



WILTON GROWTH AREA

Proposed Wilton Housing Complying Development Code

Explanation of intended effect

August 2021



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Balancing good development and fast assessment outcomes

The Wilton Growth Area is being developed to provide housing and job opportunities for South West Sydney, encouraging retail, commercial and government services to locate in the New Town being created in the northern Wollondilly.

Creating this New Town needs a focus on building a sense of place and character that connects to rural living aspirations of Wollondilly. At the same time, it is important to provide a fast and consistent means of approving new houses once subdivisions have been approved through a rigorous development assessment process.

The proposed Wilton Housing Complying Development Code seeks to balance these outcomes for future development in the Wilton Growth Area. It ensures space for greenery, while also encouraging a diversity of housing styles, where garages don't dominate the streetscape.

Explanation of intended effect

Enabling complying development in Wilton

Section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows the Minister to seek and consider public submissions on an Explanation of Intended Effect (EIE) prior to the making or amendments to a State Environmental Planning Policy. This EIE has been prepared to explain the intended effect of proposed amendments to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

The proposed amendments will introduce the Wilton Housing Complying Development Code (the draft Code), which is intended to apply generally to low density residential uses where these are identified in the Wilton Growth Area precincts rezoned for urban development.

An amendment to the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) will also be made to ensure that section 10.7(2) planning certificates identify which land the draft Code is intended to apply to.

This EIE provides an overview and background to the proposed amendments to the Growth Centres SEPP and the EP&A Regulation.

Making a submission

The Department of Planning, Industry and Environment (the Department) welcomes your feedback on this EIE to help us better understand the views of the community and inform the proposed amendments to the Growth Centres SEPP.

You can make a submission by completing the online feedback form at:

www.planningportal.nsw.gov.au/draftplans/on-exhibition

Following the close of the exhibition period, the Department will then consider all submissions and publish a response to submissions.

Planning context and vision

Context

Wilton was declared as a priority growth area in July 2016 through an amendment to the Growth Centres SEPP. Today, Wilton has an added strategic dimension as part of the broader Western Sydney Growth Area, due to its proximity to the Aerotropolis and Greater Macarthur, and its identification in the *Western City District Plan* as an area for growth over the next 30 to 40 years.

The Department publicly released *Wilton 2040 - A Plan for the Wilton Growth Area* (the finalised Land Use and Infrastructure Implementation Plan) on 28 September 2018. (The Structure Plan for the Wilton Growth Area contained in *Wilton 2040* is reproduced at Figure 1 below.)

The Wilton Growth Area will feature a mix of residential, commercial and industrial uses and a major new town centre. A range of infrastructure such as public transport, education, community uses, and road upgrades are also planned.

Wilton 2040 was released alongside the exhibition of the draft *Wilton Special Infrastructure Contribution*. The draft Special Infrastructure Contribution is currently under review.

The South East Wilton precinct was rezoned in April 2018 so initial urban development could proceed, with the Urban Development Zone (UDZ) applied to developable land within the precinct. The North Wilton precinct was subsequently rezoned in November 2018, also applying the UDZ. Both precincts are planned for substantially for low density residential development.

The draft Wilton Town Centre precinct rezoning package for the Wilton Town Centre was exhibited from 6 November to 17 December 2020 and is anticipated to be rezoned later in 2021.

The proposed draft Code as outlined in this EIE would apply to rezoned precincts in the Wilton Growth Area (currently South East Wilton and North Wilton). It proposes to introduce and enable a complying development pathway for low-density housing and therefore is an important addition to the planning framework for future development in the Wilton Growth Area. The draft Code permits complying development allowing approvals to be delivered in weeks not months. The draft Code will help speed up the delivery of new homes while ensuring suitable standards of dwelling and landscape design outcomes.

Vision

Wilton 2040—A Plan for the Wilton Growth Area sets the vision for Wilton to ‘be a landmark area in the Western Parkland City where the local community and businesses are flourishing’. There are several key components to future development of the Wilton Growth Area:

- The natural environment and new development will create and reinforce the unique character of the area.
- Green links and tree-lined streets will lead to inviting neighbourhoods with cooler shaded private and public domain areas.
- Vegetation and habitat will be protected.
- State-of-the-art building techniques will encourage buildings to be flexible and adaptable to changing environments and innovation.
- Green infrastructure will be incorporated into the layout and design of buildings to reflect the natural landscape setting.

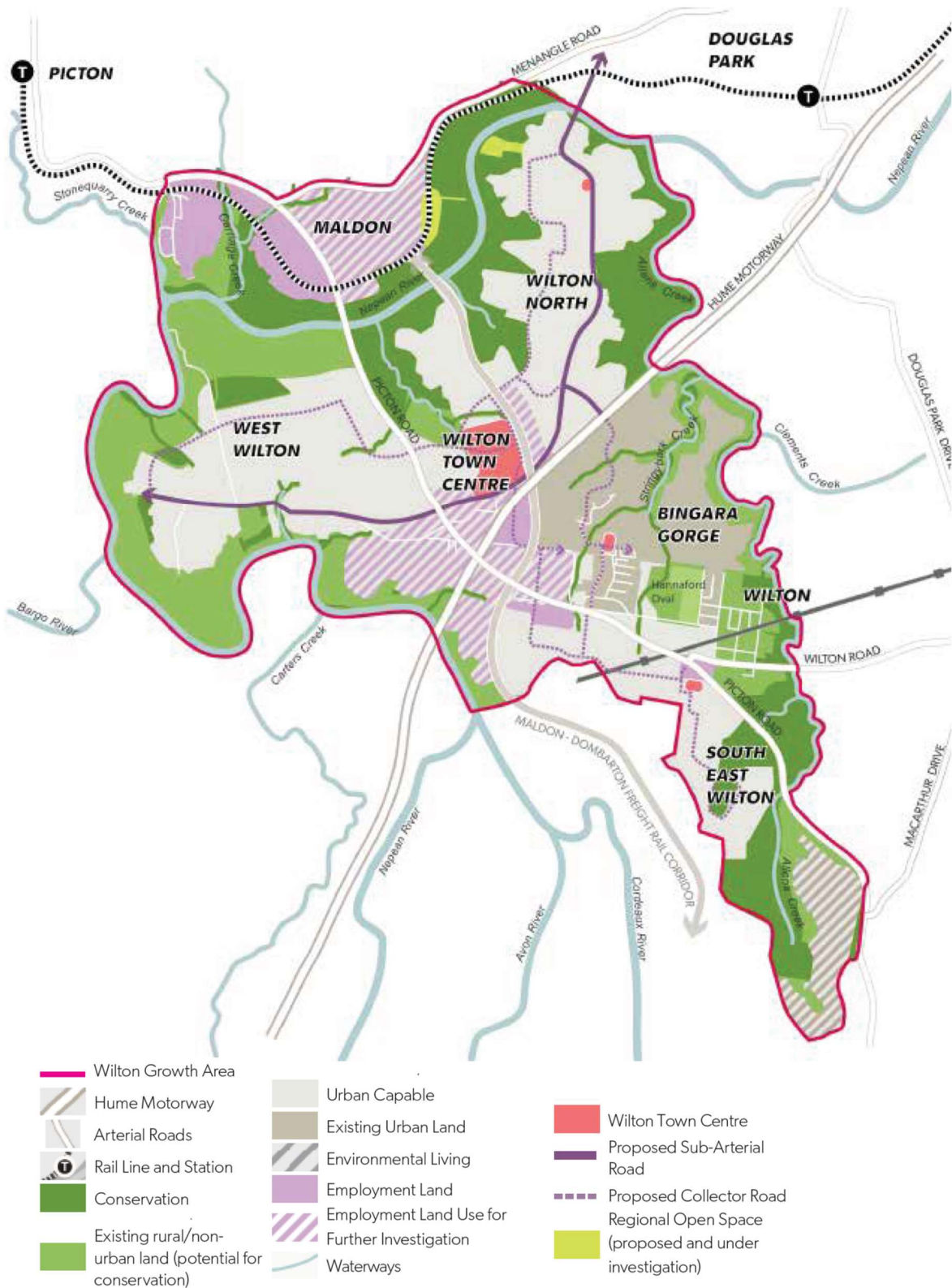


Figure 1. Wilton Growth Area Structure Plan (from Wilton 2040)

Planning framework for Wilton Growth Area

A number of documents make up the strategic and statutory planning framework for the Wilton Growth Area:

- *Greater Sydney Region Plan—A Metropolis of Three Cities*
- *Western City District Plan*
- *Wilton 2040—A Plan for the Wilton Growth Area (Wilton 2040)*
- *Draft Cumberland Plain Conservation Plan (CPCP)*
- *Draft Wilton Green Plan*
- Growth Centres SEPP
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*
- Wilton Growth Area Development Control Plan 2019 (Wilton DCP).

Attachment A provides further details of the fuller planning framework that applies to the Wilton Growth Area.

The Wilton Growth Area is a ‘growth centre’ for the purposes of the Growth Centres SEPP. The Wilton Growth Area includes land in the Wollondilly Shire local government area and has been partially rezoned for urban development under the Growth Centres SEPP (Appendix 14—South East Wilton Precinct Plan and Appendix 15—North Wilton Precinct Plan). A draft proposal to rezone land in the Wilton Town Centre Precinct under the Growth Centre SEPP was exhibited in November–December 2020 and is also being finalised.

A large amount of land in the Wilton Growth Area has been rezoned UDZ, which is not a Standard Instrument Local Environmental Plan (SILEP) zone. The land uses allowed under the UDZ do not align with any SILEP zone, as the UDZ provides for a wide range of land uses. This means the standard complying development approach in the Greenfield Housing Code (GHC) under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* does not apply to the area.

The Department has also prepared a development control plan (DCP) for the Wilton Growth Area in collaboration with Wollondilly Shire Council to provide detailed development controls for rezoned precincts within the Wilton Growth Area. The Department exhibited the draft Wilton DCP in 2019, which has now been adopted.

Planning objectives

Wilton 2040 foreshadows the application of a housing complying development code to the Wilton Growth Area.

The Department proposes to introduce a Wilton-specific complying development code to achieve the vision in *Wilton 2040* and to complement the proposed Wilton DCP. The proposed Code also allows for the specific local character and vision for the Wilton Growth Area to be achieved.

Delivering the local character and vision for the growth area involves:

- ensuring compliance with Neighbourhood Plan outcomes.
- requiring biodiversity outcomes in the interface areas between UDZ and E2 (environmental conservation) zones and land identified as avoided under the draft *Cumberland Plain Conservation Plan (CPCP)*.
- requiring biodiversity to be addressed within lots adjacent to conservation areas (for example, fencing controls, swimming pool controls on land adjacent to koala corridors);
- meeting tree canopy cover targets and providing deep soil areas on private lots.
- specifying preferred tree species for biodiversity and bushfire hazard risk mitigation.

- complying with precinct dwelling caps and ensuring all dwellings (including multi-dwelling housing and secondary dwellings) are included in the anticipated number for each precinct.

As the early stages of release within the precincts are marked for low-density residential development, immediate efforts have focused on delivering a complying development approval pathway for low-density residential dwellings rather than multi-dwelling housing and secondary dwellings as a complying development form.

The Draft Wilton Housing Complying Development Code

The draft Code seeks to deliver the specific vision for the Wilton Growth Area in *Wilton 2040* and the design intent of the Wilton DCP.

In this regard the proposed draft Code will:

- significantly shorten approval timeframes for development of new dwellings, thereby speeding up the delivery of new homes in the Wilton Growth Area, which helps to accommodate the region's growing population and improve housing affordability.
- allow one or two storey homes, as well as alterations and additions, to be carried out under the fast-track complying development approval pathway.
- incorporate design best practice layout, amenity, privacy, private open space and car parking considerations into the revised Code standards. These standards are consistent with the objectives of the Government Architect NSW's *Evaluating Good Design* publication and will ensure that development on the lots will achieve the desired local character.
- require the planting of a minimum of one tree in the front and rear yard of each new home. The landscaping requirements will ensure the new release areas enhance and reinforce the landscape character of Wilton, as well as building resilient new urban areas in Western Sydney.

Where the draft Code is intended to apply

The draft Code will apply to UDZ land identified for low density residential purposes, in the South East Wilton and North Wilton precincts, but not apply to land within:

- 30m of land identified for environmental conservation purposes
- 30m of avoided land under the draft CPCP, or
- 100m from major arterial roads and the Maldon-Dombarton rail corridor.

It is intended that the draft Code will also apply to the Wilton Town Centre Precinct once it is rezoned later in 2021. As other areas in the Wilton Growth Area are rezoned, the draft Code will be applied to low density residential development in these areas.

The draft Code will apply only to new dwellings on land that has received subdivision consent in accordance with the relevant precinct structure plan and the *Wilton Growth Area Development Control Plan 2021*. This ensures the matters critical to good design, like solar orientation, street widths access to public space and environmental controls, including stormwater management, are addressed in the design of the lots before new dwellings are proposed.

To ensure that development under the draft Code does not exceed the development caps and density bands for the growth area precincts, it will only apply to lots with greater than a minimum area of 200 square metres, minimum width of 8m and minimum lot depth of 25m.

The same conditions and requirements for development on bushfire-prone land and flood-control lots under the GHC will apply to complying development under the draft Code.

What the draft Code contains

The draft Code proposes built form, landscape and amenity development standards for low density residential development. Proposed key provisions intended to be included in the draft Code are set out below.

Built form development standards

- Maximum building height.
- Maximum gross floor area (GFA) of all buildings on a lot.
- Minimum front setback.
- Minimum side setback (one- and two-storey and corner lots).
- Minimum rear setback (one- and two-storey lots).

Landscape development standards

- Minimum principal private open space (including minimum area, dimensions and features).
- Minimum landscape area (including minimum requirements within front setback).
- Provision of a tree in deep soil planting areas in the front and rear garden.

Amenity development standards

- No windows and doors permitted in a wall less than 900mm from a boundary.
- Privacy screens required for windows to a habitable room that is close to side or rear boundaries.

Building Materials and Colours

- Permissible colour palettes of lighter colours for external finishes on the main parts of dwellings and lighter coloured roofs.

The draft Code will also generally contain the same standard conditions of approval as contained in Schedule 6 of the Exempt and Complying SEPP that apply to complying development approved under the GHC.

The draft Code will incorporate best practice layout, amenity, privacy, private open space, car parking and design considerations in its development standards. While it will generally adopt the provisions of the GHC, there are some key changes which are summarised in the table at **Attachment B**.

A summary of the key provisions under the Draft Code are outlined below. The Department will decide final changes to and contents of the amendment to the draft Code to be included in the Growth Centres SEPP following consideration of feedback to this EIE and during the drafting process.

Proposed development standards

Tables 1–3 provide a summary of the key built form, landscape and amenity development standards proposed for the draft Code, some of which differ to development standards in the existing GHC (refer to **Attachment B** for a comparison between the two Codes).

Built form development standards

The draft Code will include a cap on the Gross Floor Area (GFA) permissible on a lot as its principal development standard to control built form. This will ensure that the site coverage and landscape area, along with the bulk and scale of all development on the lot, are appropriate.

The GFA maximums (see **Table 1**) are the same as those in the GHC. Retaining them will ensure parity in the size of development permitted across all greenfield areas. Those looking at constructing larger dwellings can seek a merit-based assessment through a development application pathway.

Table 1. Maximum gross floor area of all buildings on a lot (no changes to the GHC)

Lot size (square metres)	Maximum gross floor area
200–250	78% of lot area
250–300	75% of lot area
300–350	235 m ²
350–450	25% of lot area + 150 m ²
450–560	290 m ²
560–600	25% of lot area + 150 m ²
600–740	335 m ²
740–900	25% of lot area + 150 m ²
900–920	380 m ²
920–1,000	25% of lot area + 150 m ²
1,000	400 m ²

Table 2. Summary of proposed key built form standards (lot width measured at the front setback line)

Control	Lot width 8 to 9 m wide	Lot width 9 to 12.5 m wide	Lot width 12.5 to 15 m wide	Lot width More than 15 m
Maximum building height (dwelling)	8.5 m	8.5 m	8.5 m	8.5 m
Minimum front Setback (to front building façade) 3 m to articulation zone but not to exceed 25% of the facade width	4.5 m	4.5 m	4.5 m	4.5 m
Minimum side setback (ground storey)	Detached dwelling: Side A: 900 mm Side B: 900 mm Zero-lot-line dwellings: Side A: 0 m Side B: 1.2 m	Detached dwelling: Side A: 900 mm Side B: 900 mm Zero-lot-line dwellings: Side A: 0 m Side B: 900 mm	Detached dwelling: Side A: 900 mm Side B: 900 mm Zero-lot-line dwellings: Side A: 0 m Side B: 900 mm	Detached dwelling: Side A: 900 mm Side B: 1.5 m Zero-lot-line dwellings: Side A: N/A Side B: N/A
Minimum side setback (second storey)	Detached dwelling: Side A: 1.2m Side B: 900 mm Zero-lot-line dwellings: Side A: 0 m Side B: 1.2 m	Detached dwelling: Side A: 1.2 m Side B: 900 mm Zero-lot-line dwellings: Side A: 1.5 m Side B: 900mm	Detached dwelling: Side A: 1.2m Side B: 900 mm Zero-lot-line dwellings: Side A: 1.5 m Side B: 900 m	Detached dwelling: Side A: 1.2m Side B: 2.5 m Zero-lot-line dwellings: Side A: N/A Side B: N/A
Maximum built to boundary wall for Lot lined dwellings	15 m	11 m	11 m	N/A
Minimum rear setback (building height less than 4.5m)	4.5 m	4.5 m	4.5 m	4.5 m
Minimum rear setback (building height more than 4.5 m)	6 m	6 m	6 m	6 m
Corner lots: minimum secondary street side setback	2m	2m	2 m	2 m

Landscape development standards

The draft Code will include various enhanced landscape controls. **Table 3** summarises these controls. In general, landscape requirements in the GHC have been increased to align with the increased rear setback.

Table 3. Summary of landscape controls (lot width measured at the front setback line)

Control	Lot width 8 to 9m wide	Lot width 9 to 12.5m wide	Lot width 12.5 to 15m wide	Lot width 15 to 18m wide	Lot width more than 18m
Minimum Landscaped area (1.5 m min width and length) as a % of lot area	Lot area 200–270m ² : 15% Lot area 270–375m ² : 20% Lot area 375–450m ² : 20% Lot area 450–600m ² : 25% Lot area 600–750m ² : 35% Lot area 750m ² – 900m ² : 35% Lot areas of 900 –1,500m ² 45% Lot area of 1,500m ² or greater: 50%	Same as 8-9m	Same as 8-9m with lot area commencing at 270–375m ²	Same as 8-9m with lot area commencing at 375–450m ²	Same as 8-9m with lot area commencing at 450–600m ²
Minimum landscaped area (1.5 m min, width) as a % of the front setback	30%	30%	35%	45%	50%
Minimum Primary landscape area within both front and rear setback areas (to have a min 1.5 min width)	3.3m ²	6 m ²	7 m ²	10 m ²	15 m ²
Provision of tree to both front and rear primary landscaped areas.	Front and rear trees to have a minimum 5m mature height	Front tree to have a minimum 8m mature height Rear tree to have a minimum 5m mature height	Same as 9 – 12m	Front and rear trees to have a minimum 8m mature height	Front tree to have a minimum 5m mature height Rear tree to have a minimum 8m mature height
Minimum principal private open space	16m ² , minimum dimensions of 3m	20m ² , minimum dimensions of 4m	Same as 9-12.5m	24m ² , minimum dimensions of 4m	Same as 15-18m

Details of proposed specific controls

Lot width bands

The draft Code presents controls based on lot widths to align with development metrics in the Wilton DCP rather than with those in the GHC wherever possible. These are shown in Table 4.

Table 4. Comparison of lot width bands

GHC lot width band	Draft Code lot width band
6 to 7m wide	8 to 9 m wide
7 to 10m wide	9 to 12.5 m wide
10 to 12.5m wide	12.5 to 15 m wide
15m or wider	15m or wider

Lot area bands

Some development standards in the draft Code are based on lot areas. Standards such as landscape area and maximum GFA are intended to help control the amount of development on the lot and scaled according to lot area size. This is a key strategy to preserve the Wilton's landscape setting and character.

Landscaping

Consistent with the Premier's Priorities for greener public spaces and greening our city, the draft Code will lift landscaping standards to promote increased permeable landscape areas and support tree planting.

The minimum landscape area requirements will be increased from the GHC and realigned in conjunction with the proposed changes to the built form controls to better deliver the intent of the Wilton DCP (see **Attachment B**).

Required minimum landscape areas is proposed to be based on the minimum width and depth lots in each of the new lot areas (see **Table 3**).

Principal private open space

The draft Code proposes increased attention to the delivery of principal private open space. It therefore includes various minimum area and dimension requirements and other features to guide the delivery of principal private open space, such as accessibility from habitable rooms and reasonable gradients.

The proposed area and dimension requirements for private open space will correspond with the capacity for development to maximise this key private open space area (refer to **Table** for details). The draft Code will also require principal private open spaces to:

- be located in the rear setback area
- be accessible from at least one habitable room
- have a maximum gradient not steeper than 1:10.

Setbacks

The Wilton DCP promotes more nuanced ground and upper level setback requirements for both conventional detached and zero-lot-line dwellings on standard lots, corner lots, parallel road lots and battle-axe lots than those in the GHC. These setbacks have dual purposes:

- to provide space between buildings and streets to maintain streetscape character; and
- to provide for sunlight, landscaping and general amenity of both the subject and neighbouring properties.

The draft Code will adopt increased front and rear setbacks to align with the intent of the Wilton DCP (see **Table 3** for proposed setbacks).

Garages

The draft Code will adopt development standards relating to garages from the GHC (see **Attachment B**).

However, the draft Code proposes to modify some of the garage setback controls, reduce the maximum single garage door size to 3m, and reduce the width of driveway crossovers at the property boundary to 3m to minimise the impact of garages on the streetscape. An example for an 11m lot width is shown below.

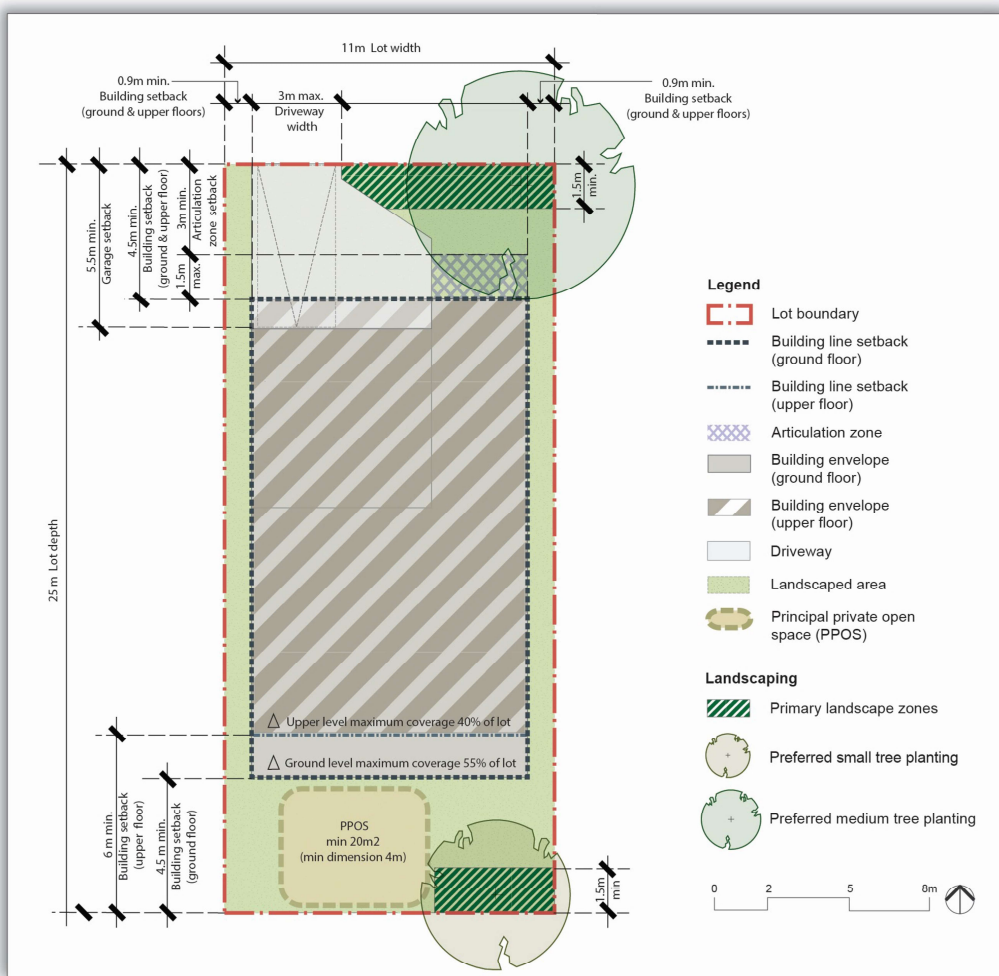


Figure 2. Example of Proposed Driveway and Garage – 11 metre lot width

Building Materials and Colours

NSW Government is committed to continually improving the sustainability outcomes of NSW and understanding urban heat island effect is an important issue.

Increased urban tree canopy is a key strategy to mitigate against urban heat island effect, however sustainable materials and light colours when combined with tree canopy are capable of reducing the surface area temperatures even further.

Research has shown that the choice of material and its colour affects how much heat is absorbed by houses, with the darker colours absorbing more sunlight and getting warmer faster than lighter colours. The lighter colours reflect more of the sun's radiant energy, so they remain cooler in the sunlight.

The Department is currently developing a permissible colour palette for Wilton that will promote the use of lighter colours for external finishes on the main parts of dwellings and lighter coloured roofs. This is to ensure consistency between the Wilton DCP and the Code, and contribute to mitigating urban heat and increasing the resilience of new urban areas.

Acoustic management

The Hume Motorway, Picton Road and the Maldon–Dombarton freight rail corridor traverse the North Wilton and South East Wilton precincts, potentially resulting in significant amenity impacts on future residents. As such, draft Code will not apply to land within 100 metres from major arterial roads and the Maldon-Dombarton rail corridor. Instead the Wilton DCP will apply to development on this land.

Earthworks

Waterways and riparian corridors surround the Wilton Growth Area. This includes the Nepean River, which flows along the west and northern ends of the growth area. These waterways and corridors:

- provide an important habitat for threatened fish species;
- are used for water-based recreation;
- provide a source of water for nearby agricultural activities; and
- feature significant scenic value.

The Upper Canal, which provides water to Sydney from the four dams in the Upper Nepean catchment, also crosses under the growth area.

One of the planning principles of *Wilton 2040* is that development protects, maintains or restores waterway health and the community's environmental values through a risk-based approach to manage the cumulative impacts of development.

The GHC provides for excavation from 1 to 3m, depending on the distance of the land cut from the development. This does not align with the planning principles of *Wilton 2040* or the design intent of the Wilton DCP, which promote significantly fewer earthworks at the construction stage of dwellings.

The Department recognises that bulk earthworks will already have been carried out at the subdivision stage and reduced the need for further significant cut and fill and retaining walls on dwelling site boundaries. Therefore, the draft Code promotes reduced earthworks ranging from 500mm to 2m, resulting in less potential for sedimentation into local waterways – as outlined in Table 5 below.

Table 5. Summary of earthworks controls

Control	Less than 1m from boundary	1 - 1.5m from boundary	Greater than 1.5m from boundary
Max excavation	500mm	1m	2m
Max fill	500mm	500mm	500mm
Max retaining wall	500mm	500mm	500mm

Biodiversity

The Wilton DCP addresses the draft CPCP requirements to mitigate indirect and prescribed impacts from urban development on threatened ecological communities, species and their habitats.

The draft Code will complement the Wilton DCP by establishing a 30m buffer from E2 environmental conservation zoned land or land identified as avoided under the draft CPCP, to minimise impacts on koalas and other significant fauna. Development within these buffer areas will not benefit from a complying development pathway and require a DA and merit-based assessment against the Wilton DCP biodiversity controls. Therefore, the proposed Code will not apply to these areas.

In areas where the Code applies, the biodiversity outcomes of the Wilton DCP and draft CPCP will be implemented by applying the following control to discourage koala movement into urban areas:

- No Koala Tree Feed Tree species are to be provided.

Environmental Planning and Assessment Regulation

To facilitate the delivery of draft Code, an amendment to the EP&A Regulation is also necessary. Councils must issue a Section 10.7(2) Planning Certificate upon request and payment by an applicant to detail relevant planning matters specified under Schedule 4 of the EP&A Regulation. Section 10.7(2) Planning Certificates must be annexed to all contracts of sale for land.

Schedule 4 of the EP&A Regulation specifies that councils must provide advice on a range of matters relating to planning legislation and controls; land affectations; and notices, orders and certificates that apply to the land. Clause 3 of the Schedule relates to providing advice on a planning certificate concerning whether a property may or may not benefit from complying development.

Clause 3 of the Schedule references only the complying and non-complying land provisions in the Codes SEPP that may or may not enable land to benefit from a complying development approval pathway. All planning certificates issued for land in the Wilton Growth Area should include advice concerning complying development matters. To ensure this, the Department proposes an amendment to the EP&A Regulation to expand Clause 3 to new complying and non-complying land provisions proposed to be inserted into the Growth Centres SEPP.

Exempt and complying development policy that applies

To support the draft Code, various exempt and complying development codes within the Codes SEPP will continue to apply to the North Wilton and South East Wilton precincts.

Exempt development codes

Part 2 Exempt Development Codes in the Code SEPP identifies 63 types of general exempt development, 12 types of exempt development for advertising and signage, 14 types of exempt development for temporary uses and structures, and various general requirements.

These exempt development codes will continue to apply to the North Wilton and South East Wilton precincts. They will provide the opportunity to carry out specified types of development of minimal environmental impact without the need for development consent or approval by a certifier.

Complying development codes

The following complying development codes from the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) will also continue to apply in the North Wilton and South East Wilton precincts of the Wilton Growth Area:

- Part 4A General Development Code
- Part 5B Container Recycling Facilities Code
- Part 6 Subdivisions Code
- Part 7 Demolition Code
- Part 8 Fire Safety Code.

Attachments

Attachment A — Planning framework

A summary of the components of the planning system for the Wilton Growth Area is below.

Greater Sydney Region Plan — A Metropolis of Three Cities

The *Greater Sydney Region Plan — A Metropolis of Three Cities* establishes a strategic plan for development of the Sydney metropolitan region over the next 40 years. It contains a series of economic, environmental and social objectives. The following plan objectives will be implemented through the detailed precinct planning and development controls for the Wilton Growth Area:

- Objective 27: Biodiversity is protected, urban bushland and remnant bushland is enhanced
- Objective 30: Urban tree canopy cover is increased.

The plan sets a target to increase tree canopy cover to 40%.

Western City District Plan 2018

The *Western City District Plan* supports the *Greater Sydney Region Plan—A Metropolis of Three Cities* in delivering the identified economic, environmental and social outcomes for the district. The plan designates the Wilton Growth Area as an area for urban growth over the next 20 to 40 years.

Planning Priority W14 — protecting and enhancing bushland and biodiversity— will be implemented through the plan's Action 72:

- supporting landscape-scale biodiversity conservation and the restoration of bushland corridors;
- managing urban bushland and remnant vegetation as green infrastructure; and
- managing urban development and urban bushland to reduce edge-effect impacts.

Improving sustainability is a key goal for the Western City District. Implementing the plan's Planning Priority W15 — increasing urban tree canopy cover and delivering green grid connections — will be addressed through the plan's Action 73: expand urban tree canopy in the public realm. Both actions are relevant to the outcomes the Wilton Housing Complying Development Code seeks to deliver.

Wilton 2040 — A Plan for the Wilton Growth Area

Wilton 2040 — A Plan for the Wilton Growth Area was released in September 2018. It provides the overarching strategic planning framework for the growth area. It features precinct planning principles to guide the development of the precincts in the growth area.

Wilton 2040 contains dwelling caps for the growth area precincts, with 15,000 new dwellings allowed in the Wilton Growth Area. The dwelling cap is linked to providing infrastructure and is a mandatory limit on each precinct's residential development in the Growth Centres SEPP.

The Growth Centres SEPP mandates minimum and maximum residential densities for residential land within the Wilton Growth Area to ensure that dwelling numbers are balanced with transport and social infrastructure.

Two density bands have been created for the precinct's residential land. Dwelling types in the low-density, 15–25 dwellings per hectare areas will primarily consist of detached dwellings and dual occupancies. The medium-density residential areas will provide for housing types such as townhouses and low-rise apartments with a density range of 25 to 45 dwellings per hectare.

Wilton 2040 foreshadows the application of housing complying development codes to the growth area. It reads: ‘The provision of housing in the Wilton Growth Area will be supported by two new housing codes developed by the NSW Government: the GHC and the Low Rise Medium Density Housing Code’.

Draft Cumberland Plain Conservation Plan

The draft Cumberland Plain Conservation Plan (CPCP) has been developed to meet requirements for strategic biodiversity certification under the *Biodiversity Conservation Act 2016* (NSW) and strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The draft CPCP was exhibited from 26 August to 2 November 2020.

In accordance with the draft CPCP, urban development in the Wilton Growth Area is to occur on the certified urban-capable land identified under the draft CPCP in order to protect land identified for its high biodiversity value and ensure consistency with the biodiversity approvals. Development will minimise indirect and prescribed impacts in Wilton Growth Area and address mitigation measures required under the draft CPCP through the draft Wilton Growth Area DCP.

Strategic conservation planning for the Wilton Growth Area will involve a landscape-scale approach to assessing and protecting biodiversity when planning large-scale development. The implementation of avoidance and minimisation principles through strategic conservation planning within the NSW planning system will help to avoid development impacts to these lands into the future. The draft CPCP’s conservation program will offset development impacts on biodiversity and help to protect biodiversity over the life of the draft CPCP to 2056.

Sydney Region Growth Centres 2006 (Growth Centres SEPP)

The Growth Centres SEPP provides comprehensive planning controls for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area. For the Wilton Growth Area, appendices 14 and 15 were inserted when the South East Wilton and North Wilton precincts were rezoned and include precinct plan-based controls for those areas.

Among the aims of each precinct plan are to:

- deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater to housing diversity;
- guide the bulk and scale of future development within the precinct consistent with the precinct structure plans; and
- protect and enhance conservation areas and areas of significant native vegetation and habitat.

Planning controls include land-use zone controls, development standards and provisions that require development to be consistent with the precinct structure plans. (These are defined as *Wilton 2040* and the precinct structure plan published on the Department’s website.) Mandatory dwelling caps, floor-space limits and building heights are specified for each rezoned precinct.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

The Codes SEPP provides streamlined assessment processes for development types of minimal environmental impact or of a routine nature as exempt and complying development where they comply with specified development standards. The Codes SEPP includes various state wide exempt and complying development codes, including the:

- Exempt Development Codes, which permit 63 types of general exempt development, 12 types of exempt development for advertising and signage, and 14 types of exempt

development for temporary uses and structures without the need for consent or approval by a certifier;

- GHC, which allows one to two-storey homes, alterations and additions to be carried out on lots in greenfield release areas under the fast-track complying development approval pathway; and
- Low-Rise Housing Diversity Code (formerly, the Low Rise Medium Density Housing Code), which allows one and two-storey dual occupancies, manor houses and terraces to be carried out under a fast-track complying development approval throughout various lands in the Greater Sydney metropolitan area. This code provides more housing choice to meet different household needs and improves housing affordability.

The Exempt Development Codes apply but the GHC, Low-Rise Housing Diversity Code and various other codes do not apply to land zoned UDZ in the Wilton Growth Area.

Wilton Growth Area Development Control Plan

The Wilton Growth Area Development Control Plan (the DCP) provides more detailed provisions to expand on the controls within the Growth Centres SEPP to deliver efficient and environmentally sensitive development outcomes in the South East Wilton and North Wilton precincts of the Wilton Growth Area. The DCP is performance-based where development proposals are required to meet both the objectives and the requirements of the relevant control.

A key feature of the DCP is the requirement to prepare a Neighbourhood Plan for part or all of a precinct, providing a more detailed master plan or structure plan to guide development. Another key feature of the DCP is that it will contain development controls to mitigate impacts on threatened ecological communities, species and their habitats in the Wilton Growth Area. These controls were developed for risk and threats to biodiversity using a scientific grounded species-based method. They were designed to improve biodiversity outcomes, guide neighbourhood planning and minimise indirect and prescribed impacts.

Attachment B — Summary of key differences - Draft Wilton Growth Area Housing Complying Development Code and Greenfield Housing Code

Provision type	Greenfield Housing Code provision	Proposed draft Wilton Housing Complying Development Code provision
General		
Zoning Application	Applies to zones R1, R2, R3, R4 or RU5	Only applies to the Urban Development Zone
Minimum lot width	6m	8m (Note: the minimum lot area of 200m ² area is proposed to remain)
Battle-axe lot dimensions	12m by 12m with 3m wide access laneway	Minimum 450m ² with an access laneway that is at least 5m wide for one lot or at least 6m wide for two lots
Corner lot dimensions	6m minimum the width of the primary road boundary	9m minimum the width of the primary road boundary
Development Standards for dwellings houses and attached development		
Front setbacks	Minimum 3m	Minimum 4.5m
Articulation zone setbacks	1.5m on lots between 200m ² and 300m ² and 4.5m for lots above 300m ²	3m for all lots
Side setbacks for detached dwellings	Zero Lot setbacks permissible both sides on narrowest lots, and Zero Lot setbacks permissible on one side and 900mm on other side in medium width lots, and 900mm setbacks on both sides on 15m or more width lots	Zero Lot setbacks permissible one side only and 900mm on other side on narrowest lots, and 900m on both sides in medium width lots, and 900mm and 1.5m setbacks on 15m or more width lots (ie no change)
Colour palette for external finishes and roofs	No controls	Permissible colour palettes of lighter colours for external finishes on the main parts of dwellings lighter coloured roofs

Provision type	Greenfield Housing Code provision	Proposed draft Wilton Housing Complying Development Code provision
Development Standards for dwellings houses and attached development (cont)		
Side upper level setbacks for detached dwellings	6-7m wide lots allow one side to have a zero lot setback with the other side to have a 1.2m setback. Lots more than 15m in width allow one side to have a 900mm setback and the other side to have a 1.2m setbacks	8m is the minimum lot width and allows one side to have a 900mm setback with the other side to have a 1.2m setback Lots more than 15m in width allows one side to have a 1.2m setback and the other side to have a 2.5m setback
Side ground and upper level setbacks for zero lot line dwellings	Does not exist in the GHC	Introduced in the draft Code
Side setback for garages of detached dwellings	Zero Lot setbacks for a length 6.5m length	900mm for a length 6.5m length
Boundary wall lengths of “built to boundary walls” within 900mm of side boundary	A range and formula provided	An approximate 25% reduction
Rear setback of a dwelling house and any attached development	If height is less than 4.5m, min setback is 3m If height is more than 4.5m min setback is 6m	If height is less than 4.5m min setback is 4.5m If height is more than 4.5m min setback is 6m (ie no change)
Landscape development standards for dwelling houses and attached development		
Minimum landscaped area (LA)	Lot area ranges are supplied with LA that increase from 10% to 45%	Lot area ranges are supplied with LA that increase from 15% to 50%
The minimum landscaped area calculation controls	Simple calculation requiring a percentage in front of the building line	A more detailed lot size breakdown is supplied, and controls are provided for front and rear setbacks
The minimum area of principal private open space	Does not exist in the GHC	Introduced in the draft Code

Provision type	Greenfield Housing Code provision	Proposed draft Wilton Housing Complying Development Code provision
Development standards for garages, driveways etc		
The maximum width of single garage door width for lots less than 11m wide	3.2m	3m
The maximum width of all driveways measured at the boundary	3.2m and 4.8m for double entries	3m
Secondary road setbacks for a detached garage or carport	Range of 2m to 5m (depending on lot area)	Range of 2m to 3m
Maximum width of garage doors for all detached garage and carport door openings for a corner lot facing a primary road.	Does not exist in the GHC	Introduced in the draft Code
Side setback for garages of detached dwellings	Zero Lot setbacks for a length 6.5m length	900mm for a length 6.5m length
Side setbacks of garages for zero lot line dwellings	Does not exist in the GHC	Introduced in the draft Code
Development standards for associated works including earthworks, retaining walls, drainage, protection of walls, protection of trees and conditions		
Earthworks, retaining walls and structural support	Controls outlined for excavation and fill	The draft Code proposed to slightly reduce the permissible quantity (i.e. 3m to 2m; 2m to 1m; 600mm to 500mm)
Soil Disturbance and impacts within the dripline of protected trees is to be avoided	Does not exist in the GHC	Introduced in the draft Code
Pruning and removal of dead trees or trees with a diameter at breast height of less than 50cm	Does not exist in the GHC	Introduced in the draft Code
Erection of a new dwelling, trees must be planted	Controls exist for front and back and tree heights	Tightened controls around lot width with increase tree size on wider lots than in the GHC
No Koala Feed Tree Species are to be planted in conjunction with a new dwelling, to discourage koalas entering urban areas.	Does not exist in the GHC	Introduced in the draft Code