

Friday 7 July 2017

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

**RE: Submission to the Department of Planning & Environment –
Review of the Proposed Greenfield Housing Code**

Dear Codes and Approval Pathways Team,

This submission has been prepared by Greg Hendy, Design Manager on behalf of Elderton Homes Pty Ltd, as a review of the proposed Greenfield Housing Code.

We would like to applaud the NSW Department of Planning and Environment on presenting a proposal to simplify the planning system. In principal, we support the key objectives of the Greenfield Housing Code in overcoming the barriers to housing approvals. There are several areas of the proposal where we would like to offer feedback for consideration to assist with the development and implementation of the code.

1. CDC Approval on Unregistered Land

In the Background Paper for the proposed Greenfield Housing Code, the inability to obtain CDC approval on unregistered land has been identified as a barrier to the delivery of housing approvals. The proposal to allow for CDC approvals to be granted on unregistered land is a welcome change.

However, in order for complying development certificates to be issued on unregistered land, there needs to be improvement in the process for subdivision developments, to ensure that information on services for the site are shown accurately on any land sales material and subdivision DA.

If designers and builders are required to accurately prepare housing submissions for unregistered land, it is essential that all information regarding the services surround the site such as; stormwater gully pits, light poles, Telstra pits, sewer man holes, driveway positions etc. are shown accurately on land sale material to enable for informed decisions to be made for the housing design solution by the client and building professionals. For this to be controlled, there might need to be focus on legislation around what information relating to services are required to be shown on land sale and land subdivision DA material.

This is currently an obstacle that we face with unregistered land that will only be intensified if the industry moves towards allowing approvals on unregistered land without improving the legislation controlling the requirements on what information needs to be shown at the sale of the land and on the subdivision of the land.

2. Easement Restrictions on Development

In the Background Paper for the proposed Greenfield Housing Code, the restriction on housing development created by maintenance easements has been identified as a barrier to CDC development. Under the General Housing Code, development over an easement is not permitted.

It is common in many developments for easements for maintenance and access to be positioned along the side boundary to accommodate for zero boundary construction on the adjacent lot. This creates a situation though, where the dwelling positioned on the lot burdened by the easement, needs to be designed with a greater side setback than what is required under the General Housing Code in order for roof eaves and gutter to not overhang the easement.

The intention of the easement thought is to service a single storey wall built to boundary on the adjoining property. Therefore a first floor eave overhanging this easement should not interfere with the reasonable use of the easement, and unlocks more area of the site to be built on.

Following is an example of how allowing first floor eaves to overhang easements would be beneficial. On a typical 10m wide x 30m deep lot, under the General Housing Code setbacks, it is possible to have a side wall length of 17.5m (30m lot length minus 4.5m front setback, minus 8m rear setback to first floor). If this lot was burdened by a 0.9m easement for access and maintenance, the proposed dwelling would require a 1.5m side setback to ensure that eaves and gutter did not overhang. Under the proposed Greenfield Housing Code, this wall could have a setback of 0.9m with eaves overhanging the easement. Essentially this activates an extra 10.5m² (17.5m of wall length x the difference in side setback of 0.6m) of usable site area for the dwelling.

As land continues to get smaller and smaller in new greenfield developments, every square meter is extremely valuable. As per the above example, having the ability to make the home design wider creates the opportunity for better design outcomes.

Elderton Homes believe it is appropriate to allow for building elements such as eaves to overhang easements for access and maintenance and the like, as they do not unreasonably prevent the intended use of the easement. Supporting this comment is the fact that we have successfully justified in many housing DA submissions to councils, in areas using Growth Centre DCP, to allow for such development. We encourage The Department to continue exploring this issue and remove this obstacle for complying development.

3. Built Form Development Standards

In the Explanation of Intended Effect for the proposed Greenfield Housing Code, the development standards for the built form have been communicated in summary in Table 1. In general, we support the simplified development standards of the proposed Greenfield Housing Code compared to the General Housing Code and the Growth Centres DCP. However there are several controls that we wish to offer feedback on for consideration.

a. Site Coverage

Support is given to the method of limiting the size of an upper level of a dwelling through using a site coverage control. However there are some flaws to this control that need to be resolved in order to allow for the development of dwellings with high amenity.

For example – As per the proposed development standards for the Greenfield Housing Code:

On a 10m wide x 30m deep lot, the first floor site coverage would equal 40% of 300m², which equates to 120m². On a 12m wide x 25m deep lot, the first floor site coverage would equal 35% of 300m², which equates to only 105m².

In the above example, the two lots of land are the same size, but the lot that is wider has a maximum first floor site coverage that has effectively been reduced by 15m² compared to the narrower. In this example, the two different lot shapes should be capable of being able to provide the same level of amenity, as they are the same lot size. However because of the control, the site with wider frontage is unreasonably restricted.

Elderton Homes does not believe it is the objective of the site coverage control is to disadvantage lots because they are wider, however as proposed, this is the potential result. We encourage The Department to explore the issues around this control as we believe the above example shows that the control has been over simplified, and has potential to create illogical development outcomes.

b. Built to Boundary Walls

Currently under the General Housing Code, development standards for built to boundary walls limit the wall height to 3.3m. If the same development standards are considered to be adopted for the Greenfield Housing Code, we would like to offer feedback, that this control is often a barrier in being able to get a dwelling compliant with the General Housing Code.

The maximum wall height of 3.3m for built to boundary walls is often insufficient once you consider that in most cases where the wall is built to boundary, fill is required to be retained under the home. In these cases the wall height is required to be increase relative to the amount of fill and will be higher than the 3.3m maximum allowable. This therefore forces the need for the development to be assessed as a DA through council instead of complying development. We encourage The Department to explore ways of removing this barrier.

Additionally, Elderton Homes believes that there needs to be some clarity added to the SEPP regarding front façade parapet walls and how they relate to the built to boundary wall height control on the side of the home. Currently this is a barrier that prevents us from achieving complying development. We are finding that if we propose a design with a parapet over the garage, facing the street, the thickness of the brick parapet that faces the side boundary is being considered by certifiers as part of the built to boundary wall. Because of the height of the parapet exceeds the maximum wall height for the adjacent wall built on the boundary, the development is considered non-compliant. We often have this situation where the proposed

dwelling is completely compliant with the General Housing Code, except for this requirement, but because of not wanting to alter the designs street appearance, we are therefore required to lodge a DA due to having a parapet over the garage. We encourage The Department to add clarity around the built to boundary wall height control to remove this barrier and create the opportunity for better design outcomes.

c. Double Garage on lots 10m wide & Maximum Driveway Width

Elderton Homes strongly support the addition of the control to allow 6m wide maximum garage door width on lots 10m wide. However we believe that The Department needs to consider increasing the maximum allowable driveway width at the front boundary to be 4.8m for this scenario. Currently as proposed, even though a double garage door up to 6m wide is allowable on a 10m wide lot, only a 3m wide driveway width at the front boundary is allowed. This creates a 'dog-leg' approach to parking to one side of the garage and is a poor result for the dwellings amenity.

4. Amenity Controls – Minimum Ceiling Heights

In the Explanation of Intended Effect for the proposed Greenfield Housing Code, the amenity controls for the built form have been communicated in summary in Table 5. Elderton Homes does not support the proposal to make minimum ceiling heights 2.7m.

In the very common scenario of a two storey dwelling, that has a living room on the ground and first floor, this proposed control would require 2.7m ceiling heights to both levels of the home. If this home has a conventional hip roof, it is highly likely that the proposed dwelling would not be able to comply with the maximum building height control of 8.5m.

Elderton Homes strongly recommend The Department reconsider the need for including a minimum ceiling height of 2.7m to living areas as a development control as I believe that this will actually create a barrier for achieving compliance with the maximum building height control.

2.7m high ceilings is also well in excess of BCA/NCC requirements for ceiling heights and adds unnecessary costs to the construction of the home.

5. Intent of Standards – Figure 10

In the Explanation of Intended Effect for the proposed Greenfield Housing Code, the intent of standards for the built form has been illustrated in Figure 10 and 11. We believe that the illustration in Figure 10 for lot width >7-10m needs to be clarified. The illustration shows the examples for detached and attached indicated as being 8m wide. These should be shown as >7-10m wide for clarity, if this is indeed the intention.

6. Transition Period

In the Explanation of Intended Effect for the proposed Greenfield Housing Code, a transition period of 3 years before the policy is to be implemented has been proposed. The reason for this transition period is stated as being to allow for builders to develop new standard designs. As a building company that already has a large portfolio of product that will comply with these proposed housing controls, Elderton Homes would encourage the department to expedite the implementation of the Greenfield Housing Code as soon as practical.



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In conclusion, Elderton Homes strongly supports the introduction of a complying development code for Greenfield areas in principal. As per the above feedback, we believe that there are areas of the proposal where there are opportunities to explore and develop the code so that it can be effectively implemented, ensuring that the objectives of the Greenfield Housing Code are realised.

Elderton Homes appreciates the Department of Planning and Environment's consideration of our submission. If you require additional information or wish to discuss any aspect of this submission please don't hesitate to contact me.

Regards,

Greg Hendy
Design Manager, Elderton Homes Pty. Ltd.
