cases quantitative performance indicators are applied and other criteria rely on qualitative indicators. Using a combination of quantitative and qualitative criteria represents an appropriate approach when used primarily as a guide to help inform merit-based outcomes.

A range of performance indicators are provided for Criteria 1 - Accessibility and Connectivity, including access to local, district and regional open space. While these are useful indicators of performance, they should be regarded as inspirational, as strict compliance is not always achievable. Given Sydney's geography, public transport network and other factors, the indicators applying to district and regional parks may not be able to be met all the time.

The size and shape of open space is an important consideration to determine its maximum capacity and the range of uses that it can support. The proposed performance indicators are generally appropriate, however we would suggest the minimum area for district sports precincts should be reduced from >10 hectares to >5 hectares and to enable multiple sports fields and courts to meet local demands. As an example, multipurpose playing fields are an effective way to meet local demand whilst not requiring the same amount of area.

The table on page 23 of the draft Design Guide provides ideal capacity thresholds for existing open space. Many of the capacity thresholds recommended appear to be appropriate but we would welcome greater consideration of alternative open space opportunities to address facilities at or near capacity. As there are many precincts within Greater Sydney undergoing urban renewal, there will be increasing pressure placed on existing green spaces and fewer opportunities to develop new spaces. The draft Design Guide should acknowledge this constraint and provide guidance about the types of acceptable alternatives to address this issue.

### 3.0 Section Two - Urban Tree Canopy

We support the Premier's Priority to increase the urban tree canopy in Sydney and the environmental and amenity benefits of improving urban tree canopy are widely accepted.

#### 3.1 Improving the approach

We strongly recommend that the canopy targets should be considered aspirational only and should not become numerical requirements embedded into the planning system through Local Environmental Plans or Development Control Plans.

Measurement of the targets should not be assessed on a site by site basis rather the tree canopy measure should be determined at a precinct, local government area level and District level. It is unclear whether the targets will be applied to individual developments (private or public) and enforced through the development assessment framework.

While there is some capacity to accommodate increased tree canopy cover within private residential developments, canopy cover should be focused on the public domain (council footpaths and parks) where the benefits of pedestrian amenity and reduced heat island effect are maximised through shading of hard surfaces such as footpaths and road pavements. These opportunities can be enhanced, in some cases, by providing reduced road pavement widths and wider landscaped verges with potential for additional canopy.

The application of a canopy target should have consideration for the following matters including bushfire risk and selection of appropriate tree species close to housing. Greater Sydney has substantial areas of land that has been mapped as bushfire prone. Initiatives to increase tree cover in these areas should be regarded as being subject to fuel loads and capacity to manage resilience to greater bushfire hazards.

### 4.0 Section Three - Bushland and Waterways

Bushland and waterways play a very important role in our larger cities, particularly Sydney, Wollongong and Newcastle. They contribute to supporting biodiversity which is highly valued by communities. Initiatives intended to protect and improve the quality of bushland and waterways are welcome and should be developed in consultation with stakeholders.

Key components of this section of the draft Design Guide are; urban habitat, planning for connectivity and the introduction of strategic urban biodiversity frameworks. Each of these is considered below:

#### 4.1 Urban habitat

Within the draft Design Guide urban habitat includes not just areas of urban bushland and urban waterways which support the most endemic species, but also the built environment where some endemic Australian and non-Australian species can exist and at time flourish in areas such as parks, and gardens, green roofs, along street verges, in artificial wetlands and in ponds.

Land use and planning controls for areas adjacent to urban bushland and waterways should encourage connection between these habitat areas but there must be clear and defined guidance regarding what is required.

## 4.2 Strategic urban biodiversity frameworks

The draft Design Guide has suggested that Strategic Urban Biodiversity Frameworks (SUBFs) could replace existing local government biodiversity strategies by integrating into a council's LSPS and LEP/DCP. A SUBF could provide a link to a LEP map identifying core, transition and habitat connection areas. We support this in principle, however greater detail on how they would operate and the potential implications for development on private land would need to be better understood.

The draft Design Guide provides five recommendations for State agencies and local councils when assessing urban habitat needs. These recommendations do not prevent LEP and DCP amendments reflecting the outcomes of a SUBF but there would need to be clear and well-defined parameters around to what extent they would impact on development proposals and the use of land.

The draft guide correctly states that a range of legislative instruments, policies and strategies already exist for the protection of urban bushland and waterways, which include the following policies and plans;

- *State Environmental Planning Policy No 19 – Bushland in Urban Areas,*
- *State Environmental Planning Policy (Coastal Management) 2018,*
- *State Environmental Planning Policy (Koala Habitat Protection) 2019,*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011,*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017,*
- *Sydney Regional Plan No 20 – Hawkesbury-Nepean River,*
- *Sydney Regional Plan (Sydney Harbour Catchment) 2005 and*
- *Greater Metropolitan Regional Plan No 2 – Georges River Catchment.*

The Department should consider how these plans and policies be reviewed and further consolidated. This would potentially eliminate another area of complexity and duplication within the planning system. A reduction of planning red tape could achieve a better green infrastructure and biodiversity outcome by developing a simpler and more consistent policy framework.

## 5.0 Next Steps

The Property Council welcomes the opportunity to contribute to the Greener Places draft Design Guide produced by the Government Architect's office. We have considerable interest in the proposed Design and Place State Environmental Planning Policy and would like to know more about how the two documents will be integrated.

Development of performance indicators for open space and recreation areas and tree canopy cover has been a positive initiative that we support. However, we would welcome further clarification about the implementation tools that will be employed to deliver the performance outcomes.

We look forward to further engagement with the Government Architect Office regarding the design requirements set out in the Greener Places document.

## Contacts

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