Background Paper

A Review of Complying Development in Greenfield Areas

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Contents

1

Chapter 1 – Introduction

1.1 The Need for a Simpler Planning System

The NSW Government is committed to an efficient planning system that provides certainty by simplifying the assessment process for new homes, saving time and money for industry and homeowners.

This forms part of the Department of Planning and Environment's ongoing work to meet the Premier's Priority Target for Faster Housing Approvals, which is to achieve 90% of housing approvals within 40 days by 2019. It also goes to meeting the State Priority for increasing housing supply across NSW by delivering more than 50,000 approvals every year.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows the development of one and two storey dwelling houses and alterations and additions to dwelling houses to be carried out under a fast track approval process called complying development.

Complying development is a cheaper, fast-tracked approval pathway. Provided the proposed development complies with pre-determined development standards, approval in the form of a complying development certificate (CDC) can be issued within 20 days. The development standards were developed in consultation with stakeholders and are intended to promote good amenity and design, whilst minimising impacts on neighbouring properties through minimum setback and landscaping requirements, and maximum height standards.

There are significant cost savings when carrying out complying development compared to a DA – a cost benefit analysis undertaken for the Department by The Centre for International Economics (CIE) in 2015 found that there are savings of up to $15,000 for single dwellings if approved under a CDC instead of a DA. For other residential development, such as extensions and alterations, there are estimated savings of up to $2,600 per application.

There are significant benefits associated with increasing the uptake of complying development in greenfield areas - reduced approval times, reduced development costs and greater certainty - all of which will be explored further in this Paper.

Figure 1: *The Hermitage, Gledswood Hills (source: Sekisui House)*

The Department of Planning and Environment produces an annual Local Development Performance Monitoring Report (LDPM) which details average assessment times for each council in NSW. The 2014/15 report showed that:

- CDCs now account for 32% of development approvals, up from 29% in 2013-14;
- $5.24 billion worth of CDCs were approved under the NSW local development assessment system in 2014-15, up from $4.43 billion in 2013-14, representing an increase of 18%;
- 29, 075 CDCs were approved by council or private certifiers, representing a 17.4% increase from 24, 770 in 2013-14; and
- CDCs took an average 22 days to determine in 2014-15, an increase of 25% from 18 days in 2013-14 compared to 71 days for a Development Application (DA).

Complying developments have significantly shorter approval times than DAs. The Department is examining opportunities to increase the uptake of residential complying development in greenfield areas by simplifying the development standards and tailoring them to suit these new growth areas.

In addition to simplifying complying development, the NSW Government recognises that it is critical that new release areas (greenfield areas) are well-designed to create distinct and attractive places for people which are environmentally, economically and socially sustainable.

This Background Paper identifies 3 key initiatives to encourage the uptake of complying development in greenfield areas whilst ensuring good design outcomes:

1. Removing identified barriers to the take-up of complying development;
2. Providing guidance on well-designed subdivisions for greenfield areas at a strategic, precinct and neighbourhood level; and
3.Simplifying and tailoring the development standards for complying development in greenfield areas in a proposed Greenfield Housing Code.

Further information on the proposed Greenfield Housing Code is contained in the Explanation of Intended Effect (EIE) which is exhibited with this Paper.

1.2 A Plan for Growing Sydney

A Plan for Growing Sydney, released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and livability – including the delivery of housing, employment, infrastructure and open space. A draft amendment to *A Plan for Growing Sydney,* titled *Towards Our Greater Sydney 2036*, was released in November 2016 to update the original plan released in 2014.

Sydney and NSW are sought after locations as a place to call home. It is therefore not surprising that our population is growing, with NSW projected to grow by more than 100,000 people each year.

By the year 2036, we will need to provide homes for an additional 2.2 million residents. Sydney alone will require an additional 725,000 new homes over the next 20 years just to keep pace with this demand. Many of these homes will be built in new land release areas, or greenfield sites, in the South West and North West growth areas of Sydney.

The proposed Greenfield Housing Code is designed to meet the overarching objectives of *A Plan for Growing Sydney* and meet the housing challenges associated with a growing population.

1.3 Housing Approvals in New Release Areas

Housing in greenfield areas has historically contributed between 20 to 30 per cent of new homes in Sydney, while other growth areas in NSW such as the Hunter Valley, Illawarra and North Coast have also seen a significant number of homes being built in greenfield areas.

Improving the approvals processes for homes in new release areas provides the opportunity to make significant reductions in the average time taken to approve new houses. Faster housing approval timeframes in new release areas can be achieved by allowing houses to be approved under the fast track complying development assessment pathway. Enabling houses to be approved as complying development in greenfield areas is appropriate, given the nature of new release areas, and has the added benefit of enabling local councils to dedicate limited resources to more complex applications that require rigorous merit assessment. In 2014/15, complying development certificates (CDCs) were issued in an average of 22 days, compared to 71 days for a development application (DA).

Given the unique nature of new release areas, housing approval timeframes should be quicker than processing applications in well-established suburbs. The constraints that sometimes complicate infill development (new homes in established areas) are less of an issue in new release areas where whole new communities are taking shape. It is reasonable to expect new homes to be constructed on neighbouring vacant blocks in new release areas.

Complying development is an attractive and viable option for facilitating faster approvals in greenfield areas. Appropriate development standards under this development pathway, which preserve amenity allow well-designed homes to be developed from the resulting building envelopes.

The majority of homes in new release areas comprise standard house designs developed and marketed by house building companies. This type of housing, while largely standardised, has been specifically designed to suit the typical lot and streetscape outcomes planned for new subdivisions.

Standardised development controls for new homes in new release areas would be well suited to the home building industry where a combination of faster approvals and efficiencies from standardised designs can deliver time and construction cost savings. Recent studies undertaken indicate that lot sizes within greenfield areas are reducing in size, with the average lot sold is now only 454sq m, down from 524sq m in 2010. [1]

There is an opportunity to improve and strengthen the relationship between the subdivision stage and the house design stage which will assist faster approval timeframes and ensure a good design outcome for new neighbourhoods. This Paper will explore these opportunities.

1.4 Input from Key Stakeholders

The Department has received feedback from the development industry on barriers to the use of the complying development approval pathway in new release areas and other delays in obtaining approvals quickly and easily. The recommendations in this Paper builds on initial input from key stakeholders from the housing industry, home builders, growth area councils, and private certifiers, and incorporates research and external advice. The Department has also conducted workshops with key stakeholders to actively seek input on the barriers to the use of

1 Source: State of the Land Report 2016, Urban Development Institute of Australia (UDIA)

complying development in greenfield areas, how these barriers can be overcome whilst achieving good design outcomes.

Appendix 2 provides a detailed list of the key stakeholder issues raised during stakeholder workshop sessions held in 2016.

Chapter 2 of this Paper provides a detailed overview of the barriers raised by stakeholders and the Department's proposed approach on how to address them.

The Department welcomes further input during the public exhibition period to inform the next stages of this project.

Figure 2: *Brighton Lakes, Moorebank (source: Mirvac)*

2

Chapter 2 - Overcoming barriers to housing approvals

2.1 Overview

Stakeholder consultation carried out by the Department identified a range of factors within the NSW planning system that impede the take-up of complying development and act as barriers to faster housing approvals in greenfield areas.

This Paper discusses proposed changes which could assist with improving the delivery of housing in greenfield areas, not only in terms of cost and efficiency savings for homeowners and industry, but also achieving good design outcomes at the subdivision stage.

Table 1 on the following pages summarises the key barriers and suggested approaches to overcome them.

Figure 3: *Brighton Lakes, Moorebank (source: Mirvac)*

Table 1 – Summary of identified barriers and proposed approach

Barrier	Issue	Proposed Approach
Complying development cannot be carried out on unregistered lots [1]	Currently, a DA approval can be granted subject to a condition requiring the lot to be legally created before the dwelling is built. This has the benefit of the approval and registration of the lot being done consecutively, resulting in potential time savings. However, under a CDC, a certifier cannot issue an approval before a lot is legally created, which results in delays for a CDC applicant, as the proposal cannot be assessed concurrently while the lot is being registered.	Legislative amendment to allow: • An amendment of the EP&A Act to allow a "deferred commencement condition" to be issued such as that currently exhibited in the Environmental Planning and Assessment Amendment Bill 2017; • An amendment to the *Environmental Planning and Assessment Regulation 2000* to allow a CDC to be issued for a new dwelling house to be constructed on an unregistered lot[2]; • An amendment to development standards set out in the General Housing Code (and Rural Housing Code) in the Codes SEPP so that the standards y can be applied to an unregistered lot.[3]
Easements and other instruments under the Conveyancing Act	In new release areas that have small lot sizes and narrow lot widths, it is increasingly common for walls to be built along the side boundaries (zero lot boundary walls). Easements can limit the ability to do complying development in greenfield areas.	• The Department is considering this issue and welcomes feedback to inform the proposed approach. There may be scope to amend Clause 3.4 of the Codes SEPP to allow complying development despite a registered easement in certain circumstances.

1. An unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision, where that subdivision has been approved under a DA
2. In this context, an unregistered lot refers to a proposed lot in a subdivision that has been approved under a CDC subject to a condition that the approved work cannot commence until the person having the benefit of the CDC has satisfied the certifier that the lot has been registered and that the dwelling house the subject of the CDC continues to meet the requirements of the Code.
3. In this context, an unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision where the subdivision is authorised to be carried out by an approved CDC.

Road Act Approvals (driveways and connections to public roads) are required prior to the issue of a CDC	This causes delays in CDC approvals, as they cannot be granted until final consent of the driveway has been granted.	• The possibility of streamlining approvals to allow driveways to be approved in principle early on at the subdivision or masterplan stage, and the final written consent under the Roads Act not required until prior to construction, rather than prior to the issue of the CDC. • Encouraging council to adopt a fast-track approval process under the Roads Act based on standard construction requirements.
Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system)	This causes delays to the CDC approvals, as they cannot be granted until a Section 68 approval of the Local Government Act is provided (clause 1.18 (1)(d) Codes SEPP).	• The Department may issue guidance on the way in which clause 1.18(1)(d) (General Requirements for Complying Development) of the Codes SEPP is intended to operate. • Alternatively, the Codes SEPP could be amended to make it clear that CDCs can be issued on vacant lots and/or consideration given to amending the Local Government Act to make it clear that section 68 approvals can be issued on vacant lots. This requires liaison with the Office of Local Government. • Another option is to give consideration to prescribing a time period in which a consent authority must determine a Section 68 application . This requires liaison with the Office of Local Government.
Complying development standards are difficult to use/ interpret and are not tailored for greenfield areas	Difficulties in interpretation of the complying development standards results in home-owners opting for a DA pathway.	• The Greenfield Housing Code will contain simplified, tailored development standards for greenfield areas to promote the take-up of complying development in these areas. • Given that lots in new release areas are typically smaller and narrower, the Greenfield Housing Code controls will be set out based on lot widths. • The Greenfield Housing Code will be written in plain English, with explanatory diagrams to assist applicants to understand the provisions. • Development standards will be simplified and structured in accordance with three overarching principles (Built Form, Landscape and Amenity). • The number of development standards have been reduced, for example, gross floor area has been removed. Setback and landscape controls and an upper level site coverage control replace this. • A detailed explanation and summary of the proposed development standards for the Greenfield Housing Code is set out in the Explanation of Intended Effect.

2.2 Identified Barrier: the inability to build dwelling houses on unregistered lots[1]

Currently, a DA approval can be granted subject to a condition requiring the lot to be legally created before the dwelling is built. This has the benefit of the approval and registration of the lot being done consecutively, resulting in potential time savings. However, under a CDC, a certifier cannot issue an approval before a lot is legally created, which could result in delays for a CDC applicant, making a DA a more attractive approval pathway. Initiatives currently progressed under the Environmental Planning and Assessment Amendment Bill 2017 could allow a CDC to be issued subject to a condition that the lot is legally created.

Existing requirements for Complying Development on Registered Lots

The Codes SEPP allows a dwelling house to be built as complying development on a lot only if, at the completion of the development, there will be one dwelling house on the lot[2]. Other development standards for dwelling houses set out in the Code (such as height, setback and landscaping requirements) are framed with reference to the area or boundaries of the "lot" (that is, an existing lot) on which they are to be built.

If a developer wishes to build houses on land that is proposed to be subdivided, the developer could not obtain a CDC to enable that development to be carried out as complying development before the registration of a plan of subdivision. This is because, at the time of issuing the CDC, the certifier would not be in a position to determine that the proposed house complied with development standards of the kind referred to above in respect of the "lot" on which it is to be built. Even though development consent may have been granted for the proposed subdivision, a CDC could not be issued.

If the lots have not been formally created, this presents a barrier to the take-up of complying development, particularly in greenfield areas. In such circumstances, the DA pathway is a more attractive option.

Option – Legislative amendment: allowing CDCs to be issued before registration of a plan of subdivision

Where development consent has been granted to the subdivision of land, there may be scope to provide for a CDC to be issued for a new dwelling house to be built on any of the proposed lots in the subdivision even though a plan of subdivision has not yet been registered. Under this proposal, the CDC could be issued on the condition, that construction of the house on the proposed lot is not to commence until the plan of subdivision has been registered that creates the lot.

A deferred commencement consent is a consent that is granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority as to any matter specified in the condition (section 80 (3) of the Environmental Planning and Assessment Act 1979 (EP&A Act)). However, a CDC cannot currently be granted subject to such a condition (as section 80 (3) of the EP&A Act does not apply to complying development).

The Environmental Planning and Assessment Amendment Bill 2017, which was released in January 2017 for public consultation, includes an amendment to the Act that would allow CDCs to be issued subject to a deferred commencement condition (see Schedule 4.1 [8]), by inserting

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1 *Lots prior to their creation by the registration of a plan of subdivision.*

2 *See clause 3.8 (1) (a) and clause 3A.9 of the Rural Housing Code in similar terms.*

proposed section 85A (9A)). A CDC, under the amendment, could be issued subject to a condition that it does not operate until the applicant satisfies the certifier that the lot is legally created[3] . This should ensure that the house is built on a lot that meets the minimum dimensions and size requirements and that is positioned on the lot so that it complies with the minimum setback requirements and all subdivision requirements have been satisfied.

Amendments to allow a CDC to be issued for a new dwelling house on a proposed lot would potentially involve amendments to the EP&A Act, the regulations under the Act and the Codes SEPP as follows:

- An amendment of the EP&A Act to allow a "deferred commencement condition" to be issued such as that currently exhibited in the *Environmental Planning and Assessment Amendment Bill 2017*;
- An amendment to the *Environmental Planning and Assessment Regulation 2000* to allow a CDC to be issued for a new dwelling house to be constructed on an unregistered lot [4]
- An amendment to development standards set out in the General Housing Code (and Rural Housing Code) in the Codes SEPP so that the standards can be applied to an unregistered lot.[5]

2.3 Identified Barrier: Easements and other instruments under the Conveyancing Act

In new release areas that have small lot sizes and narrow lot widths, it is increasingly common for walls to be built along the side boundaries (zero lot boundary walls). The draft Housing Code, and the proposed Greenfield Housing Code, allow new dwelling houses to be built to either one or both side boundaries depending on the lot size or width.

When considering a subdivision application at DA stage, many councils will require subdivision plans to indicate where zero lot boundary walls will potentially be constructed. In most circumstances, councils will usually impose a condition on the subdivision approvals requiring a section 88B instrument (under the Conveyancing Act) to create an easement to establish a right of access for maintenance (a maintenance easement). The lot that adjoins the zero lot boundary wall is then 'burdened' by the easement.

Stakeholder feedback indicates that a maintenance easement can limit the ability to do complying development (that would otherwise meet the development standards). Clause 3.4(b) of the General Housing Code states that a new dwelling house cannot be carried out as complying development if it is located on a registered easement.

Option: Review of Clause 3.4 of the Codes SEPP

Applying a restriction on the use of an adjoining lot as part of the subdivision approval process, without any certainty that a dwelling will actually be built to the boundary, may restrict the ability of the adjoining lot to use complying development. There is scope to amend Clause 3.4 to allow complying development despite a registered easement, in certain circumstances. The Department is currently exploring these issues.

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3 *That is, the plan of subdivision that will create the lot on which the dwelling house is to be erected is registered, being a subdivision that is the subject of a development consent that is in force.*

4 *In this context, an unregistered lot refers to a proposed lot in a subdivision that is the subject of a development consent subject to a condition that it does not operate until the person having the benefit of the CDC has satisfied the certifier that the lot has been registered and that the dwelling house the subject of the CDC continues to meet the requirements of the Code.*

5 *In this context, an unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision where the subdivision is authorised to be carried out by a development consent that is in force.*

2.4 Identified Barrier: Roads Act Approvals

Currently, clause 1.18(1)(e) states that before a CDC is issued, written consent from the relevant roads authority (if required under section 138 of the *Roads Act 1993* (Roads Act) for the building of any kerb, crossover or driveway must be obtained. Section 138(1) of the Roads Act states that a person must not carry out road works and structures, such as driveways, other than with the consent of the appropriate roads authority. Further, driveways can be undertaken as either exempt or complying development under the State Policy, subject to meeting the relevant development standards - one of these standards requires a Roads Act approval from the roads authority. Councils are generally the relevant approving authority under the Roads Act, as most driveway connections are to local streets.

Some developers and home builder have indicated that the requirement to obtain Roads Act approvals can slow down the process of issuing a CDC, particularly in greenfield areas.

Option: Streamlining approvals

A proposed option could be to allow a two-stage process for driveway approvals. This would allow an *'in principle'* concept approval of the driveway location, under the Roads Act for driveways and crossings as part of the subdivision development consent process. Under this proposal, as described in the previous section, to allow a single CDC for all building envelopes at the masterplan and subdivision stage, the proposed locations of the driveways would be approved. The final written consent by the roads authority for the driveway could then be issued once the CDC for individual houses is obtained.

This approach would have the benefit of capturing an approval *in principle* for the location of the majority of the driveways. This is beneficial to developers who will undertake building the entire masterplan including the houses, then to be sold to home-owners. It also will benefit the approach whereby a masterplan will be built substantially by one developer, and subsequent house-builders are responsible for building individual dwellings on single lots. With both these approaches, there is the added benefit of ensuring a coordinated and integrated response to site and infrastructure design of the estate at the subdivision or masterplan stage. Street layouts, building locations, driveway and access locations would all be designed in parallel and approved together.

With an *in principle* approval for the driveways already obtained under the masterplan and subdivision stage, individual home-owners who then construct a dwelling on a lot, with a pre-identified building envelope and driveway, could obtain the CDC approval for the dwelling, with a condition that the driveway can be approved under the Roads Act prior to construction starting, rather than the issue of the CDC. This would be subject to meeting the standard conditions, such as standard construction requirements, under the Act.

In situations where the driveway location or design changes because a different house design is used after the subdivision approval (including the concept driveway approval), another Roads Act approval would be needed prior to obtaining a CDC. Any such requests to make an amendment to driveway locations from the approved masterplan and subdivisions plan (including the driveway locations and building envelopes) would be required to meet the over-arching masterplan objectives.

The ability to obtain an in principle Roads Act approval at the subdivision stage could be an incentive for developers due to efficiency savings in obtaining CDC approvals.

Camden Council has implemented a "fast-track" approval process under the Roads Act, based on standard construction requirements. Council staff advise that this practice significantly reduces the time taken to issue Roads Act approvals.

Encouraging other councils to adopt a similar approach to simplify and streamline approvals processes could be pursued.

2.5 Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system)

Currently, clause 1.18(1)(d) of the State Policy requires that before a CDC is issued, the development must have an approval, (if required by the Local Government Act 1993), for an on-site effluent disposal system if the development is undertaken on unsewered land, and an on-site stormwater drainage system. Section 68 of the Local Government Act requires council approval for water supply, sewerage and stormwater drainage work.

Some councils don't issue section 68 approvals on vacant land. In these circumstances, council requests that a DA be submitted for a dwelling, and the section 68 request be submitted for the ancillary disposal system. This represents a significant hurdle for increasing uptake of complying development in areas where dwellings are being built on vacant lots.

Option: Clarification on the operation of clause 1.18(1)(d) and section 68 LG Act

The Department may consider issuing policy guidance on the operation of clause 1.18(1)(d). It is not intended that clause 1.18(1)(d) precludes complying development from being carried out on vacant land. Section 68 of the LGA does not require works to be carried out on land with an established use or any use or any type of use.

Alternatively, the Codes SEPP could be amended to clarify that CDCs can be issued in greenfield areas and that consideration also be given to amending the legislation to make it clear that section 68 approvals can be issued on vacant lots. Any changes to the Local Government Act will require consultation and liaison with the Office of Local Government.

Another option is to give consideration to imposing a prescribed time period in which a consent authority must determine a Section 68 application.

2.6 Identified Barrier: Interpretation of Development Standards

Feedback from stakeholder consultation on the development standards within the Codes SEPP has identified that the complying development standards are difficult to interpret and are not tailored to the unique circumstances of greenfield areas. In addition, the Department has received feedback that the current standards both within the Codes SEPP and the Growth Centres SEPP do not reflect particular design features which are preferable in greenfield areas, such as the provision for garages to primary roads and landscape elements.

Option: Develop a new Greenfield Housing Code with simplified standards

The development standards proposed for the draft Greenfield Housing Code have been formed in a way which will assist in ease of use and interpretation.

Further information on the draft Greenfield Housing Code is in **Part 4** of this Paper. A detailed explanation of the proposed development standards is in the Explanation of Intended Effect, exhibited alongside this Background Paper.

Figure 4: *Brighton Lakes, Moorebank (source: Mirvac)*

3

Chapter 3 – Subdivision and Masterplan Guidelines

3.1 Overview

As new release (greenfield) areas generally result in the development of whole neighbourhoods through a staged approach, the design of these developments at a precinct, neighbourhood and block level are equally important as the individual lot and its subsequent dwelling. Currently there is no statewide guidance on well-designed subdivision design. Within Growth Areas, wider masterplan design responds to specific requirements within the Growth Centres DCP. These provide guidance on aspects such as block and lot layout, incorporating subdivision design, movement network and corner lots.

To ensure good design at a wider neighbourhood level, this Background Paper explores opportunities to provide wider holistic guidelines which ensure good built form, landscape and amenity within new master planned neighbourhoods in greenfield areas.

It is intended that the Guidelines would assist:

- Councils in establishing development controls for greenfield areas and assist in assessing applications for new subdivisions;

- Developers in establishing a holistic masterplan for their subdivision. The Guidelines may help inform the development of a developer's own set of guidelines for their site which would be used to assist homeowners when purchasing new dwellings for lots. This will enable greater value to be inherently designed into the masterplan.

The Guidelines would have the overall purpose of informing residential-led masterplans to create attractive, sustainable communities, with a distinct character and high levels of residential amenity. A well-designed masterplan brings together all the disciplines which work together to create places, including urban planning, engineering, sustainable drainage, landscape design, architecture, and urban design. This approach to development of greenfield areas creates unique places that have greater attraction to potential home buyers. This, along with the introduction of initiatives described in **Part 2**, would have the potential to create strong demand for new housing within these areas under a CDC approval pathway.

Broad controls which respond to this include appreciation of the existing natural assets and character, movement framework, built form, open space network and residential amenity. This ensures an integrated approach to creating a new neighbourhood with good level of amenity at the subdivision stage.

In areas of western Sydney where the majority of the greenfield areas have been identified, particular conditions and issues are prevalent, including accessibility to services, amenities and other centres, and environmental conditions such as hotter temperatures and existing landscape and tree cover. These issues, if not addressed in future masterplanning in greenfield areas, could lead to social issues including health and well-being, environmental issues related to urban heat islands, and loss of biodiversity; and economic issues related to land values and market demand.

The following section describes a potential structure for Subdivision Guidelines to provide a holistic approach to greenfield subdivisions to address these issues and create sustainable attractive neighbourhoods for our communities.

Figure 5: *Shawood at the Hermitage (source: Sekisui House)*

3.2 The benefits of Subdivision and Masterplan guidelines

The introduction of Subdivision and Masterplan guidelines will bring the following benefits to homeowners, council and developers, responding to economic viability, social equity and environmental issues and include:

1. Create places for people

- New neighbourhoods where people want to live with a high quality built and natural environment;
- Character and local distinctiveness is strengthened and enhanced;
- Places developed with a long-term strategic vision plan contribute to people's desire to live in the place and the subsequent creation of strong, long-term communities; and
- Market demand increases through the creation of unique and attractive neighbourhoods.

2. Preserve and enrich the existing environment and landscape

- Retains natural assets including landscape and waterways;
- Reduced flooding risk;
- Improved air and water quality;
- Cooler urban environment;
- Enhances biodiversity;
- Strengthens local distinctiveness; and
- Visual outlook and beauty are enhanced.

Figure 6: *The Hermitage at Gledswood Hills (source: Sekisui House)*

3. Improve health and well-being

- A clear framework of interconnected streets and laneways, along with a range of activities (local shops, open spaces) increases opportunities to walk and cycle which improves lifestyle and wellbeing;
- Improved air quality achieved by the preservation and enhancement of the natural landscape helps health issues and reduced car dependency; and
- The retention and addition of natural landscapes assists in improving general emotional well-being through the cooling of temperatures, visual appearance and biodiversity.

4. Accessible to all

- A well-designed, accessible street network is inclusive for all, regardless of age or ability;
- A clear hierarchy of streets, laneways, shared surfaces/mews-style and footpaths which cater for those on foot, in vehicles, wheelchairs and bicycles; and
- Streets and neighbourhoods which encourage walk-ability contribute to improving air quality.

5. Allow for diversity and activity

- An attractive combination of housing and local amenity such as local shops/services and open spaces within a new neighbourhood providing residents with improved lifestyles.

6. Create sustained value

- Land values are sustained through the creation of a robust, sustainable and attractive neighbourhood; and
- Allows greater market demand through the development of a sought-after well-designed place.

7. Streamline the process

- Guidelines to assist in a holistic masterplan and subdivision approach allow for a more streamlined approach to the development of a housing estate. This ensures the primary framework (streets, building envelopes, open space) and secondary framework elements (driveways and access points, services, street trees) are dealt with in an integrated manner, contributing to efficiency savings.

Figure 7: *New streetscape (source: Sekisui House)*

3.3 Subdivision layout and approvals – current context

Urban form and streetscape are primarily established in greenfield areas at the subdivision stage, through lot layout and dimensions, the design of the street network, and requirements for street verges, footpaths and public domain landscaping. Basic development parameters that control building envelopes, landscaped areas and façade treatments are the key provisions that influence how the final built form can contribute positively to the streetscape.

These development parameters respond to the Growth Centres Development Control Plans (Growth Centres DCPs). These include objectives such as ensuring that 'a sense of neighbourhood' is achieved, walkability is promoted, land is utilised efficiently, natural features are reinforced and public open space is integrated.

The development and home building industries will respond to these controls with a range of home designs. Considerations like materials and finishes, while making some contribution to streetscape, are generally discretionary and will change with market preferences and trends.

In greenfield areas, the relationship between subdivision approvals and the subsequent construction of homes is important to the efficient delivery of new homes. Generally, the mix of lot sizes, lot dimensions, orientation and streetscape elements are established at the subdivision stage. The pattern of subdivision is usually established considering the likely housing product, particularly given that the majority of house designs address standard setbacks, height controls and private open space requirements.

There is an opportunity to develop more detailed and holistic subdivision guidelines which respond to the issues experienced in western Sydney related to climate and environmental issues.

Figure 8: *Existing subdivision at Oran Park (source: Six Maps)*

3.4 Proposed greenfield subdivision and master plan guidelines

Well-designed subdivision plans form part of a holistic masterplan with the framework to deliver the best possible future urban environments. The Department proposes the development of a set of master planning and subdivision guidelines for greenfield areas which would respond to the broader strategic objectives of A Plan for Growing Sydney.

These Guidelines would be developed to ensure that masterplanning of new greenfield developments and the subsequent subdivision are designed to create sustainable places for new communities.

The broad structure of the Guidelines could follow a format of established publications such as the UK publication, *The Urban Design Compendium*[1], which has become an internationally recognised within urban design practice. A suggested structure, based on the compendium structure is detailed below:

1.Identifying the Context – including aspects of community, place, natural resources (water, biodiversity and green cover), connections and vision

2.Shaping the Natural and Urban Structure – the movement framework (including street hierarchy), efficient land use, density, facilities and form, energy and resource efficiency (water management), landscape, open spaces, landmarks, vistas and focal points, blocks and parcels and plots, building size and scale

3. Creating Connections – walking, cycling, public transport, streets, parking and utilities

4. Providing Amenity – solar access, natural daylight, ventilation, public open space

5. Detailing the Place – good public domain, positive outdoor space, active interfaces, building articulation

1 Urban Design Compendium, English Partnerships, 2000

Figure 9: *Hunterford masterplan at Oatlands (source: Integrated Design Group Architects)*

3.5 How the Guidelines would be used

The Guidelines are intended to provide consistent planning and design standards for masterplanning sites within greenfield areas across NSW, as a way of ensuring good design outcomes for new release areas on greenfield sites. The proposed Guidelines would function at a wider precinct level, a neighbourhood level and a block level, and would guide:

• Councils in establishing new, or adjusting existing, development controls for greenfield areas and assessing applications for new subdivisions. By adopting the guidelines, it will assist councils in achieving better design outcomes for large masterplanned sites; and

• Developers in establishing a holistic masterplan for their site which considers overall frameworks for open space, movement, built form and amenity. The Guidelines may help inform the development of a developer's own set of guidelines for their site, to assist homeowners when purchasing new dwellings for lots. This will enable greater value to be inherently designed into the masterplan.

To aid with the masterplanning of large greenfield sites, the masterplan and subdivision guidelines will provide detailed guidance on best practice approach to developing a new masterplanned community and the approach to design and construction.

There are generally two approaches to developing masterplanned communities at present in NSW - either solely by a developer who will masterplan the entire site, including the design and construction and subsequent houses; or a masterplanned site by a developer, including streets and open spaces with broad concepts for the dwelling types, which are then designed and constructed by housesbuilders on individually sold lots. **Figure 10** below illustrates the two approaches. Design guidelines are beneficial to both approaches, and in particular the first, whereby dwellings built under the CDC approach by individual housebuilders may not adhere to the overall vision for masterplanned estate created by the developer.

Both these approaches are illustrated in two case studies at the end of this section.

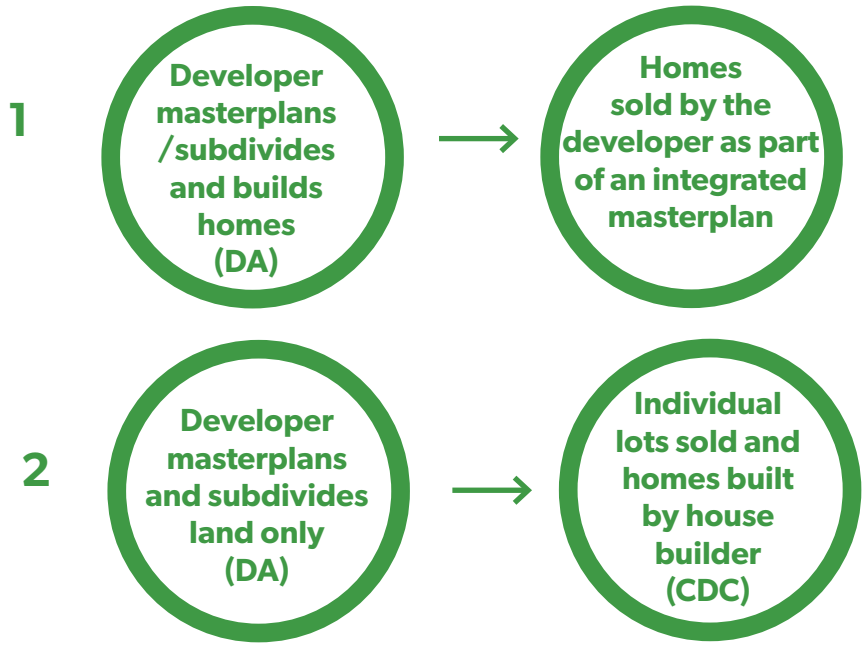

Figure 10: *Two approaches to developing masterplanned communities*

3.6 Broader strategic planning context

A Plan for Growing Sydney is the plan which provides the strategic planning framework for Sydney as its growth continues over the new decades. Alongside this,the Greater Sydney Commission has prepared Draft Precinct Plans which identify three great cities for Sydney, to deliver maximum benefits for existing and new residents. They are the:

- Eastern Harbour City
- Central Parramatta River City
- Western Sydney Parklands City.

This identifies a unique opportunity for urban planning in Western Sydney as it sits on the cusp of major change including infrastructure development and population growth. The Greater Sydney Commission has the three following focus areas which include:

- **Productivity** – a city with more jobs in centres, with more people being able to access their jobs within 30 minute commutes of where they live;
- **Livability** – a livable city that helps maintain and improve our quality of life. A city with many different places experiences and greater housing choice.
- **Sustainability** – a city that uses its natural landscape as an asset, builds Greater Sydney's resistance and enhances its waterways and biodiversity.

Towards Our Greater Sydney is the document which outlines a draft amendment to *A Plan for Growing Sydney* and aligns with the vision established in the draft District Plans. The creation of new communities in urban release areas is one of three focus areas to accelerate housing opportunities over the next 20 years.

The introduction of masterplan and subdivision guidelines, to provide design guidelines alongsdide a new Greenfield Housing Code will support the objectives of the 20 year plans for Sydney.

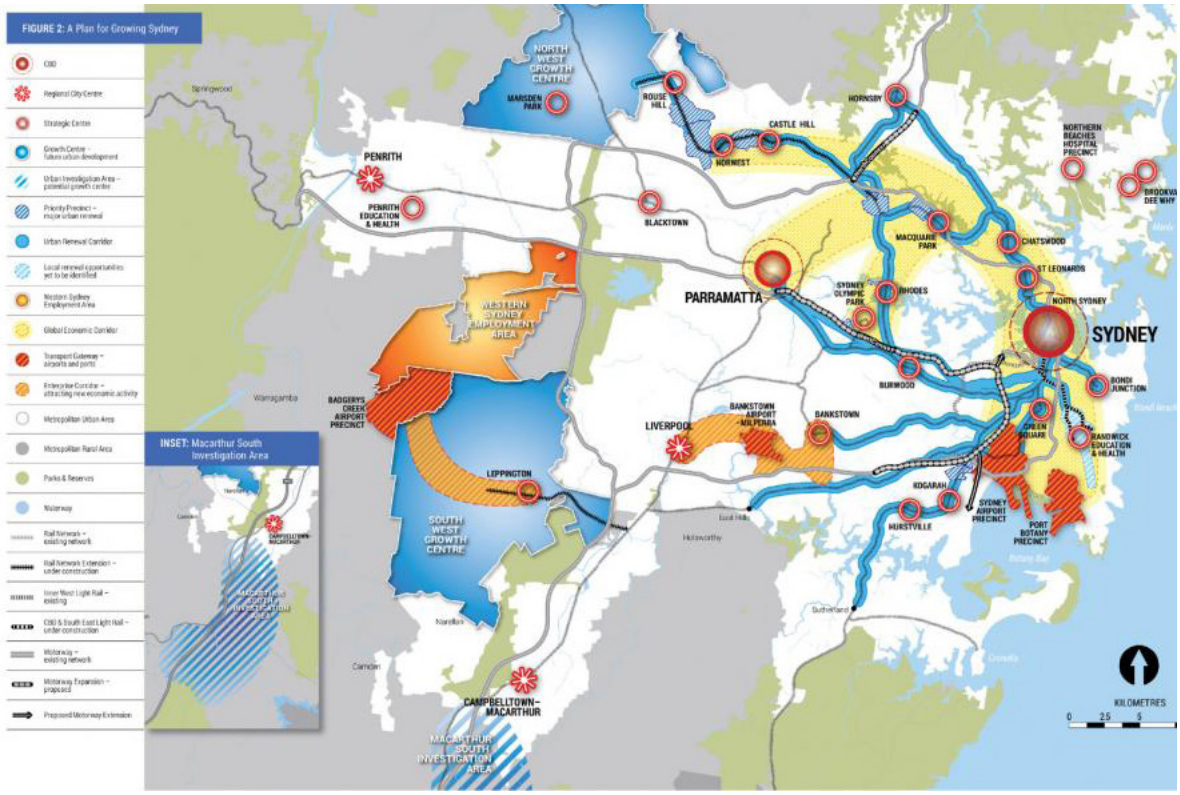

Figure 11: *A Plan for Growing Sydney (source: Department of Planning and Environment)*

One of the key initiatives of the Greater Sydney Commission is to create Greater Sydney's Green Grid to deliver an interconnected network of open spaces. This will include open spaces, parks, bushland, natural areas, waterway corridors and tree-lined streetscapes in a network that connects our homes to centres, public transport, jobs and recreation. It promotes healthier urban environments, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve the resilience of Greater Sydney.

Analysing the open space and environmental values of Western Sydney identifies the Green Grid as an opportunity to develop a vision for infrastructure delivery that sees transport, utilities, development and green infrastructure as interdependent and equally important component for an equitable, livable and resilient metropolis.

There is a significant opportunity at this point of change within Western Sydney, for new release areas, which are predominantly located in the regions around the Central Parramatta River City and the Western Sydney Parklands City to develop new communities with these values in mind.

The draft District Plans reinforces the following objectives for the Green Grid:

- preserve and conserve the natural environment;
- increase access to open space;
- encourage sustainable transport connections;
- promote active living;
- create a high quality public realm; and
- adapt to climate extremes by increasing urban greening and improving air quality.

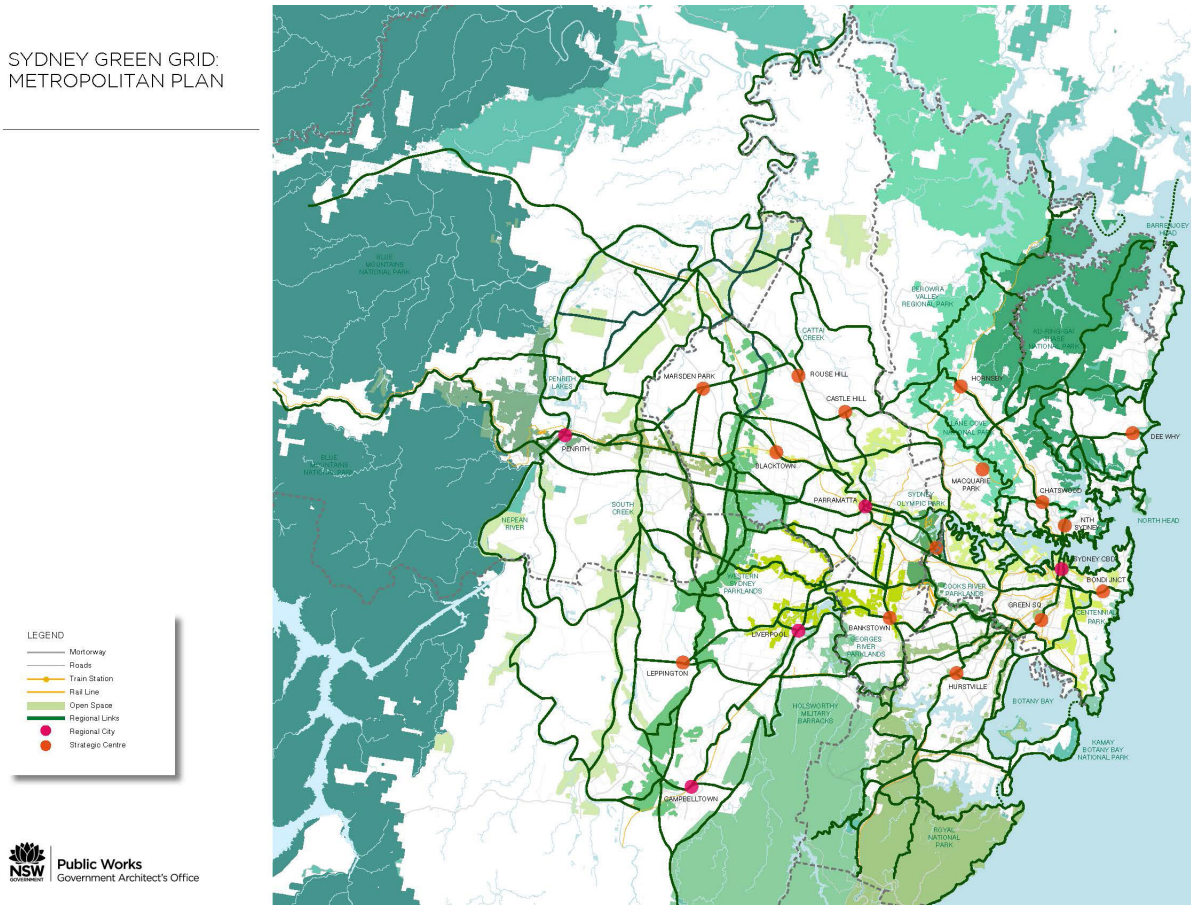

Figure 12: *Sydney Green Grid Metropolitan Plan (source: Government Architect's Office)*

These objectives can be reflected in the proposed greenfield subdivision guidelines and the development standards for the proposed Greenfield Housing Code. This will enable the best possible environmental outcomes for greenfield developments.

The Environmental Value of the Green Grid

Careful design of future urban development and in particular in greenfield areas, will assist in reducing the impacts to the environment and climate. Urban heat islands are one such impact which are seen though the replacement of natural land surfaces and vegetation with hard nonporous and non reflective surfaces (e.g. dark roofs, car parks, paved areas and bitumen roads) which absorb and trap heat much more than vegetation.

Urban heat can impact communities through:

•health problems dehydration, heat stress, heat stroke, respiratory problems and mortality; and
•increased greenhouse gas emissions from energy used to cool households.

Trees and vegetation provide a cooling effect through evapotranspiration and shading on hard surfaces that would otherwise absorb heat from direct sunlight. The degree of cooling differs across tree species, with greater leaf cover and water content in the soil and vegetation providing the greatest cooling impact.

Trees will importantly also help to retain and preserve existing biodiversity and wildlife in existing wildlife corridors.

The Social Value of the Green Grid

A number of benefits from the integration of the Green Grid and its effect on the design of individual places includes:

• **Physical and psychological health and wellbeing** – the design of urban landscapes and green infrastructure has been shown to have an impact on health and wellbeing. For example, it may increase opportunities and reduce barriers for activity, social interaction, affect travel behaviour (e.g. cycling paths and walking paths may encourage active transport) and increase opportunities for recreational activity.[2] This may result in people feeling better, and may have an external impact on society in reducing the prevalence of non-communicable disease.

The estimates above account for this in so far as they are reflected in the values people place on using the facilities. In the following sections we discuss and quantify the additional value not captured in user valuations.

• **Landscape and neighbourhood amenity** – green infrastructure are likely to improve the attractiveness of the area making it a more pleasant place to be.

Some types of green infrastructure, such as bicycle paths and footpaths may result in improved accessibility and provided opportunities for active transport. The value in using this infrastructure depends on connectivity to other parts of the green network and other activities. Connected routes may result in increased active transport and reduced generalised travel costs (either due to faster travel times, a more pleasant journey and other saved costs), but also gains for the broader transport network (i.e. if individuals switch from road transport to active transport there may a reduction in congestion for other road users).

2 Symons, J., Jones, R., Young, C. and Rasmussen, B. 2015, Assessing the Economic Value of Green Infrastructure: Literature Review. Climate Change Working Paper No 23. Victoria Institute of Strategic Economic Studies, Victoria University, Melbourne.

3.7 Liveable and sustainable neighbourhoods

Establishing a holistic vision for the site and the potential place that can be created is a fundamental starting point for any possible development within a greenfield area. This vision, supported by an overall clear urban design framework forms the masterplan, which functions to create attractive and sustainable neighbourhoods.

Master planning establishes the parameters for the site including the street network, open space, connection to existing natural elements, landscape, and built form, all which respond to the vision for the area and a defined set of design principles.

1. Identifying the Context

An appreciation of the existing constraints and opportunities of the site and surrounding area.

Place
Understanding the existing qualities of place are important, including the regional identity, connections to surroundings, the local character, morphology of the place, natural features. It also includes an understanding of the socio-economic profile of the area.

Natural Resources and Assets
Identifying landscape assets to prepare and structure of the landscape.

Connections
Understand existing access and linkages and observe the quality of movement.

Vision
Creating a strong vision for developing a place is crucial to the success of a good masterplan. Value can be created through the design of a place which integrates a network of attractive streets and open spaces and well-designed houses. Constraints that might exist on the site can be overcome. And the site's context has a strong part to play in adding value and creating place.

2.Shaping the Natural and Urban Structure

The natural and urban structure is important in creating integration, functional efficiency, environmental harmony, a sense of place and commercial viability.

Movement framework
This includes understanding the existing movement assessment, designing a walkable neighbourhood, developing a clear street network of primary streets, secondary streets, laneways and mews and footpaths. The street grid is of importance in establishing a clear and legible structure for

Figure 13: *Brighton Lake, Moorebank (source: Mirvac)*

movement through the neighbourhood. Ensuring street trees are incorporated as part of the street network.

Green movement infrastructure is important. Well-designed bicycle paths and footpaths assist accessibility and provided opportunities for active transport, connecting to other activities. Connected routes may result in increased active transport and reduced generalised travel costs (as a result of faster travel times, a more pleasant journey and other saved costs), but also gains for the broader transport network.

Mixing Uses

The important in creating any new place are the integration of uses which help to establish the neighbourhood unit. Different uses within a master planned community provide amenity within close proximity and add interest and character to new precincts. This can include a small village centre which may incorporate a small amount of mixed uses, recreational areas. Areas of different housing (detached houses or terraces) and varied landscape also assists in creating character.

Density, facilities and form

The link between density and facilities, form and interior space is important when developing a successful built form outcome. Considerations of desired outcomes for streetscapes are important including arrangement of dwellings such as detached or pairing to allow appropriate spaces between. This needs to be balanced with dwelling layouts and room functions.

Energy efficiency

Energy efficiency includes solar orientation – (turn houses towards the north), daylight access; water – collect, store and recycle rainwater, integrated water management; wind – work with the wind; waste – do more with less.

Landscape

Landscape considerations include open space and landscape design; public access to open space networks, wildlife and biodiversity, topography, microclimate, biodiversity and green cover, good street trees, including a street tree canopy to improve streetscape and walkability; trees to rear gardens to establish a contiguous tree canopy across rear back gardens.

Figure 14: *Shawood at the Hermitage (source: Sekisui House)*

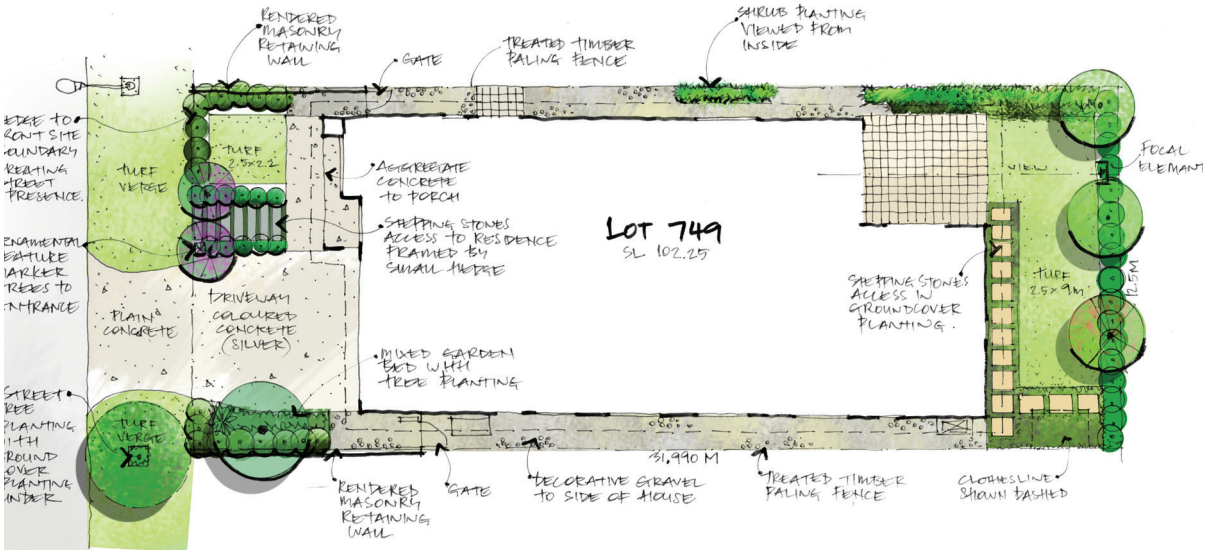

Figure 15: *Landscape Plan at the Hermitage (source: Ground Ink Landscape Architects)*

Landmarks, Vistas and Focal Points

Landmarks, vistas and focal points are important in creating distinctiveness and assist with wayfinding. Landmarks includes aspects such as making it easy to find your way around, show the way and emphasise the hierarchy of place. Vistas include a clear network of routes or paths and facilitate easily usable connections between places and focal points form places to gather.

Block design

Good design of perimeter blocks ensures that all lots face the street, respect neighbour's privacy, line the perimeter, and encourage continuity of street frontage. Block size should be kept to a minimum, and shape should allow for functionality and access, and facilitate sunlight and daylight into rear gardens and habitable rooms.

Laneways, shared surfaces or mews should be integrated into the block design to allow car access and servicing from the rear, reduce block size, and assist density, and restrict the number of driveways along the primary access road, which impacts the quality of streetscape by limitations in street planting and increasing garages and driveway hardstandings.

Figure 16: *Rear lane, Brighton Lakes (source: Mirvac)*

Lots and subdivision

Good subdivision design ensures that the key variables of aspect, size, shape and density in combination with site characteristics such as topography and slope to achieve a range of lot sizes and energy efficiencies. This promotes and facilitates good pedestrian activity, bicycle use.

A solar-efficient subdivision will ensure that the overall development is significantly more energy efficient than conventional development because once the lots are correctly aligned and proportioned, individual houses in general will perform better with comparatively less effort. Lots should be designed so that one axis is within 30 degrees east and 20 degrees west off true solar north.

Good lot design will maximise and protect solar access for each dwelling house. This is achieved by defining appropriate lot size, shape and orientation. The building envelope incorporating the setbacks and height take ensure that solar access is preserved. **Figure 17** below illustrates this.

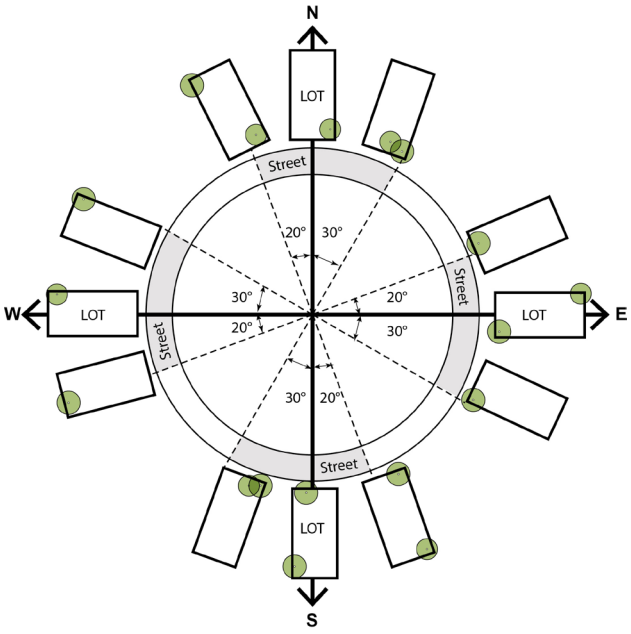

Figure 17: *Optimum orientation for lots*

3. Creating Connections

Connections are important in terms of linking up, movement choices, forming a clear street hierarchy, creating a sense of place, safer routes for all, providing better parking management and improving parking issues.

Walking

Allow the development of pedestrian and cycle friendly streets and walkable safe neighbourhoods.

Cycling

Design for convenient cycling from home to activities.

Servicing

Service from streets and laneways, making services subservient to layout.

Streets and Traffic

Consideration of hierarchy of street types, main routes, streets as social places, functionality, traffic calming and pedestrian crossings, parking and servicing, parking standards and location of parking are all important. Equally important is the ability for streets and traffic to be designed in a manner to incorporate street trees.

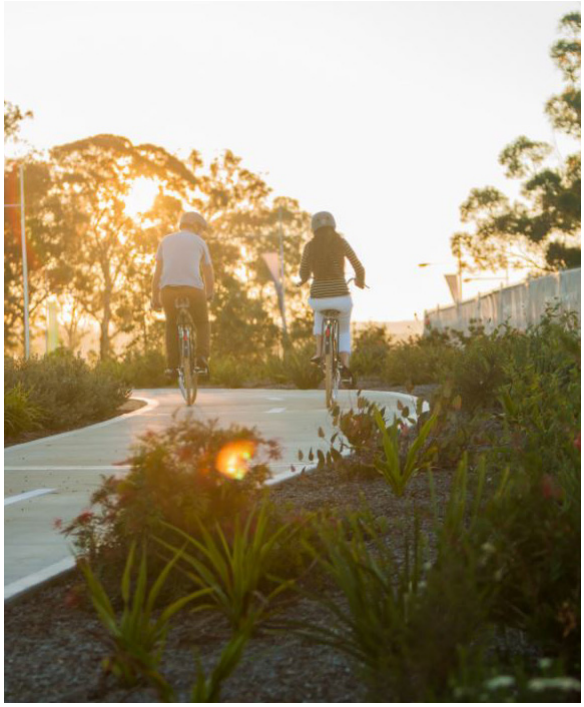

Figure 18: *Cycleways at the Hermitage (source:Sekisui House)*

4. Detailing the Place

Positive Outdoor Space

Creation of meaningful and attractive public open space.

Building Lines and Setbacks and creating a sense of enclosure through built edges.

Animating the Edge

Active frontages allow for activity, richness and beauty. They allow engagement with the public realm and good passive surveillance. Dwelling layouts that incorporate key habitable rooms such as living rooms or studies that overlook the street. Studios over garages can activate rear laneway areas.

Building Size and Scale

The development standards for the building envelope ensure that the setbacks,building depths, widths and heights provide the appropriate scale and massing to the streetscape and preserve amenity considerations such as solar access.

Consideration of a different built form to mark corners is important. Internal dwelling layout is an important consideration to ensure good amenity both internally and within the streetscape. Examples are illustrated in **Appendix 3**.

A Thriving Public Realm

This includes the creation of social spaces and distinctive places, such as the incorporation of footpaths, well-designed street furniture, signage and lighting.

Private and public space

Clearly defined delineation and transition between the public domain and private open spaces to ensure privacy.

The two case studies in the following section illustrate two new masterplanned communities in new growth areas in north-western Sydney. which have incorporated clear design principles into the masterplan to achieve good design outcomes.

Case Study 1: The Hermitage, Gledswood Hills (Sekisui House)

The Hermitage at Gledswood Hills is an example of a masterplanned community, created by a lead developer under phased development in conjunction with other housebuilders. It has considered good design guidance in relation to subdivision and dwelling design in order to respond to a clear vision of the new community and place to be created.

Design Guidelines prepared by the lead developer are incorporated within all sales contracts to ensure that the vision for the site is maintained. This includes helping to create a community with attractive streetscapes and residential settings, and ensure that the standard of dwelling design is of the highest quality to meet current and future occupants's needs. A development such as this, designed with clear design criteria, ensures that values in all terms, are sustained.

The Guidelines supplement the Council DCP , providing specific details for the site to ensure complementary design requirements for the site. Some examples of the requirements under the guidelines include:

- requiring two trees to be planted in the front garden and one to the rear;
- criteria including front facades, including building articulation, facade diversity and iconic lots;
- garages;
- colours, materials and finishes;
- driveway locations; and
- fencing types to front and side fences on corner lots.

Figure 19: *The Hermitage, Gledswood Hills (source: Sekisui House)*

Case Study 2: Brighton Lakes, Moorebank (Mirvac)

Brighton Lakes near Liverpool, a new masterplanned community of approximately 300 homes, has been designed to provide a way of life that is both healthy and safe, with high levels of pedestrian and bicycle access, integrated open spaces and parklands, and a connection with the Georges River.

The development has been designed and developed by one developer, from the open spaces, streets types through to the individual dwellings. This has allowed an element of control over the design outcome and to ensure that the dwellings are designed to support objectives for different character precincts within the development. It allows a range of housetypes to be incorporated within the masterplan, increasing diversity, which is appealing from an urban design perspective and also from a buyer perspective.

Key elements of the masterplan include:

- varied street types - primary streets, local neighbourhood streets and laneways all designed with street trees or landscape incorporated;
- varied housetypes which allow diversity in the streetscape
- all dwellings are within close proximity of public open spaces.

Figure 20: *Brighton Lake, Moorebank (source: Mirvac)*

Chapter 4 – The Greenfield Houisng Code

4.1 The Greenfield Housing Code

In response to stakeholder feedback that the development standards for complying development in the General Housing Code are difficult to apply and are not tailored to greenfield sites, where lot sizes are typically smaller and narrower, the Department has prepared a draft Greenfield Housing Code.

The Code contains tailored development standards in plain English, with explanatory diagrams to assist with interpretation and navigation of the Code. A detailed explanation of the proposed development standards in the Greenfield Housing Code is set out in the Explanation of Intended Effect, which is exhibited alongside this Background Paper.

A new Greenfield Housing Code would provide a clear and consistent set of development standards to enable fast tracked housing approvals for new release areas across NSW. Consistent with the simplified Housing Code, the new Greenfield Housing Code will be written in easy to understand, plain English, and based on a simple system of controls that apply to lots in four different lot bandwidths.

The standards will be tailored to suit conditions of greenfield sites by incorporating:

- setback controls which align to current market conditions;
- landscape controls which allow a good level of deep soil landscaping to encourage planting to rear gardens; and
- a tree to the front and rear gardens to provides tree cover where it previously may not have existed on the site.

Transition Period

The Department is aware that home builders and developers have designed new housing developments based on the current development standards in the General Housing Code and relevant council LEPs and DCPs.

The Department proposes to allow a transition period of three years between the application of the existing policies for residential complying development (General Housing Code, soon to be replaced with the new Housing Code) and the introduction of the new Greenfield Housing Code for new release areas.

This would allow home builders and developers to deliver on their existing products and give them enough time to design new dwellings to complying with the development standards in the Greenfield Housing Code.

Issues raised by stakeholders

The consultation undertaken with stakeholders has raised a number of issues in relation to the take-up of complying development in greenfield areas. These issues range from the simplicity of the standards through to certain elements of the approval process. A detailed list of these issues is contained within **Appendix 2**.

These concerns have been taken into account in developing the standards for the new Greenfield Housing Code.

4.2 Where the Greenfield Housing Code would apply

The Greenfield Housing Code is proposed to apply to land defined as a residential release area under clause 136AB of the EP&A Regulation, and any other greenfield release areas nominated by councils. Clause 136AB includes land within:

- an urban release area identified within a local environmental plan that adopts the applicable mandatory provisions of the Standard Instrument;
- a land release area identified under the Eurobodalla Local Environmental Plan 2012;
- any land subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- any area included in Parts 6, 26, 27, 28 and 29 of Schedule 3 to State Environmental Planning Policy (Major Development) 2005 (now referred to as SEPP (State Significant Precincts) 2005).

There are also a number of greenfield areas across the State that have been released by councils for residential urban development that could benefit from the simplified controls in the proposed new Greenfield Housing Code.

The Department invites feedback from councils, landowners and industry on any other areas where the new Code should apply.

Neighbour notification requirements for new Code

Current neighbour notification requirements under Clause 130AB (pre-approval notification) and Clause 136AB (pre-construction notification) of the Regulations will continue to apply to development carried out under the proposed Greenfield Housing Code.

Figure 21: *New park at Rouse Hill (source: Oculus)*

4.3 Simplified Development Standards

The approach to the development standards for the proposed Greenfield Housing Code has been simplified by categorising them in three over-arching design quality principles – development standards pertaining to Built Form, developing standards pertaining to Landscape and development standards pertaining to Amenity.

Ensuring good design is critical to delivering development that minimises adverse impacts on surrounding properties.

All standards are proposed to fall under three over-arching design quality principles of **Built Form, Landscape and Amenity**.

These principles have been derived from the nine design quality principles which form *State Environmental Planning Policy 65* (SEPP 65) Design Quality Principles.

Built form incorporates context and neighbourhood character, density and visual appearance.
Landscape incorporates the principle of sustainability;
Amenity incorporates other related principles of safety and housing diversity and social interaction.

Figure 22 below illustrates the nine quality principles and the approach to simplify to three key principles for use within the Code structure.

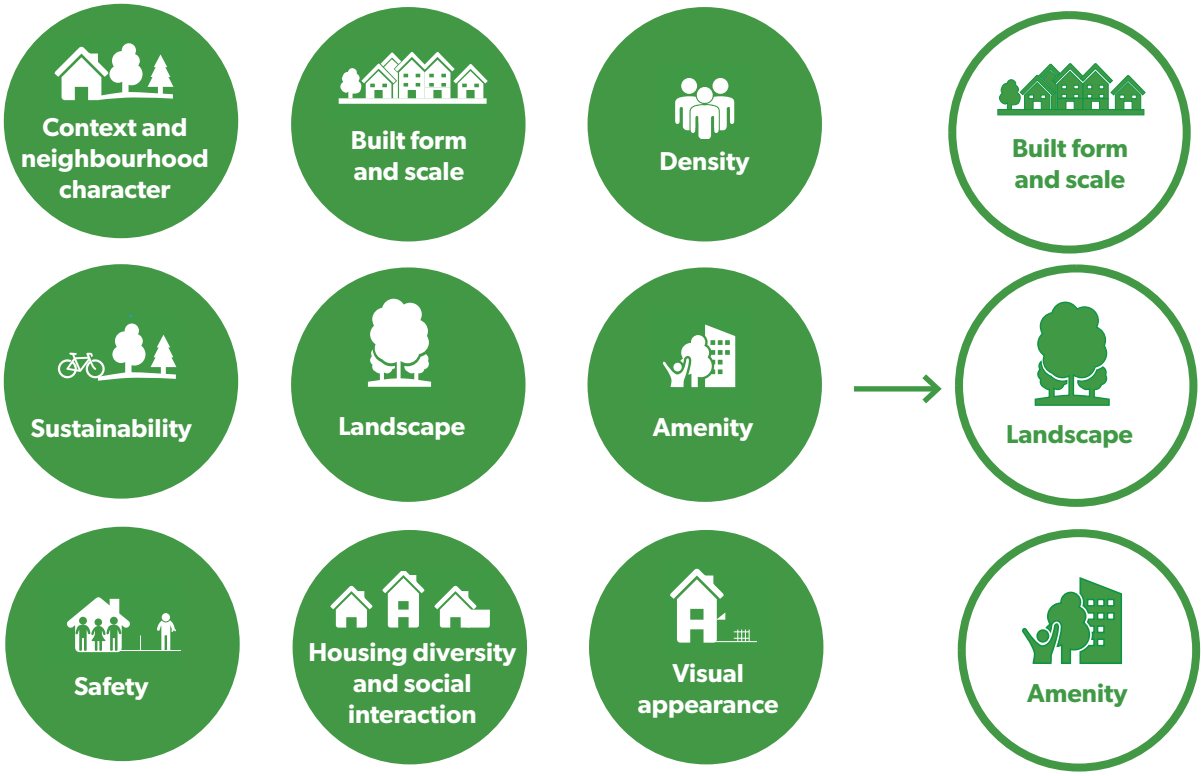

Figure 22: *Nine design quality principles as identified under SEPP 65 simplified to three main principles for the Code*

Built Form Development Standards

These encompass principles of future context and neighbourhood character, built form and scale and visual appearance. These principles respond to the natural and future built surrounds of an area and to deliver an appropriate built form outcome to respond to an area's desired future character. Well-designed buildings respond to and enhance the qualities an area including the adjacent sites, streetscape and neighbourhood.

A well-designed built form has good proportions and a balanced composition. Good design has a variety of material, colours and textures, integrated in a sympathetic manner.

The visual appearance of a well-designed dwelling responds to the future local context, particularly desirable elements. The built form development standards also allow for a well-defined private domain which interfaces positively with the public domain providing good safety, through opportunities to optimise passive surveillance of public and communal areas.

Landscape Development Standards

These standards ensure that the landscape and house operate as an integrated and sustainable system resulting in attractive houses with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the dwelling's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design enhances usability, privacy and opportunities for social interaction, equitable access, respect for neighbours amenity, provides for practical establishment and long term management.

These standards promote elements of sustainability including areas of deep soil to encourage planting and trees to front gardens to provide shade and ameliorate effects of increased hotter weather events and urban heat islands.

Amenity Development Standards

Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, and ease of access for all age groups and levels of mobility. These standards promote elements of sustainability through good levels of solar access and natural ventilation and access to private outdoor space.

Applying the Development Standards to the principles

For simplicity of use within the Code structure the standards have been grouped and identified under one of the three over-arching principles.

Figure 23 on the following page illustrates how the standards relate to the principles.

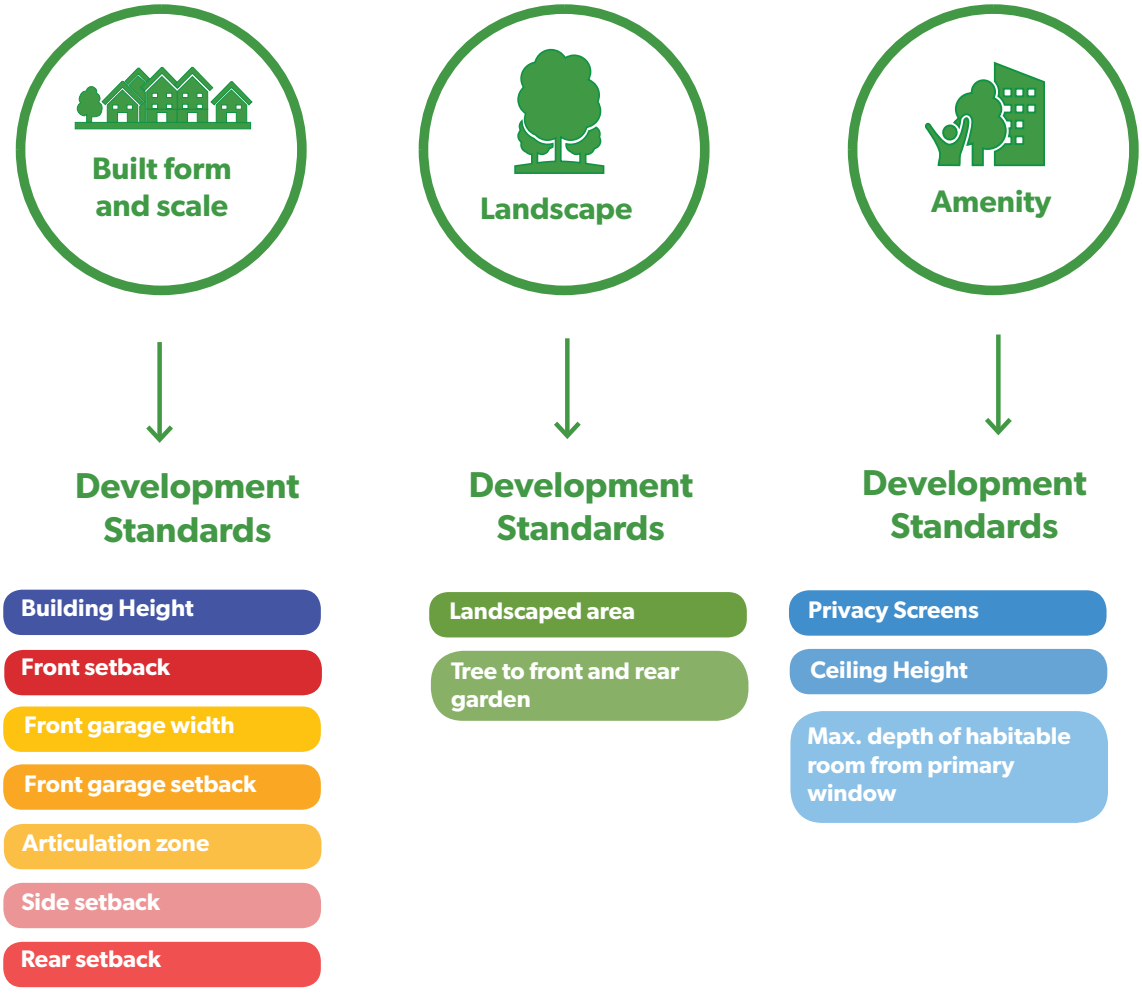

Figure 23: *Development standards applicable to the principles*

Simplified Structure of the New Code based on Three Principles

The structure of the new Code will be simplified, with relevant development standards based on the three principles. Development standards will also be reduced, and the new Code written in plain English with explanatory diagrams to ensure that it is easy to read, understand and use.

Figure 24 on the following page, demonstrates how the new Code has been simplified and the number of controls reduced, compared to the draft Housing Code and the Growth Centres SEPP and DCPs. This includes 'grouping' of key standards such as setbacks or standards related to articulation so they are located under the one main heading.

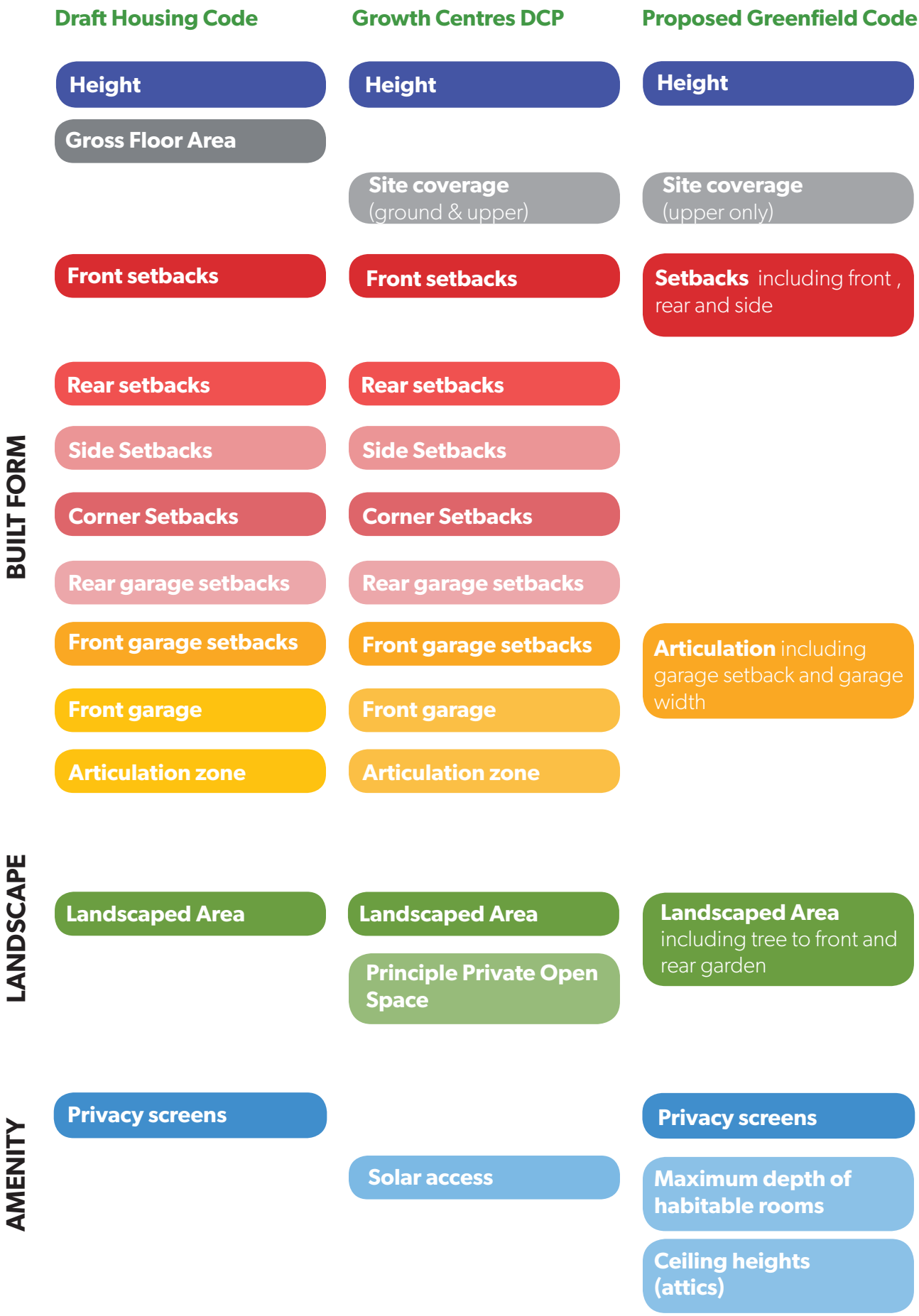

Figure 24: *Comparison of the Standards*

4.4 Comparisons with the draft Housing Code

Key differences between the draft Housing Code and the site and envelope standards proposed in the Greenfield Housing Code include:

•The controls are based on lot width only rather than lot area to cater to the standard lot types typically found in greenfield subdivisions;

•The controls for front setbacks are a numerical standard. The standard to average the setbacks with neighbours has not been incorporated, as in many cases within new greenfield areas, two adjoining neighbours do not exist. There is also typically less apprehension about a neighbour's development including relationship to setback, as new dwellings are expected in new release areas. This is in contrast to typical development undertaken through the Housing Code, where the neighbour average is still appropriate to minimise impacts on existing and/or established neighbourhoods;

• The proposed front setback controls are consistent for all lot width types, which creates the opportunity to maximise usable private open space in the backyard and increase building separation at the rear;

•Minimum rear boundary setbacks are the same for all lot widths for both single and double storey houses to ensure appropriate building separation and to ensure landscaped area and rear yard space can be integrated;

•The approach to second storey side setbacks is to remove the formula as appears in the Housing Code and incorporate a single numerical control. This follows the approach of the Growth Centres DCP;

A new control to limit the maximum depth of habitable rooms is intended to assist solar access and daylight amenity into new dwellings in greenfield areas.

Appendix 1 provides a detailed comparison with the Simplified Housing Code and the Growth Centres DCP.

Figure 25: *Brighton Lakes (source: Mirvac)*

Appendices

Appendix 1 - Comparison of the Standards

Control	Draft Housing Code	Blacktown GC DCP/SEPP	Draft Greenfield Code
Max Building height	8.5m	8.5m/9m	8.5m
Max Site Coverage	No controls	Lots <7m wide: 40% (upper level only) Lots 7-9m wide: 50% (upper level only) Lots 9-15m wide: 60% (ground floor) 40% (upper floor <375m2 lots) 35% (upper floor >375m lots) Lots >15m wide: 50% ground floor 30% upper floor	Lots 6-7m wide: 50% (upper level only); Lots >7-10m wide: 40% Lots >10-15m wide: 35% (upper floor <375m2 lots) Lots >15m wide: 30% upper floor
Max gross floor area	200-300m^2: 75% of lot area <300m^2: 25% of lot area + 150m^2 to a max. 450m^2	No controls	No controls
Minimum landscaped area	200 -300m^2: 15% <300m^2 : 50% of lot area minus 100m^2	Lots <9m wide: 15% of site area Lots 9-15m wide: 25% of site area Lots >15m wide: 30% of site area	200 -300m^2: 15% <300m^2 : 50% of lot area minus 100m^2
Front setbacks	200-300m^2 : 3m	3m (<7m wide)	6-<7m wide: 4.5 metres (to front building façade); 3m to articulation zone
	300-900m^2 : 4.5m	3.5m (fronting open space)	>7-10m wide: 4.5 metres (to front building façade); 3m to articulation zone
	900-1500m^2 : 6.5m	4.5m	>10-15m wide: 4.5 metres (to front building façade); 3m to articulation zone 15m+: 4.5 metres (to front building façade); 3m to articulation zone

Control	Draft Housing Code	Blacktown GC DCP	Draft Greenfield Code
Articulation zone	1.5m (inside front setbacks above)	1.5m (inside front setbacks above)	1.5m
Corner lots side setback	2m	1m	<7m wide: 1m >7m wide: 2m
Side setbacks	0m both sides (6-8m wide)	0m both sides (<9m wide)	Lower (6-7m) Side A:0m Side B:0m Upper Side A:1.5m Side B:0m
	0m/0.9m (8-12.5m wide)	0m/0.9m (9-15m wide) 1.5m (second storey)	Lower (7-9m) Side A:0m Side B:0.9m Upper Side A:1.5m Side B:0.9m
	0.9m (<10m wide)	0.9m (single storey) 1.2m (double storey) (Lots <9m wide)	Lower (>10 -15m) Side A:0m Side B:0.9m Upper Side A:1.5m Side B:0.9m
	0.9m + 25% of building height above 5.5m (<10m wide)		Lower (over 15m) Side A:0.9m Side B:0.9m Upper Side A:1.5m Side B:0.9m
	0.9m + 25% of building height above 4.5m (10-18m wide)		
Rear setbacks	3m (up to 4.5m high)	4m (ground floor)	Single storey: 3m
	8m (above 4.5m) (300-900m2 lots)	6m (upper floors)	Two storey: 6m
	10m (<300m2)	No minimum dwelling setback for lots <7m wide	
	0m for 50% of boundary with a rear lane		0m
Rear garage setback	0m (<300m2) for up to 50% of lot width 0.9m up to 3.3m high (300-900m2) or 0m for 50% of boundary length	0.5m	

Appendix 2 – Stakeholder Issues

As discussed in this Paper, the Department has undertaken this work as a result of stakeholder concerns about the barriers for use of complying development in greenfield areas:

- Developers or home builders will often choose a DA process, because the process of determining whether the house fits the criteria for complying development can be complex.

- In many cases, particularly for two-storey homes, complying development standards are not aligned with contemporary house designs or the preferences of homebuyers in new release areas.

- Some of the development standards in the General Housing Code and the proposed draft Housing Code are too restrictive for greenfield housing types, such as the current side, rear and front setback requirements, and restrictions on double garages for lots below 12.5m wide.

- Development standards in some cases are difficult to interpret (both under the General Housing Code and under other instruments and DCPs) and this is adding to assessment timeframes.

- The lot size bands in the General Housing Code do not allow for an equitable range of dwelling sizes across the different lot sizes. Councils also generally allow larger homes to be built in new release areas than are permitted under the current State Policy.

- Controls and approvals processes under a range of different local controls and in the North West and South West Priority Growth Areas differ, and these differences make it difficult to standardise home designs.

- The controls under the Growth Centres SEPP and DCPs are better aligned with contemporary house design for greenfield areas and enable homeowners to build the home that they prefer.

- Some developers/home builders will lodge bulk development applications where they are marketing house and land packages, and will sometimes lodge DAs prior to registration of the lots through the subdivision process.
- Timeframes for approvals vary, but councils in growth areas generally have a "fast-tracked" or priority approval stream, meaning faster approvals for new homes in new areas compared to established areas.

- Related approvals (like approvals under the Roads Act for driveways and s68 of the Local Government Act for on-site sewer and storm water disposal systems) that are in some cases required prior to release of a CDC, but which are normally provided concurrently with the assessment of a DA, add complexity and time to the approval process, meaning it is often simpler to lodge a development application.

- Private certifiers appear to issue CDCs in less time than councils, however, it is unclear to what extent delays (like requests for further information) are counted in these approval timeframes.

- There is a lack of awareness among home buyers of the complying development option.

Stakeholder feedback indicates there is a case for simplification of the controls that apply to new dwelling houses, and for standardisation of controls across different jurisdictions and planning instruments. There are also issues relating to approvals processes and the relationship between subdivision approvals and the subsequent construction of new homes.

Appendix 3 - Example Housetype Plans

The housetype plans on the following pages illustrate some of the possible outcomes for housing layouts within greenfield areas. **Figure 26** illustrates a dwelling type with double garage to the front and a small living area by the front door. Integration of some habitable space at the front of the dwelling is preferable as it provides natural surveillance to the street, and also assists to activate the streetscape. **Figure 27** illustrates an alternative garage arrangement located to the rear (either from secondary road or rear laneway), which increases the frontage of habitable rooms to the street, and also improve the streetscape by reducing driveways which limit street tree potential.

Total House Area	242.0m^2
Lot area	500m^2

Legend

1. Entry
2. Lounge
3. Living
4. Dining
5. Kitchen
6. Laundry
7. Garage
8. WC
9. Study
10. Family
11. Principal Bedroom
12. Ensuite
13. Bedroom
14. Bedroom 3
15. Bedroom 4
16. Main bathroom

Figure 26: *Housetype 1 - garage to the front (source: Sekisui House)*

Total House Area	264.0m2
Lot area	527m2

Legend

1. Entry
2. Lounge
3. Living
4. Dining
5. Kitchen
6. Laundry
7. Garage
8. WC
9. Study
10. Principal Bedroom
11. Ensuite
12. Bedroom 2
13. Bedroom 3
14. Bedroom 4
15. Main bathroom

Figure 27: *Housetype 2 - garage to the rear (source: Sekisui House)*

Have Your Say

The NSW Government is committed to delivering housing to meet the needs of a growing population in NSW. The State Policy provides a fast-tracked approval pathway for delivering new housing as complying development.

Feedback and discussion is encouraged to further explore the Department's proposed options in respect to overcoming barriers to the take-up of complying development in greenfield areas.

All feedback and submissions will be reviewed and the results will be used to inform any changes to the State Policy or other legislation.

Further information on the Policy can be found on the Department's website
www.planning.nsw.gov.au
and the Department's NSW Planning Portal at
www.planningportal.nsw.gov.au
or by calling **1300 305 695**.

If you cannot make a submission online, you can write to us via:

Email: **codes@planning.nsw.gov.au**
Mail: Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001

To have your say on Background Paper visit planning.nsw.gov.au/proposals