



Stockland submission

Proposed Medium Density Housing Code and Medium Density Design Guide



Contents

Executive Summary	5
Introduction	7
Current projects in the Growth Centres and potential for CDC as a planning pathway	8
Explanation of Intended Effect	10
Definitions	10
Permissibility	11
Lot sizes	11
Side setbacks	11
Rear setbacks	11
Basement car parking / shared driveways	11
Subdivision Code	13
Design Verification Statement	13
Medium Density Design Guide	14
Other implementation issues	18
Integrated development	18
Application of other applicable SEPPs	18
Road opening permits for new driveways and stormwater connections	18
Contributions	18
Drainage	18
Servicing	18
Recommendations	19
Annexure A	21



Executive Summary

Stockland is the largest residential developer in the country and one of the largest owners of shopping centres, retirement villages, logistics centres, business parks and office assets in the country. Our current investment in New South Wales totals more than \$6 billion, with an additional \$2 billion planned over the next five years.

As part of this investment, we are delivering over 500 medium density housing products throughout our masterplanned communities, including Elara (Marsden Park), Altrove (Schofields) and Willowdale (East Leppington) in Sydney's Growth Centres. Nationally, we have a pipeline of 2,500 townhouses in planning or delivery across four states.

We strongly welcome the NSW Government's focus on encouraging the delivery of more terrace-style homes across the State, through improving housing delivery timeframes, affordability and diversity. We are pleased to provide this response to the proposed Medium Density Housing Code (MDHC), further to our detailed submission to the Discussion Paper in February 2016.

The proposed housing products anticipated under the MDHC include terrace-style development. We are focused on delivering this type of housing as it provides a more affordable product for purchasers, is a more efficient and sustainable use of land and infrastructure, and provides a desirable housing solution for a range of buyers including new entrants into the housing market and downsizers.

Currently one of the major challenges we experience in the development of medium density homes in New South Wales is assessment timeframes for development applications (DAs) lodged with Councils. The MDHC is a significant step in the right direction in this regard, as we anticipate it will significantly streamline this process.

Particularly in greenfield areas, the CDC process provides an opportunity for reduced timeframes and therefore a more efficient and cost effective approval process. We also expect the policy changes will also assist to ease current resourcing constraints within many Councils.

We particularly support the MDHC's inclusion of detailed design guidance for the delivery of medium density products, in line with the recommendation set out in our submission to the Discussion Paper earlier this year. We strongly believe a design-led approach is of critical importance to shaping

liveable, walkable and vibrant communities for the future, across the city and State.

As an active member of the Property Council of Australia and the Urban Development Institute of Australia, we support the submissions provided by our industry groups. In addition, we have partnered with GLN Planning to complete a detailed analysis of the MDHC, on which this submission is based.

Our analysis has identified some challenges with the MDHC in its current form (set out below), which require amendment to address the missing middle on the scale necessary to make a real change to housing diversity and affordability in Sydney in particular. We believe our suggested refinements will improve the overall implementation of the MDHC and increase reliance on the MDHC by the development industry.

- » **Minimum lot sizes will impact housing affordability** – Our feasibility analysis demonstrates the proposed minimum 200m² lot size will limit the affordability of terrace-style homes in Sydney, and restrict site efficiencies. Smaller lot sizes, when well-designed and integrated with open space and amenity, can be successfully delivered across Sydney.
- » **Lack of available land that is 'CDC ready' based on current design configurations** – There are limited sites of a suitable size and configuration for development that also provide rear lane access. This would result in the need to create developments with either basement parking, or alternatively delivering larger front loaded products. The controls could be amended to include provision for shared driveway configurations along the rear of the lot, achieving a similar outcome to rear laneways.
- » **Design specifications affect affordability** – Where sites do not benefit from an existing rear laneway or similar, CDC development would require the construction of basement car parking or wider lots to achieve front loaded product. This would increase costs and make these homes less affordable due to construction prices, particularly on larger lots.

-
- » **Reduced sustainability due to larger land take-up** – The CDC process would reduce timeframes and create a more efficient and cost effective approval process, however the use of this process is contingent on developing larger lot sizes (at least 200m²). Developers seeking to create smaller, more sustainable lots, or a greater mix of lot types smaller than 200m², would be disadvantaged because the CDC process would not enable this outcome – instead a full DA is necessary.

The current timeframe for assessment of DAs is currently between 9 to 10 months, and up to 12 months in some instances. The efficient use of land around transit nodes and open space favours the creation of smaller lots, or a mix of lot types to create varied and interesting streetscapes. Developers seeking a timely approval pathway will need to creating larger lots, conflicting with affordability, housing diversity and sustainability objectives.

- » **Specific issues in Sydney Growth Centres compared with existing established areas** – The delivery of medium density housing in greenfield areas has different challenges compared with established areas. Separate controls for medium density housing as CDC should be created for the Growth Centres or new release areas, to complement the detailed planning that has gone into creating a planning framework for these areas. Critically, these planning frameworks already enable the delivery of smaller lots. As the Growth Centre Precincts are more clearly defined, it would be straightforward to identify and delineate where these controls apply.

A summary of our key recommendations which would assist to unlock barriers and effectively deliver this product are listed below:

- » Reduction in minimum lot size for terrace style dwellings down to at least 160m² – 180m² for infill/established areas, to better achieve affordability objectives.
- » Extend CDC planning pathway to growth centre lots, maintaining controls already applicable in the Growth Centres. It is critical that CDC is extended to apply to the current lot size controls for greenfield Growth Centres Precincts. Allowing these lots to be approved through this streamlined planning process would help to unlock ongoing and significant Council delays in the Growth Centres and deliver on housing targets.
- » Improve flexibility in building controls (further detail provided in the body of this response).
- » Ability to deliver rear shared driveways being similar to laneway development.
- » Increase ability for terrace homes to be sold under Torrens title.
- » Clarify how Council's will approve new vehicular crossings and stormwater connections and how these processes will be managed to ensure approval and delivery benefits from CDC are maintained.
- » Confirm whether stormwater and drainage designs can be independently assessed and certified to unlock assess delays.
- » Achieve consistency between planning policies and terminology used.
- » Clarification on specific controls within the draft policy.

Introduction

Submission structure

The draft Medium Density Design Guide that was placed on exhibition by DP&E from 10 October 2016 to 12 December 2016 included the following components:

- » Explanation of Intended Effects for the proposed Medium Density Housing Code (MDHC);
- » Draft Medium Density Design Guide;
- » Medium Density Design Guide – FAQs.

This submission has been based on a comprehensive statutory, architectural and financial review of the exhibited documents. It identifies potential issues that will impede the utilisation of the MDHC by larger, listed property companies, and makes recommendations to refine and improve the application of the MDHC based on Stockland's experience in delivering this type of product.

In addition, due to the scale of projects required for Stockland to invest, this submission primarily focuses on frameworks that have been established for attached dwellings and multi-dwelling housing (terraces) in the exhibition package, rather than dual occupancies.

Based on the above, this submission is structured around the following:

- » Current Stockland projects and potential for CDC in the Growth Centres;
- » Review of Explanation of Intended Effects;
- » Review of Medium Density Design Guide;
- » Other implementation issues.

It is recognised that Stockland's current medium density portfolio is generally based in greenfield estates. However, this submission makes recommendations to improve the MDHC for greenfield communities, while also highlighting fundamental refinements that could encourage further investment in medium density development in infill environments.



Current projects in the Growth Centres and potential for CDC as a planning pathway

Stockland's masterplanned communities include a range of housing products, from large lot detached dwellings, small lot housing and medium density housing products. The medium density housing product delivered by Stockland is primarily an affordable 'turn-key' product, targeted at a range of purchasers including first home buyers through to downsizers and retirees.

Current medium density housing being delivered by Stockland includes projects at Willowdale (East Leppington), Elara (Marsden Park) and Altrove (Schofields). A brief overview of these projects is provided below.

WILLOWDALE – EAST LEPPINGTON (South West Growth Centre)

Willowdale includes a range of medium density style products, comprising attached dwellings, semi-detached dwellings and small lot housing. The attached dwelling product has been designed as terrace style product in groups of 5-6 dwellings.

Development assessment timeframes for these groups of terraces have taken approximately five months.



ELARA – MARSDEN PARK (North West Growth Centre)

Stockland is currently building around 225 terrace style dwellings within different areas of the Elara community, focused around the local retail centre. These homes are generally designed with rear access via private laneways. Further medium density homes are also proposed to be developed at key locations around the precinct. Attached dwelling products have been designed based on groups of 4 to 6 dwellings.

Current assessment timeframes for the medium density developments range between 9 to 10 months to approve.



An example of one of the medium density development in Marsden Park is included in Annexure A.

ALTROVE – SCHOFIELDS PRECINCT (South West Growth Centre)

The initial stages of medium density development have recently been approved within Altrove. To date, just over 50 dwellings have been approved consisting of a mix of attached dwellings, semi-detached and small lot detached product. Due to the proximity of the Altrove to Schofields Station, there is more medium density style housing planned which is provided with excellent public transport links.

Development assessment timeframes for these initial two projects have taken approximately 9 to 12 months.



MEDIUM DENSITY HOUSING CDC IN THE GROWTH CENTRES

As detailed above, Stockland is already delivering medium density housing throughout the Growth Centres. The current dwellings being constructed include product on lots with a much smaller lot size than 200m², being the minimum lot size proposed under CDC. This includes:

- » Elara – Minimum lot size 125 m²
- » Willowdale – Minimum lot size 127 m²
- » Altrove – Minimum lot size 142 m²

Stockland is continuing to deliver this type of product to provide diversity in the market and product at different price points. However, to do this following the introduction of the current MDHC controls would require development of larger lots than originally anticipated in these areas. This would reduce housing diversity within the streetscapes (achieved when a range of lot sizes are proposed together) and likely disadvantage Stockland as compared with other developers.

Critically, the inability to create laneways or shared driveways through CDC would mean there is an advantage to creating front-loaded product, as the planning pathway is significantly shortened in the CDC process. This, in turn, mitigates against affordability by pushing up the price of housing due to the larger land take-up. It also works against sustainability objectives, by decreasing the efficiency of land and infrastructure provided in these greenfield areas.

The MDHC policy may have the unintended consequence of creating larger lot sizes around these areas. This would mean projects may not meet the nominated density targets under the Growth Centres planning framework. This works against

the extensive precinct planning undertaken to establish the Growth Centres controls in the first instance. The flow on effect could likely include a shortfall in the payment of Section 94 contributions to deliver necessary infrastructure within these Precincts.

Areas within the Growth Centres have distinct issues from established areas within Sydney in relation to the development of land for medium density housing. Typically, in Growth Centre areas, developers control large pockets of land and have the ability to set up standalone superlots to construct medium density housing as part of a masterplan or in line with the Indicative Layout Plan (ILP).

Medium density housing within the Growth Centres is typically isolated from other sites and designed around a central laneway. This enables rear loaded products and therefore a smaller lot frontage due to a reduction in garage dominance. As outlined, lots within these areas are created down to 125m². If a 200m² minimum lot size is imposed, it would significantly change the character and density within these areas, along with the opportunity to provide a range of lots to target different price points in the market.

It is therefore appropriate to consider separate CDC controls which provide for a reduced lot size within the Growth Centre Precincts where small lot sizes are expected. These controls would apply to mapped areas under the Growth Centres SEPP, which provides a logical boundary to delineate from existing established areas, and could at a later time be extended to new land release areas.

Explanation of Intended Effect

The Explanation of Intended Effect seeks to provide a plain English description of the proposed changes to *State Environmental Planning Policy (Exempt and Complying Codes) 2008 (Codes SEPP)*, as well as the key development controls that are intended to apply to medium density housing proposed to be approved through the CDC process.

The principle of expanding the Codes SEPP to medium density housing is supported. However, additional detail and refinement to the proposed provisions is required to ensure the MDHC can be more readily used as the preferred approval mechanism for medium density housing development. These issues and suggested refinements are outlined below.

Definitions

- » There needs to be consistency in the terminology used between planning policies. The NSW Government made significant improvements in this with the introduction of the Standard LEP template. The introduction of new definitions within this policy is a step backwards. The housing products identified to be delivered already exist under current policies and should be consistency applied as part of this amendment to the Codes SEPP. This includes:
 - ‘Attached dwelling’
 - ‘Dual occupancy’
 - ‘Dwelling house’ (which includes ‘abutting dwellings’)
 - ‘Multi dwelling housing’
 - ‘Manor home’
 - ‘Studio dwelling’
 - ‘Secondary dwelling’ **
** *not included as part of this policy but the definition should be included to distinguish the difference from studio dwellings which are included.*
- » The new definition proposed for ‘multi dwelling housing (terraces)’ is comprised of two existing land uses; attached dwellings and abutting dwellings (being a form of dwelling house).
- » An ‘attached dwelling’ definition already exists and is a prescribed use in the R1 and R3 zones. This form of housing is already geared to deliver the Torrens Title housing (terraces). The introduction of a new definition being ‘multi dwelling housing (terraces)’ is unnecessary and

creates inconsistencies between the Codes SEPP and the other environmental planning instruments which rely on a standard set of definitions. Instead, the Codes SEPP should clarify that it applies to ‘attached housing’. This will allow a clearer interpretation of what form of housing can be developed and the type of subdivision that would likely be achieved (Torrens title versus strata title).

- » The definition for ‘multi dwelling housing (terraces)’ prevents development being subdivided under Torrens title due to the wording of this definition (*3 or more dwellings (whether attached or detached) on one lot of land...*). The inclusion of this definition is not considered necessary with existing definitions available which facilitate this type of development. Should this definition be included in the Codes SEPP, it is recommended that legal advice be sought as to how this definition permits Torrens title subdivision. This definition is currently interpreted to permit strata subdivision only.
- » The inclusion of ‘abutting dwellings’ (being a form of dwelling house) would facilitate terrace style housing where each dwelling is contained on its own lot of land. This is currently allowed for within the Growth Centres. The Codes SEPP should clarify that it permits this type of development being a form of dwelling house.
- » The proposed amendments to the ‘multi dwelling housing’ (MDH) definition will require *each dwelling* to have ‘direct access at ground level’. This change will prevent a communal access point by requiring each unit to have its own access at ground level. The previous purpose of the MDH definition was to allow flexibility to do either. Noting the DP&E is trying to encourage manor homes within lower density environments, this change would stifle innovation of different forms of housing where manor homes may not be permissible. A better outcome would be to retain the existing definition being:
‘3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building or a manor home’.
- » Manor home, as 3 or 4 pack, as a standard defined development type is supported.
- » More detailed definition of ‘attic’ is required. The current attic definition provides no guidance as to what ‘minor elements’ are or the extent to which it can facilitate additional floor space within the roof.

Permissibility

- » Clarify that ‘attached dwellings’ can be delivered under this code in a Torrens Title outcome.
- » Clarify that the policy encourages ‘attached dwellings’ and MDH in R1 and R3 zones, and that these housing types would only be permitted in R2 zone where an LEP already permits it. There may be opportunities in R2 zones to deliver this type of housing, provided amenity impacts are addressed.
- » To support the above suggestion, we propose to introduce an enabling clause to permit MDH and ‘attached dwellings’ on R2 zoned land where there is amenity or proximity to public transport, sites fronting RE1 zoned land, schools or business zoned land. This arrangement is currently provided for within the Growth Centres.
- » Clarify whether the policy will permit a CDC over multiple lots rather than requiring a plan of consolidation first.
- » Clarify whether the policy will permit one larger site being developed as part of several smaller CDC packages of work.

Lot sizes

- » The Explanation of Intended Effect is not clear as to whether the DP&E is proposing to apply a minimum lot size for ‘attached dwelling’ or ‘abutting dwellings’ (i.e. terrace style housing) or whether developers will need to meet the minimum lot size specified within the LEP. The Explanation of Intended Effect implies if a minimum lot size cannot be met, then the development will need to be strata subdivided.
- » Clarify that the MDHC overrides standard instrument LEPs in relation to minimum lot size for Torrens Title subdivision rather than just perpetuate strata subdivision under the proposed new ‘multi-dwelling housing (terraces)’ definition. We support the idea that if a product looks like a Torrens title then it should be allowed to be Torrens title. This should be made clear in the MDHC to avoid any confusion.
- » Lot sizes will largely be a function of lot depth in established areas. Given the minimum width requirements (minimum 6 metres for rear-loaded and 7.5 metres for front-loaded), allowing a reduction in lot size could be possible without compromising amenity and design. This would allow CDC to be proposed more widely and would better fit with the existing lot arrangements throughout Sydney.

- » Where an existing rear laneway exists, assuming a 30 metre deep lot (which is an average found across Sydney’s established areas), a developer would need to develop based on a 6.67 metre wide block. Instead, it is suggested that the minimum lot size be reduced to around 160m² to 180m² to provide for greater flexibility to respond to a range of lot depths.
- » Examples of currently product being delivered in the Growth Centres show this lot size – and smaller – can work to achieve good design and amenity outcomes.

Side setbacks

- » Clarification on side setback provisions for the rear half of the lot is needed (i.e. >15m). The proposed control is clunky and should be changed to a more straight forward numerical approach.
- » The proposed building envelope and 45° plane from a height of 3.6m above the boundary is likely to encourage undesirable development and roof forms. Noting the Codes SEPP is proposing to permit attic development, the roof space is likely to be maximised which encourages ad-hoc roof designs to fit inside the height plane. This could lead to incompatible urban design outcomes.
- » The policy identifies that dormer windows would be permissible as ‘minor elements’. However, it is likely that any dormer window proposed would encroach into the side setback control (45° plane). It should be clarified whether dormer windows were considered as appropriate elements to project into the setback and 45° height plane.

Rear setbacks

- » More flexibility should be applied to CDC approvals for medium density in the Growth Centres areas, consistent with the Growth Centres DCP which already allow greater flexibility. A similar arrangement to the Growth Centres could be included to the front setback calculation for CDC, i.e. 8m rear setback if there is adjoining development, if no adjoining development, a 6m upper floor setback.
- » If a shared driveway arrangement is introduced along the rear of the development to facilitate rear-loaded products, a setback of between 0.5m to 1m could be applied to provide a landscaped treatment along this hardstand driveway. A 0m setback would be supported for garages along the shared driveway.

Basement car parking / shared driveways

- » The MDDG references basement car parking but provides no controls for such an arrangement. Clarification should be provided to identify the CDC approvals process associated with basement parking, e.g. the need for geotechnical investigation.
- » We recommend the policy is reviewed in relation to the current exclusion of rear shared driveways as a form of access (Figure 1). The cost of basement car parking and detailed design required (i.e. geotechnical investigations) coupled with land cost can make this form of development costly and prohibitive in certain areas. Instead, the MDHC should include provisions to enable rear shared driveways through the CDC process.
- » The construction of a rear shared driveway is a straight forward approach to achieving rear-loaded product where sites are not located along rear laneways. In turn, this allows for the creation of a 6 metre wide frontage, avoiding the need for wasted land take up in being forced into a front-loaded arrangement.
- » A 5.5 metre wide driveway would facilitate two-way movement with zero setback to the garages. A landscaped buffer could be included between the shared driveway and rear boundary fence to improve amenity within this area.



Figure 1. Example of rear 'shared driveway' layout

Subdivision Code

- » MDH (terraces) permit Strata title subdivision as CDC (if minimum lot size for subdivision in LEP is not achieved). The MDHC should clarify if this also applies to developments that have been built but to date, but have not been able to be subdivided under the existing environmental planning instrument (**EPI**). If it is not intended to apply retrospectively to this form of development, a savings provision should be included.
- » To ensure buildings can be easily subdivided in the future, regardless of whether the applicant proposes subdivision at the time of applying for a CDC or not, the buildings should be constructed on the basis of being subdivided in the future. This will facilitate subdivision when required and minimises the cost of upgrades and retrofits to buildings to comply with the BCA which could be costly. A BCA report should accompany CDC to demonstrate the building(s) have been designed to this standard.
- » While studio dwellings are not considered under this policy, strata subdivision of these dwellings could be included as part of the subdivision code introduced with this suite of amendments. This would mean that the construction of the studio dwelling would continue to be assessed by Council but the developer or future home owner could strata title this dwelling in the future, as and when required subject to meeting any necessary requirement (i.e. compliance with BCA, car parking, private open space). Should strata subdivision for studio dwellings be introduced, further clarification would be needed to identify the difference between studio dwellings and secondary dwelling which would not be capable of strata subdivision unless separately approved by Council.
- » The MDHC as drafted envisages that a subdivision certificate would not be granted until the dwelling is near completion. This means pre-sales would not be possible, impacting on the financial feasibility of undertaking these types of developments. This aspect should be reviewed to enable the possibility of obtaining subdivision certificates sooner, even if limited to Growth Centre areas where a master plan developer has control of the building outcomes but relies on early subdivisions.

Design Verification Statement

- » The introduction of a Design Verification Statement (**DVS**) is generally supported, as it will assist in achieving a high quality development. There should, however, be mandated qualifications required under the Codes SEPP to regulate who can prepare the DVS, similar to SEPP 65 which requires statements to be prepared by a registered architect.

Medium Density Design Guide

The MDDG is generally supported.

Councils should be encouraged to adopt this with the aim to ultimately apply this document similar to the way the Apartment Design Guide (ADG) applies to all residential flat buildings.

General comments in relation to clarifying various aspects of the MDDG and the implementation of some controls have been outlined in **Table 1** below. The focus of this review and the comments provided is primarily based around the development of terrace style housing which Stockland has delivered as part of various master planned communities.

Table 1 General comments on the MDDG

Reference	Relevant Section Heading	Comments
PART 1		
1.4	Obtaining Consent	a. Complying Development – the housing types identified as ‘complying development’ should reference the defined housing typologies (i.e. Semi-detached dwelling, Manor houses, Multi dwelling housing). b. Design Verification Statement – the DVS should be required to be prepared by a qualified person. The MDDG does not identify what qualification a person who prepares this needs to have. A similar clause to that included within SEPP 65 should be added.
2.1 (2H)	Building separation	a. Building separation identified at every 40-45m is supported. b. Figure 2-33 is unclear as it suggests that dwellings do not require road frontage which is listed as a requirement in other parts of the document. c. Design guidance No.10 identifies minimum separation distances for buildings 1-2 storeys and 3-4 storeys. If the maximum building height is 9m it is unclear why a control for 3-4 storeys buildings has been included.
PART 3		
3.2	Terrace Houses	
3.2	Strata title development	a) Terraces can be comprised of either attached dwellings or abutting dwellings. A new definition to define this type of development is not necessary. The policy should be clear about these types of product being permissible. b) Include provision for rear ‘shared driveway’ as strata title development (or community title).
3.2	Torrens title development	a) Inclusion of a rear driveway (similar to laneway but provided as a right of way) with a central access point from the road. b) Community title should be included as an alternate form of subdivision. Community title is a form of Torrens title, however it provides the opportunity to contain communal areas within ‘Lot 1’ to be managed by owners of the development.
3.2A	Building Envelopes	a) A maximum building height is considered the most appropriate control, coupled with a numerical setback. The current side setback is clunky and does not lead to good urban design outcomes. The proposed building height plane with a maximum building height is likely to lead to poor outcomes where designs are maximised to essentially fill the developable area. This results in a poorly designed roof form which responds to the developable area due to the inclusion of attics rather than responding to the surrounding area.

Reference	Relevant Section Heading	Comments
3.2C	Landscaped Setback	a) The control for 40% - 60% landscaped area where an area is defined by tree canopies versus an urban area where the tree canopy is largely within the public domain and therefore only requiring 10-20% is very subjective. A minimum control should just be adopted to avoid uncertainty.
3.2F	Internal Streets and Pedestrian Vehicle Access	a) Include provisions for rear 'shared driveways'. A recommended width of 5.5m is appropriate and permits two-way traffic. A zero setback is suitable for garages along this driveway with a 0.5m to 1m landscaped setback suggested along the rear property boundary (between the driveway and adjoining neighbour) to provide a landscaped treatment to this area and to soften the appearance to neighbouring properties.
3.2H	Building Separation	a) The proposed building separation between sets of buildings is 3m. However, the policy notes that a larger setback may be considered to provide adequate privacy. Within the Growth Centres, the building setback between 'sets' of dwellings (up to 6) is 1.2m. To widen this building separation from 3m further is considered unnecessary with developments capable of being designed to mitigate privacy impacts.
3.2I	Solar and Daylight Access	a) The solar access controls identify that a living room or private open space is required to receive a minimum of 2 hours sunlight between 9am and 3pm at the winter solstice. Clarification should be provided as to whether fencing is to be considered as part of the solar access assessment. b) Clarification is required in relation to what percentage of the private open space is required to achieve solar access. The policy identifies the size of glass for living rooms that is needed to meet this control, but does not specify the private open space requirement. Without specifying what areas and percentage is considered compliant, it is likely to be interpreted differently by different certifiers. It is also noted that there is a potential conflict in the controls, with a 50% shading requirement to outdoor space that may limit solar access. c) Design criteria no. 41 requires no part of a kitchen work surface to be more than 6m from a window or skylight. This limits the design of these spaces especially where they are combined with lounge and dining rooms. Instead a larger distance should be provided to give more flexibility.
3.2L	Dwelling size and layout	d) Design criteria no.50 requires a window to be visible from any point in a habitable room. This does not provide any flexibility to respond to site specific issues where alternative bedroom layouts can sometimes be used. While visible windows in all habitable rooms is ideal, some flexibility needs to be provided in relation to this control to tailor designs to specific site constraints. As an alternative, a depth measure could be employed for bedrooms.
3.2M	Private Open Space	a) Clarify that private open space can be achieved in the front setback (for solar access purposes). However, it is suggested that a rear courtyard also be provided (despite not achieving the solar access controls) as this courtyard achieves other functions (clothes drying, private courtyard for entertaining, etc.).

Reference	Relevant Section Heading	Comments
3.2O	Car and Bicycle Parking	b) Consider impacts to on-street parking. Front loaded products should group driveways together to ensure on-street parking is not sterilised. Where 7.5m wide lots are replicated with single garages on the same side of the lot, street parking is likely to be impacted. In some LGAs, the minimum crossover width is 4m for single driveways. This results in a 3.5m gap between driveways which does not facilitate on-street parking and can have a significant impact in areas.
3.2R	Noise and Pollution	a) For sites requiring an Acoustic Report, clarification is required as to whether the certifier assesses this report or how this is independently checked? b) If the Acoustic Report is not scrutinised, consider whether a post-construction noise test be completed prior to the release of any Occupation Certificate to ensure the proposed mitigation measures actually achieve the desired reduction in noise.
3.2S	Universal Design	a) Design criteria no.83 identifies compliance with the Liveable Housing Design Guideline's silver level universal design features. Clarification is sought whether this assessment is proposed to be undertaken by the Certifier. b) Requiring 100% compliance with Liveable Housing Design Guidelines (silver level) will restrict the use of CDC on steeper or sloping sites. Consider a minimum percentage compliance to be achieved particularly on sites that are sloped. It is recommended that 20% of the development achieve this standard which can have a significant impact on construction and design costs. c) The design criteria includes minimum bedroom sizes for a master bedrooms (10m²) and 'other bedrooms' (9m²). There are no minimum bedroom sizes for a single bedroom. A separate criteria for smaller (single) bedrooms should be included. d) Minimum width of 3m for all bedrooms. This control will have impacts on the design and width of a product. Rear loaded products are permitted with a minimum frontage of 6m, however it may not be possible to propose two bedrooms side by side in this configuration (without impacting the overall width of the dwelling). Instead, consider a smaller (single) bedroom minimum size which would provide more flexibility in the design of these townhouses.
3.2U	Architectural Form and Roof Design	a) The objective of the control is to ensure roof treatments are integrated into the building design and to positively respond to the street. b) The design criteria includes a provision to integrate the roof form with the building. However, no design criteria has been identified in relation to positively responding to the street. It is recommended that a control be included for the roof form to be consistent with the existing surrounding buildings.

Reference	Relevant Section Heading	Comments
3.2W-2	Pools and Ancillary Development	a) The design criteria includes controls for the construction of a detached studio. This should be included as a permitted form of develop at the front of the document to make this clear. b) Design criteria no.96 identifies a maximum floor area relating to a studio dwelling of 36m². This may restrict the construction of studio dwellings in some areas where they are proposed above garages. In this regard, some studios are provided with a car parking space and the studio dwelling is then located across a total of three garages (2 spaces for the dwelling house and 1 space for the studio). It is proposed that the maximum floor area for a studio be increased to 55m² (excluding car parking).
3.2Y-2	Water Management and Conservation	a) Design criteria no.94 requires the disposal of stormwater to be in accordance with any requirements contained in a development control plan. The document does identify whether the certifier is responsible for assessing the stormwater plans and details or whether this could be assessed by a private certifier or alternatively whether a sign-off from Council is required. The MDHC should clearly identify who is responsible or qualified to undertake this assessment and sign-off on the stormwater management plan. b) It is unclear whether there is any requirement for inspection prior to the issue of an Occupation Certificate to ensure it has been built as per the certified plans. c) OSD should not be permitted within the front setback as it can detract from the streetscape of an area.



Other implementation issues

Integrated development

The draft policy does not address how integrated development under the EP&A Act will be treated and whether these separate approvals will be required or how they will be managed.

While the Codes SEPP is ‘turned off’ and cannot be used for the development of certain sites under clause 1.17A and 1.18, it would not stop development and subdivision on bushfire prone land or land within 40m of a water course which require separate approval under the *Rural Fires Act 1997* and *Water Management Act 2000*. This should be reviewed to either restrict development over these sites due to the need to obtain separate approval under other Acts or alternatively identify how this approval process will be managed as part of the CDC process.

Application of other applicable SEPPs

The Codes SEPP should be clear about whether other SEPPs continue to apply (i.e. Infrastructure SEPP, SEPP 55, etc.) and therefore other matters need to be considered in addition to those listed within the MDDG.

Road opening permits for new driveways and stormwater connections

While the proposed CDC policy for medium density housing goes a long way to streamline approvals for housing product, developers would still need to approach Councils for approval to construct driveway cross overs and stormwater connections. Due to the CDC process bypassing Council, it’s likely these application will not become priorities for Council to process and therefore may still result in significant delays to the process.

Further investigation should be undertaken as to how these approvals could also be managed through this process.

Contributions

Councils have mix of Section 94 and Section 94A Plans. Councils need to be involved in the process to allow payment of relevant contributions. Suggest a standard condition of consent be prepared for inclusion on all CDC applications.

Drainage

The exhibited controls identify that developers would need to comply with any DCP in place for the design and construction of drainage. It is unclear who is responsible for assessing any plans prepared to address stormwater and temporary OSDs basins as suggested in the draft MDDG.

If this assessment requires sign-off from the Council, this will significantly impact assessment timeframes diminishing the positive benefits of developing medium density housing under CDC. Council would not give priority to these assessments over DAs and will could essentially drag out any assessment without any appeal rights.

Further consideration of who certifiers the drainage and stormwater designs needs to be reviewed. Clarification should also be provided as to who undertakes the inspection of these assets prior to issue of any Occupation Certificate.

Servicing

Under the existing Codes SEPP (Schedule 6, Part 3 – Conditions applying before issue of Occupation Certificate), Condition 15 – Utility Services states:

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.

It is recommended that this condition be imposed on all CDC approvals. Developers could then clarify servicing requirements prior to construction to address this aspect of the development.

Recommendations

The introduction of complying development for medium density housing is supported. The inclusion of this type of development within the Codes SEPP will significantly improve assessment timeframes and unlock development delays currently being experienced, while retaining good design outcomes.

Key changes recommended to be made before the adoption of this policy are detailed below. These changes are considered important to assist in the implementation of this policy and to ensure a wider take-up of the pathway outlined.

- » Introduction of a Growth Centre-specific CDC pathway for medium density product that aligns with the existing controls for medium density established for the Growth Centres.
- » Reduction in minimum lot size for terrace style dwellings down to at least 160m² - 180m² to encourage more efficient use of land acknowledging existing lot patterns in established areas.
- » Introduction of rear 'shared driveways' being similar to laneway development, for terrace style development proposed through the CDC process.
- » Clarification on how Council's will approve new vehicular crossings and stormwater connections, and how these processes will be managed to ensure approval and delivery benefits from CDC are maintained.
- » Ensuring the terminology and definitions relied upon are consistent with other planning policies (Standard template LEP and Growth Centres).
- » Some design modifications to the MDDG as set out in Section 4.0 of this submission.



ANNEXURE A

EXAMPLE OF PROPOSED SMALL LOT HOUSING DEVELOPMENT IN ELARA (MARSDEN PARK)

[illegible]

Streetscape



Render





www.stockland.com.au

