

**THE HILLS SHIRE COUNCIL**

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ABN No. 25 034 494 656

3 July 2017

Director, Codes and Approval Pathways  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Our Ref: FP58

Dear Sir / Madam

**Review of Complying Development in Greenfield Areas**

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Thank you for the opportunity to provide feedback on the Department of Planning and Environment's review of complying development in greenfield areas.

On 27 June 2017 Council considered a report on the matter and resolved that a submission be made on the introduction of the new Greenfield Housing Code into State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. A copy of the Council report and minutes is attached.

As has been raised by Council on many occasions, there is concern that the proposed changes will further reinforce the role of private certifiers in the planning system. The certification system as it currently stands has inherent problems with conflicts of interest, accreditation and enforcement by the Building Professionals Board. Increasing the role of private certifiers (who lack separation from those who commission their work) leaves the planning system open to poor quality outcomes and raises concern for the potential risks to life and property.

Through the complying development framework, private certifiers apply generic controls for setbacks, height and lot sizes without consideration of design or the strategic vision for the existing or envisaged area of a locality. It is essential that the planning framework reinforces that extensive planning has already been undertaken at the local scale, and a 'one size fits all' approach to development standards such as that taken in the proposed Greenfield Development Code is unlikely to achieve this.

Council's report and minute (27 June 2017) forms part of the submission on the proposed changes. Should you have any enquiries in relation to Council's submission please contact Bronwyn Inglis, Senior Town Planner on 9843 0531.

Yours faithfully



**Janelle Atkins**

**ACTING MANAGER FORWARD PLANNING**

Attachment 1: Council Report and Minute - 27 June 2017

## ORDINARY MEETING OF COUNCIL

27 JUNE, 2017

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**ITEM-3                                      REVIEW OF COMPLYING DEVELOPMENT IN GREENFIELD AREAS (FP58)**

<b>THEME:</b>	Balanced Urban Growth.
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
<b>MEETING DATE:</b>	<b>27 JUNE 2017</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>SENIOR TOWN PLANNER</b> BRONWYN INGLIS
<b>RESPONSIBLE OFFICER:</b>	<b>ACTING MANAGER FORWARD PLANNING</b> JANELLE ATKINS

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**EXECUTIVE SUMMARY**

This report recommends that a submission be made to the Department of Planning and Environment regarding the introduction of new Greenfield Housing Code into State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The package on exhibition aims to speed up the delivery of homes in new land release areas to meet the needs of NSW's growing population and to improve housing affordability. The new Greenfield Housing Code will apply to land defined as a residential release area under the Environmental Planning and Assessment Regulation 1979, which includes land subject to the SEPP (Sydney Region Growth Centres) 2006 and land identified in a local environmental plan as an urban release area. For the Hills Shire these lands include North Kellyville, Box Hill and Box Hill North Precincts as well as Balmoral Road Release Area and Kellyville/Rouse Hill Release Area.

The submission as recommended raises general concerns with the proposals as the changes are likely to be ineffective in reducing housing costs and approval timeframes, and will reinforce the private certification system which has inherent problems as has been raised by Council in response to other planning reforms.

Notwithstanding, the introduction of a new Greenfield Development Code to generally align with the controls contained within Growth Centres DCPs is supported in principle, however concern is raised in relation to the following aspects of the proposal:

- Minor changes are needed to proposed setback standards to better align with the controls that have been developed for the priority growth areas of North Kellyville and Box Hill.

- Application of the new code to areas that are not part of the priority growth areas, being Box Hill North, Kellyville/Rouse Hill and Balmoral Road release areas, simply creates an unnecessary layer of complexity and has the potential to adversely impact on the established or planned streetscape character.
- The proposed new development standard for the provision of a tree to the front and rear yard for complying development is well intentioned, however the feasibility of this initiative on small growth centre lots (minimum 200m<sup>2</sup>) is questionable with the setbacks that are proposed. To address the stated goals of increasing canopy cover and reducing urban heat, alternative approaches outside of the complying framework need to be investigated including street tree planting, larger development sites for apartments and 'switching on' of Council's DCP controls for apartments in growth centres.
- Allowing complying development certificates to be issued prior to the registration of lots, where the lot is not technically owned by the potential purchaser, raises a potential risk for 'mum and dad' builders in the event that the subdivision plan changes, or if a subdivider does not deliver on a subdivision.

## **BACKGROUND**

The Hills Shire is experiencing significant dwelling growth, particularly within the growth centres. There is currently planned capacity for more than 30,000 additional dwellings within the Shire (excluding rail corridor precincts), the majority of which is located within the growth centre precincts and urban release areas.

Currently, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows for new dwellings in residential areas to be approved as complying development under its General Housing Code where development complies with the various provisions of the SEPP. Complying development is intended to be a fast-tracked planning and building approval process for straightforward development (for example one and two storey houses). Applications for complying development can be determined by an accredited Council or private certifier, without the need for a development application, provided it meets specific development standards in the State Policy.

The Department has received feedback from the development industry on barriers to the use of the complying development pathway and other delays in receiving approvals quickly and easily. Those relevant to the Shire include:

- i. Inability to carry out complying development on unregistered lots;
- ii. Easements can limit the ability to do complying development where there are small lot sizes and narrow lots;
- iii. Complying development standards are difficult to use/interpret and are not tailored for greenfield areas.

The current review looks at ways to achieve faster housing approvals by overcoming the identified barriers. It aims to increase the use of complying development for residential development in greenfield areas, facilitating fast tracked approvals in as little as 20 days. Submissions on the Review of Complying Development in Greenfield Areas are invited up until 7 July 2017.

## **REPORT**

The purpose of this report is to review the Department of Planning and Environment's proposal for a Greenfield Housing Code and other associated changes, consider the implications and provide recommendations for a submission.

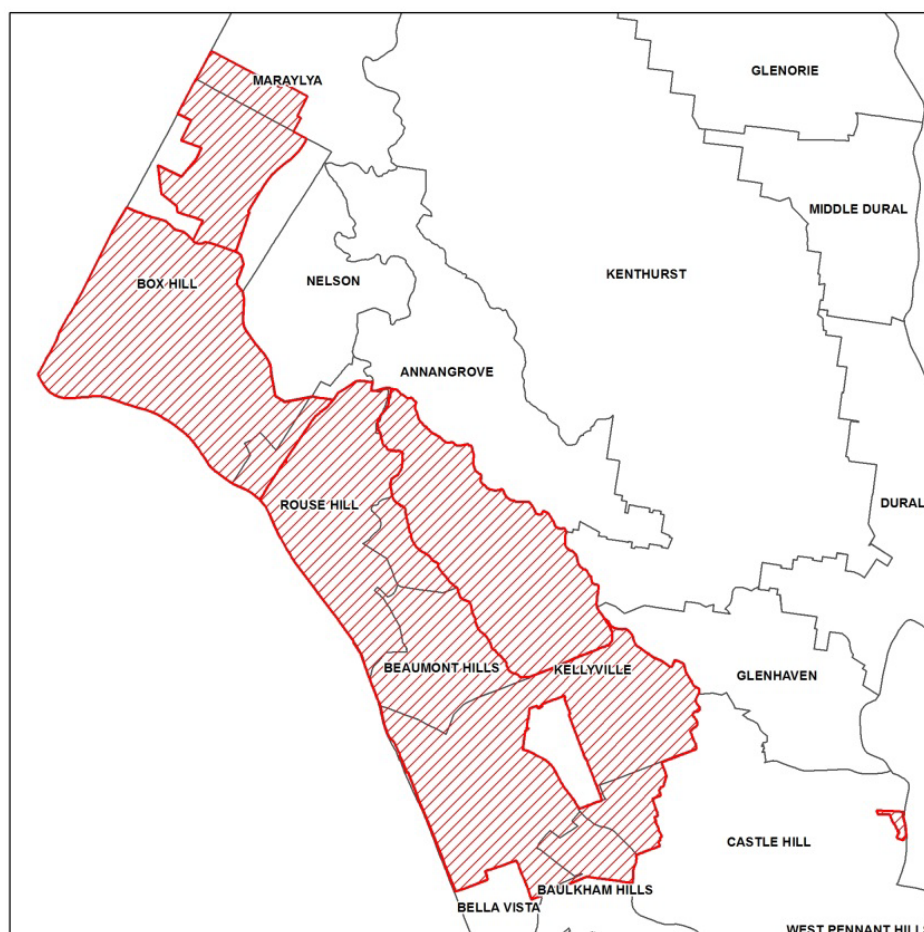
## 1. THE PROPOSED GREENFIELD HOUSING CODE

The proposed Greenfield Housing Code will apply to new dwelling houses (and alterations and additions) on land that meets all of the following criteria:

- Located in a residential zone;
- Has been granted subdivision consent;
- Is a minimum of 6 metres wide measured at the building line;
- Is a minimum of 25 metres lot depth from the frontage to a primary road to the rear lot boundary; and
- Has a minimum lot size of 200m<sup>2</sup>.

These lot requirements are consistent with those currently contained within the General Housing Code and the more recently notified simplified Housing Code that will commence on 17 July 2017.

Figure 1 shows land identified as an urban release area in the Hills LEP 2012 and land under the SEPP (Sydney Region Growth Centres) 2006 that will be subject to the complying development provisions in the Greenfield Housing Code.



**Figure 1**

Land in the Hills LGA that would be subject to the proposed Greenfield Development Code

## **2. KEY CHANGES**

As lots in new release areas are typically smaller and narrower than in more established areas, the Greenfield Housing Code moves away from the current lot size area-based controls under the Codes SEPP. The controls apply to lots in the following four bands:

- Lots that are from 6m to 7m in width;
- Lots that are >7m to 10m in width;
- Lots that are >10m to 15m in width; and
- Lots that are more than 15m in width.

The proposed development standards are divided under three design quality principles of Built Form, Landscape and Amenity and are based on the standards contained in the Housing Code and the Growth Centres DCP.

Apart from changing the format of the code to be based on lot width rather than lot area, the key changes contained in the new Greenfields Code are:

- The proposed rear setback standard is 3 metres for a single storey dwelling and 6 metres for a double storey dwelling regardless of lot width or site area. By way of comparison, under the Growth Centres DCP a development application for any lots wider than 7 metres would be required to have a rear setback of 4 metres for ground level and 6 metres for upper levels.
- The proposed front setback standard is 4.5 metres regardless of lot width or site area and 3 metres to the articulation zone which is consistent with the Growth Centres DCP, however the front setback averaging rule currently required under the Housing Code is proposed to be removed for the Greenfields Code.
- Allowance of a double garage on lots that are over 10m wide. By way of comparison, under the Growth Centres DCP double garages are only permitted on lots that have a width of 12.5 metres or more.
- A proposed new development standard requiring a maximum depth of 6m for any habitable room from a window to ensure adequate solar access.
- A proposed new development standard requiring tree planting in the front and rear setbacks of the lot.

## **3. KEY ISSUES**

There is no dispute about the need to make the planning system more efficient and effective. However, it is important that the streamlining of planning standards does not come at a cost to the lifestyles of future residents or compromise the planning outcomes that are envisaged for the Shire's new release areas. By increasing opportunities to undertake complying development in greenfield areas, the role for private certifiers and the certification system will be reinforced which, as has been raised by Council on many occasions, has inherent problems with conflicts of interest, accreditation and enforcement by the Building Professionals Board.

It is questionable whether the Greenfield Housing Code and the greater use of complying development will achieve time and cost savings for land owners. It would be expected that complying development would be less costly than a development application because complying development targets smaller simpler low impact homes. Whilst complying development certificates may on average be approved faster than a

development application, this does not always translate into early commencement of building works for home owners.

There are other practical measures that can provide an opportunity to reduce costs to homeowners, and improve development timeframes. For example, the updating of bush fire prone land maps typically lags behind the construction of dwellings and there will be many lots mapped as bush fire prone based on their pre-subdivision state. The more frequent updating of maps would remove the requirement and cost for a builder to obtain a BAL certificate in order to lodge a complying development application in circumstances where subdivision works have minimised or removed the bushfire hazard. It is recommended that the State Government provide greater resources to achieve the more frequent updating of bush fire prone land maps to ensure that mapping keeps pace with the rate of residential subdivisions.

**Recommendation:**

- Reinforcing the role of private certifiers by an additional Complying Development Code is not supported given inherent issues with the private certification system.
- The effectiveness of the proposed changes in addressing housing costs and speeding up approval timeframes is not adequately substantiated.
- The State Government should provide resources to achieve the more frequent updating of bush fire prone land maps to ensure that mapping keeps pace with the rate of residential subdivisions.

Notwithstanding the foregoing, the alignment of the new Greenfield Development Code with the controls contained within Growth Centres DCPs is supported in principle. There are however some concerns regarding the detail of the proposed Code, in particular:

- Application of code to localities outside of priority growth areas
- Proposed setback standards
- Proposed landscaping and tree planting standards
- Approval of Complying Development Certificates prior to lot registration

**(a) Application of code to localities outside of priority growth areas**

Concern is raised regarding the areas in the Hills Shire that the proposed Greenfield Housing Code will apply to given that the proposed standards align with those in the Growth Centres State Policy and Development Control Plan. Application of the new code to areas that are not part of the priority growth areas, being Box Hill North, Kellyville/Rouse Hill and Balmoral Road Release Areas would introduce development standards not envisaged within these areas when the precinct planning was undertaken.

For example the Balmoral Road Release Area has a minimum front setback requirement of 6 metres and Box Hill North has a front setback requirement of 10 metres for large lots on R2 Low Density Residential land. Allowing for lesser setbacks of minimum 4.5 metres has the potential to adversely impact on existing and planned streetscape and amenity.

Additionally the urban release areas Balmoral Road, Kellyville/Rouse Hill and Box Hill North do not have varying controls based on lot widths as was established for the Growth Centres as part of the 2014 Housing Diversity amendments. Therefore the application of the proposed Greenfield Housing Code to such areas would be out of step with Council's controls, creating an additional unnecessary layer of complexity.

**Recommendation:**

- The Greenfield Development Code should apply to land under the SEPP (Sydney Region Growth Centres) only, that is, North Kellyville and Box Hill Precincts.
- Application to Urban Release Areas under LEP 2012 being Box Hill North, Kellyville/Rouse Hill and Balmoral Road release areas, is unnecessarily complex and has potential adverse implications for the established (and planned) streetscape character.

**(b) Proposed setback standards**

The new controls will amend some existing setback standards. There is particular concern regarding the removal of the averaging rule for front setbacks, the potential need for easements where a dwelling has a nil setback, and the ability for high quality private open space areas to be created given the proposed rear setback standards.

**Front Setbacks:**

The Greenfield Development Code will remove the averaging rule for front setbacks that is currently in place to achieve consistency within the streetscape and instead will require all lots to have a minimum 4.5m setback to the front building façade. In the event that the Code continues to apply to more established areas such as Balmoral Road Release Area (where a minimum 6m setback applies to non-classified roads), a dwelling constructed under the new Code would be out of character with surrounding houses. Also, the new Code does not specify the need for greater setbacks to a classified road.

The proposed front setback requirements are not considered appropriate for residential development in release areas where existing dwellings have been constructed with greater front setbacks or where the planning framework has been established to deliver a greater setback and attractive presentation to the street.

**Rear Setbacks:**

Under the proposed Greenfield Development Code, all dwellings must have a minimum rear setback of 3m (single storey) and 6m (double storey). Currently, complying development standards for rear setbacks vary depending on the total area of a lot. As outlined earlier in this report under the Growth Centres DCP a minimum of 4 metres setback would be required for single storey dwellings. Allowing for lesser setbacks has the potential to create private open space areas that lack useability and good solar access, and affect the ability to achieve sustainable urban design via tree and other landscape planting. It is recommended that rear dwelling setbacks be increased to 4 metres for a single storey dwelling.

**Easements on zero lot line development:**

The Background Paper suggests that the Department of Planning and Environment is considering amending the Codes SEPP which currently excludes the erection of a building over a registered easement from occurring via complying development. The proposed change would allow complying development despite a registered easement in certain circumstances (for example where an easement exists for maintenance). Building over a registered easement is not generally supported. Nil setbacks should be determined at the broader masterplan stage with appropriate easements put in place, as currently occurs in practice.

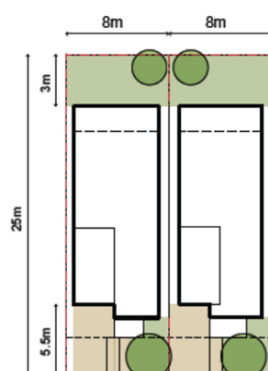
**Recommendation:**

- The proposed front setback standards for new dwellings should only apply to land in the Growth Centres. Greater front setbacks are also required for dwellings on classified roads.
- Rear dwelling setbacks should remain at 4 metres for single storey dwellings and 6 metres for double to allow for more useable private open space and better solar access, and a greater opportunity to incorporate trees and other landscaping.
- The circumstances when complying development will be permitted to occur despite a registered easement should be clarified. Building over a registered easement is not generally supported. Nil setbacks should be determined at the broader masterplan stage with appropriate easements put in place, as currently occurs in practice.

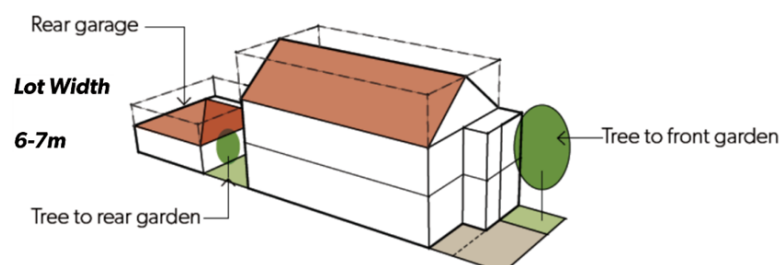
**(c) Proposed landscaping and tree planting standards**

Under the Greenfield Housing Code, all lots will be required to provide a small tree within the front garden and an 8–10m mature height tree within the rear garden. Associated with this is a 'Free Tree Initiative' for complying development where the government have announced they will provide a free tree for new homes approved under complying development to assist new homeowners and contribute to neighbourhood amenity by shade and reducing heat load.

The Explanation of Intended Effects includes sample lot layouts, some of which are shown below.

**Figure 1**

Indicative layout for a detached dwelling with a lot width of 8m

**Figure 2**

Indicative 3D view of a dwelling on a 6-7m wide lot. The image of the tree in the rear yard is inaccurate.

Sources: Department of Planning and Environment, *Explanation of Intended Effect: Proposed Greenfield Housing Code*, fig. 10 and 11 (p.18 & 19).

There is concern regarding the practicality of providing a large tree within the rear private open space area of a lot within a 3m rear dwelling setback (particularly on smaller lots). Tree roots may impact on the useability and functionality of private open space areas and cause damage to services, easements and drainage systems located in backyards. There is also potential for structural damage to surrounding dwellings. Private open space areas should be functional and enhanced by good quality landscaping that is suitable for the anticipated private open space areas in the release areas. There is also concern that in some circumstances the increased front landscaped area standards may be unachievable when driveways are accounted for, particularly on small lots.



No required tree species list has been provided for review, nor have details of how compliance issues will be managed (for example the process for checking if a tree is being maintained on an ongoing basis or what should occur if a tree dies). Also, Council's Tree Management Guidelines permit the removal of trees that are within 3 metres of a dwelling without consent. To accommodate a tree with a mature height of 8 – 10m (which would provide a reasonable canopy) a minimum rear setback of 4m to the rear boundary is required, with the tree planted at least 3.5m away from any structures.

Overall whilst the proposed development standard for the provision of a tree to the front and/or rear yard for complying development is well intentioned, the practicality of complying with these standards on small growth centre lots (minimum 200m<sup>2</sup>) is questionable. To address the stated goals of increasing canopy cover and reducing urban heat, alternative approaches outside of the complying framework need to be investigated including street tree planting, larger development sites for apartments and 'switching on' of Council's DCP controls for apartments in growth centres. A suggested framework for improving tree canopy is included in Attachment 1.

**Recommendation:**

- The feasibility of providing a tree with a mature height of 8-10m in rear yards is questionable given the small lot sizes and rear setbacks anticipated in the release areas and the potential for tree roots to cause structural damage. Consideration should be given to requiring that the larger tree be planted within the front setback and a smaller tree within the rear yard. Landscaping requirements should be practical for small lots. Further clarification is required in relation to tree species and how compliance issues will be managed.
- To accommodate a tree with a mature height of 8 – 10m (which would provide a reasonable canopy) a minimum rear setback of 4m to the rear boundary is required, with the tree planted at least 3.5m away from any structures.
- Alternative approaches outside of the complying framework need to be investigated in addition to requirements for tree planting on individual lots including street tree planting, larger development sites for apartments and 'switching on' of Council's DCP controls for apartments in growth centres. A suggested framework for improving tree canopy is included in Attachment 1.

**(d) Approval of Complying Development Certificates Prior to Lot Registration**

The State Government is investigating the option of allowing complying development certificates (CDCs) to be issued before the registration of a plan of subdivision. Under their proposal, a 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.

The proposal to allow the approval of complying development prior to lot registration raises a number of concerns. Most, if not all, contracts for unregistered land include a clause permitting the developer to change the lot area / boundary dimensions by up to 5% (sometimes higher). By allowing complying development to be approved prior to the registration of lots, there is potential for a dwelling to be approved on a boundary that subsequently changes. Allowing a CDC to be issued for a new dwelling house on an unregistered lot is risky and reliant on there being no changes to lot dimensions / boundary locations for the whole subdivision, prior to registration. In terms of time savings, the ability to obtain a Complying Development Certificate prior to lot registration is only advantageous if the builder is ready to start at lot registration.

Clarification is required, particularly in relation to whether such a process will be limited to situations where there is a nexus between the land subdivider and builder (or for exhibition villages) or will it be open to "mum and dad" builders who have purchased a lot in an unregistered plan. The process is unclear in the event that the subdivision plan changes, or if a subdivider does not deliver on a subdivision.

**Recommendation:**

- The approval of a dwelling under complying development prior to lot registration is not supported. The process is unclear in the event that the subdivision plan changes, or if a subdivider does not deliver on a subdivision.

**IMPACTS****Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

**The Hills Future - Community Strategic Plan**

Community Strategic Direction 7.2 requires Council to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. This submission will ensure that Council's views are effectively represented and that there is input into legislation that affects local issues.

**RECOMMENDATION**

A submission be made to the Department of Planning and Environment on the introduction of new Greenfield Housing Code into State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 raising the following matters:

**General**

- Reinforcing the role of private certifiers by an additional Complying Development Code is not supported given inherent issues with the private certification system.
- The effectiveness of the proposed changes in addressing housing costs and speeding up approval timeframes is not adequately substantiated.
- The State Government should provide resources to achieve the more frequent updating of bush fire prone land maps to ensure that mapping keeps pace with the rate of residential subdivisions.
- The alignment of development standards with the controls contained within Growth Centres DCPs is supported in principle however there are a number of concerns relating to application of the code, proposed setback standards, proposed tree planting standards and allowance for complying development on unregistered lots.

**Application of code to localities outside of priority growth areas**

- The Greenfield Development Code should apply to land under the SEPP (Sydney Region Growth Centres) only, that is, North Kellyville and Box Hill precincts.
- Application to urban release areas under LEP 2012 being Box Hill North, Kellyville/Rouse Hill and Balmoral Road release areas, is unnecessarily complex and has potential adverse implications for the established (and planned) streetscape character.

**Proposed setback standards**

- The proposed front setback standards for new dwellings should only apply to land in the Growth Centres. Greater front setbacks are also required for dwellings on classified roads.
- Rear dwelling setbacks should remain at 4 metres for single storey dwellings and 6 metres for double to allow for more useable private open space and better solar access, and a greater opportunity to incorporate trees and other landscaping.
- The circumstances when complying development will be permitted to occur despite a registered easement should be clarified. Building over a registered easement is not generally supported. Nil setbacks should be determined at the broader masterplan stage with appropriate easements put in place, as currently occurs in practice.

**Proposed landscaping standards**

- The feasibility of providing a tree with a mature height of 8-10m in rear yards is questionable given the small lot sizes and rear setbacks anticipated in the release areas and the potential for tree roots to cause structural damage. Consideration should be given to requiring that the larger tree be planted within the front setback and a smaller tree within the rear yard. Landscaping requirements should be practical for small lots. Further clarification is required in relation to tree species and how compliance issues will be managed.
- To accommodate a tree with a mature height of 8 – 10m (which would provide a reasonable canopy) a minimum rear setback of 4m to the rear boundary is required, with the tree planted at least 3.5m away from any structures.
- Alternative approaches outside of the complying framework need to be investigated in addition to requirements for tree planting on individual lots including street tree planting, larger development sites for apartments and 'switching on' of Council's DCP controls for apartments in growth centres. A suggested framework for improving tree canopy is included in Attachment 1.

**Approval of Complying Development Certificates Prior to Lot Registration**

- The approval of a dwelling under complying development prior to lot registration is not supported. The process is unclear in the event that the subdivision plan changes, or if a subdivider does not deliver on a subdivision.

**ATTACHMENTS**

1. Improving Urban Forest Canopy (4 pages)

## How to Achieve Greater Urban Forest Canopy Cover



Aerial view of Melbourne showing sprawling suburbs and street tree canopy cover

### MAINTAINING AND IMPROVING CANOPY COVER YOU NEED TO:

Have direction in planning instruments and guidelines that address issues, provide performance criteria and provide control mechanisms for greenfield subdivisions

### A Good Urban Forest Management Policy follows these steps:

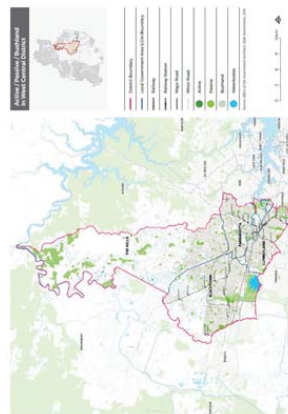
#### Holistic approach to 'Bio-certification' for Greater Sydney

##### 1. IDENTIFY PUBLIC OPEN SPACE FOR ACTIVE / PASSIVE RECREATION

- Retention of existing bushland areas to account for a portion of the total area (outside of open space for road reserve and sports field requirements).
- Use vegetation community mapping to identify high priority vegetation areas (eg OEH BIO Map).
- Identify vegetation corridors to link to 'stands' of vegetation.
- Include passive & active recreation in vegetated areas.

##### 2. IDENTIFY VEGETATION & CONNECTIVITY

- Local retention of threatened and endemic vegetation can be used to offset Bio-certification.
- Riparian vegetation (buffer 10x stream order number);
- Potential habitat corridor links across Council areas (implementation of Metropolitan Greenspace Program 'Sydney's Green Grid');
- Connections between creeklines, remnant vegetation, or over ridge;
- Areas suited to restoration (remnants or corridors);
- Retention of mature trees.



Source: Greater Sydney Public Open Space Audit December 2016.  
Project was undertaken for the NSW Department of Planning & Environment in association with the Greater Sydney Commission for the purpose of district planning.

## Urban forest management

### 3. STREET TREE PLANING

#### 'Street tree Masterplans'

- Develop street tree masterplans.
- Plan areas for planting of native and exotic trees.
- Create street tree 'Themes', streetscape design.
- Plant street trees on road reserves to create corridor connectivity.
- Design WSUD measures around street tree planting.
- Create street avenues by:
  - planting trees on one side of the street and/or in the middle of roads;
- Select appropriate tree species:
  - implement street tree masterplan and plant tree species listed;
  - plant accredited tube stock (Natspec or Australian Standard);
  - plant tree species to correlate with services and footpath limitations;
  - ensure ongoing management of public trees.
- Planting locations to:
  - address tree damage to infrastructure;
  - competing for space with essential services (set minimum naturestrip/footpath widths).

### ATTACHMENT 1

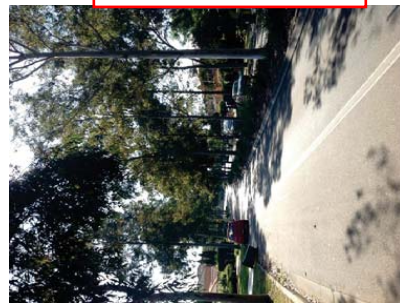
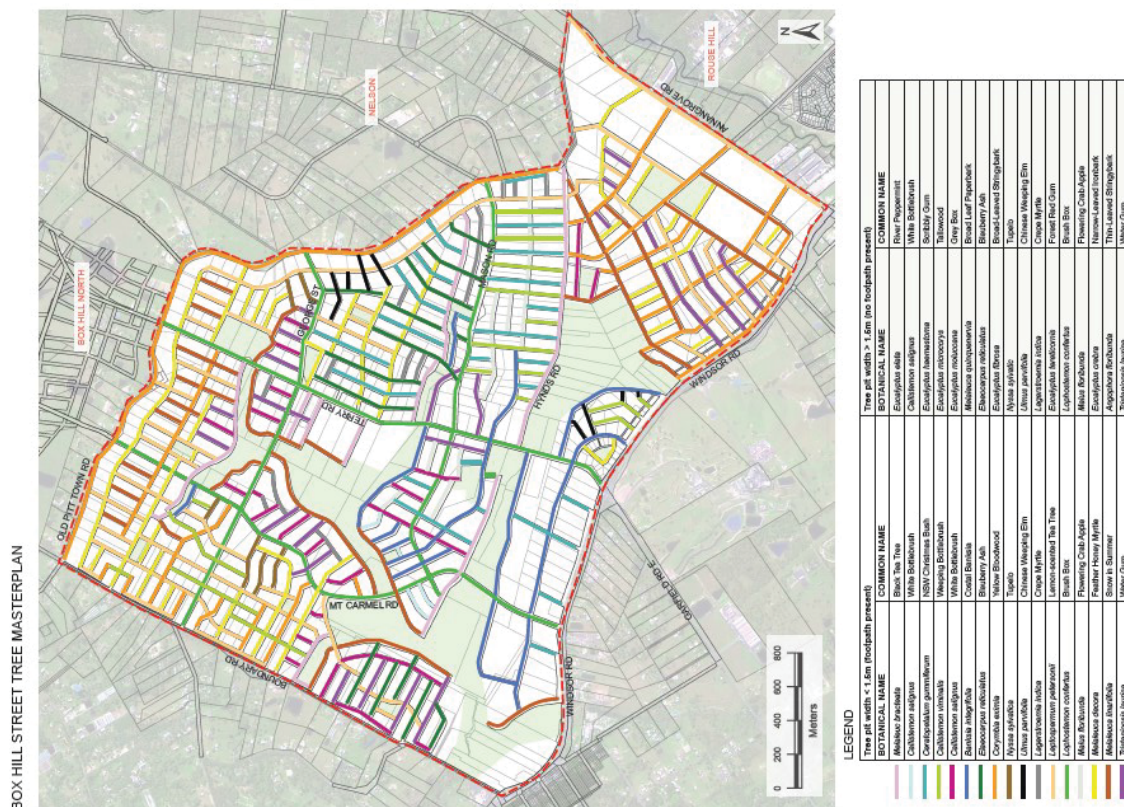


Photo: Street tree planting Kellyville—Centre of road

#### Example 'Street Tree Masterplan' Box Hill

- Identified the need to develop a street tree masterplan for Box Hill to create diversity and consistency along streets.
- Undertook review of appropriate species and created a list.
- Looked at land zoning:
  - larger species of native trees to be planted near open space and in riparian corridors;
  - Ornamental/deciduous trees to be planted in the centre of local residential areas;
  - Smaller trees to be planted near footpaths;
  - Deciduous trees to be planted along street orientated east-west to allow for solar access.

## Box Hill 'Street tree masterplan'





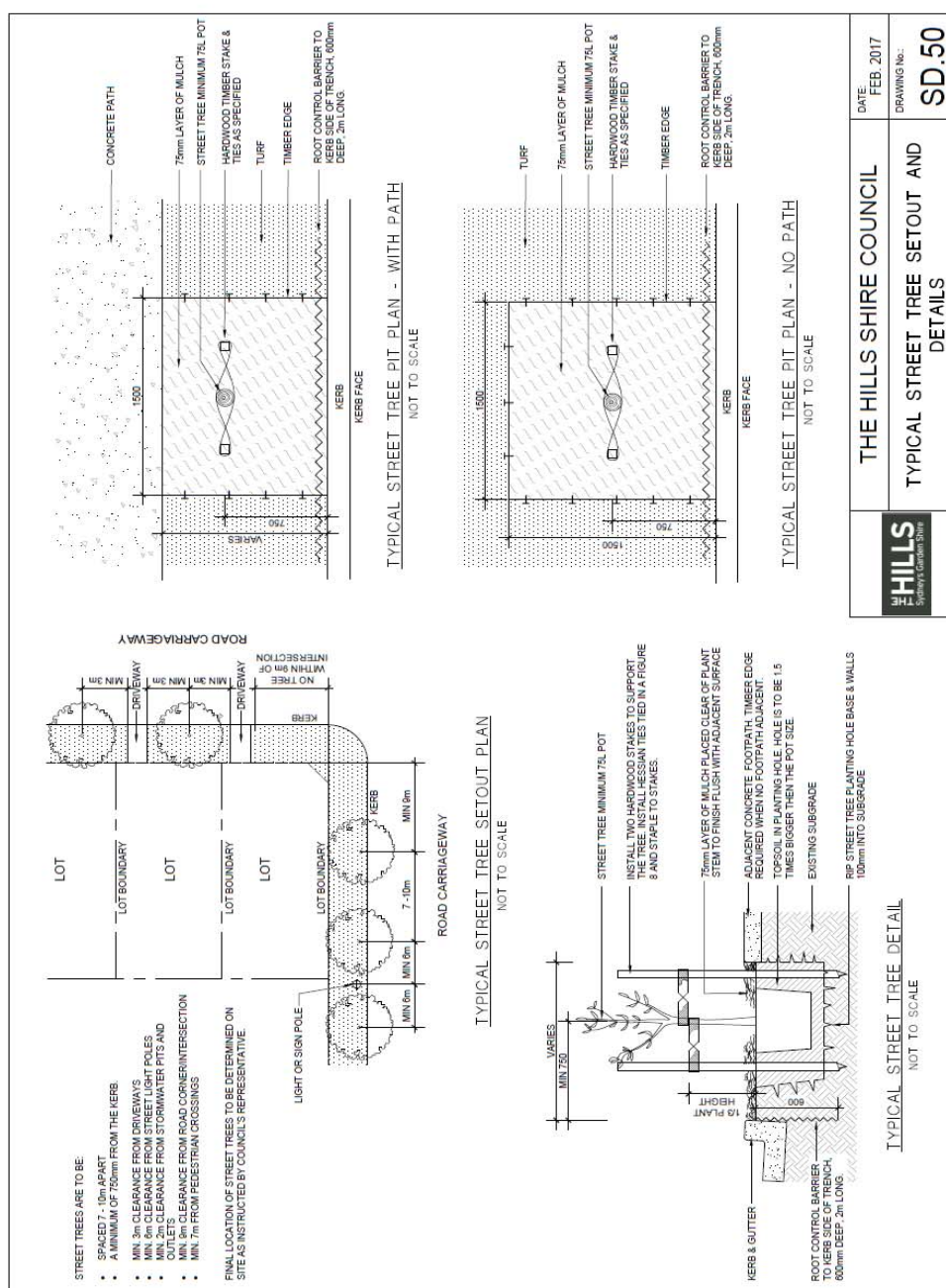
## 'Street tree planting criteria'



Photo: Street tree staking

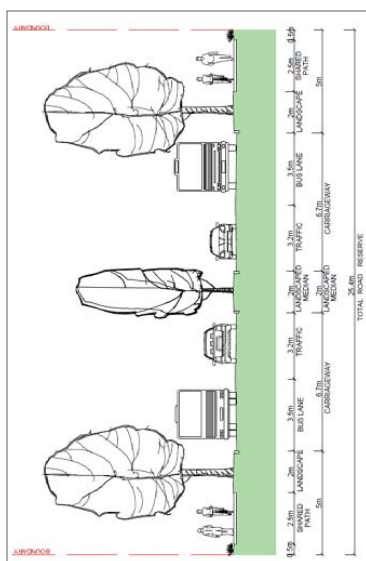
Street trees must be a minimum of:

- 3m from driveway
- 2m from drainage culvert
- 6m from street light
- 9m from road corner
- 0.85m from kerb
- planted 7-10m apart - generally 1 per lot and 2 on corner lots.



## Possible Road Profiles to Improve Street Tree Urban Canopy

## Sub- Arterial



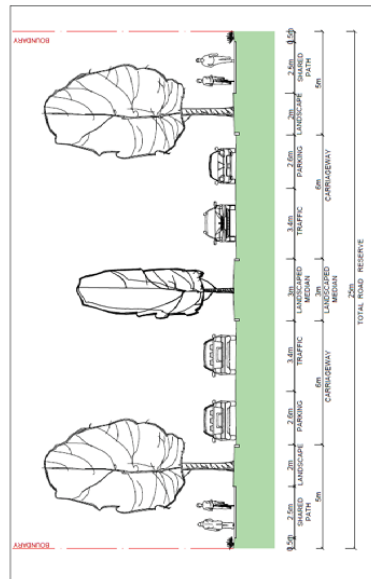
**Figure 1**  
Typical Example of Sub-Arterial Road

- Landscaped median allows for planting of large trees
- Capacity for footpaths on both sides of the road



**Figure 2**  
Example of Landscaped Median, Norwest

## Collector Road



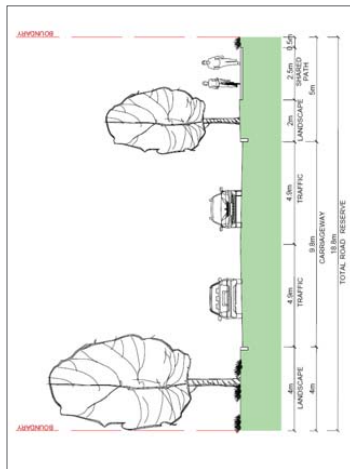
**Figure 3**  
Typical Example of Collector Road

- Allows for street tree planting in the median strip and nature strips
- Enables shared pathways on both sides of roads
- Allows parking on both sides of the road



**Figure 4**  
Example of Landscaped Median, Beaumont Hills

## Local Road



**Figure 5**  
Typical Example of Local Road

- Change from current practice to allow for planting of larger trees
- Providing a footpath on one side of the street enables a larger landscaped area on the other side which could accommodate larger street trees



**Figure 6**  
Example of High Quality Landscaping in Roundabout, Beaumont Hills





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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 June 2017**

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- Rear dwelling setbacks should remain at 4 metres for single storey dwellings and 6 metres for double to allow for more useable private open space and better solar access, and a greater opportunity to incorporate trees and other landscaping.
- The circumstances when complying development will be permitted to occur despite a registered easement should be clarified. Building over a registered easement is not generally supported. Nil setbacks should be determined at the broader masterplan stage with appropriate easements put in place, as currently occurs in practice.

**Proposed landscaping standards**

- The feasibility of providing a tree with a mature height of 8-10m in rear yards is questionable given the small lot sizes and rear setbacks anticipated in the release areas and the potential for tree roots to cause structural damage. Consideration should be given to requiring that the larger tree be planted within the front setback and a smaller tree within the rear yard. Landscaping requirements should be practical for small lots. Further clarification is required in relation to tree species and how compliance issues will be managed.
- To accommodate a tree with a mature height of 8 – 10m (which would provide a reasonable canopy) a minimum rear setback of 4m to the rear boundary is required, with the tree planted at least 3.5m away from any structures.
- Alternative approaches outside of the complying framework need to be investigated in addition to requirements for tree planting on individual lots including street tree planting, larger development sites for apartments and 'switching on' of Council's DCP controls for apartments in growth centres. A suggested framework for improving tree canopy is included in Attachment 1.

**Approval of Complying Development Certificates Prior to Lot Registration**

- The approval of a dwelling under complying development prior to lot registration is not supported. The process is unclear in the event that the subdivision plan changes, or if a subdivider does not deliver on a subdivision.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Clr Dr M R Byrne  
Clr Thomas  
Clr Preston  
Clr Keane  
Clr A N Haselden  
Clr Harty OAM  
Clr Hay OAM  
Clr Tracey  
Clr Dr Lowe

**VOTING AGAINST THE MOTION**

None

**ABSENT**

Clr Dr Gangemi