

30 June 2011

Mr Sam Haddad
Director General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Email: daniel.howard@planning.nsw.gov.au

Dear Mr Haddad,

Re: Draft Good designs for medium density living

The Urban Taskforce represents Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

We have reviewed the draft Good designs for medium density living and find that other than providing Department of Planning and Infrastructure endorsement of a select few architects and urban designers, we are cannot see any real value in the document as it stands.

In fact, we would argue that if a selection of projects were to be identified as "excellent", then their selection should be made by a panel of leading industry experts and subject to peer review. However, it would be inappropriate for the Department, as a regulator, to engage in such an exercise itself, and such a process should be a matter for non-profit groups, such as industry professional associations, through their award processes.

If the Department truly wants to do something in this space, we would suggest that it gives a grant to a non-government organisation and allows them to produce a list of "excellent" projects, rather than attaching a regulator's endorsement to a select group.

We think there are serious probity issues created by a regular sanctioning of the work of some registered architects, over others.

Irrespective of the process the Department has followed on this occasion, **the introduction of this publication creates a corruption risk going forward**, as Departmental offices will now have the power to informally sanction architects by removing their work from future "good design" documents, and hold out promises to other architects that their work may be included in future such documents.

In any event **the process for the selection of preferred designs was seriously flawed**, in that:

- there was no publicly available criteria for selection of designs in advance of the selection process;
- there was no advertisement notifying architects or others of the intention to prepare the "good designs" publication and inviting them to submit entries for inclusion;
- a probity advisor was not appointed to advise on and audit the process; and
- there was not sufficient involvement of independent members in decision-making.

Having reviewed the draft *Good designs for medium density living* we offer other more specific comments for your consideration below.

1. Flexible controls encourage good design

Good design and excellent built form outcomes are possible when designers are permitted to design. We find it interesting that the Department of Planning and Infrastructure sees it necessary to showcase what may be considered good design without commentary on compliance with local development controls. Such a review would almost certainly reveal that strict compliance with local controls do not enable innovative design to be delivered.

We do not think you should proceed with the document. Nonetheless, if you do proceed with it, each showcased development should be accompanied with a detailed development control summary to enable the reader to gain an understanding of the development controls that apply to the site and the areas of non-compliance. There should be honest discussion on the departures from the development controls and comment from the local authority on such departures. This may help promote greater understanding that rigid development controls are often the enemy of good design.

2. Focus on permitting more housing and facilitating good design

Instead of endorsing a selection of urban designers and architects, the Department of Planning and Infrastructure should focus on improving the quality of local development controls and/or encourage local councils to review their plans to ensure that such plans facilitate good design outcomes.

The Department should ensure that areas that are ideally located and suited for multi dwelling development are assigned the appropriate zoning to permit such development to occur. Many local councils have taken the view that medium density development should only be permitted in limited locations, notwithstanding good access to public transport, shopping facilities and public open space.

Furthermore, even when an appropriate zoning is assigned, local development controls make development not feasible and unable to attract development financing.

3 Commerciality is vital

If the document is to proceed, only designs that have actually been constructed should be included.

In short, **we urge you to not proceed with this document.**

Should you require any further clarification of the content of this correspondence, please feel free to contact me.

Yours sincerely
Urban Taskforce Australia



Aaron Gadiel
Chief Executive Officer