Submission on proposed NSW Greenfield Housing Code

Prepared by

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June 2017

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Introduction

Mirvac appreciates the opportunity to provide feedback regarding the proposed Greenfield Housing Code including Complying Developments in Greenfield Areas.

Mirvac are actively planning for and delivering Greenfield developments in various areas throughout Sydney and NSW. Mirvac acknowledges and supports the Department of Planning and Environment intent to promote housing supply for NSW through amending policies that include introducing amendments to State Environmental Planning Policy (Exempt and Complying Codes) 2008.

Our submission is based on the review of *Explanation of Intended Effects, Proposed Greenfield Housing Code* and *Background Paper, A Review of Complying Development in Greenfield Areas*, and while we support the expansion of the existing policy, we would like to take this opportunity to provide some recommendations as to how we believe the planning controls can be development and refined.

The commentary is supported by our current experiences as a developer that also designs and builds a diversity of homes and understands the constraints in the current NSW planning and delivery landscape. Mirvac continuously seek to improve greenfield masterplan and built form design in order to provide the market with a range of housing options at varying price points. Expediting the approvals process and creating appropriate planning controls provides advantages to developers, agencies and the consumer.

In this regard Mirvac welcomes the opportunity to discuss these comments with officers of the Department as needed.

Proposed Greenfield Housing Code – Explanation of intended effects

Comments:

Clause 1.4 - Mirvac supports the allowance of a double garage on lots that are 10m wide and over (permissible to two storey houses only on a 10m wide lots). We have provided façade images of Mirvac products that comply with this lot width for your reference.

Clause 2.1 – Mirvac have various developments that may be developed through Planning Agreements or are located outside Growth Centre boundaries. One example where the Code could be applied to Mirvac's Gledswood Hills development.

Clause 2.1 - Mirvac supports the inclusion of Secondary Dwellings in the Codes SEPP with minor amendments as follows:

Ensure the minimum lot size for a secondary dwelling on land in Zone R2 Low Density Residential is 400m2

- Recommend the total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

  (a) 75 (minimum) or 110 (preferable) square metres,
  (b) 35% of the total floor area of both the self-contained dwelling and the principal dwelling. to parameters including at Table 1 - P.15 6-7m lots with rear-loaded garages: front setback to be 3m min and 155m articulation zone, if fronting an open space.

  There should also be a concerted effort to enable secondary dwellings to be included in all R2 areas (not just growth centre areas). This would support more affordable housing typologies while still having appropriate controls stated above.

Table 1 – P.15 – Minimum side setback upper wall: Side A setback for attached homes seems odd. Attached homes should not have this control as this typically will not be utilised.

Table 4 – P.17 - Landscape area (min 1.5m wide): proposal states
15% for lot area 200-300sqm on 6-7m wide and 7-10m wide lot.
15% for lot area 200-300sqm on 7-15+m wide lot and 50% of area minus 100sqm for lots greater than 300.

Current Exempt and Complying Code promote 10% for less than 300sqm and 15% for 300-450sqm. Thus for a 450sqm lot area
under current code landscape area requirement is 0.15 x 450 = 67.5sqm.
under proposed code 0.5 x 450 – 100 = 125sqm (46% increase in area). Over designed parameter.

Recommend compliance with existing Exempt and Complying Code control of 10% 6-7m wide lot, 15% 300-450. May maintain control proposed for lots above 15m wide.

Table 4 - P. 17 – Landscaped areas within front setback: 75% for 7-10m lots and 50% for >10-15m lots not achievable, See diagrams P. 18.
Recommend 25% of area for lots 7-10m and 10-15m wide. This offers consistency with clause 3.24(3) of current Exempt and Complying Code.

Table 4 - P. 17 – Provision of Trees: 8-10m tree in rear yard – 3m rear setback for single storey - conflicting with most council's requirement tree to be minimum 3m from building structure.

Recommend that this suggested clause take precedent over any local council control.

Table 5 – P. 17 – Windows, doors and other openings: Due to frequency of Zero lot development and the need to have these included in complying development, Recommend rewording for lot widths 6-15m to "*No windows, doors or other openings in any wall on the second storey that is less than 900mm from the boundary, or on the zero lot boundary wall for any storey* " Why? - On zero lot developments we often have garage doors, stacker doors to ground floor living on rear and laundry doors or windows on zero lot returns on ground floor all within 900mm. However makes sense to provide this requirement on second storey.

Table 5 – P. 17 – Ceiling height of living areas 2.7m – does this include the bedrooms?. The minimum floor to ceiling requirement of 2.7m for habitable rooms is deemed unnecessarily restrictive. The BCA stipulates an acceptable height of 2.4m which has been adopted by numerous home builders as a minimum design standard.

A reduction in floor to ceiling height minimum to 2.4m is deemed acceptable considering that dwellings designed to this standard can;

- Provide adequate amenity in terms of natural light and ventilation.
- Provide adequate clearance for services such as air conditioning and lighting
- Reduce the cost of construction which is critical in providing affordable housing types

RECOMMENDATION: Reduce the minimum floor to ceiling height from 2.7m to 2.4m.

Table P17 – Maximum Depth of Habitable Room from primary window: suggest deleting the word primary. This is a carry over from apartment's controls. There are many opportunities to introduce numerous light wells in 1-2 storey design and they should not be restricted to light wells from just primary but a window.

Mirvac’s Brandon Home that fits on a 10m wide block

Review of Complying Development in Greenfield Areas
Background Paper

Chapter 3 – Subdivision and Masterplan Guidelines

Comments:
Mirvac can appreciate that the right design of a masterplan is essential to ensue as an industry we create productive, liveable and sustainable communities and the preparation of a guideline document to direct developers to achieve this seems logical. The caution we would issue is that the guideline should offer flexibility and not be seen to be a standard control as there are numerous sites that will contain unique issues that a developer and agencies will need to consider innovative solutions for. Innovation should not be curtailed through rigid planning controls. Nevertheless we can see merit on developing a living guideline document that can be built upon and form consistency in regards to ideology and content across council boundaries.

We can offer the following Issues encountered for your reference:

- Councils not accepting a hierarchy of open space and favouring consolidated open space provisions, instead of a more equitable distribution of open space in the way of pocket parks to provide better access and amenity to more residents. In some instances, councils do not want open space that exceeds their standard requirement, due to additional costs of maintenance, even though the additional open space contains existing mature significant trees that would contribute to the character of the neighbourhood, create a walkable neighbourhood, critical in an aging population, and make for a site responsive masterplan

- Place making initiatives – E.g. Council's refusal to allow seating/ play equipment and barbeque facilities and lighting on Council's park, dedicated by developer due to concerns with cost of maintenance. To truly embrace a liveable neighbourhood social interactive areas are required to engage and promote a social cohesive connectivity.

- Standard 6m corner truncations of all street types regardless of hierarchy and function of streets – even for small lots in medium density areas. Truncation should be kept to a minimum and reflect the hierarchy of the residential streets – 6m for collector roads, 4m for primary access streets and 3m for local access streets

- Councils' engineering requirements are overly excessive and rigid for road and intersection designs in terms of curve radii that facilitate vehicular movements at the expense of ease of pedestrian crossings at intersections. Their insistence on T-intersections, rather than cross-intersections, regardless of traffic volumes, and when there's a need for view corridors,

making pedestrian-friendly grid network of streets difficult to achieve. There needs to be a shift from treating streets as thoroughfare for vehicles towards making them more pedestrian friendly serving functions as a place in the residential context, providing opportunities for chance social encounters and recreational pursuits, allowed for in the masterplan designs.

2.5 The Proposed Development Standards

Table 1 – Summary of proposed Built form standards

Control	Lot width (measured at front setback line)			
	6m to 7m wide	*>7m to 10m*	*>10m to 15m*	*More than 15m*
Maximum Building Height (dwelling)	8.5m	8.5m	8.5m	8.5m
Site coverage	Upper level - no more than 50% of lot area	Upper level - no more than 40% of lot area	Upper level - no more than 35% of lot area	Upper level - no more than 30% of lot area
Minimum front	4.5 metres (to front building façade); 3m to articulation zone;	4.5m (to front building façade); 3m to articulation zone;	4.5 m (to front building façade); 3m to articulation zone;	4.5 m (to front building façade); 3m to articulation zone;
Minimum front garage setback	N/A (rear garages only)	5.5 m	5.5 m	5.5 m
Minimum side setback (ground level)	Side A:0m Side B:0m	Side A:0m Side B:0.9m	Side A:0m Side B:0.9m	Side A:0.9m Side B:0.9m
Minimum side setback (upper level)	Side A:1.5m Side B:0m	Side A:1.5m Side B:0.9m	Side A:1.5m Side B:0.9m	Side A:1.5m Side B:0.9m
Maximum built to boundary wall for all development on site	20m or 50% of lot depth (which ever is the lessor). The remainder setback along the boundary is 0.9m	15m or 50% of lot depth (which ever is the lessor)	11m or 50% of lot depth (which ever is the lessor)	n/a
Minimum rear setback (single storey)	3m	3m	3m	3m
Minimum rear setback (double storey)	6m	6m	6m	6m
Corner lots - Minimum secondary street side setback	1m	2m	2m	2m

3m and 1.5m articulation if fronting open space

Side boundary A and side boundary B are nominated by the applicant or nominated on the plan of subdivision / precinct plan. Where the boundaries are nominated by the applicant the following criteria must be applied:

a) where the adjoining development is built to the boundary this boundary is to be nominated as Side A,
b) where the adjoining development is setback less than 1.5m from the boundary but not built to the boundary, this boundary is to be nominated is Side B,
c) where there is adjoining development only on one side, the other side is to be nominated the alternate
d) a corner lot has two side boundaries and no rear boundary

Table 4 – Landscape Controls

Control	Lot width (measured at front setback line) 6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Landscaped area (min. 1.5m wide)	Lot area 200-300m^2:15% of lot area >300m^2:50% of lot area minus 100m^2	Lot area 200-300m^2:15% of lot area >300m^2:50% of lot area minus 100m^2	Lot area 200-300m^2:15% of lot area >300m^2:50% of lot area minus 100m^2	Lot area 200-300m^2:15% of lot area >300m^2:50% of lot area minus 100m^2
Landscaped area (min. 1.5m wide) within front setback	75% of area of the front setback (excluding articulation elements)	75% of area of the front setback (excluding articulation elements)	50% of area of the front setback (excluding articulation elements)	50% of area of the front setback (excluding articulation elements)
Provision of tree	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)	Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height)

see diagrams next page

Table 5 – Amenity Controls

Control	Lot width (measured at front setback line) 6m to 7m wide	>7m to 10m	>10m to 15m	More than 15m
Windows, doors and other openings	No windows, doors or other openings in any wall that is less than 900mm from a boundary	No windows, doors or other openings in any wall that is less than 900mm from a boundary	No windows, doors or other openings in any wall that is less than 900mm from a boundary	No windows, doors or other openings in any wall that is less than 900mm from a boundary
imum ceiling hts*	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room	Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room
Maximum depth of habitable room from primary window	6m	6m	6m	6m

note: our spec. housing ground floor ceiling is 2.595. Consider FF living areas/ bedrooms @ 2.7 is excessive

What about bedrooms?

**When calculating the area of a room in an attic, any part where the ceiling height is less than 1.8m is not counted. For alterations and additions, existing ceiling heights can be retained.*

Figures 10 and 11 on the following pages illustrate the indicative intent of the standards.

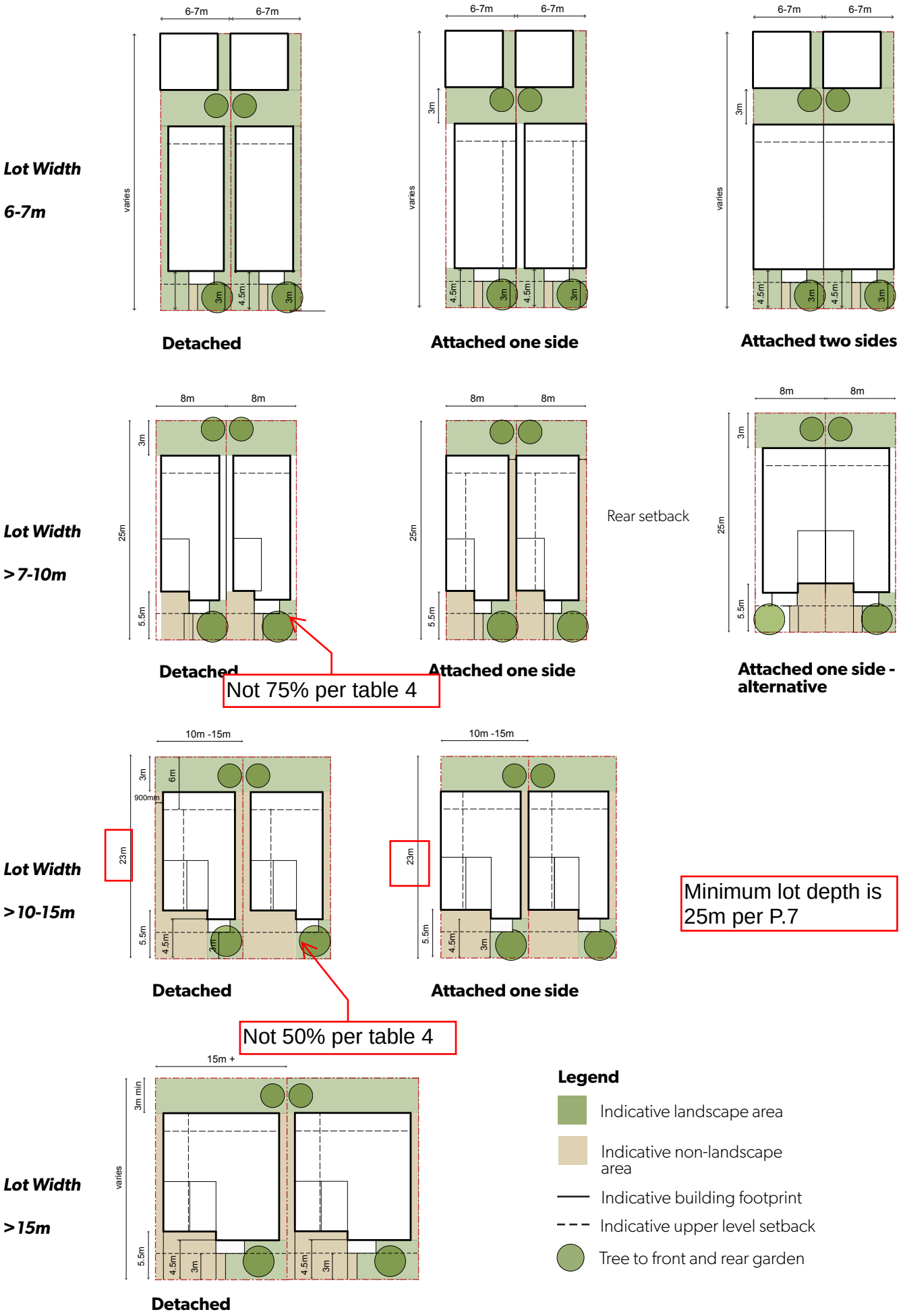

Figure 10: *Indicative proposed standards*