

Our Ref: 161212LDPE

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Director, Codes & Approval Pathways
NSW Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Dear Sir or Madam,

**RE: SUBMISSION ON PROPOSED MEDIUM DENSITY HOUSING CODE AND DRAFT MEDIUM DENSITY
DEIGN GUIDE**

On behalf of Harrington Estates Pty Ltd, we have prepared this submission in response to the following information which is currently on public exhibition:

1. Explanation of Intended Effects for a Medium Density Housing Code.
2. Draft Medium Density Design Guide.

We commend the Department of Planning & Environment on its initiative to introduce low rise medium density housing as complying development and establish a standard to achieve high quality urban design outcomes through the Design Guide.

Harrington Estates has had a significant involvement within the South West Priority Growth Area with their development at Catherine Park Estate. The first stages of residential allotments and the provision of key state infrastructure has been delivered, which is the first completed development in the Catherine Field Part Precinct.

Harrington Estates is also progressing innovative medium density housing in Catherine Park to promote housing diversity in South West Sydney.

We appreciate the benefits of introducing medium density housing as complying development to facilitate efficiencies in delivering more diverse and affordable housing in a city with land supply constraints. Notwithstanding our support for the Department's initiative, we have identified some limitations in the exhibition material and appreciate the opportunity to make a submission to contribute to a more practical and timely delivery of new homes.

Accordingly, we have provided below our analysis of certain aspects of the Draft Medium Density Design Guide and the Explanation of Intended Effects for a Medium Density Housing Code.

Background to Harrington Estates Pty Ltd

Harrington Estates Pty Ltd has a long history of land development in the locality with involvement in the delivery of over 4000 new residential homes. This includes the establishment of Harrington Park, Harrington Grove and Catherine Park Estate. Through these projects Harrington Estates has established a high benchmark for quality residential development.

Harrington Estates' commitment to creating unique living environments has been recognised through numerous prestigious awards including industry awards for excellence in development, with Harrington Grove being awarded 'Australian Residential Development of the Year 2014' and Best 'Masterplanned Community 2016 NSW' by the Urban Development Institute of Australia.

Harrington Grove features approximately 1,500 new homes and community facilities in a Community Title residential development, which also contains significant tracts of the critically endangered Cumberland Plain Woodland threatened ecological community. Over half of the Harrington Grove residential development has been constructed and large areas of Cumberland Plain Woodland have been rehabilitated and restored to a high environmental standard.

Catherine Park Estate is a new residential community planned within the South West Priority Growth Area and is estimated to have over 1,750 new homes and a local neighbourhood centre. This development also includes the provision of key state infrastructure such as the construction of strategic transport corridors connecting to the future Leppington Centre.

Harrington Estates has a proven track record in delivering excellence in development and creating highly desirable places where people want to live. This experience provides a valuable industry perspective and insight that may improve the final outcome for the exhibited Draft Medium Density Design Guide and Explanation of Intended Effects for a Medium Density Housing Code.

1. Explanation of Intended Effects for a Medium Density Housing Code

Subdivision under the Code

Section 1.6 of the Explanation of Intended Effects for the Medium Density Housing Code outlines that complying development involving Torrens Title subdivision associated with the construction of two or more dwellings 'will be registered only when the development is near completion'.

The Development Standards in *Section 3.6 Part 6 – Subdivision Code* also states:

- (a) that a subdivision certificate is not to be issued until the dwelling is suitable for occupation or use in accordance with its classification under the Building Code of Australia and an interim occupation certificate has been issued.¹²*

Footnote 12 explains that the intent of this standard is to prevent speculative subdivision and ensure the dwelling is completed.

The time taken to obtain registration of the Titles for the subdivision once the occupation certificate has been issued can be 8 weeks. Issuing an interim occupation certificate would only reduce these timeframes by around 2 weeks. In any event, a completed dwelling that is fit for occupation cannot be transferred or settled for at least 7-8 weeks or longer due to the wait on completion of the subdivision.

Extended periods of no activity extend holding costs and therefore add cost to housing. It also leaves completed buildings subject to burglary and vandalism as they are unoccupied, which further adds risk and cost.

It is believed this process can be improved by issuing the subdivision certificate prior to issue of an occupation certificate to ensure conveyancing of the registered lot can be undertaken in conjunction with issue of an occupation certificate.

Many Councils around the Sydney Metropolitan Area will release a subdivision certificate at the point when a building slab is down and two courses of bricks have been laid. A registered Surveyor then surveys the boundaries with the commenced construction to ensure boundaries properly align with the buildings.

Examples of how this process can be coordinated can be seen in integrated development requirements for Liverpool City Council. Part 1 of the *Liverpool Development Control Plan 2008* includes the following subclause under *Section 21.4 Residential Zones (Except R5)*:

- 3. The subdivision plan will not be released until the dwelling which was approved in conjunction with the subdivision is completed to above ground floor level.*

This clause incorporates a point in the construction process that allows for lot boundaries to be surveyed accurately and commencement of construction represents substantial investment in delivery of the building, dismissing any speculative investment.

It is recommended that a clause is included to permit issue of the subdivision certificate following ground level construction and two courses of bricks or an equivalent point in the construction process. This enable the buildings to be transferred purchasers on issue of the occupation certificate.

2. Draft Medium Density Design Guide

As outlined in Appendix 2 of the Guide, a Design Verification Statement (DVS) will be required for medium density complying development certificate (CDC) applications. The DVS incorporates a requirement to address the Design Quality Principles which are cross referenced against Design Elements. A CDC applicant will need to demonstrate how their proposal is consistent with the Design Elements.

It is important to include Design Elements to ensure high quality design outcomes are achieved for medium density development. It is also acknowledged that certain Design Elements are easily measurable, such as Floor Space Ratio, Building Height, and Setbacks. However, there are other Design Elements that are potentially subjective in their application to a proposal.

For example, *Design Element 2E Public Domain Interface*, includes the following Guideline:

10. Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.

There are numerous guidelines that exist under each Design Element which provide opportunity for an assessment authority to be selective in determining whether a DVS is consistent with the Design Quality Principles. For a code assessment, this could result in varying interpretations between applicant and the certifier by introducing a subjective, merit based component.

The potential for selectiveness and subjectivity in the assessment process is a variation from current CDC processes and may significantly confuse assessment and delay approvals.

To resolve this, we recommend that the Design Elements include a 'Deemed to Comply' section under each Design Element which can be easily referenced by applicants and the certifier and provide a clearer understanding of what is permissible development. This will ensure a clear assessment and facilitate timely approvals consistent with existing code based assessment processes.

Conclusion

This submission is supportive of the Draft Medium Density Design Guide and Explanation of Intended Effects for a Medium Density Housing Code. It is acknowledged that the Department of Planning & Environment are promoting more diverse and more affordable housing options whilst ensuring quality urban design outcomes are achieved.

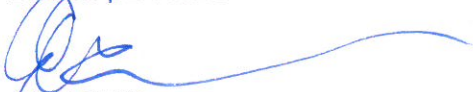
We also appreciate the Department of Planning & Environment has endeavoured to consider the public and development industry in the exhibited material.

Notwithstanding, further refinement of the Code is recommended to ensure investment is not discouraged delayed registration of new land titles and introduction of a more objective assessment process for Design Verification Statements to ensure applicants' expectations are met.

Should you require any further information or wish to make arrangements for a meeting, please feel free to contact the undersigned.

Yours faithfully

DESIGN+PLANNING



GUY EVANS
ASSOCIATE DIRECTOR

CC Harrington Estates Pty Ltd